

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040570

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the recommendation of the Conservation Lands Acquisition and Stewardship Advisory Committee to pursue for acquisition approximately 246 acres in Township 43S, Range 27E, Section 15 in the Spanish Creek area and known as Conservation 20/20 Nomination 260. Authorize staff to enter negotiations with the property owners.

WHY ACTION IS NECESSARY: The Board must approve advisory committee recommendations for Conservation 20/20 Program acquisitions and must authorize necessary expenses for the negotiation process.

WHAT ACTION ACCOMPLISHES: Begins the negotiation process to buy environmentally sensitive lands needed for native plants and animals, flood control, water quality, water supply, and public use.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICTS: 05

CLB

3. MEETING DATE:

05-18-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE 96-12
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Independent
 - C. DIVISION County Lands *AR*
- BY: *Karen Forsyth*
Karen L. W. Forsyth, Director

7. BACKGROUND: In July 1996, the Board adopted Lee County Ordinance 96-12 and in November 1996, the citizens of Lee County approved the referendum to levy certain millage for the purposes of acquiring and restoring identified environmentally critical or sensitive lands within Lee County. The Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) was formed and has been evaluating land nominations based upon Board approved criteria and parameters.

CLASAC recommends that Conservation 20/20 Nomination 260 be pursued for acquisition for the reasons stated in the attached report. The Department of Transportation may need right-of-way for the widening of North River Rd. to 4-lanes in the future. Acquisition of this parcel should be contingent on the understanding that the Department of Transportation may acquire such needed right-of-way with funds to be deposited back into the 20/20 program. Acquisition of this parcel does not conflict with any school district, emergency management services or County utility plans. The preliminary title research has been completed and no substantial title problems were found.

CLASAC continues to recognize the potential for off-site mitigation credits in recommended parcels, as required by Ordinance 96-12. However, mitigation credits may not necessarily be obtained for each acquisition due to the specific environmental resource type, condition and/or location of off-site mitigation desired by the regulatory agencies for any given project. Award of any credits will be made at the time when County projects apply for them. This is consistent with the letter opinions from the South Florida Water Management District (June 17, 1996) and the U.S. Army Corps of Engineers (June 27, 1997).

Funds to process and purchase Nomination 260 will come from Account No. 20-8800-30103.506110.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GO	
<i>K. Forsyth</i>				<i>John D. Breigeme</i> 5-11-04	<i>5/5/04</i>	<i>5/5/04</i>	<i>5/5/04</i>	<i>5/5/04</i>	<i>NS</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/14/04*
Time: *4:20 PM*
Forwarded To:
CO. Adm.
5/5/04 9AM

RECEIVED BY
COUNTY ADMIN: *91*
9:50 am
5/5/04
COUNTY ADMIN
FORWARDED TO: *PR*
5/5/04
4pm

NS

REVIEW AND RECOMMENDATION

CONSERVATION 20/20 PROGRAM

NOMINATION 260

15-43-27-00-00004.0000 (portion); 00006.0030; 00004.0030

SPANISH CREEK AREA

CRITERIA		SCORE	COMMENTS
A. SIZE AND CONTIGUITY			
1. Size of Property			
a.	≥ 500 acres	6	
b.	400 to < 500 acres	5	
c.	300 to < 400 acres	4	
d.	200 to < 300 acres	3	3
e.	100 to < 200 acres	2	Approximately 255 acres are nominated for sale. A portion (3.75 acres) of 15-43-27-00-00004.0000 is being retained by owner to be added to existing 1.25-acre homestead at the southwest corner of this property.
f.	50 to < 100 acres	1	
g.	< 50 acres	0	
2. Contiguous to:			
a.	Coastal waters and other sovereignty submerged lands	4	4
b.	Existing preserve area, c.e., wma or refuge	4	4
c.	Preserve areas officially proposed for acquisition	2	4
B. HABITAT FOR PLANTS AND ANIMALS			
1. Native Plant Cover			
a.	≥ 75 % of the property has native plant cover	8	8
b.	50% to < 75% has native plant cover	4	
c.	25% to < 50% has native plant cover	2	Variety of scattered citrus trees growing wild. Brazilian pepper along perimeter mostly. Minor infestations of other; soda apple, cherry
d.	< 25% has native plant cover	0	
2. Significant for wide-ranging species			
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	2
3. Rare and Unique Uplands			
a.	Scrub, hammock, old growth pine	2	2
b.	Mature, second growth pine flatwood	1	1
4. Diversity			
a.	5 or more FLUCCS native plant community categories	2	2
b.	3 or 4 FLUCCS native plant community categories	1	1
c.	2 or less FLUCCS native plant community categories	0	0
			Cypress head and mixed hardwood hammock (odd combination of cypress, laurel oak, live oak, and cabbage palm, which is indicative of hydrologic disturbance)

REVIEW AND RECOMMENDATION

CONSERVATION 20/20 PROGRAM

15-43-27-00-00004.0000 (portion); 00006.0030; 00004.0030

NOMINATION 260

SPANISH CREEK AREA

C. SIGNIFICANCE FOR WATER RESOURCES		COMMENTS
1. Serves or can serve as flow-way		
a.	large contributing watershed; possibly identified in the Lee County Surface Water Master Plan, South Lee County Study, or by staff	4 4
b.	Site contains flow-way, through tributary, medium size watershed, or just a portion of system/one side of conveyance, may not be identified in study	3
c.	Same as b., smaller watershed, not as defined, disconnected	2
d.	Site conveys runoff, minimal area	1
e.	Site provides no conveyance of surface water	0
f.	Add 2 points if conveyance is natural (not man-made)	+2 2
2. Strategic to Flood Management		
a.	Well defined flood-way within parcel, possibly identified in FEMA or other study, both sides of conveyance, large upstream area, protection from encroachment critical or known flooding history	4 4
b.	Same as a., portion of floodway (one side) or within floodplain	3
c.	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2
d.	Small watershed, minimal flooding	1
e.	No significant flood issues	0
3. Protect a water supply source.		
a.	Parcel is within area designated high potential productivity of the Water Table, Sandstone or Tamiami Aquifer and also within area of current or proposed wellfield development	2
b.	Not within above mentioned zones, but advantageous due to proximity to existing water supply facilities or identified as potential water storage area	1 1
c.	No recharge or potential water supply opportunities	0
4. Offset Damage to or Enhance Water Quality.		
a.	Presence of wetland, retention, or lake that is currently providing water quality benefits	2 2
b.	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1
c.	No existing or potential water quality benefits	0

D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE			COMMENTS
1.	Good Access for Public Use and Land Management		
	Parcel can be accessed from a freeway, expressway, arterial street, or major collector	3	3
	Parcel can be accessed from a minor collector or local street	2	2
	Parcel can be accessed from a privately-maintained road that is dedicated for public use	1	1
	Parcel can only be accessed by a private road or does not have physical or legal access	0	0
2.	Recreation/Eco-Tourism Potential		
	Score depends upon the variety or uniqueness of potential public uses. Examples of appropriate public uses include paddling sports, fishing, hiking, equestrian, mountain biking, photography, nature study, and environmental education	0-2	2
3.	Land Manageability		
	75% or greater of the perimeter of site is surrounded by low impact land uses	3	3
	50%-75% of the perimeter of site is surrounded by low impact land uses	2	2
	25%-50% of the perimeter of site is surrounded by low impact land uses	1	1
	Less than 25% of the perimeter of the site is surrounded by low impact land uses	0	0
4.	Development Status (Maximum 4 points)		
	The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	4
	The Parcel is Zoned for Intensive Use	2	2
	Future Land Use Map: Intensive Land Use Category	1	1
TOTAL POINTS			49

COMMENTS: This property has been in the same family ownership for many generations and was known as "Cow Prairie Cypress". It was never used as a homesite. Two borrow pits were dug in 1950-1960's for road base material. Another borrow pit has been dug in the center of a large cypress head.

RECOMMENDATION: PURSUE FOR ACQUISITION, with provision that right-of-way for the widening of North River Rd. to 4-lanes may be needed from this property in the future.

CONSERVATION 20/20 #260



STRAP(S) 15-43-27-00-00004-0030, 15-43-27-00-00006-0030
 & 15-43-27-00-00004-0000
 TOTAL APPROXIMATE ACREAGE 58.68

COUNTYLANDS Conservation 20/20

LEGEND

- EXISTING OTHER CONSERVATION LANDS
- NON-ATTORNEY ASSURED
- INFORMATION NOT SELECTED BY CLIENT
- INFORMATION ON FILE IN ATIP/MSR
- INFORMATION UNDER REVIEW
- UNDER RESERVATION
- WETLAND BANK
- OTHER LAND USE/RESTRICTION
- FLORIDA PROPERTY

COUNTYLANDS
 1000 EAST BAYVIEW T
 MIAMI, FL 33134
 COUNTYLANDS, INC.

THIS IS NOT A SURVEY.
 THE COUNTYLANDS DIVISION HAS PREPARED THIS MAP FOR
 INFORMATIONAL PURPOSES ONLY. DETAILS SHOWN MAY BE
 INACCURATE. THE COUNTYLANDS DIVISION MAKES NO
 WARRANTY OR GUARANTEE, WHILE THE DIVISION HAS MADE
 EVERY EFFORT TO PROVIDE THE CORRECT INFORMATION,
 INDEPENDENT VERIFICATION MAY BE REQUIRED.

REVISED: DEC. 12, 2003