



Agenda Item Summary

File #: 23-00684

Agenda Date: 11/14/2023

Agenda Item Name:

Lerner Rural Subdivision – Approve Conservation Easement in favor of Alachua County

Presenter:

Mark Brown, Natural Resources Program Manager, 352-264-6815

Description:

The Lerner Rural Subdivision is a 4-lot rural agricultural subdivision located on approximately 28 acres. There are three contiguous and one separate designated “Conservation Management Areas” (CMAs) comprising a total of seven acres. To meet the applicable code requirements for regulated natural resource management and protection, the designated CMAs will be protected in perpetuity with a recorded Conservation Easement (CE) conveyed to Alachua County.

Recommended Action:

Approve the Conservation Easement

Prior Board Motions:

The Development Review Committee (DRC) approved the Preliminary Development Plan (PDP) & Final Development Plan (FDP) on April 6, 2023, and the Board approved the Plat on April 25, 2023.

Fiscal Note:

N/A

Strategic Guide:

Environment

Background:

There are four Conservation Management Areas (CMAs) identified and designated for protection of the natural resources. Three of the CMAs are associated within a contiguous 6.67-acre area that classifies as “*Significant Plant and Wildlife Habitat*” due to the uniqueness, species diversity, and exceptional value as habitat for local wildlife. Since this area crosses three of the four lots, each CMA was designated a separate number (1, 2, 3A) with associated boundaries corresponding to individual lot boundaries. CMA 3B is associated with the outer perimeter of a 150-ft. buffer (0.35 acres) that extends from an adjacent, off-site sinkhole that qualifies as a “*Significant Geologic Feature*” (ULDC, Chapter 406). CMA 3B is located on a single lot separate from the other CMAs.

Permanent protection measures of the designated CMAs will be reflected through the recording of a Conservation Easement (CE). The purpose of the CE is to preserve the habitats in their current form,

maintain, protect, and enhance existing conservation resources, native plant and wildlife habitat quality, and prevent development or disturbances. Typically, CMAs are combined into a common ownership and management by the subdivision's Homeowner's Association. Since the Lerner subdivision only includes four lots, and one of those lots has an existing residence, County staff collaborated with the applicant, landowners, consultants, and attorneys and determined the most appropriate method for CMA protection and management was to designate each CMA under the same individual landowners as the associated lots. As a result, the draft CE includes three "grantors" with the recipient ("grantee") of the CE being Alachua County. The CE requires approval by the BOCC and recording by the County Clerk's Office prior to the authorization of the first construction permit for the next residential structure. This requirement was reflected as a condition of the FDP.

The County has a standard procedure that permanent easements to be granted to the County are placed on Consent Agenda for approval by the BOCC and are Approved as to Form by the County Attorney and signed by the Chair. Staff are therefore bringing this item forth to fulfill this standard procedure.