

ORDINANCE NO. 2024 - \_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-63, AS AMENDED, WHICH ESTABLISHED THE CONSERVATION COLLIER PROGRAM, BY AMENDING SECTION 6, CREATION OF THE CONSERVATION COLLIER ACQUISITION TRUST FUND, SECTION 7: CREATION OF THE CONSERVATION COLLIER MANAGEMENT TRUST FUND; SECTION 9: PROPERTY ELIGIBLE FOR ACQUISITION AND MANAGEMENT; SECTION 10: CRITERIA FOR EVALUATING LANDS FOR ACQUISITION AND MANAGEMENT; SECTION 11: ACQUISITION LIST; SECTION 12: NOMINATION FOR ACQUISITION PROPOSALS AND CANDIDATE SITES; SECTION 13: PROCEDURE FOR SELECTION OF ACQUISITION PROPOSALS FOR PLACEMENT ON THE ACTIVE ACQUISITION LIST AND SUBSEQUENT PURCHASE PROCEDURES; SECTION 14: MANAGEMENT PLANS AND USE OF ENVIRONMENTALLY SENSITIVE LANDS; AND SECTION 16: SUNSET OF THE CONSERVATION COLLIER AD VALOREM TAX; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, On December 3, 2002, the Board of County Commissioners (“Board”) adopted Ordinance No. 2002-63, establishing the Conservation Collier Program, which Ordinance has been amended from time to time; and

WHEREAS, the Board desires to further amend Ordinance 2002-63, as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that Ordinance No. 2002-63, as amended, is hereby further amended as follows:

**SECTION ONE: Name.**

This ordinance shall be known as Conservation Collier Implementation Ordinance.

**SECTION TWO: Objectives.**

Conservation Collier is therefore hereby established to acquire, preserve, restore, and maintain vital and significant threatened natural lands, forest, upland and wetland communities located in Collier County, for the benefit of present and future generations.

Words underlined are added; Words ~~struck through~~ are deleted.

**SECTION THREE: Findings.**

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. All ad valorem funds generated hereby shall be collected by the Collier County Tax Collector.
3. The County Manager, or his or her designee, shall administer this program in accordance with the procedures and criteria provided for herein.

**SECTION FOUR: Purpose and Intent.**

1. To acquire, protect and manage environmentally sensitive lands that contain natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features, maximizing protection of Collier County's rarest, most unique and endangered habitats;
2. To acquire, protect and manage environmentally sensitive lands that offer the best human social value, including equitable geographic distribution, natural resource-based recreation, and protection of water resources, local ecological awareness, and enhancement of the aesthetic setting of Collier County;
3. To acquire, protect and manage environmentally sensitive lands that serve to recharge the County's aquifers and protect its wetlands and surface water resources to ensure the delivery of clean and plentiful water supplies and provide flood control;
4. To acquire, protect and manage environmentally sensitive lands containing the most biological value, including biodiversity, listed species habitat, connectivity, restoration potential, and ecological quality;
5. To protect present conservation lands by acquiring, protecting and managing adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance and buffer the environmental integrity of the resource, and add to resource connectivity;
6. To restore the natural functions, as necessary, to any impacted and vulnerable habitats which would then contribute significantly to fulfilling this program's goals;
7. To help implement the objectives and policies of the Collier County Growth Management Plan which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, endangered species habitat, and vulnerable rare habitats;
8. Upon recommendation by staff or the Board, to utilize a qualified third-party entity to identify Collier County's best and most endangered environmental lands for acquisition, protection and management by evaluating the biological and hydrological characteristics and viability of the resource, the vulnerability of the resource to degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;
9. To manage acquired environmentally sensitive lands with the primary objectives of maintaining and preserving their natural resource values, and providing appropriate natural resource-based recreational and educational opportunities, by employing management

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techniques that are most appropriate for each native community so that our natural heritage may be preserved and appreciated by and for present and future generations;

10. To have the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Collier County's school-age population and the general public about the uniqueness and importance of Collier County's subtropical ecosystems and natural communities;
11. To protect natural resources which lie within the boundaries of other conservation land acquisition programs, where Conservation Collier funds would leverage significant other matching sources of funding for other agency acquisition projects that would not be available without such a local match, or which would result in considerably higher funding rank in another program, however, Collier County shall exclude Municipalities within the County from any requirement to provide matching funds; and,
12. To cooperate actively with other acquisition, conservation, and resource management programs that operate within the County's Area, including, but not limited to, such programs as the State of Florida, the Land Acquisition Trust Fund, Florida Forever, Florida Communities Trust, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of Conservation Collier as stated hereinabove.

#### **SECTION FIVE: Definitions.**

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Acquisition project* shall mean (a) parcel(s) of land approved by the Board of County Commissioners for conservation by the county in accordance with procedures provided for herein.

*Acquisition proposal* shall mean (a) parcel(s) of land which has/have been nominated or recommended for conservation in accordance with the procedures provided for herein.

*Authorized Purpose* means expenditures authorized herein.

*Buffer land* shall mean that land which is adjacent to publicly-owned environmental land, or privately held land permanently dedicated to conservation, or that land which is an in-holding within publicly-owned environmental land, and which, if not acquired, would threaten the environmental integrity of the existing resource, or if acquired, would enhance the environmental integrity and connectivity of the resource.

*Conservation Collier lands* means any land acquired under the Conservation Collier Program.

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*Environmentally sensitive land* shall mean that land which contains natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features.

*Management* shall mean the preservation, enhancement, restoration, conservation, monitoring, or maintenance of the natural resource values of environmentally sensitive lands which have been acquired or approved for management under Conservation Collier in perpetuity, including provision of appropriate public access.

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*Natural resource-based recreation* shall mean all forms of uses which are consistent with the goals of this program, and are compatible with the specific parcel. Such uses shall include, but not be limited to, hiking, nature photography, bird-watching, kayaking, canoeing, swimming, hunting and fishing.

*Non-profit organization* shall mean an organization as defined in section 501 of the United States Internal Revenue Code, operating in Collier County, which includes among its primary goals the conservation of natural resources and the protection of the environment.

*Target Protection Areas* shall mean larger areas of environmentally sensitive land within which are located specific sites which generally satisfy the initial screening criteria and meet the goals of Conservation Collier.

*Urban Area* shall mean those areas designated as Urban on the Collier County Future Land Use Map.

**SECTION SIX: ~~Creation of the Conservation Collier Acquisition Trust Fund.~~  
Funding of the Conservation Collier Program.**

~~Collier County shall establish the Conservation Collier Acquisition Trust Fund for use in acquiring environmentally sensitive lands in Collier County. This fund shall receive and disburse monies in accordance with the provisions herein.~~

Collier County has established and will maintain (1) the Conservation Collier Acquisition Trust Fund for use in acquiring environmentally sensitive lands in Collier County, and (2) the Conservation Collier Management Trust Fund for the preservation, enhancement, restoration, conservation and maintenance of environmentally sensitive lands that either have been purchased with monies from the Lands Acquisition Trust Fund, or have otherwise been approved for management. Each year through Fiscal Year 2031, the Board will set the millage rate for the Conservation Collier Program, which may not exceed .25 mills, and set the percentage of revenues each Fund will receive for that fiscal year. At the direction of the Board, funds may be transferred between the two funds, or used for any other County purpose, if found to be in the best interest of the public by super majority vote of the Board of County Commissioners.

**Commented [JC1]:** ML - Percentages part of referendum - what voters voted upon.  
BC - what's the formula to restore maintenance fund?

1. The Conservation Collier ~~Acquisition~~ Trust Funds shall receive monies from the following sources:

- a. All monies accepted by Collier County in the form of federal, State, or other governmental grants, reimbursements, allocations, or appropriations, foundation or private grants, donations for acquisition of environmentally sensitive lands and payments provided for mitigation activity associated with such acquisition activity.
- b. Such additional allocations as may be made by the Board of County Commissioners from time to time for the purposes set forth herein.
- c. All interest generated from the sources identified herein except where monies received have been otherwise designated or restricted.

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- ~~d. Supplementation from the Conservation Collier Management Trust Fund, but only with the approval of the Collier County Board of County Commissioners.~~
- ~~e. Up to Seventy five percent (75%) of all revenues collected for Conservation Collier. This percentage shall be reviewed annually by the Board.~~
- d. Revenues generated by the annual millage set for Conservation Collier by the Board, not to exceed .25 mills.
- e. The proceeds of any property acquired with funds from the Conservation Collier Acquisition Trust Fund that is leased or sold by the County, said proceeds, as determined by the Board of County Commissioners, to be committed either to the Conservation Collier Acquisition Trust Fund or to the Conservation Collier Management Trust Fund for the purposes provided for herein. Any such sale or lease shall only be in accordance with the goals of this Program.
- f. Prior to acquiring land located within a Municipality's boundaries, approval must first be obtained from the governing body of that Municipality.

2. The two Conservation Collier ~~Acquisition~~ Trust Funds shall be maintained in a separate and segregated trust fund of the County to be used solely for the authorized purposes set forth herein, and for any other County purpose deemed to be in the best interest of the public by super majority vote of the Board of County Commissioners. |
3. Disbursements from the Conservation Collier Acquisition Trust Fund shall be made only for the following authorized purposes:
  - a. Acquisition of properties which have been approved for purchase by the Board of County Commissioners.
  - b. Costs associated with each acquisition including, but not limited to, appraisals, surveys, environmental reports, title commitments and insurance policies, real property taxes, documentary stamps and surtax fees, and other transaction costs.
  - c. Costs of administering Conservation Collier, including any loans from the General Fund for funding start-up costs until such time as the fund is closed. Administration of the program may be conducted by County staff or by contract with a private or not for profit entity subject to meeting all County and Conservation Collier purchasing policies. Administrative costs shall be limited to the greatest extent possible.
  - d. Costs to acquire and dispose of real and personal property or any interest therein when necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; and to enter into alternatives to the acquisition of fee interests in land, including, the acquisition of easements, life estates, leases, and leaseback arrangements.
  - e. Acquisitions consistent with Collier County Land Development Code and the Growth Management Plan.
  - f. To cooperate with other local, regional, state, or federal public land acquisition programs. In such cases, the County may enter into contractual or other agreements to acquire lands jointly or for eventual resale to other public land acquisition programs in Collier County.

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- g. All lands acquired and titled solely in the name of Collier County shall be managed by Collier County, wherever located, unless by mutual written agreement management arrangements and responsibilities are undertaken with other local, regional, state, or federal agencies. All lands jointly acquired with other local, regional, state, or federal agencies, including Municipalities, shall include, as part of the acquisition process, some mutual written agreement regarding the responsibilities of the joint owners for maintenance.
- h. To borrow money through the issuance of bonds for the purposes provided herein, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof.
- i. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under Florida Statutes, Section 215.47 as amended.
- j. To insure and procure insurance against any loss in connection with any of the trust's operations, including without limitation:
  - 1. The repayment of any loans to mortgage lenders or mortgage loans;
  - 2. Any project;
  - 3. Any bonds of the County;
 Insurance may be procured in such amounts and from such insurers, including the Federal Government, as may be deemed necessary or desirable by Collier County.
- k. To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice.
- l. To identify parcels of land that would be appropriate acquisitions.
- m. To do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted herein to the full extent of the law.
- n. Funds may be transferred out of the Conservation Collier Acquisition Trust Fund for any other County purpose if found to be in the best interest of the public by super majority vote of the Board of County Commissioners.

**~~SECTION SEVEN: Creation of the Conservation Collier Management Trust Fund.~~**

~~There is hereby created the Conservation Collier Management Trust Fund (hereinafter referred to as the Conservation Collier Management Trust Fund) for the preservation, enhancement, restoration, conservation and maintenance of environmentally sensitive lands that either have been purchased with monies from the Lands Acquisition Trust Fund, or have otherwise been approved for management. The Finance Director is hereby authorized to establish the Conservation Collier Management Trust Fund and to receive and disburse monies in accordance with the provisions of this section.~~

~~1. The Conservation Collier Management Trust Fund shall be maintained in a separate and segregated trust fund of the County to be used solely for the authorized purposes set forth herein and for any other County purpose deemed to be in the best interest of the public by majority vote of the Board of County Commissioners.~~

~~2. The Conservation Collier Management Trust Fund shall receive monies from the following sources:~~

Words underlined are added; Words ~~struck through~~ are deleted.

- a. ~~Revenues collected for Conservation Collier in an amount no less than 25% percent of the total collected in any one year.~~
- b. ~~All monies accepted by Collier County in the form of federal, State, or other governmental grants, allocations, or appropriations, as well as foundation or private grants and donations, for management of lands acquired with the Conservation Collier Acquisition Trust Fund or otherwise approved for management.~~
- c. ~~Additional allocations as may be made by the Board of County Commissioners as necessary from time to time for purposes strictly consistent with the goals and purposes of Conservation Collier.~~
- d. ~~All interest generated from the sources identified herein, except where monies received have been otherwise designated or restricted.~~
- e. ~~Supplementation from the Conservation Collier Acquisition Trust Fund, but only with the approval of the Collier County Board of County Commissioners.~~

34. Disbursements from the Conservation Collier Management Trust Fund shall be made by the County Manager or his or her designee to manage Conservation Collier ~~properties-lands~~ only in accordance for the authorized purposes set forth herein and as approved by the Board of County Commissioners.

**Commented [JC2]:** BC - is the goal that management will be done through the general fund? If so, add to Ordinance.

45. Funds may be transferred out of the Conservation Collier Management Trust Fund for any other County purpose if found to be in the best interest of the public by super majority vote of the Board of County Commissioners.

6. The program's purpose is to manage Conservation Collier lands in perpetuity with money from the Management Trust Fund. Any monetary shortfall for management activities will be paid by the general fund.

**Commented [JC3]:** Does this belong in Section 15 "Sunset..."

**SECTION EIGHT SEVEN: Land Acquisition Advisory Committee.**

1. *Creation and Purpose:* The Land Acquisition Advisory Committee is hereby established to assist the Board of County Commissioners in establishing an Active Properties Acquisition List with qualified purchase recommendations consistent with the goals of Conservation Collier. When active acquisition phases are not in place, the Land Acquisition Committee's role shall be to review and make recommendations to the Board on the management and programs of the preserved land.
2. *Appointment and Composition:* The Land Acquisition Advisory Committee shall be composed of nine (9) members who are appointed by and will serve at the pleasure of the Board of County Commissioners in accordance with Ordinance No. 2001-55, as amended. Membership of the Land Acquisition Advisory Committee shall comprise broad and balanced representation of the interests of Collier County citizens, including:
  - a. Environmental, land management and conservation interests in Collier County;

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- b. Agricultural and business interests in Collier County;
- c. Educational interests in Collier County; and
- d. General civic and citizen interests from throughout the county.

Individual members of the Land Acquisition Advisory Committee shall have expertise, knowledge or interest in ecology, conservation of natural resources, real estate or land acquisition, land appraisal, land management, eco-tourism or environmental education. A nominee shall submit to the Board of County Commissioners written evidence of his or her expertise, knowledge or interest in any of the above. The members of this committee should include representatives from different areas of Collier County.

3. *Terms of Office:* The initial terms of office of the members shall be staggered between the individual interests, for balance purposes, and be set as follows:
  - a. Three (3) members shall serve three (3) years.
  - b. Three (3) members shall serve two (2) years.
  - c. Three (3) members shall serve one (1) year.

Thereafter, all appointments shall be for a term of three (3) years. The process for appointments and terms of office shall be governed by Collier County Ordinance No. 2001-55, as amended.

4. *Officers, Quorum and Rules of Procedure:* At its earliest opportunity, the membership of the Committee shall elect a chairperson and vice chairperson from among the members. Officers' terms shall be for a period of one (1) year, with eligibility for reelection.

The presence of five (5) or more members shall constitute a quorum of the Committee necessary to take action and transact business, unless active acquisition phases are not in place in which case four (4) or more members shall constitute a quorum. The Committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business. The Land Acquisition Advisory Committee shall comply with the applicable requirements of the Florida Sunshine Law, and shall keep a written record of meetings, resolutions, findings and determinations in accordance with F.S. ch. 112. Copies of all Committee minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners.

5. *Attendance and Vacancies:* Committee member attendance requirements, including failure to attend meetings and member removal from office are governed by Collier County Ordinance No. 2001-55, as amended.
6. *Functions, Powers and Duties of the Land Acquisition Advisory Committee:* The Land Acquisition Advisory Committee shall have the following duties and responsibilities:
  - a. The Land Acquisition Advisory Committee's primary responsibility is to recommend to the Board of County Commissioners an Active Properties Acquisition List with qualified purchase recommendations consistent with the goals of Conservation Collier and pursuant to the policies outlined herein below.
  - b. The Land Acquisition Advisory Committee may, from time to time, recommend to the Board of County Commissioners proposed expenditures from the Conservation Collier

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Trust Funds; additional selection or acquisition policies, procedures, and programs; and other such matters as may be necessary to fulfill the purposes of Conservation Collier. However, the goals and primary criteria of Conservation Collier may not be modified except by countywide referendum vote.

- c. The Land Acquisition Advisory Committee shall have no power or authority to commit Collier County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the Land Acquisition Advisory Committee are advisory only and shall not be binding upon the County unless approved or adopted by the Board of County Commissioners.
- d. At such time as there are insufficient uncommitted funds in the Conservation Collier Acquisition Trust Fund to conclude another acquisition and all acquisition projects have been closed, the Land Acquisition Advisory Committee shall report to the County Commission and revert to a land management oversight function. If funds remain in the Conservation Collier Acquisition Trust Fund these funds shall then be reviewed for recommendation of transfer to the Conservation Collier Management Trust Fund and transferred upon approval of the Board of County Commissioners. Thereafter, unless and until additional funds are appropriated by the Board for the purpose of acquiring additional Conservation Collier Program acquisitions, the Land Acquisition Advisory Committee shall generally meet on a quarterly basis to review and make recommendations to the Board as warranted regarding the management and programs of the preserved land.

**SECTION NINE EIGHT: Property Eligible for Acquisition and Maintenance.**

1. Properties eligible to be considered for acquisition and management under Conservation Collier shall be only environmentally sensitive lands available from willing and voluntary participants, with acquisition priority given to those properties located within, but not limited to, the Urban Area of Collier County, with the exception of lands currently designated as Stewardship Sending Areas within the Rural Lands Stewardship Area program.
2. Acquisition of property shall not be constrained based on the immediate availability of management money.
3. Any environmentally sensitive land not on the acquisition list which is offered for conveyance or donation to Collier County and is proposed for management by Conservation Collier shall be evaluated as provided for herein below and may only be accepted and approved for management by the Board of County Commissioners. Any lands with legal management obligations must be conveyed with adequate management endowment funds.
4. Acquisition of property can be in fee or by a conservation easement in a form approved by the Board. If acquired by a conservation easement, the property will retain those development rights as negotiated by the parties, including but not limited to agriculture and single-family development. Additionally, for properties within the Rural Fringe Mixed Use District (RFMUD) "Sending" lands, if implemented by the Board the parties may negotiate a Transfer of Development Rights to "Receiving" lands.

**Commented [JC4]:** Needs companion policy. TDRs (Purchasing Policy needs updating) and management of CE.

Also CE doesn't give public access.

Recommendation: Needs a policy, questions availability for accessibility, maintenance of property (within 1 year of adoption)

CCLAAC raises concerns with retaining development credits.

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5. The Board may sell Conservation Collier lands provided that the proceeds of the sale are put back into the Conservation Collier Program. The proceeds may only be used for additional purchases of environmentally sensitive land or for the maintenance of existing Conservation Collier parcels.

**Commented [JC5]:** CCLAAC does not recommend inclusion of #5. How is a parcel eligible for sale? If it remains, CCLAAC would recommend that property no longer fits the purpose AND criteria of the program. Super-majority of Board vote.

**SECTION ~~TEN~~ NINE: Criteria for evaluating lands for acquisition and management.**

1. The evaluation of each acquisition proposal shall be based on satisfying at least ~~two~~ three ~~four~~ of the initial screening criteria below. Qualified sites shall then be further prioritized by secondary evaluative criteria listed below under Subsection (b). The initial screening criteria are:
  - a. Land with the most rare, unique and endangered habitats found in Collier County, order of preference: tropical hardwood hammocks, xeric oak scrub, coastal strand, native beach, xeric pine, riverine oak, high marsh (saline), tidal freshwater marsh, ~~other native habitats.~~
  - ~~a-b.~~ Lands comprised of native habitats.
  - ~~b-c.~~ Lands offering the best human social values, including equitable geographic distribution, appropriate access for natural resource-based recreation, and the enhancement of the aesthetic setting of Collier County.
  - ~~e-d.~~ Land which protects the most water resource values, including aquifer recharge, water quality, wetland dependent species habitat, and flood control.
  - ~~d-e.~~ Land containing the most biological value, including biodiversity, listed species, habitat, connectivity, restoration potential, and ecological quality.
  - f. Land which enhances and/or protects the environmental value of current conservation lands through function as a buffer, ecological link, or habitat corridor.
  - ~~e-g.~~ Lands which provide climate resilience to drought, flooding and wildfire risks.
  - ~~f-h.~~ Any qualified land which meets at least ~~two~~ three ~~four~~ of the above criteria and has matching funds available and/or which Conservation Collier funds availability would leverage a significantly higher funding rank in another acquisition program.
2. Those proposed acquisition proposals which are initially qualified under the screening criteria shall be evaluated ~~and ranked~~ by the staff and Land Acquisition Advisory Committee using Secondary Ranking Criteria, based on site visit information which confirms or refutes the initial screening criteria evaluation, and based on comparative size (to prefer larger or similar parcels), vulnerability to destruction (to prefer most threatened of qualified parcels), overall resource ecological quality (to prefer highest quality of similar parcels) and the estimated feasibility and costs of management (to prefer the most manageable parcels).
3. The Board of County Commissioners hereby shall approve and make a part hereof the attached initial list of Target Protection Areas within which are located specific sites which generally satisfy the initial screening criteria and meet the goals of Conservation Collier. The County Manager, or their designee, will provide the Board of County Commissioners with a map and list of the target protection mailing areas on an annual basis. Inclusion on this list is not a guarantee of any specific purchase. All specific proposals will be evaluated ~~and ranked~~

**Commented [JC6]:** Update to match Florida Natural Areas Inventory.

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by staff and the Land Acquisition Advisory Committee for a recommendation of approval to the Board of County Commissioners.

In accordance with the goals, policies and procedures of this Conservation Collier Implementation Ordinance, the following list is the ~~first~~ Target Protection Areas adopted by consideration by the Land Acquisition Advisory Committee, County Manager or their designee, ~~Staff~~ and the Board of County Commissioners.

- a. All designated Urban lands with predominantly native vegetative cover.
  - b. All Collier County Natural Resource Protection Areas and Sending Lands, as shown on the Future Land Use Map of the Collier County Growth Management Plan.
  - c. All undeveloped lands with predominantly native vegetative cover in the Northern Golden Gate Estates, as shown on the Future Land Use Map of the Collier County Growth Management Plan.
  - d. The Flow-way and Habitat Stewardship Areas as depicted on the Future Land Use Map of the Collier County Growth Management Plan, except for those areas currently designated ~~or proposed~~ as Stewardship Sending Areas.
4. The County Manager, or their designee, shall prepare and periodically update for presentation to the Board of County Commissioners, a Conservation Collier Program Manual, developed by staff and the Land Acquisition Advisory Committee, which, upon approval by the Board of County Commissioners, shall be used as a guide for implementing the provisions of this ordinance, and shall also include the initial and secondary criteria listed herein above for evaluating Conservation Collier Acquisition Proposals. ~~Commencement of the acquisition and management program shall be immediate upon approval by the Board of County Commissioners, passage of the referendum and appointment of the Land Acquisition Advisory Committee, even if the manual has not been completed.~~

#### **SECTION ~~ELEVEN~~ TEN: Acquisition List.**

The ~~overall Conservation Collier Acquisition List shall consist of~~ Conservation Collier Program shall generate two specific lists: the Target Protections Areas List and the Active Acquisition List. The Land Acquisition Advisory Committee and Board of County Commissioners shall approve both in accordance with the procedures set forth below:

1. The Target Protection Areas List shall consist of lands representing the highest natural resource values (such as Natural Resource Protection Areas), ~~but generally not specific parcels, and is initially approved by the Board of County Commissioners~~ and shall be updated periodically by the Board of County Commissioners and the Land Acquisition Advisory Committee. It is established and updated in accordance with Conservation Collier goals, procedures and criteria.
2. The Active Acquisition List shall consist of criteria-qualified sites that have been selected from Target Protection Areas, as well as qualified acquisition proposals submitted to the Land Acquisition Advisory Committee by the public, all of which have had applications submitted by property owners. The Active Acquisition List shall separate proposals into three (3) categories: A (pursue acquisition); B (hold for re-~~ranking~~ evaluation in the next cycle);

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and C (no interest in acquiring). The A-category parcels/projects shall be further categorized as 1 (high priority), 2 (medium priority), and 3 (low priority), in order to give County staff direction as to priority for acquisition tasks. ~~The Active Acquisition List shall be updated periodically according to Conservation Collier procedures and criteria. Site acquisition proposals that receive the highest evaluations pursuant to the Conservation Collier criteria and for which acquisition is feasible will be placed on this list, pending recommendation by the Land Acquisition Advisory Committee and approval by the Board of County Commissioners. Properties shall be added to the Active Acquisition List after the Initial Criteria Screening Report (ICSR) is reviewed by the Land Acquisition Advisory Committee. The Committee will then recommend the Active Acquisition List to the Board of County Commissioners.~~

3. Once approved by the Board of County Commissioners, the County shall actively pursue acquisition of A-category projects on the Active Acquisition List. All sites shall be pursued on a voluntary "willing participant" basis only, without the use of the County's eminent domain powers.
4. ~~Projects~~ Property will only be removed from the Active Acquisition List by successful purchase of the site, approval of the next succeeding list, withdrawal of positive interest by the property owner, or by resolution of the Board of County Commissioners. ~~Projects~~ Property removed may still be considered at a later time.

**SECTION ~~TWELVE~~ ELEVEN: Nomination of acquisition proposals and candidate sites.**

1. Nominations for the Conservation Collier Program may be made by any person or organization, including Collier County, regional, State or Federal agencies, by contacting program staff in writing and providing positive identification of the parcel/project through a map or folio number(s). Staff will send an inquiry to the owner in the form of an interest letter advising of the nomination and asking if the owner wishes to submit an application for consideration to the Conservation Collier Program.
2. An owner may nominate his or her own property by submitting an application.
3. County staff will send letters of interest to property owners within Target Protection Areas as directed by the Land Acquisition Advisory Committee asking if the owner wishes to submit an application for consideration to the Conservation Collier Program.
4. An application submitted by the property owner to the County Manager, or ~~his~~ their designee, shall be evidence of a willing seller.
5. ~~While public~~ Public and landowner applications nominating properties for acquisition may be submitted at any time, during or after the first annual public solicitation meeting (described below), applications shall be ~~gathered and evaluated within the framework of an acquisition cycle, which time frame shall be publicly announced~~ evaluated as they are received.
6. There will be an annual public meeting for the purpose of updating the Board of County Commissioners and the public for soliciting proposals and applications if the program is in

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a buying cycle. The first such meeting will take place at the end of the first year of implementation of Conservation Collier.

7. Owner interest shall be disclosed in applications in the same manner as required of zoning applicants by the Collier County Land Development Code.

**SECTION ~~THIRTEEN~~ TWELVE: Procedure for selection of acquisition proposals for placement on the active acquisition list and subsequent purchase procedures.**

1. Acquisition proposals for which applications have been received shall be prescreened using the initial screening criteria. ~~Those that satisfy two (2) out of six (6) of the Initial Screening Criteria shall be forwarded to the Land Acquisition Advisory Committee for a vote for a complete evaluation.~~ Acquisition proposals which do not satisfy ~~three-four (3) out of six seven (67)~~ three-four (3) out of six seven (67) of the Initial Screening Criteria or which satisfy initial screening criteria but for other reasons may not fulfill the purposes of Conservation Collier will be reported to the Land Acquisition Advisory Committee, but will not be evaluated further unless at least five [5] members of the Land Acquisition Advisory Committee vote for a complete evaluation.
2. ~~Acquisition proposals which do not satisfy the initial screening criteria or which satisfy initial screening criteria but for other reasons may not fulfill the purposes of Conservation Collier will be reported to the Land Acquisition Advisory Committee and shall not be evaluated further unless at least five [5] members of the Land Acquisition Advisory Committee vote for a complete evaluation.~~ Acquisition proposals which satisfy ~~five-six (56) out of six-seven (76)~~ five-six (56) out of six-seven (76) of the Initial Screening Criteria and fulfill the purposes of Conservation Collier will forego the Land acquisition Advisory Committee and be placed on a Board of County Commissioners agenda for consideration by the Board to move forward with the acquisition process.
3. Proposals which satisfy ~~three-four out of six-seven~~ three-four out of six-seven the initial screening criteria will be further evaluated for presentation to the Land Acquisition Advisory Committee for review and ranking by staff or a qualified third-party. Evaluation shall include a site visit, which staff shall coordinate with the property owner, and which may include one advisory committee member, review of information about the parcel(s) available in the county's electronic databases and research into any other records retained by the county about the parcel(s). Using both observed and gathered data staff or a qualified third party shall prepare an Initial Criteria Screening Report (ICSR) which will include boundary and location maps for each site, descriptions of the biological and hydrological characteristics, including initial criteria satisfied, a summary of its potential for appropriate use, development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed and estimated value, and any potentially available matching funds.
4. Upon completion of the ICSR, the Land Acquisition Advisory Committee shall hold a public hearing where staff will present information contained in the ICSR regarding each site, the applicants' and/or landowners' comments, and comments from the public. A courtesy notice

Words underlined are added; Words ~~struck through~~ are deleted.

**Commented [JC7]:** CCLAAC allows for public comments / more due diligence. Work out the concerns at the meeting, not BCC. How many parcels within last 20 years would have met this change?

Recommendation: Given all other changes to expedite the process, this isn't necessary. Public visibility is achieved at CCLAAC.

shall be provided to the owners of properties which are the subject of the hearing, although failure to notify said owners shall not invalidate these proceedings.

5. ~~After all properties within the current acquisition cycle have been presented,~~ The Land Acquisition Advisory Committee shall evaluate all qualified proposals using criteria, as documented in the ICSR, along with, public comments, and their own experience and judgments, and then rank the parcels property according to the A, B and C ranking categories ~~to create a and place it on the~~ recommended Active Acquisition List at a public hearing. Additional meetings may be called to complete this task.
6. The recommended Active Acquisition List shall be forwarded to the Board of County Commissioners, who, in a public meeting, shall vote on whether to approve all or part of the proposed Active Acquisition List. Properties may be added but any additional properties must be subjected to the entire evaluation process.
7. County Staff shall notify property owners and the public of the final approved Active Acquisition List.
8. After approval of the Active Acquisition List, Real Property Management ~~Estate Services~~ staff will arrange for appraisals for A-category parcels/projects and when appraisals are received make an offer to the owner(s) pursuant to the approved Conservation Collier Land Acquisition Purchase Policy (Resolution No. 2003-195, or as superseded). Parcels located within the Rural Fringe Mixed Use District "Sending" lands are subject to additional requirements regarding Transfer of Development Rights (TDR) credits, as specified in the Conservation Collier Land Acquisition Purchase Policy, Resolution 2003-195, or as superseded. Once an offer is accepted, Real Estate Services staff will prepare a contract and request the owner sign. This signed contract will be presented to the Board of County Commissioners at a public hearing for the Board's review and consideration.~~Land Acquisition Advisory Committee at a public meeting to decide, by majority vote, whether to recommend approval of the contract to the Board of County Commissioners.~~ Along with the contract, staff will provide a Project Design Report for each parcel/project, including cost, history, purpose of project, and program qualifications.
9. ~~After obtaining a recommendation from the Land Acquisition Advisory Committee, the contract, Project Design Report and Land Acquisition Advisory Committee recommendation will be presented to the Board of County Commissioners at a public hearing for their review and approval.~~
- 40 9. The Board of County Commissioners shall have final approval authority of the contract terms for each proposed project and shall authorize any and all purchases.
- 41 10. Once a contract has been approved and executive by the Board of County Commissioners in accordance with County policies, Real Property Management ~~Estate Services~~ shall proceed to close on the purchase of property in accordance with County policies.

#### **SECTION ~~FOURTEEN~~ THIRTEEN: Management Plans and Use of Environmentally Sensitive Lands.**

Words underlined are added; Words ~~struck through~~ are deleted.

1. No later than ~~ninety (90) days~~ six months from the date of acquisition, an interim management plan for any property acquired shall be submitted by County staff to the Land Acquisition Advisory Committee for approval. Upon approval, the plan shall be submitted to the Board of County Commissioners for final approval and shall be implemented by the County Manager, or their designee, pursuant to the Board's direction. Any such interim management plan(s) shall not be implemented for more than two (2) years after acquisition of the property, prior to the expiration of two (2) years, either a new management plan shall be implemented, or, by affirmative action of the Board, the interim plan shall continue.
2. A final management plan, with required review and updating every ten years, shall be prepared, with review and input of the Land Acquisition Advisory Committee, for each property acquired by Conservation Collier which shall:
  - a. Identify such management activities as are necessary to preserve, enhance, restore, conserve, maintain, or monitor the resource, as appropriate; and
  - b. Identify such uses as are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the resource; and
  - c. Estimate the annual costs of managing the project.
3. Annually, the ten-year management plans prepared during the preceding year shall be submitted to the Board of County Commissioners for its approval. Each ten-year management plan shall be updated at least every five (5) years from the last date of Board approval, ~~and may be~~ amended as often as required. Management plan updates and amendments shall be reviewed by the Land Acquisition Advisory Committee for their input and recommendations and then submitted to the Board of County Commissioners for approval.
4. All management plans shall be consistent with the purposes set forth herein. All properties acquired or managed through Conservation Collier shall be managed in accordance with the approved management plan for that property.
5. No use, infrastructure, or improvement shall be permitted on any property acquired or managed under Conservation Collier that is inconsistent with the purposes of the program or that is not provided by an approved management plan for the property.
6. The County will seek cooperative management arrangements with other agencies and entities, in keeping with the approved management plan for the property.
7. Purchasing land using Conservation Collier program funds permanently extinguishes all development rights except those strictly compatible with the purposes and goals of Conservation Collier, unless such lands are exchanged for similar lands within and between multi-parcel projects that have been previously recommended by the Conservation Collier Land Acquisition Advisory Committee and approved by the Board of County Commissioners in accordance with the goals and purposes of the Program. In case of these land exchanges, development rights are restored to those properties exchanged out of County ownership.
8. Public access is an important element of management and this Program. Examples of permitted uses, subject to compatibility with specific parcels, include: hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting, and fishing. The program will also make the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Collier County's school-age population and the general public

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about the uniqueness and importance of Collier County's subtropical ecosystems and natural communities.

**SECTION ~~FIFTEEN~~ FOURTEEN: Responsibilities of the County Manager.**

The County Manager shall facilitate such activities, designate such staff, and assign such responsibilities as are necessary to fulfill the purposes of this Ordinance.

**SECTION ~~SIXTEEN~~ FIFTEEN: Sunset of the Conservation Collier ad valorem tax.**

1. The Conservation Collier special tax revenue will sunset in fiscal year 2031, after ten (10) years, unless reauthorized through a similar voter referendum approval or by Board of County Commissioners super majority approval.
2. The Management Trust Fund continues in perpetuity, as long as Conservation Collier lands remain in County hands.
3. If the Management Trust fund has inadequate funds for management, then General Fund monies will be used.

**Commented [JC8]:** Does the referendum support 10 years or within 10 years (i.e., 12 years, with some years of no funding).

**Commented [JC9]:** Same as Section 6 (6) - where does it belong?

**SECTION ~~SEVENTEEN~~ SIXTEEN: CONFLICT AND SEVERABILITY.**

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION ~~EIGHTEEN~~ SEVENTEEN: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION ~~NINETEEN~~ EIGHTEEN: EFFECTIVE DATE.**

This Ordinance shall be effective upon filing with the Secretary of State.

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