

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

Blue Sheet No. 20040571

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the recommendation of the Conservation Lands Acquisition and Stewardship Advisory Committee to pursue for acquisition approximately 91 acres in Township 45S, Range 23E, Sections 22 and 29 on Cattle Dock Point in Cape Coral known as Conservation 20/20 Nomination 234. 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 01

CLC

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 234 be pursued for acquisition for the reasons stated in the attached report. Acquisition of this parcel does not conflict with any transportation, 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 234 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
<i>R. Forsyth</i>				<i>Richard Deegan 5-4-04</i>	OA <i>5/5/04</i>	OM <i>5/5/04</i>	Risk <i>5/5/04</i>	GC <i>5/5/04</i>	<i>KB 5/5/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/4/04*
Time: *4:20 pm*
Forwarded To:
*Co. Helm,
5/5/04 9AM*

RECEIVED BY
COUNTY ADMIN: *sen*
9:50 am 5/7
5/4/04
COUNTY ADMIN *ML*
FORWARDED TO:
5-5-04
upm

AS

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	
e.	100 to <200 acres	2	
f.	50 to <100 acres	1	1
g.	< 50 acres	0	Property is approximately 91 acres.
2. Contiguous to:			
a.	Coastal waters and other sovereignty submerged lands	4	4 Caloosahatchee River
b.	Existing preserve area, c.e., wma or refuge	4	4 The mangroves directly to the north across Glover Bight are protected via a 19-acre conservation easement for the Tarpon Point Marina and City of Cape Coral park ownership totaling 68 acres along Rose Garden Drive.
c.	Preserve areas officially proposed for acquisition	2	
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	
d.	< 25% has native plant cover	0	0 minimal exotic vegetation found on the property
2. Significant for wide-ranging species			
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	2 1 shoreline of the Caloosahatchee River and mangrove wetlands on the property, are typical habitats for wide ranging wading birds and migratory songbirds
3. Rare and Unique Uplands			
a.	Scrub, hammock, old growth pine	2	
b.	Mature, second growth pine flatwood	1	0 no uplands present
4. Diversity			
a.	5 or more FLUCCS native plant community categories	2	
b.	3 or 4 FLUCCS native plant community categories	1	
c.	2 or less FLUCCS native plant community categories	0	0 mangrove community only

C. SIGNIFICANCE FOR WATER RESOURCES		COMMENTS
1. Serves or can serve as flow-way		
a.	Site contains a primary flow-way, creek, river, wetland corridor, large contributing watershed; possibly identified in the Lee County Surface Water Master Plan, South Lee County Study, or by staff	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 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
b.	Same as a., portion of floodway (one side) or within floodplain	3 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
c.	No recharge or potential water supply opportunities	0 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
		tidal wetlands provide water quality benefits
		provides tidal and rainfall flood protection for immediate area including portion of Cape Coral, one side of flood plain

STRAP# 22-45-23-C2-00002.0000; -C3-00002.0000

Cattle Dock Point, Cape Coral

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	
Parcel can be accessed from a minor collector or local street	2	
Parcel can be accessed from a privately-maintained road that is dedicated for public use	1	
Parcel can only be accessed by a private road or does not have physical or legal access	0	0 Access is by boat only
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	0 provides scenic value to paddlers and boaters
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	
25%-50% of the perimeter of site is surrounded by low impact land uses	1	
Less than 25% of the perimeter of the site is surrounded by low impact land uses	0	entirely surrounded by mangrove wetlands
4. Development Status (Maximum 4 points)		
The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	0 Wetlands regulations prohibit intensive use of this property.
The Parcel is Zoned for Intensive Use	2	0 Cape Coral Zoning is "R1-B". Wetlands regulations prohibit intensive use of this property.
Future Land Use Map: Intensive Land Use Category	1	0 Wetlands regulations prohibit intensive use of this property.
TOTAL POINTS		31

NOTE: On April 14, 2003, the City Council of Cape Coral voted unanimously to recommend to CLASAC that this nomination be pursued for acquisition, as follows: "The City Council believes this acquisition by Lee County Conservation 2020 to be in the best interest of Lee County and the City of Cape Coral."

RECOMMENDATION: Pursue for acquisition.

20/20 NOMINATION #234 & #235



THE DISTRICT ENGINEER HAS REVIEWED THE INFORMATION SUBMITTED AND HAS DETERMINED THAT THE INFORMATION IS ACCURATE AND COMPLETE. THE DISTRICT ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION SUBMITTED AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE DISTRICT ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION SUBMITTED AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION.

