

MINUTES OF THE MEETING OF THE CONSERVATION  
COLLIER LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, March 10, 2008

LET IT BE REMEMBERED, that the Conservation Collier Land Acquisition Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION at Administrative Building "F", 3<sup>rd</sup> Floor, Collier County Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet  
VICE CHAIRMAN: Will Kriz  
Marco Espinar  
Wayne Jenkins  
Kevin Kacer (absent)  
Michael Delate  
Tony Pires  
Jeffrey Curl  
Mimi Wolok

ALSO PRESENT: Jennifer Belpedio, Assistant County Attorney  
Cindy Erb, Real Property Management  
Alexandra Sulecki, Conservation Collier Coordinator  
Melissa Hennig, Principal Environmental Specialist  
David Weeks, Planning Manager

- I. **Roll Call**  
Chairman Poteet called the meeting to order at 9:00AM. Roll call was taken and a quorum was established.
- II. **Approval of Agenda**  
*Mr. Espinar moved to approve the agenda. Second by Mr. Delate. Carried unanimously 7-0.*
- III. **Introduction and Welcome to new Committee Member Jeff Curl**  
Jeffery Curl was introduced as a new member to the Committee. He is a Landscape Architect and alumni of the University of Florida.
- IV. **Chair and Vice Chair Elections**  
*Mr. Kriz moved to nominate William Poteet as Chairman of the Conservation Collier Land Acquisition Advisory Committee. Second by Mr. Espinar. Carried unanimously 7-0.*  
  
*Mr. Pires moved to nominate Will Kriz as Vice Chairman of the Conservation Collier Land Acquisition Advisory Committee. Second by Mr. Espinar. Carried unanimously 7-0.*
- V. **Approval of December 10, 2007 Minutes**  
*Mr. Jenkins moved to approve the minutes of the February 11, 2008 meeting. Second by Mr. Delate. Carried unanimously 7-0.*
- VI. **Old Business:**
  - A. **Real Estate Services Update – A - list properties**  
Cindy Erb of Real Property Management provided the following updates:  
**Fleischmann North** – Freedom Park is moving forward and this item will be presented at the next meeting.  
  
**Winchester Head** – 3 parcels have been closed on since the last meeting, 2 more today. To date 17 parcels have been acquired (including today) totaling 25.03 acres and 15 parcels are under contract.  
  
**Hamilton** – Received the checks for the appraisals and they are proceeding.  
  
**RJS, LLC** – Awaiting response from owners.

*Ms. Wolok arrived at 9:08AM*

**Cycle 5** – Received replies from all Cycle 5 owners except for the Camp Keais parcels; 14 interest letters have been sent to the Camp Keais owners with one received.  
Phase I Environmental Assessments are proceeding on applicable parcels.

**B. Update on Pepper Ranch re-designation application**

**Alex Sulecki, Conservation Collier Coordinator** provided an Executive Summary regarding the application dated March 10, 2008 and noted that an application had been filed for a Growth Management Plan amendment for re-designating 191.8 acres of the "Pepper Ranch" property from Open Lands to Habitat Stewardship Area. She outlined one of the primary concerns for Conservation Collier is the possible affects on the property value. She stated that the applicant has represented that if the appraisal value creates a concern, the application may be withdrawn.

She stated that there was a Phase II Environmental Assessment completed in 1995 on the property identifying at least two areas of concern; a cattle dipping vat and the location of oil wells on the property. This Assessment was not utilized at the time of the Initial Criteria Screening Report, but will be used in an updated Phase II Environmental Assessment that will be conducted on the property.

**Cindy Erb** stated the consultants conducting the appraisals are familiar with the Rural Lands Stewardship program and the related affects on property values of parcels within this designation.

**Jennifer Belpedio, Assistant County Attorney**, reviewed a memo she prepared for Alex Sulecki dated March 7, 2008, Re: "Conservation Collier – Interaction with Rural Lands Stewardship Credit Program, RLS NO. PRM-00077." This memo outlined answers to a "Request for Legal Services" regarding the affect of the Stewardship credits on appraised values and the Restoration Requirements upon transfer of the land, etc.

**Alex Sulecki** stated that the Environmental Advisory Council approved the request for re-designation on March 6, 2008.

**Speakers**

**Nancy Payton, Florida Wildlife Federation** noted that if the application is withdrawn the applicant should get a partial refund of the fees paid, as Staff has completed work in association with the application. Further, she questioned the merits of re-doing the Phase II Environmental Assessment when one is available from 1995. She outlined a basic concern that the application was not known about "up front".

The Committee noted the importance of conducting an updated Assessment as new issues may have arisen since 1995. It was further noted that utilizing the 1995 Report will provide a baseline document reducing possible costs associated with the updated Assessment.

**Tom Taylor, Pepper Ranch landowner representative**, noted that he was not aware of the Environmental Assessment completed in 1995 and requested a copy of the Report. If the application becomes a significant issue he will withdraw the application. It was submitted in April of 2006, well before the issue of the lands

becoming available to Conservation Collier. He requested the property be appraised with and the re-designating of these lands. It is estimated it will take 6-7 more months to complete this re-designation process.

**Nicole Ryan, Conservancy of Southwest Florida** stated that the key question is how the re-designation will affect the value of the property. It is their opinion that this re-designation will not affect the property appraisal as it places further restrictions on the land. She recommended that the application form for Conservation Collier be updated requesting all disclosures of any applications, issued permits, Comprehensive Plan amendments, etc. She requested that the Committee proceed with the acquisition of the property and that the applicant withdraw the application for the GMP amendment if it negatively affects the appraised value for Conservation Collier.

The Committee noted that Noah Strandridge requested an "expedited review" on the application.

**David Weeks, Planning Manager** stated that this expedited review request was related to a timing issue in meeting the hearing requirements within the Growth Management Plan process, not for any preference for the application. On a procedural note, the application may be withdrawn at any time up to the adoption by the Board of County Commissioners. For clarification, the Open Lands designation allows this property to become a Rural Lands Receiving Area. The Habitat Stewardship area does not allow the lands to be a Receiving Area.

**Ms. Wolok** noted the designation of Habitat Sending Area meets the goals of Conservation Collier and would not make sense to request the applicant withdraw the application at this point.

**Mr. Pires** noted that the importance of the Committee is receiving all facts associated with proposed property acquisitions.

**Chairman Potect** noted the importance of facts brought forward. At this point, the appraisal and the Phase II assessment are needed to move forward on the application. It is the request of the Committee to obtain appraisals with and without the re-designation of the lands from Open Lands to Habitat Stewardship Area.

**Cindy Erb of Real Property Management** will forward this request to the necessary parties.

### **C. Contracts**

#### **1. Winchester Head**

**Alex Sulecki** noted that two parcels will close today with 17 parcels under contract. There are no Contracts for presentation today.

## **VII. New Business**

**A. Discussion of acceptance of lands under the TDR program, including North Belle Meade**

**Mr. Delate** disclosed his conflict with this issue, as he is a Consultant on the Mocking Bird Crossing property.

**Alex Sulecki** presented the Executive Summary dated March 10, 2008 regarding this item as well as Resolution No. 2008- "Resolution of the Collier County Board of 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" for review by the Committee. The proposal outlines the concept of Conservation Collier accepting lands under the Transfer of Development Rights Program.

**Mr. Kriz** who is Chairman of the Ordinance and Policy Subcommittee noted that these are a worst case multi-parcel scenario as they are scattered with no physical or public access. Management would be difficult and may require a joint agreement with other Agencies. Another possible option is acquiring of the properties and holding them until the Management issues are resolved. These issues need to be presented to the Board of County Commissioners.

**Mr. Pires** noted that the issue of scattered lands is problematic and that Community Development Districts are a possible solution to owning, controlling and managing these types of properties.

**Speakers**

**Dennis Vasey of the Collier Soil and Water Conservation District** noted that these parcels require preparation of Restoration Management Plans and may have significant costs depending upon the level of restoration. These lands are already protected with easements and Conservation Collier should be identifying lands that are not currently protected. Acquiring these lands may come at a future burden to the taxpayer in Management, Restoration and Maintenance. This is possibly the case with the lands currently acquired by Conservation Collier.

**Brad Cornell, Collier County Audubon Society** stated that this acquisition of lands will not be a future tax burden and will benefit the County. The donation of these lands comes with adequate management funding into perpetuity. The Society supports the recommendation of acquiring these parcels. It is important to ensure the endowment for the Management is adequate. There are other land holdings available for future dedication that may infill and aid in consolidating these "scattered parcels." Another option is deeding the parcels to a Community Development District with an inter-local agreement for management responsibilities. A final option is for Conservation Collier to hold the lands until another Agency acquires them.



**Nicole Ryan, Conservancy of Southwest Florida** expressed support for acquiring these types of parcels by conveyance to Conservation Collier. She noted that this comes at no acquisition cost to the program, as program funding decreases, this is a shift in the program that should be considered. Conveyance should be tied to management funds and an overall Management Plan Process should be considered for "scattered parcels."

**Nancy Payton, Florida Wildlife Federation** endorsed the comments of Brad Cornell and Nicole Ryan. This proposal would encourage other landholders with similar properties to come forward to aid in filling these "scattered parcels."

**Mr. Pires** noted that the cost of Restoration or Management Plans be borne by the parties in the TDR program and that in Section II, item (G) of the resolution, it should be stated that a Phase II Environmental Assessment may be required.

**Chairman Poteet** stated there is frustration within the process and it seems like a logical avenue for resolving the issue is Conservation Collier. The Committees' issue with multi parcel properties in the past has been purchasing them as opposed to managing them. Conservation Collier's policy also incorporates Public Access requirements which are important in this issue.

**Alex Sulecki** noted that she will add the Phase II language to item (G) of the resolution.

*Mr. Espinar motioned to approve the Executive Summary and proposed Resolution. Second by Mr. Kriz.*

**Jennifer Belpedio, Assistant County Attorney** determined that Mr. Delate did not have a conflict of interest as the issue is a client owning property within the Receiving area.

*The motion carried unanimously 8-0.*

**B. New Cycle 6 Applications**

**Devisse Euclid Avenue** – This property was placed on the Cycle 5 "C list" by the Board of County Commissioners.

**Mrs. Devisse** has re-nominated the parcel for Cycle 6.

**Speakers**

**Mrs. Devisse** addressed the Board noting neighborhood concern has centered on the possible construction of a public road to access the property which abuts the Delasol development. She noted that there is currently an unpaved road that accesses the parcel and a paved road would be an expensive proposition. The Committee noted that status of the right-of-way at the north end of Euclid Ave. should be investigated to determine if there is any area available for parking.

**Jim Culkar, President, Delasol HOA** noted that the Delasol Development surrounds this parcel and they previously requested that if the parcel is considered, that it be limited to pedestrian access and development on the South half of the parcel only. They will oppose the acquisition of the parcel if these two requirements are not met.

**Chairman Poteet** noted the issue in front of the Committee today is to place this in Cycle 6 and move the application forward, not "acquire" the parcel.

**Mr. Delate** stated that the Devisse's were a client of his employer. He was not involved in the consultations of any of the properties.

**Mr. Espinar** stated that he was the Environmental Consultant on the Delasol Park proposed by the County.

**Jennifer Belpedio, Assistant County Attorney** determined no conflicts of interest exist.

**Ms. Wolok** noted that the Devisse's were a client of hers, but a previous determination noted no conflict of interest.

*Ms. Wolok moved to move the property forward based on new cooperation between the landowner and Delasol Homeowners Association. Second by Mr. Delate.*

**Chairman Poteet** noted concern over the public access issue with the property as well as the requested stipulations that have been voiced by the Homeowners Association. He will vote against the motion.

**Mr. Kriz** noted he could not support acquiring the parcel based on concerns over the possible stipulations raised by the Homeowners Association.

**Mr. Espinar** noted concern regarding limiting any improvements to the southern half of the parcel.

**Mr. Jenkins** noted concern over the possible stipulations raised by the Homeowners Association and with this consideration would not be a wise use of funds.

*Motion carried 5-3. Chairman Poteet, Mr. Kriz and Mr. Jenkins voted "no."*

**Devisse (Rivers Road) & Paganes (Rivers Road)**

**Alex Sulecki** provided an overview of these properties noting that there is some debris on the Devisse parcel that will be removed by the landowner. Also the Paganes parcel does have a 3 story log home located on the property.

*Mr. Kriz moved to move the Devisse parcel forward to the acquisition Cycle. Second by Mr. Pires. Carried unanimously 8-0.*

**Speaker**

**Richard Paganes** addressed the Committee stating the residence area is limited to approximately ¼ acre and he has been removing the exotics from the site. The property is accessed from Rivers Road.

*Mr. Delate moved to evaluate this property. Second by Mr. Pires. Carried unanimously 8-0.*

**Paton parcel - Danford St. Bayview Lots 39-46**

**Alex Sulecki** provided an overview of the application noting that Staff had reviewed this parcel in 2006. It meets the criteria of Conservation Collier as it has public access and vegetated with Mangroves. The property to the north is a preserve area of Windstar. The property to the West is owned by Collier County.

**Ms. Wolok** noted this property is not threatened by development and given its location (close proximity to Bayview Park) would be better suited for Parks and Recreation acquisition.

**Chairman Poteet** noted the favorable aspect of this parcel as it is one of the few properties located in an urban area.

*Ms. Wolok moved to "not" move this property forward. Second by Mr. Delate. Motion carried 7-1. Chairman Poteet voted "no."*

**Lely-Barefoot Beach**

**Melissa Hennig** provided an overview noting that it is proposed for conveyance to Conservation Collier as it owned to Collier County. It is 80 acres, mainly Mangroves and accessed by the public via Barefoot Beach Blvd.

**Alex Sulecki** noted it is located within a PLD and no parking area could be developed for the site.

**Mr. Kriz** noted that Conservation Collier will just provide a Management responsibility and no real benefit to the program and opposes the conveyance to the program.

**Speaker**

**Nicole Ryan, Conservancy of Southwest Florida** stated that this parcel is considered "homeless" for management purposes and is currently encumbered by a conservation easement with no threat of development. She recommends that based on its location, (close proximity to Barefoot Beach Preserve) the conveyance and management of the parcel would be more suited to the Parks and Recreations Department

*Mr. Kriz moved to "not" move this property forward. Second by Mr. Delate. Carried unanimously 8-0.*



**C. Preserve Management Update (Melissa Hennig)**

**Melissa Hennig** presented a Power Point presentation outlining the status of Management activities on the parcels controlled by Conservation Collier. In summary \$75 in FY'04 and \$748,000 from FY'05 to present has been expended in the area of Management activities. Grants have been received in the amount of \$173,800 for these expenditures.

**D. Change to Conservation Collier application**

**Alex Sulecki** presented a revised "Conservation Collier Land Acquisition Program Application Form" for review by the Committee. A new item, (#9), requests descriptions of application submitted to any Local, State or Federal governments.

The Committee recommended in addition to the new item, a standard Real Estate Sellers Disclosure form be incorporated as an attachment to the application. This would assist in identifying any hazardous materials known on the site, past or pending litigations or enforcement actions, etc.

**E. Outstanding Advisory Committee Member Program**

**Will Kriz** will be recognized as an outstanding Advisory Committee Member for February 2008 at the March 11, 2008 Board of County Commissioners Meeting.

**F. Coordinator Communications**

**Alex Sulecki** provided a proposed parking permit for Advisory Board members. The signs in the parking area will be revised and any violators are to be reported to the Security desk.

**VIII. Subcommittee memberships**

**Outreach** – Mr. Pires, Mr. Poter, Ms. Wolok and Mr. Curl were appointed to this Subcommittee

**Lands Evaluation and Management** – It was indicated that Mr. Kacer (who was absent from today's meeting) chairs the Subcommittee and would continue to do so. In addition, Mr. Delate, Mr. Espinar and Mr. Jenkins were appointed to this Subcommittee.

**Ordinance Policy and Procedures** – Mr. Kriz, Mr. Curl, Mr. Poter, and Ms. Wolok were appointed to this Subcommittee.

**IX. Subcommittee Meeting Reports**

**A. Outreach – Tony Pires, Chair**

None

**B. Lands Evaluation and Management – Kevin Kacer, Chair**

None

**C. Ordinance Policy and Procedures – Will Kriz**

None

**X. Chair Committee Member Comments**

None

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**XI. Public General Comments**  
None

**XII. Staff Comments**

**Alex Sulecki** noted a Report prepared by a college student entitled "Local Land Conservation Efforts, A study of Selected County Programs in the United States." Any member interested in a copy should contact her.

**Alex Sulecki** stated that the Soil and Water Conservation District inter-local agreement will be discussed by the Lands Evaluation and Management Subcommittee.

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:33 A.M.**

**Conservation Collier Land Acquisition Advisory  
Committee**



**Bill Poreet, Chairman**

These minutes approved by the Board/Committee on \_\_\_\_\_  
as presented \_\_\_\_\_ or as amended  \_\_\_\_\_.

April 14, 2008  
*(Signature)*