

GOAL 1: CONSERVATION OF NATURAL RESOURCES

Osceola County shall responsibly use, enhance, protect, and restore natural resources including air, water, land, wildlife, and wildlife habitats to maintain an environment that supports a healthy population and promotes the well-being of all citizens.

Objective 1.4: Floodplain Management and Floodway and Wetland Protection

Osceola County shall protect, conserve, and restore the natural function of wetlands, floodplains, and floodways.

Policy 1.4.1: *Environmentally significant areas.*

Through its growth management regulations, the County shall identify, conserve, manage and protect environmentally significant areas. Environmentally significant areas shall mean herein to include, but not be limited to, potentially high recharge areas.

Policy 1.4.2: *Policies to protect raw water resources.*

The County shall study and, if deemed feasible, implement land use policies through which the identification, preservation, conservation, and management of raw water resources can be accomplished, consistent with the procedures and authority established in the Florida Statutes for the Water Management Districts and the Florida Department of Environmental protection, and the land use and growth management responsibilities assigned to the local jurisdiction as further established by the Florida Statutes. These land use policies shall include, but not be limited to: 1.) the study and, if necessary, modification of the existing County Water Districts; 2.) the review and consideration of the long term potable water resources available for utilization by the citizens of Osceola County along with the expected demands in the near and long-term future as demonstrated by the individual District Water Supply plans, data and studies undertaken by the Florida Department of Environmental Protection, and other applicable resource studies; 3.) the implementation of innovative land use regulation and incentive mechanisms to preserve water resources through the establishment of local regulatory land use decision mechanisms consistent with requirements of the applicable Florida Statutes; 4.) the recognition that the regulation of the consumptive use of water is specifically reserved to the Water Management Districts pursuant to Chapter 373, F.S.; 5.) In furtherance of the local sources first policy embodied in section 373.223, F.S., Osceola County expressly intends that the land use policies and determinations made pursuant to this Comprehensive Plan be considered by the appropriate Water Management District as part of the consumptive use permitting decision making process pursuant to Chapter 373 F.S.; and 6.) provisions establishing that when a consumptive use permit under Chapter 373, F.S. is granted for water use beyond that boundaries of a local government from which or through which the groundwater is withdrawn or transferred and a local government denies a permit required under chapter 125 or chapter 153 for a facility or any infrastructure which produces, treats, transmits, or distributes such groundwater, the person or unit of government applying for the permit under chapter 125 or chapter 153 may appeal the denial to the Land and Water Adjudicatory Commission.

Policy 1.4.3: *100-year floodplains and floodways.*

Osceola County shall manage the 100-year floodplains and floodways, as defined by the most up-to-date National Flood Insurance Program flood maps, by requiring staff to oversee all development in the floodplain to insure adequate compensating storage capacity and compliance with state and federal regulations.

Policy 1.4.4: *Natural Resource Utilization (NRU) FLUM designation.*

All existing and proposed establishments for wastewater treatment, water extraction, wells, pumping facilities, raw water treatment facilities, or potable water processing facilities with capacity of greater than 250,000 gallons per day shall be deemed to be public facilities, and must be classified as such on the Future Land Use Map. For existing facilities, the County shall prepare an inventory not later than the next scheduled EAR, and amend the Future Land Use Map to show their existence as being within the “Natural Resource Utilization” future land use designation. For all new or proposed facilities, after the adoption of this policy, an amendment to the Future Land Use Map must be approved for the property upon which such a facility is to be established in accordance with the standards noted in the Land Use Element before development permits may be issued.

Policy 1.4.5: *Wetland protection within new developments.*

At a minimum, the LDC shall protect preserved wetlands and their respective buffer areas, as established through Policy 1.4.13 within new development by providing for:

1. Conservation easement dedication.
2. Placement of the areas into a separate tract.
3. Addressing maintenance responsibilities of the tract.
4. Compliance with State and Federal wetland, erosion control, and stormwater regulations.

Policy 1.4.6: *Wetland protection strategies incorporated into LDC.*

Osceola County shall adopt by March 2008 provisions in its Land Development Code that implement wetland protection strategies established through policies of the Conservation Element.

Policy 1.4.7: *Restoration of Kissimmee River system.*

Osceola County shall cooperate with the SFWMD, FDEP and FFWCC to restore the Kissimmee River system, including the Upper Kissimmee Chain of Lakes (KCOL) and its adjacent floodplain wetlands in concert with drawdowns.

Policy 1.4.8: *Classification of wetlands within UGB.*

For the purpose of identifying the types, values, functions, sizes, conditions and locations of wetlands within the Urban Growth Boundary, the County shall use the applicable qualitative and quantitative assessment methods of the Uniform Mitigation Assessment Method (UMAM) as set out in Chapter 62-345, F.A.C.

1. Category I wetlands shall mean those wetlands that score at .65 or above utilizing UMAM.
2. Category II wetlands shall mean those wetlands that score between .4 and .64 utilizing the UMAM.
3. Category III wetlands shall mean those wetlands that score below .4 utilizing the UMAM.

Policy 1.4.9: *Public education about wetland regulations.*

Osceola County shall work cooperatively with federal and state regulatory agencies to educate the public and enforce federal, state and county wetland regulations.

Policy 1.4.10: *Ecological Evaluation (EE) of wetlands.*

Osceola County shall ensure that the structure and function of wetlands are preserved by requiring an Ecological Evaluation (EE) to be conducted for sites proposed for development. By December, 2008, Osceola County shall establish the development threshold that triggers the need for an EE based upon size, amount, and use, and will also define its content, which shall include both qualitative and quantitative assessments. At a minimum, the EE shall address these topics:

1. General site description
2. Habitat descriptions (using FLUCFCS)
3. Onsite soil types
4. Protected species observed and potentially on-site
5. Detailed description of any onsite wetlands
6. Environmental regulatory analysis
7. Other constraints
8. Summary/conclusions
9. Location, soil, habitat/wetlands and protected species exhibit graphics

Policy 1.4.11: *Wetland protection standards within UGB.*

Within the UGB the following wetland protection standards shall apply:

1. The County shall limit the removal, alteration, and encroachment within Category I wetlands to only those cases where it is in the public's interest or no other feasible or practical alternatives exist that will permit a reasonable use of the land. Maximizing protection, preservation, and continuing viability of these wetlands shall be the principal consideration for determining the amount and the section of a wetland allowed to be removed, altered or encroached upon.
2. Removal, encroachment, and alteration may be allowed in Category II wetlands where it is in the public's interest or no other feasible or practical alternatives exist that will permit a reasonable use of the land, or for the purpose of increasing connectivity between neighborhoods as part of a TND development. The value of enhanced neighborhood or community connectivity will be balanced against the value of the wetlands.
3. Removal, encroachment, and alteration of Category III wetlands is presumed to be allowed unless removal, encroachment, or alteration is determined to be contrary to the public interest.

Policy 1.4.12: *Mandatory setbacks around wetlands.*

Osceola County shall require mandatory setbacks around wetlands. The required setbacks shall remain in native vegetation with impervious surfaces limited to only that allowed in Policy 1.4.16. The mandatory setbacks are as follows:

1. A minimum of a 50-foot setback for Category I wetlands.
2. An average of a 50-foot setback with a minimum of 25 feet at any given location for Category II wetlands.
3. An average of 25-foot setback with a minimum of 15 feet at any given location for Category III wetlands.

Policy 1.4.13: *Mitigation of impacts to wetlands.*

Adverse impacts to wetlands shall be mitigated and the appropriate amount of mitigation necessary to offset that loss shall be determined using the Uniform Mitigation Assessment Method as described in Chapter 62-345, FAC.

Policy 1.4.14: *Regulatory responsibility of other agencies.*

The County shall coordinate with the USACOE and the water management districts in implementing their regulatory responsibilities within the County when Category I and II wetlands are involved.

Policy 1.4.15: *Limitation to development in wetlands and wetland buffers.*

Development within Category I, Category II, or Category III wetlands or wetland buffers shall be limited to the following:

1. Clearing and/or construction of walking trails.
2. Construction of timber boardwalks/catwalks for direct access to water bodies, construction of wildlife, management shelters, footbridges, observation decks, and similar structures not requiring dredging and/or filling for their placement.

Policy 1.4.16: *Wetlands outside UGB.*

For all wetlands outside the UGB, Category I wetland protection policies shall apply.

Objective 1.8: Soil Erosion

Osceola County shall help to conserve the natural functions of existing soils, fisheries, wildlife habitats, rivers, lakes, floodplains, and wetlands by reducing the effects of soil erosion resulting from road construction, and various land developments, in accordance with the best management practices identified by the NPDES.

Policy 1.8.1: *Soil erosion regulated by LDC.*

Osceola County shall amend the LDC by December 2007 to afford protection from erosion, siltation and fugitive dust, typically caused by development, land clearing and building operations, and provide BMPs for exposed, destabilized, or otherwise altered soil. These include, but are not limited to NPDES BMPs or those listed on FDEP's web site for erosion control (see Conservation Data and Analysis for web site reference).

Policy 1.8.2: *Soil erosion BMPs.*

By December 2007, the County shall include regulations in the LDC that emphasize the use of more stringent BMPs on developments or activities adjacent to and within the 100-year floodplain of water body, wetland, or watercourse. In addition, BMPs for landscape installation, irrigation, and fertilizer and pesticide application that specifically address:

1. Landscape design that minimize the impacts of fertilizer applications
2. Landscape using native plants that reduce the need for irrigation
3. Preferred plant materials that are not found on the Florida Exotic Pest Plant Council listing
4. Appropriate type of fertilizer to avoid the release of excess nutrients
6. Appropriate watering schedules
7. Design and maintenance of basin-specific drainage control systems.

Special emphasis shall also be given for areas of the County already experiencing measurable soil erosion.

Policy 1.8.3: *Soil Survey of Osceola County.*

The County shall use the NRCS "Soil Survey of Osceola County, Florida" as a tool to help determine the areal extent of soils associated with environmentally sensitive areas.

By December, 2007, the County shall incorporate further limits to development within these sensitive areas, with particular emphasis placed on the conservation of hydric soils within the 100-year floodplain, typically associated with wetlands, or soils associated with aquifer recharge areas.

Policy 1.8.4: *Tree removal.*

The County shall continue to discourage the removal of trees in good health that are larger than 4 inches DBH by requiring a tree removal permit. By December 2007, the LDC will contain language to discourage approval where logical and economically feasible design alternatives exist that will minimize tree impact.

Policy 1.8.5: *Historic trees.*

Osceola County shall continue to protect historic trees by enforcing the LDC and designating a construction setback so as to avoid damaging the root system.

Policy 1.8.6: *Xeric landscaping.*

Osceola County's LDC shall promote the use of xeric landscaping with native plants wherever practical and feasible, as described in the Florida Association of Native Nurseries *Xeric Landscaping with Florida Native Plants*.

Objective 1.10: Land Acquisition and Management

Osceola County shall implement a land acquisition program (e.g., SAVE) in which the County will identify, prioritize, and fund conservation and preservation programs that will include acquiring and managing public lands.

Policy 1.10.1: *Environmentally significant areas.*

The County shall identify environmentally significant areas for acquisition, protection, and enhancement. These areas include wetlands, surface waters, threatened or endangered ecosystems, lands that contain Protected Species, areas of aquifer recharge, and unique or rare wildlife habitats.

Policy 1.10.2: *Greenway links and recreational trails.*

The County shall investigate the acquisition and funding for greenway links and recreational trail systems along major riverine, creek, or lacustrine systems.

Policy 1.10.3: *Increased acreage set aside.*

The County shall have increased the public provision, protection and enhancement of natural areas, greenways and recreational trails as measured by the increased acreage set aside for these purposes. This will be accomplished by utilizing Florida Forever land acquisition programs or other funding sources to acquire lands identified by the County.

Private enterprises shall be offered incentives to encourage the provision of natural areas, greenways and recreational trail through donation or inclusion in future developments.

Policy 1.10.4: *Land acquisition within watersheds.*

The County's land acquisition efforts within the Kissimmee River Watershed and the St. John's River Watershed shall be coordinated with the acquisitions identified in the applicable water management district's Five-Year Plan to ensure that the lands purchased by the County may be

managed in coordination with those of the Districts. County land acquisition efforts shall be coordinated with the FFWCC, SFWMD, and SJRWMD in effort to assist in the furtherance of the implementation of their respective management plans.

Policy 1.10.5: *Restoration of degraded natural lands.*

By December 2008, the County shall develop a plan to restore or enhance 75 percent of degraded natural lands acquired for passive public outdoor recreation and open space on County-owned and maintained lands. This will include establishing a program for annual monitoring and for the removal of exotic/nuisance vegetation and annual monitoring.

Policy 1.10.6: *Lands within 100-year floodplain.*

The County shall establish as a priority, the acquisition, enhancement and protection of lands within the 100-year floodplain, aquifer recharge areas and designated wellhead protection zones for existing and planned future water wells, and manage the activities on these lands to ensure the protection of the quality and quantity of groundwater resources.

Policy 1.10.7: *Natural areas within public lands.*

In addition to identifying natural areas for future protection and public ownership, the County shall protect the natural resources within the natural areas of public parks, recreational facilities, and public properties, as identified in the Recreation and Open Space Element.

Policy 1.10.8: *Environmental lands in unincorporated County.*

The County shall coordinate with other local entities to conserve and protect natural areas located in the unincorporated County, adjacent counties and municipalities, including but not limited to, the Split Oak Wildlife Mitigation Areas (Orange County), Shingle Creek Recreational Preserve (City of Kissimmee), Shingle Creek Recreational Preserve-North (City of Kissimmee).

GOAL 1: PROVISION OF A COMPREHENSIVE STORMWATER MANAGEMENT SYSTEM

Osceola County shall endeavor to provide, as resources and opportunities are available, a comprehensive stormwater management system that protects person and property from flooding, prevents negative impacts to the natural groundwater aquifer, and safeguards surface waters against the degradation of water quality, thereby promoting the health, safety, and welfare of Osceola County residents.

Objective 1.1: Flood Control

The County shall evaluate floodplain permitting to protect the function of floodplains.

Policy 1.1.1: *Development within 100-year floodplain.*

The County shall evaluate development within the 100-year floodplain to store water. Mitigation through compensating storage may be permissible.

Objective 1.2: Natural Recharge Areas and Drainage Features

Osceola County shall manage and coordinate its stormwater review and implementation process to meet future needs, while protecting the functions of natural groundwater recharge areas and natural drainage features.

Policy 1.2.1: *Post development stormwater discharge.*

In order to protect the functions of existing natural groundwater recharge areas and natural drainage features, new development stormwater discharge rates from the site is equal to or less than pre-development discharge rates. Furthermore, all generated stormwater shall meet applicable state and water management district water quality standards.

Policy 1.2.2: *Design of stormwater facilities.*

Stormwater facilities shall be designed to ensure an appropriate level of water quality treatment. The Facilities shall also be designed to maintain the quality and quantity of surface water, consistent with state and water management district standards.

Policy 1.2.3: *Drainage regulations in LDC.*

Consistent with the water management districts' best management practices, the County Shall ensure that stormwater management regulation contained in the Land Development Code, protect natural drainage features. The regulations shall include, but not be limited to:

- floodplain compensation requirements
- wetland restoration / mitigation measures
- nonstructural techniques when feasible
- erosion and sediment controls
- natural hydroperiod maintenance and
- maximization of on-site detention / retention systems.
- Restoration of natural drainage features, including historic flow-ways

These LDC regulations shall be reviewed annually and revised as needed to meet current NPDES requirements and new Water Management District rules and to incorporate recommendations from new drainage basin studies undertaken pursuant to policy 1.5.6.