

December 6, 2023

MINUTES OF THE CONSERVATION COLLIER LAND ACQUISITION
ADVISORY COMMITTEE MEETING

Naples, Florida, December 6, 2023

LET IT BE REMEMBERED, the Conservation Collier Land Acquisition Advisory Committee in and for the County of Collier, having conducted business herein, met on this date at 1:00 P.M. in REGULAR SESSION at Administrative Building "F", 3rd Floor, Collier County Government Complex Naples, Florida with the following members present:

CHAIR: Michele Lenhard
VICE CHAIR: Brittany Patterson-Weber
Gary Bromley
Ron Clark
Karyn Allman
Rhys Watkins
John Courtright
Corey McCloskey (Excused)
Nick Pearson

ALSO PRESENT: Summer Araque, Conservation Collier Program Coordinator
Sally Ashkar, Assistant County Attorney
Melissa Hennig, Environmental Specialist I
Jaime Cook, Development Review Division Director

1. Roll Call

Chair Lenhard called the meeting to order at 1:00P.M. Roll call was taken and a quorum was established with 8 Members present.

A. Approval of CCLAAC Members attending the meeting remotely

All Members were present in the Board room.

2. Approval of Agenda

Mr. Bromley moved to approve the Agenda subject to hearing Item 5.D after Item 5.A. Second by Ms. Allman. Carried unanimously 8 – 0.

3. Approval of November 1, 2023 Meeting Minutes

Mr. Bromley moved to approve the minutes of the November 1, 2023 meeting as presented. Second by Ms. Allman. Carried unanimously 8 – 0.

4. Old Business

A. Acquisition Updates - Current Acquisition Status report updated monthly in advance of CCLAAC meeting provided as part of meeting packet and under Acquisition News at www.conservationcollier.com for information purposes. The report will be updated monthly (last updated November 27, 2023) including parcels the County has acquired to date, offers made by the County, pending acquisitions and those properties where the owner withdrew the application.

Ms. Araque provided the following updates:

Cycle 10 – 47 properties acquired totaling 454 acres.

Cycle 11A – 8 properties acquired totaling 17.62 acres.

Cycle 11B – 9 properties pending closing totaling 118 acres.

Cycle 12A – Due diligence phase for properties.

Multi Parcel Projects Target Letters Distribution

- Panther Walk Preserve – 1st batch November; 2nd batch January 2024.
- Robert H. Gore, III – February/March 2024.
- Winchester Head - April/May 2024.

Based on a market study, offers for the property are included with the solicitation letter.

Cycle 12B – 20 applications received for 30 parcels totaling 768 acres. 16 move forward to the ICSR phase with ranking by the Committee slated for March of 2024 and Board of County Commissioners review in April of 2024.

B. Purchase Agreements

Ms. Araque provided the following Purchase and Sale agreement for consideration - (*The Committee approved the Purchase and Sale Agreements listed below in one motion but were listed separately for recording purposes*).

1. Kleinberger Rev. Trust – Dr. Robert H. Gore III Preserve

Mr. Bromley moved to recommend the Board of County Commissioners approve the Purchase and Sale Agreement for the Kleinberger Rev. Trust Property. Second by Ms. Patterson-Weber. Carried unanimously 8 – 0.

5. New Business

A. Budget Presentation

Chris Johnson, Director, Corporate Financial & Management Services presented the PowerPoint “*Conservation Collier Budget*” and provided an update on the programs budget for information purposes. The presentation included an overview of the Conservation Collier Adopted FY24 Budgets, changes made to the FY24 Adopted Budgets from the FY24 Tentative Budgets, and pending Budget Amendments. He highlighted the following:

FY 2024 Adopted Budget

- Acquisition Fund 1061 Operating Budget (excluding Land Acquisitions) - \$800,000.
- Acquisition Fund 1061 Capital Outlay (Land Acquisitions) - \$26,908,600
- Maintenance Fund 1062 Operating Budget - \$1,454,900
- Maintenance Fund 1062 Endowment - \$10,091,900
- Capital Project Fund 1063 Operating Budget - \$675,000

Changes to Adopted Budget from Tentative Budget

- A decrease in millage rate, resulting in an ad valorem tax revenue decrease of \$3,577,600
- Reduced Capital Outlay (Land Acquisitions) by \$17,525,900
- Reduced transfer from Acquisition Fund to Maintenance Fund by \$849,800
- New transfers to General Fund and Unincorporated Fund out of Fund 1061 totaling \$14,980,900
- No changes to Capital Project Fund
- Reduced Maintenance Endowment by \$39,395,200
- New transfers to General Fund and Water Pollution Control Fund out of Fund 1062 totaling \$38,545,400

- **Budget Amendments for December 12, 2023, BCC meeting**
- Carry forward in Fund 1061 of \$8,800,000, resulting in an increased Land Acquisition Capital Outlay budget of \$35,649,400.
- Carry forward in Fund 1062 of \$515,000 resulting in an increased Maintenance Endowment of \$10,606,900.

D. Ordinance Revisions Overview

Jamie Cook, Director, Development Review Division presented the PowerPoint “*Update on Proposed Ordinance Changes – December 6, 2023*” for information purposes. She noted the BCC directed Staff to propose revisions to the Ordinance governing the Program and recommend avenues to expedite the acquisition process. The proposed changes were prepared by the County Attorney’s office and Staff which include.

- Combine Section 6 “Acquisition Fund” and Section 7 “Maintenance Fund” into one Section “Funding of the Conservation Collier Program”
- BCC will establish millage rate annually (not to exceed .25 mills)
- BCC will set the percentage of revenues each Fund will receive each fiscal year (Removes the 75%/25% split)
- Properties will be added to Active Acquisition List after the Initial Screening Report is reviewed by CCLAAC.
- Properties will be evaluated as they are received instead of holding for a ranking list with a group of properties.
- Forwarding any properties meeting the Program’s 5 screening criteria directly to the BCC for consideration.
- Eliminating the requirement for a Conservation Collier Land Acquisition Advisory Committee recommendation for Purchase and Sales Agreements.

- Acquisition through fee-simple or conservation easements
- If conservation easement is acquired, development rights would be negotiated
- For Rural Fringe Mixed Use District Sending Lands, the parties may negotiate a Transfer of Development Rights to Receiving Lands.
- Non consideration of properties designated as Sending lands in the Rural Lands Stewardship Areas.
- Properties must meet 3 initial screening criteria to be evaluated
- If a property only meets 2 screening criteria, a vote of at least 5 Committee Members be required to move the property forward in the process.
- Interim Management Plans will be completed within 6 months of acquisition
- The tax revenue will sunset in FY2031 (instead of “after 10 years”)

During Committee discussion, the following was noted:

- The County Attorney’s office drafted the changes and due to timing, the Ordinance, Policy and Rules (OPR) Subcommittee did not review or provide recommendations on the proposed changes.
- Ms. Ashkar clarified the Ordinance change process. Required to request Board approval to an ordinance change prior to ordinance change.
- The ordinance changes are anticipated to be heard by the BCC in January 2024 and it may be beneficial to convene a Subcommittee meeting to provide comments on the proposed changes.
- The concept for streamlining the process is favorable, but concern for those properties meeting the threshold of 5 screening criteria being forwarded directly to the BCC. There may be other issues impacting the decision on whether to purchase the property.

Speaker

Brad Cornell, Audubon of Southwest Florida supports streamlining the acquisition process but recommended a review by the OPR Subcommittee would be beneficial given public input could be provided by those who have closely followed the program over the past 20 years. Additionally, a review of the screening criteria may be advantageous to determine any revisions necessary given some are general in nature and could be refined to help meet the goals of the program.

B. Cycle 12B Initial Screening Criteria (ISC)

1. Panther Walk Preserve TPMA - Gonzalez

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is in NGGE Unit 44, west of Everglades Blvd. N and south off 56th Ave. NE; just south of Panther Walk Preserve project area within the Panther Walk Preserve TPMA and 1.14 acres in size.
It satisfies 3 of the Initial Screening Criteria.

Ms. Patterson-Weber moved to move the parcel forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Mr. Clark. Carried unanimously 8 – 0.

2. Marco Island TMPA

a. HK Investment

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is just south of San Marco Rd off S. Barfield Dr. - 363 S. Barfield Dr., Marco Island, FL 34145; Marco Island TPMA and 0.38 acres in size.
It satisfies 3 of the Initial Screening Criteria.

The item was combined with Item 5.B.2.b (Van Cleef) given they are within the Target Mailing Protection Area.

b. Van Cleef

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is just south of San Marco Rd off S. Barfield Dr. - 383 S. Barfield Dr., Marco Island, FL 34145; Marco Island TPMA and 0.43 acres in size.

It satisfies 2 of the Initial Screening Criteria.

Committee discussion occurred with some expressing concern on the potential expenditure of funds given the small size of the parcels, proximity to developed lands and the whether the Gopher Tortoises and Burrowing Owls will survive on the parcels over the long term.

Others noted the species have resided in the area a long time and will continue to thrive on the small parcels as they adapt to urban environments. Although there is adequate habitat on the sites, they will tend to move between parcels during daily activities.

Speaker

Brad Cornell, Audubon of Southwest Florida noted the species can survive on smaller parcels in urban environments evidenced by their long term survival in the area. The parcels on Marco Island are elevated and the species survived Hurricane Ian while there was decimation in other areas of the County such as Wiggins Pass due to storm surge. The habitat could be enhanced on these properties and potentially adjacent lands with the assistance of private owners providing plant habitat.

Mr. Bromley moved to move the HK Investment and Van Cleef parcels forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Mr. Courtright. Carried unanimously 8 – 0.

3. Dr. Robert H. Gore III Preserve TPMA

a. Parraga

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is in NGGE Unit 91, south of 34th Ave SE, off Desoto Blvd. S; north of Dr. Robert H. Gore Preserve project area and 2.73 acres in size.

It satisfies 3 of the Initial Screening Criteria.

The vote on this item was combined with Item 5.B.3.b (Seepersad) given they are within the Target Mailing Protection Area.

b. Seepersad

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is in NGGE Unit 91, north off 36th Ave SE, west of Desoto Blvd. S; just north of Dr. Robert H. Gore Preserve project area and 1.14 acres in size.

It satisfies 3 of the Initial Screening Criteria.

Mr. Watkins moved to move the Parraga and Seepersad parcels forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Ms. Allman. Carried unanimously 8 – 0.

4. Sarry Trust

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is approximately ½ mile east of North Belle Meade Preserve, north off Blackburn Rd., just north of I-75; RFMUD-NRPA-NBMO-Sending and 13.1 acres in size.
It satisfies 4 of the Initial Screening Criteria.

During Committee discussion it was noted the property is designated as Sending Lands in the RFMUD (Rural Fringe Mixed Use District) surrounded by other properties where development credits have been severed which remain in private ownership.

Speaker

Brad Cornell, Audubon of Southwest Florida supported acquisition of the parcel given it is surrounded by sending lands with severed development credits. Based on BCC consideration for the upcoming Ordinance change, there is an opportunity to acquire the lots with severed development credits which would enhance the RFMUD program as currently there is no entity willing to acquire these lands so the owner cannot sever the 4th credit. The area is close to other Conservation lands.

Mr. Courtright moved to move the parcel forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Ms. Patterson-Weber. Carried unanimously 8 – 0.

5. Bonawitz Trust

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is approximately 385 ft. west of Smith Road and 1.5 miles northwest of Conservation Collier’s North Belle Meade Preserve – RFMUD – NBMO – Sending and 5 acres in size.
It satisfies 3 of the Initial Screening Criteria.

During Committee discussion it was noted the parcel is only 5 acres in size, designated as Sending Lands in the RFMUD and isolated from other conservation parcels.

Mr. Courtright moved to move the parcel forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Without a second, the motion failed.

C. Cycle 12B Initial Criteria Screening Report (ICSR)

1. Wildcat Acres

Ms. Hennig presented the “*Conservation Collier Land Acquisition Program Initial Criteria Screening Report for Wildcat Acres.*” It is just south of the Hendry County line and just east of the Lee County line off SR 82, 70 acres in size, received a score of 276 out of 400 and has an assessed value of \$420,463.

6. Subcommittee Reports

A. Lands Evaluation & Management – Chair, Ron Clark – Meeting September 21, 2023

Mr. Clark reported the next Subcommittee meeting will be held in March of 2024.

B. Outreach – Chair, Brittany Patterson-Weber –last meeting January 20, 2023

No update necessary.

C. Ordinance Policy and Rules – Chair, Michele Lenhard - last meeting June 1, 2022

No update necessary.

7. Coordinator Communications

A. Upcoming Member Vacancies

Ms. Araque reported”

- Some Members terms are expiring the second week of February, 2024.
- Assignment to the Committee requires BCC approval and current members with terms expiring interested in re-applying should undertake the necessary measures to be considered.
- The application process is also available to any interested individual meeting the qualifications to be seated on the Committee.

B. BCC Items Related to Conservation Collier

1. Previously Heard

- a. **11/14 – Purchase Agreements – Dredge Management (Shell Island Preserve), Williams (Nancy Payton Preserve), Bailey (WH), Mooney (WH) - APPROVED**

2. Upcoming

- a. **12/12 – Ordinance Revision**
b. **12/12 – North Belle Meade Preserve FWC Funding Assistance Application**
c. **12/12 – Florida Wildlife Corridor Foundation MOU**
Brad Cornell, Audubon of the Southwest Florida requested a copy of the MOU for information purposes.
d. **12/12 – Dr. Robert H. Gore III Preserve Final Management Plan**

C. Conservation Collier Updates (as needed)

None

8. Chair/Committee Member Comments

Mr. Watkins recognized Staff efforts administering the program.

Chair Lenhard requested Staff to determine the number of recent applications meeting the 5 screening criteria given the BCC’s proposal for changes in the Ordinance.

9. Public General Comments

None

10. Staff Comments

None

13. Next Meeting – January 3, 2024

There being no further business for the good of the County, the meeting was adjourned by order of the chair at 3:10P.M.

Conservation Collier Land Acquisition Advisory Committee


Michele Lenhard, Chair

December 6, 2023

These minutes approved by the Committee on as presented or as amended
2-3-24