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9/24/01

SIERRA CLUB



Suwannee • St. Johns Group_____

1701 SW 117 St
Gainesville, Fl. 32607
September 20, 2001

VIA FAX TRANSMITTAL

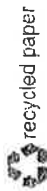
Dear City Commissioners:

The following is the Suwannee-St John Sierra Club recommendations for the City of Gainesville wetlands policy. It was drawn up in collaboration with Francine Robinson, (Florida League of Conservation Voters), Paula Stahmer, (Greenspace Preservation Association) and Bonnie O'Brien, (Glen Springs Preservation Association). Thank you for giving us the opportunity to make recommendations.

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

Policies:

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 #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:
 - i. The applicant has taken every responsible step to avoid adverse impact to the wetland and buffer; and
 - ii. The applicant has taken every responsible step to minimize adverse impact to the wetland and buffer; and
 - iii. Prior to development, the applicant has provided appropriate mitigation for adverse impact to the wetland and buffer; and



iv. The applicant has shown that all of the following circumstances apply:

- a. the proposed developmental activity shall have minimal adverse impact; and
- b. there exists an overriding public interest in allowing the developmental activity and approved mitigation; or
- c. 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:

- i. Creeks and surface waters: 100 feet plus 2 feet for every 1% of slope. Slopes above 25% do not count for buffer width.
- ii. Outstanding Florida Waters: 200 feet.
- iii. Areas with listed plant or animal species within 300 feet of surface waters and wetlands; 300 feet from the wetlands.

Yours truly,

Kathleen Cantwell MD

Kathy Cantwell, MD
Chair, Suwannee -St. John Sierra Club

cc: CCOM
C/Mgr

Tom Saunders FAX 2282

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- 5) OK
- 6) OK
- 7) Remove
- 8) OK

9) Between 35 and 100 feet of the landward extent of a wetland there is a presumption that development is detrimental to the wetland. In some instances larger buffers may be necessary. Developments must conform to applicable provisions of the land development regulations, which prohibits development within a minimum of 35 feet of the landward extent of a wetland. The land development regulations will provide guidelines for decisions to expand any buffer beyond 35 feet.

- 10) OK
- 11) OK

12) Outstanding Florida Waters shall have a buffer of 200 feet and areas with listed plant or animal species within 300 feet of surface waters and wetlands shall have a buffer of 300 feet. If this precludes all economic development of the parcel, exceptions can be made after approval by a majority of the city commission and with appropriate mitigation of wetland loss at a minimum of a 5:1 ratio.

13) Developments containing or adjacent to a lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 75 feet of the landward extent of the lake.

14) 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 above.

15) Areas annexed by the City from the County shall retain the County's comprehensive plan buffers with respect to wetlands and creeks after incorporation within the City.

16) Wetland creation as a means to mitigation is assumed to be the least desirable strategy with the least chance of success. Areas presently functioning to some degree as wetlands that were clearly established by human activity, e.g., artificial ponds, ditches, cow paths, etc., may be mitigated by the creation of new wetlands of comparable performance.

Objective 2.1 OK

Policies

- 2.1.1 The City shall continue to update, augment and maintain an inventory of wetlands, and adopt land development regulations designed to conserve wetland acreages and preserve natural functions **within the Gainesville urban area**. When wetlands are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation location protocol shall follow policy 1.1.1.b.6.

Conservation, Open Space and Groundwater Recharge Element

Goal 1

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

Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

Policies

1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the map series within of the Future Land Use Map Series:

- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a presumption that development is detrimental to the regulated creek. Developments must conform to applicable provisions of the land development regulations, which prohibits development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek .
- b. Wetlands: Developments containing wetlands must 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 as understood from in-depth public, professional, and staff review, with final approval by the city commission on appeal. 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 and restoration;
 - 3) Establish bonding, monitoring and maintenance requirements for wetland mitigation projects to verify that all functional impacts have been mitigated; Any mitigation shall include enforceable long-term monitoring and maintenance requirements. Monitoring should be executed by the Alachua County Environmental Protection Department and/or the appropriate water management district with costs assumed by the permitted applicant.
 - 4) Establish means of assuring that the wetland mitigation project continues to exist and function as approved ; all mitigation should be completed before the permitted project is completed and address all the negative impacts-- direct, indirect, cumulative and synergistic. Given that no two wetlands functions are identical, as a first priority, the restored wetland should parallel the functions of the altered wetland prior to alteration.