

RESOLUTION NO. 2010-213

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 protection of the County's natural resources, including upland and wetland communities, native plant communities, endemic species, and endangered species; and

WHEREAS, protected lands include those that provide appropriate natural resource-based recreational and educational opportunities, flood control and aesthetic or other natural features; and

WHEREAS, the Conservation Collier Implementation Ordinance (hereafter referred to as "Ordinance No. 2002-63, as amended") has described criteria and a process for acceptance of lands offered for sale and donation; and

WHEREAS, Preservation criteria described in the Land Development Code Section 3.05.07 are deemed substantially consistent with those of Conservation Collier,

WHEREAS, Ordinance No. 2005-49, as amended, also known as the Land Development Code (LDC), Section 3.05.07 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.

WHEREAS, 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;

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) This policy is intended to apply when the offsite native vegetation retention requirements may be met by monetary payment or by land donation under LDC Section 3.05.07 of the Land Development Code (LDC).
- (B) Monetary donations shall be equal to 125 per cent of the average cost of lands purchased by Conservation Collier within the same Designation, as defined by the Future Land Use Element (FLUE), as those being mitigated for
- (C) Donations of lands offered to the Conservation Collier Program must be evaluated pursuant to the procedures identified in the Conservation Collier Ordinance and may only be accepted and approved for management by the Board of County Commissioners.

SECTION II. Acceptance of lands offered for conveyance or Donation:

- (A) Potential land donations shall go through a separate "fast-track" evaluation process and will not be ranked in a regular cycle.
- (B) The Conservation Collier Land Acquisition Advisory Committee (CCLAAC) shall use the following criteria in addition to those of the Conservation Collier Implementation Ordinance in reviewing lands proposed for donation:
 - 1. The native vegetation community (habitat) from the proposed donation is at least as high a conservation priority as the vegetation community (habitat) from land required to be preserved onsite during the land development review process.
 - 2. The acreage of lands proposed for donation is at least as much as the acreage as that being mitigated for;
 - 3. The lands proposed for donation are located entirely within Collier County;
 - 4. The lands proposed for donation are free of exotic invasive plant species or will have all non-native invasive, nuisance and Category I and II plants included on the most current Florida Exotic Pest Plant Council's List of Invasive Plant Species and in LDC Section 3.05.08 removed at the owner's expense prior to acceptance by Conservation Collier. All exotics within the first 75 feet of the outer edge of the proposed donation parcel (s) shall be physically removed, or the vegetation cut down to grade, cut debris removed and the stump treated. Exotics within the interior of the property may be approved to be treated in place if it is determined that physical removal might cause more damage to the native vegetation in the preserve donation parcel. When exotic vegetation is removed, but the base of the vegetation remains, the base shall be treated with an U.S. Environmental Protection Agency approved herbicide and a visual tracer dye shall be applied. Any person who supervises up to eight people in the application of pesticides and herbicides in the chemical maintenance of exotic vegetation in preserve lands shall maintain the Florida Dept. of Agriculture and Consumer Services certifications for Natural Areas Pesticide Applicators or Aquatic Herbicide Applicators dependent upon the specific area to be treated.
 - 5. Where lands have been used as mitigation for Federal, State or County permit or approval, requirements for mitigation, remediation and monitoring shall be the responsibility of the applicant, in accordance with the approved permit conditions and acceptable to the County.

6. A management endowment of funds equaling, at minimum, 25 percent of the per-acre value of the land conveyed is provided.

(C) The CCLAAC will consider with high priority the following types of land 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 that have not been used as mitigation for any other Federal, State or county permit or approval;

(D) In the event of a conflict between the LDC and this Resolution, the LDC shall prevail.

SECTION III. Effective Date.

This Resolution adopted and made effective this 26th day of October 2010, after motion, second and majority vote favoring same.

ATTEST:
Dwight E. Brock, Clerk

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

[Signature]
Attest as to the ~~Chairman~~ Deputy Clerk
signature only.

By: *Fred W. Coyle*
Fred W. Coyle, Chairman

Approval as to form and legal
Sufficiency:

J B White
Jennifer B. White
Assistant County Attorney