BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 17, 2005
Bulk Item: Yes ____ No X

Division: Growth Management
Department: Planning
Staff Contact Person: Marlene Conaway

AGENDA ITEM WORDING:
Public hearing to consider adopting a DCA Transmittal Resolution for an ordinance amending the Monroe County Year 2010 Comprehensive Plan to delete the HEI requirements in the Plan, require an existing conditions report including a vegetation survey, require a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan.

[1st of 2 required public hearings]

ITEM BACKGROUND: On January 21, 2004 and in Ordinance # 018-2004 the BOCC directed staff to prepare draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan and Rule 28-20.100 F.A.C. The Planning Commission reviewed the staff draft at four public hearings, amended the draft and recommend approval. Several stakeholder forums and two community workshops were held to review the proposed amendments. This is a continuation of the Hearing held on April 20, 2005. Proposed revisions to draft ordinance made by staff since February hearing are shown with a bold underline for additions and with a double strikethrough for deletions and are summarized in the staff's cover memorandum. No changes have been made to this Ordinance since the March 17, 2005 Board meeting.

The staff requests direction from the Board on needed revisions to the draft Ordinance. The staff will make revisions as directed, bringing back the revised Ordinance to the Board in June. The Board will be asked to approve the Transmittal Resolution to submit the draft Ordinance amending the Comprehensive Plan to DCA at that meeting.

PREVIOUS RELEVANT BOCC ACTION:
Ordinance No. 018-2004 adopted June 16, 2004 directed staff to prepare text and map amendments to implement Goal 105. Goal 105 was adopted in Ordinance No. 20- 2002.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes N/A No ____

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No ____ **AMOUNT PER MONTH** N/A **Year** ____

APPROVED BY: County Atty X OMB/Purchasing ____ Risk Management ____

DIVISION DIRECTOR APPROVAL: _____
(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X Not Required ____

DISPOSITION: _____ **AGENDA ITEM #** _____

COMPREHENSIVE PLAN AMENDMENTS
TO AMEND THE ENVIRONMENTAL REGULATIONS

TRANSMITTAL RESOLUTION TO
THE DEPARTMENT OF COMMUNITY AFFAIRS

BOARD OF COUNTY COMMISSIONERS
MARATHON

RESOLUTION NO.

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT AMENDING THE YEAR 2010 COMPREHENSIVE PLAN TO DELETE REQUIREMENTS FOR AN HEI, REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM.

WHEREAS, the Monroe County Board of County Commissioners, during three public hearings held in December, 2004 and January and February 2005, for the purposes of considering the transmittal to the Florida Department of Community Affairs for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested amendments to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission pursuant to the draft ordinance for the adoption of the proposed amendments to the Monroe County Year 2010 Comprehensive Plan, the Land Development Regulations and the Land Use District Map; and

Section 2. The Board of County Commissioners does hereby transmit the proposed amendments to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and

Section 3. The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

Initials_____

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 12-2-04

_____
DEPUTY CLERK

Initials_____

PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN TO DELETE THE REQUIREMENTS FOR A HABITAT EVALUATION INDEX

THE BOCC ORDINANCE

This ordinance will amend the Monroe County 2010 Comprehensive Plan to delete the HEI requirements, add the requirement for an existing conditions report, including a vegetation survey. This ordinance will also add the requirement of a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan.

[1st of 2 required public hearings]

BOARD OF COUNTY COMMISSIONERS

MARATHON

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO DELETE REQUIREMENTS FOR A HABITAT EVALUATION INDEX (HEI), REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM BY DELETING POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13; REVISE POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2; TO REVISE OBJECTIVE 102.4, 102.9, 201.1, 205.2 and 205.5 OF THE 2010 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners, during three public hearings held in December, 2004 and January and February 2005, reviewed and considered the proposed amendments to the 2010 Comprehensive Plan to delete requirements for a Habitat Evaluation Index (HEI) , revise the open space, land acquisition, management and GIS mapping requirement to implement Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100 Florida Administrative Code and the Tier Overlay system; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay Map designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

WHEREAS, tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those which are important environmentally and should be preserved; and

WHEREAS, the boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners; and

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots; and

WHEREAS, tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, the Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pineland of two acres or greater within Tier I - Conservation and Conservation and Natural Areas (CNA), while staff prepares draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC; and

WHEREAS, the current Land Development Regulations (LDRs) require properties designated on the 1986 Habitat Maps as hammock and pineland to perform a Habitat Evaluation Index (HEI) to determine the amount of clearing permitted and the negative points awarded in ROGO and NROGO. The HEI is a subject of continuous controversy, is accused of being subjective and since based on 1986 maps, does not take into consideration re-vegetation over the last twenty years; and

WHEREAS, the proposed ordinance removes the requirement for performing an HEI from the 2010 Comprehensive Plan; instead habitat quality and permitted clearing is based on the Tiers. Tier I receives "0" points for ROGO and clearing is limited to 10%. Clearing of habitat in Tier II is limited to 40% and Tier III is limited to 60%; and

WHEREAS, In addition to changes to implement the Tier system, the Comprehensive Plan amendments also address the requirements for a Land Acquisition Master Plan; and

WHEREAS, the Planning Commission, after hearing comments at four public hearings, made changes to the staff draft amendments and recommended approval of the proposed amendments to incorporate changes to the County's environmental regulations based on the Tier system and the elimination of the Habitat Evaluation Index requirement; and

WHEREAS, the Planning and Environmental Resources Department has made minor changes to the proposed draft based on direction of the Planning Commission, including minor text revisions to ensure readability and correct typographical errors or omissions in the text and recommends approval of the proposed amendment to the 2010 Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendments to the 2010 Comprehensive Plan which delete the HEI requirements in the Plan, require an existing conditions report including a vegetation survey, require a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan; said amendments are consistent with and further goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and recently adopted set of comprehensive plan amendments to effectuate the Tier system;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Delete Policy 101.4.20.

Section 2. Amend Policy 101.4.22 as follows:

Policy 101.4.22
All ~~densities and intensities~~ development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in 102.1.1. ~~habitat per current Land Development Regulations, Division 8, hereby incorporated by reference. In the case of upland hardwood and pineland forests the open space is determined by the results of the habitat analysis (see Conservation and Coastal Management, Objective 205.2 and related policies).~~ Except as defined in Policy 101.12.4, clearing of upland native vegetation areas in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:

TIER	Permitted Clearing
Tier I	10%
Tier II	40%
Tier III	60%

Section 3. Amend Policy 101.14.1 as follows:

Policy 101.14.1
Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4).~~ [9J-5.006(3)(c)1]

Section 4. Amend Policy 102.1.1 as follows:

Policy 102.1.1

~~Upon adoption of the Comprehensive Plan,~~ The County shall ~~utilize the Environmental Standards, found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) to~~ protect submerged lands and wetlands. ~~Accordingly,~~ The open space requirement shall be one hundred (100) percent of the following types of wetlands:
1. Submerged lands 2. mangroves 3. salt ponds 4. fresh water wetlands
5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands

~~Upon adoption of the Comprehensive Plan the County shall further protect its wetlands by requiring a one hundred (100) percent open space requirement for undisturbed salt marsh and buttonwood wetlands and by requiring A 50 foot buffer shall be required around freshwater resources.~~

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

Section 5. Amend Objective 102.4 as follows:

Objective 102.4
Monroe County shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding and other sources for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes. ~~By January 4, 1998, Monroe County shall establish the Monroe County Natural Heritage and Park Program. The purpose of this plan shall be to acquire lands and open space in the public interest for conservation and recreation purposes~~. [9J-5.006(3)(b)4, 10 and9J-5.010(2)(c)3]

Policy 102.4.1
The Monroe County Land Acquisition Master Plan ~~Natural Heritage and Park Program~~ shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, and USFWS. ~~with the Parks and Recreation Board~~ and other knowledgeable county and state agencies. [9J-5.006(3)(c)4 and 6]

Policy 102.4.2
The Land Authority and the Growth Management Division shall identify and prioritize the types of lands which shall be considered for acquisition. These shall include, at a minimum:

~~1. lands containing naturally occurring and native habitats;~~

~~2. lands containing habitat critical to, or providing significant protection for, species designated as threatened or endangered by the U.S. Fish and Wildlife Service and/or State of Florida;~~

1. designated Tier I (Conservation and Natural Areas) lands as defined in Policy 105.2.1,1, which shall include all contiguous hammock areas above four acres,
2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate; lands containing naturally occurring and native habitats;

3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required under Policy 102.1.1;

4. designated Tier II lands as defined in Policy 204.2.1,2 that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;

~~3.~~5. lands containing unique geologic features,

~~4.~~6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;

7. lands in Tier II and Tier III for employee and affordable housing;

~~5~~8. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access; and

~~6~~9. lands, which offer the opportunity for preservation of significant archaeological or historical sites. [9J-5.006(3)(c)4 and 6]

Policy 102.4.3
The Land Authority and Growth Management Division shall develop a priority list of ~~Natural Heritage and Park~~ acquisition sites. This list shall be updated annually. In formulating this list the County will prioritize Tier I lands over Tier II and Tier III lands. Tier II lands with fragmented hammocks and wetlands identified in Policy 102.4.2,2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing on vacant scarified lands in Tier II and III shall also be a top priority. ~~will consider freshwater lenses and recharge areas, especially those which overlap the habitats of endangered or threatened wildlife species, as a high priority.~~ [9J-5.006(3)(c)4 and 6]

Policy 102.4.4
The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan ~~shall be developed annually~~ which identifies ~~potential~~ sources of funding for acquisition of lands on the Priority List. ~~Funding sources which shall be considered include the following:~~ Land acquisition will be a coordinated effort between the state and federal governments and the county. The county shall petition the state and federal government to accept primary responsibility for acquisition of Tier I, conservation and natural lands. The county will be responsible for purchases in Tier II and Tier III of wetlands and fragmented

hammock areas. Land acquisition for other priorities depend on funding availability, need and future use.

~~1. Florida Recreation Development Assistance Program;~~
~~2. Preservation 2000 Trust Fund~~
~~3. Conservation and Recreation Lands (CARL) Program;~~
~~4. Land and Water Conservation Fund;~~
~~5. Urban Parks and Recreation Recovery (UPARR) Action Grants;~~
~~6. local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and~~
7. ~~Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners.~~ [9J-5.006(3)(c)4 and 6]

Policy 102.4.5
An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of Growth Management Division, Land Authority, municipalities and state and federal agencies.
~~The Growth Management Division shall, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan.~~ [9J-5.006(3)(c)4 and 6]

Section 6. Delete existing Policy 102.4.6 and create new Policy 102.4.6

Policy 102.4.6
The Monroe County Land Acquisition Master Plan shall contain policies to direct the overall acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan will include the following:

1. Environmental protection, density reduction and passive recreation:
   a) public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and hammock lots in Tier II and Tier III;
   b) buy/sell back to the adjacent property owners option will be followed in Tier II, where sprawl and density reduction are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;
   c) purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
   d) non-purchase options will also be explored and specific recommendations included;

e) criteria for the prioritization of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger, better hammock quality area, and 4) maintenance costs for isolated parcels.

2. Affordable and employee housing:
   a) parcels in Tier II and Tier III that are suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;
   b) priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;
   c) public/private/non-profit partnerships and/or agreements exist to develop the site and maintain the affordability of residential units in perpetuity.

Section 7. Create new Policy 102.4.7

Policy 102.4.7
Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and

Section 8. Amend Policy 102.7.3 as follows:

Policy 102.7.3
Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designating off shore islands as Tier I lands. ~~negative points in the Permit Allocation and Point System~~ [9J-5.006(3)(c)6]

Section 9. Amend Policy 102.8.1 as follows:

Policy 102.8.1
Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related polices)~~ [9J-5.006(3)(c)6]

Section 10. Amend Policy 102.8.5 as follows:

Policy 102.8.5
~~Upon adoption of the Comprehensive Plan~~, Monroe County shall ~~initiate~~ continue its efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and

telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;

2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units; and

3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units~~; and~~

~~4. Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.)~~ [9J-5.006(3)(c)6]

Section 11. Amend Objective 102.9 as follow:

Objective 102.9

~~By January 4, 1998,~~ Monroe County shall complete and implement a cooperative land management program for ~~private and county~~ publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the FKCCS. ~~located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. [9J-5.006(3)(b)4]~~

Policy 102.9.1
Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations. ~~within Conservation Land Protection Areas (as defined in Policy 102.9.3 below) by methods including, but not limited to, negative points into the Permit Allocation and Point System (see Policy 101.5.7). (See Objectives 101.2, 101.3 and 101.5 and related policies.)~~ [9J-5.006(3)(c)6]

Policy 102.9.2
~~Upon adoption of the Comprehensive Plan,~~ Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate ~~Conservation Land Protection Area~~ a planning process to develop policies to direct the over-all management program for publicly owned native lands. Changes in policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units. ~~conservation lands in Monroe County. The purpose of these planning efforts will be to identify current and future land use activities which are causing, or have the potential for causing, adverse impacts on sensitive natural features and natural resources within state and federal conservation lands. Land use activities of concern shall include both~~

~~public and private actions. Monroe County shall complete Conservation Land Protection Area plans for each of the conservation lands in Monroe County by January 4, 1998~~. [9J-5.006(3)(c)3]

Policy 102.9.3

Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands. ~~Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate efforts to identify a Conservation Land Protection Area for each conservation area owned by the state and federal governments in the Florida Keys.~~

~~These Conservation Land Protection Areas shall include:~~

~~1. private lands located within existing park and conservation land boundaries; and~~
~~2. private lands and county-owned lands within a designated buffer adjacent to each conservation land.~~

~~Buffer areas shall be designated on an individual case basis and shall reflect the resource protection concerns and land ownership patterns specific to a particular conservation land.~~
~~Conservation lands for which a Conservation Land Protection Area shall be designated include the following:~~

~~1. Fort Jefferson National Monument~~
~~2. National Key Deer Refuge~~
~~3. Great White Heron National Wildlife Refuge~~
~~4. Key West National Wildlife Refuge~~
~~5. Crocodile Lake National Wildlife Refuge~~
~~6. John Pennekamp Coral Reef State Park~~
~~7. Long Key State Recreation Area~~
~~8. Bahia Honda State Park~~
~~9. Key Largo Hammock State Botanical Site~~
~~10. Lignumvitae Key State Botanical Site~~
~~11. Windley Key State Geological Site~~
~~12. Indian Key State Historic Site~~
~~13. Lignumvitae Key State Aquatic Preserve~~
~~14. Biscayne Bay-Card Sound State Aquatic Preserve~~
~~15. San Pedro Archaeologic Aquatic Preserve~~
~~16. Coupon Bight State Aquatic Preserve~~
~~17. North Key Largo Hammock CARL Project~~
~~18. North Layton Hammock CARL Project~~
~~19. Curry Hammock State Park~~
~~20. Coupon Bight/Key Deer CARL Project~~
~~21. Cowpen's Rookery Preserve~~
~~22. Save Our Rivers Big Pine Key Project~~

~~23. Fort Taylor State Historic Site~~
~~24. Shell Key Aquatic Preserve~~

Policy 102.9.4
Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]

~~By January 4, 1998, Monroe County, in cooperation with appropriate state and/or federal agencies, shall develop a management plan for each Conservation Land Protection Area. These plans shall identify actions to be taken by Monroe County within the Conservation Land Protection Area in support of the purpose for which each conservation land was acquired. These actions shall include:~~

~~1. land management actions for private lands and county-owned lands, particularly as they relate to:~~
   ~~a) critical species protection;~~
   ~~b) invasive plant removal;~~
   ~~c) restoration of disturbed wetland and upland habitat;~~
   ~~d) pesticide applications;~~
   ~~e) prescribed burning; and~~
   ~~f) activities which have potential adverse impacts on nearshore water quality.~~
~~2. recommendations regarding permitting of shoreline structures, dredging and filling and substrate alteration;~~

~~3. actions to maintain and/or improve public access to state and federal conservation lands;~~

~~4. strategies for working cooperatively with private landowners in support of conservation; and~~

~~5. future intergovernmental coordination with state and/or federal agencies controlling and/or managing the conservation land. [9J-5.006(3)(c)6]~~

Section 12. Delete Policy 102.9.5 and 102.9.6

~~**Policy 102.9.5**~~
~~Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each Conservation Land Protection Area and management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]~~

~~**Policy 102.9.6**~~
~~Within eighteen months following acquisition of additional conservation lands by the state and federal governments, the County shall, in cooperation with appropriate state and/or federal agencies, designate a Conservation Lands Protection Area for the newly acquired property and complete a management~~

~~plan. (These actions shall be required only for acquisitions which are not expansions of existing conservation lands.) [9J-5.006(3)(c)6]~~

Section 13. Amend Policy103.2.1 and Delete Policy103.2.2:

Policy 103.2.1

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus's swallowtail butterfly as Tier I. ~~the Permit Allocation and Point System in order to discourage developments proposed within hammocks (identified pursuant to Conservation and Coastal Management Policy 207.10.1) used by Schaus' swallowtail butterfly and the lands in the North Key Largo Hammocks CARL Project State Acquisition Area in the permit allocation and point system. (See Policy 101.5.4.)~~ [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

~~**Policy 103.2.2**~~

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI ethodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

Section 14. Amend Policy 204.2.1 as follows:

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Environmental Standards found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) To protect submerged lands and wetlands. Accordingly~~ To protect submerged lands and wetlands the open space ratio shall be 100 percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;

5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. (9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6)

Section 15. Amend Objective 205.1 as follows:

Objective 205.1
~~By January 4, 1998,~~ Monroe County shall utilize the computerized geographical information system (GIS) and the data, analysis and mapping generated in the Florida Keys Carrying Capacity Study (FKCCS), FMRI, habitat maps and field evaluation to ~~which will provide more current and more refined data on upland vegetation in the Florida Keys~~ identify and map areas of upland vegetation in the Florida Keys and to prepare Tier overlay maps as required in Policy 105.2.2. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

Policy 205.1.1
The County shall establish the following criteria at a minimum to use when ~~a field a consistent methodology and criteria for mapping and~~ evaluating upland habitats: [9J-5.013(2)(c)9]

1. Criteria for designating lands as Tier I:
- Natural areas including old and new growth upland native vegetated areas, above 4 acres and a buffer of privately owned vacant lots and parcels.
- Vacant land to connect patches and reduce further fragmentation.
- A buffer, up to 500 feet if indicated, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary.
- Lands designated for acquisition by public agencies.
- Known locations of threatened and endangered species.
- Native Area Land Use district and other districts in buffer/restoration areas as appropriate.
- Lands with a potential for successful land management - restoration of disturbed habitat, removal of exotics, and connection of patches.
- Areas with minimal existing development.

2. Criteria for designating lands as Tier II:
- Subdivisions less than 50% developed, or portions of subdivisions that are less than 50% developed because of environmental constraints.
- Fragmented, unconnected hammock patches of less than 4 acres, which are isolated from larger natural areas by existing development.
- Developed and undeveloped Suburban Residential (SR) and Sparsely Settled (SS) lots with upland native habitat.
- Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation.

3. Criteria for designating lands as Tier III:
- Isolated upland habitat fragments of less than half an acre
- Substantially developed subdivisions near established commercial areas.
- Primarily Improved Subdivision (IS) and Urban Residential Mobile Home (URM) lots.
- Developed non-residential and mixed used areas.

Policy 205.1.2
The County shall ~~complete~~ ground-truth~~ing~~ ~~of~~ the upland habitats identified in the Advanced Identification of Wetlands (ADID) habitat maps, aerial photography, satellite imagery and the Florida Keys Carrying Capacity Study (FKCCS), including mapping and preliminary habitat evaluations. Priority shall be given to natural upland communities of four acres or greater ~~identified in the Florida Natural Areas Inventory~~. [9J-5.013(2)(c)9]

Policy 205.1.3
The County shall enter ground-truthed upland native vegetated area location and evaluation data into the Geographic Information System (GIS) and use the GIS to analyze the data and prepare Tier Zoning Overlay Maps for adoption as required in Policy 105.2.2. [9J-5.013(2)(c)9]

Policy 205.1.4
The GIS will be used to evaluate the lands designated in the different Tiers, determining vacant, platting and ownership status, zoning, and appraised values for acquisition planning. ~~Vegetation data shall be plotted on the GIS at a scale of 1 inch equals 200 feet. [9J-5.013(2)(c)9]~~

Policy 205.1.5
Land management activities, land acquired ~~Habitat evaluation index~~ and permit data shall be incorporated into the GIS annually. [9J-5.013(2)(c)9]

Policy 205.1.6
The County shall coordinate its upland native vegetation mapping and evaluation efforts with those of federal and state agencies and private researchers so as to avoid duplication of effort. These agencies shall include, at a minimum, the Environmental Protection Agency (EPA), Army Corps of Engineers (ACOE), ~~DER, DNR~~, Florida Department of Environmental Protection (FDEP), Florida Department of Community Affairs (FDCA), South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (F~~GF~~WF~~F~~C), and nongovernmental environmental groups ~~the National Audubon Society (Research Department).~~ [9J-5.013(2)(c)9]

Section 16. Amend Objective 205.2 as follows:

Objective 205.2

To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land

Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

Policy 205.2.1

Monroe County shall designate the boundaries in the zoning overlay tier system based on the criteria in Policy 205.1.1.

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations, hereby incorporated by reference, to evaluate and protect sensitive habitats of the Florida Keys.~~

~~Upon adoption of the Comprehensive Plan, Monroe County shall complete revisions to the HEI which shall include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. The comprehensive plan shall be amended to include the HEI revision.~~

Policy 205.2.2

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System~~. Monroe County shall discourage ~~assign a negative point rating to~~ developments in Tier I ~~which disturb~~ to protect areas of native upland vegetation. ~~Sites having high quality native upland vegetation s hall receive a greater negative point rating than sites having medium and low quality native upland vegetation. Habitat value shall be determined through application of measures as specified in the HEI.~~ (See Policy 101.5.4). [9J-5.012(3)(c)1, 2 and 3; 9J-5.014(2)(c)6]

Policy 205.2.6

The permitted clearing of native upland vegetation communities shall be defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps. ~~which exhibit functional integrity and viability shall meet or exceed their existing percentages ,as follows:~~ Clearing of upland native vegetation communities in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:

Tier	Permitted Clearing
Tier I	10%

Tier II	40%
Tier III	60%

~~1. high hammock~~

~~high quality~~	~~0.80~~
~~moderate quality~~	~~0.60~~
~~low quality~~	~~0.40~~
~~disturbed~~	~~0.40~~

~~2. low hammock~~

~~high quality~~	~~0.80~~
~~moderate quality~~	~~0.60~~
~~low quality~~	~~0.40~~
~~disturbed~~	~~0.40~~

~~3. palm hammock 0.90~~

~~4. cactus hammock 0.90~~

~~5. pinelands~~

~~high quality~~	~~0.80~~
~~low quality~~	~~0.60~~
~~disturbed~~	~~0.60~~

~~6. scarified 0.20~~

~~The definition for open space shall be that currently contained in Section 9.5-4(O-3) of the F.S. 380.05 compliant Land Development Regulations, hereby incorporated by reference.~~

Policy 205.2.7

Clearing of native vegetation shall be limited to the percentage allowed in Policy 205.2.6. ~~and shall be called the immediate development area.~~ For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of upland native vegetation shall be limited to the clearing permitted in 205.2.6 or 5,000 square feet, whichever is less. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within areas of native upland vegetation not approved for clearing. ~~required open space areas~~. [9J-5.013(2)(c)3]

Policy 205.2.12

Monroe County shall ~~apply all environmental regulations including use as a baseline to determine the clearing that may be permitted on a site according to the~~ use the legal conditions of land existing as of February 28, 1986 and as depicted on the "December 1985 Habitat Classification Aerial Photographs," hereby incorporated by reference as a base line for the type and extent of habitat on a parcel. The 1985 maps shall be supplemented by recent aerial photography and

existing site analysis to determine any increases in the amount of upland native vegetated areas. ~~include a disclaimer statement to advise the public that the maps are generalized and that habitat designations are subject to verification through field inspections~~.

Policy 205.2.14
Monroe County shall require in the Land Development Regulations an Existing Conditions Report including a vegetation survey for any development that may disturb native upland vegetation. At a minimum the report shall include an analysis of the potential impacts of the proposed development on native upland habitats, a description of the measures designed to reduce identified adverse impacts including clustering and a transplantation plan.

Section 17. Amend Objective 205.5 as follows:

Objective 205.5
Monroe County, together with private, state, and federal agencies, shall establish a program for acquiring ~~undisturbed~~ native upland habitat to implement Goal 105 and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS). (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

Policy 205.5.1
The Monroe County ~~Department of Environmental Resources~~ Division of Growth Management shall work cooperatively with the Monroe County Land Authority in developing and administering the acquisition program. Acquisition shall be undertaken ~~as part of~~ to implement the Monroe County Land Acquisition Master Plan (Objective 102.4) ~~Natural Heritage and Park Program~~. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

Policy 205.5.2
A list of priority native upland habitat acquisition sites in Tier I shall be drafted and ~~updated~~ reviewed annually. This list shall be developed by Monroe County in consultation with representatives of ~~DNR~~, Florida Department of Environmental Protection (FDEP), Florida Department of Community Affairs (FDCA), United States Fish and Wildlife Services (USFWS), South Florida Water Management District (SFWMD), Florida Fish and Wildlife Commission (FWC) ~~the National Audubon Society Research Department, The Nature Conservancy,~~ and others as appropriate. ~~Priority native upland vegetation acquisition sites shall include those which:~~

~~1. are determined to be high quality habitat and are designated in the Tier I overlay district (through the HEI);~~

~~2. include plant species of special status endemic species ;~~

~~3. are documented habitat for wildlife species of special status;~~

~~4. are may be located within Improved Subdivisions; and/or~~

~~5. are documented as significant coastal upland natural communities by the Florida Natural Areas Inventory. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]~~

Section 18. Delete Policy 207.1.2, Policy 207.10.5 and 207.12.6:

~~**Policy 207.1.2**~~
~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status and critical nesting/feeding areas for birds. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those~~

~~**Policy 207.10.5**~~
~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~
~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

~~**Policy 207.12.6**~~
~~Upon completion of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland~~

~~vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1). [9J-5.013(2)(c)3]~~

Section 19. Delete Objective 1201.13:

~~**Objective 1201.13**~~
~~By January 4, 1998, Monroe County shall establish and implement the Monroe County Natural Heritage and Park Program. The purpose of this program shall be to acquire lands and open space in the public interest for conservation and recreation purposes. (See Future Land Use Objective 102.4 and related policies.) [9J-5.014(3)(b)1 and 2]~~

Section 20. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 21. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 22. This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 23. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs to determine the consistency of this ordinance with the Florida Statutes.

(THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 2-25-05

BY:_____
Deputy Clerk

STAFF REPORT

BOARD OF COUNTY COMMISSIONERS
MARATHON

Monroe County Department of Planning and Environmental Resources
2798 Overseas Highway
305-289-2500
Marathon Florida 33050
conaway-marlene@monroecouny-fl.gov

MEMO

November 28, 2004

TO: Monroe County Board of County Commissioners

FROM: K. Marlene Conaway, Director

RE: Environmental Comprehensive Plan amendment to implement Goal 105

Introduction
Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability. Attached is the proposed amendment to the Comprehensive Plan to implement the goal, Rule 28-100 and the Florida Keys Carrying Capacity Study (FKCCS).

Staff is recommending that three public hearings be held before the Board of County Commissioners, one in each area, before adoption of the Transmittal Resolution. Hopefully, this schedule will allow us to finish the adoption process by June 2005.

Background
The Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pinelands of two acres or greater within Tier I - Conservation and Natural Areas (CNA), *while staff prepares draft text and map amendments and other supporting studies* in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC.

The Planning Commission reviewed the staff proposed draft at a workshop in June and an amended draft in four public meetings in September, October and November 2004. The Planning Commission approved several amendments and voted to recommend the attached draft to the BOCC on November 3, 2004. During the summer three focus group meetings were held; two with the construction industry representatives and one with a group of interested individuals and environmental groups. Several planned meetings were cancelled due to the hurricanes. Finally two evening community workshops, one in Key Largo and one in Sugarloaf, were held in October.

Environmental Amendment

The current LDRS require properties designated on the 1986 Habitat Maps as hammock and pineland to perform a Habitat Evaluation Index (HEI) to determine the amount of clearing permitted and the negative points awarded in ROGO and NROGO. The HEI is a subject of continuous controversy, is accused of being subjective and since based on 1986 maps does not take into consideration re-vegetation over the last twenty years. The

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proposed ordinance removes the requirements for performing an HEI from the Plan and Code. Instead habitat quality and permitted clearing is based on the Tiers. Tier I receives "0" points for ROGO and clearing is limited to 10%. Clearing of habitat in Tier II is limited to 40% and Tier III is limited to 60%.

Regulatory requirements in the LDRS include an Existing Conditions Report, a Conservation Easement on upland native vegetation and use of the 1986 Habitat Maps as a baseline to assure unlawful clearing has not/does not occur.

Ocean Reef, which is not subject to ROGO and NROGO, is defined as Tier II and Tier III and clearing of upland native vegetation is limited to 40%.

In addition to changes to implement the Tier system, the Comprehensive Plan amendments also address the requirements for a Land Acquisition Master Plan, by changing the Natural Heritage and Park Program requirements in the current Plan (Objective 102.4); Objective 205.5 further defines the acquisition program; Objective 102.9 has been amended to provide guidance for developing a management strategy for lands acquired; and Objective 205.1 amends the GIS mapping requirements to implement the procedures followed to develop the Tier maps and require maintenance of the GIS data.

PLANNING COMMISSION RESOLUTION

BOARD OF COUNTY COMMISSIONERS
MARATHON - EOC ROOM

RESOLUTION NO. -2004

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT OF AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO DELETE REQUIREMENTS FOR AN HEI, REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM BY DELETING POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13. REVISE POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2 Revise Objective 102.4, 102.9, 201.1, 205.2 and 205.5, OF THE 2010 COMPREHENSIVE PLAN.

WHEREAS, the Monroe County Planning Commissioner, during a public hearings held November 16, 2004, reviewed and considered the proposed amendment to the 2010 Comprehensive Plan to delete requirements for an Habitat Evaluation Index (HEI) , revise the open space, land acquisition, management and GIS mapping requirement to implement Goal 105 of the 2010 Comprehensive Plan, Rule 28-20.100 F.A.C. and the Tier Overlay system; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay Map designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation; and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those, which are important environmentally and should be preserved; and

WHEREAS, The boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners; and

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots; and

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, the Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pineland of two acres of greater within Tier I - Conservation and Conservation and Natural Areas (CNA), while staff prepares draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC; and

WHEREAS, the current LDRS require properties designated on the 1986 Habitat Maps as hammock and pineland to perform a Habitat Evaluation Index (HEI) to determine the amount of clearing permitted and the negative points awarded in ROGO and NROGO. The HEI is a subject of continuous controversy, is accused of being subjective and since based on 1986 maps, does not take into consideration re-vegetation over the last twenty years; and

WHEREAS, The proposed ordinance removes the requirement for performing an HEI from the 2010 Comprehensive Plan, instead habitat quality and permitted clearing is based on the Tiers. Tier I receives "0" points for ROGO and clearing is limited to 10%. Clearing of habitat in Tier II is limited to 40% and Tier III is limited to 60%; and

WHEREAS, In addition to changes to implement the Tier system, the Comprehensive Plan amendments also address the requirements for a Land Acquisition Master Plan; and

WHEREAS, the Planning and Environmental Resources Department have made changes to the proposed draft based on comments at the public workshops and hearing and direction of the Planning Commission; and

WHEREAS, the Planning Commission, after hearing public comments and staff input at four public hearings, finds the proposed amendments to the to the 2010 Comprehensive Plan which delete the HEI requirements in the Plan, require an existing conditions report including a vegetation survey, require a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan are consistent with

and further goals, objectives and policies of the Year 2010 Comprehensive Plan, particularly Goal 105 and recently adopted set of comprehensive plan amendments to effectuate the Tier system;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to the 2010 Comprehensive Plan:

Section 1. Delete Policy 101.4.20

Section 2. Amend Policy 101.4.22 as follows:[1]

Policy 101.4.22
All ~~densities and intensities~~ development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in 102.1.1. ~~habitat per current Land Development Regulations, Division 8, hereby incorporated by reference. In the case of upland hardwood and pineland forests the open space is determined by the results of the habitat analysis (see Conservation and Coastal Management, Objective 205.2 and related policies).~~ Except as defined in Policy 101.12.4, -clearing of upland native vegetation areas in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:

TIER	Permitted Clearing
Tier I	10%
Tier II	40%
Tier III	60%

Section 3. Amend Policy 101.14.1 as follows[2]

Policy 101.14.1
Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4).~~ [9J-5.006(3)(c)1]

Section 4. Amend Policy 102.1.1 as follows:[3]

Policy 102.1.1
~~Upon adoption of the Comprehensive Plan,~~ The County shall ~~utilize the Environmental Standards, found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) to~~ protect

[1] This revision reflects that clearing and open space will be controlled by the Tier designation based on the existing conditions rather than the environmental regulations that are based on the 1986 habitat maps.
[2] This revision reflects that the majority of the CHHA are in Tier I and are therefore receive a lower score.
[3] The revisions update the Policy to reflect the wetland regulations currently in effect.

submerged lands and wetlands. ~~Accordingly,~~ The open space requirement shall be one hundred (100) percent of the following types of wetlands:
1. Submerged lands 2. mangroves 3. salt ponds 4. fresh water wetlands
5. fresh water ponds 6. undisturbed salt marsh and buttonwood wetlands

~~Upon adoption of the Comprehensive Plan the County shall further protect its wetlands by requiring a one hundred (100) percent open space requirement for undisturbed salt marsh and buttonwood wetlands and by requiring A 50 foot buffer shall be required around freshwater resources.~~

[4]Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

Section 5. Amend Objective 102.4 as follows:[5]

Objective 102.4
Monroe Country shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding and non-funding sources for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes[6]. ~~By January 4, 1998, Monroe County shall establish the Monroe County Natural Heritage and Park Program. The purpose of this plan shall be to acquire lands and open space in the public interest for conservation and recreation purposes~~. [9J-5.006(3)(b)4, 10 and9J-5.010(2)(c)3]

Policy 102.4.1
The Monroe County Land Acquisition Master Plan ~~Natural Heritage and Park Program~~ shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, and USFWS. ~~with the Parks and Recreation Board~~ and other knowledgeable county and state agencies. [9J-5.006(3)(c)4 and 6]

Policy 102.4.2
The Land Authority and the Growth Management Division shall identify and prioritize the types of lands which shall be considered for acquisition. These shall include, at a minimum:

1. designated Tier I (Conservation and Natural Areas) lands as defined in Policy 105.2.1,1, which shall include all contiguous hammock areas above four acres,

[4] Wetland setbacks are defined in Policy 204.2.6, deleting the reference here will prevent confusion.
[5] This revision is to incorporate changes in the land acquisition priorities in Monroe County with the completion of the Florida Keys Carrying Capacity Study and adoption Of Goal 105.
[6] Land acquisition for affordable housing is an additional element included in the Land Acquisition Master Plan.

2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate; lands containing naturally occurring and native habitats;

3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required under Policy 102.1.1;

4. designated Tier II lands as defined in Policy 204.2.1,2 that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;

5. lands containing unique geologic features;[7]

6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;

7. lands in Tier II and Tier III for employee and affordable housing;[8]

8. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access; and

9. lands, which offer the opportunity for preservation of significant archaeological or historical sites. [9J-5.006(3)(c)4 and 6]

Policy 102.4.3

The Land Authority and Growth Management Division shall develop a priority list of ~~Natural Heritage and Park~~ acquisition sites. This list shall be updated annually. In formulating this list the County will prioritize Tier I lands over Tier II and Tier III lands. Tier II lands with fragmented hammocks and wetlands identified in Policy 102.4.2,2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing on vacant scarified lands in Tier II and III shall also be a first priority. ~~will consider freshwater lenses and recharge areas, especially those which overlap the habitats of endangered or threatened wildlife species, as a high priority.~~ [9J-5.006(3)(c)4 and 6]

Policy 102.4.4

The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan ~~shall be developed annually~~ which identifies ~~potential~~ sources of funding for acquisition of lands on the Priority List. ~~Funding sources which shall be considered include the following:~~ Land acquisition will be a coordinated effort between the state and federal governments and the county. The county shall petition the state and federal government to accept primary responsibility for

[7] Staff can think of none in the County.

[8] This revision adds land for employee and affordable housing to the list of acquisition areas, in the past this sections did not include implementation of a housing goal.

acquisition of Tier I, conservation and natural lands. The county will be responsible for purchases in Tier II and Tier III of wetlands and fragmented hammock areas. Land acquisition for other priorities depend on funding availability, need and future use.

~~1. Florida Recreation Development Assistance Program;~~
~~2. Preservation 2000 Trust Fund~~
~~3. Conservation and Recreation Lands (CARL) Program;~~
~~4.~~
~~5. Land and Water Conservation Fund;~~
~~6. Urban Parks and Recreation Recovery (UPARR) Action Grants;~~
~~7. local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and~~
8. ~~Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners.~~ [9J-5.006(3)(c)4 and 6]

Policy 102.4.5
An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of Growth Management Division, Land Authority, municipalities and state and federal agencies.
~~The Growth Management Division shall, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan.~~ [9J-5.006(3)(c)4 and 6]

Section 6. Delete existing Policy 102.4.6 and create new Policy 102.4.6

Policy 102.4.6
The Monroe County Land Acquisition Master Plan shall contain policies to direct the over-all acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan will include the following:

1. Environmental protection, density reduction and passive recreation
   a) public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and hammock lots in Tier II and Tier III.;
   b) buy/sell back to the adjacent property owners option will be followed in Tier II, where sprawl and density reduction are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;

c) purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
d) non-purchase options will also be explored and specific recommendations included;
e) criteria for the prioritization of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger, better hammock quality area, and 4) maintenance costs for isolated parcels.

2. Affordable and employee housing
a) parcels in Tier II and Tier III that are suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;
b) priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;
c) public/private/non-profit partnerships and/or agreements exist to develop the site and maintain the affordability of residential units in perpetuity.

Section 7. Create new Policy 102.4.7

Policy 102.4.7
Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and

Section 8. Amend Policy 102.7.3 as follows:[9]

Policy 102.7.3
Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designating off shore islands as Tier I lands. ~~negative points in the Permit Allocation and Point System~~ [9J-5.006(3)(c)6]

Section 9. Amend Policy 102.8.1 [10]

Policy 102.8.1

[9] This revision demonstrates how the ROGO and NROGO system is being modified to protect off shore islands without assigning negative points on an individual basis.
[10] CBRS are included in Tier I and are protected by the Tier points in ROGO and NROGO.

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related polices)~~ [9J-5.006(3)(c)6]

Section 10. Amend Policy 102.8.5 as follows: [11]

Policy 102.8.5
~~Upon adoption of the Comprehensive Plan~~, Monroe County shall ~~initiate~~ continue its efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;
2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units; and
3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units~~; and~~
4. ~~Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.)~~ [9J-5.006(3)(c)6]

Section 11. Amend Objective 102.9 as follow:[12]

Objective 102.9

~~By January 4, 1998,~~ Monroe County shall complete and implement a cooperative land management program for ~~private and county~~ publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the FKCCS. ~~located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. [9J-5.006(3)(b)4]~~

Policy 102.9.1
Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations. ~~within Conservation Land Protection Areas (as defined in Policy 102.9.3 below) by methods including, but not limited to, negative points into the Permit Allocation~~

[11] Negative points are no longer needed because the CBRS units are included in Tier I.
[12] With adoption of goal 105 and the resulting Tier system this Objective designating Conservation Land Protection Areas is no longer needed. The new section will be specific to the preservation in Tier I.

~~and Point System (see Policy 101.5.7). (See Objectives 101.2, 101.3 and 101.5 and related policies.)~~ [9J-5.006(3)(c)6]

Policy 102.9.2[13]

~~Upon adoption of the Comprehensive Plan,~~ Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate ~~Conservation Land Protection Area~~ a planning process to develop policies to direct the over-all management program for publicly owned native lands. Changes in policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units. ~~conservation lands in Monroe County. The purpose of these planning efforts will be to identify current and future land use activities which are causing, or have the potential for causing, adverse impacts on sensitive natural features and natural resources within state and federal conservation lands. Land use activities of concern shall include both public and private actions. Monroe County shall complete Conservation Land Protection Area plans for each of the conservation lands in Monroe County by January 4, 1998~~. [9J-5.006(3)(c)3]

Policy 102.9.3[14]

Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands. ~~Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate efforts to identify a Conservation Land Protection Area for each conservation area owned by the state and federal governments in the Florida Keys.~~

~~These Conservation Land Protection Areas shall include:~~

~~1. private lands located within existing park and conservation land boundaries; and~~
~~2. private lands and county-owned lands within a designated buffer adjacent to each conservation land.~~

~~Buffer areas shall be designated on an individual case basis and shall reflect the resource protection concerns and land ownership patterns specific to a particular conservation land.~~
~~Conservation lands for which a Conservation Land Protection Area shall be designated include the following:~~

~~1. Fort Jefferson National Monument~~

[13] Revisions to this section sets up the mechanism for development of a managing planning process for parcels acquired to implement Goal 105 and the FKCCS.
[14] The Tier system accomplishes the policy being deleted in the plan .

~~2. National Key Deer Refuge~~
~~3. Great White Heron National Wildlife Refuge~~
~~4. Key West National Wildlife Refuge~~
~~5. Crocodile Lake National Wildlife Refuge~~
~~6. John Pennekamp Coral Reef State Park~~
~~7. Long Key State Recreation Area~~
~~8. Bahia Honda State Park~~
~~9. Key Largo Hammock State Botanical Site~~
~~10. Lignumvitae Key State Botanical Site~~
~~11. Windley Key State Geological Site~~
~~12. Indian Key State Historic Site~~
~~13. Lignumvitae Key State Aquatic Preserve~~
~~14. Biscayne Bay-Card Sound State Aquatic Preserve~~
~~15. San Pedro Archaeologic Aquatic Preserve~~
~~16. Coupon Bight State Aquatic Preserve~~
~~17. North Key Largo Hammock CARL Project~~
~~18. North Layton Hammock CARL Project~~
~~19. Curry Hammock State Park~~
~~20. Coupon Bight/Key Deer CARL Project~~
~~21. Cowpen's Rookery Preserve~~
~~22. Save Our Rivers Big Pine Key Project~~
~~23. Fort Taylor State Historic Site~~
~~24. Shell Key Aquatic Preserve~~

Policy 102.9.4
Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]

~~By January 4, 1998, Monroe County, in cooperation with appropriate state and/or federal agencies, shall develop a management plan for each Conservation Land Protection Area. These plans shall identify actions to be taken by Monroe County within the Conservation Land Protection Area in support of the purpose for which each conservation land was acquired. These actions shall include:~~

~~1. land management actions for private lands and county-owned lands, particularly as they relate to:~~
~~a) critical species protection;~~
~~b) invasive plant removal;~~
~~c) restoration of disturbed wetland and upland habitat;~~
~~d)~~
~~e) pesticide applications;~~
~~f) prescribed burning; and~~
~~g) activities which have potential adverse impacts on nearshore water quality.~~

~~2. recommendations regarding permitting of shoreline structures, dredging and filling and substrate alteration;~~

~~3. actions to maintain and/or improve public access to state and federal conservation lands;~~

~~4. strategies for working cooperatively with private landowners in support of conservation; and~~

~~5. future intergovernmental coordination with state and/or federal agencies controlling and/or managing the conservation land. [9J-5.006(3)(c)6]~~

Section 12. Delete Policy 102.9.5 and 102.9.6

~~**Policy 102.9.5**~~
~~Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each Conservation Land Protection Area and management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]~~

~~**Policy 102.9.6**~~
~~Within eighteen months following acquisition of additional conservation lands by the state and federal governments, the County shall, in cooperation with appropriate state and/or federal agencies, designate a Conservation Lands Protection Area for the newly acquired property and complete a management plan. (These actions shall be required only for acquisitions which are not expansions of existing conservation lands.) [9J-5.006(3)(c)6]~~

Section 13. Amend Policy103.2.1 and Delete Policy103.2.2:[15]

Policy 103.2.1
~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus's swallowtail butterfly as Tier I. ~~the Permit Allocation and Point System in order to discourage and discouraging developments proposed within hammocks (identified pursuant to Conservation and Coastal Management Policy 207.10.1) used by Schaus' swallowtail butterfly and the lands in the North Key Largo Hammocks CARL Project[16] State Acquisition Area in the permit allocation and point system. (See Policy 205.1.1 101.5.4.)~~ [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

[15] This revision will require that the Schaus' butterfly be protected through identification of known habitat as Tier I.
[16] The CARL program is now the Florida Forever program it is better not to name the funding source.

~~**Policy 103.2.2**~~

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI ethodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

Section 14. Amend Policy 204.2.1 as follows:[17]

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Environmental Standards found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) To protect submerged lands and wetlands. Accordingly~~ To protect submerged lands and wetlands the open space ratio shall be 100 percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;
5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. (9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6)

[17] The Sections of the LDRs are being amended and it is inappropriate to site the regulations in the plan.

Section 15. Amend Objective 205.1 as follows:[18]

Objective 205.1
~~By January 4, 1998,~~ Monroe County shall utilize the computerized geographical information system (GIS) and the data, analysis and mapping generated in the Florida Keys Carrying Capacity Study (FKCCS), FMRI, habitat maps and field evaluation to ~~which will provide more current and more refined data on upland vegetation in the Florida Keys~~ identify and map areas of upland vegetation in the Florida Keys and to prepare Tier overlay maps as required in Policy 105.2.2. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

Policy 205.1.1
The County shall establish the following criteria at a minimum to use when ~~a field a consistent methodology and criteria for mapping and~~ evaluating upland habitats: [9J-5.013(2)(c)9]

1. Criteria for designating lands as Tier I:

- ***Natural areas including old and new growth upland native vegetated areas, above 4 acres and a buffer of privately owned vacant lots and parcels.***
- ***Vacant land to connect patches and reduce further fragmentation.***
- ***A buffer, up to 500 feet if indicated, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary.***
- Lands designated for acquisition by public agencies.
- Known locations of threatened and endangered species.
- ***Native Area Land Use district and other districts in buffer/restoration area as appropriate.***
- ***Lands with a potential for successful land management - restoration of disturbed habitat, removal of exotics, and connection of patches.***
- ***Areas with minimal existing development.***

2. Criteria for designating lands as Tier II:

- ***Subdivisions less than 50% developed, or portions of subdivisions that are less than 50% developed because of environmental constraints.***
- ***Fragmented, unconnected hammock patches of less than 4 acre, which are isolated from larger natural areas by existing development.***
- ***Developed and undeveloped SR and SS lots with upland native habitat.***
- ***Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation.***

Criteria for designating lands as Tier III:

- Isolated upland habitat fragments of less than half an acres

[18] This revision establishes the criteria and mapping protocol for mapping of upland native vegetation and Tier designation.

- ***Substantially developed subdivisions near established commercial areas.***
- ***Primarily IS and URM lots.***
- Developed non-residential and mixed used areas.

Policy 205.1.2
The County shall ~~complete~~ ground-truth~~ing~~ ~~of~~ the upland habitats identified in the ADID habitat maps, aerial photography, satellite imagery and the FKCCS, including mapping and preliminary habitat evaluations. Priority shall be given to natural upland communities of four acres or greater ~~identified in the Florida Natural Areas Inventory~~. [9J-5.013(2)(c)9]

Policy 205.1.3
The County shall enter ground-truthed upland native vegetated area location and evaluation data into the GIS and use the GIS to analyze the data and prepare Tier Zoning Overlay Maps for adoption as required in Policy 105.2.2. [9J-5.013(2)(c)9]

Policy 205.1.4
The GIS will be used to evaluate the lands designated in the different Tiers, determining vacant, platting and ownership status, zoning, and appraised values for acquisition planning. ~~Vegetation data shall be plotted on the GIS at a scale of 1 inch equals 200 feet. [9J-5.013(2)(c)9]~~

Policy 205.1.5
Land management activities, land acquired ~~Habitat evaluation index~~ and permit data shall be incorporated into the GIS annually. [9J-5.013(2)(c)9]

Policy 205.1.6
The County shall coordinate its upland native vegetation mapping and evaluation efforts with those of federal and state agencies and private researchers so as to avoid duplication of effort. These agencies shall include, at a minimum, the EPA, ACOE, ~~DER, DNR~~, FDEP, FDCA, SFWMD, F~~GF~~W~~F~~C, and nongovernmental environmental groups ~~the National Audubon Society (Research Department).~~ [9J-5.013(2)(c)9]

Section 16. Amend Objective 205.2 as follows:[19]

Objective 205.2

To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat

[19] This revisions provides direction for the LDR amendments implementing the Tier system and removing the requirements for an HEI.

values of upland native vegetated communities, including hardwood hammocks and pinelands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

Policy 205.2.1

Monroe County shall designate the boundaries in the zoning overlay tier system based on the criteria in 205.1.

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations, hereby incorporated by reference, to evaluate and protect sensitive habitats of the Florida Keys.~~

~~Upon adoption of the Comprehensive Plan, Monroe County shall complete revisions to the HEI which shall include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. The comprehensive plan shall be amended to include the HEI revision.~~

Policy 205.2.2

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System~~. Monroe County shall discourage ~~assign a negative point rating to~~ developments in Tier I ~~which disturb~~ to protect areas of native upland vegetation. ~~Sites having high quality native upland vegetation s hall receive a greater negative point rating than sites having medium and low quality native upland vegetation. Habitat value shall be determined through application of measures as specified in the HEI.~~ (See Policy 101.5.4). [9J-5.012(3)(c)1, 2 and 3; 9J-5.014(2)(c)6]

Policy 205.2.6[20]

The permitted clearing of native upland vegetation communities shall be defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps. ~~which exhibit functional integrity and viability shall meet or exceed their existing percentages ,as follows:~~ Clearing of upland native vegetation

[20] Clearing and open space requirements are now based on the Tier designation, an HEI will no longer be used because the mapping has been done up front of all quality hammock areas. Clearing will be reduced over-all.

communities in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:

Tier	Permitted Clearing
Tier I	10%
Tier II	40%
Tier III	60%

~~1. high hammock~~

~~high quality 0.80~~
~~moderate quality 0.60~~
~~low quality 0.40~~
~~disturbed 0.40~~

~~2. low hammock~~

~~high quality 0.80~~
~~moderate quality 0.60~~
~~low quality 0.40~~
~~disturbed 0.40~~

~~3. palm hammock 0.90~~

~~4. cactus hammock 0.90~~

~~5. pinelands~~

~~high quality 0.80~~
~~low quality 0.60~~
~~disturbed 0.60~~

~~6. scarified 0.20~~

~~The definition for open space shall be that currently contained in Section 9.5-4(O-3) of the F.S. 380.05 compliant Land Development Regulations, hereby incorporated by reference.~~

Policy 205.2.7

Clearing of native vegetation shall be limited to the percentage allowed in Policy 205.2.6. ~~and shall be called the immediate development area.~~ [21]For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of upland native vetetation shall be limited to the clearing permitted in 205.2.6 or 5,000 square feet, whichever is less. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no

[21] This change implements the changes in the proposed rule 28-20.110.

disturbances of the ground surface and vegetation within areas of native upland vegetation not approved for clearing. ~~required open space areas~~. [9J-5.013(2)(c)3]

Policy 205.2.12[22]
Monroe County shall ~~apply all environmental regulations including use as a baseline to determine the clearing that may be permitted on a site according to the~~ use the legal conditions of land existing as of February 28, 1986 and as depicted on the "December 1985 Habitat Classification Aerial Photographs," hereby incorporated by reference as a base line for the type and extent of habitat on a parcel. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas. ~~include a disclaimer statement to advise the public that the maps are generalized and that habitat designations are subject to verification through field inspections~~.

Policy 205.2.14
Monroe County shall require, in the Land Development Regulations an Existing Conditions Report including a vegetation survey for any development that may disturb native upland vegetation. At a minimum the report shall include an analysis of the potential impacts of the proposed development on native upland habitats, a description of the measures designed to reduce identified adverse impacts including clustering and a transplantation plan..

Section 17. Amend Objective 205.5 as follows:[23]

Objective 205.5
Monroe County, together with private, state, and federal agencies, shall establish a program for acquiring ~~undisturbed~~[24] native upland habitat to implement Goal 105 and the recommendations in the FKCCS. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

Policy 205.5.1
The Monroe County ~~Department of Environmental Resources~~ Division of Growth Management shall work cooperatively with the Monroe County Land Authority in developing and administering the acquisition program. Acquisition shall be undertaken ~~as part of~~ to implement the Monroe County Land Acquisition Master Plan (Objective 102.4) ~~Natural Heritage and Park Program~~. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

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[22] Changing to the existing conditions on a property rather than the conditions in existence in 1985 will increase the protection of habitat areas by including "new growth" which is not currently protected or analyzed in the HEI.
[23] This revision establishes the acquisition program required to implement Goal 105.
[24] Regrowth areas are now maturing and should also be protected.

Policy 205.5.2

A list of priority native upland habitat acquisition sites in Tier I shall be drafted and ~~updated~~ reviewed annually. This list shall be developed by Monroe County in consultation with representatives of ~~DNR~~, FDEP, FDCA, USFWS, SFWMD, FWC ~~the National Audubon Society Research Department, The Nature Conservancy,~~ and others as appropriate. ~~Priority native upland vegetation acquisition sites shall include those which:~~

~~1. are determined to be high quality habitat and are designated in the Tier I overlay district (through the HEI);~~

~~2. include plant species of special status endemic species ;~~

~~3. are documented habitat for wildlife species of special status;~~

~~4. are may be located within Improved Subdivisions; and/or~~

~~5. are documented as significant coastal upland natural communities by the Florida Natural Areas Inventory. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]~~

Section 18.[25] Delete Policy 207.1.2, Policy 207.10.5 and 207.12.6:

Policy 207.1.2

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status and critical nesting/feeding areas for birds. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those~~

Policy 207.10.5

[25] The deletions are because the HEI will no longer be used to protect upland vegetation (the changes to the HEI were completed in 1998) the Tiers will provide the needed protection

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

Policy 207.12.6

~~Upon completion of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

~~1. a written methodology for completing the HEI;~~

~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1). [9J-5.013(2)(c)3]~~

Section 19. Delete Objective 1201.13:[26]

~~**Objective 1201.13**~~
~~By January 4, 1998, Monroe County shall establish and implement the Monroe County Natural Heritage and Park Program. The purpose of this program shall be to acquire lands and open space in the public interest for conservation and recreation purposes. (See Future Land Use Objective 102.4 and related policies.) [9J-5.014(3)(b)1 and 2]~~

PASSED AND ADOPTED By the Planning Commission of Monroe County, Florida at a regular meeting held on the 16th day of November, 2004.

Chair Lynn Mapes	YES
Vice Chair Denise Werling	YES
Commissioner David C. Ritz	YES
Commissioner Julio Margalli	YES
Commissioner James Cameron	YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
Lynn Mapes, Chair

Signed this _____ day of _____ , 2004.

[26] The Natural Heritage and Park Program has been removed from the Comprehensive Plan.

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION

DEVELOPMENT REVIEW RESOLUTION NO. D-23-04

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO DELETE REQUIREMENTS FOR AN HEI, REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT TO IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM BY DELETING **POLICIES 101.4.20, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13.** REVISE **POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.4.6, 102.4.7, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 205.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.14, 205.5.1, 205.5.2, 207.1.2 Revise Objective 102.4, 102.9, 201.1, 205.2 and 205.5,** OF THE **2010 COMPREHENSIVE PLAN.** REVISE **DIVISION: ENVIRONMENTAL REGULATIONS** OF THE MONROE COUNTY **LAND DEVELOPMENT REGULATIONS** BY DELETING EXISTING **SECTIONS 9.5-336, 9.5-337, 9.5-338, 9.5-339, 9.5-339.1, 9.5-339.2, 9.5-339.3 9.5-340, 9.5-341, 9.5-342, 9.5-343, AND 9.5-347(C) HABITAT ANALYSIS AND OPEN SPACE REQUIREMENTS** AND CREATING NEW **SECTIONS 9.5-336, 9.5-337, 9.5-338, SECTION 347(C) AND SECTION 347(D)** AND REVISING **SECTION 347(B)** TO REQUIRE AN EXISTING CONDITIONS REPORT INCLUDING A VEGETATION SURVEY, REQUIRE A GRANT OF CONSERVATION EASEMENT TO PROTECT OPEN SPACE VEGETATION AND LIMITING THE CLEARING OF NATIVE UPLAND VEGETATION DEPENDENT ON THE TIER SYSTEM DESIGNATION.

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on September 9, 2004, conducted a review and consideration of the request filed by the Monroe County Planning Department to delete policies and objectives that make up the requirements for an HEI, the open space requirements, land acquisition & management and the requirements for GIS mapping to implement Goal 105 of the 2010 Comprehensive Plan and the Tier System.

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability.

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those, which are important environmentally and should be preserved.

WHEREAS, The boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners.

WHEREAS, hammock size is a major determinate of habitat quality according to the FKCCS, therefore size and connectivity are used in determining the boundary of the Tiers to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, Tier I includes all contiguous hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible. Hammock size is a major determinate of habitat quality according to FKCCS, which is why size and connectivity were used to identify the best and most important terrestrial habitat areas for preservation.

WHEREAS, Tier II contains smaller hammock patches isolated by surrounding development; the quality is reduced because of the negative secondary impacts of development. These areas still contain a large number of undeveloped lots.

WHEREAS, Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated.

WHEREAS, the Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pineland of two acres of greater within Tier I - Conservation and Conservation and Natural Areas (CNA), while staff prepares draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC.

WHEREAS, the current LDRS require properties designated on the 1986 Habitat Maps as hammock and pineland to perform a Habitat Evaluation Index (HEI) to determine the amount of clearing permitted and the negative points awarded in ROGO and NROGO. The HEI is a subject of continuous controversy, is accused of being subjective and since based on 1986 maps, does not take into consideration re-vegetation over the last twenty years.

WHEREAS, The proposed ordinance removes the requirement for performing an HEI from the Plan and Code. Instead habitat quality and permitted clearing is based on the Tiers. Tier I receives "0" points for TOGO and clearing is limited to 10%. Clearing of habitat in Tier II is limited to 40% and Tier III is limited to 60%.

WHEREAS, regulatory requirements in the proposed LDRS include an Existing Conditions Report, a Conservation Easement on upland native vegetation and use of the 1986 Habitat Maps as a baseline to assure unlawful clearing has not/does not occur.

WHEREAS, In addition to changes to implement the Tier system, the Comprehensive Plan amendments also address the requirements for a Land Acquisition Master Plan.

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission, of the amendments to the 2010 Comprehensive Plan to implement Goal 105 and the Tier Overlay System.

PASSED AND ADOPTED by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 9th of September, 2004.

Aref Joulani, DRC Chair	YES
Jason King, Planner	YES
David Dacquisto	YES
Andrew Trivette, Biologist	YES
Ralph Gouldy, Senior Environmental Resources Planner	YES
Department of Public Works	YES
Department of Engineering	YES
Department of Health	YES

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY

BY _____

Aref Joulani, DRC Chair

Signed this 9th day of September, 2004.