

LEE COUNTY RESOLUTION NO. 01-01-35

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS CONFIRMING CERTAIN AMENDMENTS TO 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 and charter county 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" 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 processes for ranking purchases; and,

WHEREAS, previously, the Land Committee developed the Land Program parameters as required by Lee County Ordinance No. 96-12, Section Three, paragraph B., and the Board adopted same pursuant to Lee County Resolution No. 97-06-82; and,

WHEREAS, the Board of County Commissioners now desires to confirm certain amendments to the Land Program parameters as further developed by the Land Committee.

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

1. The amendments to the Land Program parameters as developed by the Land Committee and as set out as a composite "Exhibit A" hereto, are hereby accepted, confirmed and authorized for implementation by the "Land Committee".

2. This Resolution shall take effect immediately upon its adoption.

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

BOB JANES	<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 30th day of January, 2001.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

By: Michele B. Leisner
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney

“EXHIBIT A”

BOARD OF COUNTY COMMISSIONERS APPROVED CRITERIA
INITIAL CRITERIA FOR LAND PURCHASE EVALUATION

CONSERVATION 2020 PROGRAM
INITIAL REVIEW CRITERIA

In general, nominations to the Conservation Lands Acquisition Program must be able to answer "yes" to a minimum of four out the following seven questions to be eligible for further consideration for potential acquisition. Applications may or may not be considered if the asking price is significantly higher than staff's estimated market range (See Criteria 1).

- 1) ~~Will the seller donate the parcel or sell at or~~ **Does the owner indicate by his/her asking price a willingness to sell below market value?**

All applications to nominate a property to the Conservation 2020 Program must include the asking price. County staff will conduct a market analysis of the property in order to compare the asking price with staff's estimated market range.

- 2) ~~Will matching~~ **Are there any other funds be available or likely be available to contribute towards the purchase price of the parcel?**

Contributory purchase funds must be currently available to acquire the nominated property. For example, a pending grant application for funding would not qualify. Contributory purchase funds are typically provided by not-for-profit groups or government agencies.

- 3) **Does the parcel contain any documented environmentally sensitive lands?**

Documented e Environmentally sensitive lands may include, but are not limited to:

- a) Wetlands
- b) Rare and Unique Uplands (scrub, mature pine flatwoods, oak or cabbage palm hammock, tropical hardwood)
- c) An outstanding natural plant community
- d) Evidence of listed wildlife or plant species
- e) Undeveloped island, beach and dune system, and/or tidal creek or inlet

- 4) **Does the parcel have important water resource features that are important for surface water and ground water management?**

Examples include areas that provide flood protection, that improve or maintain water quality, that conserve water resources, that improve or preserve the water supply and/or that have high recharge potential to an aquifer.

- 5) ~~Is the parcel contiguous to an aquatic preserve, an Outstanding Florida Water, or an existing or proposed conservation land preserve a protected environmentally sensitive land or water body?~~

Protected environmentally sensitive lands and waters include existing or proposed public and private conservation lands; mitigation banks; conservation easements; wildlife management areas and refuges; and sovereignty submerged lands.

- 6) ~~What is the~~ Is there good potential for long term 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? This criteria will be evaluated according to overall management potential including but not limited to access, compatibility with surrounding land uses, co-management opportunities, mitigation potential, potential for environmentally compatible recreational uses, and restoration needs.~~

- 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:~~

Are the native plant communities or water resources on the property in any danger of being detrimentally altered?

Does the parcel have government approvals or zoning (such as an agricultural exemption, development order, or planned development zoning) that allows for immediate land clearing or land development that, if exercised, would diminish the natural resource benefits of the property? This criteria only applies if the natural plant communities and hydrology of the property are substantially in their natural condition.

DEFINITIONS

Documented environmentally sensitive lands (Initial Criteria #3)

Lands documented as environmentally critical, sensitive, or important in the Lee Plan, including Wetlands (Obj. 84.1), Rare and Unique Uplands (Obj. 74.1), Important and Representative Natural Plant Community (Obj. 77.2), or Environmentally Sensitive Coastal Area (Policy. 83.1.5). For purposes of the initial review, documented environmentally sensitive lands will be determined by best available data including, but not limited to, aerial maps; GIS data (FLUCCS, soils, Future Land Use categories, Storm Surge Category, Coastal High Hazard Area, Panther Habitat, Sea Turtle Lighting, etc.; and information provided by the

applicant such as wetland surveys, vegetation community mapping, and species surveys. In general, a site inspection will not be conducted by Staff for the initial review.

Environmentally Sensitive Coastal Area (Initial Criteria 3.e.)

Lands 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".

Outstanding Plant Community (Initial Criteria #3)

As best can be determined from aerial mapping, GIS data, and other available sources, an outstanding plant community is a contiguous (non-fragmented) plant community that has primarily native plants; is relatively undisturbed by land clearing or development; and has unaltered topography and hydrology.

Proposed conservation lands (Initial Criteria #5)

Lands that the Board of County Commissioners (BoCC) has approved to be pursued for acquisition under the Conservation 2020 or other environmentally sensitive land acquisition funding program; Florida Preservation 2000 Project Areas (CARL, SOR, FCT); or other comparable officially designated proposed land acquisition area. Conservation 2020 nominations that have not been approved by the BoCC do not qualify as a proposed conservation land.

Rare and Unique Uplands (Initial Criteria 3.b.)

Rare and Unique Uplands are defined in Lee Plan Objective 74.1 as "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). Numbers refer to the FDOT Florida Land Use Cover and Forms Classification System.

Wetlands (Initial Criteria 3.a.)

Wetlands are defined in Lee Plan Objective 84.1 as "...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. 373.42.

CLASAC PROPOSED REVISIONS TO SECONDARY SCREENING CRITERIA

CRITERIA			POINTS	MAX. POINTS	MAX. POINTS
A. SIZE AND CONTIGUITY					
1.	Size of Property				
	a.	≥ 500 acres	6	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		
	g.	< 50 acres	0		
2.	Contiguous to:				
	a.	Coastal waters and other sovereignty submerged lands	4	8	14
	b.	Existing public or private preserve areas, conservation easements and/or wildlife management areas or refuges	4		
	c.	Preserve areas officially proposed for acquisition (CARL, SOR, FCT, C2020)	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		
2.	Habitat type is documented to be significant for wide-ranging species				
		Priority 1 & 2 Panther Habitat, wetlands, ponds, range (grass lands)...	2	2	
3.	Rare and Unique Uplands				
	a.	Scrub, tropical hardwood, oak or cabbage palm hammock, old growth pine	2	2	
	b.	Mature, second growth pine flatwood	1		
4.	Diversity				
	a.	5 or more FLUCCS native plant community categories	2	2	14
	b.	3 or 4 FLUCCS native plant community categories	1		
	c.	2 or less FLUCCS native plant community categories	0		

CLASAC PROPOSED REVISIONS TO SECONDARY SCREENING CRITERIA

C. SIGNIFICANCE FOR WATER RESOURCES				
	1.	The Parcel Serves or Can Serve as a Flow-Way for Surface Water.		
	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	6
	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.	The Parcel is 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.	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.		
	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	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	
	4.	The Parcel Can Be Used to 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	
				14

CLASAC PROPOSED REVISIONS TO SECONDARY SCREENING CRITERIA

D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE				
	1.	Access		
	a.	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	
		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	
	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		
		<u>75% or greater of the perimeter of site</u> is surrounded by low impact land uses	3	3
		<u>50%-75% of the perimeter of site</u> is surrounded by low impact land uses	2	
		<u>25%-50% of the perimeter of site</u> is surrounded by low impact land uses	1	
		Less than 25% of the <u>perimeter of the site</u> is surrounded by low impact land uses	0	
	4.	Development Status (Maximum 4 points)		
	a.	The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	4
	b.	The Parcel is Zoned for Intensive Use	2	
	c.	Future Land Use Map: Intensive Land Use Category	1	
TOTAL POSSIBLE POINTS			54	

CONSERVATION 2020 PROGRAM

SECONDARY SCREENING CRITERIA DEFINITIONS OF TERMS

Coastal High Hazard Area (Secondary Criteria B.4.)

All land seaward of the Category 1 Storm Evacuation Zone as adopted by the Southwest Florida Regional Planning Council.

Land Use Classifications (Secondary Criteria D.2.b., D.3.a., and D.3.b.)

The scoring in these sections are based on the land use designations listed on the Future Land Use Map (FLUM). Listed below are those FLUM categories that would be considered to be "intensive use" and "low impact":

Intensive Use

Intensive Development
Central Urban
Urban Community
Suburban
Outlying Suburban
Industrial Development
Public Facilities
University Community
Airport Commerce
Airport
Industrial Interchange
General Interchange
General Commercial Interchange
Industrial Commercial Interchange
University Village Interchange
New Community

Low Impact

*Public Facilities (possibly)
*University Community (possibly)
Rural
Rural Community Preserve
Outer Islands
*Density Reduction/ Groundwater Resource (DR/GR)
Wetlands

*Whether "Public Facilities", "University Community", or "DR/GR" are considered a low impact land use will depend on the specific land use adjacent to the subject nomination and it will be determined on a case by case basis.

Lee County Coastal Planning Area (Secondary Criteria B.4.)

The Coastal Planning Area as delineated by the February 1988 Lee County Coastal Study (See Figure I-1), plus the incorporated areas of Sanibel and Fort Myers Beach.

Priority 1 and 2 Panther Habitat (Secondary Criteria B.2.)

The following habitat types are documented and mapped in the November 1993 Florida Panther Habitat Preservation Plan:

Priority 1: The lands most frequently used by the panther and/or lands of high quality native habitat suitable for the panther.

Priority 2: The lands less frequently used by the panther and/or lands of lower quality native habitat interspersed with intensive agriculture that serve as buffer zones to urban development and other forms of undesirable encroachment.

Proposed preserve areas (Secondary Criteria A.2.c.)

Lands that the Board of County Commissioners (BoCC) has approved to be pursued for acquisition under the Conservation 2020 or other environmentally sensitive land acquisition funding program; Florida Preservation 2000 Project Areas (CARL, SOR, FCT); or other comparable officially designated proposed land acquisition area. Conservation 2020 nominations that have not been approved by the BoCC do not qualify as a proposed preserve area.

Rare and Unique Uplands (Secondary Criteria B.3.)

Rare and Unique Uplands are defined in Lee Plan Objective 74.1 as "*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)*". Numbers refer to the FDOT Florida Land Use Cover and Forms Classification System.

Road Classifications (Secondary Criteria D.1.a. and D.2.a.)

The scoring in these sections are based on Lee County Land Development Code definitions of roads (Section 10-1), as follows:

Expressway means an arterial highway, usually divided, designed for the safe and relatively unimpeded movement of large volumes of through traffic, with full or partial control of access and grade separations at most intersections.

Freeway means a divided arterial highway designed for the safe unimpeded movement of large volumes of traffic, with full control of access and grade separation at all intersections.

Street (a.k.a. avenue, boulevard, drive, lane, place, road, or way, etc.) are separated into four functional classifications:

Arterial street means street primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.

Local street means streets with the primary function being to serve adjacent properties. As such, a local street provides the linkage from adjacent land uses to the collector street system. Through volume service is not a function of local streets.

Major collector street means street having the primary purpose of collecting traffic from intersecting local and minor collector streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function.

Minor collector street means streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest major collector or arterial. As such, a minor collector street provides the linkage from neighborhoods (i.e., local streets) to the arterial system, and provides intra-neighborhood access. Access to abutting land uses is a secondary function.

It should be noted that some "private roads" are privately-maintained but dedicated for public use, while other "private roads" are only for private use.

Sovereignty submerged lands (Secondary Criteria A.2.a.)

Publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state. [Section 253.03(8)(b)Florida Statutes]

Wetlands (Secondary Criteria B.2.)

Wetlands are defined in Lee Plan Objective 84.1 as "*...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.*

Revised

Conservation 2020 Site Review and Selection Process

