



## Comprehensive Plan 2009



### 2.10 CONSERVATION

**Goal: Promote the protection, preservation, and appropriate use of Okaloosa County's natural resources, including minerals, water supply sources, wetlands, estuarine and riverine systems, floodplains, shorelines, areas of sensitive topography, and natural vegetative, marine, and wildlife habitats.**

**Objective 1** *Conserve, appropriately use and protect the water resources for current and projected demands through regulation of landscaping and irrigation activities, reuse of reclaimed water, education, and through cooperation with environmental planning and regulatory agencies.*

**Policy 1.1** Development, redevelopment, rehabilitation, and maintenance of all properties located in the "Water Resource Caution Area" shall utilize water efficient landscaping and irrigation methods pursuant to LDC regulations.

**Policy 1.2** Coordinate with the Northwest Florida Water Management District in the development and implementation of a Regional Water Supply Plan pursuant to Section 373.0361, F.S. that includes alternative sources other than the Floridan Aquifer.

**Policy 1.3** Coordinate with all water providers in the County to investigate methods for reuse of non-potable sources of water in a manner that substantially reduces water consumption (i.e., reuse of water for golf course and other recreational irrigation applications).

**Policy 1.4** Cooperate with the Northwest Florida Water Management District and the Okaloosa County Sheriff's Department in implementing any emergency water conservation plans necessary to protect water resources during periods of insufficient supply.

**Policy 1.5** Coordinate with the Northwest Florida Water Management District, the Okaloosa County Water and Sewer and Planning and Inspection Departments, Okaloosa County Agricultural Extension service, and other agencies to jointly sponsor workshops and/or short courses in water conservation and water efficient landscaping.

**Policy 1.6** Before December, 2009 the County shall adopt and implement a Water Conservation Program which contains the following considerations.

1. Maximize the use of reclaimed water supplies to replace irrigation and other non-potable uses of the Floridan Aquifer. When locating reuse supplies greater consideration shall be given to customers that currently use the Floridan Aquifer for non-potable uses.
2. Modify the OCWS rate structure in consideration of the use characteristics of the various OCWS service areas so as to provide financial incentives to customers that conserve and use water efficiently.
3. Establish minimum criteria for Xeriscape landscaping methods to be required for all new multi-family residential and non-residential developments.
4. Investigate the feasibility of providing financial incentives to any homeowner who will install Xeriscape landscaping.
5. Investigate the feasibility of providing financial incentives to developers and contractors who install water-efficient plumbing fixtures above and beyond the plumbing fixtures required by the Florida Building Code.
6. For the West County Service Area OCWS shall not provide water to customers to fill or augment the level of water bodies used for aesthetic, irrigation, or other similar non-potable purposes (excluding swimming pools).
7. OCWS shall expand its water conservation and efficiency public information efforts and efforts to reduce all non-potable use of the Floridan Aquifer.
8. Establish minimum criteria for enhanced irrigation efficiency, including alternate days and specific irrigation times (e.g. odd/even days and 4 PM to 10 AM).

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**Objective 2** *Conserve, appropriately use, and protect the quality of waters that flow into the bay, bayous, or Gulf of Mexico through appropriate land use planning, regulation, and education and through cooperation with environmental planning and regulatory agencies.*

**Policy 2.1** Increases in land use density and intensity shall be restricted within wetlands, and development in wetland areas shall be subject to the following provisions:

- a. Where sufficient uplands exist to locate the proposed development in the upland portion of the site, the County may allow the transfer of development at the future land use densities established on the Future Land Use Map from the wetlands to the upland portion of the site. The transfer of density may occur provided all other plan provisions regarding upland and floodplain resource protection, compatibility of adjacent land use, stormwater management and setbacks, etc. are met.
- b. Where sufficient uplands do not exist to avoid a taking, development in the wetlands shall be restricted to allow residential density use at a maximum density of one (1) unit per ten (10) acres, one (1) unit per five (5) acres, or one (1) unit per lot of record.
- c. The dwelling unit shall be constructed so that the lowest floor elevation is at least one (1) foot above the base flood elevation as established by the FEMA Flood Insurance Rate Maps for those wetlands that are also within the floodplains.
- d. Okaloosa County does not duplicate the rules of other environmental agencies. Therefore, prior to construction in jurisdictional areas, all necessary permits must have been issued by the agency or agencies having jurisdiction.

**Policy 2.1A** Any transfer of density from wetlands and clustering of development on a site as allowed by Policy 2.1 shall be subject to the following conditions and standards.

1. The jurisdictional nature (connected, isolated) and exact boundaries of the wetland area to be protected must be surveyed and clearly identified.
2. The wetlands must be located on the same property where the density will be transferred, and clustering of development must also occur on the same property where the wetlands are located.
3. The wetland area to be protected must be preserved in perpetuity. To preserve means to leave untouched in its natural state. No fill, building site, recreation area, or portion of any subdivision lot may extend into the preserved wetland area, except as may be necessary for wetlands crossings to connect upland areas.
4. Wetland preservation may be perfected through dedicated open space, conservation easement, fee simple title, or other appropriate encumbrance on the property.
5. In order to determine the number of units that can be transferred from wetlands and clustered on the upland portion of a development site the entire number of units that would be allowable must first be determined (i.e. 100 acre site X 1 du/acre= 100 allowable units). Next, the number of units that would be allowed in the protected wetland area must be determined (i.e. 15 acres of

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wetland X 1 du/acre= 15 units). These 15 units may then be transferred to the upland portions of the development site so as to achieve the development potential of the overall 100 units allowed. Lot sizes or building sites for the transferred 15 units may then be reduced in size only to the extent of enabling the density allowed by the FLUM category within which the site is located; **however, in no case shall lot sizes be reduced any smaller than one-third (1/3) acre on lands situated outside the Urban Development Boundary.**

6. In order to invoke the wetland density transfer authorized by Policy 2.1 there must be significant wetlands located on a development site. Significant wetlands means that at least 10% of the development site must contain contiguous and continuous wetland areas *or, as an alternative, the wetland area may be less than 10% if it can be demonstrated through competent, scientific evidence that the wetlands are "high quality wetlands."*
7. Use of the wetland density transfer authorized herein shall not be construed to otherwise affect allowable uses, increase allowable densities, or in any way confer any special privilege other than as specifically prescribed herein. All other applicable provisions of this Plan and the Land Development Code must be complied with.

**Policy 2.2** When development or redevelopment cannot occur without degrading wetlands, the impacts shall be mitigated pursuant to FDEP permitting regulations.

**Policy 2.3** The LDC shall include wellhead protection area regulations for public supply wells with a permitted capacity of 100,000 gpd or more. The established wellhead protection area shall be a 500' radius around the public supply wellhead. Consistent with FDEP Rule 62.521.200, F.A.C., land uses or activities prohibited within the wellhead protection area are: landfills; facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch. 442. F.S.); activities that require the storage, use, handling, production or transportation of restricted substances - agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, and the like; feedlots or other concentrated animal facilities; wastewater treatment plants, percolation ponds, and similar facilities; mines; and excavation of waterways or drainage facilities which intersect the water table.

**Policy 2.4** Channeling runoff directly into surface water bodies shall be prohibited, and natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, or otherwise altered without appropriate local, state and federal permits. Stormwater facilities shall be designed to protect surface water bodies from the impact of runoff. Best Management Practices shall be utilized to avoid impacts of erosion or sedimentation or high rates of flow.

**Policy 2.5** Stormwater runoff from parking lots shall be treated to remove oil and sediment before it enters receiving waters.

**Policy 2.6** The development and adoption of a comprehensive Stormwater Master Plan for Okaloosa County shall be completed in its entirety or in phases in compliance with NPDES requirements. This plan will include an inventory of existing facilities and shall recommend needed drainage improvements, analyze the adopted level of service standards and recommend alternative standards if necessary.

**Policy 2.7** Vegetative buffer strips shall be retained for a distance of twenty-five feet from the ordinary high water line or mean high water line, whichever is appropriate, of all natural watercourses, water bodies or wetlands to prevent erosion and trap the sediment from overland runoff.

- a. For both tidal and non tidal wetlands, the first 25 feet from the mean high water line or the ordinary high water line; and
- b. For tidal influenced wetlands an additional 25 foot buffer zone, with the total 50 foot buffer zone measured from the mean high water line.

**Policy 2.8** Develop and maintain a list and map showing businesses that use or store hazardous materials in the County and coordinate with the EPA, DEP and West Florida Regional Planning Council in their monitoring efforts for the use, storage and disposal of these hazardous wastes.

**Policy 2.9** Coordinate with adjacent local governments, state and regional agencies, and private groups in the implementation of applicable recommendations in the *Northwest Florida Resource Management Plan* and its identified management issues and special needs:

- Water supply, wastewater treatment and disposal, and solid waste disposal;
- Water quality in Choctawhatchee Bay; and
- Soil erosion, runoff and sedimentation control, beach, dune and shoreline protection, floodplain management, coordination of development controls

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**Objective 3** *Conserve, appropriately use and protect minerals, soils, and native vegetative communities, including forests, through effective land use planning, regulation, and educational activities.*

**Policy 3.1** **Reserved.**

**Policy 3.2** The LDC shall include regulations which require the use and/or preservation of a percentage of native vegetation, including aquatic vegetation, for all development or redevelopment activities. Development plans shall include an inventory

of native vegetation and protected resources. The proposed development plan must include a plan for the protection and/or preservation of unique vegetative communities.

**Policy 3.3** Identify locations of, and provide for the conservation, appropriate use and protection of, areas suitable for extraction of minerals, including clay, sand and gravel. A 50' or greater buffer must be provided between mining activities and adjacent uses pursuant to LDC regulations, determined at the time of the special exception.

**Policy 3.4** Continue to cooperate with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local government. Proposals for development which impact unique vegetative communities located within more than one local government jurisdiction will be provided to the affected local government by Okaloosa County whenever the proposed development plan is presented to Okaloosa County.

**Policy 3.5** Environmentally sensitive lands shall be defined as property having one or more of the following characteristics: floodplains, functioning wetlands; habitat for rare, threatened or endangered species or species of special concern; beach and dunes; and potable water well fields. Land use activities within and adjacent to environmentally sensitive lands, including conservation and recreation areas designated in the Future Land Use Element, shall be limited to activities that will not degrade the natural physical and biological functions of such lands. New subdivisions that create urban densities and intensities of development shall be restricted within 100-year floodplains, and the FLUM will not be amended to create urban densities and intensities within 100-year floodplains.

The following development criteria shall be applied to Environmentally Sensitive Lands:

- Site plan approval shall be required.
- No fill or re-grading of the property shall be allowed except to establish required road elevations and for driveways, unless the environmental assessment shows that fill or re-grading the site will not adversely alter the hydrology of the site.
- The County will require that development proposals for land containing listed species of habitats of listed species and/or endangered and threatened plant species (as identified by the Florida Natural Areas Inventory, the U.S. Fish and Wildlife Service, and the Florida Fish and Wildlife Conservation Commission must protect these habitats or prepare a suitable alternative management plan.
- Structures will be reviewed on a site-by-site basis. The location of any structure will be so as to minimize potential impacts on any rare, threatened or endangered plants or animals and their habitats that are identified in the environmental assessment.

**Policy 3.6** Protect existing natural reservations identified in Recreation and Open Space Element as follows: Fred Gannon Rocky Bayou State Park, Blackwater River State Forest, Rocky Bayou Aquatic Preserve, Gulf Islands National Seashore, portions of Eglin Air Force Base and Hurlburt Field, Newman Brackin Wayside Park, John Beasley Park, Marler Park, and Wayside Park II

**Policy 3.7** With respect to acquisition, the County, where feasible, shall protect land that contains listed species or habitats of listed species and/or endangered and threatened plant species through acquisition, establishment of public or private conservation easements, purchase of development rights, or through other available means as deemed appropriate.

**Policy 3.8** It is hereby declared to be the public policy of Okaloosa County to promote the public policy of the state concerning oil and/or gas resources as expressed at s.377.06, Florida Statutes; to ensure to the extent practicable that oil and/or gas exploration and production is conducted with minimal potential for nuisance to the general public or adverse effect upon environmentally sensitive resources, and; to provide meaningful and predictable guidelines for the location and operation of oil and/or gas facilities. In furtherance of this public policy the following guidelines shall apply to oil and gas exploration and production activities in the unincorporated area of the county.

1. For purposed of this policy the definitions provided at s. 377.19, Fla. Stat. shall apply.
2. The location of oil and/or gas exploration and production activities shall be limited to the geographic area lying north and west of the Yellow River.
3. No person drilling for oil, gas, or other petroleum products shall pollute land or water; damage aquatic or marine life, wildlife, birds, or public or private property; or allow any extraneous matter to enter or damage any mineral or freshwater-bearing formation (s.377.371(1), Fla. Stat.).
4. When granting any special exception for oil and gas exploration and production activities the following location and performance standards and criteria must be met.
  - (a) The minimum land size for and exploration well shall be three (3) acres.
  - (b) Except for ingress/egress to an exploration well site a minimum fifty (50) foot buffer shall be maintained around the perimeter of the site which may include natural vegetation, privacy fence, wall, berms, or any combination thereof.

- (c) Ingress and egress to an exploration well site shall be from an arterial or collector road only, and in no case shall ingress/egress be from any residential street.
- (c) Ingress and egress to an exploration well site shall be from an arterial or collector road only, and in no case shall ingress/egress be from any residential street.
- (d) No oil or gas exploration or production well site shall be allowed within any established jurisdictional wetland or environmentally sensitive area as described in Policy 3.5. In addition, all such activities shall be set back a minimum of fifty (50) feet from any such wetland or environmentally sensitive area.
- (e) Processing (other than processing to separate oil from saline water on site at the well location, temporary oil storage at the well location, and transmission) or refining of oil and gas shall not be allowed by special exception. These activities must be located in areas designated and zoned for industrial use.
- (f) when the requirements of (a) through (f) have been met the granting of a special exception may be conditioned upon the applicant/operator obtaining all applicable state or federal approvals and/or permits. No development order shall be issued for any oil or gas exploration or production activity until all applicable approvals and permits have been issued.

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**Objective 4** *Conserve, appropriately use and protect fisheries, wildlife, wildlife habitat and marine habitat. This shall be accomplished through implementation of Policies 4.1 to 4.4 and through regulation of development, implementation of appropriate management plans, participation in programs to develop marine habitats, and continual monitoring provided by the Okaloosa County Environmental Council.*

**Policy 4.1** No development order or permit shall be approved if construction pursuant to the permit would threaten the life or habitat of any species listed on the Federal Endangered Species Inventory or any species designated "threatened" or "species of special concern" either by the State or Federal governments.

**Policy 4.2** Coordinate with adjacent local governments, state and regional agencies, and private groups in the implementation of the *Rocky Bayou Aquatic Preserve Management Plan* and its identified management issues and special needs:

- Management of boat and jet ski traffic;
- Protection of habitat and designated species (Okaloosa Darter, Osprey);

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- Protection of water quality;
- Regulation of commercial fishing; and
- Monitoring of bridge construction on the eastern boundary of the preserve

**Policy 4.3** In no case shall marinas be permitted in the Rocky Bayou Aquatic Preserve, or any new aquatic preserve that may be designated pursuant to Rule 18-20, F.A.C. and Chapter 258, F.S.

**Policy 4.4** Continue to apply for funds from the Florida Boating Improvement Fund so as to, among other things, construct artificial reefs in Choctawhatchee Bay and the Gulf of Mexico.

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**Objective 5** *Require development practices that maintain or improve wetlands and estuarine environmental quality to the maximum extent practicable.*

**Policy 5.1** Restore or enhance disturbed or degraded wetlands, estuarine and riverine systems by establishing and implementing a program that provides for the removal of invasive exotics and the replanting of native vegetation on County-owned land.

**Policy 5.2** The County shall develop cooperative approaches to restoring and managing regionally significant natural systems, including areas containing seagrass beds, through implementation of the recommendations from the Choctawhatchee River and Bay S.W.I.M. Plan, Pensacola Bay S.W.I.M. Plan, FDEP Ecosystem Management Plan and the West Florida Strategic Regional Policy Plan.

**Policy 5.3** With respect to acquisition, the County, where feasible, shall protect environmentally sensitive natural areas through acquisition, establishment of public or private conservation easements, purchase of development rights, or through other available means as deemed appropriate.

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**Objective 6** *To maintain or improve national ambient air quality standards in the County, coordinate with appropriate state and federal agencies in the provision of planning, management, and educational activities.*

**Policy 6.1** Ensure that new industrial development is located in compatible land use areas where impact on air quality can be minimized and that it complies with state and federal regulations regarding emission control.

**Policy 6.2** Pursue all means to implement recommendations in the Ft. Walton Beach Urbanized Area MPO Congestion Management System to reduce air pollution caused by traffic congestion.

**Policy 6.3** Coordinate with state and federal agencies in educating the residents of Okaloosa County on ways to reduce polluting activities and protect clean air on the roadways, at home, and at play.

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**Objective 7** *Conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies, for the propagation of wildlife and fish and other aquatic life, and for domestic, agricultural, industrial, recreational, and other beneficial uses (s. 403.021, Fla. Stat.).*

**Policy 7.1** The Board declares there is substantial public benefit in conserving and protecting the water quality of the rivers in north county for recreation, wildlife conservation, and water supply purposes in furtherance of state public policy (s. 430.021, Fla. Stat). The preservation of vegetation along river banks contributes to the healthy functioning and water quality of rivers by:

1. Dissipating water energy through vegetation and root systems resulting in less soil erosion and reduction in flood damage;
2. Reducing suspended sediments which creates less turbid water and replenishes soils and builds stream banks;
3. Filters pollutants from surface runoff and enhance water quality via biofiltration;
4. Provides wildlife habitat, increased biodiversity, and forage for wildlife and livestock;
5. Provides wildlife corridors which enable aquatic and riparian organisms to move along river systems avoiding isolated communities, and;
6. Provides native landscape irrigation by extending seasonal or perennial flows of water.

**Policy 7.2** There is hereby created and established a "River Protection Zone" (RPZ) for all rivers and major tributaries thereto located north of the Eglin Reservation to include: Shoal River, Horsehead Creek, Pond Creek, Juniper Creek, and Bear Creek;

**Policy 7.3** Within the established RPZ the following restrictions shall apply.

1. Clearing of natural vegetation is not allowed except:
  - a. Clearing may be allowed to create driveway access no more than twenty (20) feet in width to: a lot or parcel; a building on lot or parcel; or the construction site of a building on a lot or parcel, and;
  - b. Clearing may be allowed for construction of buildings provided said clearing is limited to the building footprint and an area twenty (20) feet in all directions surrounding and adjacent to the building footprint. The "building footprint" is defined as the land area occupied by the four walls and roof of a building.
2. Except as provided in Policy 7.4, 5 There shall be no clearing of vegetation incidental to or as part of any agricultural activity, nor shall there be allowed any agricultural activity except for the watering of livestock within the RPZ.

**Policy 7.4** The requirements of Policy 7.2 shall not apply to:

1. Any lot or parcel created and duly recorded in the Official Records of Okaloosa County prior to the effective date of this policy.
2. Any area where agricultural activity or timber harvesting was being which had already been disturbed prior to the effective date of this policy.
3. Land clearing associated with roadway and highway crossings, utility crossings, nature trails, or structures designed for public water supply purposes approved by the Northwest Florida Water Management District.
4. A ten (10) foot wide cleared pathway per riverfront parcel so as to allow access to the water.
5. The growing and harvesting of timber when best management practices are used.

**Policy 7.5** The Board shall not approve any request for a future land use map plan amendment or rezoning for any parcel of land located within the RPZ when such request involves a change from "Agriculture" future land use designation or "Agricultural" zoning district to some other future land use designation, except the "Conservation" future land use designation, unless it can be conclusively demonstrated that such FLUM amendment or rezoning is clearly in the public interest.