



Memorandum

To: Development Services Advisory Committee (DSAC)
From: Jeremy Frantz, LDC Manager
Date: November 29, 2017
Re: LDC amendment to preservation standards and Conservation Collier land donations

On November 1, 2017, staff provided an update to DSAC members regarding the proposed LDC amendment to LDC section 3.05.07 - Preservation Standards, which relates to off-site preservation standards. At the meeting, staff provided an overview of the Planning Commission's (CCPC) final recommendation to the Board of County Commissioners (Board). The CCPC's recommendation from October 19, 2017, is included in this document (See Attachment A).

After staff's update regarding the amendment, DSAC members discussed the proposed amendment and suggested adding an item to the December agenda to consider whether DSAC would like to include a letter to the Board regarding the amendment.

On November 13, 2017, DSAC member Mr. Espinar sent an email to staff identifying potential options for the amendment. Mr. Espinar's email is included in this document for your consideration (See Attachment B).

Additionally, DSAC's recommended LDC amendment language, approved on January 4, 2017, is included for informational purposes (See Attachment C).

This amendment will be included on the Board's Consent Agenda on December 12, 2017, for direction to advertise the item and hold a public hearing on January 23, 2018.

Please contact me if you have any questions.

Sincerely,

Jeremy Frantz
JeremyFrantz@colliergov.net
(239) 252-2305

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 modifies the requirements for off-site native vegetation retention. The amendment updates and revises the applicability section, provides for off-site preservation through deviations or variances, modifies the calculation for monetary payments, and removes the land donation alternative for off-site native vegetation retention.

REASON:

Amendment History

Currently, LDC section 3.05.07 H.1.f establishes the following 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 so that land management endowments last beyond seven years; and
- Consider removing the land donation alternative.

The following narrative describes some of the history of the County's preserve requirements, the changes included in this amendment, and the recommendations suggested by the advisory boards and the Collier County Planning Commission (CCPC).

Background regarding on-site preserves

The purpose of the on-site preserve requirement is to retain, maintain, and protect existing native vegetation on site as provided for in the Conservation and Coastal Management Element (CCME) of the Growth Management Plan (GMP). Accordingly, the purpose of LDC section 3.05.00 Vegetation Removal, Protection, and Preservation states:

The purpose of this section is the protection of vegetation within the County by regulating its removal; to assist in the control of flooding, soil erosion, dust, heat, air pollution, and noise; and to maintain property, aesthetic, and health values within the County; to limit the use of irrigation water in open space areas by promoting the preservation of existing plant communities; to limit the removal of existing viable vegetation in advance of the approval of land development plans; and to limit the removal of existing viable vegetation when no landscape plan has been prepared for the site.

It is important to note that while this section allows for off-site preservation, preserves in the urban area still provide benefits to the community. Beyond native habitat, preserves also provide green space consisting of naturally existing vegetation in urban areas. The Nature Conservancy's "Planting Healthy Air" (2016) confirms that trees and other vegetation provide many benefits to people including: "aesthetic beauty, enhancement of property values, erosion prevention, stormwater management, and noise reduction."¹ The study also reiterates that trees sequester carbon, which helps to alleviate the effects of climate change. Trees help to make the air healthier as "Dozens of studies now show that tree leaves filter out particulate matter from the atmosphere, along with many other air pollutants."²

Preserves retained on site are an amenity for residents. The LDC allows for boardwalks, pathways, benches, educational signs, and viewing platforms; staff encourages these uses so that residents can enjoy preserve areas. In addition, the Nature Conservancy's Tree Study indicates that urban trees have been shown to have economic value, stating, "in general, the total economic value of a tree is frequently more than 20 times the value specifically for air quality, with stormwater mitigation and aesthetic value for property owners being especially important."³

Background regarding off-site preserves

Off-site native vegetation retention was added to the LDC in 2010 to allow for the purchase or donation of land off site in lieu of preserving native vegetation on site. The criteria for determining when this alternative is allowed is based on the provisions identified in CCME, of the GMP, Policy 6.1.1 (10), which states:

The County shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to

¹ McDonald, R., Kroeger, K., Boucher, T., Wang, L., Salem, R. (2016). Planting Healthy Air. Retrieved from <https://global.nature.org/content/healthyair?src=r.global.healthyair>. Pg. 2

² Ibid, Pg. 2.

³ Ibid, Pg. 22.

determine when this alternative will be considered. The criteria will be based upon the following provisions:

- a. The amount, type, rarity and quality of the native vegetation on site;*
- b. The presence of conservation lands adjoining the site;*
- c. The presence of listed species and consideration of Federal and State agency technical assistance;*
- d. The type of land use proposed, such as, but not limited to, affordable housing;*
- e. The size of the preserve required to remain on site is too small to ensure that the preserve can remain functional; and*
- f. Right-of-Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.*

The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native vegetative communities not preserved on-site will be preserved and appropriately managed off-site.

Generally speaking, preserves which are smaller in size, or those located adjacent to more intense land uses, have a greater potential to become less viable over time due to habitat fragmentation and sensitivity of native vegetation to changes in the environment. Depending on the type of development and uses on adjoining properties, plants, such as slash pine, often die after a few years. It is in these instances where the off-site preservation is recommended in lieu of preservation of native vegetation on site.

Changes to LDC sections 3.05.07 H.1.f.i-ii

Purpose section

This amendment adds a purpose section to clarify the original intent and guide the administration of the off-site preserve program. This section identifies it is intended to apply to projects with a preserve requirement of 21,780 square feet (one-half acre) or less. Additionally, this section is not applicable to the Rural Lands Stewardship Area (RLSA) and Rural Fringe Mixed Use (RFMU) districts, since there are separate off-site preservation provisions specific to each district.

Applicability

This amendment removes the existing applicability in its entirety and replaces it with a provision limiting the applicability of off-site preservation to projects where the preserve requirement is 21,780 square feet (one-half acre) or less, and where the preserves have not been identified on an approved development order by the County.

This section also limits the applicability of off-site preservation with several prohibitions that modify or add to the provisions previously identified as “restrictions.” Identifying these standards as prohibitions makes it clear that no deviations can be requested or allowed when any of the prohibitions are found on site. Additionally, the following clarifications and additions have been made to the list of prohibitions:

- The prohibition on removing native vegetation *adjacent* to flowways is clarified to indicate that it also applies to native vegetation *within* flowways.

- Currently, remaining portions of on-site preserves must be a minimum of one acre, unless high quality habitat is present. This provision is removed as applicants will not be able to leave any required preserves on site when off-site preservation is requested.
- A standard is added prohibiting off-site preserves if the on-site native vegetation requirement is greater than 21,780 square feet (one-half acre).
- A standard is added prohibiting deviations or variances from the off-site preservation standards.

Approval methods

CCME Policy 6.1.1 (13) requires two potential methods for obtaining approval when developments meet the applicability to provide on-site preserves off site. The policy states:

“The County may grant a deviation to the native vegetation retention requirements of subsections 2, 4, 5, 10, and 12 of this Policy, and shall adopt land development regulations to set forth the process for obtaining a deviation. The regulations shall allow for the granting of a deviation by the appropriate review board after a public hearing, and for the granting of a deviation administratively...”

Therefore, the following approval processes have been established:

1) Administrative approval:

The County Manager or designee may approve deviations for off-site preserves in only the following four situations:

- a. Essential service facilities;
- b. Affordable housing projects that have been approved by the Collier County Community and Human Services Division;
- c. Projects where on-site native vegetation is fragmented; or
- d. Projects where on-site native vegetation is not contiguous to off-site preserve areas.

2) Approval through a public hearing:

For other projects that satisfy the applicability criteria, off-site preservation may be approved through a PUD deviation or variance, as applicable.

Finally, a provision is added which states that for the purposes of this section, the required preserves shall be based on the total acreage for the PUD or development order, and not based on an individual phase or phases of a development. Additionally, if the on-site native vegetation retention requirement is satisfied off site, then all of the required preserve will be satisfied off site.

Changes to Off-Site Alternatives in LDC section 3.05.07 H.1.f.iii.

This section currently identifies that the native vegetation retention requirements may be satisfied by one of two off-site alternatives, either monetary payments or land donations. This amendment removes the land donation alternative and modifies the calculation of the monetary payment.

Currently, the monetary payment amount is based on the location of the land to be impacted and must be equal to 125 percent of the average cost of land purchased by Conservation Collier in the urban designated area or of the average cost of all other designations, as applicable.

This amendment states that the monetary payment amount shall be established in the Growth Management Department Development Services Fee Schedule. The proposed per acre fee for the monetary payment alternative is based on the Annual Update and Inventory Report (AUIR) Community and Regional Park Land Summary unit cost per acre, as updated annually. Using the AUIR to establish the cost to purchase land will ensure that this fee is consistent with the County's other land purchasing estimates and that the fee is updated regularly.

Preserves in Industrial Districts:

LDC section 3.05.07 B.2.h establishes that industrial zoned parcels which have a native vegetation retention requirement of two acres or less are exempt from the preserve requirement. For this reason, industrial zoned parcels are not incorporated in the applicability section.

CCPC RECOMMENDATION: Following the Board's direction, the CCPC has reviewed recommendations from CCLAAC and DSAC over the course of several meetings. During their review of this amendment, the CCPC noted the following:

- The retention of native vegetation, even small areas, is 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 incorporation of the natural environment within urban developments.

Furthermore, the CCPC expressed concern over the ability for developers to satisfy native vegetation retention requirements off site, the methodologies used by the CCLAAC and DSAC to revise the fees associated with the off-site preservation alternatives, and the County's ability to manage exotics in the rural areas of the County. As a result, this amendment reflects the following CCPC recommendations made during the August 17, 2017, meeting:

1. Off-site preservation should only be allowed through a deviation where the preserve requirement is one-half acre or less.
 - a. The CCPC explained that the limitation to one-half acre is significant when compared to minimum lot sizes for single-family homes. For instance, 21,780 square feet compares to more than three minimum sized lots within RMF-6 zoning districts.
2. An administrative deviation should be available to projects that meet identified criteria.
3. The only method for providing off-site preserves should be through a monetary payment and the amount should be based on the AUIR Community and Regional Park Land Summary per acre unit cost.

The Planning Commission unanimously recommended approval on October 19, 2017.

CCLAAC & DSAC RECOMMENDATIONS: Off-site preservation was used infrequently after its addition to the LDC in 2010, and several provisions have proved problematic when staff has applied this section to projects in recent years. Therefore, in addition to addressing the Board's direction staff recommended clarifying certain portions of this provision to CCLAAC and DSAC. Both the CCLAAC and DSAC provided similar recommendations regarding changes to the purpose and intent, applicability, PUD deviations, and prohibitions sections. While the CCPC recommendation includes the CCLAAC and DSAC recommended language in the purpose and intent section, several other sections were modified during the CCPC hearings described generally as follows:

- Both CCLAAC and DSAC recommended to allow for off-site preservation to apply to preserve requirements of up to one acre and to allow for up to two acres through a PUD deviation. However, the CCPC modified these provisions to apply only to preserve requirements of one-half acre or less.
- Both CCLAAC and DSAC recommended clarifications to the restrictions section, including renaming the section to "prohibitions." While some of these clarifications are included in the CCPC recommendation, the CCPC has made additional modifications and additions as described above.
- Both CCLAAC and DSAC recommended changes to the off-site preservation alternatives as directed by the Board. While these recommendations differed between committees, each committee included endowments for estimated land management costs, and proposed fees for the monetary payment and land donation alternatives. Each Committee's proposal for changes to the off-site preservation alternatives are summarized in the next section.

CCLAAC recommendations for off-site preservation alternatives:

- 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 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 given: If a development with a one acre preserve requirement received a post development appraisal value of \$300,000, the total fee associated with the monetary payment alternative would equate to \$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 to offset the land being developed. The following table illustrates 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 for off-site preservation alternatives:

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: There are no anticipated Growth Management Plan impacts associated with this amendment.

Amend the LDC as follows:

- 1 **3.05.07 Preservation Standards**
2 * * * * *
3 H. Preserve standards.
4 1. Design standards.

- 1 * * * * *
2
3 f. Off-site vegetation retention.
4 i. Purpose and Intent. The purpose of this subsection f is to identify
5 the criteria to satisfy on-site preserve requirements off site. The
6 intent of the on-site preserve requirement is to retain, maintain,
7 and preserve existing **native vegetation** on site as provided for in
8 the Conservation and Coastal Management Element of the GMP.
9 However, in limited situations on-site preserve may be considered
10 less viable as a functional preserve if it is 21,780 square feet (one-
11 half acre) or less and isolated. Therefore, in limited situations,
12 providing for a preserve off site can achieve the goals and
13 objectives of the GMP. This section shall not apply to lands
14 located within the RLSA or **RFMU districts**.
15 i. ~~Applicability. A property owner may request that all or a portion of~~
16 ~~the Collier County on-site native vegetation preservation retention~~
17 ~~requirement be satisfied for only the following situations and~~
18 ~~subject to the restrictions listed below.~~
19 a) ~~Properties zoned commercial where the on-site preserve~~
20 ~~requirement is less than 2 acres in size.~~
21 b) ~~Park sites where the on-site preserve requirement is less~~
22 ~~than one acre in size.~~
23 c) ~~**Essential service** facilities other than parks, for any size~~
24 ~~preserves.~~
25 d) ~~Preserves less than on acre in size~~
26 e) ~~**Affordable housing** projects. The maximum percent~~
27 ~~of **native vegetation** retention allowed offsite shall be~~
28 ~~equal to the percent of **affordable housing** units, without~~
29 ~~limitation as to size of the preserve.~~
30 f) ~~Existing or proposed preserves with 75 percent or more~~
31 ~~coverage with exotic vegetation. Existing preserves not~~
32 ~~previously overrun with this type vegetation and which~~
33 ~~arrive at this state due to lack of management of the~~
34 ~~preserve shall mitigate off site at a ratio of 2 to 1.~~
35 g) ~~Created preserves which do not meet the success criteria~~
36 ~~in 3.05.07 H.1.e.viii or where preserves have not been~~
37 ~~planted in a manner which mimics a natural plant~~
38 ~~community.~~
39 h) ~~Preserves which do not meet the minimum dimensional~~
40 ~~requirements of this section.~~
41 f) ~~Portions of preserves located within platted single-family~~
42 ~~lots.~~
43 j) ~~Right of Way acquisitions to be conveyed or in the process~~
44 ~~of being conveyed to the County by non-governmental~~
45 ~~entities for all purposes necessary for roadway~~
46 ~~construction, including ancillary drainage facilities, and~~
47 ~~including utilities within the right of way acquisition area.~~
48 k) ~~All criteria listed for created preserves.~~
49 ii. Restrictions, when one or more of the following situations occur.
50 Applicability and prohibitions. Except where it is prohibited,
51 **applicants** may request that the on-site **native vegetation**
retention requirement be satisfied in full off site where the **native**

vegetation requirement is 21,780 square feet (one-half acre) or less, and the preserves have not been identified on an approved development order by the County. Off-site preserves are prohibited if one or more of the following is found on 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, as measured from the root line, 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 that are~~ 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 off-site 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; ~~or~~
- ~~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.~~
- c) The on-site **native vegetation** retention requirement is greater than 21,780 square feet (one-half acre).

iii. Off-site preserves approved administratively. Except as limited in LDC section 3.05.07 H.1.f.ii, the County Manager or designee may approve deviations to meet the on-site preserve requirements off site in only the following four situations:

- a) **Essential services** facilities;
- b) Affordable housing approved by the Collier County Community and Human Services Division;
- c) Projects where on-site **native vegetation** is fragmented; or
- d) Projects where on-site **native vegetation** is not contiguous to off-site preserve areas.

iv. Off-site preserves approved through a public hearing. Except as limited in LDC section 3.05.07 H.1.f.ii., **applicants** may request a PUD deviation or variance, as applicable, to meet the on-site preserve requirement off site.

- a) PUD deviations shall be processed in accordance with the procedures in LDC section 10.02.13.

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- b) Variances shall be processed in accordance with the procedures in LDC section 10.09.00.
- v. For the purposes this section, the preserve requirement shall be based on the total acreage for the PUD or **development order**, as applicable, and not based on an individual phase or phases of a **development**, consistent with LDC section 3.05.07 H.1.a. If the on-site **native vegetation** retention requirement is satisfied off site, then all of the required preserve will be satisfied off site.
- iii-vi. Off-site Alternatives. Off-site **native vegetation** retention requirements may be met by monetary payment or by land donation. If a **development** qualifies for off-site preservation, only a monetary payment will satisfy the off-site retention requirement.
 - a) **Applicants** shall make the 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 established by resolution in the Collier County Growth Management Department Development Services Fee Schedule. The monetary payment amount shall be calculated based on the on-site preserve requirement for the land that is proposed to be developed and shall be the current AUIR Community and Regional Park Land Summary per acre unit cost, as amended annually. 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 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,~~

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~~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-vii. 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 LDC section 10.02.13 E, unless the option to use the off-site **native vegetation** retention alternative is included in the PUD.~~

~~viii. Deviations or variances from LDC section 3.05.07 H.1.f. are prohibited.~~

#

Attachment B

FrantzJeremy

From: Marco Espinar <marcoe@prodigy.net>
Sent: Monday, November 13, 2017 12:46 PM
To: PuigJudy; FrantzJeremy
Subject: LDC 3.05.07 Preservation Standards

Good afternoon,
Here are some thoughts on this subject matter.

LDC
3.05.07 Preservation Standards.

The current proposed changes to the LDC basically neuters the GMP. I am oppose to how it is currently proposed.

Here are some potential options:

1) First remove prohibition to deviations or variances.

This item hurts urban infill and redevelopment.

2) Adopt DSAC's Monetary costs.

Those costs are based on realistic market numbers.

Also, eliminate the Annual update and Inventory (AUIR). This hinders budget planning. There is nothing wrong with periodic examination of cost but this could be done maybe every 5 years. If this must be reviewed annually, language should be added that states, "the amount will be based at the time of submittal." This eliminates guessing what the final costs will be.

Note: it states the reasoning for the use of (AUIR) is so this can be consistent with the County's OTHER land purchasing estimates. This is apples and oranges. Other County land purchases include R.O.W, Road projects, Regional and community parks. This requires the taking of commercial and residential ROW and / or large tracts of suitable land for parks. That is different than ecologically sensitive lands that may be acquired by willing sellers or from land donations.

3) Keep land donation

Why limit the ability to acquire sensitive lands. This eliminates the ability for the private sector to secure and negotiate for these parcel.

If this is eliminated the County will be waiting until they have sufficient funds, to not only acquire these lands, but also maintain the parcel.

By keeping this provision the private sector can donate and provided both land and maintenance funds.

4) The current proposed language limits off site perseveration to 1/2 acre or less

I propose, 1 acre can be relocated off site (vested) through the permitting process.

An Additional (1) acre may be obtained through the deviation and/or variance process.

However, never can the remainder preserve be less than 1 acre, smallest size permitted.

Examples:

A 3 acre preserve

1 acre can be moved off site through standard permitting process, through the variance and/or deviation process an additional acre may be applied for.

This will be in compliance because a 1 acre preserve remains.

2.5 acres

1 acre can be relocated offsite however only an additional .5 acres could be applied for through the variance/ deviation process. A 1 acre preserve will remain.

2 acre preserve

You are limited to 1 acre through the permitting process. Since 1 acre of preserve must remain.

1.5 acre preserve

You are limited to .5 acres of off site.

Preserves 1 acre or less in size can be relocated off site

This places guard rails as to the amount of preserves that can be moved off site but also it eliminates some fragment preserves and protects larger tracts. This will help with urban infill parcels and old PUD'S.

Thank you,

Marco A. Espinar

Collier Environmental Consultants Inc.

Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Staff

DEPARTMENT: Growth Management

AMENDMENT CYCLE: 2015 LDC Amendment Cycle 2

LDC SECTION(S): 3.05.07 Preservation Standards

CHANGE: This amendment modifies the requirements for off-site native vegetation retention. The amendment modifies the monetary payment and land donation processes and clarifies several provisions related to off-site native vegetation retention.

REASON:

Amendment History

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 land management endowment, beyond seven years, for off-site native vegetation retention preservation and to review the optional monetary donation amount as well.

On March 22, 2016, the Board directed staff to prepare and publicly vet an LDC amendment to modify formulas for determining the amount of the endowments associated with each of these options to ensure the formulas reflect the true costs to manage lands donated to Conservation Collier.

On May 25, 2016, separate recommendations from CCLAAC and DSAC were presented to the Collier County Planning Commission (CCPC) to increase the endowment for both the monetary payment and land donation options. The CCPC directed staff to revise the recommendations once again with the advisory committees to modify the proposed changes to incentivize and support on-site native preservation, and noted the following:

- Monetary donations should be larger to promote on-site retention, and when the off-site option is sought, support the completion of the Conservation Collier "targeted areas."

- The ratio of donated lands should be equal to the value of the to-be-developed parcel.
- The program should place more emphasis on encouraging the natural environment to be incorporated within urban developments, rather than utilizing the off-site options.

The following amendments to 3.05.07 H.1.f provide a purpose statement for the off-site alternative section, update and revise the applicability section to support the purpose section, and provide PUD deviation thresholds.

Growth Management Plan History

Off-site preserves

Off-site alternatives to the native vegetation retention requirement were added to the LDC in 2010 to allow for the purchase or donation of land off site in lieu of preservation of native vegetation on site. The criteria for determining when this alternative is allowed, is based on the provisions identified in CCME Policy 6.1.1 (10), which states the following:

“The County shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to determine when this alternative will be considered. The criteria will be based upon the following provisions:

- a. The amount, type, rarity and quality of the native vegetation on site;
- b. The presence of conservation lands adjoining the site;
- c. The presence of listed species and consideration of Federal and State agency technical assistance;
- d. The type of land use proposed, such as, but not limited to, affordable housing;
- e. The size of the preserve required to remain on site is too small to ensure that the preserve can remain functional; and
- f. Right of Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.

The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native vegetative communities not preserved on-site will be preserved and appropriately managed off-site.”

Generally speaking, preserves which are smaller in size, or those located adjacent to more intense land uses, have a greater potential to become less viable over time due to fragmentation of the habitat and sensitivity of different types of native vegetation to changes in the environment. Depending on the type of development and uses on adjoining properties, plants, such as slash pine,

often die after a few years. It is in these instances where the off-site purchase or donation of land is recommended in lieu of preservation of native vegetation on site.

On-site preserves

The allowance for off-site preserves was added to the LDC in 2010 after the EAR-based GMP amendments were adopted to include the option for off-site preserves. However, due to the recession, the off-site preserve portion of the LDC is in its infancy and it has become apparent that certain portions of this LDC section need to be amended for clarity.

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. Accordingly, the purpose of LDC section 3.05.00 Vegetation Removal, Protection, and Preservation states:

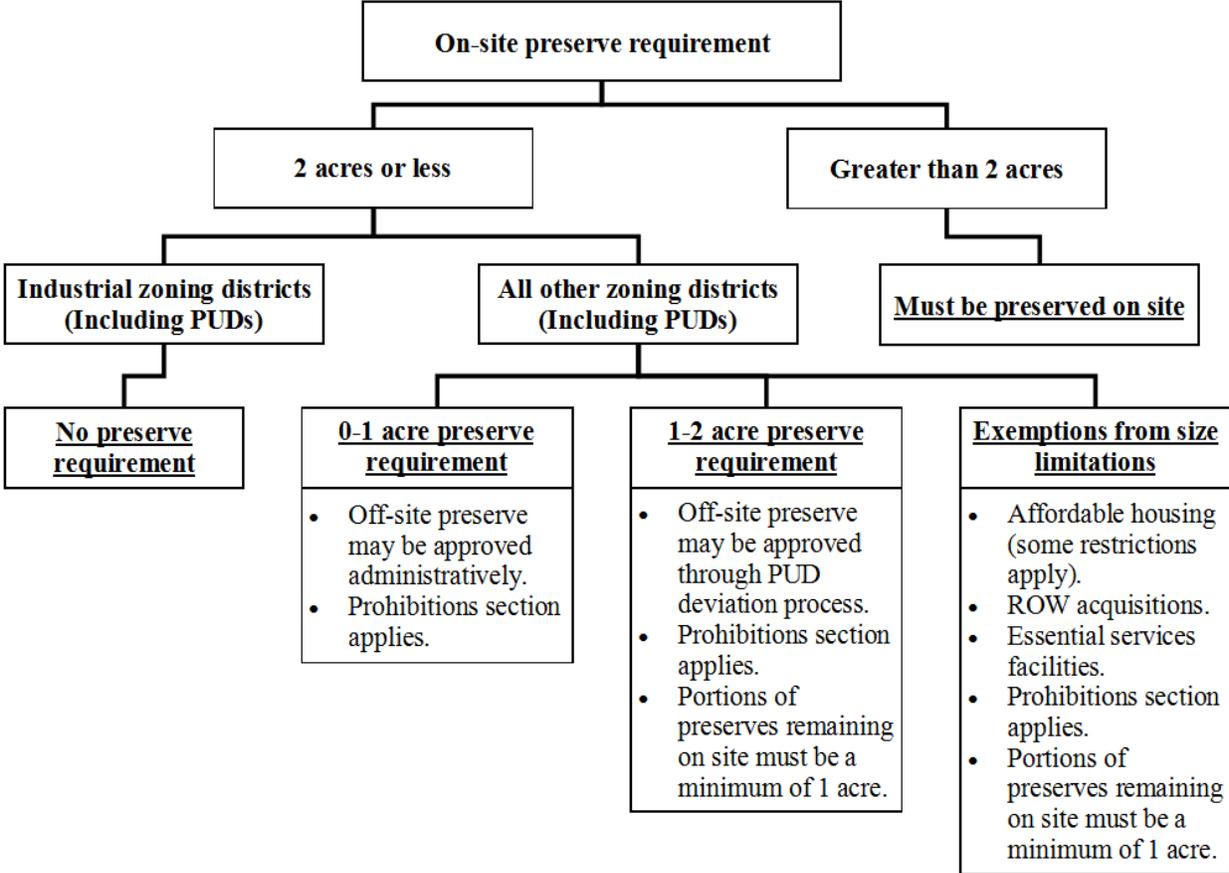
“The purpose of this section is the protection of vegetation within the County by regulating its removal; to assist in the control of flooding, soil erosion, dust, heat, air pollution, and noise; and to maintain property, aesthetic, and health values within the County; to limit the use of irrigation water in open space areas by promoting the preservation of existing plant communities; to limit the removal of existing viable vegetation in advance of the approval of land development plans; and to limit the removal of existing viable vegetation when no landscape plan has been prepared for the site.”

Additionally, at the May 25, 2016 meeting, the CCPC noted that the retention of native vegetation, even small areas, is valued by Collier County residents. As a result, the CCPC directed staff to incentivize the retention of native vegetation and open spaces in urban areas of the County.

Following the CCPC's direction, various revisions to LDC section 3.05.07 are proposed. First, preserves less than one acre which meet the applicability criteria and do not trigger any of the prohibitions will be able to take proposed preserves off site administratively. Second, required preserves ranging from one acre to two acres may request a PUD deviation as long as they do not trigger any of the prohibitions. Third, PUDs or other zoning project types with a native vegetation requirement greater than two acres for a proposed preserve do not qualify for the off-site preserve section of the LDC. Fourth, exceptions are provided for affordable housing, essential service facilities, and right-of-way acquisitions.

The flowchart on the following page demonstrates how LDC sections 3.05.07 H.1.f.i-iii apply to projects based on the preserve requirement.

On-site preserve requirement scenarios:



It is important to note that while this section allows for off-site preservation, preserves in the urban area still provide benefits to the community. Beyond native habitat, preserves also provide green space consisting of naturally existing vegetation in urban areas. A Tree Study done by the Nature Conservancy confirms that trees and other vegetation provide many benefits to people including: “aesthetic beauty, enhancement of property values, erosion prevention, stormwater management, and noise reduction.”¹ The Study also reiterates that trees sequester carbon which helps to alleviate the effects of climate change. Trees help to make the air healthier as “Dozens of studies now show that tree leaves filter out particulate matter from the atmosphere, along with many other air pollutants.”²

Preserves retained on site can be an amenity for residents. The LDC allows for boardwalks, pathways, benches, educational signs, and viewing platforms; staff encourages these uses so that residents can enjoy preserve areas. In addition, the Tree Study indicates that urban trees have been shown to have economic value, stating, “In general, the total economic value of a tree is frequently more than 20 times the value specifically for air quality, with stormwater mitigation and aesthetic value for property owners being especially important.”³

¹ McDonald, R., Kroeger, K., Boucher, T., Wang, L., Salem, R. (2016). Planting Healthy Air. Retrieved from <https://global.nature.org/content/healthyair?src=r.global.healthyair>. Pg. 2

² Ibid, Pg. 2.

³ Ibid, Pg. 22.

Changes to LDC sections 3.05.07 H.1.f.i-iii

Purpose section

The amendment proposes a purpose section to guide the off-site preserve program. This section clarifies the original intent of the program, identifying it is intended to apply to projects with a preserve requirement of one acre or less. There are exceptions for affordable housing, right-of-way acquisitions, and PUD deviation requests.

Applicability section

The amendment supports retaining existing County approved preserves unless they have dimensional constraints that do not support their viability. The applicability section reiterates the on-site preserve requirement may be satisfied off site where the preserve requirement is one acre or less and one of three scenarios applies. The three scenarios include:

1. New commercial and/or residential development. Industrial is not included because an exception in LDC section 3.05.07.B.2.h establishes that industrial zoned parcels which have a native vegetation retention requirement of 2 acres or less are exempt from the preserve requirement.
2. Existing portions of preserves that are located within a single family platted lot.
3. Existing preserves which do not meet the dimensional preserve standards established in 2010.

Exceptions to the 1 acre or less threshold include:

- The essential services facilities provision has been moved to the list of exceptions to the 1 acre or less threshold.
- The affordable housing project provision has been modified to be an exception to the one acre threshold and is proposed to be more conservative in how much acreage is allowed off site.. This change is due to a change in County policy. Previously, the County policy was for developments to provide a low percentage of affordable housing and the remainder at market rate. There is no longer a policy for affordable housing and recent affordable housing projects have provided 100 percent affordable housing, leaving no preserve on site. Therefore, this change supports the notion that all types of development should be able to enjoy preserve areas.
- County right-of-way (ROW) projects. There are no changes are suggested to this section.

Several provisions were removed, including:

- The criterion allowing properties zoned commercial with an on-site preserve requirement of less than 2 acres was removed. This was transitioned to the PUD deviation request section which allows an applicant to request satisfying the preserve requirement off site when the preserve requirement is 2 acres or less.
- The criterion allowing park sites with an on-site preserve requirement of less than one acre in size was removed because the purpose of the section is to support preserves in parks and park-like uses are already allowed in preserves.
- The criterion allowing for preserves less than one acre was removed as it has been qualified under the provision allowing a new commercial and/or residential project to take an acre off site.
- The criterion allowing existing or proposed preserves with 75 percent or more exotic vegetation coverage was removed because it does not provide a cap on acreage and is in

conflict with the definition of native vegetation. For example, a site with 75 percent coverage of the Downy Rosemyrtle shrub with a canopy of native trees could all be taken off site due to the exotic shrubs, but could also count as part of the native vegetation for the preserve calculation. Further, this section does not promote property owners being good land stewards as they can take the preserve off site if it becomes filled with exotic vegetation due to poor maintenance.

- The criterion allowing for created preserves which do not meet the success criteria in LDC section 3.05.07 H.1.e.viii or where preserves have not been planted in a manner which mimics a natural plant community was removed because it does not support applicants maintaining or cultivating a viable created preserve.

Changes to the Restrictions section include:

Identifying the section as prohibitions to make it clear that no deviations can be requested or allowed that are inconsistent with the criteria. Further, the section clarifies that preserves within flowways should be retained as these are important native vegetation areas that provide multiple functions.

PUD deviations section

This provision is introduced to allow for projects with a preserve requirement up to 2 acres to request deviations at the onset of their project. No deviation requests shall be allowed for required preserves that are greater than 2 acres, or where a preserve was identified on an approved Site Development Plan (SDP) or Final Subdivision Plat (PPL).

Changes to LDC sections 3.05.07 H.1.f.iv

DSAC and CCLAAC provided separate recommendations related to monetary payments and endowments for land donations in LDC section 3.05.07 H.1.f.iv. These recommendations are described in the following sections.

Monetary Payment

Currently, the monetary payment is based on the location of the land to be impacted and must be equal to 125 percent of the average cost of land purchased by Conservation Collier in the urban designation or of the average cost of all other designations, as applicable. The DSAC-LDR Subcommittee and CCLAAC have provided the following recommendations regarding changes to the monetary payment:

DSAC Recommendation

DSAC recommends minor changes to LDC section 3.05.07 H.1.f.iii.a to identify that the monetary payment amount shall be established in the *Collier County Growth Management Department Development Services Fee Schedule*. The fee recommended by DSAC is \$50,000 per acre and based on the following assumptions:

	Per Acre Costs
Average cost to purchase land for Conservation Collier:	\$32,800
Land management endowment (see discussion below):	\$13,200
Initial exotic vegetation removal costs:	\$4,000
Total	\$50,000

The land management endowment assumes annual maintenance costs will be reduced after five years due to the consolidation of parcels maintained by Conservation Collier. Therefore, DSAC assumed the annual maintenance costs to be \$558 per acre for the first five years, and \$141 per acre for each year thereafter. Additionally, assuming 2.25% annual interest and 3.0% inflation, a land management endowment of \$13,200 provides sufficient funds for land management for over 50 years.

CCLAAC Recommendation

CCLAAC recommends codifying a formula to determine the monetary payment amount in LDC section 3.05.07 H.1.f.iv.a. The recommended formula requires an appraisal of the post-development value of the acreage required to meet on-site preservation requirement. A one-time fee of \$16,000 is also required for initial exotic vegetation removal. This fee was determined to be sufficient to pay for the removal of exotics on up to four acres as the number of acres to be purchased by Conservation Collier with this monetary payment may vary.



The following examples are of lots with varying native vegetation retention requirements and post-development land values and demonstrate potential outcomes of CCLAAC’s recommendation.

Examples:

Required preserve area (acres)		Appraised Post-Development Land Value			Land Management Cash Endowment		Initial Exotic Vegetation Removal Fee		Total Monetary Payment Amount	
.455	x	\$17,000	x	125%	=	\$9,669	+	\$16,000	=	\$25,669
.50	x	\$300,000	x	125%	=	\$187,500	+	\$16,000	=	\$203,500
.91	x	\$17,000	x	125%	=	\$19,338	+	\$16,000	=	\$35,338
1.0	x	\$300,000	x	125%	=	\$375,000	+	\$16,000	=	\$391,000

This formula would be included in LDC section 3.05.07 H.1.f.iv.a and will require an LDC amendment if the calculation was modified in the future.

Cash Endowment for Land Donation

When an applicant chooses to donate land for off-site preservation, rather than to make a monetary payment, LDC section 3.05.07 H.1.f.iii.b-c requires that a land management endowment must be included with the monetary payment in order to maintain the property in perpetuity. Currently, a \$4,000 cash endowment is provided along with land donations, regardless of the number of acres donated. This endowment has been insufficient for long-term management of these properties due to a relatively higher maintenance cost. DSAC-LDR Subcommittee and CCLAAC have provided the following recommendations regarding changes to the endowment for land donations:

DSAC Recommendation

DSAC did not make any changes to its previous recommendation regarding endowments for land donations. DSAC determined that the current process and recommended fees already incentivize on-site preservation for the following reasons:

- If the cost of the monetary payment is significantly higher than the cost of off-site mitigation, developers will be more likely to use the off-site mitigation process.
- Limiting the areas that can be donated to the Conservation Collier acquisition area has increased the value of the lots in those areas, making it less likely that the off-site mitigation option will be used.
- There is already a cap on the acreage that can be mitigated off site.
- Developers frequently donate more land than is required to be preserved. On-site preservation requirements are small (sometimes as small as one-tenth of an acre), but the mitigation parcels are generally 1.5 to 2.5 acres because lots in the estates cannot be split and the entire lot is donated.

As a result, DSAC's recommendation includes minor changes to LDC sections 3.05.07 H.1.f.iii.b-c to identify that the endowment amount shall be established in the *Collier County Growth Management Department Development Services Fee Schedule*. The fee recommended by DSAC is \$17,200 per acre and based on the following assumptions:

	Per Acre Costs
Land management cash endowment (see discussion below):	\$13,200
Initial exotic vegetation removal costs:	\$4,000
Total	\$17,200

As with DSAC's monetary payment donation, the land management endowment assumes annual maintenance costs will be reduced after five years due to the consolidation of parcels maintained by Conservation Collier. Therefore, DSAC assumed the annual maintenance costs to be \$558 per acre for the first five years, and \$141 per acre for each year thereafter. Additionally, assuming 2.25% annual interest and 3.0% inflation, a land management endowment of \$13,200 provides sufficient funds for land management for over 50 years.

CCLAAC Recommendation

CCLAAC recommends modifying LDC sections 3.05.07 H.1.f.iii.b-c to establish a management endowment fee of \$50,000 per acre and applied at a ratio of 4:1, consistent with the CCPC’s May 25, 2016, direction. This means that for every 1 acre of required native vegetation retention proposed to be provided off site, the per acre cost for land management shall be multiplied by 4. The \$50,000 aligns with DSAC’s recommended monetary payment amount. In addition, a one-time \$16,000 initial exotic vegetation fee shall also be paid by the applicant.

	Per Acre Costs	Applied at 4:1 ratio
Land management endowment (See discussion below):	\$50,000	
Initial exotic vegetation removal (see discussion below):	\$16,000	
Total	\$66,000	

The following examples of lots with varying native vegetation retention requirements demonstrate potential outcomes of CCLAAC’s recommendation.

Examples:

Required preserve area (acres)	4:1 Ratio	Land Management Endowment	Initial Exotic Vegetation Removal Fee	Total Land Donation Endowment Amounts
.455	x 1.82	x \$50,000	+ \$16,000	= \$57,405
.50	x 2.0	x \$50,000	+ \$16,000	= \$66,000
.91	x 3.64	x \$50,000	+ \$16,000	= \$181,620
1.0	x 4.0	x \$50,000	+ \$16,000	= \$216,000

Although the specific formulas used to determine the required monetary payment and land donation endowments recommended by DSAC and CCLAAC differ significantly, both advisory committees recommended that the formulas should be re-evaluated every three years.

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

RELATED CODES OR REGULATIONS: None.

GROWTH MANAGEMENT PLAN IMPACT: There are no anticipated Growth Management Plan impacts associated with this amendment.

OTHER NOTES/VERSION DATE:

Amend the LDC as follows:

1 **3.05.07 Preservation Standards**

2 * * * * *

3 H. Preserve standards.

4 1. Design standards.

5 * * * * *

6 f. ~~Off-site vegetation retention.~~ Purpose and intent. The purpose of
7 this section is to identify the criteria to satisfy on-site preserve
8 requirements off site. The intent of the on-site preserve
9 requirement is to retain, maintain, and protect existing **native**
10 vegetation on site as provided for in the GMP's Conservation and
11 Coastal Management Element. However, a certain on-site
12 preserve may be less viable as a functional preserve because it is
13 one acre or less and isolated. Therefore, in limited situations,
14 providing for a preserve off site can achieve the goals of the GMP.

15 i. ~~Applicability. A property owner may request that all or a~~
16 ~~portion of the Collier County on-site native vegetation~~
17 ~~preservation retention requirement be satisfied for only the~~
18 ~~following situations and subject to the restrictions listed~~
19 ~~below.~~

20 i. Applicability. The on-site preserve requirement may be met
21 off site where the preserve requirement is one acre or less
22 for only the following situations and subject to the
23 prohibitions and PUD deviation requirements listed below.
24 The preserve requirement shall be based on the total
25 acreage for the PUD; if the project is not within a PUD, then
26 the preserve requirement shall be based on the total
27 acreage for the applicable development order, including all
28 phases, consistent with LDC section 3.05.07 H.1.a.

29 a) Commercial and/or residential projects where
30 preserves have not been approved by the County.
31 ~~Properties zoned commercial where the on-site~~
32 ~~preserve requirement is less than 2 acres in size.~~

33 b) Existing portions of preserves located within single-
34 family platted **lots**. Park sites where the on-site
35 preserve requirement is less than one acre in size.

36 c) Existing preserves which do not meet the current
37 minimum dimensional requirements as established
38 in Ord. No 2010-23 for on-site vegetation retention
39 established in this section. Essential service
40 facilities other than parks, for any size preserves.

41 d) Exceptions. Where the on-site preserve
42 requirement is greater than one acre, the preserve
43 requirement may be satisfied off site in only the
44 following situations:

45 1) Essential service facilities other than parks,
46 where the on-site preserve requirement is
47 any size.

48 2) Affordable housing projects. Affordable
49 housing projects may request approval from
50 the Board of County Commissioners prior to
51 SDP or final plat and construction plans

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approval to satisfy the on-site preserve requirement off site at a rate of 50 percent of affordable housing units provided, not to exceed 3 acres. For example, if 50 percent of the units provided are affordable housing, the applicant may request to preserve up to 25 percent of the required preserve off site so long as the total off-site preserve acreage did not exceed three acres.

2) **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.

- d) ~~Preserves less than one acre in size~~
- e) ~~**Affordable housing** projects. The maximum percent of **native vegetation** retention allowed offsite shall be equal to the percent of **affordable housing** units, without limitation as to size of the preserve.~~
- f) ~~Existing or proposed preserves with 75 percent or more coverage with exotic vegetation. Existing preserves not previously overrun with this type 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. PUD deviations. Requests for deviations from the on-site native vegetation retention requirement may only be granted where the preserve requirement for the PUD is less than two acres. Additionally, no deviations shall be approved to preserves identified on an approved SDP or final plat and construction plans, except as provided for in LDC sections 3.05.07 H.1.f.i. b) and c) above. The **applicant** shall provide justification for the requested

1 deviations and explain the unique situation for exceeding
2 the thresholds in LDC section 3.05.07 H.1.f.i above.
3 Deviations shall be processed pursuant to LDC section
4 10.02.13.

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

8 a) Xeric scrub and hardwood hammocks which are
9 one acre or more in size, mangrove (excluding
10 mangrove fringes less than 40 feet in width on
11 artificially created **shorelines**), coastal **dune** and
12 strand environments, and listed species habitat or
13 corridors per the requirements or recommendations
14 of the FFWCC or USFWS, shall not be allowed to
15 have the on-site **native vegetation** preservation
16 retention requirement provided offsite.

17 b) Preserves shall remain on-site if located within
18 or contiguous to natural flowways required to be
19 retained per the requirements of the SFWMD,
20 natural water bodies, estuaries, government
21 required preserves (not meeting the offsite
22 preservation criteria herein), NRPAs, or contiguous
23 to property designated for purchase by
24 Conservation Collier or purchased by Conservation
25 Collier, or contiguous to properties containing listed
26 species nests, **buffers**, corridors and foraging
27 habitat per the requirements or recommendations
28 of the FFWCC or USFWS. For the purpose of this
29 section, natural **flowways** shall also include those
30 identified during **wetland** permitting with applicable
31 State and Federal agencies, regional drainage
32 studies, or surface water management permits.

33 c) Remaining portions of on-site preserves must be a
34 minimum of one acre in size and shall not meet the
35 offsite criteria of sub-section 3.05.07 H.1.f.i.(f) and
36 (g) above, unless preserved with higher quality
37 habitat not qualifying for the off-site **native**
38 **vegetation** retention alternative.

39 ~~iii.iv.~~ Off-site Alternatives. Off-site **native vegetation** retention
40 requirements may be satisfied met by monetary payment
41 or by land donation.

42 a) Monetary payment alternative. Applicants shall
43 make monetary payment to Collier County. Such
44 funds ~~will~~ shall be used by the County for the
45 purchase and management of off-site conservation
46 lands within the county. The monetary
47 payment amount shall be per acre as established
48 by resolution in the Collier County Growth
49 Management Department Development Services
50 Fee Schedule. based on the location of the land to
51 be impacted and be equal to 125 percent of the

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~~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 and construction plans.~~

b) Land donation alternative. 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, by another multi-**parcel** project or any other land designated Conservation Collier donation acceptance procedures.

e)j) **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 priority (as described in LDC subsection 3.05.07 A.) than the land required to be preserved on site. In no case shall the acreage of land donated be less than the acreage of land required to be preserved on site. 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 endowment 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.~~

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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**.

~~iv-v.~~ 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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