

PHASE II REPORT

“REVIEW AND RECOMMENDATIONS TO IMPROVE THE EFFECTIVENESS OF THE RURAL LANDS STEWARDSHIP AREA OVERLAY”

PREPARED BY

THE RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE
CREATED BY THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS
THROUGH
RESOLUTION 2007-305A

SECTION I

COMMITTEE-RECOMMENDED SUBSTANTIVE AMENDMENTS REVISIONS TO THE RURAL LANDS STEWARDSHIP AREA OVERLAY

Preface

This Section of the Report summarizes the Committee’s recommended RLSA Overlay amendments recognized as substantive in improving the RLSA program. These substantive amendments provide for greater incentives to protect agriculture land, refine the Stewardship Credits assigned to restoration activities with greater emphasis on new panther corridors, will set a cap on the amount of Stewardship Receiving Area development, and revises some of the Stewardship Receiving Area Characteristics. Following this Section, Section 2 provides the full RLSA Overlay Program as evaluated and recommended.

The RLSA Overlay Recommended Substantive Amendments

Group I policies set forth the general purpose and structure of the RLSA Overlay. The Committee evaluated the incentive based purpose of the RLSA and the structure of SSAs, SRAs and the Stewardship Credit system. Evaluating all policies under Group and hearing from stakeholders the Committee recommends a new policy to further refine the structure and process of designating a SSA, and added emphasizes on the Stewardship Credit system as the primary basis for permanent protection of agricultural lands.

The Committee recommends a refinement to the Goal to further clarify the intent of the RLSA in using incentives to retain land for agriculture actives and protect and restore habitat connectivity.

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.

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 provide an application for such withdrawal is implemented within 6 months of the adoption of this Policy 1.6.1.

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.

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.

Group 2 policies are intended to provide for the continued viability of agriculture. The Committee evaluated the policies in meeting the goal to protect agriculture land and heard from industry experts and agriculture interests. The Committee determined that a few of the policies were no longer necessary, such as the establishment of an Agriculture Advisory Committee. However, the Committee felt strongly that greater attention should be placed on incentives for agriculture through the Credit system. To improve the ability to protect agriculture lands within the RLSA, the Committee recommends the following amendments to Group 2 policies.

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)

Policy 2.1 (recommended amendment)

~~Agriculture 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.~~

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 (ACSA) as established by F.S. 380.055 as of March 3, 2009, and two and sixth tenths (2.6) Credits per acre within said 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.

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.

Group 3 policies address the protection of the natural water regime as well as listed species and their habitat. Following the evaluation of all the policies and input received from county environmental staff and wildlife interests and others, the Committee's major revision under this Group of policies focused on the further definition and credit assignment to restoration activities, and the clarification of the use of the Water Retention Areas for the support of water management.

Policy 3.11 (recommended amendment)

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

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.

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.

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.

Group 4 policies set forth the planning techniques and development characteristics to be utilized for Stewardship Receiving Areas. The Committee reviewed each technique and notably recommends a maximum total SRA development footprint of 45,000 acres. Other recommended amendments include the elimination of Hamlets, and revisions to emphasize transportation mobility plans and economic development. Group 4 recommended policy amendments are:

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 18,300~~ 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.

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.~~

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 Future 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.

Policy 4.6

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.

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 s~~ 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.

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.

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 mobility 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.

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.~~

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 for 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 nor 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.~~

Policy 4.7.4 (recommended 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.

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.

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.

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.

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.

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.

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 aces 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.

Policy 4.22 (recommended 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.

Policy 4.23 (recommended 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.

Group 5 policies are intended to protect the natural water regime and protect listed species on land that is not voluntarily included in the Rural Lands Stewardship Area program. Hearing from wildlife experts and county environmental staff, the Committee evaluated all Group 5 policies and recommends the following amendments.

Policy 5.1 (recommended amendment)

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 ~~and 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.

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.

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 oportunites 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 eonnection 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 (*Ipiceoides 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.

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 ed. 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.
 - iv. 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.
 - 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 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.

Policy 5.7 (recommended new Policy)

Any development not participating in the RLSA 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.

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.