

## NATURAL RESOURCES - GOALS, OBJECTIVES AND POLICIES

### PURPOSE

The purpose of the Natural Resources element is to promote the conservation and protection of natural resources and guide the acceptable use of resources. The Goals of this element speak to reducing pollution, protecting important flora and fauna, and protecting wetlands. Protecting ground and surface water from harmful pollutants is an important theme throughout the policies of this element. The other important theme is protecting habitat and promoting interconnections between existing preserved lands in order to provide adequate shelter for Florida's plant and animal life. This element is closely interconnected with the Future Land Use element 2050 Framework and the goals, objectives and policies that support and implement that framework. The protection of natural resources is one of the four cornerstones of the County's vision.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

### GOALS, OBJECTIVES AND POLICIES

#### ENV GOAL 1: POLLUTION CONTROL

**Protect human and environmental health from the deleterious effects of pollution.**

##### **ENV Objective 1.1: Conscientious Stewardship of Earth's Resources**

To promote responsible and conscientious stewardship of Earth's resources and reduce the carbon footprint of Charlotte County's development.

##### **ENV Policy 1.1.1: Alternative Transportation**

The County shall support alternative means of transportation such as car-pooling, on-demand and fixed route mass transit programs, bicycle and pedestrian pathways and other forms of low-fuel consumptive transportation. Support for alternative means of transportation shall be addressed through the adoption of regulations within one year of the effective date of this comprehensive plan. The regulations may include such items as requirements for bicycle storage and associated changing rooms and preferred parking for low-fuel consumptive vehicles.

##### **ENV Policy 1.1.2: Alternative Energy**

The County shall encourage, without detriment to natural resources, the use of clean alternative energy sources and technologies, such as active and passive solar technology and wind turbines, to reduce or eliminate the input of fossil fuel emissions into the atmosphere and conserve energy.

**ENV Policy 1.1.3: Green Building Techniques**

The County shall promote ~~and enforce~~ green, sustainable, building practices for public and private buildings by utilizing and promoting the Leadership in Energy and Environmental Design (LEED) certification and other similar programs.

**ENV Policy 1.1.4: Green Landscaping and Low Impact Techniques**

The County shall promote ~~and, as applicable, enforce~~ landscaping techniques that reduce water and fertilizer usage, require low maintenance, and eliminate or reduce the need for herbicide and pesticide usage, such as encouraged by the Florida Native Plant Society, the University of Florida IFAS Extension and other similar groups. Incorporation of landscaping into Low Impact Development design of stormwater systems is encouraged.

**ENV Policy 1.1.5: Promote Utilization of Local Food Resources**

The County shall support the implementation of a sustainable agriculture program on private and publicly owned lands. The program may include but shall not be limited to the following:

1. Creating provisions for community gardens and farms as well as farmers' markets by coordinating with neighborhood planning efforts, providing comment in site plan reviews, subdivision reviews, and land use amendments encouraging the provision of adequate land to support such facilities, or, as an alternative and where appropriate, encouraging the coordination with and use of County parks or other public lands for such facilities.
2. Encouraging and supporting local food marketing strategy and institutional purchasing from local agriculture for breakfast, lunch and dinner programs.
3. Encouraging the expansion of existing agricultural uses and development of new business involved in agriculture such as new agricultural technologies and infrastructure to allow operational activities of urban and small scale agricultural opportunities.
4. Supporting an assessment of the community food system in order to promote profitable small and large farms and alternative enterprises to sustain economically viable agricultural communities.

**ENV Objective 1.2: Pollution Prevention**

To promote the reduction of contaminants.

**ENV Policy 1.2.1: Pollution Prevention Policy**

The County shall uphold the policies and strategies of the national Pollution Prevention Act of 1990.

**ENV Policy 1.2.2: Pollution Reduction and Prevention Methods**

The County shall support and promote the prevention of pollution by promoting the U.S. EPA's Pollution Prevention (P2) program, administered by the Florida Department of Environmental Protection, which promotes the following methods to reduce and prevent pollution: resource-efficient design, process changes to reduce production waste, material substitutions that reduce hazardous waste, on-site material re-use, efficient utilization of resources, and improved work practices.

**ENV Policy 1.2.3: Intergovernmental Cooperation**

The County shall involve itself in the Development of Regional Impact review process in adjacent counties to ensure that Charlotte County's concerns are addressed related to potential point and non-point source pollution generators.

**ENV Objective 1.3: Air Quality**

To ensure that human health and the natural environment are not damaged by air contamination.

**ENV Policy 1.3.1: Air Quality**

The County shall support the ongoing efforts of the State and Federal agencies in monitoring and enforcing air quality standards.

**ENV Policy 1.3.2: Air Quality Control Strategy**

The County shall, within six months of notification of a nonattainment status for any National Ambient Air Quality Standards' parameter, amend its Code of Laws and Ordinances to require industries to take appropriate measures to ensure that State and Federal standards for air pollution are met.

**ENV Policy 1.3.3: Air Quality Standards**

The County shall enforce, and improve as necessary, the Industrial Performance Standards and any codes controlling soil erosion and dust emanation during and after development activities.

**ENV Policy 1.3.4: Air Quality Permit Restriction**

The County shall prohibit the placement of new land uses requiring air quality permits from the US Environmental Protection Agency or Florida Division of Environmental Protection (FDEP) within one-half mile of any area designated by the Future Land Use Map (FLUM) as being primarily for residential development. This policy shall not apply to crematoria or incinerators located within hospitals, medical centers, or funeral homes intended for the sole use of the facility.

**ENV Policy 1.3.5: Prescriptive Burning**

The County shall allow for and support the use of prescriptive burning in appropriate land cover types, as permitted by the Florida Division of Forestry (DOF), in order to prevent catastrophic wildfires, which greatly reduce air quality, and to mimic the natural cycle of regeneration.

**ENV Objective 1.4: Water Quality**

To ensure that human health and the natural environment are not damaged by water contamination.

**ENV Policy 1.4.1: Water Quality Standards**

The County shall not allow the quality of Charlotte County's groundwater and surface water resources to be degraded, ~~either directly or indirectly by human influences,~~ below the minimum criteria for water quality provided in Chapter 62 FAC, the Clean Water Act, 3 USC 1251, or by adopted Site Specific Alternative Criteria (62-302.800 FAC), and shall ensure that it is maintained or, as necessary, improved to ensure the availability of this resource for present and future generations.

**ENV Policy 1.4.2: Water Quality Monitoring**

The County shall support and encourage continued water quality monitoring by local, State, and Federal agencies, non-profit groups, and individual volunteers that will help identify and formulate plans to address point and non-point source pollution.

**ENV Policy 1.4.3: Protection Guidelines**

The County shall implement of the following standards and guidelines to protect its surface waters:

1. The discharge of runoff, wastewater, or other potential sources of contamination into surface waters resulting in a degradation of the quality is prohibited and shall be enforced.
2. The most current Best Management Practices which control erosion and limit the amount of sediment reaching surface waters shall be applied to all activities.
3. Removal or control of submerged, emergent, or floating vegetation through non-chemical means shall be prioritized. Removal shall be limited to that necessary to allow reasonable access to water resources except for the removal of invasive, exotic species such as hydrilla, water hyacinth, or water lettuce.
4. Non-chemical means, where feasible, and Best Management Practices shall be used as alternatives to insecticides and herbicides for the control of mosquitoes.

**ENV Policy 1.4.4: Interagency and Intergovernmental Cooperation**

The County shall pursue interagency and intergovernmental cooperation to ensure that the County's surface and ground waters are protected. The County shall ~~require protection~~ protect of the Charlotte Harbor estuarine system, which supports a multi-billion dollar tourism industry that relies on a productive aquatic ecosystem, by continuing to monitor and object to any activities within and without the County that may negatively impact the quality, quantity, and timing of freshwater flows from entering the County's ~~surface waters and groundwater recharge area~~ water resources.

**ENV Policy 1.4.5: Land Acquisition**

The County shall continue to protect the County's surface waters and ground waters through implementation of land acquisition programs that will provide opportunities to protect and manage lands adjacent to surface waters. Charlotte County shall also continue to encourage and partner with State agencies and develop working relationships with private lands trusts to maximize potential for acquiring such lands within Charlotte County.

**ENV Policy 1.4.6: National Estuary Program**

The County shall continue to participate in the Charlotte Harbor National Estuary Program (CHNEP) by participation on the CHNEP's advisory committees, and by continuing to uphold and implement the goals and objectives of the CHNEP's Comprehensive Conservation and Management Plan (CCMP) for the Greater Charlotte Harbor Watershed.

**ENV Policy 1.4.7: Water Management Districts**

The County shall continue to be involved in updates to and the governance of the Southwest Florida Water Management District's (SWFWMD) Charlotte Harbor Surface Water Improvement and Management Plan, Peace River Comprehensive Watershed Management Plan, Myakka River Watershed Management Plan, and Shell Creek and Prairie Creek Watersheds Management Plan; and in the governance of the SWFWMD's ecosystem restoration plan(s). In addition, Charlotte County shall support the two major components of the Southern Water Use Caution Area Recovery Strategy plan, which are management of groundwater withdrawals to minimize saltwater intrusion into the Floridan aquifer and restoration of minimum flows to the upper Peace River.

**ENV Policy 1.4.8: Peace River Basin Resource Management Plan**

The County supports the identified regulatory and non-regulatory methods to minimize impacts to the Peace River basin identified in the Peace River Basin Resource Management Plan, which is based on the results of the Peace River Cumulative Impact Assessment.

**ENV Policy 1.4.9: Watershed Overlay District (WOD)**

The County shall establish the Watershed Overlay District as illustrated on FLUM Series Map # 4. The intent of the WOD is to protect the quantity and quality of water within the Hendrickson Dam Reservoir, which is the City of Punta Gorda's potable water supply. Since all overground and underground waters within the watersheds of Shell Creek and Prairie Creek drain into the reservoir, those watershed perimeters shall constitute the boundary of the of the Overlay. The creek system is delineated along with the boundaries of two significant water sources, Long Island Marsh and Tippen Bay.

1. The following shall apply throughout the entire Overlay:
  - a. By right uses shall be those allowed by the comprehensive plan.
  - b. All agricultural and resource conservation uses are encouraged to utilize Best Management Practices as created by the Florida Department of Environmental Protection, The Florida Department of Agriculture and Consumer Services, and the Florida Department of Forestry, as applicable. The County shall support and assist, as possible, in the Facilitating Agricultural Resource Management Systems (FARMS) projects and the Federal Environmental Quality Incentives Program (EQIP).
  - c. The generation or continuous transmission of petroleum products or other hazardous substances is prohibited. ~~The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). An exemption may also be made for biofuel generation manufacturing operations when in conjunction with an agricultural operation that utilizes Best Management Practices.~~
2. The following shall apply within one-half mile of the creek system and within Long Island Marsh or Tippen Bay:
  - a. There shall be no increases in intensity. This does not apply to changes in agricultural uses.
  - b. Density is restricted to the maximum density allowed at time of adoption of this comprehensive plan. There shall be no increases in density except in connection with establishment of conservation subdivision.
  - c. New Group III excavations are prohibited.
  - d. Agricultural Best Management Practices are required to be consistent with all Water Management Districts Permitting requirements.
  - e. Biofuel generation manufacturing operations are prohibited, except when ancillary to an agricultural operation that utilizes Best Management Practices.
  - f. Prohibited uses may be allowed on a case by case basis by the Board of County Commissioners if it can be demonstrated through

generally accepted, science-based analysis that the proposed use will have no negative affect on the quality or quantity of water within the Hendrickson Dam Reservoir. In no case shall prohibited uses be allowed within one-quarter mile of the shoreline of the creeks or creeks' tributaries.

f.g. When incidental to a permitted use, the bulk storage associated with agricultural uses and use of such products are allowed. This exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances.

3. The following are prohibited within 200 feet of the mean high water mark of the creeks and creeks' tributaries:
  - a. All septic systems (including all components of those systems), and
  - b. The storage or use of any hazardous substances, except when such storage or use is in compliance with applicable State and Federal regulations.
4. For residential properties adjacent to the creek system, the County shall require adherence to the standard outlined within 40D-40.301(2)(f), Southwest Florida Water Management District Rules.

#### **ENV Policy 1.4.10: Surface Water Protection Overlay District (SWPOD)**

The County shall establish the Surface Water Protection Overlay District as illustrated on FLUM Series Map # 5. The intent of the SWPOD is to improve surface water quality by providing for natural filtration of pollutants prior to stormwater flows entering the waterbodies that feed into the Myakka River, Peace River, Lemon Bay, or Charlotte Harbor. Charlotte County shall place those natural and manmade waterbodies identified on FLUM Series Map # 5 into the SWPOD.

Owners of property adjacent to these waterbodies, and the receiving waterbodies, are encouraged to utilize alternatives to traditional sodding such as berming, planting or retaining native vegetation, and utilizing bio-retention swales and rain gardens. A reduction of impervious surfaces parcel-wide is also encouraged. Fertilizer and pesticide usage is discouraged.

#### **ENV Policy 1.4.11: Establishment of Wellhead Protection Areas**

The County shall, in coordination with the SWFWMD and the South Florida Water Management District (SFWMD), maintain and update wellhead protection areas for all public water supply wells, which shall include potable water and Aquifer and Storage Recovery (ASR) wellheads. Wellhead protection areas may be modified due to changes in technical knowledge, such as transmissivity, or porosity; changes in pumping rates; reconfiguration of well fields; abandonment or relocation of wells; the installation of new wells or well fields; establishment of minimum flows or levels pursuant to Chapter 373, Florida Statutes; changes in

maximum contaminant levels; or to accommodate changes in topography or hydrology, such as newly approved mining areas.

**ENV Policy 1.4.12: Wellhead Protection**

The County shall enforce, and improve as necessary, the wellfield protection requirements of the Charlotte County Code of Laws and Ordinances, which shall include prohibitions against the placement of incompatible uses known to contaminate drinking water. Cones of influence shall be delineated and updated in the Land Development Regulations.

**ENV Policy 1.4.13: Aquifer Recharge Protection**

Within Charlotte County's Prime Aquifer Recharge Area, as identified on Future Land Use Map Series Map # 6, the County shall prohibit the generation or transmission of petroleum products or other hazardous substances. The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). The County shall further protect its aquifer recharge area by requiring properties to develop in accordance with the guidelines of the Groundwater and Aquifer Recharge subelement of the Infrastructure element, AQR Policies 1.1.1 and 1.1.2.

**ENV Policy 1.4.14: Groundwater - Waste Disposal & Discharge**

The County shall monitor permit compliance for waste disposal and discharge facilities and activities, and take appropriate action when necessary. Appropriate action shall include notification of the permitting agency, intervention in agency proceedings, or legal action by the County.

**ENV Policy 1.4.15: Groundwater - Public, Industrial, Agricultural Uses**

The County shall monitor permit compliance for public, industrial, or agricultural water uses, and take appropriate action when necessary. Appropriate action shall include notification of the permitting agency, intervention in agency proceedings, or legal action by the County.

**ENV Policy 1.4.16: Groundwater - Mandatory Connection to Water and Sewer**

The County shall continue to require connection to central water and to sewer service when such service is available in order to reduce the direct demand on groundwater for domestic use and reduce the potential for contamination from septic tank leachate per the Potable Water and Sanitary Sewer subelement of the Infrastructure element, WSW Objective 3.1 and associated policies.

**ENV Policy 1.4.17: Groundwater - External Impacts**

The County shall continue discussions with the Water Management Districts, Southwest Florida Regional Planning Council, and jurisdictional local governments to determine what measures may be taken to help prevent impacts to recharge areas and other hydrogeologic features which occur outside Charlotte County's boundary and are connected to the County's groundwater.

**ENV Policy 1.4.18: Nutrient Load Reduction**

The County shall continue to work toward compliance with the requirements of the National Pollutant Discharge Elimination System and will utilize all available means, including stormwater units, MSBUs, and other revenue sources, to provide funding for these necessary requirements and programs to ensure that water quality and productive capability meets or exceeds the standards provided in Chapter 62, FAC and the Clean Water Act, 33 USC 1251. At such time when nutrient load reduction goals are promulgated through the Charlotte Harbor Surface Water Improvement and Management (SWIM) program or through Total Maximum Daily Load (TMDL) programs, Charlotte County will review and, as necessary, revise its Code of Laws and Ordinances to ensure that these goals are met through the County's development review processes.

**ENV Policy 1.4.19: Emergency Water Conservation Plan**

The County shall continue to cooperate with the SWFWMD and the SFWMD to conduct water conservation programs and maintain and implement the County's emergency water conservation plan.

**ENV GOAL 2: PROTECT NATURAL RESOURCES**

**Protect, conserve, enhance and manage native habitats and natural communities to ensure viable use continues for present and future generations of terrestrial and aquatic floral and faunal species and the enjoyment of the public.**

**ENV Objective 2.1: Marine Protections**

To protect marine and estuarine habitats to ensure long-term viability and productivity of finfish, shellfish, other aquatic communities, seagrass and oyster bed resources.

**ENV Policy 2.1.1: Marine and Estuarine Protection**

The County shall implement protections to marine and estuarine resources as identified in the objectives and policies of the Coastal Planning element.

**ENV Objective 2.2: Regional Conservation Strategy**

To protect plant and animal diversity and distribution by protecting listed and imperiled plant and wildlife habitats, providing for habitat corridors, and preventing habitat degradation, isolation or fragmentation through a regional conservation strategy.

**ENV Policy 2.2.1: Protect State and Federal Lands**

The County shall support the US Fish and Wildlife Service (USFWS), the SWFWMD, the SFWMD, the DOF, the FDEP, and the Florida Fish and Wildlife Conservation Commission (FFWCC) in protecting the environmental and recreational integrity of their wildlife management areas, parks, preserves, and reserves. Charlotte County shall accomplish this through review of development applications that may affect these areas, and the enforcement and implementation of development regulations to protect environmentally sensitive habitats, including but not limited to, upland, wetland and marine communities.

#### **ENV Policy 2.2.2: Allow Proper Land Management**

The County shall help ensure that land use activities on adjacent properties do not prevent the use of land management activities (such as prescribed burns) necessary to maintaining the natural functions and values of public wildlife management areas, parks, preserves, and reserves, or private conservation lands and agricultural properties.

#### **ENV Policy 2.2.3: Developments Adjacent to Preserved Lands**

The County shall require a developer submitting for a ~~special exception, plan amendment, or rezoning, or site plan review~~ for property adjacent to Federal, State, or County wildlife management areas, parks, preserves, and reserves to supply a science-based analysis coordinate with the appropriate Federal, State, or County agencies with regard to ~~of possible potential~~ impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated, if present. Where elimination is not possible, the ~~developer analysis shall work with the appropriate department or agency detail to how these impacts can be avoided or reduced these impacts.~~ If it is determined that avoidance or reduction are not possible or viable, then all impacts shall be and mitigated. After consultation with the appropriate Federal, State, or County department or ~~agency to review this analysis, the County may~~ County reserves the right to require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands.

#### **ENV Policy 2.2.4: Limitation on Land Use Changes**

The County ~~may deny~~ shall not support increases in density or intensity of land use if it can be determined that such a change would be harmful to natural resources. This would include, but is not limited to, impacts to State and Federally protected wildlife and the habitats upon which they depend. ~~harmful impacts to listed flora and fauna, imperiled and rare communities, water quality and quantity, historic flowways and other such resources. Impacts to wetlands shall be processed as described by ENV Objective 3.1 and associated policies. Impacts to wetlands shall be processed as described by ENV Objective 3.1 and associated policies.~~

**ENV Policy 2.2.5: Environmental Land Identification for Acquisition**

The County shall identify lands suitable for fee or less-than-fee acquisition and shall prioritize acquisition projects based on the following criteria:

1. Rarity of natural community types, such as pine flatwoods, hammocks or scrub; rarity of species, including rare and endangered species such as the Florida panther or Red-cockaded woodpecker; uniqueness of the sites special features; and
2. Connectivity and proximity to other protected lands to create green corridors; and
3. Ecological quality; diversity of species; ecological integrity; and
4. Important to maintaining water quality in either a natural water course, groundwater recharge area or estuarine environment; and
5. Potential for long-term viability and public enjoyment of lands.

Potential acquisition sites shall include, but not be limited to, scrub habitats, riparian corridors, floodplain areas, wetlands, wildlife corridors and habitats, or dune and coastal systems.

**ENV Policy 2.2.6: Environmental Land Protection**

The County shall protect environmental lands using all available methods, including: land acquisition; incentives; land development requirements for the provision of conservation and preservation areas; and denial of increases in density and intensity.

**ENV Policy 2.2.7: Environmental Acquisition and Management**

The County shall acquire and manage environmental lands using all available opportunities including, but not be limited to: levying an ad valorem tax; obtaining State, Federal and non-profit grant funding; land swaps; public/private partnerships; public/public partnerships (such as Florida Communities Trust); community land trusts; and conservation easements. All lands acquired by the County for preservation shall be managed to retain their environmental value.

**ENV Policy 2.2.8: Promoting Connectivity**

In its efforts to protect natural resources, the County shall promote linkages between existing public parks, preserves, and similar areas serving to provide for the conservation of natural resources in order to develop a system of interconnected greenways and blueways providing for public recreation while protecting the natural environment. These areas may consist of woodlands, waterbodies, and other open spaces. These areas may be used for hiking, bicycling horseback riding, developed as resource-based parks or low-impacting educational facilities and nature centers. Linkages can be made to lands internal

to the County or to lands in adjacent counties. The County shall utilize all means identified in ENV Policy 2.2.6 and 2.2.7 to promote this connectivity.

**ENV Policy 2.2.9: Critical Wildlife Corridors Map**

~~FLUM Series Map #22 shall depict lands identified as Critical Wildlife Corridor Linkages in the Rural Service Area east of Charlotte Harbor. Critical Wildlife Corridor Linkages may develop as Conservation Subdivisions under the Agriculture FLUM category as a means to help preserve, in perpetuity, land consisting of riparian corridors, wetlands, and listed species habitat. These Linkages may also be developed as Rural Communities if the property is not within a prohibited area as identified on FLUM Series Map #23: Rural Community Potential Locations.~~

**ENV Policy 2.2.109: Conservation Charlotte**

The County shall continue to administer the Environmentally Sensitive Lands Protection Program (Conservation Charlotte), which generates funds for the acquisition of environmentally sensitive lands.

**ENV Policy 2.2.140: Land Management**

The County, or duly authorized management agencies, shall develop and implement long range management plans for preservation or conservation lands consistent with the natural resources found on these properties.

**ENV Policy 2.2.121: Public Awareness of Environmental Lands**

In cooperation with other government agencies and non-profit groups, the County shall work to increase public awareness, appreciation, and (consistent with the resources found at each site) access to the publicly owned preserves and environmental parks within the County's borders.

**ENV Policy 2.2.132 Donation Policy**

The County may accept lands offered for donation as nature preserves or other resource conservation uses when at least one of the following apply: such lands contain ecologically valuable habitat; public ownership of such lands would expand existing preservation or resource conservation areas; public ownership of such lands would provide increased protection for existing preservation or resource conservation areas; or such lands are a commodity that shall be traded for ecologically valuable habitat.

**ENV Policy 2.2.143: Linear Facilities**

The County shall develop siting standards for linear facilities except where such are already subject to siting criteria in existing State and Federal regulations. Standards applying to the siting of linear facilities shall include the requirement of

an environmental impact assessment and alternative routes analysis, both of which must be performed by qualified professionals.

**ENV Policy 2.2.154: Habitat Inventory**

The County shall maintain an update of the Charlotte County Habitat Inventory, which is an inventory of all natural communities and natural habitats within the County, and incorporate it into the County's Geographic Information System's database.

**ENV Objective 2.3: Protect Listed Flora and Fauna**

To protect wildlife and plant species listed by the USFWS or FFWCC and conserve the habitats upon which they depend in order to maintain balanced, biologically productive ecosystems and natural communities for the use and benefit of future generations.

**ENV Policy 2.3.1: Monitoring Development Activities**

The County shall monitor development activities for compliance with local environmental conditions of approval ~~assist in the application of, and compliance with, all State and Federal regulations regarding listed species through monitoring of development activities and providing information regarding listed species on properties undergoing development review.~~

**ENV Policy 2.3.2: Listed Species Surveys**

When it is determined that properties undergoing development review contain habitat that may be utilized or is utilized by listed species, the County shall require surveys per the methods set by FFWCC or USFWS. ~~Charlotte County shall withhold development approval for properties until all applicable State and Federal permits pertaining to such listed species have been obtained and copies provided to Charlotte County.~~

**ENV Policy 2.3.3: Protecting Imperiled Habitat on Private Lands**

During the site plan review process, the County shall require avoidance, minimization and proper mitigation of the effects of development on rare and imperiled natural communities. As one method of implementing this policy, any properties undergoing development that contain a rare or imperiled community shall set aside the amount of land required by the Open Space/Habitat Reservation Land Development Regulation for preservation.

**ENV Policy 2.3.4: Habitat Conservation Plans (HCPs)**

To expedite the development review process while ensuring the long-term viability of populations of listed and protected species, the County shall develop species-specific and project specific HCPs as directed by the Board of County Commissioners, and as authorized by the Endangered Species Act and as approved by the USFWS. Until such time as species-specific HCPs are

developed, the County's review and approval of development proposals shall be consistent with the provisions of listed species guidelines promulgated by the FFWCC and USFWS.

**ENV Policy 2.3.5: Scrub-jay Habitat Conservation Plan**

The County shall administer the adopted species specific Florida scrub-jay (*Aphelocoma coerulescens*) HCP, ~~which was developed for four Capital Improvement Projects, when approved by the USFWS. The County supports the effort to create a County-wide scrub-jay Habitat Conservation Plan.~~

**ENV Policy 2.3.6: Exotic Plant Removal**

The County shall continue to enforce the removal of invasive exotic plants. The County shall also prohibit the planting of species listed as noxious weeds by 5B-57.007, Florida Administrative Code, and listed as invasive species on the Florida Exotic Pest Plant Council Invasive Plant Category I Lists. The County shall discourage the planting of species listed as invasive species on the Florida Exotic Pest Plat Council Invasive Plant Category II List.

**ENV Policy 2.3.7: Local Mitigation Banks**

The County shall continue to work for the establishment of mitigation parks and banks within the County to ensure that local impacts to listed flora and fauna and rare and imperiled natural communities are mitigated locally.

**ENV Policy 2.3.8: Environmental Education**

The County shall support efforts to increase the public's understanding and stewardship of wildlife, natural communities, and other natural resources through partnerships with non-profit organizations such as the Florida Master Naturalist Program, the Florida Yards and Neighborhoods Program, and the University of Florida Food and Agricultural Sciences program.

**ENV Objective 2.4: Soil Conservation**

To protect and conserve native soils as an essential natural resource.

**ENV Policy 2.4.1: Promote Agricultural Best Management Practices**

The County shall encourage the use of bona fide agricultural practices that optimize the use of soils for the long-term, sustainable production of food and fiber for society. This shall be accomplished through partnerships with the University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Agriculture and Consumer Services and the Charlotte Soil and Water Conservation District.

**ENV Policy 2.4.2: Land Clearing**

The County shall not allow non-agricultural land clearing prior to the issuance of County tree removal authorization.

**ENV Policy 2.4.3: Soil Stabilization**

Best ~~M~~management ~~P~~practices, including sodding, seeding, mulching, and preservation and maintenance of vegetation, shall be utilized throughout and following development activities in order to reduce the erosion of soil by wind and water and to conserve the functions of natural systems.

**ENV Policy 2.4.4: Site Plan Review**

During its review of site plans and proposed developments, Charlotte County shall consider how the subject property’s topography, vegetation, and hydrology may affect the potential for erosion and erosion control.

**ENV Policy 2.4.5: Maintain Natural Systems**

In order to protect native soils and the functions of natural systems, Charlotte County shall encourage the use of stemwalls or pilings as alternatives to the use of fill material to achieve elevation of buildings necessary for flood protection and other design criteria.

**ENV Objective 2.5: Excavation Activities**

To minimize the detrimental effects of mineral extraction on groundwater, surface water, wildlife and wildlife habitats, surrounding land uses and values, and the health, safety, and welfare of the general public.

**~~ENV Policy 2.5.1: Review of Excavation Activities~~**

~~During its review of proposed excavation activities, the County shall ensure that:~~

- ~~1. All mitigation activities proposed by a mining operation are acceptable to Charlotte County prior to the approval of a mining permit.~~
- ~~2. Detrimental effects to groundwater and surface water resources are minimized.~~
- ~~3. Reclamation plans include criteria for beneficial post-operation land use activities. Reclamation plans shall: maximize the reclamation of the resultant waterbodies for fish and wildlife and include the creation and planting of littoral shelves with native plant species to provide wildlife habitat; help improve or maintain water quality; prevent erosion of the shoreline; restore pre-development functions and values, including restoration of similar natural communities; and make the site aesthetically pleasing. The County shall require a bonding mechanism for reclamation expenses in the event of non-compliance by an operator. Reclamation bonds shall be equal to the cost of reclamation.~~

4. ~~Minimum buffer zones and setbacks are being observed between extractive and non-extractive land use activities.~~
5. ~~Cumulative impacts to the built and natural environment are assessed.~~
6. ~~The hydrological functions of natural flow ways and sloughs are maintained during and after the proposed excavation activities.~~

#### **ENV Policy 2.5.21: Commercial Excavations**

Commercial excavation operations shall be allowed to apply for a plan amendment to Mineral Resource Extraction in all areas not prohibited by the standards outlined in the Mineral Resource Extraction (MRE) Future Land Use Map designation. Amendments from Resource Conservation or Preservation to MRE within the non-prohibited area may be allowed if it can first be proven that such designation does not correctly demarcate environmentally sensitive lands. In such cases, should other environmentally sensitive lands exist that are not under a protected FLUM status, the amendment shall include placing those lands under the Preservation or Resource Conservation FLUM.

#### **ENV Policy 2.5.42: Surface Water Storage**

The County shall continue to partner with the SWFWMD, the Florida Department of Agriculture and Consumer Services, and the USDA Natural Resources Conservation Service to support agricultural operations that wish to excavate ponds to store surface water for irrigation.

### **ENV GOAL 3: WETLANDS**

**Avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available.**

#### **ENV Objective 3.1: Wetland Protections**

To protect wetlands and the natural functions and values of wetlands.

##### **ENV Policy 3.1.1: Identification and Categorization of Wetlands**

The County shall require that the presence of wetlands be identified within the review processes of Developments of Regional Impact, Land Use Amendments, Rezoning applications and preliminary site plans. The type (i.e. Category I or II as defined below) of wetlands shall also be indicated by the applicant and reviewed for accuracy.

##### **ENV Policy 3.1.2: Indicators of Wetlands**

During site review processes, the County shall utilize all available resources from State and Federal agencies as potential indicators of the presence of current and historic wetlands. ~~The precise categorization of these areas shall be verified through site specific studies and field determinations.~~ Per Section 373.421 F.S.

(2015), Delineation methods; formal determinations, the County shall accept the approved wetland determination as verified by State and Federal agencies.

### **ENV Policy 3.1.3: Wetland Categories**

#### **Category I**

Category I wetlands are those wetlands that are considered critically necessary to sustain the health of the County's environment and shall mean those wetlands that meet at least two of the following criteria:

1. Any wetland of any size that has a permanent surface water connection to natural surface waterbodies with special water classifications, such as an Outstanding Florida Water, an Aquatic Preserve, or Class I or II waters. A natural hydrological connection that has been enhanced by human technology will be considered a connection under this category.
2. Any wetland of any size that has a direct connection to the Floridan aquifer by way of an open sinkhole or spring.
3. Any wetland of any size that has functioning hydroperiods with minimal human disturbance and provides critical habitat for listed species.
4. Any wetland of any size whose functioning hydroperiods are connected via a direct natural surface water connection to parks or conservation lands.
5. Any wetland of any size where downstream or other hydrologically connected habitats are significantly dependent on discharges from the wetland.

Wetlands meeting two or more of the above criteria must have no more than 30 percent coverage of exotic invasive vegetation. The County shall limit the removal, alteration, encroachment, dredging, filling, or changes to the natural hydroperiod or water quality (hereinafter collectively referred to as "impacts") within Category I wetlands, regardless of any other regulatory agency authorization, to cases where no other feasible and practicable alternative exists that will permit a reasonable use of the land. The protection, preservation, and continuing viability of Category I wetlands shall be the prime objective of the basis for review of all proposed impacts.

#### **Category II**

Category II wetlands shall mean those wetlands that consist of isolated wetlands or formerly isolated wetlands which by way of man's activities have been directly connected to other surface water drainage. Impacts within Category II wetlands shall first be avoided. Impacts that ~~can not~~ cannot be avoided may be mitigated as permitted by State and Federal permitting agencies. The County shall review

the reasoning for any proposed impacts and may prohibit such if it determined to be contrary to the public interest.

#### **ENV Policy 3.1.4: Protection Incentive**

The County shall allow density to be severed from wetlands at the base density calculation. Per FLU Policy 1.2.13, the County will explore a density bonus program or other incentive program for landowners that provide habitat management of wetlands.

#### **ENV Policy 3.1.5: All Wetlands Impact Limitations**

The County shall limit impacts in wetlands to the following:

1. Development of parcels of land created prior to June 15, 2010 only if adequate uplands do not exist to support the footprint of the proposed use impacts shall be limited to the minimal area necessary to support the proposed use. Sewer shall be utilized unless adequate spacing exists to allow a distance separation of at least 100 feet between the Onsite Sewage Treatment and Disposal System (OSTDS) and the delineated edge of the wetland. Contiguous parcels under same ownership shall be consolidated to minimize wetland impacts to Category I and II wetlands.
2. Redevelopment of previously permitted structures provided all development occurs within the footprint of the original structure.
3. Activities necessary to prevent or eliminate a public hazard.
4. Activities that provide a direct benefit to the public at large that would exceed any public loss as a result of the activity, such as removal of exotic species.
5. Passive, resource oriented activities for which wetland functions and values are the primary attraction.
6. Agriculture, provided the overall ecological integrity of the wetlands community shall be maintained as follows:
  - a. Viable populations of protected or listed species found onsite can be maintained onsite;
  - b. Harvests are planned to provide for varying age and height diversity, supporting a variety of vegetative successional stages within the overall wetland ecosystem;
  - c. The natural hydrology and hydroperiod of wetlands are not significantly modified on a long-term basis and State water quality standards are not violated; and
  - d. There is no conversion of wetland systems to upland systems.
7. Non-commercial water dependent uses and structures such as boardwalks, docks or boat ramps constructed in a manner to minimize impacts to wetlands and aquatic resources.

8. Linear facilities serving a public need that cannot be reasonably located outside of all wetlands may cross or occur in wetlands provided the proposed facility impacts the least sensitive portions (i.e., narrowest, most impacted, etc.), bridging may be considered as means to minimize impacts. Linear facilities can include boring or directional drilling.
9. Stormwater treatment or tertiary treatment of wastewater may be allowed only for innovative designs which demonstrate that:
  - a. The continued natural functioning of the wetland system will be maintained or improved.
  - b. The natural hydroperiod of the wetland will be maintained.
  - c. Water quality, vegetation, and aquatic lifeforms will be maintained or improved.
  - d. All substances that could adversely impact water quality, vegetation and aquatic lifeforms will be removed or treated prior to discharge to the wetland system.
  - e. The wetland's ability to assimilate any nutrients in the effluent discharged to the wetland system will not be exceeded.
  - f. The project owner or operator agree to a monitoring program of the wetlands system, at their expense, and any degradation of the wetland system that occurs during the monitoring period due to project design failure shall be corrected at the owner or operator's expense.

#### **ENV Policy 3.1.6: Incompatible Uses**

Where adequate land area exists to support the proposed use, the County shall require a 50 foot, undeveloped buffer between any commercial intensive and industrial land uses, including associated uses such as parking lots and storage areas, and any waterways, wetlands, or lakes.

#### **ENV Policy 3.1.7: Prohibited Uses**

The use, storage, transmission, or generation of hazardous substances, or substances which may artificially accelerate the eutrophication of wetlands and waterbodies, is prohibited within 200 feet of wetlands.

#### **ENV Policy 3.1.85: Subdivision Approval**

The County shall prohibit, through the subdivision approval process, the creation of new lots and parcels entitled to be developed that do not contain adequate buildable land uplands to support the least intensive use allowed under the land use category. The policy is not intended to prohibit the creation of any parcel to be used as a conservation/preserve area.

#### **ENV Policy 3.1.96: Roads**

Roads necessary for access to upland portions of a subject property may cross wetlands provided they cross the least sensitive portion (i.e., narrowest, most degraded, etc.) of the affected wetlands and all environmental permitting procedures and Best Management Practices have been followed. Minimally invasive building techniques and pervious road surfaces will be required.

#### **ENV Policy 3.1.407: Permits**

The County shall require all applicable permits set forth in Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), as may be amended. Under Section 373.421, F.S. (2013) Florida has adopted a wetland delineation methodology that is binding on all State, regional, and local governments throughout Florida. This methodology was adopted as Chapter 62-340 of the Florida Administrative Code (F.A.C.), which is ratified in Section 373.4211 (2013), for statewide applicability. It became effective on July 1, 1994. This methodology is a unified Statewide approach to wetland and other surface water delineation and is specific to Florida, in recognition of the vegetation, hydrologic, and soil features that specifically exist in Florida. Florida also implements a separate permitting program for trimming or altering mangroves under Section 403.9321 through 403.9333, F.S. (2013). The County shall require an FDEP Environmental Resource Permit and other State or Federal wetland permits prior to issuing local development permits. All conditions placed on such permits by the issuing agencies, including upland buffer zone requirements, restrictions of use within the wetland, etc., shall be incorporated into the final development approval issued by the County. The County reserves the right to deny any local permit regardless of any other regulatory agency authorization. Charlotte County shall also coordinate with permitting agencies to review wetland delineations prior to the finalization of the agency permits. If the County determines that the boundary may be incorrect, staff will work with the permitting agency to correct the delineation.

#### **ENV Objective 3.2: Wetland Protection Methods**

To apply a comprehensive planning-based approach to the protection of wetland ecosystems for projects in the County, consistent with the Uniform Mitigation Assessment Method or other similar Methods from State or Federal agencies. The County shall work with the Florida Department of Environmental Protection, the Southwest Florida Water Management District, the South Florida Water Management District, and U.S. Army Corps of Engineers, to maintain the ecological values provided by the functions performed by wetlands and other surface waters within the County. It shall be the County's intent to protect and enhance the County's wetland resources.

#### **ENV Policy 3.2.1: Conservation and Protection**

The County shall, through the plan amendment, rezoning, and site plan review processes, and consistent with the State and Federal agencies, continue to conserve and protect wetlands from physical and hydrological alteration.

**ENV Policy 3.2.2: Unpermitted Encroachment**

The County shall, through the plan amendment, rezoning, and site plan review processes, and consistent with State and Federal agencies, continue to prohibit unpermitted encroachment and impacts into wetlands.

**ENV Policy 3.2.3: Conservation Easement Requirements**

During the site plan review process, wetlands (greater than one acre) determined by State or Federal agencies to remain preserved may be placed into a conservation easement in favor of the County, a homeowners association, or similar entity and labeled as preservation on all development plans and plats. Upland buffers for wetlands shall be required where feasible to protect these resources from the impacts of development.

**ENV Policy 3.2.4: Avoidance, Minimization and Mitigation**

In order to preserve wetlands, the County shall, through the site plan review process, make every effort to maintain undisturbed wetlands consistent with these avoidance, minimization, and mitigation policies.