

**ALTERNATIVES DEVELOPMENT GROUP (ADG)  
SOUTHWEST FLORIDA ENVIRONMENTAL IMPACT STATEMENT  
MEETING #2, APRIL 30-May 1, 1998**

**MEETING NOTES: FINAL**

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*The notes provided below document the main points and meeting progress that were offered during the meeting on April 30 through May 1. The notes highlight and summarize the key issues that were discussed at the ADG meeting. The following section provides an overall summary of the meeting, and the remaining sections summarize each of the agenda items as they occurred in the meeting. Selected attachments are provided in this document. Any comments on accuracy of these notes are welcome and will be reflected in a subsequent version of this meeting report. Note that copies of this document were provided electronically either through e-mail, facsimile, or at <http://www.saj.usace.army.mil/permit/projects.htm>. Attachments are included in the electronic version when reasonably possible. Otherwise, the full version with all attachments will be distributed at the next ADG meeting.*

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### **Meeting Overview**

The Alternatives Development Group (ADG) met on April 30 through May 1, 1998, at the Lee County Electric Cooperative building. Of the thirty-two ADG members, thirty-one were represented at the meeting. The roster of attendees is presented in Attachment A. The purpose of the two day meeting was to (1) receive presentations on pertinent subjects (i.e., permit process, county comprehensive plans, and map review), (2) refine the issues identified at the first meeting, and (3) identify and define factors by which to evaluate future alternatives.

The meeting began the morning of April 30 with administrative announcements followed by the introduction of members/alternates, observers, and the facilitation team. Dale Brown, lead facilitator for Planning and Management Consultants, Ltd. (PMCL), reviewed the ground rules for the ADG meetings.

The permit process was presented to the ADG from three perspectives; (1) Corps, (2) applicant, and (3) conservation community. It was later determined that a presentation of a permit case study would clarify the process for the ADG.

A number of maps were presented to the ADG for future use in the development of alternatives. The group decided that they would need a reference map as well as working maps. Given further clarification on alternatives development, the group will determine the maps necessary to aid in this process.

Representatives from Lee and Collier Counties presented the county comprehensive plans. The presenters addressed future land use maps as well as projected population. The ADG found significant differences between Lee and Collier counties' planning methods.

The ADG revisited the twelve issue categories identified at the first meeting. The group proposed either renaming or adding categories. The renaming or adding of categories will be addressed at the third meeting.

The twelve issue categories were a basis for the development of factors used to evaluate future alternatives. The group would identify and define factors in Factor Specialty Groups. The ADG was presented an example of identifying and defining an evaluation factor. These factors will be used to evaluate alternatives. The group needed clarification on the role and goal of the ADG before they could focus on developing evaluation factors.

The Corps agreed to present a permit case study at the third meeting. To help clarify the permit process the Corps will bring technical staff to address the group's questions. Also, the Corps will provide a list of criteria they use in the permitting process.

## **Administrative Activities**

Dale Brown and Tim Feather opened the second meeting with a number of administrative activities. These activities included (1) administrative announcements, (2) first meeting overview, and (3) second meeting agenda.

### ***Administrative Announcements***

The meeting was brought to order on day one by Dale Brown at 9:10 a.m. Mr. Brown addressed administrative issues regarding facilities, lunch, and other logistical items. The group was reminded to (1) pick up complete set of notes from the first meeting and (2) check member contact information for correctness.

### ***Overview of Previous Meeting***

Tim Feather presented an overview of the first ADG meeting using the overheads found in Attachment I of the first meeting notes (which were handed out to the group). Generally, the group accepted the presentation and the meeting notes as both accurate and an appropriate level of detail. A couple of points were raised. First, it was noted that the study area, specifically the notion of a primary and secondary area, was discussed in more detail than reflected in the notes from the first meeting. It was pointed out that the Charge, which is found as an Attachment in

the first meeting notes, clearly portrays the study area including recognition of the Estero Bay Watershed as an area of more intense analysis. It was suggested that this area also be clearly highlighted on the study area maps.

Clarifications of the Memorandum of Understanding (draft) was another area of discussion regarding the first meeting notes. It was stated that when referring to the Memorandum of Understanding (MOU) it should be stated that the Lee and Collier commissioners did not sign the document. Thus, this document is not recognized by some organizations. The Corps is not bound by the MOU but does recognize that part of the reason that the ADG was formed is the MOU. The group decided no changes to the notes were necessary.

Lastly, someone noted that information concerning the Regional General Permit was to be distributed to the ADG. Mr. Feather took the opportunity to hand out this information which is found in Attachment B.

Mr. Feather suggested to the group that this summary can be presented to other groups outside the ADG. It is essential that the progress and findings of the ADG be exposed to the public (both general and organized). Mr. Feather offered PMCL's support should someone from the ADG need it to develop a presentation.

Mr. Feather asked the group to identify any problems experienced during the distribution of the notes prior to the second meeting. Some of the members either did not receive the notes via e-mail or fax or the e-mail was not discernible. PMCL will review e-mail addresses as well as fax numbers for those who did not receive the notes. PMCL will determine the cause of e-mail transcription problems experienced by the group. At the time of the second meeting, the notes from the first meeting had not been placed on the internet site.

### *Agenda*

Tim Feather and Dale Brown presented the agenda for the second meeting. A number of the activities were included at the request of the ADG. These were presentations of (1) permit process, (2) county comprehensive plans, and (3) map review. Other items on the agenda included refinement of issues and identification of evaluation factors.

### **Permit Process Overview**

An overview of the permit process was given from three different perspectives; (1) Corps, (2) applicant, and (3) conservation community. The following sections provide summaries of the presentations given for each perspective as well as discussions by the ADG regarding permitting.

### ***Permit Process: U.S. Corps of Engineers Perspective***

A representative of the Corps, Bob Barron, provided a brief overview of the Corps' permitting process. The presentation addressed types of permits, regulatory authority, agency coordination, and permit evaluation and decision process. The following are the main topics of the presentation.

- Corps permits
- Standard permit process
- Corps jurisdiction
- Agency coordination
- Evaluation/Decision process
- Letter of permission process
- General permits process
- Jacksonville District

Details of the presentation are presented in Attachment C.

### ***Permit Process: Applicant Perspective***

Tim Durham, presented the process that the applicant must go through in Southwest Florida in order to determine whether or not a permit will be issued to the applicant. Applicants believe that the process is a checklist of items that is able to be completed in a relatively short period of time. However, there is a process to follow that is typically information intensive and lengthy. Complete information allows all agencies to make more informed decisions regarding the issuance of a permit. The following are the main steps of a permit application process in chronological order.

- Data collection and site assessment
- Site planning, design and mitigation analysis
- Permit application preparation and submittal
- Permit application and submittal
- Comment period
- Response to public agency comments
- Corps review and issues resolution
- Permit issuance

There is much effort spent before the permit application is submitted to the Corps. Details of the presentation are presented in Attachment D.

### ***Permit Process: Conservation Community Perspective***

Jan Goldman-Carter presented the conservation community's concerns regarding the permit process. Also presented to the ADG, a copy of *A Citizens' Guide to Protecting Wetlands* (1989) published by the National Wildlife Federation. A brief listing of concerns is as follows:

- Tendency to discount public's role in permit process.
- Jurisdiction of Corps versus NRCS.
- Agricultural land concerns over prior converted crop lands and ongoing agricultural processes. Issue of Food Security Act and Clean Water Act, Section 404f exemptions, respectively.
- General permits remove public from the process of a case-by-case review.
- Nation wide permits (i.e., Nation Wide 29) not specific enough for sensitive areas.
- Programmatic permits may not uphold permitting standards.
- Avoidance of wetland impacts must be given equal weight in development.
- Observe more attention in mitigation efforts given to wetland functions than to wetland acreage. There is supposed to be a no net loss goal of wetland functions and acreage.

### ***Permit Process: Questions and Comments***

Dale Brown opened the floor for questions and comments by the ADG. There were two areas of primary concern by the group related to the permit process; (1) agricultural lands and (2) efficiency of the permit process.

**Agricultural Lands.** There was confusion of the roles of agencies particularly in the area of agricultural lands. There is an agreement among the Environmental Protection Agency (EPA), Natural Resources Conservation Service (NRCS), and the Corps that separates the permitting work regarding wetlands. Typically agriculture lands are under the jurisdiction of the NRCS. The Corps has no jurisdiction over agriculture lands unless there is a wetland considered waters of the United States. For wetland delineation procedure, the NRCS uses the Food Security Act Manual and the Corps follows the Corps 1987 Manual. The method of wetland delineation is different between the Food Security Act Manual and the Corps 1987 Manual for wetland inclusions. The Corps in the issuance of a permit must also take into account the expertise of the EPA. It was observed by a member that the Corps and EPA sometimes differ on the designation of wetlands.

There was a question of whether pastures are considered agricultural lands. Agricultural lands or croplands are defined by law. Nobody knew whether pasture lands were considered croplands in this case. There was also discussion concerning the definition of prior converted croplands. It was stated that a prior converted cropland includes lands converted prior to 1985.

If a cropland was not used for agricultural purposes for a period of five years, it was no longer considered a prior converted cropland. It was stated that a delineation is not required when property is considered a prior converted cropland. Some ADG members noted concern with respect to Section 404f not addressing, for example, a drainage ditch on agricultural land that would be a wetland if that ditch had not been implemented on that property.

**Regulatory Efficiency.** There were a number of discussions concerning the efficiency of the permitting process. It was stated that the permit process is inefficient. It was suggested that the process could be streamlined given the different time-frames that each agency operates under. For instance, it was asked whether the permit application should go through the South Florida Water Management District before going to the Corps for a more efficient process. Many applications do not make it to the Corps for approval because they are determined not to be plausible before the application reaches that step in the process. It was stated that more rules governing the application review would not allow for the issuance of a permit based on their own merit. The information needs for review are a primary reason the application process is so lengthy. In order to speed up the process, there are pre-application meetings with all agencies involved in the process. Another approach is to meet with respective agencies at the site and determine who carries the most weight for a particular case. There was also concern from the ADG regarding funding cuts in federal agencies (i.e., Corps) that would further impede on the permit processing time horizon.

There was a question of whether the Corps had a goal of total acreage of wetlands to be achieved by its programs. It was stated that the Corps does not.

It was questioned whether the ADG needed to address the efficiency of the permitting process. Several members stated that as the group identifies alternatives it will also need to discuss implementation of these alternatives (i.e., permit process). Knowing the process will help in developing fair alternatives.

## **Study Area Base Map Review**

Chip Merriam, for the purpose of review, provided different types of maps that might aid the ADG in understanding the study area as well as developing alternatives. A number of maps (i.e., LANSAT and Base maps with milar overlays) were presented to the ADG. There was much discussion concerning the size and detail of map needed for the ADG's purpose.

The cost and turn around time of mapping for each meeting are constraints on the type of map to be provided to the ADG. It was recommended by the presenter to use a base map with milar overlays for the purpose of developing alternatives. It was then suggested that the ADG have a main reference map and a set a working maps on which to draw alternatives. A final decision was not made regarding the type and level of detail needed by the ADG. It was agreed that the ADG would further understand their mapping needs as the process moves forward and

they understand the Charge of the ADG more clearly. The presenter agreed to have a variety of maps available at the next few meetings for the ADG review. A list of maps by issue addressed for the Estero Bay area is presented in Attachment E.

## **County Comprehensive Plans**

County comprehensive plans were presented by county representatives for Lee and Collier counties. Each presentation was followed by a question and answer session for the benefit of the ADG.

### ***Lee County Comprehensive Plan***

The Lee County Comprehensive Plan (Plan) was presented to the ADG by Paul O'Connor of the Lee County Division of Planning. Mr. O'Connor detailed the series of events that have led to the current comprehensive plan. The county realized they needed a plan in the late 1970s. Although a Plan was developed, much of the decisions made recently have been dictated by decisions made prior to the first Plan. By the early 1980s it was recognized that the Plan needed future land use maps. In 1983 and 1984 there were a series of large scale hearings concerning the new Plan. The new Plan was completed in 1984 with future land use planned out until the year 2010. In 1989 there was outcry by the public concerning adoption of a future land use map. The County revised the Plan. The Plan was not accepted by the Florida Department of Community Affairs (DCA). The problem with the 1989 Plan was that it addressed seventy years of growth in a twenty year planning horizon. Densities of urban growth needed to be readdressed in the Plan. To address these urban densities, one-hundred and fifteen sub-districts were identified.

In 1992, significant changes need to be made in the Plan to address the new university. Another carrying capacity study was done for Lee County. DCA had problems with methodology resulting in litigation. An Evaluation and Appraisal Report (EAR) was completed resulting in thirty-four amendments to the Plan. Lee County is proposing to divided the County into twenty sections for planning purposes. The chronological history of land use maps for Lee County was presented during the relevant portions of the presentation.

Directly following the presentation, Dale Brown opened the floor for questions and comments. There were a number of questions concerning future growth projections. It was stated that past projections by the County were higher than those of the Bureau of Economic and Business Research (BEBR). The current planning effort utilizes the BEBR midrange forecast. It was stated that United Telephone Services has reliable population estimates. There is a population build out for Lee County of approximately 1.6 million people. It was stated that this number is increasing due to baby boomers.

There was discussion concerning the land use map. The map identifies three categories; (1) urban, (2) non-urban (rural), and (3) environmental. Discussions centered primarily on the rural and environmental categories. Densities for these categories are as follows

- Rural 1 dwelling per acre
- Open lands 1 dwelling per 10 acres
- Environmental 1 dwelling per 20 acres
- Density Reduction Groundwater Recharge 1 dwelling per 10 acres

Lee County requires forty and thirty percent open space for residential and commercial properties, respectively. There is a portion of Lee County called the Density Reduction Groundwater Recharge Area on which there has been little development since its designation in 1990. Lee County has developed a data base that keeps tract of all properties not incorporated for over forty different land uses categories.

Lehigh Acres, which is in a primary recharge area, was another topic of discussion. However, this area, according to an ADG member, has no storage capacity. It was stated that Lehigh Acres has more approvals for development than will ever occur in that area. It was stated that this area is negatively impacting its neighbors. The question was raised as to whether or not Lehigh Acres will be reevaluated. It was stated that transfer of rights might be an option to move Lehigh Acres owners into higher planned density areas of Lee County. Lehigh Acres represents one reason why lot numbers and population forecasts are not aligned for the County. Cape Coral has the same alignment problem as Lehigh Acres. However, Cape Coral is not in the study area.

A number of environmental questions were posed to the presenter. It was mentioned that the Six Mile Ordinance is still used. It was stated that the plan does address wetlands and natural resource issues. A member asked for the number of wetland acres lost in Lee County. It was stated that while there is a record of wetland acreage in Lee County, nobody knows the number of wetland acres lost or a source to find an estimate. It was asked whether golf courses had the potential of displacing upland ecological communities. It was stated that in the Plan this is a possibility. It was also stated that there is a monitoring report addressing listed threatened and endangered species. It was recognized, but for a period of time the monitoring did not take place. It was stated that they need to continue the monitoring report.

### ***Collier County Comprehensive Plan***

The Collier County Comprehensive Plan (Plan) was presented to the ADG by David Weeks of the Collier County Comprehensive Planning Section. Mr. Weeks distributed packets of information to the ADG that included (1) excerpt from the Collier County Growth Management Plan, Future Land Use Element, (2) open space acreage, (3) population and dwelling unit data, and (4) maps of future land use and open spaces. These items are provided in Attachment F.

Mr. Weeks began by identifying the areas of the future land use map (draft). The map presents areas of urban, agricultural/rural, estates, conservation, and special features designation in Collier County. Urban areas include (1) mixed use districts, (2) commercial districts, and (3) industrial districts. The densities allowance for most of these areas was addressed and are as follows:

- Urban 4 units per acre
- Urban Coastal 4 units per acre
- Urban Coastal Fringe 1.5 units per acre
- Estate 1 unit per 2.25 acres
- Agriculture/rural 1 unit per 5 acres
- Commercial concentration of high density areas within Urban designation

Over fifty percent of Collier County is considered area of state concern. A map was presented to the ADG titled *Future Land Use Map: Collier County, Florida (draft October 1997)*. This area includes most of the south and east portions of the county. In this area are found conservation areas and areas of environmental concern such as Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, and Cape Romano-Ten Thousand Islands Aquatic Preserve. The Big Cypress National Preserve occupies nearly fifty percent of the area of critical state concern. These areas are primarily in public ownership. The transfer of development rights is being used to move densities from the eastern portion of the County to urban areas. Rural densities are being clustered to maintain more open areas (i.e., clustering units in a primary area for a fifty acre area as opposed to 1 unit in the middle of each five acre tract).

Mr. Weeks provided acreage numbers for the County's open spaces. A map of open spaces was presented to the ADG titled *Open Spaces: Collier County (April 1998)*. Open spaces included both public and private conservation/preserve areas, City and County parks, and golf courses. These total nearly sixty percent of the County's total acreage of which fifty-three percent is conservation/preserve area under public management. Proposed state and federal land acquisitions would increase this figure by ten percent.

Lastly, David Weeks presented current and projected population numbers for the County and Urban Coastal areas. The 1997 Urban Coastal population was 143,000 people. The build-out population for the Urban Coastal area is projected to be 422,100 people. This represents a nearly three-fold increase in urban population. The 1997 countywide population was 200,000 people. Peak seasonal population for the same year was 286,000 people. Peak season population for the year 2019 is projected to be 507,300 people. The fastest growing area in Collier County is North Naples

Directly following the presentation, Dale Brown opened the floor for questions and comments. Most of the ADG's discussions addressed rural densities and zoning. It was stated that the Conservancy of Southwest Florida is working closely with Collier County to move the

density designations of rural areas from 1 unit per five acres to 1 unit per twenty acres. There was more discussion concerning zoning

Collier County is said to have the largest subdivision in the world, Golden Gate Estates. However, over 200 acres of the Estates were rezoned resulting in lower densities. This impacted nearly 6,000 dwellings. It was stated that areas are zoned for a larger area than typically will occur. It was stated that before rezoning can occur species identification must be complete. Population growth projections are constrained by the County Board not approving the number of flyways projected (thirty-five) to be necessary to accommodate this projected population. This number was reduced to fifteen and the Board still did not approve this amount. The Board believes growth projections are too high. The number of flyways is dependent on two items (1) engineering estimates based on growth projections and (2) the fact that Collier County does not have east and west road systems.

## **Issues Refinement**

Tim Feather opened the discussion of the issue categories identified at the first meeting (refer to notes from the first meeting). This is an opportunity to refine these issues before the ADG moves on to other business. These will be the basis for the activity of developing evaluation factors. The first issue to be addressed is that of ecological integrity. It was suggested that threatened and endangered species be an issue outside ecological integrity. In order to accommodate these species it was recommended to rename the issue habitat conservation. This issue was moved to a list of items to be discussed at a later time. Also, it was recommended that regulatory efficiency be renamed planning and regulatory efficiency and effectiveness. This too was placed on a list of items to be addressed at a later time.

It was stated by an ADG member that there was a list of approximately twenty-five criteria the Corps uses to evaluate permit applications. It was agreed upon by the ADG that these criteria be provided and used to aid in the further identification of issues.

## **Evaluation Factors: Definition and Data**

Tim Feather opened the session to identify and define evaluation factors. The starting point to identifying evaluation factors are the list of issue categories developed by the group. Mr. Feather provided an illustration of how the factors will be used to evaluate future alternatives. See Figure 1. There are four items to think about when developing these factors:

1. Identify a factor
2. Determine if it supports the Charge
3. Identify how it helps differentiate among alternatives
4. How will the factor be measured

<b>Evaluation Matrix</b>			
	<b>Factor 1</b>	<b>Factor 2</b>	<b>Factor 3</b>
<b>Alternative 1</b>			
<b>Alternative 2</b>			
<b>Alternative 3</b>			
<b>Alternative 4</b>			

**Figure 1**

After introducing the ADG to the use of evaluation factors, Mr. Feather suggested that the ADG divide into breakout groups to identify factors by which to evaluate alternatives. The group asked what an alternative was in light of the Charge of the ADG. An example in the Charge itself is the selection of the type of permit process to be used by the Corps in Southwest Florida. The group decided that they needed a working example of the development of an evaluation factor.

***Evaluation Factor Exercise***

Dale Brown with the help of Tim Feather went through an exercise of developing an evaluation factor. The issue is water quality. The group listed potential factors that are listed below:

- Pollutants
- Saltwater intrusion
- Fresh water intrusion
- Biotic and abiotic
- Trophic state

It was stated, that in order to use these factors, the group must have a baseline from which to compare any changes. It was stated that there is baseline data available regarding water quality. It was stated that the real factor is water quality as a whole (i.e., is the water quality improved or not by the proposed alternative).

Mr. Brown asked the group if the factor of water quality meets the Charge of the ADG. It was then asked what responsibility does the Corps have with respect to water quality. The question was answered by stating that the Corps uses water quality as a criteria that is weighted in the decision making process.

Mr. Brown then asked if the identified factor can differentiate alternatives. Several members stated that data exist for water quality issues. Several ADG members were identified as water quality experts. Mr. Brown stated that the ADG will divide into Factor Specialty Groups to develop evaluation factors based on the identified issue categories. Members of each Specialty Group are volunteers that may be experts regarding that issue(s) or are very interested in that particular issue(s).

Given the first example, Mr. Brown asked the group to consider dividing into subgroups to take a stab at identifying and defining factors that will be used later in the process to evaluate alternatives. The ADG was still unsure that they need to break into groups to develop evaluation factors. Mr. Brown stated that subgroups serve several functions; (1) allow better sharing of ideas, (2) allow everyone to hear and be heard, and (3) identify commonality. Mr. Brown also stated that a larger group may not be able to address an issue as quickly as smaller groups. Also, the ADG can divide the issues among groups for quicker factor development. The group insisted on working as a whole. Mr. Brown suggested to the group that if the ADG is stuck then they will divide into small groups.

### ***Permit Process Discussion***

As the group went into developing evaluation factors, the discussion went into a number of directions related to alternatives development, ADG Charge, and the current problems with the Corps' permitting process. It was mentioned by a number of members of the ADG that status quo in the permitting process is not optimal. It was stated that permitting occurs at the point of least acceptability by the public which results in cumulative and secondary impacts. It was stated by a number of members that the ADG has an opportunity to raise the standards of permitting in Southwest Florida through this process. The discussion continued on the topic of the permitting process.

The group wrestled with the permitting process and the constraints of the Corps in the permitting process. A number of members stated that the Corps standards in the permitting process are not flexible so why go through this process. It was stated that this is an opportunity to inform the Corps and make suggestions for a better process. The idea of the ADG is to develop a roadmap of creative solutions that help the Corps achieve the goal of compliance in Southwest Florida. To better help the ADG understand what it is trying to accomplish, they recommended an example of a permit be presented at the third meeting.

It was agreed that the Corps would present a permit example at the third ADG meeting. It was also agreed that the example steer away from areas of contention (i.e., university and airport), but it be an actual location that addresses cumulative and secondary impacts. Another suggestion, to avoid divulging actual permit information, was to identify a piece of public land and treat it as private for the sake of the permit example. It was questioned whether understanding the permit process would help the ADG achieve its goal. It was stated that understanding the process will improve the knowledge of the group and allow them to speak more intelligently

about it. A goal of the EIS is to improve the permit process in Southwest Florida. The alternatives developed by the ADG aid the decisions of the EIS.

### *Evaluation Factor Development*

Mr. Brown brought the group back to address the development of evaluation factors. The groups started with the issue category of property rights. It was stated that property rights are reviewed in the Corps permitting process. The group listed a number of items that might be used to address property rights. The list is as follows:

- zoning
- fair economic return
- public property rights
- constitutional rights
- adjacent rights
- deed restrictions
- what constitutes a taking
- environmental justice (economically poor areas)
- public good
- Burt J. Harris (legislation of compensation for partial takings)
- infrastructure demand cost
- tax base
- do infrastructure demand cost and tax base balance
- impact fees (offset to infrastructure demand cost)
- condemnation
- insurance subsidies

Mr. Brown asked the ADG who has expertise in the area of property rights. This was a chance to begin to identify Factor Specialty Groups. The question was raised whether members could be on more than one Specialty Group. The group discussed the tasks to be completed by the Specialty Groups. Mr. Brown stated that Specialty Groups will do the following;

1. Identify and describe a factor
2. Determine if it supports the Charge
3. Identify how it helps differentiate among alternatives
4. How will the factor be measured
5. Identify data sources and reference materials

It was asked regarding the identification of data and references whether this was to be an exhaustive review of the sources. Is this the equivalent of the ADG doing the EIS for the Corps? It was stated that the ADG can not evaluate alternatives without evaluating the data source first.

The discussion went back to the issue categories. It was suggested that three of the issues categories would cover all twelve issue categories. It was stated that all issues are important. Members of the group reiterated that this is an opportunity for the ADG to improve the process. It was stated that as the group goes through the issue categories and activities it will identify ways to address improvements. Ultimately, the EIS will be a big picture from which to review individual permits in Southwest Florida. The EIS will evaluate the impacts of the alternatives developed by the ADG. It was stated that the ADG will address issues and develop alternatives that are beyond the scope of the Corps but will aid the Corps in remaining consistent in Southwest Florida.

Two members provided possible alternatives that address the twelve issue categories identified in the first meeting. These were presented to the ADG as a means to help the group focus on the task at hand. These suggested alternatives are presented in Attachment G. It was stated that the Corps has never used this type of process and is looking for the ADG to take the opportunity and make it a successful effort. It was stated that there is some subjectivity in the Corps permit process and through the ADG the Corps is looking for some input into the permit process.

### **Parking Lot Items**

A number of items were raised throughout the second ADG meeting that were tabled to be addressed at a later time. These items were as follows:

- change the name of current issue “maintain ecological integrity”
- Change the name of current issue “regulatory efficiency”
- statutory requirements/compliance
- review list of 25 Corps criteria
- Permit process case study (Corps perspective)

The permit process item was addressed by adding a permit process case study to the agenda of the next ADG Meeting.

### **Meeting Two Summary**

Mr. Feather proposed a format of the summary presentation to the ADG similar to that of the first meeting focused around the following topics.

- Activities (who, what, where, and why)
- Accomplishments
- Next steps
- Next meeting information

Mr. Feather offered the accomplishment topics of (1) permit overview, (2) map review, (3) county comprehensive plan review, (4) issues refinement, (5) evaluation factor development, and (6) information needs. The group then added detail to the accomplishment topics. The summary presentation is provided in Attachment H.

### **Next Meeting**

The third meeting will be held at the Lee County Electric Cooperative building on May 21 and 22, 1998. Topics of the meeting will be (1) presentation of a permit case study, (2) definition of alternatives, and (3) continued development of evaluation factors.

**ATTACHMENT A**

**ALTERNATIVES DEVELOPMENT GROUP  
MEETING #2 ATTENDEES**

**LIST OF ATTENDEES**  
**ALTERNATIVES DEVELOPMENT GROUP**  
**MEETING #2, APRIL 30-MAY 1, 1998**

**Members Represented:**

Robert S. Baker  
Council of Civic Associations

Rick Barber  
Chief Executive Officer  
Agnoli, Barber & Brundage, Inc.

Tom Beck  
Department of Community Affairs

John Cassani  
Lee County Hyacinth Control District

Wayne Daltry and David Burr (alternate)  
Executive Director  
SW FL Regional Planning Council

Claudia Davenport  
Big Cypress Basin Board

Tim Durham  
Wilson, Miller, Barton & Peek, Inc.

Clara Anne Graham-Elliott  
League of Women Voters of Lee County

John Folks  
Department of Agriculture and Consumer Services

Edward Griffith and Terrance Dolan (alternate)  
Director of Planning  
WCI Communities

David Guggenheim  
The Conservancy of Southwest FL

Bill Hammond  
South Florida Water Management District

Bradley J. Hartman and Jim Beever (alternate)  
Director, Office of Environmental Services  
Florida Game and Fresh Water Fish Commission

Ronald Inge  
Harper Bros., Inc.

Richard Klaas  
Florida Real Estate Consultants

Bonnie Kranzer  
Governor's Commission for Sustainable South Florida

Robert K. Loflin (alternate for Wallace Kain)  
Mayor  
City of Sanibel

Earl Kegg  
Collier County Representative

Al Lucas  
U.S. Environmental Protection Agency

Chip Merriam and Karen Johnson (Alternate)  
Director, Fort Myers Service Center  
South Florida Water Management District

Neale Montgomery  
Paves, Garner, Haverfield, Dalton, Harrison & Jensen

Paul O'Connor  
Planning Division Director  
Lee County

W. Tom Olds  
U.S. Fish and Wildlife Service

Robert H. Roth, P.E.  
Barron Collier Partnership/Silver Strand Division

Fran Stallings

Mark P. Strain  
Gulf Bay Communities, Inc.

Kris Thoemke and Jan Goldsmith-Carter (alternate)  
Director, Everglades Project  
National Wildlife Federation

Matthew D. Uhle and Mike Roeder (alternate)  
Economic Dev. Coalition of Lee Co.

Whit Ward and Michael Reitmann (alternate)  
Collier Building Industry Association, Inc.

David Douglas  
David Douglas Assoc., N Ft. Myers Chamber of Commerce

Bob Barron (Alternate for John R. Hall)  
Department of the Army, Jacksonville District Corps of Engineers, Regulatory Division

**Members Not Represented:**

Peggy Highsmith  
Department of Environmental Protection

**Observers:**

Gary Lee Beardsley (alternate)

Brenda Chalifour  
Dr. Terry L. Rice/SAIC/EPA

Ned Dewhirst  
Holf, Montes & Associates

Robert Duane  
Chairman SWIG

Kim Dryden  
GFC

Cullum Hasty  
Recyclable Growth Management Coalition

Tim Jones  
Lee Company

Jami McCormick  
Lee Co. Port Authority (SWFL Intl' Airport)

Nancy Payton  
Florida Wildlife

Jeff Rhodes  
SAIC/EPA

Michael Simonik  
The Conservancy of SW Florida

Paul Szerszen  
SAIC/EPA/RICE

David Weeks  
Collier County Planning Department

Jim Wilt  
FOOT

**Facilitation Team:**

Timothy Feather  
Program Manager  
Planning and Management Consultants, Ltd.

Dale Brown  
Lead Facilitator  
Planning and Management Consultants, Ltd.

Michael Beezhold  
Meeting Recorder  
Planning and Management Consultants, Ltd.

**ATTACHMENT B**

**REGIONAL GENERAL PERMIT**

## **ATTACHMENT C**

### **PERMIT PROCESS: U.S. CORPS OF ENGINEERS PERSPECTIVE**

## **Forms of Corps Permits**

- Individual Permits
  - Standard Permits
  - Letters of Permission
- General Permits
  - Nationwide Permits
  - Regional Permits
  - State Program General

## **Process for Standard Permit**

- Pre-application
- Jurisdiction?
- Application. Complete?
- Public Notice
- Coordination / Additional information?
- Evaluation. Decision
- Compliance

## **Process: Jurisdiction?**

- Law - geographic - activity
  - Section 10 - Navigable waters - All activities
  - Section 404 - All waters - Fill
- Others include
  - Section 103 - Transport for ocean dumping
  - Section 9 - Dams
- 404(f) exemptions
- Wetland delineation.
  - Wetlands subset of “Waters of U.S.”
  - 1987 Manual: Hydrology, Vegetation, Soil
- Agriculture
  - Who does geographic extent?
- NRCS if agriculture per Federal Agricultural Improvement and Reformation Act (1996)
- NRCS may if USDA program participant
  - Delineation? Food Security Act Manual for lands in agriculture. Corps 1987 Manual for wetland inclusions.
  - Activity need 404 permit?
- Normal practice, typically 404(f)
- No if prior converted cropland until abandoned
- Yes if expandor for non-agricultural use

## **Process: Coordination**

- Fish and Wildlife Coordination Act with U.S. Fish and Wildlife Service and Florida Game and Fresh Water Fish Commission
- Endangered Species Act
  - Use authorities to conserve
  - Not jeopardize
- National Historic Preservation Act
- Others

## **Process: Evaluation/Decision**

- 22 Public Interest Factors. Balance. Is not contrary to public interest?
- 404(b)(1) Guidelines. Presumes non-wetland alternative available. Is least damaging practicable alternative?
- Mitigation to support goal of “no overall net loss of values and functions”
  - Sequence: Avoid - Minimize - Compensate
  - Prefer on-site, in-kind. Prefer restoration.

Mitigation Banking for compensating unavoidable adverse impact and when on-site not practicable or where Bank is environmentally preferable.

- NEPA. Disclose environmental consequences of alternatives.

## **Process for Letter of Permission**

- Similar to Standard
- No Public Notice, but letter to landowners and agencies.
- Abbreviated decision document.
- Letter.
- Limited number of types of activities.

## **Process for General Permits**

- Corps drafts proposed language
- Public Notice
- Coordination similar to Standard Permit.
- Evaluate. Decision.
- Work authorized as conditioned
- Individual submits request for verification of compliance with General Permit.
- Two issuers
  - Nationwide Permits by Corps HQ
  - Regional by Jacksonville District
- Try to delegate verifications. State Programmatic Permit.
- Minimum cumulative impact.

## **Jacksonville District**

- 80 persons in Regulatory
  - Five geographic branches + enforcement branch.
  - Twelve field offices + Jacksonville office
- Fiscal Year 1997
  - Standard and Letter permits: 1,006
  - Regional General: 3,367    Nationwide: 2,966
  - No permit required: 1,368    Jurisdictional: 1,523

## **ATTACHMENT D**

### **PERMIT PROCESS: APPLICANT PERSPECTIVE**

## **Data Collection & Site Assessment**

- \* Research listed species data base
- \* General evaluation of adjacent lands
  - wetland systems/connections
  - species habitats, species
  - hydrology/surface water management systems
- \* Map vegetation associations (FLUCCS map)
- \* Flag State and Federal wetland boundaries
  - vegetation
  - soils
  - hydrology
- \* On-site listed species survey
  - Seasonal concerns
  - Habitat Potential
- \* Request/schedule wetland jurisdictional (JD) site walk (can take up to 3 months to schedule) Conduct wildlife/listed species surveys
- \* Research potential for on-site historical/archaeological resources
- \* Conduct JD site walk with corps
- \* Finalize JD exhibit
- \* Corps review and validation of JD

## **Site Planning, Design & Mitigation Analysis**

- \* Internal competition for land
  - Stormwater management
  - Buffers
  - Golf course
  - Infrastructure
  - Residential/unit count
  - Wetland preserves & mitigation areas
- \* Wetland impact & mitigation analysis
  - Wetland Rapid Assessment Procedure (WRAP) - functional assessment methodology
  - Generate “best guess” of impact/mitigation acres
  - Financial/feasibility analysis
- \* Wetland impact minimization & “finalize” site plan
- \* Coordination with water management design
  - Wetland hydroperiod
  - control elevations
  - water flow
  - buffers

## **Permit Application Prep. & Submittal**

- \* Pre-application meeting
- \* Alternatives analysis
- \* Avoidance discussion
- \* Minimization discussion
- \* 8-1/2" x 11" drawings
- \* WRAP analysis & mitigation plan
- \* Corps permit submittal
- \* SFWMD permit submittal ?
  - Timing issue
  - Clean water certification
- \* Conflict between need for total site plan by corps and degree of certainty by applicant

## **Permit Application & Submittal**

- \* Corps reviews for "completeness"
- \* May request clarification and/or additional information
- \* Corps identifies potential problem areas or issues
- \* Corps puts out Public Notice
  - "May effect" position on list species
  - Sent to:
    - EPA
    - FWS
    - NMFS
    - SHPO
    - RPC
    - Adjacent land owners
    - Standard mailing list
    - Others

## **Comment Period**

- \* Public comments received by Corps
- \* EPA reviews Public Notice
  - May comment
  - May submit 404(q) MOA 3(a) letter as objection
- \* USFWS reviews public notice
  - May comment
  - May submit 404(q) MOA 3(a) letter as objection
  - May enter into Section 7 consultation with corps
    - Timeframes often exceeded
    - ESA and guidelines are vague
- \* Site walk with USFWS/FGFC/EPA

## **Response to Public Agency Comments**

- \* Corps forwards comments to applicant for response
- \* Corps reviews & coordinates responses
- \* Responses to EPA
  - . Must evaluate intensity of EPA concerns
  - . May involve applicant/EPA/Corps discussions
  - . May require meetings with EPA in Atlanta
  - . Goal: avoid elevation process
- \* Responses to USFWS
  - . Make sure USFWS has sufficient information & materials
  - . Conduct site walk to discuss specific site conditions
  - . Discuss project design or land planning alternatives
- \* Evaluate design/land planning alternatives
  - . WRAP re-analysis
  - . Project feasibility re-analysis
- \* Modify project and permit application

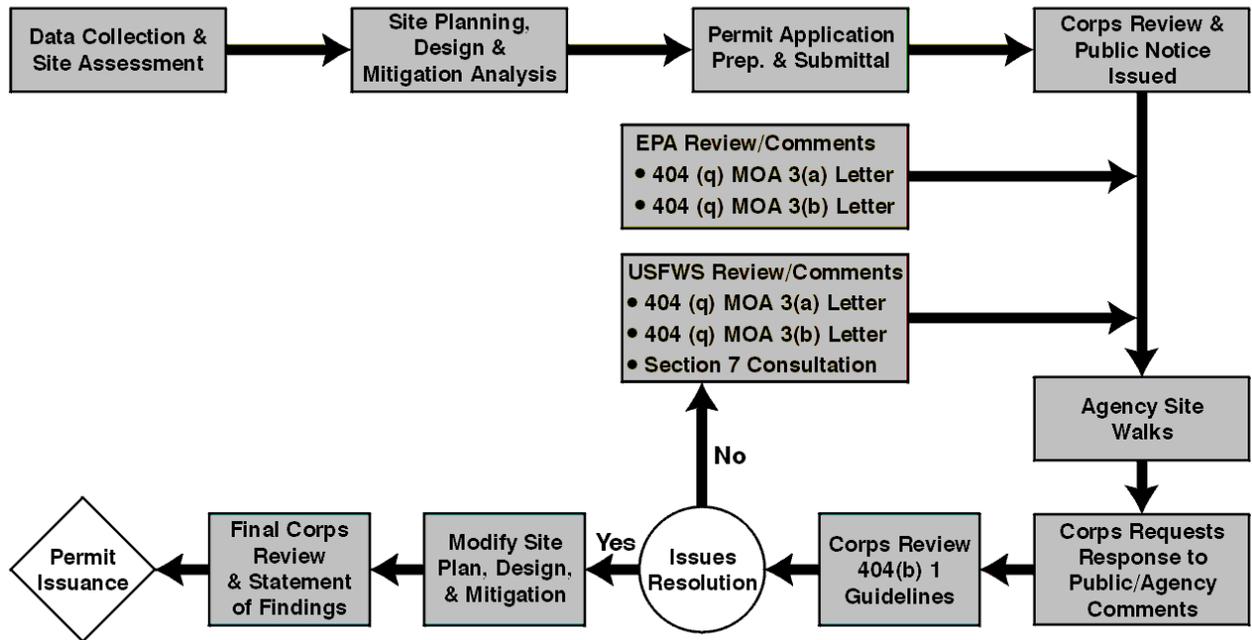
## **Corps Review & Issues Resolution**

- \* Corps' primary roles
  - . Solicit comments, coordinate comments & responses
  - . Balance multiple factors
  - . Determine consistency with 404 (b)(1) guidelines
  - . Public interest evaluation
- \* Difficult issues
  - . Alternatives analysis
  - . Avoidance (impact justification)
  - . Minimization (alternative site planning)
  - . Secondary & cumulative impacts
  - . Functional assessment of wetlands
  - . Mitigation plan
  - . Agency disagreements

## **Permit Issuance**

- \* Requires SFWMD Permit
- \* Preceded by Corps' Statement of Findings
- \* Duration of permit

# Generalized Flowchart Permit Process



# **ATTACHMENT E**

## **MAP REVIEW**

# Estero Bay Map Overlays

The following categories of mapping information were requested by SWIG for EIS deliberations. Staff has listed some data sources to be used to complete these maps. The data has been generally collected with the exception of the data that is currently underway and is not yet available. More detailed mapping work will begin after the Corps has determined the geographic scope of the EIS.

## **Comprehensive Plans:**

- Lee County Existing and Future Land Use Maps
- Collier County Existing and Future Land Use Maps
- Hendry County Existing and Future Land Use Maps

## **Flowways:**

- SFWMD (South Lee/North Collier Study) underway
- Lee County Water Resource Mapping Program

## **Critical Wildlife Habitat:**

- FGFWFC GAPS Maps
- USF&WS Panther Priority 1 and 2 areas

## **Water Storage Area:**

- SFWMD (South Lee/North Collier Study) underway

## **Existing Preserves and Proposed Acquisition Lands:**

- Regionally Significant Natural Resources (SRPP)

## **Potential Mitigation Areas:**

- Arnold Report and Recommendations (limited to the Arnold study area)
- Estero Bay ABM Land Acquisition Strategy Map (draft)

## **Critical Natural Resources:**

- Outstanding Natural Systems, Lower West Coast Water Supply Plan
- Natural Area Upland and Wetland Vegetation

## **Greenways:**

- Regionally Significant Natural Resources (SRPP)
- Statewide Greenways Map

## **Water Volume, Flow Patterns:**

- SFWMD (South Lee/North Collier Study) underway

## **Water Quality:**

- Section 305(b) Water Quality Assessment, 1996, FDEP
- Estero Bay Watershed Assessment, SFWMD (underway)
- Caloosahatchee River Water Management Plan (underway)

In addition to the above Mapping sources, the Estero Bay Agency on Bay Management has compiled the following list of data sources for use during the EIS:

- FG&FWFC Strategic Habitat, GAPs Report
- FDEP Section 305(b) Water Quality Assessment Report
- Estero Bay Literature Review (SFWMD)
- NEP State of the Harbor Report and Data Compendium
- SWFRPC Strategic Regional Policy Plan
- Evaluation of Regional Effects of New Citrus...in SW Florida, Frank Mazzotti
- SFWMD Isolated Wetland Monitoring Studies
- SFWMD District Water Management Plan
- Lee and Collier MPO Forecasts by Traffic Analysis Zones, Long Range Plans
- SFERWG Science Plan Documents
- Arnold Report and Recommendations
- National Wildlife Refuge Draft Management Plans
- South Florida Study 1970s Reports, National Audubon, H.T. Odum, UF Center for Wetlands
- Aquatic Preserve and Buffer Reserve Management Plans
- Lee County Surface Water Master Plan and Basin Studies
- Big Cypress Basin, Cocohatchee, Wildlife Studies, underway by Dames and Moore
- Hurricane Storm Surge Models and Maps
- National Audubon Data, Ed Carlson
- South Golden Gate Restoration Plan and Interagency Group Data Base Inventory
- Big Cypress Basin Steering Committee Data Compendium
- CDM, Special Area Management Study, Wetland Resource Categories, Lee County
- 1988 Surface Water Reconnaissance Study, Lee County, SFWMD
- Wetland Buffer Studies, Center for Wetlands, Mark Brown
- Value of Isolated Wetlands, Jim Newman, Robin Hart
- Collier County Natural Resources Department
- Management Plans for State Parks and Historic Sites
- Beach and Inlet Studies, Beach and Inlet Convocation
- 1989 Lee County Coastal Study, Detailed Vegetation Mapping, David Godchalk?
- Naples Bay Study
- Old USGS Quads and Photos
- Eric Flaig?, SFWMD, IFAS
- Recovery Plans for Endangered Species
- Lower West Coast Water Supply Plan
- USGS Studies, LaRose, Wanless
- Big Cypress Basin Science Plan Steering Committee Data compendium

**ATTACHMENT F**

**COLLIER COUNTY GROWTH MANAGEMENT PLAN**



# **COLLIER COUNTY**

## **GROWTH MANAGEMENT PLAN**

**FUTURE LAND USE ELEMENT  
ORDINANCE 97-67  
ADOPTED OCTOBER 28, 1997**

## **FUTURE LAND USE DESIGNATION** **DESCRIPTION SECTION**

The following section describes the land use designations shown on the Future Land Use Map. These designations generally indicate the types of land uses for which zoning may be requested. However, these land use designations do not guarantee that a zoning request will be approved. Requests may be denied by the Board of County Commissioners based on criteria in the Land Development Code or on special studies completed for the County.

### **I. URBAN DESIGNATION**

Urban Designated Areas on the Future Land Use Map include two general portions of Collier County: areas with the greatest residential densities, and areas in close proximity which have or are projected to receive, future urban support facilities and services. It is intended that Urban Designated Areas accommodate the majority of population growth and that new intensive land uses be located within them. Accordingly, the Urban Area will accommodate residential uses and a variety of non-residential uses. The Urban Designated Area, which includes Immokalee and Marco Island, represents less than 10% of Collier County's land area.

The boundaries of the Urban Designated Areas have been established based on several factors, including: patterns of existing development; patterns of approved, but unbuilt, development; natural resources; water management; hurricane risk; existing and proposed public facilities; population projections and the land needed to accommodate the projected population growth.

Urban Designated Areas will accommodate the following uses:

- a. Residential uses including single family, multi-family, duplex, and mobile home. The maximum densities allowed are identified in the Districts and Subdistricts that follow.
- b. Non-residential uses including:
  1. Essential services as defined by the most recent Land Development Code.
  2. Parks, open space and recreational uses;
  3. Water-dependent and water-related uses (see Conservation and Coastal Management Element, Objective 11.1 and subsequent policies, and the Manatee Protection Plan contained in the Land Development Code);
  4. Child care centers;
  5. Community facilities such as churches, group housing uses, cemeteries, and schools;
  6. Safety service facilities;
  7. Utility and communication facilities;
  8. Earth mining, oil, extraction, and related processing;
  9. Agriculture;
  10. Travel trailer recreational vehicle parks, provided the following criteria are met:
    - (a) The density is consistent with that permitted in the Land Development Code;
    - (b) The site has direct principal access to a road classified as an arterial in the Traffic Circulation Element, direct principal access defined as a driveway and/or roadway connection to the arterial road, with no access points from intervening properties;
    - (c) The use will be compatible with surrounding land uses.
  11. Support medical facilities such as physicians' offices, medical clinics, treatment, research and rehabilitative centers, and pharmacies provided the dominant use is medical related and located within ¼ mile of existing or approved hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas, such as, but not limited to, North Collier Hospital. The distance shall be measured from the nearest point of the tract that the hospital is located on or approved for, to the project boundaries of the support medical facilities. Approval of such support medical facilities may be granted concurrent with the approval of new hospitals or medical centers

which offer primary and urgent care treatment for all types of injuries and traumas. Stipulations to ensure that the construction of the support medical facilities are concurrent with hospitals or medical centers shall be determined at the time of zoning approval. Support medical facilities are not allowed under this provision if the hospital or medical center is a short-term leased facility due to the potential for relocation.

12. Commercial uses subject to criteria identified in the Urban - Mixed Use District, PUD Neighborhood Village Center Subdistrict, and in the Urban Commercial District, Mixed Use Activity Center Subdistrict and Interchange Activity Center Subdistrict.
13. Commercial uses accessory to other permitted uses, such as a restaurant accessory to a golf course or retail sales accessory to manufacturing, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use. Such restrictions or limitations could include limiting the size and/or location of the commercial use and/or limiting access to the commercial use.
14. Industrial uses subject to criteria identified in the Urban - Industrial District, in the Urban - Mixed Use District, and in the Urban Commercial District, certain quadrants of Interchange Activity Centers.
15. Hotels/motels consistent by Policy 5.9, 5.10, and 5.11, or as permitted in the Immokalee Area, Golden Gate Area and Marco Island Master Plans.
16. Business Park uses subject to criteria identified in the Urban-Mixed Use District, Urban Commercial District and Urban-Industrial District.

#### **A. Urban - Mixed Use District**

This District, which represents approximately 116,000 acres, is intended to accommodate a variety of residential and non-residential land uses, including mixed use developments such as Planned Unit Developments. Certain industrial and commercial uses are also allowed subject to criteria.

This may be accomplished by encouraging coordinated mixed-use sites of Water-dependent and water-related land uses are permitted within the coastal region of this District. Mixed-use sites of water-dependent and water-related uses and other recreational uses may include water-related parks, marinas (public or private), yacht clubs, and related accessory and recreational uses, such as boat storage, launching facilities, fueling facilities, and restaurants. Any water-dependent and/or water-related land use shall encourage the use of the Planned Unit Development technique and other innovative approaches to conserve environmentally sensitive features and to assure compatibility with surrounding land uses.

Priorities for shoreline land use shall be given to water dependent principal uses over water-related land uses. In addition to the criteria of compatibility with surrounding land uses and consistency with the siting policy of the Conservation and Coastal Management Element (Policy 11.1.4), the following land use criteria shall be used for prioritizing the siting of water-dependent and water-related uses:

- a. Presently developed sites;
- b. Sites where water-dependent or water-related uses have been previously established;
- c. Sites where shoreline improvements are in place;
- d. Sites where damage to viable, naturally functioning wetlands, or other environmentally sensitive features, could be minimized.

Port of the Islands is a unique development which is located within the Urban Designated Area, but is also totally within the Big Cypress Area of Critical State Concern. However, a portion of the development was determined "vested" by the State of Florida, thus exempting it from the requirements of Chapter 380, Florida Statutes. Further, there is an existing Development Agreement between Port of the Islands, Inc. and the State of Florida Department of Community Affairs dated July 2, 1985, which regulates land uses at Port of the Islands. Port of the Islands is eligible for all provisions of the Urban - Mixed Use District in which it is located to the extent that the overall residential density and commercial intensity does not exceed that permitted under zoning at time of adoption of this Plan.

#### **1. Urban Residential Subdistrict**

The purpose of this Subdistrict is to provide for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated. This Subdistrict comprises approximately 93,000 acres and 80% of the Urban Mixed Use District. Maximum eligible residential density shall be determined through the Density Rating System but shall not exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights Section of the Land Development Code.

## **2. Urban Coastal Fringe Subdistrict**

The purpose of this Subdistrict is to provide transitional densities between the Conservation Designated Area and the Urban Designated Area. It includes that area south of US 41 between the City of Naples and Collier-Seminole State Park, including Marco Island and comprises approximately 18,000 acres and 15% of the Urban Mixed Use District. In order to facilitate hurricane evacuation and to protect the adjacent environmentally sensitive Conservation Designated Area, residential densities shall be limited to a maximum of 4 dwelling units per acre, except as allowed in the Density Rating System to exceed 4 units per acre through provision of Affordable Housing and Transfer of Development Rights. Rezones are recommended to be in the form of a Planned Unit Development. The Marco Island Master Plan shall provide for density, intensity, siting criteria and specific standards for land use districts on Marco Island.

## **3. Urban Residential Fringe Subdistrict**

The purpose of this Subdistrict is to provide transitional densities between the Urban Designated Area and the Agricultural/Rural Area and comprises approximately 5,500 acres and 5% of the Urban Mixed Use District. Residential land uses may be allowed at a maximum density of 1.5 units per gross acre, subject to the following conditions, and are not subject to the Density Rating System:

- a. All rezones are encouraged to be in the form of a Planned Unit Development; and
- b. Proposed development in the area shall be fully responsible for all necessary water management improvements, including the routing of all on-site and appropriate off-site water through the project's water management system, and a fair share cost of necessary improvements to the CR 951 canal/out-fall system made necessary by new development in the area.

## **4. PUD Neighborhood Village Center Subdistrict**

The purpose of this subdistrict is to allow for small scale retail, offices, and service facilities to serve the daily needs of the residents of a PUD. The acreage eligible for Neighborhood Village Center designation and uses shall be sized in proportion to the number of units to be served, but in no event shall the acreage exceed 15 acres. The Neighborhood Village Center uses may be combined with recreational facilities or other amenities of the PUD and shall be conveniently located to serve the PUD. The Village Center shall not have independent access to any roadway external to the PUD and shall be integrated into the PUD. Phasing of construction of the Neighborhood Village Center shall be controlled so that it occurs concurrent with the residential units. The Planned Unit Development district of the Land Development Code shall be amended within one (1) year to provide standards and principles regulating access, location or integration within the PUD of the Village Center, allowed uses, and square footage and/or acreage thresholds.

## **5. Business Park Subdistrict**

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and where landscaped areas provide for buffering and enjoyment by the employees and patrons of the park. Business Parks shall be allowed as a subdistrict in the Urban-Mixed Use District, Urban Commercial District and Urban Industrial District and may include the general uses allowed within each District, the specific uses set forth below, and shall comply with the following general conditions:

- a. Business Parks shall be permitted to include up to 30% of the total acreage for non-industrial uses of the type identified in "c" below, and will reserve land within the industrially designated areas for

industrial uses. The percentage and mix of each category of use shall be determined at the time of zoning in accordance with the criteria specified in the Land Development Code.

- b Access to arterial road systems shall be in accordance with the Collier County Access Management Policy and consistent with Objective 7 and Policy 7.1 of the Traffic Circulation Sub-Element.
- c Non-industrial uses may include uses such as certain offices, financial institutions, retail services, institutional, cultural facilities, medical facilities, hotels/motels at a density of 26 units per acre, and recreational facilities. Retail Uses shall be limited to those uses which serve the employees of businesses within the Park or are related to the products, goods and services that are manufactured, distributed, produced or provided by businesses in the Park.
- d When the Business Park is located within the Urban Industrial District or includes industrially zoned land, those uses allowed in the Industrial Zoning District shall be permitted provided that the total industrial acreage is not greater than the amount previously zoned or designated industrial. When a Business Park is located in the Urban Commercial District or Urban-Mixed Use District, the industrial uses shall be limited to light industry such as light manufacturing, processing, and packaging in fully enclosed buildings; research, design and product development; printing, lithography and publishing; and similar light industrial uses that are compatible with non-industrial uses permitted in the district; and, the Planned Unit Development Ordinance or Rezoning Ordinance for a Business Park project shall list specifically all permitted uses and development standards consistent with the criteria identified in this provision.
- e Business Parks must be a minimum of 35 acres in size.
- f Business Parks located within Interstate Activity Center quadrants that permit Industrial Uses shall also be required to meet the standards as stated under the Interstate Activity Center Subdistrict for commercial and industrial land uses.
- g Business Parks shall adopt standards for the development of individual building parcels and general standards for buffering, landscaping, open space, signage, lighting, screening of outdoor storage, parking and access management.
- h When located in a District other than the Urban Industrial District, the Business Park must have direct access to a road classified as an arterial in the Traffic Circulation Sub-Element.
- i Business Parks are encouraged to utilize PUD zoning.
- j The maximum additional acreage eligible to be utilized for a Business Park Subdistrict within the Urban-Mixed Use District is 500 acres, exclusive of open space and conservation areas.

#### **6. Office and In-fill Commercial Subdistrict**

The intent of this Subdistrict is to allow low intensity office commercial or in-fill commercial development on small parcels within the Urban-Mixed Use District located along arterial and collector roadways where residential development, as allowed by the Density Rating System, may not be compatible or appropriate. Lower intensity office commercial development attracts low traffic volumes on the abutting roadway(s) and is generally compatible with nearby residential and commercial development. The criteria listed below must be met for any project utilizing this Subdistrict. For purposes of this Subdistrict, “abuts” and “abutting” excludes intervening public street, easement (other than utilities) or right-of-way, except for an intervening local street; and “commercial” refers to C-1 through C-5 zoning districts and commercial components of PUDs.

- a. The subject site abuts a road classified as an arterial or collector as identified on the Five Year Future Traffic Circulation Map, as contained in the Traffic Circulation Sub-Element.
- b. The site utilized for commercial use is 12 acres or less in size, and the balance of the property in excess of 12 acres, if any, is limited to an environmental conservation easement or open space;
- c. The site abuts commercial zoning:
  - (i) on one side and non-commercial zoning on the other side; or,
  - (ii) on both sides;
- d. The depth of the requested commercial does not exceed the depth of the abutting commercial parcel(s);
- e. Project uses are limited to office or low intensity commercial, except for land abutting commercial zoning on both sides, as provided for in (c) above, the project uses may include those of the highest intensity abutting commercial zoning district;

- f. The parcel in question was not created to take advantage of this provision and was created prior to the adoption of this provision in the Growth Management Plan on October 28, 1997;
- g. At time of development, the project will be served by central public water and sewer; and
- h. The project will be compatible with existing land uses and permitted future land uses on surrounding properties.
- i. For those sites that have existing commercial zoning abutting one side, commercial zoning used pursuant to this subsection shall only be applied one time to serve as a transitional use and will not be permitted to expand.
- j. The maximum acreage eligible to be utilized for the Office and Infill Subdistrict within the Urban-Mixed Use District is 250 acres.

## **7. Traditional Neighborhood Design**

The purpose of this provision is to encourage the development of Traditional Neighborhood Design (TND) projects. TNDs are typically human-scale, pedestrian-oriented, interconnected neighborhood projects that are centered around a village green with a mix of uses including retail, office and civic amenities that complement each other as provided in the PUD Neighborhood Village Subdistrict. Residential uses are often located above retail uses. A grid pattern is the basis for the transportation network. The main street component of the TND is appropriately integrated in the TND and sized in proportion to the scale of the project. Standards shall be developed in the Land Development Code which will regulate access, permitted uses, square footage and/or acreage thresholds, lot frontage dimensions, street widths, setbacks, and other standards that are integral to the TND concept.

## **DENSITY RATING SYSTEM**

This Density Rating System is only applicable to areas designated Urban, Urban - Mixed Use District, as identified on the Future Land Use Map, exclusive of the Urban Residential Fringe Subdistrict, and exclusive of Urban areas encompassed by the Immokalee Area Master Plan, Golden Gate Area Master Plan, and Marco Island Master Plan. The Density Rating System is applicable to the Urban Coastal Fringe Subdistrict to the extent that the residential density cap of 4 dwelling units per acre is not exceeded, except for the density bonus for Affordable Housing and Transfer of Development Rights. This Density Rating System only applies to residential dwelling units. Within the applicable Urban Designated Areas, a base density of 4 residential dwelling units per gross acre is permitted, though not an entitlement. This base level of density may be adjusted depending upon the characteristics of the project.

### **a. Density Bonuses**

Consistency with the following characteristics may add to the base density. Density bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision and compatibility with surrounding properties, as well as the criteria in the Land Development Code. All new residential zoning shall be consistent with the Density Rating System, except as provided in policies 5.9, 5.10 and 5.11 of the Future Land Use Element.

#### **1. Conversion of Commercial Zoning**

If the project includes conversion of commercial zoning which is not located within a Mixed Use Activity Center or Interchange Activity Center, or which is not consistent with the Neighborhood Village Center Subdistrict, a bonus of up to 16 dwelling units may be added for every 1 acre of commercial zoning which is converted. These dwelling units may be distributed over the entire project. The project must be compatible with surrounding land uses.

#### **2. Proximity to Mixed Use Activity Center or Interchange Activity Center**

If the project is within one mile of a Mixed Use Activity Center or Interchange Activity Center and located within a residential density band, 3 residential units per gross acre may be added. The density band around a Mixed Use Activity Center or Interchange Activity Center shall be measured by the radial distance from the center of the intersection around which the Mixed Use Activity Center or Interchange Activity Center is situated. If 50% or more of a project is within the density band, the

additional density applies to the gross acreage of the entire project. Density bands are designated on the Future Land Use Map and shall not apply within the Estates Designation or for properties within the Traffic Congestion Area.

### **3. Affordable Housing**

To encourage the provision of affordable housing within the Urban Designated Area, a maximum of up to 8 residential units per gross acre may be added to the base density if the project meets the definitions and requirements of the Affordable Housing Density Bonus Ordinance (Section 2.7.7 of the Land Development Code, Ordinance #91-102, adopted October 30, 1991). In the Urban Coastal Fringe Subdistrict, Affordable Housing projects must provide appropriate mitigation consistent with Policy 13.1.2 of the Conservation and Coastal Management Element.

### **4. Residential In-fill**

To encourage residential in-fill in areas with existing development, 3 residential dwelling units per gross acre may be added if the following criteria are met:

- (a) The project is 10 acres or less in size;
- (b) At time of development, the project will be served by central public water and sewer;
- (c) The project is compatible with surrounding land uses;
- (d) The property in question has no common site development plan with adjacent property;
- (f) There is no common ownership with any adjacent parcels; and
- (g) The parcel in question was not created to take advantage of the in-fill residential density bonus and was created prior to the adoption of this provision in the Growth Management Plan on January 10, 1989.

### **5. Roadway Access**

If the project has direct access to 2 or more arterial or collector roads as identified in the Traffic Circulation Element, 1 residential dwelling unit per gross acre may be added. Density credits based on future roadways will be awarded if the developer commits to construct a portion of the roadway (as determined by the County Transportation Department) or the road is scheduled for completion during the first five years of the Capital Improvements Plan. The Roadway Access bonus is not applicable to properties located within the Traffic Congestion Area.

### **6. Transfer of Development Rights**

To encourage preservation/conservation of natural resources, density transfers are permitted within that portion of the Urban designated area subject to this Density Rating System. However, density shall not be transferred into the Coastal Management Area from outside the Coastal Management Area. Lands lying seaward of the Coastal Management Boundary, identified on the Future Land Use Map, are within the Coastal Management Area. Density may be increased above and beyond the density otherwise allowed by the Density Rating System in accordance with the Transfer of Development Rights (TDR) Section 2.2.24.11 of the Land Development Code adopted by Ordinance #91-102, on October 30, 1991, as amended.

## **b. Density Reduction**

Consistency with the following characteristic would subtract density:

### **1. Traffic Congestion Area**

If the project is within the Traffic Congestion Area, an area identified as subject to long range traffic congestion, 1 dwelling unit per gross acre would be subtracted. The Traffic Congestion Boundary is shown on the Future Land Use Map and consists of the western coastal Urban Designated Area seaward of a boundary marked by Airport-Pulling Road (including an extension north to the Lee County boundary), Davis Boulevard, County Barn Road, and Rattlesnake Hammock Road consistent with the Mixed Use Activity Center's residential density band located at the southwest quadrant of the intersection of Rattlesnake Hammock Road and County Road 951 (including an extension to the east).

Properties adjacent to the Traffic Congestion Area shall be considered part of the Traffic Congestion Area if their only access is to a road forming the boundary of the Area; however, if that property also has an access point to a road not forming the boundary of the Traffic Congestion Area it will not be subject to the density reduction.

**c. Density Conditions:**

The following density condition applies to all properties subject to the Density Rating System.

**1. Maximum Density**

The maximum permitted density shall not exceed 16 residential dwelling units per gross acre within the Urban designated area, except when utilizing the Transfer of Development Rights (TDR) Section 2.2.24.11 of the Land Development Code adopted by Ordinance #91-102, on October 30, 1991, as amended.

**B. Urban Commercial District**

This District is intended to accommodate almost all new commercial zoning; a variety of residential uses, including higher densities for properties not located within the Urban Coastal Fringe or Urban Residential Fringe Subdistricts; and a variety of non-residential uses.

**1. Mixed Use Activity Center Subdistrict**

Mixed Use Activity Centers have been designated on the Future Land Use Map Series identified in the Future Land Use Element. The locations are based on intersections of major roads and on spacing criteria. There are 19 Mixed Use Activity Centers which comprise approximately 3,000 acres, including 3 Interchange Activity Centers (#4, 9, 10) which will be discussed separately. Two Activity Centers #19 and 21 have been deleted and replaced by the land use designations identified in the Marco Island Master Plan and Future Land Use Map.

The Mixed Use Activity Center concept is designed to concentrate almost all new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Additionally, some commercial development is allowed outside of Mixed Use Activity Centers in the PUD Neighborhood Village Center Subdistrict, Office and Infill Commercial Subdistrict, Interchange Activity Center Subdistrict, Traditional Neighborhood Design Subdistrict, and by Policies 4.7, 5.9, 5.10, and 5.11 of the Future Land Use Element.

Mixed Use Activity Centers are intended to be mixed-use in character. The actual mix of the various land uses - which may include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a density consistent with the Land Development Code - shall be determined during the rezoning process based on consideration of the factors listed below.

For residential development, if a project is within the boundaries of a Mixed Use Activity Center which is not within the Urban Residential Fringe Subdistrict or Urban Coastal Fringe Subdistrict, up to 16 residential units per gross acre may be permitted. This density may be distributed throughout the project, including any portion located outside of the boundary of the Mixed Use Activity Center.

The factors to consider during review of a rezone petition are as follows:

- Rezones within Mixed Use Activity Centers are encouraged to be in the form of a Planned Unit Development. There shall be no minimum acreage limitation for such Planned Unit Developments except all requests for rezoning must meet the requirements for rezoning in the Land Development Code.
- The amount, type and location of existing zoned commercial land, and developed commercial uses, within the Mixed Use Activity Center and within two road miles of the Mixed Use Activity Center;
- Market demand and service area for the proposed commercial land uses to be used as a guide to explore the feasibility of the requested land uses;
- Existing patterns of land use within the Mixed Use Activity Center and within two radial miles;

- Adequacy of infrastructure capacity, particularly roads;
- Compatibility of the proposed development with, and adequacy of buffering for, adjoining properties;
- Natural or man-made constraints;
- Rezoning criteria identified in the Land Development Code;
- Conformance with Access Management Plans for Mixed Use Activity Centers contained in the Land Development Code;
- Coordinated traffic flow on-site and off-site, as may be demonstrated by a Traffic Impact Analysis, and a site plan/master plan indicating on-site traffic movements, access point locations and type, median opening locations and type on the abutting roadway(s), location of traffic signals on the abutting roadway(s), and internal and external vehicular and pedestrian interconnections;
- Interconnection(s) for pedestrians, bicycles and motor vehicles with existing and future adjacent projects;
- Conformance with the architectural design standards as identified in the Land Development Code.

The approximate boundaries of Mixed Use Activity Centers have been delineated on the maps located at the end of this section as part of the Future Land Use Map Series. The actual boundaries of Mixed Use Activity Centers listed below by Activity Center and location are specifically defined on the maps and shall be considered to delineate the boundaries for those Mixed Use Activity Centers.

- # 1 Immokalee Road and Airport Road
- # 6 Davis Boulevard and Santa Barbara Boulevard
- # 8 Airport Road and Golden Gate Parkway
- #11 Vanderbilt Beach Road and Airport Road
- #12 US 41 and Pine Ridge Road
- #13 Airport Road and Pine Ridge Road
- #15 Golden Gate Parkway and Coronado Boulevard
- #16 US 41 and Airport Road
- #17 US 41 and Rattlesnake-Hammock Road
- #18 US 41 and Isles of Capri Road
- #20 US 41 and Wiggins Pass Road

The mix of uses in all of these specifically designated , except for #6 at Davis Boulevard and Santa Barbara Boulevard, range from 80 to 100% commercially zoned and/or developed property. Activity Center #6 is approximately 60% commercially zoned and/or developed . For purposes of these specifically designated Activity Centers, the entire Activity Center is eligible for up to 100%, or any combination thereof, of each of the following uses : commercial , residential and/or community facilities.

Mixed Use Activity Centers may be designated as Master Planned Mixed Use Activity Centers. Master Planned Mixed Use Activity Centers are those which have a unified plan of development in the form of a Planned Unit Development, Development of Regional Impact or an area-wide Development of Regional Impact. Property owners within Mixed Use Activity Centers shall be required to utilize the Master Planned Mixed Use Activity Center process.

- # 2 US 41 and Immokalee Road
- # 3 Immokalee Road and CR 951
- # 5 US 41 and Vanderbilt Beach Road
- # 7 Rattlesnake-Hammock Road and CR 951
- #14 Goodlette-Frank Road and Golden Gate Parkway

In recognition of the benefit resulting from the coordination of planned land uses and coordinated access points to the public road network, Master Planned Activity Centers are encouraged through the allowance of flexibility in the boundaries, mix and location of uses permitted within a designated Mixed Use Activity Center and may be permitted to modify the designated configuration. The boundaries of Master Planned Mixed Use Activity Centers depicted on the Future Land Use Map Series are understood to be flexible and subject to modification during final site design; however, the approved amount of commercial development shall not be exceeded. The actual mix of land uses shall be determined using the criteria for other Mixed

Use Activity Centers. All of the following criteria must be met for a project to qualify as a Master Planned Mixed Use Activity Center:

1. The applicant shall have unified control of the majority of a quadrant in a designated Activity Center. Majority of the quadrant shall be defined as at least 51% of the privately owned land within any Activity Center quadrant. However, if a property owner has less than 51% ownership within a quadrant, that property owner may still request a rezoning under the provisions of a Mixed Use Activity Center Subdistrict subject to the maximum acreage allowed in Paragraph 2 below. Property owners with less than 51% ownership are encouraged to incorporate vehicular and pedestrian accesses with adjacent properties within the Activity Center. Any publicly owned land within the quadrant will be excluded from acreage calculations to determine unified control;
2. The permitted land uses for a Master Planned Mixed Use Activity Center shall be same as for designated Activity Centers; however, a Master Planned Mixed Use Activity Center encompassing the majority of property in two or more quadrants shall be afforded the flexibility to redistribute a part or all of the allocation from one quadrant to another. The maximum amount of commercial permitted at Activity Centers # 3 and #7 is 40 acres per quadrant for a total of 160 acres maximum in the entire Activity Center, the balance of the of the land uses shall be for residential and/or community facilities. Activity Center #14 shall have a maximum of 45 acres for commercial use, the balance of the land uses shall be for residential and/or community facilities. Activity Centers #2 and #5 have approximately 80% of the area zoned or developed for commercial uses. For purposes of these two Activity Centers, the entire Activity Center is eligible for up to 100% or any combination thereof, of the following uses: commercial, residential and/or community facilities.
3. The location and configuration of all land uses within a Master Planned Mixed Use Activity Center shall be compatible with and related to existing site features, surrounding development, and existing natural and manmade constraints. Commercial uses shall be oriented so as to provide coordinated and functional transportation access to major roadways serving the Activity Center, and functionally related or integrated with surrounding land uses and the planned transportation network; and
4. Adjacent properties within the Activity Center that are not under the unified control of the applicant shall be considered and appropriately incorporated (i.e. pedestrian and vehicular interconnections) into the applicant's Master Plan.

New Mixed Use Activity Centers may be proposed if all of the following criteria are met and an amendment is made to delineate the specific boundaries on the Future Land Use Map series for Mixed Use Activity Centers:

- The intersection around which the Mixed Use Activity Center is located consists of an arterial and collector road, or two arterial roads, based upon roadway classifications in the Traffic Circulation Element.
- The Mixed Use Activity Center is no closer than two miles from any existing Mixed Use Activity Center, as measured from the center point of the intersections around which the existing and proposed Mixed Use Activity Centers are located.
- Market justification is provided demonstrating need for a Mixed Use Activity Center at the proposed location.

## **2. Interchange Activity Center Subdistrict**

Interchange Activity Centers have been designated on the Future Land Use Map at each of the three Interstate 75 interchanges and include numbers 4, 9 and 10. The boundaries of these Interchange Activity Centers have been specifically defined on the maps located at the end of this Section as part of the Future

Land Use Map Series. Any changes to the boundaries of these Interchange Activity Centers shall require an amendment to the Future Land Use Map Series.

Interchange Activity Centers #4 and #10 allow for a mixture of land uses - which may include 100% or any combination thereof, of each of the following uses: the full array of commercial uses, residential and non-residential uses, institutional uses, hotel/motel uses at a density consistent with the Land Development Code, and Business Parks; and industrial uses as identified below in the southwest and southeast quadrants of Interchange Activity Center #4. No industrial uses shall be allowed in Interchange Activity Center #10. The actual mix of uses shall be determined during the rezoning process based on consideration of the same factors listed under the Mixed Use Activity Center Subdistrict.

Interchange Activity Center # 9 shall be subject to the requirement of the development of an Interchange Master Plan (IMP). The IMP is intended to create an enhanced “gateway” to Naples. The IMP process shall be initiated by the property owners and/or their representatives by meeting with the County planning staff within 60 days of the adoption of this Growth Management Plan amendment and a finding of compliance from the Department of Community Affairs . The purpose of the meeting will be to establish a mutually acceptable vision statement for Activity Center # 9. The Interchange Master Plan shall be adopted by Resolution by the Board of County Commissioners. All rezones thereafter shall meet the intent of the vision statement.

Subsequent to the development of the vision statement, new projects within Activity Center # 9 are encouraged to have a unified plan of development in the form of a Planned Unit Development. The mixture of uses allowed in Interchange Activity Center # 9 shall include the full array of commercial uses; residential and non-residential uses; institutional uses; Business Park; hotel/motel uses at a density consistent with the Land Development Code; industrial uses in the northeast, southwest and southeast quadrants. The mix and intensity of land uses shall meet the intent of the vision statement and be defined during the rezoning process. The entire Interchange Activity Center is eligible for up to 100% of the entire acreage to be developed for any of the uses referenced above, except the maximum amount of commercial acreage shall not exceed 55% of the total acreage (632.5 ac.) of Interchange Activity Center # 9. The factors to consider during review of a rezone petition shall be compliance with the vision statement and those included for the Mixed Use Activity Center.

For residential development, if a project is within the boundaries of an Interchange Activity Center which is not within the Urban Residential Fringe Subdistrict and not within the Estates Designation, up to 16 residential units per gross acre may be permitted. This density may be distributed throughout the project, including any portion located outside of the boundary of the Activity Center.

Based on the unique location and function of Interchange Activity Centers, some Industrial land uses that serve regional markets and derive specific benefit when located in the Interchange Activity Centers shall be allowed, provided each such use is reviewed and found to be compatible with existing and approved land uses. Industrial uses shall be limited to: manufacturing, warehousing, storage, distribution.

The following conditions shall be required to ensure compatibility of Industrial land uses with other commercial, residential and/or institutional land uses in the Interchange Activity Centers; to maintain the appearance of these Interchange Activity Centers as gateways to the community; and to mitigate any adverse impacts caused by noise, glare or fumes to the adjacent property owners. The Planned Unit Development and/or rezoning ordinance shall contain specific language regarding the permitted Industrial land uses, compatibility requirements, and development standards consistent with the following conditions. Site specific development details will be reviewed during the Site Development Plan review process.

- Landscaping, buffering and/or berming shall be installed along the Interstate;
- Fencing shall be wooden or masonry;
- Wholesale and storage uses shall not be permitted immediately adjacent to the right-of-way of the Interstate;
- Central water and sewage systems shall be required;

- No direct access to the Interstate right-of-way shall be permitted;
- Joint access and frontage roads shall be established when frontage is not adequate to meet the access spacing requirements of the Access Control Policy, Activity Center Access Management Plans, or State Access Management Plans, as applicable;
- Access points and median openings shall be designed to provide adequate turning radii to accommodate truck traffic and to minimize the need for U-turn movements;
- The developer shall be responsible to provide all necessary traffic improvements - to include traffic signals, turn lanes, deceleration lanes, and other improvements deemed necessary - as determined through the rezoning process;
- A maximum floor area ratio (FAR) for the designated Industrial land uses component of the projects shall be established at 0.45.

### **3. Business Park Subdistrict**

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and landscaped areas provide for buffering and enjoyment by the employees and patrons of the Park. Business Parks shall be allowed as a subdistrict in the Urban Commercial District subject to the criteria set forth under the Business Park Subdistrict in the Urban-Mixed Use District.

### **C. Urban - Industrial District**

The Industrial Land Use District is reserved primarily for industrial type uses and comprises approximately 2,200 acres. Besides basic Industrial uses, limited commercial uses are permitted. Retail commercial uses are prohibited, except as accessory to Industrial or Business Park uses. The C-5, C-4 and PUD Commercial Zoning Districts along the perimeter of the designated Urban - Industrial District that existed as of October 1997 shall be deemed consistent with this Land Use District. Industrially designated areas shall have access to a road classified as an arterial or collector in the Traffic Circulation Element, or access may be provided via a local road that does not service a predominately residential area. Intensities of use shall be those related to:

- a. Manufacturing;
- b. Processing;
- c. Storage and warehousing;
- d. Wholesaling;
- e. Distribution;
- f. High technology;
- g. Laboratories;
- h. Assembly;
- i. Computer and data processing;
- j. Business services;
- k. Other basic industrial uses as described in the Industrial Zoning District of the Land Development Code;
- l. Business Park uses as discussed below and as described in the Business Park Zoning District of the Land Development Code; and
- m. Support commercial uses, such as child care centers and restaurants.

### **1. Business Park Subdistrict**

The Business Park Subdistrict is intended to provide for a mix of industrial uses and non-industrial uses, designed in an attractive park-like environment with low structural density where building coverage ranges between 25% to 45% and landscaped areas provide for buffering and enjoyment by the employees and patrons of the Park. Business Parks shall be allowed as a subdistrict in the Urban Commercial District subject to the criteria set forth under the Business Park Subdistrict in the Urban-Mixed Use District.

## **II. AGRICULTURAL/RURAL DESIGNATION**

The Agricultural/Rural Land Use Designation is for those areas that are remote from the existing development pattern, lack public facilities and services, are environmentally sensitive or are in agricultural production.

Urbanization is not promoted, therefore most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands. The following uses are permitted in this District:

- a. Agricultural uses such as farming, ranching, forestry, bee-keeping;
- b. Residential uses at a maximum density of one dwelling unit on each five acre tract, except for legal non-conforming lots of record;
- c. Habitat preservation uses;
- d. Parks, open space and recreational uses, golf courses;
- e. Essential services as defined in the Land Development Code;
- f. Safety service facilities;
- g. Community facilities such as churches, group housing uses, cemeteries; and schools which shall be subject to the following criteria:
  - Site area and school size shall be subject to the General Educational Facilities Report submitted annually by the Collier County School Board to the Board of County Commissioners.
  - The Site must comply with the State Requirements for Educational Facilities adopted by the State Board of Education.
  - The site shall be subject to all applicable State or Federal regulations.
- h. Communication and utility facilities, except for central water and sewer facilities as noted above;
- i. Migrant labor housing as provided in the Land Development Code;
- j. Earth mining, oil extraction and related processing;
- k. Asphalt plant as a Conditional Use as defined in the Land Development Code provided that the asphalt plant: is compatible with surrounding land uses; is not located in a County, State or Federal jurisdictional wetland area and any required buffer zones; is not located within 1,000 feet of a Florida State Park; is not located within the Area of Critical State Concern as depicted on the Future Land Use Map; and, is not located within 1,000 feet of a natural reservation;
- l. Commercial uses accessory to other permitted uses, such as restaurant accessory to golf course or retail sales of produce accessory to farming, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use. Such restrictions or limitations could include limiting the size and/or location of the commercial use and/or limiting access to the commercial use;
- m. Commercial uses, within the Rural Commercial Subdistrict, based upon criteria;
- n. Industrial uses within the Rural - Industrial District;
- o. Travel trailer recreational vehicle parks, provided the following criteria are met:
  1. The density is consistent with the Land Development Code;
  2. The site has direct principal access to a road classified as an arterial in the Traffic Circulation Element, direct principal access defined as a driveway and/or roadway connection to the arterial road, with no access points from intervening properties; and,
  3. The use will be compatible with surrounding land uses.

**A. Agricultural/Rural - Mixed Use District**

The purpose of this District is to protect and encourage agricultural activities, conserve and preserve environmentally sensitive areas, provide for low density residential development, and other uses identified under the Agricultural/Rural Designation. These areas generally lack public facilities and services. Urbanization is not promoted, therefore most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands. Residential uses are allowed as follows:

- a. Low density residential dwelling units at a maximum density of one dwelling unit per five gross acres, except for legal non-conforming lots of record;
- b. Dormitories, duplexes and other staff housing, as may be provided in conjunction with conservation uses, at a density in accordance with the Land Development Code;
- c. Group housing uses at a density in accordance with that permitted in the Land Development Code;
- d. Staff housing in conjunction with safety service facilities and essential services, at a density in accordance with the Land Development Code;
- e. Farm labor housing in accordance with the Farm Labor Housing provision in the Land Development Code;
- f. Recreation camps as defined in, and at the density allowed by, the Land Development Code.

### **1. Rural Commercial Subdistrict**

Within the Agricultural/Rural - Mixed Use District, commercial development, up to a maximum of 200 acres, may be allowed providing the following standards for intensity of use are met:

- a. The project, or that portion of a larger project which is devoted to commercial development, is 2.5 acres or less in size;
- b. The project, or that portion of a larger project which is devoted to commercial development, is no closer than 5 miles, measured by radial distance, from the nearest developed commercial area, zoned commercial area or designated Mixed Use Activity Center;
- c. The proposed uses are those permitted in the C-1, C-2 and C-3 Zoning Districts of the Land Development Code;
- d. The project is located on an arterial or collector roadway as identified in the Traffic Circulation Element; and
- e. The project is buffered from adjacent properties.

### **B. Rural - Industrial District**

The Rural - Industrial District, which encompasses approximately 600 acres of existing industrial areas outside of Urban designated areas, is intended, and shall be reserved, for industrial type uses. Besides basic Industrial uses, limited commercial uses are permitted. Retail commercial uses are prohibited, except as accessory to Industrial uses. The C-5 Commercial Zoning District on the perimeter of lands designated Rural - Industrial District, as of October 1997, shall be deemed consistent with this Land Use District. All industrial areas shall have direct access to a road classified as an arterial or collector in the Traffic Circulation Element, or access may be provided via a local road that does not service a predominately residential area. No industrial land uses shall be permitted in the Area of Critical State Concern. For the purposes of interpreting this District, oil and gas exploration, drilling, and production shall not be deemed to be industrial land uses and shall continue to be regulated by all applicable federal, state, and local laws. Intensities of use shall be those related to:

- a. Manufacturing;
- b. Processing;
- c. Storage and warehousing;
- d. Wholesaling;
- e. Distribution ;
- f. Other basic industrial uses as described in the Industrial Zoning District in the Land Development Code;
- g. Support commercial uses, such as child care centers and restaurants.

### **C. Rural - Settlement Area District**

This District consists of Sections 13, 14, 23, 24, and a portion of 22, Township 48 South, Range 27 East (the former North Golden Gate Subdivision), which was zoned and platted between 1967 and 1970. In settlement of a lawsuit pertaining to the permitted uses of this property, this property has been "vested" for the uses specified in that certain "PUD by Settlement" zoning granted by the County as referenced in that certain SETTLEMENT AND ZONING AGREEMENT dated the 27th day of January, 1986. This Settlement Area is commonly known as Orangetree PUD. Refer to the Golden Gate Area Master Plan for permitted uses and standards.

### **III. ESTATES DESIGNATION**

The Estates Land Use Designation encompasses lands which are already subdivided into semi-rural residential parcels (2.25 acres as an average) essentially consisting of the Golden Gate Estates Subdivision. The area is identified as having potential for population growth far removed from support services and facilities. Expansion of the area shall be discouraged.

Pursuant to Policy 4.1 of the Future Land Use Element, the Golden Gate Area Master Plan encompassing the Estates Designation was adopted by the Collier County Board of County Commissioners on February 5, 1991. Refer to the Golden Gate Area Master Plan for siting criteria and development standards for specific land uses.

### **IV. CONSERVATION DESIGNATION**

The overall purpose of the Conservation Designation is to conserve and maintain the natural resources of Collier County and their associated environmental, recreational and economic benefits. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays and wetlands deserve particular attention because of their ecological value and their sensitivity to perturbation. It is because of this that all proposals for development in the Conservation Designation must be subject to rigorous review to ensure that the impacts of the development do not destroy or unacceptably degrade the inherent functional values.

The Conservation Designation is intended to protect certain vital natural resource areas of the County owned, primarily, by the public, although private in-holdings and privately owned conservation areas do exist. This Designation includes such areas as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Research Reserve, Delnor-Wiggins Pass State Recreation Area, and the National Audubon Society's Corkscrew Swamp Sanctuary (privately owned). The boundaries of the Conservation Designation may periodically change as properties are acquired.

Standards for development in the Conservation Designation are found in the Conservation and Coastal Management Element and the County's Land Development Regulations. The Conservation Designation will accommodate limited residential development and future non-residential uses. The following uses are permitted in this Designation:

- a. Single family dwelling units, and mobile homes where the Mobile Home Zoning Overlay exists, at a maximum density of one dwelling unit per five gross acres, or one dwelling unit per 3 gross acres for private in-holdings within the Big Cypress National Preserve - each dwelling unit must be physically situated on a minimum five acre parcel, or minimum 3 acre parcel for private in-holdings within the Big Cypress National Preserve;
- b. Dormitories, duplexes and other staff housing, as may be provided in conjunction with conservation uses, at a density in accordance with that permitted in the Land Development Code;
- c. Group housing uses at a density in accordance with that permitted in the Land Development Code;
- d. Staff housing in conjunction with safety service facilities and essential services, at a density in accordance with the Land Development Code;
- e. Farm labor housing in accordance with the Farm Labor Housing provision in the Land Development Code;
- f. Recreation camps as defined in, and at the density allowed by, the Land Development Code.
- g. Essential services as defined in the Land Development Code;
- h. Parks, open space and recreational uses;
- i. Community facilities such as churches, group housing uses, cemeteries; and schools which shall be subject to the following criteria:
  - Site area and school size shall be subject to the General Educational Facilities Report submitted annually by the Collier County School Board to the Board of County Commissioners.
  - The Site must comply with the State Requirements for Educational Facilities adopted by the State Board of Education.
  - The site shall be subject to all applicable State or Federal regulations.
- j. Commercial uses accessory to other permitted uses, such as restaurant accessory to operation of a Park or Preserve;
- k. Safety service facilities;
- l. Utility and communication facilities;
- m. Earth mining;
- n. Agriculture; and,
- o. Oil extraction and related processing.

## **V. OVERLAYS AND SPECIAL FEATURES**

### **A. Area of Critical State Concern Overlay**

The Big Cypress Area of Critical State Concern (ACSC) was established by the 1974 Florida Legislature. The Critical Area is displayed on the Future Land Use Map as an overlay area. The Critical Area encompasses lands designated Conservation, Agricultural/Rural, Estates and Urban (Port of the Islands, Plantation Island and Copeland). Chokoloskee is excluded from the Big Cypress Area of Critical State Concern. All Development Orders within the Critical Area shall comply with Chapter 28-25, Florida Administrative Code, "Boundary and Regulations for the Big Cypress Area of Critical State Concern". Those regulations include the following:

### **1. Site Alteration**

- a. Site alteration shall be limited to 10% of the total site size, and installation of non-permeable surfaces shall not exceed 50% of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.
- b. Any non-permeable surface greater than 20,000 square feet shall provide for release of surface run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.
- c. Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained in order to retain run off and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Re-vegetation shall be accomplished with pre-existing species or other suitable species except that undesirable exotic species shall not be replanted or propagated. Exotic species are listed below.
  - Australian Pine - (*Casuarina* spp.)
  - Bishopwood - (*Bischofia javanica*)
  - Brazilian Pepper - (*Shinus terebinthifolius*)
  - Melaleuca (cajeput) - (*Melaleuca leucadendra* spp.)
  - Downy Rosemyrtle - (*Rhodomytus tomentosa*)
  - Earleaf Acacia - (*Acacia auriculiformis*)
  - Catclaw Mimosa - (*Mimosa pigra*)
  - Java Plum - (*Syzygium cumini*)
- d. No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered. Plants specifically protected by this regulation include: All wetland plants listed by the Florida Department of Environmental Regulation in Chapter 17-301, Florida Administrative Code, as amended.
- e. Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of storm water as sheet flow from their downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the total flow in or to a slough or strand or significantly impeded tidal action in any portion of the estuarine zone.
- f. Man-made lakes, ponds, or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet of water. Whenever mineral extraction is completed in new quarrying lakes, shoreline sloping, planting of littoral shelves with nursery grown aquatic vegetation, restoration or revegetation of the property and disposal of spoils or tailings shall be completed before abandonment of the site. Existing quarrying lakes are exempt from this provision, except that whenever any person carries out any activity defined in Section 380.04, Florida Statutes, as amended as development or applies for a development permit as defined in Section 380.031, Florida Statutes, as amended to develop any existing quarrying lake area, these regulations shall apply.
- g. Finger canals shall not be constructed in the Critical Area.
- h. This rule shall not apply to site alterations undertaken in connection with the agricultural use of land or for the conversion of land to agricultural use.

### **2. Drainage**

- a. Existing drainage facilities shall not be modified so as to discharge water to any coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in

capacity or length except in conformance with paragraph (2) below; however, modifications may be made to existing facilities that will raise the ground water table or limit salt water intrusion.

- b. New drainage facilities shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent structure or system, either on site or to a natural retention, or natural filtration and flow area. New drainage facilities shall also maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough or estuarine area.
- c. New drainage facilities shall not discharge water into any coastal waters either directly or through existing drainage facilities.
- d. This rule shall not apply to drainage facilities modified or constructed in order to use land for agricultural purposes or to convert land to such use.

### **3. Transportation**

- a. Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the re-establishment of sheet flow through the use of interceptor spreader systems or performance equivalent structures and shall provide for passage of stream, strand, or slough water through the use of bridges, culverts, piling construction or performance equivalent structures or systems.
- b. Transportation facilities shall be constructed substantially parallel to the local surface flow, and shall maintain a historic ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems and as feasible, the flows in such works shall be released to natural retention filtration and flow areas.
- c. Transportation facility construction sites shall provide for siltation and run-off control through the use of settling ponds, soil fixing or performance equivalent structures or systems.

### **4. Structure Installation**

- a. Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.
- b. Minimum lowest floor elevation permitted for structures shall be at or above the 100 year flood level, as established by the Administrator of the Federal Flood Insurance Administration. The construction of any structure shall meet additional Federal Flood Insurance Land Management and Use Criteria (24 CFR 1910), as administered by the appropriate local agency.
- c. This rule shall not apply to structures used or intended for use in connection with the agricultural use of the land.

All Development Orders issued for projects within the Big Cypress Area of Critical State Concern shall be rendered to the State of Florida Department of Community Affairs for review with the potential for appeal to the Administration Commission per Chapter 9J-1, Florida Administrative Code, "Development Order Requirements for Areas of Critical State Concern".

### **B. Areas Of Environmental Concern Overlay**

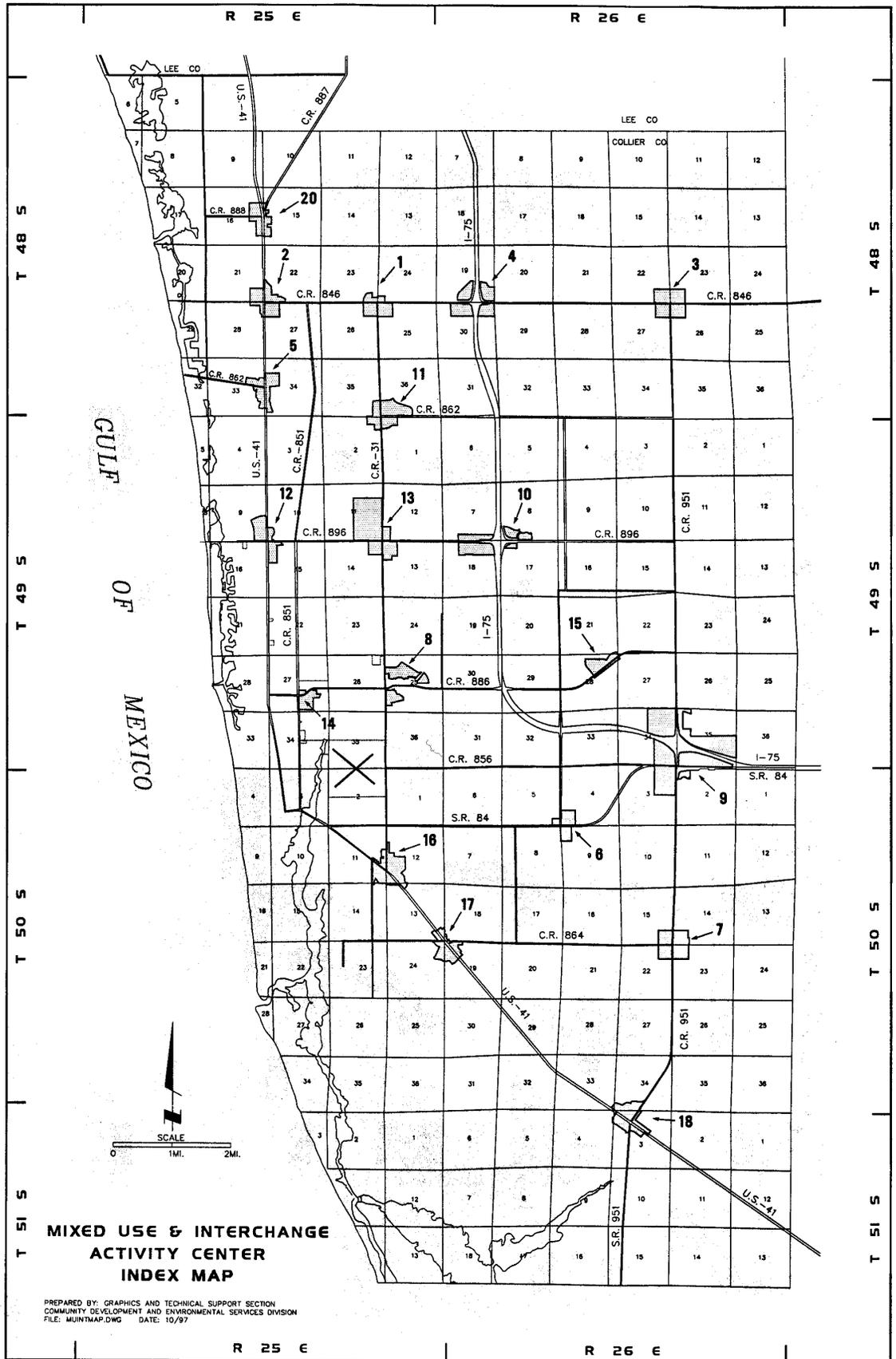
Areas of environmental concern are identified on the Future Land Use Map series. Primarily, these represent coastal beaches, marshes, hardwood swamps and cypress forests; wet prairies and low pinelands; and, brackish marshes. This overlay contains general representations for informational purposes only; it does not constitute new development standards and has no regulatory effect. Standards for development are found in the Conservation and Coastal Management Element and the Land Development Regulations.

### **C. Airport Noise Area Overlay**

The Naples Airport Authority developed an airport noise compatibility plan under the guidelines of the Federal Aviation Regulation, Part 150. This plan included identifying noise contours at the 65, 70 and 75 Ldn (day-night average sound level). The Airport Noise Area Overlay shown on the Future Land Use Map reflects the 65 Ldn contour, the least severe impact of these three noise contours. Residential and other noise sensitive land uses are considered "normally unacceptable" in areas exposed to levels between 65 Ldn and 75 Ldn. This Overlay is informational and has no regulatory effect. However, the Land Development Code contains an Airport Overlay District which regulates development near the Naples Municipal Airport.

**FUTURE LAND USE MAP SERIES**  
**Future Land Use Map**  
**Mixed Use & Interchange Activity Centers**  
**Properties Consistent by Policy (5.9,5.10,5.11)**  
**Collier County Wetlands**

FLUE DESIG. DESC. SEC. & AC MAP



## ***EXISTING/APPROVED***

Type of Open Space	# Acres	% of Collier Co.
<b>Conservation/Preservation Areas - Public</b>		
State	95,225	
Federal	613,538	
<b>Total Public</b>	<b>708,763</b>	<b>53%</b>
<b>Conservation/Preservation Areas - Private</b>		
National Audubon Society (Corkscrew Swamp Sanctuary)	10,560	
The Conservancy of Southwest Florida	134	
Home/Property Owners Associations	4,550	
<b>Total Private</b>	<b>15,244</b>	<b>1%</b>
<b>City and County Parks</b>		
County	1,435	
City of Naples	56	
<b>Total Parks</b>	<b>1,491</b>	<b>0.1%</b>
<b>Golf Courses</b>		
Existing	8,663	
Approved but unbuilt	3,116	
<b>Total Golf Courses</b>	<b>11,779</b>	<b>0.9%</b>
<b>TOTAL EXISTING/APPROVED OPEN SPACE</b>	<b>737,277</b>	<b>56%</b>

## ***PROPOSED ACQUISITION***

Type of Open Space	# Acres	% of Collier Co.
<b>Conservation/Preservation Areas - Public</b>		
State	87,773	
Federal	51,192	
<b>ADDITION'L OPEN SPACE PROPOSED FOR ACQUISITION</b>	<b>138,965</b>	<b>10%</b>

### **Notes:**

1. Figures for State and Federal lands are based primarily on 1995 Conservation and Recreation Lands Annual Report.
2. Figures for privately owned conservation/preservation lands are as of 1995 from County Tax Roll.
3. Figures for City and County Parks are as of 1996.
4. Figures for golf courses are as of 12/97 and are primarily based upon PUD Master Plans and text.
5. Some golf course areas may include lakes and preserves.
6. Generally, clubhouses and other private recreation amenities are excluded unless accessory to a golf course.
7. School playgrounds/fields are excluded.
8. Existing state/federal Conservation/Preservation figures may include some lands under contract for purchase.
9. County parks may include some conservation/preservation areas, e.g. Clam Bay.
10. Some proposed acquisition lands have been acquired but are not reflected here, e.g. portions of Belle Meade.



**ATTACHMENT G**

**SUGGESTED ALTERNATIVES**

## SUGGESTED ALTERNATIVE - ADDRESSES TWELVE ADG ISSUES

Everyone seems to agree that there are 2 issues which are of paramount importance

- (1) maintain ecological integrity
- (2) property rights will insure economic sustainability (10)

To achieve protection of the environment and property rights, we must have regulatory efficiency.  
(3)

The trade off (quid pro quo) for the use of property is mitigation. (11)

Would the following scenario make sense?

\*Island on spot ecology has not worked. You save a small parcel only to have it dry up or encroached upon.

The better approach might be a system wide approach wherein we would pick great targets (i.e. Crew Trust) and then do all mitigation to accomplish the goal of the system and of putting the system into public ownership.

Wetlands could be placed in carefully defined categories, with specific mitigation ratio for each.

If an on-site wetland should not be disturbed, then so be it. But rank the rest and have specific mitigation ratio.

The mitigation ratio would result in X units. The developer would in essence be levied X units. The corp would tell the developer where these X units (so many \$ each) would be used such as  
restoration (12)

retrofit

purchase of a system worthy of svg.

sadly lacking - \$ for management of public lands

Cumulative & secondary impacts (5) would be assessed and the developer will buy X units.

Avoidance of wetland impacts (6) definition needs to be narrowed. On one end - minimal mitigation, in the middle - more mitigation, other end - can't develop.

The problem with Local land policy (4) and state and federal policies seems ultimately to be simple. Using water as an example - the state could do all the permitting and Corps

could review it. If the landowner and Corp are unhappy, the Corp could review on a fixed basis - 60 days.

Water management (8) & water quality (9) issues could be handled the same as local land policy. (see above)

This type of system, with some adjustments would protect the environment, give landowners certainty and best serve all the people including hard working bureaucrats.

### **SUGGESTED ALTERNATIVE - COMP PLAN/WETLAND FUNCTION**

Utilize the Future Land Use/Comprehensive plans to evaluate wetland, flowway and wildlife issues on an area-type by area-type basis. Based on the evaluation, supplement the criteria in a designated wetland functional assessment procedure (i.e. Wetland Rapid Assessment Procedure) to penalize and/or reward particular impact/mitigation wetland function scores, depending on where a permitted project is located.

## **ATTACHMENT H**

### **SUMMARY PRESENTATION: MEETING No. 2**