

CLAY COUNTY
LAND CONSERVATION PROGRAM
BLUEPRINT FOR SUCCESS



NORTH FLORIDA
LAND TRUST

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ACKNOWLEDGEMENTS

The North Florida Land Trust thanks the Clay Board of County Commissioners, Clay County staff, the Subject Matter Experts from the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, the Florida Fish and Wildlife Conservation Commission, and the St. Johns River Water Management District, and 157 Clay County Residents for their participation, input, and feedback. In particular, the authors wish to acknowledge the invaluable assistance provided by Kevin Ratkus with the Alachua County Forever Program, Rick Robbins, USDA (retired), and Zac Ryan, appraiser, for their technical input.

THANK YOU!

INTRODUCTION

This Clay County Land Conservation Blueprint for Success was created for Clay County, Florida by North Florida Land Trust (NFLT), a 501c non-profit. NFLT operates in northeast Florida -- including Clay County -- to preserve and conserve the area's natural, historic, and working lands resources. NFLT was retained by Clay County to bring its experience in the identification and acquisition of conservation resources to assist the County with determining the feasibility and nature of a locally funded land conservation program. NFLT was selected based on its response (Exhibit A – Schedule/Service Overview) to Clay County RFP NO. 21/22-46: “Strategic Conservation Plan and Land Acquisition Assistance”.

The Clay County Board of County Commissioners (BoCC) sought this assistance in response to citizen concerns that the County was facing unprecedented development pressure. That pressure resulted in the conversion and loss of agricultural and natural lands. A tipping point was the construction of the First Coast Expressway through Clay County, (map at right).

Clay County lags other Florida Counties in the percentage of lands in conservation use. According to the Florida Natural Areas Inventory (FNAI), only 19% of the County is in conservation use, far behind the average of 32% for other Florida counties. Clay County's 0.3% areal coverage of locally owned conservation lands is an order of magnitude less than the 1.5% average for other Florida counties. Note, the above statistics do not include the acreage for Camp Blanding Joint Training Center since it is not officially a conservation property. (Source: www.fnai.org).



This Blueprint delivers the following to satisfy the County's request for assistance:

- A Strategic Conservation Plan in which NFLT reviewed the County's inventory of conservation resources based on BoCC, citizen, and subject matter expert input. Based on that input, NFLT also ranked the community's conservation values and mapped the general areas where they are best represented. As a part of this Plan, NFLT is recommending a path forward to position a referendum to create a land conservation program that protects those conservation values and gets it in front of the county voters in November 2024.
- A Conservation Manual in which NFLT recommends principles and procedures – based on Best Practices from around the state -- for the County to identify, assess, acquire, and steward lands for the benefit of its residents and visitors.

We thank the County for the opportunity to help them design their conservation future.

The North Florida Land Trust:

Matt Rapp, Chairman of the Board

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GLOSSARY OF TERMS

Capitalized terms are intended as specific references to terminology or descriptions within the document.

Land Conservation Program– The Lands Conservation Program, (LCP), for which this manual exists, executed by Clay County government, is charged with acquiring and managing lands in Clay County.

Conservation Manual – The Clay County Conservation Manual (or “Manual”), describes the rules and principles under which the LCP program operates.

Conservation Plan – The Clay County Conservation Plan (or “Plan”) refers to the section of this document which aggregates, weighs, and maps all the natural resources within the county, according to public and subject matter expert opinions. It also contains a recommended strategy for successfully placing the referendum in front of the county voters for approval in November 2024.

County - Clay County, Florida.

Commission – The Commission, or BoCC, refers to the Clay County Board of County Commissioners.

Conservation Values – These are the characteristics of a piece of land that generate some type of benefit to the community. Historically, conservation values were narrowly defined as ecological; that is, natural resources, biodiversity, or open space. However, over time, these values have been broadened to include values like resource-based recreation, cultural and historic resources, working farms, and even values such as flood control and protection from storms.

Land Conservation Committee, or LCC – The Committee refers to the Land Conservation Committee, a commission-appointed committee charged with reviewing and recommending to the Commissioners all the activities under the LCP.

Staff – Staff refers to those Clay County staff members, or designated contractors and consultants, who are responsible for the execution of the activities in this Manual.

Nominators – Nominators are members of the public, agencies, non-profits, or other entities which have made an application for a property or Project for acquisition under the LCP.

LCP Property Decision Matrix –The Matrix is the tool by which nominated property is determined to meet the purposes of the LCP and whether it meets the definition for Priority Pool or Eligibility Pool. The Matrix is based on the conservation values of the BoCC, the public, and subject matter experts.

Parcel – The tax parcel as identified by the Clay County Property Appraiser.

Property – as used in this document, a single ownership, comprised of one or more Parcels, upon which the County is in negotiations with the landowner(s).

Project – All the properties within a defined geographic area undergoing evaluation or acquisition.

Cornerstone Property – A Project may be comprised of multiple ownerships that together meet the purposes of the LCP. To avoid acquiring less important properties, staff will recommend at least one Cornerstone property for each Project. These are those ownerships that must be acquired first before other properties in that same Project.

Active Acquisition List – the list of Projects that have been evaluated by staff and the Land Conservation Committee and for which staff are authorized by the BoCC to proceed with due diligence and negotiations.

Priority Pool – A list of Projects that have been evaluated by staff and the Land Conservation Committee and which have been determined to meet the intent of the program and are a priority for acquisition at this time. These form the recommendation from the Land Conservation Committee to the BoCC.

Eligibility Pool – A list of Projects that have been evaluated by staff and the Land Conservation Committee and which have been determined to meet the intent of the program but are not a priority for acquisition at this time.

Fee Simple Acquisition – A fee simple acquisition refers to an acquisition of real property pursuant to which the acquiring entity, and its heirs, obtains full and irrevocable ownership of the lands and improvements.

Bargain-Sale – a transaction in which the total compensation paid to the seller is less than the purchase price, and the seller donates the difference.

Conservation Easement – A conservation easement is a real property interest that runs with the land, is perpetual, and is established through agreement between the landowner and a government or land trust, by which a landowner agrees to restrict development on their land and stop, reduce, or increase certain management practices according to the natural resource needs on the property, or perform other actions to achieve conservation purposes. It must be consistent with Chapter 704.06 Florida Statutes, and if any charitable federal tax treatment is sought, with Chapter 170(h) of the United States Internal Revenue Code.

Stewardship Plan – A Stewardship Plan is the primary administrative and managerial document for lands and other property interests acquired under the LCP program, which described the vision, goals, 10-year timeline and general budget implications for land stewardship activities, improvements.

STATEMENT OF PRINCIPLES

Clay County is a principle-based Government. As such the following set of guiding principles for the County's Land Conservation Program are suggested:

The properties selected for conservation should reflect the community's desire for a balanced portfolio of projects that acquires large, wild, and connected preserves, and offers areas that are accessible to the public and that provide opportunities for environmental education and recreation compatible with its natural resources on site and preserves the local traditions of agriculture and country living.

- I. Certain administrative and operating expenses of the land conservation program may be borne by the Clay County General Fund. It is recognized that there are competing needs for County services using the General Fund and the services and benefits of land conservation to the community must be considered in the context of those other public needs. Additional sources of program support may need to be developed to support the operating costs. Examples include user fees, property leases, sale of resource credits, and sale of harvested timber.
- II. Commercial Pooled Paper or other external sources may be used to initially acquire properties until the appropriate time to issue the Bonds. All costs directly related to the acquisition of a project, whether it is successfully consummated, are reimbursable from the Bonds.
- III. To carry out its real estate due diligence, Clay County may use the existing third-party vendor contracts where appropriate and develop new contracts or the internal capacity where there is a deficiency in expertise or resources.
- IV. Clay County seeks to maximize the effectiveness of local tax dollars by using them to leverage funds available from federal, State, Water Management District (WMD), municipal, non-profit, and private sources in the protection of the county's sensitive lands. The County has the fiduciary responsibility for the voter-approved funds and therefore will require BoCC approval prior to any contract being made regarding committing local funds in such partnerships. However, to efficiently make application for those funds, the County Manager's (or appropriate delegate's) approval to apply for partnership funds is all that is required.
- V. Clay County may own land in partnership with other agencies. The County may preferentially elect to designate its resources as matching funds for perpetual interest in a partner's land acquisition project if the LCC and the BoCC determine that any such project adequately conforms with the above-stated overall goals of the LCP. The County may hold title to property in partnership with other agencies.
- VI. Mandated acquisition procedures for federal, state, or WMD programs may be substituted in part or in whole for the provisions of the County policies and procedures when federal, State or WMD funds are available and will be utilized for the purchase of land, and qualification for such funds requires County compliance with mandated acquisition procedures. The BoCC may waive any provision of the County's acquisition procedures

when land is being conveyed to the County from another governmental entity except, such transfer must be evaluated and reviewed by staff and the LCC.

- VII. The BoCC recognizes that significant conservation goals can be achieved by alternatives to traditional fee simple acquisition. The acquisition of conservation easements is encouraged by many potential federal and State programs and can result in maximizing open space acquisition and rewarding good private stewardship of the lands while keeping property on the tax rolls.
- VIII. All acquisitions under the Land Conservation program require the participation of a willing property owner. Clay County shall not use the power of eminent domain (condemnation) to acquire property under this program which has been presented to its citizens as a voluntary preservation effort and shall not force the sale of property. If at any time the property owner of a parcel wishes to have that property removed from consideration, this request will be honored.
- IX. The goal of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions, and reservations at the lowest possible price. However, the BoCC has the authority to accept lands with less than perfect title if it is determined to be in the best interests of the County.
- X. While the BoCC determines the total amount of funding available for the LCP during any budget year, the Active Acquisition List will be maintained from year-to-year unless the property owner requests removal of a property from consideration.
- XI. The BoCC recognizes that there are long-term stewardship costs associated with acquired property and no funding source other than the General Fund Reserves has been identified. To minimize stewardship expenses while the land conservation program is in its initial acquisition phase, staff will use an initial stewardship “no loss of conservation values” strategy. This means the property will be managed at a minimum to retard or eliminate further conservation value loss but may not yet be enhanced nor restored if funding is unavailable. As the land conservation program matures and other funding sources materialize, the stewardship efforts may be enhanced.
- XII. Any stewardship of acquired lands shall be consistent with the County’s primary goal of preserving, restoring, and enhancing conservation values and providing compatible nature-based recreation. A stewardship plan will be developed within 12 months of acquisition and made available for public comment prior to BoCC approval.
- XIII. Every effort must be made to maintain the public’s confidence and trust so that the land conservation program may be sustained.

GOALS OF THE CLAY COUNTY LAND CONSERVATION PROGRAM

Clay County lags comparable counties in terms of total land in conservation and lands acquired by the County for conservation. To reach the statewide average of 1.5%, the County should seek to expand its locally owned conservation lands by preserving an additional 5,936 acres. To reach the State average of 32% in total conservation, it should encourage and partner with state and federal partners to preserve an additional 110,000 acres.

These goals can be achieved by creating sound strategies for the identification and preservation of appropriate lands across the county. Land suitable for conservation will need to meet multiple goals, including storm surge protection, species and habitat preservation, preservation of rural land uses, maintenance of scenic aesthetics, outdoor recreation, and more.

Strategic conservation planning helps Clay County identify, prioritize, pursue, and protect land that effectively achieves their mission and conservation objectives. It helps visualize a future for the community and charts a course to realize that vision. A well-executed strategic conservation planning process will also include community input obtained using a defensible scientific process so that decision makers know that their decisions are sound and reflect community values. In addition, by having clearly identifiable goals, potential funding partners can easily identify joint priorities to bring outside funding to the table. Using the plan, County staff and elected officials can understand what the community values and where the resources that community values are, to make educated decisions on how to create a park, open space, and preserve system. Developing a Conservation Plan early provides voters reassurance that the County is delivering on the transparency and accountability of this program, the funding stream, and the lands acquired.

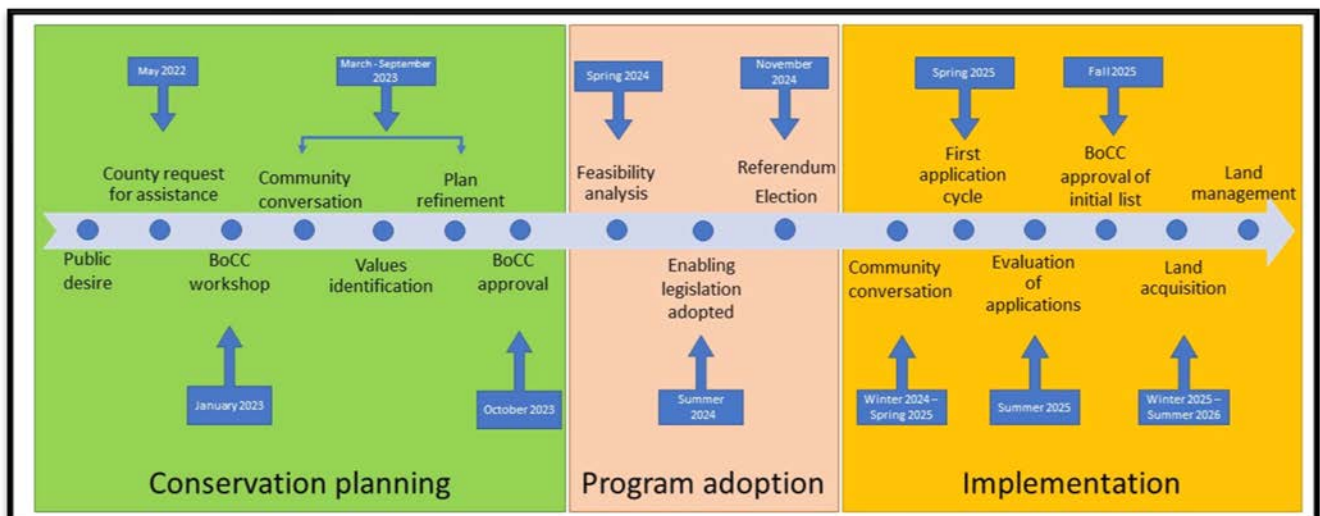
A conservation land acquisition program furthers many elements of the Clay County Comprehensive Growth Management Plan (Appendix A) and the conservation vision of Clay County. It follows the strategic plan and features practical public and real estate processes for the acquisition of conservation lands, covering the nomination, public decision making, and real estate process for acquisition. A nomination process for properties which can capture those lands which have conservation resources that were previously unknown is also part of the program.

A goal of any land conservation program should be to acquire the available lands that best fit the criteria for the best price. Success therefore is defined as the resulting portfolio of lands representing the conservation values as expressed by the voters when they petitioned their government for a program and then funded it with additional tax dollars. NFLT promotes a “line-of-sight” approach to ensure this success. Mechanisms are created, policies enacted, and procedures approved, that allow staff and the public to continually align the processes and the acquisitions to the initial conservation values. For example, the voters are polled to determine which of their primary conservation values are being lost through site conversion. The Referendum language then asks the voters to approve a program that acquires and protects lands that best represent those values. If passed, the County will use the Land Conservation Program Property Decision Matrix of Criteria (or the “Matrix”) to evaluate each nominated property for how well it exhibits those values. Finally, a citizen’s committee is empaneled that understands the evaluation system, votes

to select the properties for acquisition that best answer the criteria, that therefore best represent what the voters wanted to protect.

What follows are recommendations to establish the line of sight so that the County fulfils its referendum promise to the voters. The process below represents a linear path from public concern about the loss of their conservation values, to final acquisition and management of county-owned conservation lands. This is the “line-of-sight” model. Each step in the figure below represents a milestone building on the previous milestone. It keeps the earlier identified concerns in view and aligns them to the desired outcomes by setting in place checks and touchpoints. Some of the touchpoints require the BoCC approval – as the vision-keeper– -- before engaging any further steps to build accountability and alignment. The Plan covers the conservation planning and program adoption phases, and the Manual covers the implementation phase.

FIGURE 1. LINE-OF-SIGHT MODEL.



Three important notes:

1. A key principle in Florida governance is the ability for its citizens to view any public process, not specifically called out as confidential in Statute. As such, decisions to evaluate property nominations and approve purchases are required to be made in properly noticed public meetings. This not only remains consistent with Florida law but keeps the faith with local voters by demonstrating the County’s fiduciary responsibility to be accountable.
2. The proposed Clay County land conservation program, like all State programs, most federal conservation programs, and other County programs in Florida are “Willing Seller” only. This means the County may not use its power of condemnation nor eminent domain to acquire property for conservation. Each acquisition is voluntarily negotiated, in good faith by the parties, in an arm’s length real estate transaction.
3. The term “county-owned” is used in this context, it applies to both County ownership in fee of lands and the County holding of conservation easements.

PURPOSES OF THE CONSERVATION PLAN AND CONSERVATION MANUAL

This Blueprint is deliberately divided into two sections. The Clay County Land Conservation Plan (the “Plan”) and the Clay County Land Conservation Manual (the “Manual”). The Plan was created with the input of the County Commission, County staff, a team of subject matter experts, and 157 participating members of the public. It describes the map of the county’s most essential resources as described by the County, its residents, and the subject matter experts. It ranks the conservation priorities of the community and suggests a path forward to having the land conservation program approved by referendum. It can also be used to attract funding partners to assist with acquiring conservation lands within the county. It is intended to become a reference document once the land conservation program referendum is approved, with the Manual replacing it as the primary guidance document for the new land conservation program. Developing the Manual now demonstrates to the citizens how the resulting program will be implemented if approved.

The Manual is intended to become the operating manual for Clay County’s Land Conservation Program and describes best practices gathered from around the state based on the experience of the NFLT. While great care has been taken to avoid creating such conflicts, it is not intended to replace existing County Ordinances, Rules, or procedures, nor statutory mandates, where they exist. The Manual contains suggested procedures, policies, Ordinance language, and a property evaluation tool which the NFLT encourages the County to review, evaluate, adapt, and consider making their own.

WHAT IS A STRATEGIC CONSERVATION PLAN?

A strategic conservation plan is any sort of document, tool or map that helps an entity identify, prioritize, and pursue natural and cultural resources for conservation. To be effective, the tool should fit the job at hand. In this case, the Plan needs to identify and prioritize the lands based on inputs from the community. It follows then that the necessary first step is identification of the conservation values that the community wants protected and therefore represented in the portfolio of acquired property.

Clay County lags other Florida counties in the percentage of lands in conservation use. Excluding the acreage of the buffer for Camp Blanding Joint Training Center (this is not technically a conservation property), only 19% of Clay County is in conservation, far behind the average of 32% for other Florida counties (source: FNAI). Clay County's 0.3% locally owned conservation lands is an order of magnitude less than the 1.5% average for other Florida counties.

The ideal outcome is that Clay County will adopt measures to expand its locally owned conservation lands to the state average of 1.5% by preserving an additional 5,936 acres in local conservation ownership. To reach the State average of 32% in conservation use, the County should partner with state and federal partners to preserve an additional 115,636 acres. Finally, the County wanted a plan that was transparent in its creation, and which allowed for public input.

To ensure transparency and fair input in the development of the conservation priorities and the plan, a three-level input process was developed. Foremost was to identify the conservation values of the BoCC and the community to which the program would be aligned. Input was first sought from the BoCC, then from the public, and from subject matter experts. These three inputs were decided upon because any long-term and successful publicly run conservation program has three elements:

- **Politically Practical** – political practicality in this case is an acknowledgement that the program must follow the rules of good governance generally, applicable state and federal law, and be workable within the constraints of the local political environment. This can refer to restrictions created by an outside and higher authority, such as the State of Florida or federal government, regarding the administration of such a program. It can also refer to more practical considerations and community ethics, such as fiscal responsibility or transparency. Finally, elected officials will be responsible for making decisions about the outcomes of any conservation program, and therefore the program must be responsible to those officials and meet expectations for excellence in programming to be defensible to the community at large. The success of any County-run conservation program rests on its ability to be acceptable and executable in an evolving political environment. Ultimately, decisions to execute on different elements of the conservation program are up to elected commissioners, who are answerable to a diversity of interests across the County and dependent on the needs and desires of their constituents. Therefore, it was entirely

appropriate for the County's effort to begin the community conversation about the need and direction of a potential land conservation program with the BoC.

- Publicly Supported – the program must be supported by the public at large to be successful. Therefore, the plan must reflect the public's interests in conservation generally, so long as those interests are scientifically valid and politically achievable. Surveys of the Clay County public were conducted. At each event and online, the same presentation that was given to the BoCC and subject matter experts, was provided to the public, and then they were given an opportunity to ask questions and then indicate their preferences using the same voting techniques. A total of 157 County residents participated in the survey.

Scientifically Valid – any conservation program executed will be for the purpose of ensuring a healthy natural and human community. Therefore, each of the resources targeted for the program must be vetted with experts to ensure the program adequately serves the community. NFLT met with staff from the Florida Department of Agriculture and Consumer Services' Florida Forest Service, the Florida Department of Environmental Protection's Florida Forever Program, the St. Johns River Water Management District, and the Florida Fish and Wildlife Conservation Commission. The same presentation was provided, and the agencies asked what conservation values would make Clay County a viable partner, i.e., what conservation values should Clay County prioritize to attract their agencies as partners.

IDENTIFICATION OF CONSERVATION VALUES

The conservation values identification process was divided into two parts:

- Part 1 sought to get consensus from the BoCC on the need for and direction of a potential land conservation program.
- Part 2 built the results of Part 1 and combines additional information from the public and the subject matter experts into a final report for consideration by BoCC.

NFLT completed Part 1 with the January 2023 BoCC workshop and Part 2 in October 2023 with the presentation of this Blueprint to the BoCC.

Recall that conservation values are the characteristics of a piece of land that generate some benefit to the community. Historically, conservation values were narrowly defined as ecological; that is, natural resources, biodiversity, or open space. However, over time, communities have broadened these values to include other intangible benefits such as access to resource-based recreation, protection of cultural and historic resources, preservation of working farms and agrarian traditions, and even values such as flood control and protection from storms. GIS (Geographic Information Systems) is used extensively to develop and present conservation values. GIS refers to a software program that allows the user to create, analyze, and manipulate geographic information, known as data layers. Each data layer represents some characteristic of land that can be represented spatially, that is, on a map.

In consultation with County staff, multiple data layers were considered based on the typical conservation values that local programs seek to protect. These were consolidated into seven “themes” for the purposes of the community discussion, each representing a set of related conservation values. The seven themes are outlined below and depicted on maps in Appendix B.

CONSERVATION VALUES: ACCESS TO RECREATION. Living in areas with access to public parks, community recreation and trails is an excellent way to encourage greater physical activity and overall better health in a community. Parks and recreation spaces enable residents in a community to experience nature, engage in exercise and enjoy leisure time in the natural environment. In addition, parks provide positive economic benefits, including enhancing property values, spurring local economies, and attracting new residents and businesses.

This map displays the accessible and inaccessible conservation lands in Clay County. Accessible lands are publicly owned and available to the public for recreation. Inaccessible lands are not open to the public. These include Camp Blanding Joint Training Center, mitigation banks, and conservation easement properties. This map also displays the location of boat ramps and existing recreational trails in Clay County, including hiking, biking, equestrian and paddle trails.

CONSERVATION VALUES: CONNECTIVITY. Connectivity provides corridors for plants, animals, and people to move freely. Connected landscapes support biodiversity by allowing wildlife to migrate to access food, water, shelter, and breeding habitat. Connectivity also allows for shifts in the ranges of plants, animals, and natural communities in response to environmental changes. People also benefit from the recreational and scenic values of large, contiguous natural areas. Finally, connected ecosystems are better able to function overall, and in turn continue to provide services that support human health and quality of life, like clean air and water.

This map displays the existing conservation lands in Clay County. It also shows the boundary of the Ocala to Osceola Wildlife Corridor and the Florida Wildlife Corridor. Finally, it displays the three-mile Army Compatible Use Buffer (“ACUB”) that surrounds Camp Blanding Joint Training Center. Areas where these existing corridors and conservation areas overlap represent the highest priority for conservation, as they will allow for the most connectivity between landscapes.

CONSERVATION VALUES: DRINKING WATER PROTECTION. Conservation lands can help protect our drinking water in many ways, including filtering water to ensure it remains clean, and replenishing our groundwater supply to make sure we have a reliable source of water now, and in the future.

This map displays the locations of Public Water Supply wells that provide service to at least 15 service connections or 25 residents. They are wells that service communities, churches, public buildings, etc.

The aquifer recharge data layer shows areas of Clay County that allow for recharge to the Floridan and other aquifers, as determined by their proximity to karst features, depth to water and soil porosity and permeability. Areas in dark blue provide the highest potential recharge for springs, sinks, aquifers, and our water supply.

[CONSERVATION VALUES: PRESERVATION OF FARMS AND WORKING FORESTS.](#) Owners of working lands, such as farms, ranches and tree plantations, have a deep connection to the land, water resources, and wildlife. They make a living by maintaining the health and productive values of their lands. Conserving these working landscapes helps to ensure they will not be converted to non-agricultural uses, losing these important natural benefits.

Through the use of conservation easements, farmers and ranchers can maintain and even enhance their way of life and pass it on to the next generation. In addition to providing food for our tables and timber to build homes, farms and forests absorb rainwater, which prevents floods, alleviates drought, and provides habitat for wildlife.

This map identifies agricultural lands in Clay County as determined by FDACS. The tree plantations data layer is determined by FWC's Florida Cooperative Land Cover dataset.

[CONSERVATION VALUES: PROTECTION OF HISTORIC AND CULTURAL RESOURCES.](#) A county's historic and cultural resources are evidence of past human activity. These include sites, districts, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Clay County has a rich rural and agricultural history, and preserving historical areas and artifacts preserves and promotes the history of the County. Indian arrowheads, battlefield remnants from the Civil War, turpentine tools, catfaces on longleaf pine trees, Prohibition stills, and old railroad tracks are some of the resources that speak to Clay County's history. This map displays the historic districts in Clay County as recorded in the Florida Master Site File.

These include historic railroad corridors, churches, homesites, military areas and agricultural lands. The historic structures data layer displays structures, including homesites, churches, military buildings, hotels, religious temples, schools etc., that are eligible to be, but not yet listed, on the National Register of Historic Places.

[CONSERVATION VALUES: ACCESS TO SURFACE WATER FEATURES.](#) This map displays the surface water features found in Clay County. These are areas identified by the US Fish and Wildlife Service (USFWS) as part of the National Wetlands Inventory (NWI). This layer includes wetlands such as lakes, rivers, streams, creeks and small isolated or intermittent wetlands.

The springs and seeps layer displays the location of identified springs and seeps in Clay County. Finally, the flood zone layer displays the highest risk flood zones as identified by the Federal Emergency Management Agency (FEMA).

[CONSERVATION VALUES: THREATENED & ENDANGERED SPECIES AND HABITATS.](#) Protecting Florida's threatened and endangered species and habitat is very important because it saves our native habitats, fish, plants, and other wildlife from going extinct. This map displays the locations of some of the threatened and endangered species found in Clay County. The red-cockaded woodpecker is a federally listed endangered species. Florida Black Bears are not a listed species, but they live in only a few isolated habitats throughout the state.

Protecting habitat for bears is important for their continued survival. Bald Eagles and their nests remain protected by state and federal bald eagle laws. The rare habitats data layer represents habitats that are not well-represented by current conservation lands. These are habitat types identified by the state of Florida as a high priority for future conservation.

The seven maps generated from these data layers are included in Appendix B. All the data layers were produced by, or derived from, data layers that were produced by major universities, state agencies, or federal conservation agencies (sources in Appendix B).

The January 24, 2023, BoCC workshop (Appendix C) was designed to get Commission consensus on two threshold questions.

- 1. Is there sufficient interest on the part of Clay County BoCC to work towards a November 2024 Referendum?**
- 2. What are the conservation values of the Clay County BoCC?**

After presenting the County Commissioners with an outline of how a local land conservation program is set up and implemented, NFLT asked for consensus on Question 1. There was unanimous agreement among the BoCC that NFLT and County staff should proceed.

The second part of the Workshop began with NFLT explaining to the BoCC what the seven main conservation value themes represent. After discussion and explanation of the values, NFLT posed Question 2. To have the BoCC answer Question 2, NFLT provided the individual commissioners with twelve dots and asked them to indicate their most important conservation values by placing them on any of the seven posters depicting the conservation value themes. Commissioners were free to place as many of their twelve dots on a poster as they wished—i.e., they could place all twelve on one poster, or they could allocate their dots among several of the conservation values.

NFLT then held a series of three community workshops strategically located throughout the county: in Cornerstone Heights on April 10, 2023, in Middleburg on April 13, 2023, and in Green Cove Springs on April 19, 2023. Attendees were given the same presentation and given three dots with which to indicate their conservation value preferences. NFLT also published the presentation and the survey online during June and July and sent targeted emails to registered Clay County voters' emails to boost community awareness and participation in the survey. The survey was also posted and publicized on NFLT's Facebook, Instagram and LinkedIn pages. The raw results of the votes are presented in Figure 2 below. The yellow highlights indicate the three conservation values with the most votes for each survey event. Conservation values that were tied in the top three were all included.



FIGURE 2. CONSERVATION VALUE PREFERENCE VOTING RESULTS – RAW DATA.

Conservation Value	BOCC Workshop 1.24.2023	Public Workshop Keystone Heights 4.10.2023	Public Workshop Middleburg 4.13.2023	Public Workshop Green Cove Spgs 4.19.2023	Online Survey May - July 2023	Totals	Totals (%)	
n = # participants	5	2	20	23	112	162		
Access to Recreation	10	0	3	1	31	45	9%	
Connectivity	8	2	5	7	46	68	13%	
Drinking Water	11	1	5	2	76	95	18%	
Farms and Forests	5	2	35	42	61	145	27%	
Historic and Cultural	6	0	3	6	19	34	6%	
Surface Water	8	0	5	0	29	42	8%	
Threatened and Endangered Species and Habitats	12	1	4	11	72	100	19%	
Total	60	6	60	69	334	529	100%	
Comment:	BoCC had 12 votes each	Participants limited to 3 votes each						

SUBJECT MATTER EXPERT INPUT

NFLT met with staff from the Florida Department of Agriculture and Consumer Services’ Florida Forest Service, the Florida Department of Environmental Protection’s Florida Forever Program, the St. Johns River Water Management District, and the Florida Fish and Wildlife Conservation Commission. They were asked what conservation values would make Clay County a viable partner, i.e., what conservation values should Clay County prioritize to attract their agencies as partners. They all said they are required to abide by their organic legislation and state mandates. But each expressed their desire to assist the County and welcomed their active partnership. Each agency is briefly summarized below, along with the role they might play in the County’s land conservation efforts.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES’ FLORIDA FOREST SERVICE

(FFS) mission is to protect and manage the forest resources of Florida, ensuring that they will be available for future generations. FFS manages over one million acres of state forests for multiple public uses, including timber, recreation, and wildlife habitat. They offer technical information and grant programs to landowners to help them improve their forestland. Through wildfire prevention and suppression, FFS works to protect homeowners from the threat of damage in a natural, fire-dependent environment. They offer several grant opportunities annually, depending on Legislative appropriations. The Community Forest and Open Space Conservation Program is a grant program that authorizes the U.S. Forest Service to provide financial assistance through the FFS to local governments, tribal governments, and qualified nonprofit entities to help conserve land and establish community forests that provide continuing and accessible community benefits. The program pays up to 50 percent of the project costs and requires a 50 percent non-federal match. Lands acquired through the program are actively managed in accordance with a community forest plan to provide community benefits. Eligible land includes private forestland that is at least five acres in size and at least 75% forested, is threatened by conversion to non-forest use, provides community benefits, and is not held in trust by the United States. Public access is required for Community Forest Program projects. Fee title acquisition is also required. Conservation easements are not eligible.

The Florida Forest Legacy Program is a U.S. Forest Service grant program administered in Florida by the FFS, and whose purpose is to protect environmentally important forest areas that are threatened by conversion to non-forest uses. Using voluntary conservation easements and fee simple purchases, the program promotes forestland protection and other conservation opportunities. Florida's Assessment of Need contains an assessment of the state's forests and forest uses and a description of forces that are converting forests to non-forest uses. It describes eligibility criteria developed by the state of Florida to identify important forest areas to be proposed as Forest Legacy Areas and acts as a guide to implementation of the Forest Legacy Program in the state.

The Rural and Family Lands Protection Program is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements. The program is written in Section 570.70, Florida Statutes, and Chapter 5I-7, Florida Administrative Code (F.A.C.). Projects are reviewed by a Technical Review Team, ranked through a formal process by the Rural and Family Lands Protection Program Selection Committee, and approved by the Governor and Cabinet. The program is designed to meet three needs: Protect valuable agricultural lands; create easement documents that work together with agricultural production to ensure sustainable agricultural practices and reasonable protection of the environment without interfering with agricultural operations in such a way that could put the continued economic viability of these operations at risk; and protect natural resources, not as the primary purpose, but in conjunction with the economically viable agricultural operations.

For FFS easement programs, the holder of any acquired interest will be the State of Florida. Clay County's role would be as applicant, advocate, landowner contact, and potential funding partner.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA FOREVER PROGRAM

FLORIDA FOREVER (FDEP) is Florida's premier conservation and recreation lands acquisition program and is a blueprint for conserving Florida's natural and cultural heritage. It is one of the largest public land acquisition programs in the United States, with more than 2.6 million acres purchased through the Florida Forever and Preservation 2000 (P2000) programs and a total of 10 million acres managed for conservation in Florida. Florida Forever, which replaced P2000 in 2001, has purchased more than 902,011 acres of land worth \$3.3 billion. There are several Florida Forever Projects Areas approved in Clay County. Partnering with FDEP on these merely requires landowner willingness, a designated manager of the acquired property, a successful negotiation, and approval by the FDEP Secretary or the Governor and Cabinet, depending on price. If the County desires to draw state funding to an undesignated area, a new Project Area needs to be created or the existing Florida Forever project boundary amended. The first step is applying to FDEP staff during the Application Cycles. There are two application cycles per year for new project proposals. New project proposals have two submittal dates every year: April 30 and October 31. Completed applications submitted to the Division of State Lands (DSL) are reviewed by staff and prepared for a vote by the Acquisition and Restoration Council (ARC). ARC develops the Florida Forever Priority List and therefore determines which lands are eligible for acquisition. If a project is put on the Florida Forever Priority List, it becomes eligible for acquisition by the State of Florida.

Unlike new project proposals, boundary amendments may be considered throughout the year. Boundary amendment applications must be received at least 60 days before a scheduled ARC meeting. The State does not share title in property fully or partially funded by Florida Forever. So, the County's role would be to provide funds, and relinquish title to any property acquired, or to be the designated land manager through a lease from the State.

[THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT](#) (SJRWMD) is an environmental regulatory and resource conservation agency of the state of Florida whose work is focused on ensuring a long-term supply of drinking water, and to protect and restore the health of water bodies in the SJRWMD's 18 counties in northeast and east-central Florida. Florida's five regional water management districts were established in 1972 by the state Legislature through passage of the Water Resources Act (Chapter 373, Florida Statutes). SJRWMD officials recognize the need to have water resources available for people's needs and to balance those needs with nature's needs. In its daily operations, the SJRWMD tries to strike a balance in water needs by educating the public about water conservation, setting rules for water use, conducting research, collecting data, restoring, and protecting water above and below the ground, and preserving natural areas.

The SJRWMD covers 12,283 square miles, about 7.8 million acres. The main water body in the district is the northerly flowing St. Johns River, the longest river entirely in Florida. The mission of the SJRWMD is "to protect our natural resources and support Florida's growth by ensuring the sustainable use of Florida's water for the benefit of the people of the District and the state." To meet that mission/vision statement, the SJRWMD's daily work is focused on four main core missions: Water Quality, Water Supply, Flood Protection, and Natural Systems. These core missions guide the work of the SJRWMD's staff for the benefit of all residents in the SJRWMD's service area. The SJRWMD is authorized to acquire lands that further these core missions and can be a ready partner for Clay County. Unlike the other State of Florida programs, the SJRWMD can share interests in title with the County.

[THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION](#) (FWC) mission is managing fish and wildlife resources for their long-term well-being and the benefit of people. Clay County is served by FWC's North Central Regional Office. FWC is primarily concerned with the regulation and protection of Florida's wildlife, including permits hunting and fishing, and game and non-game management. They manage, under a lease from the State, many Wildlife Management Areas, and Wildlife Enhancement Areas. They are also involved in research into numerous Florida species and outdoor education. FWC can act as a pass-through for federal funding for specific projects that meet their goals in Clay County. They are also a valuable technical resource for the County's management of any acquired lands.

NORMALIZING THE RESULTS

As shown in Figure 2 above, the BoCC had a slightly different set of conservation value priorities than the public. The BoCC ranked Access to Recreation as their third-highest priority. The public chose drinking water and connectivity. This is to be expected and why the separate survey efforts were conducted. The BoCC has a county-wide perspective and must evaluate any service (including conservation funding) in terms of both the opportunity cost for limited County funds and,

competing public interests for County services. An individual member of the public usually has a narrower range of concerns, especially when faced with a focused set of questions such as in a conservation needs survey.

The raw conservation values voting results need to be normalized and a final three (no more than four) selected. The reason for narrowing the conservation values to three or four is Referendum language limits and program focus. There is a 75-word limit in ballot summary language in Florida. More importantly, the program needs to avoid mission creep and remain focused on a strong identity and purpose. The Swiss Army knife approach tends to create internal confusion as to priorities and competition among interests, which can escape into the public conversation, generating distrust.

There are several factors to consider when deciding how to normalize the voting results. First, the BoCC had 12 votes per person because of their role in leading the County and setting county-wide priorities for public funding. The public had three owing to the expected turnout, and a need for them to focus on their highest priorities. Second, those attending the in-person workshops may have been influenced by the other participants in the room, the Q&A, or even presenter bias. These would not be factors for the on-line survey respondents.

For the purposes of illustrating the Referendum language drafting process and building an evaluation tool, one normalization scheme is presented below (Figure 3). In it, the public votes are combined for all the events, the totals reduced to rank order, and averaged across the two resulting groups (BoCC and public). Protection of Farms and Working Forests and Access to Recreation are tied for third providing a final four top priorities.

FIGURE 3. CONSERVATION VALUE PREFERENCE VOTING RESULTS – BY RANK ORDER.

Conservation Value	BOCC Rank	Public Rank	Average
Access to Recreation	3	5	4.0
Connectivity	4.5	4	4.3
Drinking Water	2	3	2.5
Farms and Forests	7	1	4.0
Historic and Cultural Resources	6	7	6.5
Surface Water	4.5	6	5.3
Threatened and Endangered Species and Habitats	1	2	1.5
Total	28	28	

The purpose of the preceding exercise is to illustrate the next steps. We welcome the BoCC to review our recommendations and to provide additional direction if they think the suggested normalization needs to be handled differently. The referendum language and the evaluation tool can be easily modified.

THE LAND CONSERVATION PROGRAM PROPERTY DECISION MATRIX

RESOURCE VALUES. The following summarizes the suggested primary conservation values for the purposes of this draft Report. These will be used to illustrate the tools and language in our Line-of-Sight model. If we accept that the primary conservation values for Clay County are Protecting Threatened & Endangered Species and Habitats, Protecting Drinking Water Sources, Protecting Farms and Working Forests, and Providing Access to Nature-based Recreation, then the referendum language, the evaluation tool and the acquisition principles should lead to a portfolio of protected lands that exhibit those values.

How well a nominated property exhibits the primary conservation values is evaluated in the criteria in Sections I-1 through 3 of the Land Conservation Program Property Decision Matrix and the Scoring Rubric (Figures 4 & 5) in the Manual Section below. This is the tool which we suggest the County adopt, or revise, to use in evaluating property nominations. The criteria are answered using GIS and other readily available sources, as well as a site verification visit. Each criterion is scored according to how well that property would meet that criterion: 1 = None, 2 = Less than Average, 3 = Average, 4 = More than Average, 5 = Best. The Resource Values section is then averaged and weighted separately from the Stewardship and Acquisition Issues section. The final Project Score is the sum of the two section sub-scores.

The weighting proposed here may be revised according to the direction of the BoCC. However, once established and the program initiated, it should not be changed so that meaningful comparisons between projects over time can be made. Keeping the Matrix consistent provides a handy reference index when comparing projects and benchmarking the program's progress and success. The expectation is that the best properties (defined as best meeting the criteria and therefore having the highest score) would be approved for purchase. Hopefully, the best of that list is then acquired. So as an annual benchmark, the average score of the applications, the average score of the approved projects, and the average score of the acquired projects are evaluated.

SOCIAL AND HUMAN VALUES. Since Access to Recreation also scored highly, and there was a perception that traditional agricultural and rural values are being lost, Section I-4 Social and Human Values criteria was added to the Matrix along with an agri-tourism criterion in the Farms and Working Forests section. These criteria evaluate how well the proposed property would provide access to resource- and agriculture-based recreation, as well as a buffer to urban and sub-urban areas by creating greenbelts.

VALUE FOR MONEY. Section II was added to the Matrix to evaluate the nominated property for its financial impact, both acquisition and stewardship. There are not enough dollars available for Clay County to conserve all its natural resources on its own, and stewardship often competes with other County services for General Fund dollars. In interviews and conversations with County Commissioners, staff, and subject matter experts, "Value for Money" or "Bang for the Buck," was repeatedly emphasized as a necessary reality of the program. Value for Money means the County will operate the program to optimize protection of the highest quality natural resources with transparent and sound fiscal management of public funds. To do so, the County needs to identify those lands which have a combination of the best resources for the best value. This can be achieved through leveraging the County's funds to develop external acquisition or stewardship

technical expertise, funding, and purchases, bringing in a non-County funding partner or lead manager. The County's interest is protected through a contractual agreement.

Conservation easements are used where the conservation values can be permanently protected through a less-than-fee County interest. Conservation easements are typically thought of as just the purchase of development rights, but they really are the purchase of any of the rights that if used – or continue to be used – would negatively impact the conservation values. The landowner is compensated based on the decrease in the property's marketable value: from its value as unencumbered, to its value now encumbered by the conservation easement. Depending on the location of the property, the uses being restricted and the demand for them, and other considerations, conservation easements typically range from 50% - 70% of the fee simple value. It is an effective and appropriate tool that allows the conservation values to be protected for less than the cost of a fee purchase, minimizes the perpetual costs of stewardship, and keeps the property in a traditional use and on the tax rolls.

Section II-1 Stewardship Issues evaluates the practicality and costs of stewardship. All else being equal, the easier and cheaper property to manage should score higher. Section II-2 Economic and Acquisition Issues evaluates the costs to the County for the property's acquisition including the likelihood of developing partnerships. All else being equal, the one with better leveraging and therefore cheaper for the County to acquire, should score higher. These two sections are not weighted the same as the Conservation Values Section and is intended to be a "tiebreaker" between two projects with otherwise equal conservation values scores. If only one could be purchased, it would be fiscally prudent to acquire the one which had more Value for Money, allowing local funds to stretch farther. A note of caution: the weighting of this section should not be adjusted to the extent that a property with minimal conservation value was selected just because it was cheap to acquire. The first test must be that the property possesses threshold conservation value to be considered.

GIS DEVELOPMENT OF THE CONSERVATION PLAN

Once the conservation values were prioritized, the next step was to turn the results into a heat map so the public would know if those values existed in the County, their general extent, and their intensity. A heat map, akin to thermal imaging scans where more heat is indicated by redder areas and cooler by darker shades of blue, is used to indicate the presence, extent, and intensity of the conservation values. The Heat Map in Appendix D shows the general location of properties which best represent the conservation values as ranked by the BoCC and community. To illustrate the utility of the Heat Map, the Plan draws from the four Conservation Values identified in Figure 3 above. Each dataset is weighted equally so that the areas that exhibit more than one value are depicted in "hotter" colors. To create the Heat Map, data layers were chosen that would best spatially represent each of the four primary Conservation Values. These are more refined and spatially exact than the data layers in the Conservation Values maps in Appendix B, which were chosen to generally illustrate the overall concept of each of the Conservation Values. For the Heat Map, it was more appropriate to use data layers that would best represent where the

Conservation Values would exist across Clay County at finer scales. The Heat Map data layers and their sources are listed below (Figure 4).

FIGURE 4. HEAT MAP DATA LAYERS AND SOURCES

Conservation Value Category	Conservation Value Data Layer	Data Layer Source
Threatened and Endangered Species and Habitats	Under-Represented Natural Communities	FNAI
	Environmental Sensitivity Index (ESI) Invertebrate Habitat Areas	FWC
	Rare Species Habitat Conservation Priorities	FNAI
	Florida Wildlife Corridor	University of Florida Center for Landscape Conservation Planning
Drinking Water	Aquifer Recharge Areas	FNAI
	Public Water Wells	FDEP
Farms and Forests	Existing Agricultural Lands	FDACS
	Existing Tree Plantations	FWC Cooperative Land Cover Map Project
	High Productivity Timberlands	FL Department of Revenue Tax Parcels
	Sustainable Forestry Areas	FNAI
Access to Recreation	Park Optimal Boundaries	FNAI FLMA (buffered layer) and FDEP
	ParkServe Priority Park Areas	Trust for Public Land
	Florida Forever Project Boundaries	FNAI

If the BoCC determines that a different set of Conservation Values are to be protected, the appropriate datasets can be substituted, and a revised Heat Map produced. The Heat Map is used during the property evaluation phase to determine the relative priority of nominated sites relative to the entire county. A nomination from a “cooler” area; that is, one that does not meet the criteria well, should also not score well under the Matrix.

MAINTENANCE OF THE MATRIX

Several things should be noted about the ongoing utility of this Plan and the data layers used to build the Matrix. First, GIS data layers are not foolproof, and are typically based on professionally observed data and/or models of where resources are predicted to be. Professional natural resource biologists and geologists have not surveyed every inch of Clay County. That is why the

role of an expert committee and public input in the nomination of lands is so critical to capture any missed information and ensure appropriate vetting of potential properties for acquisition.

Additionally, the data layers are improved by the agencies that produce and maintain them over time, typically every five to ten years, so they should be periodically checked and if significant updates in the data are available, an update to the data layers used for the Matrix should be performed.

Finally, it is anticipated that the interests of the public, experts, and the commission may change over time; certainly, as Clay County continues to experience the impacts and benefits of development. However, having raised the funds based on the values established today, great care must be taken to modify the purposes of the program or to modify the evaluation tools to select property for different values than that existed when the Referendum was passed. To do so would violate the line-of-sight principle that has been so carefully built to maintain the public trust. What is entirely appropriate is to repeat the surveys, polling and criteria development and determine what the conservation values are of that future population, then aim at those properties with a new program, new referendum, and with updated criteria.

FEASIBILITY STUDY

A critical benchmark in the line-of-sight is the Feasibility Study. This is a scientific poll of likely Clay County Voters to gauge support for the Referendum. Through a series of questions, respondents indicate their preference among the conservation values, their preferred funding mechanism, and their tolerance for how much it will cost them. For example, a respondent will be asked, “Would they be likely to vote in support of the land conservation referendum if it cost them no more than \$10 per year?” Then they would be asked the same question but different annual amounts out of pocket. The polling firm determines where the likely support drops below the target of 60%. This has been accepted as the threshold above which a Referendum will pass later in the year assuming nothing major happens politically or economically that impacts the sentiment negatively.

The Feasibility Study also examines the County’s various revenue streams, and the capacity for each to fund the desired level of spending. Florida local governments mainly use Ad Valorem property taxes, sales taxes, and special assessments to fund these kinds of programs. Each is evaluated to determine the possible revenue stream, and then tested with likely voters to determine if any are more, or less, desirable. For example, Alachua County chose a sales tax increment to fund the Wild Spaces Public Places program since more than half of the revenue is derived from visitors and not borne by County residents. Since Clay County sales tax proceeds are already committed for other critical needs, the land conservation funding source will likely be an ad valorem property tax. For most counties comparable to Clay, the revenue stream is bonded so that the proceeds are available earlier and of sufficient quantity for the County to acquire lands. The alternative is a “pay-as-you-go” scheme using only the proceeds available annually as raised by the tax increment. Given the size of Clay County’s tax base, it is very unlikely that enough revenues would be raised annually to acquire meaningful acreage.

The timing of the Feasibility Study polling is therefore critical. It needs to be done early enough for Clay County to secure approval of the ballot title and summary by the Florida Secretary of State, the Florida Attorney General and the Florida Supreme Court. The ballot must comply with Florida's single-subject rule (Florida Constitution, Article XI, Section 3), the appropriateness of the ballot title and summary, the word count limits, and whether the ballot question does not violate the Florida and the United States Constitutions. To be accurate, the Feasibility Study must reflect the same climate as the November 2024 election to accurately gauge voters' willingness to support the referendum. It should not be done too early since economic, social, and political climates affect spending referenda.

THE REFERENDUM & BALLOT LANGUAGE

Pictured at right is the ballot from the 2016 Alachua County's Wild Spaces & Public Places Referendum. The Ballot summary is less than the statutorily required 75 words. Note, several key components of the language reinforce the line-of-sight model, reflecting what was determined through the polling and Feasibility Study. It specifies the purpose, "to acquire and manage environmentally sensitive lands." It describes the conservation values that the acquired property will protect, "drinking water sources, water quality, and wildlife habitat." These conservation values were the top three chosen by the voters when initially polled and again when surveyed in the Feasibility Study. It goes on to specify that the funds can be used to, "create, improve and maintain parks and recreational facilities." It requires that a citizen oversight board is created to review nominations and make recommendations to the BoCC. This feature was found to be a key determinant in the voters' becoming comfortable with the proposition by the Feasibility Study. Finally, it specifies the funding source, amount, and duration.

The County is proposing to use the Legislative referral process – where the question is put on the ballot via a vote of the County Commission -- rather than through the citizen's initiative process. The ballot language and approval to send to the Supervisor of Elections for the election is done via BoCC Resolution. An example is included at the end of this section. The County should continue to plan for the Referendum to be considered by the voters at a general election on a Presidential election year, i.e., November 5, 2024. This provides as many voters as possible with the opportunity to vote on the question. It avoids any criticism that it was "snuck" through on the primary election or on an off-Presidential election year, when only a few dedicated voters participate.

Clay County should consider having the BoCC approve the legislation that will govern the operation of the Program at the same public meeting as it considers approval of the Referendum legislation. This will inform voters how the proposed program will be run as they consider whether to vote for the ballot. The County is also encouraged to create the Advisory Committee prior to the Referendum to oversee the finalization of the Matrix and any guidance documents that inform its

WILD SPACES & PUBLIC PLACES

ENVIRONMENTAL LANDS, PARKS AND RECREATION ONE-HALF PERCENT SALES TAX

Shall Alachua County be authorized to: extend the Alachua County Forever program to acquire and improve environmentally sensitive lands to protect drinking water sources, water quality, and wildlife habitat, and; to create, improve and maintain parks and recreational facilities in all cities and the county, with citizen oversight and independent audit, by the levy of a one-half percent (1/2%) sales tax for eight (8) years starting January 1, 2017?

FOR the one-half percent (1/2%) sales tax.

AGAINST the one-half percent (1/2%) sales tax.

use, and to act as a venue for public input as the program develops and progresses to the Referendum.

With this date in mind, the schedule for getting the question approved and on the ballot is determined by the requirements for local referenda ballot language approval and the Clay County Supervisor of Elections. The deadline for the BoCC to send the Referendum Ballot language to the Supervisor of Elections is August 18, 2024. The BoCC and the County Manager's staff should coordinate closely with the County Attorney's Office and the Supervisor of Elections so that the documents are reviewed and approved during the spring and summer of 2024. The recommended schedule is illustrated in the line-of-sight model in Figure 1 on page 8 above.

EXAMPLE CLAY COUNTY RESOLUTION. The following is a draft of a Resolution to put the question before the voters. It is modeled after several different local referenda for similar programs. The specific language regarding conservation values, purpose, funding mechanism, and amounts that are unique to Clay County would come from the Feasibility Study and BoCC direction.

RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA,
CALLING A BOND REFERENDUM FOR THE ISSUANCE OF LIMITED GENERAL OBLIGATION BONDS
TO ACQUIRE CONSERVATION LANDS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Clay County contains many treasured natural resources such as Green Cove Springs, the St. Johns River, Doctor's Lake, Black Creek, and Camp Blanding Wildlife Management Area and many forests, streams, and lake areas all which are of significant environmental importance; and,

WHEREAS, Clay County contains many productive agricultural areas, many owned by multi-generational farming families, that showcase traditional farming uses, providing food and fiber locally and widely throughout the region; and,

WHEREAS, it is in the best interest of the citizens of Clay County that all appropriate actions be taken in order to protect for future generations the natural and agricultural resources of Clay County by acquiring, improving and managing conservation lands located within Clay County, Florida; and,

WHEREAS, the acquisition of these lands will provide opportunities for both existing residents and future generations to enjoy wild and scenic areas, wildlife preservation areas, natural/environmentally sensitive areas, agricultural areas, and will provide opportunities for passive recreational and educational uses as well as opportunities to maintain good water quality by using appropriate lands for their natural stormwater cleansing and aquifer recharge abilities; and,

WHEREAS, it is consistent with the Clay County Comprehensive Plan to acquire, preserve and passively use environmentally significant lands located in Clay County, Florida; and,

WHEREAS, the Board of County Commissioners of Clay County desires to submit to the qualified electors of Clay County the question as to whether or not Limited General Obligation Bonds should be issued to fund the acquisition, preservation, and passive recreational use of these important environmentally significant lands.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY,
FLORIDA:

Section 1. Authority for this Resolution. This Resolution is adopted pursuant to the Clay County Home Rule Charter; Chapter 100, Florida Statutes, as amended; Chapter 125, Florida Statutes as amended; Art. VII, Section 12, Florida Constitution, and other applicable provisions of law.

Section 2. Bond Referendum Election on Acquisition, Improvement and Management of Conservation Lands for Public Purposes.

- a. Bond Referendum Election. A Bond referendum election of the qualified electors residing in Clay County is hereby called to be held during the general election on November 5, 2024, to determine whether or not the issuance of Limited General Obligation Bonds in an aggregate principal amount not exceeding \$_____, payable from ad valorem property taxes levied at a rate not to exceed _____ on all real property in Clay County, shall be approved by such qualified electors to finance the cost of the acquisition, improvement and management of conservation lands for the protection of water resources and native plant and wildlife habitat, and preservation of agricultural properties, and for providing compatible resource-based recreation opportunities.
- b. Such purposes described above shall also include other purposes appurtenant, necessary, or incidental thereto.
- c. All qualified electors residing in the County shall be entitled and permitted to vote in such Bond referendum election.
- d. The polls will be open in accordance with law relating to general elections at the various voting places from seven (7) o'clock a.m. until seven (7) o'clock p.m. on the same day.

Section 3. Authorization of Bonds. Subject and pursuant to the provisions hereof, Limited General Obligation Bonds of Clay County, Florida, are authorized to be issued in the aggregate principal amount of not exceeding \$_____ to finance the cost of the purposes generally described in Section 2 of this Resolution, including allocations for administrative costs, legal fees, fees of fiscal agents and all other costs associated with the issuance of the Bonds. Such General Obligation Bonds may be issued in one or more series and shall be payable from ad valorem property taxes levied at a rate not exceeding _____ on all real property in the County, maturing not later than _____ years. Such Bonds shall bear interest at such rate or rates not exceeding the maximum rate permitted by law at the time of the sale of the Bonds.

Section 4. Places of Voting. The places of voting and the Inspectors and Clerks for the polling places for the bond election shall be the same places and persons as for the General Election to be held on the same date.

Section 5. Official Ballot. The form of ballot to be used shall be in substantially the following form:

OFFICIAL BALLOT
COUNTY OF CLAY, FLORIDA
BOND REFERENDUM ELECTION - NOVEMBER 5, 2023

APPROVAL OF "CLAY COUNTY LAND CONSERVATION" BONDS
TO PROTECT SIGNIFICANT ENVIRONMENTAL AND
AGRICULTURAL LANDS.

Shall Clay County be authorized to issue bonds to acquire, improve and manage lands to protect water resources, wildlife habitats, natural areas suitable for resource-based recreation, and to preserve agricultural property, in one or more series not exceeding a total principal amount of \$30,000,000 payable from an annual ad valorem tax not exceeding one-quarter of one mill, maturing not later than 20 years, and bearing interest at a rate not exceeding the maximum legal rate.

For bonds _____

Against bonds _____

Section 6. Absentee Voting. The form of ballot to be used in the election for absentee voters shall be substantially the form provided in Section 5 above.

Section 7. Printing of Ballots. The Supervisor of Elections of Clay County is authorized and directed to have printed on plain white paper a sufficient number of the aforesaid ballots for use of absentee electors entitled to cast such ballots in such bond election and shall also have printed sample ballots and deliver them to the Inspectors and Clerks on or before the date and time for the opening of the polls for such bond election for the voting places; and, further, is authorized and directed to make appropriate arrangements for the conduct of the election at the polling places specified.

Section 8. Election Procedure. The Supervisor of Elections shall hold, administer, and conduct the Bond referendum election in the manner prescribed by law for holding elections in the County. Returns shall show the number of qualified electors who voted as such bond election on the proposition and the number of votes cast respectively for and against approval of the proposition. The returns shall be canvassed in accordance with law.

Section 9. Election Results. If a majority of the votes cast at such election in respect to the forementioned proposition shall be "For Bonds," such proposition shall be approved and then the

particular Bonds, the issuance of which shall be thereby approved, shall be issued as hereafter provided by the County. If less than a majority of the votes cast at such referendum shall be "For Bonds," such proposition shall be defeated, and no Bonds may be issued, and no ad valorem tax shall be levied therefor.

Section 10. Notice of Bond Referendum Election. Notice of the bond referendum election shall be published in the manner required by law.

Section 11. Severability. In the event that any word, phrase, clause, sentence, or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph hereof.

Section 12. Effective Date. This Resolution shall take effect immediately upon its adoption. The Clerk to the Board of County Commissioners shall provide the Supervisor of Elections with a certified copy of this Resolution.

DULY adopted this ___ of ____, 20__.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____

Chair.

ATTEST:

Clerk of the Court

APPROVED AS TO FORM

Clay County Attorney

(SEAL)

CLAY COUNTY LAND CONSERVATION MANUAL

This Manual is intended to become the operating manual for Clay County's Land Conservation Program (LCP) and describes best practices gathered from around the state based on the experience of the NFLT. While great care has been taken to avoid creating such conflicts, it is not intended to replace existing County Ordinances, Rules, or procedures, nor statutory mandates, where they exist. The Manual contains suggested procedures, policies, Ordinance language, and a property evaluation tool which the NFLT encourages the County to review, evaluate, adapt, and consider making their own.

THE CLAY COUNTY BOARD OF COUNTY COMMISSIONERS

The BoCC has final responsibility for the financing and implementation of the land conservation program. The BoCC will make all decisions relative to the funding of the program through its annual budget process, approval of emergency expenditures, levying the referendum-approved taxes, and issuance of bonds for land acquisition. The BoCC is specifically authorized to issue general obligation bonds as approved by the electors in support of this program. In addition to these general responsibilities and related to the land conservation program, unless delegated, the BoCC has approval authority for:

- Land conservation program policies and procedures based upon recommendations from the Land Conservation Committee and staff.
- The annual budget for the Land Conservation Program.
- Appointment of citizen volunteers to the Land Conservation Committee.
- The Active Acquisition List of land conservation projects selected from the Land Conservation Committee's recommended Priority Pool of projects.
- All land acquisition contracts.

THE CLAY COUNTY LAND CONSERVATION COMMITTEE

The acquisition of conservation land requires skills and oversight that may not be present in county government. To keep the voters' trust that the best properties were selected and purchased with public dollars, a citizen's committee structure is proposed to be established by County Ordinance. This Land Conservation Committee (LCC) is appointed by the County Commission and evaluates nominations of property and makes recommendations on purchases to the County Commission. No property can be purchased without having been reviewed by the LCC. It is entirely appropriate that, for a disclosed public purpose, the Commission may reject the committee's recommendation to add a Priority Pool Project to the Active Acquisition List. However, the BoCC may not add to nor expand its Active Acquisition List with any property that has not been evaluated and recommended by the LCC.

[APPOINTMENT OF THE LAND CONSERVATION COMMITTEE.](#) The BoCC shall appoint members to the Clay County Land Conservation Committee in accordance with its committee and advisory board appointment procedures and policies. LCC membership shall consist of seven full members and two alternates. Two members shall be appointed based on their knowledge of environmentally sensitive lands, natural resources expertise or experience. Two members shall be

appointed based on their knowledge of agriculture, silviculture, or animal husbandry expertise or experience. The ideal candidates will have experience in at least two of the above categories, or ten years of experience in at least one. The BoCC shall appoint the last three members who best represent the public. Possible candidates should be selected to represent a diverse geography within the county. The alternates may come from any of the above three categories and shall serve as voting members of the LCC only upon the absence of a full member.

The qualifications of all applicants/nominees to the LCC responding to a call by the County Commissioners for LCC volunteers shall be reviewed by the County staff. A qualified list of applicants/nominees shall be established from the available pool of applicants/nominees. County staff will provide the list of all applicants/nominees to the BoCC for review. The BoCC shall review the qualifications of the qualified nominees and give each nominee a score from 1 - 3. County staff shall tabulate the evaluation scores. Those nominees with the highest scores shall be appointed to the LCC, those nominees with the second highest scores shall be appointed as alternates to the LCC. In cases of tied scores, the BoCC Chairperson will choose members or alternatives by drawing from a box the names of those with tied scores.

To maintain the institutional memory and continuation of best practices, and provide opportunities to get a diversity of input, the BoCC shall appoint LCC members to staggered four-year terms. To achieve staggered terms, the BoCC will randomly chose two of the initially appointed members and an alternate to serve a two-year term, randomly chose two more of the initially appointed members and the remaining alternate to serve a three-year term, with the remaining three appointed members serving a full four year-term. The BoCC may re-appoint any member who has served these initial two-, three- or four-year terms and remains in good standing, to a single additional four-year term without additional solicitation, review, or evaluation. Thereafter, the BoCC must appoint new LCC members to a full four-year term and may re-appoint members to a single four-year term when their term expires. No member may serve more than two four-year terms.

If replacement LCC members are required to serve out an unexpired term, the BoCC has the option to promote an existing alternate to full LCC membership to fill out the remaining term, or the BoCC can request that staff prepare a public advertisement as a call for qualified citizen volunteers.

The LCC will nominate, from amongst its own group, a chairperson to head the proceedings of the committee. The LCC may adopt rules and procedures for the conduct of its meetings, which meetings shall be open to the public and subject to the state open meetings and public records laws. The agenda for committee meetings will be developed by staff, in consultation with the chair. The committee may nominate three additional members to join the committee in a strictly advisory, technical, non-voting role. These three additional positions are not mandatory to be filled and should be reserved for critical partners, and who may be critical to the execution of the LCP. Examples for these kinds of partners may be a regional conservation agency, such as the Water Management District, which is jointly participating in the acquisition of conservation lands with the County, or the FFS if they are a participating management partner with the County. In either example, the input of that partner may be critical to the committee's decision as to whether they

should recommend the acquisition of a project. The LCC should meet at a minimum of six times per year or more frequently if requested by the Committee, the BoCC, or by staff in concert with the chair. Meetings may be waived if there are no items for an agenda, with the approval of the chair.

DUTIES OF THE LAND CONSERVATION COMMITTEE. The LCC shall be bound by the County's rules, policies and procedures for advisory boards and committees. Generally, the committee shall handle five tasks related to the county's conservation lands acquisition program:

EVALUATION OF NOMINATED PROPERTY. County staff will apply the methodology for evaluating nominated properties set forth in the Conservation Manual. However, there may be reasons to select projects beyond those provided by the Manual. The job of the committee is to accept those evaluations as provided by staff, and then hear from the public and subject matter experts and adjust their recommendations accordingly. They then select from among all the evaluated Properties a list of Priority Pool projects to recommend to the BoCC for acquisition. These are the projects that best meet the evaluation criteria and other factors deemed important by the LCC at that time. There is no limit to the number of projects contained in any Priority Pool. The LCC is encouraged to only focus on how well a proposed project meets the LCP criteria, whether all the conservation values are being met by projects already in the Active Acquisition List and in the portfolio of acquired lands, and not focus on available funding or other logistical issues. That is the responsibility of the BoCC and the County Manager. The BoCC, sensitive to staff workload capacity, funding availability, or other constraints may reject all or some of the Priority Pool projects. The BoCC-approved Priority Pool projects are the Active Acquisition List and staff is authorized to then to procure the necessary due diligence, commence negotiations, solicit grants, and partner funding, and execute option contracts (contingent on final approval of the purchase by the BoCC) to acquire these properties.

Other evaluated Property that meets the goals of the LCP, but do not rise to the level of the Priority Pool in the opinion of the LCC, remain in the Eligibility Pool. Any Eligibility Pool property can be selected by the LCC as a Priority Pool Project at a future meeting and sent to the BoCC for consideration. Property that does not meet the objectives of the LCP are considered Ineligible. Ineligible property may be reconsidered by the LCC upon receipt of new information.

A landowner may have their property withdrawn for any future consideration by making such a request to the County staff in writing. Property so removed may not be nominated for future consideration except by the landowner. If a Cornerstone Property is removed, that entire Project shall also be removed unless an alternate Cornerstone Property is designated by the LCC.

REVIEW OF POTENTIAL ACQUISITIONS. Once an Active Acquisition List of projects has been approved by the BoCC, staff will pursue the acquisition of those properties. Once a purchase contract has been agreed to by the parties, staff may brief the LCC regarding the proposed purchase at the next available LCC meeting. The purpose of this briefing is not for the LCC to evaluate the real estate sufficiency of the contract, but rather to make sure the contract achieves the goals of the LCP program and the LCC's intent in placing that project in the Priority Pool. If the LCC is satisfied, they can add their support to staff's project recommendation to the BoCC. While

such a briefing is not required, staff are encouraged to use the LCC in this manner to support acquisitions, review significant deviations from the project purposes and design, and maintain the integrity of the Program.

REVIEW OF LAND STEWARDSHIP PLANS. After a property is acquired, it must have a land stewardship plan so the county can plan and budget for whatever costs may come with the stewardship of the property, and so the public may understand how the property is to be used. Staff will brief the LCC on each stewardship plan and the LCC will ensure that the proposed uses, boundaries, and improvements meet the goals of the LCP and the purposes for which that property was acquired. If the LCC agrees the stewardship plan is appropriate, they may recommend the stewardship plan to the BoCC for approval. If there is a stewardship agreement proposed for a property, the LCP may review and recommend that agreement to the BoCC for approval. The staff are encouraged to bring stewardship issues to the LCC and keep them updated regularly to maintain their awareness and knowledge of stewardship related progress and concerns, so they are a resource and accountability partner.

MONITORING AND ENFORCEMENT OF CONSERVATION EASEMENTS. The County will need to monitor acquired conservation easements annually for compliance with their terms. Staff shall brief the LCC upon the completion of any conservation easement monitoring report or resolution of any major violation.

ADVISOR TO THE BOARD OF COUNTY COMMISSIONERS. The LCC may also be used as an expert committee for the staff and BoCC on an as-needed basis, according to their needs. It should be noted that the LCC is an advisory body and has no final approval authority over any aspect of the LCP. Its role is simply to review the programmatic details of the LCP and make recommendations to the Commission as a committee of expert advisors. The commission maintains authority to make all final decisions on the execution of the LCP itself. The exception is that no property may be added to the Active Acquisition List without the positive recommendation of the LCC.

NOMINATING PROPERTIES

ESTABLISHMENT OF AN OPEN NOMINATION PROCESS. Clay County shall accept nominations for land acquisition projects from any person or organization at any time for any property located in Clay County. Members of the LCC and BoCC may not nominate properties for acquisition. Nominated projects shall be reviewed in order on a first-come, first-served basis. The BoCC may limit the number or combined value of projects evaluated within each review cycle and may establish deadlines for consideration within the active cycle. Those projects that are not reviewed in the active cycle shall be automatically considered in the next available cycle. The County shall periodically and broadly advertise its open process for accepting nominations for land acquisition projects.

ACCEPTANCE OF ONE-PAGE NOMINATIONS. Each nomination shall be submitted on a one-page form provided by Clay County (Example Appendix E). Information required on the form shall include the name, address, and contact information of the nominator, nominated property

location (street address and/or section, township, range), tax parcel number(s), approximate project size, record owner of title. Additional information requested to facilitate the initial evaluation may include existing land use and zoning designations, existing uses, asking price, property appraiser's Just Value, and reasons the land should be acquired. Up to fifteen pages of additional text, maps, photographs, letters, appraisal summaries, or other documentation may be provided to the County for consideration at the time of nomination. This supporting documentation is not required. A signed standard form indicating each owner's willingness to negotiate a sale or easement and granting right of access for site inspection may also be submitted at the time of nomination but is non-binding with respect to a sale by the owner and not required. Nominators should think pro-actively about what makes the proposal successful. It must be a good purchase for the LCP, scoring highly under the Matrix which therefore indicates how well it meets the LCP goals.

Nominators should consider the following when developing their application:

- **Purchase Area Boundaries.** Nominators may choose to nominate the entirety of a tax parcel or multiple tax parcels for the program. However, properties are evaluated based on the entirety of the application boundary. Nominators are encouraged to nominate properties utilizing boundaries that maximize conservation values and minimize the stewardship and operational liability for the County. By way of example, while a 100-acre property may have twenty acres of critical resources, if the other eighty acres are of a marginal natural resource value, then purchasing the entire property may not be of great value to the County. The LCC may limit the project to just twenty acres and the landowner may want to only sell the entire 100 acres leading to the property being withdrawn or deemed ineligible. Similarly, there may be houses and structures on a property which are financially burdensome to the County to maintain or remove and which are not additive to the conservation value of the property. If the landowner is willing, these should be removed from the proposed boundary.
- **Landowner Participation.** While properties may be nominated without landowner participation, landowner participation is obviously required to acquire a property, and landowner participation in the nomination will be considered for a property's evaluation. Therefore, nominators are encouraged to have landowners participate in the nomination process by having them sign the nomination form.
- **Bargain Sales and Match Funding.** The county does not have adequate funding to acquire all the valued and necessary natural resources in the county; therefore, it must seek to extend and leverage available funding to the greatest extent possible. Properties that come with match funding, expressed as either a dollar or percentage of the total purchase price, will get higher considerations in the evaluation. Similarly, if a landowner wants to achieve a higher score, they can agree to donate a portion of their property's value to the county (a Bargain Sale), expressed as a percentage of the assessed value as determined by the Property Appraiser or as a total cash amount.
- **Legal and Physical Access.** Access is important from a property stewardship standpoint and to provide recreational opportunities for the public. Therefore, for properties that don't

have a clear manner of access, or if a significant portion of the property has legal access but lacks physical access because of some barrier such as a river, stream, or large wetland, with no legal means of access from the other side, it will affect the property negatively in the evaluations.

- **Significant Liabilities.** There is also the need to consider the potential for significant liabilities to be incurred by the county if a property acquired contains environmental hazards such as historic toxic spills, significant numbers of, or significantly sized structures, require large amounts of expensive restoration, or other things that would expose the County to risk or great cost. Properties with these liabilities will receive negative scores in the evaluations.
- **Conservation Easements.** Conservation Easements are a great tool for the County to maximize value in preserving natural resources. Not every property needs to be owned and managed by the County for its conservation values to be protected. In many cases, the landowners make excellent or better stewards. Since the property remains with the landowners, it could be a great tool to preserve natural resources on properties that they would not otherwise sell. Conservation easements range about 40% - 70% of the total acquisition cost of a property depending on the property rights retained, the rights given up, and the marketability of those rights. Therefore, the properties proposed as conservation easements may achieve a better evaluation since their conservation values are protected at less cost. However, they often contain less public access and may receive a negative evaluation because of it. Nominators should be aware that properties, for which a conservation easement proposed, need to represent a very good value for the benefits of the cost savings to outweigh the lack of public access.

Staff shall publicly make available the LCP Property Decision Matrix so that nominators can self-score potential property before submitting the application. Members of the public must nominate properties for acquisition, using the LCP Nomination Form, which is attached to the Manual.

EVALUATION OF PROPERTIES FOR THE LCP

THE NOMINATION POOL. All nominated projects are given an Initial Office Review (IOR) upon receipt of a complete nomination form by County staff. The purpose of this IOR is to filter out projects that upon initial review do not meet the goals of the LCP. It is proper and expected that most projects will move forward, to get fully evaluated using the Land Conservation Program Property Decision Matrix of Criteria (Figure 4). For the IOR, staff may use any reasonably accurate reference materials available as well as any information submitted with the application form. References used to complete this initial office review may include, but not be limited to, existing maps, Geographic Information System (GIS) databases, and aerial photographs. Upon completion of the IOR, staff add the property to the Nomination Pool which is submitted to the LCC for their consideration. The Nomination Pool is that list of projects that, upon Initial Office Review, staff determines meet the purposes of the LCP. If upon completion of the IOR, staff finds that the conservation values of the candidate project are low or that the proposed acquisition would not fulfill the purposes of the Land Conservation Program set forth herein, staff may recommend the LCC take No Further Action on the application. The nominator will be notified of the decision and

shall have the opportunity to appeal the decision at a regular meeting of the LCC. If the LCC decides to take further action on that project, it will be added to the Nominated Pool and referred to staff for further evaluation under the procedures outlined below.

The nominated parcels serve as the seed around which a conceptual project boundary shall be established by County staff. This project boundary should include all parcels that serve to enhance the values, purpose, viability, or function of that project. For example, a nomination may propose a small family ranch. In the IOR, staff and the LCC determine that the ranch is part of a springshed and is adjacent to a larger property which captures more rainfall for the spring. That project boundary may be enlarged to include the larger adjacent property as well as any other adjacent properties that enhance the project conservation values. If a conceptual project boundary includes multiple properties with different owners, the LCC shall identify those Cornerstone Properties that are necessary to acquire to justify obtaining other project parcels. No non-Cornerstone portion of a project shall be acquired unless the appropriate Cornerstone Properties have been acquired as well. There are no ranking nor priority order among non-Cornerstone Properties, and no project is ranked higher than others.

Any candidate project may either be retained indefinitely in the Nomination Pool or removed by the LCC at the request of a landowner. If the project is retained, reconsideration for advancement to the Eligibility Pool may be requested at any time with receipt of updated information that may affect the site scoring or viability of sale, or vulnerability. If a parcel is removed from the Nomination Pool at the request of the parcel owner, it shall not be further considered for purchase for a period of not less than five (5) years unless submitted for reconsideration at the written request of the property owner. If a Cornerstone Property is removed by its owner, staff and the LCC will need to designate a new Cornerstone Property before the project can be advanced. If there are no reasonable Cornerstone Properties remaining, further consideration of the project will be halted. The parcel or project may be reconsidered at any time if it was removed at the request of the LCC and may be advanced if there have not been any significant, negative impacts the project's identified conservation values.

Staff may want to use the initial meetings of the LCC to develop a guidance document for their, the LCC's, the BoCC's and the public's use of the Matrix. This will serve to create a long-term, repeatable, consistent, and comparable means of reviewing nominations fairly. The County may also want to initially establish application cycles and deadlines for nominations. Typically, as these programs mature, nominations are received throughout the year, evaluated in a timely manner depending on staff workload, and presented at the next available LCC meeting.

[LAND CONSERVATION PROGRAM PROPERTY DECISION MATRIX OF CRITERIA](#). The LCP only evaluates and acquires property from owners who are willing for their property to be considered. Upon receipt of a nomination in which the applicant was not the landowner, or if the landowner has not indicated their willingness in writing, staff must contact the landowner to obtain that willingness. The landowner may request their property be withdrawn; in which case their staff will stop further consideration of that property. Having obtained a Willing Owner Statement, staff then

prepare draft Project Evaluation Reports (PER) for the Committee using all the resources available to them in the office.

The PER will document:

- The name of the property owners, based on the last deed of record, along with any officers of the corporation if the property is corporately held.
- The signed Willing Owner statement.
- Whether it is proposed as a fee-simple purchase, conservation easement, or other transaction.
- The acreage (whether deeded from Property Appraiser, surveyed, or established using GIS).
- Its most recent Just Value as determined by the Property Appraiser.
- The landowner’s asking price.
- Any potential for partnership funding.
- Its provisional Matrix scores (Figure 4) using the scoring rubric in Figure 5, with a short answer justifying the individual criteria scores.

FIGURE 4. THE MATRIX OF CRITERIA.

I-1 CONSERVATION VALUES- PROTECTION OF DRINKING WATER RESOURCES
<p>A. Whether the property has geologic/hydrologic conditions that would easily enable contamination of vulnerable aquifers that have value as drinking water sources. <i>Data Source: Aerial Imagery and/or Property site visit</i></p> <p>B. Whether the property serves an important groundwater recharge function. <i>Data Source: FNAI Critical Lands and Waters Identification Project (CLIP) Version 4 Aquifer Recharge Areas</i></p> <p>C. Whether the property is in the catchment area for a community drinking water well or more than 5 individual private drinking water wells. <i>Data Sources: FDEP Public Water Supply Wells and FDEP Private Wells</i></p>
I-2. CONSERVATION VALUES – PROTECTION OF THREATENED & ENDANGERED SPECIES
<p>A. Whether the property has documented federally listed or State listed species. <i>Data Sources: FWC Red-cockaded Woodpecker Observations, FWRI Watersheds Containing Rare and Imperiled Fish, NOAA Essential Fish Habitat, FWC Eagle Nesting Locations, FWC ESI Marine Mammal Habitat Areas, FWC ESI Land Mammal Habitat Areas, FWC ESI Reptile Habitat Areas, FWC Freshwater Fish Habitat Areas in the St. Johns River</i></p> <p>B. Whether the property contains plants or animals that are endemic or near endemic to Florida or Clay County. <i>Data Sources: FWC ESI for Marine and Estuarine Invertebrate Species, FWC ESI Habitat Regions for T&E Plants and Communities</i></p> <p>C. Whether the property serves as documented or potential habitat for species with large home ranges.</p>

Data Sources: FWC Black Bear Telemetry, FWC Black Bear Ranges within the State of Florida, UF Center for Landscape Conservation Planning Wildlife Corridors in Florida

- D. Whether the property serves as a special wildlife migration or aggregation site for activities such as breeding, roosting, colonial nesting, or over-wintering.**

Data Sources: FWC ESI Bird Habitat Areas, FWC ESI Bird Nests

I-3. CONSERVATION VALUES - PROTECTION OF RARE AND IMPORTANT HABITATS

- A. Whether the property contains a diversity of natural communities.**

Data Source: FWC Cooperative Land Cover Map Project

- B. Whether the natural communities present on the property are rare.**

Data Sources: FNAI Under-Represented Natural Communities, FNAI Rare Species Habitat Conservation Priorities

- C. Whether the ecological quality in the communities present on the property is high.**

Data Source: Property site visit

- D. Whether the property is adjacent to properties that are in a predominately natural condition, or are in public conservation ownership, have other environmental protections such as conservation easements.**

Data Source: FNAI Florida Conservation Lands (FLMA)

- E. Whether the property is relatively free from internal fragmentation from roads, power lines, and other features that create barriers and edge effects.**

Data Source: Aerial Imagery and/or Property site visit

I-4. PROTECTION OF FARMS AND WORKING FORESTS

- A. Whether the property is in active agricultural use and follows Best Management Practices.**

Data Sources: FDACS Florida Statewide Agricultural Irrigation Demand (FSAID) Geodatabase, FWC Cooperative Land Cover Map Project and/or property site visit

- B. Whether the property is used for more than one agricultural product.**

Data Source: FDACS FSAID Geodatabase, FWC Cooperative Land Cover Map Project and/or property site visit

- C. Whether the property has been in agricultural use for generations.**

Data Source: Historic Aerial Imagery, Historic Cooperative Land Cover Map Project and/or Property site visit

- D. Whether the agricultural products from the property are sold locally.**

Data Source: Property site visit

- E. Whether the property owner actively uses the property to support agri-tourism, agri-education or other events that showcase agricultural traditions.**

Data Source: Property site visit

- F. Whether the property has high quality soils for croplands.**

Data Source: National Resource Conservation Service Soil Survey Geographic Database

- G. Whether the property has high quality soils for timberland.**

Data Source: National Resource Conservation Service Soil Survey Geographic Database

I-5. CONSERVATION VALUES – SOCIAL AND HUMAN VALUES

- A. Whether the property offers opportunities for compatible, resource-based recreation, if appropriate.**

Data Source: Aerial Imagery and/or Property site visit

- B. Whether the property contributes to urban green space, provides a municipal defining greenbelt, provides scenic vistas, or has other value from an urban and regional planning perspective.**

Data Source: Trust for Public Land ParkServe Park Priority Areas

II-1. STEWARDSHIP ISSUES

- A. Whether the property has low incidence of non-native invasive species.**

Data Source: Aerial Imagery and/or Property site visit

- B. Whether it will be practical to manage the property to protect its environmental, social, and other values (examples include controlled burning, exotics removal, maintaining hydro-period, and so on).**

Data Source: Aerial Imagery and/or Property site visit

- C. Whether this management can be completed in a cost-effective manner.**

Data Source: Aerial Imagery and/or Property site visit

II-2. ECONOMIC AND ACQUISITION ISSUES

- A. Whether there is potential for purchasing the property with matching funds from municipal state, federal or private contributions.**

Data Source: Florida Forever and other partners project data sources

- B. Whether the overall resource value justifies the potential cost of acquisition.**

Data Source: subjective based on above criteria data and findings

- C. Whether there is imminent threat of losing the environmental, social, or other values of the property through development and/or lack of sufficient legislative or regulatory protections (this requires analysis of current land use, zoning, owner intent, location, and market conditions).**

Data Source: Clay County Planning & Zoning

The criteria are scored according to the Property Decision Matrix Scoring Rubric in Figure 5 below. The scores for each criterion range are: 1 = None, 2 = Less than Average, 3 = Average, 4 = More than Average, 5 = High. The Conservation Values section is then averaged and weighted separately from the Stewardship and Acquisition Issues section. The final Project score is the sum of the two section sub-scores and ranges from 2.00 (Lowest) to 10.00 (Highest). The weighting proposed here may be revised according to the direction of the BoCC. However, once established, it should not be changed for two reasons. One, so that meaningful comparisons between projects can be made over the lifetime of the program. The second reason is that these criteria keep the line-of-sight between the original expressed and voted upon intent of the community, and the final portfolio of lands.

These are considered draft evaluations at this stage for three reasons:

- The scores may be adjusted by the LCC based on the guidance document or other criteria.
- New information might be presented at the LCC Meeting at which the property is being considered.
- Data available on staff desktops might be insufficient, outdated, or inaccurate. The staff will have to conduct a site visit to verify the information in the nomination and that was available to them and finalize the Matric scoring prior to LCC and BoCC approval of projects.

FIGURE 5. PROPERTY DECISION MATRIX SCORING RUBRIC.

Clay County Land Conservation Program Property Decision Matrix					
Project Name - Property - Date					
CATEGORY	Criterion	WEIGHTING	Enter Criteria Value Based on Site Inspection	Average Criteria Score	Average Criteria Score Multiplied by Relative Importance
(I-1) PROTECTION OF DRINKING WATER RESOURCES	A. Whether the property has geologic/hydrologic conditions that would easily enable contamination of vulnerable aquifers that have value as drinking water sources.		5		
	B. Whether the property serves an important groundwater recharge function.		5		
	C. Whether the property is in the catchment area for a community drinking water well or more than 5 individual private drinking water wells.		5		
(I-2) PROTECTION OF THREATENED & ENDANGERED SPECIES	A. Whether the property has documented federally listed or State listed species.		5		
	B. Whether the property contains plants or animals that are endemic or near endemic to Florida or Clay County.		5		
	C. Whether the property serves as documented or potential habitat for species with large home ranges.		5		
	D. Whether the property serves as a special wildlife migration or aggregation site for activities such as breeding, roosting, colonial nesting, or over-wintering.		5		
(I-3) PROTECTION OF RARE AND IMPORTANT HABITATS	A. Whether the property contains a diversity of natural communities.		5		
	B. Whether the natural communities present on the property are rare.		5		
	C. Whether the ecological quality in the communities present on the property is high.		5		
	D. Whether the property is adjacent to properties that are in a predominately natural condition, or are in public conservation ownership, have other environmental protections such as conservation easements.		5		
	E. Whether the property is relatively free from internal fragmentation from roads, power lines, and other features that create barriers and edge effects.		5		
(I-4) PROTECTION OF FARMS & WORKING FORESTS	A. Whether the property is in active agricultural use and follows Best Management Practices.		5		
	B. Whether the property is used for more than one agricultural product.		5		
	C. Whether the property has been in agricultural use for generations.		5		
	D. Whether the agricultural products from the property are sold locally.		5		
	E. Whether the property owner actively uses the property to support agri-tourism, agri-education or other events that showcase agricultural traditions.		5		
	F. Whether the property has high quality soils for croplands.		5		
	G. Whether the property has high quality soils for timberland.		5		
(I-5) SOCIAL AND HUMAN VALUES	A. Whether the property offers opportunities for compatible resource-based recreation, if appropriate.		5		
	B. Whether the property contributes to urban green space, provides a municipal defining greenbelt, provides scenic vistas, or has other value from an urban and regional planning perspective.		5		
	AVERAGE FOR ENVIRONMENTAL AND HUMAN VALUES			5.00	
	RELATIVE IMPORTANCE OF THIS CRITERIA SET IN THE OVERALL SCORE	1.333			6.67
(II-1) MANAGEMENT ISSUES	A. Whether the property has low incidence of non-native invasive species.		5		
	B. Whether it will be practical to manage the property to protect its environmental, social and other values (examples include controlled burning, exotics removal, maintaining hydro-period, and so on).		5		
	C. Whether this management can be completed in a cost-effective manner.		5		
(II-2) ACQUISITION ISSUES	A. Whether there is potential for purchasing the property with matching funds from municipal, state, federal, or private contributions.		5		
	B. Whether the overall Conservation Values justifies the potential cost of acquisition.		5		
	C. Whether there is imminent threat of losing the Conservation Values of the property through development and/or lack of sufficient legislative protections.		5		
	AVERAGE FOR ACQUISITION AND MANAGEMENT VALUES			5.00	
	RELATIVE IMPORTANCE OF THIS CRITERIA SET IN THE OVERALL SCORE	0.667			3.33
	TOTAL SCORE				10.00

THE ELIGIBILITY POOL. No less than twice per year, the LCC shall hold a public meeting to establish an Eligibility Pool of Projects. The Eligibility Pool represents projects that the LCC determines meet the purposes of the LCP. Staff will present the PERs for the LCC to ensure the properties align with the core goals of the LCP and to hear from the public whether there are other considerations that may not have been included in the LCP evaluation process. Prior to the LCC Meeting, the County shall make a good faith effort to provide notice of the LCC meeting date to the person or organization nominating the subject project. Each shall be notified of the opportunity to speak and present additional information before the LCC. The LCC shall divide the projects into two categories for the purpose of establishing the Eligibility Pool:

- Projects eligible for further consideration for public acquisition by Clay County; and
- Projects ineligible for further consideration for public acquisition by Clay County at the present time.

The decision to add a project to the Eligibility Pool shall be made by a majority vote of a quorum of the LCC. The project nominators shall be notified of the Eligibility Pool determination of the LCC. Projects remain in the Eligibility Pool until promoted to the Priority Pool, or removed by the landowner, or the LCC. Ineligible projects are removed from the Nomination Pool and further consideration unless new and compelling information is provided. The BoCC may not add a project to, delete a project from, or alter the Eligibility Pool. Staff are authorized to conduct a site visit to verify information in the PER. Staff will finalize the Report and forward it to the LCC for further consideration at their next available meeting.

THE PRIORITY POOL. Staff shall conduct site-specific evaluations using any available and appropriate information to answer the criteria in The Land Conservation Decision Matrix above finalize the Property Evaluation Report. When completed, the Property Evaluation Report shall be provided to the LCC for a decision to advance the project to the Priority Pool. The LCC may also elect to visit nominated property to ground truth for themselves the PER. No less than once per year, the LCC shall meet to establish the Priority Pool of Projects. The Priority Pool represents the best projects that have been evaluated and verified by a site visit, and which the land Conservation Committee determines are a priority for acquisition at this time. Prior to the LCC meeting, the County shall make a good faith effort to provide notice of the LCC meeting date to the landowners and the nominator and notified of the opportunity to provide additional information regarding the final Report. Upon request, a copy of the PER shall be provided to them. They and the public will have the opportunity at the LCC Meeting to address whether there are other considerations that may not have been included in the LCP evaluation process. Any project added to the Priority Pool shall be forwarded to the BoCC for authorization to proceed with the acquisition process using budgeted funds available. All Priority Pool projects are equal. This is to ensure that staff has adequate flexibility in the negotiation of these lands and can bring multiple projects forward for the BoCC to consider. The BoCC may not add a project to, delete a project from, or alter the Priority Pool. Their decision is whether to add any Priority Pool project to their Active Acquisition List.

THE ACTIVE ACQUISITION LIST. An Active Acquisition List will be maintained and regularly modified based on the following criteria and other factors deemed significant by the BoCC.

- Final scores using the Decision Matrix Criteria.
- Potential purchase price.
- Availability of matching funds.
- Urgency of purchase based on imminent threat of loss.
- Contribution of the project to regional conservation efforts.
- Contribution of the project to protecting habitats and species under-represented in the portfolio.
- Contribution of the project to addressing unmet social human, or resource-based recreation goals.
- Estimated stewardship costs that may be borne by the County.

The BoCC may remove a project from the list if acquisition of the project no longer furthers the purposes of the Clay County Land Conservation Program but may not add a project to the list outside of the LCC deliberative process described above. The BoCC may also direct staff to pursue matching funds from outside agencies or private parties for any project listed in the Active Acquisition List. Active Acquisition List Projects may be placed in either of the following two categories based on the likelihood, or necessity, of matching funds:

- THE FULL PRICE LIST shall contain those acquisition proposals which are deemed most worthy of acquisition based upon the criteria provided above and which have been recommended for immediate acquisition by the LCC. The County may acquire the Full Price List properties using County funds alone to pay for 100% of the purchase price and transaction costs. No ranking order shall be assigned to Full Price List projects. The County shall pursue the acquisition of all projects on the Full Price List. Inclusion on the Full-Price List implies that staff are authorized to develop partnerships with other agencies and non-profits and to apply for grants to match County funds. However, only the BoCC may execute contracts with funding partners where County funds are pledged as match or a share of title with the funding partner is required.
- THE BARGAIN-SHARE LIST shall contain acquisition proposals which are deemed worthy of acquisition based upon the evaluation criteria provided above and which have been recommended for acquisition by the LCC, but which have not been assigned to the Full-Price List. The County may not actively pursue acquisition of a property on the Bargain-Share List unless the share of the purchase price paid from the County sources is no more than fifty percent (50%) of the contracted Fee-Simple purchase price of the property. Inclusion on the Bargain-Share List implies that staff are authorized to develop partnerships with other agencies and non-profits and to apply for grants to match County funds. However, only the BoCC may execute contracts with funding partners where County funds are pledged as match or a share of title with the funding partner is required. Property on the Bargain-Share List may also be acquired if the seller donates fifty percent (50%) or more of the value of the property as estimated in an appraisal report prepared for the County per

the procedures described below. The BoCC may move projects between the Full Price List and the Bargain Share List based on the factors described above.

Note: The underlined text in the preceding paragraphs emphasize the delegation of authority to apply for matching funds versus the actual legal binding contract to accept those funds. Usually, grants and partnerships develop under time pressure and to maximize efficiencies, this authorization to apply should be delegated to the County Manager and their staff. It is proper for the BoCC to decide if the funds awarded should be accepted based on the requirements of the County to receive those funds.

Inclusion on the Active Acquisition List will authorize the final steps listed below for acquiring the properties within each project but does not guarantee site acquisition. These final acquisition steps may be completed concurrently or in any sequence to expedite the acquisition process and minimize expenses. The County may elect to contract with a qualified non-profit agency to oversee and complete property appraisals negotiations and other related acquisition activities. Such outside agency contracts shall not provide for compensation based on a percentage commission. If the seller chooses to be represented by a licensed realtor or other registered agent, all realtors' and agents' costs and commissions shall come from the seller's proceeds.

REMOVAL OF PROPERTIES FROM THE LISTS. At any time, any property owner may request their property be removed from the Priority or Eligibility Pools, or the Active Acquisition List. They may do so by submitting their request in a written communication to staff. If staff in good faith are unable to come to a purchase agreement with the property owner, that property may also be struck from the Priority or Eligibility Pools, or the Active Acquisition List. In either situation, the property owner or nominator will have to wait one year or forgo one nomination cycle for evaluation, whichever is less, before they can nominate the property again. If a property is removed from the list after an unsuccessful negotiation, staff may use any facts discovered during the negotiations process for that property when evaluating the re-nominated project.

ACQUISITION OF CONSERVATION LANDS

The negotiations to acquire lands and particularly conservation easements have the potential to be highly complex. A negotiation is likely to be more successful if customized to the property and property owner. There may also be matching funding partners who will be a party to the negotiations, which may add additional complexity. For those reasons, there is no one correct way to conduct the negotiations. However, due to Florida statutory requirements, commitments to transparency, good faith negotiations, and best practices for public real estate transactions, the projects shall be pursued for acquisition by completing the following final steps:

TITLE WORK. A Property Information Report shall be completed as early as possible and prior to the contract to clarify any issues related to the property title and ownership, from an appropriately certified title agency. A Title Insurance Commitment should be procured while under contract and reviewed to ensure that the County and/or the property owner can provide all documentation required to secure the appropriate Title Insurance Policy. Staff will also review Commitment to ensure that no exemption threatens the County's unencumbered ownership of the property. Staff

must also ensure that no encumbrances, or rights entitled to third parties, if used, would significantly harm the property conservation values or the public's ability to enjoy the property. A copy of the Commitment must be furnished to the appraiser prior to completion of the appraisal. All title work, including earliest record searches, title binders, title insurance policies, ownership reports, encumbrance reports, and updated title reports, shall be performed in accordance with adopted industry standards. The County may solicit professional title services to expedite real property acquisitions in a consistent and cost-efficient manner.

[A DESIGNATION OR DECLINE OF REGISTERED AGENT FORM](#) must be completed to confirm whether the property owner wishes to be represented by an attorney, realtor, or other registered agent.

[APPRAISAL\(S\)](#) shall be completed and used in accordance with the procedures described below. The Maximum Allowable Purchase Price (MAPP) using Clay County funds alone shall be the appraised value if one appraisal report was required or the average of two appraisals if two appraisal reports are required.

1. Conservation Easements. If the County is acquiring a conservation easement, the conservation easement terms must be negotiated prior to the appraisal, as the appraiser must have a copy of the conservation easement to appraise it.
2. Appraisals must conform to the Uniform Standards of Professional Appraising Practices (USPAP), free of any hypothetical conditions. A hypothetical condition is a technical term, which is defined under USPAP as, "a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis..." The appraisal standard of a USPAP is a minimum standard, and if the county is acquiring in partnership with or using the funds of a state or federal agency, they will likely have to do either the federal government's Uniform Appraisal Standards for Federal Land Acquisitions, or the State of Florida's supplementary appraisal standards.
3. The County may solicit professional appraisal services to expedite real property acquisitions in a consistent and cost-efficient manner. The County should also prioritize the use of appraisers who have a record of doing market assessments in Clay County and of properties like the one being appraised.
4. Appraisals are to be kept confidential, and disclosure limited to those County staff designated by the County Manager and cooperating partners who have signed a mutual confidentiality agreement. The County may use an appraisal provided by a cooperating agency pursuant to an acquisition agreement. Standard practice for negotiations and appraisals on behalf of Clay County shall be guided by Florida Administrative Code Chapter 18-1.
5. Purchases of real property having a value of \$20,000 or less based on the current estimated Market Value (Just Value) tax appraisals on file with the Clay County Property Appraiser's Office may be purchased without any additional appraisals unless required by a funding partner.
6. All purchases of real property having a value of between \$20,001 and \$500,000 shall be supported by one independent appraisal report provided by a state-certified real estate

appraiser. All purchases of real property having a value greater than \$500,001 shall be supported by two current independent appraisal reports prepared by different state-certified real estate appraisers. All appraisals shall have an effective date within one (1) year of the BoCC final approval date. For option contracts, this date is the date the BoCC exercises the option to purchase. For other Purchase and Sale Agreements (PSA), it is the date the BoCC approves the execution of the PSA.

7. Two appraisals shall be determined to be divergent if the higher of the two values exceeds 120% of the lower value. When two appraisals are required and are divergent, a third appraisal shall be obtained if the two appraisers cannot reconcile their values to eliminate the divergence. If a third appraisal is obtained and approved, the MAPP is the average of the two closest non-divergent appraisals. If the two closest appraisals are divergent, then the MAPP shall be 110% of the lower of the two closest appraisals.
8. If the agreed purchase price exceeds the MAPP, the BoCC may approve the purchase only by a super majority vote.
9. Notwithstanding any other provision of law, the maximum value of a parcel to be purchased by the BoCC as determined by the highest approved appraisal or as determined pursuant to the above standards shall not be increased or decreased as a result of a change of zoning or permitted land uses that are requested by the landowner that occur within one (1) year prior to the date BoCC approves a contract to purchase the parcel.

[CONFIDENTIALITY AND WRITTEN OFFERS.](#) Section 125.355, Florida Statutes, “in any case in which a county, pursuant to the provisions of this section, seeks to acquire by purchase any real property for a public purpose, every appraisal, offer, or counteroffer must be in writing. Such appraisals, offers, and counteroffers shall not be available for public disclosure or inspection and are exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the BoCC. If a contract or agreement for purchase is not submitted to the BoCC for approval, the exemption from s. 119.07(1) will expire 30 days after the termination of negotiations. The county shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term “option contract” means a proposed agreement by the county to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days’ public notice. The county will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.”

[OPTION CONTRACT.](#) An option contract containing the offer and other relevant terms, shall be prepared using a form acceptable to the County. The BoCC is encouraged to delegate to the County Manager the authority to execute the option contract contingent on the BoCC having the final approval of the purchase. For option contracts, this is the Exercise of the option to purchase the subject property. The timelines and closing requirements of any funding partners, if any, must be considered in drafting of the acquisition agreement. The County shall not be under any obligation to exercise the option and the option contract is not required to contain either a minimum or

maximum consideration to the Seller. The Agreement may establish a fixed price for the proposed transaction or may establish a price per acre. No action on the part of the County staff or any agency contracted to represent the County shall be interpreted to bind the County. Only the BoCC may exercise an option contract by formal action of a majority vote during a duly advertised public meeting.

ENVIRONMENTAL AUDITS. Phase I Environmental Site Assessment (ESA) is a study of a property by a Professional Engineer or Professional Geologist registered in the State of Florida and prepared in accordance with the American Society of Testing and Materials Practice #1527, as amended. The Professional reviews permits, historic title, land use records, databases of hazardous spill, cleanups, and contaminations, and conducts a site inspection. The purpose of the site inspection is to determine if there is a likelihood of environmentally hazardous conditions on or under the property such as toxic chemicals, historic spills, and more. The significance of a Phase I ESA is that a buyer receives some legal protection against the liability of having to clean up unknown environmental contaminants on the property that occurred prior to their ownership. Unfavorable or inconclusive environmental audit results or any other available information that indicates potential onsite contamination shall be sufficient cause to terminate the acquisition process or re-open property negotiations. Based on circumstances, a Phase I ESA may be obtained prior to or during the contract period. If there is reason to believe that contamination may exist, staff may decide to do a Phase I before expending funds on other forms of due diligence, before the contract period. In most cases, it may be more sensible and financially prudent to wait until the property is under contract and obtain the Phase I ESA under a contract contingency so that the County can cancel the contract if hazardous materials are found. In some cases, the Phase I contractor may find reasonable evidence that hazardous materials may exist on the property and suggest soil and/or water sampling to confirm (Phase II). It will be up to Staff to determine whether the continued exploration of the issue will justify continuing with the project. The property may not be approved for purchase when it is determined by County staff that the property's conservation values are substantially impacted by litter, debris, waste, or contamination. To expedite acquisitions, Phase II or Phase III may be completed after closing, and an appropriate amount of the seller's proceeds escrowed to fund the assessment and clean-up of the property after all the environmental audits have been approved by the County. The unused portion of the escrowed proceeds may be released to the seller after the audits and cleanup are completed satisfactorily.

BOUNDARY SURVEY. There are a number reasons the County may wish to perform a boundary survey: it is a requirement to achieve a full title insurance policy, to better understand where the property boundaries are, to legally subdivide a tract which has not been subdivided when a portion is being acquired, to correct issues of trespass, to precisely locate structures or certain resources, etc. However, based on the property and circumstances, surveys can be prohibitively expensive. Surveys are typically conducted during the contract period. Therefore, staff should, if they deem a survey too expensive, request a survey waiver from the BoCC when requesting approval of a contract for purchase. The risks and liabilities should be disclosed when requesting such a waiver. Otherwise, surveys shall be conducted during the contract period by a Professional Land Surveyor registered in Florida using the State of Florida Standards of Practice for surveyors. The County may

solicit professional surveying services to expedite real property acquisitions in a consistent and cost-efficient manner. All survey work shall be reviewed and approved by appropriate County staff.

DEED. A deed shall be prepared by or under the supervision of the County Attorney's office. Clay County may share title with any other governmental and non-profit conservation organizations and may hold less than fee title for conservation easements on private land. Clay County may accept a special warranty deed or quit claim deed if reasonable assurance is provided that the desired conservation values of the property are being conveyed to the County in perpetuity because of the agreed-upon transaction. All exceptions, reservations, encroachments, or other adverse conditions that are disclosed during the acquisition process, shall be individually evaluated by the County in writing to review possible adverse effects on the objectives of the acquisition.

FINAL BOCC ACTION. Once a contract is finalized, the contract must be presented to the Commission with the following:

- The appraisal information.
- An aerial map displaying the boundaries of the property.
- Relevant points of concern found in the due diligence process related to the protection of the property including any unresolved title issues or Phase 1 ESA concerns.
- A conceptual stewardship plan. A one- or two-page document that gives a concise summary of the conservation values to be protected on the property, how the proposed acquisition of the property serves to protect those resources, a short list of the potential recreational opportunities on the property, if they could potentially conflict with the resource protection, and what steps will be necessary to ensure compatible use.
- The BoCC meeting to consider the acquisition of property under the Clay County Land Conservation Program shall occur at a duly noticed public meeting held after 5 PM to facilitate public attendance. If the BoCC approves the acquisition of the property, staff will complete the acquisition process, subject to the satisfactory completion of all due diligence requirements and any additional requirements imposed by the BoCC or partners.
- Documentation of the property transaction shall be completed for the records of the BoCC and the Clerk of the Court.
- A Check Request shall be made to the County's Finance Office for the purchase price and any closing costs to be paid by the County as purchaser.
- Real Estate Closing shall be completed in accordance with standard practice.
- Recording of deed shall be completed and filed with the Clay County Clerk of the Court.
- BoCC Notification shall be made on the Commission's agenda to provide information on the final closing and associated costs.
- Conservation Easement Baseline Documentation Report. When the acquisition is for a conservation easement, a Baseline Documentation Report (BDR) that establishes the initial conditions of the property at the time of purchase shall be completed prior to closing. This is necessary information if a conservation easement is violated to prove the date, extent, and nature of the violation. It also serves as the reference for the required remediation back to the baseline condition. For conservation easement purchases, the creation of a BDR

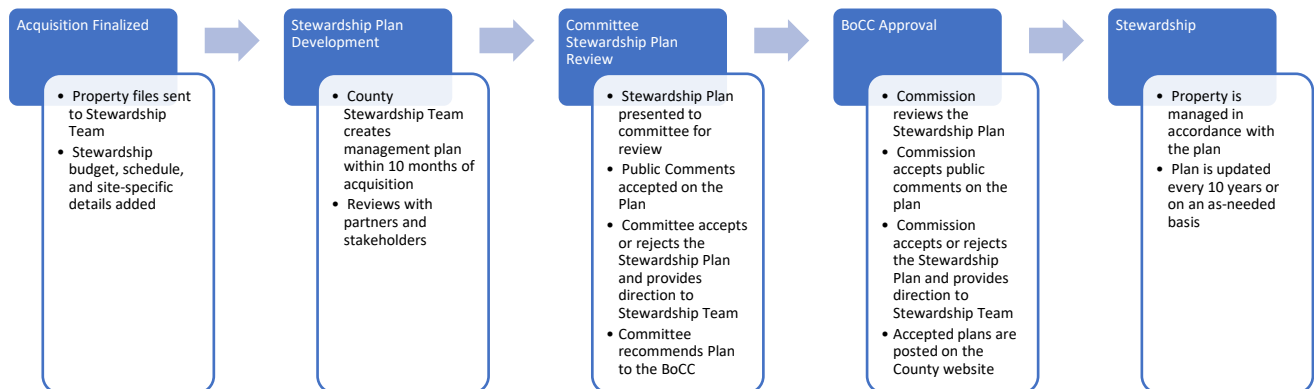
is mandated during the purchase contract period. County staff or its designee will visit the property on an annual basis to ensure that the conditions of the conservation easement are being fulfilled.

GOOD RECORDKEEPING

Consistent with its Records Retention Policy, Clay County staff shall keep records of all due diligence, contract, and deed documents associated with the purchase of the property, as well as a record of communications on each property acquired. If outside grant funding or donations are used in the acquisition, the grant contract or gift restrictions shall also be maintained. This is to facilitate transparency, to ensure that future land managers know what legal restrictions may have been applied to the land, and to assist in the legal defense if property ownership rights are challenged.

STEWARDSHIP OF ACQUIRED PROPERTY

FIGURE 6. STEWARDSHIP PROCESS.



STEWARDSHIP PLANS. The development and implementation of Stewardship Plans for lands acquired through the LCP program is a critical component of the conservation process. They are also a requirement of most funding sources. Stewardship Plans serve multiple functions. They represent the BoCC's vision and goals for the subject property. The remainder of the Plan then ensures that the long-term schedule, budget, and actions related to the administration and stewardship of the property is consistent with that vision. The Plan also reassures the public that the property will be managed in a responsible manner by providing them with a public reference document. They provide a foundation for determining a stewardship budget and the financial obligations the County will have in improving and managing a property, and thereby the portfolio of all the properties.

Staff shall produce a stewardship plan for BoCC adoption within one year of acquisition of conservation land, unless that land has been added to existing conservation lands, in which case they must amend the existing stewardship plan for inclusion of the newly acquired property within one year. All stewardship plans shall be prepared by a duly qualified, competent professional. At a minimum, stewardship plans shall include the following.

- A location map showing the general location of the property within the County.
- A map and description of the conservation values on the property.
- How those values benefit Clay County.
- An aerial map of the property boundaries.
- An optimum boundaries map, indicating if acquisition of adjacent properties is critical for the stewardship of the conservation values on the property.
- A hydrological map, showing the location of all surface waters, flow direction, flood plains, recharge, springs, seeps, and wetlands on the property.
- A land cover/use map, delineating the habitats, any timber stands, or other working landscapes on the property.

- A description of how each of the habitats or other delineated areas will be effectively managed to restore, enhance, and maintain their conservation values.
- A map and narrative description of any recreational activities and improvements planned for the property, how such activities and improvements will impact the conservation values, and if there is the potential for impacts, how the County plans to mitigate such impacts.
- An existing structures map, documenting the location of existing improvements at acquisition, including buildings, roads and other improvements, and photo documentation of those improvements, to convey their condition and therefor help to estimate improvement and maintenance costs.
- A 10-year projected budget for the costs of stewardship and recreational development on the property. It is important to note the Stewardship Plan budget is not an obligatory budget for the County but is intended to help to develop the overall annual County budget and project the annual budgets into the future.
- Any other photos, maps, or narratives necessary to appropriately steward the conservation values.

Depending on the complexity of the plan and the level of public interest in the property, a public workshop may be held prior to the implementation of a stewardship plan. Once staff has prepared the stewardship plan, it shall be presented to the LCC for approval. The LCC will hear public comments on the plan, vote to either recommend or not recommend its adoption to the BoCC or suggest amendments to the stewardship plan. If recommended by the LCC, it will then be sent to the BoCC for approval.

Stewardship plans should be ten-year planning documents but can be amended on an as-needed basis as conditions change or property added.

[STEWARDSHIP PARTNERSHIPS](#). In some cases, state agencies such as the Florida Department of Environmental Protection Division of Recreation & Parks, the Florida Forest Service, Florida Fish & Wildlife Conservation Commission, St. Johns River Water Management District, or non-profit entities such as land trusts may partner with the County in the stewardship of conservation lands. However, if there is not a well-structured agreement detailing stewardship terms, the stewardship partnership can entail significant liabilities to both parties. The County should create a stewardship agreement with that partnering entity. The stewardship agreement shall contain, at a minimum, the following provisions.

- A scope detailing the full responsibilities of the parties for each of the stewardship activities as detailed in the stewardship plan. If the stewardship partner intends to create their own stewardship plan, the stewardship agreement shall provide that the stewardship partner shall be required to provide their stewardship plan for review by the committee and approval of the BoCC within a year of the execution of the stewardship agreement, prior to the commencement of stewardship activities.
- A list of the partner's stewardship objectives.

- An explanation of how the partner’s stewardship objectives meet the primary goals of the LCP.
- Provisions for revenue sharing from potentially profitable stewardship activities, such as timber harvesting, access fees, or leasing to appropriate commissaries.
- Provisions dealing with the acceptable use of subcontractors for stewardship activities.
- Qualifications and experience of the land managers.
- Insurance and indemnity requirements for both parties.
- A lease or contract agreement between the parties, giving legal force to the stewardship agreement.

The stewardship agreement shall be provided to the LCC for review and a presentation of the terms made by the staff. Public comment will be accepted, the committee will discuss the agreement, then choose as to whether to recommend it to the Commission.

CONSERVATION EASEMENT MONITORING AND VIOLATION RESOLUTION

If the County acquires conservation easements, it must ensure that property owners abide by the terms and conditions. Therefore, the County shall monitor all conservation easements by conducting in-person staff visits. These visits are not only essential to enforcing the conservation easements but provide an opportunity for the County to reconnect with property owners and review any existing or potential issues or challenges related to the property and the terms of the conservation easement, reducing the likelihood of violations in the future. The normal frequency is annual, around the anniversary of the conservation easement closing date. Depending on the sensitivity of the property, the intensity of the uses, their potential to impact the conservation values, and the stewardship track record of the landowner, these visits may happen less or more frequently. If less than annually, a self-monitoring form, certifying compliance with the conservation easement should be sent to the landowner to complete and return in lieu of the site visit. If a staff person discovers a violation of a conservation easement, they shall take the following steps:

- Fully document the violation with photographs and GPS.
- Prepare a report for the review of their immediate supervisor, the County Manager, and the County Attorney, providing evidence and a written explanation why they believe the conservation easement has been violated.
- If it is determined that a violation has occurred, staff must classify the violation into one of the two following categories.
 - Minor violations: minor violations are those that have not caused significant or lasting harm to the conservation values on the property or the goals of the LCP.
 - Major violations: major violations are those that have caused significant or lasting harm to the conservation values on the property or the goals of the LCP, or a minor violation for which the property owner disagrees that a violation has occurred and/or will not agree to a remedial action plan.
- If staff agrees that a minor violation has occurred, the County Attorney will prepare a certified letter for the property owner, detailing why the County believes a violation has

occurred, and provide signature blocks under which the property owner indicates their agreement or disagreement that a violation has occurred and their willingness to participate in a remedial action plan. After receipt, the landowner shall have a maximum of thirty days to respond to the letter, though they are encouraged to communicate with staff as to why a violation is believed to have occurred and what a remedial action plan may entail. If the property owner agrees to participate in the remedial action plan, staff will prepare a plan for how the property owner can correct the violation and timelines under which to do so. One or more follow-up inspections will be conducted after the remedial action plan has been executed to ensure compliance.

- If a violation is classified as a major violation, or a minor violation where the landowner is unwilling to participate in the correction of the minor violation, then the County Attorney and County Manager shall devise a legal strategy for how to best enforce compliance with the conservation easement and correction of the harm done to the conservation values and the LCP. Staff will then present the strategy to the BoCC for approval.

Due to the sensitive and potentially litigious manner of conservation easement violations, it is not recommended that these violations be put in front of a public committee of volunteers, such as the LCC. However, the committee may be asked to give advice on remedial action plans, as an expert committee, according to the needs of staff and the Commission.

TRANSPARENCY AND REPORTING

To ensure public confidence in the LCP and to allow the public, staff, and the BoCC to regularly assess the success of the LCP, it is important that regular reporting occurs. Therefore, it is recommended that the County post and provide the following information and reports in easily accessible and appropriate places on the County website.

- An annual report detailing the purchases made under the program in the previous year. This report should include the names of properties, acreages, County funds spent, matching funds spent, how the property meets the goals of the LCP, the location of the property, and remaining funds in the Program. It should also include a summary of the total past successes of the program.
- An interactive web map of all the properties acquired under the program, recreational opportunities available, and where they may be accessed by the public. This map should clearly state that the conservation easement properties are not publicly accessible or should not be displayed at all.
- Approved Stewardship Plans.
- A copy of this Manual and any enabling legislation.
- Copies of the nomination and evaluation forms.
- A schedule of LCC Meetings for the upcoming year.

APPENDIX A. CLAY COUNTY COMPREHENSIVE PLAN EXCERPT

The following Clay County Comprehensive Plan Goals and Policies are furthered by an active land conservation and management program. It must be remembered that the Comp Plan embodies the County's vision for its future and that actions and decisions must align with these stated goals.

FUTURE LAND USE ELEMENT

FLU POLICY 1.1.4 The County shall utilize a variety of techniques to protect environmentally sensitive lands as specified in the Conservation Element.

FLU POLICY 1.1.11 The County shall support and coordinate with the appropriate public agencies and other organizations in identifying and preserving known viable wildlife corridors which link public lands.

FLU POLICY 1.1.12 The County shall coordinate with public agencies, programs and other organizations for the acquisition of environmentally and hydrologically sensitive lands. The County shall provide assistance to landowners with submittal to the appropriate program for consideration of purchase when appropriate.

FLU POLICY 1.1.13 Clay County shall coordinate with the federal and state agencies in protecting manatees and their habitats through a manatee protection plan as specified in the Conservation Element.

CONSERVATION ELEMENT

CON GOAL 1 To preserve, conserve and appropriately manage the natural resources of Clay County and provide protection of environmentally sensitive lands, life and property from natural and man-made hazards.

CON OBJ 1.2 The County shall prevent further degradation of ambient water quality and conserve and protect the quantity of surface water resources.

CON POLICY 1.2.15 The County shall encourage golf courses, agricultural, and silvicultural operations to follow applicable Best Management Practices and/or Interim Measures that include water quality protection or water conservation criteria. These may include but are not limited to Best Management Practices and Interim Measures published by the USDA Natural Resources Conservation Service (NRCS), University of Florida Institute of Food and Agriculture Sciences (IFAS), the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, the Florida Department of Economic Opportunity, or the St. Johns River Water Management District, and those included in F.A.C. rules or the Code of Federal Regulations adopted by these same agencies.

CON OBJ 1.3 The County shall prevent further degradation of ambient water quality and conserve and protect the quantity of groundwater resources.

CON POLICY 1.3.1 Areas shown by the SJRWMD to potentially contribute 8 inches or more per year of recharge to the Floridan aquifer are designated as high recharge areas as shown on the Floridan Aquifer Recharge Map. An Aquifer Recharge Overlay Zone showing these high recharge areas shall be created in the land development regulations, and shall be protected from incompatible land uses to ensure adequate recharge rates and water quality maintenance. The County will coordinate with the St. Johns River Water Management District to review the recharge protection standards as new data becomes available. The requirements of Community Facilities Element Policy 1.6.1 shall apply.

CON POLICY 1.3.2 The County Economic and Development Services Department shall coordinate with the Clay County Health Department to protect groundwater quality near potable water supply wells. The County shall establish a primary wellhead protection zone having a radius of 500 feet around all potable water supply wells. Potable water supply wells shall be defined as all public and private potable water wells which serve a minimum of 15 service connections used by year round residents, or serving at least 25 year round residents. Within the wellhead protection zone, all facilities and activities shall comply with the Wellhead Protection Rule (62-521 F.A.C.).

CON POLICY 1.5.2 Adopt or amend land development regulations to regulate development which impacts upon environmentally sensitive areas, as defined in Policy 1.5.1, and which address, at a minimum:

- 2) Restrictions on the uses allowed in listed species habitats to those found to be compatible with the requirements of wildlife species which are threatened, endangered, or of special concern as identified by the USFWS or FFWCC.
- 3) Buffer zones of native vegetation adjacent to surface water bodies to prevent erosion, retard runoff, and provide habitat, including setback requirements for buildings and other structures.
- 4) Management plans which protect listed wildlife.
- 5) Providing incentives, where applicable, to encourage minimizing the environmental impacts of development.

CON POLICY 1.5.3 The County shall utilize other techniques to protect environmentally sensitive lands, including tax incentives, cluster development; TDRs, conservation easements and fee-simple acquisition.

CON POLICY 1.5.7 The County shall coordinate with appropriate governmental entities to protect environmentally sensitive lands and native vegetative communities which extend into adjacent counties and municipalities.

CON POLICY 1.5.8 The County shall support and coordinate with the appropriate agencies in identifying and preserving known viable wildlife corridors which link public lands.

CON POLICY 1.5.9 To acquire and permanently protect exceptional natural areas, the Clay County Parks and Recreation Division shall coordinate County resources with existing state programs such as the Florida Forever Program, Florida Communities Trust, and with groups such as the Nature Conservancy and the Trust for Public Land.

CON POLICY 1.5.10 Clay County shall coordinate in the identification of hydrologically sensitive areas which require public ownership for adequate water resource protection.

CON POLICY 1.5.14 In County-owned conservation areas and preserves with degraded and altered features, the County will restore natural hydrology and other features and remove exotic vegetation.

CON POLICY 1.5.15 In County-owned parks, conservation areas and preserves, undeveloped areas shall be managed for the protection, preservation and restoration of native ecological communities. Priority shall be given to existing populations of imperiled or rare wildlife species and imperiled or rare plant species.

This policy shall not be construed to prohibit the development and use of such areas for compatible recreation activities such as hiking or fishing. Nor shall it be construed to preclude the use of timber management or wildfire mitigation techniques as part of an overall land management program.

CON POLICY 1.5.16 The County shall seek ways to encourage development patterns and practices compatible with wildfire mitigation and prescribed fire management on public conservation lands.

CON OBJ 1.8 The County shall protect the natural environment from development to ensure the most desirable habitat for existing vegetation and wildlife.

CON POLICY 1.8.1 The County shall develop a wide range of programs for the conservation of native vegetative communities such as: acquisition, easements, and incentive programs and shall encourage the application of native or xerophytic vegetation in landscaping for new development.

CON POLICY 1.8.5 The County shall investigate the benefit and feasibility of establishing a County-level acquisition program for environmentally sensitive lands, including an evaluation of potential dedicated funding sources.

BRANAN FIELD MASTER PLAN ELEMENT

BF FLU OBJ 1.1 The County will establish incentives to preserve transportation corridors, the Primary Conservation Network (BF PCN), public recreation sites, and public facilities to ensure development consistent with these Goals, Objectives and Policies.

BF FLU OBJ 1.3 The County will establish a long range strategic planning approach to natural resource protection and will regulate new development within the Master Plan Area to ensure the preservation and protection of wetlands and upland native vegetation communities.

BF FLU POLICY 1.3.1 Prior to or concurrent with development of the Master Plan, the County shall implement the Primary Conservation Network (BF PCN) within the BF Master Plan Area protecting environmentally sensitive lands, hydrologically sensitive lands and preserving wildlife habitat.

The implementation plan shall include coordination with state and federal agencies and other groups to pursue matching grants for the acquisition of BF PCN lands.

BF FLU POLICY 1.3.2 Natural water bodies and major drainage features within the BF Master Plan Area shall be protected with the establishment of the BF PCN.

The boundary of the BF PCN (depicted on the Branan Field Master Plan FLUM Map) shall be a minimum of 200 feet in width or a minimum of 25 feet from the jurisdictional wetland line, whichever is greater.

Except for that portion of the BF PCN that lies within the Community Park, all natural vegetation and wetlands within the BF PCN shall be protected by a conservation easement that is dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established land trust, or the County. These lands shall be deeded to one of these agencies or to the homeowners' association, with specific restrictions prohibiting development or disturbance except for environmental management or by the creation of hiking trails.

BF FLU POLICY 1.3.3 The County will coordinate its resources with existing state and federal programs that provide funding assistance to acquire environmentally sensitive lands. The County will provide assistance to landowners within the BF PCN boundary with submittal, supported by the Master Plan, to the appropriate agencies for consideration of purchase.

BF FLU POLICY 1.4.4 BF Primary Conservation Network (BF PCN)

The wetland/conservation areas are lands that will provide for the conservation and protection of Clay County's natural resources in order to prevent any degradation to the major natural resources. The Primary Conservation Network (BF PCN) overlay district includes most creek and stream banks, major drainage ways, major wetlands, hydric soils, and FEMA designated 100 year floodplains.

Natural water bodies and major drainage features within the Master Plan area shall be protected with the establishment of the BF PCN.

The BF PCN depicted on the Master Plan Map will interconnect natural resources throughout the Master Plan area protecting drainage systems and headwaters of the regional tributaries. This network will serve to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for passive recreation. Such passive recreation elements may include pedestrian walkways, bicycle paths, boardwalks, docks built for water access, fences necessary to protect habitat areas, and similar uses for which no adverse effects to the BF PCN would result. Impacts to the network may include filling for roadway and utility construction for crossings shown on the adopted plan. Impacts to the network may also include road crossings not shown on the adopted plan where no other feasible alternatives exist, excavation of stormwater management systems

when accompanied by the dedication of additional land that is generally equivalent in quality and quantity for conservation, and construction of the passive recreational facilities identified above. All roadway and utility encroachments not shown on the adopted plan should be avoided and/or minimized when possible.

The boundary of the BF PCN (depicted on the Branan Field Master Plan FLUM Map) shall be a minimum of 200 feet in width or 25 feet from the jurisdictional wetland line, whichever is greater.

Except for that portion of the BF PCN that lies within the Community Park, all natural vegetation and wetlands within the BF PCN shall be protected by a conservation easement that is dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established land trust, or the County. These lands shall be deeded to one of these agencies or the homeowners' association, with specific restrictions prohibiting development or disturbance except for environmental management or by the creation of hiking trails.

BF CON GOAL 1 To implement a long-range systems planning approach to preserve, conserve and appropriately manage the natural resources of the Branan Field BF Master Plan Area and provide protection of environmentally sensitive lands.

BF CON OBJ 1.2 Prevent further degradation of ambient water quality and conserve and protect the quantity of surface water resources within the BF Master Plan Area.

BF CON POLICY 1.2.1 Within the District, water quality and the quantity of surface water resources will be protected with the establishment of a BF PCN.

The boundary of the BF PCN (depicted on the Branan Field Master Plan FLUM Map) shall be a minimum of 200 feet in width or a minimum of 25 feet from the jurisdictional wetland line, whichever is greater.

Except for that portion of the BF PCN that lies within the Community Park, all natural vegetation and wetlands within the BF PCN shall be protected by a conservation easement that is dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established land trust, or the County. These lands shall be deeded to one of these agencies or the homeowners' association, with specific restrictions prohibiting development or disturbance except for environmental management or by the creation of hiking trails.

In order to encourage conservation of land within the BF PCN and add value to such lands, the owner/developer may retain ownership of land dedicated for the BF PCN for the purpose of providing mitigation for development of other land within the County. Such mitigation would be subject to review and approval of the appropriate local, state and federal regulatory agencies.

BF CON OBJ 1.4 The Branan Field Master Plan shall identify a contiguous network of significant wetland and upland systems designated as the BF PCN. The County shall utilize the BF PCN to protect the natural environment in the BF Master Plan Area from development to ensure the most desirable habitat for existing vegetation and wildlife.

BF CON POLICY 1.4.2 The County shall implement the BF PCN through the development review process on a case-by-case basis through a combination of incentives, acquisition and design guidelines. The BF PCN may be utilized to provide for mitigation, to meet open space/buffer requirements, to serve as passive recreation, or for density transfers.

LAKE ASBURY MASTER PLAN ELEMENT

LA FLU OBJ 1.2 The County will establish a long-range systems planning approach to natural resource protection and will regulate new development within the LAMPA to ensure the preservation and protection of wetlands and upland native vegetation communities. At least 4,400 acres of wetlands and 1,800 acres of environmentally sensitive uplands shall be preserved in a connected greenway system.

LA FLU POLICY 1.2.2 The preservation of environmentally significant lands lying outside the Asbury Greenway shall entitle the owner to a density bonus of up to 10 units per acre of additional density. Said density may be applied to residential development within the limits as shown on a preliminary plan which includes those environmentally significant lands. Total density including density bonus shall not exceed the maximum density established by land use category as shown in Policy 1.4.1. All developments seeking the density bonus shall submit, at the time of development review, an environmental assessment certified by a qualified environmental professional that supports designation of the environmentally significant lands for preservation. The priorities for such preservation are in the following order (highest to lowest) lands with listed species (flora and/or fauna) present, or one of the following regionally important natural communities known to host rare, vulnerable, and/or listed species: scrub, sandhill, scrubby flatwoods, xeric hammock, upland pine forest, mesic flatwoods and wet flatwoods. Listed plant and animal species include those species identified in Florida Administrative Code (F.A.C.) 5B-40.0055, Regulated Plant Index, and F.A.C. 68A-27.003, Florida's List of Endangered or Threatened Species, respectively. Descriptions of the qualified environmentally significant natural communities can be found at www.fnai.org.

To receive a density bonus, the area preserved shall be a minimum of 2 contiguous acres in area and shall be configured in a manner that takes into account topography, parcel shape, and other factors that are unique to the property. The use of long narrow preservation areas shall be discouraged unless they are combined with other preservation areas to form a larger, contiguous preservation area. To enhance existing systems, priority should be given to such communities that are contiguous to the Asbury Greenway or Greenbelt Zoning Overlay.

LA FLU POLICY 1.2.3 Upland preservation shall also provide for greenway connectivity in the form of those greenbelts depicted on the Lake Asbury Master Plan Map (FLUM). Created by the Greenbelt Zoning Overlay, greenbelts shall consist of uplands that connect natural features such as creeks and linear wetlands and utilize forested corridors whenever possible to connect areas of the Asbury Greenway. Uses within Greenbelts shall be limited pursuant to LA FLU Policy 1.4.12. Such preservation areas shall be no less than 150 feet in width and shall average a minimum of 250 feet in width and shall provide connections between lands in the Asbury Greenway land use category.

The general location of the Greenbelt Zoning Overlay is depicted on the LA FLUM. The Greenbelt Zoning Overlay may be relocated under a specific development plan provided the connectivity function and minimum width is maintained. Residential density or non-residential intensity associated with the underlying land use designation shall apply to lands within the Greenbelt Zoning Overlay and may be transferred within parcels.

LA FLU POLICY 1.4.2 The Greenbelt Zoning Overlay shall consist of uplands that connect natural features such as creeks and linear wetlands, and shall utilize forested corridors whenever possible. Additional upland preservation area will be created through the upland preservation program described in Policies associated with LA FLU Objective 1.2.

LA FLU POLICY 1.4.12 Asbury Greenway (LA GW)

The Asbury Greenway land use category includes most creeks, streams, or riverbanks, major drainageways, major wetlands, floodways, and associated upland buffers within the LAMPA that, when combined with the Greenbelt Zoning Overlay, produces a wildlife corridor continuing throughout the entire area.

The Asbury Greenway land use and Greenbelt Zoning Overlay that make up the conservation network will interconnect natural resources throughout the LAMPA, protecting drainage systems and headwaters of the regional tributaries. This network will serve to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for active and passive recreation in the form of pedestrian walkways, bicycle paths and boardwalks. Impacts to the network will be limited to filling for roadway construction/crossings, utilities and construction of permitted passive recreational facilities. Drainage conveyances excluding retention ponds are allowed.

LA FLU POLICY 1.6.28 Connected greenway systems shall link wetlands, upland wetland buffers, and conservation areas, with inclusion of linked trail system. Upland preservation shall provide for both appropriate size and greenway connectivity as provided for in the open space plan required by LA FLU Policy 1.6.14.

LA REC POLICY 1.3.2 Environmentally sensitive areas and natural habitats within the LAMPA will be preserved by excluding development within the Asbury Greenway.

LA CON GOAL 1 To implement a long-range systems planning approach to preserve, conserve and appropriately manage the natural resources of the LAMPA and provide protection of environmentally sensitive lands.

LA CON OBJ 1.1 Prevent further degradation of ambient water quality and conserve and protect the quantity of surface water resources within the LAMPA.

LA CON POLICY 1.1.1 Within the LAMPA, water quality and the quantity of surface water resources will be protected with the establishment of the Asbury Greenway, as defined in the Lake Asbury Future Land Use Element.

LA CON POLICY 1.3.1 Impacts to the Asbury Greenway, defined as those contiguous wetland systems and the upland connections depicted on the Lake Asbury Master Plan Map, will be limited to filling for roadway construction, excavation for stormwater management systems, and passive recreational facilities in the form of pedestrian walkways, bicycle paths, boardwalks, docks built for water access, fences necessary to protect habitat areas, and similar uses for which no adverse effects to the Greenway would result. Existing developed lands are not subject to Greenway standards, although voluntary compliance of landowners of developed lands is encouraged.

LA CON POLICY 1.3.4 The County will develop land development regulations to maximize inclusion of environmentally significant lands (areas of biological diversity where endangered and/or threatened species may be found indigenous). This will be accomplished through the preservation program, further described in the Lake Asbury Plan Future Land Use Element Policy 1.2.2.

LA CON POLICY 1.3.5 The County recognizes and affirms the value of the Black Creek Ravines Conservation Area as a wildlife habitat; a generally pristine area of native vegetative communities; and a hiking, birdwatching, and horseback-riding destination. The County will work with the St. Johns River Water Management District to manage and protect this conservation area, as well as continuing to provide for appropriate public use.

RECREATION ELEMENT

REC POLICY 1.1.9 The County shall adopt a Parks and Recreation Master Plan to guide acquisition and development of a coordinated county-wide system of recreation sites and programs that reflects the population's needs. This Master Plan shall include financial tools to ensure the adopted plan is adequately funded. This Master Plan shall be updated/amended on a regular basis and/or at a minimum of every five (5) years.

REC POLICY 1.2.7 The County shall adopt a Greenways and Trails Master Plan by 2019 to guide acquisition and development of a coordinated system of land and water-based greenways and trails to link recreation sites, natural areas, open spaces and trails within the County.

REC POLICY 1.3.2 The County shall coordinate with the State of Florida, Department of Environmental Protection, Division of Forestry, US Department of the Interior, St. John's River Water Management District, and other providers of recreational and conservation lands to enhance and expand the County's open space and recreation system.

REC OBJ 1.4 Clay County shall ensure that an adequate amount of open space is maintained in all new residential and non-residential development, and preserve environmentally sensitive areas and native habitats.

APPENDIX B: CONSERVATION VALUES MAPS

Data Layer List:

1. Access to Recreation

- Florida Paddle Trails- FDEP Office of Greenways & Trails (OGT) Existing Recreational Trails
- Existing Trails-- FDEP Office of Greenways & Trails (OGT) Existing Recreational Trails
- Boat Ramps- Florida Wildlife Research Institute (FWRI) Boat Ramps in Florida
- County & City Parks- FNAI Florida Conservation Lands (FLMA)

2. Connectivity

- O2O Wildlife Corridor- NFLT O2O Corridor Boundary
- Florida Wildlife Corridor- University of Florida Center for Landscape Conservation Planning Wildlife Corridors in Florida 2021
- Conservation Lands- FNAI FLMA
- Florida Forever Board of Trustees Projects (FFBOT)- FNAI FFBOT
- Camp Blanding Army Compatible Use Buffer- Camp Blanding ACUB

3. Drinking water

- Public Water Supply Wells- FDEP Public Water Supply Wells Aquifer Recharge Areas- FNAI Critical Lands and Waters Identification Project (CLIP) Version 4 Aquifer Recharge Areas

4. Farms and Working Forests

- Agricultural Lands- Florida Department of Agriculture and Consumer Services (FDACS) Agricultural Lands
- Tree Plantations- FWC Cooperative Land Cover Map Project version 3.6

5. Historic and Cultural Resources

- Structures eligible for National Registry of Historic Places- Bureau of Archaeological Research (BAR), FL Division of Historic Resources Historical Structure Locations in Florida
- Historic Districts- BAR Resource Groups in Florida

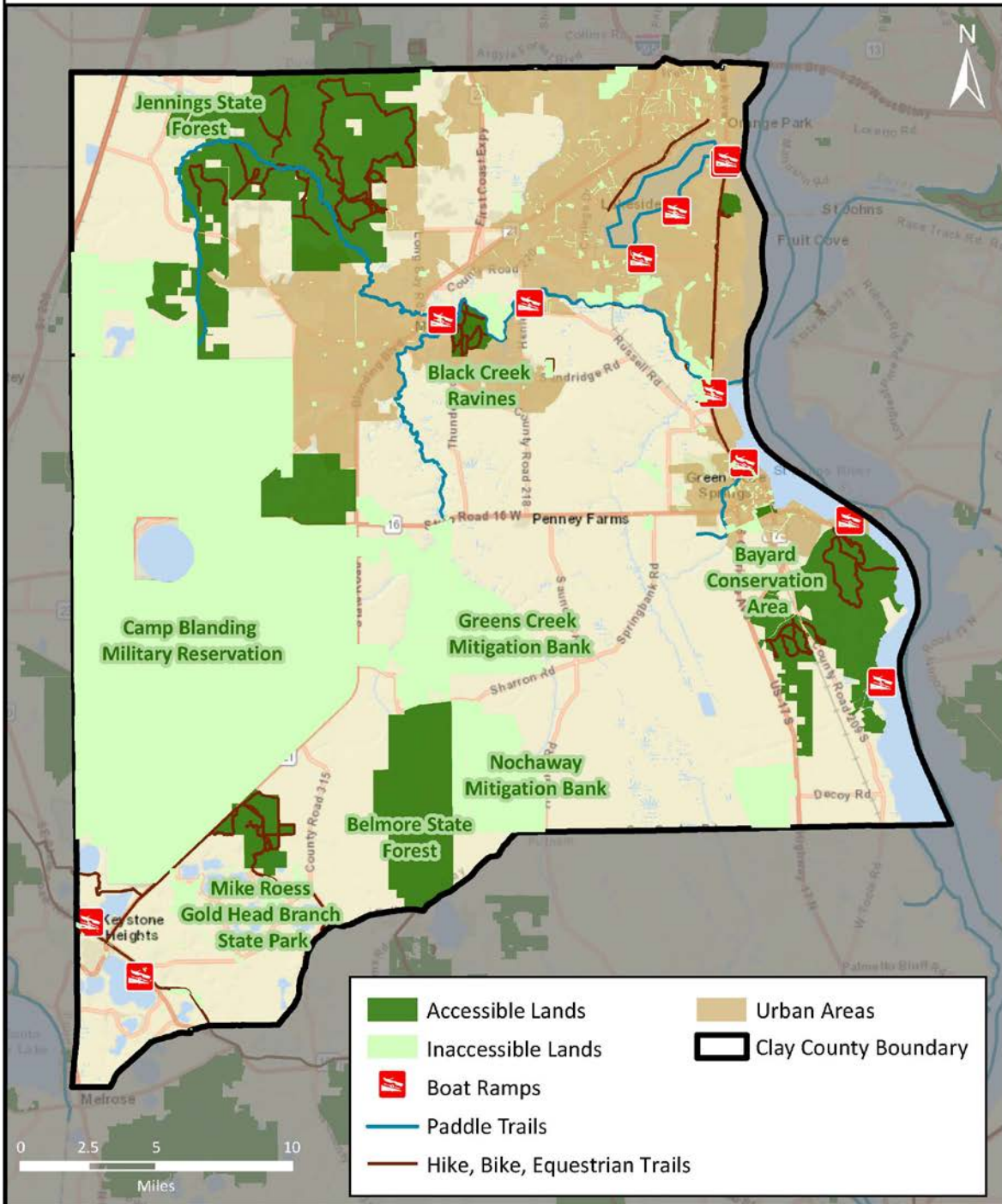
6. Surface Water

- National Wetlands Inventory- US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Polygons
- Springs & Seeps- SJRWMD Springs and Seeps
- Flood Zones (X and X 500 in white, all others blue)- Federal Emergency Management Agency (FEMA) Flood Hazard Zones of the Digital Flood Insurance Rate Map (DFIRM)

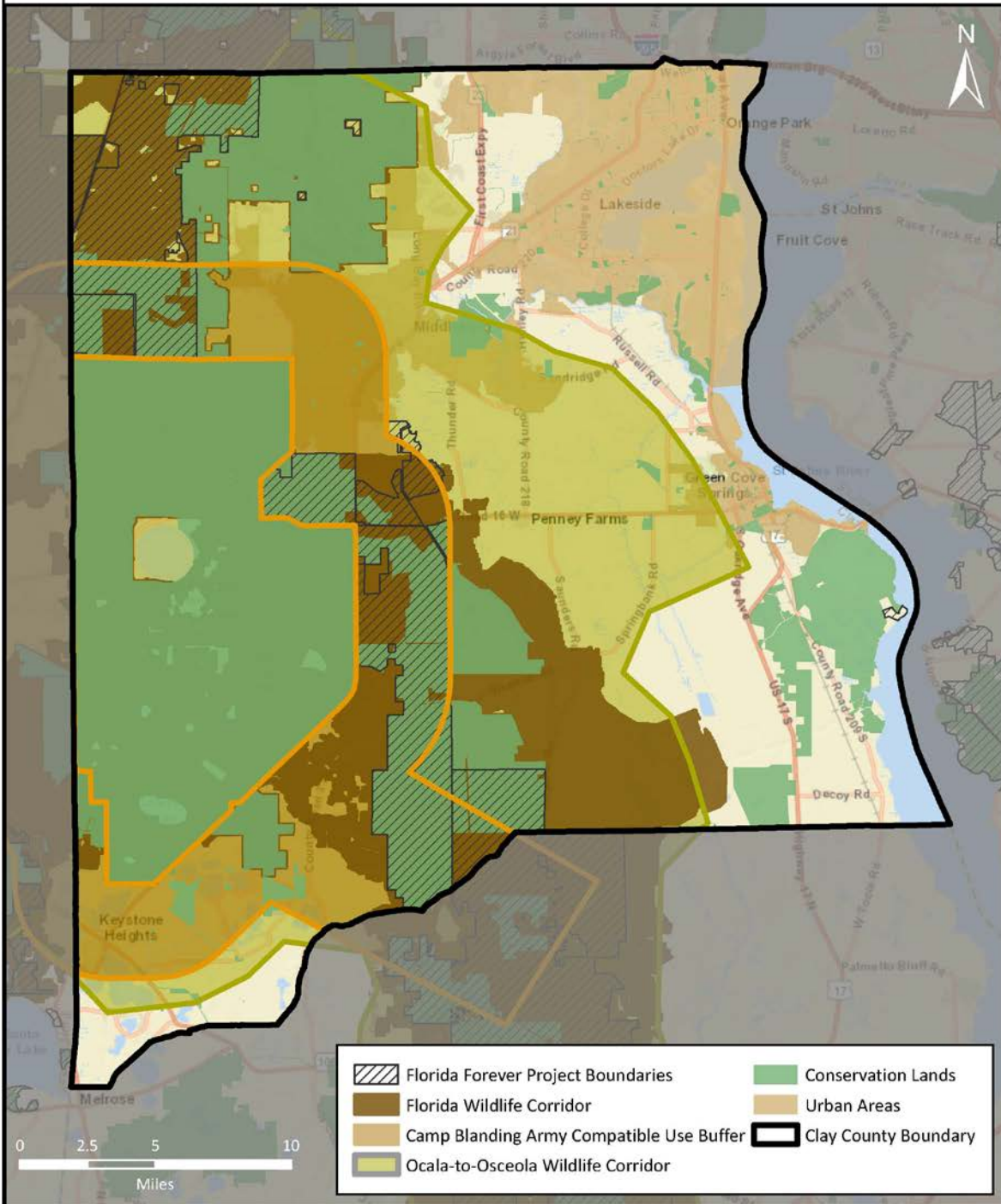
7. T&E Species and Habitats

- Red -cockaded Woodpecker locations – FWC Red-cockaded Woodpecker Observation Locations
- Black Bear telemetry - FWC Black Bear Telemetry
- Bald Eagle nesting sites- FWC Eagle Nesting Locations
- Under-Represented Natural Communities layer- FNAI Under-Represented Natural Communities

ACCESS TO RECREATION



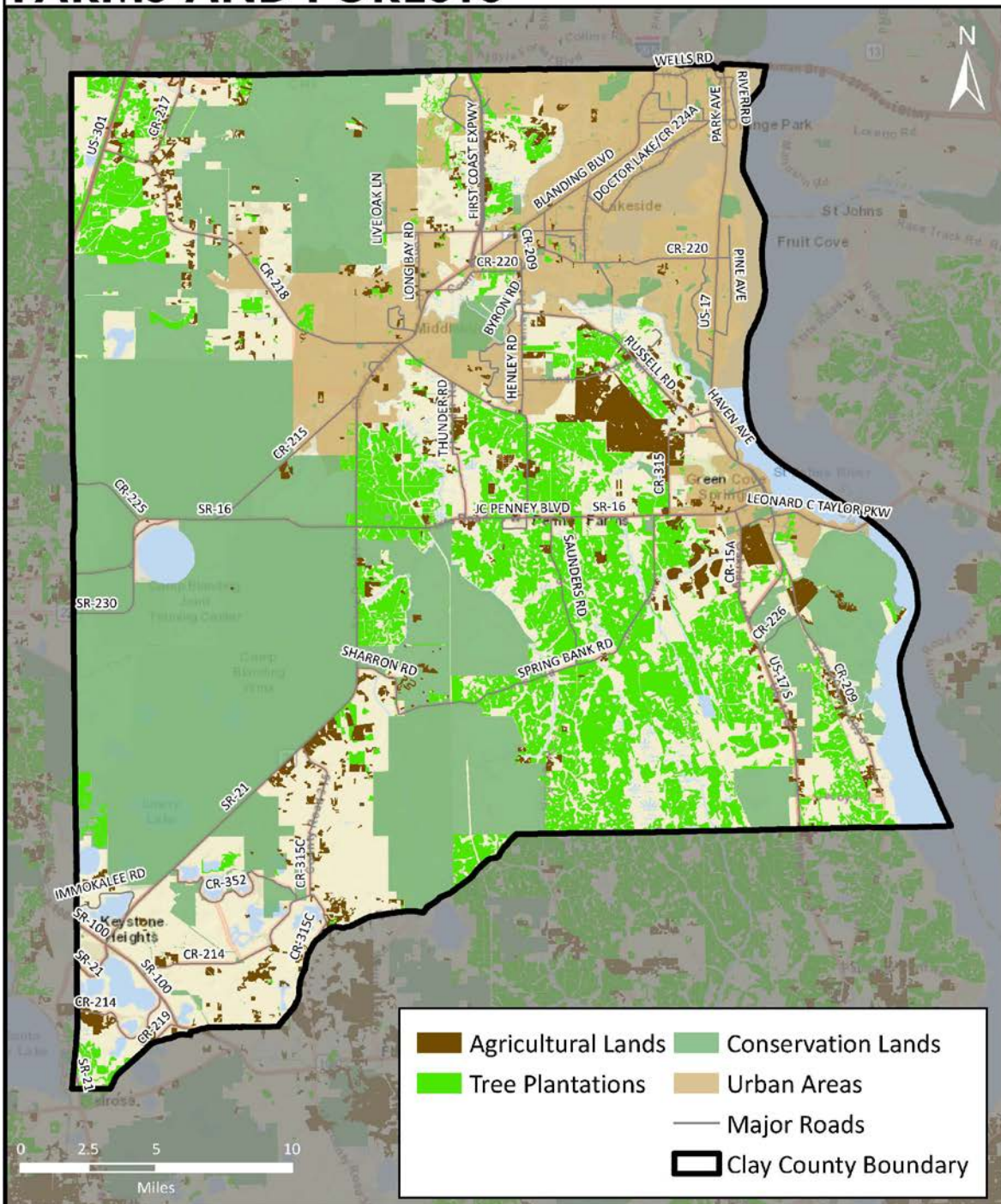
CONNECTIVITY



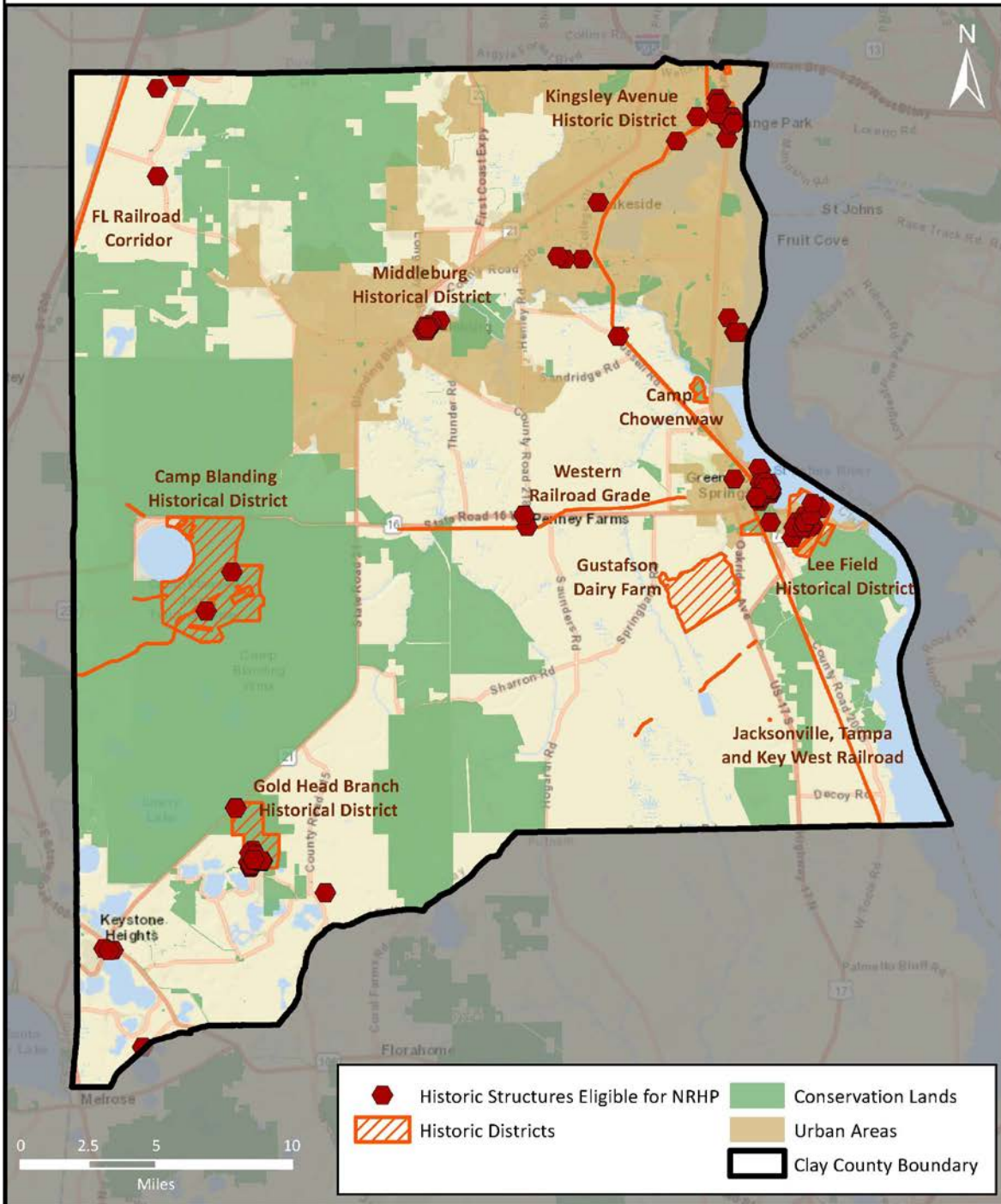


NORTH FLORIDA
LAND TRUST

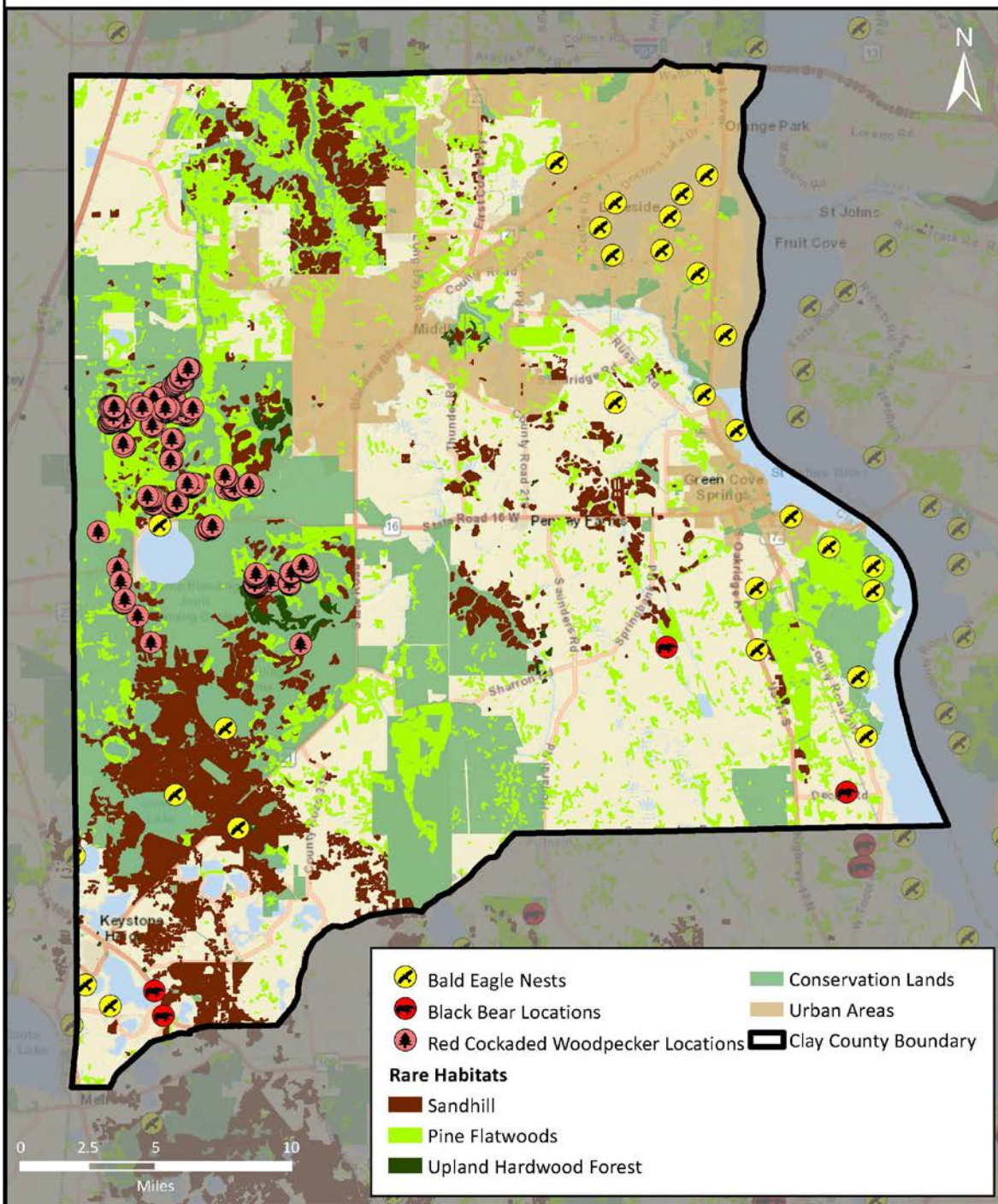
FARMS AND FORESTS



HISTORIC AND CULTURAL RESOURCES



THREATENED & ENDANGERED SPECIES AND HABITATS





Clay County Land Conservation Program
Clay County Board of County Commissioners
January 24, 2023



NORTH FLORIDA LAND TRUST

Founded in 1999

Our Mission

To preserve and enhance our quality of life by protecting North Florida's irreplaceable natural environment.

Our Vision

We Envision:

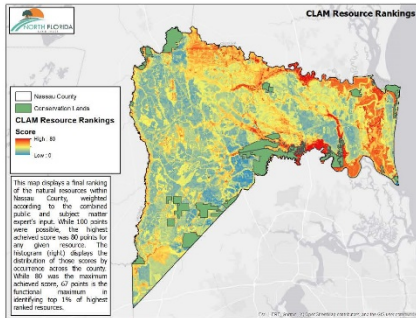
North Floridians feel more connected to and have a stronger appreciation for our unique native environment. The North Florida Land Trust implements collaborative approaches for long-term solutions commensurate with rapid growth. By protecting more of North Florida's farms, forests, and natural areas, we maintain traditions, enhance lives, and sustain our expanding communities.

13 Staff





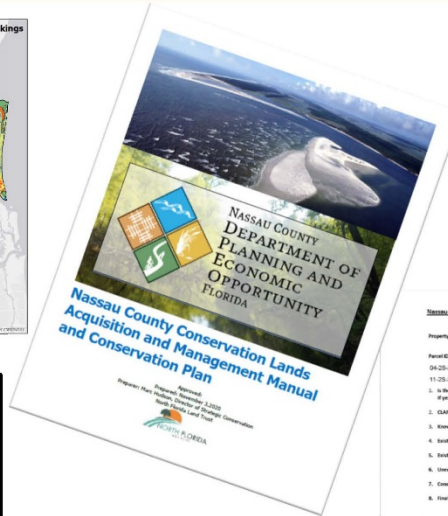
COMMUNITY CONSERVATION – LOCAL REFERENDA



Since 1999 in Florida:

- 103/123 Referenda passed (84%)
- 28 Counties passed 68 separate Referenda
- \$4,698,871,529 in voter-approved funds

www.Landvote.org

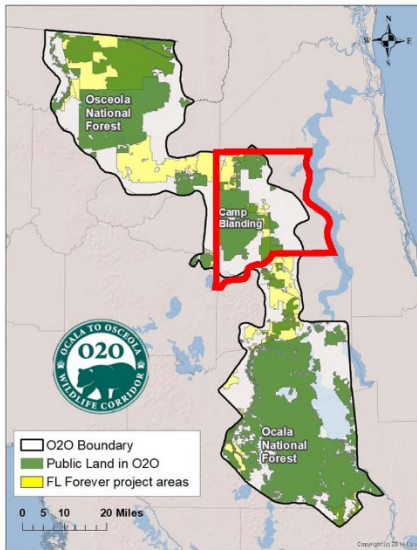


Nassau County Conservation Lands Acquisition and Management Manual (Attachment)

Property Name: Seaboard Bay Investments LLC
 Parcel #s: 01-25-23-0000-0001-0000, 03-25-23-0000-0002-0000, 05-25-23-0000-0001-0010, 04-25-23-0000-0001-0030, 09-25-23-0000-0001-0000, 10-25-23-0000-0001-0000, 11-25-23-0000-0001-0000, 16-25-23-0000-0001-0000, 18-25-23-0000-0001-0000
 1. Is the property adjacent to other conservation lands? No Yes
 If yes, name of conservation area:
 2. CLAM Score: 17
 3. Access Management Character: None
 4. Existing Regulatory Protections: CWS wetlands
 5. Building Structures: Seaboard C Building C
 6. Unimproved Parcel Price: \$7,624,375.00
 7. Conservation Easement Value Recommendation: \$3,048,750.00
 8. Acquisition Adjusted Price: \$7.67



OSCEOLA TO OCALA WILDLIFE CORRIDOR



1.6-million-acre landscape of public & private lands that connect the Osceola and Ocala National Forests.

Goal to protect **140,000 acres** in next **30 years**.

The O2O is NFLT's largest landscape conservation initiative

NFLT leads a 19-member public-private Partnership that brings funding, awareness and expertise to the O2O

Protection of **working forestry**

Preserving **water quality** within five watersheds

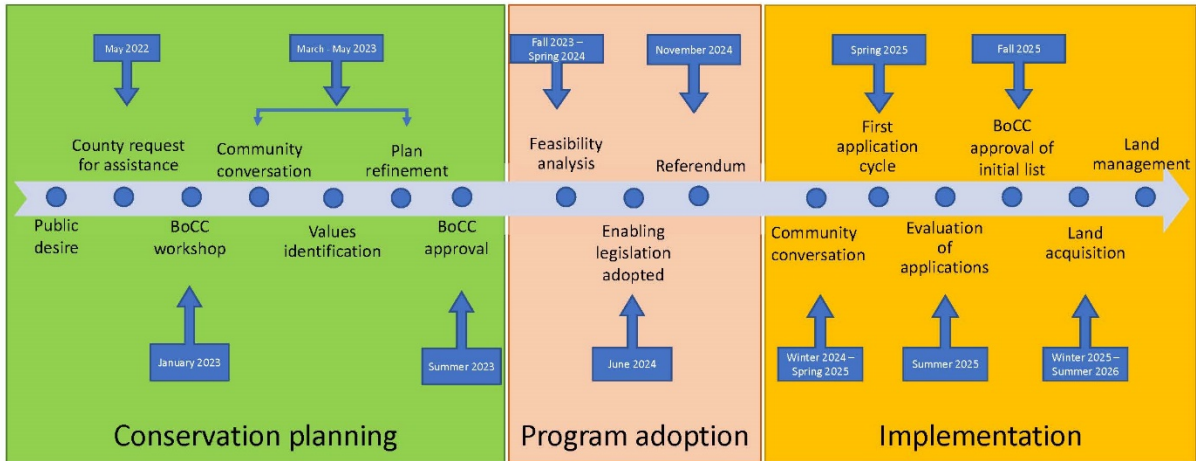
Protect **military** mission & readiness

Outdoor **recreation** & green space





LINE OF SIGHT - TIMEFRAME



REFERENDUM EXAMPLE

ACQUISITION AND MANAGEMENT OF WATER RESOURCES AND ENVIRONMENTAL LANDS BOND REFERENDUM

To acquire, preserve, protect, manage, and restore, **water resources, environmental lands** and important **fish and wildlife habitat**, shall Polk County levy an additional **0.20 mill ad valorem tax** and **issue bonds** payable therefrom in one or more series in an aggregate principal amount not exceeding **\$75 million**, excluding previously-authorized indebtedness, maturing no later than **20 years** from the date of issuance of such bonds, bearing interest not exceeding the maximum lawful rate?



_____ YES, FOR BONDS
 _____ NO, AGAINST BONDS



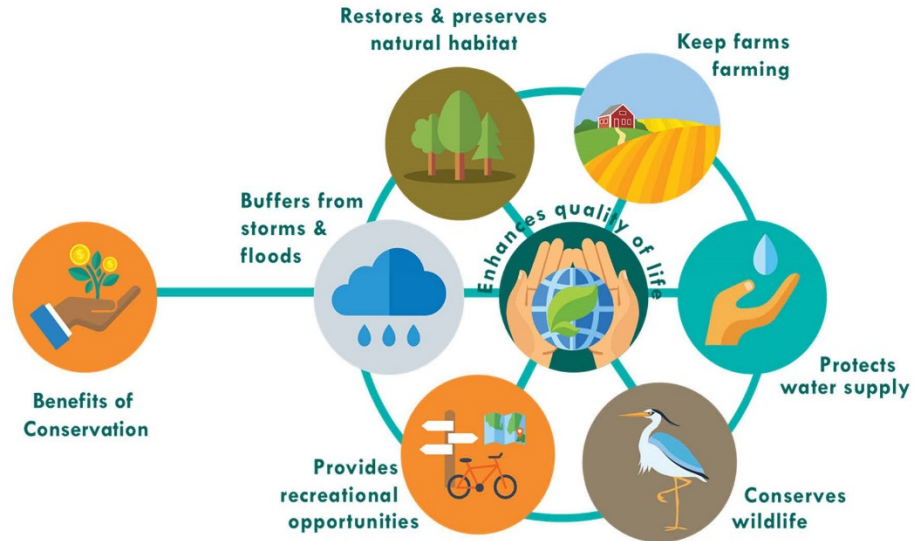
Is there sufficient interest on part of Clay County BCC
to work towards a November 2024 Referendum?



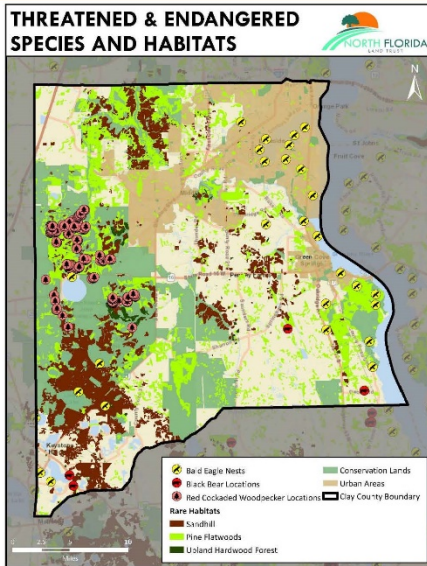
BREAK



CONSERVATION PLANNING



Conservation Values: Threatened & Endangered Species and Habitats



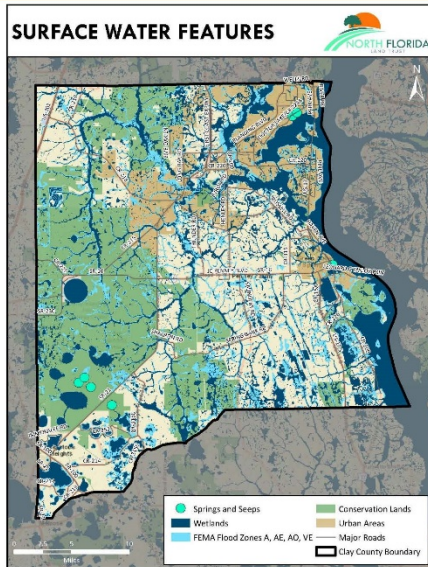
Protecting Florida's threatened and endangered species and habitat is very important because it saves our native habitats, fish, plants, and other wildlife from going extinct. This map displays the locations of some of the threatened and endangered species found in Clay County. The red-cockaded woodpecker is a federally listed endangered species. Florida Black Bears are not a listed species, but they live in only a few isolated habitats throughout the state.

Protecting habitat for bears is important for their continued survival. Bald Eagles and their nests remain protected by state and federal bald eagle laws. The rare habitats data layer represents habitats that are not well-represented by current conservation lands. These are habitat types identified by the state of Florida as high priority for future conservation.





Conservation Values: Surface Water Features

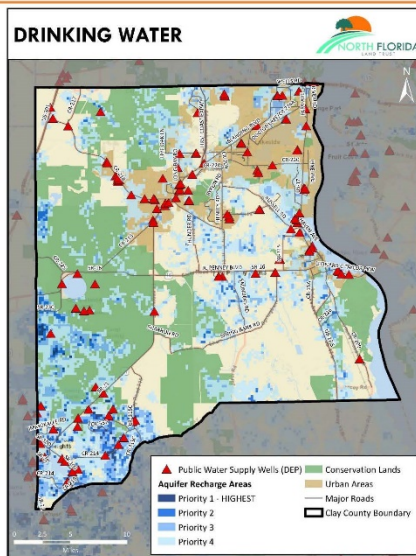


This map displays the surface water features found in Clay County. These are areas identified by the US Fish and Wildlife Service as part of the National Wetlands Inventory. This layer includes wetlands such as lakes, rivers, streams, creeks and small isolated or intermittent wetlands.

The springs and seeps layer displays the location of identified springs and seeps in Clay County. Finally, the flood zone layer displays the highest risk flood zones as identified by the Federal Emergency Management Agency (FEMA).



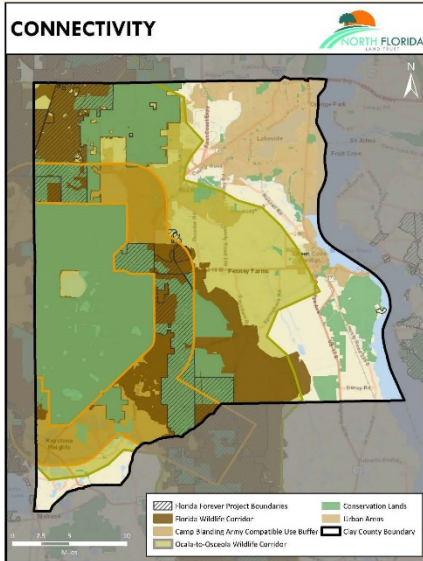
Conservation Values: Drinking Water



This map displays the locations of Public Water Supply wells that provide service to at least 15 service connections or 25 residents. They are wells that service communities, churches, public buildings, etc.

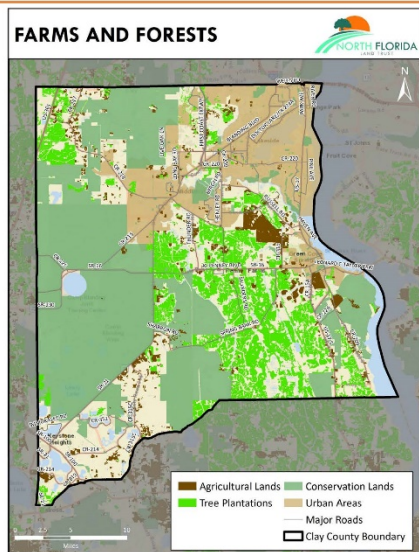
The aquifer recharge data layer shows areas of Clay County that allow for recharge to the Floridan and other aquifers, as determined by their proximity to karst features, depth to water and soil porosity and permeability. Areas in dark blue provide the highest potential recharge to springs, sinks, aquifers and our water supply.





Connectivity provides corridors for plants, animals and people to move freely. This map displays the existing conservation lands in Clay County. It also shows the boundary of the Ocala to Osceola Wildlife Corridor and the Florida Wildlife Corridor.

Finally, it displays the three-mile Army Compatible Use Buffer (“ACUB”) that surrounds Camp Blanding Joint Training Center. Areas where these existing corridors and conservation areas overlap represent the highest priority for conservation, as they will allow for the most connectivity between landscapes.



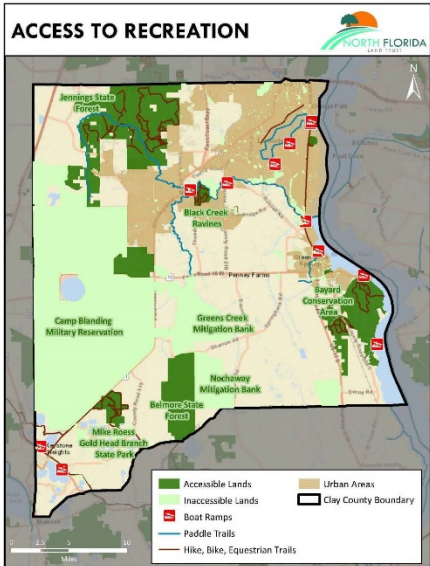
Owners of working landscapes – farms, orchards, ranches, forests – make a living from the land, working hard to protect its natural and productive values.

This map identified agriculture lands in Clay County as determined by the Florida Department of Agriculture and Consumer Services. The tree plantations data layer is determined by Florida Fish and Wildlife Conservation Commission’s Florida Cooperative Land Cover dataset.





Conservation Values: Access to Recreation

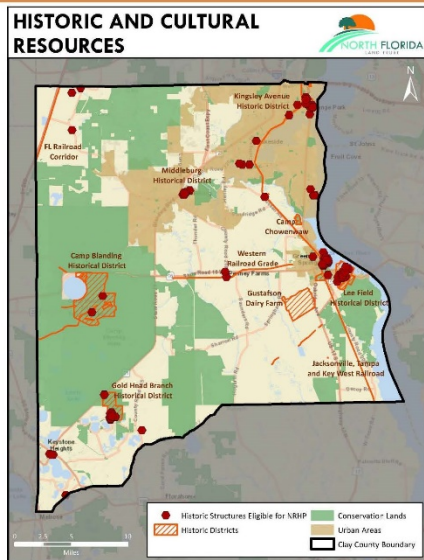


Living in areas with access to public parks, community recreation and trails are an excellent way to encourage greater physical activity and overall better health in a community. Parks and recreation spaces enable residents in a community to experience nature, engage in exercise and enjoy leisure time in the natural environment.

This map displays the accessible and inaccessible conservation lands in Clay County. Accessible lands are publicly owned and available to the public for recreation. Inaccessible lands are not open to the public. These include Camp Blanding Joint Training Center, mitigation banks, and conservation easement properties. This map also displays the location of boat ramps and existing recreational trails in Clay County, including hiking, biking, equestrian and paddle trails.



Conservation Values: Historic and Cultural Resources

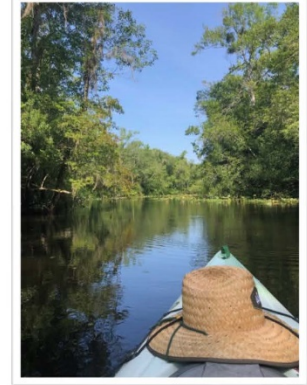


A county's historic cultural and resources are evidence of past human activity. These include sites, districts, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture. This map displays the historic districts in Clay County as recorded in the Florida Master Site File.

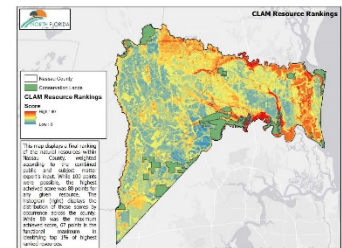
These include historic railroad corridors, churches, homesites, military areas and agricultural lands. The historic structures data layer displays structures, including homesites, churches, military buildings, hotels, religious temples, schools etc., that are eligible to be, but not yet listed, on the National Register of Historic Places.



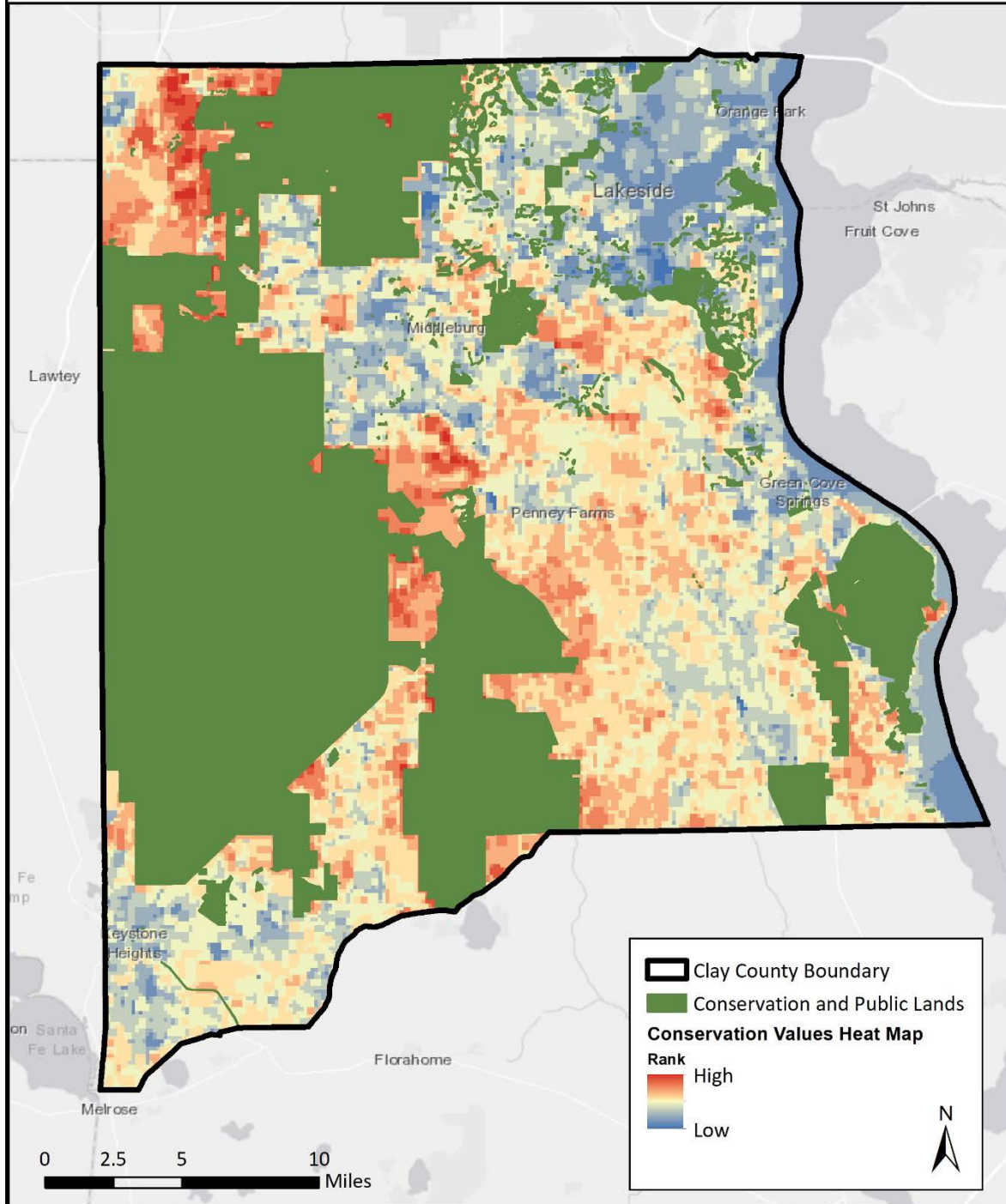
What are the conservation values of the Clay County BoCC?




- Public Workshops
- Clay County Land Conservation Program Blueprint
- **OUTCOME:** The Blueprint will assist the Clay County BoCC develop land conservation policies, evaluate appropriate projects, and implement a successful land conservation program



CONSERVATION VALUES HEAT MAP



APPENDIX E: NOMINATION FORM

 <div style="display: inline-block; vertical-align: middle;"> <h2 style="margin: 0;">Clay County</h2> <h3 style="margin: 0;">Land Conservation Program</h3> <p style="margin: 0;">Land Acquisition Project Nomination Form</p> </div>		
1 Applicant Information		
Applicant Name: _____		
Street Address: _____		
City: _____	State: FL Zip: _____	
Phone: _____	Fax: _____ Email: _____	
Applicant Signature: _____ Date: ____/____/____		
2 Property Owner Verification	3 Access Authorization	
Does the Applicant have any property ownership interest in the project? (Please check one)	By signing below, I as the property owner, authorize County staff to access said property at reasonable hours and upon reasonable notice for the purpose of conducting such review as may be necessary to determine eligibility of the property. (Valid only if property owner signs)	
No <input type="checkbox"/> Skip to #4	Yes <input type="checkbox"/> Please sign and date #3	
Owner Signature: _____ Date: ____/____/____		
4 Property Owner Information	5 Owner's Authorized Agent (if applicable)	
Owner Name: _____	Agent's name: _____	
Street Address: _____	Street Address: _____	
City: _____ State: _____ Zip: _____	City: _____ State: _____ Zip: _____	
Phone: _____ Fax: _____	Phone: _____ Fax: _____	
Email: _____	Email: _____	
6 Project Information		
General Location (address, intersection, etc.): _____		
Check box if this is this a Conservation Easement or Purchase of Development Rights Projects. <input type="checkbox"/>		
Tax Parcel Acreage (if known): _____	Proposed Project Acreage (if known): _____	
Tax Parcel Number (if known): _____	Please check here if this is a multiparcel project (A map outlining the project area or a list of the additional parcel numbers would assist staff's evaluation of the project) <input type="checkbox"/>	
Section/Township/Range (if known): _____		
Future Land Use Map Designation (if known): _____	Zoning Designation (if known): _____	
7 Project Description <i>Describe the property's significance and why it should be protected.</i>		
Please Do Not Write Below This Line. Staff Use Only		
Time/Date Stamp	<p>Please Return This Form to:</p> <p>CLAY COUNTY BOARD OF COUNTY COMMISSIONERS P.O. Box 1366, Green Cove Springs, FL 32043 phone: (904) 269-6352. Teresa.Capo@claycountygov.com</p>	Application Number
Received by: _____	<p>Questions? <i>Contact the Commission staff at the address above or by our email</i></p>	
Thank you!		
v. 7/31/2023		

Additional Information (Optional)

In addition to this form, up to 10 pages of text, maps, etc. may be attached for consideration. Providing supplemental information is optional, but may assist Staff with the evaluation of the property.

Examples:

- ★ A location map with the property outlined and any other important features (i.e. access points, roads, water bodies, landmarks, etc.)
- ★ A topographic quadrangle map (U.S.G.S. with boundaries of property sketched in)
- ★ Photographs or video representing the characteristics of the property
- ★ Estimate of the market value (This can be documented with a property appraisal, if available, or asking price).
- ★ Documentation of owner(s) willingness to sell
- ★ Description and analysis of environmental resources and features