

**LEGISLATIVE #**

**110076B**



June 21, 2012

# Ordinance 110076 Natural & Archaeological Resources Protection

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

- 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

# Petition hearings & meetings

- 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 8/4/12 with modification for threshold of review (< or = 5 acres) & request to present different “fee-in-lieu” option

# 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. 19-53)**
- Fees (pp. 59-60)

- **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

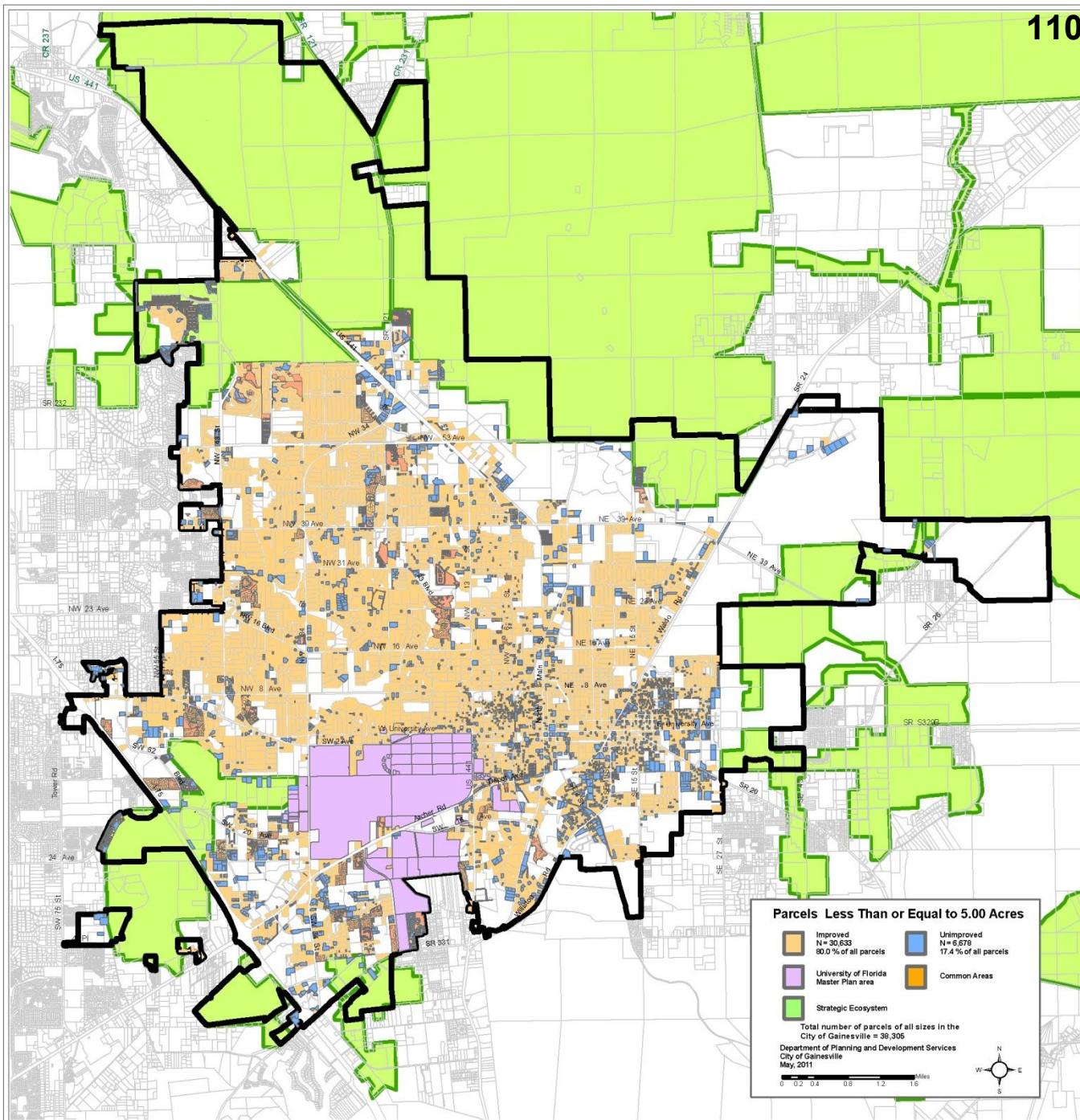
- Specifies map used to identify nature parks and conservation/preservation area locations
- Building & lighting requirements (existing requirements remain)
- 25-foot buffer required (or fencing, if justified) for new development > 2 acres if abutting nature park or public conservation/preservation area



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

# General Requirements

- Purpose & Intent – prevent the loss of natural & archaeological resources
- Several exemptions, including lots of record  $\leq 5$  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



- 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
- Maximum set-aside of  $\leq 25\%$  of onsite uplands (the set-aside total includes all other required buffers or upland set-asides)
- 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
- Maximum set aside of up to 25% of uplands for habitat protection (set-aside total includes all other required buffers or upland set-asides)

# 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
- Set-aside  $\leq$  50% of uplands (the set-aside total includes all other required buffers or upland set-asides)
- Criteria for set-aside area location specified in the ordinance





- 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

110076B

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

- 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.)

- 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 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

110076B

- 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), or provided through fee-in-lieu method (least preferred alternative)
- Mitigation at 1:1 for  $\leq 5$  acres if hardship & outside Strategic Ecosystem
- Management & monitoring required for all mitigation for at least 3 years

- 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 be certain fees are used for that resource

- Reduction of Level 1 review fee from \$1,000 to \$500
- Substantial reorganization with ordinance draft





## Recommendation

**Adopt Ordinance 110076**