

August 9, 2017

Dear Planning Commissioners,

On July 20, 2017, the Planning Commission (CCPC) recommended removing the off-site vegetation retention alternatives in LDC section 3.05.07 H.1.f. Following this request, staff revised the previously proposed LDC amendment to include the change for your review on August 17, 2017. In addition to your approval of the revised LDC amendment, it is staff's opinion that a Growth Management Plan (GMP) amendment is necessary for the Board of County Commissioners (BCC) to implement the CCPC's recommended change to the LDC.

The CCPC's recommendation represents a policy change that was not previously directed by the BCC. Therefore, it may be beneficial for the CCPC to include an alternative LDC amendment for the BCC's consideration should the BCC elect to maintain the off-site preservation program. This alternative amendment should include at least the following three elements required by the GMP Conservation and Coastal Management Element (CCME), Policies 6.1.1 (10) and (13):

1. The ability to satisfy native vegetation preservation requirements through a monetary payment, land donation, or other appropriate method of compensation to a land acquisition program;
2. A deviation process from the off-site preservation regulations with a public hearing; and
3. An administrative deviation from the off-site preservation regulations.

If the CCPC chooses to provide an alternative, staff believes that the previous draft of the LDC amendment, reviewed on July 20, 2017, and the revisions discussed at that meeting, may provide a starting point for an alternative recommendation.

Please feel free to contact me if you have any questions.

Sincerely,
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Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Department Staff

AMENDMENT CYCLE: 2016 LDC Amendment Cycle (Carry-Over)

LDC SECTION(S): 3.05.07 Preservation Standards

CHANGE: This amendment eliminates the ability to satisfy on-site native vegetation retention requirements off site.

REASON: Currently, LDC section 3.05.07 H.1.f establishes several options for compliance with the County's native vegetation retention requirements:

- 1) On-site preservation; or
- 2) Off-site preservation through one of the following methods:
 - a. Monetary payment with an exotics maintenance endowment, or
 - b. Land donation with an exotics maintenance endowment.

On July 7, 2015, Conservation Collier staff made several preliminary recommendations to the Board of County Commissioners (Board) for guidance prior to establishing more detailed changes to the program. The Board directed a review of these recommendations with the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) and Development Services Advisory Committee (DSAC) to provide recommendations to:

- Increase the monetary payment to provide a land management endowment that lasts beyond seven years, and
- Consider removing the land donation alternative.

Since that time, the Collier County Planning Commission (CCPC) reviewed recommendations from CCLAAC and DSAC over the course of several meetings. Both the CCLAAC and DSAC recommendations included provisions which established or modified the purpose and intent, applicability, PUD deviations, prohibitions, and increased the fees associated with the off-site preservation alternatives. Upon considering these recommendations, the CCPC made the following general observations about the off-site preservation program:

- The retention of native vegetation, even small areas, is highly valued by Collier County residents.
- The native vegetation retention requirements should be designed to promote on-site retention.
- The program should place more emphasis on encouraging the retention of the natural environment within urban developments.

The CCPC expressed concern over the ability for developers to satisfy native vegetation retention requirements off site, the methodology used to revise the fees associated with the off-site preservation alternatives, and the ability to manage exotics in the rural areas of the County. As a

result, this amendment reflects the CCPC recommendation on July 20, 2017, to eliminate the ability for developers to satisfy native vegetation retention requirements off site.

This amendment removes a reference to off-site preservation in 3.05.07 H.1.e, Created Preserves, and the off-site vegetation retention alternatives in LDC section 3.05.07 H.1.f. The off-site preservation alternatives are replaced with a prohibition on requests for deviations to allow for off-site preservation.

CCLAAC & DSAC RECOMMENDATIONS: The CCLAAC and DSAC recommended changes to the LDC, as well as proposed fees for the off-site preservation alternatives. Changes to the purpose and intent, applicability, PUD deviations and prohibitions sections included similar recommendations from each Committee. However, the recommended changes to the off-site preservation alternatives differed between each Committee. These differences include the proposed land management costs, and fees for the monetary payment and land donation alternatives. Each Committee’s proposals for changes to the off-site donation alternatives are described below.

CCLAAC Recommendations:

- 1) *Land Management Costs:* CCLAAC recommended using an annual estimated cost of \$558 per acre to manage lands donated to Conservation Collier. This yearly management estimate was used to establish an endowment amount that ensures sufficient management funds for at least 20 years while also accounting for inflation and interest. The resulting land management endowment amount of \$32,500 was incorporated in CCLAAC’s recommended fees for the monetary payment and land donation alternatives.
- 2) *Monetary Payment Alternative:* CCLAAC recommended that the monetary payment should be equivalent to 125% of the “post development appraised value” of the on-site preserve acreage. The following example was provided: If a development with a one acre preserve requirement received a post development appraisal of \$300,000, the total fee associated with the monetary payment alternative would be \$375,000.
- 3) *Land Donation Alternative:* CCLAAC recommended that the land donation fee incorporate the land management endowment and an initial exotic vegetation removal cost. Additionally, CCLAAC recommended a 4:1 ratio for land donations. The following table demonstrates the land donation fee for a project with a native vegetation requirement of one acre. Since a 4:1 ratio would apply to the donation, four acres would need to be donated, therefore, the fees are multiplied by four in the following table:

Elements of Land Donation Fee	Cost Per Donation
Land management endowment (\$32,500 x 4)	\$130,000
Initial exotic vegetation removal costs (\$4,000 x 4)	\$16,000
Total	\$146,000

DSAC Recommendations:

- 1) *Land Management Costs:* DSAC recommended using the following estimates to manage lands donated to Conservation Collier:

- Years 1-5 = \$558 per acre
- Year 6 and ongoing = \$141 per acre

These yearly management estimates were used to establish an endowment amount that ensures sufficient management funds for at least 20 years while also accounting for inflation and interest. The resulting land management endowment amount of \$13,200 was incorporated in DSAC's recommended fees for the monetary payment and land donation alternatives.

- 2) *Monetary Payment Alternative:* DSAC recommended that the monetary payment incorporate the cost for Conservation Collier to purchase land, the land management endowment, and an initial exotic vegetation removal cost as shown in the following table:

Elements of Monetary Payment Alternative	Per Acre Cost
Average cost to purchase land for Conservation Collier	\$32,800
Land management endowment	\$13,200
Initial exotic vegetation removal costs	\$4,000
Total	\$50,000

- 3) *Land Donation Alternative:* DSAC recommended that the land donation fee incorporate the land management endowment and an initial exotic vegetation removal cost as shown in the following table:

Elements of Land Donation Fee	Per Acre Cost
Land management endowment	\$13,200
Initial exotic vegetation removal costs	\$4,000
Total	\$17,200

FISCAL & OPERATIONAL IMPACTS: There are no anticipated fiscal or operational impacts associated with this amendment.

GROWTH MANAGEMENT PLAN IMPACT: Prior to adoption of this LDC amendment, a modification to GMP CCME Policy 6.1.1 is needed to remove the requirement to allow off-site vegetation retention and deviations from off-site vegetation retention standards.

Amend the LDC as follows:

- 1 **3.05.07 Preservation Standards**
 2 * * * * *
 3 H. Preserve standards.
 4 1. Design standards
 5 * * * * *
 6 e. Created preserves. Although the primary intent of GMP CCME Policy
 7 6.1.1 is to retain and protect existing **native vegetation**, there are
 8 situations where the application of the retention requirements of this
 9 Policy is not possible. In these cases, creation or restoration of
 10 vegetation to satisfy all or a portion of the **native vegetation** retention
 11 requirements may be allowed. ~~In keeping with the intent of this policy,~~
 12 ~~the preservation of **native vegetation** off site is preferable over~~

1 creation of preserves. Created Ppreserves shall be allowed for
2 **parcels** that cannot reasonably accommodate both the required on-
3 site preserve area and the proposed activity.

4 * * * * *
5 f. Off-site vegetation retention. Prohibition of off-site preserves.
6 Requests for deviations to allow for off-site preservation are
7 prohibited.

8 i. ~~Applicability. A property owner may request that all or a~~
9 ~~portion of the Collier County on-site **native vegetation**~~
10 ~~preservation retention requirement be satisfied offsite for only~~
11 ~~the following situations and subject to restrictions listed below.~~

- 12 a) ~~Properties zoned commercial where the on-site~~
13 ~~preserve requirement is less than 2 acres in size.~~
- 14 b) ~~Park sites where the on-site preserve requirement is~~
15 ~~less than one acre in size.~~
- 16 c) ~~**Essential service** facilities other than parks, for any~~
17 ~~size preserves.~~
- 18 d) ~~Preserves less than one acre in size.~~
- 19 e) ~~**Affordable housing** projects. The maximum percent of~~
20 ~~**native vegetation** retention allowed offsite shall be~~
21 ~~equal to the percent of **affordable housing** units,~~
22 ~~without limitation as to size of the preserve.~~
- 23 f) ~~Existing or proposed preserves with 75 percent or more~~
24 ~~coverage with **exotic vegetation**. Existing preserves~~
25 ~~not previously overrun with this type vegetation and~~
26 ~~which arrive at this state due to lack of management of~~
27 ~~the preserve shall mitigate off site at a ratio of 2 to 1.~~
- 28 g) ~~Created preserves which do not meet the success~~
29 ~~criteria in 3.05.07 H.1.e.viii or where preserves have~~
30 ~~not been planted in a manner which mimics a natural~~
31 ~~plant community.~~
- 32 h) ~~Preserves which do not meet the minimum dimensional~~
33 ~~requirements of this section.~~
- 34 i) ~~Portions of preserves located within platted **single-**~~
35 ~~**family lots**.~~
- 36 j) ~~**Right of Way** acquisitions to be conveyed or in the~~
37 ~~process of being conveyed to the County by non-~~
38 ~~governmental entities for all purposes necessary for~~
39 ~~roadway construction, including ancillary drainage~~
40 ~~facilities, and including utilities within the **right of way**~~
41 ~~acquisition area.~~
- 42 k) ~~All criteria listed for created preserves.~~

43 ii. ~~Restrictions, when one or more of the following situations~~
44 ~~occur.~~

- 45 a) ~~Xeric scrub and hardwood hammocks which are one~~
46 ~~acre or more in size, mangrove (excluding mangrove~~
47 ~~fringes less than 40 feet in width on artificially created~~
48 ~~**shorelines**), coastal **dune** and strand environments,~~
49 ~~and listed species habitat or corridors per the~~
50 ~~requirements or recommendations of the FFWCC or~~
51 ~~USFWS, shall not be allowed to have the on-site~~

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~~native vegetation~~ preservation retention requirement provided offsite.

b) ~~Preserves shall remain onsite if located 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. ~~Off-site Alternatives. Off-site native vegetation retention requirements may be met by monetary payment or by land donation.~~

a) ~~**Applicants** shall make monetary payment to Collier County. Such funds will be used by the County for the purchase and management of off-site conservation lands within the county. The monetary payment shall be 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.~~

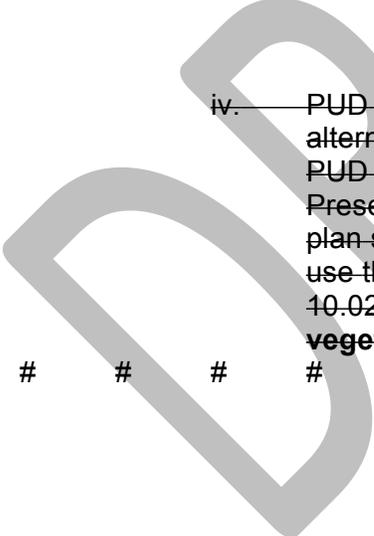
b) ~~In lieu of monetary payment, applicants may choose to donate land for conservation purposes to Collier County or to another government agency. In the event of donation to Collier County, the applicant may acquire and subsequently donate land within the project boundaries of Winchester Head, North Golden Gate Estates Unit 53, another multi-parcel project or any other land designated by Conservation Collier donation acceptance procedures.~~

~~**Applicants** who choose to donate land shall be required to demonstrate that the land to be donated contains native vegetation communities equal to or of higher~~

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priority (as described in 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 a cash payment for management of the land. 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 construction plans. Exotics shall be removed in accordance with the time frames provided in 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**.

iv. 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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