

2. **Petition 175CPA-00 PB.** City Plan Board. Update the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan for the proposed 2000-2010 Comprehensive Plan.

Mr. Dean Mimms was recognized. Mr. Mimms pointed out that there was new language in the Element to reflect the Alachua County Forever Program. He discussed modifications to the Element regarding wetlands and wetland mitigation. He explained that changes to the Land Development Code to reflect the changes in the Comprehensive Plan would be coming before the board in a few months.

Ms. Deanna Kinnard was recognized. Ms. Kinnard discussed the Environmental Resources Report prepared by the Recreation and Parks Department. She explained that the study was undertaken at the direction of the City Commission. She discussed the report in detail and noted that its purpose was to assess and rank the environmental features on vacant properties within the City in order to modify regulations in the Land Development Code. Ms. Kinnard reviewed the vacant parcels and described them in detail. She offered to answer any questions from the board.

Chair McGill suggested that the report should help enhance the protection of the appropriate properties.

Mr. Pearce referred to Objective 4.2 which addressed mitigation of pollution problems. He asked why the policy did not address elimination of the problems.

Mr. Mimms explained that, with some pollution problems, mitigation was the only action that could be taken.

Mr. Pearce noted that Objective 4.2 also addressed the improvement of water quality entering Sweetwater Branch and Tumblin' Creek, but the policies only addressed sedimentation in Hogtown Creek and not the quality. He asked if wording should be added regarding the water quality in Hogtown Creek.

Mr. Mimms explained that Hogtown Creek had significant problems with sedimentation in the area of NW 34<sup>th</sup> Street. He suggested that, if the sedimentation load were reduced, the water quality would also be improved.

Chair McGill suggested that Policy 4.2.2 read, "the City shall continue to explore projects for improving water quality in Hogtown Creek, including the study of sedimentation problems."

Mr. Pearce agreed with the Chair's language.

Mr. Mimms agreed.

Mr. Pearce noted that Policy 1.1.1 (b) used the term "unavoidable" when it involved wetland degradation. He pointed out that the term was ambiguous and confusing since wetland loss was always avoidable. He noted that Policy 2.1.1 had the same type of language. He recommended that Policy 1.1.1 (b), read "degradation or loss of function shall be minimized, and the applicant must demonstrate that the cause of the degradation or loss of function is clearly in the public interest. The City shall develop and implement land development regulations that at a minimum, shall..." He suggested that the term "unavoidable" be eliminated in Policies 1.1.1 (b) and 2.1.1. Mr. Pearce suggested that Policy 2.1.1 read "if wetlands are

degraded due to the impacts of development, mandatory mitigation shall be required to insure no net loss of acreage and function occurs." He indicated that the details could be dealt with in the Land Development Code.

Chair McGill suggested that the wording state, "development containing wetlands must avoid loss of function or degradation, unless the applicant shows that degradation or loss of function is clearly in the public interest." He indicated that it would state that loss of wetlands would be avoided unless the applicant could clearly demonstrate that the cause of degradation and loss was clearly in the public interest.

There was discussion of the applicability of the language to avoid degradation of wetlands.

Mr. Pearce noted that Policy 2.2.2, addressed stormwater management. He suggested that the sentence read, "best management practices for stormwater management."

Mr. Mimms noted that best management practices for stormwater did deal with management of that stormwater.

Mr. Guy suggested that the words "remediate and remediating," be added to Objective 4.2. He noted that there was a field called "pollution prevention," which dealt with stopping pollution at its source. He indicated that the protection of groundwater and natural areas was in the public interest. He suggested that building two story buildings could also be in the public interest as well. Mr. Guy asked why Policy 1.1.4 regarding the allocation of \$150,000 for environmentally sensitive properties had been eliminated.

Mr. Mimms indicated that the allocated funds had been expended to acquire Hogtown Creek basin properties.

Mr. Guy noted that Policy 2.5.2 replaced "activity centers, satellite parking lots, and mixed land uses," with "neighborhood centers."

Mr. Mimms explained that the changes were to be consistent with the Future Land Use Element.

Mr. Guy noted that the words "and incentive" with regards to energy consumption reduction had been taken out of Policy 2.6.1. He suggested that incentives would work and he did not understand why they would be taken out.

Mr. Mimms explained that staff was not aware of any existing incentive programs.

Chair McGill pointed out that there were incentives such as the Commission recently discussed placing on water use. He noted there could be disincentives as well as incentives. He suggested that the words be left in the policy.

There was discussion of various incentives and disincentives to energy consumption.

Mr. Guy asked why so much language had been removed from Policies 3.1.1 through 3.1.5.

Mr. Mimms discussed the policies and how some of the issues were addressed by existing land development regulations. He noted that many of the changes such as tree canopy, invasive species, and landscaping were dealt with in the landscape ordinance.

Mr. Guy noted that Policy 4.1.1 had stricken the requirement of a "state of the environment" report. He suggested that it was important and should be left in.

Chair McGill opened the floor to public comment.

Mr. Dink Henderson was recognized. Mr. Henderson indicated that he represented a land trust owning several hundred acres in the north of the City. He explained that he had worked with the Water Management Advisory Committee and disagreed with them on the issue of wetlands. He indicated that he believed the Water Management District, the State of Florida and the Corp of Engineers had adequate staff in the field of wetlands to make the determination of wetlands, assessment of the quality of wetlands, the impact of development and magnitude of mitigation. He indicated that the City had no staff qualified to deal with the issues. Mr. Henderson noted that, while ratios of mitigation were a Land Development Code issue and not a Comprehensive Plan issue, the Water Management Advisory Committee had already presented proposed ratios for mitigation. He discussed the proposed ratios and the cost of using those ratios. He presented drawing of a proposed project, approved by the Water Management District and Corp of Engineers and discussed and how the proposed ratios of wetland mitigation would impact that project. He noted that the Water Management District was opposed to the creation of wetlands.

Mr. Sergio Quintana was recognized. Mr. Quintana indicated that he was a member of the Water Management Advisory Committee but was speaking as a citizen at the meeting. He noted that the November draft of the Conservation Element Policy 1.1.1 stated that "in the event that Alachua County adopts stricter distance requirements, the stricter requirements shall apply in the City of Gainesville." He suggested that the language would allow for professional staff in Alachua County to deal with matters. He noted that the Alachua County provision was also included in the lakes portion of the November version of the Element. Mr. Quintana pointed out that the new University of Florida Eastside Clinic was constructed with no stormwater retention and had a curb cut that dumped water into a ditch which in turn, went to the creeks. He asked why stormwater retention was not put in when the site was redeveloped. He pointed out that the Transportation Mobility Element did not protect environmentally sensitive lands with the proposed SW 62<sup>nd</sup> Avenue extension and the SE 16<sup>th</sup> Avenue extension. He suggested that Policy 2.4.4 regarding future road alignments be strengthened. He suggested that it read, "Future road alignments shall avoid impact on environmentally significant land." Regarding Objective 2.6, Mr. Quintana suggested that the board strengthen the language and add water conservation as well as energy conservation. He noted that Objective 4.2 discussed protecting the creeks, but the City recently sold public park land on Tumblin' Creek to a private developer. He suggested that such a sale should receive public input. Mr. Quintana indicated that the public should be more educated on the issues.

Ms. Meg Neiderhofer, City Arborist, was recognized. Ms. Neiderhofer explained that redevelopment of the Eastside Clinic did not require stormwater management because it did not change the building footprint. She suggested that the board review Objective 2.2 to address the issue.

Mr. Pearce noted that the Land Development Regulations prescribed when the stormwater requirements took effect. He asked if those regulations should be address the problem.

Mr. Mimms explained that an updated Stormwater Management Element was adopted in 2000. He agreed that the Comprehensive Plan and the Land Development Code could be amended to address the issue, should the legislative body choose to do so.

Ms. Neiderhofer suggested that the board leave Policy 1.1.4, regarding the purchase of environmentally significant open space, in the Element. She pointed out that the City Commission could address the issue and strike the Policy if it wished. She noted that the funding would address acquisition of land in the City.

Mr. Dan Murphy was recognized. Mr. Murphy noted that the element did not address uses that would be compatible with the Murphree Wellfield zones. He indicated that he wished the plan would be more specific about uses that would be appropriate in the zones.

Chair McGill noted that Objective 2.2 and related policies did address the Wellfield Protection Code. He asked if Mr. Murphy was requesting that specific uses be listed.

Mr. Murphy indicated that he wished some uses to be specified.

Mr. Pearce noted that a Special Use Permit was required for some uses in the area anyway.

Mr. Mimms explained that the City's regulation implemented the Alachua County Murphree Wellfield Protection Code in the City. He noted that the codes were very detailed and strict.

Mr. Robert Norton, Environmental Planner for Alachua County, was recognized. Mr. Norton addressed Objective 2.4 and requested that the words "threatened or endangered plants, animals" be changed to "listed species," which was consistent with the Environmental Resource Report. He noted that listed species included endangered, threatened and species of special concern.

There was discussion of the definition of listed species.

Chair McGill closed the floor to public comment.

Mr. Pearce noted that Policy 1.1.1 (b) 3, required bonding, monitoring and maintenance requirements. He cited a concern that, if the hydrology of a wetland changed over the years through no fault of the property owner, the property owner could forfeit a bond. He suggested that, if the regulations were followed, a bond should not be required.

Chair McGill agreed with Mr. Pearce on the issue. He noted that the City could establish regulations but he was unsure how they would apply to each project.

Dr. Fried suggested that, if bonding and penalties were not specified, some persons would disregard the regulations.

Chair McGill pointed out that the Land Development Regulations could be specific about when and under what circumstances bonding, monitoring and maintenance could be required. He noted that the board was not determining the regulations in the Comprehensive Plan.

Mr. Pearce asked Ms. Neiderhofer if she believed the regulations in Goal 3 were sufficient to encourage energy conservation and reduce the negative impacts on the environment.

Ms. Neiderhofer indicated that she believed they were sufficient because of the provisions of the Land Development Code.

The board agreed that the language in Policy 1.1.1 (b) could remain as written by staff.

Chair McGill asked why the provision for following Alachua County's environmental regulation, if it was stricter, was removed.

Mr. Mimms indicated that the language was removed at the request of the City Attorney. He noted that the explanation was that the County's language would prevail on air and water pollution in any case, therefore, was not required in the Comprehensive Plan. He noted, however, he was not sure where the issue of wetlands was involved.

Chair McGill pointed out that, while mitigation ratios were a subject for discussion, they were not a part of the Comprehensive Plan. He agreed that the availability of qualified City staff to review wetland issues was a valid concern. He noted that the Element spoke to wetland acreage and function. He asked if the quality of a wetland a part of the acreage and function.

Mr. Pearce suggested that in Policy 1.1.1 (b) 2, that called for establishment of mitigation ratios, would allow the quality of a wetland to be taken up as part of those mitigation standards.

Chair McGill agreed.

Mr. Henderson indicated that, while the details were in the Land Development Code, the board could consider which entity would make the determinations of wetlands and how much mitigation was necessary in the Comprehensive Plan. He suggested that the board could recommend that the Water Management District, the State of Florida and the Corp of Engineers make those decisions.

Mr. Mimms explained that staff already worked with outside agencies such as the Water Management District. He noted that the Alachua County Environmental staff was called in as needed. He suggested that the City should study the issue extensively before it gave up local control of wetlands to a state or federal agency.

Chair McGill agreed. He pointed out that the City could choose, under its own regulations, to have stricter requirements than those on the state and federal level. He cited the example of the Florida Department of Transportation. He noted that the Data and Analysis Report stated that water resources would be available through and beyond the 2010 planning horizons of the Comprehensive Plan. He pointed out that the City had emergency water regulations in place at the present time.

Mr. Rick Hutton, Strategic Planner for Gainesville Regional Utilities (GRU) was recognized. Mr. Hutton discussed the long term capability of providing water to the City. He noted that several new wells would be coming on line in the near future.

Dr. Fried pointed out that the water table was dropping and water was being pumped from the Floridan Aquifer faster than it was recharged.

Mr. Hutton agreed that there had been draw downs because of the drought.

There was discussion of the growth of water use and the ability to meet the demand.

Dr. Fried suggested that Objective 2.6 speak to all resources rather than just to energy.

Chair McGill agreed.

Mr. Pearce suggested wording be "natural resources."

Chair McGill indicated that the board should go page by page with their recommendations. He noted that the request was to add Policy 1.1.4 back to the plan. He suggested that it be adjusted to \$300,000.

Board members agreed.

Chair McGill noted that the request was to change the language to "listed species." He pointed out that the listed species would need to be defined in the document.

Mr. Pearce explained that he was unfamiliar with the term "listed." He cited a concern about recommending a change until he had more information.

Mr. Norton read the definition of "listed species" from Habitat Conservation Planning by Timothy Beatley, 1994. He noted it included endangered, threatened, candidate, state listed, and other species of concern. He explained that the Florida Natural Areas Inventory would further define the list.

There was discussion of individual species and how they were listed.

Mr. Pearce suggested that the language read "threatened, endangered, or candidate."

Chair McGill agreed that "and listed or candidates for listing" should be added. Regarding the issue of roads through environmentally sensitive animal habitats, he noted that the original language stated that they should "avoid" those areas. He pointed that there were large portions of land where the policy might apply.

Dr. Fried suggested avoid was too stringent. He noted that roads did not have to be constructed on a straight line. He suggested that minimize would be more appropriate.

Mr. Guy noted that roads also required that large portions of land be cleared for stormwater retention. He suggested that even to minimize would cause a certain amount of damage.

Dr. Fried pointed out that "avoid" meant not building the road.

Chair McGill suggested that, if land was truly environmentally significant, not building a road might be the best answer.

Dr. Fried and Mr. Pearce indicated that they preferred the word "minimize."

Chair McGill noted that the board wished to leave the words "and incentive" in Policy 2.6.1. He suggested that, in Objective 2.6 the words "energy conservation" should be changed to "natural resource conservation." He further suggested it could state, "i.e., energy, water, gas, oil," to make it clear.

Mr. Guy noted that there were sustainable guidelines for conservation. He suggested that the board adopt a sustainable development policy. He discussed a program called Natural Step.

Mr. Pearce suggested that the language in Objective 2.6 read, "The City shall continue to promote and practice natural resource conservation and sustainable development practices."

Dr. Fried objected to the inclusion of "sustainable development practices."

Mr. Guy suggested that the language read, "natural resource conservation and pollution prevention to reduce negative impacts on the environment."

There was discussion of the language and the board agreed to the suggestion. The board agreed that the language in Objective 2.6 should read, "The City shall continue to promote and practice natural resource conservation and pollution prevention in order to reduce negative impacts on the environment. To accomplish this, the City shall continue to incorporate natural resource conservation policies and pollution prevention in this Element and other elements of the Comprehensive Plan." The board also agreed that Policy 2.6.1 should read, "The City shall continue to provide customers with education and incentive programs to encourage natural resource conservation and pollution prevention."

There was "state of the environment" report stricken from Policy 4.1.1.

Mr. Norton explained that he was the liaison for the Alachua County Environmental Protection Advisory Committee. He explained that the Committee produced a State Of The Environment report every other year.

Mr. Guy asked if there was a need for both the City and the County to cover the same areas.

Mr. Norton suggested that there might be some issues in the City as well as the County, but not always.

Chair McGill suggested that the language on the State Of The Environment Report be left in with a requirement that it be produced every three years.

Mr. Guy noted that, if Alachua County produced the report, the City's should coincide with it.

Mr. Norton indicated that the County could work with the City on the timing of a report.

The board agreed that the text "and shall produce a State Of The Environment" report on at least a 5-year basis.

Mr. Pearce suggested that Objective 4.2 read, "The City shall identify pollution problems and establish strategies to mitigate, remediate, or assist in the mitigation or remediation of these problems."

The board agreed with that language.

Mr. Pearce suggested that Policy 4.2.2 read "The City shall continue to explore projects for improving water quality, and to study sedimentation problems in the Hogtown Creek watershed with the goal..."

The board agreed with the language.

Chair McGill noted that the only remaining issue was roads through environmentally sensitive areas.

<u>Motion By:</u> Mr. Guy	<u>Seconded By:</u> Dr. Fried
<u>Moved to:</u> Approve Pctition 175 CPA-00 PB, modifications.	<u>Upon Vote:</u> Motion Carried 6 - 0 Yeas: Carter, Guy, Fried, McGill, Pearce, Myers