

SECTION 4

PUBLIC PARTICIPATION AND COMMENTS **COMMITTEE DELIBERATIONS** **COMMITTEE ACTIONS REGARDING RECOMMENDED AMENDMENTS** **TO THE** **RURAL LANDS STEWARDSHIP AREA OVERLAY**

Preface to Section 4

Committee **Phase II Report** recommendations include revisions and updates to the Rural Land Stewardship Area Overlay (RLSAO). These recommendations are being advanced to the Collier County Board of County Commissioners (BCC) in accordance with BCC Resolution 2007-305A for further direction and a request for a special Growth Management Plan Amendment cycle to consider the proposed amendments to the RLSAO as provided within the **Phase II Report**.

During the preparation of the **Phase I Report** and **Phase II Report** the Committee focused on whether the RLSA Overlay, during its 2003-2008 history, supported the goals of the Collier County RLSA Overlay, which are:

1. To protect agricultural activities and to prevent the premature conversion of agricultural land to non-agricultural uses;
2. To direct incompatible uses away from wetlands and upland habitat;
3. To enable the conversion of rural land to other uses in appropriate locations;
4. To discourage urban sprawl; and
5. To encourage development that utilizes creative land use planning techniques.

The Committee has determined that the RLSAO supports all of the above goals, but feels strongly that these goals can be further attained by implementation of the Committee-recommended amendments contained within this **Phase II Report**. Accordingly, the Committee has recommended that the BCC authorize a special Growth Management Plan Amendment cycle exclusively for the purpose of considering the recommended amendments to the RLSAO as contained within this **Phase II Report**. Pursuant to F.S. 163.3187(1), the BCC is authorized two amendment cycles per calendar year. However, the BCC policy provides for one statutory GMP cycle per calendar year.

The **Phase II Report** is based upon public presentations, discussions and documents received and reviewed during the Committee's 23 public meetings held beginning on March 4, 2008 and continuing through January 6, 2009. Meetings were held in accordance with the Public Open Meeting Laws of the State of Florida and complied with Resolution 2007-305A of the Collier County Board of County Commissioners which approved the creation of the Committee and provided for its functions, powers and duties. Committee meetings were well attended; open dialogue was encouraged; and minutes were taken and maintained as part of the public record by staff of the Collier County Comprehensive Planning Department. These meetings were held in the Ave Maria University Academic Building, in the Community Development and Environmental Services Building and at the North Collier Regional Park. Committee-recommended amendments to the RLSAO were based, in part, upon the following:

1. Expert speakers who spoke during Committee meetings;
2. Independent research reports, statements, and issues expressed relative to the Rural Lands Stewardship program;
3. Public participation;
4. Data and analysis/justification; and
5. Staff input

The Committee extends **special thanks** to all individuals and organizations involved in the deliberate participation during Committee meetings who were of great assistance to the Committee in the preparation of the **Phase II Report**. Organizations which have actively participated and disseminated information affecting the Committee's recommendations include, but are not limited to:

1. Audubon Society
2. Collier Citizen
3. Collier County Planning Commission

4. Collier County Community Development and Environmental Services Division
5. Collier County Environmental Advisory Council
6. Collier County Transportation Division
7. Conservancy of Southwest Florida
8. Defenders of Wildlife
9. "East Collier Property Owners"
10. Florida Gulf Coast University
11. Florida Department of Community Affairs
12. Florida Fish and Wildlife Conservation Commission
13. Florida Wildlife Federation
14. Fort Myers News-Press
15. Naples Daily News
16. One Thousand Friends of Florida
17. Sierra Club
18. South Florida Water Management District
19. University of Florida Institute for Food and Agricultural Sciences
20. Cheffy Passidomo Wilson and Johnson
21. Wilson Miller

Preface to Group 1 Policies

Group 1 Policies set the framework for the RLSA Overlay. Major Committee-recommended revisions to Group 1 Policies include:

Policy 1.6.1 (new Policy)

The recommended new Policy 1.6.1 permits a five year "Conditional Period" for a Conditional Stewardship Easement with a possible extension for one additional year.

Policy 1.7 (amendment)

The recommended amendment to Policy 1.7 provides that the Florida Fish and Wildlife Conservation Commission would be a grantee (along with Collier County) to future "perpetual restrictive easements" (Stewardship Easements) rather than the Florida Department of Agriculture and Consumer Services which has been the grantee in past BCC-approved RLSA Stewardship Easements.

Policy 1.22 (amendment)

Currently, Policy 1.22 language provides for RLSAO review, "upon the five year anniversary of the adoption of the Stewardship District in the Land Development Code (LDC)". The amendment proposes to have the review completed as part of the Evaluation and Appraisal Report process as required by Chapter 163 of the Florida State Statutes.

Goal (recommended amendment)

Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County's goal is to ~~protect~~ retain land for agricultural activities, ~~to prevent the premature conversion of agricultural land to non-agricultural uses,~~ 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 utilizes employs creative land use planning techniques and through the use of established incentives.

Public Comments:

The Governor's order was aimed at creating a balance between Agriculture, development and environmentally sensitive land. What ended up is a plan that can create an imbalance as the program is geared to produce more environmentally set aside land and development and greatly reduces agriculture. This will result in Agriculture being pushed further out and

destroying more pristine systems under the auspices of the Right to Farm Act. [Mark Strain written comments dated 4-2-2005].

Staff Comments: This is considered a major amendment. The elimination of the word “premature” from the goal may seem like an innocuous change. However, the proposed deletion of “premature” raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission and is the basis for the current RLSA Overlay which was initiated prior to the enactment of the State RLSA Program. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at the Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County’s RLSA subject to compliance with statutory RLSA provisions. [Comprehensive Planning]

Committee Deliberations: The above proposed draft amendments are based upon an email received from Review Committee member Tom Jones on March 28, 2008, distributed to Committee members on March 28, and preliminarily approved during the April 1, 2008 Committee meeting. The Committee position is that the word “premature” cannot be defined for use in the RLSA Overlay and should be stricken. Additionally, there was one grammatical correction to the Policy. The Committee, on June 17, 2008, revisited the staff’s comments and stated that the proposed amendments would strengthen rather than weaken the RLSAO.

June 17, 2008 Committee Action: The Committee voted to recommend the amendments to the Goal as shown.

Objective (recommended amendment)

To meet the Goal described above, Collier County’s objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural Lands Stewardship Area Overlay. Group 2 policies relate to agriculture.-Group 3 policies relate to natural resource protection, and . Group 4 policies relate to conversion of land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

Public Comments: Minor grammatical recommendations are shown. [Judith Hushon]

Staff Comments: proposed grammatical changes are acceptable to staff

Committee Deliberations: The Committee agreed that the grammatical corrections should be made.

Committee June 17, 2008 Action: The Committee voted unanimously to amend the Objective as annotated.

Group 1 - General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay

Policy 1.1 (recommended amendment)

To promote a dynamic balance of land uses in the Collier County Rural Lands Stewardship Area (RLSA) that collectively contributes to a viable agricultural industry, protects natural resources, and enhances economic prosperity and diversification, Collier County hereby establishes the Rural Lands Stewardship Area Overlay (Overlay). The Overlay was created through a collaborative community-based planning process involving county residents, area property owners, and representatives of community and governmental organizations under the direction of a citizen oversight committee.

Public Comments: Minor grammatical recommendations are shown [Judith Hushon]. **Eastern Collier Property Owners [ECPO]** agrees with the Committee’s recommendation of no changes (other than grammatical changes as shown) as decided during the meeting June 17, 2008.

Committee Deliberations: The Committee agreed that the grammatical corrections should be made.

Staff Comments: proposed grammatical changes are acceptable to staff

Committee June 17, 2008 Action: The Committee voted unanimously to amend this Policy as annotated above.

Policy 1.2

The Overlay protects natural resources and retains viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provides a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based in part on the principles of Florida's Rural Lands Stewardship Act, Chapter 163.3177(11) F.S. The Overlay includes innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.

Public Comments:

The intent of Policy 1.2 is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations, such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.

[Conservancy].

1. Clarify how RLS interacts with state and federal permitting agencies **[FWF]**.

ECPO comments [also refer to Appendix J]. The RLSA will always need to comply with State and Federal regulatory programs such as the Clean Water and Endangered Species Acts. Those requirements need not be written directly into the RLSA. The regional approach used in the RLSA to secure permits ensures that all interests are party to the process. [ECPO comments of July 1]. Eastern Collier Property Owners agrees with the Committee's recommendation of no changes as decided during the meeting June 17, 2008.

Staff Comments: Laura Roys stated that the most recent available data is required and usually is less than one (1) year old and Environmental Services checks for this as well as all required federal and state permits. The Committee was informed that all permits must be obtained regardless of whether or not a project is in the RLSAO.

Committee Deliberations: The Committee, after discussion, agreed that there is no warrant for an amendment of this Policy at this time.

Committee June 17, 2008 Action: The Committee voted unanimously to retain the existing language.

Policy 1.3

This Overlay to the Future Land Use Map is depicted on the Stewardship Overlay Map (Overlay Map) and applies to rural designated lands located within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line, and includes a total of approximately 195,846 acres, of which approximately 182,334 acres is privately owned. The Overlay Map is an adopted overlay to the Future Land Use Map (FLUM).

Public Comments: ECPO agrees with the Committee's recommendation of no changes as decided during the meeting June 17, 2008.

Staff Comments: No comments.

Committee Deliberations: The Committee agreed that there is no need to amend this Policy.

Committee June 17, 2008 Action: The Committee unanimously recommended no change to this policy.

Policy 1.4

Except as provided in Group 5 Policies, there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA, as set forth in the Baseline Standards, as defined in Policy 1.5, unless and until a property owner elects to utilize the provisions of the Stewardship Credit System. It is the intent of the Overlay that a property owner will be compensated for the voluntary stewardship and protection of important agricultural and natural resources. Compensation to the property owner shall occur through one 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 Comments:

1. What happens to baseline density - should disappear as in Rural Fringe TDR program [FWF] Note: Also related to policy 1.5. **ECPO Comments [Appendix J]:** The RLSA program is incentive-based; should a property owner elect not to participate in the program, the Group 5 policies provide for use of the property under the baseline provisions. Eastern Collier Property Owners agrees with the Committee’s recommendation of no changes as decided during the meeting June 17, 2008.

Staff Comments: No comments.

Committee Deliberations: The Committee position is that property owners must have the ability to use their properties and that the baseline density should not disappear but that the Committee would study providing incentives for retaining agricultural uses and it voted not to change Policy 1.4.

Committee June 17, 2008 Action: The Committee voted unanimously to not recommend a change to this Policy.

Policy 1.5 (recommended amendment)

As referred to in these Overlay policies, Baseline Standards are the permitted uses, density, intensity and other land development regulations assigned to land in the RLSA by the ~~GMP~~ Growth Management Plan (GMP), Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to the adoption of Interim Amendments and Interim Development Provisions referenced in Final Order AC-99-002. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits, except as provided for in Group 5 Policies. No part of the Stewardship Credit System shall be imposed upon a property owner without that ~~owners~~ owner’s consent.

Public Comments: ECPO [Appendix J] agrees with the Committee’s recommendation of no changes to this policy as decided during the meeting June 17, 2008 (other than minor correction and clarification).

Staff Comments: Minor correction and amendments for clarification purposes only.

Committee Deliberations: The Committee approved the staff’s correction and agreed to study agricultural incentives when the Committee reviews Group 2 policies regarding agriculture.

Committee June 17, 2008 Action: The Committee voted to amend this Policy as outlined above.

Policy 1.6 (recommended amendment)

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

Policy 1.6.1 (recommended new policy)

Notwithstanding any provision herein to the contrary, upon initial approval of a Stewardship Sending Area (“SSA”), the Stewardship Easement shall be established for a term of five years (“Conditional Period”) and shall be deemed a Conditional Stewardship Easement. The Conditional Period may be extended for one additional year at the option of the owner by providing written notice to the County prior to the expiration of the initial five year period. All conditions and restrictions of the Stewardship Easement related to maintaining the existing property conditions, including all management obligations of the owner of the SSA lands, shall be in full force throughout the Conditional Period. If at any time during the Conditional Period any of the following events occur, then the Conditional Stewardship Easement shall become a Permanent Stewardship Easement which shall be final, perpetual and non-revocable in accordance with the terms set forth therein:

- 1 Stewardship Credits from the SSA have been assigned to entitle an approved Stewardship Receiving Area (“SRA”), and the SRA has received all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction, including subdivision plat and site development plan approval, but not building permits. If Stewardship Credits from the SSA have been assigned to more than one SRA, then the receipt of all necessary governmental final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction of any SRA shall automatically cause the Conditional Stewardship Easement to become a Permanent Stewardship Easement;
- 2 The owner of the SSA lands has sold or transferred any Stewardship Credits to another person or entity, including a Stewardship Credit Trust as described in Policy 1.20, the closing has occurred, and the owner has received the consideration due from such sale or transfer, but not expressly excluding:
 - (a) a sale or transfer of the Stewardship Credits ancillary to the sale or transfer of the underlying fee title to the land, or
 - (b) instances where a landowner establishes an SSA for a specific SRA, whether the SRA is owned or developed by a separate or related entity, and the Stewardship Credits are transferred as required by the Growth Management Plan or Land Development Code for SRA approval; or
3. The owner of the SSA lands has received in exchange for the creation of the Stewardship Easement Agreement other compensation from local, state, federal or private revenues (collectively, the “Events”).

The LDC shall specify how, assuming a Notice of Termination (as hereafter described) has not been recorded, the Conditional Stewardship Easement shall automatically convert to a Permanent Stewardship Easement upon the earliest to occur of (a) any of the foregoing Events during the Conditional Period, or (b) 180 days after the last day of the Conditional Period, as and to the extent extended hereunder. In the event that none of the foregoing events has occurred during the Conditional Period, then the owner of the SSA lands may within 180 days after the last day of the Conditional Period terminate the Conditional Stewardship Easement by recording a Notice of Termination. In addition, if a challenge and/or appeal of a necessary development order, permit or other discretionary approval is filed, the owner of the SSA lands may elect to extend the Conditional Period until the challenge or appeal is finally resolved. If the challenge or appeal is not resolved such that the construction may commence under terms acceptable to the owner of the SSA lands, the owner of the SSA lands may within 180 days of the final disposition of the challenge or appeal record a Notice of Termination. Upon the recording of such Notice of Termination, the Stewardship Easement Agreement and corresponding Stewardship Sending Area Credit Agreement shall expire and terminate, the Stewardship Credits generated by the SSA shall cease to exist, the rights and obligations set forth in the Stewardship Easement shall no longer constitute an encumbrance on the property, and the SSA Memorandum shall be revised accordingly. The owner of the SSA lands shall provide a copy of the Notice of Termination to the County.

In the event that the Stewardship Credits from an SSA have been used to obtain one or more SRA approvals, but none of the foregoing events has occurred during the Conditional Period, then the Notice of Termination shall also provide for termination of any SRAs that have been assigned credits from the SSA, unless the SRA owner has obtained sufficient Stewardship Credits from another source and such Stewardship Credits have been applied to the SRA. In the event that a Notice of Termination does terminate an SRA, the owner of the SRA lands shall join in the Notice of Termination.

In the event that a Conditional Stewardship Easement is terminated, all benefits, rights, privileges, restrictions and obligations associated with the SSA shall be null and void, and the land shall revert to its underlying zoning classification, free and clear of any encumbrance from the Conditional Stewardship Easement and SSA Credit Agreement. If requested by the owner of the SSA lands, Collier County and the other grantees under the Stewardship Easement Agreement shall provide a written release and termination of easement and credit agreements for recording in the public records within 15 days of request from the owner of the SSA lands. Collier County shall update the overlay map to reflect the termination of any SSA or SRA.

This policy shall be implemented in the LDC within 12 months after adoption hereof.

For SSAs approved prior to this Policy 1.6.1 being adopted but have not changed ownership in whole or part since the creation of the SSA and have not transferred, sold or utilized Credits generated from the SSA, the property owner may withdraw the SSA designation provided an application for such withdrawal is implemented within 6 months of the adoption of this Policy 1.6.1.

Public Comments:

1. SSA's can be created in a non-contiguous and piece meal fashion, thus assuring no functionality of wetland land mass. Even though to date that has not been the case, we should consider language that encourages contiguous SSA's. [**Mark Strain** written comments of 4-2-05]
2. No emphasis is put on trying to avoid fragmentation of natural areas and the maintenance of corridors. [**Judith Hushon**]

ECPO Comments [Appendix J]: While it is true that individual SSAs can be non-contiguous, the ultimate implementation of the RLSA creates two large interconnected environmental systems. It is understood that this will take many years and the voluntary participation of many landowners to realize. Map “1E” of the RLSA Five-Year Review, Phase 1 Technical Report clearly demonstrates that the approved and pending SSAs are forming large contiguous blocks of protected lands that have been targeted for public acquisition since the 1970s. The RLSA program design has resulted in a predictable pattern of environmental protection, and eventually, all or nearly all of the FSA and HSA areas are likely to be designated SSA lands.

A review of the RLSA Overlay Map (Phase 1 – Technical Review, Map 1) clearly illustrates that the FSA, HSA, WRA, and Restoration Zone overlays collectively comprise a vast, interconnected system of flow ways and associated native habitats. These overlays were created for the expressed purpose of preventing wetland and habitat fragmentation, and maintaining existing wildlife corridors. Map 1E of the Phase 1 Technical Review reveals that the approved and pending SSAs form a contiguous block of protected lands that already incorporate a majority of FSA and HSA lands.

3. Maintain habitat connectivity/prevent habitat fragmentation with large linkages on a landscape scale and in association with land uses in the open area to maintain functioning systems and preserve the wetland to upland interface. Of particular note, are further protection of Camp Keais Strand and maintaining the habitat linkage in the vicinity of SR 29 and Oil Well Road. [**Defenders of Wildlife**]

ECPO Comments [Appendix J]: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

4. 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. [**Judith Hushon**]

ECPO Comments [Appendix J]: 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.

The SRA approval process is more involved, as it deals with the establishment of design guidelines, assessment of infrastructure impacts, and other matters, that warrant the review and recommendations of the CCPC.

ECPO's experience in implementing the RLSA within the process that now exists has resulted in a successful program, and does not believe changes are needed to the process. **ECPO** does not have recommended revisions at this time. However, this policy may need further review with additional discussion of SSAs. Also per policy, the RLSA Overlay Map should be updated to reflect SSAs and Ave Maria SRA.

John Passidomo stated that what you see [**Appendix L**] embodies the consensus of ECPO and the assistant county attorney.

Staff Comments: With respect to July 15 Committee action, the amendments recommended are minor to correct the title of each of the SSA Credit Agreements. [**Comprehensive Planning**] Tom Greenwood stated that the Assistant County Attorney would prefer that the language be brief in the RLSA Overlay and more detailed in the LDC. He stated that, should the Committee wish to include the specificity in the RLSA Overlay that is included in John Passidomo's language, then the language as submitted to the Committee is acceptable. Jeff Wright, Assistant County Attorney, corroborated Mr. Passidomo's statement and the content of the language before the Committee.

Committee July 15, 2008 Action: The Committee unanimously approved the proposed minor text amendments to Policy 1.6 as outlined with no other changes.

Committee Deliberations: John Passidomo presented and discussed with the Committee proposed new language for a new Policy [1.6.1] and an amendment to existing Policy 1.6. [**refer to Appendix L**]. Mr. Jones stated that the two attorneys have agreed to the language.

Committee October 28, 2008 Action: The Committee unanimously recommended the additional amendment to Policy 1.6 [reference to new Policy 1.6.1] and the new Policy language for Policy 1.6.1.

Committee March 3, 2009 action: The Committee voted unanimously to approve the additional language proposed by the Planning Commission as contained in its March 5, 2009 report to the BCC.

Policy 1.7 (recommended amendment)

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

Public Comments:

1. Indices are determined using a grid pattern that averages uses within each grid. This can have the effect of reducing the value of viable wetlands when the grid is split between activities. A proportional area of the land types within each grid could be applied to determine a more balanced index value. [**Mark Strain**]

ECPO Comments [Appendix J]: The indices are not determined by a grid pattern, nor are attributes averaged. Rather, the natural resource data layers (e.g. FLUCCS) are mapped in a conventional manner and entered into a GIS. The individual polygons within a data layer are then scored according to the Natural Resource Index (NRI) values. After the scoring occurs, each data layer is then converted to a grid of one-acre grid cells. The gridding process was necessary to arithmetically add the data layer values in GIS.

The gridding process does create minor discrepancies along the boundaries between polygons with different NRI values. However, the individual errors are less than 0.5 acres and are essentially random errors that will generally cancel out across a given property. When the value in any specific grid cell is questionable, it is easily rectified by reviewing aerial imagery and individual data layers that are coincident with the grid cell. The grid system is used solely for the Credit calculation process and has no effect on how environmental regulations are applied to the land during the permitting process.

2. Clarification should be made in the GMP that while SSAs do remove land use layers from sensitive environmental lands, they are not conservation easements and should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process. Separate conservation easements should still be entered into with the necessary agencies for state and federal permitting mitigation requirements. **[Conservancy]**

ECPO Comments [Appendix J]: No data and analysis, or clear rationale supports the contention that stewardship easements “should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process.” The relevant question is whether or not a given stewardship easement is consistent with the mitigation requirements for impacts to wetlands and/or wildlife, as determined by agency protocols. It is the purview of the regulatory agencies to determine, on a specific case-by-case basis, whether the stipulations contained within a stewardship easement are compatible with project-specific mitigation requirements.

3. SSA Credit Agreements reference specifically the policies within the GMP that remove land uses per the RLSA program. These agreements are the mechanism for removal of land uses. As such, the Conservancy believes these agreements should include the Department of Community Affairs (DCA), as the State's land planning oversight agency, as a signatory. Also, the idea of requiring a national, state or local environmental organization signatory should be assessed. **[Conservancy]**

ECPO Comments [Appendix J]: The Collier RLS program is specifically designed for implementation at the local level, and to our knowledge, the formation and official filing of SSA Credit Agreements has successfully been achieved without issue. The Department of Community Affairs is an advisory agency, not a regulatory agency, and as such, should not be required as a signatory. SSA Credit Agreements run with the land and the easements are in favor of Collier County, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the South Florida Water Management District, or a statewide land trust.

4. No development south of Oil Well Road **[FWF]**

ECPO Comments [Appendix J]: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

The references to the Eastern Collier Study and the Kautz paper should be considered in light of panther conservation planning at a regional scale, and also site-specific analyses at the local scale. Both papers incorporate implicit and explicit assumptions regarding panther habitat utilization, corridor widths, impediments to panther movement, etc. that may or may not be valid. Neither paper provides definitive data and analyses to substantiate a change to the current overlays, beyond those potentially suggested by the FWC least cost path analyses.

The comment to preclude development south of Oil Well Road is not supported by any data and analysis. While large areas of panther habitat do exist south of Oil Well Road, there are also large areas of agricultural lands that lack evidence of panther utilization. These land use patterns are reflected by the current stewardship overlays.

5. No panther credits from sending lands that will be surrounded or significantly diminished in value by development **[FWF]**

ECPO Comments [Appendix J]: The suggestion to preclude assignment of an “occupied panther habitat” score (per the Stewardship Credit Worksheet NRI scoring) is valid where SSA lands are entirely surrounded by development.

Precluding the assignment of panther habitat scores is not applicable where connections to offsite panther habitat are maintained, because these areas may provide habitat support functions.

6. Review easement language and who holds the easements - possibly FWC should hold, but no stewardship easements to be held by private entities. **[FWF]**
7. Signatory to easements should include the Florida Fish and Wildlife Conservation Commission **[Defenders of Wildlife]**

ECPO Comments [Appendix J]: The Collier RLS program is specifically designed for implementation at the local level, and to our knowledge, the formation and official filing of SSA Credit Agreements has successfully been achieved without issue. The Department of Community Affairs is an advisory agency, not a regulatory agency, and as such, should not be required as a signatory. SSA Credit Agreements run with the land and the easements are in favor of Collier County, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the South Florida Water Management District, or a statewide land trust.

8. A concept is being discussed that would create a mechanism to ensure that when a landowner within the Collier RLSA establishes a SSA, a “conditional easement” is placed on the subject property until such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent.**[submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]**

July 15, 2008 Public Discussion: Nicole Ryan stated that she would like to see the DCA as a signatory to the perpetual restrictive easement since the DCA is involved with land uses. Nicole Ryan stated that all issues listed in the Phase 2 Working Paper should be dealt with and not ignored. Additionally, any further discussion during the Committee meetings will be summarized in the minutes and also recorded verbatim.

Staff Comments:

Minor amendments are needed to correct the title of each of the SSA Credit Agreements. Previously approved Stewardship Easement Agreements [considered the same as “perpetual restrictive easement”] are in the name of Collier County and the Florida Department of Agriculture and Consumer Services, as grantees. The language proposed to be deleted is found in Section 163.3177 (11)(d)(6)k, F.S. However, the Collier County RLSAO does not come under the Florida Statutes which would then give Collier County discretion to amend this language. Staff, in checking with the Legal Department of the Florida Fish and Wildlife Conservation Commission in September, 2008, confirmed through Mr. Tim Breault, Director of Habitat and Species Conservation, that FWC is willing to be listed on future easements. Tom Greenwood stated that the summary minutes are intended to capture all the major points and discussions and all meetings are recorded. **[Comprehensive Planning with additional analysis completed following July 15 action of the Committee]**

Committee Deliberations: Tom Jones stated that the Florida Fish and Wildlife Conservation Commission is a regulatory agency and the RLSA program is mostly about preservation of natural resources and agricultural lands and the DCA is involved in actions which are the basis for the RLSA program and not involved in regulatory aspects of the program. Bill McDaniel stated that the Committee’s “read ahead” receipt of the Phase 2 Working Paper should be an indication that the Committee members have read the documentation. Brad Cornell stated that all discussion should be considered, both verbal and written. Mr. McDaniel stated that he did not want to see rebuttal statements within the Phase 2 Working Paper, but it is OK to have them in the Committee minutes. Mr. Farmer stated that he would like to see Mark Strain updated on an on-going basis as to the responses to his issues and comments to which other members stated that they did not agree with this and pointed out that the Phase 2 Working Paper is on the web site for review by all. The Committee consensus was that this Policy should be amended to allow the FFWCC to be the grantee on future perpetual easements [Stewardship Easements]

Committee July 15, 2008 Action: The Committee unanimously approved the annotated amendments as shown above and Tom Jones and/or ECPO may come back to the Committee at a later date with suggested language to amend Policy 1.7 which would provide for the possibility of a conditional easement which would be placed on the subject property until

such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent.

Committee March 3, 2009 Action: The Committee voted unanimously to approve the additional language proposed by the Planning Commission as contained in its March 5, 2009 report to the BCC provided the following is inserted directly following “the Florida Fish and Wildlife Conservation Commission”: “and one of the following:”

Policy 1.8

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

Public Comments:

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality those are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SFWMD or the ACOE to assess developmental potential. Off-setting indices should have been considered for this. [Mark Strain written comments dated 4-2-05]

ECPO Comments [Appendix J]: The decision to assign a high priority to environmental protection was in direct response to the mandates of the Final Order and the result of a three-year collaborative effort among land owners, citizen stakeholders, staff, environmental organizations and the review committee that conducted the Study and created the RLSA framework.

Regulatory programs have limitations in encouraging integrated regional environmental planning and protection. In the incentive-based RLSA program, the weighting toward environmentally sensitive lands encourages large-scale protection of natural systems. The CREW lands, for example, have been targeted for protection since the mid-1970s. It was only after the RLSA was established that the CREW lands were effectively protected via multiple SSAs.

The recent state acquisition of Babcock Ranch, among others, illustrates two major points. First, environmental assets do have economic and public benefit value, and therefore deserve to be highly weighted. Second, funding for acquisition of sensitive lands is limited, and acquisition cannot protect more than a fraction of lands that should be protected. The cost of acquiring Babcock Ranch was equivalent to a full year’s budget of Florida Forever.

These observations are also valid for Conservation Collier. In December, 2007, Conservation Collier purchased 367.7 acres within the RLSA boundary, adjacent to Corkscrew Sanctuary. The total purchase price was \$5.3 million with a \$300,000 contribution from CREW Trust. If this relative cost of acquisition was applied to the 24,124 acres of land protected to date as SSA’s at no cost to the public, it would have cost the taxpayers of Collier County more than \$325,000,000 to purchase these lands. This exceeds the total purchasing capacity of Conservation Collier.

2. The Conservancy strongly supports the habitat stewardship crediting system be revised to use current best available science with regard to the preservation of Florida panther habitat. The panther habitat assessment methodology that the habitat stewardship crediting valuation system is predicated on has been substantially revised since by the U.S. Fish and Wildlife Service for application by the agency based on more recent scientific literature on the value of certain land cover types as Florida panther habitat. The Conservancy believes that in updating and revising the habitat stewardship crediting element of the RLSA program based on the best available Florida panther science will provide important incentives for preserving critical Florida panther habitat areas and more accurately guide receiving areas to areas that are less impactive to the subsistence and recovery of the Florida panther species.[Conservancy]

ECPO Comments [Appendix J]: The most current and accepted methodology should be used to evaluate the stewardship credit system. Habitat preservation and provision of buffered corridors in a Regional Plan and an all inclusive panther preservation strategy could also address this concern.

3. Revisit sending and receiving designations - telemetry & GPS, FWC's Least Cost Analysis, Eastern Collier Study (Smith, Ross & Main), FWC's SR 29 Dispute Resolution Letter, and Kautz, et al (all have been submitted to the county for data and analysis) [FWF]
4. Corner of Oil Well Road and 29 - particularly the northwest corner - change to sending to protect important panther travel corridors - panther 131 found dead 04/6/081 [FWF]

ECPO Comments [Appendix J]: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

The references to the Eastern Collier Study and the Kautz paper should be considered in light of panther conservation planning at a regional scale, and also site-specific analyses at the local scale. Both papers incorporate implicit and explicit assumptions regarding panther habitat utilization, corridor widths, impediments to panther movement, etc. that may or may not be valid. Neither paper provides definitive data and analyses to substantiate a change to the current overlays, beyond those potentially suggested by the FWC least cost path analyses.

5. Revisit wildlife values on farm fields - caracara, sand hill crane, burrowing owl, gopher tortoise [FWF]

ECPO Comments [Appendix J]: The wildlife value of agricultural land is highly dependent upon cropping systems, tillage, water management, fallow periods, surrounding land uses, and many other variables. The dynamic nature of agriculture precludes a general statement about habitat value within these areas. For example, a slight change in vegetation structure (e.g., maturing row crops, unmowed pastures) or water management can easily render agricultural fields unusable for all of the species mentioned above. For these reasons, agricultural areas were not necessarily assigned wildlife values.

However, the potential habitat value of RLSA agricultural fields is already recognized in two important ways. One, agricultural fields that occurred within a landscape matrix of natural vegetation communities were incorporated into HSA overlays. Of the 40,000 acres of HSA overlay, approximately 13,000 acres are existing or former agricultural fields. Many of these areas have already been designated as SSAs. Secondly, over 3,000 acres of these farm fields and pastures have been designated for habitat restoration, serving all of the species mentioned.

In summary, due to the dynamic nature of agriculture and landscape context, the most appropriate means for recognizing wildlife value of farm fields is through incentives for restoration within existing FSA and HSA overlays.

6. I don't believe that the NRI, as originally developed, can be taken as gospel—it needs to be tested and re-evaluated as part of this process. Policy 1.9 states that the score will be based on...“the Natural Resource Index values in effect at the time of designation,” implying a need to update it regularly. The NRI was developed five years ago by Wilson Miller, but since that time new data have become available that could well lead to different answers. Nowhere is the NRI actually explained—it is presented as a black box with fixed weightings. At least it should be handled in detail in another companion document or as an appendix. There is no explanatory document posted on the RLSA website. There is also the need to re-examine the data upon which the NRI scores are

based—for example, there are new panther data and new primary and secondary panther maps. There is also new scrub jay management guidance from FWS. Additionally, it might be a good idea to include a panther map overlay with your maps that appear at the end of the Phase 1 report. **[Judith Hushon]**

ECPO Comments [Appendix J]: The Natural Resource Index (NRI) factors were developed as part of a public process from 2000-2002, with repeated input from Collier County staff and the general public. The intent of the NRI scoring was essentially to discriminate between areas of high environmental value and low environmental value. The NRI scores also provide a rational basis for determining how many acres of SSA lands are required to entitle a SRA. The NRI model was calibrated with input from Collier County staff and the general public, and the NRI maps closely correlated with lands that were deemed as environmentally sensitive.

While listed species occurrence data, panther telemetry, land cover, and other data may change over time, the basis for the NRI scoring remains sound. The NRI scoring system and the stewardship overlays are consistent with the new data for panther telemetry and panther habitat selection. The primary and secondary panther maps are not primary data; they are derivative map products that are specifically designed to assist the USFWS with the panther regulatory program in south Florida. They are not designed to discriminate between lands that panthers occupy or avoid.

Similarly, the scrub jay management guidelines may be useful if scrub areas can be restored, but there are few (if any) viable scrub jay areas within the RLSA (known scrub jay areas do occur within the Immokalee Urban Boundary).

7. Why are credits awarded in the ACSC, when there are already restrictions to development? **[CCPC]**

ECPO Comments [Appendix J]: The underlying philosophy of the RLS program is that environmentally sensitive areas are valuable, and this value should be reflected in incentives for protection. The state of Florida recently paid \$350 million for Babcock Ranch, which one could also argue was also under significant development restrictions. Within the RLSA, this protection comes at no cost to Collier County, and the property remains on the local tax rolls.

Restrictions on development within the ACSC do not eliminate all development. As one example, the Florida panther utilizes many areas within the ACSC. Highly dispersed, low density development that is allowable under existing ACSC regulations can adversely affect panther movement within the ACSC. By providing incentives for protecting large blocks of interconnected panther habitat, and by eliminating development rights in those areas, the ACSC remains viable as an area for panther utilization and movement.

8. Incorporate wording in each policy group that reflects best available science will be used in conducting and analyzing the program (e.g., Group 1 Policy 1.22). The SSAs and SRAs should be reassessed in light of current scientific findings. **[Defenders of Wildlife]**

ECPO Comments [Appendix J]: There is often disagreement about what constitutes “best available science” for any given environmental issue, even among experts. A more workable approach may be to document the scientific references that were used for policy development in a data and analysis report that accompanies each review of the RLSA program.

Staff Comments: Environmental Services Department had comments but subsequently withdrew them during the August 5 meeting.

Committee Deliberations during the July 15, 2008 Committee meeting: Brad Cornell stated that the RLSA program is doing what it is intended to do...protect the environmentally sensitive lands and agricultural lands by using an incentive based system rather than a regulatory system. Mr. Farmer stated that he somewhat agrees with Mr. Cornell’s statement but has some reservations about providing incentives [credits] on lands, because of their nature, are not likely to be developed anyway. Kirsten Wilkie stated that she would like to have item #16 on page 74 [Environmental comments] placed under Policy 1.8. The Committee agreed and asked Environmental Services to provide some analysis of their suggestions during the August 5 regular meeting. Laura Roys stated that the staff suggestions would result in a change to the NRI scores. Nicole Ryan stated that the Conservancy would like to have the Natural Resource Index mapping updated. Tom Jones stated that Darrell Land of the Florida Fish and Wildlife Conservation Commission [spoke to the Committee on June 3] stated that the NRI used for Collier County is about 95% accurate and closely matches that in his use. Judy Hushon stated that the NRI needs to be updated. Tom Jones stated that each SSA and SRA application is accompanied by the most current FLUCCS maps and listed species and prepared by licensed professionals and are site specific. Tim

Durham stated that the Committee needs to focus on the big picture. Darrell Land stated that Collier County mapping and NRI is 95% consistent with his information. The GPS study of collared Panthers indicates where the cats are traveling day and night and there is little difference between their travel habits from day and night. David Farmer questioned why an NRI of 1.2 was used rather than 1.1 or 1.3 and whether there were ever any maps developed which showed the differences in "Open" lands using these two alternatives. Tim Durham stated that there were many computer/GIS runs on these and other alternative NRI cut-off scenarios and the 1.2 seemed to be the most appropriate score to use. Brad Cornell made a motion and seconded by Fred Thomas to refer Policies 1.8 and 1.9 to the Technical Committee as well as the Environmental and Transportation issues. After further discussion by the Committee, and a reminder by Tom Jones and Neno Spagna that these items have not come to the Committee and they felt uncomfortable about having the Technical Committee make recommendations before the Committee has thoroughly vetted it, the motion failed/withdrawn.

Committee July 15 and August 5, 2008 Actions: The Committee voted unanimously on July 15 to leave Policy 1.8 unchanged, but to have the Engineering and Environmental Services Department Staff provide at the August 5 meeting a detail and analysis of the changes suggested directly above and possible impacts on the RLSA Overlay with the understanding that the Committee may change its recommendation regarding Policy 1.8 during the course of its review of the entire RLSA Overlay.

Committee deliberations on August 5, 2008: After hearing from Laura Roys and the public, the consensus of the Committee is that the existing language of this Policy is adequate.

Committee August 5, 2008 action: The Committee voted unanimously to leave Policy 1.8 unchanged.

Policy 1.9

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

Public Comments: During the August 5, 2008 meeting Nicole Ryan stated that she is concerned that the map is outdated and needs to be updated.

Staff Comments: There should be an update of the initial mapping. Not all land use/land cover codes are included and there could be more areas like Lake Trafford Ranch and Half Circle Ranch that were improperly designated.
[Engineering and Environmental Services Department]

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

Committee August 5, 2008 Action: The Committee voted unanimously to recommend not to amend Policy 1.9.

Policy 1.10

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee unanimously recommended to leave Policy 1.10 unchanged.

Policy 1.11

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

Public Comments:

1. What is fate of remaining uses on designated sending lands and suggestion of removing those remaining uses to meet mitigation obligations? [FWF]
2. Remove all layers at one time - concern that several layers are contrary to conservation and/or agriculture preservation goals. [FWF]
3. Clarify what is included in Ag 2 and Ag 1 - concerns about aquaculture [FWF]

ECPO Comments [Appendix J]: When lands are designated as a SSA, the land owner voluntarily relinquishes specified land use rights, and retains other specified property rights. Depending upon which land use rights are retained, it may be appropriate to relinquish these “remaining uses” to meet mitigation obligations. For example, a land owner who retained Ag-1 land use rights to a farm field could relinquish their agricultural land use rights and restore the farm field as a native wetland to address mitigation obligations. The specific characteristics of the SSA will determine if removing additional land uses can potentially satisfy specific mitigation requirements, and is ultimately under the purview of regulatory agencies.

The ability to remove individual land use rights in layers motivates property owners to put larger areas into SSAs because they can manage operations and unique resources that may be a smaller portion of the whole. Changing the policy to force removal of all layers at one time will likely have a negative effect on protection goals by creating uncertainty among the landowners and slowing the process of creating SSAs.

The uses included in Ag 2 and Ag 1 are set forth on the Land Use Matrix, Attachment B, of the GOPs. The uses are the landowners’ existing rights as permitted under the Rural Agricultural Zoning District.

ECPO [Appendix J] supports the land use matrix as it currently exists.

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended, by a vote of 9 to 2, that Policy 1.11 remain unchanged.

Policy 1.12

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee unanimously recommended that Policy 1.12 remain unchanged.

Policy 1.13

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.13 remain unchanged.

Policy 1.14 (recommended amendment)

Stewardship Credits will be exchanged for additional residential or non-residential entitlements in a SRA on a per acre basis, as described in Policy ~~4.18~~ 4.19. Stewardship density and intensity will thereafter differ from the Baseline Standards. The assignment or use of Stewardship Credits shall not require a GMP Amendment.

Public Comments: none received

Staff Comments: Minor amendment to provide for the accurate Policy reference.

Committee Deliberations: The Committee supported the Staff recommendation to correct this Policy.

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.14 remain unchanged, with the exception of the correction shown above with strikethrough and underline.

Policy 1.15

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.15 remain unchanged.

Policy 1.16

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.16 remain unchanged.

Policy 1.17

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.17 remain unchanged.

Policy 1.18

A blend of Local, State, Federal and private revenues, such as but not limited to Florida Forever, Federal and State conservation and stewardship programs, foundation grants, private conservation organizations, local option taxes, general county revenues, and other monies can augment the Stewardship program through the acquisition of conservation easements, Credits, or land that is identified as the highest priority for natural resource protection, including, but is not limited to, areas identified on the Overlay Map as Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), Water Retention Areas (WRAs) and land within the Big Cypress Area of Critical State Concern (ACSC).

Public Comments:

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality those are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SFWMD or the ACOE to assess developmental potential. Off-setting indices should have been considered for this. **[Mark Strain]**

ECPO Comments [Appendix J]: The decision to assign a high priority to environmental protection was in direct response to the mandates of the Final Order and the result of a three-year collaborative effort among land owners, citizen stakeholders, staff, environmental organizations and the review committee that conducted the Study and created the RLSA framework.

Regulatory programs have limitations in encouraging integrated regional environmental planning and protection. In the incentive-based RLSA program, the weighting toward environmentally sensitive lands encourages large-scale protection of natural systems. The CREW lands, for example, have been targeted for protection since the mid-1970s. It was only after the RLSA was established that the CREW lands were effectively protected via multiple SSAs.

The recent state acquisition of Babcock Ranch, among others, illustrates two major points. First, environmental assets do have economic and public benefit value, and therefore deserve to be highly weighted. Second, funding for acquisition of sensitive lands is limited, and acquisition cannot protect more than a fraction of lands that should be protected. The cost of acquiring Babcock Ranch was equivalent to a full year's budget of Florida Forever.

These observations are also valid for Conservation Collier. In December, 2007, Conservation Collier purchased 367.7 acres within the RLSA boundary, adjacent to Corkscrew Sanctuary. The total purchase price was \$5.3 million with a \$300,000 contribution from CREW Trust. If this relative cost of acquisition was applied to the 24,124 acres of land protected to date as SSA's at no cost to the public, it would have cost the taxpayers of Collier County more than \$325,000,000 to purchase these lands. This exceeds the total purchasing capacity of Conservation Collier.

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.18 remain unchanged.

Policy 1.19

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.19 remain unchanged.

Policy 1.20

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

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.20 remain unchanged.

Policy 1.21 (recommended amendment)

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

Public Comments:

1. The incentive program to jump start the RLSA program was too generous and only increased the magnitude of development and the speed in which it will occur in the rural areas. Because of this, a need to look at longer range studies in lieu of the typical 5-years associated with concurrency issues should be considered. **[Mark Strain]**

ECPO Comment [Appendix J]: The Early Entry Bonus Credit was specifically designed to jump start the protection of natural resources, not the speed of development. Policy 1.21 states that:

“The early designation of SSAs, and resulting protection of flowways, habitats, and water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits”.

During the review process of the RLSA, the Department of Community Affairs supported the EEB program as a way to jump start the program through designation of SSAs in advance of market demand for Credits. This objective has been realized, as approximately 55,000 acres of SSAs are approved or pending compared to approximately 8,000 acres of approved and pending SRAs. At full utilization, 27,000 Early Entry Bonus (EEB) Credits are allowed, which translates into 3,375 acres of Receiving Areas. To date, approximately 7,719 EEB Credits have been approved and approximately 9,195 EEB Credits have been applied for in pending SSA applications. By any measure, the EEB program has been a success, and has not resulted in an increase in either the magnitude or speed of development in the rural areas.

Staff Comments:

1. The amendment in the first line is a simple correction and the second line adds “agricultural lands” as a land to be permanently protected. **[Comprehensive Planning]**
2. For information purposes, the **Early Entry Bonus** is scheduled to expire on January 30, 2009 per the existing Land Development Code. A total of 7,719 Early Entry Bonus Credits were approved for SSAs 1-9 with a total of approximately 15,500 estimated to be approved if all 16 existing and proposed SSAs are approved prior to January 30, 2009, or approximately 57% of the authorized limit of 27,000. The Committee should decide whether it wishes to recommend the continuation of the Early Entry Bonus to protect HSA. **[Comprehensive Planning]**

Committee Deliberations: The Committee consensus was to make the minor correction and addition to this Policy as annotated.

Committee August 5, 2008 Action: The Committee recommended unanimously that Policy 1.21 remain unchanged, with the exception of the minor corrections and addition as annotated.

Policy 1.22 (recommended amendment)

The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, Innovative, incentive based, and have yet to be tested in actual implementation. A comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs ~~upon the five year anniversary of the adoption of the Stewardship District in the LDC.~~

as part of the Evaluation and Appraisal Report process. The purpose of the review shall be to assess the participation in and effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows:

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

Public Comments:

1. The Conservancy believes the five year review for the Collier RLSA should be each five years, not just at the first five year anniversary. [**Conservancy**]
2. Review should reoccur at least every five years. Establish interim process for modifications if new, sound and defensible information becomes available. [**Defenders of Wildlife**]
3. Monitoring: The program should include presentation of a written annual report to the Board of County Commissioners at a BCC meeting, with adequate public notice of the item and notice to interested parties. At a minimum the report should include the number of acres in SSAs and SRAs, proposed SSAs and SRAs, available credits that could entitle development, infrastructure (roads, utilities) constructed and proposed, a status assessment of listed species and their habitat, and acres and activities involved in restoration. [**Defenders of Wildlife**]

ECPO Comments [Appendix J]: Policy 1.22 requires a comprehensive review of the RLSA upon the five-year anniversary of the adoption of the Stewardship District in the LDC. The initial 5-year review period was put in place because RLS was adopted as an innovative, break-through program that incorporated many interests. Specific criteria are to be addressed, and this task is currently being conducted by the Review Committee. The County currently has procedures for review and appraisal of the entire GMP (the EAR process) and the RLS program should not be subject to a more rigorous schedule than already in place. Consideration should also be given to the staffing of County personnel to perform evaluation of specific GMP policies as opposed to review of the entire GMP. If it is determined that review is on a 5-year cycle, it will be important to restrict this review to local agencies that are responsible for implementation and oversight of the program.

Providing for a requirement to provide annual reports is onerous and unnecessary. Since approval of the RLS program, one new town has been approved and is under construction. All documentation relative to this approved SRA and all approved SSA's is public record and available for review by any interested party. County staff already has numerous monitoring and reporting requirements for various local and state initiatives and directives, and the costs associated with such a requirement (staff time, legal advertisement, etc.) would be an unnecessary burden on County taxpayers.

ECPO [Appendix J] supports 5-7 year reviews.

Staff Comments: no comments

Committee Deliberations: The Committee agreed that, with the completion of the first 5 years of the RLS Program, it should now be reviewed as part of the EAR process. The Committee discussed the possible need to have a special Committee involved in the EAR review process.

Committee August 5, 2008 Action: The Committee unanimously recommended that Policy 1.22 remain unchanged, with the exception of the annotated changes shown.

Comments received which are not clearly associated with existing policies and would, therefore, require drafting new Group 1 policies.

1. Collier County should re-evaluate how other Growth Management Plan (GMP) policies may be appropriate for applicability to the RLSA. For example, the Conservation and Coastal Management Element (CCME) now has additional provision for stormwater treatment that require 150% treatment. Certain GMP policies may be appropriate for application to the RLSA and should be considered for inclusion in the RLSA. At a minimum, exempting the RLSA from other provisions within the GMP should be re-evaluated. **[Conservancy]**

ECPO Comments [Appendix J]: The adopted GMP goals and polices and associated LDC provisions for the RLSA are extensive and clearly detailed, and were a result of approximately three years of meetings and public input. Keeping these provisions together in one place in both the FLUE and LDC provide for a comprehensive, single source guide. We are not aware of any data that supports the need to require other provisions of the Growth Management Plan be incorporated into the provisions of the RLSA. Existing permitting procedures address specific and detailed requirements. Adding permitting related regulations to the Growth Management Plan is not necessary and could also be a disincentive to potential participants.

2. Because there are only a few large landowners in eastern Collier County, they are generally using their own agricultural land to offset development on other land that they own (i.e., using their own credits). There is essentially no market for the credits accrued by several small landowners. **[Create a County Credit Bank] [Judith Hushon]**

ECPO Comments [Appendix J]: Further discussion with Mrs. Hushon related this item to the establishment of a Credit Bank to track the availability of Credits. A “Stewardship Credit Trust is currently provided for in Policy 1.20

Preface to Group 2 Policies

Group 2 Policies provide specific guidance for the preservation of agricultural lands. Major Committee-recommended revisions to Group 2 Policies include:

Group 2 (amendment)

The recommended amendment to the **Group 2** language eliminates the language related to protection of agricultural lands from premature conversion to other uses, and replaces this language with new language related to the retention of land for agricultural production.

Policy 2.1 (amendment)

The recommended amendments to Policy 2.1 eliminate the language related to protection of agricultural lands from premature conversion to other uses. Also included is the elimination of the language comparing acreage needed to accommodate the projected population of the RLSA in the Horizon year of 2025 with the acreage required to accommodate such projected population if the RLSAO were not utilized.

Policy 2.2 (amendment)

The recommended amendments to Policy 2.2 provide for additional Stewardship Credits to retain agriculture lands within the RLSA.

Group 2 - Policies to protect agricultural lands from premature conversion to other uses and retain land for agricultural activities through the use of established incentives in order to continue the viability of agricultural production through the Collier County Rural Lands Stewardship Area Overlay. (recommended amendment)

Public Comments: none received

Staff Comments: This is a major amendment to the RLSA Overlay. The elimination of the word “premature” may seem like an innocuous change. However, it raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at the Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County’s RLSA subject to compliance with statutory RLSA provisions. In view of the preceding, staff recommends that the language of the goal remain unchanged. **[Comprehensive Planning Department].**

Committee Deliberations: The Committee consensus is that it is impossible to determine what is or is not premature conversion of agricultural lands and wished to provide additional incentives to retain land for agricultural activities.

Committee September 2, 2008 Action: The Committee voted unanimously to approve the language amendment as provided above.

Policy 2.1 (recommended amendment)

~~Agricultural landowners will be provided with lands will be protected from premature conversion to other uses by creating incentives that encourage the voluntary elimination of the property owner's right to convert agriculture land to non-agricultural uses in exchange for compensation as described in Policies 1.4 and 2.2 and by the establishment of SRAs. as the form of compact rural development in the RLSA Overlay. Analysis has shown that SRAs will allow the projected population of the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development. The combination of stewardship incentives and land efficient compact rural development will minimize two of the primary market factors that cause premature conversion of agriculture.~~

Public Comments:

1. Policy 2.1 states that, "Analysis has shown that [Stewardship Receiving Areas]SRAs will allow the projected population from the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development." How this policy will be met needs to be assessed during the five-year review. Based on the figures from Policy 1.3, there are 182,334 acres of privately-owned land. These lands, prior to the RLSA, were allowed a density of one unit per five acres. Thus, 36,467 units would have been allowed. Assuming development would have occurred in the worst-case scenario of the allowed one unit per five acres, all 182,334 acres could have been impacted by development (though this is highly unlikely, as permits could not likely be obtained for development within the sloughs and other extremely sensitive areas). Thus, to comply with the policy goal of the future population being contained on 10% of this land, development should be contained to 18,233 acres of the RLSA. This would be a ratio of development to non-development of 9: 1. Currently, the SRA to SSA ratio for Ave Maria, the only approved RLSA town to date, is approximately 3: 1. Collier County must assess how the ultimate 9: 1 ratio, or development on 10% of the land, will be achievable in the future, if all new SRAs come in at Stewardship Sending Areas (SSAs) to SRA ratios of less than 9: 1. The Conservancy believes the manner in which this policy will be met should be further clarified. **[Conservancy]**

ECPO Comment [Appendix J]: ECPO agrees with the April 1, 2008 minutes of the Review Committee where Alan Reynolds clarified the relevance and purpose of the 10% figure.

Discussion during September 2, 2008 meeting: Mr. Greenwood stated that the language proposed to be eliminated by the Committee simply states that a typical compact urban development in the RLSA Overlay would have a density approximately 10 times that of the underlying zoning which is 1 dwelling unit per 5 acres of land and this was explained by Al Reynolds during the April 1 meeting. Nicole Ryan stated that the 10% footprint for SRA should be recalculated. Do not eliminate this language, but simply update it. Al Reynolds stated that the language needs to be removed from Policy 2.1 and deal with the SRAs in Group 4 policies. The RLSA Overlay is voluntary, an option, and the language really just points out the difference is development density between the underlying zoning and the RLSA Overlay.

Staff Comments: This is a major amendment. Staff detailed comments were outlined previously under the RLSAO Goal and under Group 2-Policy introduction statement above with respect to eliminating the words "premature conversion". **[Comprehensive Planning]**

Mr. McDaniel stated that he did not want to see rebuttal statements within the Phase 2 Working Paper, but it is OK to have them in the Committee minutes. Mr. Farmer stated that he would like to see Mark Strain updated on an on-going basis as to the responses to his issues and comments to which other members stated that they did not agree with this and pointed out that the Phase 2 Working Paper is on the web site for review by all.

Committee Deliberations: Mr. McDaniel stated the credits and the SRA footprint needs to be quantified during the Group 3 and 4 discussions and that he favors the removal of this language as it misleads the reader as to what the intent of the language means. Brad Cornell stated that we need to get our arms around the projections of credits and SRAs under

the existing RLSA Overlay versus the proposed RLSA Overlay. Mr. Farmer stated that approximately 85,000 acres of open lands could all be developed either under the underlying AG zoning or the RLSA as SRAs. There was general discussion, in particular by David Wolfley, about the number of credits increasing too much where the credit value would be diluted, as discussed by Tom Jones and Gary Eidson and that a proper balance would have to be achieved. DCA also pointed this out in the ORC letter relative to the Half Circle Ranch GMP amendment proposal which has been withdrawn. Mr. Farmer pointed out that all 85,000 acres of Open land is available for development, either under the underlying zoning or through the RLSA Overlay. Tammie Nemecek referred to the cap of 45,000 credits proposed under the summary of July 1, 2008 of the Florida Panther Protection Program. Gary Eidson questioned how we incentivize the Open Land owners to reserve their lands in perpetuity for agricultural uses. Mr. Jones stated that Policy 2.2 is proposing to incentivize Open Areas and provide a disincentive to underlying zoning development at 1 dwelling unit per 5 acres. **Committee September 2, 2008 Action:** The Committee voted, 8-2, to recommend the amendments to Policy 1.2 as outlined above.

Policy 2.2 (recommended amendment)

Agriculture lands protected through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs) as described in Policy 1.6. The protection measures for SSAs are set forth in Policies 1.6, 1.7, 1.10, and 1.17. In addition to protecting agriculture activities in SSAs within FSA, HSA, and WRA, as further described in Policies 3.1, 3.2 and 3.3, additional incentives are desired to retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards as described in Policy 1.5. Open Lands are those lands not designated SSA, SRA, WRA, HSA, FSA, or public lands on the Rural Lands Stewardship Area Overlay Map. Open Lands are those lands described in Policy 4.2. Therefore, in lieu of using the Natural Resource Index on land designated Open, these lands shall be assigned two (2.0) Stewardship Credits per acre outside of the Area of Critical State Concern (ACSC), as established by F.S. 380.055 as of March 3, 2009, and two and sixth tenths (2.6) Credits per acre within the ACSC. All non-agriculture uses shall be removed and the remaining uses are limited to agriculture Land Use Levels 5, 6 and 7 on the Land Use Matrix. Each layer is discreet and shall be removed sequentially and cumulatively in the order presented in the Matrix. If a layer is removed, all uses and activities in that layer are eliminated and no longer available. Following approval of an Agricultural SSA, Collier County shall update the RLSA Zoning Overlay District Map to delineate the boundaries of the Agricultural SSA.

Public Comments:

1. More lands east of 29 into sending or protective status - this is ACSC land. [FWF]

ECPO Comment [Appendix J]: The RLSA Review Committee is already considering new agricultural policies that will incentivize the protection of agricultural land uses. The Agriculture Preservation program, if adopted, will result in the designation of many "Open" agricultural lands as SSAs. The proposed program provides extra incentives for protection of agricultural lands within the ACSC. The proposed program may work in concert with other regional conservation programs to provide vast areas of agricultural and native landscapes.

2. Agriculture preservation in receiving areas - incentives? What is left after towns/villages are built? [FWF]

ECPO Comment [Appendix J]: The agriculture incentives within the Group 2 policies proposed by the Committee provide greater opportunity for landowners to continue agriculture operations while removing land rights on lands designated as "Open." This incentive is directly related to the desire for agriculture preservation. Provided landowners maintain the ability to create new towns and villages, with the addition of the new agriculture incentive full implementation of the RLSA should result in three land categories – natural resource SSAs, agriculture SSAs and towns and villages.

3. If the Committee genuinely wishes to adopt policies to encourage the preservation of meaningful Agricultural Lands for the future, these policies and incentives must reward the preservation of lands with substantive Agricultural value. The preservation of higher quality lands with the potential to produce citrus, row crops, or other high value horticultural crops in the future obviously should carry a higher incentive in development credits than minimally valuable grazing lands or pasture. Agricultural value alone should be the criteria. The location of many of these lands in Collier County is well established. In response to Mr. Jones' proposal, I do not believe that any credits should be granted for the preservation of Agricultural lands in the Area of Critical State Concern. These lands are in environmentally sensitive areas and are under little development pressure. Most should never be intensively used and hold limited Agricultural value for the future.

In my opinion, a separate category of Agricultural Stewardship Sending Lands (ASSA) should be created.

This could identify the difference between the Ag preservation effort and current SSA's which in practice are

strictly environmental. Criteria for credits and goals should be separate. This need not be excessively complex, but should give the most reward to landowners who preserve the land with the most current and potential value to Agricultural uses, not natural resource value or conservation. This should be very acceptable and desirable to landowners as this rewards them the most for keeping the lands currently generating the most income.

Agriculture is currently very well defined and highly regulated by a myriad of state and federal agencies. Any RLSA Agricultural policies should not be crippled by additional environmental restrictions. In any RLSA Ag. program there should be no additional restrictions of any kind to any legitimate agricultural uses. Landowners should be able to capitalize on future technology. Intensity of use should not be restricted or frozen at current levels. Any RLSA must function within laws including best management practices. Regulation and restriction should be left to the law makers and regulatory agencies, not the environmental advocacy interests. The committee has serious work to do in the details of a viable Ag preservation incentive policy. I hope that all committee members will read, in detail the 2007 RLSA Program Annual Report to the legislature from DCA. This review outlines their concerns with the Collier County RLSA program and policies and defines issues and shortcomings that the committee surely must address. To develop an Ag policy that will be acceptable to DCA will no doubt be challenging simply because it will generate an additional inventory of development credits. It is most likely that DCA will be reluctant to endorse any policy that exacerbates their current stated concerns include the following:

- * The maximum number of stewardship credits in the RLSA is not known and therefore the maximum development footprint cannot be determined.
- * The Collier RLSA Plan has not established how many new towns and villages can be created.
- * Spatial arrangement and extent of various land uses has not been addressed. Fragmentation of both Environmental and Agricultural lands could make both unsustainable. The distribution pattern of Development as well as necessary buffers, greenbelts, or other provisions to preserve rural character have not been adequately addressed, putting it at risk.

The committee will ultimately have to address these issues, and most will have to be addressed en route to any functional and DCA-acceptable Agricultural incentive policy. All of this must be accomplished in light of the elephant in the middle of the room, and that is the underlying land use in Collier County of 1 dwelling unit for five acres of land. This density, although low, is the reason why only agricultural land with a high natural resource value has been preserved to date. All RLSA credits to date have been structured in a highly rewarded environmental context. A separate and well defined Ag policy, with similar incentives, is needed. To be acceptable, I am afraid this will require that the entire RLSA, at build out, be considered and better defined. Is the committee willing and prepared to do this?

I look forward to discussing Group 2,3, and 5 Policies, however, in my opinion, the present Collier RLSA shortcomings and criticisms must be addressed before additional or new Agriculture policy (or for that matter, any other new policy) can be created. I therefore propose to the Committee that a structured review and discussion of DCA stated concerns be undertaken at this time. This should be done before any complex new policy is considered, or any new specific policy language is adopted. [Tim Nance]

4. Will there be a continuation of loss of agricultural acreage in the RLSA in the future? Agricultural Productive areas need to be preserved. [CCPC]
5. Establish new category of agriculture preserves; however, assure that the process does not set up a competition between conservation and agriculture preservation that would result in failure to protect natural resources. [We note that while conservation benefits have certainly accrued from the acres currently designated as Ag 1 and Ag 2, very few (~650 acres) have actually been categorized as Conservation.] [Defenders of Wildlife]

ECPO Comment [Appendix J]: The Review Committee has proposed new policies to provide incentives for landowners to preserve agriculture land within the Open designation.

Note: The following Appendices were submitted to the Committee on July 1, 2008 as part of the “Florida Panther Protection Program Summary” dated June 30, 2008:

- A** Proposed Florida Panther Protection Program Summary as presented initially to the Review Committee on July 1, 2008
- B** July 1, 2008 letter from Jennifer Hecker of the Conservancy of Southwest Florida to Paul Souza of US Fish and Wildlife Service related to the proposed Florida Panther Protection Plan
- C** July 1, 2008 letter from Nicole Ryan of the Conservancy of

Southwest Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program and other possible changes to the Rural Lands Stewardship Area Overlay

- D** June 29, 2008 letter from 1000 Friends of Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program
- E** June 16, 2008 letter to Thomas Reese from Charles Gauthier of the Florida Department of Community Affairs relative to possible changes to the Collier County Rural Lands Stewardship Area Overlay
- F** Undated July 1, 2008 presentation from Andrew McElwaine, President and CEO of the Conservancy of Southwest Florida to the Rural Lands Stewardship Area Review Committee

Public Comments during September 2, 2008 meeting: Nancy Payton spoke in support of the language proposed under Policy 2.2 as it encourages keeping agriculture land in agriculture or similar uses. Nicole Ryan stated that the Committee should provide an incentive in the ACSC land for panther habitat protection; that the NRI values need to be updated; and passed out a color map showing [in yellow] areas where panthers habitat could be in conflict with Open lands where SRAs might be allowed. Mr. McElwaine, representing the Conservancy of Southwest Florida, encouraged the Committee to vote against the proposed amendments to Policy 2.2 and raised questions about DCA's caution of not using the existing RLSA Overlay authorization, adequate infrastructure, justification and whether there is a need based upon shortage of existing development.

Staff Comments: Staff can confirm that the average number of Stewardship Credits per acre assigned in SSAs 1-9 is approximately 2.65 credits per acre for lands classified as HSA, FSA, or WRA and 0.85 credits per acre for lands classified as Open Lands. The assigned credits include both R-1 and R-2 credits although. The development of additional stewardship credit values within the Stewardship Credit Worksheet to support the voluntary retention of Agriculture-Group 1 lands for permanent open or agricultural uses will be required to support definitive language amendments to Policy 2.2. **[Comprehensive Planning]**

Committee Deliberations: David Wolfley suggested putting all credit reference in Group 3 policies. Tom Jones stated that the proposal is intended to create a new incentive for agricultural preservation and he felt the credit reference should be in Group 2 policies and this was discussed initially by the Committee in April and is attempting to address the criticism of DCA about not doing enough to protect agricultural lands. He stated that the 2.0 credits per acre outside of the ACSA is an incentive to the property owners to retain agricultural lands, as the current average NRI in Open lands would generate approximately just 0.2 credits per acre. He stated that the 2.6 credits per acre is an added incentive to maintain agricultural lands in the ACSC and is close to the 2.65 average credits per acre generated by lands classified as HSA, WRA or FSA in SSA 1-9. He stated that the Group 2 and Group 3 credit generation will need to be balance with SRA entitlement potential to be addressed in Group 4 policies. Mr. Wolfley stated that all credits should be discussed and reviewed in one area and not in several Groups of policies. Mr. Jones stated that if there are too many credits, then we will have to pull back on the number of credits being generated and too many acres of SRA. He stated that a potential maximum 45,000 acres of development footprint under SRAs was proposed in the summary of the Panther Protection Program presented on July 1, 2008 to the Committee. Brad Cornell stated that agricultural stewardship credits will need to be calculated and still wants an incentive for the preservation of agricultural lands. He suggested adding to the last sentence the words, "Agriculture" before SSA in the two locations in that sentence and that there be language placed that would disallow returning to the AG-1 land use layer after the land has been voluntarily taken down to AG-2. Mr. McDaniel stated that he could support the first part, but not the second part. Mr. Farmer asked about the acreage classified as Open in the ACSC. Mr. Jones stated that the 15,000+ acres of Open land within the ACSC can become SSAs but there is also a limit of 10% of clearing limitation in the ACSC. Dave Wolfley stated he agrees with the added language but not with the numbers.

Committee September 2, 2008 Action: The Committee voted 9-1 to recommend that the word "Agricultural" be inserted before "SSA" in the two locations found in the last sentence of Policy 2.2.

Committee September 2, 2008 Action: The Committee, by a vote of 7-3, to recommend that the following language be added just prior to the last sentence of Policy 2.2: "Each layer is discreet and shall be removed sequentially and

cumulatively in the order presented in the Matrix. If a layer is removed, all uses and activities in that layer are eliminated and no longer available.”

Committee September 30, 2008 Action: The Committee unanimously recommended to add the shown additional language to Policy 2.2 to better define Open Lands.

Committee March 3, 2009 action: The Committee voted unanimously to not accept the Planning Commission recommendations as contained in its March 5, 2009 report to the BCC and to add directly following the (ACSC) the following works: “as established by F.S. 380.055 as of March 3, 2009”.

Policy 2.3 (recommended amendment)

Within one (1) year from the effective date of these amendments, Collier County ~~will~~ may establish an Agriculture Advisory Council comprised of not less than five nor more than nine appointed representatives of the agriculture industry, to advise the BCC on matters relating to Agriculture. The Agriculture Advisory Council (AAC) will work to identify opportunities and prepare strategies to enhance and promote the continuance, expansion and diversification of agriculture in Collier County. The AAC will also identify barriers to the continuance, expansion and diversification of the agricultural industry and will prepare recommendations to eliminate or minimize such barriers in Collier County. ~~The AAC will also assess whether exceptions from standards for business uses related to agriculture should be allowed under an administrative permit process and make recommendations to the BCC.~~

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: The Committee discussed the fact that the Agriculture Advisory Council was never created; that there was no overt interest to date to establish the AAC; and that there are many agricultural interest groups and organizations already established which can initiate discussions and actions before local, state, and federal agencies and elected bodies relative to their agricultural interests.

Committee September 2, 2008 Action: The Committee unanimously recommended that Policy 2.3 be deleted from the RLSA Overlay.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations as contained in its March 5, 2009 report to the BCC and to change the word “will” to “may” in the first sentence and delete the last sentence.

Policy 2.4

The BCC will consider the recommendations of the AAC and facilitate the implementation of strategies and recommendations identified by the ACC that are determined to be appropriate. The BCC may adopt amendments to the LDC that implement policies that support agriculture activities.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: The Committee discussed the fact that the Agriculture Advisory Council was never created; that there was no overt interest to date to establish the AAC; and that there are many agricultural interest groups and organizations already established which can initiate discussions and actions before local, state, and federal agencies and elected bodies relative to their agricultural interests.

Committee September 2, 2008 Action: The Committee unanimously recommended that Policy 2.4 language be stricken.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations as contained in its March 5, 2009 report to keep this policy language as it currently exist.

Policy 2.5

Agriculture is an important aspect of Collier County’s quality of life and economic well-being. Agricultural activities shall be protected from duplicative regulation as provided by the Florida Right-to-Farm Act.

Public Comments: none received

Staff Comments: IF Policies 2.3 and 2.4 are recommended for deletion by the Committee, then current Policy 2.5 would become Policy 2.3.[Comprehensive Planning]

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee unanimously recommended to renumber Policy 2.5 to 2.3.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations as contained in its March 5, 2009 report to keep this policy language as it currently exist.

Policy 2.6

Notwithstanding the special provisions of Policies 3.9 and 3.10, nothing herein or in the implementing LDRs, shall restrict lawful agricultural activities on lands within the RLSA that have not been placed into the Stewardship program.

Public Comments: none received

Staff Comments: The deletion of Policies 2.3 and 2.4 would require that current Policy 2.6 become Policy 2.4.[**Comprehensive Planning**]

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee unanimously recommended the renumbering of Policy 2.6 to 2.4.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations as contained in its March 5, 2009 report to keep this policy language as it currently exist

Preface to Group 3 Policies

Group 3 Policies set the framework for environmental preservation, including “perpetual conservation easements” [Stewardship Easements] through Stewardship Sending Areas. Major Committee-recommended revisions to Group 3 Policies include:

Policy 3.11 (amendment)

The recommended amendments to Policy 3.11:

- eliminate the **restoration** priority language related to restoration work within the Camp Keais Strand Flowway Stewardship Area (FSA) or contiguous Habitat Stewardship Areas (HSAs); provide language allowing for two additional Stewardship Credits (rather than the 4 Credits now permitted) for restoration activities within a FSA or HSA, regardless of location in the RLSA; elimination of the additional two Stewardship Credits for each acre of land dedicated for restoration activities within other FSAs and HSAs; and provide additional Credits 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;
- provide for Stewardship Credits to incentivize the creation, restoration, and enhancement of a northern **panther** corridor connection and a southern panther corridor connection by providing for 2 additional Stewardship Credits for each acre of land so dedicated and, should the owner also effectively complete the corridor restoration, an additional 8 Credits per acre would be awarded;
- provide for Stewardship Credit incentives for restoration of shallow wetland wading bird foraging habitat located in FSA, HSA, or Water Retention Area (WRA) at the rate of 2 additional Credits per acre and, upon successful completion of the restoration, an additional 6 Credits per acre shall be awarded; and
- limit Credit incentives to only one type of restoration for each acre so designated for restoration

Policy 3.13 (amendment)

The recommended amendment to Policy 3.13 requires the acreage of a WRA, if such acreage provides for water treatment and retention exclusively for a Stewardship Receiving Area (SRA), to be included in the SRA acreage and would require the use of Stewardship Credits to enable the use of such an area for this purpose in a SRA.

Group 3 – Policies to protect water quality and quantity and maintain the natural water regime, as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flow way Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas, where lands are voluntarily included in the Rural Lands Stewardship Area program.

Public Comments: no comments received regarding the Group 3 objective above.

The following documents received by the Committee on July 1, 2008, due to their length and relationship to the proposed Florida Panther Protection Program addressed in Policy 3.11, were placed in the Appendices section as **Appendices A-F** and are described below:

- Appendix A** Proposed Florida Panther Protection Program Summary
as presented initially to the Review Committee on July 1, 2008
- Appendix B** July 1, 2008 letter from Jennifer Hecker of the Conservancy of Southwest Florida to Paul Souza of US Fish and Wildlife Service related to the proposed Florida Panther Protection Plan
- Appendix C** July 1, 2008 letter from Nicole Ryan of the Conservancy of Southwest Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program and other possible changes to the Rural Lands Stewardship Area Overlay
- Appendix D** June 29, 2008 letter from 1000 Friends of Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program
- Appendix E** June 16, 2008 letter to Thomas Reese from Charles Gauthier of the Florida Department of Community Affairs relative to possible changes to the Collier County Rural Lands Stewardship Area Overlay
- Appendix F** Undated July 1, 2008 presentation from Andrew McElwaine, President and CEO of the Conservancy of Southwest Florida to the Rural Lands Stewardship Area Review Committee

Staff comments: Mr. Greenwood suggested that all of the documents received by the Committee at its July 1 meeting related to the Florida Panther Protection Program be placed in the Appendices section at the back of the report in their entirety due to their combined 20+ pages.

Committee Deliberations: The Committee discussed, at the suggestion of Brad Cornell, adding reference to restoration activities to the Group 3 statement above. The Committee consensus was that this would be covered later in the Group 3 policies and need not be placed here.

Committee September 2, 2008 action: The Committee unanimously voted to leave the existing language for Group 3 unchanged.

Policy 3.1

Protection of water quality and quantity, and the maintenance of the natural water regime shall occur through the establishment of Flowway Stewardship Areas (FSAs), as SSAs within the RLSA Overlay. FSAs are delineated on the Overlay Map and contain approximately 31,100 acres. FSAs are primarily privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the primary wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated FSAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that FSA lands score within a range of 0.7 to 2.4; approximately 96% score greater than 1.2 while 4% score 1.2 or less. The average Index score of FSA land is 1.8.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee voted unanimously to leave the existing language for Policy 3.1 unchanged.

Policy 3.2 (recommended amendment)

Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately ~~40,000~~ 45,782 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics

that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HSA lands score within a range of 0.6 to 2.2. There are approximately ~~13,800~~ 15,156 acres of cleared agricultural fields located in HSAs. The average Index score of ~~HAS~~ HSA designated lands is 1.3, however, the average index score of the naturally vegetated areas within HSAs is 1.5.

Public Comments: none received

Staff Comments:

1. The total HSA acreage should be changed from 40,000 acres to 45,782 acres as the 40,000 acres figure was an estimate, while the 45,782 acres is based upon current GIS data. The 13,800 acreages for HSAs should be changed to 15,156 acres upon recalculation by the Environmental staff using the SFWMD Land cover data from 2004/2005 for improved pasture, un-improved pasture, row crops, field crops, and orchards to get a value for “cleared agriculture” of 15,156 acres, not including woodland pasture, tree nursery, or upland shrub and brush. **[Environmental staff]**

2. “HAS” [resulted from a “spell check”] error and needs to be changed to “HSA”. **[Comprehensive Planning staff]**

3. Protection of listed species and wildlife habitat from intense land uses is one of the requirements in the Growth Management statutes. The HSAs were delineated to protect listed species and their habitat. During the first 5 years of the RLSA program there have been several instances of listed species in Open areas. The HSAs alone do not provide adequate protection to listed species. Additionally the 2002 definition of panther habitat is very limited compared to the habitat valuation matrix utilized by USFWS now. **[Environmental staff]**

ECPO Comments [Appendix K]: The HSAs, FSAs, and WRAs collectively comprise over 89,000 acres and provide large, interconnected blocks of high-quality habitat for listed species and other wildlife. These overlay areas contain the vast majority of the native vegetation communities that occur within privately held RLSA lands, and also include over 13,000 acres of agricultural lands. The native vegetation that does occur within the Open overlay is highly fragmented, often impacted by surrounding land uses, and generally of much lower habitat quality than native vegetation communities with the FSAs, HSAs, and WRAs.

Staff does not provide any data and analysis to support the statement that HSAs (and presumably FSAs and WRAs) “do not provide adequate protection to listed species.” Collier County and DCA did conclude that listed species protection was adequate when the plan was approved in 2002.

We dispute that the 2002 definition of panther habitat is “very limited” compared to the current USFWS habitat valuation matrix. In fact, the latest published panther research (Land, Shindle, et. al., 2008) and a current USFWS review of multiple published studies indicates that the 2002 definition of panther habitat closely approximates the current understanding of panther habitat utilization. In fact, the RLSA Habitat, Flow way, and Water Retention Stewardship Areas as designed in 2002 incorporated ninety-one percent of the panther telemetry. Currently, the panther telemetry within these same areas has increased to ninety-four percent. This concludes that the habitat is protected.

Committee Deliberations: The Committee was informed of the more updated source of the acreage numbers and concurred that the numbers should be amended as shown.

September 2, 2008 Committee Action: The Committee voted unanimously to amend the text of Policy 3.2 as annotated above to more closely reflect the most current information in the RLSA Overlay.

Policy 3.3

Further protection for surface water quality and quantity shall be through the establishment of Water Retention Areas (WRAs), as SSAs within the RLSA Overlay. WRAs are delineated on the Overlay Map and contain approximately 18,200 acres. WRAs are privately owned lands that have been permitted by the South Florida Water Management District to function as agricultural water retention areas. In many instances, these WRAs consist of native wetland or upland vegetation; in other cases they are excavated water bodies or may contain exotic vegetation. The Overlay provides an incentive to permanently protect WRAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated WRAs are

comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that WRA lands score within a range of 0.6 to 2.4; approximately 74% score greater than 1.2 while 26% score 1.2 or less. The average Index score of WRA land is 1.5.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee voted unanimously to not recommend any change to Policy 3.3.

Policy 3.4

Public and private conservation areas exist in the RLSA and serve to protect natural resources. Corkscrew Marsh and Okaloacoochee Slough State Forest include approximately 13,500 acres. Analysis shows that they score within an Index range of 0.0 to 2.2; with an average Index score of 1.5. Because these existing public areas, and any private conservation areas, are already protected, they are not delineated as SSAs and are not eligible to generate Credits, but do serve an important role in meeting the Goal of the RLSA.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee voted unanimously to not recommend any change to Policy 3.4.

Policy 3.5

Residential uses, General Conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs in exchange for compensation to the property owner as described in Policy 3.8. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas extraction in FSAs in order to minimize impacts to native habitats. Other layers may also be eliminated at the election of the property owner in exchange for compensation. The elimination of the Earth Mining layer shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within a FSA.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee voted unanimously to not recommend any change to Policy 3.5

Policy 3.6

Residential Land Uses listed in the Matrix shall be eliminated in Habitat Stewardship Sending Areas in exchange for compensation to the property owner as described in Policy 3.8. Other layers may also be eliminated at the election of the property owner in exchange for compensation.

Public Comments:

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7

specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs. [Conservancy]

ECPO Comments [Appendix K]: Land owner participation in the RLS program is voluntary and based on market conditions; it is not a regulatory technique, rather an incentive based program. Stripping additional uses off lands not participating in the RLS program would reduce the market value of that land and open the County to a Bert Harris claim action or violation of the Right to Farm Act. FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. Additional ag lands, although they did not meet the specific criteria for habitat, were included in HSAs in order to provide habitat connectivity.

Staff Comments: no comments

Committee Deliberations: none

Committee September 2, 2008 Action: The Committee voted unanimously to not recommend any change to Policy 3.6.

Policy 3.7 (recommended amendment)

General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less. Asphaltic and concrete batch making plants are prohibited in all HSAs. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas Extraction in HSAs in order to minimize impacts to native habitats. In addition to the requirements imposed in the LDC for approval of a Conditional Use, such uses will only be approved upon submittal of an EIS Environmental Impact Statement (EIS) which demonstrates that clearing of native vegetation has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact aquifers. As an alternative to the foregoing, the applicant may demonstrate that such use is an integral part of an approved restoration or mitigation program. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection. Compliance with the following standards shall be considered by Collier County as meeting the requirement for minimization of impact:

- Clearing of native vegetation shall not exceed 15% of the native vegetation on the parcel.
- Areas previously cleared shall be used preferentially to native vegetated areas.
- Buffering to Conservation Land shall comply with Policy 4.13.

Public Comments:

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs. [Conservancy]

ECPO Comments [Appendix K]: Land owner participation in the RLS program is voluntary and based on market conditions; it is not a regulatory technique, rather an incentive based program. Stripping additional uses off lands not participating in the RLS program would reduce the market value of that land and open the County to a Bert Harris claim action or violation of the Right to Farm Act. FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. Additional ag lands, although they did not meet the specific criteria for habitat, were included in HSAs in order to provide habitat connectivity.

Public Discussion during the September 2, 2008 meeting. Lauri McDonald stated that mining should be kept out of the layers and dealt with separately as mines have a greater negative impact on habitat than most types of land uses. Nancy Payton agreed with Ms. McDonald. Al Reynolds stated that the RLSA Overlay is a voluntary program and that the earth mining is a permitted use in the underlying AG zoning and that it would be better to process an earth mining operation under the RLSA Overlay rather than under AG zoning.

Staff Comments: This is a clarification for the reader who may not know what “EIS” stands for as “EIS” is used extensively throughout this portion of the RLSA Overlay. [**Comprehensive Planning**]

Committee Deliberations: Bill McDaniel stated that he does mining for a living and that mines provide a site for new habitat once they are finished off and full of water. Mr. Wolfley stated that he felt that mines do not have the negative impact on habitat as many other uses which are permanently intensive land uses. Brad Cornell stated that it may be well to require HSAs to remove land use Layers 1-4. Mr. Jones stated that Layers 1-4 have been removed in the first 9 SSAs since the property owners felt it was the environmentally sensible act to take in HSAs.

Committee September 2, 2008 Action: The Committee voted 9-1 to not recommend any change to Policy 3.7 other than to make the clarification recommended by staff.

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 Comments 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 [Environmental Services]

Committee Deliberations: The Committee saw no reason to single out any agency.

Committee September 16, 2008 action: The Committee voted unanimously not to make any to change Policy 3.8.

Policy 3.9 (recommended amendment)

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 Comments:

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 [Appendix K]: 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.

Discussion during September 16, 2008 Meeting. 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. Nicole Ryan stated that her organization would support BMPs in that the property owners are receiving SSAs. 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: Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum. [Engineering and Environmental Services Department]

ECPO Comments [Appendix K]: 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.

Committee Deliberations: 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. . 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 [SFWMMD requires BMPs for developments of 10+ acres and DEP requires as well]. 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 SFWMMD and DEP. Brad Cornell stated that he would like to see aquaculture addressed in the LDC.

Committee September 16, 2008 action: The Committee voted unanimously to not amend Policy 3.9. By separate motion, the Committee voted unanimously have the language “limited to Open Land designation only”, added after the word “aquaculture” in line fourth line of Policy 3.9.

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 Comments: 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 [Appendix K]: 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: no comments

Committee Deliberations: none

Committee September 16, 2008 action: The Committee unanimously voted to not amend Policy 3.10.

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 acre, 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 in a federally approved corridor designate the required property for such corridor, 2 Stewardship Credits shall be assigned for each acre of land so dedicated. Issuance of the 8 restoration implementation credits may be phased to coincide with a phased implementation process in accordance with the federal permit. The procedures shall be set forth in the LDC.

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.

Only one type of restoration shall be rewarded with these Credits for each acre designated for restoration and in no case shall greater than 10 Credits be awarded per acre.

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 Comments:

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 [Appendix K]: 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 [Appendix K]: 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 [Appendix K]: 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 [Appendix K]: 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 [Appendix K]: 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 [Appendix K]: (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 [Appendix K]: 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: Final language for this GMP amendment will be subject to further substantive review for sufficiency and consistency with all elements of the GMP, the Final Order, and data and analysis sufficient to justify and support this GMP amendment. **[Comprehensive Planning]**

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 [Appendix K]: 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 the September 16th meeting a revised Policy 3.11 which was then 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 Cornell 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 in 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 Deliberations: see previous paragraph.

Committee September 16, 2008 action: The Committee voted unanimously to amend Policy 3.11 as shown above which includes the recommendations of Laurie McDonald and Luara Roys above.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations as contained in its March 5, 2009 report but to provide a rewrite of the last two sentences of paragraph 2 as shown above.

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 Comments:

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 [Appendix K]: 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: no comments

Committee Deliberations: limited

Committee September 16, 2008 action: The Committee voted unanimously to not amend Policy 3.

Policy 3.13 (recommended amendment)

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 for a SRA, the acreage of the WRA used as primary treatment for water management for the SRA 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 [Appendix K]: 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.

Staff Comments: no comments

Committee Deliberations: 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.

Committee September 16, 2008 action: The Committee voted unanimously to add the additional language to Policy 3.13.

Committee March 3, 2009 action: The Committee voted unanimously to accept the Planning Commission recommendations regarding the proposed wording change in the second to the last sentence.

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 Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 16, 2008 action: The Committee unanimously voted to not amend Policy 3.14.

Policy 3.15 (new Policy)

Within one year of the effective date of this Policy LDC regulations shall be implemented for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security.

Committee March 3, 2009 action taken: The Committee unanimously accepted the above language for a new policy which differs from the language advanced in the CCPC's March 5, 2009 report to the BCC.

Preface to Group 4 Policies

Group 4 Policies set the framework for conversion of rural lands to other uses in the form of Stewardship Receiving Areas. Written documents submitted, reviewed, and commented upon by the Committee relating to Group 4 Policies include **Appendices G, H, M, N, O, Q, and R**. Major Committee-recommended revisions to Group 4 Policies include:

Policy 4.2 (amendment)

This recommended amendment to Policy 4.2 corrects/updates acreage calculations within the RLSAO which are both outside of and inside the Area of Critical State Concern and limits the amount of lands that can be designated as SRAs to **45,000 acres**. The separate Comprehensive Planning Department Staff SRA build-out projection and Wilson Miller build-out projection of the maximum SRA acreage allowable under the existing RLSAO [if 100% of property owners participate using the existing Credit system] is 41,040 SRA acres and 43,312 SRA acres, respectively. This SRA acreage does not include any development which may occur under the underlying zoning of Rural Agricultural-A District and which would not be participating in the RLSAO.

Policy 4.5 (amendment)

This recommended amendment to Policy 4.5 provides for the SRA Master Plan to be consistent with the County's Long Range Transportation Plan, the County Build Out Vision Plan referenced in recommended new Policy 3.7 of the Transportation Element of the GMP, and Access Management procedures. The recommended amend to Policy 4.5 also includes a requirement for the provision of a Management Plan as part of the SRA Master Plan which includes provisions for minimizing human and wildlife interactions between the SRA and surrounding undeveloped properties.

Policy 4.6 (amendment)

This recommended amendment to Policy 4.6 requires an SRA to include a mobility plan that includes consideration of vehicular, bicycle/pedestrian, public transit, internal circulators, and other modes of travel/movement within and between SRAs and areas of outside development and land uses.

Policy 4.7 (amendment)

This recommended amendment to Policy 4.7 eliminates Hamlets as a specific forms of SRA and reduces the number of specific forms of SRAs from four to three in conjunction with the recommended deletion of Policy 4.7.3 language related to Hamlets.

Policy 4.7.1 (amendment....Towns)

This recommended amendment to Policy 4.7.1 increases the minimum size of a Town from 1,000 acres to 1,500 acres, increases the maximum size from 4,000 acres to 5,000 acres, and provides for the requirement of an internal mobility plan.

Policy 4.7.3 (deletion...Hamlets)

Policy 4.7.3 is recommended for deletion.

Policy 4.7.4 [now renumbered Policy 4.7.3 (amendment...Compact Rural Development)]

The recommended amendment to Policy 4.7.4 keeps the maximum size of a Compact Rural Development (CRD) at 100 acres while providing language supporting the location of research, education, tourism, recreation, and housing within CRDs.

Policy 4.7.4 (new)

This new Policy 4.7.4 stresses that Towns and Villages are the preferred locations for business and industry in the RLSA to further promote economic development, diversification, and job creation with a list of examples of permitted uses such as environmental research, agricultural research, aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, etc.

Policy 4.14 (amendment)

The recommended amendments to Policy 4.14 provide:

- language requiring a proposed new SRA, at the time of SRA approval, to provide for the opportunity to provide direct vehicular and pedestrian connections to an adjoining SRA or adjoining lands designated as Open;
- new language requiring that public or private roads and connecting signalized intersections within or adjacent to an SRA be maintained by the primary town or community it serves; and
- new language providing for a variety of mitigation credits and offsets.

Policy 4.19 (amendment)

This recommended amendment to Policy 4.19 provides for:

- 8 Credits required for each acre of land included in a SRA where such Credits were created from a Stewardship Credit Sending Area deemed vested under the 8 Credit ratio; and
- 10 Credits required for each acre of land included in a SRA where such Credits were created from any other Stewardship Sending Area

Policy 4.22 (new)

This new Policy 4.22 provides that assessment of historic or cultural resources be done when such are identified in the RLSA through the SRA designation process, including the assessment of such resource's historic or cultural significance and the exploration of educational and public awareness opportunities regarding such significant resources.

Group 4 - Policies to enable conversion of rural lands to other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques by the establishment of Stewardship Receiving Areas.

Public Comments: none received

Staff Comments: none

Committee Deliberations: none

Committee September 23, 2008 Action: The Committee voted unanimously to this objective unchanged.

Policy 4.1

Collier County will encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA. Collier County will also encourage development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of Stewardship Receiving Areas (SRAs). Incentives to encourage and support the diversification and vitality of the rural economy such as flexible development regulations, expedited permitting review, and targeted capital improvements shall be incorporated into the LDC Stewardship District.

Public Comments: none received

Staff Comments: no comments

Committee Deliberations: none

Committee September 23, 2008 action: The Committee voted unanimously to leave Policy 4.1 unchanged.

Policy 4.2 (recommended amendment)

All privately owned lands within the RLSA which meet the criteria set forth herein are eligible for designation as a SRA, except land delineated as a FSA, HSA, WRA or land that has been designated as a Stewardship Sending Area. Land proposed for SRA designation shall meet the suitability criteria and other standards described in Group 4 Policies. Due to the long-term vision of the RLSA Overlay, extending to a horizon year of 2025, and in accordance with the guidelines established in Chapter 163.3177(11) F.S., the specific location, size and composition of each SRA cannot and need not be predetermined in the GMP. In the RLSA Overlay, lands that are eligible to be designated as SRAs generally have similar physical attributes as they consist predominately of agriculture lands which have been cleared or otherwise altered for this purpose. Lands shown on the Overlay Map as eligible for SRA designation include approximately ~~74,500~~ 72,000 acres outside of the ACSC and ~~approximately 48,300~~ 15,000 acres within the ACSC. Total SRA designation shall be a maximum of 45,000 acres. Approximately 2% of these lands achieve an Index score greater than 1.2. Because the Overlay requires SRAs to be compact, mixed-use and self sufficient in the provision of services, facilities and infrastructure, traditional locational standards normally applied to determine development suitability are not relevant or applicable to SRAs. Therefore the process for designating a SRA follows the ~~principles of the Rural Lands Stewardship Act as further described~~ procedures set forth herein and the adopted RLSA Zoning Overlay District.

Public Comments:

1. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. [Mark Strain]

ECPO Comments [Appendix O]: Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly. The fact that a farm operation may not pump its maximum rate in any given year, depending on climate cycles, does not limit their legal right to do so when the demand dictates.

Regarding seasonal agricultural consumption, there is a large acreage of perennial crops (*e.g.* citrus) in the area whose temporal irrigation demand matches that of lawn and landscape. Seasonal row crops are generally grown in the dry season and use substantial quantities of water when impacts to the aquifer are most critical. Typical landscape demand associated with future development should ameliorate rather than further impact the groundwater resource.

2. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A maximum number of towns, villages, hamlets and CROs within the RLSA should also be explored. **[Conservancy]**

ECPO Comments [Appendix O] : RLS Policy 4.16 requires that an SRA have adequate infrastructure available to serve the proposed development. Infrastructure includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. SRA applications are required to include several components including a natural resource index assessment, an impact assessment report (relative to infrastructure), and an economic assessment report. These components are thoroughly considered during the review process, and it is the responsibility of the applicant to justify the size, location, and land use components of a particular SRA. One town has been approved since adoption of the RLS program and it does not appear that the existing regulations have caused a proliferation of development in the area. The timing and location of future SRAs will be guided by existing market conditions and the ability of an applicant to prove that the necessary infrastructure can be provided and that the project is fiscally neutral or positive.

3. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained. **[Conservancy]**

ECPO Comments [Appendix O]: The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

4. Establish distances between villages and towns; and distance from Immokalee. **[FWF]**

ECPO Comments [Appendix O]: The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

Tom Taylor, a General Partner of Lake Trafford Ranch, LLLP, by email to Tom Greenwood dated September 24, 2008 stated:

“We have an approved and adopted SSA Agreement that removed certain use rights from portions of our Ranch. Although we have not submitted an application for an SRA, the SSA Agreement approved by the Board of County Commissioners generated Stewardship Credits that may be utilized on the remaining portions of our Ranch within the RLSA. In addition, the Immokalee Overlay and RLSA have provisions that allow for transfer of development rights within our Ranch from our Immokalee Urban Area Lands to our Ranch RLSA lands as part of a density/intensity blending provision. Considering the fact that we have taken a significant step toward development our Ranch via the SSA Agreement, we request that no

change be made that would inhibit our opportunity to utilize within our Ranch all SAA credits that exist or can be developed from our Ranch. The proposed comment should be revised so that it does not prevent utilization of SSA credits developed from lands that are near Immokalee within those lands.”

5. There should be more guidance on where towns and villages can be located. As it is written now, it is possible to locate towns near each other with only a small buffer between which encourages sprall. Without planning, all the density will be located on the western portion of the RLSA. Ideally the towns should be spread out, with large agricultural areas between them. Maybe a maximum number of towns needs to be agreed upon and the general areas where these can be located indicated on a map. At a minimum, there needs to be more guidance provided as to where towns can be located and their buffering requirements. This will facilitate all types of future infrastructure planning by the County. **[Judith Hushon]**

ECPO Comments [Appendix O]: Areas suitable for development are currently mapped as “Open” on the RLSA Overlay Map. The RLSA policies and implementing Land Development Code provide locational and suitability criteria as well as design standards to guide development.

6. Provide maps of build out scenarios. Further, just as natural resources are mapped, so should the areas most suitable for development. **[Defenders of Wildlife]**

WilsonMiller Comments: [Appendix H]

Staff Comments: Staff pointed out that the proposed additions and deletions were presented by ECPO via a communication dated September 18, 2008. **[Comprehensive Planning]**

Committee Deliberations: Brad Cornell stated that he would like to have the 45,000 acre cap proposed in the RLSA be reduced by an acreage amount each time a property is developed under the base zoning of Agriculture. Mr. Jones stated that he likes the 45,000 cap and that we need to keep away from baseline zoning as such a mechanism will hurt the credit system. Russ Priddy stated that one must understand that there are about 240 smaller property owners in the RLSA and that about 175-180 of these property owners own 5 to 10 acre properties. He stated that most of these properties have homes on them and, if there is 0% participation in the RLSA program by such owners, then there will be maybe 8,000 acres at a density of 1 unit/5 acres. He stated the proposal of Mr. Cornell is not warranted and could cause more harm than good to the RLSA Overlay.

Committee September 23, 2008 and September 30th Action: The Committee, by a vote of 6-1, accepted the proposed amendments as shown. On September 30th the Committee voted to accept the Wilson Miller documentation regarding Credits and SRA authorizations under the existing the revised RLSA Overlay. **[Appendix H]**

Committee September 23, 2008 action: The Committee voted unanimously to leave not accept the recommendations contained in the March 5, 2009 CCPC report to the BCC and maintain the Committee recommended language.

Policy 4.3 (recommended amendment)

Land becomes designated as a SRA upon petition by a property owner to Collier County seeking such designation and the adoption of a resolution by the BCC granting the designation. The petition shall include a SRA master plan as described in Policy 4.5. The basis for approval shall be a finding of consistency with the policies of the Overlay, including required suitability criteria set forth herein, compliance with the LDC Stewardship District, and assurance that the applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses. ~~Within one year from the effective date of this amendment, Collier County shall adopt LDC amendments to establish the procedures and submittal requirements for designation as a SRA, to include provisions for consideration of impacts, including environmental and public infrastructure impacts, and provisions for public notice of and the opportunity for public participation in any consideration by the BCC of such a designation.~~

Public Comments:

WilsonMiller Comments: [Appendix N]

Staff Comments: The language proposed was submitted on behalf of ECPO for deletion as it is no longer needed. **[Comprehensive Planning]**

Committee Deliberations: The Committee stated that the proposed language to be deleted is obsolete and no longer needed. Mr. McDaniel referred back to Policy 4.2 and stated that he is not comfortable with the 45,000 cap on SRA acres

in Policy 4.2. Mr. Eidson and Mr. Russ Priddy stated that there has to be some certainty as to what is going to happen in the RLSA Overlay area.

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.3 as shown.

Policy 4.4

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee was advised that ECPO did not agree with Transportation Planning Department proposals for Policy 4.4 and several other Group 4 Policies.

Committee September 30, 2008 Action: The Committee tabled action pending a report back from the Transportation Planning Department and ECPO. Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks. The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

Public comments on November 10, 2008: None.

Staff Comments on November 10, 2008: the language shown above was agreed upon by the Transportation Division and John Passidomo to remain unchanged and the Committee should vote on this policy [**Comprehensive Planning**]

Committee action on November 10, 2008: The Committee voted unanimously not to amend Policy 4.4.

Policy 4.5 (recommended amendment)

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map. The SRA Master Plan shall be comply with the County's then-adopted Long Range Transportation Plan (LRTP), the County Build Out Vision Plan referenced in Policy 3.7 of the Transportation Element, and Access Management procedures.

Each SRA master plan shall include a Management Plan with provisions for minimizing human and wildlife interactions. Low intensity land uses (e.g. passive recreation areas, golf courses) and vegetation preservation requirements, including agriculture, shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Consideration shall be given to the most current guidelines and regulations on techniques to reduce human wildlife conflict. The management plans shall also require the dissemination of information to local residents, businesses and governmental services about the presence of wildlife and practices (such as appropriate waste disposal methods) that enable responsible coexistence with wildlife, while minimizing opportunities for negative interaction, such as appropriate waste disposal practices.

Public Comments:

1. 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**]

ECPO Comments [Appendix O]: Lighting is a design standard that is considered during the Receiving Area (SRA) application review.

Public Discussion on September 30, 2008. Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks. Brad Cornell stated that he would like to have Nancy Payton's proposal on outdoor lighting considered today as it is separate from the Transportation language. Nancy Payton stated that the outdoor lighting language should go into the RLSA Overlay in

general and more specifics would be worked out for LDC language. Nicole Ryan stated that she supports the language and the lighting standards should be developed for the connecting roads between the SRAs.

Staff comments: The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

Committee action on September 23, 2008: The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

Committee Deliberations on September 30, 2008: Refer to discussions in earlier paragraphs.

Committee September 30, 2008 Action: The Committee voted unanimously to put the word “reasonably” in front of the word “managed” and that the wording in the last 3 sentences related to transportation be tabled.

Public Comment on November 10, 2008: Judy Hushon suggested a few changes or word smithing to the new paragraph 2 language which changes are shown above in paragraph 2 of Policy 4.5. Thomas Greenwood stated that the same language should be amended in Policy 5.5 which was approved by the Committee on October 28th.

Committee action on November 10, 2008: The Committee unanimously voted to approve the amended language for both Policy 4.5 and for the portion relating to the Management Plan contained in Policy 5.5 as approved by the Committee on October 28th and to amend the language in Policy 4.5 as shown above which is acceptable to the Transportation Division.

Committee March 3, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.6 (recommended amendment)

SRA characteristics shall be based upon innovative planning and development strategies referenced in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(1). These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. The SRA shall also include a mobility plan that includes vehicular, bicycle/pedestrian, public transit, internal circulators, and other modes of travel/movement within and between SRAs and areas of outside development and land uses. The mobility plan shall provide mobility strategies such as bus subsidies, route sponsorship or other incentives which encourage the use of mass transit services. The development of SRAs shall also consider the needs identified in the County Build Out Vision Plan and plan land uses to accommodate services that would increase internal capture, and reduce trip length and long distance travel. Such development strategies are recognized as methods of discouraging urban sprawl, encouraging alternative modes of transportation, increasing internal capture and reducing vehicle miles traveled.

Public Comments:

Public discussion on September 30, 2008 Mr. Al Reynolds stated that the transit language will likely be placed in Policy 4.14 but that Policy language has yet to be worked out. He stated that the language does not have to be in two policies. Brad Cornell asked about trip capture rates in SRAs. Mr. Jones stated that Ave Maria is “over the top”. Al Reynolds stated that the projected trip capture rate was 60% although it is now about 90%. He stated that the trip capture rate will likely get to the 60% range when the town develops further.

Public Comment on November 10, 2008: Nicole Ryan stated that the Conservancy has some concerns about the use such words as “consideration”, “encourage”, etc. and that the language should be more definitive. David Wolfley stated that he agrees with Ms. Ryan. Russ Priddy stated that the RLSAO is a voluntary program and the property owners do not need more regulations or the program will be less likely to work and suggested leaving the language the way it is. Tammie Nemecek stated that the program does need to be flexible. Judy Hushon stated that sustainability of communities is key to making the RLSA Overlay program work. Gary Eidson stated that the language needs to be wide enough and broad enough to cover everything. Mr. Casalanguida suggested the following change in the second new proposed sentence the words “consider the applicability of” to “provide mobility” and to change the word “and” to “or” in the same sentence. Mr. Hamel asked Mr. Priddy if he was OK with that change to which Mr. Priddy stated that he was.

Staff Comments: The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above. [**Comprehensive Planning**]

Committee action on September 30, 2008: The Committee voted unanimously to leave the Policy 4.6 language unchanged.

Committee Deliberations: See previous paragraphs.

Committee action on November 10, 2008: The Committee voted unanimously to accept the proposed language change so as to amend the language of Policy 4.6 as shown above by also changing in the second new proposed sentence the words “consider the applicability of” to “provide mobility” and to change the word “and” to “or” in the same sentence.

Committee March 3, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.7 (recommended amendment)

There are ~~four~~ three specific forms of SRA permitted within the Overlay. These are Towns, Villages, ~~Hamlets~~, and Compact Rural Development (CRD). The Characteristics of Towns, Villages, ~~Hamlets~~, and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, and 4.7.3 ~~and~~ 4.7.4. ~~Collier County shall establish more~~ Specific regulations, guidelines and standards within the LDC Stewardship District ~~to~~ guide the design and development of SRAs to include innovative planning and development strategies as set forth in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(1). The size and base density of each form shall be consistent with the standards set forth on Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

Public Comments:

1. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or self sufficiency, then their allowance under the RLSA should be reconsidered. [**Conservancy**]
2. No hamlets or "compact rural developments" compact rural development could be a "Coconut Point," - no cap on size of some types of CRDs. [**FWF**]

Note: Also related to policies 4.7.3, 4.7.4

The following documents received by the Committee on July 1, 2008, due to their length and relationship to the proposed Florida Panther Protection Program addressed in Policy 3.11 and the various proposals advanced to amend several of the Group 4 Policies, were placed in the Appendices section as **Appendices A-F** and are described below:

- Appendix A** Proposed Florida Panther Protection Program Summary as presented initially to the Review Committee on July 1, 2008
- Appendix B** July 1, 2008 letter from Jennifer Hecker of the Conservancy of Southwest Florida to Paul Souza of US Fish and Wildlife Service related to the proposed Florida Panther Protection Plan
- Appendix C** July 1, 2008 letter from Nicole Ryan of the Conservancy of Southwest Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program and other possible changes to the Rural Lands Stewardship Area Overlay
- Appendix D** June 29, 2008 letter from 1000 Friends of Florida to Ron Hamel and the RLSA Review Committee regarding the proposed Panther Protection Program
- Appendix E** June 16, 2008 letter to Thomas Reese from Charles Gauthier of the Florida Department of Community Affairs relative to possible changes to the Collier County Rural Lands Stewardship Area

Overlay

Appendix F Undated July 1, 2008 presentation from Andrew McElwaine, President and CEO of the Conservancy of Southwest Florida to the Rural Lands Stewardship Area Review Committee

ECPO Comments [Attachment O]: The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRAs:

- Hamlets are not a permitted form of SRA [proposed to be deleted]
- Towns shall not be more than 5,000 acres [increased from 4,000 acres to 5,000 acres]
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages [1,000 acres].
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

WilsonMiller Comments: [Appendix N]

Staff Comments: none

Committee Deliberations: Mr. Cornell stated that hamlets are too small to be self sustaining and could be seen as “controlled sprawl”.

Committee September 30, 2008 Action: The Committee voted unanimously to recommend the amendment to Policy 4.7 as shown.

Policy 4.7.1 (recommended amendment)

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be ~~not less than 1,000~~ greater than 1,500 acres and up to or more than 4,000 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal mobility plan, which shall include a transfer station or park and ride area that is appropriately located within the town to serve the connection point for internal and external public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, ~~in a ratio as provided~~ described in Policy 4.15 4.15.1. Towns may also include those compatible corporate office, ~~research, development companies,~~ and light industrial uses such as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE, and those included in Policy 4.7.4. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns ~~are shall be~~ included in the LDC Stewardship District. Towns shall not be located within the ACSC.

Public Comments:

Towns shall not exceed 5,000 acres. [submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]

WilsonMiller Comments: [Appendix N]

Staff Comments: Policy 4.15 was previously deleted and replaced with new Policies 4.15.1, 4.15.2, and 4.15.3. The above amendments would harmonize Policy 4.7.1 with these three new policies. [Comprehensive Planning]

Committee September 30, 2008 Action: The Committee tabled action pending a report back from the Transportation Planning Department and ECPO. Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks.

Committee Deliberations and Public discussion on November 10, 2008: Nick Casalanguida stated that the word, “may”, should be changed to “shall” in the proposed new sentence included in the first paragraph. Tom Jones stated that he is comfortable with that change. Tammie Nemecek explained the minor changes to paragraph 2. Brian Gogen suggested adding “development companies” as a uses which may be permitted in Towns. Tammie Nemecek stated that she felt that would be a good addition.

Committee action taken on November 10, 2008: The Committee voted unanimously to recommend the amendments to Policy 4.7.1 as shown above.

Committee March 3, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.7.2 (recommended amendment)

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be greater not less than 100 acres and up to ~~or more than~~ 1,000 acres inside the Area of Critical State Concern and up to ~~not more than~~ 1,500 acres outside the Area of Critical State Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community’s support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District. Villages greater than 500 acres shall include an internal movility plan which shall include a transfer station or park and ride area that is appropriately located within the village to serve the connection point for internal and external public transportation.

Public Comments:

Outside the Area of Critical State Concern, Villages shall not exceed 1,500 acres. Inside the Area of Critical Concern, the current Collier County RLSA Overlay standards shall apply to Villages. **[submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]**

WilsonMiller Comments: [Appendix N]

September 30, 2008 discussion Nicole Ryan stated that, rather than increase to size of a village, the density should be consiereed for an increase. **Mr. Eidson** asked what the problem would be in increasing the maximum size of a village. Christian Spilker stated that the is related to the elimination of hamlets because it is difficult to develop hamlets from an economic standpoint because there is a substantial commercial requirement if over 1000 acres in size. He stated that villages with a larger footprint are easier to develop. **Mr. Jones** restated what Mr. Spilker stated. **Mr. Priddy** stated that he concurs with the 1,500 maximum allowable acre amendment. Anita Jenkins state that she also agreed with this amendment, stating that open space requirements on a 1,000 acre SRA would limit development on 650 acres which is not enough land to justify proceeding economically with a village. **Mr. McDaniel** stated that he did not disagree with Ms. Ryan about raising densities, but stated that doing such may not be feasible.

Staff Comments: none

Committee Deliberations: see previous paragraph.

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.7.2 as shown in the second and third lines of said Policy.

Committee Deliberations on November 10, 2008: Tammie Nemecek stated that the addition of the 4th sentence from the bottom of this Policy is needed to refer to a new proposed Policy 4.7.4.

Staff comments: none

Committee action on November 10, 2008: The Committee voted unanimously to approve the additional sentence, “Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages.”

Committee March 3, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.7.3 (recommended deletion)

~~Hamlets are small rural residential areas with primarily single family housing and limited range of convenience oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five acre lot rural subdivisions currently allowed in the baseline standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Attachment C. Hamlets may be an appropriate location for pre K through elementary schools. Design criteria for Hamlets shall be included in the LDC Stewardship District. To maintain a proportion of Hamlets to Villages and Towns, not more than 5 Hamlets, in combination with CRDs of 100 acres or less, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional Hamlets, in combination with CRDs of 100 acres or less, may be approved for each subsequent Village or Town.~~

Public Comments:

Hamlets will be eliminated as a form of SRA [submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]

ECPO Comments [Appendix O]: The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRAs:

- Hamlets are not a permitted form of SRA [proposed to be deleted]
- Towns shall not be more than 5,000 acres [increase from 4,000 acres to 5,000 acres]
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages [1,000 acres]
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

WilsonMiller Comments: [Appendix N]

Staff Comments: none

Committee Deliberations: The Committee felt that Hamlets are too small to be self-sustaining communities and are more a form of planned urban sprawl [see Committee deliberations related to Policy 4.7]

Committee September 30, 2008 Action: The Committee voted unanimously to delete Policy 4.7.3 as it relates to hamlets which are proposed for deletion.

Policy 4.7.4 4.7.3 (recommended amendment)

~~Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. shall support and further Collier County’s valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, convenience retail, tourism or recreation. A CRD may include, but is not required to have permanent residential housing; and the services and facilities that support permanent residents. and the services that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. A CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter nor more than 5 additional CRDs of 100 acres or less, in combination with~~

~~Hamlets, may be approved of each subsequent Village or Town. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less may be approved prior to each subsequent Village or Town. –There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~

Public Comments:

1. Compact Rural Developments (CRDs) seem to be too loosely designated and could provide a loophole for increased development in areas that are already built up. A CRD of 100 acres or less seems to be a meaningless designation and it is my belief that this type of development could be dropped. **[Judith Hushon]**
2. Compact Rural Development (“CRD”) shall include, as a permitted use, eco tourism lodging, recreational hunting and fishing enterprises, and family homesteads for the Rural Landowners. **[submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]**

ECPO Comments [Appendix O]: The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA’s:

- Hamlets are not a permitted form of SRA [propose to eliminate]
- Towns shall not be more than 5,000 acres [increase from 4,000 acres to 5,000 acres]
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages [1,000 acres]
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

WilsonMiller Comments: [Appendix N]

Staff Comments: The language amendments were provided by ECPO via Wilson Miller **[Appendix N]**. **[Comprehensive Planning]**

Committee Deliberations: The Committee discussed the character, role and the need for CRDs in the RLSAO. [Also see the public discussion on November 10 which follows.]

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.7.4 as shown and renumber it to Policy 4.7.3.

Public discussion on November 10, 2008 [Appendix R]: Tammie Nemecek stated that the only additional sentence being added is the fourth sentence and that she would like to change the word “shall” to “may”. Gary Eidson stated that the word “compatible” could be added after the word “scaled”. Judy Hushon stated that she does not like industry in CRDs and felt that it should be limited to Towns and Villages. Nancy Payton stated that she felt the same but there are nature and agricultural based uses that would be appropriate and that the compatibility issue can be addressed in the LDC. Tom Jones agreed with Nancy Payton. Gary Eidson asked if CRDs, as proposed, are not morphing into Hamlets. Anita Jenkins pointed out that the first two sentences point out that the uses must be in support of agriculture, natural resources and economic diversity and that the CRDs must demonstrate a set of uses to further these attributes within the RLSA. Mr. Farmer stated that the CRDs must be very small in size. Mr. Wolfley stated that he is concerned about an intense use being placed on a 100-acre site. Russ Priddy stated that he might do two or three CRDs and asked what if someone wanted to do agricultural research, etc. He stated that the door needs to be left open for these uses. Mr. Jones stated that a use might be a fishing lodge. Anita Jenkins stated that the Committee needs to address the intent of the CRD as it is now written. Judy Hushon stated that CRDs should be limited to environmental and agricultural uses. Brad Cornell stated that the word “shall” may be too strong and that it should be changed to “may” as uses are not permitted by right and that there will be a need for strong LDC language. After further discussion both Gary Eidson and Tom Jones agreed to amend the motion by substituting “may” for “shall” and inserting the word “compatible” after the word “scaled”.

Staff comment: none

Committee action on November 10, 2008: The Committee voted unanimously to add the fourth sentence with the two changes of changing “shall” to “may” and adding the word “compatible” following the word “scaled”.

Committee March 3, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.7.4 (new policy)

Existing urban areas, Towns and Villages shall be the preferred location for business and industry within the RLSA, to further promote economic development, diversification and job creation.

Public discussion on November 10, 2008 [Appendix R]: Tammie Nemecek stated that she would like to add environmental research and agricultural research to the use of permitted uses. Brad Cornell stated that he would like to see the words, “existing urban areas” added at the beginning of the Policy as this is a preferred location of business as the infrastructure is already in place. Nancy Payton asked to have CRDs eliminated as preferred locations for business and industry although such would not necessarily prohibit such uses and that “environmental research” and “agricultural research” be listed as examples of permitted uses. Tammie Nemecek stated that she is comfortable with the changes promoted by Brad Cornell and Nancy Payton.

WilsonMiller Comments: [Appendix N]

Staff comments:

Committee action on November 10, 2008: The Committee voted, 7-1, to recommend the creation of new Policy 4.7.4 as outlined above, including all changes discussed.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.8

An SRA may be contiguous to a FSA or HSA, but shall not encroach into such areas, and shall buffer such areas as described in Policy 4.13. A SRA may be contiguous to and served by a WRA without requiring the WRA to be designated as a SRA in accordance with Policy 3.12 and 3.13.

Public Comments:

1. Buffers from wildlife habitat were established at distances that did not adequately address hydrologic impacts. The hydrological impacts of agricultural uses are far different than the uses of a town or village and these need to be better understood to assure no impacts to surrounding wetlands. Agricultural control elevations should be compared for compatibility with changes brought on by development. **[Mark Strain]** Note: Also relates to Policy 4.12 and 4.13

ECPO Comments [Appendix O]: We are not aware of any data that supports the opinion that buffers are inadequate. Buffers were included within the RLSA program as a land use planning technique to provide a transition between receiving areas and natural areas, primarily for the benefit of water quality and wildlife. The state and federal wetland permitting procedures meticulously review existing wetland hydroperiod data, proposed surface water management designs, outfall control elevations, etc., with the expressed purpose of preventing hydrologic impacts to surrounding wetlands. The SFWMD Basis of Review for Environmental Resource Permits details these procedures. Permits are not issued until the applicant can demonstrate that the proposed activity does not hydrologically impact these wetlands, regardless of the buffer location or distance. As part of the Environmental Resource permitting process, control elevations are determined based on average wet season water table elevation as typically determined by hydro-biological indicators, soil types, ground water well monitoring data, and surrounding permitted control elevations.

2. 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. Note: Also relates to Policy 4.12 and 4.13 **[Conservancy]**

ECPO Comments [Appendix O]: The most current peer-reviewed research on panther habitat utilization concluded, “[Our] results indicated that forests are the habitats selected by panthers and generally support the current United States

Fish and Wildlife Service panther habitat ranking system.” (Land, Shindle et. al., 2008). This research employed GPS collars to characterize panther habitat selection during nocturnal and diurnal periods, and compared GPS data to standard diurnal VHF radiotelemetry data. As such, this research does represent “the best available Florida panther science” and does not support the Conservancy’s contention that the RLSA panther habitat methodology needs to be revised.

3. 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. Note: Also relates to Policy 4.12 and 4.13
[Conservancy]

ECPO Comments [Appendix O]: ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

Staff Comments: Buffer requirements for FSAs and HSAs for adjacent SRAs allow open space uses such as required yards and lakes immediately adjacent to them. There should be a minimum buffer with no area of impact. **[Engineering and Environmental Services Department]** Note: Also relates to Policy 4.12 and 4.13.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.8 unchanged.

Policy 4.9 (recommended amendment)

A SRA must contain sufficient suitable land to accommodate the planned development in an environmentally acceptable manner. The primary means of directing development away from wetlands and critical habitat is the prohibition of locating SRAs in FSAs, and HSAs, and WRAs. To further direct development away from wetlands and critical habitat, residential, commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within a SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. In addition, conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. Infrastructure necessary to serve permitted uses may be exempt from this restriction, provided that designs seek to minimize the extent of impacts to any such areas. The Index value of greater than 1.2 represents those areas that have a high natural resource value as measured pursuant to Policy 1.8. Less than 2% of potential SRA land achieves an Index score of greater than 1.2.

Public Input: WilsonMiller Comments: [Appendix N]

Staff Comments: Listed species that utilize uplands are not adequately protected by the NRI score. It is thought that this need is limited. However, the designation of the Ave Maria SRA did identify a caracara nest and habitat areas that did not score greater than 1.2. There were numerous listed species in farm ditches, fallow fields, and marshy areas within pastures. The only native habitat with protected species was some small remnant marshes within the pastures. The SSAs created to enable this SRA removed the development rights (except for agriculture and essential services) from approximately 13,352 acres of a mixture of pasture and row crop fields. Staff is uncertain whether the increase in NRI score would result in more on-site preservation of habitat. **[CDES Environmental Services]**

Public discussion on September 30, 2008. Mr. McDaniel stated that the environmental provisions being advanced could be put into the NRI and/or LDC. Mr. Cornell stated that the language seems focused so that one does not have to use credits and is persuaded that it is something that should be considered. Mac Hatcher stated that the NRI scores will not protect these nests as the bald eagle is no longer a listed species. Mr. McDaniel asked if there could not be an adjustment to the NRI. Mac Hatcher stated that adjustment to the NRI score would be very complicated and difficult to do. Mr. Jones stated that he opposed to the language proposed because we might be looking at protecting nests in ditches and because

the RLSA program is not set up to address all listed species and that he is not comfortable with the language proposed. He further stated that Policy 4.9 is not broken. Mr. Eidson asked if there is enough protection...Mr. Jones says yes and the county says no. He stated that he feels the DCA looks at agricultural protection first and environmental protection second and, because of that, he would not favor adding the environmental language. Tim Durham stated that the environmental protections are already in place and that he could not see where the added language would add value or solve a problem. Mr. Jones stated that he would like to keep in the sentence which provided exemptions for infrastructure necessary to serve permitted uses. Nancy Payton asked why one would construct a road through a critical habitat area. Mr. Jones stated that the language referring to critical habitat area should be stricken as it has not been defined.

Committee Deliberations: See previous paragraph.

Committee September 30, 2008 Action: The Committee voted 7-1 to keep the language amendment in the second sentence and the additional sentence exempting infrastructure necessary to serve permitted uses from the restriction and that all the other language provided by Environmental Services not be included in the amended Policy 4.9.

Policy 4.10 (recommended amendment)

Within the RLSA Overlay, open space, which by definition shall include public and private conservation lands, underdeveloped areas of designated SSAs, agriculture, water retention and management areas and recreation uses, will continue to be the dominant land use. Therefore, open space adequate to serve the forecasted population and uses within the SRA is provided. To ensure that SRA residents have such areas proximate to their homes, open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, or Village. ~~or those CRDs exceeding 100 acres.~~ Lands within a SRA greater than one acre with Index values of greater than 1.2 shall be retained as open space, except for the allowance of uses described in Policy 4.9. As an incentive to encourage open space, such uses within a SRA, ~~located outside of the ACSC,~~ exceeding the required thirty-five percent shall not be required to consume Stewardship Credits but shall not be counted as part of the SRA acreage.

Public Comments: Wilson Miller **Comments:** [Appendix N]

Staff Comments: none

Committee Deliberations: The Committed consensus is that these amendments are needed in order to harmonize the Policies within Group 4 of the RLSA Overlay and incorporate the Wilson Miller and ECPO comments.

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.10 as outlined by Wilson Miller and ECPO.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.11

The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose. Where existing agricultural activity adjoins a SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.11 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.11 unchanged.

Policy 4.12

Where a SRA adjoins a FSA, HSA, WRA or existing public or private conservation land delineated on the Overlay Map, best management and planning practices shall be applied to minimize adverse impacts to such lands. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the adjacent FSA, HSA, WRA or conservation land. Detention and control elevations shall be established to protect such natural areas and be consistent with surrounding land and project control elevations and water tables.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.12 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.12 unchanged.

Policy 4.13

Open space within or contiguous to a SRA shall be used to provide a buffer between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the Overlay Map. Open space contiguous to or within 300 feet of the boundary of a FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required yard and set-back areas, and other natural or man-made open space. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area south of Immokalee Road, this open space buffer shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.13 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.13 unchanged.

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 and private roads within an SRA shall be maintained by the SRA it serves. Signalized intersections within or adjacent to an SRA that serves the SRA shall be maintained by the SRA 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.

Public Comments:

1. Vesting issues and concurrency were not adequately addressed and as a result separate developer contribution agreements are being created that provide excessive development rights beyond those contemplated in the original SRA.DCA's should not be allowed until an SRA is approved in order to better understand the impacts from the SRA. [Mark Strain]

ECPO Comments [Appendix O]: Policy 4.14 of the RLSA Overlay subjects all SRAs to the County's adopted Concurrency Management System. Developer Contribution Agreements are used throughout Collier County as a mechanism to address concurrency issues through public-private partnerships to improve the transportation network. All such agreements are subject to Board of County Commissioner approval and must be found consistent with the Growth Management Plan and Land Development Code. In order to assure the impacts of an SRA (or any development) are addressed and mitigated, Developer Contribution Agreements are approved either prior to or concurrent with approval of the development. DRI's, such as Ave Maria, are thoroughly analyzed because of the Regional Planning Council staff and other reviewing entities analyses and the transportation and other impacts are well understood prior to approval of the SRA.

2. An analysis is needed to determine how is the long range transportation plan is coordinated with the transportation needs plan and the transportation financially feasible plan for this area. Using the 5-year modeling of the GMP is inadequate for an area the size of the RLSA and we should be analyzing the SRA's on their impact to the 30-year build out study.[Mark Strain]

ECPO Comments [Appendix O] : The coordination of long range transportation planning with future land use planning is a continuous process. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Given that the future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that, in the past, neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. To address this need, three separate efforts are underway today that will provide a better understanding of the future transportation needs of the RLSA. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. In addition to the two County studies, the Eastern Collier Property Owners (ECPO) have undertaken the task of developing a long-range conceptual plan for the RLSA that depicts one possible scenario of how environmental and agricultural lands, and lands suitable for development can fit within the program. While the areas with the highest environmental value were clearly defined in the current RLSA Program, lands that would be most suitable for long-term agriculture and likewise those lands most suitable for long-range development potential were not clearly understood. ECPO has identified one potential development concept plan that quantifies and locates the amount of development envisioned at a build-out horizon. While it is only one possible configuration, it does allow for a conceptual roadway needs analysis to be performed, and allows for a basis of establishing viable corridors that can be further explored through regular County and State transportation planning channels. ECPO is working closely with the County in an effort to bring all three of these studies into alignment. All of these tools should help in the long term evaluation of the transportation needs of the County. Now, five years after inception, we have a better understanding of how the RLSA will "grow up" and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system of the future.

Staff Comments: Provide for direct connections between traffic-generating developments so as to reduce travel time, travel expenses, improve interconnectivity, and to keep the use of county arterial roads to a minimum when traveling between developments in the RLSA [**Transportation Division**]

Committee September 30, 2008 Action: The Committee tabled action pending a report back from the Transportation Planning Department and ECPO. Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks.

Public discussion on November 10, 2008: Nick Casalanguida stated that the language proposed is now in two paragraphs rather than the existing one paragraph and has been developed in working with ECPO. Gary Eidson asked about the Open Lands and if no development occurs in such lands. Laurie McDonald stated that "DCA" should be spelled out because of possible confusion with the Department of Community Affairs. Nancy Payton stated that the language on mitigation needs to be clarified as to whether it is environmental or transportation impact. Nick Casalanguida stated that the intent is transportation mitigation. Dave Wolfley stated that the word "Credits" should be capitalized and not to use the DCA abbreviation. After further discussion concerning language in the new second paragraph the Committee asked Nick Casalanguida, Nancy Payton, and ECPO to resolve and clear up ambiguities and report back to the Committee when resolved. Later in the meeting, Nick Casalanguida read the proposed new language for the second paragraph and stated that this language was agreed to by those meeting this morning.

Committee action on November 10, 2008: The Committed voted unanimously to approve the above language amendments to Policy 4.14.

Committee action on December 18, 2008: The Committee heard from Nick Casalanguida of the need to amend the November 10-approved first sentence of the second paragraph of this policy so that it reads as shown and voted unanimously to make this amendment. No person from the public spoke.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.15.1 (recommended amendment)

SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, and 4.7.3-4.7.4 and **Attachment C**. An appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community wide needs of residents of the RLSA. Depending on the size, scale, and character of a SRA, such uses may be provided either within the specific SRA, within other SRAs in the RLSA or within the Immokalee Urban Area provided the capacity of those adjoining area's facilities as described in Attachment C to be utilized by the newly created SRA can demonstrate sufficient capacity exists for their desired uses per the standards of Attachment C. By example, each Village or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses, however, the combined population of several Villages ~~and Hamlets~~ may be required to support community scaled retail or office uses in a nearby Town. Standards for the minimum amount of non-residential uses in each category are set forth in Attachment C, and shall be also included in the Stewardship LDC District.

Public Input:

Wilson Miller Comments: [Appendix N]

Staff Comments: none

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.15.1 as shown to harmonize with the elimination of hamlets as an SRA.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.15.2

The Board of County Commissioners (BCC) may, as a condition of approval and adoption of an SRA development, require that suitable areas for parks, schools, and other public facilities be set aside, improved, and/or dedicated for public use. When the BCC requires such a set aside for one or more public facilities, the set aside shall be subject to the same provisions of the LDC as are applicable to public facility dedications required as a condition for PUD rezoning.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.15.2 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.15.2 unchanged.

Policy 4.15.3

Applicants for SRA designation shall coordinate with Collier County School Board staff to allow planning to occur to accommodate any impacts to the public schools as a result of the SRA. As a part of the SRA application, the following information shall be provided:

1. Number of residential units by type;
2. An estimate of the number of school-aged children for each type of school impacted (elementary, middle, high school); and
3. The potential for locating a public educational facility or facilities within the SRA, and the size of any sites that may be dedicated, or otherwise made available for a public educational facility.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.15.3 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.15.3 unchanged.

Policy 4.16 (recommended amendment)

A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the form of SRA development, accepted civil engineering practices, and LDC requirements. The capacity of essential services and infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes, but not limited to, transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. Transportation infrastructure is discussed in Policy 4.14. Centralized or decentralized community water and wastewater utilities are required in Towns and Villages, and those CRDs exceeding one hundred (100) acres in size, and may be required in CRDs ~~that are one hundred (100) acres or less in size,~~ depending upon the permitted uses approved within the CRD. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community Development District, the Immokalee Water Sewer Service District, Collier County, or other governmental entity. Innovative alternative water and wastewater treatment systems such as decentralized community treatment systems shall not be prohibited by this policy provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD of 100 acres are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems ~~are permitted in Hamlets and~~ may be permitted in CRDs of 100 acres or less in size.

Public Comments:

1. Impacts on certain elements of regional infrastructure were not given adequate analysis. Hurricane evacuation and shelters space, health care facilities and affordable housing as example, were not adequately addressed and minimum standards should be considered as guidelines for SRA approval. **[Mark Strain]**

ECPO Comments [Appendix O]: Infrastructure is defined by Collier County as drainage (water management), roads, potable water and sanitary sewer facilities pursuant to the Code of Laws and Ordinance of Collier County, Section 106-32. RLSA Policy 4.16 requires that infrastructure be analyzed with each Stewardship Receiving Area application, and also includes irrigation water and solid waste. It states:

“A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the type of development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste.”

While hurricane shelter space, health care facilities and affordable housing are each important types of facilities, they are not defined as infrastructure and not subject to concurrency management. However, every Town or Village in excess of 2000 units will be required to undergo DRI review, where regional issues such as hurricane evacuation, health care, and affordable housing are addressed in accordance with State Law.

With respect to hurricane evacuation, the RLSA is the least vulnerable part of Collier County as demonstrated by the fact that no part of the RLS falls within a Landfalling Storm Category 1-4 map zone. Accordingly, it is the area least likely to require evacuation. In implementation, Ave Maria provided hurricane shelter for coastal residents within the university buildings, and in cooperation with Emergency Services, provided storage space for emergency supplies that can be used throughout the county.

Planning for health care can only be properly addressed once specific SRAs are proposed. Hospitals must go through a separate state needs analysis before any new hospital can be built. These items are addressed by SRA and DRI review procedures.

The need for affordable housing was contemplated during the formation of the RLSA. The GMP policies, Stewardship Receiving Area Characteristics chart, and associated LDC standards state that the densities associated with a town, village, hamlet or CRD can be increased beyond the base density through the affordable housing density bonus. Section

2.06.01.C of the LDC specifically addresses the affordable housing density bonus within the RLS. Specific affordable housing conditions for a particular project are determined during the review and approval process for an SRA (similar to the PUD and/or DRI review/approval process). Affordable housing was provided at Ave Maria in a ratio well in excess of any other large scale community in Collier County. All infrastructure is carefully analyzed and considered throughout the public hearing process.

2. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. **[Mark Strain]**
3. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts. **[Conservancy]**

ECPO Comments [Appendix O]: Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly.

4. As it is universally recognized that the wide-scale use of septic systems as a long term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval. **[Conservancy]**

ECPO Comments [Appendix O]: RLS Policy 4.16 indicates that interim septic systems are permitted within towns, villages and CRD's greater than 100 acres, and individual septic systems are permitted within hamlets and CRD's less than 100 acres. The conversion of septic systems to centralized or decentralized community wastewater utilities is managed through the permitting process and additional provisions in the GMP are not necessary.

5. New roads and road improvements including potential 1-75 interchange must be included **[FWF]**

ECPO Comments [Appendix O]: Proper planning for new roads and road improvements including a potential 1-75 interchange is the product of coordination between long-range transportation planning and future land use planning. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. The Eastern Collier Property Owners have prepared a Concept Plan that demonstrates one (of many) possible land use scenarios, Additionally, ECPO has prepared a preliminary transportation network analysis that supports that Concept Plan, and will be working closely with the County planners to achieve a consistent and comprehensive analysis of the future potential of the RLSA. Together these tools should help in the long term evaluation of the transportation needs of the County. Today, there is a better understanding of how the RLSA is likely to mature over time and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system improvements of the future.

6. Each new development should have to identify traffic contributions, water usage and other resource requirements at the time they are being planned. You may want to consider the changes in these variables from agriculture to increased density. **[Judith Hushon]**

ECPO Comments [Appendix O]: See response to number 1 above.

WilsonMiller Comments: [Appendix N]

Staff Comments: Interconnectivity between traffic generating developments in SRAs is consistent with Policy 7.3 of the Future Land Use Element of the Growth Management Plan which states: “All new existing developments shall be encouraged to connect their streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type. [Transportation]

Committee September 30, 2008 Action: The Committee voted unanimously to recommend the amendment to Policy 4.16 as shown by leaving in the ECPO proposed addition and strikethroughs to harmonize the language with language related to hamlets and CRDs previously approved and not to include any of the staff-recommended language.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy.

Policy 4.17

The BCC will review and approve SRA designation applications in accordance with the provisions of Policy 1.1.2 of the Capital Improvement Element of the GMP and public facilities pursuant to Policy 1.1 of the Capital Improvement Element in addition to the following: jails, law enforcement, emergency medical services, fire service, government buildings and libraries .for Category A public facilities. Final local development orders will be approved within a SRA designated by the BCC in accordance with the Concurrency Management System of the GMP and LDC in effect at the time of final local development order approval.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee consensus was that Policy 4.17 is acceptable in its current language.

Committee September 30, 2008 Action: The Committee voted unanimously to leave Policy 4.17 unchanged.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy but also voted to add “of the Capital Improvements Element” directly following “Policy 1.1”.

Policy 4.18 (recommended amendment)

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

In the event that a SRA development generates surplus revenues to Collier County, Collier County may choose to allocate a portion of such surplus revenues to ensure that sufficient resources are available to allow Collier County to respond expeditiously to economic opportunities and to compete effectively for high-value research, development and commercialization, innovation, and alternative and renewable energy business projects.

Public Comments:

1. Fiscal impact analysis model (FIAM) minimum standards should be no less than minimum county wide standards as a conservative approach until historic data is acquired. This will provide the maximum protection to the taxpayers. The analysis needs to be re-visited and the development provided corrections made every year and include accurate absorption rates, traffic capture rates and sales demographics, all of which have significant effects on the outcome of the FIAM. [Mark Strain]

ECPO Comments [Appendix O]: FIAM was adopted by the Board of County Commissioners on October 24, 2007, as the official model for review of DRI’s, and projects within the RLSA. Since the County has adopted FIAM, it is advisable for the County to keep the calibrated items up to date with the most current data available and meeting County-wide standards, such as current budgets, persons per household, millage rates, etc. Similarly, when an applicant prepares a FIAM for a specific project, the FIAM will be populated with the initial data projected for the project and subsequently

with the most current data available at the five year interval or phasing dates to reflect adjusted development plans including sales prices, absorption rates, etc.

Policy 4.18 of the Rural Lands Stewardship Area Overlay District (“RLSAO”) and Section 4.08.07.L of the Collier County LDC both require an SRA applicant to submit a FIAM as a part of the application for SRA approval, and each 5 years after approval. An annual fiscal analysis and review would not be appropriate as it would not account for the dynamics of the land development process, the cyclical nature of the economy, nor would it account for the period of time necessary for a community to reach a point in its growth where a stabilized balance of population, facilities and services are reached. The LDC specifically requires that the project demonstrate fiscal neutrality every five years as noted below:

“ Monitoring Requirement. To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report ("Report") every five (5) years until the SRA is ninety (90) percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.”

The five year or phase measurement was determined to be an appropriate timeframe by all parties participating in the creation of the RLSA program due to the above mentioned reasons and the fact that there are significant fiscal variations from year to year. This timeframe allowed for the project to stabilize and to account for economic cycles.

In cases where a project does not meet its estimated absorption schedule, then it may not generate the projected revenues, however, there will also be a corresponding reduction in the cost of public services. Therefore, any measurement must be in terms of net fiscal impact, not just revenue shortfall.

2. Water storage areas that SFWMD allowed for Ag are allowed to be used for development storm water as well, yet these areas were not required to be included in development acreages nor analysis provided to determine effects of this additional use. This occurs for many uses within the developmental areas, thus making it appear as though development is using less acreage when in fact the impacts from development may cause changes to the water quality and quantity in land that is not part of the SRA. [Mark Strain]

ECPO Comments [Appendix O]: ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

Public discussion on September 30, 2008 Mr. Greenwood stated that the staff-proposed language is intended to follow the annual fiscal budgeting which the county does, both for operating and capital expenditures and revenues and proposes a fiscal neutrality check every year rather than every five years. This would be consistent with the AUIR and the Capital Improvements Element done each year and the CIE must show committed revenues for projects during the first 3 years of the CIE, stating that showing impact fees as a major source of committed revenues may be misleading as impact fees are very difficult to predict lately due to the decline in construction in recent years. Mr. Farmer stated that 5 years may be too long, but that one year may be too short. Russ Weyer stated that Fishkind and Associates developed the FIAM used by the County and that the 5 years review was chosen because it allows the SRA to get established and stabilize. He stated that 50% for transportation purposes were paid up front for the Town of Ave Maria. He referred to the Developer Contribution Agreement as providing for other sources of private contribution. Mr. Eidson stated that he feels the language in this policy should be reflective of the language in the LDC. He wondered who makes up the financial gap and what happens if revenues are not available. Mr. Greenwood stated that some projects may be delayed or scaled back to fall within available revenues. Mr. Weyer stated that the revenues fall into two categories...operating and capital. He stated that when a project is not developing as fast as planned the operating costs of the county are not as high as they would be if development were occurring faster. Mr. Jones stated that he has an issue with a FIAM on an annual basis. He stated that the first few years is not a good measure for fiscal neutrality. He stated that he prefers the existing Policy 4.18 language. Mr. Al Reynolds stated that he feels the existing language is appropriate.

Staff Comments: This Policy language should be modified to reflect the language which is already included in LDC Section, 4.08.07 K.L.2 and LDC Section 4.08.07 K.L.3 as copied below from the LDC. [Comprehensive Planning]

- LDC Section, 4.08.07 K. L. 2. – “Monitoring requirement, To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report (“Report”) every five (5) years until the SRA is ninety percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.”
- LDC Section, 4.08.07 K. L. 3. – “Imposition of Special Assessments. If the Report identifies a negative fiscal impact of the project to a unit of local government referenced above, the landowner will accede to a special assessment on his property to offset such a shortfall or in the alternative make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall for a period covering the previous phase (or five year interval). The BCC may grant a waiver to accommodate affordable housing.”

Committee September 30, 2008 Action: The Committee voted 7-1 to leave Policy 4.18 unchanged. .

Public discussion on November 10, 2008 [Appendix R]: Tammie Nemecek explained the rationale for this language. Judy Hushon stated that a CRD might provide such surplus revenues. Laurie McDonald asked if such surplus revenues could be used for environmental purposes. Tammie Nemecek stated that the purpose of the revenues is to further economic development. Brian Goguen stated, as chair elect of the EDC, that he supported this language.

Staff comments: none

Committee action on November 10, 2008: The Committee voted unanimously to recommend the additional language to Policy 4.18.

Committee March 12, 2009 action taken: The Committee unanimously accepted the CCPC recommendations contained in its March 5, 2009 report to the BCC regarding this policy with the exception that the words, “including any related impact to Collier County outside of those directly generated by the SRA may” be stricken.

Policy 4.19 (recommended amendment)

Eight Credits shall be required for each acre of land included in a SRA, where such Credits were created from a Stewardship Sending Area deemed vested under the eight Credit ratio. Ten Credits per acre shall be required for each acre of land included in a SRA, where such Credits were created from any other Stewardship Sending Area. ~~except for~~ Open space in excess of the required thirty-five percent as described in Policy 4.10 or for land that is designated for a public benefit use described in Policy ~~4.19~~ 4.20 do not require use of Credits. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation entitles a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of a SRA, as provided for in Policies 4.7, ~~4.15~~ 4.15.1 and Attachment C. Such uses shall be identified, located and quantified in the SRA master plan.

Public Comments:

1. The conversion ratio used to create Stewardship Credits should have been reviewed and applied in a model as the maximum scenario for development. The averages that were used understated the growth potential. Future adjustments should be based on a maximum impact analysis to assure a conservative approach for taxpayers.
[Mark Strain]

ECPO Comments: See the memo to Tom Greenwood from WilsonMiller dated September 18, 2008 [Appendix H].

Staff Comments: In the third line of Policy 4.19 the reference to Policy 4.19 needs to be corrected to reference Policy 4.20. Policy 4.15 was deleted and Policy 4.15.1 is now the correct reference. [Comprehensive Planning]

Committee Deliberations: The Committee discussed each of the changes and the information included in Appendix H.

Committee September 30, 2008 Action: The Committee voted unanimously to amend Policy 4.19 as shown which is consistent with previous actions taken by the Committee.

Policy 4.20 (recommended amendment)

The acreage of open space exceeding thirty five percent and a public benefit use shall not count toward the maximum acreage limits described in Policy 4.7 but shall not count toward the consumption of Stewardship Credits. For the purpose of this policy, public benefit uses include: public schools (preK-12) and public or private post secondary institutions, including ancillary uses; community parks exceeding the minimum acreage requirements of Attachment C, municipal golf

courses; regional parks; and governmental facilities ~~excluding essential services~~ as defined in the LDC. The location of public schools shall be coordinated with the Collier County School Board, based on the interlocal agreement 163.3177 F.S. and in a manner consistent with 235.193 F.S. Schools and related ancillary uses shall be encouraged to locate in or proximate to Towns, ~~and Villages, and Hamlets~~ subject to applicable zoning and permitting requirements.

Public Comments:

1. In order to ensure that the maximum size of a town is limited to 4,000 acres, the Conservancy believes that all town uses, including schools and universities, should be incorporated into the maximum 4,000 acre footprint. **[Conservancy]**
2. Why is acreage for “Public Benefit” not included within the overall acreage calculation for any SRA **[CCPC]**

ECPO Comments [Appendix O]: ECPO recommends a revision to Policy 4.20 to include the acreage of a public benefit use towards the maximum acreage limits of a SRA.

Staff Comments: none

Committee September 30, 2008 Action: The Committee voted unanimously to approve the amendment to Policy 4.20 as shown.

Committee March 12, 2009 action: The Committee voted unanimously to accept the March 5, 2009 CCPC recommendations.

Policy 4.21 (recommended amendment)

Lands within the ACSC that meet all SRA criteria shall also be restricted such that credits used to entitle a SRA in the ACSC must be generated exclusively from SSAs within the ACSC. Further, the only form of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be ~~Hamlets and~~ CRDs of 100 acres or less and the only form of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be CRDs and Villages ~~and CRDs~~ of not more than 300 acres ~~and Hamlets~~. Provided; ~~not more than 1000 acres of SRA development in the form of Villages or CRDs however, that two Villages or CRDs of not more than 500 acres each,~~ not more than 1000 acres of SRA development in the form of Villages or CRDs ~~however, that two Villages or CRDs of not more than 500 acres each,~~ exclusive of any lakes created prior to ~~the effective date of this amendment~~ June 30, 2002 as a result of mining operations, shall be allowed in areas that have a frontage on State Road 29 and that, ~~as of the effective date of these amendments,~~ had been predominantly cleared as a result of Ag Group I or Earth Mining or Processing Uses. This policy is intended to assure that the RLSA Overlay is not used to increase the development potential within the ACSC but instead is used to promote a more compact form of development as an alternative to the Baseline Standards already allowed within the ACSC. No policy of the RLSA Overlay shall take precedence over the Big Cypress ACSC regulations and all regulations therein shall apply.

Public Comments: none received

Staff Comments: none

Committee September 30, 2008 Action: The Committee voted unanimously to approve the amendment to Policy 4.21 as shown.

Committee March 12, 2009 action: The Committee voted unanimously to accept the March 5, 2009 CCPC recommendations.

Policy 4.22 (new policy)

When historic or cultural resources are identified within the RLSA through the SRA designation process, the applicant in conjunction with the Florida Division of State and Historic Resources will assess the historic or cultural significance and explore the educational and public awareness opportunities regarding significant resources.

Public discussion on November 10, 2008 [Appendix Q]: Noah Standridge presented the proposed Policy 4.22. Tom Jones asked if the Policy was intended just to promote. Gary Eidson asked who is going to determine historic or cultural resources to which Noah Standridge stated the County and the Florida Department of State Division of Historical Resources determine such at time of a development review. Gary Eidson questioned whether this Policy is superfluous. Noah Standridge stated that the Policy is intended to promote, once such is identified. Gary Eidson suggested moving the first clause to the back of the Policy. Christian Spilker stated that the State often keeps its responses to development reviews as quiet as possible because of the possibility of someone destroying or removing such if that information gets into the news media. Gary Eidson asked Noah Standridge to re-craft the language for each Policy and report back to the

Committee. This item and Policy 5.8 were temporarily tabled. Noah Standridge reappeared during the meeting and presented revised language for Policies 4.22 and 5.8 which was re-crafted with input from Christian Spilker and ECPO.

Staff comments: Tom Greenwood stated that if the County and State find an historic or cultural resource, then such must be preserved per the LDC. Final language for this GMP amendment will be subject to further substantive review for sufficiency and consistency with all elements of the GMP, the Final Order, and data and analysis sufficient to justify and support this GMP amendment. **[Comprehensive Planning]**

Committee action on November 10, 2008: The Committee voted unanimously to approve the language as re-crafted above.

Policy 4.23 (new policy)

Within one year of the effective date of this Policy LDC regulations shall be implemented for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security.

Committee action on November 10, 2008: The Committee voted unanimously to approve the language as re-crafted above.

Committee action on March 12, 2009: The Committee voted to approve the language above which is the same as proposed Policy 3.15.

Comments received that are not clearly associated with existing policies so therefore would require drafting new Group 4 policies.

1. Tie transportation planning to conservation goals

ECPO Comments [Appendix O]: Agreed.

Preface to Group 5 Policies

Group 5 Policies set the framework for protection of water quality and quantity and maintaining the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area Program **Appendices P and Q** are referred to by reference. Major Committee-recommended revisions to Group 5 Policies include:

Policy 5.4 (amendment)

This recommended amendment to Policy 5.4 provides language to establish a map of potential wildlife crossing within 12 months of the effective date of the GMP amendments to be used in evaluating community, cultural and historical, and transportation planning for the RLSA, including all SRAs described in Group 4 Policies.

Policy 5.5 (amendment)

This recommended amendment to Policy 5.5:

- deletes certain outdated references relative to the preparation of management plans;
- provides requirement for preparation of a management plan for the purpose of minimizing human and wildlife interactions between agricultural and non-agricultural lands uses; and
- provides for a monitoring program for developments greater than 10 acres.

Policy 5.7 (new)

This new Policy 5.7 requires that any development on lands not participating in the RLS program to be compatible with surrounding land uses and that outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security.

Policy 5.8 (new)

This new Policy 5.8 provides that assessment of historic or cultural resources be done when such are identified in the RLSA, including the assessment of such resource’s historic or cultural significance and the exploration of educational and public awareness opportunities regarding such significant resources.

Group 5 - Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program.

Policy 5.1

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs and designated Restoration Zones on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program - Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated, ~~in FSAs.~~ Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall ~~only not~~ be allowed in FSAs. Infrastructure necessary to serve permitted uses may be exempt from this restriction, provided that designs seek to minimize the extent of impacts to any such areas, with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

Public Comments:

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs. **[Conservancy]**

ECPO Comments [Appendix Q]: FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. The mix of land use activities within FSAs and HSAs are necessary to enable the delineation of the large interconnected systems.

The Group 5 policies collectively provide a set of minimum land development standards that apply only when a land owner does not participate in the RLS program. In the case of Policy 5.1, the FSA provision addresses a narrow issue of water quality within regional flow ways, where the more intensive land uses could impact offsite areas. Of the 31,100 acres of FSA, only 800 acres are active agriculture. Within the HSAs it has been confirmed by many biological experts,

including Darrel Land who spoke with the RLS Committee, that species are very adept at utilizing and traversing agriculture lands.

Committee deliberations on October 7, 2008 Mr. McDaniel moved and Mr. Cornell seconded to accept Mr. Cornell's rewording of Policy 5.1 as provided to the Committee by Mr. Cornell this morning. Mr. Jones stated that he is opposed to the language proposed as Policy 5.1 is not broken and does not need fixing. Mr. Cornell stated that this is a way to ensure that development does not occur on the edge of the OK Slough and the Camp Keais Strand. Mr. Jones stated that the County may be subjected itself to a taking of a property owner's rights and subject to litigation. Mr. Cornell stated that the owner would receive compensation if he chose to participate in the RLSAO. The Committee discussed that would entail a property owner losing rights to use that land and that setbacks in the LDC may be the way to handle this. Also, if a land owner loses rights to use his land through a government action a Bert Harris violation would likely occur and the County could be subject to a lawsuit.

Staff Comments: none

Committee Action taken on October 7, 2008: The Committee unanimously voted to amend Policy 5.1 by changing the period to a comma after the word "program" in the third line by adding the words, "and designated Flowway buffers" after "FSAs" in the second line and to change "only" to "not" in the second sentence.

Committee action taken on March 12, 2009: The Committee unanimously accepted the language proposed by the CCPC as contained in its March 10, 2009 Report to the BCC.

Policy 5.2

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are within the ACSC, all ACSC regulatory standards shall apply, including those that strictly limit non-agricultural clearing.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee could not determine a reason to amend this Policy.

Committee Action taken on October 7, 2008: The Committee voted unanimously to leave this Policy unchanged.

Policy 5.3 (recommended amendment)

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are not within the ACSC, if a property owner proposes to utilize such land for a non-agricultural purpose under the Baseline Standards referenced in Policy 1.5 and does not elect to use the Overlay, ~~these Group 5 policies following regulations are applicable,~~ shall be incorporated into the LDC, and shall supercede any comparable existing County regulations that would otherwise apply. These regulations shall only apply to non-agricultural use of land prior to its inclusion in the Overlay system.

Public Comments: none received

Staff Comments: none

Committee Deliberations: The Committee could not determine a reason to amend this Policy.

Committee Action taken on October 7, 2008: The Committee voted unanimously to leave this Policy unchanged.

Committee action taken on March 12, 2009: The Committee unanimously accepted the language proposed by the CCPC as contained in its March 10, 2009 Report to the BCC.

Policy 5.4 (recommended amendment)

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate. A map of these potential crossing locations will be developed within 12 months of the effective date of the Growth Management Plan Amendment and shall be incorporated into community, cultural and historical, and transportation planning for the RLSA, including all SRAs described in Group 4 Policies.

Public Input:

1. Stronger language for wildlife underpasses and a map of locations [FWF]

ECPO Comments [Appendix P]: The RLSA program provides a tremendous framework for facilitating the establishment of wildlife underpasses, by protecting large expanses of habitat with SSA lands. The actual need assessments, locating, design, and construction of wildlife underpasses occurs through the efforts of state and/or federal wildlife and transportation agencies, either as part of public works projects or as part of the regulatory process for development projects. As one example, FWC researchers continually evaluate the need for panther crossings, and have maps of existing and proposed panther underpasses.

2. Panther deaths on 846 are mentioned, but not those on Rte 29 or 41 east, which are many. **[Judith Hushon]**

ECPO Comments [Appendix P]: Panther deaths on Route 41 East are miles south of the RLSA, as are incidents on SR 29 south of the Sunniland mines. The panther-vehicle collisions on CR 846 east of Immokalee were considered when designating the FSA and HSA stewardship overlays in that area. SSA 3 and SSA 4 were later designated along that segment of CR 846 specifically to provide opportunities for future panther crossings.

Committee deliberations on October 7, 2008. Mr. Thomas stated that he would to have the word “cultural” added to the new sentence proposed by Mr. Cornell. Mr. McDaniel suggested eliminating the deadline of January, 2010 for the creation of the wildlife crossings map as that could be problematic. Mr. Eidson suggested making the date January, 2011. Laura Roys asked who is going to prepare the map and which study is it based upon. Mr. Cornell stated that the map to be used is that prepared for the Eastern Collier County Panther Study as the basis for crossing needs and for future used for site development plans, stewardship receiving areas, the MPO, etc. He stated that the map is essentially done. Elizabeth Fleming stated that the word “identified” would be better because the study has already identified such crossings. Nancy Payton gave a brief history of the development of the Panther Study.

Staff Comments: none

Committee Deliberations: see preceding discussions

Committee Action taken on October 7, 2008: The Committee voted unanimously to amend Policy 5.4 as outlined above.

Committee deliberations on October 14, 2008. Brad Cornell stated that he would like the Committee to consider adding additional language to Policy 5.4 which was acted upon during the October 7 meeting. He asked the Committee to add the following language at the end of the last sentence of Policy 5.4: “, including all SRAs described in Group 4 Policies.”

Committee action taken on October 14: The Committee voted unanimously to add the words at the end of the last sentence of Policy 5.4: “, including all SRAs described in Group 4 Policies” so that Policy 5.4 now reads as shown above.

Committee action taken on March 12, 2009: The Committee unanimously accepted the language proposed by the CCPC as contained in its March 10, 2009 Report to the BCC.

Policy 5.5 (recommended amendment)

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and species of special local concern (SSLC) and their habitats by complying with the following guidelines and standards. A SSLC are species that have been delisted but for which there remain federal, state and/or local protections and/or management plans specifying guidelines for their protection.

1. A wildlife survey shall be required for all parcels when listed species or SSLC are known to inhabit biological communities similar to those existing on site or where listed species or SSLC are utilizing directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species or SSLC that may be discovered.
2. Wildlife habitat management plans for listed species or SSLC shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species or SSLC are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species or SSLC. These plans shall describe how the project directs incompatible land uses away from listed species or SSLC and their habitats.

a. Management plans shall incorporate proper techniques to protect listed species or SSLC and their habitats from the negative impacts of proposed development. The most current and completed data and local, state, and federal guidelines and regulations shall be utilized to prepare the required management plans. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors. Mitigation for impacting listed species or SSLC habitat shall be considered in the management plans, as appropriate.

i. ~~The following references shall be used, as appropriate, to prepare the required management plans:~~

1. ~~South Florida Multi-Species Recovery Plan, USFWS, 1999.~~

2. ~~Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.~~

3. ~~Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.~~

4. ~~Ecology and Development Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.~~

5. ~~Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco sparverius paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.~~

~~i. ii.~~ The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.

~~ii. iii.~~ When listed species or SSLC are utilizing a directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.

~~b.~~ Management plans shall include provisions for minimizing human and wildlife interactions. Low intensity land uses (e.g. passive recreation areas, golf courses) and vegetation preservation requirements, including agriculture, shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Consideration shall be given to the most current guidelines and regulations on techniques to reduce human wildlife conflict. The management plans shall also require the dissemination of information to local residents, businesses and governmental services about the presence of wildlife and practices (such as appropriate waster disposal methods) that enable responsible coexistence with wildlife, while minimizing opportunites for negative ineraction, such as appropriate waste disposal practices.

~~c.~~ The Management Plans shall contain a monitoring program for developments greater than ten acres.

~~b.~~ For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be *given* to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off-site adjacent gopher tortoise preserves.

~~e.~~ Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.

~~d.~~ For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.

~~e.~~ For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse

effects can not be avoided, measures shall be taken to minimize on site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.

f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Gold courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy. The Multi Species Recovery Plan (1999) shall constitute minimum wildlife protection standards for the RLSAO.

h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.

3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property ~~containing~~ utilized by listed species or SSLC. It is recognized that these agency recommendations, on a case by case basis, may ~~change~~ strengthen the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan. However, no reduction of the wildlife protection policies of Policy 5.5 will be considered as these shall constitute minimum standards for wildlife protection.

Public Comments:

Committee deliberations on October 14, 2008: Tom Jones stated that he has a problem with inclusion of the additional language in Policy 5.5, paragraph 1 but would hold his vote for later. Brad Cornell stated that he is OK with deleting that language. Brad Cornell stated that all the studies need to be updated. Bill McDaniel stated that the Committee should consider reference language to the most current studies and not cite each plan. Brad Cornell stated that he does not object to a universal species clause rather than list specific studies. Tom Jones suggested that draft language be prepared for Policy 5.5f. Bill McDaniel suggested drafting language and sending it out to the Committee. Tom Jones stated that he is trying to forego a list of 68 species. Elizabeth Fleming stated that the language is a forward looking policy on people interaction. It would require provision of information about wildlife to people. Gary Eidson stated that this discussion would be a lot easier if there were specific motion language to vote on and not just ideas.

Public Input: Lauri McDonald stated that she felt the use of the word “utilizing” rather than “containing” in the first sentence of Policy 5.5, paragraph 3 would be more appropriate.

Staff Comments: none

Committee Deliberations: see discussion above.

Committee Action on October 14, 2008: The Committee voted unanimously to have staff develop language for Policy 5.5.2. f and report back to the Committee on October 21.

Committee Action of October 14, 2008: The Committee voted, 7-1, to amend Policy 5.5, paragraph 3 to include the changes proposed in the last two sentences.

Committee Action of October 14, 2008: The Committee voted unanimously to amend the word “containing” to “utilized by”.

Public Discussion on October 28, 2008: Mr. Wolfley stated that he did not feel that bald eagles should be called out specifically, but that other listed species should be included as well in paragraph 1 of Policy 5.5. Elizabeth Fleming agreed that other listed species should be cited so that the wording is more inclusive. Brad Cornell and Nancy Payton both agreed with Mr. Wolfley and Ms. Fleming.

Committee Action on October 28, 2008 on paragraph 1 of Policy 5.5: The Committee voted unanimously to accept the language amendments for paragraph 1 of Policy 5.5 as shown above.

Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection a: The Committee voted unanimously to accept the language amendments for paragraph 2 of Policy 5.5 through paragraph a as shown above.

Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection b: The Committee voted unanimously to accept the language amendments for paragraph 2 of Policy 5.5 through paragraph b as shown above.

Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection b: The Committee voted unanimously to move the last sentence regarding mitigation to the last sentence of paragraph 2.2a of Policy 5.5.

Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection c: The Committee voted unanimously to approve the language as shown in subsection c of Policy 5.5.

Committee Action on October 28, 2008 on deletion of existing paragraphs 2b through 2h of Policy 5.5: The Committee voted unanimously to delete this existing language.

Committee Action on October 28, 2008 on amending the language of paragraph 3 of Policy 5.5: The Committee voted unanimously to delete this existing language.

Committee Action on March 12, 2009: The Committee voted, 5-3, to accept the language proposed in the CCPC March 10, 2009 report to the BCC but add the “species of special local concern” (SSLA) as outlined in the CCPC report and to add the wording shown above as developed by Elizabeth Fleming of Defenders of Wildlife.

Policy 5.6 (recommended amendment)

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

1. There are two (2) major wetlands systems within the RLSA, Camp Keais, Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA’s. Policy 5.1 prohibits certain uses within the FSA’s, thus preserving and protecting the wetlands functions within those wetland systems.
2. The other significant wetlands within the RLSA are WRA’s as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
 - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
 - i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used to determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
 - ii. Wetlands and contiguous upland buffers that are utilized by listed species or SSLC, or serving as corridors for the movement of listed species or SSLC, shall be preserved on site. Wetland flowway functions through the project shall be maintained.
 - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydroperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects

shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.

- b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.
- c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
- d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
- e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
 - i. The buffer shall be measured landward from the approved jurisdictional line.
 - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
 - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
- a. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
 - (1) Passive recreational areas, boardwalks and recreational shelters;
 - (2) Pervious nature trails;
 - (3) Water management structures;
 - (4) Mitigation areas;
 - (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
- v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.

Mitigation Requirements:

 - i. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA's and HSA's.
 - ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.
 - iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.
 - iv. Exotics removal or maintenance may be considered acceptable mitigation for the loss of wetlands or listed species habitat if those lands are placed under a perpetual conservation easement with perpetual maintenance requirements.

~~iv~~ v. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy and SFWMD standards. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.

g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

4. All landowners shall be encouraged to consider participating in any programs that provide incentives, funding or other assistance in facilitating wetland and habitat restoration on private lands including, but not limited to, federal farm bill agricultural conservation programs, private or public grants, tax incentives, easements, and fee or less than fee sale to conservation programs.

Public Comments:

1. The actual ability to develop in the RLSA under the standard zoning did not include an analysis of what amount of non-jurisdictional lands could actually be permitted. This produced a false sense of urgency to protect environmentally sensitive land that in reality may never have been allowed to be improved. Even as 5 or 10 acre home sites, the ability to infringe upon wetlands is limited. **[Mark Strain]**

ECPO Comments [Appendix P]: An analysis of the specific jurisdictional wetland permitting conditions of the entire 300 square mile RLS was not within the scope of the Rural Land Study, nor is such an analysis required for comprehensive planning. Further, as the RLSA is an optional overlay, it is an alternative to development under the existing zoning, not a replacement.

The standard zoning of the entire RLSA is Agriculture. Under this zoning, a wide range of land uses are permitted by right or conditional use that can have impacts to jurisdictional areas, including the full range of agricultural activities, farmworker housing, commercial excavations, and residential development. Under the standard zoning, land ownership can be subdivided and fragmented in ways that compromise wetland and habitat connectivity. Once this occurs, it is very expensive and difficult to reassemble land into manageable systems (Southern Golden Gate Estates). The RLSA creates incentives for more sustainable and environmentally sound patterns of protection and development on a landscape basis.

In addition, many environmentally sensitive lands within the RLSA are not jurisdictional wetlands, yet provide important habitat for Florida panther, Florida black bear, Big Cypress fox squirrel, and other listed species. Large areas of non-jurisdictional land are included in Habitat Stewardship Areas, particularly where these occur in proximity to native vegetated areas or flowways.

The “sense of urgency” for protecting environmentally sensitive lands pre-dates the RLSA, and in fact was a key catalyst that led to the establishment of the Final Order, the Rural Lands Study, and the resulting RLSA program. The Florida Forever program (and its predecessors) targeted the CREW lands (Camp Keais Strand) and the Okaloacoochee Slough long before the creation of the RLSA. Various state and federal analyses projected strong development pressures on wetlands within the RLSA before the RLSA program was created. The South Florida Ecosystem Restoration program predicates much of its land acquisition strategy on potential wetland losses and landscape-scale fragmentation.

Staff Comments: minor corrections **[Comprehensive Planning]** Currently there are no buffer requirements to FSAs, HSAs or WRAs if the project is going through base-line standards, besides the standard 25’ for wetlands. Recommend some type of buffer-commercial excavation has no minimum setback to an FSA/HSA. Policy 5.6 **[Environmental Staff]**

Committee Action on October 28, 2008: The Committee voted, 8-1, to accept the proposed new language in Policy 5.6, section 3, subsection f iv.

Committee Action on October 28, 2008: The Committee voted unanimously to leave the language in existing subsection 3f iv of Policy 5.6 unchanged but to renumber to subsection 3fiv to 3fv.

Committee Action on October 28, 2008: The Committee voted unanimously to leave the language in existing subsection 3g of Policy 5.6 unchanged.

Committee Action on October 28, 2008: The Committee voted unanimously to add Section 4 to Policy 5.6. .

Committee Action on December 18, 2008: The Committee following input from Brad Cornell, other members of the Committee, and the public voted unanimously to modify the first line of Policy 5.6, paragraph 3, subparagraph a, subparagraph ii to read as follows: “ii. Wetlands and contiguous upland buffers that are...”.

Committee Action on March 12, 2009: The Committee voted unanimously to accept the language contained in the March 10, 2009 CCPC report to the BCC, but to retain the language originally proposed by the Committee for subparagraph f.iv.

Policy 5.7 (recommended new policy)

Any development on lands not participating in the RLS Program shall be compatible with surrounding land uses. Within one year of the effective date of this Policy LDC regulations shall be implemented for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security.

Public Comments: none

Public Discussion on October 28, 2008: The proposed new language was advanced by Nancy Payton. Dane Scofield asked for someone to define a smoke easement. Christian Spilker stated that he is concerned about smoke easements and it gives him pause. Nancy Payton suggested eliminating the last sentence and that can be addressed in the LDC. Brad Cornell stated that he had no opposition to eliminating the last sentence. Russ Priddy stated that he would like to see the entire Policy deleted. David Wolfley stated that lighting is almost always an issue when land use intensity is proposed to increase.

Staff comments: none

Committee Deliberations: see October 28 public discussion

Committee Action taken on October 28, 2008: The Committee by a vote of 8-1 voted to add new Policy 5.7 as outlined above.

Committee Action taken on March 12, 2009: The Committee voted unanimously to use the same language in this policy as was used for Policy 3.15.

Policy 5.8 (recommended new policy)

When historic or cultural resources are identified within the RLSA, the applicant in conjunction with the Florida Division of State and Historic Resources will assess the historic or cultural significance and explore the educational and public awareness opportunities regarding significant resources.

Public comment on November 10, 2008: Refer to Public discussion above under Policy 4.22 and **Appendix R**. Noah Standridge stated that the re-crafted language has been developed and approved by Naples Cultural Landscape.

Staff comments: Tom Greenwood stated that if the County and State find an historic or cultural resource, then such must be preserved per the LDC. **[Comprehensive Planning]**

Committee action on November 10, 2008: The Committee voted unanimously to approve the language as re-crafted above. Upon vote, the motion carried unanimously.

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