

May 24, 2002

Collier County Planning Commission
Collier County Government Center
Administration Building F, BCC Chambers
3301 Tamiami Trail E. 3rd floor
Naples, FL 34112

MINUTES
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Chairman Kenneth Abernathy called the meeting at 8:30 a.m.

I. ATTENDANCE

Members: Frank Fry, Paul Midney, Lindy Adelstein, Kenneth Abernathy, Lora Jean Young, Dwight Richardson, David J. Wolfley, Mark Strain

ABSENT: Russell Budd

Others: Bob Molher, Ron Hamel – Chairman Rural Assessment, Alan Reynolds, Nicole Ryan – Conservancy of SW Florida, Fred Thomas – public speaker from Immokalee, Ann Olesky, Brad Cornell – Collier County Audubon, Nancy Payton – Florida Wildlife Federation, Tom Jones – Barron Collier Partnership, Bill Lorenze

Chairman Kenneth Abernathy announced that the next meeting held on Thursday June 6th, two members would be absent. Also stated there were no minutes from last meeting to review.

Bob Molher spoke about the process that started three years ago which the county has been working on. He spoke of the rural fringe process and eastern land process. This process was overseen over 32 times by the committee. He stated that a lot of time was put in to developing these amendments. He stated there are over 195,00 acres of privately owned land. He went through the 3 primary goals as agricultural operations, maintaining natural resources, and conversion of rural lands.

Ron Hamel, Chairman of Rural Assessment, spoke of some difficult decisions that would have to be made. Also looked at some alternatives. Mention that there was an 11-0 vote to approve the falice plan for landowner property rights. Ron presented a video from 1999, which reviewed objectives, visions, and solutions.

Alan Reynolds displayed a presentation that showed areas that the committee is dealing with in perspective. Went through goals, objectives, and policies. Spoke about how planning for this particular land use has been in effect for 3 years. Land started at 195 acres plus, made up of the Northeast Collier County region

and Immokalee. Stated that 300 square miles is composed of the largest privately owned property, one-third within Big Cypress. This area consists of two waterways, largely agricultural and natural habitat. In general, spoke of the size of rural land and the areas within. Spoke about the Citizens Committee and their 15 presentations that were shown around Florida. Talked about 4 steps of the committee: data collection/review, alternatives, testing alternatives, and goals/objectives/policies. He stated that the goals/objectives/policies is the process that the committees dominant activity. Briefly went over the history of the rural land presented. Went over some statistics in regards to the conversion of rural land. He went over GIS, Geographic Information System Database, and its properties. He mentioned that there are no new subdivisions being developed in the study area. Alan went over the three stewardship-sending areas that are protected throughout the program which are the flow ways, habitats, and water retention areas. He also pointed out some facts about the protection for the natural resources. At this point he went over the Stewardship Credit Worksheet. Chairman Kenneth Abernathy stated that this was the most important matrix to the whole idea. There were some questions in regards to these issues asked by Dwight Richardson and Mark Strain.

Brad Cornell from Collier County Audubon said the rural lands process is innovative, it holds promise. Spoke briefly on the economic value of resources and how to protect them. He went over incentives and regulations, adjustments in policies, and restoration, which is a critical element.

Nancy Payton, from Florida Wildlife Federation went over protection policies, specifically Panthers. She stated that the upland habitat must be larger since the area is the panther and black bear habitat. She also went over the changes that have been made to the stewardship boundaries. She said it decreases reproduction potential. She stated that she does not agree with NRPA, that the proposed regulations are weak.

Tom Jones from Barron Collier Partnership, part of Eastern Collier Property Owners, spoke about a big issue concerning the percentages of rural land in the stewardship areas and the wetlands in this area. He spoke of the viability of agriculture and where the important natural resources are. He stated that these huge areas are protected, which create an opportunity for the landowners not to lose their land. Tom also briefly touched on the credit system, stating this system portrays why a piece of land is environmentally significant.

Mark Strain Asked Alan Reynolds several questions, particularly in regards to the property owners being a part of the committee.

Alan responded to his concerns regarding the participation and representation of the landowners. He stated that the six landowners in this area are not members of the committee, but are represented at the meetings.

Mark asked Bob Mohler about density blending in regards to RT zoning. Mark was concerned about the statements documented about proper acreage. He said that an estimated 5,000 natural areas have been converted to agricultural areas from 1998 to 2000. He went over the structure of the GOP, including groups and policies

Nicole Ryan from the Conservancy of SW Florida spoke of her support for the program. She spoke of the modifications need to make to the process. She spoke of the benefits to agriculture and private property. She also went over EAC recommendations.

Fred Thomas, one of the public speakers spoke of his opinions on this matter.

Ann Olesky spoke of some scientific data and positive words and moving forward with the plans. Her main points that she brought up were protection, specifically the farmers, stewardship, in regard to landowners, and eminent domain.

Kenneth Abernathy stated that at this point they will go over the goals, objectives, and policies. He stated he wanted to go over ones with relevance, particularly the ones with objections that the members of the Conservancy and other groups brought up.

Alan Reynolds summarized the structure of GOP and it's five groups of policies. He stated the first group was Organization and Structure, the second group Agricultural Sustainability, group three Natural Resources Protection, Group four Receiving area policies, and the fifth group as Regulatory Policies.

The discussion started with policy 1.4, with a concern from Mark Strain.

Kenneth Abernathy had a concern with interim NERPAS introduced a few years ago stating he was concerned with why something did not follow these interim NERPAS.

Alan began a discussion on Policy 1.21 regarding the incentive for early participation.

Kenneth Abernathy stated the six landowners know what's going on.

Lora Jean Young stated her concern with the bonus credit system at this time.

Alan Reynolds brought up Policy 1.21.

Mark Strain brought up questions regarding Group 2 policies dealing with agriculture. Mark wanted to know why this was based on just the Agriculture Advisory Council. He wanted to know why it is limited to this council.

Alan Reynolds responded by stating that this concern was discussed at great length at the meetings. He said that the committee is limited to the advisory council because they are agriculture experts looking at these issues.

Mark Strain brought up a concern with Policy 2.4. He wanted to make a recommendation to the BCC.

Alan stated that the change from will to may would not be a problem.

Kenneth Abernathy had an objection to the last sentence in Policy 2.3

Kenneth Abernathy also had an objection to Policy 2.5 regarding rural planning matters. The committee ruled to take out 2.5.

Mar Strain stated that he did not understand why this policy was added in. He feels the information stated is redundant with other policies. He didn't understand why a policy was created to form the information stated

The committee ruled to take out Policy 2.6.

The committee brought up concerns with the stewardship program regarding the restrictions as "voluntary." It was said that in this policy there was information being restated that already appeared in other policies throughout.

The committee ruled to leave Policy 2.7 alone.

Dwight Richardson brought up a concern with Policy 3.4. He stated that this policy refers to policy 3.16. He mentioned the idea that in adjacent areas, property owners have the call.

Kenneth Abernathy had some objection to Policy 3.4. He stated that changing boundaries is not limited to the property owner. It is open to anyone to change.

Alan Reynolds debated at great length. He stated that the intention was good for the environment.

He referred too the study area he was mentioning on the map. He went into detail with this matter.

After the lunch break, Chairman Kenneth Abernathy began the discussion on Group 3 concerns.

Mark Strain started off with 3.12. He asked questions discussing additional stewardship credits received by landowners. He stated that if the landowner is not

restoring the rural land, but someone else goes in and pays for it, how does this factor into the stewardship credit allocations.

Alan Reynolds responded to this with the statement that the credits cannot be factored in because the restoration value is on a case-by-case basis. The credit has to be generated by the property owner and the owner has to want to allow the land to be in the restoration program. They have to be willing to turn the land into a sending area. At this point they move their rights and dedicate the land to this purpose to that level of credits. He stated that the county negotiates it. Alan gave a brief history on the restoration topic. He also stated that the restoration process is a very expensive one.

Mark stated his concern with one sentence regarding conservation easements in policy 3.3. He asked Alan if this needed to be restated.

Alan stated that the reason this is in there is to account for all the land already in the study area that has restriction already in place.

Mark stated his concern with modifying the recreational uses, i.e. golf courses in the HAS designations. He stated that these modifications should be referenced to policy 3.7 so if any occur they will be carried over to this policy.

Mark brought up policy 3.16 and his concern with the last sentence. He needed an explanation of this.

Mark Strain began the discussion on policy 3.3. He stated that one sentence of this policy does not fit.

Mark strain also brought up a concern with policy 3.14. He stated the idea of modifying recreational uses, i.e. golf courses in the HAS designation area. He stated that any modifications would be referenced to policy 3.7, so any modification should carry over.

Alan stated that the language in this policy was at the request of the staff. He gave an example regarding the water retention area stating that if the water retention area were changed from agricultural purposes to receiving area uses, than one would have to go through permitting process again. He also stated that one would have to consider some changes. He stated that if there was an impact on the water retention area and its habitat, then it would have to be compensated for the habitat's loss, so there is no net loss.

Kenneth stated that the Conservancy doesn't distinguish between critical and ordinary waters. He asked if this was reasonable

Alan stated that there was the request to identify which WRA can or cannot be used for receiving areas.

Kenneth asked if this was reasonable

Alan stated he did not feel this was reasonable. He said he doesn't know how to determine that, that the important part are that the safeguards are in here so they are used to serve a receiving purpose there will protection of the environmental value, habitat function, and water retention purposes. Alan stated that trying to accommodate all concerns.

Alan Reynolds discussed policy 3.17. He stated that there was a discussion that said that they strongly object since there is no scientific evidence that suggests it is a good or necessary standard. He said that it is not accomplishing a purpose; it's just putting another layer of regulation on top of rural land. He referred to the map to give an example so that it would make more sense for what science tells us. Alan referred to measurements on the original NERPA map. Alan stated that there is already a fairly wide flow way corridor already established. He stated that what they have right now is an incentive that says with an additional 500 feet can get extra credit before putting an a restoration. He said there is no scientific basis to putting in 2500 feet.

Mark Strain stated that this is preserving existing agriculture and that it is not suggestion no agriculture uses, just saying there are no urban uses. He stated that it's just pushing existing agriculture out. He doesn't understand why there is such a big objection to this.

Bob Molher stated that it's the little elements. When looking at matrix including the value of natural resources, the value of receiving areas, and the rational economic decision.

Panther expert stated some facts regarding panther habitat.

Mark strain asked why are we asking for an expedited permitting review in policy 4.1.

Alan stated that it has to do with the economic diversification and accommodating the population. He said there is a positive impact on the expedited process.

Paul Midney stated that if we are trying to minimize urban sprawl and maximize agriculture, then why is it necessary to build towns and villages in this rural area.

Alan replied that the basis for creation of the stewardship program and collaboration of credits is based on the population forecasted for this study area.

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He stated they did not take into account the population growth of Immokalee. He also said that Immokalee has to accommodate its own population.

He stated credits couldn't be used in Immokalee because there is no basis for using the land already has designation for urban uses,

Alan brought up the ideas with average density and went over the analysis of housing and acres to build.

Mark stated that the beach tourist market is not found in Immokalee. He thinks there they would be looking for cost effectiveness, looking for smaller units and smaller lands, in this case 4 units per acre.

Mark stated his concerns his based on the credits exchange rate in regards to commercial, industrial, and all other element that goes into these villages and town.

Mark asked about the limitation to amount of commercial and industrial zones.

Alan stated that the credits are built into the residential uses. He spoke about the limitations for commercial and industrial uses. He also spoke of the market and its regulations on using the credits for the other uses besides residential.

Bob Molher stated that they are approving policy that has guided parameters and its specifics.

Kenneth Abernathy asked Alan if anyone had built a village under the TDR system.

David Wolfley had a concern with policy 4.8 and 4.9 regarding buffer requirements around SRA's being contiguous to FSA's and HSA's. Wanted to know if there should be buffers or if they already existed. He felt 4.13 should be referenced to 4.18.

Mark Strain had a concern with 4.13. issue of golf courses refers back to 3.17 and the 300-foot boundary regarding golf courses. Wanted to discuss longer and wider buffer for golf courses.

Alan referred to the components to buffering protection referenced in policy 4.10.4.11, 5.12, and 4.3

Kenneth had a concern regarding policy 4.10 and the PUD having 60 % open space and the SRA only needing 35% open space. He wanted to know the difference and the distinction between the two.

Alan stated that the PUD is the urban areas, so the villages are in this open space. He said this type of land use needs more open space.

Alan spoke briefly of a concern with the language of 4.12

Policy 4.13 was stated to be okay.

The committee decided to move on the Group 5 at this point.

Alan stated that this group was a relatively late comer to the process, which was after the first set of GOP's.

Alan addressed comments from the last few days from EAC.

At this point the committee went over the EAC recommendations, led by Bob Molher, one in regards to the impact of scientific data. They also spoke of the elimination of the BERPA designation.

At this point, Kenneth Abernathy stated that they will be taking out the bonus credit program.

Mark Strain had two concerns with Appendix D regarding the Stewardship program.

Alan spoke about the process for the receiving areas and that the county is not designated as a stewardship area.

At this point Nicole Ryan from the Conservancy spoke about any further concerns that were not discussed. She stated that the committee discussed all issues that she was concerned with. The committee did address all issues at hand.

Nancy Payton From Fl Wildlife stated there were still 2 issues that were not addressed. One was in regards to wildlife crossing in stewardship areas and the general policy referencing this and secondly, Wildlife policies. She was very concerned with this. She stated that there was some reference to wildlife policies in the final order in the rural fringe, but not in the rural lands amendments.

Bob Molher stated after Nancy spoke that he felt that wildlife policies are adequately protect wildlife.

There was discussion on duplicating language from rural fringe in regards to wildlife policies. It was agreed that language from rural fringe would be duplicated.

Bob Molher stated that would be no objection to that. He stated that any reference to this matter in the rural fringe would be incorporated into the rural lands policies.

Brad Cornell from Audubon spoke about his concern with the issue of the 500-foot restoration zone on the ma intended for wildlife corridor. He suggested that this corridor be in the habitat stewardship area. And that it be part of the 2500-foot buffer. He also stated it would be needed to hear comment from US Fish and Wildlife.

The committee stated that they were going with outside agencies to establish corridor width. Bob Molher sated that Florida Fish and Wildlife has received all of the information needed in regards to this issue.

Kenneth stated they have no position on the panther corridor widths, that they have no expertise whether to know if desired or not.

Dwight Richardson stated that when the data is available from the best sources is what will apply from all and any reviewing agencies.

Mark Strain brought up the concern that Brad Cornell had regarding the 500 feet being included as the buffer area.

Bob Molher stated that the discussion on this was that there was incentive to increase the widths where t is narrow.

Bill Lorenze spoke of the policies from Wilson Miller and the Advisory Council fro Rural Lands.

At this point there was an elaboration on the items discussed from the GOP structure.

Kenneth went over the changes made to the policies, group by group. He stated that 1.4 was modified to have it say that it will take into account Group 5 Policies, 1.21 will be taken out, along with 2.5 and 2.6. Policy 3.4 concerning "delete" at request of property owner and add threshold language at LDC. Policy 3.7 add incentives for "public" golf course and add language shall first be directed to previously cleared lands, as well as a cross reference to 3.17. Policy 3.12 needed to add something relative to process to be followed. Policy 3.14 has a cross reference to 3.7. Policy 4.3 has change with Mr. Molher's language concerning basis for approval and should be substituted for with words shall approve. Policy 4.8 needs to have across reference to 4.13. Policy 4.13 was modified to require that all turf areas be outside 200-foot boundary and add language concerning wildlife crossings. Also need to have provisions from another source regarding wildlife policies.

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Mark Strain had some additions including policy 2.4 regarding a language change from will to may. Also stated there were some revisions given to 1.17, 1.22, and 3.12. Policy 3.7 had some corrections.

Kenneth Abernathy asked all those in favor of the motion to raise their right hand. He stated the unanimous vote of 8-0.

The meeting was adjourned at 3:30.