



# Memorandum

**To:** Environmental Advisory Council Members

**From:** Susan Mason, Principal Environmental Specialist – Engineering and Environmental Services Department

**C:** Joseph Schmitt, William Lorenz, Barbara Burgeson, Summer Araque, Melissa Zone –Community Development and Environmental Services Division

**Date:** 4/21/2008

**Subject:** Planned Unit Development Rezone No. PUDZ-2007-AR-12581 –Summary of minimum required native vegetation preservation

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Claudia Piotrowicz, Melissa Zone and I met on site with representatives from the Empowerment Alliance and Florida Non-Profit Services and Marco Espinar on April 10, 2008. On this site visit, staff verified and explained to the applicants that a portion of the wetlands and uplands on site meet the definition of native vegetation.

At a meeting in the office later that same day attended by numerous staff including Joe Schmitt and William Lorenz, additional representatives from both the applicants and the agents, it was further agreed that ± 0.73 acre of the wetland and 0.52 acre of the upland vegetation meet the definition of native vegetation. For this project to be found consistent with Growth Management Plan (GMP) Conservation and Coastal Management Element (CCME) Policy 6.1.1, a minimum of 25% (a minimum of 0.31 acre--0.18 acre of wetland and 0.13 acre of upland) of this area must be preserved.

The applicants stated for the upland portion either a 0.13 acre preserve would be created on site or an off-site alternative preserve consistent with CCME policy 6.1.1 (10) would be provided. For the wetland preserve, Mr. Schmitt agreed to allow mitigation at an approved mitigation bank required by South Florida Water Management District as part of the Environmental Resource Permit can also be used to meet the County's preservation requirement. These options are consistent with the GMP requirements for vegetation retention since the GMP does not expressly prohibit mitigation banks as an off-site option.

The PUD document has been amended to acknowledge the preservation requirement and detailed that the required preservation will all be met using off-site alternatives to be accomplished prior to development approvals.

## RECOMMENDATION

Staff recommends approving Esperanza Place PUDZ AR-12581 with the following conditions, all of which are included in the current version of the PUD document:

**Engineering and Environmental Services Department  
Community Development & Environmental Services Division**

**Environmental:**

**A.** A Florida Black Bear management plan shall be provided to the County manager or designee during SDP or plat review process.

**B.** The site currently contains +/- 1.26 acres of native vegetation (0.52+/- acres of upland and +/- 0.73 acres of wetland native vegetation onsite); A minimum of 25%, 0.32 acres, must be preserved. For the 0.13 acre portion of the upland vegetation, the applicant will donate an equivalent off-site preserve to be accepted by a public agency or contribute a monetary payment to Conservation Collier equivalent to the average per-acre value found in an appraisal of the entire site, multiplied by the number of acres to be preserved off-site, plus 15 percent of that amount as an endowment for management of off-site land. The appraisal shall be based on the fair market value of the land as if the desired zoning is in place. Twenty-five percent of the 0.73-acre wetland native vegetation will be preserved and appropriately managed off-site at an approved mitigation bank. All preservation must be accomplished prior to SDP/PPL approval. This off-site preservation may be utilized as part of the required off-site mitigation as part of the Environment Resource Permit.

**C.** The subject property was used for agricultural purposes and incurred clearing for which no permit can be located; in order for clearing to be considered legal and re-creation of vegetation removed not be required an after-the-fact clearing fee will be paid for the clearing of approximately 23.6 acres prior to approval for the SDP or PPL for relevant acreage

Call me at 252-2987 if you have any questions. Thank you very much.