Collier County is involved in two TDR-related efforts. The Rural Fringe area is a “traditional” TDR program, for which they expect approval in July 2003. The Rural Lands Stewardship Area (RLSA), centered in Immokalee, is an innovative TDR variant. The following summarizes the unique approach taken by this program.

Rather than providing transferable credits only on the basis of development value foregone by a landowner, the RLSA program heavily weights the natural resource value of the underlying land. The program has been approved as a comprehensive plan element and currently awaits enactment of the implementing regulations. However, this program appears to be focused on non-agricultural environmental concerns, with provisions for maintaining agricultural uses while achieving other environmental benefits.

The Immokalee area is characterized by tens of thousands of acres of primarily agricultural land that is controlled by a handful of landowners. With development pressures increasing and irreplaceable natural resources at risk, the avowed purpose of the RLSA district and regulations is to “protect natural resources and retain viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and to provide a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development.”

The RLSA system provides a range of transferable credits based on the underlying natural resource value and the types of development and other uses foregone by the landowner. The actual credit per acre is established in a matrix that multiplies the “Natural Resource Index” of the property by a credit value determined by the “Land Use Layers” (groups of uses) that will be restricted.

The scoring of the seven Land Use Layers is weighted to value more-developed uses. Base credits for land use restrictions range from 0.0 (all layers intact) to 1.0 (all layers restricted). Layers may only be eliminated sequentially, in the established order: Residential Land Uses; General Conditional Uses; Earth Mining and Processing Uses; Recreational Uses; Agriculture Group 1 [e.g., crops]; Agriculture Support Uses; and Agriculture Group 2 [e.g., ranching]. The first four uses (everything except agricultural uses) account for 60% of the base credits, with elimination of crop agriculture bringing the total to 80%.

The Natural Resource Index does not directly consider agricultural capability (i.e. soil productivity) in assigning values, but current land use (including agriculture) is one of 6 factors considered. Adding up the highest scores available under each of the 6 factors, there is a potential maximum resource index...
score of 3.2. The land use factor for agricultural land is either 0.3 (for palmetto prairie rangeland and woodlands) or 0.2 (for other rangeland, all cropland, orchards, groves, and pasture). The result is that most agricultural uses will provide a maximum of 0.2 out of a potential 3.2 points for resource value, or 6.25% of the total potential resource index value. Other environmental resources (primarily water and habitat resources) account for the remainder of potential natural resource value.

The combination of these two components means that in the absence of other natural resource values to increase the Natural Resource Index of a parcel, agricultural land which participates in the program while retaining all agricultural uses will receive a maximum of 0.12 stewardship credits per acre, out of a potential maximum of 3.2. In reality, most agricultural land will possess other environmental attributes, but the figures cited above demonstrate that while this program may protect agricultural land in Collier County, protecting the agricultural resource is not itself a primary—or even important—program purpose.

In addition to this criticism, the program is extremely complex, not only in the way it calculates credits, but throughout. The program clearly has been developed as the result of extensive “background” research, design and administration, and will entail significant administrative oversight to function. This variable has proven historically to be the “Achilles heel” of many TDR efforts. However, the Collier County RLSA already is showing positive signs. The program appears to have significant and stable county staff support, and the program already has one sending area applicant prepared to protect a significant acreage and only waiting for final approval of the program rules.

While observers will have to wait and see how implementation proceeds, the design of the program and the detail involved in the scoring process are significant and represent a real advance in the development of TDR mechanisms. The innovation of crediting the resource values protected (rather than only foregone development potential) is particularly noteworthy. With appropriate modifications to focus the scoring criteria on agricultural productivity and related factors, the theory and techniques in this approach could result in an outstanding farmland protection program.

**Attachments:**

- Growth Management Plan, Future Land Use Element (see pp. 53-74 for RLSA overlay)
- RLSA Overlay Attachments A-C (3 documents)
- RLSA Implementing Land Development Code Amendments (Final Draft)
- *Private Lands* paper on RLSA

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1 The land cover indices are based on the Florida Land Use, Cover and Forms Classification System (FLUCCS), established by the Florida Department of Transportation for statewide application. The RLSA rules group FLUCCS land cover codes into four groups for the purpose of establishing land use—land cover index scores. Palmetto prairie (FLUCCS code 321) is included in Group 2 (with an index score of 0.3), while all other agricultural land types are in Group 3 (with an index score of 0.2).

2 Assuming current use as cropland without other resource factors gives a natural resource index of 0.2. Elimination of residential, general conditional, earth mining and processing, and recreational uses gives a base stewardship credit of 0.6. Multiplying the natural resource value by the base credit yields a final stewardship credit of 1.2 credits per acre. See RLSA Attachment A, Stewardship Credit Worksheet, for additional examples.