

RESOLUTION NO. 2010-___

A RESOLUTION OF THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A POLICY FOR ACCEPTANCE OF MONETARY PAYMENT OR LAND DONATION BY THE CONSERVATION COLLIER LAND ACQUISITION PROGRAM AS AN OFF-SITE NATIVE VEGETATION RETENTION ALTERNATIVE AND 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. 2002-63, as amended") has described a process for acceptance of lands offered for conveyance and donation; and

WHEREAS, the Conservation Collier Implementation Ordinance (hereafter referred to as "Ordinance No. 2002-63, as amended") provides for the establishment of the Conservation Collier Acquisition Trust Fund with the ability to receive monies from donations for acquisition of environmentally sensitive lands; and

WHEREAS, Ordinance No. 2005-49 amended Land Development Code (LDC), Section 3.07.07 entitled "Preservation Standards," states that the County is to provide an alternative to on-site native vegetation retention by making a monetary payment or land donation to satisfy native vegetation requirements.

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 Native Vegetation Preservation Standards, as described in LDC Section 3.05.07B.2. provides that in certain situations and subject to restrictions the donation of funds or lands may satisfy the requirement to preserve native vegetation onsite.
- (B) The Conservation Collier Program may be offered donations for acquisition of environmentally sensitive lands.
- (C) Lands offered to the Conservation Collier Program for conveyance or donation must be evaluated pursuant to procedures identified in the Conservation Collier Ordinance and may only be accepted and approved for management by the Board of County Commissioners.
- (D) Ordinance No. 2002-63, as amended describes, in Section 10.1.a., the priority and order of preference for specific rare and endangered habitats as: tropical hardwood hammocks, xeric oak scrub, coastal strand, native beach, xeric pine, riverine oak, high marsh (saline) tidal freshwater marsh, and other native habitats.
- (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 or Donation:

- (A) Potential conveyances and donations shall go through a separate “fast-track” evaluation process from other submitted parcels and will not be ranked in a regular cycle.
- (B) The Conservation Collier Land Acquisition Advisory Committee (CCLAAC) shall use the following criteria in determining a recommending for acceptance of lands proposed for conveyance or donation:
 - 1. The native vegetation community (habitat) from the proposed conveyance or donation is at least as high a conservation priority as the vegetation community (habitat) from land required to be preserved onsite;
 - 2. The acreage of lands proposed for conveyance or donation is at least as much as the acreage as that being mitigated for;
 - 3. the lands proposed for conveyance or donation are located entirely within Collier County;
 - 4. The lands proposed for conveyance or donation have not been used as mitigation for any other Federal, State or county permit or approval; [Consider this in light of the CityGate proposal, which is used as mitigation in the USFWS Conservation Plan and Incidental Take Permit.](#)
 - 5. Lands proposed for conveyance are free of exotic invasive species or have the exotic invasive species identified in LDC Section 2.4.4.12.1-11 removed at the owner’s expense prior to donation or conveyance.
- (C) The CCLAAC will consider with high priority the following types of land conveyance or donations:
 - 1. Lands within the boundary of an approved Conservation Collier multi-parcel project;
 - 2. Lands within target areas that have been deemed of interest to Conservation Collier;
 - 3. Lands adjacent to existing Conservation Collier preserve holdings;
 - 4. Lands with a management endowment of funds equaling, [at minimum](#), 25 percent of the per-acre value of the land conveyed.
 - 5. Lands with exotic plant species

(D) _____
(E) Management Plans must meet both Conservation Collier Program and LDC severance requirements.

Deleted: 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.

SECTION III. Effective Date.

This Resolution adopted and made effective this ____ day of _____ 2009, after motion, second and majority vote favoring same.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

, Deputy Clerk

By: _____
Donna Fiala, Chairman

Approval as to form and legal
Sufficiency:

Jennifer A. Belpedio
Assistant County Attorney