

## COUNCIL AGENDA STATEMENT



Meeting Date: January 10, 2023  
To: Honorable Mayor and Council Members  
From: Brian Shea, Planning Director  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-05** Adopting A Fee Schedule For The Donation Of Moneys Either For The Land Acquisition Or For Affordable Housing As Provided In Section 107.09 1. And 2. "Lot Dedication Or Cash In-Lieu Of Dedication," As Part Of The BPAS Scoring System; Providing For An Effective Date

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### BACKGROUND & JUSTIFICATION:

The City of Marathon is located within the Florida Keys, a designated Area of Critical State Concern. The City Council of Marathon is elected to represent the best interests of City residents. The Comprehensive Plan for the City of Marathon requires that the City acquire, protect, conserve, and restore properties within its jurisdiction for the purposes of habitat conservation. The City has purchased or otherwise acquired a substantial number of parcels for the purposes of habitat conservation amongst other public purposes. Particularly, the City of Marathon owns over one hundred and eighty parcels and manages an additional 225 parcels strictly for the purpose conservation and habitat protection.

The City has previously identified four hundred and thirty-two (432) parcels, in no priority, that represent the most important pieces of property for conservation and habitat protection remaining in private ownership within the City of Marathon. There are multiple reasons for selecting the 432 parcels identified, including critical habitat protection, limited potential for development under the City's Land Development Regulations, some limited opportunity for recreational use, infill to other conservation and land management efforts, and minimization of potential takings cases.

The 432 parcels suggested for purchase sum to a total of approximately 1,398 acres with a range in size from approximately one tenth of an acre to as large as 198 acres, and with the average parcel size being 3.23 acres. These parcels contain the following habitats listed from greatest acreage to least acreage:

Mangroves	815.23 acres
Water	376.68 acres
Hammock	78.75 acres
Buttonwood	54.21 acres
Saltmarsh	14.48 acres
Other	58.65 acres

The total taxable value of the parcels suggested for purchase based on January 2016 Monroe County Property Appraiser values, is approximately \$7,248,374 with a minimum value of \$10, a maximum taxable value of \$361,814, and an average taxable value of \$16,778.

Three hundred forty-nine (349) of the parcels suggested for purchase are on the current Florida

Forever purchase list, and thus would be typically prioritized for purchase by the State and Monroe County Land Authority. Eighty-three (83) parcels not on the Florida Forever list are considered by the City to have conservation value similar in priority to the those on the Florida Forever list, thus due consideration should still be given for these purchases as well based on the City's willingness to manage them.

Since the Adoption of the 2016 resolutions, the Monroe County Land Authority has been actively purchasing properties based upon the previous staff report and information. In addition to this with BPAS becoming more competitive applicants have also been purchasing lots to dedicate to the City of Marathon. The Comprehensive Plan established that the scoring criteria be established for the donation of cash for conservation land. The LDRs are more specific and require that the fee shall not be less than the average of the appraised value of an acre of Conservation (C) land in the City.

Based upon scarcity of allocations, and the efforts of local agencies to purchase conservation land, this average value has increased exponentially. This point value was recently adjusted in 2022 to account for the changes in average value, however, within the last year the actual appraised value of an acre of land has increased to approximately \$114,950. With that being the value of 2 points, the value of 5 points would be increased to \$287,375.

Point Assignment:	Criteria:
2	Donation of a cash fee to the City of Marathon, for the purposes of land acquisition. The required fee shall not be less than the average of the appraised value of an acre of Conservation (C) land in the City.
2	An application which includes the dedication to City of one (1) vacant, legally platted buildable lot, or at least one (1) acre of unplatted buildable land, located within a conservation area or areas proposed for acquisition by governmental agencies for the purposes of conservation and resource protection.*
5	Donation of a cash fee to the City of Marathon, for the purposes of affordable housing. The required fee shall be established by the Council.

\*An applicant may dedicate up to two (2) lots to obtain the maximum allowable points under the Minor Category.

As already set as precedent, an offshore island that is seven acres could be donated for fourteen points in BPAS.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>  X  </u>	<u>    </u>
2. Other –Sewer Mandate	<u>    </u>	<u>    </u>

FISCAL NOTE:

None

APPROVED BY FINANCE DIRECTOR:

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RECOMMENDATION:

Approval of Resolution 2023-05

And/Or

Direct staff to enter into an ILA with MCLA for further appraisal and acquisition purposes.

And/Or

Direct staff to pursue an LDR amendment to match consistency with the other 2-point BPAS donation criteria.

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2023-05**

**ADOPTING A FEE SCHEDULE FOR THE DONATION OF MONEYS EITHER FOR THE LAND ACQUISITION OR FOR AFFORDABLE HOUSING AS PROVIDED IN SECTION 107.09 1. AND 2. "LOT DEDICATION OR CASH IN-LIEU OF DEDICATION," AS PART OF THE BPAS SCORING SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 107 of the Land Development Regulations ("LDRs") of the City of Marathon, Florida, (the "City") provide that applicants for allocations in the Building Permit Allocation System ("BPAS") may dedicate a buildable lot or provide cash-in-lieu of dedication in order to receive points which would enhance the applicant's numerical score; and

**WHEREAS**, the City Council may establish the cash-in-lieu of dedication fee for the purposes of land acquisition. And the required fee shall not be less than the average of the appraised value of an acre of Conservation (C) land in the City; and

**WHEREAS**, the City Council wishes to establish the cash-in-lieu of dedication fees in order to provide consistency and clarity in the BPAS application process.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The above recitals are true, correct, and incorporated herein.

**Section 2.** The cash-in-lieu of dedication fee to the City for the purposes of land acquisition, which entitles the applicant to receive a 2-point assignment in the Minor Category of BPAS, is hereby established at: [REDACTED].

**Section 3.** The cash-in-lieu of dedication fee to the City for the purposes of affordable housing, which entitles the applicant to receive a 5-point assignment in the Moderate Category of BPAS, is hereby established at: [REDACTED].

**Section 4.** The amended fees will/will not apply to applications already deemed BPAS ready.

**Section 5. Effective Date.** This Resolution shall become effective January 13<sup>th</sup> after 5 P.M..

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10<sup>TH</sup> DAY OF JANUARY 2023.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

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Steven T. Williams, City Attorney