

## Executive Summary

### Objective:

Review the draft language proposed for Land Development Code (LDC) Section 3.05.07 B (c ) regarding offsite preservation standards and make a recommendation to be considered by the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) at the April 14, 2008 CCLAAC meeting.

### Considerations:

The specific texts directly relevant to the agenda item are placed below. The first comes from the Conservation and Coastal Management Element (CCME) of the Collier County Growth Management Plan (GMP), and is the reason for the LDC changes. The second is the proposed change to Section 3.06.07 B(c) in the Land Development Code (LDC). Both are underlined texts, indicating they were added. The full version of the adopted CCME and the entire LDC section proposed for change are attached for purposes of context.

Changes made to the CCME portion of the GMP were part of the outcome of a 2004 Evaluation and Appraisal Report required by the Department of Community Affairs (DCA). The GMP, with changes, was adopted by the Collier County Board of County Commissioners in May 2007.

### Relevant text from the CCME portion of the GMP - prompting the (LDC) amendment under review - Goal 6, Policy 6.11.V(10), (page 19 of the attached full version):

- 10) Within one year of the effective date of these amendments, the County shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to determine when this alternative will be considered. The criteria will be based upon the following provisions:
- a. The amount, type, rarity and quality of the native vegetation on site;
  - b. The presence of conservation lands adjoining the site;
  - c. The presence of listed species and consideration of Federal and State agency technical assistance;
  - d. The type of land use proposed, such as, but not limited to, affordable housing;
  - e. The size of the preserve required to remain on site is too small to ensure that the preserve can remain functional; and
  - f. Right of Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.

The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native

vegetative communities not preserved on-site will be preserved and appropriately managed off-site.

**Relevant text from the proposed LDC amendment, Section 3.05.07 B(c):**

c. Alternatives.

- i. Offsite retention of the native vegetation preservation retention requirement may be by monetary payment, or by land donation
- ii. Monetary payment shall be to Conservation Collier for the purchase and management of conservation lands within the County. The monetary payment shall be calculated based upon the appraised value of the land to be developed. The appraisal shall be based upon the value of land with the acquired zoning. Appraisals shall be made within six months of final site plan/construction plan submittal. Payment of 100 percent of this value, for land acquisition, and fees or endowments for management as negotiated by Conservation Collier shall be made prior to final site plan/construction plan approval.
- iii. Applicant's choosing to donate land shall be required to demonstrate that the land to be donated contains native vegetation communities equal to or of higher priority as described in 3.05.07(A) than the land required to be preserved on site. Land donated to satisfy the offsite vegetation preservation retention requirement must be located entirely within Collier County and must not be used as mitigation for any other Federal, State or County permit or approval. Fees or endowments for management as negotiated by Conservation Collier or other accepting entity shall be required to ensure the native vegetation preserved is adequately managed in perpetuity. Donations of land for preservation shall be made to a government or approved private entity established for the conservation and management of land in perpetuity. Approved private entities will be determined by resolution. Evidence that donations of land for preservation and the applicable fees or endowments for management have been accepted by and donated to the entity stated above shall be made prior to final site plan/construction plan approval. Lands to be donated must have all exotic, non-native and nuisance vegetation removed by a contractor acceptable to the receiving entity, prior to being donated to that entity.