


CITY OF
GAINESVILLE

INTER-OFFICE
COMMUNICATION

TO: Wayne Bowers, City Manager
FROM: Thomas D. Saunders, Community Development Director
SUBJECT: Wetlands Policies 
DATE: September 27, 2001

Please see the attached back-up material for the October 8th transmittal hearing on the updated Conservation, Open Space and Groundwater Recharge Element of the Comprehensive Plan.

Attachment A is staff's recommendation on wetlands policies for the Conservation Element. This is unchanged from the ordinance presented to the Commission on September 24th, but includes all the various wetlands provisions excerpted into one document to allow the Commission to focus on the wetlands language more easily.

Attachment B is the Suwannee-St. John Sierra Club's recommendation on wetland policies that was presented at the September 17, 2001 workshop in City Hall and discussed during the Conservation Element hearing on September 24th, as amendments to the text of the element.

Attachments

cc: Ralph Hilliard, Planning Manager
Dean Mimms, Comprehensive Planning Chief

TS:dm

Attachment A

Wetland Policies -- Staff recommendation -- 9/24/01

(Words ~~stricken~~ are deletions from adopted Element, words underlined are additions; shading shows staff's revisions after Plan Board).

Policies

1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified ~~on Map 2 in the~~ (Environmentally Significant Land and Resources) map series within of the Future Land Use Map Series:

b. **Wetlands:** ~~Developments containing wetlands must maintain the existing level of wetland acreage and function on the property~~ avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable 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:

1. Establish criteria for determining whether or not the proposed development or activity is clearly in the public interest.
2. Establish mitigation ratios for wetland preservation, restoration and creation.
3. Establish bonding, monitoring and maintenance requirements for wetland mitigation projects. Any mitigation shall include enforceable, long-term monitoring and maintenance requirements;
4. Establish means of assuring that the wetland mitigation project continues to exist and function as approved;
5. Establish mitigation ratios of at least 5:1 (acreage of mitigation area to impacted area);
6. Require off-site mitigation to be performed within the same sub-basin and basin in which the impact occurred, unless it is shown that mitigation outside the sub-basin is more appropriate. The order of preference for the location of the mitigated area(s) in relation to the impacted areas will be:
 - a. In the same basin and sub-basin;

- b. In an adjacent sub-basin within the basin;
 - c. In an adjacent sub-basin outside the basin; and
 - d. In an adjacent basin;
7. Require mitigation to be performed within the city limits of Gainesville;
 8. Require that development shall not cause hydrological or wetland impacts off-site;
 9. Require a minimum buffer distance of 35 feet between the landward extent of any wetland and the developed area. In some instances larger buffers may be warranted;
 10. Specify that these protections shall be extended to all wetlands, regardless of whether they are currently mapped;
 11. Require review and approval of wetland mitigation projects by qualified professionals.

Objective 2.1

Upon adoption of this Plan, ~~existing~~ citywide levels of **wetland** acreage and functions within City limits shall be maintained ~~to the extent feasible~~ through the year 2004 2010.

Policies

2.1.1 ~~By 1992, The City shall develop and~~ continue to update, augment and maintain an inventory of **wetlands**, and adopt land development regulations designed to ~~preserve~~ conserve ~~existing~~ **wetland** acreages and ~~preserve~~ natural functions on a citywide basis. When **wetlands** are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation will be performed within city limits except where special circumstances prohibit this option, in which case all mitigation must remain within Alachua County.

2.3.43 The City shall only allow new development ~~to place septic tanks~~ in commercial, institutional, and industrial districts to place septic tanks:

- b. In areas not shown as regulated creek, lake, and **wetland**, ~~and upland areas identified on Map 2 (in the Environmentally Significant Land and Resources map series)~~ of the Future Land Use Map Series.

2.4.3 The City shall ~~develop~~ continue to have guidelines for the design of stormwater basins that require the use of native vegetation and basin slopes suitable for stormwater treatment that promote highly diverse plant and animal habitats, particularly within stream-to-sink basins, and that enhance the hydrological and ecological functions of **related wetland areas**.

2.4.6 The City shall ~~adopt~~ continue to have land development regulations for environmentally significant **wetlands**, lakes and regulated creeks that require:

- a. Setbacks from regulated creeks, lakes and **wetlands**;
- b. Prohibition of development ~~which~~ that would cause erosion and sediment pollution to regulated creeks, lakes and **wetlands**;
- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and **wetlands**;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and **wetlands**, through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and **wetlands**;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

2.4.1211 ~~The City's shall amend its current~~ land development regulations ~~shall to include~~ performance-based standards to protect environmentally significant lands and resources ~~that will at minimum~~ by:

- a. Controlling permissible uses through regulatory overlay districts;
- b. Providing opportunities for alternative and innovative site development;
- c. ~~Establish~~ Providing setback and parking standards;
- d. Providing mandatory mitigation to ensure no ~~minimize~~ net loss of acreage and functions citywide when **wetlands** are unavoidably lost;
- e. Allowing for, or requiring the clustering of development away from environmentally significant resources; and

f. Restricting on-site waste disposal systems.

Attachment B

**Wetland Policies -- Suwannee-St. John Sierra Club recommendation --
9/17/01**

(Shaded text is Sierra Club recommendation verbatim or modified only as needed to be worked into the language of related policies. ~~Stricken~~ text from staff recommendation has been deleted; previously underlined text from staff recommendation has been retained without underlines.)

Policies

1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the (Environmentally Significant Land and Resources) map series within of the Future Land Use Map Series, and to protect all existing wetlands:

b. **Wetlands:** All existing wetlands shall be preserved and protected from any alteration that diminishes or destroys function. The City shall develop and implement land development regulations that at a minimum require that:

1. Creation of new wetlands shall not be allowed as a substitute for the preservation of existing wetlands;

2. Wetlands damaged on or subsequent to the effective date of this policy shall be restored to their original state at the owner's expense, except as may be provided by number 3, below;

3. Developmental activity shall not be authorized in wetlands or wetland buffers except when the City Commission shall determine by a majority vote that the applicant has met all of the following conditions:

a. The applicant has taken every responsible step to avoid adverse impact to the wetland and buffer; and

b. The applicant has taken every responsible step to minimize adverse impact to the wetland and buffer; and

c. Prior to development, the applicant has provided appropriate mitigation for adverse impact to the wetland and buffer; and

d. The applicant has shown that the following circumstances apply:

1. the proposed developmental activity shall have minimal adverse impact; and

2. there exists an overriding public interest, to be defined by the City Commission, in allowing the developmental activity and approved mitigation; or
 3. all economically beneficial or productive use of the property is otherwise precluded.
4. Undisturbed buffers shall be maintained around wetlands according to the following schedule:
- a. Creeks and surface waters: 100 feet plus 2 feet for every 1% of slope. Slopes above 25% do not count for buffer width;
 - b. Outstanding Florida Waters: 200 feet;
 - c. Areas with listed plant or animal species within 300 feet of surface waters and wetlands; 300 feet from the wetlands.

Objective 2.1

All existing wetlands shall be preserved and protected from any alteration that diminishes or destroys function.

Policies

- 2.1.1 The City shall continue to *update, augment and* maintain an inventory of **wetlands**, and adopt land development regulations designed to preserve existing **wetland** acreages and natural functions. For any developmental activity in wetlands or wetland buffers, which shall only be authorized by a majority vote of the City Commission, in accordance with Policy 1.1.1b.3., appropriate mitigation for adverse impact to the wetland and buffer shall be required.
- 2.3.3 The City shall only allow new development in commercial, institutional, and industrial districts to place septic tanks:
- b. In areas not shown as regulated creek or lake areas identified (in the Environmentally Significant Land and Resources map series) of the Future Land Use Map Series, or in any existing wetland.
- 2.4.3 The City shall continue to have guidelines for the design of stormwater basins that require the use of native vegetation and basin slopes suitable for stormwater treatment that promote highly diverse plant and animal habitats, particularly within stream-to-sink basins, and that enhance the hydrological and ecological functions of related **wetland** areas.

2.4.6 The City shall continue to have land development regulations for environmentally significant lakes and regulated creeks; and for all existing wetlands that require:

- a. Setbacks from regulated creeks and lakes, and all existing wetlands;
- b. Prohibition of development that would cause erosion and sediment pollution to regulated creeks and lakes, and all existing wetlands;
- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks and lakes, and all existing wetlands;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks and lakes, and all existing wetlands through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks and lakes, and all existing wetlands;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

2.4.11 The City's land development regulations shall protect environmentally significant lands and resources and all existing wetlands by:

- a. Controlling permissible uses through regulatory overlay districts;
- b. Providing opportunities for alternative and innovative site development;
- c. Providing setback and parking standards;
- d. Providing mandatory and appropriate mitigation for any developmental activity in wetlands or wetland buffer areas. Such development activity shall only be authorized by a majority vote of the City Commission in which the applicant has met all of the requirements of Policy 1.1.1 b. 3;
- e. Allowing for, or requiring the clustering of development away from environmentally significant resources; and
- f. Restricting on-site waste disposal systems.