

ENVIRONMENTAL SCIENCE

FORUM

TO: Stephen M. Spratt, County Administrator

FROM: Darden Rice, ESF Policy Co-Chair
Holly Greening, ESF Science Co-Chair

CC: Elizabeth Warren, Assistant County Administrator
William Davis, Director, Dept. of Environmental Mgmt.

DATE: May 22, 2007

Pinellas County Environmental Science Forum
Summary of Findings and Recommendations
PARKS AND ENVIRONMENTAL LANDS ORDINANCE
May 3, 2007

The ESF forum discussed the proposed ordinance 2-147 in Article V of Chapter 2, which will be referred to as the Parks and Environmental Lands Ordinance. The ordinance proposes restrictions on the sale of county-owned parks and environmental lands by requiring a referendum approval to authorize the conveyance or sale of development rights from County-owned lands.

Most of the ESF discussion centered on questions and concerns about Section 2-147 (b), which specifically lists four exceptions in which a referendum approval would not be required. There are also some concerns about Section 2-147(c), which are listed below.

ESF Findings and Recommendations:

The concerns about 2-147 (b) and (c) are as follows, listed numerically by the sections in the ordinance.

Original text of proposed ordinance in italics:

2-147 (b)(1) the sale, transfer, conveyance or dedication of any interest in properties of critical concern for rights-of-way or related infrastructure;

ESF response: Forum members expressed questions about the exact meaning of “related infrastructure.” Pinellas County General Council Jewel Cole listed examples of “related infrastructure” as retention ponds, sewer lines, and reclaimed water lines and structures. Forum members wanted to clarify that this phrase does not leave a loophole for undesired or intrusive types of development. Members also wanted to clarify that the transportation rights-of-way issues be restricted to minor transportation issues only.

2-147 (b)(2) the transfer of development rights when it is deemed in the best interest of the public, as determined by the board of county commissioners;

ESF response: Forum members expressed concerns about how this could encourage more development adjacent to “critical properties.” Forum members were strong in the opinion that the TDR (transfer of development rights) money should be used for conservation purposes and used for acquiring environmental lands. Assistant County Administrator Liz Warren suggested that money from TDRs can be put into a trust dedicated for environmental purposes.

2-147 (b)(3) the sale, transfer, conveyance or dedication of any interest in properties of critical concern to another governmental unit for a public purpose, as provided in Section 125.38, Florida Statutes, if the public purpose is consistent with the natural resources and recreation of open space components of the Pinellas County Comprehensive Plan, and the approved management plan for the respective property of critical concern;

ESF response: Forum members expressed strong opinion that the above language needs to be strengthened so that trading properties of critical concern be “parks for parks, environmental lands for environmental lands.” Furthermore, members do not want this caveat be used to trade properties of critical concern for non-environmental purposes. Members also recommended that specific language be included to address lease arrangements, in which a “fair market value lease” is required and that such a lease is consistent with environmental values., ie, not leasing environmental lands cheaply for non-environmental purposes.

2-147(b)(4) the exchange of properties of critical concern for reasonably equivalent parks or environmental lands when it is deemed in the best interests of the public, as determined by the board of county commissioners.

ESF response: The ESF forum again recommends language that strengthens what the exchange of properties should entail: “parks for parks, environmental lands for environmental lands.”

2-147(c) This code section may be repealed only by a supermajority vote of the board of county commissioners.

ESF discussion included the possibility of changing “supermajority” to “unanimous.” There was a subsequent discussion concerning the purpose of holding a citizen referendum if a mechanism is in place in which the results can then be amended or repealed by a BOCC vote (thereby undermining the purpose of holding a referendum to place these decisions directly in voters’ hands). Thus, the final ESF suggestion was put forth that a code section may only be repealed or amended by a referendum, not a BOCC determination.

ESF Votes:

The ESF voted unanimously (10-0) that the forum held sufficient information to review and make recommendations on the Parks and Environmental Ordinance.

ESF voted (10-0) that scientific findings of pros and cons were not applicable to this largely policy discussion.

The ESF voted unanimously (10-0) that the County should adopt the ordinance proposal, but only with recommendations and suggested amendments developed by the ESF as reported above, and pending final review by the Forum. Please take note of the emphasis that the Forum's support of the ordinance is conditional upon taking into consideration the suggestions respectfully submitted.