

**Highlands County
2009 EAR – Comprehensive Plan Amendments
Natural Resources Element
Overview**

Major Amendments

Throughout	References to a specified planning horizon have been amended to reflect the on-going nature of the Goal, Objective, or Policy
Policy 2.4	Adds minimum standards for Mining Operation Plans
Policy 3.2	Adds to list of identified sensitive habitats and Conservation Overlay Map
Policy 3.3	Adds language to allow for consideration of information from recognized resources that may not be included on the Conservation Overlay Map Adds language which eliminates size thresholds (acres / # of lots) for Environmental Clearance Report
Policy 3.5	Adds language to require the recognition / consideration of habitats during the location, design, and construction of infrastructure
Policy 3.11 & 3.22	Clarifies that roadways are subject to this policy (habitat connectivity) / identifies additional environmental areas to consider / requires consideration of the effect of development on wild life / requires minimization of impacts to the environment
Policy 3.15	Creates option to develop large scale mitigation bank
Policy 3.16	Requires use of Planned Development zoning when environmentally sensitive lands are present on the development site
Policy 3.21	Adds language to encourage the protection of environmentally sensitive lands on agricultural properties
Policy 4.1	Recognizes the Kissimmee River Restoration Project and the use of urban best management practices (BMPs)
Objective 10	Recognizes the future update of the Flood Insurance Rate Maps (FIRM) and requires the county to pro-actively communicate with citizens vulnerable to flooding

Minor Amendments

Throughout	Numbering system made consistent / Syntax improved / Formatting updated / Organization of text improved / Some language explaining process removed
Policy 1.7	Reference to the Florida Division of Historic Resources Master Site File added
Policy 3.1	Moves list of reference material to the Technical Support Document
Policy 3.3	Clarifies that a development agreement must be consistent with state and / or federal approvals Clarifies how and who determines bona fide agricultural operation Establishes time frame of 5 years for which a clearance report is considered valid
Policy 3.4	Establishes deadline of 2011 to amend fee schedule
Policy 3.5	Adds language to require the County to pro-actively communicate with property owners adjacent to environmental lands regarding prescribed burning
Policy 3.9	Lists coordinating agencies for Best Management Practices in agriculture
Policy 3.14	Adds language recognizing the public benefit of prescribed burns as a land management tool for environmentally sensitive lands
Policy 3.17	Establishes that the Natural Resource Advisory Commission (NRAC) be created by a Board of County Commissioner Resolution
Policy 3.19	Amends language to recognize that the purchase of environmentally sensitive lands will be an on-going effort – lasting throughout the planning period
Policy 6.5	Encourages the use of BMPs to reduce nitrogen levels in agricultural operations
Policy 6.15	Recognizes the efforts of the state DEP to improve water quality of lakes throughout the County

- Policy 7.2 & 7.4 Strengthens water conservation efforts – use of xeriscape (Florida Friendly Plants)
- Policy 8.5 Adds language to seek assistance from the Water Management District regarding monitoring for water quality
- Policy 10.7 Clarifies that water resource projects are also considered under this policy

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NATURAL RESOURCES ELEMENT

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GOAL **PROVIDE FOR THE MANAGEMENT, ENHANCEMENT AND PROTECTION OF THE NATURAL AND CULTURAL RESOURCES OF HIGHLANDS COUNTY WITHIN THE 1998-2010 PLANNING PERIOD**

Objective 1 **Preserve and Protect Cultural Resources**

Prevent Loss Of The County's Cultural (Historic And Prehistoric) Resources.

Policy 1.1 **Park Sites to Protect Cultural Resource**

Locate future public parks, where possible, to include known cultural resource sites.

Policy 1.2 **LDRs for Protecting Cultural Resources**

~~Within the Planning Period, the~~ The County will continue to administer resource protection criteria in its land development regulations which serve to identify and protect historic and prehistoric (cultural) resources. The regulations shall contain, at a minimum, the following provisions:

1. Requirements for surveys of sites which are identified by County staff to contain cultural resources per reference to the Conservation Overlay Map series for new development and new agricultural use sites.
2. Requirements for a site plan review process for all sites with identified cultural resources.
3. As part of permit conditions, requirements that all necessary federal, state, regional, and related County permits are issued prior to commencement of new development or clearing activity on the site.
4. Incentives for preservation of cultural resources, such as clustering and density bonuses, to be accomplished through the site plan review process.
5. The County shall require an Archaeological Reconnaissance Survey (ARS) for protection of archaeological resources or a Historic Significance Report (HSR) for protection of historic resources, as applicable.

Policy 1.3

Map Cultural Resources on Conservation Overlay

The County will continue to utilize, as part of the Future Land Use Map series, a Conservation Overlay Map which shall generally map cultural resources, and which shall serve to assist in the interpretation and application of resource protection criteria as specified in policies throughout this element. The Map shall be updated as new information becomes available.

Policy 1.4

Acquisition as a Protection Measure

In the event a significant cultural resource site cannot be adequately protected and given public access through incentives within the land development regulations or other means, the County will consider purchasing (including fee purchase, easements, donations, and other less than fee mechanisms) the site.

Policy 1.5

Register Cultural Resources

As cultural resources are identified throughout Highlands County, the County will continue to use a system to contact the property owner of the resource site and request him/her to register the site with the Secretary of State. The County will assist the owner with the registry process.

**Policy 1.6 Historic Preservation Commission to Review Archaeological
Reconnaissance Survey and Historic Significance Survey Report**

Prior to issuing a local development order for affected projects, the County shall present either the Archaeological Reconnaissance Survey (ARS) for protection of archaeological resources or a Historic Significance Report (HSR) for protection of historic resources, as applicable to the Historic Preservation Commission, in accordance with Natural Resources Policy 1.2.

**Policy 1.7 Review Process for an Archaeological Reconnaissance Survey and
Historic Significance Survey Report**

Whenever a particular site is in an area where historical and archaeological resources are mapped on the Archaeological Sensitive Areas Map, or contained in the Florida Division of Historic Resources Master Site File, or are known to occur. The ~~the~~ applicant shall be required to submit an Archaeological Reconnaissance Survey (ARS) or Historic Significance Report (HSR), as applicable, to the Planning Department for review by the Highlands County Historical Preservation Commission. Findings and recommendations from the ARS or the HSR shall be and incorporation incorporated in the County Land Clearing Permit, Building Permit or other Final Development Order. ~~as otherwise described in paragraphs F and G of NRE Policy 3.3, substituting the Highlands County Historical Preservation Commission for the Highlands County Natural Resources Advisory Committee and/or the Natural Resources Conservation Service.~~
(see also NR 3.3)

Comment: Provides reference to the State of Florida Master Site File List and eliminates redundant language already contained in the Comprehensive Plan.

Objective 2 Conserve Soil and Mineral Resources

The County Shall Conserve Soils And Minerals Through Continuation Of Existing Soil Conservation Programs And Utilize Regulations Which Provide For The Wise Use Of These Resources.

Policy 2.1 Requirements for Mining Permits

A. ~~Land development regulations regulate mining in Highlands County.~~ For the purpose of this policy, mining shall be defined as the commercial extraction of minerals, ores, and organic matter (such as sand, marl and peat) from their natural location by

excavation, including any associated processing and storage of these raw materials.

Mining land development regulations for the County shall contain, at a minimum:

1. Requirements for a County mining permit for all new mining projects;
 2. As part of permit conditions, requirements that all necessary federal, state, regional, and related County permits are issued prior to commencement of mining activities;
 3. Reclamation requirements consistent with Rule 62C-16.0051, FAC; and,
 4. Requirements for performance bonds to ensure reclamation after mining is complete.
- B. An Environmental Impact Report (EIR) shall accompany all mining permit applications, the content and processing of which shall be in accordance with Natural Resource Policy 3.3.
- C. Mining permits shall be conditioned to expire within 3 years if mining activities do not commence at the approved mining site.

Policy 2.2 Clearinghouse Procedures for Mining

- A. As part of the mining permit application review process, the County shall send copies of the permit application packet and EIR to the following agencies for their review and comment on the proposed mining activities:
1. U.S. Bureau of Mines;
 2. U.S. Natural Resources Conservation Service;
 3. Florida Department of Environmental Protection Bureau of Mines;
 4. Florida Department of Environmental Protection Divisions of Water Management and Water Facilities;

5. Florida Department of Community Affairs Division of Resource Planning and Management;
6. South and Southwest Florida Water Management Districts;
7. Central Florida Regional Planning Council Office of Review Coordination;
8. Highlands County Natural Resources Advisory Commission;
9. Highlands County Soil & Water Conservation Districts;
10. Florida Fish and Wildlife Conservation Commission.

Comment: Updates references

- B. The application packet and EIR will also be transmitted to other agencies having jurisdiction or whose review is requested by the County Engineer. Requirements of these agency's permits which are communicated back to the County within the specified deadline shall be incorporated into the ~~additions~~ conditions of approval for a County mining permit. (Refer also to Natural Resources Policy 3.3: Environmental Clearance)

Policy 2.3 Renewal of Mining Permits (Annual Reports)

- A. Operations pursuant to County mining permits shall be reviewed annually for a fee. An "Annual Report of Mining Operations" shall be filed with the County Engineer, who shall review mining activities and reclamation progress for the preceding year. This report shall also identify lands expected to be mined or reclaimed during the current year.
- B. The County Engineer shall renew, conditionally renew, or revoke a County mining permit upon his determination of compliance with the approved Mining Operations Plan and permit conditions during the preceding year.

The County Engineer's decision may be appealed to the County Administrator, whose decision may also be appealed to the Board of County Commissioners by any interested or affected party.

Policy 2.4 Mining Operations Plan

- A. ~~Effective immediately, mining~~ Mining operators shall submit a "Mining Operations Plan" with their permit application. The County Engineer shall approve, conditionally approve, or disapprove all proposed Mining Operations Plans, the content of which shall include:
1. A Mine Area Layout Plan which describes the type of mining operation and the methods being used to extract site resources, maps mining activities and locates any permanent structures or roads at the mining site, and establishes methods and locations for waste storage;
 2. A Schedule of phased mining activities;
 3. An Impact Mitigation Plan based upon the mining EIR;
 4. A Traffic Circulation Plan showing major access routes to and from the mining site, a description of the type of transport vehicles used (including their gross loaded weights), and a general schedule of transport times; and,
 5. A Mining Site Reclamation Plan which is prepared in accordance with local regulations and, where applicable, Chapter 62C-16.0051, FAC and Chapter 380 F.S.
 6. A Landscaping Plan with native and / or appropriate vegetation to ensure soil stability and aesthetics;
 7. A five year Monitoring Plan for any areas of the mine that retain water to ensure that desirable aquatic and wetland vegetation will thrive and persist;
 8. A periodic Groundwater Monitoring Plan, with specific set of parameters to be tested (at least semi-annually), to monitor the impact of activity to groundwater resources;
 9. A Mine Area Layout Plan that should include distances to the nearest water resource (lake, river, wetland, etc
 10. A Mine Grading Plan.

Comment: Implements EAR Recommendation to provide minimum standards for mining operation plans.

- B. The County Engineers' decision may be appealed to the County Administrator, whose decision may be appealed to the Board of County Commissioners by any interested or affected party.

A substantial deviation from the approved Mining Operations Plan shall require an amendment to the mining permit in accordance with Policies 2.1 through 2.7.

Policy 2.5 Surety Required for Mining Reclamation Plan

Before the County Engineer issues a mining permit, the mining operator shall establish to the satisfaction of the County that funds have been deposited into a restricted escrow account or that a performance bond has been secured in an amount which fully covers the costs of land reclamation. Escrow funds or the performance bond shall forfeit to the County should the mining operator fail to perform according to the approved Mining Reclamation Plan and schedule.

Policy 2.6 Restoration of Mined Lands Required

Mining which will result in adverse effects on environmentally sensitive areas shall not be allowed unless these areas can be restored pursuant to Chapter 187.201(14)(b)5, F.S.

Policy 2.7 Setbacks and Buffers for Mining

- A. In the absence of applicable State or federal requirements, mining excavation activities shall be set back a minimum distance which is the greater of:
1. 50 feet from any property line;
 2. 100 feet from the boundary of any residential land use district; or,
 3. 150 feet from an existing dwelling
- B. In addition, landscaping, solid fences, berms, water features, or similar treatments shall be used to buffer the mining site.
- C. When locating adjacent to existing mining sites, new residential development shall be subject to the same setback and buffering requirements.

Objective 3 Protect Conservation Land

The County Shall Protect Native Vegetative Communities Which Are Endemic To Central Florida And Shall Restrict Activities Known To Adversely Affect The Endangered And Threatened Species And Their

~~Habitat. This will be a Joint Effort With State, Federal, Not-For-Profit Entities, And For-Profit Private Entities And Shall Restrict Activities Known To Adversely Affect The Endangered And Threatened Species And Their Habitat.~~

Comment: Syntax

Policy 3.1

References Acknowledged By Identification of Endangered or Threatened Species, Including Species of Special Concern

A. For purposes of implementing Objective 3, the County adopts the following source documents to identify endangered or threatened species, including species of special concern:

1. United States Fish and Wildlife Service memorandum listing endangered and threatened species in Highlands County, Florida, dated September 20, 1991.
2. Chapter 581.185 (2) and (3), Florida Statutes, Endangered Plant List and Threatened Plant List.
3. Florida Chapter Soil & Water Conservation Society publication entitled "26 Ecological Communities of Florida" revised and dated July 1989.
4. Florida Division of Forestry publication F89G46 entitled "Forest Trees of Florida", 16th Edition dated June 1989.
5. ~~Florida Game and Fresh Water Fish Commission publication entitled Florida's Endangered Species, Threatened Species and Species of Special Concern Official Lists, dated 1 August 1997.~~

Florida Fish and Wildlife Conservation Commission publication entitled "Florida's Endangered Species, Threatened Species, and Species of Special Concern" June 2006 and all updates.

Comment: Updates reference

~~B. The County adopts the following documents as guidelines for developing land development regulations for establishing mitigation, on-site protection, and remedial actions for the protection of habitats and listed species:~~

1. ~~Office of Environmental Services of the Florida Game and Fresh Water Fish Commission's Non-game Wildlife Program Technical Report:~~
 - a. ~~No. 4 entitled "Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus Polyphemus*) Populations Found on Lands Slated for Large Scale Development in Florida" dated December 1987; and,~~
 - b. ~~No. 8 entitled "Ecology and Development Related Habitat Requirements of the Florida Scrub Jay (*Aphelocoma coerulescens*)" dated April 1991.~~
2. ~~Chapter 39-27.002 (4), Florida Administrative Code, which establishes regulations and enforcement for the protection of species of special concern.~~
3. ~~U.S. Fish and Wildlife Service publication entitled "Habitat Management Guidelines for the Bald Eagle in the Southeast Region, Third Revision dated January 1987.~~
4. ~~U.S. Fish and Wildlife Service, Multi-Species Recovery Plan for South Florida, 1999.~~

Comment: These are reference materials for the development of the Comprehensive Plan and the Land Development Code. These documents will become part of the Technical Support Documents (TSD) for the Comprehensive Plan and adopted by reference.

Policy 3.2 Map Resources on Conservation Overlay

- A. ~~Effective immediately, the~~ The County shall use the adopted Conservation Overlay Map series contained within the Natural Resources Element as a general indicator for the presence of one or more of the following resources:
1. Xeric uplands;
 2. Wetlands;
 3. Cutthroatgrass seeps;
 4. Historical and archaeological resources;

5. Wellhead protection zone;
6. Aquifer recharge areas;
7. Dry Prairie;
8. Southern Florida high quality Flatwood;
9. Hydric Forests;
10. Wildlife / Greenway Corridors.

Comment: Implements EAR Recommendation to identify these sensitive habitats on the Conservation Overlay.

B. The Conservation Overlay Map series contained within the Natural Resource Element consists of the following:

1. Soil Survey of Highlands County (base document - USDA/SCS, Soil Survey of Highlands County, Florida, July 1989);
2. ~~Selected Natural Resources Map Conservation Overlay Map (base maps are USGS Quadrangle Maps - United States Geologic Survey);~~
3. Map 600 - Highlands County, Florida Wetlands (US Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory);
4. Archaeological Resource Map
5. Historic Preservation Resource Map; and,
6. Wellhead Protection Zone Map

Comment: The additional map listed implement the policy to add references as more accurate and timely information becomes available.

C. The Conservation Overlay Map series, contained within the Natural Resource Element shall be amended as new and more accurate information becomes available.

Policy 3.3 Environmental Clearance Process

- A. Environmental Clearance Process and Determination by Development Services Director:
1. ~~Except as provided in NRE Policy 3.4, the~~ The Development Services Director shall make an Environmental Clearance Determination prior to the issuance of a County Land Clearing Permit or Building Permit except as provided in NRE Policy 3.4.
 2. Environmental Clearance Not Required: The Development Services Director shall make the Environmental Clearance Determination without further review whenever a particular site is not in an area where the Conservation Overlay Map shows the resource categories listed in NRE Policy 3.2, unless resources are known to exist on that particular site or information has been provided to the County through development of the Greater Ridge Conservation Planning Tool, the U.S. Fish and Wildlife Service Habitat Conservation Plan (HCP) or other adopted County resources.

Comment: Additional language allows for the consideration of information from recognized resources that may not be mapped on the Conservation Overlay.

Other Exemptions from Highlands County Environmental Clearance Requirements: The County shall exempt the following from the environmental clearance process for land clearing or construction:

- a. 1/2 acre for residential development on legally recorded lots that existed prior to September 15, 1993, ~~pursuant to NRE Policy 3.4: Mitigation Fee for Exempt Lots. (Source: NRE Policy 3.4).~~
- b. Property which has been cleared of vegetation prior to May 2, 1994.
- c. All development on lots legally recorded on or after September 15, 1993 with previously approved Environmental Clearance.
- d. DRI or Binding Letter that is fully mitigated, based on State recommendation and or approval, for a protected natural resources.

Comment: Clarifies that the development agreement must be consistent with state approval.

- e. Remodeling, reconstruction, or restoration of residential units or nonresidential units ~~are exempt~~ with no increase in the number of permanent dwelling units, or no increase in the square-footage of nonresidential use, or no increase in the environmental impacts of the development.

Comment: Language deleted since it is repetitive from start of policy.

- f. Bona-fide agriculture (~~Source: NRE 3.13.E~~). (See Also NRE 3.13)
- g. Up to two (2) acres on land for development with urban zoning and urban FLUM designations.
- h. Up to two (2) acres for residential development (one single family home) on legal lots with Agricultural Land Use and General Agricultural zoning. (~~Source~~ See Also NRE 3.3.F and 3.4).

3. Environmental Clearance Required:

- a. Whenever a particular site is in an area where the resource categories listed in NRE Policy 3.2 are mapped on the Conservation Overlay Map are known to exist on that particular site or information has been provided to the County through development of the U.S. Fish and Wildlife Service Habitat Conservation Plan (HCP) or other adopted County resources, ~~are known to occur,~~ and the applicant submits to the Planning Department an Environmental Clearance Report, valid for a period not to exceed 5 years from the date of issuance, which has been prepared by a professional, firm, government agency, or institution. For purposes of this policy, the term "known to occur" means any information received from a County approved professional, government agency with appropriate jurisdiction, any scientific study, or any reference material contained in this plan or the base documents that supported development of the plan.

Comment: Additional language allows for the consideration of information from recognized resources that may not be mapped on the Conservation Overlay.

Establishes a time frame for which the clearance report is considered valid (five years) which recognizes possible change in status of the property.

- b. Environmental Clearance Reports and review are required (unless otherwise exempted or an appropriate substitute as allowed) for:
 - (1) Large Scale Comprehensive Plan Amendments;
 - (2) Re-Zones, Site Plans and Plats, ~~consisting of an area greater than 10 acres, or 50 lots or more~~ regardless of the acres.

Comment: Implements EAR Recommendation to eliminate the size thresholds for Environmental Clearance.

- (3) Building Permits and Land Clearing Permits for any land clearing of an area greater than two acres.
- c. After submitting the EC Report, the following shall occur:
 - (1) The Environmental Clearance Report established that none of the resource categories listed in NRE Policy 3.2 actually exist on site, are known to exist on that particular site or information has been provided to the County through development of the Greater Ridge Conservation Planning Tool, the U.S. fish and Wildlife Service Habitat Conservation Plan (HCP) or other adopted County resources, the Environmental Clearance Determination shall be made by the Development Services Director without further review; or

Comment: Additional language allows for the consideration of information from recognized resources that may not be mapped on the Conservation Overlay.

- (2) The Environmental Clearance Report establishes that one or more of those resources exists on the site, the Environmental Clearance Report shall be reviewed as described in this Policy
4. Mandatory approval of Environmental Clearance required-state or federal permit: Whenever a particular site having any of the resources listed in NRE Policy 3.1 and 3.2 has received a permit for impacts to the resources from the state or federal agency

charged with reviewing and approving the applicable permit, the Development Services Director shall make the Environmental Clearance Determination without further review. The terms and conditions for activities allowed under that state or federal permit shall be incorporated in the County Land Clearing Permit, Building Permit, or other Final Development Order.

5. Environmental Clearance required for endemic habitat and species that have no state or federal protection: Whenever a particular site has endemic habitat or species that are known to occur but not protected by a state or federal agency, an Environmental Clearance Report, if recommended by the Natural Resources Department (NRD) and or the Natural Resources Advisory Commission (NRAC), shall be required. The NRD and NRAC will make the environmental clearance recommendation to the Development Services Director.

Comment: Additional language allows for local expertise to provide input in absence of state or federal identification.

6. Mandatory approval of Environmental Clearance required - sale for conservation purposes: Notwithstanding the foregoing, whenever a particular site having one of the resource categories listed in NRE Policy 3.1 and 3.2 is offered and is sold to either the Federal, State, or local government, or a not-for-profit corporation purchasing for conservation purposes, the Development Services Director shall make the Environmental Clearance Determination, when use of the mitigation of Policy 3.15 (D) and Policy 3.3.A.8 is approved by the Board of County Commissioners.
7. Mandatory approval of Environmental Clearance required - Building Permits and Land Clearing Permits for lots that are mitigated under NRE Policy 3.4 ~~and meet the conditions of NRE Policy 3.3.G.10.~~
8. Option to ~~EC~~ Environmental Clearance Report - mitigation approved by the County Commission: Satisfactory completion of any one mitigation option listed in Policy 3.15 (d) will eliminate the requirement to complete an Environmental Clearance Report. This option can only be used when: (1) the quantity of land impacted or developed is less than 10% of the parcel, the balance of which is preserved or mitigated; and (2) the environmental quality of land preserved is equal to or greater in quality than the land to be developed/impacted. Proof that the environmental quality of the land preserved is equal to or greater in quality than

the land to be developed or impacted must be established by an approved permit from an appropriate federal or state agency, where applicable.

- B. Environmental Clearance Consultant: Environmental Clearance Reports shall be prepared by qualified professionals, firms, agencies, or institutions.
- C. Environmental Clearance Reports - Contents & Preparation: The content of an Environmental Clearance Report shall include:
1. Maps and a description of natural vegetative communities occurring on the proposed development site in terms of their habitat functions and the significance thereof;
 2. Maps and a description of those natural resource categories listed in Policies 3.1 and 3.2 which may be impacted by the proposed development;
 3. An assessment of potential impacts which would be sustained by a natural resource as a result of the proposed development;
 4. An evaluation of water quality inputs and outputs, when appropriate;
 5. An evaluation of existing wetlands according to current ranking criteria, such as a Wetland Rapid Assessment Procedure (WRAP) established by the FDEP, ACOE and WMDs, identifying them according to their type, value, function, size, condition and location, pursuant to NRE Policy 4.3, and a ranking of their disposition as to critical, partially critical or not critical for preservation consistent with the practices of the afore mentioned agencies. (See NRE Policy 4.3 for priority areas.)
 6. Recommendations for appropriate mitigation and on-site protection measures;
 7. Recommended land maintenance and management procedures to assure the continued viability or function of the natural resource after development; and,
 8. A list of agencies which may have permit requirements pertaining to the proposed development.

9. A completed, notarized application for an appropriate and applicable state or federal permit for wetlands, cutthroat-grass seeps, or xeric uplands may be substituted for an ECR so long as all of the requirements of this paragraph are satisfied.

Note: Refer to NRE Natural Resources Policy 6.10 7.13 for additional requirements whenever aquifers might be impacted.

D. Agency and NRAC Review and Comments: The application packet and Environmental Clearance Report (ECR) will be transmitted to those agencies listed in the Environmental Clearance Report as having permit requirements and to the Natural Resources Conservation Service. The Environmental Clearance Report shall be forwarded to the Natural Resources Advisory Commission (NRAC) for their review and recommendations for the following types of development:

1. Large Scale Comprehensive Plan Amendments
2. Re-zones, site plans, plats, and land clearing permits consisting of an area greater than 10 acres, or 50 lots or more regardless of the acres;
3. Non-residential development where the development impacts more than 2 acres of those natural resource categories listed in Policy 3.2 (i.e., development not qualifying for small-scale environmental clearance.)

Each of the permitting agencies shall have 45 days from the transmittal date to determine and notify the County whether its permit is required prior to the commencement of the proposed development. Comments and recommendations from the Natural Resource Conservation Service shall be provided to the Development Services Director within the same 45 day review period. The Development Services Director shall transmit all comments to the local decision making authority as part of the documented records for the project.

E. Development Order Conditions: Prior to taking action on a development order, the County shall recognize NRAC or the Natural Resource Conservation Service's determinations as they consider recommendations of the Environmental Clearance Report regarding the following:

1. Protect and preserve the water quality or natural functions of floodplains and drainageways, potable water wells, and wetlands;

2. Protect and preserve the function of native vegetative communities which are endemic to Central Florida or the habitats of endangered species, threatened species, or species of special concern;
3. Preserve and protect historical and archaeological resources;
4. Establish measures to protect life and property from flood hazards;
or,
5. Establish land maintenance and management procedures for the natural resource to assure its continued viability or function after development.
6. In addition, the County's final development order shall be conditioned upon adequate avoidance, preservation, mitigation, or remedial actions for the protection of environmental resources identified in Policy 3.2 and shall be consistent with the wetlands, floodplain, aquifer recharge, water quality, and cultural resource protection measures set forth within the policies framework of this Comprehensive Plan.
7. Moreover, the County shall require that, in addition to the protection requirements of the Plan, necessary State and local permits be obtained as a condition of approval for the project's final development order. In accordance with F.S. 163.3184 (6) (c), Highlands County will not impose any requirements for wetlands and cutthroat grass seeps in addition to those required by either the Florida Department of Environmental Protection or the applicable Water Management District. No development in wetlands regulated by the State of Florida will be permitted by Highlands County except as permitted by state law.
8. Except where mitigated as allowed by the plan, avoidance, preservation, and management of the resource shall be required for protecting the resource. This may be accomplished through methods such as, but not limited to, acquisition, conservation easements or dedications, sale to either the Federal, State, or local government, or a not for profit corporation purchasing for conservation purposes, or site design methods (including clustering development to the portion of the site where the resource does not exist or, if this is not possible, to the least environmentally sensitive portion of the site).

9. Buffers between the development and the resource shall be established on the plat or the site plan in accordance with other relevant goals, objectives, and policies of the plan.
 10. All applicants for building permits for properties that are mitigated under NRE Policy 3.4 shall be required to deliver to the Building Department a signed notice that their property may contain habitat or species that are protected under state or federal law and that the receipt of a building permit does not absolve the owner or builder of responsibility for complying with all requirements of federal or state law when clearing land or building structures.
- F. An Appeal for Reconsideration of an Environmental Clearance determination or development order conditions can be made to the Natural Resources Advisory Commission (NRAC) and Board of County Commissioners. The form of appeal shall be in a letter and contain specific reasons why the decision should be reconsidered: (1) that the decision was based on erroneous information or; (2) that more suitable alternatives were not considered. NRAC may recommend upholding the determination or provide recommendations for alternative development order conditions. The final decision rests with the Board of County Commissioners.

Policy 3.4

Mitigation Fee for Exempt Lots

- A. For purposes of implementing Policy 3.3, so long as landowners comply with State and/or federal regulations in areas of natural resources that would otherwise be required to undergo environmental clearance, the County shall exempt the following from environmental clearance upon payment of an environmental mitigation fee to be set by the Board of County Commissioners. An environmental mitigation fee for exempt lots, recommended by the U.S. Fish and Wildlife Service (FWS) as adequate mitigation for loss of protected resources, shall be incorporated into the Schedule of Fees by 2011.

Comment: Added language establishes deadline to amend Schedule of Fees.

- A. Up to one-half acre from the environmental clearance process of Policy 3.3 for land clearing or construction on individual lots of record established prior to September 15, 1993; and
- B. Up to two (2) acres on land for development with urban zoning and urban FLUM designations; and

- C. Up to two (2) acres for residential development (one single family home) on legal lots with Agricultural Land Use and General Agricultural zoning.

All environmental mitigation fees shall be placed in the County's Conservation Trust Fund.

Policy 3.5

Measures for Environmental Conservation

- A. The County shall continue an ongoing program to define, identify, and conserve its native vegetative communities and the habitats of endangered or threatened species and species of special concern.

This conservation program may include, but not be limited to, the following implementation measures:

- 1. Acquisition of lands using public funds and grants, including fee purchase, easements, donations and other less than fee mechanisms.

Comment: Relocates text from B. below and clarifies that "acquisition" is not just fee simple purchase.

- 2. Lease of land,
- 4. Tax abatement,
- 5. Land swaps and transfers of title,
- 6. Establishment of conservation or open space easements through the local development approval and permit processes,
- 7. Density bonuses up to the top end of the density range for those cluster developments which voluntarily provide more than the minimum set aside of land for conservation purposes,
- 8. Density bonuses up to the top end of the density range for new development and redevelopment which preserves habitat and avoids impact to endangered or threatened species, including species of special concern,
- 9. Density transfers from the conservation set aside areas to the buildable portions of the development site, and

10. Sale to the Federal, State, or local government, or a not for profit corporation purchasing for conservation purposes.
- B. The first order of priority for the County's conservation program shall be to work with public and private agencies to acquire ~~(including fee purchase, easements, donations and other less than fee mechanisms)~~ and manage in their natural state:

Comment: Text relocated to A. above.

1. Scrub or sandhill habitats (xeric uplands),
 2. Endemic populations of endangered or threatened species, including species of special concern,
 3. Wetlands, cutthroatgrass seeps, and un-canalized freshwater estuaries feeding the lakes,
 4. Important aquifer recharge functions, and,
 5. Unique scenic or natural resources,
 6. Dry prairie,
 7. Southern Florida Flatwood of high quality,
 8. Other natural resource types of ecological value.
- C. Recognizing that many of the Mega-Lot Subdivisions platted in the 1960's and early 1970's are generally not consistent with current use practices and growth management strategies aimed at discouraging sprawl and protecting environmentally significant lands, the following shall apply to these subdivisions in particular and to all public and private conservation areas in general.
 - D. Residential projects developed adjacent or in close proximity (500 ft.) to conservation areas, and approved subsequent to the adoption of this policy, shall be required to notify buyers and potential buyers of the adjacent conservation area. Specifically, buyers and potential buyers must be informed of the possibility of any fire management program for the adjacent conservation area, and be explicitly told that that they may experience smoke and odors from these fire management practices.

Comment: Implements EAR Recommendation to recognize significant environmental lands adjacent to existing or future residential areas and establishes pro-active communication to inform property owners of adjacent environmental lands management techniques.

- E. Transportation and associated infrastructure that responds to potential direct and indirect impacts to habitats and wildlife, shall be planned, designed, and constructed to avoid, minimize, and where necessary, mitigate impacts to both public and private conservation lands or lands containing high quality resources, including wildlife corridors.

Comment: Implements EAR Recommendation to recognize habitat during in the location, design, and construction of infrastructure.

Policy 3.6 Model Review Procedure for Special Habitats

The County shall continue to administer a development review process similar to the "Review Procedure for Special Habitats (Central Florida Regional Planning Council, May 17, 1991) which coordinates with local, State, and federal agencies whose regulatory authorities involve the following:

- (a) The protection of endangered or threatened species, including species of special concern;
- (b) Native vegetative communities or habitat areas spanning more than one local jurisdiction.

Policy 3.7 Conservation Trust

A. The County shall create a restricted Conservation Trust Fund, account to be used ~~exclusively~~ for the acquisition (including fee purchase, easements, donations, and other less than fee mechanisms) of natural resources, listed in Policy 3.5B ~~for~~ or the enhancement, required maintenance, and/or management of other publicly-owned conservation-valued lands, as determined by the Board of County Commissioners.

- B. The Conservation Trust Fund account may also be used for the following:
 - 1. Any improvements, enhancements, or creations of ecosystems or habitats,

2. Acquisition of lands that will result in alleviating usage stress and / or disturbance to previously acquired and managed lands which contain threatened and endangered species and endemic ecological communities.
3. Management and maintenance of existing acquired lands, including construction of fences and / or barriers designed to protect the lands from vandalism and disturbance.

Comment: Implements EAR Recommendation to clarify the use of funds from the Conservation Trust.

~~B.~~ C. The following measures may be used by the Board as sources of funding for this account:

1. Voluntary contributions;
2. Mitigation or impact fees;
3. Matching grants; and,
4. Referendum.

Other sources of funding recommended by the Natural Resources Advisory Commission will also be considered by the Board of County Commissioners for the Conservation Trust Fund.

Policy 3.8 Exotic Plant Control Program

- A. The County shall, ~~within the planning period,~~ continue to devise and implement a program for the removal and control of exotic pest plant species, ~~including Hydrilla, Water Hyacinth, Brazilian Pepper, Melaleuca, Australian Pine, Downey Myrtle, Chinaberry, Chinese Tallow Tree, Tropic Soda Apple, Cogon Grass, Old World Climbing Fern, and Air Potato.~~ The County hereby adopts the Florida Exotic Pest Plant Council List of Exotics in order to implement this policy.
- B. The County shall, ~~within the planning period,~~ continue to work in conjunction with the DEP Bureau of Aquatic Plant Management and the DEP Bureau of Wetland Resource Management where removal and control of exotic pest plants from the environs of surface water bodies is advisable or is a requirement for joint permitting and for dredge and fill permits.

- C. The County shall, ~~within the planning period,~~ continue to assist private property owners with on-site visits and advice in the methods of appropriate removal techniques, bio-control mechanisms, and chemical control of exotic pest plants.

Comment: The amendments recognize the on-going nature of the policies.

In addition, the County shall facilitate the establishment of an independent Cooperative to encourage voluntary participation by the private sector in the removal of exotic pest plants. The purpose of this Cooperative would be to:

1. Disseminate literature on exotic pest plant control;
 2. Serve as a clearinghouse for permit approvals;
 3. Serve as a conduit for agencies to render advice and training to the private sector;
 4. Provide for the bulk purchase and distribution of chemicals to its members;
 5. Provide members with cost effective alternatives for the purchase or rental of machinery;
 6. Establish a pool of experienced labor;
 7. Negotiate with the County for reduced land fill and pick up charges; and,
 8. Reduce unnecessary use of herbicides, pesticides, and other chemicals.
- D. To help implement this policy, the County may appoint an Exotic Plant Committee. The County may participate in a cost-sharing program for private landowners for exotic plant removal.

Policy 3.9

Agricultural Best Management

Future land use planning for the County shall encourage agricultural uses which use Best Management Practices and which are compatible with wildlife protection and water quality outputs. The County shall continue to work with USDA, NRCS and the Division of Forestry BMP Manuals for both agriculture and silviculture respectively. The County shall continue to work with the ~~Soil Conservation District~~ Highlands Soil and Water

Conservation District to implement erosion control programs for the benefit of agriculture and to facilitate "Cooperator of the District" agreements for putting Best Management Practices on these lands.

Comment: Added language recognizes appropriate agencies for coordination.

Policy 3.10 Incorporate Conservation Measures into Local Plans and Projects

The County shall incorporate the protection and conservation measures called for under this Element into all County surface water management plans, public works projects, and infrastructure improvement plans.

Policy 3.11 Wildlife / Greenway Corridor Strategy

A. Ecological and Habitat Connectivity as Part of the Development Review Process

As a measure to promote a conservation strategy for the establishment of wildlife/greenway corridors within the County, new development plans, including roads, shall identify existing conservation areas, protected areas, waterways and wildlife / greenway corridors adjoining the project site. This shall include an assessment, alternative improvements or routes shall be identified and selected to meet the required development and or transportation needs. (see also TE 3.10)

Comment: Implements EAR Recommendation adding language to clarify that roads are subject to this policy and provides additional identification of environmental areas to consider.

The added language also provides greater detail of what is expected in the assessment.

B. Contiguity

~~Through the year 2030, the~~ The County shall require, whenever applicable and feasible, projects that plan to designate on-site dedications for conservation purposes to locate them contiguous when next to an existing conservation area.

C. Greater Ridge Conservation Planning Tool

The County shall adopt the Greater Ridge Conservation Planning Tool and incorporate it into the Conservation Overlay Map as a means to identify significant environmental and wildlife corridors, such as the Arbuckle Creek - Carter Creek - Morgan Hole Creek corridor, the

Fisheating Creek corridor and the Josephine Creek-Yellow Bluff Creek corridor, among others, and reinforce ~~NRE~~ this Policy 3.11 by designating these greenways on the FLUM with a Conceptual Plan Line (CPL) for the purpose of guiding development and restricting activities, as indicated in A and B, known to adversely affect the endangered and threatened species and their habitats.

Comment: Implements EAR Recommendation to recognize wild life corridors and consider the effects of development on the wild life.

The County shall also provide consistency with Policy 1.7.1 of the Strategic Regional Policy Plan (SRPP), where applicable, by identifying those greenway corridors, designated by the Central Florida Regional Planning Council (CFRPC) as having regional significance within Highlands County, on the Conservation Overlay Map series.

D. Discourage New Roadway Crossings Near Wildlife / Greenway Corridors

Where new crossings are necessary to ensure the health, safety and welfare of the citizenry, transportation corridors shall be designed as limited access facilities that prohibit non-emergency stopping. Roadway and associated utility corridors shall be designed to have minimal adverse impacts to the environment and shall include provisions for wildlife crossings based on accepted standards. (see also TE 3.10, NRE 3.22)

Comment: Implements EAR Recommendation to create roadways which minimize impacts to the natural environment.

Policy 3.12 Parks for Resource Preservation

Where compatible with the goals, objectives, and policies of the Comprehensive Plan and whenever feasible, locate future parks to encompass areas of undisturbed native vegetative communities and environmentally sensitive lands for passive recreational use, such as hiking trails, primitive camping and other conservation based activities, as opposed to active recreational use.

Management plans for such parks should be consistent with the protection, preservation, and conservation of those natural resources occurring on the site.

Evaluation of the priority for acquisition shall consider the location of sites within the urban development areas in order to preserve natural open-space most at risk for development ~~within the planning period.~~

Comment: Amendment recognizes this as on-going policy of the County.

Policy 3.13 Land Clearing

A. **Definition:** Land Clearing means engaging in a land management practice or practices, which will result in the destruction of natural resources (as identified on the Conservation Overlay map; i.e., xeric uplands, cutthroatgrass seep, or wetlands), with the natural resource being replaced or succeeded by something else (e.g. bare soil, different resource type, or invaded by non-native species) which precludes the long-term (5 years) recovery of the original natural resource type. ~~Land-clearing activities which impact listed species may also be subject to state and federal regulation.~~

Comment: Language redundant and deleted.

B. Exemptions: For the purposes of this Comprehensive Plan, the following activities are exempt from environmental clearance review, do not constitute land clearing and do not require a Land Clearing Permit even when undertaken in areas with natural resources as identified on the Conservation Overlay map:

1. maintenance of existing roads, rights of way, and utility easements;
2. maintenance of existing fence lines up to 20 feet on each side of the fence;
3. maintenance of existing drainage and storm water management systems;
4. permitted and prescribed maintenance of fire breaks and fire lines up to 40 feet wide;
5. maintenance burning, other than bayheads;
6. maintenance of native range according to the Best management Practices of the US Natural Resources Conservation Service;
7. maintenance or improvement of improved pasture and land in active agricultural production;

8. removal of non-native vegetation;
9. surveying pursuant to Florida Statutes;
10. clearing on a lot or tract that is exempted pursuant to ~~NRE Natural Resource~~ Policy 3.4;
11. agricultural activities as defined in Paragraph E below;
12. clearing for all activities and uses outside the conservation areas depicted on the Conservation Overlay Map pursuant to Natural Resource Policy 3.3; or,
13. whenever life or property is threatened or endangered during a civil emergency.

C. Land Clearing Permit: Except as provided in paragraph “E” of this policy and the Land Clearing definition in paragraphs “A” and “B” above, no land clearing shall be allowed to commence on a site where natural, archaeological, or historical resources are known to exist without first obtaining a County Land Clearing Permit. A Land Clearing Permit will be issued upon completion of the environmental clearance report required by Policy 3.3, unless that report determines that a natural resource listed in Policy 3.2 exists on the site. Whenever a natural resource listed in Policy 3.2 is identified on the site, the Land Clearing Permit will be issued in accordance with Policy 3.3.

The County, in consultation with the property owner, shall impose one or more of the following penalties as appropriate if land is cleared without appropriate environmental clearance review or a County Land Clearing Permit.

1. A penalty ~~mitigation~~ fee shall be imposed based on a set of fees approved by the County Commission, based on the amount of land cleared; or
2. No development or additional land clearing shall be permitted for a period of three years after such clearing; or
3. The vegetation shall be replaced or the habitat allowed to restore itself through development and implementation of a management plan; or

4. A land clearing company and/or registered contractor clearing land without a land clearing permit on behalf of a land owner shall be subject to penalties.
5. Any mitigation or penalties imposed by the State or Federal agencies for the same land clearing violation may substitute for County mitigation penalties.
6. County penalty fees shall be placed in the Conservation Trust Fund.
7. The decision to impose a land clearing penalty may be appealed pursuant to NRE Policy 3.3.F.

D. State And Federal Permits Individual property owners or developers prior to clearing land when a resource is located on site are responsible for obtaining appropriate state or federal permits or authorizations.

E. Agricultural Exemption: No County Land Clearing Permit shall be required for any agricultural activity not requiring a Highlands County land development order conducted by a lawfully operating and bona fide agricultural operation. This is a ~~that is in~~ business for the purpose of growing plants, crops, trees, silviculture, or other agricultural or forestry products or that is in business for the purpose of raising livestock. When ~~when~~ the agricultural activity occurs on property owned or lawfully occupied by the person conducting said agricultural activity and said property is designated by the Future Land Use Map as Agriculture and the land clearing is done in pursuit of said activity.

When land clearing has been performed under this exemption based upon the use of the property for an agricultural operation, the following shall apply:

1. No land development order shall be approved for any non-agricultural use on the same site within three (3) years of the completion of such land clearing; and,
2. Agricultural operations are encouraged to implement a Soil and Water Conservation District approved Conservation Plan, including the use of Best Management Practices, as applicable to the specific area being cleared, and to secure all other permits required by State and federal agencies exercising jurisdiction over the natural resources referred to in Policy 3.2 and found on said property.

Policy 3.14

~~Setback from~~ Protection of Environmentally Sensitive Land

- A. In the absence of State or federal setback requirements for mitigation of development impacts on environmentally sensitive land and except as otherwise provided in this Comprehensive Plan, affected local development orders shall require that dwellings, commercial/industrial buildings, and septic systems be set back the lesser of 50 feet or 40% of the average depth of the site as perpendicularly measured from the mean high water line or the boundary of:
1. An identified wetland (including cutthroatgrass seeps and bayheads);
 2. A surface water body;
 3. A habitat conservation area;
 4. A ranked State ~~CARL~~ Florida Forever site or federal acquisition site; or,
 5. Publicly-owned and privately-owned recorded conservation lands.

Note: The Florida Department of Environmental Protection may require a greater setback distance for some septic systems. Refer also to the NRE Policies 4.5 and 4.6 Natural Resources Objective entitled Wetlands and Future Land Use Policies 9.2 and 9.3.

- B. Except as otherwise provided in this Comprehensive Plan, the County shall require that all affected developments satisfy the following conditions of approval whenever construction is proposed in the vicinity of a surface water body or wetland:
1. That construction activities shall not encroach into the setback areas described by paragraph "A" above;
 2. That existing topography and vegetation shall be retained within this setback area, if required by State permits or Environmental Impact Report conclusions as they may apply to the development proposal;
 3. That whenever clearing or grading of the construction site is proposed, silt screens shall be placed between the construction and the surface water body or wetland;

4. That the setback boundary line be marked and posted prior to the commencement of construction activities at the development site; and,
 5. That vegetation within the setback area shall be retained or be reestablished after construction, as appropriate, so as to stabilize soil conditions along the boundary of development, to minimize siltation from eroded soils, and to filter stormwater runoff from the developed area.
- C. Except for maintaining existing lots where lake vegetation has been removed, removal of upland vegetation along lake frontages shall be limited to the minimum necessary to achieve reasonable access to the lake.
- D. The County shall require these setback areas to be recorded as public or private conservation setback easements on the approved site plan or plat.
- E. For the purpose of implementing this policy, the County shall allow:
1. Density attributable to any setback area to be transferred to the buildable portions of the site;
 2. Flood control improvements within the setback area which are necessary for the protection of life and property;
 3. The right to maintain existing or to construct new hiking and equestrian trails within the setback area;
 4. The right to use existing grazing, pasture, and crop lands within the setback area for agricultural purposes;
 5. The right-of-way over or to a surface water body, subject to obtaining all required permits from jurisdictional agencies; and,
 6. The right to use existing or to construct new docks or boat ramps.
- F. Forestland, rangeland, wildlife management areas, parks, preserves, and other areas for public use depend on prescribed burning for reforestation, removal of exotics, nutrient cycling, quality and quantity of herbaceous vegetation and the perpetuation, restoration and management of many plant and animal communities to maintain specific economic and ecological resource value. Florida Statutes recognizes prescribed burning as being in the public interest and does

not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules. The County shall require deed restrictions on lots or acreages in areas that may experience smoke and air particulates from prescribed burning on agricultural and conservation lands. Highlands County considers prescribed burning a necessary management strategy of forestland, rangeland, wildlife management areas, parks, preserves, and other areas for public use.

Comment: Implements EAR Recommendation to add language addressing the public benefit of prescribed burns as a needed land management tool for environmentally sensitive lands.

Policy 3.15 Mitigation Options

In accordance with the preservation priorities established by Policy 3.3B, the County may allow the following options to all affected developments upon approval of the Board of County Commissioners:

- A. On-site Option: provision of the required acreage as a public or private conservation /open space easement;
- B. Off-site Option: provision of the required acreage at an approved off-site location;
- C. In-lieu Option: contribution to the County's Conservation Trust Fund amounting to the fair market value for comparable acreage; or,
- D. Sale to the Federal, State, or local government, or a not for profit corporation purchasing for conservation purposes, including mitigation for the loss of wetlands by either one of the Water Management Districts regulations; or
- E. County requires no further mitigation if any State, Federal or regulatory agency is already requiring mitigation. Then such mitigation may meet County mitigation options and no additional County mitigation may be required; or,
- F. County Mitigation Bank, payment of funds, equal to the value of the land being mitigated, into a mitigation bank in Highlands County for use within the County or;
- G. A combination of the above options.

Comment: Implements EAR Recommendation to create additional option by allowing for large scale mitigation bank.

Policy 3.16 Preference for Planned Unit Developments

The County shall require all development proposals which involve native vegetative communities, environmentally sensitive lands, or protected species to seek approvals under the Planned Unit Development regulations of the Zoning Ordinance. Design options allowed for Planned Unit Development proposals shall include the following, subject to County approval and under the condition that they are not prohibited by the regulations of other governmental authorities:

- A. Transfers of density from dedicated set aside areas to the buildable areas of the proposed development site in the amounts allowed for under the Future Land Use Element, provided that the top end of the land use density range is not exceeded; or,
- B. Density bonuses above the midpoint density for developments which provide more than the minimum set aside acreage and provided that:
 - 1. The total amount of density allowed to the site is in accordance with policies of the Future Land Use Element; and,
 - 2. The top end of the land use density range is not exceeded.

Comment: Implements EAR Recommendation.

Policy 3.17 Natural Resource Advisory Commission (NRAC)

- A. The Board of County Commissioners shall continue to appoint a Natural Resources Advisory Commission comprised of citizens having qualifications and experience commensurate with the mission objectives assigned to the Commission ~~under Policy 3.18 of this Objective.~~
- B. The protocols for the composition, nomination, appointment, rotation, election, meetings, mission, primary function, and authorities of the Natural Resources Advisory Commission (NRAC) shall be set forth by Resolution and approved by the Board of County Commissioners.

Comment: Removes the detailed list of functions of the NRAC from the Comprehensive Plan and requires a Resolution of the Board of County Commissioner to establish the framework and duties of the NRAC.

~~NARC primary function shall be to provide advice and guidance to staff and the Board of County Commissioners regarding natural resource and environmental issues which affect the implementation and amendment of this Comprehensive Plan, including the following:~~

- ~~1. Methods to identify, inventory, protect, and conserve natural resources;~~
- ~~2. The acquisition and management of public and private conservation lands;~~
- ~~3. The use of the County Conservation Trust Fund;~~
- ~~4. Amendments to the Comprehensive Plan;~~
- ~~5. Environmental Clearance Reports;~~
- ~~6. Methods to foster working relationships with other public and private environmental agencies and groups;~~
- ~~7. Environmental Education;~~
- ~~8. General oversight of the County's environmental protection and conservation programs;~~
- ~~9. Protection and conservation of natural resources in the County's urbanization.~~

Policy 3.18

NRACs Mission Statement Reserved

~~NRAC's mission shall be to provide advice and guidance to County staff and the Board regarding natural resource and environmental issues which affect the implementation and amendment of the Highlands County Comprehensive Plan. Natural Resources include but are not limited to: soil and minerals, air, surface and groundwater, and natural communities.~~

Comment: The NRAC mission statement would be part of the Board Resolution or developed as part of the identified duties for the Advisory Commission.

Policy 3.198

Natural Resource Conservation Service to Review ECRs

Prior to issuing a local development order for affected projects, the County shall present Environmental Clearance Reports to the Natural Resources Advisory Commission ~~Committee~~ (NRAC) and / or the Natural Resource Conservation Service in accordance with ~~Natural Resources~~ NRE Policy

3.3.E: and Environmental Clearance and Natural Resources Policy 2.2: Clearinghouse Procedures for Mining Permits.

Policy 3.2019

10-Year Priorities for Acquisition of Environmentally Sensitive Lands

Highlands County supports the acquisition of environmentally sensitive lands to achieve permanent protection for future generations. The Board of County Commissioners recognizes these efforts are best achieved through a combination of public and private efforts including fee purchase, easements, transfer of development rights, donations and other less than fee mechanisms.

~~Upon completion of the mission objectives outlined for the Natural Resource Advisory Commission under Policy 3.18, the Board of County Commissioners shall adopt a 10 year target for the acquisition (including fee purchase, easements, donations and other less than fee mechanisms) of natural resource lands pursuant to the priorities expressed in Natural Resources Policy 3.5: Measures for Environmental Conservation. The County shall review progress toward achieving this target during the next Evaluation and Appraisal Report.~~

Comment: The language has been amended to reflect the on-going nature of the policy, which will go beyond a 10 year timeframe.

Policy 3.210

Buffer Public Conservation Lands

Highlands Hammock State Park, publicly owned conservation lands, and conservation lands being considered for acquisition with public funds, shall be buffered against the encroachment of any urban land uses which would be out of character with their scenic open space qualities or their natural functions. The intent of this policy shall be assured through the application of the growth management policies contained in the Future Land Use Element, and promulgation of new project review authorities to implement the conservation strategies of this element.

Policy 3.221

Environmental Conservation of Selected Lands

- A. Highlands County shall encourage existing agricultural areas determined to have a high natural resource value to:
1. Provide well managed areas for native species habitat,
 2. Provide conservation easements compatible with the ecological value of the property.

- a. Uses that may be determined compatible include: existing agriculture, ecological burning, ecosystem restoration, hydrologic restoration, hiking and natural resource recreation, and boardwalks, where those uses do not conflict with the resource management goals of those lands;
 - b. Conservation easements generally should provide connectivity between or expansion of existing conservation areas, and be of a magnitude to provide for long-term habitat viability. Creation of conservation easements that establish small, isolated, conservation areas shall be discouraged.
3. Encourage retention of agricultural lands adjacent to conservation areas, essential natural habitats, and significant waterways to provide ecological buffers. The purpose of buffer areas is to adequately protect natural resources from human encroachment, as well as to protect the public health, safety, and welfare by providing adequate separation between human activities and wildlife habitat and conservation practices such as prescribed burns.
 4. Encourage public access to privately owned conservation lands, where appropriate and where such access does not conflict with the resource management goals of those lands.
 5. Utilize incentive based Transfer of Development Rights, as detailed in the FLUE.
 6. Provide ecological connections between natural areas, whether in public or private ownership.
- B. This policy does not affect any existing rights the property owner may have to develop these lands as permitted under the Comprehensive Plan and Land Development Code.

Comment: Implements EAR Recommendation to establish policy language to encourage the protection of environmentally sensitive lands on agricultural acreage.

Policy 3.232 **Planned Transportation Improvements and Alignments in Relation to Environmental Issues**

Ensure that the transportation network will avoid, minimize, and mitigate habitat fragmentation by applying the following wildlife design criteria:

1. Require that wildlife habitat linkage analysis be used as a standard procedure for transportation facilities planning.
2. Design wildlife crossing structures for multiple species and sustained habitat connectivity.
3. Provide fencing or barrier walls to direct wildlife to crossing entrances.
4. New roadway crossings near wildlife / greenway corridors are discouraged. Where new crossings are necessary to ensure the health, safety and welfare of the citizenry, transportation corridors shall be designed as limited access facilities that prohibit non-emergency stopping. Roadway and associated utility corridors shall be designed to have minimal adverse impacts to the environment and shall include provisions for wildlife crossings based on accepted standards.

Comment: Implements EAR Recommendation for policy language for any proposed roadway improvements to avoid, minimize, and mitigate fragmentation of sensitive habitat.

Objective 4 Protect Wetlands

Protect Wetland Systems and Their Ecological Functions to Ensure Their Long Term, Economic, Environmental, and Recreational Value and Encourage Restoration of Wetland Systems to a Functional Condition

Policy 4.1 Measures to Protect Wetlands

In addition to the provisions of ~~Natural Resource~~ NRE Policy 3.14, the County shall protect the ecological functions of wetland systems by the following actions:

- A. Support the restoration of the wetland systems, where feasible including the Kissimmee River Restoration Project, and implement local initiatives recommended by the Phase II Technical Plan for the Lake Okeechobee Construction Project.

Comment: Added language lists on-going local restoration projects as examples.

- B. Protect the natural functions and hydrology of wetland systems, including cutthroatgrass seeps, by buffering against incompatible land uses and by mitigating development impacts to the system in accordance with applicable natural resource policies.

- C. Provide clustering and open space buffering protection for the Arbuckle Creek/Lake Istokpoga wetland and floodplain systems and basin.
- D. Through intergovernmental cooperation with Polk County, promote the designation of the Lake Arbuckle, Arbuckle Creek, and Lake Istokpoga system as "Outstanding Florida Waters".
- E. Acquire (including fee purchase, easements, donations and other less than fee mechanisms) wetlands systems, including cutthroatgrass seeps
- F. ~~Do not encourage~~ Discourage efforts to channelize natural pristine waterways.

The County should incorporate the agricultural and urban best management practices, water storage, water quality improvement, and environmental services projects included in the Phase II Technical Plan for the Lake Okeechobee Construction Project that target the enhancement and restoration of wetlands into land development regulations. These management measures can benefit impacted wetlands through the dynamic storage of water, assimilation of nutrients, and restoration of hydro-periods.

Comment: Added language identifies an on-going local restoration project, as well as calling for the use of BMP regarding water quality and quantity to assist in environmental restoration.

~~Policy 4.2~~ ~~Reserved~~

Policy 4.32 **Map Wetlands on Conservation Overlay**

The County will, ~~within the planning period, continue to administer, develop~~ as part of the Future Land Use Map series, a Conservation Overlay Map series which shall generally map wetland systems and shall serve to assist in the interpretation and application of resource protection criteria, as specified in policies throughout this element.

~~Until the maps are developed, the County will continue to administer the current Conservation Overlay Map series. The maps shall be updated as data are acquired. Wetlands shall be generally identified by location, size and function by means of the Conservation Overlay Map series, and specifically identified and evaluated as to their type, value and condition at the time an Environmental Clearance Report (ECR) is prepared.~~

Comment: The Conservation Overlay Map will need to be updated as pertinent information becomes available.

Pursuant to NRE Policy 3.3, protection measures are to be recommended, if applicable, pursuant to NRE Policy 4.1 and where applicable, shall be so noted and recorded on the Conservation Overlay Map series pertaining to wetlands. In the event specific wetlands are determined critical for preservation and are preserved by means of a permanent easement, and they are designated as an urban use on the FLUM, the FLUM will be amended designating the wetlands as CM: Conservation /Management Lands, and their urban use density or intensity will be disengaged and placed in reserve for future reallocation pursuant to FLU Policy 2.6. This will not apply for lands acquired through state initiatives such as CARL, Florida Forever, etc.

A. Wetlands will be evaluated by their location size, condition and function through the ECR process in NRE Policy 3.3. The map “**Wetlands Prioritization System**”, which abstracts all wetlands from the adopted Conservation Overlay Map series, will identify the critical wetland systems by their location, size and function. The final determination as to the disposition of the wetlands will be found when each applicable property is required to secure Environmental Clearance. The following location criteria and resulting priority are:

1. **Priority A:** Wetlands that are located within existing and proposed (lands earmarked for public acquisition) Conservation / Management Lands (C.A.R.L. Florida Forever and other public conservation lands).
2. **Priority B:** Wetlands that are part of a wetland system (functioning hydrologically, i.e., perennial streams/creeks that are non-seasonal) that impacts existing and proposed Conservation/Management
3. **Priority C:** Wetlands that are isolated and not related to existing and proposed Conservation /Management Lands, especially those adjacent to native upland systems.

B. The following wetland types, abstracted from Florida Land Use, Cover Forms Classification System (FLUCCS) that shall be identified and mapped within the above priority areas are: Stream and Lake Swamps: (River, creek and lake flood plain or overflow areas); Inland Ponds and Sloughs: (Area depressions and drainage areas not associated with streams or lakes); Bay Heads and Cypress Domes: (Dominant trees include bay varieties and pond or bald cypress); Lake Shorelines:

(Includes all freshwater marshes and emergent aquatic vegetation);
Wet Prairies: (Dominantly grassy vegetation on wet soils having less water than marshes); and, Mixed Forest Wetlands: (Includes hardwoods and conifers mixed with either being dominant).

- C. In the event the wetland or floodplain is not to be preserved and the use is to be urban, FLU Policy 1.3.H shall determine extent of development.

Policy 4.53

LDRs for Cutthroatgrass Seeps and Wetlands

The County shall continue to administer wetland resource protection criteria in the land development regulations pertaining to cutthroatgrass seeps and wetlands.

Final development orders and land clearing permits shall be conditioned upon issuance of a wetlands permit by the Army Corps of Engineers, the Florida Department of Environmental Protection, and/or the South and Southwest Florida Water Management Districts, as applicable. The County shall require such permits to be obtained as a condition of approval for the project's final development order or land clearing permit and shall issue the appropriate Environmental Clearance determination upon issuance of such permit.

Policy 4.74

Development Order Conditions for Wetlands and Cutthroatgrass Seeps

- A. Any wetland or cutthroatgrass seep area which is used for mitigation purposes to gain approval of a County development order shall be recorded as a conservation easement prior to the issuance of the applicable final development order by the County.
- B. All wetlands and cutthroatgrass seeps shall be delineated on final plats.

Policy 4.85

Future Land Use Map Compatibility with Wetlands Ranking System

~~Within the planning period, identify~~ Identify incompatible land uses and Future Land Use Map designations, using criteria based upon the type, intensity/density, extent, distribution and location of allowable land uses versus the type, value, function, size, condition and location of the wetlands as determined from findings promulgated under NRE Policy 4.2. If a land use is determined to be incompatible based upon an analysis of these criteria, the proposed land use will be directed away from any wetland or wetland system that ranks High by the Wetlands Ranking System.

Comment: Amended language recognizes the on-going nature of this policy as FLUM amendments may be proposed.

Policy 4.6 Wetlands buffers shall be required within the LDRs, with widths determined based on their ecological value, particularly associated with fish, wildlife resources and vegetation.

~~Objective 5~~ ~~Reserved~~

Objective 65 **Meet Air Quality Standards**

The County Will Meet or Exceed Federal and State Air Quality Standards Throughout the Planning Period

Comment: Amended language recognizes the on-going nature of this objective.

Policy 65.1 **Non-Attainment Area Status**

Within one year of being declared a non-attainment area by the Department of Environmental Protection, the County will complete a study outlining measures to improve air quality. The County will begin implementing suggested changes within three months of the study's completion. The County will request an annual certification from the Department of Environmental Protection following the first year in which the County is determined to be a non-attainment area.

Policy 65.2 **LDRs for Air Quality**

~~Within the Planning Period, the~~ The County shall continue to implement ~~establish~~ land development regulations which require all projects proposing any use that poses a significant potential to diminish existing air quality to:

- A. Prepare an environmental impact report;
- B. Provide acceptable mitigation measures to assure the maintenance of on-site and off-site air quality; and,
- C. Prohibit activities that will negatively impact the ambient air quality of nearby residential areas.

Comment: Amended language recognizes the on-going nature of the policy.

Policy 65.3 Regional Air Pollution Panel

Whenever a Regional Air Pollution Panel is formed by joint agreement of the Central Florida counties, the Board of County Commissioners shall appoint one of its members to represent Highlands County on that panel.

Policy 65.4 Power Plant Conversions

The County shall ensure that, at a minimum, the construction of new or the conversion of existing power plants do not result in any decreased level of ambient air quality.

Objective 76 Protect Groundwater Resources Protect Aquifer Recharge Areas and Groundwater Resources Against Contamination and Depletion

Conserve, appropriately use and protect the quality and quantity of current and protected water sources and waters that flow into the estuarine waters by:

- A. Protecting aquifer recharge areas and groundwater resources against potential contamination.
- B. Restricting activities and land uses that adversely affect the quality and quantity of surface and groundwater.
- C. Improve the quality of the County's surface waters and reduce nutrient levels in the County's surface waters.

Policy 76.1 Measures to Protect Groundwater Quality and Quantity

~~Upon adoption, the County shall initiate the following measures, in addition to policies contained in the Potable Water Service Objective and other policies of this Element, to~~ The County shall protect the water quality of high recharge areas and wellfields:

- A. ~~Requiring all requirements for~~ Require all new development and redevelopment to obtain approvals from all responsible government agencies whenever there is a potential for the proposed project to contaminate or to degrade existing water quality;
- B. ~~Requirements for~~ natural buffers, set asides, and building setbacks pursuant to the policies of this Comprehensive Plan;
- C. ~~Support for acquiring~~ Acquire and support acquisition by other agencies (including fee purchase, easements, donations and other less

than fee mechanisms) xeric uplands on the Lake Wales Ridge which are important to the aquifer and for their habitat value or natural scenic features;

- D. ~~A requirement that:~~ Require (1) all new development and redevelopment within a High Recharge Area as defined by the Water Management Districts, shall not reduce an aquifer recharge area's volume and rate of recharge; and that, (2) subsurface storage and flow shall simulate predevelopment conditions whenever development is proposed in a High Recharge Area;
- E. ~~Utilization of~~ Utilize the Natural Resources Conservation Service Soils Survey for Highlands County as the principal means to indicate the aquifer recharge potential of soils within future urbanization patterns; geology, as well as soil types, are important elements in mapping recharge areas.
- F. Evaluate new data developed by the South and the Southwest Water Management Districts relating to aquifer recharge areas, particularly for identifying High Recharge Areas in Highlands County.

Comment: Syntax

Policy ~~7.6.2~~ Hazardous Waste Facilities Prohibited

Due to the constraints posed by natural resource considerations, such as aquifer recharge and floodplain protection, location of hazardous waste treatment facilities will not be permitted within the County. The County will continue to prohibit hazardous waste treatment facilities, but allow collection facilities that are already existing.

Comment: EAR says to delete because achieved. It should stay if necessary.

Policy ~~7.3~~ ~~Investigate Septic Tank Contamination~~ Reserved

~~Within the Planning Period and consistent with the final report from the Central Sewer Study Committee, request the Highlands County Public Health Unit to establish the relationship between septic tank/package plant use on the Ridge and potential contamination of the aquifer(s), and, if the program does not, to direct/conduct a study to do so.~~

Comment: Deletes language since the policy has been achieved.

Policy ~~7.4~~ ~~Reserved~~

Policy 7.56.3 LDRs Resulting from Central Sewer Study

~~Appropriate Amend LDRs will be prepared to implement the recommendations of the Central Sewer Study Committee's report within one year of its submission or on June 1, 2001.~~

Policy 7.66.4 Hazardous Materials Plan

~~Continue to implement~~ Implement the Hazardous Materials Plan of 1994, to include, at a minimum:

- A. Administer land development regulations, cited in the plan, requiring issuance of all necessary federal, state, and regional permits relating to the generation, storage, treatment, disposal, and transportation of hazardous wastes, prior to the approval of development identified by the DEP or EPA as a hazardous waste generator;
- B. Continue to monitor the location, type and quantity of hazardous wastes in the County, as presently done under contract arrangements with the Central Florida Regional Planning Council; and,
- C. Continuation of the existing system of "amnesty days" and similar programs to provide low-volume generators safe and convenient disposal of hazardous wastes.

~~The policy shall be consistent with INF policy 14.4, pertaining to Rule 9J-5.006(3)(b)6 as a guideline for the elimination or reduction of hazardous uses recommended through interagency mitigation reports or in the event Highlands County files an interagency hazard mitigation report.~~

Comment: The language is redundant.

Policy 7.76.5 ~~DRASTIC~~ Study Florida Aquifer Vulnerability Assessment (FAVA) of Agricultural Contaminants

~~Within the Planning Period, request that~~ Request the Highlands Soil and Water Conservation District assure that the DEP "~~DRASTIC~~" program address the Ridge's agriculture potential for polluting the aquifer(s), and what methods may reduce such a potential, ~~and, if the program will not, request such a study.~~

Encourage the agricultural community to employ strategies identified in the Nitrogen Best Management Practices for Florida Ridge Citrus.

Comment: Amended language updates reference and specifically encourages the use of BMPs to reduce Nitrogen in the agriculture.

Policy 7.86.6 Study Surface Water Discharges from Ridge

~~Within the Planning Period, the~~ The County will continue to examine all surface water discharges leading from the Ridge to determine if more water can be retained to enhance recharge to the aquifer, and correspondingly reduce downstream pollutant loads, pertaining to increased maintenance coordination of private drainage systems.

Policy 7.96.7 Water Use Caution Areas

A. ~~Within the Planning Period, the~~ The County shall adhere to the maps which depict the Highlands Ridge Water Use Caution Area (HRWUCA) declared by the Southwest Florida Water Management District in 1989 to be a "critical water supply problem area" and any other Water Use Caution Areas as determined by the Water Management Districts pursuant to Section 17-40.040(5), FAC.

B. Any future land use amendments will incorporate changes to this the Future Land Use map which are promulgated by actions of the South or the Southwest Florida Water Management Districts to designate new or rescind existing WUCA's in Highlands County.

~~Policy 7.10~~ **Reserved**

Policy 7.116.8 Discharges into Aquifer Prohibited

A. The County shall require any future land uses that temporarily or permanently discharge untreated stormwater and waste material of any sort into underground caverns, sinkholes, surface water bodies, or other manmade installations which access the surficial aquifer or which breach the confining layer of an aquifer to provide written permit approvals or waivers from the appropriate Water Management District of FL DEP. This request shall also apply to deep well injection as a method of effluent, waste, or stormwater disposal. ~~The County shall continue to apply the controls in land use location criteria as referenced in Article 5, Section 4, Part A: Resource Protection Standards in the Land Development Regulations.~~

Comment: The language is redundant and not needed within the Comprehensive Plan.

B. In instances where installations exist for this purpose, the County shall require that they conform to Chapter 62-528, FAC.

Policy 7.126.9 Stormwater Quality / Quantity Standards

In addition to the policies contained in this objective, the County shall protect its groundwater resources from contamination by applying development standards for stormwater quality and quantity in accordance with Infrastructure Policy 17.5. ~~Continue to use the measurable criteria for project reviews as referenced in Article 5, Section 4, Part A: Resource Protection Standards in the Land Development Regulations.~~

Comment: The language is redundant and not needed within the Comprehensive Plan.

Policy 7.136.10 Environmental Impacts on Aquifers

~~Policies 2.1 and 3.3, the~~ The County Engineer may require the collection of site specific hydro-geologic data (including soil borings or differences in the potentiometric head pressure of the aquifers involved) when the impacts of a proposed use have the reasonable potential to deplete or degrade the aquifer.

This information shall be incorporated into the Environmental Impact Report and used on a case by case basis for any recommendations given in the report.

In addition, a Consumptive Use Permit, Environmental Resource Permit, or other such permit as required (or an exemption from such permit) shall be obtained from the appropriate Water Management District (WMD) (See Also Policies 2.1 & 3.3).

Comment: Implements EAR Recommendation to recognize the role of the Water Management Districts.

Policy 7.146.11 Map Recharge / Contamination Areas

~~A. Within the Planning Period, and as a means to initiate work required by Section 373.0391 F.S., the~~ The County shall request the South and Southwest Florida Water Management Districts to continue to map:

1. Areas of high aquifer recharge potential which are also highly vulnerable to contamination,
2. Areas which are "prone to contamination" or known to have contaminated groundwater,

3. Well head protection zones for public potable wells pursuant to Infrastructure Policy 7.4,

The County shall adopt revised maps for wellhead protection zones as new information becomes available.

Comment: Implements EAR Recommendation to add language to recognize that new data will become available over time and will be appropriate to map and use.

In the interim, the County shall consider the best available hydro-geological information (such as DRASTIC maps, EDB maps, and the like) for future land use planning, project reviews, or the establishment of wellfields.

When map work of high aquifer recharge/contamination potential is completed, the County shall develop performance standards for its Development Standards Ordinance which apply to all development activities within these mapped areas. Such performance standards may include impervious surface limitations, ground coverage limitations, discharge to groundwater controls, setback requirements, controls on land use activities, and mandatory clustering provisions.

Policy 7.156.12 **Groundwater Monitoring Program**

The County shall continue to support efforts by the U.S. Geological Survey, the Natural Resources and Conservation Service, the Water Management Districts, Florida Department of Agriculture and the Florida Department of Environmental Protection to develop a coordinated groundwater monitoring program for Highlands County which supplements existing data collection activities by these agencies.

(Objective 9:) [Note: **This Is Adopted Objective 9 That Has Been Merged With Objective 7]**

Policy 7.166.13 **LDRs Prohibiting Traditional Flood Control Improvements**

~~Within the Planning Period, adopt~~ The County will continue to implement land development regulations prohibiting major drainage projects, such as channelization of streams and rivers, or construction of canals, unless they are clearly in the public interest, as determined by the Board of County Commissioners pursuant to Natural Resources Policy 9.6.

Policy 7.176.14 **Best Management Practices**

The County shall request the Highlands Soil and Water Conservation District to direct the U.S. Department of Agriculture/Natural Resources

Conservation Service to continue to install Best Management Practices along water courses, Lake Istokpoga, and Ridge lakes in addition to all county-wide water bodies.

Comment: Implements EAR Recommendation to expand this request to all county-wide water bodies.

Policy 7.186.15 Restore All Lakes In Stress

The County shall coordinate with appropriate agencies to within the Planning Period, request: (1) the Florida Department of Environmental Protection (FDEP) to enact its draft Agency Functional Plan operating policy; (2) develop and implement programs to restore lakes ~~that are under stress in Highlands County;~~ and (3) ~~by January 2001, include specific lakes determined to be undergoing degradation as identified by FDEP and/or the Highlands County Soil and Water Conservation District.~~

Comment: Amended language recognizes the existing efforts of the state DEP and the Conservation District to develop improvement plans for all impaired lakes.

Policy 7.196.16 Support Restoration Plan for Istokpoga

~~By January 2000 the~~ The County shall continue to be the lead local agency for coordination of the ecosystem wide ~~in~~ interagency efforts to be ~~undertaken on Lake Istokpoga reflecting the ecosystem wide effort to restore Lake Istokpoga.~~

Comment: Amended language recognizes the on-going nature of this policy.

Policy 7.206.17 Study Eutrophication and Water Quality Problems of Lakes

The County shall, ~~by January 2000, request that~~ continue to coordinate with the Southwest Florida Water Management District and the South Florida Water Management District ~~examine the issue of~~ on the potential eutrophication and water quality problems of the County's lakes, and propose measures and solutions, if needed. ~~(Policies under Objective 9 merged into Objective 7)~~

Comment: Amended language recognizes the on-going nature of this policy.

Policy 7.216.18 Study Rainfall Impacts on Lakes

The County shall, ~~by January, 2000, request that~~ shall continue to coordinate with the Southwest Florida Water Management District and South Florida Water Management District to jointly examine the ~~issue~~

~~long-term rainfall trends of rainfall, its apparent long term down trend,~~
and the potential effect on the County's lakes.

Comment: Amended language recognizes the on-going nature of this policy.

Policy 7.226.19 Consistency with Kissimmee River Management Plan

~~By adoption of this policy, the~~ The County shall take actions consistent
~~will further the intent of the Plan by being consistent with the Kissimmee~~
~~River Management Plan and the Northern Everglades and Estuaries~~
~~Protection Program and Everglades Restoration.~~

Comment: Amended language recognizes the on-going nature of this policy.

Policy 7.236.20 Lake Management Plans ~~For SWIM~~

The County shall coordinate with the SWFWMD and SFWMD to prepare
and implement lake management plans creating to implement the
~~successor programs similar to the SWIM program and provide for an~~
overall lake management program in the County, ~~during the planning~~
period.

Comment: Amended language recognizes the on-going nature of this policy.

Policy 7.246.21 Surface Water Management Level-Of-Service (LOS) Standards

The County shall, ~~within the Planning Period,~~ continue to coordinate with
the Water Management Districts to adopt a surface water management
Level-of-Service (LOS) standards consistent with the State's LOS
standard identified within the *Florida Plan*.

Objective 87 Water Conservation

**Restrict Activities Affecting Water Quantity to Those Found
Reasonable and Beneficial by the Appropriate Agency**

Policy 87.1 Plumbing Code Encourages Water Conservation

The County will continue to enforce water conservation measures in the
County's Plumbing Code.

Policy 87.2 Landscape Ordinance Encourages Water Conservation

The County will; continue to enforce a landscape ordinance, which requires use of native species in ridge landscaping to reduce watering requirements and to provide native wildlife benefits.

The County will strengthen the landscaping standards in the LDRs to require strict xeriscape (Florida friendly plants) standards in certain areas in order to achieve greater water conservation, and preserve desirable native vegetation.

Comment: Implements EAR Recommendation to strengthen water conservation efforts.

Policy 87.3 Irrigate with Treated Wastewater

~~By January, 2000, the~~ By January, 2010 the County will include within its land development regulations a requirement that a method to advise all applicants whose projects include package treatment plants, ~~of the desirability of utilize~~ utilizing treated wastewater for irrigation purposes.

Comment: Amended language recognizes the need to update the LDRs.

Policy 87.4 Xeriscape ROW and Parks

The County shall continue to use ~~is using~~ the xeriscape Florida friendly plants) landscape concept with an emphasis on native plants in the design of ROW planting areas and park green spaces, utilizing recycled water for irrigation wherever possible ~~through the requirements of Article 5, Section 4, Part C: Landscaping and Buffering Standards of the LDRs, adopted in January 1995.~~

Comment: Amended language recognizes the on-going nature of this policy and eliminates the LDR references that are not needed within the Comprehensive Plan.

Policy 87.5 Water Conservation Program

The County will continue to implement a water conservation program, which will be formulated in coordination with the water management districts, and will include, at a minimum:

- A. Public education components; and,
- B. Consideration of further water conservation measures, including water reuse, conservation oriented rate structures, and implementation of leak detection systems.

C. Consideration of implementing a mobile irrigation laboratory.

Comment: Amended language recognizes the on-going nature of this policy. A mobile irrigation lab would be included in Capital Improvements Element at time of funding.

Policy 87.6 Water Shortage Plan

The County will continue to abide by the Southwest Florida and South Florida Water Management Districts' emergency water shortage plan, based upon receipt of emergency water shortage plans.

Objective 98 Water Resource Protection

Maintain and Protect the Natural and Man-Made Environment and Resources in a Manner Protective of the Water Supply

Policy 98.1 Public Water Supply Classification

Allow the development of public wellfields and public water supply sources only within the Public Water Supply Land Use Classification, pursuant to the objectives and policies of this Comprehensive Plan.

~~**Policy 9.2 Use of the Public Water Supply Classification**~~

~~Utilize the Public Water Supply land use classification to designate existing public water supply sources. Applications for amendment to the Public Water Supply classification must meet the following requirements;~~

- ~~A. The applicant must have received a Water Management District Water Use Permit which is based on:
 1. A demonstration of need for the population intended to be served;
 2. An evaluation of alternative sources of water to meet demonstrated need, locally available in the jurisdiction of the population to be served;
 3. An assessment of potential environmental impacts to the proposed site and surrounding properties.~~
- ~~B. The application for amendment must contain the following information:~~

1. An analysis of the compatibility of the proposed land use with existing and proposed land uses, adjacent to and/or proximate to the amendment area and likely to be impacted by the proposed use; and
2. An analysis of the economic impacts likely to result if the proposed amendment is approved, including the impact to Highlands County as a whole and the impact on the development potential of adjacent properties and nearby areas; and
3. Demonstration that the proposed amendment is consistent with the data and analysis in the Infrastructure Element and the Natural Resource Element in order to ensure that natural resources are protected and that adequate water sources are available to meet the projected demands of Highlands County pursuant to Chapter 163 and 9J-5.

Policy 9.38.2

Protect Water Resources

Protect water resources by controlling surface and groundwater quality impacts of development by implementing land use regulations in accordance with the goals, objectives, and policies of this Comprehensive Plan.

Policy 9.48.3

Prevent Water Contamination

Those developments which include septic tanks, buildings, and/or public utilities in or on soils which are unsuitable for such uses shall be designed in accordance with State and Federal regulations to prevent water contamination. Septic tank usage shall depend on a performance-based evaluation.

Policy 9.58.4

Monitor Waste Disposal

The County may monitor the environmental impacts of any legally permitted waste disposal or discharge, and take appropriate action when necessary in accordance with the goals, objectives, and policies of this Comprehensive Plan, Florida Statutes Chapter 163, and Florida Administrative Code 9J-5 and take appropriate action when necessary. The specific impacts to be monitored include the impacts identified in the Natural Resources Element.

Policy 9-6-8.5 Protect the Natural Environment

~~The County may will seek assistance from the coordinating agencies for the Northern Everglades and Estuaries Protection Program to determine whether a monitoring program is needed to monitor the environmental impacts of any legally permitted public, industrial, or agricultural water use in accordance with the goals, objectives, and policies of this Comprehensive Plan, Florida Statutes Chapter 163, and Florida Administrative Code 9J-5 and take appropriate action when necessary.~~

The specific environmental impacts to be monitored include the impacts on wetlands, cutthroatgrass seeps, and xeric uplands and other protected natural resources identified in the Natural Resources Element Objectives 3 and 4. The coordinating agencies for the Northern Everglades and Estuaries Protection Program include the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the South Florida Water Management District.

Comment: Implements EAR Recommendation to seek assistance from the WMD to determine if monitoring program is needed and identifies coordinating agencies.

Objective 109 Develop Environmental Education Program

The County Will Develop an Environmental Education Program for Use by Civic Groups and Schools ~~by the Year 2010~~

Policy 109.1 Kiosks for Parks

~~Design~~ Continue to develop educational kiosks and other appropriate educational materials to be placed within the county parks and nature preserves. ~~and install the first kiosk during the Planning Period.~~

Comment: Recognizes the educational curriculum may include items beyond kiosks.

Policy 109.2 Curriculum for Schools

~~During the planning period, request the~~ Continue to coordinate with the School Board to begin development of an to implement environmental education program geared to Highlands County's unique environmental resources. ~~concerns, to be included within the School Board's general curriculum.~~

Comment: Amended language recognizes the on-going nature of the policy.

Policy ~~109.3~~ **Distribute Topical Brochures**

~~Continue to produce and distribute, through the Tax Collector's office, Building Department, Agriculture, and other County Departments, an Educational brochures describing the County's natural resources and the means whereby each resident can minimize pollution and contribute towards the preserving/conserving of these unique resources, shall be periodically produced and distributed. and minimize the pollution that development can create. Appropriate brochures to accompany the County's brochure will be requested from the Water Management Districts and the United States Department of Agriculture agencies.~~

Comment: Syntax and language deleted which is not needed in the Comprehensive Plan.

Objective ~~140~~ **Measures to Protect Floodplains**

~~A. In addition to Future Land Use Objective 8, the **The County Will Institute Measures to Protect the Natural Functions of Floodplains and Flood Prone Areas from the Negative Impacts of New Development and Redevelopment.**~~

~~with Design emphasis will be on:~~

- ~~1. Stormwater quality and quantity outputs;~~
- ~~2. Maintaining flood-carrying and flood-storage capacities;~~
- ~~3. Flood control improvements for flood prone lands;~~
- ~~4. The incorporation of open space to maintain the natural character of riverine systems.~~

~~B. These measures are recognized as necessary to maintain the County's eligibility in the National Flood Insurance Program and FEMA standards. For purposes of Objective 11 and policies hereunder, flood prone areas shall be defined as the 100 year storm event boundaries established on the FIRM maps or the calculated 25 year storm event for a specific property, whichever applies. The Flood Insurance Rate Maps (FIRM), as amended by FEMA in 2010, will establish the Special Flood Hazard Areas.~~

~~C. The County shall actively pursue an outreach program to make sure citizens are aware of the recommendation for flood insurance and flood hazard mitigation on their property.~~

Comment: The amended language recognizes the future update of the FIRM and requires the county to pro-actively communicate with citizens vulnerable to flooding.

Policy 11.410.1 Implement Floodplain Ordinance and FEMA

The County shall continue to regulate construction in the floodplain pursuant to its Floodplain Ordinance and the requirements of the Federal Emergency Flood Management program.

~~Policy 11.2 Reserved~~

Policy 11.310.2 Measures Supporting of the Kissimmee River Management Plan

The County shall support objectives of the Kissimmee River Management Plan. ~~Included in its support shall be the implementation of the following land development regulations:~~

- ~~A. Development within the River's floodplain at 1 unit per 5 acres (Future Land Use Policy 9.3);~~
- ~~B. Flood control is accomplished through floodplain protection policies under Natural Resources Objective 11 and Future Land Use Objective 8;~~
- ~~C. Water quality is addressed under the policies of Natural Resources Objectives 2, 3, 7, 8, and 9, Future Land Use Objective 6, and Infrastructure Objectives 2, 6, 7, and 17;~~
- ~~D. Water conservation is addressed under Natural Resources Element water conservation policies (8.1-8.7);~~
- ~~E. Protection of listed species is accomplished through the policies under Natural Resources Objective 3 relating to species protection and under Objective 4 relating to wetland protection; and,~~
- ~~F. Protection of cultural sites is accomplished through the policies under Natural Resources Objective 1 and Future Land Use Objective 7.~~

Comment: The deleted language is redundant to existing policies in the Comprehensive Plan.

Policy 11.410.3 Development Requirements for the Kissimmee Flood-Plain

New development, redevelopment, or land clearing proposals within the Kissimmee River's 100-year flood-plain shall be required to comply with the following, as they may be applicable:

- A. The incorporation of flood control mitigation and design specifications into the conditions of approval for a site plan or plat;
- B. The incorporation of erosion control specifications into grading plans for the site and the application of erosion control techniques during construction or land clearing; and,
- C. The incorporation of open space buffers, land set-asides and set-backs pursuant to the policies of this Comprehensive Plan.

Policy 11.510.4 Maintain Natural Drainage in Floodplain

~~Effective July 1, 1992, the~~ The County shall not issue development orders for new development or redevelopment within flood prone areas whenever grading or excavation is proposed that will change, impede, or displace the existing drainage pattern of the site or the natural flow functions within the floodplain.

Policy 11.610.5 Requirements When in Floodplain or Near Surface Water

The County shall continue to condition all development orders whenever development activities are proposed within 50 feet of surface water bodies or within the 100-year floodplain.

One or more of the following provisions will be required as appropriate in maintaining the integrity of the water body or floodplain as determined by the land development regulations:

- A. Installation of silt screens between the construction site and setback boundary for a surface water body or wetland (refer to NRE Policy 3.14);
- B. Hydroseeding or covering exposed slopes during the rainy season until these areas can be landscaped;
- C. Acceptable dust control measures;
- D. Installation of shallow swales or spreader berms adjacent to shorelines where slopes exceed 10:1;
- E. Installation of pervious surfaces or retention areas, especially for paved areas, to reduce run-off into adjacent and downstream waters;
- F. Mitigation flood storage for encroachment in floodplains; and,

G. Dwellings and septic systems to be flood proofed for a 100-year design storm.

Policy ~~11.7~~10.6 Low Density Within Kissimmee Floodplain

Within the Kissimmee River's 100-year floodplain, all unvested residential development or subdivision shall be according to densities at 1 dwelling unit per 10 gross acres.

Clustered development (~~pursuant to FLU Policy 1.3.E.1.b~~) or lot configurations which include the provision of agricultural or open space/riparian easements shall be encouraged, determined by findings pertaining to the proportion of existing flood-plains and uplands on the parcel. (See Also FLU 1.3)

In the event a private property owner wishes to transfer development rights off of a parcel in the Kissimmee flood-plain, this may be granted at the current density in General Agriculture, or 1 dwelling unit per each 5 acres (2 dus per 10 acres of flood-plain.)

~~Policy 11.8~~ Reserved

Policy ~~11.9~~10.7 Clearinghouse Procedures When Developing in the Kissimmee River Floodplain

A. ~~In accordance with Future Land Use Policy 8.1, the~~ The County shall supports restoration of the Kissimmee River floodplain through the careful review of ~~in reviewing~~ new development, redevelopment, and land clearing proposals ~~in accordance with the Floodplain Protection controls of Section Four, Article Five of the Land Development Regulations.~~

Comment: Syntax

The County shall consider incorporating appropriate management measures from the Phase II Technical Plan for the Lake Okeechobee Construction Project into the floodplain protection controls of the Land Development Regulations.

Comment: Provides reference material and agencies for policy implementation.

Review shall also be coordinated with the adopted plans and programs of the following agencies:

1. The U.S. Army Corps of Engineers,
 2. ~~The U.S. Environmental Protection Agency~~ ~~The Florida Department of Environmental Protection and the Kissimmee River Resource Planning and Management Committee,~~
 3. ~~The U.S. Air Force – Avon Park Air Force Range~~ ~~The Florida Department of Community Affairs,~~
 4. The South Florida Water Management District,
 5. The Central Florida Regional Planning Council,
 6. The Florida Department of Environmental Protection,
 7. The Florida Department of Community Affairs,
 8. The Florida Department of Agriculture and Consumer Services
- B. Requirements of any agency's permits, source control best management practices, and water resource projects which are communicated back to the County within the specified deadline shall be incorporated into the County's development order. Other recommendations for development and mitigation received from NRAC or these agencies may, at the discretion of the Board of County Commissioners, also be applied as conditions of approval for the County's development order.

Comment: Clarifies that water resource projects are also considered under this policy.

Policy ~~11-10~~10.8 Mandatory Connection to Public Utilities and Minimum Design Elevation

~~Effective immediately within~~ In the 100-year floodplain, where public utilities are available to support new development or redevelopment, the County shall require connection to these facilities. In addition, all new manhole lids, lift station lids, and pumping station pads shall be installed above the 100-year flood elevation.

~~All new development within the 100-year floodplain, shall be in accordance with applicable Floodplain Protection controls in Section Four, Article Five of the Land Development Regulations.~~

~~The following maps were adopted as part of the 1991 Comprehensive Plan and are available upon request to the Planning Department.~~

Generalized Soils Maps
Conservation Overlay Map
Peat Deposits Map
Wetlands Map
Floodplains Aerial Map
Water and Canal Aerial Map

Comment: Language is redundant and not needed within the Comprehensive Plan.

DRAFT