

LEE COUNTY RESOLUTION NO. 07-10-12

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS CONFIRMING CERTAIN AMENDMENTS TO THE CONSERVATION 20/20 LAND ACQUISITION PROGRAM PARAMETERS AND LAND SELECTION CRITERIA AS DEVELOPED BY THE CONSERVATION LANDS ACQUISITION AND STEWARDSHIP ADVISORY COMMITTEE PURSUANT TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 05-17; 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. 05-17, relating to the acquisition of environmentally sensitive or critical lands in Lee County; and,

WHEREAS, pursuant to Lee County Ordinance No. 05-17, the Conservation Lands Acquisition and Stewardship Advisory Committee (“CLASAC”), is charged with the duty to establish the parameters for the Conservation 20/20 Program (“Program”) to include the criteria for land purchases, procedures to implement the Program and processes for ranking purchases; and,

WHEREAS, previously, the CLASAC developed the Program parameters as required by Lee County Ordinance No. 05-17, Section Three, paragraph B., and the Board adopted same pursuant to Lee County Resolution No. 97-06-82 and No. 01-01-35; and,

WHEREAS, the Board now desires to confirm certain amendments to the Program parameters as further developed by the CLASAC.

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

**COPY**

C6a

10-9-07

1. The amendments to the Program parameters as developed by the CLASAC and attached as "Exhibits A-D" hereto, are hereby accepted, confirmed and authorized for implementation by the CLASAC.

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

Commissioner Mann, made a motion to adopt the foregoing Resolution, seconded by Commissioner Hall. The vote was as follows:

ROBERT P. JANES	<u>Aye</u>
BRIAN BIGELOW	<u>Aye</u>
RAY JUDAH	<u>Aye</u>
TAMMARA A. HALL	<u>Aye</u>
FRANKLIN MANN	<u>Aye</u>

DULY PASSED AND ADOPTED this 9<sup>th</sup> day of October, 2007.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

By, Marcia Wilson  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chairman

APPROVED AS TO FORM:

By: Mel A. Bowers  
Office of County Attorney



Exhibit "A"

**ADD TO DEFINITIONS:**

Master Mitigation Map (Initial Criteria 6.)

The Master Mitigation Plan (MMP) identifies private and publicly owned parcels that could be candidate projects for preservation, restoration, or mitigation activities. The MMP implements Lee Plan Policy 2.11.4, which calls for the County to "Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs." The map is administratively updated to remove tracts that are developed and to add appropriate tracts that are acquired for conservation purposes.

**CONSERVATION 20/20 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 current market conditions. (See Criteria 1).

- 1) **Does the owner indicate by his/her asking price a willingness to sell below market value range?**  
All applications to nominate a property to the Conservation 20/20 Program must include the asking price. County staff will conduct a market analysis of the property in order to compare the asking price with current market conditions.
- 2) **Are there any other funds 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 documented environmentally sensitive lands?**  
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
  - f) Eco-archaeological resources
- 4) **Does the parcel have 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 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) **Is the parcel located in an area designated on the Master Mitigation Plan Map?**  
Pursuant to Lee Plan Policy 23.1.4, the Master Mitigation Plan (MMP) map identifies private and publicly owned parcels that could be candidate projects for preservation, restoration, or mitigation activities.
- 67) **Is there good potential for long term management of the property?**  
This criterion 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.
- 78) **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 criterion only applies if the natural plant communities and hydrology of the property are substantially in their natural condition.

**INITIAL REVIEW**

**NOMINATION**

<b>INITIAL REVIEW CRITERIA QUESTION AND RESPONSE</b>	
	<b>1. Does the owner indicate by his/her asking price a willingness to sell below market value range?</b>
	<b>2. Are there any other funds available to contribute towards the purchase price of the parcel?</b>
	<b>3. Does the parcel contain any documented environmentally sensitive lands?</b>
	<b>4. Does the parcel have important water resource features?</b>
	<b>5. Is the parcel contiguous to a protected environmentally sensitive land or water body?</b>
	<b>6. Is the parcel located within an area identified on the Master Mitigation Plan map?</b>
	<b>67. Is there good potential for long term management of the property?</b>
	<b>7.8. Are the native plant communities or water resources on the property in danger of being detrimentally altered?</b>
	<b>NUMBER OF CRITERIA THAT THE PROPERTY MEETS</b>
<b>Comments:</b>	Conflict with any planned transportation projects?
	<b>Staff Recommendation:</b>
	<b>CRSC Recommendation:</b>
	<b>CLASAC Recommendation:</b>

Land Owner(s) Name(s):

Nominator Name:

**CONSERVATION 20/20 PROGRAM  
SECONDARY REVIEW**

CRITERIA		SCORE	COMMENTS
<b>A. SIZE AND LOCATION CONTIGUITY</b>			
<b>1.</b>	<b>Size of Property</b>		
	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	
<b>2.</b>	<b>Contiguous to:</b>		
	a. Coastal waters/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	2
<b>3.</b>	<b>Within an area identified on the Master Mitigation Plan map</b>	4	4
<b>B. HABITAT FOR PLANTS AND ANIMALS</b>			
<b>1.</b>	<b>Native Plant Cover</b>		
	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	
<b>2.</b>	<b>Significant for wide-ranging species</b>		
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	2
<b>3.</b>	<b>Rare and Unique Uplands</b>		
	a. Scrub, hammock, old growth pine	2	2
	b. Mature, second growth pine flatwood	1	
<b>4.</b>	<b>Diversity</b>		
	a. 5 or more FLUCFCS native plant community categories	2	2
	b. 3 or 4 FLUCFCS native plant community categories	1	
	c. 2 or less FLUCFCS native plant community categories	0	

**CONSERVATION 20/20 PROGRAM  
SECONDARY REVIEW**

Nomination

<b>C. SIGNIFICANCE FOR WATER RESOURCES</b>					
	<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		4
	<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		
	<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		2
	<b>2. Strategic to Flood Management</b>				
	<b>a.</b>	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>b.</b>	Same as a., portion of floodway (one side) or within floodplain	3		
	<b>c.</b>	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2		
	<b>d.</b>	Small watershed, minimal flooding	1		
	<b>e.</b>	No significant flood issues	0		
	<b>3. Protect a water supply source.</b>				
	<b>a.</b>	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>b.</b>	Not within above mentioned zones, but advantageous due to proximity to existing water supply facilities or identified as potential water storage area	1		
	<b>c.</b>	No recharge or potential water supply opportunities	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		2
	<b>b.</b>	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1		
	<b>c.</b>	No existing or potential water quality benefits	0		

**CONSERVATION 20/20 PROGRAM  
SECONDARY REVIEW**

**Nomination**

<b>D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE</b>					
<b>1.</b>	<b>Good Access for Public Use and Land Management</b>				
	Parcel can be accessed from a freeway, expressway, arterial street, or major collector	<b>3</b>			<b>3</b>
	Parcel can be accessed from a minor collector or local street	<b>2</b>			
	Parcel can be accessed from a privately-maintained road that is dedicated for public use	<b>1</b>			
	Parcel can only be accessed by a private road or does not have physical or legal access	<b>0</b>			
<b>2.</b>	<b>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 about native plants and animals, eco-archaeological resources, land restoration, etc.	<b>0-2</b>			<b>2</b>
<b>3.</b>	<b>Land Manageability</b>				
	75% or greater of the perimeter of site is surrounded by low impact land uses	<b>3</b>			<b>3</b>
	50%-75% of the perimeter of site is surrounded by low impact land uses	<b>2</b>			
	25%-50% of the perimeter of site is surrounded by low impact land uses	<b>1</b>			
	Less than 25% of the perimeter of the site is surrounded by low impact land uses	<b>0</b>			
<b>4.</b>	<b>Development Status (Maximum 4 points)</b>				
<b>a.</b>	The Parcel is Approved for Development or is Exempt from Clearing Regulations	<b>4</b>			<b>4</b>
<b>b.</b>	The Parcel is Zoned for Intensive Use	<b>2</b>			
<b>c.</b>	Future Land Use Map: Intensive Land Use Category	<b>1</b>			
<b>TOTAL POINTS</b>				<b>Maximum Points = 60</b>	<b>60</b>
<b>STAFF RECOMMENDATION</b>					
<b>CRSC RECOMMENDATION , 2007</b>					
<b>CLASAC RECOMMENDATION ,2007</b>					