

ST. JOHNS COUNTY ORDINANCE 2021- 38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY ESTABLISHING A LAND ACQUISITION MANAGEMENT PROGRAM (LAMP) FOR THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY; MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; CREATING A LAMP ADVISORY BOARD; ESTABLISHING THE ADVISORY BOARD'S DUTIES AND RESPONSIBILITIES; ESTABLISHING PROCEDURES AND CRITERIA FOR LAND ACQUISITION AND CONSERVATION; REPEALING ST. JOHNS COUNTY ORDINANCES 1999-3 AND 2003-57; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY:

Section 1. Short Title.

This ordinance and the provisions contained herein shall be known as the St. Johns County Land Acquisition and Management Program or LAMP.

Section 2. Authority for Ordinance.

This ordinance is enacted pursuant to the provisions of Chapter 125, Florida Statutes, as amended, and other and other applicable provisions of law.

Section 3. Legislative Intent and Findings of Fact.

A. The purpose of this ordinance is to establish a Land Acquisition and Management Program, a conservation advisory board to help guide the program, and a process to be used for the selection of Environmentally Sensitive Lands, Archaeological Sites, Historic Sites, and/or Outdoor Recreational lands that are to be purchased by the County using lawfully available funds.

B. The Board finds that the acquisition and conservation of environmentally sensitive, archaeological, historic, and/or recreational lands will preserve wildlife Habitat, aquifer recharge and Natural Drainage, and will create preserves, parks, and outdoor public recreation areas for Appropriate Uses by present and future generations. It is the intent of the Board that Outdoor Recreational lands acquired under the LAMP Program shall primarily provide Resource-Based Recreation; however, the incidental presence of Activity-Based Recreation on a property is not intended to disqualify the property from being acquired under the LAMP Program.

C. The Board further finds that it is important and necessary to:

- i. Preserve Environmentally Sensitive Lands and nationally and Regionally Significant Habitat;
- ii. Protect the health and diversity of wildlife, especially Rare, Threatened, Endangered, or Endemic Species of plants and animals;
- iii. Conserve and stabilize cultural, historic, archaeological, and/or scenically significant sites;

- iv. Direct development away from Historic Sites, Archaeological Sites, Environmentally Sensitive Lands, Aquifer Recharge Areas, and high hazard areas that are subject to flooding or fire;
- v. Preserve green space as a part of or near development that provides refuge for residents, visitors and wildlife;
- vi. Establish natural and Recreational Corridors throughout the County promoting wildlife migration, Alternative Transportation, and fitness or exercise;
- vii. Provide protection for water sources, water quality and Natural Drainage patterns;
- viii. Provide lands for safe and accessible public Outdoor Recreation consistent with the protection of natural resources;
- ix. Minimize the cost of acquisition and maintenance of lands and maximize the ability to obtain matching funds for the acquisition of lands in the context of their availability, their protection of natural resources, and their environmental sensitive, historic, archaeological, recreational and/or educational value;
- x. Provide educational opportunities that contribute to eco-tourism, public education and awareness of the natural, historic and Archaeological Resources within St. Johns County; and,
- xi. Establish a conceptual management plan that reflects the conservation and public use goals, to be prepared and recommended prior to the acquisition of each parcel of environmentally sensitive, archaeological, historic and/or recreational land to be acquired by the County.

Section 5. Definitions.

When used in this ordinance, the following terms shall have the following meanings, unless the context clearly appears otherwise.

- A. Activity-based Recreation: recreation that involves direct physical participation by the user. These activities usually include the use of special facilities. Activity-based recreation includes the traditional sports like tennis, golf, softball, baseball, basketball, football, and playground activities. Activity-based recreation is user oriented and features such activities as baseball, basketball, tennis, and swimming pool use.
- B. Alternative Transportation: includes, but not limited to, cycling, canoeing, rowing, skating, horseback riding, kayaking, paddleboard and other non-motorized transportation.
- C. Appropriate Use: use determined by the nature of the property and recommendations of the LAMP Conservation Board that are approved by the Board of County Commissioners.
- D. Aquifer Recharge Area: means a geographic boundary that provides recharge of groundwater regardless of rate or geologic zone being recharged, excluding discharge areas.
- E. Archaeological Resource or Site: An area which contains significant material and features contained in the ground that evidence, physical remains, past use, past activity or modification by people.

- F. Commercially Exploited Plant: species native to the state which are subject to being removed in significant numbers from native Habitats in the state and sold or transported for sale.
- G. County: St. Johns County, Florida.
- H. Endangered Plants: species of plants native to the state that are in imminent danger of extinction within the state and the survival of which is unlikely if the cause of a decline in the number of plants continues.
- I. Endangered Species: species, subspecies, or isolated population which is so rare or depleted in number or so restricted in range of Habitat due to any man-made or natural factors that it is in immediate danger of extinction or extirpation from the State, or which may attain such a status within the immediate future. Endangered Species include all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act of 1973, as amended, and Chapter 68A-27, Florida Administrative Code, as amended.
- J. Endemic Species: species which are indigenous to or native to a particular area.
- K. Environmental Education: includes public information, site specific materials, signed nature trails and boardwalks, species lists, field trips and exhibits.
- L. Environmentally Sensitive Lands: land which, if actively used, will create environmental problems such as water shortage or pollution, depletion of Listed Species, undesirable impacts on Wetlands, aquifers, plants and animals, undesirable changes in drainage, fire hazards or destruction of scenic or natural systems.
- M. Greenway: A corridor of protected open space that is managed for conservation and/or recreation. Greenways follow natural land and water features, like ridges or rivers, or human landscape features like abandoned railroad corridors or canals. They may link natural reserves, parks, cultural and Historic Sites with each other and, in some cases, with populated areas. Greenways not only protect Environmentally Sensitive Lands and wildlife, but also can provide people with access to Outdoor Recreation and enjoyment close to home.
- N. Habitat: Soil type, plants and trees; land structure, wetland or upland which is conducive to the survival of species through propagation, breeding, roosting, predation or foraging. A place where life can survive.
- O. Historic Resource or Site: any historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but not limited to, monuments, memorials, Native American inhabitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.
- P. LAMP: the St. Johns County Land Acquisition and Management Program established by section 6 of this ordinance.
- Q. LAMP Conservation Board: the advisory board established by section 7 of this ordinance.
- R. Listed Species: an animal or plant species identified as Endangered or Threatened by the United States Environmental Protection Agency or Florida Fish and Wildlife Conservation Commission.

- S. Natural Communities: Flora and Fauna that live naturally together and ensure the survivability of species.
- T. Natural Drainage: the natural occurrence of water draining over the land surface without hindrance or artificial conveyance through man-made facilities.
- U. Outdoor Recreation: recreational use of outdoor spaces for Resource-based Recreation.
- V. Public Access: parking, walkways and handicapped facilities that are available to the public.
- W. Rare Species: Species not commonly found; unusual and occurring in only a few cases. A Rare Species is one that is not found anywhere in large number, occurring only as small, local populations, but not currently believed to be in danger of extinction. See Endangered Species, Threatened Species.
- X. Recreational Corridor: a strip or connector between two parks which allows the movement of users between them without the use of powered transportation. (See also Greenway.)
- Y. Resource-based Recreation: recreation which depends on an area's natural resources, such as land, water and Wetlands, wildlife and natural scenery. These resources provide areas for hiking, biking, nature study, scenic appreciation, and sight-seeing and other passive recreation activities.
- Z. Regionally Significant Habitat: those Habitats identified by the Florida Fish and Wildlife Conservation Commission, Northeast Florida Regional Council, or the St. Johns River Water Management District for the purposes of screening tools and planning applications - site specific analysis would be needed for regulatory purposes.
- AA. Threatened Species: species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or Habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an Endangered Species within the foreseeable future.
- BB. Wetlands: those areas that are inundated (flooded) or saturated (soaked) by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adjusted for life in saturated soil conditions. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.
- CC. Wildlife Habitat: Habitat that is suitable for wild plant and animal life (see Habitat).

Section 6. LAMP Conservation Program.

There is hereby established the St. Johns County Land Acquisition and Management Program (LAMP), the goal of which is to assist the Board of County Commissioners in its efforts to:

- A. Acquire and conserve those lands and/or sites that enhance or promote Natural Communities, green corridors, water resources, Outdoor Recreation, historic, educational and scientific activities;
- B. Identify, review, evaluate and rank those lands to best achieve the above goal;
- C. Protect rare, endangered, or threatened fauna, and Natural Communities of flora;

- D. Discover means for conservation and protection of the above described lands and sites, including their acquisition through the use of matching or allocated funds;
- E. Explore means of furthering the educational opportunities of land conservation;
- F. Consider a variety of exemplary Natural Communities; and,
- G. Proceed expeditiously in implementing and furthering the above goals.

Section 7. LAMP Conservation Board.

A. There is hereby established a conservation board which shall serve as an advisory board to the Board of County Commissioners on issues involving the acquisition, conservation and management of Environmentally Sensitive Lands, Archaeological Sites, Historic Sites, recreational lands, and Aquifer Recharge Areas. It shall be known as the LAMP Conservation Board. The LAMP Conservation Board shall be supported by appropriate staff as determined by the County Administrator.

B. The LAMP Conservation Board shall consist of nine (9) members each of which shall be appointed by the Board of County Commissioners of St. Johns County (the "County Commission") in the manner hereinafter set forth. All members of the LAMP Conservation Board shall be registered to vote in St. Johns County. Each member shall serve at the will of the County Commission. The membership of the LAMP Conservation Board shall encompass a broad spectrum of experience and expertise.

- i. One member shall be chosen by each member of the Board of County Commissioners of St. Johns County. The County Commission shall then appoint the chosen member to the LAMP Conservation Board. Such member shall, at the time of his or her appointment, reside in the district of the County Commissioner that chooses that member.
- ii. The Board of County Commissioners shall choose and appoint the balance of the members to the LAMP Conservation Board.
- iii. In the event the appropriate person or entity fails to choose a member and notify the Board of County Commissioners of such choice within thirty (30) days of being notified of the need to do so, the Board of County Commissioners shall choose and appoint the member.
- iv. Members of the LAMP Conservation Board shall have experience or expertise in one or more of the following areas. At least five (5) of these areas shall be represented on the LAMP Conservation Board at all times.

| | | | | |
|-------------|---------------|------------------|---|-----------|
| Agriculture | Archaeology | Business/Finance | Eco-Tourism | Education |
| Engineering | Environmental | History | Parks | Planning |
| Real Estate | Recreation | Soil/Hydrologic | Natural Sciences: such as biology, botany, geology, zoology | |

- vi. Each member's term shall be for four (4) years; however, four (4) of the initial members shall be appointed for two (2) year terms in order to create staggered terms. Each member is limited to serving two (2) terms. Each member shall serve until his or her successor is appointed.

- vii. The LAMP Conservation Board shall designate its own chair and vice-chair and shall be governed by the Rules and Policies of the St. Johns County Board of County Commissioners.

C. The LAMP Conservation Board shall have the following duties and responsibilities pertaining to the LAMP:

- i. The LAMP Conservation Board shall make recommendations to the Board of County Commissioners pertaining to the successful implementation of LAMP and shall assist the Board in achieving the goals of LAMP.
- ii. The LAMP Conservation Board shall recommend to the Board of County Commissioners a land acquisition program and develop policies and procedures to implement the program.
- iii. The LAMP Conservation Board shall develop and recommend objective selection criteria, standards and ranking matrices for the purpose of the LAMP. These criteria, standards and matrices shall be based on the following objectives:
 - a. Preserve Environmentally Sensitive Lands and nationally and Regionally Significant Habitat.
 - b. Protect the health and diversity of wildlife, especially Rare, Threatened, Endangered, or Endemic Species of plants and animals.
 - c. Conserve and stabilize cultural, historic, archaeological, and/or scenically significant sites.
 - d. Direct development away from Historic Sites, Archaeological Sites, Environmentally Sensitive Lands, Aquifer Recharge Areas, and high hazard areas that are subject to flooding or fire.
 - e. Preserve green space as a part of or near development that provides refuge for residents, visitors and wildlife.
 - f. Establish natural and Recreational Corridors throughout the County promoting wildlife migration, Alternative Transportation, and fitness or exercise.
 - g. Provide protection for water sources, water quality and Natural Drainage patterns.
 - h. Provide lands for safe and accessible public Outdoor Recreation consistent with the protection of natural resources.
 - i. Minimize the cost of acquisition and maintenance of lands and maximize the ability to obtain matching funds for the acquisition of lands in the context of their availability, their protection of natural resources, and their environmentally sensitive, historic, archaeological, recreational and/or educational value.

- j. Provide educational opportunities that contribute to eco-tourism, public education and awareness of the natural, historic and Archaeological Resources within St. Johns County.
- k. Establish a conceptual management plan to be prepared and recommended prior to the acquisition of each parcel of environmentally sensitive, archaeological, historic and/or recreational land to be acquired by the County. This plan should reflect the conservation and public use goals. Each objective shall be ranked from zero (0) to five (5) with a higher score indicating a higher rank.
- iv. The LAMP Conservation Board shall review the standards and criteria for land acquisition utilized by the Florida Department of Environmental Protection, the Florida Communities Trust, the St. Johns River Water Management District, the United States Department of Interior, or any other governmental entity which may acquire lands for public use in the County for conservation, recreation or aquifer recharge purposes.
- v. The LAMP Conservation Board shall develop and recommend standards and criteria for land acquisition which will be compatible with other governmental programs so as to maximize the use of all available funds for acquisition of lands in County for conservation, recreation or aquifer recharge purposes.
- vi. The LAMP Conservation Board shall meet at least quarterly for the purpose of evaluating and selecting properties to be acquired and/or conserved with the revenues available for the Land Acquisition and Management Program. All meetings of the LAMP Conservation Board shall be open public meetings and shall be governed by the Sunshine Law, Section 286.011, Florida Statutes. For the purposes of Section 112.3145(1)(a), Florida Statutes, each member of the LAMP Conservation Board shall be considered a "local officer". As such, each member of the LAMP Conservation Board shall file a Florida Financial Disclosure Form, in the format noted, and frequency mandated under applicable Florida law, specifically including Section 112.3145, Florida Statutes. This financial disclosure requirement may be amended by resolution of the Board of County Commissioners.
- vii. The LAMP Conservation Board shall review lands nominated for purchase to determine whether they comply with LAMP standards and criteria for acquisition. Upon determination by the LAMP Conservation Board that nominated lands meet the criteria for acquisition, it shall rank specific parcels for priority purchase based upon such LAMP standards and criteria as are approved by the Board of County Commissioners.
- viii. The LAMP Conservation Board shall review lands nominated for less than fee simple acquisition and determine whether they comply with LAMP standards and criteria and make recommendations to the Board of County Commissioners.
- ix. The LAMP Conservation Board shall also advise the appropriate governmental planning departments concerning protection of Environmentally Sensitive Lands and Historic Resources or Sites or Archaeological Sites in the County.

- x. The LAMP Conservation Board shall recommend properties to be acquired and conserved and shall review and monitor all management plans for these properties.
- xi. All management plans shall be reviewed and approved by the Board of County Commissioners.

Section 8. Land Acquisition Nomination Procedure.

A. The LAMP Conservation Board shall apply evaluation criteria to lands and sites suggested by Board members, the public, County staff, and by historic or archaeological preservation committees.

B. The LAMP Conservation Board shall recommend to the Board of County Commissioners properties acquisition and conservation based solely on the LAMP acquisition and conservation selection criteria and ranking matrices which it has developed and which are approved by the Board County Commissioners.

C. The LAMP Conservation Board shall choose, by a super majority (6 out of 9) of the entire Board the top five (5) candidates for acquisition and conservation, and submit this list, ranked as below, at least once each year to the County.

D. Property that has been chosen in previous rounds shall remain on the list until acquired, until its selection rank has changed, or until it becomes unavailable for purchase.

Section 9. Acquisition of Property.

A. The LAMP Conservation Board shall recommend to the County parcels for acquisition. If an acquisition is approved, the Board of County Commissioners shall direct the County Administrator to take the necessary steps to obtain an option or contract to purchase the parcel. All negotiations for the acquisition shall be conducted pursuant to applicable Florida law.

B. It is the intent of the Board of County Commissioners that the LAMP Conservation Program shall be a willing seller program and that acquisition of property under the Program shall be voluntary. Notwithstanding the foregoing, nothing in this ordinance shall prevent the Board of County Commissioners from acquiring property by any means available under applicable law.

Section 10. Repeal.

St. Johns County Ordinances 1999-3 and 2003-57 are hereby repealed. The Clerk of Court is instructed to remove Ordinances 1999-3 and 2003-57 from the County Code.

Section 11. Severability.

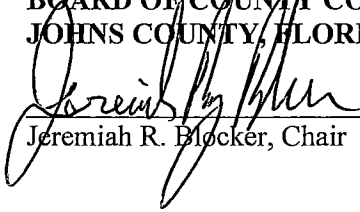
If any portion of this ordinance, or the application thereof, is declared invalid, void, or otherwise unenforceable by a court of competent jurisdiction, such portion or application shall be severable and shall not affect the validity of the remainder of this ordinance.

Section 12. Effective Date.

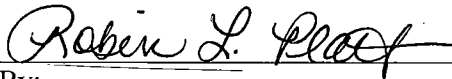
This Ordinance shall take effect upon it being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of June, 2021.

BOARD OF COUNTY COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA


Jeremiah R. Blocker, Chair

ATTEST: Brandon S. Patty, Clerk of the
Circuit Court & Comptroller



By: Deputy Clerk

Rendition Date: JUN 17 2021

Effective Date: JUN 18 2021



THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003358352-01
PO# 3358352

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a NOTICE OF PUBLIC HEARING in the matter of ORD LAMP UNINCORPORATED AREAS was published in said newspaper on 06/01/2021.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/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 said newspaper.

NOTICE OF PUBLIC HEARING OF
THE
ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, June 15, 2021, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY ESTABLISHING A LAND ACQUISITION MANAGEMENT PROGRAM (LAMP) FOR THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY; MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; CREATING A LAMP ADVISORY BOARD; ESTABLISHING THE ADVISORY BOARD'S DUTIES AND RESPONSIBILITIES; ESTABLISHING PROCEDURES AND CRITERIA FOR LAND ACQUISITION AND CONSERVATION; REPEALING ST. JOHNS COUNTY ORDINANCES 1999-3 AND 2003-57; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770 no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
BRANDON PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk
3358352, June 1, 2021

Sworn to (or affirmed) and subscribed before me by means of
 physical presence or
 online notarization

this _____ day of JUNE 1 2021

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M. Reese
(Signature of Notary Public)





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 18, 2021

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2021-38, which was filed in this office on June 18, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

FILED JUN 18 2021
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK