



MEMORANDUM

Office of the City Attorney

Legistar No. 000882
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: ~~April 9, 2001~~
APRIL 23, 2001
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-18; Petition No. 175CPA-00PB
An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) approve Petition 175CPA-00 PB, with modifications; and (2) adopt the proposed ordinance.

STAFF REPORT

The updated Conservation, Open Space and Groundwater Recharge Element of the proposed 2000-2010 Comprehensive Plan reflects recommendations from the Evaluation and Appraisal Report adopted in 1998 and subsequent public input. This element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The City Plan Board held a public hearing on the proposed updated Element on January 31, 2001, and the Board recommended approval with modifications by a vote of 6-0. The element was also presented at the February 12, 2001 meeting of the City Commission.

Revisions proposed for the Conservation, Open Space and Groundwater Recharge Element include one new and several amended objectives, deletion of several policies that have been met or are no longer pertinent, plus various new and amended policies. The new objective addresses coordination with Alachua County on the Alachua County Forever program, and has an associated policy. Other new policies address aquifer recharge area maps and protection of recharge areas, sedimentation problems in Hogtown Creek, and water quality in Tumblin Creek. Objective 2.4 and an associated policy have been expanded to address conservation of listed and candidate species; changes to other objectives are relatively minor.

Proposed policy revisions include changes to standards and guidelines for protection of environmentally sensitive resources. Proposed changes include updating creek protection provisions to better reflect adopted land development regulations, revising wetlands protection provisions by striking the 'no net loss of on-site wetland acreage and function' requirement, and proposing provisions that address mitigation and reflect the wetlands protection language that was recently recommended to the City Commission by the Water Management Advisory Committee (WMAC). The WMAC's wetland protection language is in the Data and Analysis Report. Other policy changes include: use of the environmentally significant properties inventory/ranking report; changes to reflect current hazardous materials management and wellfield protection regulations; and updated text regarding trees.

The Plan Board's recommendation includes revising Policy 1.1.4 by increasing the minimum \$150,000 annual allocation to \$300,000 for the acquisition and preservation of environmentally significant open space and recreation sites. Concern about the specificity of this allocation was expressed at the February 12, 2001 City Commission meeting, and revised text for Policy 1.1.4 will be presented at the first reading of the ordinance for this petition.

Staff has revised two policies since the February 12th City Commission discussion of this element. Policy 2.3.3 has been revised in order to clarify that the policy applies to septic tanks in commercial, institutional and industrial districts, and does not limit septic tanks to only those districts. Policy 3.1.3 has been revised so that it is consistent with City land development code provisions regarding removal or relocation of regulated trees.

Fiscal Note. None

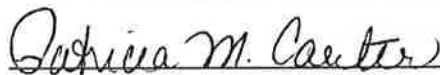
CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on January 31, 2001, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

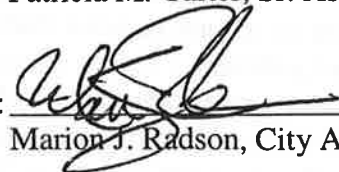
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Patricia M. Carter, Sr. Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson, City Attorney

MJR:PMC:sw

ORDINANCE NO. _____
0-01-18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

An ordinance of the City of Gainesville, Florida, amending the Conservation, Open Space and Groundwater Recharge Element of the City of Gainesville 1991-2001 Comprehensive Plan; revising policies on wetlands; adding provisions concerning the Alachua County Forever program; adding provisions concerning the Alachua County Murphree Wellfield Protection Code; adding provisions concerning Floridan aquifer recharge areas; providing for an Environmentally Significant Land and Resources map series within the Future Land Use Map Series; adding Tumblin Creek and Hogtown Creek to the priority list for improving water quality; removing outdated provisions; amending provisions concerning NPDES permitting; making minor amendments throughout; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on January 31, 2001; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
2 long was placed in the aforesaid newspaper notifying the public of the second Public
3 Hearing to be held at least 5 days after the day the second advertisement was published;
4 and

5 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
6 described at which hearings the parties in interest and all others had an opportunity to be
7 and were, in fact, heard; and

8 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
9 considered the comments, recommendation and objections, if any, of the State Land
10 Planning Agency;

11 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
12 **THE CITY OF GAINESVILLE, FLORIDA:**

13 **Section 1.** The Conservation, Open Space and Groundwater Recharge Element of the
14 City of Gainesville 1991-2001 Comprehensive Plan is amended as shown in Attachment
15 A.

16 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
17 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
18 element, or portion thereof in order to fully implement this ordinance.

19 **Section 3.** It is the intent of the City Commission that this amended element will become
20 part of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption of a
21 resolution.

22 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no

1 way affect the validity of the remaining portions of this ordinance.

2 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
3 such conflict hereby repealed.

4 **Section 6.** This ordinance shall become effective immediately upon final adoption;
5 however, the amendment to the 1991-2001 Comprehensive Plan shall not become
6 effective until the state land planning agency issues a final order determining the adopted
7 amendment to be in compliance in accordance with section 163.3184(9), or until the
8 Administration Commission issues a final order determining the adopted amendment to
9 be in compliance in accordance with section 163.3184(10).

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED AND ADOPTED this _____ day of _____, 2001.

PAULA M. DeLANEY
MAYOR

ATTEST: Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2001.

This Ordinance passed on second reading this _____ day of _____, 2001.

carter:ordinances:175CPA-00 PB

1 Conservation, Open Space and Groundwater Recharge Element

2 3 Goal 1

4
5 Establish and maintain an integrated and urban-defining open space network that
6 protects and conserves key environmental features.

7 8 Objective 1.1

9
10 Upon adoption of this Plan, the City shall protect all significant environmental lands and
11 resources identified ~~on Map 2 in the~~ (Environmentally Significant Land and Resources)
12 map series within the Future Land Use Map Series. The City shall continue to identify
13 environmentally significant open space and recreation sites for acquisition.

14 15 Policies

16
17 1.1.1 At a minimum the following standards and guidelines shall be used to protect
18 environmentally sensitive resources identified ~~on Map 2 in the~~ (Environmentally
19 Significant Land and Resources) map series within of the Future Land Use Map
20 Series:

21
22 a. ~~Creeks: Developments must be consistent with the "Regulations of~~
23 ~~Development Near Creeks" Ordinance, which prohibits Development is~~
24 prohibited within 35 feet of the ~~centerline~~ break in slope at the top of the
25 bank centerline of any regulated creek. Between 35 and 150 feet from the
26 break in slope at the top of the bank, there is a presumption that
27 development is detrimental to the regulated creek unless demonstrated
28 otherwise.

29
30 b. Wetlands: Developments containing wetlands must ~~maintain the existing~~
31 ~~level of wetland acreage and function on the property~~ avoid loss of function or
32 degradation of wetland habitat and/or wetland hydrology as the highest priority.
33 Degradation or loss of function that is unavoidable shall be minimized, and the
34 applicant must demonstrate that the cause of the degradation or loss of function is
35 clearly in the public interest. The City shall develop and implement land
36 development regulations that at a minimum:

- 37
38 1) Establish criteria for determining whether or not the proposed
39 development or activity is clearly in the public interest;
40 2) Establish mitigation ratios for wetland preservation, restoration and
41 creation;
42 3) Establish bonding, monitoring and maintenance requirements for
43 wetland mitigation projects;
44 4) Establish means of assuring that the wetland mitigation project
45 continues to exist and function as approved;

5) Require review and approval of wetland mitigation projects by qualified professionals.

- c. Lakes: Developments containing a ~~natural~~ lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 35 feet of the landward extent of a lake.
- d. Wellfields: Developments must be consistent with Policy 2.3.32 of this Element.
- e. Major Natural Groundwater Recharge Areas: Developments within this area must be consistent with Policies 2.3.43 and 2.3.5 of this Element.
- f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.

1.1.2 ~~The City shall adopt criteria for the urban area, and use these criteria to develop an inventory of open space and natural reservations to be considered for acquisition. These criteria shall be designed to preserve~~ use the environmentally significant properties inventory/ranking report to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.

1.1.3 ~~By June 1992, The City shall adopt~~ continue to have land development regulations that require new developments to dedicate land and easements, using constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways.

1.1.4 The City shall seek at allocate a minimum of ~~\$300,000~~ \$150,000 per year ~~toward the acquisition and preservation from the Alachua County Forever funds for the purchase~~ of environmentally significant open space and recreation sites.

Objective 1.2

The City shall coordinate with Alachua County on the Alachua County Forever program.

Policies

1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands through the nomination of properties for acquisition with Alachua County Forever and other relevant funds.

1
2 **Goal 2**

3
4 **Mitigate the effects of growth and development on environmental resources.**

5
6 **Objective 2.1**

7
8 Upon adoption of this Plan, ~~existing~~ citywide levels of wetland acreage and functions
9 within City limits shall be maintained to the extent feasible through the year ~~2001~~ 2010.

10
11 **Policies**

12
13 2.1.1 ~~By 1992, The City shall develop and~~ continue to maintain an inventory of
14 wetlands, and adopt land development regulations designed to ~~preserve~~ conserve
15 ~~existing~~ wetland acreages and preserve natural functions on a citywide basis.
16 When wetlands are unavoidably lost to development, mandatory mitigation shall
17 be required to ensure no net loss of acreage and functions occurs. Mitigation will
18 be performed within city limits except where special circumstances prohibit this
19 option, in which case all mitigation must remain within Alachua County.

20
21 **Objective 2.2**

22
23 The City shall improve the quality of stormwater entering City lakes and creeks by
24 requiring development and redevelopment to meet the adopted water quality standards of
25 this Element and the Stormwater Management Element.

26
27 **Policies**

28
29 2.2.1 The City shall ~~adopt land development regulations that~~ continue to require
30 stormwater quality treatment facilities for redevelopment of non-residential sites
31 and the Central City District, particularly within stream-to-sink basins.

32
33 ~~2.2.2 The City shall adopt land development regulations that reduce the amount of~~
34 ~~impervious parking surface allowed within any environmentally significant area,~~
35 ~~as compared to impervious allowances outside these areas. In these areas,~~
36 ~~reduction of impervious surface shall include reduction of required parking~~
37 ~~spaces, use of pervious surfaces, and/or use of multi-story parking structures to~~
38 ~~prevent damage to environmentally significant areas and transition zones.~~

39
40 2.2.3~~2~~ The City shall ~~adopt~~ continue to have land development regulations that require
41 ~~state-of-the-art~~ best management practices for stormwater quality and hazardous
42 ~~materials management designs to prevent damage to environmentally significant~~
43 ~~areas and transition zones.~~

1 2.2.43 The City shall adopt land development regulations that require the handling of
 2 hazardous materials in such a way as to prevent degradation of the natural
 3 environment. At a minimum, this shall be achieved by complying with the
 4 Alachua County Hazardous Materials Management Code (~~Ord. 91-6, 1991~~) and
 5 the Alachua County Murphree Wellfield Protection Code, which:

6
 7 a. Prohibits new, ~~large-scale chemical businesses~~, hazardous materials
 8 facilities, and regulated underground storage tank systems from siting within the
 9 unconfined zone of the Floridan aquifer;

10
 11 b. Prohibit new, large-scale hazardous materials facilities from siting within
 12 the primary and secondary wellfield protection zones of the Murphree wellfield.

13
 14 c. Requires new, large-scale ~~chemical businesses~~ hazardous materials
 15 facilities to maintain large setbacks from surface waters, wells, and floodplains;
 16 and

17
 18 d. Requires stringent ~~chemical~~ hazardous materials storage and containment
 19 designs, periodic monitoring, inspections, a management plan, fees, and penalties
 20 for non-compliance.

21
 22 2.2.54 The City shall ~~adopt~~ continue to have land development regulations that
 23 supplement the standards of the applicable Water Management District to promote
 24 the natural cleansing of water in creeks. Such standards ~~shall~~ include:

25
 26 a. Limiting creek dredging;

27
 28 b. Prohibiting channelization;

29
 30 c. Requiring sedimentation controls during and after construction;

31
 32 d. Protecting creek banks and vegetation;

33
 34 e. Requiring treatment of the first "one inch" of runoff;

35
 36 f. Restoring previously channelized creeks identified for restoration by the
 37 City, provided that such restoration does not conflict with stormwater
 38 management objectives.

39
 40 2.2.65 The City shall maintain an inventory of altered creek segments suitable for
 41 restoration to a more natural condition.
 42

1 **Objective 2.3**

2
3 ~~By June 1992,~~ The City shall only permit activities that maintain drinking water resources
4 to meet the demands of population projected for the year ~~2001~~ 2010.

5
6 **Policies**

7
8 ~~2.3.1 To protect drinking water resources, the City shall adopt criteria for the location~~
9 ~~of hazardous materials collection/transfer/treatment facilities.~~

10
11 2.3.21 The City shall continue to cooperate with the Alachua County Environmental
12 Protection ~~Office~~ Department, the Florida Department of Environmental
13 Regulation Protection (~~FDER~~)(FDEP), the Water Management Districts, and the
14 Environmental Protection Agency (EPA) and shall support the appropriate
15 agencies with efforts to accomplish the following:

- 16
17 a. Identify areas of pollution to surface waters and groundwater;
- 18
19 b. Establish a monitoring program that provides an annual report describing
20 present environmental conditions and cleanup status;
- 21
22 c. Identify parties responsible for polluted areas, and require such parties to
23 mitigate pollution problems.

24
25 2.3.32 The City shall allow land uses and facility design ~~in that part of the City falling~~
26 ~~within wellfield management protection zones (and other "community water~~
27 ~~system" cones of influence as defined by Rule 17-550.200 and 9J-5.003(21),~~
28 ~~F.A.C.) and identified on Map 2 in the (Environmentally Significant Land and~~
29 ~~Resources) map series within of the Future Land Use Map Series, that are in~~
30 ~~compliance with the Murphree Wellfield Management Code Ordinance 88-15,~~
31 ~~Protection Code, adopted July 26, 1988 by the Alachua County Board of County~~
32 ~~Commissioners. New placement of septic tanks in the secondary zone for non-~~
33 ~~residential uses shall also be prohibited.~~

34
35 2.3.43 The City shall only allow new development ~~to place septic tanks~~ in commercial,
36 institutional, and industrial districts to place septic tanks:

- 37
38 a. In compliance with areas of major groundwater recharge, if the
39 ~~development is in compliance with the Alachua County Hazardous~~
40 ~~Material Code Ordinance 91-6 and does not include activities handling~~
41 ~~hazardous materials as listed in EPA's extremely hazardous substances list~~
42 ~~promulgated by SARA Title III; and Division 3., Wellfield Protection~~
43 Special Use Permit of the City's Land Development Code, and if the
44 development is in compliance with the Alachua County Hazardous
45 Materials Management Code.

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

2.3.54 The City shall ~~adopt~~ continue to have a water conservation plan consistent with the Water Management Districts' plans (Sec. 373.175 & 373.246, F.S., and Chap. 40C-21, F.A.C.). The plan shall include strategies to deal with emergency conditions, implement public education campaigns regarding the nature of groundwater resources and the need to protect and conserve them, provide a public information program on water reuse systems, and develop potable water rate structures to encourage water conservation.

2.3.65 Pursuant to Section 373.0395, F.S., Water Management Districts ~~will~~ are to map "prime" groundwater recharge areas within the County. Should such areas be identified within City limits, the areas will be mapped and included in the adopted comprehensive plan, and City land development regulations shall be amended to protect such areas if they are not already protected by existing regulations and programs.

2.3.6 Until such time as prime recharge areas are mapped, the City shall use the Floridan Aquifer recharge maps prepared by the St. Johns River Water Management District and the Suwannee River Water Management District (see Environmentally Significant Land and Resources map series within the Future Land Use Map Series). City land development regulations shall be amended to protect such areas if existing regulations and programs do not already protect them.

2.3.7 Final development orders shall require compliance with septic tank rules (Chapter ~~10D-6, F.A.C. 64E-6, F.A.C. and Section 381.272 (9)(a), F.S.~~)

Objective 2.4

The City shall ~~adopt~~ amend its land development regulations, ~~based on performance standards keyed to the resources, that are~~ as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; ~~development-constraining soils;~~ threatened or endangered or listed (or candidates for being listed) plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted regulations shall be designed to maintain viable populations of these existing plant and animal species and allow development activities which are compatible with identified environmentally significant lands and resources. (See ~~Map 2 of~~ Environmentally Significant Land and Resources map series within the Future Land Use Map Series.).

1 **Policies**

- 2
- 3 2.4.1 ~~By 1993,~~ The City shall maintain an updated ~~its~~ inventory of identified
4 environmentally significant resources identified ~~on Map 2 in the~~ Environmentally
5 Significant Land and Resources map series within of the Future Land Use Map
6 Series. If additional resources are identified, these properties shall be subject to
7 ~~performance-based~~ regulations keyed to the resource present at the site. The
8 Future Land Use Map Series shall be amended to include these properties.
9
- 10 2.4.2 The City shall adopt land development regulations that protect identified
11 threatened or endangered or listed (or candidates for being listed) plants, animals
12 or habitats. These regulations shall require developments of parcels within the
13 environmentally significant areas to submit an ecological inventory of the parcel.
14
- 15 2.4.3 The City shall ~~develop~~ continue to have guidelines for the design of stormwater
16 basins that require the use of native vegetation and basin slopes suitable for
17 stormwater treatment that promote highly diverse plant and animal habitats,
18 particularly within stream-to-sink basins, and that enhance the hydrological and
19 ecological functions of related wetland areas.
20
- 21 ~~2.4.4 By 1994, the City shall identify road segments where large numbers of animals are~~
22 ~~killed ("road kills") and establish mitigation policies to be used in conjunction~~
23 ~~with future road improvements. Future road alignments shall avoid~~ minimize their
24 impact on environmentally significant animal habitats.
25
- 26 2.4.5 The City shall ~~adopt land development regulations that~~ continue to require
27 construction design consistent with existing terrain by discouraging contouring,
28 cut and fill, or other practices where they might be shown to cause soil erosion.
29
- 30 2.4.6 The City shall ~~adopt~~ continue to have land development regulations for
31 environmentally significant wetlands, lakes and regulated creeks that require:
32
- 33 a. Setbacks from regulated creeks, lakes and wetlands;
 - 34
 - 35 b. Prohibition of development ~~which~~ that would cause erosion and sediment
36 pollution to regulated creeks, lakes and wetlands;
 - 37
 - 38 c. No net increase in the rate of runoff from development sites adjacent to
39 regulated creeks, lakes and wetlands;
 - 40
 - 41 d. Retention or detention of the first inch of runoff of developments adjacent
42 to regulated creeks, lakes and wetlands, through on-site filtration;
 - 43
 - 44 e. Retention of vegetation integral to the ecological value of regulated creeks,
45 lakes and wetlands;

- 1
2 f. Compliance with the City's adopted criteria for controlling sediment and
3 erosion;
4
5 g. Allowance of a transfer of development intensity and density from lower
6 to higher elevations of a site; and
7
8 h. Prohibition on the installation of all septic tanks.
9

10 2.4.7 The City shall ~~annually~~ periodically conduct an inventory of environmentally
11 significant plants, animals, and habitats within at least two city-owned parks or
12 open space parcels; prepare a list of plants, animals, and habitats to protect; and
13 prepare a plan for the maintenance of viable populations of these plants and
14 animals.

15 2.4.8 ~~By 1992,~~ Chemical control efforts by the City to manage pest species shall only
16 include use of chemicals ~~designated by the City to be~~ that are safe for wildlife and
17 public health. Chemical control will be used only when non-chemical controls do
18 not abate the pest problem.
19

20 2.4.9 The City shall coordinate with Alachua County, ~~FDNR~~ FDEP and the Water
21 Management Districts to conserve environmentally significant vegetative plant
22 communities ~~located within both the City and within the unincorporated area~~ by
23 submitting relevant land development proposals for review to the Alachua County
24 Environmental Protection ~~Office~~ Department, the applicable Water Management
25 District, and ~~FDNR~~ FDEP for comment and recommendation.
26

27 ~~2.4.10 By June 1992, the City shall adopt land development regulations that include (1) a~~
28 ~~definition of environmentally significant open space and other categories of open~~
29 ~~space; and (2) regulations to preserve such open space.~~
30

31 ~~2.4.11~~ 10 The City shall protect floodplains through existing land development regulations
32 ~~which~~ that at a minimum:
33

- 34 a. Prohibit development within the flood channel or floodplain without a
35 City permit;
36
37 b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
38
39 c. Prohibit permanent structures in the flood channel, except for those
40 necessary for flood control, streets, bridges, sanitary sewer lift stations,
41 and utility lines;
42
43 d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise
44 potentially harmful materials in the flood channel;
45

- 1 e. Prohibit development within the floodplain ~~which~~ that would reduce the
- 2 capacity of the floodplain;
- 3
- 4 f. Prohibit development ~~which~~ that would cause or create harmful soil
- 5 erosion, stagnant water, and irreversible harmful impacts on existing flora
- 6 and fauna;
- 7
- 8 g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and
- 9 parking areas; and
- 10
- 11 h. Limit floodplain uses to launching areas for boats and structures at least
- 12 one foot above the 100-year flood elevation, in addition to those allowed
- 13 in the flood channel.

14

15 2.4.1211 The City's ~~shall amend its current~~ land development regulations shall to include

16 ~~performance based standards to~~ protect environmentally significant lands and

17 resources ~~that will at minimum~~ by:

- 18
- 19 a. Controlling permissible uses through regulatory overlay districts;
- 20
- 21 b. Providing opportunities for alternative and innovative site development;
- 22
- 23 c. ~~Establish~~ Providing setback and parking standards;
- 24
- 25 d. Providing mandatory mitigation to ~~ensure no~~ minimize net loss of acreage
- 26 and functions when wetlands are unavoidably lost;
- 27
- 28 e. Allowing for, or require, the clustering of development away from
- 29 environmentally significant resources; and
- 30
- 31 f. Restricting on-site waste disposal systems.

32

33 2.4.1312 At a minimum, conservation strategies for significant ~~vegetative~~ natural

34 communities shall include:

- 35
- 36 a. Required ~~preservation~~ conservation of native upland ~~vegetative~~ natural
- 37 communities;
- 38
- 39 b. Installation of native vegetation landscaping and removal of invasive trees
- 40 and shrubs; and
- 41
- 42 c. ~~Surface water~~ Setbacks.

Objective 2.5

The City shall continue existing programs and institute new programs as necessary to maintain air quality levels which comply with county, state and national ambient air quality standards through the year ~~2001~~ 2010.

Policies

2.5.1 Adopt citywide regulations restricting or prohibiting the burning of plastics, particularly with regard to local government, institutional, or commercial incineration. (~~Refer to Solid Waste Element for additional incineration policies.~~)

~~2.5.2 By 1995 the City shall make available a general information brochure describing known radon hazards in the City.~~

2.5.3~~2~~ The City shall encourage ~~non-auto~~ transportation choice by adopting new programs and strategies as may be needed to encourage public mass transit use, bicycling, walking, and higher urban development densities near neighborhood centers ~~activity centers, satellite parking lots, and mixed land uses.~~

Objective 2.6

The City shall continue to promote and practice energy natural resource conservation and pollution prevention ~~to reduce energy consumption and demand~~ in order to reduce negative impacts on the environment. To accomplish this, the City shall continue to incorporate energy-saving natural resource-saving and pollution prevention policies in this Element and other elements of the Comprehensive Plan (such as Solid Waste, Future Land Use, and ~~Traffic Circulation~~ Transportation Mobility).

Policies

~~2.6.1 By 1992, after completion of the Local Energy Engineer Program (LEEP), the City shall amend the Comprehensive Plan to include an Energy Element unless it is deemed unnecessary.~~

2.6.2~~1~~ The City shall continue to provide customers with education and incentive programs to encourage ~~reduced energy consumption~~ natural resource conservation and pollution prevention.

Goal 3

Improve urban spaces through preservation and enhancement of the urban forest.

1 **Objective 3.1**

2
3 After January 1, 1992, The total percentage of tree canopy coverage within the City shall
4 not fall below the 1992⁴ percentage of tree canopy, as estimated by the City Manager or
5 his designee, ~~using methods developed by the Florida Division of Forestry,~~ except in the
6 event of natural catastrophe ~~(disease or insect epidemic, or storm).~~

7
8 **Policies**

9
10 3.1.1 ~~By 1992, establish a tree planting program whereby~~ The City shall continue to
11 plants at least 400 trees (or 650 inch-diameters at chest height) within City limits
12 annually, and encourage developers and citizens to plant at least 600 trees
13 annually. At least 75 percent of the trees should be native to north Florida.

14
15 3.1.2 The City shall adopt land development regulations for new development that
16 require the following:

- 17
18 a. ~~Use of native and drought tolerant plants ("xeriscape") and a reduction in~~
19 ~~allowable turf area;~~
- 20
21 b. ~~Energy conservation through a 5 percent increase in tree and shrub canopy~~
22 ~~over the 1990 Gainesville Landscape Ordinance canopy requirement to~~
23 ~~shade buildings and pavements;~~
- 24
25 c. ~~Use of pervious paving materials adjacent to landscape strips and islands~~
26 ~~to provide greater rooting volume for trees and shrubs; and~~
- 27
28 d. ~~Species diversity in new plantings (no more than 20 percent of any one~~
29 ~~genus citywide, or on any site plan except those within airport flight paths)~~
30 ~~to reduce the effect of loss of a tree species due to insect or disease~~
31 ~~outbreaks. (This policy excludes parking lots and road medians, that may~~
32 ~~have up to 50 percent of one tree genus.)~~
- 33
34 a.e. A plan for the removal of invasive trees and shrubs shall be submitted at
35 the time of final development review.

36
37 ~~3.1.3 By 1991, the City will have applied for a matching grant to conduct an inventory~~
38 ~~of city street trees to identify large trees and available planting locations. The~~
39 ~~information generated will be used as the basis for a comprehensive tree planting~~
40 ~~plan. If a grant is not awarded, then a study shall be conducted that will lead to the~~
41 ~~development of a comprehensive tree planting plan. By 1994, the City will~~
42 ~~conduct an independent study on the impact of trees on the infrastructure and shall~~
43 ~~submit a report, the information from which can be incorporated in the~~
44 ~~comprehensive tree planting plan so that appropriate trees can be planted in~~
45 ~~appropriate locations.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

3.1.43 ~~By 1992, all~~ The City shall continue to require that removal of regulated trees (as identified by the ~~Gainesville Landscape Ordinance~~) that are not subject to development plan approval shall be mitigated by on- or off-site tree planting (or an equivalent exaction of fees): ~~of at least 10 percent for regulated trees and 100 percent for Heritage trees (other than regulated water oak, laurel oak, camphor pine and tallow, which shall require 10% mitigation) of the total diameter inches removed measured at breast height.~~

3.1.54 ~~By 1995~~ 2003, the City shall ~~adopt~~ prepare tree-lined streetscape guidelines which require the preservation and establishment of tree-lined streets and compatibility with existing infrastructure. In order to promote compatibility with infrastructure, strategies such as placing overhead utilities underground, using aerial (or tree) cabling, planting trees that are compatible with overhead utilities and reserving street right-of-way for trees shall be implemented, when economically feasible. All trimming within the public right-of-way shall use the National Arborist Association's approved tree-pruning practices to minimize the physical and aesthetic harm to trees that must be pruned.

~~3.1.6 In support of Policy 3.1.5, the City, shall, by June 1992, identify important street segments (to be known as "Gateway Streets") where a reduction in visual obtrusiveness of infrastructure would be desirable. Consideration of financial and physical obstacles associated with all existing infrastructure along suggested gateways will be made before official designation.~~

~~3.1.7 By 1992, the City shall prepare a plan for the establishment and preservation of tree lined streets. This plan shall give priority to high visibility Gateway Streets and important activity center road segments, as well as segments included on the Metropolitan Transportation Planning Organization (MTPo) Transportation Improvement Plan.~~

3.1.85 The City shall continue to remove invasive trees and shrubs from its rights-of-way and property and to inform private property owners of the benefits of removing invasive vegetation.

3.1.96 The City shall continue ~~amend the Land Development Code~~ to exclude invasive vegetation from plant material permitted in landscape plans.

Goal 4

Provide ongoing monitoring of environmental resources and mitigate current pollution problems and potential point sources of pollution.

1 **Objective 4.1**

2
3 ~~By June 1992~~, The City shall ~~establish~~ participate in an environmental quality monitoring
4 program designed to identify problems and trends in local air, surface water, groundwater,
5 and plant and animal habitat quality. This program shall also be used to evaluate the
6 effectiveness of protective regulations.

7
8 **Policies**

9
10 4.1.1 The City shall work with the Alachua County Environmental Protection ~~Office~~
11 ~~Department~~ and other appropriate ~~agencies~~ organizations to design and implement
12 a comprehensive and ongoing monitoring program for Gainesville's
13 environmental resources. This program should have at least an urban area scope
14 and shall produce a "state of the environment" report ~~on~~ at least every five years
15 ~~an annual basis~~.

16
17 **Objective 4.2**

18
19 ~~By 1993~~, The City shall identify pollution problems ~~by responsible parties~~ and shall
20 establish strategies to mitigate, remediate, or assist in the mitigation or remediation of,
21 these problems. ~~One priority~~ Priority shall be given to improving the quality of water
22 entering Sweetwater Branch, Tumblin Creek and Hogtown Creek, ~~which transmits water~~
23 ~~directly to the Floridan Aquifer through Alachua Sink~~.

24
25 **Policies**

26
27 4.2.1 ~~By December 1992~~ 2003, the City shall submit a National Pollutant Discharge
28 Elimination System (NPDES) permit application to FDEP in order to improve
29 surface water quality work with FDNR, St. Johns Water Management District and
30 Alachua County to prepare a plan which at a minimum will be consistent with
31 NPDES permitting to ensure that water discharged by Sweetwater Branch, into
32 Paynes Prairie will be discharged in a manner that will support the management
33 objectives of FDNR and City objectives regarding protection of the Floridan
34 Aquifer System.

35
36 4.2.2 ~~The City shall comply with State pollution control requirements at the former~~
37 ~~Gainesville Airport Landfill and Burn Site described in the Solid Waste Element~~.

38
39 4.2.3 ~~By 1994, the City shall develop and implement a mitigation plan for identified~~
40 ~~point sources of air pollution from city owned facilities~~.

41
42 4.2.2 The City shall continue to explore projects for improving water quality, including
43 the study of sedimentation problems, in the Hogtown Creek watershed with the
44 goal of reducing sediment accumulation in the vicinity of NW 34th Street by 2010.
45

- 1 4.2.3 The City shall continue to explore projects for improving water quality in
2 Tumblin Creek that are identified in the City of Gainesville Master Stormwater
3 Plan.
4
- 5 4.2.4 To enhance the quality of water entering Sweetwater Branch, the city will
6 construct a master stormwater basin to treat flow from downtown Gainesville.

City of Gainesville

Inter-Office Communication

Department of Community Development
Phone 334-5022, FAX 334-2282, Station 11

Item No. 2

Date: January 31, 2001

To: City Plan Board

From: Planning Division Staff

Subject: 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.

Recommendation

Planning Division staff recommends approval of the draft Conservation, Open Space and Groundwater Recharge Element.

Explanation

Attached is the current draft of the Conservation, Open Space and Groundwater Recharge Element and Data & Analysis of the updated 2000-2010 Gainesville Comprehensive Plan.

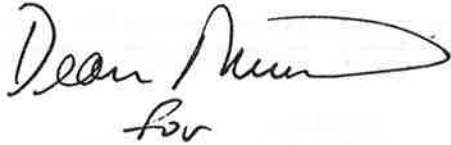
The Conservation, Open Space and Groundwater Recharge Element was the subject of City Plan Board workshops on September 28, 2000 and November 30, 2000. The current draft reflects input from the workshops and recommendations from the adopted Evaluation and Appraisal Report for the Comprehensive Plan. In the Goals, Objectives and Policies, strike-through's and underlines indicate changes to the adopted Goals, Objectives and Policies.

Revisions proposed for the Conservation, Open Space and Groundwater Recharge Element include one new and several amended objectives, deletion of several policies that have been met or are no longer pertinent, plus various new and amended policies. The new objective addresses coordination with Alachua County on the Alachua County Forever program, and has an associated policy. Proposed revisions to existing objectives are relatively minor. Other new policies address aquifer recharge area maps and protection of recharge areas, sedimentation problems in Hogtown Creek, and water quality in Tumbler Creek.

Proposed policy revisions include changes to standards and guidelines for protection of environmentally sensitive resources. Proposed changes include updating creek protection provisions to better reflect adopted land development regulations, revising wetlands protection provisions by striking the 'no net loss of on-site wetland acreage and function' requirement, and proposing provisions that address mitigation and generally reflect the wetlands protection language that was recently recommended to the City Commission by the Water Management Advisory Committee (WMAC). The WMAC text can be found in the attached Data and Analysis. Other policy changes include: use of the environmentally significant properties inventory/ranking report; changes to reflect current hazardous materials management and wellfield protection regulations; and updated text regarding trees.

City Plan Board
Petition 175CPA- 00 PB
January 31, 2001

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Ralph Hilliard", with a large loop at the end. Below the signature, the initials "RH" are written in a smaller, simpler cursive.

Ralph Hilliard
Planning Manager

RH:DM

Attachments

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 34th 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 62nd Avenue extension and the SE 16th 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 Petition 175 CPA-00 PB, modifications.	<u>Upon Vote:</u> Motion Carried 6 - 0 Yeas: Carter, Guy, Fried, McGill, Pearce, Myers