

ORDINANCE 06-26

2006 MAR 29 AM 11:45

CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE MANATEE COUNTY CODE OF ORDINANCES, ARTICLE IV, ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; ESTABLISHING A PROCESS FOR THE COUNTY TO RECEIVE APPLICATIONS FROM RURAL LAND OWNERS WHO PROPOSE TO PROVIDE CONSERVATION EASEMENTS ON ALL OR A PORTION OF THEIR PROPERTY ON A VOLUNTARY BASIS; TO THE COUNTY FOR THE PURPOSE OF PROTECTING RURAL LAND; SETTING FORTH MINIMUM CRITERIA FOR THE CONSIDERATION OF APPLICATIONS TO PROVIDE CONSERVATION EASEMENTS; ESTABLISHING PROCEDURES FOR ACQUISITION OF CONSERVATION EASEMENTS IN RURAL LAND; PROVIDING FOR MECHANISMS TO MONITOR, MANAGE AND ENFORCE CONSERVATION EASEMENTS IN RURAL LAND; SETTING FORTH FINDINGS RELATING TO ELIGIBILITY FOR REIMBURSEMENT UNDER THE FARM AND RANCH LAND PROTECTION PROGRAM ADMINSTRATED BY THE NATURAL RESOURCE CONSERVATION SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida is authorized under Chapter 125, Florida Statutes to enact ordinances to further and protect the health, safety and welfare of the citizens of Manatee County, Florida; and

WHEREAS, Article IV, Acquisition, Protection and Management of Environmental Lands, Manatee County Code of Ordinances, establishes a process for the granting of conservation easements to Manatee County, generally applicable to the acquisition, protection and management of environmental lands; and

WHEREAS, the intent of the Board of County Commissioners is to amend Article IV, Acquisition, Protection and Management of Environmental Lands of the Manatee Code of Ordinances to expand the purchase of conservation easements to include agricultural conservation easements through a process commonly referred to by the acronym "PACE" program under the auspices of the Farm and Ranch Land Protection Program; and

WHEREAS, the Future Land Use Element of the Manatee County Comprehensive Plan states as a goal to protect agriculture as a viable long-term and short-term user of land and as a major economic asset to Manatee County (Goal 2.5, Future Land Use Element); and

WHEREAS, the 2004 Evaluation and Appraisal Report (EAR) for the 2020 Manatee County Comprehensive Plan includes data demonstrating that there has been a reduction over a specified period of time of the total acreage in the AG/R(Agriculture/Rural) Future Lands Designation and the reduction in total acreage in Manatee County of property identified as zoned Agricultural; and

WHEREAS, the Board of County Commissioners finds that the protection of valuable topsoil by limiting non-agricultural uses of land, sustaining rural economic stability and development as well as maintaining, restoring and enhancing ecosystems and preserving scenic beauty through the use of conservation easements is in furtherance of the public health, safety and welfare of the citizens of Manatee County; and

WHEREAS, pursuant to Chapter 125, Florida Statutes the Board of County Commissioners of Manatee County held a public hearing on March 14, 2006, with due public notice having been provided, to consider proposed amendments to the Manatee County Code of Ordinances as set forth herein; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments, including staff reports and studies received, during said public hearing; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, as follows:

Section 1. Purpose, Intent and Findings. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in Chapter 125, *Florida Statutes*, as amended. The Board of County Commissioners hereby adopts the above findings in the preamble of this Ordinance as findings of the Board of County Commissioners and said findings are incorporated herein by reference.

Section 2. Amendment of Article IV of the Manatee County Code of Ordinances. Article IV, Acquisition, Protection and Management of Environmental Lands (a/k/a the "Manatee County Environmental Land Management and Acquisition Ordinance") is hereby amended in Sections 2-25-53, Purpose; Section 2-25-54, Definitions; Section 2-25-55, Environmental Lands Oversight Committee. Said amended Sections shall provide as follows:

Sec. 2-25-53. Purposes. The purposes of this Article are to establish an efficient, fair, well-planned and economically sound procedure for the acquisition, protection and management of the environmental lands and other conservation property interests; to provide assurance to the public that funds obtained pursuant to this Article including any voter approved funding are dedicated to the purposes of this Article; to ensure public participation in decisions made pursuant to this Article; and to accomplish the purposes without establishing regulations upon property and landowners who choose not to participate in the program established herein.
[additions to text indicated by underlining]

Sec. 2-25-54. Definitions. As used in this Article, the words provided below shall have the meaning set forth below unless the context clearly indicates that a different meaning is required.

Management: Best management practices for the maintenance, creation or restoration of native ecosystems, including natural communities and wildlife habitats, wetlands and water resources to support native ecosystems and sustainable and environmentally sound agricultural practices along with provisions for public access including planning, design, construction and maintenance of public facilities to support natural resources based, passive recreation on lands where an adequate County property interest has been established.

[additions to text indicated by underlining]

Sec. 2-25-55. Environmental Lands Oversight Committee.

(b) Purposes and duties of the environmental lands management and acquisition committee.

(2) The specific duties of the environmental lands management and acquisition committee are those provided in this Article and otherwise assigned by the board, and may also include:

(i) Evaluating lands under a priority ranking system utilizing the criteria in Section 2-25-61 for which a priority ranking may be assigned to agricultural conservation easements; and

(j) Performing other appropriate tasks that may be assigned by the board in the future.

[additions to text indicated by underlining]

Section 3. Amendment of Article IV, Acquisition, Protection and Management of Environmental Lands to Create New Section 2-25-61.

Article IV, Acquisition, Protection and Management of Environmental Lands of the Manatee County Code of Ordinances is hereby amended to create a new Section 2-25-61 entitled: "Conservation Easements-Agricultural". Said new Section 2-25-61 shall provide as follows:

Sec. 2-25-61. Conservation Easements-Agricultural Lands.

(a) The County's procedure for listing and ranking of sites for potential eligibility for the voluntary acquisition of conservation easements to preserve agricultural lands shall be consistent with the procedures set forth in Section 2-25-57(a) with the addition of consideration of the following criteria:

(1) The quality of land for agricultural use, such as classifications of prime, unique, locally-important or state-wide important or other designation; and

(2) Economic viability of the parcel, including agricultural on-site farm infrastructure and proximity to off-site farm infrastructure such as markets and adequate size for a bonafide agricultural operation; and

(3) Compatibility of surrounding uses or intended as a low-intensity/alternative agricultural operation; and

(4) Degree of development pressure on the parcel, including indicators such as proximity to the urban service boundary, zoning, residential development; and

(5) Proximity to other protected agricultural or environmental lands or wildlife corridors/greenways; and

(6) Additional benefits including, but not limited to, enhancement of wildlife habitat, air and water quality, ground water recharge, preservation of historic and other cultural features and preservation of scenic qualities.

(b) Duties of the Director of Conservation Lands Management. The Director of Conservation and Lands Management shall perform the following duties in regard to conservation easements for agricultural land:

(1) Provide for the monitoring and maintenance of conservation easements for agricultural lands purchased by the County; and

(2) Promote, educate and encourage land owners to participate in the program established by this Section; and

(3) Shall submit to the Board of County Commissioners an annual report based on all the activities carried out pursuant to the purchase of conservation easements for agricultural purposes. This report shall include, but is not limited to, a map indicating the location of agricultural lands in the County and location of the parcels from where development rights were purchased; total number of conservation easements and number of acres of each of the conservation easements in the agricultural lands throughout the County; number of land owner applications for the given year for the agricultural land purchase of development rights program.

(4) Provide any necessary assistance in the enforcement of conservation easements for agricultural lands. Conservation easements including those applicable to agricultural lands are enforceable by injunction or proceeding in equity or at law by Manatee County in accordance with applicable law including Section 704.06, Florida Statutes.

Section 4. Codification. The publisher of the Manatee County Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the amendments contained in this ordinance as set forth in Sections 2 and 3 into the Manatee County Code of Ordinances.

Section 5. Severability. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of the County of Manatee, Florida this 14TH day of MARCH, 2006.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Joe Mc Clash
Joe Mc Clash, Chairman

ATTEST:
R. B. SHORE
Clerk of the Circuit Court

By: Amy Louise
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 15TH day of

MARCH, 2006

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.

FILED FOR RECORD
R. B. SHORE

2006 MAR 29 AM 11:45



CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

March 21, 2006

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 15, 2006 and certified copies of Manatee County Ordinance Nos. 06-18, 06-26 and PDR-05-74(P), which were filed in this office on March 17, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

Enclosures