

LEE COUNTY RESOLUTION NO. 97-06-82

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS CONFIRMING THE LAND PROGRAM PARAMETERS AND LAND SELECTION CRITERIA AS DEVELOPED BY THE LAND COMMITTEE PURSUANT TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 96-12; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners ("the Board") is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board has previously adopted Lee County Ordinance No. 96-12, relating to the acquisition of environmentally sensitive or critical lands in Lee County; and,

WHEREAS, pursuant to Lee County Ordinance No. 96-12, the "Land Committee" has been formed and is charged with the duty to establish the parameters for the "Land Program" to include the criteria for land purchases, procedures to implement the Land Program and a process for ranking purchases; and,

WHEREAS, the Land Committee has now developed the said Land Program parameters required by Lee County Ordinance No. 96-12, Section Three, paragraph B.; and,

WHEREAS, the Board of County Commissioners now desires to confirm the Land Program parameters as developed by the Land Committee and required by Lee County Ordinance No. 96-12.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF LEE COUNTY

COMMISSIONERS that:

1. The Land Program parameters as developed by the Land Committee and as set out as Composite Exhibit A, hereto, are hereby accepted and confirmed.
2. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Judah and, being put to a vote, the vote was as follows:

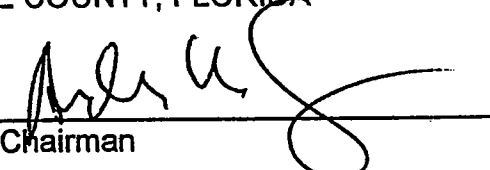
|                   |            |
|-------------------|------------|
| JOHN MANNING      | <u>AYE</u> |
| DOUGLAS ST. CERNY | <u>AYE</u> |
| RAY JUDAH         | <u>AYE</u> |
| ANDREW COY        | <u>AYE</u> |
| JOHN ALBION       | <u>AYE</u> |

DULY PASSED AND ADOPTED this 24th day of June, 1997.

ATTEST:  
CHARLIE GREEN, CLERK

By:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Chairman

APPROVED AS TO FORM:

By:   
Office of County Attorney

BOARD OF COUNTY COMMISSIONERS APPROVED CRITERIA

**Initial Criteria for Land Purchase Evaluation**

*\*Any elaboration on these criteria that can be provided will enhance the evaluation process.*

- 1) Will the seller donate the parcel or sell at or below market value?
- 2) Will matching funds be available or likely be available to purchase the parcel? Has the property owner been contacted by another government agency interested in purchasing this parcel?
- 3) Does the parcel contain any documented environmentally sensitive lands? Documented environmentally sensitive lands may include but are not limited to:
  - a) Tidal or freshwater wetlands\*
  - b) Rare and Unique uplands (sand scrub, coastal scrub, mature pine flatwoods, slash pine/midstory oak, tropical hardwood, live oak hammock, or cabbage palm hammock)\*
  - c) An outstanding natural plant community
  - d) Evidence of protected wildlife or plant species\*
  - e) Undeveloped island, beach and dune system, and /or tidal creek or inlet

*\*Please provide a survey, if available*

- 4) Does the parcel have water resource features which are important for surface water and ground water management including flood protection, water quality, water conservation, water supply, and aquifer recharge?
- 5) Is the parcel contiguous to an aquatic preserve, an Outstanding Florida Water, or an existing or proposed conservation land preserve?
- 6) What is the management potential of the property? Does the parcel have legal and physical access? Does the parcel have exceptional features to attract visitors (e.g., environmental, historical, archeological)? What are the adjacent land uses?
- 7) Are there plans for development on the site? If so, please provide details, including a development plan, if available, and the time line for the proposed development.

## SECONDARY SCREENING CRITERIA

**MAXIMUM POINTS AVAILABLE: 50**

### Matching Funds and Cost Support (maximum 8 points)

8 points--Greater than 50% of the parcel cost will be provided by an outside source

4 points--less than 50% of the parcel cost will be provided by an outside source

### Environmental Sensitivity and Significance (maximum 14 points)

#### Size of parcel

2 points -- >100 acres

1 points -- Between 50 and 100 acres

0 points -- 50 acres and below

#### Parcel is part of, or can act as buffer to, a larger ecosystem

2 points -- Contiguous with existing or proposed preserve area

#### Habitat

2 points -- Habitat significant to listed flora and fauna

2 points -- Significant habitat for wide-ranging species (e.g., woodstorks, wading birds, neotropical migrants, shorebirds, panther, bear, hawks, etc.)

4 points -- Rare and unique uplands

2 points -- Significant coastal habitat

### Significance for Water Management (maximum 14 points)

4 points -- The parcel serves or can serve as a flow-way for surface water.

4 points -- The parcel is strategic to flood management, i.e. has repetitive losses.

2 points -- The parcel provides, can provide, or can serve to protect a water supply

source; including surface water retention, high recharge capability, groundwater storage, and wellfield protection.

2 points -- The parcel can be used to offset, clean-up, or enhance water quality.

2 points -- The parcel is part of a natural water system.

**Potential for Passive Recreation (maximum 4 points)**

- 0 - 4 points -- Based on the following criteria:
- Diverse habitat types (creeks and uplands)
  - High scenic value
  - Exceptional components to attract visitors

**Land Manageability (maximum 6 points)**

- 4 points -- The parcel can be easy accessed for management activities
- 2 points -- Management activities will be compatible with adjacent land uses.
- 2 points -- The parcel is well buffered from external impacts such as interference with habitat management plans.

**Development Status (maximum 4 points)**

- 4 points -- The parcel has an approved development order
- 2 points -- The parcel is zoned for intensive use
- 1 point -- The parcel is included in a Lee County Comprehensive Plan designation that allows for intensive use

## GUIDE FOR STAFF REVIEW OF CRITERIA

### COUNTY STAFF CONTACT PERSONS:

| ISSUES   | KEY CONTACT PERSON | PHONE    | COUNTY DIVISION            |
|--|--------------------|----------|----------------------------|
| Agendas, minutes, scheduling, correspondence, etc. | Holly Schwartz     | 335-2499 | Co. Administration (Adm)   |
| Land acquisition                                   | Karen Forsyth      | 479-8506 | County Lands (CL)          |
| Legal  | David Owen         | 335-2236 | County Attorney (CA)       |
| Land management, park use & environmental          | Roger Clark        | 338-3343 | Parks and Recreation (P&R) |
| Environmental and planning                         | Lynda Riley        | 479-8519 | Planning (PL)              |
| Water Resources                                    | Roland Ottolini    | 479-8127 | Natural Resources (NR)     |

### DEFINITIONS AND DATA SOURCES

**Environmentally Sensitive Lands.** The following definitions and data sources will be used to determine environmentally sensitive land criteria:

#### Flora and Fauna

**Wetlands**, as defined in Lee Plan Objective 84.1: "...all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211." **SOURCES OF DATA:** Wetlands delineation map if available, Future Land Use Map Wetlands category, soils, aerials, field checks.

**Rare and Unique Uplands**, as defined in Lee Plan Objective 74.1: "sand scrub (320), coastal scrub (322), mature pine flatwoods (411), slash pine/midstory oak (412), tropical hardwood (426), live oak hammock (427), and cabbage palm hammock (428). **SOURCES OF DATA:** FLUCFCS Codes. **DATA SOURCES:** Site survey, if available, PAGIS, aerials, field check

**Important and representative natural plant community** which is not already preserved in Lee County or in that region of Lee County (Lee Plan Objective 77.2). **DATA SOURCES:** FGFWFC identifies site as being ecologically viable (either isolated or contiguous to an existing preserve area). **DATA SOURCES:** Site survey, if available, PAGIS, aerials, field check

#### **Protected wildlife and plant species**

Parcel has potential habitat for a protected species. **DATA SOURCE:** Site survey documenting species, if available, land owner, PAGIS for FLUCFCS categories to be used with the Lee County Protected Species List (Appendix H of the Lee County Land Development Code).

**Environmentally sensitive coastal areas.** Environmentally sensitive coastal areas are defined in Lee Plan Policy 83.1.5 as wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. The following additional areas should be added to this list: Aquatic Preserves and Outstanding Florida Waters. NOTE: Significant coastal habitat is under greater threat of development than significant inland habitat.

**Water resources.** Does the parcel have water resource features which are important for surface water and ground water management including flood protection, water quality, water conservation, water supply, and aquifer recharge? These can be identified (not all inclusive) by the following:

1. Is the parcel located within a flow-way corridor shown in the Lee County Surface Water Management Plan or by other documentation? This can be a series of interconnected wetlands besides natural rivers, creeks, and streams, ditches, and canals.
2. Is the parcel located within a FEMA designated flood-way?
3. Is there documented evidence of flooding? Does it endure repetitive losses during storm events?
4. Is the parcel within area critical for conveyance of stormwater as identified by Lee County DOT or DES? Will it assist Lee County in its maintenance efforts?
5. Is the parcel within a wellfield protection area as identified by the Lee County Regional Water Authority (LCRWSA) and relevant studies?
6. Is the parcel within future wellfield influence zones as identified by the LCRWSA and the Lee County Water Supply Plan? Is it within an area of high recharge capability as identified in the Hennigar and Ray study or others?
7. Can the parcel be used for storage of water to help Lee County meet its supply needs as outlined in the SFWMD Regional Water Supply Plans?
8. Can the parcel be used to reduce pollutant loading and enhance water quality?
9. If improved site, does the parcel lack a surface water management system?
10. Does the parcel exhibit natural water system features, as defined in Lee Plan Objective 87.1.1, which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels.

**Provides Linkage or Expansion of an Existing or Proposed Preserve.** Is the parcel strategic in its location or character for the ecological enhancement of an existing regional greenway system or a proposed sensitive lands acquisition project? "Strategic" will be determined by staff on a case-by-case basis. DATA SOURCES: PAGIS and other in-house data to identify the following existing or proposed conservation land preserve areas:

1. Existing Preserve Areas.
2. More strategic if adjacent to a Regional Florida Greenway: Charlotte Harbor/Pine Island Sound Coastal Greenway; Corkscrew Regional Ecosystem Watershed Greenway; Estero Bay/Wiggins Pass Coastal Greenway; Hickey Creek Greenway; Hickey Creek Greenway, Sanibel Island Greenway; Six Mile Cypress Slough Preserve Greenway.
3. Proposed Mitigation Area or Land Acquisition Program area (CARL, SOR).

**Land Management:**

1. The parcel can be accessed for management and, if applicable, passive recreational use.
2. allows for easy access, is well buffered from external impacts, management activities will not impact neighbors or other environmentally sensitive areas.
3. There are no habitat management constraints due to possible land use conflicts. For example, would necessary prescribed burning be unacceptable to neighbors?
4. If the parcel is isolated to other public lands, is the parcel large enough to support or provide the function for which it is being purchased?
5. The property is adequately buffered from neighboring uses which may interfere with the function for which it is being purchased?

**Potential for passive recreation:** Does the property have exceptional components which can draw visitors, such as high scenic value, Indian mounds, remnant historic structures, beach systems, riverfront on a navigable river (e.g., canoeing), a representative or unique plant community, etc. Is there adequate access for public use?

**Development Plans.** Are there immediate plans for development on the site? DATA SOURCE: Property owner nomination form. Staff can use PAGIS to look up if there is there an approved zoning and/or development order on the parcel?

DRAFT DATE: May 30, 1997

I:\COMITEES\CLASAC\STAFFREV.WPD

# SITE REVIEW AND SELECTION PROCESS

