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Submitted 11/26/01  
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#000882

Response  
To

Francine Robinson's October 3, 2001 Paper Titled  
"Goals and Policies Proposed for the Conservation Element of the Comprehensive Plan Based on Citizen  
Concerns, Comments and Requests"

General Staff Response: Since September of 2000, the City Commission and Staff have held several workshops on the issues raised by Ms. Robinson. Staff has met with Francine Robinson, Paula Stahmer and Bonnie O'Brien on several occasions to discuss these issues.

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Goal 1, the issue is the word "preserve" versus "conserve". Staff's position on this was addressed on page 2 of the Comments and Responses report to the May 31, 2001 workshop. "Conserve" is the term used in rule 9J-5 (FAC).

Policy 1.1.1. The issue is wetland protection. The City Commission has debated this issue openly for several months. The City Commission has heard from staff, the City Plan Board, the Water Management Advisory Committee and the public on this issue.

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Policy 1.1.1 (a.b.c. and d). The issue is wetland protection, and setbacks for environmental resources. The City Commission has debated the wetland and other issues. The setbacks are as follows:

Creeks – Between 35 and 150 feet of the break in the slope at the top of the bank.

Wetlands – 35 feet minimum buffer

Outstanding Florida Waters – 200 feet minimum buffer

Lakes – 75 feet minimum buffer

Listed plants and animals – to be determined in the Land Development Regulations.

Policy 1.1.2. The issue is whether to use "should" or "shall". Staff feels that "should" is the most appropriate phrase to use.

Objective 2.1. The issue appears to be preserving wetlands. The objective was modified to reflect that citywide levels of wetland acreage and function would be maintained.

Policy 2.1.1. The issue appears to be preserving wetlands. This issue has already been addressed.

Objective 2.2. No issue, same as proposed by staff.

Policy 2.2.1. No issue, same as proposed by staff with the exception that staff added emphasis to stream-to-sink basins.

Old policy 2.2.2. This policy was deleted because the City does not allow parking surface within any environmentally significant area.

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Policy 2.2.2. The issue appears to be the use of the term "state of the art" compared to "best management practice". "State of the art" cannot be defined and can be untested. "Best management practices" are defined and are tested procedures.

Policy 2.2.3 (a, b, c, d). The issue appears to be about prohibiting chemical businesses. The Alachua County Hazardous Materials Management Code does not prohibit chemical businesses; it regulates the use of hazardous materials. Our language must be consistent with Alachua County.

- b. Prohibiting hazardous material facilities in the tertiary zone is not necessary since the City has a Wellfield Special Use Permit for all businesses using hazardous materials.
- c. There is no way to guarantee that water quality will be preserved, but the purpose of the setback is to protect water quality.
- d. Penalties are disincentives, no need to use the meaning twice.

Policy 2.2.4. No issue, same as staff proposed language.

Policies 2.2.5. "Update and augment" is the same as "maintain". In order to maintain an inventory staff will update it with new information as that information becomes available.

Objective 2.3. Issue is "preserve" and a 20-year timeframe. The issue of "preserve" has been addressed, and the objective of the plan should not go beyond the 10-year timeframe of the Plan.

Policy 2.3.1. No issue, same as staff proposed language.

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Policy 2.3.1 c. Issue is "correct" versus "mitigate". Mitigate is the most appropriate term and provides the best option. Mitigation includes correction, but correction does not allow for the most appropriate compensation or penalties.

Policy 2.3.2. This policy has been revised to be consistent with the Murphree Wellfield Protection Code.

Policy 2.3.3. Septic tanks should be allowed when they comply with all applicable rules and regulations.

Policy 2.3.4. Staff feels the policy is appropriate as proposed.

Policy 2.3.5. "Are to map" to "shall map". Since the City is not doing the mapping we did not feel that we could force the WMDs to map by saying "shall map".

Policy 2.3.7. This language meets state requirements.

Objective 2.4. The City has already adopted performance standards, therefore it does not make sense to amend LDRs based on performance standards.

Policies 2.4.2 and 2.4.3. The issue is "preserve", which has already been addressed.

Policy 2.4.4. It is not logical to have a policy that all future road alignments avoid environmentally significant animal habitats, when there may be a higher public interest in at least some circumstances to have road alignments that will have a minimal impact.

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Policy 2.4.6. The policy is appropriate as written and represents sound policy.

Policy 2.4.7. The word "annually" was changed to "periodically", because the City does not have the staff resources to conduct an annual inventory.

Policy 2.4.8. No issue, same intent as staff proposed language.

Policy 2.4.9. "Preserve" issue, already addressed.

Old Policy 2.4.10. This has been addressed in the LDRs in definitions and in the environmental overlay sections.

Policy 2.4.10(c). Proposed language does not represent good policy.

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Policy 2.4.11. The term “at minimum” does not add anything to the meaning of this language. The policy does not read well with that language. There is no significant difference between the words “establishing” and “providing” in this case. Preserving is not an option that the majority of the City Commission has supported up to this date.

2.4.12. Again “preservation” is the issue.

Objective 2.5. The City does not have the resources to implement a program that will improve air quality levels beyond those of the county, state and national standards.

Policy 2.5.1. No need to refer to the Solid Waste Element.

Old Policy 2.5.2. The County has always mapped and made radon information available so there is no need for the City to duplicate services.

Policy 2.5.2. Staff does not understand the proposed changes.

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Objective 2.6. Staff feels that reducing use of natural resources reduces energy usage.

Old Policy 2.6.1. It was determined that an Energy Element is not needed, and that having the concepts of conserving energy throughout the Comprehensive Plan, especially in the Land Use and Transportation policies, was more effective.

Policy 2.6.1. Natural resource conservation encompasses energy consumption.

All the Objectives and Policies under Goal 3 related to trees contained on page 7 and 8 were reviewed by the City arborists and represent the best options for the City. It is better to deal with these issues as part of the LDRs.

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Policy 3.1.5. It is staff's opinion that invasive trees and shrubs should be removed from its right-of-way regardless of whether the plants directly threaten species native to north Florida.

Policy 3.1.7. Staff proposed language addresses the same issues.

Goal 4. The issue is “eliminate” versus “mitigate”. We may not be able to always eliminate a pollution problem that has already occurred, we may only be able to mitigate the problem.

Policy 4.1.1. Adding the “actively” would mean that the City had not participated in the past. The city has actively participated in the development of the Wellfield Protection and Hazardous Materials Code.

Objective 4.2 was amended to address most of the concerns raised.

Policy 4.2.1 has been changed to reflect what the City is required to do by law. We are required to submit a permit application; we are beyond working with FDNR, WMD's and the County on a Plan.

Old Policy 4.2.2 and 4.2.3. Staff feels that these policies are no longer needed.

# Conservation, Open Space and Groundwater Recharge Element GOALS, OBJECTIVES AND POLICIES

## THE GOAL

To preserve, enhance and restore the City's natural resources to ensure long-term environmental quality. Conservation of natural resources is vital to the future well-being, health and welfare of the City and ensures that the needs of future generations can be met.

### A. Surface Water Objectives and Policies

**Objective 1. Major water systems in Gainesville include streams, natural wetlands, creeks and lakes, which comprise the surface waters. In order to protect the quality and quantity of water within these systems, the City shall regulate development activities to protect natural water-cleansing features and prevent discharges of contaminants from urban, agricultural and silvicultural land uses. It is the City's objective to preserve the functional integrity of our natural resources in order to protect these environmental services and values for the future and to maintain natural resources that are free from pollution and degradation in order to provide a safe and healthy environment for the residents of Gainesville.**

**a. Creeks The natural functions of creeks shall be protected so that flood carrying and flood storage capacity is maintained and the health and safety of the public is protected.**

#### Policy 1-1:

The City shall improve implementation, monitoring and enforcement of the creek ordinance.

#### Policy 1-2:

Natural vegetation that occurs along creeks shall be maintained including enhanced setback sufficient to prevent damage to the creek and to preserve water quality. Harvesting, cutting and clearing activities shall be restricted except to remove exotic weeds. Development regulations shall provide specific standards for these activities.

#### b. Wetlands:

Natural wetlands of the City of Gainesville shall be preserved, protected and restored such that the natural structure and function of these valuable resources are maintained and enhanced. Undisturbed buffers sufficient to insure this shall be required.

#### Policy 2-1:

Natural wetlands have been identified and mapped as part of Environmentally Significant Land and Resources within the Future Land Use Map Series. Delineation of natural wetlands shall use methods consistent with those used by Alachua County EPD and FDEP. Only public works projects may qualify for mitigation if the City Commission determines they are necessary for the public health and welfare.

#### Policy 2-2:

The City shall prohibit dredge and fill of natural wetlands. Structural and hydrologic alterations shall be prohibited The intent of this policy is to maintain and preserve water quality and quantity and to protect wildlife habitat.

#### Policy 2-3:

The natural hydrologic character of surface waters shall be maintained. Sheet flows such as those found in floodways and those which connect wetlands with other wetlands and surface waters shall be protected and enhanced.

