

RESOLUTION NO. 2008-___

A RESOLUTION OF THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A POLICY FOR ACCEPTANCE OF LAND CONVEYANCES BY THE CONSERVATION COLLIER LAND ACQUISITION PROGRAM IN THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM FOR THE RURAL FRINGE MIXED USE DISTRICT (RFMUD); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Collier County (County) has recognized the need to plan for future growth and has initiated a long-term program, known as the Conservation Collier Land Acquisition Program, (Conservation Collier Program) to acquire, protect, restore and manage environmentally sensitive lands in perpetuity and to provide public open space for the benefit of present and future generations; and

WHEREAS, the Conservation Collier Program includes identification and protection of County's natural resources, including upland and wetland communities, native plant communities, endemic species, endangered species habitat, water resources, and aesthetic or other natural features; and

WHEREAS, protected lands include those that provide appropriate natural resource-based recreational and educational opportunities, protect local water resources, provide flood control; and

WHEREAS, the Conservation Collier Implementation Ordinance (hereafter referred to as "~~Ordinance No. 2003-63~~ 2007-65, as amended") has described Target Protection Areas (TPAs) as larger areas of environmentally sensitive land within which are located specific sites which generally satisfy the initial screening criteria and meet the goals of the Conservation Collier Program; and

WHEREAS, Ordinance No. 2005-49 amended Land Development Code (LDC), Section 2.03.07 entitled "Overlay Zoning Districts," states that the County is to provide Bonus TDR Credits for submission and acceptance by County staff of a Restoration and Management Plan (RMP) with specific criteria and for conveyance of land in fee simple to a federal, state or local government agency as a gift.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION I. Findings

It is found and declared that:

- (A) The Transfer of Development rights program, as described in LDC Section 2.03.07 provides for the creation of TDR Bonus Credits, which are generated from RFMUD sending lands. These credits are generated at a rate of 1 credit for each TDR credit severed from that RFMUD sending land for which an RMP has been accepted by the County and 1 credit for each TDR credit that has been severed for which land has been conveyed in fee simple to a federal, state or local government agency as a gift.
- (B) The Conservation Collier Program may be offered lands to be conveyed in fee simple as a gift under the TDR Program.
- (C) Lands offered from the RFMUD sending lands have been determined by the TDR Program to be environmentally sensitive. Sending lands are also one of the Target Protection Areas identified in Ordinance No. ~~2003-63~~ 2007-65, as amended, therefore are presumed to be environmentally sensitive lands which are desirable for conservation purposes.
- (D) Lands offered to the Conservation Collier Program must be evaluated and be consistent to the goals, procedures and criteria of the Conservation Collier Program.

- (E) The location, size, accessibility and quality of conveyed lands are the primary considerations in accepting such lands for the Conservation Collier Program.

SECTION II. Acceptance of lands offered for conveyance under the TDR Program:

- (A) Potential conveyances shall go through a separate “fast-track” evaluation process from other submitted parcels and will not be ranked in a regular cycle. All accepted parcels must meet the criteria of the Conservation Collier Program.
- (B) The Conservation Collier Land Acquisition Advisory Committee (CCLAAC) will consider lands proposed for conveyance under the TDR program even if those lands have a resulting conservation easement placed over them pursuant to requirements of the TDR severance process.
- (C) Land owners proposing conveyance must either: 1) provide funds to cover all costs to perform an initial exotic, solid waste **and hazardous material removal**, by written agreement with the County, or 2) remove the exotics, solid waste and **hazardous materials** themselves (using a contractor licensed by the County) prior to the County accepting a conveyed parcel.
- (D) Parcels will be evaluated for the need to require a long term management endowment and such funding endowment will be negotiated on an ad hoc basis.
- (E) Management Plans must meet both Conservation Collier Program and LDC/TDR severance requirements.
- (F) Listed species management is a requirement for the Management Plan to be acceptable under Ordinance No. 2005-49. If management actions require funding, those will be considered as part of negotiations for a required minimum funding endowment.
- (G) A Phase I Environmental Site Assessment (ESA) may be required by the Conservation Collier Program staff. If indicated, a Phase I ESA shall be provided by the land owner, with no additional cost to the County, prior to the county making a decision on accepting the conveyance.
- (H) Conservation Collier Program staff will develop a template RMP acceptable to the County to assist land owners proposing conveyance of their lands under the TDR Program.

SECTION III. Effective Date.

This Resolution adopted and made effective this _____ day of _____ 2008, after motion, second and majority vote favoring same.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

_____ By: _____
Tom Henning, Chairman

Approval as to form and legal
Sufficiency:

Jennifer A. Belpedio
Assistant County Attorney