

Board of County Commission Agenda Request

Date of Meeting: January 5, 2016

Date Submitted: December 11, 2015

To: Honorable Chairperson and Members of the Board

From: Robert M. Presnell, County Administrator
Allara Mills Gutcher, Planning and Community Development Director

Subject: **PUBLIC HEARING:** (Legislative) Consideration of Adoption of Ordinance 2016-001 for the Amendment of the Conservation Element of the Comprehensive Plan

Statement of Issue:

Public hearing to adopt Ordinance 2016-001 for the amendment of the Conservation Element of the Gadsden County Comprehensive Plan.

Background:

Gadsden County has been progressively updating the Comprehensive Plan and Land Development Code. Over the course of the past several months, the Planning Division and Planning Commission have been working toward the amendment of the Plan, to include the recently adopted Housing Element, Intergovernmental Coordination Element, and Future Land Use Element. Currently, the Capital Improvements Element and the Recreation and Open Space Element are in the amendment process with Department of Economic Opportunity (DEO).

The Board of County Commissioners considered this element at their October 15, 2015 regularly scheduled public hearing and voted to transmit this element to the DEO for review. The Florida Fish and Wildlife Conservation Commission had comments regarding the Species of Greatest Conservation Need language in Policies 5.4.3 and 5.4.4, which are noted below (Attachment 3). Changes have been made from the transmittal version to accommodate these comments.

After this adoption hearing, the Conservation Element will be filed with the Department of Economic Opportunity. Pursuant to Florida Statute, the ordinance will become effective thirty (30) days after the adoption hearing.

Analysis:

The Conservation Element is considered compliant with Florida Statutes by staff and the state reviewing agencies (Attachment 2). An analysis of the staff compliance is included in this submittal for your review (Attachment 4). This hearing is for the BOCC to adopt the amendment into the Comprehensive Plan by ordinance (Attachment 1).

The Florida Fish and Wildlife Conservation Commission (FWC) submitted editorial comments as a result of which Objective 5.4 and Policies 5.4.3 and 5.4.4 were amended slightly. These changes are noted below:

Transmitted Objective 5.4: Protect Endangered, Threatened and Species of Greatest Conservation Need.

Adopted Objective 5.4: Protect Endangered and Threatened Species.

Transmitted Policy 5.4.3: Gadsden County shall require on-site protection and/or managed relocation for all species listed and identified as Endangered, Threatened, or Species of Greatest Conservation Need, and conservation management of critical habitats.

Adopted Policy 5.4.3: Gadsden County shall require on-site protection and/or managed relocation for all species listed and identified as Endangered or Threatened, and conservation management of critical habitats.

Transmitted Policy 5.4.4: The County shall protect Endangered, Threatened, or Species of Greatest Conservation Need by requiring the following to be submitted in conjunction with any Comprehensive Plan Map amendment request to a more intense category which is more than ten (10) acres. Such assessment may be conducted with readily available information through desktop GIS and/or the most recent state agency published documentation.

- (a) Any finding that lists any Endangered, Threatened, or Species of Greatest Conservation Need species located on site;
- (b) Soil types on site as noted in the Soil Survey in Policy 5.1.11;
- (c) Wetlands on site as shown on the National Wetlands Inventory.

Adopted Policy 5.4.4: The County shall protect Endangered and Threatened Species by requiring the following to be submitted in conjunction with any Comprehensive Plan Map amendment request to a more intense category which is more than ten (10) acres. Such assessment may be conducted with readily available information through desktop GIS and/or the most recent state agency published documentation.

- (a) Any finding that lists any Endangered or Threatened species located on site;
- (b) Soil types on site as noted in the Soil Survey in Policy 5.1.11;
- (c) Wetlands on site as shown on the National Wetlands Inventory.

Essentially, the FWC noted that Species of Greatest Conservation Needs are not regulated by the state and due to the size of the list of these species, they recommended the removal of this reference. As such, all reference to Species of Greatest Conservation Needs have been removed.

Options:

1. Adopt Ordinance 2016-001 which amends the Conservation Element and authorization to transmit the adoption package to the DEO with Chairperson's signature.
2. Don't adopt Ordinance 2016-001 which amends the Conservation Element.
3. Board Direction.

County Administrator's Recommendation:

Option 1.

Attachments:

1. Ordinance 2016-001 with Exhibit A.
2. No comment letter from the Department of Economic Opportunity regarding the amendment.
3. Letter from Florida Fish and Wildlife Conservation Commission with recommended changes to Objective 5.4 and Policies 5.4.3 and 5.4.4.
4. Statutory analysis.
5. Newspaper advertisement.
6. Letter for Chairperson's signature to file with DEO.

Attachment 1 - Adoption Ordinance

ORDINANCE 2016 -001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Gadsden County to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Gadsden County Local Planning Agency held a public hearing to consider the proposed Comprehensive Plan amendment CPA 2015-03 on September 17, 2015 in a duly noticed public hearing and recommended the amendment be approved by the Gadsden County Board of County Commissioners for adoption; and

WHEREAS, the Gadsden County Board of County Commissioners held a public hearing on October 20, 2015 to transmit the Comprehensive Plan amendment CPA 2015-03 to the Department of Economic Opportunity for review, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing; and

WHEREAS, the Department of Economic Opportunity (Department) has completed its review of the Comprehensive Plan amendment CPA 2015-02 (DEO No. 15-3 ESR) and issued no comment letter in which the Department did not issue any objections or comments; and,

WHEREAS, in exercise of its authority, the Board of County Commissioners of Gadsden County finds it necessary and desirable to adopted and does hereby adopt Comprehensive Plan amendment CPA 2015-03, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the unincorporated jurisdictional boundaries of Gadsden County.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

The Conservation Element of the Gadsden County Comprehensive Plan is amended, as specified in Exhibit "A" to this Ordinance.

SECTION I: Approval of Amendment.

We, the Board of County Commissioners of Gadsden County, hereby adopt the amendment to the Conservation Element of the Gadsden County Comprehensive Plan, as hereby included as Exhibit "A".

SECTION II: Repeal

All parts of the Conservation Element of the Gadsden County Comprehensive Plan in existence prior to the adoption of this ordinance are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held void, unenforceable or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions, sentences, clauses, or phrases and their application shall not be affected and remain in full force and effect.

Section IV: Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 5th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Brenda Holt, Chairperson

Nicholas Thomas
Clerk of the Circuit Court

Exhibit A – Current Conservation Element (2001)

CONSERVATION ELEMENT

INTRODUCTION

The following goal, objectives and policies constitute the Conservation Element providing for the promotion of the conservation, use and protection of the County's natural resources. The data collected for this plan element and analysis of this data, contained in the County's *Data and Analysis* document, are not part of this adopted plan element, but serve to provide a foundation and basis for the formulation of this portion of the Comprehensive Plan.

Conservation uses are defined as activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality and within this plan includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, or protection of vegetative communities or wildlife habitats.

The Future Land Use Map Series addresses conservation future land use as defined above. The conservation future land use category shown on the Future Land Use Map identifies conservation areas which consist of lands within the County which is anticipated to have planned management of natural resources to prevent exploitation, destruction or neglect of those natural resources. At a minimum, Conservation Land Use is applied to lands owned by the State of Florida which have been purchased and/or set aside for habitat protection, resource management, recreation or other conservation uses. Major flood ways and connected wetlands, are also included in this land use designation on the Future Land Use Map.

GOAL, OBJECTIVES AND POLICIES

GOAL 5:

~~THE COUNTY SHALL PRESERVE, CONSERVE, AND APPROPRIATELY MANAGE THE RESOURCES OF GADSDEN COUNTY AND STRIVE TO PROVIDE PROTECTION OF UNIQUE AND ENVIRONMENTALLY SENSITIVE LANDS, LIFE AND PROPERTY FROM NATURAL AND MAN-MADE HAZARDS.~~

~~OBJECTIVE 5.1: The County shall protect air quality by requiring compliance with the Environmental Protection Agency and Florida Department of Environmental Protection minimal air quality standards and specific implementation criteria.~~

~~Policy 5.1.1: The County shall require that air quality permits are obtained prior to the issuance of development orders, so that minimum air quality levels established by the Florida Department of Environmental Protection are maintained in the County.~~

~~Policy 5.1.2: The County shall establish standards such as retention and or creation of new vegetative buffers to control and reduce the impacts on air quality of automobile pollution, consistent with the Florida Department of Environmental Protection.~~

~~OBJECTIVE 5.2: Use Best Management Practices (BMPs) and other professionally acceptable practices to provide for the conservation, appropriate use and projected water sources, water recharge areas, potable water wells and their cones of influence.~~

~~**Policy 5.2.1:** The County shall require, as part of the development review process, the intergovernmental coordination of development plans with the Florida Department of Environmental Protection and the Northwest Florida Water Management District to assist in monitoring uses and levels of service which may impact the County's current and projected water sources.~~

~~**Policy 5.2.2:** Establish a buffer zone for designated prime groundwater recharge areas in order to protect the natural function of these areas by restricting land uses which would violate groundwater quality standards established by FDEP.~~

~~**Policy 5.2.3:** The County shall pursue acquisition of appropriate parcels of land through the Preservation 2000, (Florida Forever) program, the Conservation and Recreational Lands (CARL) program, the Florida Communities Trust or the Trust for Public Lands and / or other agencies as may be appropriate to develop State/County partnerships to protect environmentally sensitive lands, to protect unique, rare and endangered habitats, assure survival of listed wildlife species, protect scenic water corridors and their shoreline ecosystems, and provide enhanced public access to outdoor recreational opportunities and open space.~~

~~**Policy 5.2.4:** New development shall be required to maintain a 50 foot minimum natural buffer around all FDEP Jurisdictional Wetlands. The location of non-residential land uses shall be prohibited within the wetlands and buffer areas, except as provided in Policy 1.10.7. Stream crossings shall be permitted in accordance with the requirements of the U.S. Army Corps of Engineers Nationwide Permit Process.~~

~~**Policy 5.2.5:** Silvicultural activities shall follow the Best Management Practices outlined in the publication titled: Silviculture Best Management Practices Manual, Florida Department of Agriculture and Consumer Services, Division of Forestry, (as currently adopted).~~

~~**Policy 5.2.6:** Mining shall be permissible in wetlands, slope forests, steep heads, and adjacent to rivers, streams, creeks and lakes in areas designated as Mining on the Future Land Use Maps, subject to the following criteria:~~

- ~~(A) — Reclamation must be undertaken in accordance with state regulations. (Reclamation activities for fuller's earth mining undertaken in accordance with Chapter 378, Florida Statutes, shall be considered appropriate restoration if these activities maintain or improve the water quality and the function of the biological systems present at the site prior to the commencement of mining activities.) If site features make such reclamation impractical, compensatory mitigation must offset the project's adverse impacts on surface waters, including wetlands.~~

- ~~(B) Reclamation activities shall be conducted in a manner which has no long-term adverse impact on surface and groundwater resources, wildlife, and adjacent lands.~~
- ~~(C) Drainage systems, wetlands, and other surface waters shall function in manners which are not significantly different from those which existed prior to resource.~~
- ~~(D) Reclamation plans shall achieve the storm water requirements of the Northwest Florida Water Management District. (E) Reclamation plans shall incorporate vegetation measures to offset wildlife habitat lost and shall provide for the establishment of flora and fauna which are consistent with the previous land use.~~
- ~~(F) Water within all wetlands and water bodies shall be of sufficient quality to allow recreation or support fish and other wildlife.~~
- ~~(G) Herbaceous wetlands shall be planted or otherwise treated to achieve a ground cover of at least 50 percent within one year of the initial planting or establishment and shall be protected from grazing, mowing or other adverse land uses for two years to allow further establishment.~~
- ~~(H) Wooded wetlands shall be planted to achieve a stand density of 200 trees per acre within one year of the initial planting.~~
- ~~(I) The plans for reclamation shall incorporate measures to offset wildlife habitat lost as a result of extraction. Special programs to restore, enhance or reclaim particular habitats shall be undertaken especially for endangered and threatened species, as identified by Florida Fish and Wildlife Conservation Commission (FWC) or the U. S. Fish and Wildlife Service.~~
- ~~(J) Experimental and innovative reclamation techniques are encouraged.~~

Policy 5.2.7: ~~An evaluation of any application for impact and appropriateness of an amendment to the **Future Land Use Map** from an existing land use category to the Mining land use category will be made prior to the time of the transmittal hearing by the Board of County Commissioners. The following criteria will be used in the amendment evaluations:~~

- ~~(A) The map amendment will be reviewed regarding the extent to which it is compatible with the existing land use categories.~~
- ~~(B) The amount of land to be amended will be evaluated to determine whether the request, due to size will have a minimal effect upon the overall development pattern of the County. In addition, this evaluation will include the extent to which the amendment, when considered together with other similar amendments, would result in cumulative changes, including impacts on public facilities and natural resources that are inconsistent with the goals, objectives and policies of this plan.~~
- ~~(C) The evaluation will consider whether the amendment is supported by data and analyses to demonstrate a need for the proposed land use at the site in question and its location in~~

~~proximity to existing area designated on the Future Land Use Map for Mining. The applicant may submit a study prepared in a professionally accepted manner as a part of the data and analyses.~~

~~The map amendment must be supported by adequate and appropriate data and analyses regarding the quality and quantity of environmentally sensitive lands included in the lands subject to the amendment application as well as elsewhere in the County to ensure that environmentally sensitive lands, as identified in **Policy 5.2.20**, outside the mining area will be sufficient to maintain a viable ecosystem.~~

~~**Policy 5.2.8:** To protect ground and surface water, the County shall, through the development review process, require that post-development run-off rates and pollutant loads do not exceed predevelopment conditions, consistent with Objective 4.10.7 in the Drainage Sub-Element.~~

~~**Policy 5.2.9:** New developments shall be required, consistent with local, state and federal permitting requirements, to maintain the natural functions of environmentally sensitive areas, including but not limited to wetlands and 100-year floodplains so that the long-term environmental integrity and economic and recreational value of these areas is maintained.~~

~~**Policy 5.2.10:** The County shall regulate development within 100-year floodplains to maintain the flood-carrying and flood-storage capacities of the floodways and flood-plains and reduce the risk of property damage and loss of life in accordance with the provisions of 44 Code of Federal Regulations, Chapter 403, Florida Statutes and implementing administrative rules.~~

~~**Policy 5.2.11:** New development shall be required to maintain a 50-foot minimum natural buffer adjacent to all perennial rivers, streams, creeks and lakes, wetlands, and steep heads. Further, the location of septic tanks and drain fields shall be prohibited within one hundred feet (100') of all perennial rivers, streams, creeks, and lakes, wetlands and steep heads. Agriculture and silviculture activities shall be allowed in the buffer areas and shall follow the Best Management Practices outlined in the publications titled Silviculture Best Management Practices Manual (Adopted March 1993, Florida Department of Agriculture and Consumer Services, Division of Forestry). Department of Health permitting of repairs to existing systems that are in violation of the 100' setback limit and that have been in use within one year of the date of application, shall be exempt from this provision.~~

~~**Policy 5.2.12:** The County shall require the use of the "Silviculture Best Management Practices Manual" and the "Management Guidelines for Forested Wetlands in Florida" as adopted by the Florida Department of Agriculture and Consumer Services, Division of Forestry, for all aspects of forestry management practices. These criteria shall be the adopted minimum standards relative to this policy requirement and be used in conjunction with the provisions of **Policies 5.2.4** and **5.2.11**.~~

~~**Policy 5.2.13:** Use the designated programs of the Northwest Florida Water Management District and other applicable agencies for the identification and protection of Water Recharge areas to ensure aquifer depletion and contamination does not occur in accordance with the Chapter 403, Florida Statutes.~~

~~**Policy 5.2.14:** As part of the development review process, the County shall require the maintenance of the quantity and quality of surface water runoff within freshwater stream to sink watersheds by prohibiting any development which may diminish or degrade the quality and quantity of surface water runoff within the County through minimum setbacks, buffering, 208 Water Quality requirements, Chapter 403, Florida Statutes and implementing administrative regulations.~~

~~**Policy 5.2.15:** The County shall protect the quality of surface and groundwater sources by coordinating through conferences, workshops, correspondence, etc., with the City of Quincy, Northwest Florida Water Management District and Florida Department of Environmental Protection in monitoring any proposed development in the Quincy Creek Drainage Area.~~

~~**Policy 5.2.16:** The County shall comply with the resource management plans of the Northwest Florida Water Management District for the emergency conservation of water sources by establishing water conservation measures. Such measures may consist of but not be limited to the following:~~

- ~~(A) — The use of low water use plumbing fixtures.~~
- ~~(B) — The reuse of water for irrigation of crops in agricultural operation.~~
- ~~(C) — The use of odd-even watering days.~~

~~**Policy 5.2.17:** The County shall cooperate with adjacent municipalities and Talquin Electric to provide protection for all potable water supply wells by prohibiting certain land uses which could have an adverse impact on public water supplies within the cones of influence for established well-field areas as provided for in **Policy 1.7.1**.~~

~~**Policy 5.2.18:** Prior to development approval, a survey shall be conducted to properly identify known drainage wells. If any wells are found, the developer shall be required to seal the drainage wells.~~

~~**Policy 5.2.19:** The County shall retain the right to permit or restrict the sale or export of groundwater or surface waters out of the County subject to the authority vested in the Northwest Florida Water Management District.~~

~~**Policy 5.2.20:** Wetlands, slope forests, steep heads, flood plains, rivers, streams, creeks, ponds, lakes, drainage conduits and their associated vegetative communities as depicted in **Maps CON-5, CON-6, and CON-11** which are expressly incorporated herein shall be designated as environmentally sensitive lands and shall be afforded maximum protection with planning controls.~~

~~**Policy 5.2.21:** Procedures to remove or control submerged, emergent or floating vegetation shall be limited to that necessary to provide reasonable access, and provides the standard of aquatic weed control as defined by the appropriate agencies. Any use of chemical herbicides for such purposes shall ensure that water quality and ecological integrity are not degraded. Restoration of natural aquatic vegetation will be used in conjunction with shoreline restoration in all future conservation and outdoor recreation developments bordering the County's rivers, streams and lakes.~~

~~OBJECTIVE 5.3: The County shall establish stream bank protection and woodland improvement provisions as best management practices for conservation, appropriate use and protection of soils, minerals and native vegetative communities including forests.~~

~~**Policy 5.3.1:** Require that application for any mining permit from state and/or federal agency for mining operations and or reclamation in Gadsden County be submitted concurrently to the County for consistency with the adopted Comprehensive Plan and a copy of the approved permit furnished by the permittee to the Gadsden County Department of Planning and Zoning. The County may comment to any federal and/or state agency responsible for mining and/or reclamation during the application process for such permits.~~

~~**Policy 5.3.2:** The County shall review topographic, hydrologic and vegetative cover factors during the development review process in order to protect and conserve the natural functions of soils.~~

~~**Policy 5.3.3:** The County shall protect native vegetative communities from destruction by development activities through proper site plan review procedures unless authorized pursuant to the applicable state and federal regulations. Such standards may include but not necessarily be limited to adequate buffer zones, site preservation techniques, etc. The County shall coordinate with the Northwest Florida Water Management District and other appropriate agencies to promote the removal of non-native and invasive species, reinstate native and natural vegetation.~~

~~**Policy 5.3.4:** The County shall require, within the development review process, that multiple use of forest resources, where appropriate, be required to provide for recreation, wildlife habitat, water shed protection, erosion control and maintenance of water quality.~~

~~**Policy 5.3.5:** Existing recreational areas, as identified in the Recreation Element, shall be protected by limiting these areas to conservation, recreational or open spaces and designated neighborhood recreation areas as provided in the Future Land Use Element.~~

~~**Policy 5.3.6:** The County shall cooperate with adjacent counties and municipalities to conserve, appropriately use and protect unique vegetative communities by participating in intergovernmental coordination committees to establish joint management procedures for protection of natural resources.~~

~~OBJECTIVE 5.4: Use best management practices and other professionally acceptable practices for the conservation, use and protection of fisheries, wildlife and wildlife habitats. Species that are listed as Endangered, Threatened or Species of Special Concern by the Florida Fish and Wildlife Conservation Commission, the U.S. Fish & Wildlife Service and the Environmental Protection Agency. Protect rare, unique, or significant natural habitats within the County.~~

~~**Policy 5.4.1:** Concurrent with the County's Land Development Regulations, the County will adopt ordinances requiring on site protection and/or managed relocation areas for all species listed and identified as Endangered, Threatened, or Species of Special Concern, and all critical habitats within the County. Protection and relocation measures will be based on guidelines from the agencies listed in **Objective 5.4.**~~

Policy 5.4.2: ~~The County shall ensure the protection of all plant and animal species that are listed by either state or federal agencies as threatened or endangered or as species of special concern by restricting development as defined in Section 380.04, Florida Statutes through proper site plan reviews, buffering, etc., in accordance with the following guidelines:~~

~~(A) Within all areas designated as Conservation on the Future Land Use Map and for uses within areas designated as flood prone or wetlands on the Future Land Use Map Series, all development proposals shall be accompanied by evidence that an inventory of soils posing severe limitation to construction; state and/or federally listed threatened and endangered species of wildlife and plant and species of special concern; and areas prone to periodic flooding has been conducted. Where development is determined to encroach upon one of these resources, in order to ensure the protection, preservation, or natural functions of the resource, a specific management plan shall be prepared by the developer, which includes necessary modifications to the development, specific setbacks and buffers, and clustering of development away from site resources. Such management plan shall be incorporated into the development order. In order to assure that the improvements necessary for environmental mitigation are constructed as approved by Gadsden County, the developer shall post to the County, a bond at least equal to the cost of the improvements.~~

~~(B) If state and/or federally listed plant and animal species designated as endangered or threatened or as species of special concern are found on development sites, coordination will be initiated by the County with the FWC and other applicable agencies to ensure that the management plan required by Policy 5.4.2(A) above is consistent with state and federal laws.~~

Policy 5.4.3: ~~A professionally conducted survey of native vegetative communities shall be required in upland wildlife habitats for all proposed development sites of 40 acres or more that involve nonresidential developments or more than 10 dwelling units to inventory wildlife and to determine whether state and federally listed threatened and endangered species of plants and animals and those designated as species of special concern exists on the site. For proposed developments which are developed at a residential density equal to or lower than 1 unit per 5 acres, a survey as envisioned~~

~~by this policy is not necessary. For proposed developments containing less than 40 acres which are part of a parcel or contiguous parcels of land containing 40 acres or more which was under common ownership on the effective date of the 2001, Comprehensive Plan (November 26, 1991), minimum of 40 acres shall be surveyed inclusive of the proposed developments area to be cleared. This survey shall be conducted by an ecologist, biologist, or similar professional. In addition, the following conditions shall apply:~~

~~(A) Site surveys shall address the following:~~

- ~~1. The size and distribution of the native habitat.~~
- ~~2. Wildlife and listed species population within the proposed development site.~~
- ~~3. The feasibility of and viability of on site protection and management.~~
- ~~4. Whether the proposed development site includes a wildlife corridor and the feasibility of maintaining the wildlife corridor.~~

- (B) ~~Protected wildlife habit shall include a combination of connected upland habitats and any wetland/aquatic habitat on the site.~~
- (C) ~~Clearing of native habitat shall be prohibited prior to development, meaning that clearing for uses other than legitimate agricultural and silvicultural uses shall be defined to be clearing as an adjunct to construction, and shall be subject to all provisions in the plan that apply to development.~~
- (D) ~~Where listed species are determined to exist on the site in order to ensure that protection, preservation and continued viability of the species, a specific management plan shall be prepared by the developer which includes necessary modifications to the development, specific setbacks and buffers, and clustering of development away from the species habitat. Such management plan shall be a condition in the development order.~~
- (E) ~~If state and/or federally listed endangered and threatened plant and animal species and species of special concern are found on the proposed development site, coordination will be initiated by the County with the FWC and other applicable agencies to ensure that the management plan required by (D) above is consistent with state and federal law.~~
- (F) ~~A listed plant and animal species survey shall not be required for:
Lands depicted upon the 1993 Gadsden County LANDSAT Satellite Imagery Map produced by the Florida Game and Freshwater Fish Commission as:~~
- ~~1. exotic plant communities;~~
 - ~~2. shrub and brushland;~~
 - ~~3. grassland; or~~
 - ~~4. barren land.~~

Policy 5.4.4: ~~The County shall cooperate with the Florida Department of Environmental Protection and the Northwest Florida Water Management District in the inventorying and monitoring of aquiculture activities within the County.~~

Policy 5.4.5: ~~The County shall provide maximum protection to conservation lands through proper site plan review procedures, buffers, etc.~~

OBJECTIVE 5.5: ~~The County shall protect natural resources by reduction, proper disposal and management of hazardous wastes.~~

Policy 5.5.1: ~~The County shall apply for available state and federal funds for the establishment of hazardous waste storage/transfer facilities.~~

Policy 5.5.2: ~~The County, as part of the development review process, shall require that all hazardous waste generators properly manage their own wastes and require that new hazardous waste generators comply with all applicable federal and state permitting requirements before approving any development plans.~~

~~**Policy 5.5.3:** The County shall coordinate through conferences, workshops, correspondence, etc., with the municipalities and other affected parties in the management program for proper storage, recycling, collection and disposal of hazardous wastes.~~

~~**OBJECTIVE 5.6:** The County shall ensure that mineral reserves are conserved, protected from encroachment by conflicting land uses, and appropriately utilized pursuant to the requirements of state and federal law.~~

~~**Policy 5.6.1:** Any person acquiring or holding property as a mineral reserve for future mining in the County shall be given the opportunity to file a map and/or legal description of such property with the Gadsden County Department of Planning and Zoning. Mining in these areas shall only be allowed through a plan amendment.~~

~~**Policy 5.6.2:** For purposes of public health, safety and aesthetics, require setback standards for mining operations and associated structures from public parks, existing residential and commercial areas and public right of way. These buffers will ensure compatibility of adjacent land uses through adequate separation of mining operations from existing residential and commercial areas, public parks and public right of way. Criteria to be met include:~~

~~(A) — Regulation of impacts on adjacent existing residential communities, commercial areas and public parks from noise, traffic, light, dust, generation of toxic and hazardous materials and litter.~~

~~(B) — Techniques to be used to mitigate impacts can include, but not be limited to landscaped buffers, setbacks, wall/fences, open space and other factors which enhance the appearance of the mining operations while providing an effective buffer between existing land uses.~~

~~**OBJECTIVE 5.7:** The County shall ensure that areas identified as open space shall be protected from incompatible land uses and to maintain these valuable resources for passive recreation.~~

~~**Policy 5.7.1** In reviewing new developments, the Department of Growth Management shall review adjoining land uses to ensure that lands previously reserved for open space or recreational uses shall not be impacted by harmful impacts of adjacent development.~~

Ordinance 2016-001 - Exhibit A

CONSERVATION ELEMENT

INTRODUCTION

The purpose of the Conservation Element is to provide for the conservation, use and protection of the County's natural resources.

GOAL 5A: MAINTAIN, PROTECT, AND ENHANCE NATURAL RESOURCES THROUGH APPROPRIATE MANAGEMENT.

OBJECTIVE 5.1: Protect ambient air quality.

Policy 5.1.1: Gadsden County shall work with DEP and the Environmental Protection Agency to eliminate unlawful sources of air pollution.

Policy 5.1.2: Clean air protection shall be fostered by promoting sustainable land development practices.

Policy 5.1.3: Sustainable and efficient transportation practices, such as the promotion of transit opportunities, shall be encouraged to mitigate air pollution.

OBJECTIVE 5.2: Provide for the conservation, appropriate use and protection of those lands deemed as environmentally sensitive.

Policy 5.2.1: Wetlands and lands designated as Special Flood Hazard Areas and/or floodplains by the Federal Emergency Management Agency are locally designated as environmentally sensitive lands and shall be afforded maximum protection with applicable planning controls.

Policy 5.2.2: All required federal and state permits and approvals submitted to the County in relation to an issued development order must be submitted prior to commencement of any on-site development, to include land clearing.

Policy 5.2.3: All required federal and state permits and approvals submitted to the County in relation to an issued development order must be found consistent with said development order. If the federal or state permit or approval is inconsistent with the approved final development order, then the applicant shall apply for an amendment to the approved development order to be in accordance with said federal or state permit and all applicable local policies and regulations.

Policy 5.2.4: The clearing of vegetation, with exception to bona fide agriculture or Silviculture uses, shall be prohibited prior to issuance of a development order. Exceptions shall include hand clearing of underbrush and removal of trees three (3) inches in diameter or less at a measurement taken 54 inches from ground level.

Policy 5.2.5: The County shall protect native vegetative communities from destruction by development activities through the development review process unless such destruction is authorized pursuant to the applicable state and federal permitting process.

Policy 5.2.6: Standards to protect native vegetation may include but are not necessarily limited to: adequate buffer zones and site preservation techniques. The County shall coordinate with the Northwest Florida Water Management District and other appropriate agencies to promote the removal of non-native and invasive species, and reinstate native and natural vegetation.

Policy 5.2.7: The County shall cooperate with adjacent counties and municipalities to conserve, appropriately use and protect unique vegetative communities by participating in intergovernmental coordination committees to establish joint management procedures for protection of natural resources.

Policy 5.2.8: The County shall provide maximum protection to those lands classified as “Conservation” on the Future Land Use Map through additional criteria as specified in the Gadsden County Land Development Regulations.

Policy 5.2.9: The County shall promote acquisition of appropriate parcels of land through the Florida Communities Trust Florida Forever Program or the Trust for Public Lands and/or other programs as may be appropriate to develop state/county partnerships to protect environmentally sensitive lands, to protect Endangered, Threatened, or Species of Greatest Conservation Need and their habitats, protect scenic water corridors and their shoreline ecosystems, and provide enhanced public access to outdoor recreational opportunities and open space.

Policy 5.2.10: Slope forests shall be afforded the highest protection possible. Slope forests are well-developed, closed canopy forests of upland hardwoods on steep slopes, bluffs, and in sheltered ravines within the Apalachicola River drainage, generally within thirty-five (35) kilometers along the eastern side of the Apalachicola River, as defined by the Florida Natural Areas Inventory, Guide to Natural Communities of Florida.

Policy 5.2.11: For planning and management purposes, the County shall reference the Gadsden County Soil Survey, as published by the U.S. Department of Agriculture, Natural Resources Conservation Service during the comprehensive planning and development review process.

OBJECTIVE 5.3: Conserve and protect the quality and quantity of local water bodies and their sources.

Policy 5.3.1: Wetlands are locally designated as environmentally sensitive and shall be afforded maximum protection with applicable planning controls.

Policy 5.3.2: Development shall be required to maintain a fifty (50) foot minimum natural setback around all FDEP and U.S. Army Corps of Engineers jurisdictional wetlands with

exception to utility and transportation networks and water dependent uses such as docks and platforms.

Policy 5.3.3: The location of septic tanks and drain fields shall be prohibited within one-hundred (100) feet of all perennial rivers, streams, creeks, lakes and wetlands.

Policy 5.3.4: Any amendment to the Future Land Use Map shall consider the impact to the functionality of adjacent and on-site wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and regulations in this Plan and the Land Development Code.

Policy 5.3.5: Seawalls shall be avoided along lakes, rivers and streams except where no reasonable alternative exists for the development of the upland portion of the parcel.

Policy 5.3.6: Any Outstanding Florida Water or Class I surface water, designated by 62-302.700(9) and 62-302.400(16)(b) Florida Administrative Code respectively shall be afforded extra protections in the Land Development Code (Map 5.1).

Policy 5.3.7: To protect ground and surface water, the County shall, through the development review process, require that post-development run-off rates and pollutant loads do not exceed predevelopment conditions.

Policy 5.3.8: As part of the development review process, the County shall require the maintenance of the quantity and quality of surface water runoff into fresh water bodies by prohibiting any development which may diminish or degrade the quality and quantity of surface water runoff within the County through minimum setbacks and/or buffering.

Policy 5.3.9: The County shall regulate development within 100-year floodplains to maintain the flood-carrying and flood storage capacities of the floodways and flood plains and reduce the risk of property damage and loss of life.

Policy 5.3.10: Any filling or grade changes made shall not cause erosion, inhibit the flow of flood waters, or contribute to additional flood heights.

Policy 5.3.11: Development shall not occur which will adversely affect aquifer recharge rates in areas designated as “more vulnerable” by the Florida Department of Environmental Protection through its Florida Aquifer Vulnerability Assessment model.

Policy 5.3.12: The County shall comply with the resource management plans of the Northwest Florida Water Management District for the emergency conservation of water sources by establishing water conservation measures. Such measures may consist of but not be limited to the following:

- (a) The use of low water use plumbing fixtures.

(b) The reuse of water for irrigation of crops in agricultural operation.

(c) The use of odd-even watering days.

Policy 5.3.13: Promote water reuse and reclamation, where appropriate, for landscape, golf courses, and farm irrigation, and industrial use applications.

Policy 5.3.14: Prescribe water wise “Florida Friendly Landscaping” guidelines for new non-residential development, and encourage the same for residential development.

Policy 5.3.15: In accordance with the Florida Standard Building Code and the Northwest Florida Water Management District, Gadsden County shall require irrigation rain sensors or soil moisture sensors with automatic cut-offs on all new irrigation systems.

Policy 5.3.16: Gadsden County shall discourage the use of potable water for landscape irrigation.

Policy 5.3.17: Procedures to remove or control intrusive submerged, emergent or floating vegetation shall be limited to that necessary to provide reasonable access, and provides the standard of aquatic weed control as defined by the appropriate agencies. Any use of chemical herbicides for such purposes shall ensure that water quality and ecological integrity are not degraded. Restoration of natural aquatic vegetation will be used in conjunction with shoreline restoration in all future conservation and outdoor recreation developments bordering the County’s rivers, streams and lakes.

Policy 5.3.18: Gadsden County shall require compliance with Florida regulations in Chapters 68F-20 and 18-20, F.A.C. regarding removal of shoreline vegetation.

Policy 5.3.19: The disposal of yard or other wastes along shorelines and in wetlands is prohibited.

Policy 5.3.20: Gadsden County shall oppose any activity that causes the withdrawal of water for commercial bottling purposes.

OBJECTIVE 5.4: Protect Endangered and Threatened Species.

Policy 5.4.1: Endangered and Threatened wildlife and State-designated Threatened species, shall be those as listed by the Florida Fish and Wildlife Conservation Commission, and are published in the “Florida’s Endangered and Threatened Species”.

Policy 5.4.2: Species of Greatest Conservation Need (SGCN) are species that are imperiled or at risk of becoming imperiled in the future and shall be those identified by the Florida Fish and Wildlife Conservation Commission, and are published in the “Florida’s State Wildlife Action Plan”.

Policy 5.4.3: Gadsden County shall support state and federal requirements for on-site protection and/or managed relocation for all species listed and identified as Endangered or Threatened, and conservation management of critical habitats.

Policy 5.4.4: The County shall protect Endangered and Threatened Species by requiring the following to be submitted in conjunction with any Comprehensive Plan Map amendment request to a more intense category which is more than ten (10) acres. Such assessment may be conducted with readily available information through desktop GIS and/or the most recent state agency published documentation.

- (a) Any finding that lists any Endangered or Threatened Species located on site;
- (b) Soil types on site as noted in the Soil Survey in Policy 5.2.11.
- (c) Wetlands on site as shown on the National Wetlands Inventory.

OBJECTIVE 5.5: Establish standards for Silviculture activities.

Policy 5.5.1: Silvicultural activities shall follow the Best Management Practices outlined in the publication titled: Silviculture Best Management Practices Manual, Florida Department of Agriculture and Consumer Services, Division of Forestry, as identified in 5I-6, F.A.C.

Policy 5.5.2: In order to minimize the potential impacts to State Imperiled Species from Silviculture activities, Silviculture activities shall follow the Florida Forestry Wildlife Best Management Practices for State Imperiled Species, as published by the Florida Department of Agriculture and Consumer Services.

GOAL 5B: PROTECT AND MANAGE MINERAL RESOURCES

OBJECTIVE 5.6: The County shall protect and manage mining and mineral resource extraction activities.

Policy 5.6.1: A copy of any mining permit or reclamation plan issued by any agency of the state for the purpose of extraction or reclamation activities shall be submitted to the Planning Division within thirty (30) days of receipt by the applicant from the state.

Policy 5.6.2: Mining in environmentally sensitive areas as defined in Policies 5.2.1 and 5.3.1 within Gadsden County which cannot be reclaimed shall be prohibited. Such ability for reclamation shall be as determined by the state permitting process.

Policy 5.6.3: Mineral resources shall be conserved, protected from encroachment by conflicting land uses, and appropriately utilized pursuant to the requirements of state and federal law.

Policy 5.6.4: Mining extraction activities shall be conducted in a manner which will minimize adverse effects to water quality, fish, wildlife, and adjacent land uses. Mining activities shall not adversely affect existing residential uses.

Policy 5.6.5: Reclamation of lands used for mineral extraction activities shall be in accordance with any issued permit by the Florida Department of Environmental Protection. Whenever possible, innovative and creative reclamation techniques shall be encouraged to enhance the land for future use.

Policy 5.6.6: Setback standards for mining operations and associated structures from public parks, existing residential and commercial areas and public rights-of-way shall be established in the Land Development Regulations. These setbacks shall mitigate compatibility issues with adjacent land uses through adequate separation of mining operations from existing residential and commercial areas, public parks and public rights-of-way.

Policy 5.6.7: A compatibility analysis shall be completed and submitted in conjunction with any amendment to the Comprehensive Plan for designation to the Mining Future Land Use category. Criteria to be included in the compatibility analysis shall include, but not be limited to:

- (a) Projected impacts to adjacent existing residential dwellings, lands designated as Rural Residential, Commercial or Neighborhood Commercial on the Future Land Use Map, and parks as a result of generated noise, traffic, light, dust, and toxic and hazardous materials and litter due to the proposed operation.
- (b) Mitigation techniques to be used to off-set the impacts of the mining operation, which can include, but are not be limited to vegetated landscape buffers, setbacks, wall/fences, open space and other factors which enhance the appearance of the mining operation while providing an effective buffer between land uses.
- (c) Compatibility to contiguous existing land uses.
- (d) Impacts to public facilities and natural resources.
- (e) Need for proposed amendment.
- (f) Compatibility to this Comprehensive Plan applicable goals, objective, and policies.

Policy 5.6.8: Mining shall be permissible in wetlands and adjacent to rivers, streams, creeks and lakes in areas designated as Mining on the Future Land Use Map, subject to the following criteria:

- (a) Reclamation must be undertaken in accordance with Florida Statutes and any FDEP requirements.

- (b) Drainage systems, wetlands, and other surface waters shall function in manners which are maintained or improved from conditions existing prior to the commencement of the mining activity.
- (c) Water within all wetlands and water bodies shall be of sufficient quality to allow recreation or support fish and other wildlife.
- (d) The plans for reclamation shall incorporate measures to offset wildlife habitat lost as a result of extraction, as pursuant to the FDEP Reclamation permitting process.
- (e) Experimental and innovative reclamation techniques are encouraged.

GOAL 5C. IMPROVE MANAGEMENT OF HAZARDOUS MATERIALS AND TOXIC SUBSTANCES.

OBJECTIVE 5.7: Protect environmentally sensitive lands and waters from, and minimize human exposure to hazardous waste, toxic substances and contaminated sites.

Policy 5.7.1: The County shall apply for available state and federal funds for the establishment of hazardous waste storage/transfer facilities, as the need arises.

Policy 5.7.2: The County, as part of the development review process, shall require that all hazardous waste or toxic substance generators submit a hazardous waste management plan to the Planning Division.

Policy 5.7.3: The County shall coordinate with the municipalities through any means necessary in management programs for proper storage, recycling, collection and disposal of hazardous wastes and toxic substances.

Policy 5.7.4: To the fullest extent possible, Gadsden County shall work toward receiving funding through the Environmental Protection Agency Brownfield Assessment Grant Program to inventory, characterize, assess and conduct planning and community involvement related to Brownfield sites.

Policy 5.7.5: Planning and Community Development staff shall work with appropriate agencies and/or other County staff members to expand the County's involvement with the federal and state Brownfields programs and grants.

GOAL 5D: PROVIDE FOR SAFE POTABLE WATER

Objective 5.8: Provide for Well Head Protection.

Policy 5.8.1: By 2018, the County shall pursue the establishment of interlocal agreements or joint planning agreements to ensure the protection of well heads protection zones with any municipality that may have jurisdiction within said zone(s).

Policy 8.5.2: Ensure protection for all community water supply wells by coordinating with the Northwest Florida Water Management District to protect well field protection zones.

Policy 8.5.3: A radius of five-hundred (500) feet from any well head is established as an area that prohibits any storage of hazardous materials or toxic waste, any landfill, storage of agricultural chemicals, or any commercial animal facility to include grazing pasture.

Policy 8.5.4: A radius of two-hundred (200) feet from any well head is established as an area that prohibits any use other than single-family residential, recreation, or open spaces uses. No impervious surface is allowed within this radius except that which is attributed to a single-family use.

GOAL 5F: PROTECT CULTURAL AND HISTORICAL RESOURCES

Objective 5.10: Maintain a development review process to promote protection of cultural and historical resources.

Policy 5.10.1: Consistent with Policy 3.7.3, the County shall continually update its files with all historic resources in the unincorporated areas as provided by the Florida Department of State, Division of Historical Resources.

Policy 5.10.2: The County will use the State of Florida Master Site File to identify those areas where cultural, archaeological or historic resources may exist.

Policy 5.10.3: Developers of property which contain a resource listed on the Florida Master Site File must demonstrate that no listed resource shall be adversely impacted due to the development of any parcel.

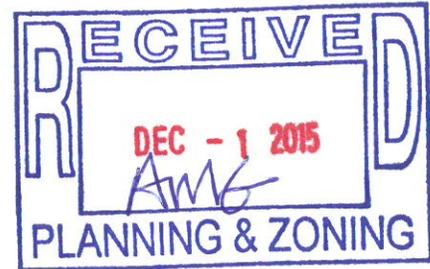
Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

Attachment 2 - DEO letter

November 26, 2015



The Honorable Brenda Holt
Chairman, Gadsden County
Board of County Commissioners
Post Office Box 1799
Quincy, Florida 32353

Dear Chairman Holt:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Gadsden County (Amendment No. 15-3ESR), which was received on October 27, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption. The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Dan Evans, at (850) 717-8484, or by email at dan.evans@deo.myflorida.com.

Sincerely,



Julie A. Dennis, Interim Director
Division of Community Development

JD/de

Enclosure: Procedures for Adoption

cc: Allara Gutcher, Director, Gadsden County Community Development Services
Austin Mount, Executive Director, West Florida Regional Planning Council



November 24, 2015

Attachment 3 FWC Comments

Florida Fish and Wildlife Conservation Commission

Allara Mills Gutcher, Director
Gadsden County Planning and Community Development
1-B East Jefferson Street
P.O. Box 1799
Quincy, FL 32353-1799
agutcher@gadscountycla.gov

Commissioners

Brian S. Yablonski
Chairman
Tallahassee

Aliese P. "Liesa" Priddy
Vice Chairman
Immokalee

Ronald M. Bergeron
Fort Lauderdale

Richard Hanas
Oviedo

Bo Rivard
Panama City

Charles W. Roberts III
Tallahassee

Robert A. Spottwood
Key West

Re: Gadsden County Comprehensive Plan Amendment (CPA) 15-3 ESR (CPA 2015-03)

Dear Ms. Gutcher:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced comprehensive plan amendment package and provides the following recommendations for your consideration in accordance with Chapter 163, Florida Statutes (F.S.). While we have no objections to the amendment, we offer the following information as technical assistance during your review.

Proposed Amendment

The proposed amendment would make county-initiated changes to the Conservation Element of the Gadsden County Comprehensive Plan. The amendment includes modifications to Goal 5A, which involves natural resources management; Goal 5B, which protects and manages mineral resources; Goal 5C, which focuses on hazardous materials and toxic substances; Goal 5D, involving potable water; and Goal 5F, which provides protections for cultural and historic resources.

The following comments and recommendations focus on Goal 5A, Objective 5.4, which provide protection for endangered and threatened species and species of greatest conservation need. The remaining objectives of Goal 5A include Objective 5.1, the protection of ambient air quality; Objective 5.2, the conservation and protection of environmentally sensitive lands; Objective 5.3, the conservation and protection of local water bodies and their sources; and Objective 5.5, standards for silviculture. We have no comments or recommendations related to fish and wildlife resources for the remaining Objectives in Goal 5A (Objectives 5.1 – 5.3 and 5.5) or other Goals (5B, 5C, 5D, and 5F) included within the proposed amendment.

Comments and Recommendations

Species of Special Concern

The proposed Policies 5.4.1, 5.4.3, and 5.4.4 recognize threatened and endangered species and also include Species of Greatest Conservation Need (SGCN). After

Executive Staff

Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

Office of the
Executive Director

Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

clarifying the intention of proposed language with Gadsden County staff, we recommend removing the references to Species of Greatest Conservation Need from Policy 5.4.3 and 5.4.4. This will avoid confusion with state-listed species (contained in the FWC's listed species rule [Rule 68A-27.005, Florida Administrative Code]) which is directly involved in regulatory reviews. If Gadsden County staff wishes to create policies for non-regulatory Species of Greatest Conservation Need, we recommend creating separate policies for these species and referencing Florida's State Wildlife Action Plan.

Listed Species Coordination

The proposed Policy 5.4.4 contains a measure for the protection of listed species through a requirement to include an assessment with a Comprehensive Plan Map amendment requesting a change to a greater intensity and more than ten acres. We suggest including language in Policy 5.4.4 that, if any species included on the lists described in part (a) of this policy are identified onsite, then early coordination with FWC staff is recommended to avoid, minimize, or mitigate any impacts to those species or their habitat.

These comments are intended to assist the County during their evaluation of the language included in Goal 5A of the Conservation Element of the Gadsden County Comprehensive Plan. FWC staff remains available to provide technical assistance to the County and potential applicants with measures to avoid and minimize potential impacts to fish and wildlife species and their habitats. We appreciate the opportunity to participate in the review of these amendments. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Bryan Phillips at (850) 767-3646 or by email at Bryan.Phillips@MyFWC.com.

Sincerely,



Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdg/bwp
ENV 1-12-2
Gadsden County 15-3 CPA-ESR_22115_112415

cc: Ray Eubanks, DEO, DCP@externalagencycomments@deo.myflorida.com
Anita Franklin, DEO, Senior Plan Processor, anita.franklin@deo.myflorida.com

Conservation Element - §163.3177(6)(d)		
	Statutory Reference	Policy
	Provide for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, mariine habitat, minerals, and other natural environmental resources, including factors that affect energy conservation.	Goal 5A; Objective 5.1; Objective 5.2; Objective 5.3; Objective 5.4; Goal 5B; Objective 5.6;
1.	<ul style="list-style-type: none"> a) Identify rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resources available. b) Floodplains. c) Known sources of commercial valuable materials. d) Areas known to have experienced soil erosion problems. e) Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern. 	The Conservation Element data and analysis has identified the noted areas in the Exhibits provided with that analysis.
2.	a) Protects air quality.	Objective 5.1; Policies 5.1.1-5.1.3
	b) Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources; includes natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.	Policy 5.3.11; Policy 5.3.12; Policy 5.3.13; Ppolicy 5.3.14; Policy 5.3.15; and Policy 5.3.16
	c) Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.	Goal 5D; Objective 5.8; Policies 5.8.1 - 5.8.4
	d) Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.	Objective 5.2 and corresponding policies; Goal 5B; Objective 5.6 and corresponding policies.
	e) Conserves, appropriatesly uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restructs activiteis known to adversely affect the survival of endangered and threatened wildlife.	Objective 5.4; Policies 5.4.1-5.4.4
	f) Protects existing natural reservations identified in the recreation and open space element.	N/A
	g) Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one jurisdiction.	Policy 5.2.7
	h) Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.	Objective 5.2; Policy 5.2.1; Policy 5.2.5; Policy 5.2.6; Policy 5.2.10; Policy 5.2.11
	i) Manages hazardous waste to protect natural resources.	Goal 5C; Objective 5.7 and corresponding policies.
	j) Protects and conserves wetlands and the natural functions of wetlands.	Policy 5.3.1; Policy 5.3.2
k) Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands.	Policy 5.3.3; Policy 5.3.4	

NOTICE OF INTENT

NOTICE IS HEREBY GIVEN to all concerned that the Gadsden County Board of County Commissioners will hold a regularly scheduled meeting on **Tuesday, January 5, 2016**, at **6:00 p.m.** in the Board of County Commission Chambers located at 7 East Jefferson Street, Quincy, FL. The proposed agenda will include the following public hearings:

Public Hearing – Consideration of the adoption of amendments to the Conservation Element of the Comprehensive Plan by adoption of **Ordinance 2016-001**.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Persons wishing to review the ordinance and/or files on the above projects may do so on the County website at www.gadsdencountyfl.gov or at the Gadsden County Planning and Community Development Department located at 1-B East Jefferson Street, Quincy, FL between the hours of 8:00am to 5:00pm. In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by calling 850-875-8665 or 850-510-7842, at least 48 hours prior to the hearing.

Interested parties may appear at the meeting and be heard with respect to the noticed agenda items. If any person decides to appeal any decision made with respect to any matter considered at such public hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be used.

Attachment 6 - Letter for Chairperson to sign

COMMISSIONERS:

ERIC HINSON
District 1
ANTHONY O. VIEGBESIE, PhD
District 2
GENE MORGAN
District 3
BRENDA A. HOLT
District 4
SHERRIE TAYLOR



GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS
EDWARD J. BUTLER
GADSDEN COUNTY GOVERNMENTAL COMPLEX

Robert Presnell
County
Administrator

David Weiss
County Attorney

January 6, 2016

Mr. Ray Eubanks
Department of Economic Opportunity
107 E. Madison Street
Tallahassee, FL 32399

Dear Mr. Eubanks,

Please find enclosed three copies of Gadsden County Comprehensive Plan DEO Amendment No. 15-3ESR which was adopted by the Gadsden County Board of County Commissioners by Ordinance 2016-001 on January 5, 2016. Two of the enclosed copies are submitted as requested in pdf format on CD ROM.

This ordinance amended the Conservation Element of the Comprehensive Plan. The following changes were made to the amendment package after the County submitted the transmittal package in October of this year:

1. After review of the comments made by the Florida Fish and Wildlife Conservation Commission (FWC), Gadsden County has elected to make changes to the following objective and policies since transmittal. Essentially, any reference to the Species of Greatest Conservation Need has been removed to avoid confusion with state-listed species. As noted by the FWC, Species of Greatest Conservation Need are not regulated by the state.

Transmitted Objective 5.4: Protect Endangered, Threatened and Species of Greatest Conservation Need.

Adopted Objective 5.4: Protect Endangered and Threatened Species.

Transmitted Policy 5.4.3: Gadsden County shall require on-site protection and/or managed relocation for all species listed and identified as Endangered, Threatened, or Species of Greatest Conservation Need, and conservation management of critical habitats.

Adopted Policy 5.4.3: Gadsden County shall require on-site protection and/or managed relocation for all species listed and identified as Endangered or Threatened, and conservation management of critical habitats.

Transmitted Policy 5.4.4: The County shall protect Endangered, Threatened, or Species of Greatest Conservation Need by requiring the following to be submitted in conjunction with any Comprehensive Plan Map amendment request to a more intense category which is more than ten (10) acres. Such assessment may be conducted with readily available information through desktop GIS and/or the most recent state agency published documentation.

- (a) Any finding that lists any Endangered, Threatened, or Species of Greatest Conservation Need species located on site;
- (b) Soil types on site as noted in the Soil Survey in Policy 5.1.11;
- (c) Wetlands on site as shown on the National Wetlands Inventory.

Adopted Policy 5.4.4: The County shall protect Endangered and Threatened Species by requiring the following to be submitted in conjunction with any Comprehensive Plan Map amendment request to a more intense category which is more than ten (10) acres. Such assessment may be conducted with readily available information through desktop GIS and/or the most recent state agency published documentation.

- (a) Any finding that lists any Endangered or Threatened species located on site;
- (b) Soil types on site as noted in the Soil Survey in Policy 5.1.11;
- (c) Wetlands on site as shown on the National Wetlands Inventory.

No additional data and analysis was compiled or conducted. Therefore, the data and analysis is not included in this submission as it remains identical to what was submitted to the Department in October of this year at the transmittal stage.

The only agency that made comments to the transmitted version of the Conservation Element was the Florida Fish and Wildlife Conservation Commission. These comments were incorporated into the adopted version, as indicated above. No other findings were made by the Board of County Commissioners regarding the Element at the adoption hearing.

Please contact Allara Mills Gutcher, AICP, Director of Planning and Community Development at agutcher@gadsdencountyfl.gov or by dialing 850.875.7591 if you need additional information. In addition, the mailing contact information is at the footer of this letter.

Sincerely,

Brenda Holt, Chairperson
Board of County Commissioners

Enclosures:
Ordinance 2016-001 with Exhibit A in strikethrough and underline
2 - CD ROM