

INFORMATION SHEET
ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
(EPGMD)
PLANNING AND REDEVELOPMENT DIVISION
BROWARD COUNTY COMPREHENSIVE PLAN AMENDMENT
PROPOSED TEXT AMENDMENT

Proposed Amendment 09-1-T2 CONSERVATION ELEMENT

Commission District	1 through 9
Application/Agent	Planning and Redevelopment Division
Current Objectives and Policies	Goal 13.0., Policies 13.1.6. through 13.1.16., Objective 13.3., Policies 13.3.3. through 13.3.17., Policy 13.5.2., Policy 13.6.12., Policy 13.7.2., through 13.7.10., Policy 13.10.4., Policy 13-A.2.1., Policies 13-A.3.3. through 13-A.3.10., Policies 13-A.4.1., Policy 13-A.4.3. through 13-A.4.11., Policy 13-A.7.7., Objective 13-A.9.
Proposed modifications	The proposed amendment partly reflects updates required due to statutory changes adopted by the State in 2005 through Senate Bill 360. These include ensuring that existing and planned water resources will be protected and conserved to serve future growth and the adopted level of service standards are maintained. The amendment also incorporates the recently adopted Boat Facilities Siting Plan (BSFP) into the Manatee Protection Plan Component (MPPC) of the Conservation Element. In addition, this amendment reflects new requirements due to House Bill 697 promoting energy conservation. The proposed amendment adds new language to Goal 13.0 , adds new Policies 13.3.13. through 13.3.17, Policies 13-A.3.3., 13-A.3.10. and 13-A.4.9. through 13-A.4.11. It adds a new Objective 13-A.9., Policies 13.A.9.1., and 13.A.9.2. It updates Objective 13.3., Policies 13.3.3., 13.3.4., 13.3.10., 13.6.12. and 13-A.2.1. It also deletes obsolete text in Policies 13.3.5. through 13.3.7., Policies 13.3.10. through 13.3.12. and Policy 13.6.12. It deletes obsolete Policies 13.3.8. and 13-A.4.3. and includes agency name changes in Policies 13.7.2., 13.7.4., 13.7.7., 13.7.8. and 13-A.7.7. It also renumbers Policies 13.1.6. through 13.1.16., Policies 13.7.2. through 13.7.10., Policies 13.A.3.3. through 13-A.3.8., Policies 13-A.4.4. through 13-A.4.8. See Background and Description of Amendment sections below for more information.
Effect of Proposed Change	To update objectives and policies to reflect current requirements, data, and information.
Comprehensive Plan Consistency	Consistent. See the Consistency Section (Page 4) of this item for more information.

STAFF TRANSMITTAL RECOMMENDATION

Environmental Protection and Growth Management Department, Local Planning Agency (LPA), and Planning and Redevelopment Division: The LPA recommends the Broward County Board of County Commissioners transmit the proposed Amendment to the Florida Department of Community Affairs (DCA) as part of Group I Amendments for 2009.

BACKGROUND

This amendment implements the 2005 Infrastructure and Planning Act (SB 360) which requires the Comprehensive Plan, including the Potable Water Element (PWE) to be updated to include a 10 Year Water Supply Facilities Work Plan (Work Plan). The Work Plan is required to be consistent with the Regional Plan (Lower East Coast Water Supply Plan 2005-2006 Update), which was adopted by the Governing Board of the South Florida Water Management District in February, 2007. DCA approved the PWE amendment and issued the Notice of Intent (NOI) on November 12, 2008.

This amendment to the Conservation Element adopts provisions, consistent with the Work Plan, which ensure that potable water resources will be protected and conserved to serve existing and future growth while maintaining the adopted level of service standards.

This amendment incorporates the Boat Facility Siting Plan (BFSP), which was adopted by the County Commission on June 26, 2007, into the Manatee Protection Plan Component (MPPC) of the Conservation Element. This amendment satisfies a state requirement, that the BFSP be adopted by the County Commission and approved by the Florida Fish and Wildlife Conservation Commission (FWC) and then incorporated into the Conservation Element of the Comprehensive Plan. The United States Department of Interior, Fish and Wildlife Service approved the Manatee Protection Plan Component on December 31, 2007.

In addition to the potable water and manatee protection plan revisions, additional policies revisions regarding the Building Code Standards Act (HB 697), legislation which passed in June, 2008 are part of the amendment. This bill establishes new Comprehensive Plan requirements to address building code standards for energy efficiency, the reduction of greenhouse gas emissions, energy conservation and the use of renewable resources. The Conservation Element addresses specifically the conservation, use, and protection of natural resources to include factors that affect energy conservation.

The amendment also addresses revisions which are needed in order to meet the continuing responsibility of the Board of County Commissioners, through the Environmental Protection and Growth Management Department, to maintain the Comprehensive Planning program for Broward County.

DESCRIPTION OF AMENDMENT

The proposed amendment adds new language to **Goal 13.0.**, and new **Policies 13.3.13.** through **13.3.17.**, **Policies 13-A.3.3.,13-A.3.10.** and **13-A.4.9.** through **13-A.4.11.** It adds a new **Objective 13-A.9.** and **Policies 13.A.9.1.,** and **13.A.9.2.** It updates **Objective 13.3.,** **Policies 13.3.3., 13.3.4., 13.3.10., 13.6.12.** and **13-A.2.1.** It also deletes obsolete text in **Policies 13.3.5.** through **13.3.7.,** **Policies 13.3.10.** through **13.3.12.** and **Policy 13.6.12.** It deletes obsolete **Policies 13.3.8.** and **13-A.4.3.** and includes agency name changes in **Policies 13.7.2., 13.7.4., 13.7.7., 13.7.8.** and **13-A.7.7.** It also renumbers **Policies 13.1.6.** through **13.1.16.,** **Policies 13.7.2.** through **13.7.10.,** **Policies 13.A.3.3.** through **13-A.3.8.,** **Policies 13-A.4.4.** through **13-A.4.8.**

Additions are shown in an underline format while deletions are shown in a ~~strikethrough~~ format in **Attachment A.**

DATA & ANALYSIS

Rule 9J-5, FAC, requires that all plan amendments and their support documents be based upon relevant and appropriate data and analysis applicable to each element. To be based upon data means to react to it in an appropriate way and to the extent necessary indicated by the data available.

1. As required by Rule 9J-5.013, FAC, General Requirements, Conservation Element.

“The purpose of the conservation element is to promote the conservation, use and protection of natural resources.”

Pursuant to Chapter 163.3191(10), F.S. requires local governments to amend their comprehensive plans based on recommendations identified in the Evaluation and Appraisal Report. As stated in the Background Section, the amendment addresses revisions to the Conservation Element which were required by the 2005 Infrastructure and Planning Act (SB 360). It also addresses revisions to include the BFSP into the Manatee Protection Plan; a component of the Conservation Element.

Pursuant to Chapter 163.3177(6)(d), F.S. requires local governments to:

- Revise the Comprehensive Plan Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan(s).

Pursuant to an Executive Order of the Governor and Cabinet of the State of Florida and Section 370.12(t)2, Florida Statutes:

- The BFSP must be adopted by the County, approved by the Florida Fish and Wildlife Conservation Commission, and incorporated into the County's Comprehensive Plan as a component to the Manatee Protection Plan which is part of the Conservation Element.

This amendment includes a comprehensive examination and overhaul of the existing Conservation Element Support Document (Volume 4) of the Broward County Comprehensive Plan including the Broward County Manatee Protection and Boater Safety Component. The relevant Data and Analysis for the proposed amendment is included as **Attachment B**. Additions are shown in an underline format while deletions are shown in a ~~strikethrough~~ format.

CONSISTENCY WITH COUNTY, REGIONAL AND STATE PLANS

The following goals, objectives and policies from the County, Regional and State comprehensive plans support the Potable Water Element.

Broward County Comprehensive Plan Volume 1:

GOAL 6 CONSERVATION. ENSURE THE PROTECTION OF AND PREVENT DAMAGE TO THOSE ECOLOGICAL SYSTEMS THAT ARE AN INTEGRAL COMPONENT OF SOUTH FLORIDA'S AND BROWARD COUNTY'S NATURAL ENVIRONMENT.

OBJECTIVE. 6.01.00 WATER RESOURCES AND CONSERVATION USES. Identify, conserve and protect all water conservation and recharge areas, consistent with the requirements of the State Comprehensive Plan.

OBJECTIVE. 6.01.04 Protect and conserve those areas known to be reproduction, nesting, and feeding areas for animals listed as endangered or threatened species or species of special concern.

GOAL 9 NATURAL, HISTORIC AND CULTURAL RESOURCES. PROTECT BROWARD COUNTY'S NATURAL AND HISTORIC RESOURCES AND PROMOTE CULTURAL RESOURCES THROUGH WELL-PLANNED PATTERNS OF GROWTH AND DEVELOPMENT.

OBJECTIVE. 9.01.00 PROTECTION OF NATURAL RESOURCES. Broward County shall monitor and protect those Natural Resource Areas (which are considered to be environmentally sensitive lands) designated as Local Areas of Particular Concern on the Future Broward County Land Use Plan Map (Series).

OBJECTIVE. 9.05.00 PROTECTION OF WETLANDS. Identify and protect the wetlands, hydric soils and vegetative communities within Broward County in order to maintain and enhance wetland resources as well as functional values such as, but not limited to, wildlife habitat, groundwater recharge and discharge, flood storage, sediment/toxicant retention and nutrient removal/transformation.

Broward County Comprehensive Plan Volume 2:

- **Goal 1.0.** It is the goal of the Broward County Board of County Commissioners (Board) to provide a comprehensive planning program for the Unincorporated Area that will preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, utilize, and protect natural resources.
- **Objective 1.2.** The Planning Services Division shall provide for the periodic update of Volume 2 and 4 of the Broward County Comprehensive Plan through the year 2010.
- **Policy 1.2.5.** The Planning Services Division in coordination with the appropriate agencies shall review each Comprehensive Plan Element or Component at least annually and, where appropriate, shall recommend amendments to said Element or Component.
- **Policy 2.5.17.** Broward County shall continue to make land use decisions which are consistent with the Federal Water Resources Development Act of 2000 and the Florida Everglades Forever Act with regard to maintaining and/or improving the water quality, quantity, distribution and timing of flows in the water conservation areas.
- **Policy 4.4.9.** The OES shall continue to implement a year-round public information and education program promoting water conservation.
- **Policy 7.5.12.** Broward County shall protect aquifers from depletion through water conservation and preservation of the functions of high recharge areas including but not limited to the water conservation areas and water preserve areas.
- **Policy 9.2.9.** Broward County shall coordinate with other governmental and/or nongovernmental organizations that ensure the protection, conservation and enhancement of natural areas or open space utilized for outdoor recreation.

Strategic Regional Policy Plan for South Florida

State law also requires consistency with the regional policy plan. The subject amendments are consistent with the following Strategic Regional Policy Plan for South Florida provisions:

Goal 7 Protect, conserve, and enhance the Region's water resources.

Policy 7.1 Develop a more balanced, efficient, and ecologically sustainable allocation and reservation of the water resources of the Region.

Policy 7.2 Water suppliers, in coordination with the South Florida Water Management District, should address long term water supply alternatives which include the possibility of utilizing area-wide or regional water supply systems as a substitute for, or augmenting, the present non-regional systems.

Goal 10 Green Infrastructure. Increase awareness of the Region's green infrastructure, its significance to the Region's economy, and the public's role in access and use that is compatible with long-term sustainability.

Policy 10.1 Preserve lands designated as open space, parks and recreation, and conservation; these areas shall contain uses that are directly related to active or passive recreation or habitat preservation.

Goal 14 Natural Resources. Preserve, protect, and restore Natural Resources of Regional Significance.

Policy 14.1 Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.

Policy 14.2 Improve the quality and connectedness of Natural Resources of Regional Significance by eliminating inappropriate uses of land, improving land use designations, and utilizing land acquisition where necessary.

Policy 14.7. Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

Policy. 16.3 Marine and Coastal Resources. Enhance and preserve coastal, estuarine, and marine resources, including but not limited to, tropical hardwood hammocks, mangroves, sea grass and shellfish beds and coral habitats.

State of Florida Comprehensive Plan (Chapter 187, Florida Statutes)

Paragraph 163.3177(10) (b), F.S. provides that each local government shall review the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The relevant state comprehensive plan goals and policies include:

GOAL (7) WATER RESOURCES.

(a) Goal.--Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies:

2. Identify and protect the functions of water recharge areas and provide incentives for their conservation
4. Protect and use natural water systems in lieu of structural alternatives and restore modified systems
5. Ensure that new development is compatible with existing local and regional water supplies.
9. Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.
11. Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended.
14. Reserve from use that water necessary to support essential nonwithdrawal demands, including navigation, recreation, and the protection of fish and wildlife.

GOAL 9 NATURAL SYSTEMS AND NATURAL LANDS

(a) Goal. Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies:

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.

2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.

7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

ASSESSMENTS & CONCLUSIONS

Based upon the subject amendment and the information provided in the Data and Analysis section of this report, the following assessment and conclusion are offered:

1. The subject amendment is internally consistent with Volumes 1 and 2 of the Broward County Comprehensive Plan, and consistent with the State of Florida Comprehensive Plan and the Strategic Regional Policy Plan for South Florida.