

LEGISLATIVE #

110076K



August 4, 2011

**City of Gainesville
Environmental Petition
PB-10-143 TCH
Public Hearing
(City Legistar No. 110076)**

- Overview, Components, & Issues
- Brief history of the environmental petition
- Presentation on proposed regulations
- Major changes since the Plan Board approval

- 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
- Staff recommendations are within the context of the City Commission referral
- Discussion of annexation and “urban in character” from Boundary Adjustment Act

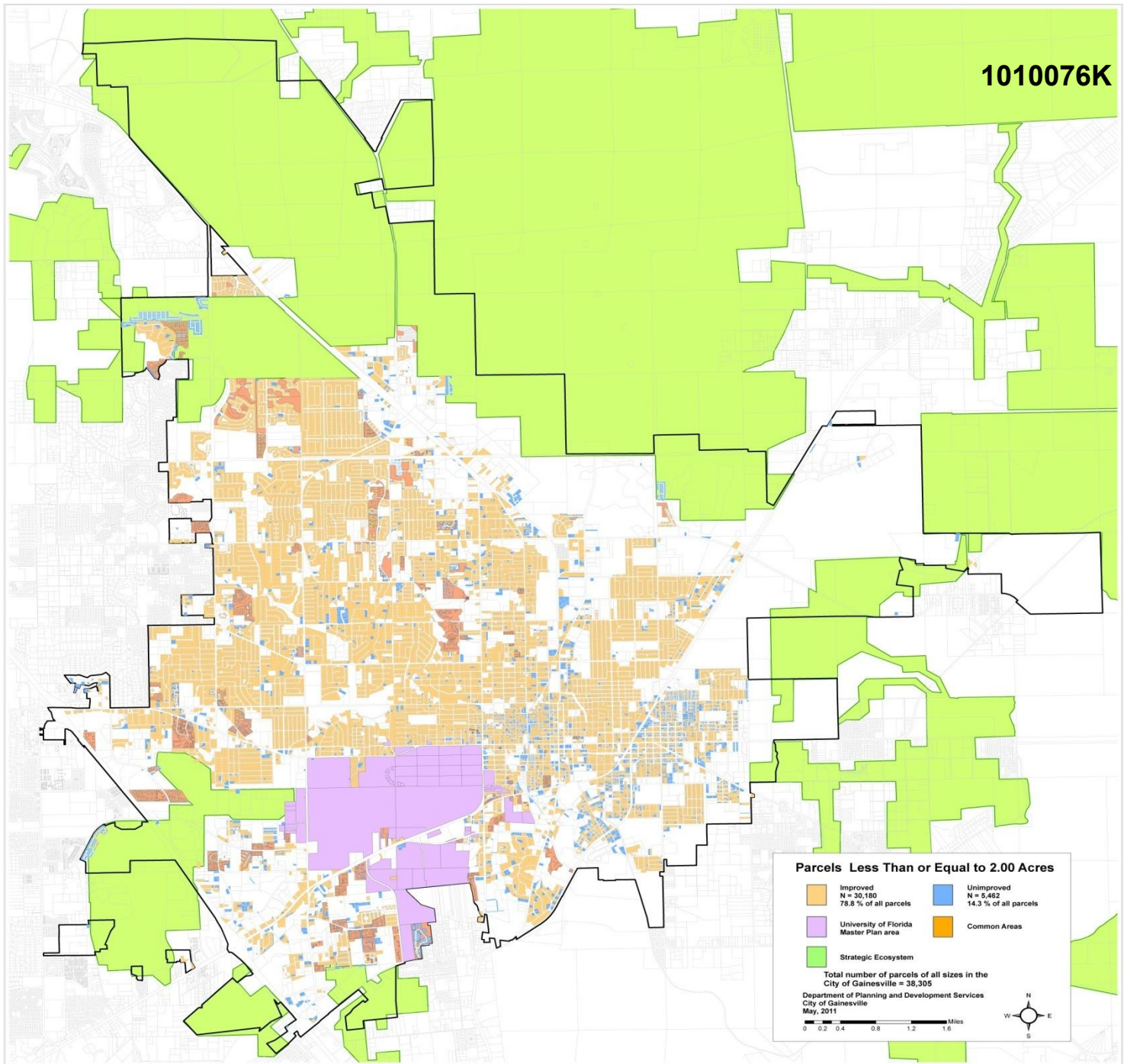
“Urban in Character”

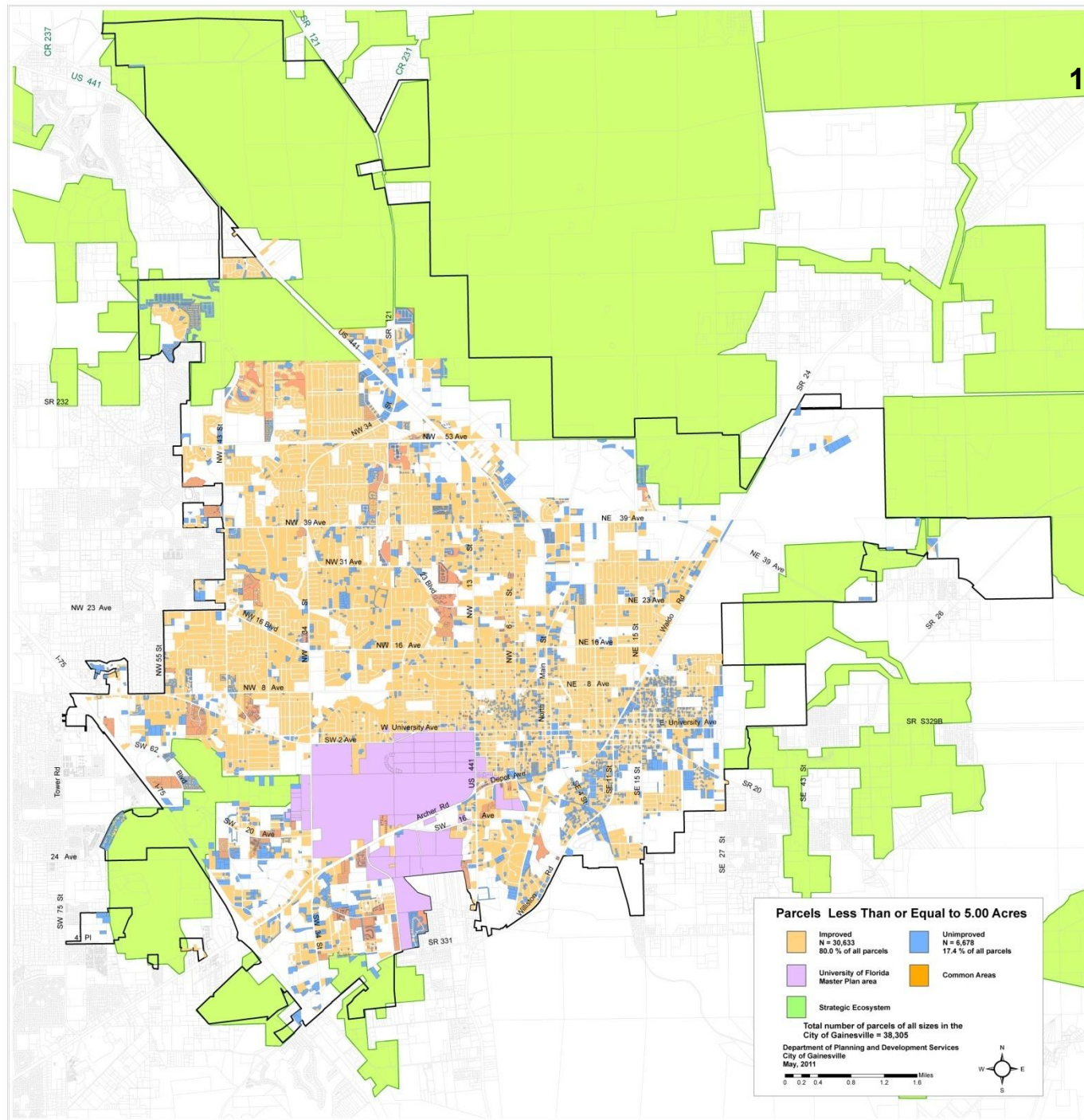
Means an area used for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes including any parcels of land retained in their natural state or kept free of development as greenbelt areas.

- Proposed Regulations for Natural & Archaeological Resources (Exhibit 3)
- Removal of Significant Ecological Communities Code Section (Exhibit 4)
- Move Environmental Review for surface waters/wetlands to Sec. 30-300 (Exhibit 6)
- Removal of language about the Upland district (Exhibit 7)

- 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 recommends protection of Strategic Ecosystem
- April 2009 CC directed staff to draft petition

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

- Definitions (additions & changes)
- Amends Nature Park District, including proposed renaming to Nature Parks & Public Conservation/Preservation Areas District
- Sets Resource Assessment Requirements
- Natural & Archaeological Resources
 - Significant Natural Communities
 - Listed Species
 - Strategic Ecosystems
 - Floridan Aquifer High Recharge Areas
 - Archaeological Resources
 - Significant Geological Resource Features

- Conservation Management Areas and Management Plans
- Avoidance, Minimization, Mitigation & Monitoring
- Alternative Compliance
 - Extraordinary Hardship
 - Innovative Design
 - Environmental Master Plan
- Violations, Enforcement & Penalty (amends existing)

- 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)

- Purpose & Intent – prevent the loss of natural & archaeological resources
- Some exemptions, including all lots of record \leq 2 acres as of Nov. 13, 1991
- Defines scope of review of new applications through binding Methodology Agreement
- Levels of review determined by presence of resource

- Content of Assessment specified for each natural resource type
 - Significant Natural Communities
 - Listed Species
 - Strategic Ecosystems
 - Floridan Aquifer High Recharge Areas
 - Archaeological Resources
 - Significant Geological Resource Features
- Parcels cannot be disaggregated

- Evaluation of all parcels > 2 ac.
- Natural community types per FNAI rank as S1, S2, or S3
- Set-aside of $\leq 25\%$ of onsite uplands (the total includes all other required buffers or upland set-asides)

Proposed for removal from Land
Development Code and Comprehensive
Plan Map Series

Functionally replaced by protections for
Significant Natural Communities and
Strategic Ecosystems

- Evaluate all parcels for presence
- If present, management plan required, including coordination & consistency with other state & federal agency recommendations and requirements
- Set aside up to 25% of uplands for habitat protection (total includes all other required buffers or upland set-asides)

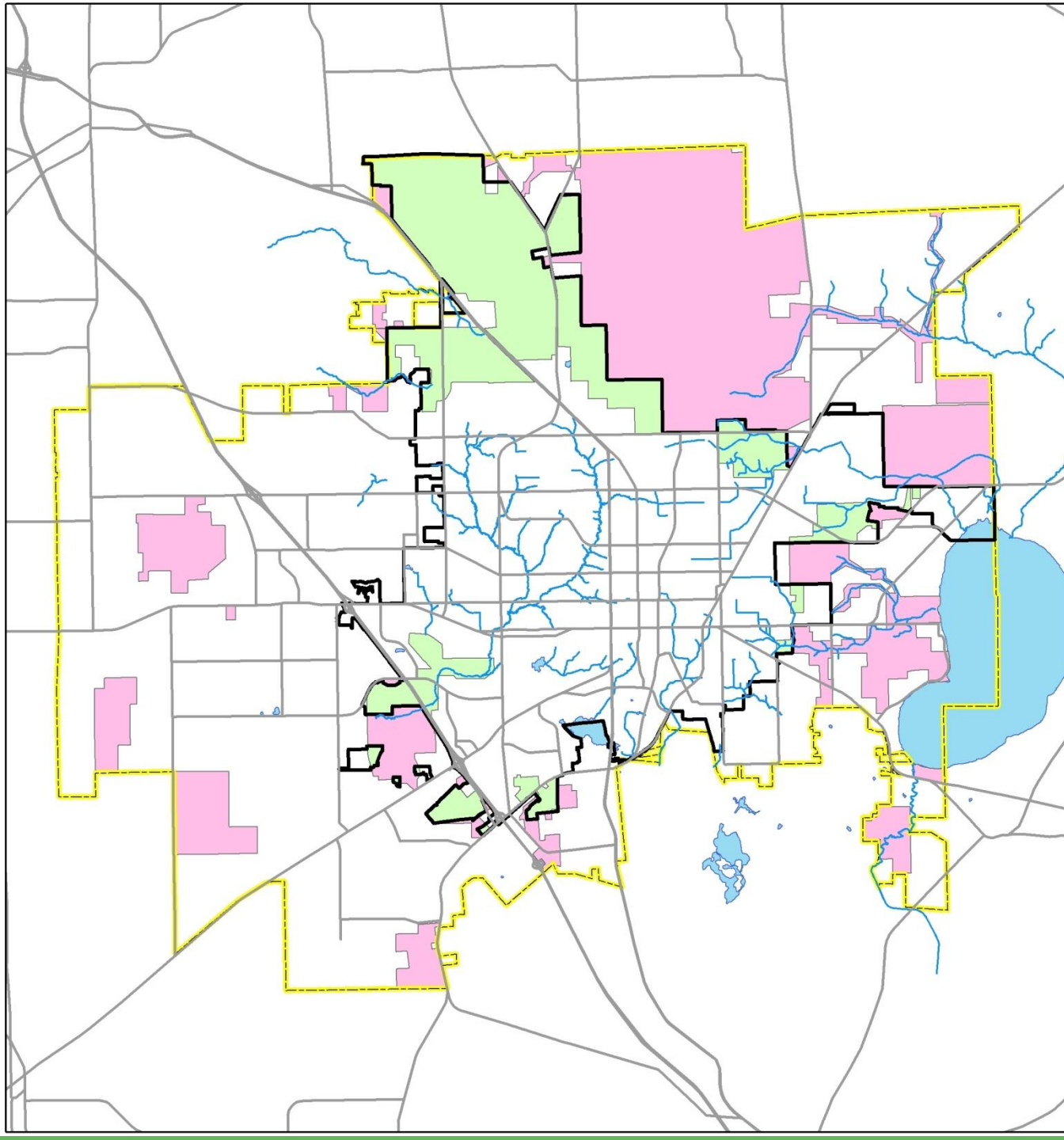
- Applies to development & LU/Zoning changes for parcels w/in Strategic Ecosystem areas identified in the KBN/Golder Report (1996)
- Ground-truthing will confirm protection areas
- Assessment & management plan required
- Set aside $\leq 50\%$ of uplands (the total includes all other required buffers or upland set-asides)
- Density/intensity transfers allowed w/in parcel

Strategic Ecosystems within City of Gainesville city limits and Urban Reserve Area

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- Strategic Ecosystems: City Limits
- Strategic Ecosystems: Urban Reserve
- City of Gainesville City Limits
- Designated Urban Reserve Area
- Lakes
- Creeks
- Major Roads: County-wide

Date Created: February 22, 2011
Created by: Stefanie M. Nagid
Program Coordinator
Parks, Recreation and Cultural
Affairs Department



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

- Prohibits development activity involving ground disturbance on property with known or probable archaeological resources
- Survey required
- Impacts must be avoided, minimized, or mitigated

- Requires protection of significant geological resource features through avoidance, buffering, & other design or management considerations
- Specific geological features are identified (eg. caves, sinkholes, springs, and other features w/in springsheads, etc.)

Conservation Management Areas

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- 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
 - Contain opportunity for wildlife corridor adjacent to nature parks & public conservation/preservation areas
- Content of management plan specified

Avoidance, Minimization, Mitigation, and Monitoring

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- 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 ≤ 5 acres if hardship & outside Strategic Ecosystem
- Management & monitoring required for all mitigation for at least 3 years

- Added Exhibit 6 to retain environmental review of surface waters/wetlands
- Added Exhibit 7 to remove references to the Uplands district
- Nature Park District name change and section reorganized
- New definitions added for clarity
- Clarification of exemptions related to utilities and ROW

- Exemption language for firebreaks
- Clarification of 2-acre parcel exemption if no archaeological sites
- Clarification of management plan for agriculture/silviculture
- Added section about location of Conservation Management Areas
- Changed mitigation area ratio requirements for ≤ 5 acres (outside SE)

- Removed requirements regarding stormwater management design in Floridan Aquifer High Recharge Areas
- Definition of Floridan aquifer high recharge area changed to > 12 inches of rainfall in St. Johns WMD areas
- Deleted the list of specific uses prohibited in high aquifer recharge areas



Recommendation

**Staff recommends approval of
Petition PB-10-143 TCH**

**Plan Board voted approval 5-1
with amendments &
recommended staff continue
working with the stakeholders**