

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

Blue Sheet No. 20021239

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the recommendations of the Conservation Lands Acquisition and Stewardship Advisory Committee to pursue the acquisition of approximately 77 acres in North Fort Myers located between the Powell Creek Drainage Canal and Hart Road. Authorize the Division of County Lands to begin the acquisition process for the property known as Conservation 20/20 Nomination 217.

WHY ACTION IS NECESSARY: Required by Lee County Ordinance 96-12.

WHAT ACTION ACCOMPLISHES: Begins the process of negotiation and purchase of certain, identified environmentally sensitive lands as set forth by County Ordinance 96-12 and the Conservation 20/20 Program.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT #: 4

C6C

3. MEETING DATE:

11-12-2002

4. AGENDA:

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE 96-12
 - ADMIN.
 - OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT *Independent*
- C. DIVISION *County Lands*
- BY: *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 217 be pursued for acquisition. The parcel contains an upstream segment of Powell Creek and will provide flood protection for Forest Park and Suncoast Estates. The location on Powell Creek and the Powell Bypass Canal is strategic for the construction of a filter marsh to help improve the quality of water flowing into the Caloosahatchee River. Preliminary title research has been completed on this parcel and no substantial title problems were found.

The Committee has continued to recognize the potential for off-site mitigation credits for this recommended parcel. Mitigation is an integral part of the program, but mitigation credits may not necessarily be obtained for all acquisitions, as every parcel may not have the necessary "match" for impacted wetlands for any given project by the County in a given sector. Impacted wetlands from a County project must be similar in nature and quality as those on the parcel(s) for off-site mitigation credits to be awarded by regulatory agencies. 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 217 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>K. Forsyth</i>	N/A	N/A	<i>FAO 10/24</i>	<i>Forsyth 11-28-02</i>	OA	OM	RISK	GC	
					<i>Alan 10-28-02</i>	<i>10-28-02</i>	<i>10-30-02</i>	<i>10-28-02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *10/25/02*
Time: *1:25*
Forwarded To: *ADMIN 10-28-02 10:15*

RECEIVED BY COUNTY ADMIN. *EN*
10-28-02
10:15
COUNTY ADMIN. *BL*
FORWARDED TO: *10/30/02*

**CONSERVATION 20/20 PROGRAM SECONDARY REVIEW
NOMINATION 217 - POWELL CREEK**

CRITERIA	SCORE	COMMENTS
A. SIZE AND CONTIGUITY		
1. Size of Property		
a. > 500 acres	6	This property is identified as Tax Identification Number (STRAP) 36-43-24-00-00002.0000 and consists of approximately 77 acres. It is bounded by the Powell Bypass Canal on the west, Forest Park Mobile Home Subdivision on the north, Hart Road on the east, and Carriage Village Mobile Home Subdivision on the south.
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	Site is isolated from other preserves. Site does contain a natural portion of Powell Creek which drains approximately 1.2 miles south/southeast towards the Caloosahatchee River. Both upriver and downriver connections to Powell Creek have been converted to drainage canals.
b. Existing preserve area, c.e., wma or refuge	4	
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	Old pasture and disturbed area within the eastern half of the nomination, it contains native vegetation but is not an intact native community. It comprises about 25% of the site (approx. 19 acres) and contains many species of exotic vegetation. Assuming \$1,000 per acre to remove exotics, about \$19,000 will be needed to conduct initial treatment of exotic vegetation.
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. Significant for wide-ranging species		
Panther Habitat, wetlands, ponds, grass lands, etc.	2	A portion of the original Powell Creek flow-way is present on the nomination. Although habitat value to wide ranging species is limited by its isolation due to surrounding urban development, the site provides localized habitat to at least one listed species, the gopher tortoise.
3. Rare and Unique Uplands		
a. Scrub, hammock, old growth pine	2	Mature second growth pines and a few old growth pines present
b. Mature, second growth pine flatwood	1	
4. Diversity		
a. 5 or more FLUCCS native plant community categories	2	Pine flatwoods with scattered oaks. 6.2 acres (8% of site) are jurisdictional wetlands. Note: wetlands are highly impacted and considered non-functioning.
b. 3 or 4 FLUCCS native plant community categories	1	
c. 2 or less FLUCCS native plant community categories	0	

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C. SIGNIFICANCE FOR WATER RESOURCES			COMMENTS	
1. Serves or can serve as flow-way				
	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	Site contains upstream segment of Powell Creek, from its confluence with the Powell Bypass Canal to Able Canal
a.	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.	Same as b., smaller watershed, not as defined, disconnected	2		
c.	Site conveys runoff, minimal area	1		
d.	Site provides no conveyance of surface water	0		
e.	Add 2 points if conveyance is natural (not man-made)	+2	1	
2. Strategic to Flood Management				
	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	Provides flood protection for Forest Park and Suncoast Estates (both flood prone areas). Note: On the day of the field review, July 15, 2002, the site had no standing water and the upper portion of the Powell Creek drainage was dry.
a.	Same as a., portion of floodway (one side) or within floodplain	3		
b.	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2		
c.	Small watershed, minimal flooding	1		
d.	No significant flood issues	0		
3. Protect a water supply source.				
	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		No significant water supply source
a.	Not within above mentioned zones, but advantageous due to proximity to existing water supply facilities or identified as potential water storage area	1		
b.	No recharge or potential water supply opportunities	0	0	
4. Offset Damage to or Enhance Water Quality.				
	Presence of wetland, retention, or lake that is currently providing water quality benefits	2	2	Regional water quality improvements could be provided through site alteration. Property location on Powell Creek and the Powell Bypass Canal is strategic for the construction of a filter marsh to help improve the quality of water flowing to the Caloosahatchee River.
a.	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1		
b.	No existing or potential water quality benefits	0		

**CONSERVATION 20/20 PROGRAM SECONDARY REVIEW
NOMINATION 217 - POWELL CREEK**

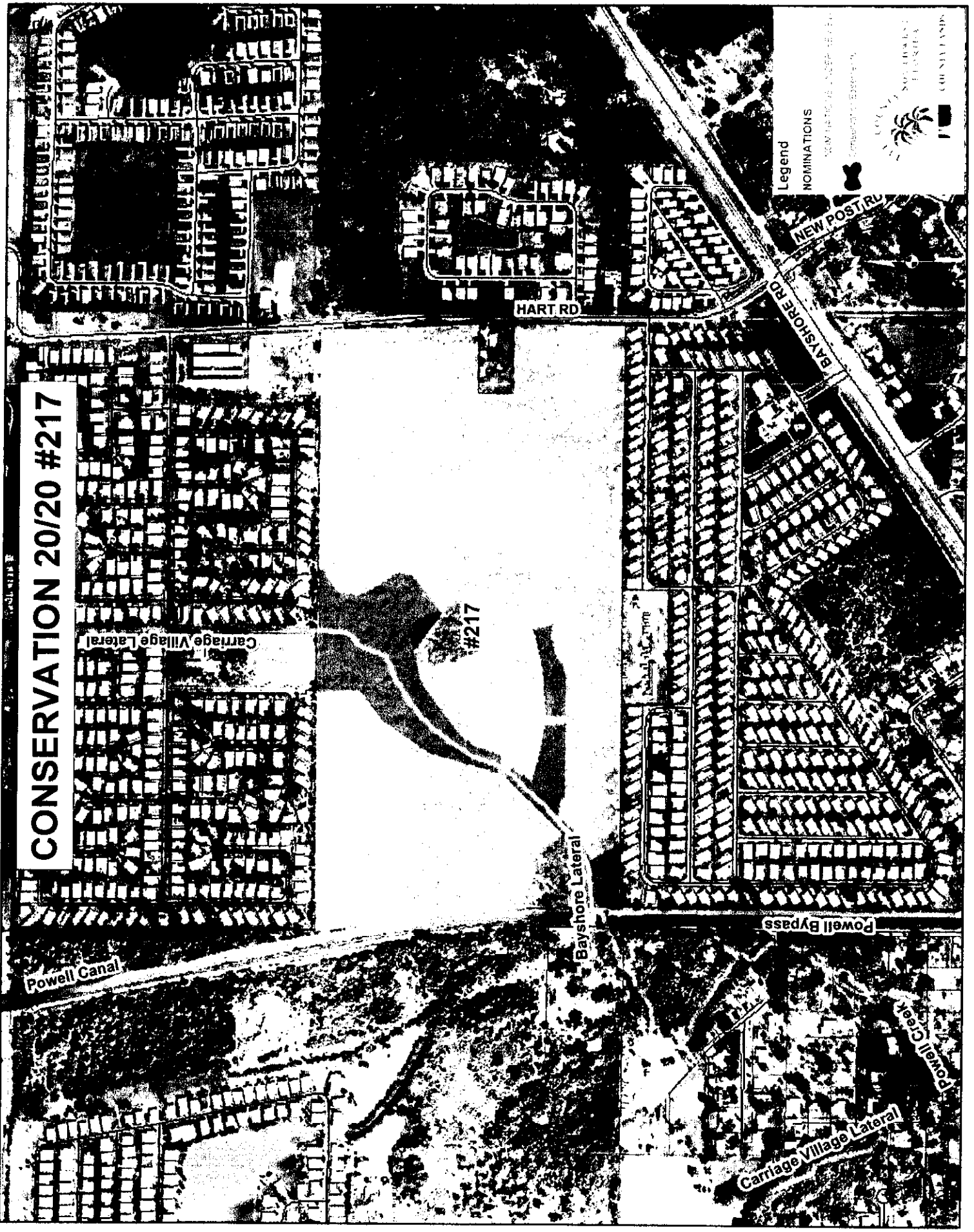
D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE			COMMENTS
1. Good Access for Public Use and Land Management			
Freeway, expressway, arterial street, or major collector	3		This property is accessible to vehicles on its eastern boundary by Hart Road, approximately 600 feet north of Bayshore Road (S.R. 78). Hart Rd. is County-Maintained. North Evalena Lane does not provide access to the western portion of the property as it is blocked by the "Powell Creek" canal structure.
Parcel can be accessed from a minor collector or local street	2	2	
Parcel can be accessed from a privately-maintained road that is dedicated for public use	1		
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	The site would be suitable for photography, nature study, environmental education, hiking, and possibly fishing. Spectacular mature pines and oaks. At least 4 active gopher tortoise burrows located on site. Proximity to residential developments provides the opportunity for a neighborhood preserve close enough to walk or bike to.
3. Land Manageability			
75% or greater of the perimeter of site is surrounded by low impact land uses	3		Completely surrounded by developed residential and mobile home subdivisions. Management of this property will be challenging and expensive due to its isolation from other preserves and a greater need for protection from incompatible uses by neighboring residents. Observed during the site visit was a still-smoldering fire in an established campfire area, cut firewood, a tree house, several old hog pens, an extensive road system and residential dumping. A homesite is developed on an approximately 1-acre out parcel on Hart Road.
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	0	
4. Development Status (Maximum 4 points)			
a. The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	0	The development order (DO# 89-06-021.00D) for Royal Palm Estates has expired. A new development order will be subject to the County's clearing regulations. The understory exhibits significant disturbance.
b. The Parcel is Zoned for Intensive Use	2	2	Zoned MHPD for a 325 unit mobile home subdivision (still active) Central Urban
c. Future Land Use Map: Intensive Land Use Category	1	1	
TOTAL POINTS		26	

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NOMINATION 217 - POWELL CREEK**

COMMENTS: Staff, George Wheaton, and Bill Anderson, representing landowners, conducted a field review on July 15, 2002. Management staff is concerned about the isolation and surrounding urban land uses being problematic for management. Both the SFWMD and Lee County Department of Natural Resources support the acquisition of this site for its regional potential for water quality enhancements and flood protection. Although current funds for the project are not available, the SFWMD and County Surface Water Management Program expect to be able to provide funding for water management improvements at some time in the future. Since County and/or District funds are presently not available for such a restoration project on the property, the owners' proposal to provide monetary assistance with exotic vegetation control will solve the problem of managing a disjunct Conservation 20/20 acquisition until appropriate funding is available for watershed restoration. The property owners have agreed to contribute \$10,000 at the time of closing toward the anticipated \$19,000 cost of initial exotic vegetation control to offset management difficulties of this site.

RECOMMENDATION: Pursue for acquisition subject to the condition that the Property Owner pay the sum of \$10,000 for exotic pest plant removal at the time of closing to offset the management costs of this site

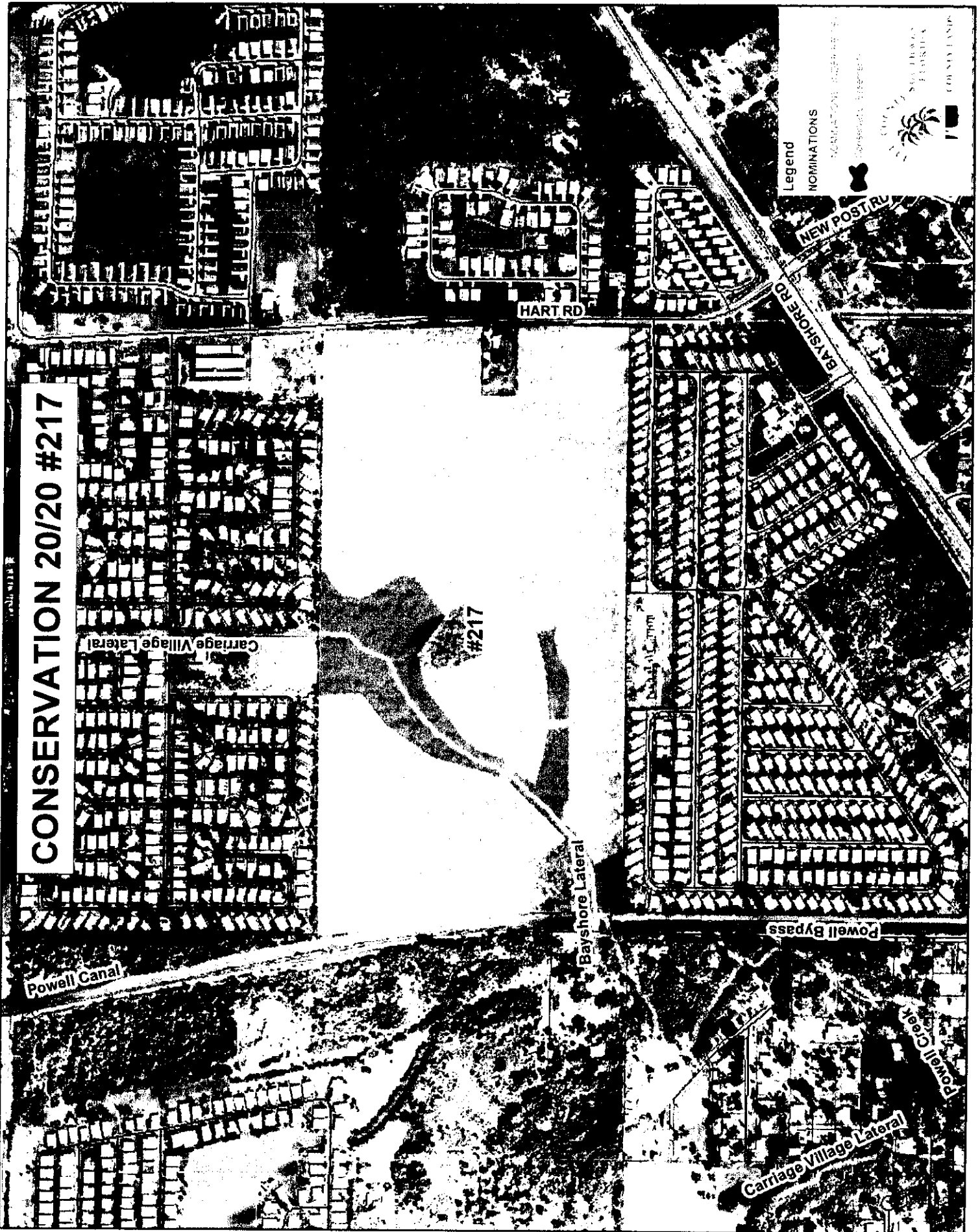
CONSERVATION 20/20 #217



Legend
NOMINATIONS

LOCAL GOVERNMENT
COUNTY LANDS

CONSERVATION 20/20 #217

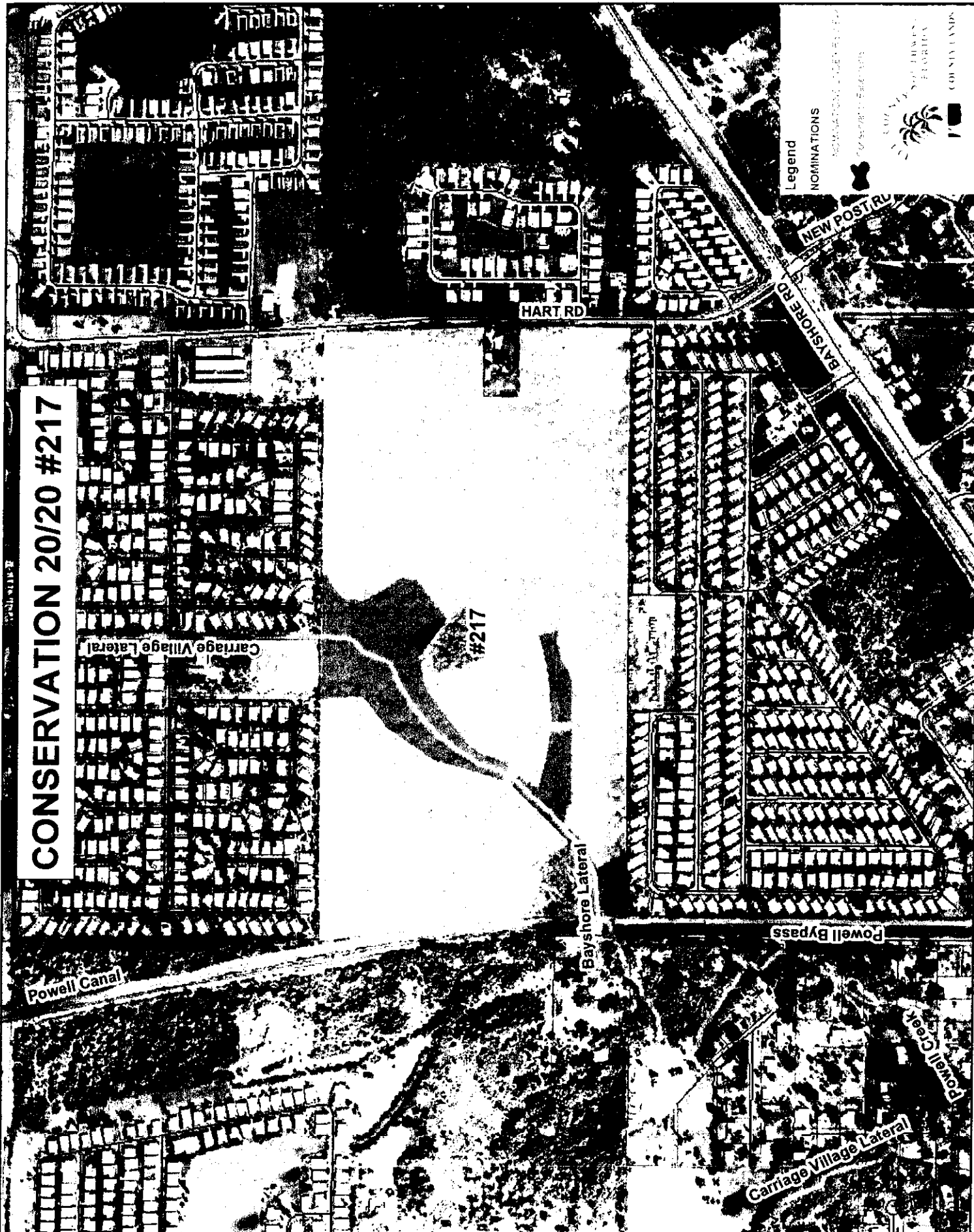


Legend
NOMINATIONS

CONSERVATION 20/20 #217

ST. JOHNS COUNTY
FLORIDA
COUNTY LANDS

CONSERVATION 20/20 #217



Legend
NOMINATIONS



HART RD

NEW POST RD

POWELL BYPASS

POWELL CANAL

BAYSHORE LATERAL

CARRIAGE VILLAGE LATERAL

CARRIAGE VILLAGE LATERAL

POWELL CREEK

#217

CONSERVATION 20/20 #217



Powell Canal

Carriage Village Lateral

#217

Bayshore Lateral

HART RD

BAYSHORE RD

NEW POST RD

Carriage Village Lateral

Powell Bypass

Powell Creek

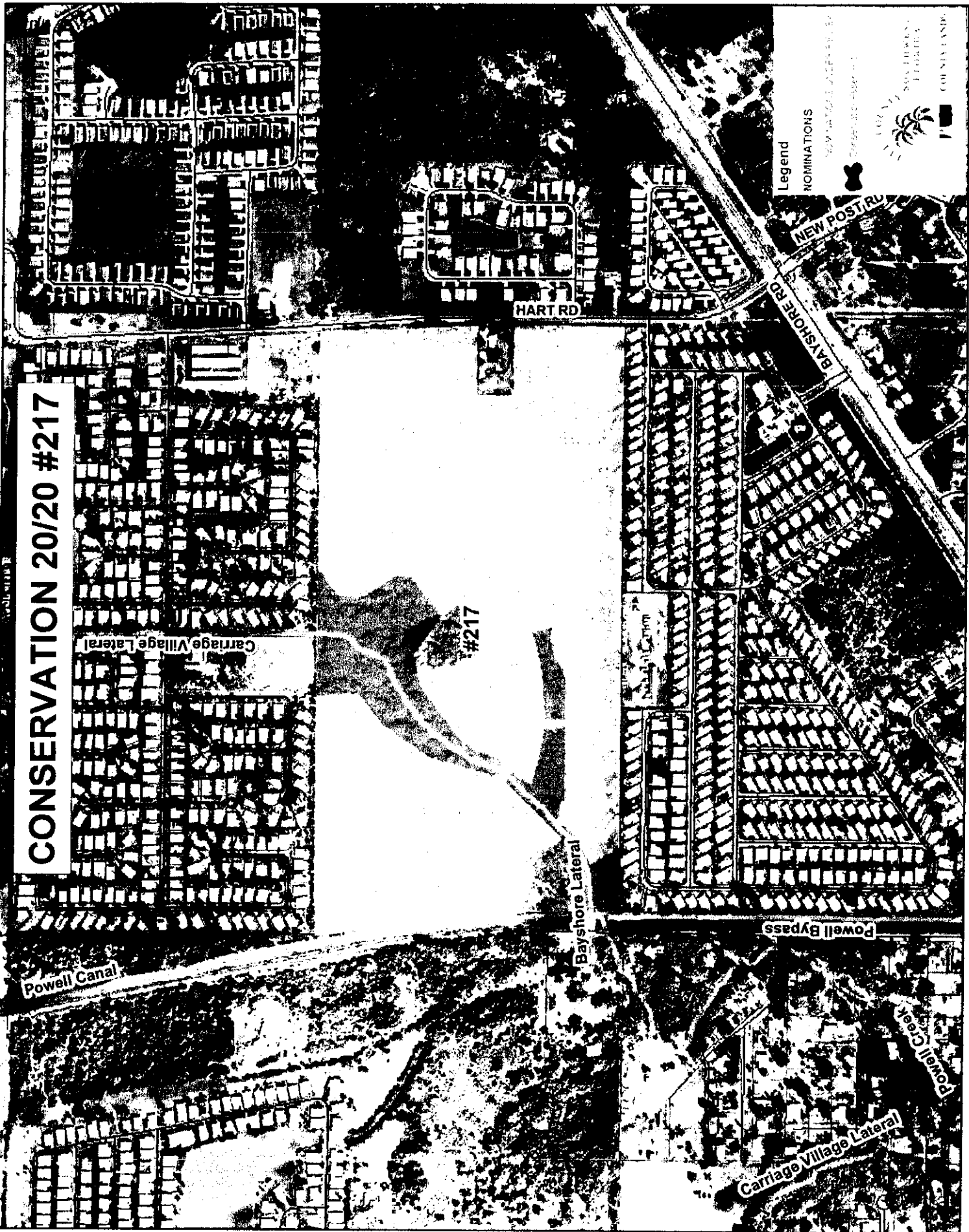
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NOMINATIONS

- NEW NATIONAL WOOD PRESERVE
- 200-acre wetland easement

THE COUNTY OF SOUTHWEST FLORIDA
COUNTY LANDS

CONSERVATION 20/20 #217



Legend
NOMINATIONS
SOUTH FLORIDA
COUNTY LANDS

CONSERVATION 20/20 #217

#217

Powell Canal

Carrage Village Lateral

Bayshore Lateral

HART RD

BAYSHORE RD

NEW POST RD

Powell Bypass


Carrage Village Lateral

Powell Creek

Legend

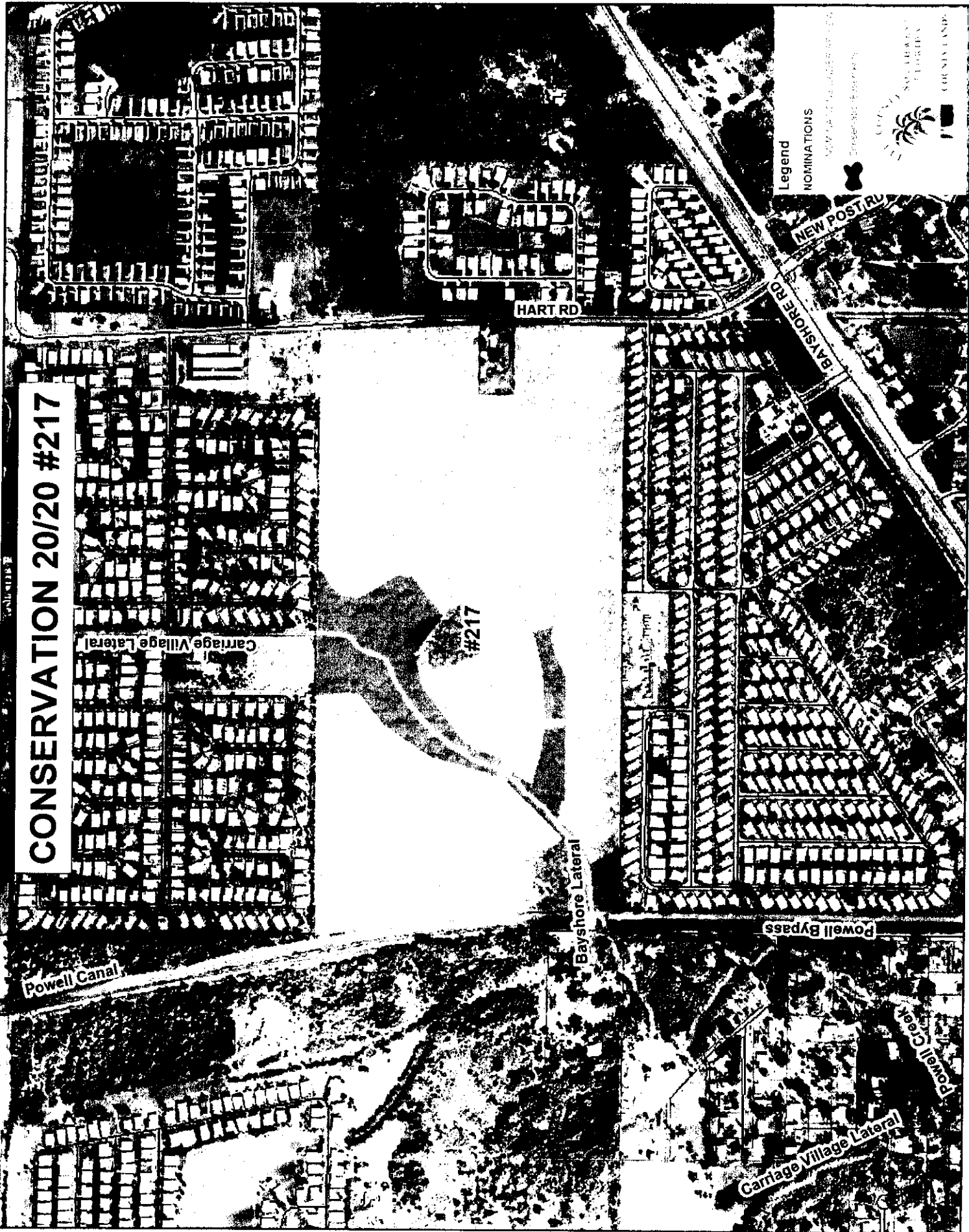
NOMINATIONS

- NOMINATION OF AN AREA
- Conservation Easement



ST. COLANGELO
SOUTHWEST
FLORIDA
COUNCIL OF LAND

CONSERVATION 20/20 #217



Carriage Village Lateral

#217

Bayshore Lateral

Powell Bypass

Powell Canal

Carriage Village Lateral

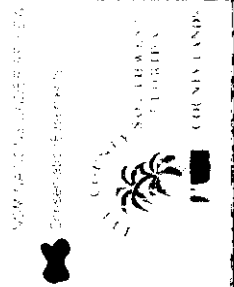
Powell Canal

HART RD

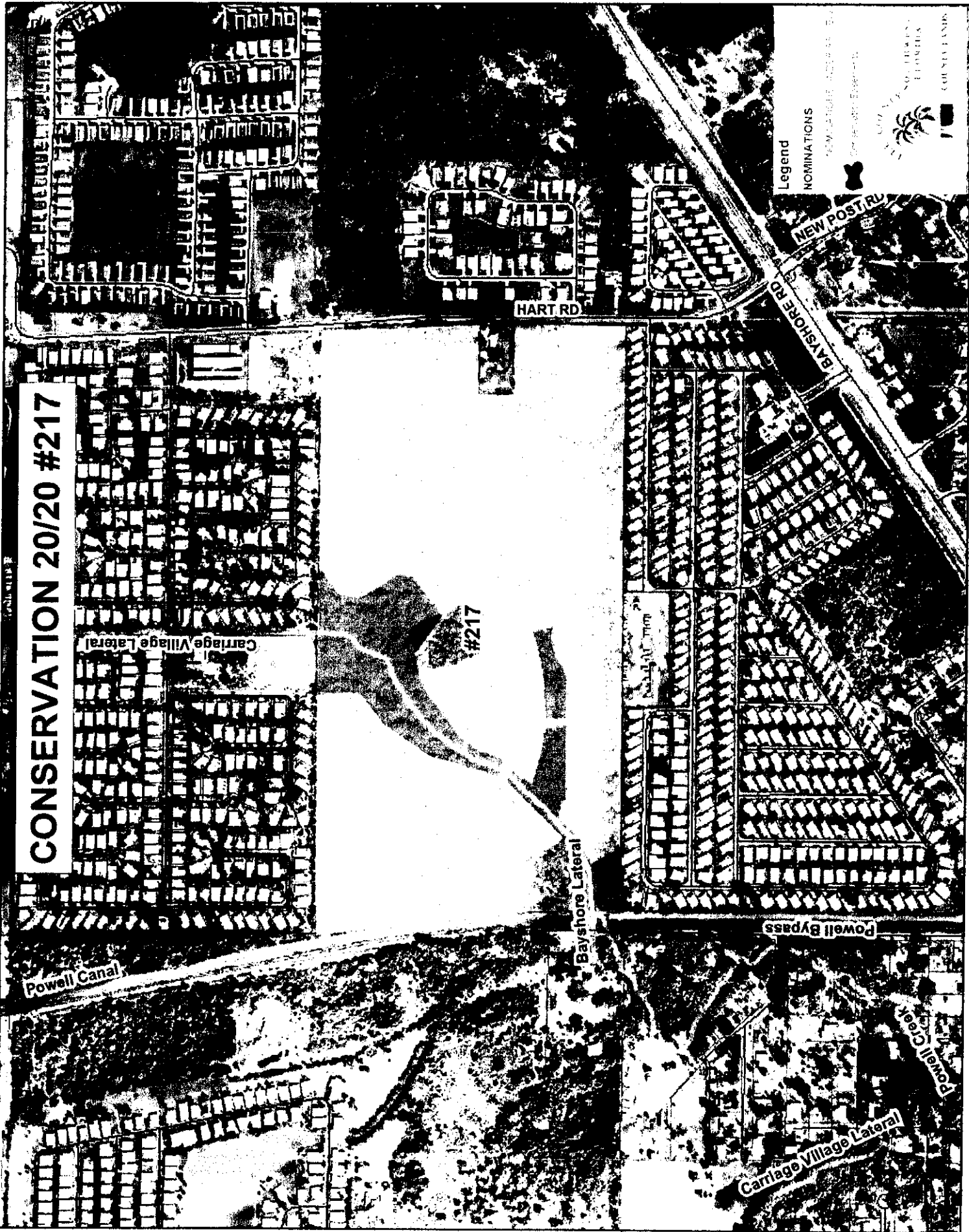
NEW POST RD

Legend

NOMINATIONS



CONSERVATION 20/20 #217



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NOMINATIONS
SOUTH FLORIDA COUNTY LANDS

Carrage Village Lateral

#217

Bayshore Lateral

Powell Bypass

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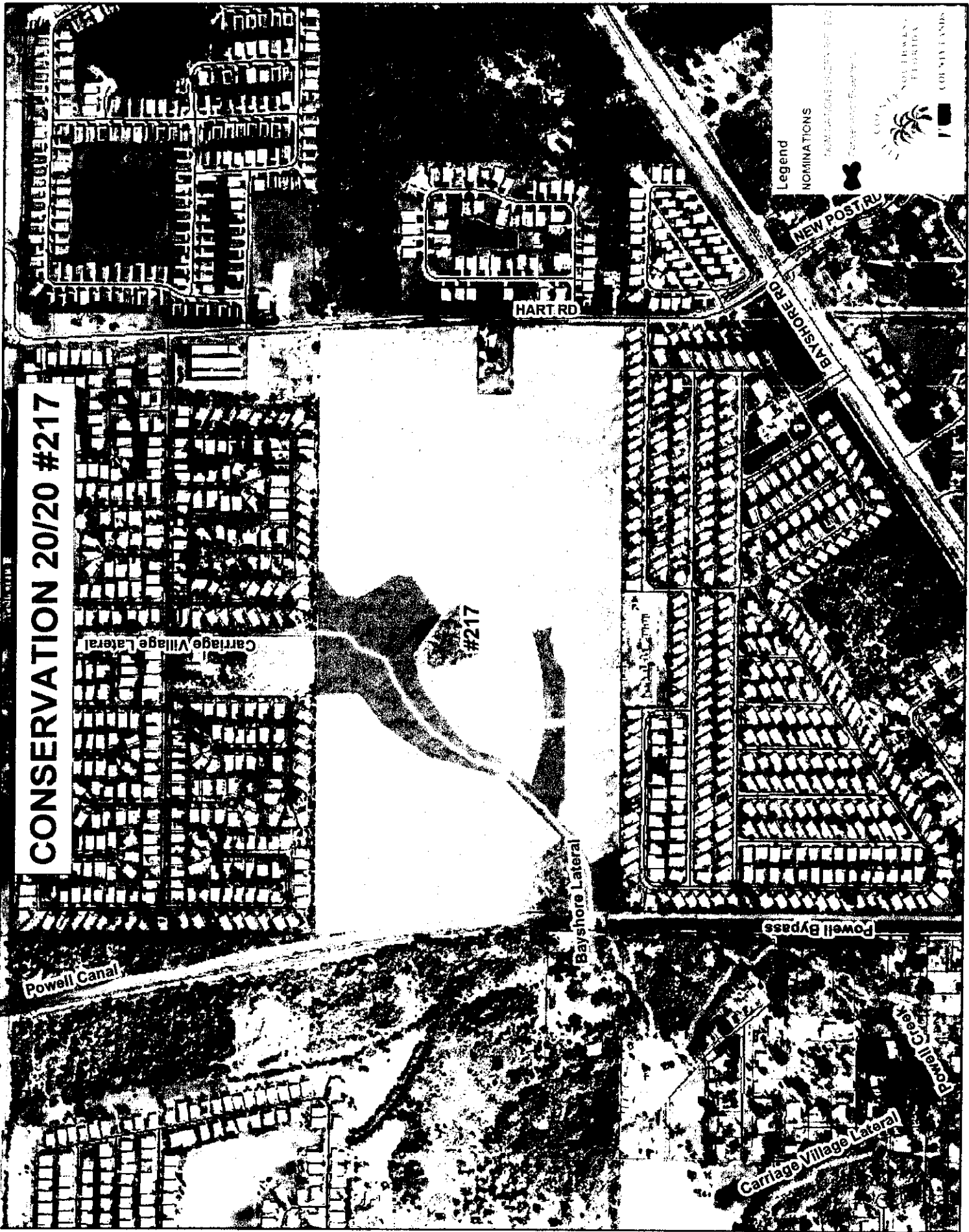
Powell Canal

HART RD

NEW POST RD

BAYSHORE RD

CONSERVATION 20/20 #217



Carriage Village Lateral

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Bayshore Lateral

Powell Canal

HART RD

Powell Bypass

NEW POST RD

BAYSHORE RD

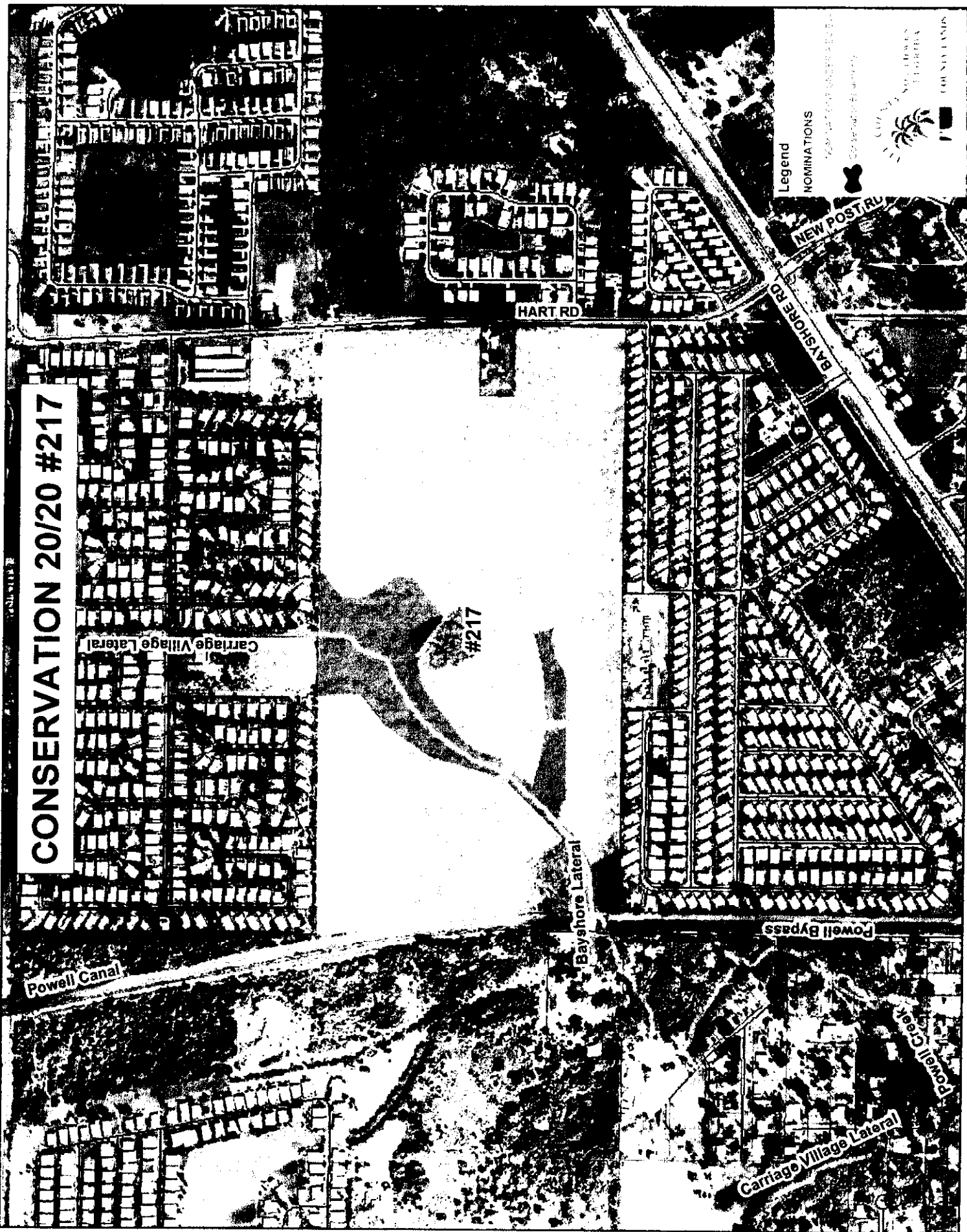
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NOMINATIONS

FLORIDA
COUNTY LANDS

Carriage Village Lateral

Powell Canal

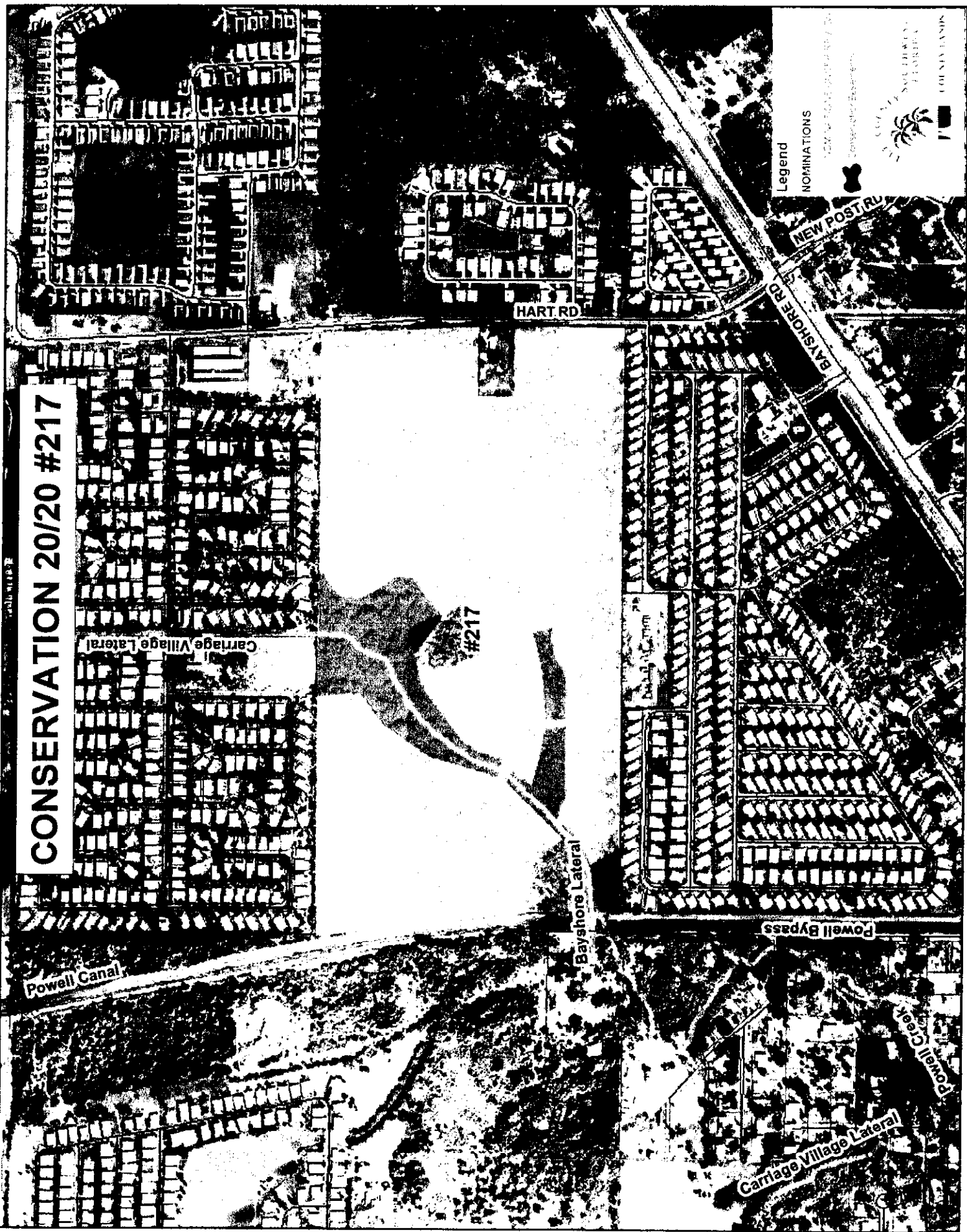
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NOMINATIONS



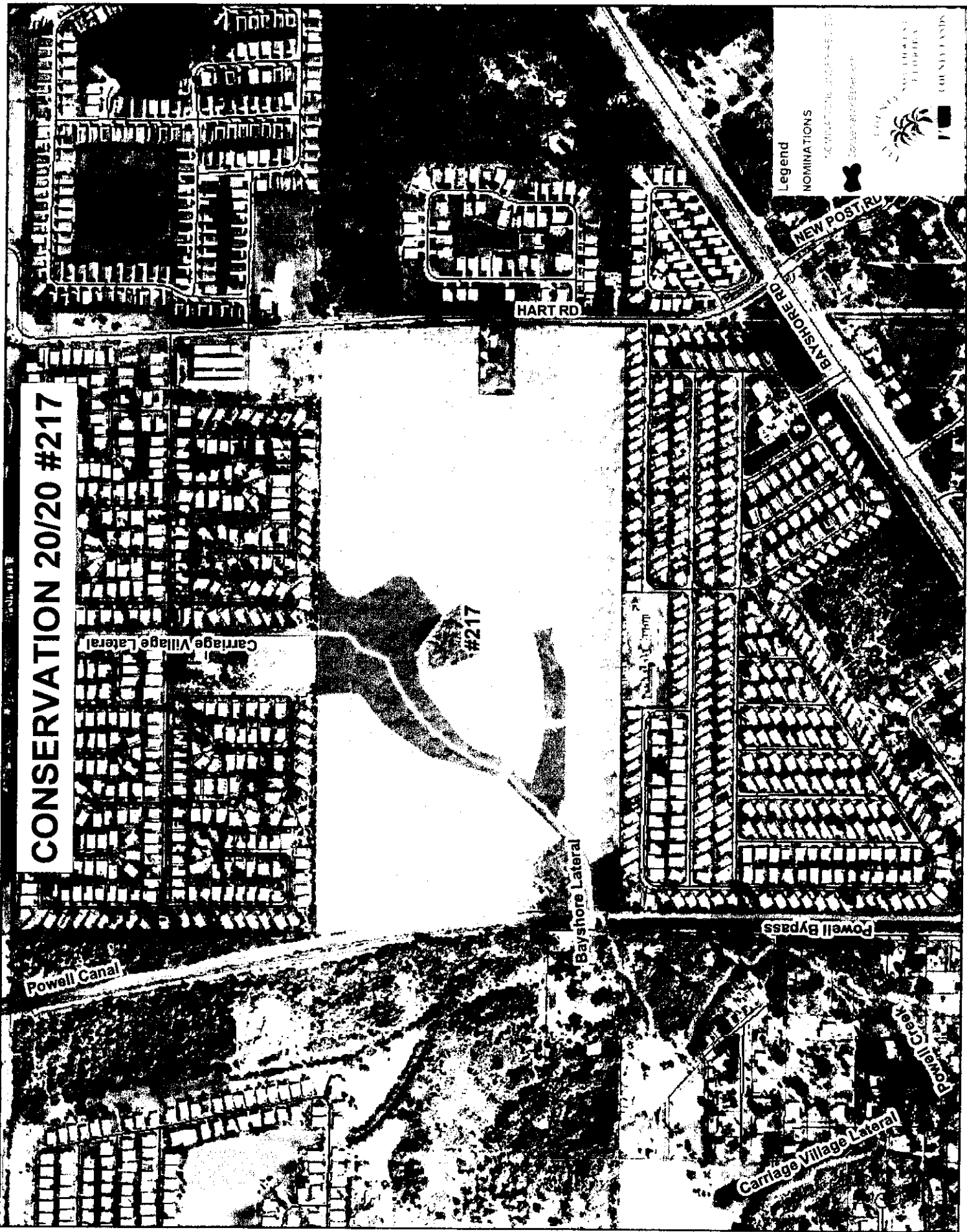
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Legend
NOMINATIONS



CONSERVATION 20/20 #217



Carrage Village Lateral

#217

Bayshore Lateral

Powell Bypass

Carrage Village Lateral

Powell Canal

HART RD

NEW POST RD

Legend
NOMINATIONS
COUNTY LANDS
SOUTH FLORIDA

CONSERVATION 20/20 #217

#217

Powell Canal

Carrage Village Lateral

Bayshore Lateral

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Carrage Village Lateral

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BAYSHORE RD


NEW POST RD

Powell Creek

Legend

NOMINATIONS

- NOMINATIONS UNDER REVIEW
- Conservation Easements



COUNTY LANDS