

EXECUTIVE SUMMARY

Discussion regarding modification of Land Development Code LDC Section 3.05.07, H.1.f. iii. a. and b.

OBJECTIVE: To review the existing endowment calculation for donations provided pursuant to LDC Section 3.05.07, H.1.f. iii. a. and b. (Exhibit A), consider the alternatives presented, and provide recommendation on amending the LDC to coincide with Board direction.

CONSIDERATION: In 2009, an amendment for off-site native vegetation retention alternatives was required by the Florida Department of Community Affairs (DCA) following the Evaluation and Appraisal Report (EAR)-based Growth Management Plan (GMP) amendment to the Conservation and Coastal Management Element of the GMP which required the County to adopt land development regulations that would allow property owners the option of satisfying native vegetation retention requirements through monetary payment, donation of land or other methods of compensation. The amendment set forth specific criteria for considering alternative methods and as a result, in 2010, the County’s LDC was amended to include LDC Section 3.05.07 H. 1. f .iii. a and b to allow compensation in the form of monetary payment or donation of land for conservation purposes to Collier County or to another government agency.

The current endowment formula for land management was developed in late 2009 pursuant to the LDC amendment cycle and shortly after Conservation Collier had acquired the bulk of its lands. At that time, staff had determined that the 15% of the levy specified by the Conservation Collier ordinance for land management (2002-63, as amended, Section 7.a.) would not be enough for perpetual management of acquired lands and that an amount equal to approximately 20% of the levy total was estimated to be needed for management of acquired lands into the future with proposed amenities. Considering the 20% calculation, staff had suggested 25% (5% additional to cover staff time) of all land acquisition costs as a potential formula. This formula was reviewed and recommended by the Conservation Collier Land Acquisition Advisory Committee’s Ordinance, Policy and Rules subcommittee members and approved by the Board as part of the 2010 LDC amendment.

Staff was asked to take this discussion to the Board of County Commissioners for inclusion on its July 7, 2015 public meeting agenda. In the Executive Summary prepared for the Board, for discussion purposes, staff offered 3 alternatives:

1. Maintain status quo

Pro	Con
Properties in the Winchester Head and North Golden Gate Estates Unit 53 are specified in the LDC as appropriate for donations. Currently, donations in the Winchester Head and North Golden Gate Estates Unit 53 are bringing approx.	Management for Conservation Collier properties in the multi-parcel projects is at least \$500/ac/yr. That amount includes only exotic maintenance. The current endowment provides approximately 7 years of funding at these minimum levels

<p>\$4,000 per acre as a management endowment, which translates to approximately 7 years of management funding at \$500/ac. Management costs are the most expensive in the initial 5 years. This formula provides management funding through that crucial time period and slightly beyond.</p> <p>At this time, the program has been successful in getting donations. The program has accepted 6 donations in the multi-parcel projects with at least 2 more coming.</p>	<p>but after that time, Conservation Collier will need to fund management.</p>
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2. Modify the land development code to require an endowment that approximates perpetual maintenance

Pro	Con
<p>Requiring for funding to be provided meeting perpetual needs would alleviate Conservation Collier from all long term maintenance costs associated with donation parcels.</p>	<p>Requiring perpetual funding from developers for offsite donations may be cost prohibitive and make this option undesirable to developers, shutting down donations in multi-parcel projects where no other acquisition funding is available.</p>

3. Modify the Land Development Code to require a larger but not perpetual management endowment

Pro	Con
<p>A larger endowment requirement would assist Conservation Collier in long term management funding.</p>	<p>Improves the funding stream for a longer maintenance period but still does not fund it in perpetuity.</p>

Staff recognizes that option #1 may not provide for sufficient funds to maintain all properties in perpetuity. Concomitantly, option #2 could substantially curtail donations of property to the Conservation Collier program. Staff had recommended in the Executive Summary to the Board, pursuing option #3 in an effort to balance both considerations. However, there is another option which was not included in the Board material but staff plans to discuss as well:

4. Remove the option to donate lands and only accept donation of funds with amounts targeted to acquire and manage multi-parcel projects or other targeted lands.

Pro	Con
<ul style="list-style-type: none"> • Development of a more targeted and defined goal • Less complicated and easier to support • A simplified process for developers and County staff • As lands are acquired, management money is already in place. • Less chance of contributing to inflation of parcel cost by always paying appraised value. Currently, some developers are paying significantly more than assessed/appraised value. • Staff would be able to start management of acquired parcels when it made sense, as more are acquired, and not have to maintain isolated parcels within the multi-parcel areas. • Funds would stay in Conservation Collier accounts making interest until we are able to buy targeted properties. • Provides a dedicated funding stream to complete multi-parcel projects. 	<ul style="list-style-type: none"> • The process to develop an amount may be lengthy and require significant staff time. • Improves the funding stream for a longer maintenance period but still does not fund it in perpetuity.

As the Board meeting on July 7th will take place in advance of the CCLAAC meeting on July 13th, it is likely that there will already be some Board direction on the matter by the time the CCLAAC discussion takes place. Staff is anticipating Board direction to further flesh out alternatives and return to the Board at a workshop in the fall or through the Land Development Code cycle, also in the fall. This will allow time for more discussion and research on the part of CCLAAC members.

RECOMMENDATION: That CCLAAC familiarize itself with the issue, consider appointing a targeted subcommittee to focus on the issue, and develop a recommendation to be provided to the Board of County Commissioners at a fall workshop and/or through the next LDC amendment process.

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