

## CONSERVATION ELEMENT

The purpose of the Conservation Element is to provide a guide for the conservation, use and protection of natural resources located within the City. The Element is intended to protect and enhance the public health, safety, welfare and quality of the environment. In addition, the Element establishes a plan and policy direction concerning conservation of natural resources and will provide a basis for decision-making by City officials. As growth continues in the City, the need for protection and management of the City's natural resources will increase. Policies to maintain and enhance these resources, as well as to shape growth patterns of the City, are included.

### GOALS, OBJECTIVES AND POLICIES

LONG TERM CONSERVATION GOAL: CONSERVE, PROTECT AND APPROPRIATELY MANAGE THE NATURAL RESOURCES OF THE CITY TO ENSURE THE HIGHEST ENVIRONMENTAL QUALITY POSSIBLE.

#### I. AIR QUALITY

**GOAL 1:** THE CITY SHALL PROTECT ITS AIRSHED AND SEEK OPPORTUNITIES TO ATTAIN THE HIGHEST AIR QUALITY POSSIBLE AND REDUCE GREENHOUSE GAS EMISSIONS.

**Objective 1.1:** The City shall continue to meet or exceed the minimum air quality levels established by the Florida Department of Environmental Protection and shall continue to work on strategies to reduce greenhouse gas emissions.

**Policy 1.1.1:** The City shall cooperate with the State and County in monitoring the existing Air Pollution Inventory System (APIS) facilities.

**Policy 1.1.2:** Industrial land uses shall be located where they minimize their impact on current air quality standards.

**Policy 1.1.3:** The City shall reduce the potential for automobile emissions pollution by the following means:

- a) Require, when possible, vegetative buffer strips between new arterial roadways and residential development.
- b) Promote alternative transportation modes which help to reduce greenhouse gas emissions, through the dissemination of information on car-pooling, public transit, and bicycle and pedestrian facilities.

**Policy 1.1.4:** The City shall require that the Building Division be notified before the demolition of structures in order to complete an asbestos check of the buildings.

**Policy 1.1.5:** By June 2009, the City shall identify greenhouse gas reduction initiatives and

measures to be implemented for both City vehicles, and City-Owned or City-Operated facilities.

**Policy 1.1.6:** In order to reduce greenhouse gas emissions, the City shall, within one year of final rule making being published for HB 697 (incorporated into Section 163, Part II, F.S. [2008]), adopt additional policies that specifically address energy conservation in the Conservation Element.

## II. SURFACE AND GROUND WATER SYSTEMS

### GOAL 2: THE CITY SHALL PROTECT AND CONSERVE THE QUALITY AND QUANTITY OF ALL WATER SOURCES AND GROUNDWATER RECHARGE AREAS.

**Objective 2.1:** The City shall protect and enhance its groundwater resources including the environmental resources in and around the Grassy Waters Preserve/Water Catchment Area (WCA) to provide for adequate water supply, help offset the City's carbon footprint associated with greenhouse gas emissions, to improve surface water drainage and to provide a means to promote the conservation and reuse of freshwater resources.

**Policy 2.1.1:** The City shall continue to monitor groundwater quality and levels and shall continue to remain in permit compliance with the Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD).

**Policy 2.1.2:** The City shall cooperate and comply with Palm Beach County's Wellfield Protection Ordinance for existing and future public waterwells.

**Policy 2.1.3:** The City shall seek ways to optimize the integrity of its recharge areas and minimize future degradation affecting water supply quality and quantity by, but not limited to, limiting adverse usage, add additional recharge areas, and/or add alternative water supply areas.

**Policy 2.1.4:** The City shall protect the Surficial Aquifer System by controlling land uses and preventing any use that might contaminate or reduce the quality level of the aquifers.

**Policy 2.1.5:** The City shall work with other agencies to improve the surface water systems of the WCA components that provide for groundwater recharge consistent with the Northern County Plan of the Comprehensive Everglades Restoration Plan (CERP). These components include:

- a) The capacity of the M Canal;
- b) The control structures forming the discharge to the C-18 Canal and eventually the Loxahatchee River; and
- c) The provision of aquifer storage and recovery wells to store excess wet weather flows for discharge during low flow conditions.

**Policy 2.1.6:** The City shall coordinate with the SFWMD to implement water conservation programs.

### **III. ECOLOGICAL RESOURCE PROTECTION**

**GOAL 3: THE CITY SHALL IDENTIFY, MANAGE AND PROTECT ECOLOGICAL COMMUNITIES, WILDLIFE, MARINE LIFE, ESTUARINE RESOURCES AND ESTABLISH PROGRAMS TO CONTROL OR ERADICATE INVASIVE NON-NATIVE SPECIES**

**Objective 3.1:** The City’s wetland and significant native upland vegetative areas shall be conserved and protected from physical and hydrologic alterations that cause negative impacts to their functions.

**Policy 3.1.1:** The City shall continue to enforce land development regulations to ensure that development proposals identify the location and extent of wetland and significant native upland vegetative areas, and identify measures to preserve them. Where alteration of wetland and native upland vegetative areas is unavoidable to ensure reasonable use of the property, the City shall require minimization of impacts followed by requirements for appropriate mitigation.

**Policy 3.1.2:** The City shall continue to purchase or otherwise acquire control over undeveloped lands and buffer areas adjacent to the Grassy Waters Preserve/WCA and manage these lands such that:

- a) Wetland hydroperiods and wildlife habitats are conserved or restored.
- b) Surface and groundwater flows are enhanced thus reducing seepage losses from the WCA.
- c) The lands will serve as a protective buffer to the WCA from surrounding land uses.
- d) The lands provide an opportunity to accept excess stormwater runoff and reclaimed water to promote shallow aquifer and surface water recharge.

**Policy 3.1.3:** Any lands acquired by the City for the purposes specified in Policy 3.1.2 shall be designated “Conservation” land on the Future Land Use Map.

**Objective 3.2:** The City shall coordinate with applicable agencies to identify, manage, and protect unique native vegetative communities, marine and estuarine resources, and endangered and threatened wildlife (herein collectively referred to as listed species) that are located within the City.

**Policy 3.2.1:** The City shall coordinate with the Palm Beach County Department of Environmental Resources Management, the SFWMD, the Florida Fish and Wildlife

Conservation Commission, and other applicable agencies to update, when necessary, comprehensive inventories and management plans for City-Owned or City-Managed Environmentally Sensitive Lands, including those with unique native vegetative areas.

**Policy 3.2.2:** The City shall protect, preserve, and maintain natural resources while maximizing, where possible, recreational opportunities by participating in land acquisition programs such as, but not limited to, the Florida Forever Program, the Save Our Rivers program, the Conservation and Recreation Lands program, and Palm Beach County's Environmentally Sensitive Land Acquisition program.

**Policy 3.2.3:** The City shall continue to enforce land development regulations which include provisions to protect ecological communities around the City's WCA and other native vegetative communities through the following standards:

- a) Clustering of dwelling units away from sensitive portions of the ecological community.
- b) Reducing in intensity and density of development near sensitive portions of the ecological community.
- c) Preventing detrimental fragmentation of native vegetative communities.
- d) Requiring buffering of sensitive ecological areas.

**Policy 3.2.4:** The City shall comply with all State and Federal regulations which pertain to listed species.

**Policy 3.2.5:** The City shall consult with the Florida Fish and Wildlife Conservation Commission prior to the issuance of a land use approval that would result in an adverse impact to any listed species.

**Policy 3.2.6:** The City shall require a habitat and wildlife management plan for listed species concurrent with site plan submittal depicting best management practices to protect listed species' habitats.

**Policy 3.2.7:** The city shall protect listed species through the use of tools such as, but not limited to, conservation easements, transfer of development rights and fee simple acquisition and zoning.

**Policy 3.2.8:** The City shall promote education and outreach programs that promote the preservation of listed plant and animal species and water conservation.

**Policy 3.2.9:** The City shall strictly enforce the provisions of the Zoning Code relating to the protection of trees and other vegetation.

**Policy 3.2.10:** The City shall continue its native vegetation relocation efforts in order to maintain a wide variety and sizable population of native plant species that may otherwise be

destroyed and to prevent the decline of listed plant species.

**Policy 3.2.11:** The City shall conserve, protect, and provide for the appropriate use of areas suitable for the extraction of desirable soils and minerals, depicted in the Map Series by establishing criteria to ensure that all extractive use impacts on adjacent uses and the environment are minimized. In determining the negative impact of extractive activities, consideration shall be given to the proposed method of operation, the nature of surrounding land uses, and proposed rehabilitation plans. Mining and other extractive uses shall be prohibited for all non-industrial districts.

**Objective 3.3:** The City shall continue the Public Utilities Department's program to eliminate the negative effect of invasive exotic and nuisance species, including such species as the Australian Pine, Brazilian Pepper, and Melaleuca trees, on the region's natural systems.

**Policy 3.3.1:** The City shall continue to fund, on an annual basis, the eradication, treatment and maintenance of listed species within all City-Owned and City-Managed preserve areas.

**Policy 3.3.2:** The City shall continue to require the eradication and prevention of the planting of non-native invasive species which might have a detrimental effect on the region's natural systems by specifying which trees are allowed to be planted in the City's Landscaping Code subsection of the City Zoning Code.

#### **IV. HAZARDOUS WASTES**

**GOAL 4: THE CITY SHALL PROTECT CITIZENS AND THE ENVIRONMENT FROM HAZARDOUS WASTES BY USING PROPER MANAGEMENT TECHNIQUES.**

**Objective 4.1:** The City shall cooperate with the Palm Beach County Solid Waste Authority, in developing a hazardous waste management program for the proper storage, recycling, collection and disposal of hazardous wastes.

**Policy 4.1.1:** The City shall cooperate with the Palm Beach County Health Department and other concerned agencies in developing emergency response plans to handle accidents involving hazardous wastes.

**Policy 4.1.2:** The City shall promote the recycling of hazardous wastes by publicizing lists of approved recyclers.

**Policy 4.1.3:** The City shall consider Amnesty Days to collect hazardous wastes within West Palm Beach.

#### **V. LOXAHATCHEE SLOUGH/RIVER WATERSHED**

**GOAL 5: THE CITY SHALL PROTECT AND PRESERVE ENVIRONMENTALLY SIGNIFICANT FEATURES, SUCH AS THE LOXAHATCHEE SLOUGH AND RIVER WATERSHED.**

**Objective 5.1:** The City shall preserve and protect that portion of the Loxahatchee Slough and River Watershed which lies within its conservation jurisdiction. This segment is the City's Grassy Waters Preserve/WCA.

**Policy 5.1.1:** The City's WCA shall remain designated as a "Conservation" land use category on the Future Land Use Map.

**Policy 5.1.2:** Uses allowed within the WCA shall be limited to those which are compatible with and preserve the natural character of the area, such as passive recreation, observation areas, hiking and nature trails, canoeing, primitive camping and environmental education facilities. Active recreation uses such as playing fields, tennis courts, etc. shall also be prohibited. All residential, commercial, industrial and community service uses shall be prohibited.

**Policy 5.1.3:** Public access to the WCA shall be available, but managed so that the environmental values of the system can be enjoyed, but not overburdened, by users.

**Policy 5.1.4:** The City shall participate with the SFWMD, Palm Beach County and other appropriate agencies to re-establish the historic hydrologic connections between the three segments of the Watershed.

**Policy 5.1.5:** The City shall cooperate with Palm Beach County, the City of Palm Beach Gardens, the Town of Jupiter and the SFWMD to ensure that land development activities do not degrade the environmental values and wilderness character of the Loxahatchee Slough and River Watershed and that ambient water quality conditions are maintained.

**Policy 5.1.6:** The City shall continue to participate in the Comprehensive Everglades Restoration Plan (CERP) initiatives, specifically the Northern Palm Beach County Water Management Plan, and assist in implementing Plan projects and improvements within the City boundaries. Efforts should include enhancement of conveyance, restoration of degraded ecosystems, protection of water resources and listed species, and hydrologic structures.

**Policy 5.1.7:** The City shall cooperate with appropriate agencies to develop best management practices that will be met by all land development activities that occur within the C-18 Basin and the designated Loxahatchee Slough and River Watershed Protection Area. The standards may include, but not be limited to, the following: lot coverage; ratio of impervious surface to pervious surface; building height; land use; infrastructure requirements; surface water quality and quantity requirements; and natural tennis courts, systems/habitats protection. These standards shall be adopted in the Land Development Regulations within one year of their adoption of into this Comprehensive Plan.

**Policy 5.1.8:** The City shall continue to improve the hydrological characteristics of the WCA system to ensure that minimum flows and levels to the C-18 Canal are maintained.

**Objective 5.2:** Future growth within the City shall continue to be regulated through the administration of the land development regulations specified within the City’s Zoning Code, and Building Code.

**Policy 5.2.1:** The City shall continue to administer land regulations that address and regulate the following:

- a) All land use identified on the Future Land Use Map.
- b) The protection of environmentally protected lands, including the WCA, water wellfields and aquifer recharge areas.
- c) Compatibility of adjacent land use.

**Policy 5.2.2:** The City shall prohibit any development within the WCA that is not deemed a water-related use or may harm the City’s source of potable water.

**Policy 5.2.3:** Development of any wetland areas shall conform to the regulations outlined by the South Florida Water Management District and other state and federal agencies.

**Policy 5.2.4:** Any plans for proposed development located contiguous to the WCA shall include an environmental assessment prior to City Commission approval, to demonstrate the project will not be a detriment to the City’s source of potable water.

**Policy 5.2.5:** Development proposed for land adjacent to the City’s WCA poses special circumstances due to the importance of maintaining an adequate supply of clean potable water, the close relationship of surface and ground waters, the prevalence of wetland areas which provide water storage and cleaning functions, and the proximity of the drawdown zone of another municipality. Accordingly, the City shall utilize the Conservation Special Impact Zone to ensure heightened site plan review and to prohibit land use and environmental incompatibilities for the area bounded by Haverhill Road on the east, the City’s WCA on the west, the “M” Canal on the south, and a line parallel to and approximately 611 feet south of 45<sup>th</sup> Street on the north.

**Policy 5.2.6:** The City shall require a professionally accepted and applied environmental assessment of any development proposed within the Conservation Special Impact Zone as a part of the development application process. The assessment shall include an identification of the following: soils and vegetative types, groundwater and surface water elevations and flows, surface water management systems and levels of service, existing water quality standards and an aerial photography map. The environmental assessment will evaluate the impact and include design standards to prevent adverse impacts of the proposed development on surface and groundwater quality, wetlands and other sensitive environmental habitats, listed species, surface and groundwater flows and storage, drainage levels of service, and potable water supplies.

**Policy 5.2.7:** Existing wetland areas shall not be altered to decrease the fish, wildlife, and

water quality and quantity values in the Conservation Special Impact Zone. Wetlands alteration shall be limited to degraded wetlands which are defined as having been impacted through human activities such as dredging and filling that have caused changes to the wetland hydroperiod, topography, or allowed the intrusion of non-wetland or non-native (e.g. melaleuca) plant species. As a result, the degraded wetlands do not provide fish, wildlife and water quality and quantity values equal to or greater than would be provided if these wetlands were restored on an acre by acre basis as determined by professionally accepted and applied methodologies. There shall be no discharge of surface water off-site which exceeds the historic flow of surface waters from the Conservation Special Impact Zone. No development in the Conservation Special Impact Zone shall decrease the re-development flow and quality of water to the wetlands within the Conservation Special Impact Zone. Any loss of wetland values and functions shall be mitigated on a two-for one basis so that twice as much of the same wetlands community will be created or restored as is lost through development. Mitigation shall be accomplished on site or within the Water Catchment Area or Conservation Special Impact Zone through restoration of degraded wetlands or through the creation of new wetlands.