

MINUTES OF THE CONSERVATION COLLIER LAND ACQUISITION
ADVISORY COMMITTEE MEETING

Naples, Florida, March 6, 2024

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 9:00A.M. in REGULAR SESSION at Growth Management Department Building, 2800 North Horseshoe Drive, Naples Florida with the following members present:

CHAIR: Michele Lenhard
VICE CHAIR: Ron Clark
Gary Bromley
Karyn Allman
Rhys Watkins
John Courtright
Nick Pearson
Oriany Brito
Austin Howell

ALSO PRESENT: Summer Araque, Environmental Supervisor, Conservation Collier
Sally Ashkar, Assistant County Attorney
Melissa Hennig, Environmental Specialist I
Jamie Cook, Director of Development Review

1. Roll Call

Chair Lenhard called the meeting to order at 9:00A.M. Roll call was taken and a quorum was established with 9 Members present.

A. Approval of CCLAAC Members attending the meeting remotely

No Members attended remotely.

2. Approval of Agenda

Ms. Bromley moved to approve the Agenda. Second by Mr. Courtright. Carried unanimously 9 – 0.

3. Approval of February 7, 2024 Meeting Minutes

Mr. Bromley moved to approve the minutes of the February 7, 2024 meeting as presented. Second by Mr. Courtright. Carried unanimously 9 – 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 February 20, 2024) 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 reported:

- 1 property closed in February and 4 are slated for March.
- The lands now held in the program total 4,962 acres.
- A total of 73 parcels and 615 acres have been acquired since the initiation of Cycle 10.

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. North Belle Mead Preserve

a. Volpe Trust

Mr. Bromley moved to recommend the Board of County Commissioners approve the Agreement for Sale and Purchase for the Volpe Trust property. Second by Mr. Courtright. Carried unanimously 9 – 0.

b. Murawski Trust

Mr. Bromley moved to recommend the Board of County Commissioners approve the Agreement for Sale and Purchase for the Murawski Trust property. Second by Mr. Courtright. Carried unanimously 9 – 0.

C. Conservation Collier Ordinance Revision Update

Speakers

Brad Cornell, Audubon of Southwest Florida noted the item is scheduled for review at the March 12, 2024 Board of County Commissioners (BCC) meeting. He supports expediting the acquisition process but noted consideration may want to be given to clarifying the acquisition process parts of it are confusing. Additionally, he expressed concern on the language in Section 6.3.o (*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 majority vote of the Board of County Commissioners.*) It is unnecessary, as the

County Attorney reported the Statute allows the BCC to utilize any funds as required to manage the County. If the language remains, a clause such as if funds are used, it should be for emergency purposes and returned to the Program as soon as possible should be added.

Gaylene Vasalureo concurred with Mr. Cornell and noted the voters supported the funding for Conservation Collier and there should be criteria utilized before any funds are allocated to other County uses.

Ms. Cook noted there have been changes to Section 8.4 since the proposed Ordinance was posted for this meeting including the following language added:

- Section 8.4: Acquisition of the property may be fee simple or by conservation easement in a form approved by the Board. If conservation easements are acquired:
 - Section 8.4a - The property shall maintain those development rights as negotiated by the parties including but not limited to agricultural and single family development.
 - Section 8.4b - The property owner shall be responsible for the maintenance of the conservation easement.
 - Section 8.4c - The conservation easement shall not be vacated or receive an easement use agreement.
- Section 8 – 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, subject to the rules in the Purchasing Policy (Resolution 2007-300, as amended). (The appraisal value may be reduced if the development rights are transferred by the owner).

During Committee discussion, it was noted some of the recommendations proposed by the CCLAAC were not included in the final draft and it would be beneficial if Staff could produce a draft of the Ordinance which incorporates the CCLAAC recommendations and the final draft for comparison - *Ms. Cook noted she could fulfill the request.*

Ms. Cook reported on the Committee’s previous recommendations noting:

- A super majority vote for BCC approval of certain actions was not included.
- Section 12 outlining the criteria for acquisition was updated as requested.
- Section 15.3 includes the language as requested - *“If the Management Trust Fund has inadequate funds for management, then funding from the General Fund would be utilized.”*

Committee discussion occurred regarding the proposed Ordinance including:

- Consideration should be given to developing criteria for certain actions where a simple majority of the BCC is required in lieu of the Committee’s recommendation of a super majority being required.
- The language in Section 8.1 states *“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 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.* The program should have the ability to consider these land holdings for acquisition. They may be protected, but there is no public access and the

applications could be reviewed on an individual basis to determine their eligibility for the Program.

- In Section 12.3, add a threshold or other criteria for those applications which move straight to the BCC when six (6) out of nine (9) of the Initial Screening Criteria are satisfied. It is beneficial for the Committee to review the application and obtain public input in some circumstances to identify any concerns which may arise. This activity would not delay the process for a significant amount of time.
- Section 8.5: The language “*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.*” Language should be added recognizing the lands eligible for sale no longer meet the criteria of the Program.

During discussion with Staff, it was noted:

- There will not be a BCC vote on the proposed revisions at the upcoming BCC meeting as action will be taken later.
- The language regarding use of funds for other purposes is unique within the County given the Program has a governing ordinance and the revenue collection was approved by a voter referendum. Other County expenditures are undertaken through the approved budget which may be allocated to any use as necessary.
- The language regarding the Rural Land Stewardship Sending Areas is specific and would not be applicable to other lands in conservation.

Ms. Lenhard noted she will be appearing at the BCC meeting and developed a list of concerns based on the previous Committee/Subcommittee meetings and it would be beneficial for the Committee to review the list to determine if they concur with her findings.

The Committee reviewed the list as follows:

Section 5: Definition of Management be amended to read “...or approved for management under Conservation Collier ***in perpetuity***, including...”.

Section 8, #5: To ensure fairness of the process for the public, if property is to be sold it is required to meet a threshold of criteria and no longer serve the goals of the program.

Section 8 #1: Based on earlier discussion, the language “...***with the exception of lands currently designated as Stewardship Sending Areas within the Rural Lands Stewardship Area program***” should be removed.

Discussion occurred on the recommendation with Staff noting the language was not proposed by staff but a directive (of the BCC). The Conservation Collier program is designed to acquire lands at risk for development which are not under consideration or available for conservation purposes by another agency, organization, etc. Additionally, the Rural Lands Stewardship Area program is to be implemented at no expense to the taxpayers.

Chair Lenhard noted the goal is to not exclude those owners from making application to the program. If an application is filed, it would undergo the normal review process before being considered for acquisition and ultimately acquired by the County.

Section 12.3: An application meeting 6 out of the 9 criteria should not bypass the Committee as it would remove the public input and vetting process for the acquisition.

Section 6.3.o: Regarding the language “*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 majority vote of the Board*”

of County Commissioners.” The Committee is not in favor of the use of funds in this manner but if so, language be added “If funds are utilized, it must be for emergency purposes and the funds will be returned to the program as soon as possible” or similar text. (as recommended by Mr. Cornell).

Mr. Courtright moved for the Committee to endorse the list of concerns as presented by Chair Lenhard. Second by Mr. Howell. Motion carried 8 “yes” – 1 “no.” Ms. Allman voted “no.”

Staff noted they would prepare a document comparing the proposed ordinance to the changes recommended by the Committee.

5. New Business

A. Cycle 12B Initial Screening Criteria (ISC)

Ms. Hennig presented the PowerPoint “*Cycle 12B Initial Criteria Screening Reports, Properties for Review, March 6, 2024*” for information purposes. The following properties were reviewed:

1. Dr. Robert H. Gore III Target Protection Mailing Area (TPMA)

a. Cypress Cove Conservancy

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is in NGGE Unit 91, north off 40th Ave SE, west of Desoto Blvd. S; surrounded by Dr. Robert H. Gore Preserve and 10.0 acres in size.

It satisfies 5 of the Initial Screening Criteria.

During Committee discussions, Ms. Cook reported zoning changes would potentially be necessary to utilize the existing building for educational purposes as it would be deemed commercial use.

Speaker

Shane Duff, Cypress Cove Conservancy noted the building has been totally renovated to conform to the existing building codes. Management of the area continues including removal of exotic species in coordination with grant activities. The organization will work with the County to facilitate its use as an education center.

Brad Cornell, Audubon of Southwest Florida spoke in support of acquiring the parcel as the building provides outreach opportunities for the Program.

During discussion with the Committee, it was noted by Staff:

- The County’s Facilities Management Department would be responsible for maintenance of the building.
- The existing residential zoning for the property would allow up to a 4 lot subdivision if all the necessary criteria were met for any application which may be filed with the County.

Mr. Watkins moved to move the parcel forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Mr. Howell. Carried unanimously 9 – 0.

b. Erickson

Ms. Hennig presented the “*Initial Screening Criteria Form*” for the above referenced parcel. It is in NGGE Unit 91, south off 34th Ave SE, west of Desoto Blvd. S; north of Dr. Robert H. Gore Preserve project area and 1.14 acres in size.

It satisfies 3 of the Initial Screening Criteria.

Speaker

Brad Cornell, Audubon of Southwest Florida spoke in support of acquiring the parcel.

Ms. Clark moved to move the parcel forward in the acquisition process and for Staff to prepare an Initial Criteria Screening Report. Second by Mr. Courtright. Carried unanimously 9 – 0.

Staff reported the Initial Criteria Screening Reports for the 2 items were already prepared and included in the meeting packet. The Committee has previously reviewed them for the area, and they have been updated to include the parcels. The parcels will be forwarded to the ranking list for Cycle 12.

Recessed: 10:55am

Reconvened: 11:05am

B. Acquisition Cycle 12 Property Summary, Public Comment and Ranking

The Committee will be taking Public Comments in advance of the Ranking. Public speakers may speak on any or all of the properties on the Cycle 12B Property list. Per Ordinance 2019-03 and the Ranking Procedure: 1.) Committee will rank properties A, B, or C. 2.) Will prioritize the A properties with a 1, 2, or 3. 3.) Then vote on the overall ranking results.

Ms. Araque presented the PowerPoint “Cycle B: Property Summaries – March 6, 2024” and “Cycle 12 Active Acquisition List” and provided an overview of the properties to be considered for ranking. She noted Staff recommends all parcels be placed on the A List except for Marco Island, Ramoski Trust – C; Marco Island, Van Cleef – B; NGGE Scrub, McIntosh Family Trust – B; Panther Walk, Gonzalez – C; Sarry Trust – B, Cycle 12 A – NGEE Scrub Dombrowski – B and Hoffman – C.

Speakers

Richard Blonna, City of Marco Island spoke in support of acquiring the Marco Island parcels as they have public access from an existing paved road and concrete sidewalk which is maintained by the City. Regarding the Ramoski Trust parcel and Staff recommending it be placed on the C List, the Wisc Investment parcel which reached the final stages of acquisition and fell through at the BCC meeting over a \$10,000 price difference (the County offering \$419,000 and the seller requesting \$429,000) is adjacent to this parcel. This parcel is still being actively sought for acquisition through other means of funding to make up for the \$10,000 difference in price. Additionally, there is a parcel adjacent on the northwest side which is the process of being trusted to the Audubon Society which contains important wildlife habitat. He recommended it be a priority for acquisition given the potential of the three parcels being available for conservation activities.

Brad Cornell, Audubon of Southwest Florida recommended all properties be placed on the A List except for Gonzalez (recommends the C List) and Hoffman (recommends the B List). Gonzalez due to the proximity of homes and Hoffman due to fire prevention possibilities with proper management of the properties in the area. Of special interest are the Wildcat Acres, Hendrix House, Van Cleef and Wildflowerz Ranch. The Ramoski property has potential as wildlife habitat would greatly increase if the mowing would cease.

Ms. Araque noted those properties placed on the A List will be actively pursued for acquisition and prioritized for Staff direction. The B List properties indicate interest with no active acquisition undertaken but re-ranked during the next Cycle. The C List properties will not be considered, and the owner may re-apply to the program if they so desire.

The Committee discussed the parcels and conducted a straw poll to determine if the properties should be placed on the A, B or C List. Following those determinations, an additional straw poll was taken to determine the priorities (1, 2, or 3) for those properties selected for the A list.

1. Caracara Prairie Preserve Target Protection Mailing Area (TPMA) – Wildcat Acres 2

The Committee placed the property on the A-1 List.

2. Dr. Robert H. Gore III Preserve TPMA

a. Cypress Cove Conservancy (Pending CCLAAC vote to move forward to rank)

The Committee placed the property on the A-2 List.

b. Eid

The Committee placed the property on the A-2 List.

c. Erickson (Pending CCLAAC vote to move forward to rank)

The Committee placed the property on the A-2 List.

d. Parraga

The Committee placed the property on the A-2 List.

e. Pritchard

The Committee placed the property on the A-2 List.

f. Seepersad

The Committee placed the property on the A-2 List.

g. Sunny FL Investments

The Committee placed the property on the A-2 List.

3. I-75/Everglades Blvd. TPMA - Hendrix House

The Committee placed the property on the A-1 List.

4. Marco Island TPMA

a. HK Investment

The Committee placed the property on the A-1 List.

b. Ramoski Trust

The Committee placed the property on the B List.

c. Van Cleef

The Committee placed the property on the A-1 List.

5. NGGE Scrub TPMA – McIntosh Family Trust

The Committee placed the property on the B List.

6. Panther Walk Preserve TPMA – Gonzalez

The Committee placed the property on the C List.

7. Sarry Trust

The Committee placed the property on the B List.

8. Wildflowerz Ranch

The Committee placed the property on the A-1 List.

9. Winchester Head - Lynch

The Committee placed the property on the A-3 List.

10. Multi-parcel Projects (MPP)

a. Dr. Robert H. Gore III Preserve MPP (149 parcels)

The Committee placed the property on the A-1 List.

b. Panther Walk Preserve MPP (193 parcels)

The Committee placed the property on the A-1 List.

c. Red Maple Swamp (22 parcels)

The Committee placed the property on the A-1 List.

d. Winchester Head (36 parcels)

The Committee placed the property on the A-1 List.

10. Re-rank B-list properties from Cycle 12A

a. Dombrowski (NGGE Scrub TPMA)

The Committee placed the property on the B List.

b. Hoffman

The Committee placed the property on the C List.

Mr. Courtright moved to approve the Cycle 12 Ranking List as developed by the Committee. Second by Mr. Clark. Carried unanimously 9 – 0.

6. Subcommittee Reports

A. Lands Evaluation & Management – Chair, Ron Clark – Next Subcommittee meeting - March 20, 2024.

B. Outreach – Chair, (Vacant) – Last meeting January 20, 2023
No update necessary.

C. Ordinance Policy and Rules – Chair, Michele Lenhard - Last meeting December 18, 2023
No update necessary.

7. Coordinator Communications

Ms. Araque submitted the following updates for information purposes.

A. Miscellaneous

None

B. BCC Items Related to Conservation Collier

1. Previously Heard BCC Agenda 2/7/2024

- a. Appointment of two CCLAAC members Austin Howell & Oriany Brito (County Attorney’s Consent)

2. Upcoming – BCC Agenda 3/12/24

- a. North Belle Meade Preserve Purchase Agreements – Volpe Trust and Murawski Trust (County Manager’s Report)
- b. Panther Walk Preserve MPP Purchase Agreements – Rodriguez and Whitingham Corporation (County Manager’s Report)
- c. Conservation Collier Ordinance (Advertised Public Hearings)
- d. McIlvane Marsh Preserve Management Plan (GMD Consent)
- e. Conservation Collier MOU with Florida Wildlife Corridor Foundation (GMD Consent)

8. Chair/Committee Member Comments

Ms. Allman noted she was resigning from the Committee.

The Committee thanked Ms. Allman for her service to the Citizens of Collier County.

9. Public General Comments

None

10. Staff Comments

None

11. Next Meeting – April 3, 2024

There being no further business for the good of the County, the meeting was adjourned by order of the chair at 12:45P.M.

Conservation Collier Land Acquisition Advisory Committee

Michele Lenhard, Chair

These minutes approved by the Committee on _____ as presented _____ or as amended _____.