

LEGISLATIVE #

110076D



Planning and Development Services Department

Ordinance 110076 Natural & Archaeological Resources Protection

7/19/12

- **Brief history on the natural and archaeological resources protection ordinance**
- **Summary of major changes since the City Commission petition approval on 8/4/11**
- **Presentation of proposed regulations**

- 2000 CC directed staff to look at additional protections for environmental features
- 2004 Significant Ecological Communities (SEC) overlay district adopted by CC
- Legal issues arose over SEC overlays
- February 2009 CDC recommended protection of Strategic Ecosystem
- April 2009 CC directed staff to draft Plan Board petition

- Plan Board Public Hearings 2/2/11, 3/2/11, & 3/24/11
- Various meetings/phone calls with interested parties for comments, including Stakeholder meetings on 3/9/11 & 5/9/11
- City Commission approved Petition PB-10-143 TCH (6-1) on 8/4/11 with modification for threshold of review (< or = 5 acres) & request to present different “fee-in-lieu” option

Major Changes since 8-4-11 City Commission Meeting

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- Fee-in-lieu mitigation option deleted
 - Staff researched options for focus on ecological rather than market value with UF professionals and land conservation experts
 - Alternative methods using ecological value are complex and costly to use
 - Proposed fee would be used for general green space acquisition; burdensome for staff to rationally relate to the specific natural resource being impacted and to assure acquisition of sufficient/comparable resources

- Change in definition of significant natural community for clarity
- Clarified the 5-acre exemption
- Exemption added for certain sinkholes
- Added option for a Pre-application Resource Consultation
- Added clarification about the timing of the Methodology Agreement (signed prior to an application)

- Clarification of maximum set-aside requirements
- Reduction of Level 1 review fee from \$1,000 to \$500
- Applicability clause added to clarify that the ordinance will apply to applications received after the effective date

Maximum Set asides

- Parcel is outside mapped Strategic Ecosystem (SE): up to 25% of the upland portion of the parcel
- Parcel is inside mapped SE, but no evaluated/delineated SE resources are present: up to 25% of the upland portion of the parcel
- Parcel is inside mapped SE and contains SE resources: up to 50% of the upland portion of the parcel

Maximum set asides cont.

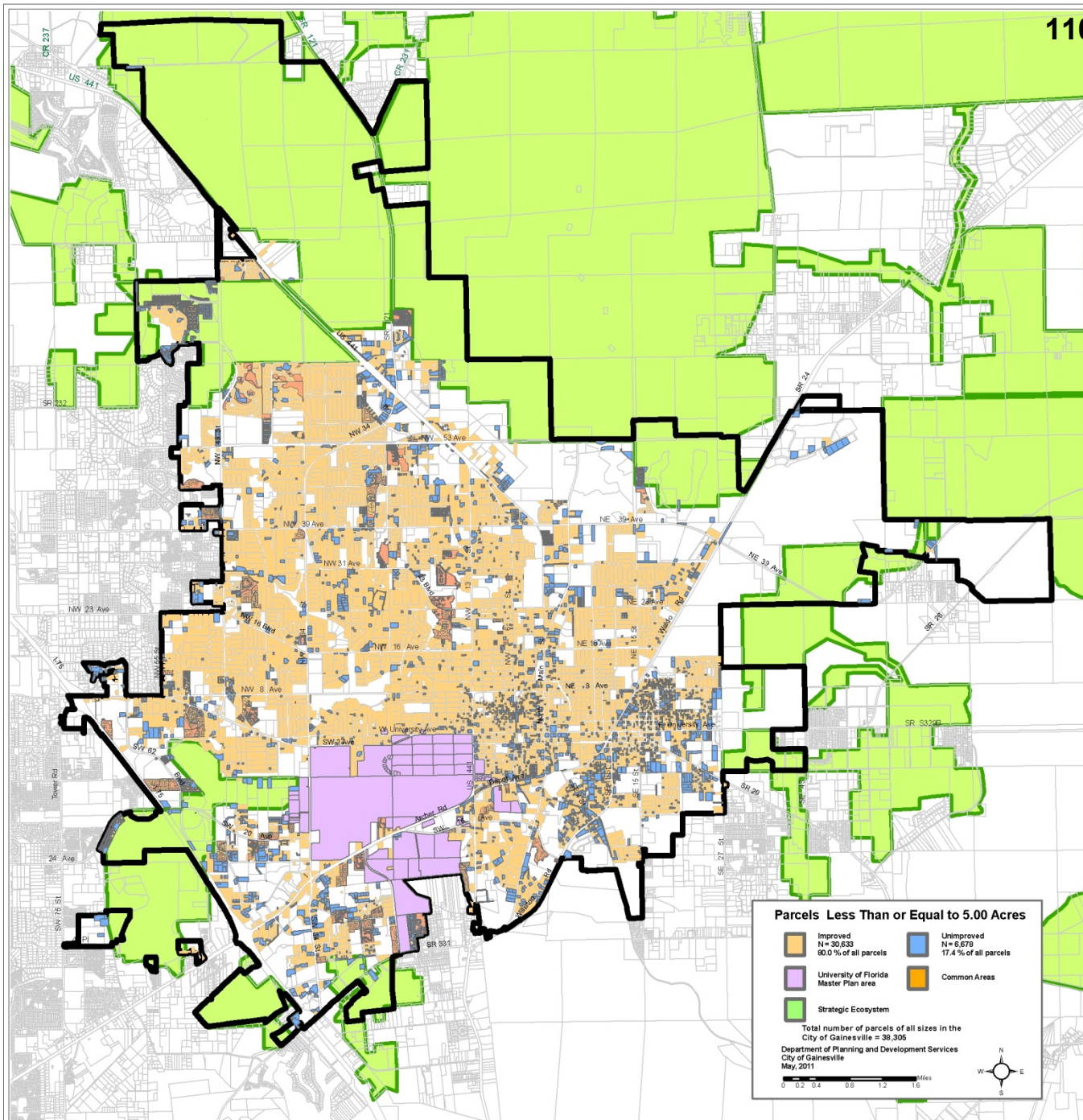
- Set-aside areas are for protection of all regulated natural and archaeological resources
- Surface waters/wetland buffer areas count toward meeting set aside area
- Set-aside maximums may be exceeded if required for setbacks/buffers for surface waters/wetlands or protection of other resources by federal/state law

Components of the ordinance

- New or revised definitions (pp. 2-6)
- Repeal of the Upland District (pp. 8-9) (replaced by regs for Significant Natural Communities & Strategic Ecosystems)
- Move Environmental Review for surface waters/wetlands to Sec. 30-301 (pp. 9-11)
- Repeal of Significant Ecological Communities District Section (pp. 13-18)
- **Proposed Regulations for Natural & Archaeological Resources (pp. 19-54)**
- Fees (pp. 60)

General Requirements

- Purpose & Intent – prevent the loss of natural & archaeological resources
- Several exemptions, including lots of record ≤ 5 acres as of Nov. 13, 1991
- Binding Methodology Agreement
- Levels of review determined by presence of resource
- Density/intensity transfers allowed within the planning parcel or alternative compliance available



Parcels	> or = 5 acres	Percentage of all parcels in city (38,028) ^{110076D}
Total	696	1.8%
Government Owned	193 (27.7%)	0.5%
Privately Owned	503 (72.3%)	1.3%
Improved	261 (51.9%)	0.7%
Unimproved	242 (48.1%)	0.6%

Background

- Concept for Natural & Archaeological Resource Protection
 - Provide protections for significant natural and archaeological resources
 - Provide protections similar to County regulations for consistent local government approach to resource protection
 - Maintain landowner's use & ability to develop property, providing exemptions and flexibility with alternatives

- Specifies map used to identify nature parks and conservation/preservation area locations
- Building & lighting requirements (existing requirements remain)
- 25-foot buffer required (or fencing, if justified) for new development > 2 acres if abutting nature park or public conservation/preservation area

- Natural & Archaeological Resources
 - Significant Natural Communities
 - Listed Species
 - Strategic Ecosystems
 - Floridan Aquifer High Recharge Areas
 - Significant Archaeological Resources
 - Significant Geological Resource Features

- Content of Assessment specified for each natural resource type
- Parcels cannot be disaggregated
- Geographic study area agreed upon in Methodology Agreement

Significant Natural Communities

- Natural community types per FNAI rank as S1, S2, or S3
- Alternatives to on-site protection (at least 2 acres of comparable habitat for every 1 acre of on-site habitat)

- Evaluate all parcels for presence
- If present, management or mitigation plan required, including coordination & consistency with other state & federal agency recommendations and requirements

Strategic Ecosystems

- Applies to parcels w/in Strategic Ecosystem areas identified in the KBN/Golder Report (1996)
- Ground-truthing will confirm protection areas
- Assessment & management plan required
- Criteria for set-aside area location specified in the ordinance

Floridan Aquifer High Recharge Areas

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- Existing facilities must meet Alachua County's Hazardous Materials Management Code
- Modifications to existing facilities proposed as part of a development plan must meet new facility standards
- New development activities involving handling or storage of hazardous materials may be prohibited in Floridan aquifer high recharge areas

Significant Archaeological Resources

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- Protects known or probable archaeological resources
- Proper archaeological investigation required prior to development and construction
- Impacts must be avoided, minimized, or mitigated

Significant Geological Resource Features

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- Requires protection of significant geological resource features through avoidance, buffering, & other design or management considerations
- Protects water quality, hydrologic integrity, and ecological values
- Specific geological features are identified (eg. caves, sinkholes, springs, and other features w/in springsheds, etc.)

Conservation Management Areas

- Required for natural & archaeological resources
- Specified compatible uses allowed; incompatible uses generally prohibited
- Conservation Management Areas require permanent legal protection, maintenance, demarcation & signage

Management Plans for ^{110076D} Conservation Management Areas

- Management plans required for set-asides w/in Strategic Ecosystems
- Management plans required for set-asides w/in parcels that meet 2 of 3 criteria:
 - Contain regulated resources \geq 5 acres
 - Contain \geq 1 listed species
 - Provides opportunity for wildlife corridor adjacent to nature parks & public conservation/preservation areas
- Content of management plan specified

Avoidance, Minimization, Mitigation, and Monitoring^{110076D}

- Impacts to regulated resources must be avoided & minimized, w/ mitigation provided for unavoidable impacts
- Mitigation may be resource-based (on-site or off-site, 2:1)
- Management & monitoring required for all mitigation for at least 3 years unless waived by the City Manager or designee



Recommendation

Approve Ordinance 110076