

The following Group 3 Policy Recommendations are excerpted from the
RLSA 5-Year Review:

PHASE II REPORT

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

PREPARED BY

THE RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

CREATED BY THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

THROUGH

RESOLUTION 2007-305A

SECTION I

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

Preface

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

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

Policy 3.1

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

Policy 3.2 (recommended amendment)

Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately ~~40,000~~ 45,782 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HSA lands score within a range of 0.6 to 2.2. There are approximately ~~43,800~~ 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.

Policy 3.3

Further protection for surface water quality and quantity shall be through the establishment of Water Retention Areas (WRAs), as SSAs within the RLSA Overlay. WRAs are delineated on the Overlay Map and contain approximately 18,200 acres. WRAs are privately owned lands that have been permitted by the South Florida Water Management District to function as agricultural water retention areas. In many instances, these WRAs consist of native wetland or upland vegetation; in other cases they are excavated water bodies or may contain exotic vegetation. The Overlay provides an incentive to permanently protect WRAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated WRAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that WRA lands score within a range of 0.6 to 2.4; approximately 74% score greater than 1.2 while 26% score 1.2 or less. The average Index score of WRA land is 1.5.

Policy 3.4

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

Policy 3.5

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

Policy 3.6

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

Policy 3.7 (recommended amendment)

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

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

Policy 3.8

Compensation to the property owner may occur through one or more of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

Policy 3.9 (recommended amendment)

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

Policy 3.10

Ag 2 includes unimproved pastures for grazing and ranching, forestry and similar activities, including related agricultural support uses. In existing Ag 2 areas within FSAs and HSAs, such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 2 or conversion of Ag 2 to Ag 1 will be allowed in FSAs or HSAs beyond existing or permitted limits within property subject to a credit transfer.

Policy 3.11 (recommended amendment)

1. In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. ~~Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs.~~ Should a property owner be willing to dedicate land for restoration activities within a FSA or HSA ~~the Camp Keais Strand FSA or contiguous HSAs,~~ two additional Stewardship Credits shall be assigned for each acre of land so dedicated. ~~An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs.~~ The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded

with ~~four~~ additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. The additional Credits shall be rewarded for either caracara restoration at 2 Credits per acre, or for exotic control/burning at 4 Credits per acre, or for flow way restoration at 4 Credits per acre, or for native habitat restoration at 6 Credits per acre. Within the area proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration Credits shall be included in the Stewardship District of the LDC.

2. In certain locations, as generally illustrated in the RLSA Overlay Map, there may be opportunities to create, restore, and enhance a northern panther corridor connection and a southern panther corridor connection. Should a property owner in a federally approved corridor designate the required property for such corridor, 2 Stewardship Credits shall be assigned for each acre of land so dedicated. Issuance of the 8 restoration implementation credits may be phased to coincide with a phased implementation process in accordance with the federal permit. The procedures shall be set forth in the LDC.

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

Should the landowner successfully complete the restoration, an additional 6 Credits per acre shall be awarded.

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

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

Policy 3.12

Based on the data and analysis of the Study, FSAs, HSAs, WRAs, and existing public/private conservation land include the land appropriate and necessary to accomplish the Goal pertaining to natural resource protection. To further direct other uses away from and to provide additional incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand, all land within 500 feet of the delineated FSAs that comprise the Slough or Strand that is not otherwise included in a HSA or WRA shall receive the same natural index score (0.6) that a HSA receives if such property is designated as a SSA and retains only agricultural, recreational and/or conservation layers within the matrix.

Policy 3.13 (recommended amendment)

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

as a SRA in such instances. However, if the WRA provides water treatment and retention for a SRA, the acreage of the WRA used as primary treatment for water management for the SRA shall be included in the SRA. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

Policy 3.14

During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

Policy 3.15 (new Policy)

Any development on lands within the RLS Program shall be compatible with surrounding land uses. Within one year of the effective date of this Policy LDC regulations shall be implemented for outdoor lighting to protect the nighttime environment, conserve energy, and enhance safety and security.