

**AGRICULTURAL CLEARING NOTIFICATION
PURSUANT TO THE COLLIER COUNTY LAND DEVELOPMENT CODE**

APPLICANT CONTACT INFORMATION

Name of Owner: _____
 Address: _____ City: _____ State: _____ ZIP: _____
 Telephone: _____ Cell: _____ Fax: _____
 E-Mail Address: _____

Name of Agent: _____
 Firm: _____
 Address: _____ City: _____ State: _____ ZIP: _____
 Telephone: _____ Cell: _____ Fax: _____
 E-Mail Address: _____

PROPERTY INFORMATION

Street Address/Legal Description of Property/Folio#: _____

Zoning District, including Zoning Overlays: _____

Basis of property exemption from local regulation pursuant to Agricultural Lands and Practices Act (ALPA) section 163.3162(4) F.S. and the Right to Farm Act (RTFA) section 823.14(6) F.S. (See requirements listed below):

Property Acreage: _____ Proposed Acreage to be Cleared: _____
 Proposed Agricultural Use: _____

Acreage of existing native vegetation on site: _____

Date Clearing to Begin: _____ Expected Completion Date of Clearing: _____

ELECTRONIC SUBMITTAL REQUIREMENT CHECKLIST

REQUIREMENTS FOR REVIEW:	ELECTRONIC DOCUMENTS	REQUIRED
Completed Application (download current form from the County website)	1	<input checked="" type="checkbox"/>
Proof of Ownership (Warranty Deed or Tax Statement)	1	<input checked="" type="checkbox"/>
Agent Affidavit of Authorization/Evidence of Authority-required when agent applying on behalf of owner	1	<input checked="" type="checkbox"/>
Addressing Checklist completed by the Addressing Department	1	<input checked="" type="checkbox"/>
An aerial photograph or Site Plan that includes a general vegetation inventory identifying the acreage of existing native vegetation on site and proposed clearing plan	1	<input checked="" type="checkbox"/>

ELECTRONIC SUBMITTAL REQUIREMENT CHECKLIST CON'T

REQUIREMENTS FOR REVIEW:	ELECTRONIC DOCUMENTS	REQUIRED
Proof that the property has a current Agricultural Exemption form	1	<input checked="" type="checkbox"/>
List Best Management Practices, interim measure or regulations governing the agricultural operation (Developed by the Florida Department of Environmental Protection)	1	<input checked="" type="checkbox"/>
Provide description and evidence of bona fide agricultural operations	1	<input checked="" type="checkbox"/>

FEES

- **Non-Refundable** Application Fee: \$250.00 up to the 1st acre and \$50.00 per acre for each additional acre or fraction thereof. Maximum \$3,000.00.

LINKS

Online Payment Guide can be located: [Here](#)
 Completed application may be submitted online [GMD Public Portal](#)
 If unfamiliar to applying on portal or have questions, please look over our [E-PermittingGuide](#)

OTHER PERMITS/APPROVALS MAY BE REQUIRED FOR WATER USE AND/OR SURFACE WATER MANAGEMENT FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD); WILDLIFE ISSUES FROM U.S. FISH AND WILDLIFE SERVICE OR FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (USFWS AND FFWCC); AND WETLAND IMPACTS FROM US ARMY CORPS OF ENGINEERS (USACOE) or (SFWMD). THE OWNER IS RESPONSIBLE FOR OBTAINING ALL OTHER FEDERAL AND STATE AGENCY PERMITS AND PROVIDING COPIES TO COLLIER COUNTY LAND DEVELOPMENT SERVICES DEPARTMENT TO FILE WITH THIS NOTIFICATION.

In accordance with F.S. 125.022 Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The owner/agent will contact other Federal, State and Local agencies that may require permits.

I, _____, affirm that I am the owner of the property described in this application and that I understand the applicable provisions of the Collier County Land Development Code (LDC).

By signing this notification, I affirm that I have not severed my Transfer of Development Rights (TDR) and I acknowledge the 25-year prohibition on the creation of TDR Credits from land cleared for agricultural operations after June 19, 2002, as set forth in the Collier County LDC.

If the land is outside the Rural Lands Stewardship Area, by signing this notification, I acknowledge that, if the land being cleared for agricultural operations is converted to a non-agricultural use within 25 years after the clearing occurs, the property shall become subject to the native vegetation requirements of the Collier County LDC that would have been required prior to any clearing taking place.

Florida Statute Section 837.06 (False Official Statements Law) states that: "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided by a fine to a maximum of \$500 and/or maximum of sixty-day jail term.

Owner's or Agent's Signature

Date

Printed Name of Owner or Agent

THE APPLICANT SHALL PROVIDE RESPONSES TO THE FOLLOWING TO DETERMINE IF THE PROPERTY IS A BONA FIDE FARM OPERATION UNDER THE RIGHT TO FARM ACT FOR ZONING PURPOSES AND FOR AGRICULTURAL CLEARING PERMITS OR NOTICES

- A. PERSONS CLAIMING RIGHTS UNDER THE FLORIDA RIGHT TO FARM ACT (FS 823.14) AND AGRICULTURAL LANDS AND PRACTICES ACT (FS 163.3162) NEED TO PROVIDE THE FOLLOWING:
1. Proof of current Agricultural Exemption, granted by the Collier County Property Appraiser, for the subject property, on which the activity is occurring or is to occur. (FS 193.461) Note that this exemption requires that the land be used primarily for “Bona fide agricultural purposes.” “Bona fide agricultural purpose” is defined as “good faith commercial agricultural use of the land.”
- AND
2. Proof of a Bona Fide Farm Operation, in accordance with the following definitions (based on FS 823.14):
 - a. Farm is defined as land, buildings, support facilities, machinery and other appurtenances used in production of farm or aquaculture products.
 - b. Farm product as defined in Section 5.01 I, as any animal or insect useful to humans and includes any product derived therefrom.
 - c. Farm operation is defined as all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying, the placement or operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, herbicides; and the employment and use of labor.
 3. The applicant must submit information to be reviewed in order to determine the existence of Bona Fide Farm Operation or clear commitment to establish such an operation. Not all of the items listed below must be submitted, but the determination will be made based on substantive information provided.
 - a. Describe farm operation
 - b. Documentation of a clearly identifiable farm product or products resulting from the proposed or existing activity
 - c. Identification of the proportion of the gross acreage of the land used or to be used for agricultural purposes as compared to any residential or other nonagricultural uses on the subject property
 - d. Comparison of the proposed farm operation with similar operations in the immediate area in terms of acreage and farm product(s)
 - e. Copy of Schedule “F” or other Federal Income Tax return filed in connection with farm income and expenditures related to the subject property’s current farm operation
 - f. Length of time the subject property has been used for agriculture by the current operation and level of activity achieved

- g. Itemized list indicating amount of time, effort and capitalization invested in the agricultural use of the land by the applicant and owner, including receipts for goods or materials used to establish or maintain the use
- h. Proof of current or past membership or involvement with agricultural associations, societies, or other organizations specific to forms of agriculture
- i. Farm Serial Number assigned by USDA Farm Services
- j. Agricultural operation Disclosure Affidavit (attached)

AND

- 4. Proof that the proposed or existing activity is regulated by Best Management Practices (BMP) developed by the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, and/or the South Florida Water Management District;

OR

- 5. Proof that State Agency Interim Measures regulate the proposed or existing activity. These Agencies are the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, and/or the South Florida Water Management District;

OR

- 6. Proof that the State Agency Administrative Regulations regulate the proposed or existing activity. These Agencies are the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, and/or the South Florida Water Management District;

OR

- 7. Proof that the Federal Agency Administrative Regulations regulate the proposed existing activity. These agencies are the US Army Corps of Engineers, the US Department of Agriculture, and/or the US Environmental Protection Agency;

AND

- 8. For only those circumstances where the proposed or existing activity relates to wellfields, proof that there is a BMP, Interim Regulation, State Administrative Regulation, or Federal Administrative Regulation that regulates the proposed activity relative to wellfields.

Staff will review documentation to determine if there is sufficient evidence (i.e., a reasonable person would conclude that a good faith commercial farm operation is in existence or will be operating on the subject property.)

- B. IS PROPERTY ZONED FOR AGRICULTURAL PURPOSES?
IS IT IN THE RURAL FRINGE MIXED OVERLAY?

- C. DOES IT QUALIFY FOR AGRICULTURAL CLEARING NOTIFICATION?

See proof of bona fide farm operation and proof of existing agricultural exemption from the property appraiser;

or

Determine if this is expansion of existing bona fide farm operation and if new lands are adjacent to the existing farm operation

Note: If it is zoned Agricultural and no Agricultural exemption from the property appraiser, use the Agricultural clearing permit for future bona fide farm operation.