

P.C. 10/10/02

ORDINANCE 02-48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): REGARDING WETLANDS, WETLAND MITIGATION, WETLAND BUFFERS, AND CONSERVATION EASEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

P.C.

09/12/02, 10/10/02

B.O.C.C.

09/24/02, 10/22/02

**RECOMMENDED MOTION:**

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, and CONSISTENT with the general purpose and standards of Section 503 of the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Ordinance 01- 40, amending the Manatee County Land Development Code (Ordinance 90-01, as amended).

PLANNING COMMISSION ACTION:

On September 12, 2002, by a vote of 7 - 0, the Planning Commission CONTINUED the public hearing for this item to October 10, 2002.

BOARD OF COUNTY COMMISSION ACTION:

On September 24, 2002, by a vote of 6 - 0, the Board of County Commissioners CONTINUED the public hearing for this item to October 22, 2002.

PUBLIC COMMENT/CORRESPONDENCE:

There was no public comment and no correspondence was entered into the record for this case at the September 12, 2002 Planning Commission and September 24, 2002 Board of County Commission public hearings.

PC20021010DOC003

**Ordinance 02-24  
Land Development Code Text Amendments  
Wetlands**

**Discussion**

1. Several issues have arisen over the past few years that have prompted the BOCC to direct staff to examine the language in the Code.
2. These issues have included variable width buffers, conservation easements, the use of conservation easements, and protection of natural resources during construction.
3. Staff have proposed a number of changes to the Code in order to address these concerns. The following topics will be addressed:
  - a. Information Requirements
  - b. More specific criteria on the application of variable width wetland buffers
  - c. Wetland mitigation security requirements, and changes to success criteria
  - d. Changes to conservation easement and separate documentation requirements
  - e. Additional language to require temporary construction easements for wetland mitigation sites

### **Wetland Information Requirements Discussion**

- Information currently required by the code is not adequate to fully review potential impacts of development to natural resources. Currently, only plan view information is required.
- Staff recommends that applicants provide typical cross-sections at a scale not to exceed 1" = 60' for all activities within 25 feet of wetlands and wetland buffers.
- Provision of cross-sections will allow a multidimensional view of the proposed changes to the wetlands/buffers.
- Cross-sections will also aid staff in identifying and secondary and cumulative impacts to natural resources.
- Staff believes that proposed changes will provide information necessary for appropriate evaluation.

## Wetland Information Requirements Text

Amend Section 508.3.4.5 by adding subsection h. as follows:

508.3.4. *Final Site Plan Requirements.* All Final Site Plans required by this Code shall be submitted in the number of copies required by the Planning Director, together with the required fee established by the Board. Such plans shall include the following information:

5. *Site Design.*

h. Typical cross-sections of all development activities within twenty-five (25) feet of wetlands or wetland buffers shall be provided and shall at a minimum include the following information:

- Delineation of existing grade, wetland and/or wetland buffer limits, proposed improvements or construction activities.
- Dimensions, existing/final elevations, and proposed grade.
- Scale (not to exceed 1" = 60').
- See also Section 508.3.4(g)

508.3.5.6.j add a new subsection as follows:

508.3.5. Plot Plan Requirements. Plot plan standards may be utilized for the following types of projects and applications in lieu of the requirements in section 508.3.4 above: Administrative and Special Permits for Manufactured Homes, agricultural uses that require site plan approval (with the exception of Farm Equipment and Supply Establishments, Agricultural Products Processing Plants, Animal Products Processing Facilities, Slaughterhouses, and Veterinary Hospitals), projects that are proposing to increase square footage by less than one thousand five hundred (1,500) square feet, private streets, off-street parking plans, requirements for Alcoholic Beverage Licenses in existing facilities, change of permitted use in an existing building and other projects as determined by the Planning Director. The standards are as follows:

6. *Proposed Site Design.*

i. Typical cross-sections of all development activities within twenty-five

(25) feet of wetlands or wetland buffers shall be provided and shall at a minimum include the following information:

- Delineation of existing grade, wetland and/or wetland buffer limits, proposed improvements or construction activities.
- Dimensions, existing/final elevations, and proposed grade.
- Scale (not to exceed 1" = 60').

### **Wetland Mitigation Discussion**

- ◆ Staff has had problems with the tracking of mitigation monitoring reports and mitigation security agreements in part because the County has not always been properly notified of the completion of wetland mitigation.
- ◆ Currently, the engineer of record is required to certify that wetland mitigation has been completed for SWFWMD. Staff is recommending to add similar language to the code as a triggering mechanism for County mitigation monitoring and bonding requirements.
- ◆ Revised and additional language is being recommended by Staff for wetland mitigation monitoring frequencies, monitoring reporting, and success criteria.
- ◆ Staff is recommending additional language to require temporary construction easements for wetland mitigation sites, in the event that the developer defaults and the County has to complete wetlands mitigation.

**Wetland Mitigation  
Text**

Amend Section 719.8.2(d)6 as follows:

A monitoring and maintenance plan; ~~(To ensure an 85% survival rate, with quarterly reporting the first year, semi-annual reporting the second and third years, and annual reporting in the fourth and fifth years for forested mitigations);~~

Amend Section 719.8.3 and add (b) as follows:

719.8.3. Easements. A temporary construction easement and conservation easement for newly created, enhanced or restored wetlands, upland preservation areas and wetland buffers shall be granted to the County.

(a) A temporary construction easement, to allow the County access to wetlands mitigation areas to complete the required mitigation, should the developer default, shall be provided.

(b) Where other provisions of this Section require the dedication of a conservation easement, such easement shall be granted in perpetuity to Manatee County under Section 704.06, Florida Statutes, on the newly created, enhanced or restored wetland(s), upland preservation areas and wetland buffers to protect it/them from future disturbance.

719.8.6 add a new section as follows:

719.8.6. Certification Required. Upon completion of Wetland Mitigation, the environmental professional responsible for the project shall provide written, sealed or notarized certification to the Engineer of Record that wetland mitigation has been constructed as approved in the Final Site Plan and/or Construction Plans. The Engineer of Record shall provide a copy of the environmental professional's certification with submittal of his/her certification.

Amend Section 719.9 as follows:

719.9. Success of Mitigation.

719.9.1. Success of Mitigation, Restoration or Enhancement . . .

(g) Percent survival of planted forested wetland species is 85% or greater and/or coverage by desirable herbaceous wetland species is 85% or greater with no more than 10% coverage by nuisance, exotic plant species, plant species in

~~the created wetland meets or exceeds an 85% planting survival rate for wetland areas created/enhanced during mitigation for a period of at least two years for herbaceous wetland communities, . . .~~

Add section 719.9.2 as follows:

719.9.2. To evaluate the progress of wetland mitigation, the developer shall submit Wetland Mitigation Monitoring Reports to the EMD as follows:

- (a) Monitoring shall commence upon wetland mitigation being deemed complete by the EMD.
- (b) Wetland mitigation monitoring shall be conducted on a semi-annual basis for the first two years after being deemed complete, and annually thereafter. Reports shall be submitted each year within thirty days of the completion date.
- (c) Mitigation Monitoring reports shall at minimum include the following information:
  - (1) The project name and number, as approved by Manatee County.
  - (2) Location map and a wetland mitigation planting plan with transects and photo stations.
  - (3) Representative photos from fixed photo stations.
  - (4) A statement indicating progress of each wetland mitigation area relative to the success criteria outlined above.
  - (5) Maintenance activities required as a result of the monitoring event.
- (d) Mitigation monitoring shall continue until success criteria, as outlined above, has been met.

719.10 amend this section as follows:

- (c) Enable the County to take steps to restore the site in the event that the developer/applicant/landowner defaults on the conditions of the Wetland Mitigation Plan.



Such mitigation security shall be in a form and manner acceptable to the County. The amount of Security shall be equal to one hundred fifteen (115) percent of the estimated or actual costs and expenses of wetland mitigation construction, planting, maintenance and monitoring costs the County may incur in making good ~~any~~ on non-compliance or non-performance of any requirements of the Wetland Mitigation Plan. The amount of security may be modified by the Environmental Management Department (EMD) Director based upon the history of the applicant and the purpose of the security, but in no event shall the duration of the security be less than two (2) years for herbaceous wetland mitigation or five (5) years for forested wetland mitigation from the time that construction of the required wetland mitigation is deemed complete. Construction of wetland mitigation shall be considered complete upon certification by the engineer of record and upon an on-site review and approval by EMD staff. Mitigation security shall be extended to cover the required monitoring period, after wetland mitigation has been deemed complete by the EMD.

### **Wetland Buffers Discussion**

- ◆ Currently, variable width wetland buffers are allowed by the code to address very specific constraints and situations, but have in the past been used on some projects in a manner which exceeded the original intent of the Board.
- ◆ Language is being proposed which will further clarify situations where the application of a variable width wetland buffer may be appropriate.

**Wetland Buffers  
Text**

719.8.4.4 amend as follows:

719.8.4.4. No less than ~~4.5~~ 1.15 acres of created wetland shall be required for each acre of wetland being altered except as allowed by Section 719.8.4.3 above, and/or as allowed by Special Approval of the Board of County Commissioners as part of an Ecosystems Management Plan, ~~after~~ upon a favorable recommendation by the Environmental Management Department.

719.11.1 amend this section as follows:

719.11.1. *Wetland Buffers*. Generally, a wetland buffer of at least fifty (50) feet shall be observed from the most landward extent (demonstrated by wetland vegetation) of any post-development DEP jurisdictional wetland contiguous with the Terra Ceia Aquatic Preserve, the Sarasota Bay Outstanding Florida Water, or the Little Manatee Outstanding Florida Water, and the inflowing watercourses within the Watershed Protection Overlay Districts. A wetland buffer of at least thirty (30) feet shall be observed from the most landward extent of all post-development wetlands that are not contiguous with the above-named water bodies. This section shall not apply to upland-cut ditches with non-hydric soils.

The Planning Director, upon a favorable recommendation from the Director of Environmental Management, may increase wetland buffers adjacent to Outstanding Florida Waters, riverine systems or larger isolated wetlands, to enhance watershed protection, to maintain aesthetic viewsheds, to preserve native upland habitat, to provide wildlife corridors, or to minimize adverse impacts to the ecological value of uplands to aquatic or wetland dependent listed animal species.

Under limited circumstances, in cases where application of a buffer configured as a band parallel to the wetland does not provide adequate protection for the natural resources on a site, or where site-specific conditions and physical constraints do not allow, preclude the application of a uniform-width wetland buffer, such parallel band, the delineation of a variable width buffer may be approved by a variable width wetland buffer may be approved by the Planning Director, upon the favorable recommendation of the environmental action commission & Director of Environmental Management. Site specific conditions and physical constraints which may be considered include situations where:

- (a) application of a uniform-width buffer would restrict vehicular access to an upland portion of the development site or;

- (b) locations of driveways, rights-of-way or private streets are mandated by FDOT or County requirements, and re-alignments cannot be negotiated; or
- (c) minor encroachments into previously disturbed portions of a wetland buffer for short linear distances cannot be avoided, as determined by the Planning Director; or
- (d) the Board has approved an Ecosystems Management Plan for an entire project.

In no event shall the proposed variable width buffer be narrower than DEP or SWFWMD standards for Environmental Resource Permitting, as outlined in Chapters 40D-4 and 62-330, F.A.C.

The configuration of the variable width buffer shall be determined by detailed onsite investigation, and ~~total land area encompassed by the variable width buffer~~ shall at a minimum equal the area that would otherwise have been encompassed by a uniform-width buffer configured parallel to the wetland.

719.11.1.2.g amend as follows:

719.11.1.2. Allowable activities in wetland buffers shall include:

- (g) The placement of protective barriers to limit access to the wetland or its wetland buffers, if such structures are approved by the Planning Director upon the favorable recommendation of the ~~Environmental Action Commission~~ Director of Environmental Management;

Add a new Section 719.11.3 as follows:

719.11.3. Wetland Buffer and Upland Preservation/Conservation Area Identification and Protection. All wetland buffer, upland preservation required as compensation and conservation areas shall be clearly staked or otherwise physically identified in the field prior to and during construction. Erosion and sediment control devices or other protective devices shall be installed landward of the edge of the wetland buffer, upland preservation and conservation areas prior to commencement of construction, and shall be inspected and maintained on a regular basis until construction has been completed.

### **Conservation Easements Discussion**

- ◆ Current Conservation Easement requirements do not require the inclusion of upland preservation areas.
- ◆ Staff is recommending language to include upland preservation areas in the Conservation Easement.
- ◆ Additional language is being proposed to clarify the timing of Conservation Easement dedication, for projects that will not be platted,
- ◆ Additional language to clarify when separate documentation for Conservation Easements will be required is also proposed.

**Conservation Easements  
Text**

719.11.1.3 amend as follows:

~~719.11.1.3. Individual ownership and/or platting of lot lines through the area defined as the wetland and wetland buffer may be allowed provided that a~~ A Conservation Easement is required for all development sites containing for the wetlands, and wetland buffers, or upland preservation provided as compensation. Said easement shall be dedicated to and enforceable by Manatee County for the benefit of the County and the property owners of the project in which the wetland is located. The easement shall accomplish the following:

719.11.1.3.1 amend as follows:

~~719.11.1.3.1. If required under provisions of Section 719.11.1.3, t~~ The Conservation Easement shall be subject to the approval of the Manatee County Environmental Management Department Director and the County Attorney, and coordinated with the County's Land Acquisition Division. Filing shall be required prior to approval of a final site plan or final plat or prior to Certificate of Occupancy issuance for projects not requiring final plat approval.

907.10.1.4.2 amend as follows:

~~907.10.1.4.2. A separate Conservation Easement document shall be required for individual ownership and/or platting of lot lines through the~~ each required Conservation Easement. The Conservation Easement document shall be reviewed and approved by the Environmental Management Department and the County Attorney's Office, and shall be submitted to Land Acquisition for ~~prior to execution.~~

907.10.1.4.3 amend as follows:

~~907.10.1.4.3. Witness monuments, in accordance with Section 719.11.1.3.2 of this Code, shall be set at the intersection of any Conservation Easement and lot lines or property boundaries.~~

# NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended), with the intent to make recommendations to the Board of County Commissioners on:

**Date:** Thursday, October 10, 2002  
**Time:** 9:00 AM or soon thereafter  
**Place:** Manatee County Government Administrative Center  
1112 Manatee Avenue West, 1st Floor Chambers

## ORDINANCE 02-48

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The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department (see address below).

**Please Send Comments To:** Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West 4th floor  
Bradenton, FL 34205

All written comments will be entered into the record.

**For More Information:** Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 749-3070 x 6829, between 8:00 AM - 5:00 PM, or by e-mail at [planning.agenda@co.manatee.fl.us](mailto:planning.agenda@co.manatee.fl.us).

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According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

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9/27/02

Z140164

# BRADENTON HERALD

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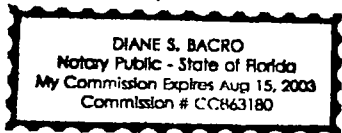
STATE OF FLORIDA  
COUNTY OF MANATEE;

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF LAND DEVELOPMENT CODE CHANGES** in the Court, was published in said newspaper in the issues of, **8/30,'02**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley  
(Signature of Affiant)

Sworn to and subscribed before me this  
4th Day of September 2002



Diane S. Bacro

SEAL & Notary Public

Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_



**NOTICE OF LAND DEVELOPMENT  
CODE CHANGES IN  
UNINCORPORATED MANATEE  
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8/30/02

08/31/02

SARASOTA HERALD TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE CO. PLANNING DEPT.  
ATTN: KIM SPARKS  
1112 MANATEE AVENUE W, 4<sup>TH</sup> FLOOR  
BRADENTON, FL 34205

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED MOYA NEVILLE, WHO ON OATH SAYS SHE IS THE ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY, FLORIDA; AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

NOTICE OF LAND DEVELOPMENT CODE CHANGES  
ORDINANCE 02-46 AND ORDINANCE 02-48

IN THE COURT, WAS PUBLISHED IN MANATEE EDITION  
OF SAID NEWSPAPER IN THE ISSUES OF:

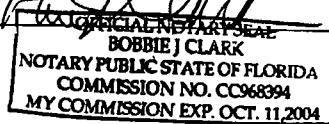
AUGUST 30, 2002

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION I N THE SAID NEWSPAPER.

SIGNED Moya Neville

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30<sup>TH</sup> DAY OF  
AUGUST A.D., 2002 BY MOYA NEVILLE WHO IS  
PERSONALLY KNOWN TO ME.

(SEAL)



NOTARY PUBLIC

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# BRADENTON HERALD

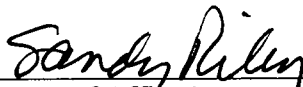
www.bradenton.com  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
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Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

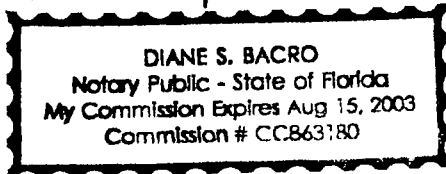
STATE OF FLORIDA  
COUNTY OF MANATEE;

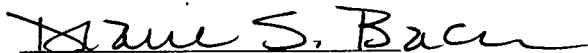
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY** in the Court, was published in said newspaper in the issues of, **9/27/02**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to and subscribed before me this  
30th Day of Sept., 2002



  
\_\_\_\_\_  
SEAL & Notary Public  
Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended), with the intent to make recommendations to the Board of County Commissioners on:

**Date:** Thursday, October 10, 2002  
**Time:** 9:00 AM or soon thereafter  
**Place:** Manatee County Government Administrative Center  
1112 Manatee Avenue West, 1st Floor Chambers

## ORDINANCE 02-48

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): REGARDING WETLANDS, WETLAND MITIGATION, WETLAND BUFFERS, AND CONSERVATION EASEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

Rules of Procedure for this public hearing are in effect pursuant to Resolution 94-104(PC). Copies of this Resolution are available for review or purchase at cost from the Manatee County Planning Department (see address below).

Please Send Comments To: Manatee County Planning Department  
Attn: Agenda Coordinator  
1112 Manatee Ave. West 4th floor  
Bradenton, FL 34205

All written comments will be entered into the record.

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SARASOTA HERALD TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE CO. PLANNING DEPT.  
ATTN: KIM SPARKS  
1112 MANATEE AVENUE W, 4<sup>TH</sup> FLOOR  
BRADENTON, FL 34205

STATE OF FLORIDA  
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED MOYA NEVILLE, WHO ON OATH SAYS SHE IS THE ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY, FLORIDA; AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

ORDINANCE 02-48

IN THE \_\_\_\_\_ COURT, WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

SEPTEMBER 27, 2002

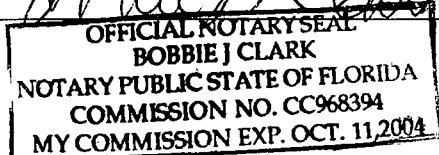
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION I N THE SAID NEWSPAPER.

*Moya Neville*

SIGNED \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME THIS 27<sup>TH</sup> DAY OF SEPTEMBER A.D., 2002 BY MOYA NEVILLE WHO IS PERSONALLY KNOWN TO ME.

(SEAL)



\_\_\_\_\_  
NOTARY PUBLIC

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October 9, 2002

Manatee County Planning Commission  
Manatee Co Admin Ctr  
Bradenton FL 34205



Re-Ordinance 02-48- Public Hearing 10/10/02

Dear Commissioners:

I have read the text and discussion about this ordinance and have one strong objection, one suggestion, one question, and one compliment.

1. Wetland Mitigation 719.9.1(g) - This allows for 10% coverage of mitigating wetlands to be covered by nuisance exotic species while still deeming the mitigation to be a success. This is numerically equivalent to 1 acre out of 10, and this seems excessive. Once established, nuisance plants seldom decline, and the easiest time to get rid of them is when they're small. Therefore I suggest you decrease the nuisance allowance and, unless otherwise understood, ask for most to be removed before year #2.
2. Wetland Buffers - 719.8.4.4 reduces the amount of created wetlands required to compensate for alteration of existing wetlands from a ratio of 1.5:1 to 1.15:1. This is more than a 25% decrease, and I strongly object. This decreases the incentive for development to protect existing wetlands, and even successful new ones require a long time to achieve desirable complexity, & meanwhile wipe out the non-mobile faunal species of the original wetland. No justification is given for this change. In case the original was just a typo, I recommend that you revisit this entire area, since it is now re-opened for review.
3. Wetland Buffers, 719.11.3 - Should the term "regular basis" in the second to last line be defined for clarity?
4. Conservation Easement - Thank you for removing the possibility of plating lot lines through wetlands that used to be in 719.11.1.3.

Irene Flork  
4106 24 W W, Btm 34205