

# CHATHAM COUNTY RESOURCE PROTECTION ORDINANCE

## AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF CHATHAM COUNTY, CHAPTER III, LAND USES, TO PROVIDE FOR A PROCEDURE TO ACQUIRE AND PROTECT NATURAL RESOURCE AREAS; TO PROVIDE DEFINITIONS; TO PROVIDE FOR APPOINTMENT OF A RESOURCES PROTECTION COMMISSION; TO DESIGNATE A RESOURCE PROTECTION FUND; TO PROVIDE FOR RELATED MATTERS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

### ARTICLE IV

#### Resource Protection Ordinance

##### SECTION 4-401 Purpose

The Board of Commissioners of Chatham County hereby finds and determines that the natural, historic, cultural and aesthetic heritage of Chatham County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, it is the purpose and intent of this Ordinance to establish a uniform procedure to provide for the protection in perpetuity for the use of areas with significant natural, historic, cultural or aesthetic interest or value and for the use of areas which protect current or future sources of potable water.

##### SECTION 4-402 Definitions

1. Acquisition – Means the purchase from a willing seller of fee or less than fee interests in real property, without the exercise of eminent domain. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, mineral rights, water rights and development rights. Nothing contained in this definition shall be construed to prevent the Resource Protection Commission and the property owner from jointly agreeing to seek judicial determination of property value.
2. The Chatham County Resource Protection Fund – Means a dedicated fund used to account for the proceeds of revenue sources which are legally restricted to expenditure, and may include, but are not limited to, funds appropriated or designated, private or other gifts, and interest earned upon any funds on deposit. Use of the fund is restricted to the purchase through fee simple or conservation strategies noted in Section II.A., payment for appraisals, surveys, engineering studies, environmental reports, and legal fees related to acquisition, and the maintenance or site improvement for passive recreation of properties listed on the Resource Protection Database for Chatham County and municipalities.
3. Site Ranking Criteria Policy – Means a policy that will guide the ranking of acquisition sites. The policy standards set shall address the following:
  - a. Incorporating or protecting significant wildlife habitat and corridors;
  - b. Preventing encroachment on flood plain, riparian and marsh wetland areas;

- c. Preserving significant historic and cultural resources;
  - d. Protecting adjacent public lands from the impacts of development;
  - e. Protecting current or future sources of potable water; or
  - f. Providing educational and passive recreational opportunities throughout Chatham County which are located on or directly related to qualifying protected properties.
4. Site Acquisition Policy – Means a policy establishing classification levels by grouping sites into a hierarchy for acquisition and management of real-estate within Chatham County for the Resource Protection Commission. The policy standards set shall address the following:
- a. The acquisition of sites in fee simple, options, rights of first refusal, conservation easements, leases, mineral rights, water rights and development rights;
  - b. Classification levels of the proposed sites based on Site Ranking Criteria Policy; and
  - c. The management of protected properties and easements held on purchased properties.
5. Passive Recreation – Means provision of recreation in the form of hiking, camping, fishing, running, jogging, biking, walking, birding, riding horses, observing or photographing nature, picnicking, playing non-organized sports, or engaging in free play; and connection of existing or planned areas contributing to the goals set out in this Ordinance.
6. Historic Property – *Property must meet the Historic Property definition outlined by the Chatham County Preservation Ordinance:* Means a structure, site or work of art, typically at least 50 years old, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to Chatham County, State of Georgia or region for one or more of the following reasons:
- a. It is an outstanding example of a structure representative of its era;
  - b. It is one of the few remaining examples of a past architectural style;
  - c. It is a place or structure associated with an event or person of historic or cultural significance to Chatham County, State of Georgia or the region; or
  - d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Chatham County, State of Georgia or the region.

SECTION 4-403 Resource Protection Commission

1. Creation and Composition. There is hereby created a commission whose title shall be “CHATHAM COUNTY RESOURCE PROTECTION COMMISSION” (hereinafter “RPC”) which shall consist of nine (9) members appointed by the Board of Commissioners of Chatham County. At least one member shall be appointed by the Board of Commissioners from each commissioner district and shall reside in that district throughout the term. All members must be residents of Chatham County and shall be persons who have demonstrated special interest in the preservation and restoration of historic and environmentally sensitive areas. Of those nine (9) the

RPC shall include at least five (5) representatives of professions directly related to environmental or historic preservation through land trusts, environmental conservation, education, planning and law.

2. Terms of Office. Members shall serve three (3) year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: three (3) members for one (1) year; three (3) members for two (2) years and three (3) members for three (3) years. Initial appointees shall be appointed. Initial appointees shall be made in accordance with the staggered terms and identified as such.
3. Serve without pay. Members shall not receive salary, although they may be reimbursed for expenses by prior authorization of the RPC.
4. Statement of the RPC's Powers. The RPC shall be authorized to:
  - a. Adopt necessary policies for Site Ranking Criteria and Site Acquisition for the evaluation and preparation of an inventory list of significant environmental, historic, cultural and aesthetic properties within Chatham County.
  - b. Prepare and maintain an inventory of all properties meeting the Site Ranking criteria. This collection shall include prior data findings of compilations conducted by Chatham County and its municipal Historic Preservation Commissions which have adopted resolutions in agreement with this Ordinance, and prior compilations by The Greenspace Protection Committee and the MPC Resource Protection Committee. This inventory shall be known as the Chatham County Resource Protection Database.
  - c. Establish and manage the Chatham County Resource Protection Fund and secure mechanisms to provide ongoing financial resources for the Fund.
  - d. Implement a standing Technical Advisory Committee (TAC) and any Ad Hoc Committees as the RPC may create. The TAC shall:
    - 1) Establish and carry out policies for Site Ranking Criteria and Site Acquisition.
    - 2) Review site applications and initial ranking performed by the Commission staff in partnership with area land trust organizations, following policies established by the RPC.
    - 3) Recommend properties for acquisition and restoration to the RPC for the distribution of funding allocated in the Chatham County Resource Protection Fund.
    - 4) Review and recommend the approval of the Annual Report completed by RPC staff.
    - 5) Make recommendations to established County and Municipal Historic Preservation Commissions regarding the eligibility of historic properties to the Chatham County or Municipal Register of Historic Places.
    - 6) Elect a Vice-Chair.
    - 7) Meet bimonthly, or as deemed appropriate by the TAC. Meetings shall be held on a regular schedule and open to the public.
    - 8) Consist of at least thirty-two (32) members selected by the RPC from sectors of the community listed below:
      - a) Four (4) representatives appointed from the Savannah Board of Realtors.
      - b) Four (4) representatives appointed from the Greater Savannah Home Builders Association.
      - c) Eight (8) representatives from natural and historic based non-profits and state/federal agencies in Chatham County.
      - d) Nine (9) civic/government representatives – one representative from each municipality and unincorporated Chatham County.
      - e) Representatives from Chatham County and Municipal Neighborhood Associations.

- f) Citizens at Large – Any citizen of Chatham County interested in the preservation of natural or historic resources may attend the Commission’s TAC meetings. Voter privileges will be granted after attending six (6) consecutive meetings within one year, and demonstrating a sincere interest in the policies of the TAC.
  - e. Utilize the Chatham County Resource Protection Fund for recommending the acquisition of significant properties recommended by the TAC by referencing methods described in Section II.A.
  - f. Work to pursue acquisition through other means such as, but not limited to donation through conservation easements and grants. The RPC holds the authority to apply for external funding sources when funds shall be allocated to the purposes defined by the Chatham County Resource Protection Fund.
- 5. Rules of Procedure: The RPC shall adopt rules and standards for the transaction of its business and for performing duties for recommending the acquisition and management of areas meeting defined criteria. Such rules shall include bylaws and provisions for removal of members. Policy standards shall include the Site Ranking Criteria and Site Acquisition standards noted in definitions of SECTION II.B-C. The RPC shall assist municipalities in the creation and adoption of a resolution that will allow full municipal participation in the outlined structure of Section III.D.4, the Technical Advisory Committee and Section III.D.2, the Chatham County Resource Protection Database. These rules and standards must also include approval of the municipality’s governing board or council or jurisdiction in which a property resides before being acquired or rehabilitated under protection measures mentioned herein.
- 6. Conflict of Interest: The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the Chatham County Code of Ethics.
- 7. Records of Commission Meetings: A public record shall be kept of the RPC’s resolutions, proceedings and actions.
- 8. Resource Protection Professional: The Executive Director of the Chatham County – Savannah Metropolitan Planning Commission, or his/her designee, shall be the Resource Protection Professional. The Professional and staff shall provide support services to the RPC.

SECTION 4-404 Recommendations for the Acquisition of Properties.

- 1. Preliminary Research by RPC.
  - a. RPC mandate to conduct a formal survey of resources. The RPC shall compile and collect information on natural, historic, cultural and aesthetic resources within Chatham County. This collection shall include, but not be limited to, data findings of compilations conducted by Chatham County and all Municipal Historic Preservation Commissions, and prior compilations by The Greenspace Protection Committee and The MPC Resource Protection Committee. This list shall serve as the Resource Protection Database for Chatham County, and shall serve as the guide for purchase and protection of properties. It shall be continually modified and updated as requested by the RPC.
  - b. RPC’s power to acquire properties utilizing the Chatham County Resource Protection Fund. Upon receiving recommendations from the TAC, the PRC shall elect properties for acquisition on a quarterly basis, unless otherwise determined by the RPC. The

properties elected for acquisition shall be held to all standards and management plans adopted in the Site Acquisition Policy.

- c. RPC's documentation of proposed acquisition. Prior to the RPC's conducting consideration of an acquisition, the RPC shall prepare a Report for Nomination consisting of:
    - 1) Site Ranking Criteria Policy evaluation scores;
    - 2) Site Acquisition Policy classification; and
    - 3) Supplemental information to include representative photographs, willing land owner signatures and a map depicting location of proposed acquisition. A property owner who writes the RPC to oppose consideration of acquisition of his/her/its property shall have the property removed from any nomination. For property with multiple ownership, property ownership shall mean majority interest or managing partner for purposes of written communication.
  - d. Municipal or jurisdiction approval. Any property proposed for acquisition by the RPC must have approval of the municipality's governing authority where said property is situated before acquisition can occur. For property in unincorporated Chatham County, the Board of Commissioners shall provide approval.
2. Annual Report of Acquired Properties. The RPC shall review and approve an annual report compiled and submitted by the RPC support staff and TAC for ultimate submission to each municipality and the Chatham County Board of Commissioners. This report shall include purchased properties, purchased development rights, and conservation easements on identified areas for protection and funding/expense data.

#### SECTION 4-405 Management of the Chatham County Resource Protection Fund.

1. Ongoing Funding Mechanism. The RPC and acting RPC Professional shall assist in ensuring continual funding of The Chatham County Resource Protection Fund through the application to available funding sources, including but not limited to, grants.
2. Fiscal Responsibility of the Chatham County Resource Protection Fund. The RPC shall be charged with fiscal responsibility for public funds available in the Chatham County Resource Protection Fund. Uses shall include seeking matching funds through grant funding possibilities, conservation donations and other such measures.

#### SECTION 4-406 Liberality of Construction, Enforcement, and Penalty for Violation.

1. Liberality of Construction. This Ordinance shall be liberally construed in favor of the governing body of Chatham County and deemed neither to limit nor repeal any other powers granted under State statutes.
2. Penalties for Violation. Violations of any provisions of this Ordinance shall be punished in the same manner as provisions for punishment of violations of validly-enacted ordinances of Chatham County.

3. Severability. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.
4. Repealed. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.