



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES
DIVISION, COMPREHENSIVE PLANNING DEPARTMENT

HEARING DATE: DECEMBER 1, 2008

RE: PHASE 2 REPORT: REVIEW OF THE COLLIER COUNTY RURAL
LANDS STEWARDSHIP AREA OVERLAY [RLSAO] CONTAINING
THE RECOMMENDATIONS OF THE RURAL LANDS
STEWARDSHIP AREA 5-YEAR REVIEW COMMITTEE

I. REPORT IN BRIEF. The purpose of this report is to request the Collier County Planning Commission [CCPC] to review and make recommendations to the Collier County Board of County Commissioners [BCC] concerning the recommendations of the ad hoc Rural Lands Stewardship Area Review Committee concerning possible amendments to the Rural Lands Stewardship Area Overlay [RLSAO] contained in the Future Land Use Element of the Growth Management Plan as contained in the attached **Phase 2 Report**. This report was accepted and approved by the Rural Lands Stewardship Area Review Committee [the Committee] on **October 7, 2008**. The **Phase 2 Report** is not intended for use at “transmittal hearings” required under Florida Statutes for a Growth Management Plan [GMP] amendment. Rather, the Committee is requesting a full review of its recommendations and further direction from the CCPC and the BCC with respect to possible future RLSAO amendments.

II. BACKGROUND. It has been five years since the effective date of the Collier County Rural Lands Stewardship Overlay (RLSAO) in the Future Land Use Element of the Growth Management Plan. Policy 1.22 of the RLSAO, copied below, requires a five-year review of the RLSAO, which review is due in 2008. The following is the background leading to the preparation of the **Phase 2 Report**.

A. State Statute and Administrative Commission impact on the RLSAO. Prior to the establishment of the State of Florida Rural Lands Stewardship Area program [Section 163.3177(11)(d), Florida Statutes], Collier County initiated a rural lands program for its eastern rural lands to meet the requirements of the Administrative Commission Final Order #AC-99-002. The Collier County RLSAO program is not currently subject to the requirements of the RLSA statute.

B. “Policy 1.22 [of the RLSAO]”

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

The EAC's recommendations have not been incorporated into the Report, pending review and comment by the Planning Commission and the Board of County Commissioners.

III. STAFF COMMENTS REGARDING COMMITTEE RECOMMENDATIONS

The Comprehensive Planning Department and Engineering and Environmental Services Department provided the primary staff support for the Committee during the **Phase 2 Report** preparation while following the directives of the Committee. Additional support was provided through the Office of the Assistant County Attorney.

KEY TO TEXT

- **Committee-recommended amendments** to the RLSAO are shown below with proposed text deletions shown as ~~struck through~~ and text additions shown as underlined.
- **Staff analysis and recommendations** in response to the Committee recommendations are *shown in italics and are limited to the Goal, and Objectives and Policies where the Committee has recommended amendments.*

GOAL

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.

Staff: This is considered a major amendment. The elimination of the word "premature" from the goal may seem like an innocuous change. However, this 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.

Objective

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.

Staff: Staff concurs with the proposed "housekeeping" amendment as shown.

Policy 1.1

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.

Staff: Staff concurs with these proposed “housekeeping” and grammatical amendments as shown.

Policy 1.5

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.

Staff: Staff concurs with the proposed “housekeeping” amendments as shown.

Policy 1.6

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.

Staff: Staff concurs with the proposed “housekeeping” amendments as shown.

Policy 1.7

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 ~~not~~ 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, and shall run with the land and shall be in favor of Collier County and the Florida Fish and Wildlife Conservation Commission, 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.

Staff: Previously approved Stewardship Easement Agreements [considered the same as “perpetual restrictive easement”] for SSAs #1-#9 and #11 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. Therefore, staff concurs with this proposed amendment and defers to the CCPC and the CCBC for further direction.

Policy 1.14

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.

Staff: Staff concurs with the minor amendment to provide for the correct Policy reference of Policy 4.19.

Policy 1.21

The incentive based Stewardship Credit system relies on the projected demand for Credits 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.

Staff: Staff concurs with the amendments proposed to Policy 1.21. The amendment in the first line is a correction and the second line adds “agricultural lands” as a land to be permanently protected. The Committee voted to eliminate the **Early Entry Bonus [EEB]** scheduled to expire on January 30, 2009 per the existing Land Development Code. A total of 9,116 EEB Credits were approved in SSAs 1-9 and SSA 11 with an estimated additional 15,500 EEB Credits being sought in the remaining 6 SSAs [SSAs 10, 12, 13 (not filed as of October 1, 2008), 14, 15, and 16].

Policy 1.22

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.

Staff: Staff concurs with this proposed amendment. Although not a staff recommendation, staff does convey the fact that the Committee did, during its discussion, consider the benefits of the future establishment of a process by the BCC similar to that involved in this 5-year review of the RLSAO as important because of the: 1) major geography involved in the RLSA; 2) the scope and complexity of this Overlay and; 3) the fact that it is a completely voluntary program which is dependent, in part, upon the economic alternatives of land use in 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.~~

Staff: 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 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 this goal remain unchanged.

Policy 2.1

~~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.~~

*Staff: This is a major amendment. Staff comments, provided under both the RLSAO Goal and the Group 2-Policy introduction statement with respect to eliminating the words "premature conversion", apply here as well. **Data and analysis** and **Exhibit H** provided within this **Phase 2 Report** are provided to justify this proposal while other proposed Policy amendments are provided to harmonize and implement this proposal.*

Policy 2.2

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), 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.

*Staff Comments: Staff can confirm that the average number of assigned Stewardship Credits [R-1+R-2 credits] per acre in SSAs 1-9 is approximately **2.65 credits for lands classified as HSA, FSA, or WRA** and **0.85 credits per acre for lands classified as Open Lands**. However, based upon pending SSAs and the R-1 and R-2 credits being proposed, it is expected that the average number of credits per acre in SSAs under the current Credit system will approximate **3.35 credits per acre**. Further, it was only beginning with SSA 6 where any significant amount of restoration credits were assigned. SSAs 1-5 had minimal numbers of assigned restoration credits. In summary, the 2.65 Credit per acres for SSAs 1-9 is somewhat misleading without this analysis and explanation.*

Relative to the Open Lands designation, in SSAs 1-9, 2,691 acres or 9.7% of the total 27,823 acres in SSAs was classified as Open Lands. However, 2,432 acres of the 2,691 acres of Open Lands placed in SSAs 1-9 were located in SSA #8 and were included in SSA #8 because this acreage had a relatively high NRI. This acreage [Half Circle L Ranch] was recently requested

for re-designation from Open Lands to HSA. Under the current Credit system, Staff expects very little lands designated as Open Lands to be included in future SSAs because of the low NRI scores. 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. Given the shortage of staff to accomplish this analysis, the tight schedule of the Review Committee to accomplish the Phase 2 review, and the uncertainty of how a specific proposal would be received by the EAC, CCPC, and BCC, staff advises the Committee that there is not currently sufficient data and analysis to support the specific proposed language changes to Policy 2.2.

However, the **Data and Analysis Section** of this Phase 2 Report, prepared by Wilson Miller and reviewed by and accepted by the Committee, is intended to support these recommended amendments. Additionally, **Appendix H**, prepared by Wilson Miller and presented to the Committee on September 23, 2008, provides estimates of Stewardship Credits under both the current and revised RLSA program and recommendations for RLSAO Credit calibration.

Appendix H, prepared by Wilson Miller, indicates a potential of 315,000 Credits at RLSA “maturity” under the existing Credit system with a maximum of 43,312 SRA acres. This Wilson Miller analysis is consistent with the **Appendix G** Comprehensive Planning Department-produced estimated RLSA “maturity” of 316,761 potential Credits with a maximum of 41,040 acres in SRAs with an estimated dwelling unit count of 101,030 and an average population of 215,283 residents. As an additional check of the projections contained in **Appendices G and H**, the **East of CR 951 Infrastructure Study Report** presented to the Board of County Commissioners on September 29, 2008, shows a potential “build out” in the RLSA of 102,143 dwelling units which is consistent with the “maturity” projections under the existing RLSA Program as contained in both **Appendices G and H**. On September 30, 2008 the Committee voted to accept the credit potential and maximum SRA acreage calculations as provide in Appendix H.

Policy 2.3

~~Within one (1) year from the effective date of these amendments, Collier County will 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.~~

Staff: Staff concurs with the Committee findings 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 and, therefore, does not oppose this amendment as this is a policy decision of the Board of County Commissioners.

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.~~

Staff: Staff concurs with the elimination of Policy 2.4 if Policy 2.3 is eliminated.

Policy 2.5 3

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.

Staff: If Policies 2.3 and 2.4 are eliminated, then Policy 2.5 will need to be renumbered as Policy 2.3.

Policy 2.6 4

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.

Staff: If Policies 2.3 and 2.4 are eliminated, then Policy 2.6 will need to be renumbered as Policy 2.4.

Policy 3.2

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.

Staff: Staff concurs with the Committee-recommended amendments to Policy 3.2. The total HSA acreage should be changed from 40,000 acres to 45,782 acres per the analysis provided by the Engineering and Environmental Services Department. The 13,800 acreages for HSAs should also 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. Additionally, the correction to the “HAS” reference in the second to last line of Policy 3.2 should be made. It is believed this error was generated by “word spell check” and occurred inadvertently in Policy 3.2.

Policy 3.7

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.

Staff: Staff concurs with this clarification for some readers may not know the meaning of "EIS" and because "EIS" is used extensively throughout the RLSA Overlay.

Policy 3.9

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

Staff: Staff believes that aquaculture is a permitted use under the Right to Farm Act.

Policy 3.11

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

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

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

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

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

Staff: The development of additional stewardship credit values within the Stewardship Credit Worksheet to support the voluntary credit incentives proposed within this policy will require considerable data and analysis. Given the shortage of staff to accomplish this analysis, the tight schedule of the Review Committee to accomplish the Phase 2 review, and the uncertainty of how

a specific proposal would be received by the EAC, CCPC, and BCC, staff advises the Committee that there is not currently sufficient data and analysis to support the specific proposed language changes to Policy 3.11.

*However, the **Data and Analysis Section** of this Phase 2 Report, prepared by Wilson Miller and reviewed by and accepted by the Committee, is intended to support these recommended amendments. Additionally, **Appendix H**, prepared by Wilson Miller and presented to the Committee on September 23, 2008, provides estimates of Stewardship Credits under both the current and revised RLSA program and recommendations for RLSAO Credit calibration.*

*The **Appendix H** 315,000 Credit estimate at RLSA “maturity” under the existing Credit system [maximum of 43,312 SRA acres] is similar to the Comprehensive Planning Department-produced estimated RLSA “maturity” of 316,761 Credits and 41,040 SRA acres contained in **Appendix G** and which also indicates an estimated total SRA dwelling unit count of 101,030 and an average population of 215,283 residents at RLSAO “maturity”. As an additional check of the projections contained in **Appendices G and H**, the Collier County East of County Road 951 Infrastructure and Services Horizon Study, presented to the Board of County Commissioners on September 29, 2008, shows a potential “build out” in the RLSA of 102,143 dwelling units which is consistent with the “maturity” projections under the current RLSA Program contained in both **Appendices G and H**.*

Policy 3.13

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

Staff: Staff concurs with the proposed amendment to Policy 3.13 which were advanced by the Eastern Collier Property Owners.

Policy 4.2

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.

Staff: Staff concurs with the update to the approximate acreage based upon the most current information and the other text amendments advanced by ECPO.

Policy 4.3

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.~~

Staff: The language proposed was submitted on behalf of ECPO for deletion is no longer needed.

Policy 4.4

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type, lane needs and provide evidence that it is financially feasible. The county, in coordination with the land owners within the RLSA shall identify and locate the public services needed to accommodate the build out population within the RLSA that would not otherwise be included within the individual SRAs. These services shall include but are not limited to: government offices, jails, court houses, landfills, maintenance facilities or any other facilities that would otherwise require travel back to the urban area. Land shall be set aside within the RLSA to accommodate these services so they can be constructed as they become needed based on development absorption. 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 Input:

Staff Comments: ~~XXXXX~~

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.*

Policy 4.5

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. Outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security. The master plan shall define its access points to the existing transportation network and any proposed public roadways. The access points and proposed roadways shall be generally consistent with the county's build out master plan. Any significant deviation from the master plan will require an update to the build out master plan. ~~XXXXXXXXXX~~

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.

Public Input:

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: Lighting is a design standard that is considered during the Receiving Area (SRA) application review.

Staff Comments: ~~XXXXX~~

Committee September 30, 2008 Action: *Mr. Cornell* moved and *Mr. Farmer* seconded to accept Nancy Payton's language with the proviso that the word "reasonably" be placed in front of the word "managed" and that the wording in the last 3 sentences related to transportation be tabled. **Upon vote, the motion carried, 8-0.** ~~XXXXXX~~

Policy 4.7

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 0J-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.

Staff: IF Hamlets are eliminated as a form of SRA, then the amendments shown are appropriate.

Policy 4.7.1

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~~ 1,500 acres 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 public transit plan, a transfer station located within the town center near commercial uses and plan for and fund connectivity to other SRAs and other land uses which would benefit from 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 and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. 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 Input: 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]

Staff Comments:

Policy 4.15 was 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.

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.*

Policy 4.7.2

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 not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres

outside the Area of Critical 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. 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.

Staff: This amendment was advanced by ECPO and supported by most persons providing public testimony. Staff does not object to this amendment as it may allow Villages to become more feasible as a form of SRA and more self sustaining, due to its proposed increase in size limit from 1,000 acres to 1,500 acres.

Policy 4.7.3

~~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.~~

Staff: This amendment was advanced by ECPO and supported by most persons providing public testimony. Staff does not object to this amendment as it appears to eliminate a form of SRA, due to its severe size limit, may be considered a form of urban sprawl and is not self sustaining. An amendment to Attachment C to the RLSAO entitled, "Stewardship Receiving Area Characteristics" will need to be made to accommodate this proposed amendment to the RLSAO.

Policy 4.7.4 4.7.3

~~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, 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. 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 not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for 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.~~

Staff: This language was advanced by ECPO and is found by staff to better define the intent of a Compact Urban Development. An amendment to Attachment C to the RLSAO entitled, "Stewardship Receiving Area Characteristics" will need to be made to accommodate this proposed amendment to the RLSAO.

Policy 4.9

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.

Staff: This language amendment was advanced by ECPO. This proposed amendment in the third line allows SRAs to be included within WRAs, while the second amendment allows certain infrastructure to be exempted from the prohibition against construction on lands with a NRI greater than 1.2.

Policy 4.10

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.

Staff: IF the ECPO proposed amendment to existing Policy 4.7.4 is approved then the language amendment to Policy 4.10 above is appropriate.

Policy 4.14

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. An SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide direct vehicular and pedestrian connections to said areas so as to reduce travel time, travel expenses, improve interconnectivity, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA. Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. 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. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type and lane needs. SRAs shall provide mitigation credits in a bank, for species, wetlands or any other impacts which would require mitigation to expand the existing or proposed roadway network. These credits would be made available at no cost to the county if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the mitigation requirements. The construction and permitting of wildlife crossings and flow ways that are identified within the RLSA shall be the responsibility of the SRA that is adjacent to or near the identified locations. SRAs that are adjacent to existing roadways that must be expanded or proposed roadways shall provide right of way, water management and fill material at no cost to the county for mitigation of their transportation impacts and if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the roadway project.

Staff:XXXXXX

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.*

Policy 4.15.1

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. 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.

Staff: IF Hamlets are eliminated as a form of SRA, per the proposed elimination of existing Policy 4.7.3, then amend Policy 4.15.1 should be amended as shown to harmonize with this action.

Policy 4.16.

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 infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes 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.

Staff: IF Hamlets are eliminated as a form of SRA per the proposed deletion of Policy 4.7.3 [Hamlets] and existing Policy 4.7.4 [Compact Rural Development] is amended as reviewed previously, then the amendments shown above are appropriate.

Policy 4.19

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 acres 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~~ ~~o~~ 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.

Staff: The amendment concerning Credit consumption per acre to enable the development of one acre of SRA was advanced by ECPO and detailed in the analysis outlined in **Exhibit H**. The proposed amendment of policy reference from Policy 4.19 to Policy 4.20 is a correction. The words “do not require the use Credits” is to bring Policy 4.19 into synch with language already in the Land Development Code.

Policy 4.20

The acreage of 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.

Staff: The words “but do not count toward the consumption of Stewardship Credits” are already in the Land Development Code and this amendment will synchronize the language of Policy 4.20 with the LDC.

Policy 4.21

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, however, that CRDs, or 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.

Staff: This language was advanced by ECPO and is intended to clarify and synchronize Policy 4.21 with proposed amendments affecting the elimination of Hamlets as a form of SRA and to provide language specific to the location of CRDs and Villages within the ACSA.

IV. STAFF “WHITE PAPER” REGARDING COMMITTEE ACTION TO NOT AMEND POLICY 4.18 [REQUIREMENT OF FISCAL NEUTRALITY OR POSITIVE SRAs]

The Committee voted on September 30, 2008 not to amend **Policy 4.18**. Therefore, **Policy 4.18** did not appear in the earlier portion of this report to the Planning Commission for discussion. The background, discussion and actions of the Committee are captured in detail under **Policy 4.18** in

the “Long Version” section of the Committee’s recommendations. **Policy 4.18** is shown directly below:

Policy 4.18

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.

Staff herewith asks the Planning Commission, with all due respect to the Committee’s recommendation not to amend **Policy 4.18**, to provide a full and complete review of **Policy 4.18** for the following reasons:

1. **The Collier County 2008 Annual Update and Inventory Report [AUIR] and Capital Improvements Element [CIE] of the GMP.** According to the 2008 AUIR, Collier County’s short-term and longer-term capital revenue projections are not promising so as to be able to fund major new public infrastructure projects such as those associated with new SRAs or, for that matter, any major private project. The following is included in the Staff Report, which is part of the 2008 AUIR:

“Furthermore, like last year’s AUIR, the County has been mandated to operate with budgetary constraints. Based upon the January 29, 2008 election, the County is required to double the exemption for homesteaded property. This fact, in light of last year’s tax rollback and the decrease in permits issued for new units over the past year, has compromised the County’s ability to fully fund all components of the AUIR at the currently adopted level of service standards. Due to this recognition of limited funds, the AUIR constitutes the process of evaluating budgetary priorities as well as determining appropriateness of the County’s currently adopted LOSS.”

“CIE/Financial Feasibility

- **CIE amendments adopted after July 1, 2005, must demonstrate financial feasibility, which means committed revenues (ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions) for the years 1-3 of the CIE and planned revenues (future grants, planned new sources of revenues such as taxes approved through referendum) for years 4 and beyond. The Department of Community Affairs (DCA) has indicated that projects slated for years 4 and 5 should not be included unless the identified funding source will exist with absolute certainty or if there is a back-up funding solution. Based upon the County’s experience with DCA throughout the EAR-based amendment process, extreme caution should be exercised in years 4 and 5 if absolute funding certainty does not exist as this could affect the role rate of Ad Valorem taxes or the distribution of projected Ad Valorem tax revenue based on the existing mileage rate. Any subsequent**

changes to the CIE each following year will have to be justified with a substantive rationale. Thus, the AUIR has to be a financially feasible document as well.

- *CIE amendments which delay a scheduled project beyond years 1-3 can only be done after a public hearing is held. An ordinance to accomplish this without a public hearing is not permitted.”*

In short, Collier County’s fiscal capacity, particularly with respect to future capital expenditures, has deteriorated during 2007 and 2008 due to the amount of capital projects [and resulting debt] it has taken on during the 2000 to 2006 period to keep up with the rapid growth and the decline in existing and forecast revenues [impact fees and ad valorem taxes, for example]. Further, delaying a scheduled capital improvement project beyond years 1-3 of the CIE can only be done after a public hearing is held and BCC adoption of an ordinance to accomplish this delay. **Thus, fiscally responsible actions by both private and public sides of any future SRA approvals will be even more crucial than in the past.**

2. **Fiscally neutral or positive.** Policy 4.18 states that, “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 **Fiscal Impact Analysis Model [FIAM]**, currently in use by Collier County as an “interim planning tool”, was approved for use by the BCC on October 24, 2007. The FIAM has **two major problems associated with it:**

- a. **The FIAM Data in the Input Tabs and Margin of Error.** The following are examples of weaknesses inherent in the FIAM: (1) Delay in the availability of data [e.g. the most recent audited fiscal data is available about 1 year after the end of the fiscal year]; (2) the use of the most recent 10 audited fiscal years in the “growth tab”, in part forms the basis for fiscal “output” projections associated with the fiscal analysis of a proposed project such as the proposed Town of Big Cypress SRA [now currently at the DRI review stage]. This feature “assumes” that actual audited fiscal trends during the past 10 years will carry forward into the horizon year of the project being evaluated. We know that is not always the case. ***These examples show that, although the formulas within the FIAM are generally correct, the input data used to generate projections in the “output” tabs have a margin of error estimated to be at 25% to 30%.***
- b. **Assumptions of “build out”.** For both the Town of Ave Maria SRA [approved in 2005] and the Town of Big Cypress DRI [proposed future SRA] currently being reviewed, the Applicant has furnished to staff FIAMs that, in the opinion of staff, **grossly underestimate** the number of years needed to cause the project to be completely built out and therefore **overestimate the amount of revenues** coming in to the County from such sources as impact fees, ad valorem taxes, sales taxes, etc.

For example, the Town of Ave Maria DRI FIAM suggests a built out in 12 years as follows: (Phase 1 from 2012 to 2016 and Phase 2 from 2017 to 2023) and include:

1. 747 dwelling units/year
2. 82,266 square feet/year of new retail floor space
3. 55,366 square feet/year of new office floor space

4. 41,173 square feet/year of industrial floor space

In summary the FIAM, because of *the 25% to 30% margin of error* and, in the opinion of staff, the Applicants' *tendency to be overly optimistic concerning the number of years required to build out the SRA* [and resultant overestimates of revenues for such major expenses as County roads] has been of only marginal use in determining fiscal neutrality for the County. The uncertainty of the timing of receipt of revenues generated by SRAs tends to place the timing of the construction of the County portion of the public infrastructure in doubt, particularly in light of the present construction decline, which no one can predict will end. It may be necessary to include in future Development Contribution Agreements guarantees that sufficient private funds to make up any County shortfalls in revenues will be available to allow for the County to construct the public facilities associated with the SRA and Development Order. Staff looks to the Planning Commission for guidance and direction with respect to **Policy 4.18**.

Prepared By: _____ Date: _____
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Land Use Section, Chief

Approved By: _____ Date: _____
Joseph K. Schmitt, Administrator
Community Development and Environmental Services Division

Staff Report for the December 1, 2008 CCPC Meeting.

NOTE: This review has been scheduled for the January 29, 2009 BCC Meeting.

COLLIER COUNTY PLANNING COMMISSION:

Mark P. Strain, Chairman