

Turnbull Creek Land Preservation Committee

Monday, March 29, 2021 at 3:00 PM

All five members were present. The minutes of the last meeting, October 6th, 2020, were unanimously approved.

Former Chair, Katie Tripp, has resigned. Vice Chair Donna Athearn led the meeting. The Commission appointed Robert John Werner to take Katie Tripp's place. The Committee thanked Katie Tripp for her service and expertise. Donna Athearn was unanimously selected as Chair and Chip Weston as Vice Chair to serve until February 2022.

Brian Fields, Assistant City Manager and North Florida Land Trust's Rebecca Perry updated the committee on the status of the various Turnbull Creek-related initiatives.

The 10.08-acre Sea Star property on SR 44 was successfully purchased by the City at below appraised value for \$1.2 M. This leaves approximately \$8.9 M remaining from the bond for other environmental land purchases. (The City received the \$3.576 M from the Turnbull Trace grant.)

The Sea Star property consists of three parcels and is currently undeveloped and located on the south side of SR 44 east of Walker Drive. The site contains a total of five wetland areas, two upland cut ditches, and portions of Turnbull Creek. The uplands are characterized by a mixture of hardwoods and slash pine, while the wetlands are characterized as mixed wetland hardwood systems. Out of the 10.08 total acres, approximately 2.6 acres are wetlands, based on the St. Johns River Water Management District's approved wetland determination. The property has a thick tree canopy which includes a number of specimen and historic trees.

Because of its location along SR 44, a portion of the property has the potential to become a welcome area/passive park that can showcase the ancient history, the Turnbull History, the Sugar Mill history, the Creek and canal system, the flora and fauna, and the protection of the natural environment. Significant discussion ensued regarding putting forward the funds to clean up this portion of the creek at SR 44 because it is choked by Brazilian pepper and debris.

Staff is researching ownership of all associated drainage easements as it will be imperative to open the entire length of the Creek to better water flow. Having clear understanding of who is responsible for maintaining drainage easements and estimation of annual costs is of critical importance to improving the quality of the Creek and its wetlands.

A protracted discussion took place regarding all of the top ranked properties south of SR 44 on Turnbull Creek. Staff and the Land Trust has reached out to the property owners. The owners either did not respond, wanted to sell for way beyond appraised value or did not want to sell. Staff was encouraged to continue the discussions and various alternatives were considered beyond a fee simple purchase.

NSB City legal staff's review of the bond language concluded that bond funds had to be used for land purchases and not for purchasing conservation or environmental easements. The committee asked staff to reaffirm these rulings. Staff was also asked to seek funding for maintenance for the Creek since bond funds cannot be used for maintenance.

Property #101 is now an RV park. It is prime property on the creek but the owner does not want to sell at this time. The committee discussed other ways the City could acquire the property such as: purchase option; first right of refusal; buy and lease back; or purchase the wetlands by subdividing the property.

Another option would be to purchase the easement area but allow the property owners' access and use. (A purchase and leaseback was discussed for property #107 north of the RV park that now has a large pond. This would protect the property but allow the current owners to continue to use it for a set period.)

Staff will ask the Commission to consider the expenditure of bond funds for purchase of environmental easements for Creek properties that will remain in private ownership. The committee also discussed if the bond funds could be used to purchase 50' of wetlands along the Creek. In this case, properties would be subdivided, and owners would be given access to the creek. Maintenance easements and access would be negotiated.

Properties 95-97 are also highly ranked, but the owner wants an unrealistic amount for purchase. This is a challenging time for aggregating more of the Creek because of rising property values and because some owners do not understand what can be developed within current zoning.

The committee discussed changing flood zones due to sea level, water pressure, flooding and other water-related issues and asked staff to get a legal opinion on how zoning can legally be changed if current zoning is no longer accurate because of expanded wetlands, flooding and other climate-related effects that reduce the area that can be developed or the viability or cost of development. If property zoned R4 could permit 20 multifamily residences in 2010, but because of flooding and expanded wetlands can now only permit 5, how can the zoning be changed legally without constituting a taking? Ms. Perry discussed the FEMA buyout initiative that removes homes from flood zones and turns the property into open space. If the City legally can downgrade zoning and if Federal and State funds become available in the near future for these types of initiatives, staff was encouraged to create a ranked list of properties to purchase and convert back to natural habitat. (This would also need to include other infrastructure improvements such as raising the height of roadways and bridges, storm water improvements, adding retention areas, backflow valves, etc.)

A discussion carried forward regarding the Corbin Park storm water master plan initiative and staff was asked if that program could be used in tandem with Turnbull Creek to enhance water flow and quality. Several Corbin Park properties regularly flood now so zoning may no longer be accurate. Flood insurance, property insurance and financing may become too expensive or no longer available thus diminishing the likelihood of development.

Staff suggested two ways to legally protect the bond purchased properties. One is through deed restrictions controlled by the City and the other would be through a third-party enforcement that could force lands that were not kept in their natural state to revert to a land trust.

Staff is now researching the potential purchase of properties 95, 96 and 108 that are south of the Sea Star property. Staff also met with owners of properties north of the Sea Star property but they generally wanted far more than appraised values.

The Committee asked for a workshop with the Commission on an extensive list of questions and opportunities for the next phase of the Turnbull Creek Bond initiative.

The Hidden Lakes PUD was discussed. Staff said that the development has higher standards for wetlands protection and storm water mitigation. That development may have been something that could have been purchased but the PUD had been in place for years.

The City is finishing a flood plain study that should be finalized in about 90 days. This will be especially important for the Turnbull Creek initiative as it will better delineate the value of protecting certain properties along and adjacent to the Creek. Staff pointed out a plethora of tributaries on a map showing the extensive influence of the creek. The committee discussed the viability of purchasing highly important environmental lands to the north near Pioneer Trail that would offer canoe and kayaking opportunities but there was concern that this may have not meet the criteria of the bond language related to stopping development. They also asked staff to research properties that were further away from the Creek but influence the Creek that were likely to be developed. The Commission will be asked their opinion of looking further away from the main part of the Creek than the initial research. Drainage is a major issue and even though a property could be many feet from the Creek, it could have a major effect on water quality.

Finally, Staff was asked to develop a Turnbull Creek management plan and funding for that plan. The North Florida Land Trust has expertise in this area.