



Legislation Text

File #: 20-0398, **Version:** 1

Agenda Item Name:

Public Hearing on Proposed Charter Amendment to Enable Countywide Protection of Certain Natural Resources

Presenter:

Ben Chumley, Senior Planner, Growth Management Department

Description:

This is a public hearing to consider a proposed ordinance amending Section 1.4 of the Alachua County Home Rule Charter regarding the relationship of County ordinances to municipal ordinances, and which ordinance shall prevail in the event of conflict. The proposed amendment, if approved by a majority of the electors of Alachua County voting in a referendum in November, 2020, would enable both County and municipal ordinances that establish standards for protection of strategic ecosystems, listed species habitat, significant geologic features, or significant habitat to apply within municipal boundaries and provide that the more stringent ordinance prevails in the event of a conflict. In accordance with Section 4.2(C) of the Alachua County Charter, the Board of County Commissioners would need to approve the proposed ordinance by a supermajority vote in order for the proposed Charter amendment to be placed on the ballot.

Recommended Action:

Adopt the attached ordinance approving the proposed amendment language to Section 1.4 of the Alachua County Charter, and authorizing the enclosed language to be placed on the ballot for consideration by the electors of Alachua County in a referendum as part of the general election in November, 2020.

Prior Board Motions:

March 3, 2020 BoCC Meeting:

1. Embrace bullet points 2 and 3 as the general purposes for the Charter amendment:
 - Preserve areas of rural and agricultural land use, and discourage sprawl
 - Protect areas with significant natural resource value
2. Direct staff to develop an implementation framework for a model for the charter amendment based on Map #2A.
3. County would retain land use and zoning authority over the specified areas ("Rural Area" on Map 2A), whether annexed or not, up until the point where the County votes to turn the land use and zoning authority over to the municipality, at which point the municipality could apply its land use and zoning.

4. Consider the issue of how the County could allow municipalities to develop land (i.e., allow for land to be developed under City's Comp Plan and LDRs after annexation) while retaining County protection for natural resources.

April 14, 2020 BoCC Meeting:

- Direct staff to advertise public hearings for both the draft ordinances provided County Land Use Planning for Rural Area and the relation of County Ordinances to municipal ordinances for the Protection of Natural Resources.
- Schedule the Public Hearings after the Charter Review Commission (CRC) has taken a position on the issue and to encourage them to expedite the issue if possible.

Fiscal Consideration:

If the proposed Charter amendment is approved by a supermajority of the Board and passes in the November referendum, it would enable the County to then enact ordinances for the protection of certain natural resources which may be effective countywide (including within municipal boundaries). If such ordinances of countywide effect were to then be enacted in the future, those ordinances would likely have some fiscal impact on the County's operations due to the additional review processes that would need to be developed and staffed in order to implement the specific requirements of such ordinances. The potential fiscal impact cannot be determined until the details of any ordinances that may be proposed under the revised charter provision are known.

Background:

The Alachua County Charter "Amendment 1" was approved by voters in November 2000, giving the Alachua County Board of County Commissioners the authority to establish countywide standards for protecting the environment by prohibiting or regulating air and water pollution. The current Section 1.4 of the Charter, which has been in effect since Charter "Amendment 1" was approved in 2000 provides generally that municipal ordinances shall prevail over county ordinances to the extent of any conflict. Section 1.4 further provides that, notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, the ordinances imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality. The countywide wetlands protection code is an example of an ordinance with countywide applicability that has been adopted by the Board of County Commissioners under the current Charter provision that was authorized by "Amendment 1" in 2000.

The proposed amendment to Section 1.4 of the Charter would build on the Amendment 1 language by adding certain other natural resource types to the existing Charter provision that enables the establishment of countywide standards for protecting the environment by prohibiting or regulating air and water pollution. The natural resource types that would be added to Section 1.4 include strategic ecosystems, listed species habitat, significant geologic features, and significant habitat, all of which are defined in the Alachua County Comprehensive Plan. If approved, this amendment would enable the County Commission to enact ordinances with countywide effect for the protection of these four specific natural resource types.