

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

Blue Sheet No. 20040614

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve the recommendation of the Conservation Lands Acquisition and Stewardship Advisory Committee to pursue for acquisition approximately 54 acres in Township 44S, Range 23E, Section 19 on Veterans Parkway and known as Conservation 20/20 Nomination 262. 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 DISTRICT:** 01

*CLF*

**3. MEETING DATE:**

*06-01-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

**5. REQUIREMENT/PURPOSE:**  
(Specify)

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

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
  - B. DEPARTMENT Independent
  - C. DIVISION County Lands
- BY: *KLW*  
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 has considered the future needs of the Department of Transportation (DOT), the School District, Emergency Management Services (EMS) and Utilities. The School District studied and rejected this property as a potential school site last year. A small portion (approx. 2 acres) may be needed for a future EMS station. Additional right-of-way may be needed to widen Veterans Parkway if it becomes an expressway corridor. The Division of Natural Resources considers this site to have very good restoration potential for surface water management needs. The Dept. of Parks and Recreation staff considers the site to be ideally located for another launching access point with parking for the Great Calusa Blueway. CLASAC recommends that Conservation 20/20 Nomination 262 be pursued for acquisition subject to the provision that Lee County may in the future acquire and sell back to 20/20 land for an Emergency Management Services station and/or right-of-way to widen Veterans Parkway. 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 262 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 <i>Apr 5/18/04</i>			G County Manager
<i>K. Forsyth</i>			<i>BAD 5/17</i>	<i>John Weston 5-18-04</i>	OA <i>5-18-04</i>	OM <i>5/19/04</i>	Risk <i>5/19/04</i>	GC <i>5/19/04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *5/17/04*  
Time: *3:20 pm*  
Forwarded To:  
*Co Adm. 5/18/04*

RECEIVED BY  
COUNTY ADMIN: *GW*  
*5/18/04*  
*11/20/04*  
COUNTY ADMIN  
FORWARDED TO: *PL*  
*5-19-04*  
*10:47*

*AS*



CRITERIA		SCORE		COMMENTS
<b>A. SIZE AND CONTIGUITY</b>				
<b>1. Size of Property</b>				
a.	≥ 500 acres	6		54 acres
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		
<b>2. Contiguous to:</b>				
a.	Coastal waters and other sovereignty submerged lands	4	0	Charlotte Harbor Buffer Preserve, which is maintained by FDEP
b.	Existing preserve area, c.e., wma or refuge	4	4	
c.	Preserve areas officially proposed for acquisition	2	0	
<b>B. HABITAT FOR PLANTS AND ANIMALS</b>				
<b>1. Native Plant Cover</b>				
a.	≥ 75 % of the property has native plant cover	8		Almost no native plants were observed on the property
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	
<b>2. Significant for wide-ranging species</b>				
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	0	In present condition, no significance to wide-ranging species
<b>3. Rare and Unique Uplands</b>				
a.	Scrub, hammock, old growth pine	2	0	
b.	Mature, second growth pine flatwood	1	0	
<b>4. Diversity</b>				
a.	5 or more FLUCCS native plant community categories	2	0	There are <b>39.2 acres of uplands</b> : Brazilian Pepper (23.3ac.), Melaleuca (4.5ac.), and Australian Pines (11.4ac.). There are <b>12.2 acres of wetlands</b> : Mangrove Swamps (3.2ac.), Mangrove Swamps invaded by Brazilian pepper (0.5ac.), Hydric Brazilian pepper (5.1ac.) and Hydric Melaleuca (3.8ac.). The remaining 2.3 acres are canals.
b.	3 or 4 FLUCCS native plant community categories	1	0	
c.	2 or less FLUCCS native plant community categories	0	1	

C. SIGNIFICANCE FOR WATER RESOURCES				COMMENTS	
<b>1. Serves or can serve as flow-way</b>					
	<b>a.</b>	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		Site provides outfall for Veterans Pkwy and development to the east. There are approximately 2.3 acres of canals. The ditch that runs along the northern and western perimeter of this property is an invaluable outfall for the residential development (formerly Royal Tee Country Club) to the east as well as for roadside drainage from Veteran's Parkway. In addition, that ditch has the potential to be an outfall for the residents of Scallop & Pompano Lanes, a neighborhood that has suffered from inadequate drainage and chronic flooding for years. The northern part of that ditch was cleaned last year as a Neighborhood Improvement Project at the request of LCDOT and Royal Tee for assistance in improving drainage in the area. The water that drains through the ditch outfalls into Tom Black Lake on the adjoining County property and then out into Matlacha Pass. The County does not have a drainage easement along this ditch so by acquiring this property, the County will have the ability to permanently protect and maintain the drainage outfall.
	<b>b.</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		
	<b>c.</b>	Same as b., smaller watershed, not as defined, disconnected	2	2	
	<b>d.</b>	Site conveys runoff, minimal area	1		
	<b>e.</b>	Site provides no conveyance of surface water	0		
	<b>f.</b>	Add 2 points if conveyance is natural (not man-made)	+2	0	
<b>2. Strategic to Flood Management</b>					
	<b>c.</b>	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2	2	Preservation of the mangrove fringe and prevention of development within the Coastal High Hazard Area also helps alleviate coastal flooding problems.
	<b>e.</b>	No significant flood issues	0		
<b>3. Protect a water supply source.</b>					
	<b>c.</b>	No recharge or potential water supply opportunities	0	0	
<b>4. Offset Damage to or Enhance Water Quality.</b>					
	<b>a.</b>	Presence of wetland, retention, or lake that is currently providing water quality benefits	2		The 12.2 acres of wetlands, even though degraded by exotics, provide water quality benefits.
	<b>b.</b>	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1	1	
	<b>c.</b>	No existing or potential water quality benefits	0		

D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE				COMMENTS
<b>1. Good Access for Public Use and Land Management</b>				
	Parcel can be accessed from a freeway, expressway, arterial street, or major collector	3	3	Veterans Parkway is currently under study by Lee County as an expressway corridor and may potentially need additional right-of-way from this property.
<b>2. Recreation/Eco-Tourism Potential</b>				
	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	This property is ideally located for another launching access point with parking for the Great Calusa Blueway. The site is accessible to the Blueway by canoe via a canal, Tom Black Lake, and tidal creek. There are very few public boat accesses in this part of the County. Cape Coral officials strongly support the use of this site in the blueway system.
<b>3. Land Manageability</b>				
	75% or greater of the perimeter of site is surrounded by low impact land uses	3		The Charlotte Harbor Buffer Preserve borders this property on the west and south. An urban development borders this property to the west. The County FLUM designates the property to the north as <i>Intensive Development</i> at the southwest corner of Pine Island Road and Veterans Parkway and <i>Rural</i> .
	50%-75% of the perimeter of site is surrounded by low impact land uses	2	2	
	uses	1		
	Less than 25% of the perimeter of the site is surrounded by low impact land uses	0		
<b>4. Development Status (Maximum 4 points)</b>				
a.	The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	0	
b.	The Parcel is Zoned for Intensive Use	2	0	Rural and Wetlands. Approximate 42 dwelling units.
c.	Future Land Use Map: Intensive Land Use Category	1	0	AG-2
<b>TOTAL POINTS</b>			<b>18</b>	
<p><b>COMMENTS:</b> The School District studied and rejected this property as a potential school site last year. A small portion (approx. 2 acres) may be needed for a future Emergency Management Services Station. Additional right-of-way may be needed to widen Veterans Parkway if it becomes an expressway corridor. The Division of Natural Resources considers this site to have very good restoration potential for surface water management needs. The Dept. of Parks and Recreation staff considers the site to be a potentially valuable component of the Great Calusa Blueway depending upon the navigability of the tributary through Tom Black Lake to Matlacha Pass and conservation easement requirements on the land between this parcel and Matlacha Pass. The City of Cape Coral supports the acquisition and use of this parcel as part of the Great Calusa Blueway, but cannot contribute funds for management or development of public facilities at this time.</p> <p><b>RECOMMENDATION:</b> Pursue for acquisition subject to the provision that Lee County may in the future acquire and sell back to 20/20 land for an Emergency Management Services station and/or right-of-way to widen Veterans Parkway.</p>				