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**CONSERVATION ELEMENT**

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# CONSERVATION ELEMENT

## I. INTRODUCTION

### A. Purpose

The purpose of the Conservation Element of the Palm Beach County Comprehensive Plan is to promote the responsible use, protection, and restoration of the County's natural resources. This Element is prepared pursuant to Chapter 163, F.S., and Rule 9J-5.013, F.A.C. The protection and conservation of natural resources is of paramount importance in maintaining and improving the high quality of life that County residents demand. The Element focuses on natural resources and contains policies necessary for, or related to, the protection and preservation of such resources. The resources addressed in this Element include wetlands and conservation areas, air quality, water quality and quantity, estuarine systems, lakes, rivers, native vegetation, and wildlife habitat. The County's Department of Environmental Resources Management is the implementing agency for the majority of the Element's Goals, Objectives and Policies, unless otherwise specified.

### B. Assessment and Conclusions

The Conservation Element was developed from the data and analysis of existing and future conditions regarding the County's natural communities and resources. The evaluation included the review and analysis of Native Communities and Ecosystems, Loxahatchee River and Slough System, Linked Open Space, Air Quality, Surfacewater and Groundwater Quality and Quantity, and Lakes. The following is a summary of portions of the Data and Analysis provided in the support documents.

#### 1. Native Communities And Ecosystems

Many natural areas, including freshwater and marine wetlands, are located within the County. Some of these have been specifically designated as conservation areas. Other lands with significant native vegetation have been specifically designated and identified for acquisition in the "Inventory of Native Ecosystems in Palm Beach County" which was completed in 1988. The County's Environmentally Sensitive Lands Acquisition Program was developed in 1984 because the natural areas in the County were rapidly being lost to development. The program set criteria for ranking and classifying lands with significant native vegetation including upland and wetland ecosystems for acquisition and protection as natural areas. On March 9, 1999, a \$150 million bond referendum was approved to fund the acquisition of lands with significant native vegetation, greenways, land for water resources, agricultural lands, and open space. At least \$50 million of the proceeds was set aside for acquisition and preservation of lands with significant native vegetation and greenways throughout the County. Thousands of acres of natural areas have been acquired and are being managed and maintained to protect native ecosystems, and provide passive recreation and environmental education opportunities. Management plans are developed for natural areas that have been acquired with bond funds, leased for management purposes, or acquired through donation or other means. The plans specify management needs with regard to prescribed burns, eradication or removal of prohibited invasive nonnative vegetation and public use. Long-term management and maintenance of the sites are important in order

to ensure that the natural resources and values of these lands are protected and maintained. Dedicated funding sources are necessary to support maintenance and management of natural areas.

In addition to the acquisition program, the County's regulatory processes are an important factor in the protection of natural areas and the maintenance of the County's natural resources.

The destruction and degradation of native biological communities through various forms of land alteration, water table lowering, and reduction of the quality of water entering these areas are the major threats to the County's native plant and animal populations. Once these communities are lost, the plant and animal species diversity, groundwater recharge capacity, and recreational and educational opportunities are irretrievable.

The decline in health and natural diversity of our natural resources signals the need for continual protection and restoration efforts through the adjustment of water supply schedules, improved methods of controlling stormwater runoff water quality, and the prevention of the spread of prohibited invasive non-native vegetation.

## **2. Loxahatchee River and Slough System**

The Loxahatchee River, located in the northeast portion of Palm Beach County, is the only river in the County. This riverine system is comprised of the Southwest Fork, the North Fork and the Northwest Fork. A 7.5-mile segment of the Northwest Fork is included in the National Wild and Scenic River System. The Loxahatchee River National Wild and Scenic River Management Plan provides for the protection and preservation of the Loxahatchee River and a corridor of adjoining uplands.

Although the Loxahatchee River's water quality has been better than that of most other waterways in the County, the River has a number of human development-related problems. To ensure the future health of the Loxahatchee River and its tributaries, adjacent land uses and surfacewater runoff must be properly managed.

The Loxahatchee Slough is one of the last natural riverine swamp systems on the east coast of Florida, and is the headwaters of the Loxahatchee River. The Loxahatchee Slough and the river corridor store surfacewater runoff and providing groundwater baseflow to the C-18 canal and the Loxahatchee River.

## **3. Linked Open Space Program**

A network of potential wildlife corridors has been identified which connects every major public conservation area in Palm Beach and Martin counties with the Everglades. These corridors will help preserve wildlife and native habitat, will provide educational and scientific research opportunities, and will provide recreational opportunities from the Atlantic Ocean west to Lake Okeechobee, and south into the Everglades. This network will give hikers, nature photographers, bird watchers and others, the opportunity to pass through every type of ecosystem found in Palm Beach County.

#### 4. Air Quality

In an effort to protect air quality and manage air pollution problems, it is imperative that the County, through the Health Department, which is an approved Local Pollution Control Program, continue to monitor the ambient air quality, regulate mobile and stationary sources of air pollution, administer asbestos and open burning regulations, and implement Pollution Prevention (P2) programs.

#### 5. Surfacewater and Groundwater Quality and Quantity

The County currently relies on one principal aquifer system: The Surficial Aquifer System. This aquifer contains: 1) the unconfined Biscayne Aquifer located in southern Palm Beach County and 2) the undifferentiated Water Table Aquifer located throughout the rest of the County. The Biscayne Aquifer is currently the sole source of potable water for southern Palm Beach County. It is recharged by direct infiltration of rainfall and canal inflow. The Turnpike Aquifer Protection Overlay (TAPO) District was established to safeguard the northern extension of the Biscayne Aquifer, one of the most productive portions of the surficial aquifer. All development approvals within this overlay, in conjunction with provisions of the overlay in the Future Land Use Element, shall be required to identify and, if applicable, dedicate well sites provided the development meets the criteria.

In the future the County may also rely on the Floridan Aquifer to complement future water supply needs. The Floridan Aquifer System underlies the State of Florida and portions of other states to the north and west of Florida. The Aquifer lies deep below South Florida and would require special treatment to make the brackish water in its upper layer suitable for drinking. The SFWMD's Lower East Coast Regional Water Supply Plan has suggested the Floridan Aquifer as one of the future water source options. **Cross reference:** *Please also refer to other policies in this Objective and Utility Element, Potable Water & Wastewater Sub-Element, Objective 3.1.*

The County has adopted the Unified Land Development Code with a Wellfield Protection Ordinance that restricts land uses and the use of regulated substances within zones of influence of potable water wells. The County has adopted a Stormwater Pollution Prevention Ordinance which restricts non-stormwater discharges from entering Waters of the United States.

Water supply is a major concern in Palm Beach County. To help solve this problem, the South Florida Water Management District (SFWMD) engaged in, and the County coordinated with SFWMD many water initiatives including the Lower East Coast Regional Water Supply Plan (LECRWSP). The purpose of LECRWSP was to evaluate the complex issues associated with water supply, including the demands of the natural environment, agriculture, and urban areas. In addition, the County recognizes the importance of the SFWMD's East Coast Buffer (ECB) to protect the environmental integrity and water supply of the County and their efforts of the Water Preserve Areas Studies (WPAs) to ensure the availability of water for natural system restoration and water supply purposes. The County also recognizes the importance of the Comprehensive Everglades Restoration Plan (CERP), which is an integrated federal and nonfederal effort to restore, preserve, and protect the Everglades Ecosystem. CERP

includes strategies to capture freshwater destined for sea and direct it back to the ecosystem to revitalize it and provide for a more sustainable south Florida.

With increasing water use, natural systems dependent upon water have become degraded as sufficient quantities to support the natural systems become unavailable. Natural areas and other open spaces are also important as groundwater percolation (recharge) areas. The preservation of recharge areas and the use of on-site stormwater retention/detention help to replenish water supplies.

## **6. Lakes**

Palm Beach County has many freshwater lakes that serve, directly or indirectly, as sources of drinking water, surfacewater storage and recreation. In an effort to better manage and restore the natural resources of the chain-of-lakes system (Lakes Pine, Clarke, Osborne, Eden and Ida) in the eastern part of the County, the County has evaluated the status of its freshwater ecosystems and developed a management plan titled "State of the Lakes" to protect, restore, and enhance the natural resource values the lakes provide. Additionally, the County is striving to work with municipalities to identify and implement shoreline revegetation projects.

Lake Okeechobee has been called the "liquid heart" of South Florida, serving a variety of sometimes conflicting functions - water supply, sport and commercial fishing, navigation, flood control and wildlife habitat. The Lake is a key component of South Florida's vast Kissimmee-Okeechobee-Everglades surface water hydrologic system. Runoff from agricultural activity surrounding the Lake has contributed to high levels of nutrients collecting in the Lake negatively impacting the Lake's water quality.

The severity of Lake Okeechobee's water quality problem was recognized by the State legislature in 1987 when the Surface Water Improvement and Management (SWIM) Act was adopted. The South Florida Water Management District is the lead agency responsible for developing plans for Lake Okeechobee.

## **II. GOAL, OBJECTIVES AND POLICIES**

### **GOAL 1: PROTECTION OF NATURAL RESOURCES**

It is the GOAL of Palm Beach County to preserve, protect, and enhance the County's natural resources, encouraging the highest possible environmental quality and best long-term management of natural resources. [9J-5.013(2)(a) F.A.C.]

#### **OBJECTIVE 1.1 Codes, Ordinances, and Regulations**

The County shall continue to implement, revise, maintain and adopt new codes, ordinances and regulations as necessary, to protect and conserve the County's natural resources including: [9J-5.013(2)(b)1-4. F.A.C.]

1. Air;
2. Beaches, shores;
3. Fisheries;
4. Minerals;
5. Other sensitive lands;

6. Rivers;
7. Soils;
8. Water; and
9. Wildlife and wildlife habitats.

**Policy 1.1-a:** The County shall continue to implement and maintain the Goals, Objectives and Policies of this Plan through the following ordinances: [9J-5.013(2)(c)1-10. F.A.C.]

1. Biological Waste Incineration Facility Ordinance;
2. Excavation Ordinance;
2. Environmental Control Rule I;
3. Environmental Control Rule II;
4. Irrigation and Water Conservation Ordinance;
5. Landscaping and Buffering Ordinance;
6. Lot-Clearing Ordinance;
7. Natural Areas Ordinance;
8. Natural Areas Stewardship and Endowment Fund Ordinance;
9. Petroleum Storage Systems Ordinance;
10. Petroleum Cleanup Ordinance;
11. Sea Turtle Protection/Sand Preservation Ordinance;
12. Stormwater Pollution Prevention Ordinance;
13. Unified Land Development Code;
14. Vegetation Protection and Preservation Ordinance;
15. Wellfield Protection Ordinance; and
16. Wetlands Protection Ordinance.

**Policy 1.1-b:** The County shall require that a written assessment of environmental and ecological impacts be performed by a qualified professional and reviewed by the Environmental Resources Management Department for all land use amendments to the Comprehensive Plan and Development Orders that are issued pursuant to the Plan.

## **OBJECTIVE 1.2 Informational and Educational Activities**

The County shall provide information and educational activities for the citizens of the County to assist them in understanding the needs and issues related to the conservation and sustainable use of the County's natural resources.

**Policy 1.2-a:** The County shall implement public information programs concerning natural resource issues including, but not limited to:

1. Air quality;
2. Beaches and dunes;
3. Clean fill;
4. Drinking water;
5. Endangered and threatened species;
6. Exotic species control;
7. Hazardous waste;
8. Illegal dumping;
9. Natural and artificial reefs;

10. Natural areas protection and stewardship;
11. Prescribed burning;
12. Septic tanks and wastewater use;
13. Vegetation surplus;
14. Volunteer opportunities;
15. Water conservation;
16. Waste management;
17. Wellfield protection; and
18. Wetlands.

### **OBJECTIVE 1.3 Wildfire Prevention**

The County shall implement the following policies applicable to Palm Beach County Natural Areas and those lands set-aside that are governed by a County approved management plan.

**Policy 1.3-a:** The County shall continue to coordinate fire management on Palm Beach County Natural Areas with the Florida Division of Forestry and the appropriate County or municipal Fire-Rescue Department to mitigate the potential of wildfires. The County's Department of Environmental Resources Management (ERM) shall assist with Community Wildfire Protection Plans and Firewise Communities, and shall promote educational awareness of prescribed burning.

**Policy 1.3-b:** The County shall use prescribed burns and mechanical methods in County Natural Areas to reduce fuel loads. Additionally, ERM shall install and regularly maintain perimeter fire breaks to reduce the potential for wildfires to enter or leave County Natural Areas.

**Policy 1.3-c:** The County shall pursue alternative fuel reduction methods in the event smoke management concerns prohibit the use of prescribed fire in highly developed urban areas.

**Policy 1.3-d:** The County shall assess and manage storm related debris along urban interfaces of County Natural Areas with the assistance of the Florida Division of Forestry.

**Policy 1.3-e:** The County shall pursue opportunities, such as State Hazard Mitigation Grant Funding, to preserve lands for natural resources (i.e. beaches and dunes, native vegetation, wetlands and barrier islands). A benefit of preserving lands for natural resources is hazard mitigation aimed at protecting development from natural disasters.

## **GOAL 2: PROTECTION OF NATIVE COMMUNITIES AND ECOSYSTEMS**

It is the **GOAL** of Palm Beach County to conserve, appropriately use, and protect the natural functions of native communities and ecosystems.

### **OBJECTIVE 2.1 Native Communities and Ecosystems**

The County shall preserve and protect native communities and ecosystems to ensure that representative communities remain intact. Priority shall be given to lands with significant native vegetation. *[9J-5.013(2)(b)3&4 F.A.C.]*

**Policy 2.1-a:** Development activities proposed in native ecosystems shall continue to be regulated through the Unified Land Development Code to assure protection of lands with significant native vegetation and native communities. *[9J-5.013(2)(c)3 F.A.C.]*

**Policy 2.1-b:** The County shall continue to protect native plant and animal populations through all available methods including the mapped inventory and the requirements within the Unified Land Development Code by establishing preserves, buffers, greenways, wildlife corridors, and open spaces. In locating preserve areas, priority shall be given for those locations adjacent to wildlife corridors and lands with significant native vegetation. *[9J-5.013(2)(c)9 F.A.C.]*

**Policy 2.1-c:** The County shall continue to facilitate the acquisition, protection, and long-term maintenance of native plant communities through mechanisms including, but not limited to, land banking, transfer of development rights, conservation easements, applications for grants and matching funds, donations of land, and donations of funds to the Natural Areas Stewardship Endowment Fund.

**Policy 2.1-d:** The County shall continue to require through the Unified Land Development Code that all development with significant environmental impacts, including commercial agricultural development, set aside as preserve areas a minimum of 25 percent of the total upland native plant communities on site. The 25% set-aside shall be based on the quality and viability of the vegetative ecosystem. The County shall have the option to designate the portion of the plant community which will be included in the 25 percent set aside. Such set-aside habitat shall be preserved and managed in viable condition with existing canopy, understory, and ground cover.

The County shall have the option of accepting a cash payment in lieu of preservation and shall accumulate such payments from development for the purchase and management of off-site upland native plant communities. Unified Land Development Code regulation criteria establishes conditions for assessing the cash payment amount and for determining which projects warrant the use of the cash payment option.

Commercial Agricultural operations shall continue to have the options of setting aside 25% of the total native upland vegetation on site, making a cash payment amount, or attaching a deed restriction limiting the use of the site to commercial agriculture until the payment is provided to the County. *[9J-5.013 (2)(c)3 F.A.C.]*

**Policy 2.1-e:** The County shall use all payments obtained from development for the acquisition and management of natural areas, greenways including major wildlife corridors, and native ecosystems. Priority shall be given to the acquisition and management of lands with significant native vegetation in the County.

**Policy 2.1-f:** The County shall continue to coordinate with all applicable public and private entities to protect and conserve environmentally sensitive lands and native ecosystems through the environmental review process, joint acquisition and management processes, interlocal agreements, and through other available means. [9J-5.013 (2)(c)8 F.A.C.]

**Policy 2.1-g:** The County shall ensure that management plans are developed for County-owned or County-managed natural areas (Environmentally Sensitive Lands) and that the uses allowed on these lands are limited to those uses that are compatible with and preserve the natural character of the natural area (e.g., passive recreation, environmental education, scientific research).

**Policy 2.1-h:** The County has purchased, and shall continue to purchase, lands with significant native vegetation for the long-term protection of these high-quality native ecosystems utilizing the remainder of the \$100 million bond passed in 1991 by the citizens of Palm Beach County for the acquisition of lands with significant native vegetation in the County and the 1999 Conservation Bond providing \$150 million for the acquisition of lands with significant native vegetation, land for water resources, greenways, agricultural lands and open space. \$100 million is designated for land purchases in the Agricultural Reserve for the above purposes and \$50 million is designated for the purchase of lands with significant native vegetation and greenways throughout the County. The County also has applied for and shall continue to apply for, State and/or Federal matching funds for the acquisition and management of these lands.

## **OBJECTIVE 2.2 Wetlands**

The County shall maintain the functions and values provided by freshwater and marine wetlands so there will be no net loss of wetland functions and values due to development or other activities. [9J-5.013 (2)(b)4. F.A.C.] *Cross Reference: See Coastal Management Element Policy 1.1-c.*

**Policy 2.2-a:** The County shall continue to implement the Wetlands Protection Section of the Unified Land Development Code and shall continue to review and comment on wetland alteration applications being reviewed by other agencies to ensure that no activity results in the net loss of wetland values and functions. The County shall ensure that the following steps are taken, in order, when assessing proposed activities that may result in wetland impacts: [9J-5.013 (2)(c)6 and 9J-5.013 (3)(b) F.A.C.]

1. Avoidance of wetland impacts
2. Minimization of unavoidable wetland impacts
3. Compensation for wetland impacts through mitigation

**Policy 2.2-b:** The County shall require, for any wetland that is degraded or destroyed, that mitigation be provided through the creation of new wetland habitat, through the restoration of degraded habitat, or through the enhancement of functions and values provided by existing habitat. Mitigation efforts that include creating new wetland habitats

shall be designed, constructed, and maintained in a manner which will reflect the habitat being altered, degraded or destroyed. [9J-5.013(3)(b) F.A.C.]

**Policy 2.2-c:** The County shall designate appropriate and inappropriate uses for wetlands, including the use of wetlands for wastewater treatment, to ensure that the functions and values of existing wetland systems are maintained or enhanced. [9J-5.013(3) F.A.C.]

**Policy 2.2-d:** The County shall not allow activities that would diminish the functions and values of wetlands by altering the quantity or timing of water availability to existing wetlands or altering their water regimes. [9J-5.013(3)(b) F.A.C.]

**Policy 2.2-e:** The County shall require, when reviewing development activities adjacent to or within wetland areas, that a buffer zone of native vegetation, which may include canopy, understory and ground cover, as appropriate, be provided and maintained around all wetlands. The area requirements for the buffer zone shall be consistent with the Treasure Coast Strategic Regional Policy Plan. *Cross reference: See also Coastal Management Element Policy 1.1-h.*

**Policy 2.2-f:** The County shall support wetland creation, restoration, enhancement, and preservation and shall encourage public and private sector initiatives for these efforts.

### **OBJECTIVE 2.3 Loxahatchee Slough and River Corridor**

The County shall coordinate with the South Florida Water Management District, the lead agency, as well as the Florida Department of Environmental Protection and municipalities in the river area, to preserve and protect the Loxahatchee Slough/River Corridor, including the federally-designated Wild and Scenic River portion of the Northwest Fork of the Loxahatchee River through administration of the Unified Land Development Code, enforcement of environmental regulations, and implementation of the Recreation and Open Space Element. [9J-5.013(2)(b)1&4 F.A.C.]

**Policy 2.3-a:** The County shall participate in the Loxahatchee River Management Coordinating Council to assist the Florida Department of Environmental Protection and the South Florida Water Management District in the development and review of the river management plan, for the formulation of policies addressing the conservation of the Slough and River system. [9J-5.013(2)(c)6 F.A.C.]

**Policy 2.3-b:** The County shall continue to designate as Conservation on the County's Land Use Plan Map any acquired conservation areas within the area defined as the "Corridor" by the South Florida Water Management District, as well as all slough and river natural areas acquired or managed by the County.

**Policy 2.3-c:** The County shall continue to work with the South Florida Water Management District and other agencies to ensure that passive recreational uses allowed within the Corridor are limited to those that are compatible with and preserve the natural character of the area.

**Policy 2.3-d:** The County shall work with other agencies to ensure that public access to the Corridor shall be available, but limited so that the environmental values of the system can be enjoyed, but not overburdened, by users.

**Policy 2.3-e:** The County shall participate in funding the design and development of the Loxahatchee Trail nature and recreation system, which will traverse the Loxahatchee Slough/River Corridor. The trail will provide passive recreational uses within the Loxahatchee Slough/River Corridor, creating a major natural recreation area in Palm Beach County.

**Policy 2.3-f:** The County shall participate with the South Florida Water Management District and other appropriate agencies to re-establish the historic hydrologic connections between the West Palm Beach Water Catchment Area, the Loxahatchee Slough, and the Wild and Scenic River segments of the Corridor.

## **OBJECTIVE 2.4      Listed Species**

The County shall protect and preserve endangered and threatened species, species of special concern, (hereafter collectively referred to as listed species), and their associated habitats. [9J-5.013(2)(b)4 F.A.C.]

**Policy 2.4-a:** The County shall use all appropriate means to protect existing listed species, prevent extinction of listed species, and prevent further reductions in the population sizes of listed species and habitat of significant value to existing populations of listed species through its acquisition program, regulatory programs, environmental review processes of Developments of Regional Impact, land development applications, etc., and cooperation with agencies that protect listed species. The County shall continue to require through the regulatory programs that developers protect, manage, or relocate listed species identified on their property. [9J-5.013(2)(c)5 F.A.C.]

**Policy 2.4-b:** The County shall coordinate with the Florida Fish and Wildlife Conservation Commission other state and federal agencies, and the Florida Natural Areas Inventory to share information obtained on the distribution and population sizes of the listed species in the County. This information will continue to be utilized in the acquisition, maintenance, and regulatory processes.

**Policy 2.4-c:** The County shall maintain in full force and effect the codes, ordinances, and regulations associated with development, redevelopment, and commercial agricultural activities to ensure that listed species and their habitats are protected. [9J-5.013(2)(c)5 F.A.C.]

**Policy 2.4-d:** The County shall continue to require listed species surveys for all sites known to or likely to contain listed species. The surveys shall be required prior to development approval or commencement of agricultural activities and shall include, but not be limited to, species type, location, and quantity.

**Policy 2.4-e:** The County shall not issue a development order when listed plant or animal species are affected until conditions are provided for protection of the listed species.

**Policy 2.4-f:** The County shall work to maintain existing species representation, and prevent plant and animal species in the County from becoming endangered or threatened, by protection of habitat for native species, implementation of the codes and ordinances identified in Objective 1.1 and the land acquisition and protection mechanisms identified in Objective 2.1.

## **OBJECTIVE 2.5 Prohibited Invasive Non-Native Vegetation**

The County shall continue efforts to eradicate prohibited invasive non-native vegetation and, where appropriate, require their removal and replacement with native plant vegetation.

**Policy 2.5-a:** The County shall continue to implement the Sections of the Unified Land Development Code, which require the immediate and long-term removal, or eradication of prohibited invasive non-native vegetation and prohibits the planting of this vegetation.

**Policy 2.5-b:** The County shall maintain programs for the eradication and control of prohibited invasive non-native vegetation as part of the maintenance activities of County-owned or managed property. The County shall seek funding and enforcement procedures in cooperation with federal, state and municipal agencies.

**Policy 2.5-c:** The County shall continue to implement the Unified Land Development Code to require the eradication of prohibited invasive non-native vegetation as a condition of all development orders, to require the continual maintenance of landscaped and preserved areas for the removal of this vegetation and to prohibit the planting of this vegetation.

## **GOAL 3: PROTECTION OF SURFACEWATER AND GROUNDWATER QUALITY AND QUANTITY**

It is the **GOAL** of Palm Beach County to protect surfacewater and groundwater quality and quantity by discouraging activities that would damage or degrade water resources.

### **OBJECTIVE 3.1 Quality and Quantity of Water Resources**

The County shall preserve and protect both the quality and quantity of the County's water resources so that future development activities are conducted in a manner that, at a minimum, meet state water quality standards. *[9J-5.013(3)(b)2 F.A.C.]*

**Policy 3.1-a:** The County shall continue to coordinate with the South Florida Water Management District and/or an advisory committee created by the District to assist with implementation of the provisions of the regional water plan to evaluate long-term environmental needs and restrict activities that result in the degradation or over-utilization of potable water resources and assure adequate water supply for: 1) native ecosystems and other lands with significant native vegetation; 2) agriculture; and 3) domestic and industrial needs. *[9J-5.013(2)(c)1&4 F.A.C.]* *Cross reference: Please also refer to the policies below and the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.1-e.*

**Policy 3.1-b:** The County recognizes the importance of the South Florida Water Management District's (SFWMD) East Coast Buffer (ECB) area to protect the environmental integrity and the water resources of the County. Accordingly, the County shall coordinate with the SFWMD in their efforts for the ECB. The County shall facilitate flexible site designs, within and adjacent to the ECB, through mechanisms such as flexible site development provisions that protect, enhance, and are compatible with the functions of the ECB. The County shall discourage, within and adjacent to the ECB, those land uses incompatible with the ECB functions including, but not limited to, heavy commercial and industrial uses, solid waste disposal and transfer stations, cemeteries, transportation facilities, and gas or service stations. The County recognizes the SFWMD's role in determining if site designs are compatible with the ECB and therefore, will coordinate and consider SFWMD recommendations in land use compatibility and zoning decisions for areas within and adjacent to the ECB. **Cross reference:** Please also refer to other policies in this Objective and the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.1-e.

**Policy 3.1-c:** The County shall coordinate with the South Florida Water Management District (SFWMD) in their efforts to ensure the availability of water for natural system restoration and for water management purposes by participating in the Water Preserve Area (WPA) studies. The County shall facilitate flexible site designs, within and adjacent to the WPA study area, through mechanisms such as flexible site development provisions that protect, enhance, and are compatible with the functions of the WPA's. The County shall discourage, within and adjacent to the WPA study area, those land uses incompatible with the WPA functions including, but not limited to, heavy commercial and industrial uses, solid waste disposal and transfer stations, cemeteries, transportation facilities, and gas or service stations. The County recognizes the SFWMD's role in determining if site designs are compatible with the WPA's and therefore, will coordinate and consider SFWMD recommendations in land use compatibility and zoning decisions for areas within and adjacent to the WPA study area. **Cross reference:** Please also refer to other policies in this Objective and the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.1-e.

**Policy 3.1-d:** The County, in close coordination with the South Florida Water Management District and other environmental regulatory and planning agencies, shall encourage that wetland mitigation, environmental protection and water management efforts support and optimize the functions of the East Coast Buffer and the Water Preserve Areas. **Cross reference:** Please also refer to other policies in this Objective and the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.1-e.

**Policy 3.1-e:** The County shall continue its existing surfacewater quality monitoring network to identify point-source and non-point source water quality problem areas and shall develop and implement a program designed to reduce non-point source discharges to surface waters. The County shall continue to coordinate with Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD) with their groundwater and surfacewater monitoring efforts. The County shall continue to enforce Surface Water Quality Standards throughout the County and the Stormwater Pollution Prevention Ordinance within the unincorporated areas. The County shall comply with the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements. The County shall conduct on-site inspections, water sampling, permitting, compliance and enforcement, and estuary enhancement as needed to help reduce the potential degradation of water quality due to stormwater runoff. **Cross reference:** Please also refer to

*Coastal Management Element Policies 1.1-e, f & g and the Utilities Element, Stormwater Management Sub-Element Objective 2.1.*

**Policy 3.1-f:** The County shall continue to coordinate and support the efforts of the South Florida Water Management District to require stormwater treatment standards and monitoring for phosphorus from all agricultural areas. *Cross reference: Please also refer to the Utilities Element, Stormwater Management Sub-Element, Policy 2.1-e.*

**Policy 3.1-g:** The County shall continue to coordinate with the South Florida Water Management District to give priority to water supply for native ecosystems and other areas with significant plant and animal life. *Cross reference: Please also refer to other policies in this Objective and the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.1-e.*

**Policy 3.1-h:** The County shall encourage and support a coordinated regulatory and programmatic approach for the protection of aquifer recharge areas and for environmental protection efforts. *[9J-5.013(2)(c)1 F.A.C.]*

**Policy 3.1-i:** The County shall continue to implement the regulations of the Unified Land Development Code, especially the environmental threshold reviews, wellfield protection provisions, and the Turnpike Aquifer Protection Overlay provisions to protect aquifers through water conservation and preservation of the functions of aquifer recharge areas. *[9J-5.013(2)(c)1 F.A.C.] Cross reference: Please also refer to the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.2-b.*

**Policy 3.1-j:** The County shall continue to enforce the provisions of the Wellfield Protection Ordinance. The use, handling, production and storage of regulated substances shall be prohibited in Zones 1, 2, 3 and 4, unless the facility or business qualifies for a General or Special Exemption and/or obtains an operating permit under the provisions of the Ordinance.

The requirements addressed by the Ordinance shall include containment, emergency collection devices, emergency plans, inspection, maintenance of containment and emergency equipment, reporting of spills, monitoring for regulated substances in the protected potable water wells, monitoring for regulated substances in groundwater monitoring wells on the sites where the substances are used, alterations and expansions of uses of Regulated Substances, reconstruction after catastrophes and financial responsibility. *[9J-5.013(2)(c)1 F.A.C.] Cross reference: Please also refer to the Utilities Element, Potable Water & Sanitary Sewer Sub-Element, Policy 2.2-a.*

**Policy 3.1-k:** The County shall prohibit the future location of facilities that handle, use, store or produce regulated substances within Wellfield Protection Zone 1 and discourage their location within Zones 2, 3 and 4. Additionally, the County shall identify future wellfield areas and adopt measures to protect them.

**Policy 3.1-l:** The County shall establish and develop future wellfields consistent with the Wellfield Protection Ordinance and the Turnpike Aquifer Protection Overlay District, when it can be determined through hydrologic testing that such establishment and operation would not adversely affect the natural resources or the management objectives for these resources.

**Policy 3.1-m:** The County shall not take any land use actions which are inconsistent with the State and the South Florida Water Management District efforts related to maintaining and/or improving water quality in Lake Okeechobee; particularly those included in an adopted surfacewater improvement and management plan.

**Policy 3.1-n:** The County shall continue to implement the "State of the Lakes" management plan for the coastal freshwater lake system which includes Lakes Osborne, Ida, Clarke, Eden and Pine in order to provide protection, conservation and enhancement of their natural functions and aesthetic economic values. The County shall prioritize the projects within the plan, pursue funding through all appropriate means and shall initiate projects based upon funding availability. [9J-5.013(2)(c)6 F.A.C.]

**Policy 3.1-o:** The County shall continue to maintain and implement the a Lake Worth Lagoon Management Plan. The County shall continue to coordinate with all jurisdictions, which have stormwater discharges and/or potential for habitat restoration in the Lake Worth Lagoon and other estuarine waters, to implement actions which will meet or exceed the State's Class III Surface Water Quality Standards. [9J-5.013(2)(c)6 F.A.C.] *Cross reference: Please refer to Coastal Management Policy 1.1-i.*

**Policy 3.1-p:** The County shall coordinate with South Florida Water Management District (SFWMD) and, the United States Army Corps of Engineers (USACE), and other local, state, tribal and federal entities on development and implementation of the Comprehensive Everglades Restoration Plan (CERP), and other related ecosystem restoration initiatives in South Florida. Accordingly, the County's Water Supply Work Plan shall include an assessment of current and water needs and sources for the associated planning period considering the SFWMD's regional water supply plan approved pursuant to s. 373.0361. [163.3177(6)(d)] **Cross reference:** See *Utility Element, Potable Water & Wastewater Sub-Element objectives and policies under Goals 2 and 3, and Assessment & Conclusions section of the same sub-element.*

#### **GOAL 4: PROTECTION OF AIR QUALITY**

It is the **GOAL** of Palm Beach County to protect human life and native ecosystems by controlling air pollution through initiatives for the protection of air quality.

##### **OBJECTIVE 4.1 Air Quality**

The County shall maintain federally adopted air quality levels, as identified by National Ambient Air Quality Standards. [9J-5.013(2)(b)1.F.A.C.]

**Policy 4.1-a:** The County shall continue to support the Palm Beach County Health Department in its implementation and/or support of the commitments in the Department of Environmental Protection's "Southeast Florida Ten Year Maintenance Plan" for maintaining the ozone standard.

**Policy 4.1-b:** The County shall continue to support the Palm Beach County Health Department in its implementation and enforcement of the state and local air pollution rules and regulations, by placing conditions on development approvals to require developers to consult the Health Department on methods to control fugitive particulate

emission. The selected pollution-control method shall be undertaken within thirty days of completion of clearing.

**Policy 4.1-c:** The County's Fire-Rescue and Planning, Zoning and Building Departments shall work with the Palm Beach County Health Department, the Solid Waste Authority, the Department of Environmental Resources Management, and the Florida Department of Agriculture's Division of Forestry to minimize the need for open burning of land-clearing debris and to reduce its associated air quality problems. The County shall work with the Health Department to maintain the Unified Land Development Code provisions for controlling smoke from open burning of land clearing debris.

**Policy 4.1-d:** The County shall continue to promote a non-gasoline powered demonstration program that utilizes "alternate fuels" to operate fleet vehicles. Maintaining acceptable levels of air quality, preserving natural resources, saving money through lower fuel costs and less maintenance, and reducing reliance on foreign oil imports are the main objectives of the program. The County's participation will involve performing vehicle conversions, assisting in the establishment of a refueling station, vehicle maintenance, record keeping and "technology transfer" with other interested public or private fleet operators. Participation will be contingent on the availability of a dedicated funding source approved by the Board of County Commissioners. The County's Fleet Management Division, in close coordination with the Palm Beach County Health Department's Air Pollution Control Section, will be primarily responsible for this program.

## **GOAL 5: LINKED OPEN SPACE NETWORK - CONSERVATION GREENWAYS/ WILDLIFE CORRIDORS**

It is the **GOAL** of Palm Beach County to provide a Linked Open Space System that allows for the conservation of greenways and wildlife corridors that serve as linkages to lands with significant native vegetation and conservation areas.

### **OBJECTIVE 5.1 Greenways and Corridors**

The County shall create Conservation Greenway/Wildlife Corridors linking Conservation Areas and lands with significant native vegetation to better preserve natural areas and support endangered species, threatened species, and species of special concern (hereinafter referred to as listed species). These corridors are included in the Plan as part of a linked open space network in order to assure survival of species that would be jeopardized by isolation. Management plans for wildlife corridors, conservation areas and preserves shall include such passive human recreational uses as hiking and bird watching when such uses will not jeopardize environmental resources.

**Policy 5.1-a:** Conservation Greenway/Wildlife Corridors identified on the map entitled "Greenways and Linked Open Space System" shall be recognized as a part of the overall land use pattern of the Palm Beach County Comprehensive Plan. The corridors, which were identified with the expert assistance of local, state, and federal agencies and with public input, shall be protected during the Land Development process to the maximum extent feasible when such protection does not result in a taking of private property or an inordinate burden to private property pursuant to the Burt J. Harris, Jr.,

Private Property Rights Protection Act. *Cross reference: Please also refer to Recreation and Open Space Policy 1.4-f.*

**Policy 5.1-b:** The County in concert with other jurisdictions shall continue to identify those portions of Conservation Greenways/Wildlife Corridors which should be acquired, and shall jointly continue to seek grant funds, negotiate life estates, conservation easements, transfer of development rights, land exchanges or fee simple acquisition if necessary to preserve vital portions of wildlife corridors. [9J-5.013(2)(c)7 F.A.C.] *Cross reference: Please also refer to Recreation and Open Space Policy 1.4-a.*

**Policy 5.1-c:** By January 1, 2009, the County shall to include within the Unified Land Development Code design standards which allow the preservation of a corridor of open space connecting conservation areas through areas which are permitted to be developed. The design standards shall preserve private property rights while allowing any open space requirements to be met by the preservation of an open space wildlife corridor/preservation greenway, which may be accomplished through a recorded conservation easement or by other means. Such protection shall not result in a taking of private property or an inordinate burden to private property pursuant to the Burt J. Harris, Jr., Private Property Rights Protection Act. Until these design standards are in place within the Land Development Code, participation of private property owners within the identified corridors shall be voluntary. *Cross reference: Please also to Recreation and Open Space Policy 1.4-b.*

**Policy 5.1-d:** *Deleted in Amendment Round 07-2.*

## **OBJECTIVE 5.2 Upland Set-Aside Connections**

The County shall encourage upland set-aside connections, which will preserve these areas and provide habitat for listed species.

**Policy 5.2-a:** The County shall continue to guide the linking of upland preserves set aside pursuant to Conservation Element Policy 2.1-d, and in accordance with ULDC Article 14.C.11.B.4. Establishing Native Upland Preserve, where feasible and desirable. "Feasible and desirable" upland linkages are those which connect uplands of high quality; where the highest quality upland areas of an area proposed for development are not located next to existing preserved upland areas, the preservation of high quality uplands shall take precedence over the policy of achieving a link.

**Policy 5.2-b:** Design standards to be included within the modified Unified Land development Code portion which allows for linkage of upland set-asides shall specify that any barriers used to achieve privacy walls shall not obstruct the movement of small animals.

### ABBREVIATED AMENDMENT HISTORY

Action	Date	Ord. No.	Effective Date
<i>Adopted</i>	<i>08/31/89</i>	<i>89 - 17</i>	<i>09/11/89</i>
<i>Revised</i>	<i>09/18/90</i>	<i>90 - 32</i>	<i>10/04/90</i>
<i>Revised</i>	<i>12/16/91</i>	<i>91 - 48</i>	<i>12/27/91</i>
<i>Revised</i>	<i>10/20/92</i>	<i>92 - 28</i>	<i>11/03/92</i>
<i>Revised</i>	<i>12/06/95</i>	<i>95 - 58</i>	<i>02/06/96</i>
<i>97 - 1 EAR Re-write Adopted 97 - 1 Map Series Revisions: Conservation Areas &amp; Selected Wildlife Habitats, Maps 27 &amp; 28 were deleted.</i>	<i>09/22/97</i>	<i>97 - 32</i>	<i>12/03/97</i>
<i>97-2 EAR Revisions</i>	<i>11/17/97</i>	<i>97 - 49</i>	<i>10/28/98</i>
<i>98-1 Minor Text Revisions</i>	<i>09/16/98</i>	<i>98 - 43</i>	<i>11/12/98</i>
<i>02-1 Text Revisions</i>	<i>08/28/02</i>	<i>02 - 50</i>	<i>10/25/02</i>
<i>07-1 To add Objective 1.3 regarding Wildfire Prevention</i>	<i>08/27/07</i>	<i>2007-10</i>	<i>10/26/07</i>
<i>07-2 Revisions - Greenways and Linked Open Space</i>	<i>11/26/07</i>	<i>2007-27</i>	<i>01/28/08</i>
<i>08-1 Water Supply Plan – To add language regarding water quality and coordination with SFWMD</i>	<i>08/21/08</i>	<i>2008-31</i>	<i>10/17/08</i>

**Note:** For a complete history of the specific changes to this element, please contact the Planning Division at (561) 233-5300.

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