

Nicole Knapp

From: Sarah Schenk
Sent: Friday, September 18, 2020 5:56 PM
To: Nicole Knapp; Renee Isrel
Cc: William Clague; Jacob Saur; Steve Litschauer; Lisa Barrett; Bobbi Roy
Subject: Draft Coastal Mapping Admin. Procedures Manual (Matter No. 2020-0385)

Nicole & Renee,

The above referenced Request for Legal Services requested legal review of the Draft Administrative Procedures Manual pertaining to Coastal Mapping Procedures. These mapping matters pertain to the Coastal High Hazard Area (CHHA), Coastal Evacuation Area (CEA) and Coastal Planning Area (CPA), collectively defined in the LDC as the "Coastal Area".

The preliminary comments of the CAO as to the Text of the Administrative Procedures are as follows:

1. Page 3, Introduction, write out name of Elements of Comprehensive Plan and name of chapters of LDC.
2. Page 3, Conflicts, delete text. This section can be revised to correctly state: "In the event of a conflict between the regulations in this Manual and the provisions in the Comprehensive Plan, in all instances the Comprehensive Plan shall supersede these regulations."
3. Page 2 Definitions, delete text referring to the Florida Statute in first paragraph.
4. Page 5 delete the term "legally" in first line.
5. Page 5, last paragraph: "Section 403.8, LDC...."
6. Page 10, 3. Manatee County, A. change the term "~~quasi-judicial~~ public hearings" to "legislative public hearings" for Comprehensive Plan Map Amendments."
7. Page 13, delete the Application for Interpretation and Appeal process from the Manual. These procedures are already addressed in the LDC and are in the process of being amended by pending amendments to the LDC. See Ordinance No. 20-34 scheduled for second public hearing on October 1, 2020. Application Fees are already addressed in the Fee Resolution adopted by the Board, thus Application Fees provision should also be deleted.

The preliminary comments as to the form of the proposed resolution are as follows:

8. Delete 7th Whereas, as the Planning Commission does not hold a public hearing on the proposed Manual.

There were no specific legal issues raised in this Request for Legal Services. Therefore the CAO has limited legal review to identifying any errors or omissions that could give rise to a legal claim or case against the County. Except for matters that fall into the previous category, the CAO has not reviewed the Draft Manual submitted with this RLS for thoroughness, accuracy, or typographical errors, or commented upon the policy merits of the staff recommendation.

Conclusion:

This concludes the response of the CAO to this RLS.

Sarah A. Schenk
Assistant County Attorney

Manatee County Attorney's Office
1112 Manatee Ave. W., Ste.969
Bradenton, FL 34206
941-745-3750