



Agenda

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**Jack Durrance Auditorium
Second Floor
12 SE 1st Street
9:00AM**

January 24, 2017 BoCC Regular Meeting

Supplemental Agenda Item #1 (11a.)

Agenda Item Name:

Update on proposed county clean water initiative

Item Description:

Staff will provide an update on proposed revisions to the County's Water Quality Standards and Practices Code, Chapter 77, including the adoption of County-wide minimum wetland protection standards.

Recommended Action:

Receive staff update and provide direction

Prior Board Motions

On January 3, 2017, the Board of County Commissioners directed the County Manager to send a letter to the city managers to encourage the municipalities to participate in the County's water quality code revision process.

On December 6, 2016, the Board of County Commissioners directed staff to draft a Chair letter to the municipalities to encourage their participation in the County's evaluation of adopting minimum countywide water quality requirements for wetland protection that was approved on December 13, 2016.

On Nov. 1, 2016, the Board of County Commissioners passed the following motion:

1. To direct the County Attorney to fully work out and provide in writing a potential county wide water quality code that would not jeopardize the current legislative protections for agricultural lands in the unincorporated county.
2. Direct staff to provide additional background information on the demonstrated effects on wetland protections of the current code from 1993.
3. Staff to provide a draft countywide water quality code for the Board to consider with an overlay of the map with State and County currently protected properties. Staff to provide information on the amount of agriculture and wetlands annexed and the time it was annexed by a municipality.
4. Once the initial information is available the Chair will provide a letter to the municipalities and schedule a Joint Board meeting in the evening to allow the municipalities and public to respond to how the County policies would affect the municipalities.
5. Staff to provide a history of which water basins are impaired and which bodies are threatened.

The motion carried 4-1 with Commissioner Pinkoson voting “Nay”.

A Chair Cornell letter was sent to the municipalities informing them of the BoCC’s consideration of the adoption of County-wide wetland protection standards on December 13, 2016 and a followed up letter from County Manager Niblock to the city managers on January 12, 2017.

During the December 13th regular meeting, the BoCC discussed County-wide water quality protection strategies including the proposed Advanced Stormwater Treatment Manual, wetland protection and approaches to advanced septic tank treatment. The BoCC requested a staff update on these issues at their January 3rd policy meeting. As a result of the January 3rd policy discussions, the BoCC requested that a second letter be sent to the municipalities explaining that an updated letter be sent from the County Manager to the city managers regarding the proposed inclusion of the stormwater treatment and wetland protection code into the updated Water Quality Code.

Fiscal Consideration:

This agenda item is limited to a staff update. Future BoCC action related to this clean water initiative may have fiscal impacts.

Background:

Issues:

1. State requirements for watershed protection are prompting local governments to implement new clean water strategies for managing urban stormwater, wastewater, and watershed restoration.
2. The County Charter authorizes Alachua County to establish minimum water quality standards on a county-wide basis. Currently the County has fourteen water quality related codes; half of them are applicable in the unincorporated part of the County and the other half are applicable countywide including municipalities. In order to strengthen water quality protection County staff is evaluating the feasibility of expanding the countywide applicability of existing Codes.
3. Recent municipal concerns about the applicability of minimum Countywide water quality requirements indicate the lack of municipal support and/or understanding regarding the 2000 voter approved referendum that established the County's authority to enforce County water quality initiatives, such as the proposed advanced stormwater treatment code and minimum wetland protection standards.
4. To address municipal concerns to encourage redevelopment, staff is currently evaluating water quality protection strategies that differentiate between standards for greenfield development and urban redevelopment.
5. In response to public input, staff is continuing to refine the draft Advanced Stormwater Treatment Manual and Code to reduce water pollution from new stormwater infrastructure. Staff anticipates that the proposed technical design manual and implementation Code will be ready for Board adoption consideration in Spring 2017.
6. Per Board direction, staff is currently evaluating the feasibility of expanding to county-wide applicability the water quality protection provisions of County’s Surface Waters and Wetland Code.



Alachua County Board of County Commissioners

Ken Cornell, *Chair*
Lee Pinkoson, *Vice Chair*
Mike Byerly
Charles S. Chestnut, IV
Robert Hutchinson

Administration
Dr. Lee A. Niblock, CM
County Manager

December 13, 2016

Mayor Lauren Poe
City of Gainesville
PO Box 490, Station 19
Gainesville, Florida 32627-0490

*Sample letter sent to
all nine municipalities*

Dear Mayor Poe: *Lauren*

The Alachua County Board of County Commissioner is in the process of evaluating options for implementing a County-wide wetland protection policy for improving water quality protection under the County Charter.

At the Board's request, staff is preparing and analyzing wetland information to be discussed at the Board's January 24, 2017 regular meeting. This analysis includes a review of current county and municipal wetland policies (see attached comparison table for your review). In preparation for the January 24th Board discussion, County staff will be contacting your staff for input on evaluating existing and proposed wetland policies.

Subsequently, the County Commission intends to host a joint meeting with the municipalities to receive input on how countywide wetland policies would affect municipalities. In particular, we are interested in recommendations from our municipalities on developing wetland policies that distinguish between urban redevelopment and greenfield development.

Please contact Stephen Hofstetter, Natural Resources Program Manager, Alachua County Environmental Protection Department at shofstetter@alachuacounty.us or (352) 264-6811 to provide comments on the attached comparison table and to provide additional input on wetland policies for water quality protection standards.

Sincerely,

Ken Cornell, Chair
Chr17.025

Enclosure

cc: Alachua County Board of County Commissioners
Dr. Lee Niblock, County Manager
Michele L. Lieberman, County Attorney
Anthony Lyons, City Manager

Table: Wetlands within each jurisdiction

Location	Total land area (in acres)	Wetlands (in acres)	% of all wetlands	Wetland Buffer Requirements
Unincorporated County	494,704	154,814	91.6%	150' to 50' avg/100' to 35' min. based on wetland size and criteria
Gainesville	40,874	9,903	5.9%	50' avg/35' min. for wetlands; 75' from lakes; 35' from creeks (150' for septic tanks); 200' for Outstanding Florida Waters (OFWs)
Hawthorne	4,466	1,119	0.7%	35 ft.; 50' avg/35' min for Envision Alachua area
Newberry	35,045	951	0.6%	35 feet
City of Alachua	22,541	929	0.5%	same as county, no OFWs
Lacrosse	2,939	523	0.3%	none
Waldo	1,493	416	0.2%	75' Avg/50' min for >0.5 ac; 50' Avg/50' min for <0.5 ac.
High Springs	13,319	273	0.2%	none
Micanopy	690	69	<0.1%	75 ft. Avg/50' min for >0.5 ac; 50' Avg/50' min for <0.5 ac.
Archer	4,066	54	<0.1%	35 feet
Total	620,137	169,051	100%	



Alachua County Board of County Commissioners

Ken Cornell, *Chair*
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Mike Byerly
Charles S. Chestnut, IV
Robert Hutchinson

Administration
Dr. Lee A. Niblock, CM
County Manager

January 12, 2017

City Manager
City of xxxx
PO Box xxxx
City, Florida 326xx

Dear City Manager:

The Alachua County Board of County Commissioners (BoCC) is considering a clean water initiative to establish minimum County-wide standards for wetland protection and stormwater treatment.

The County Charter, as amended by voter referendum, authorizes the BoCC to establish minimum water and air quality standards that are applicable County-wide, including municipal areas. The Charter recognizes the home rule authority of our nine municipalities to establish water and air quality standards within their jurisdictions that are more protective than minimum County standards.

County staff is proceeding with drafting amendments to the County's Water Quality Standards and Management Practices Code that would establish minimum County-wide standards for wetland protection and stormwater treatment design.

At the BoCC's January 24, 2017 regular meeting, staff will be presenting a conceptual proposal for establishment of minimum County-wide wetland protection standards (see attached copy of the powerpoint presentation). Also attached for your review is a summary of the proposed stormwater treatment manual.

I welcome your suggestions as to how Alachua County can more effectively engage our municipalities as partners in this clean water initiative. The County's Environmental Protection staff will be contacting you to schedule a meeting to discuss this initiative in more detail at your convenience. Please contact me at 352-384-3078 for further information.

Sincerely,

Dr. Lee Niblock
Alachua County Manager

CC: Mayor and City Commission

Attachments



Update on County Water Quality Protection Strategies January 24, 2017

Environmental Protection
Department



Proposed County-wide Minimum Standards for Wetland Protection

- Recognize the critical function of wetlands in protecting water quality and watersheds
- Establish minimum standards for wetland protection to apply County-wide except for municipal redevelopment areas
- County Charter authorized County-wide applicability
- Adopt as amendments to existing County Water Quality Code, Chapter 77



Wetlands within each Jurisdiction

Location	Total land area (in acres)	Wetlands (in acres)	% of all wetlands	General Wetland Buffer Requirements
Unincorporated County	494,704	154,814	91.6%	150' to 50' avg/100' to 35' min. based on wetland size and criteria
Gainesville	40,874	9,903	5.9%	50' avg/35' min. for wetlands; 75' from lakes; 35' – 150' from creeks (150' for septic tanks); 200' for Outstanding Florida Waters (OFWs)
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Proposed Code Applicability and Compliance Verification Process



Municipal Redevelopment Areas

Exempt from County minimum standards



Municipal Greenfield Development Areas

Applicant self-certification by qualified wetland professional verifying compliance with County wetland avoidance and minimization standards



Unincorporated Alachua County

Continue with existing County process for compliance verification



Proposed Wetlands Code Exemptions

- Municipal Redevelopment Areas
- Historical Wetland Impacts
- Projects that have already received local approval as of the proposed code adoption date
- Bona fide Agricultural Activities and other activities currently exempted by County Surface Waters and Wetlands Code



Proposed Revisions to Chapter 77 Water Quality Standards and Practices Code

Title	Adoption Date	Applicability
Surface Waters And Wetlands	1991 2005 Amended	(Proposed Countywide)
Advanced Stormwater Treatment (Proposed)	<i>Pending</i> <i>(Proposed 2017)</i>	(Proposed Countywide)
Wastewater Treatment Facilities	1992 2005 Amended	Countywide
Water Quality Standards And Management Practices	2002	Countywide
Fertilizer Standards And Management Practices	2009 2016 Amended	Countywide



Next Steps

- Staff meetings with individual municipalities
- Finalize Chapter 77 Code revisions
- Schedule public workshops
- Schedule BOCC adoption hearings