

1 November 25, 2016  
2 Overview of changes to 3.05.07 from CCLAAC and DSAC

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4 **CCLAAC made the following recommendations on October 10, 2016:**

- 5 • *Monetary payment* alternative shall be based on the post development value of the land  
6 required to meet on-site preservation requirement. This figure includes the management  
7 endowment. In addition, a one-time \$16,000 initial exotic vegetation fee shall also be  
8 paid by the applicant. The calculation is as follows:
  - 9 ○ Step 1: Determine “preserve requirement”
  - 10 ○ Step 2: Developer to obtain an appraisal of the “post development value per  
11 acre”
  - 12 ○ Step 3: Take 125% of the “post development value per acre” of the “preserve  
13 requirement”
    - 14 ▪ Example 1: (1 acre preserve requirement x \$300,000 post development  
15 value per acre x 1.25) + \$16,000 initial exotic veg. removal = \$359,000  
16 monetary payment
    - 17
    - 18 ▪ Example 2: (0.5 acre preserve requirement x \$300,000 post development  
19 value per acre x 1.25) + \$16,000 initial exotic veg. removal = \$203,000  
20 monetary payment
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    - 22 ▪ Example 3: (0.91 acre preserve requirement x \$17,000 post development  
23 value per acre x 1.25) + 16,000 initial exotic veg. removal = \$35,337.5  
24 monetary payment
    - 25
    - 26 ▪ Example 4: (0.455 acre preserve requirement x 17,000 post development  
27 value per acre x 1.25) + 16,000 initial exotic veg. removal = \$25,668.75  
28 monetary payment
    - 29
- 30 • *Land Donation* alternative shall be based on a ratio of 4:1, i.e. four acres donated to the  
31 County or other government agency and 1 acre developed.
  - 32 ○ The management endowment was amended to \$50,000 and provided at a ratio  
33 of 4:1 to support donation requirement. **The \$50,000 aligns with DSAC’s prior**  
34 **recommended endowment payment.** In addition, a one-time \$16,000 initial exotic  
35 vegetation fee shall also be paid by the applicant.  
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38 **DSAC-LDR made the following suggestions as of November 16, 2016:**

- 39 ▪ Amendments to 3.05.07 H.1.f that provide a purpose for the off-site alternative section;  
40 revise the applicability section to support the purpose section; update the applicability  
41 situations and provide PUD deviation thresholds.
- 42 ▪ *Monetary Payment*: Supports prior monetary payment amount of \$50,000 as noted in the  
43 table. This figure would be adopted via resolution in the GMD fee schedule.

| Development Services Advisory Committee Endowment Recommendation<br>Proposed <i>monetary donation payment</i> amount for <i>LDC section 3.05.07 H.1.f.iii.a</i>  |                           |   |  |  |                                   |                         |
|--|---------------------------|---|--|--|-----------------------------------|-------------------------|
| Land Costs   | Land Management Endowment | Annual Maintenance Costs                        | Principal Balance Year 20 <sup>+</sup> | Principal Balance Year 50 <sup>+</sup> | Initial Exotic Vegetation Removal | Total Monetary Donation |
| \$32,800   | \$13,200                  | \$558/ac for years 1-5<br>\$141/ac thereafter** | ~\$13,150                              | ~\$11,790                              | \$4,000                           | ~\$50,000/acre          |
| ** Also assumes that no new unexpected exotic species emerge once the parcel is clean, that 70% of the project area is acquired.<br>+ Assumes a 2.25% annual interest rate and 3.0% inflation rate which were deemed not unreasonable by Collier County Office of Management and Budget. |                           |   |  |  |                                   |                         |

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- *Land Donation*: Supports prior monetary payment amount. This figure would be adopted via resolution in the GMD fee schedule.

| Development Services Advisory Committee Endowment Recommendations<br>Proposed <i>land management endowment</i> for <i>LDC section 3.05.07 H.1.f.iii.b</i>  |   |  |  |                        |
|--|---|--|--|------------------------|
| Principle Balance Year 1   | Annual Maintenance Costs                        | Principal Balance Year 20 <sup>+</sup> | Principal Balance Year 50 <sup>+</sup> | Total monetary payment |
| \$13,200   | \$558/ac for years 1-5<br>\$141/ac thereafter** | ~\$13,150                              | ~\$11,790                              | \$17,200               |
| + Assumes a 2.25% interest rate and 3.0% inflation rate which were deemed not unreasonable by Collier County Office of Management and Budget.<br>** Assumes that no new unexpected exotic species emerge once the parcel is clean, that 70% of the project area is acquired. |   |  |  |                        |

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**There are TWO versions below of LDC section 3.05.07 H.1.f.iii, one for CCLAAC's recommendation and one for DSAC-LDR's recommendation.**

3.05.07 Preservation standards.

\* \* \* \* \*

H. Preserve standards.

1. Design standards.

\* \* \* \* \*

f. ~~Off-site vegetation retention.~~ Satisfying on-site preserve requirements off-site. The purpose of the on-site preserve requirement is to retain, maintain, and protect existing **native vegetation** on-site as provided for in the GMP's Conservation and Coastal Management Element. However, certain on-site vegetation may be less viable as a functional preserve because it is one acre or less and consists of **native vegetation** of lesser quality. Therefore, in limited situations, providing for preservation off-site can achieve the goals of the GMP.

i. ~~Applicability. A property owner may request that all or a portion of the Collier County on-site native vegetation preservation retention requirement be satisfied for only the~~

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1 following situations and subject to the restrictions listed  
2 below.

3 i. Applicability. A property owner may satisfy the on-site  
4 preserve requirement off-site where the requirement is one  
5 acre or less for only the following situations and subject to  
6 the prohibitions and PUD deviation requirements listed  
7 below.

8 a) Commercial and/or residential projects where  
9 preserves have not been approved by the County.  
10 Properties zoned commercial where the on-site  
11 preserve requirement is less than 2 acres in size.

12 b) Portions of preserves previously approved by the  
13 County which are located within single-family  
14 platted lots. Park sites where the on-site preserve  
15 requirement is less than one acre in size.

16 c) Preserves previously approved by the County  
17 which do not meet the minimum dimensional  
18 requirements for on-site vegetation retention  
19 established in this section.

20 ed) Exceptions. Where the on-site preserve  
21 requirement is greater than one acre, the preserve  
22 requirement may be satisfied off-site in only the  
23 following situations:

24 1. Essential service facilities other than parks,  
25 where the on-site preserve requirement is  
26 for any size preserves.

27 2. Affordable housing projects. Affordable  
28 housing projects may receive approval from  
29 the Board prior to SDP or PPL approval to  
30 satisfy the on-site preserve requirement off-  
31 site at a rate of 25% of the percent of  
32 affordable housing units provided. For  
33 example, if 50% affordable housing units  
34 are provided the applicant may receive  
35 approval to take 12.5% off-site.

36 3. **Right-of-way** acquisitions to be conveyed,  
37 or in the process of being conveyed, to the  
38 County by non-governmental entities for all  
39 purposes necessary for roadway  
40 construction, including ancillary **drainage**  
41 **facilities**, and including utilities within the  
42 right of way acquisition area.

43 d) ~~Preserves less than one acre in size~~

44 e) ~~**Affordable housing** projects. The maximum~~  
45 ~~percent of **native vegetation** retention allowed~~  
46 ~~offsite shall be equal to the percent of **affordable**~~  
47 ~~**housing** units, without limitation as to size of the~~  
48 ~~preserve.~~

49 f) ~~Existing or proposed preserves with 75 percent or~~  
50 ~~more coverage with exotic vegetation. Existing~~  
51 ~~preserves not previously overrun with this type~~

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~~vegetation and which arrive at this state due to lack of management of the preserve shall mitigate off site at a ratio of 2 to 1.~~

- ~~g) Created preserves which do not meet the success criteria in 3.05.07 H.1.e.viii or where preserves have not been planted in a manner which mimics a natural plant community.~~
- ~~h) Preserves which do not meet the minimum dimensional requirements of this section.~~
- ~~f) Portions of preserves located within platted single-family lots.~~
- ~~j) Right of Way acquisitions to be conveyed or in the process of being conveyed to the County by non-governmental entities for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.~~
- ~~k) All criteria listed for created preserves.~~

ii. Prohibitions. Restrictions, when Where one or more of the following situations occur it shall be prohibited to satisfy the on-site preserve requirement off-site.

- a) Xeric scrub and hardwood hammocks which are one acre or more in size, mangrove (excluding mangrove fringes less than 40 feet in width on artificially created **shorelines**), coastal **dune** and strand environments, and listed species habitat or corridors per the requirements or recommendations of the FFWCC or USFWS, shall not be allowed to have the on-site **native vegetation** preservation retention requirement provided offsite.
- b) Preserves shall remain onsite if located within or contiguous to natural **flowways** required to be retained per the requirements of the SFWMD, natural water bodies, estuaries, government required preserves (not meeting the offsite preservation criteria herein), NRPAs, or contiguous to property designated for purchase by Conservation Collier or purchased by Conservation Collier, or contiguous to properties containing listed species nests, **buffers**, corridors and foraging habitat per the requirements or recommendations of the FFWCC or USFWS. For the purpose of this section, natural **flowways** shall also include those identified during **wetland** permitting with applicable State and Federal agencies, regional drainage studies, or surface water management permits.
- c) Remaining portions of on-site preserves must be a minimum of one acre in size and shall not meet the offsite criteria of sub-section 3.05.07 H.1.f.i.(f) and (g) above, unless preserved with higher quality

habitat not qualifying for the off-site **native vegetation** retention alternative.

iii. PUD deviations. PUD deviations shall not be approved where the preserve requirement for the project is two or more acres. Additionally, no deviations shall be approved to preserves previously approved by the County, except as provided for above, as applicable. The applicant shall provide justification for the requested deviations and explain the unique situation for exceeding the thresholds in LDC section 3.05.07 H.1.f.i above. Deviations shall be processed pursuant to LDC section 10.02.13.

**CCLAAC Recommendation:**

iiii. Off-site Alternatives. Off-site **native vegetation** retention requirements may be ~~satisfied met~~ by monetary payment or by land donation. Applicants shall provide evidence at the time of the pre-construction meeting for the SDP or PPL that the monetary payment and endowment or the donation of land donation and endowment have been accepted by and donated to a governmental entity as provided for below.

a) Monetary payment alternative. Applicants shall make monetary payment to Collier County. Such funds will ~~shall~~ be used by the County for the purchase and management of off-site conservation lands within the county. The monetary payment amount shall be based on the post development appraisal value per acre multiplied by the preserve requirement, then multiplied by 1.25, e.g. \$300,000 land appraisal per acre value x 1 acre preserve requirement x 1.25 = \$375,000 monetary payment amount. The appraisal shall be performed by an appraiser from the County's Certified Appraiser List, as amended. The payment amount includes the endowment for management. In addition, the fee for initial exotic vegetation removal shall be paid by the applicant as established in the Collier County Growth Management Department Development Services Fee Schedule. ~~based on the location of the land to be impacted and be equal to 125 percent of the average cost of land in the Urban Designation or 125 percent of the average cost for all other Designations, as applicable, as defined by the FLUE, purchased by Collier County, through the Conservation Collier program. This monetary payment shall be made prior to the preconstruction meeting for the SDP or final plat construction plans.~~

b) Land donation alternative. In lieu of monetary payment, applicants may choose to donate land for conservation purposes at a ratio of 4:1 (i.e. donate four acres: develop one acre) to Collier County or

1 to another government agency. In the event of  
2 donation to Collier County, the applicant may  
3 acquire and subsequently donate land within the  
4 project boundaries of Winchester Head, North  
5 Golden Gate Estates Unit 53, by another multi-  
6 **parcel** project or any other land designated  
7 Conservation Collier donation acceptance  
8 procedures.

9 **Applicants** who choose to donate land shall be  
10 required to demonstrate that the land to be donated  
11 contains **native vegetation** communities equal to  
12 or of higher priority (as described in LDC  
13 subsection 3.05.07 A.) than the land required to be  
14 preserved onsite. In no case shall the acreage of  
15 land donated be less than the acreage of land  
16 required to be preserved on-site. Land donated to  
17 satisfy the off-site ~~preserve~~ vegetation retention  
18 requirement must be located entirely within Collier  
19 County. Donations of land for preservation shall be  
20 made to a federal, state or local government  
21 agency established or authorized to accept lands  
22 for the conservation and management of land in  
23 perpetuity, subject to the policies and procedures of  
24 the receiving entity. Lands donated to Collier  
25 County must include a cash payment for  
26 management of the land. The cash payment  
27 amount shall be at a ratio of 4:1 and shall be  
28 established by resolution in the Collier County  
29 Growth Management Department Development  
30 Services Fee Schedule. The amount of this  
31 payment shall be equal to 25 percent of the  
32 average cost of land in the Urban Designation or 25  
33 percent of the average cost in all other  
34 Designations, as applicable, as defined by the  
35 FLUE, purchased by Collier County, through the  
36 Conservation Collier program. Applicants shall  
37 provide evidence that donations of land for  
38 preservation and endowments for management  
39 have been accepted by and donated to the entity  
40 stated above, at the time of the preconstruction  
41 meeting for the SDP or final plat and construction  
42 plans. Exotics shall be removed in accordance with  
43 the time frames provided in LDC section 3.05.07  
44 H.2. State and Federal agency requirements for  
45 mitigation, remediation and monitoring for the  
46 donated land shall be the responsibility of the  
47 **applicant.**

48 ivv. PUD zoning. Where the off-site **native vegetation**  
49 retention alternative is used for portions of preserves not  
50 identified on a PUD master plan, a PUD amendment is not  
51 required. Preserves or portions of preserves identified on a

1 PUD master plan shall require an amendment to the PUD  
2 master plan to use the **native vegetation** retention  
3 alternative, subject to 10.02.13 E, unless the option to use  
4 the off-site **native vegetation** retention alternative is  
5 included in the PUD.

6 **DRAFT DSAC Recommendation**

7 iiii.v.

8 Off-site Alternatives. Off-site **native vegetation** retention  
9 requirements may be satisfied ~~met~~ by monetary payment  
10 or by land donation. **Applicants** shall provide evidence at  
11 the time of the pre-construction meeting for the SDP or  
12 PPL that the monetary payment and endowment or the  
13 donation of land donation and endowment for  
14 management have been accepted by and donated to a  
15 governmental entity as provided for below.

16 a) Monetary payment alternative. **Applicants** shall  
17 make monetary payment to Collier County prior to  
18 the pre-construction meeting for the SDP or final  
19 plat and construction plans. Such funds ~~will~~ shall be  
20 used by the County for the purchase and  
21 management of off-site conservation lands within  
22 the county. The monetary payment amount shall be  
23 per acre and established by resolution in the Collier  
24 County Growth Management Department  
25 Development Services Fee Schedule. ~~based on the~~  
26 ~~location of the land to be impacted and be equal to~~  
27 ~~125 percent of the average cost of land in the~~  
28 ~~Urban Designation or 125 percent of the average~~  
29 ~~cost for all other Designations, as applicable, as~~  
30 ~~defined by the FLUE, purchased by Collier County,~~  
31 ~~through the Conservation Collier program. This~~  
32 ~~monetary payment shall be made prior to the~~  
33 ~~preconstruction meeting for the SDP or final plat~~  
34 ~~construction plans.~~

35 b) Land donation alternative. In lieu of monetary  
36 payment, applicants may choose to donate land for  
37 conservation purposes to Collier County or to  
38 another government agency. In the event of  
39 donation to Collier County, the applicant may  
40 acquire and subsequently donate land within the  
41 project boundaries of Winchester Head, North  
42 Golden Gate Estates Unit 53, by another multi-  
43 **parcel** project or any other land designated  
44 Conservation Collier donation acceptance  
45 procedures.

46 c) **Applicants** who choose to donate land shall be  
47 required to demonstrate that the land to be donated  
contains **native vegetation** communities equal to

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or of higher priority (as described in LDC subsection 3.05.07 A.) than the land required to be preserved onsite. In no case shall the acreage of land donated be less than the acreage of land required to be preserved onsite. Land donated to satisfy the off-site vegetation retention requirement must be located entirely within Collier County. Donations of land for preservation shall be made to a federal, state or local government agency established or authorized to accept lands for the conservation and management of land in perpetuity, subject to the policies and procedures of the receiving entity. Lands donated to Collier County must include an endowment ~~a cash payment~~ for management of the land. The endowment amount shall be per acre as established by resolution in the Collier County Growth Management Department Development Services Fee Schedule. ~~The amount of this payment shall be equal to 25 percent of the average cost of land in the Urban Designation or 25 percent of the average cost in all other Designations, as applicable, as defined by the FLUE, purchased by Collier County, through the Conservation Collier program.~~ **Applicants** shall provide evidence that donations of land for preservation and endowments for management have been accepted by and donated to the entity stated above, at the time of the preconstruction meeting for the SDP or final plat and construction plans. Exotics shall be removed in accordance with the time frames provided in LDC section 3.05.07 H.2. State and Federal agency requirements for mitigation, remediation and monitoring for the donated land shall be the responsibility of the **applicant.**

ivv. PUD zoning. Where the off-site **native vegetation** retention alternative is used for portions of preserves not identified on a PUD master plan, a PUD amendment is not required. Preserves or portions of preserves identified on a PUD master plan shall require an amendment to the PUD master plan to use the **native vegetation** retention alternative, subject to 10.02.13 E, unless the option to use the off-site **native vegetation** retention alternative is included in the PUD.

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