

Goal: The goal of this element is to achieve a balanced program of environmental protection and economic development; ensure that the quality of environmental resources is maintained or improved during the planning timeframe; to protect and conserve valuable natural resources; maintain a healthy economy by ensuring the continuing viability of natural systems; protect the quality of life County residents and visitors have come to expect; promote the conservation and pollution abatement policies of the State as established by general law, and; support the vision and strategies set forth in the Bay County Vision Statement.

Vision: We will have a safe, healthy and family oriented community with self-sufficient, involved people and appropriate infrastructure to enhance its beauty, natural resources and environment.

General Strategy

The general strategy for conserving important natural resources in Bay County is to view the environment as an economic asset that is vital to this area's economy and quality of life which, if not maintained in a healthy condition, can cause missed opportunities for new industry, loss of existing industry and defense-related jobs, loss of natural resource-based jobs, reduction in property values, increased costs of providing infrastructure services, and decline of the community in general.

This strategy is predicated upon implementing reasonable regulations based on identifiable public purposes that have been established as state policy by the Legislature. Simply stated, the strategy set forth herein is intended to provide a balanced program of regulations to prevent future environmental problems and capital improvement projects intended to solve existing deficiencies and problems. This can be accomplished by identifying those resources that merit special protection and the implementation of regulatory, improvement, or acquisition programs intended to protect and conserve these resources.

Objective 6.1: Eliminate needless duplication of government and regulatory activities relative to protection of natural resources.

Policy 6.1.1: As a political subdivision of the State, the County will, to the maximum extent practicable, rely upon state laws and regulations to meet the conservation goals and objectives of this Plan.

Objective 6.2: Identify and designate locally significant natural resources.

Policy 6.2.1: Locally significant natural resources are as follows:

- (1) Ambient air;
- (2) All waters in the State and lands lying thereunder, including seagrass beds;
- (3) Government owned or leased land that is used for conservation purposes;
- (4) Designated Ecosystem Management Areas;
- (5) Designated Habitat Conservation Areas;

- (6) Sand Hills Lakes;
- (7) Groundwater resources- Aquifer Recharge Areas;
- (8) Wetlands;
- (9) Flood zones;
- (10) Potable water sources;
- (11) Beaches and dunes;
- (12) Selected trees and vegetation;
- (13) Known habitat of threatened or endangered species;
- (14) Pine Islands; and,
- (15) Outstanding Florida Waters (OFW).

Objective 6.3: Maintain or improve air quality levels.

Policy 6.3.1: The County will construct and operate its facilities in accordance with State and Federal standards.

Policy 6.3.2: The County will work through DEP and EPA to eliminate unlawful sources of air pollution.

Objective 6.4: Identify and classify surface waters consistent with State law.

Policy 6.4.1: The term "surface water" shall be defined as found at section 373.019(21), Florida Statutes.

Policy 6.4.2: Surface waters in Bay County will be classified as follows.

- (1) Class I Waters - Bayou George and Creek -- Impoundment to source. Bear Creek -- Impoundment to source. Big Cedar Creek -- Impoundment to source. Deer Point Impoundment -- Dam to source. Econfina Creek -- Upstream of Deer Point Impoundment.
- (2) Class II Waters - East Bay and tributaries -- East of U.S. Highway 98 to, but excluding Wetappo Creek. North Bay and Tributaries -- North of U.S. Highway 98 to Deer Point Dam excluding Alligator Bayou and Fanning Bayou north of an east-west line through Channel Marker 3. West Bay and Tributaries -- West of North Bay (line from West Bay Point on the north to Shell Point on the South) except West Bay Creek (northwest of Channel Marker 27C off Goose Point), Crooked Creek (north of a line from Crooked Creek Point to Doyle Point), and Burnt Mill Creek (north of a line from Graze Point to Cedar Point).

- (3) Outstanding Florida Waters - Lake Powell.
- (4) Class III Waters - All other surface waters except for ditches, canals, man-made pits or ponds, or other similar structures; or as otherwise consistent with s.62-302.400, FAC.
- (5) Class IV Waters - Agricultural water supplies.
- (6) Class V Waters - Navigation, utility and industrial use.

Objective 6.5: Maintain or improve estuarine water quality consistent with State water quality standards.

Policy 6.5.1: The County will maintain or improve estuarine water quality by:

- (1) Upgrading County sewage treatment facilities to advanced wastewater treatment levels or greater;
- (2) Enforcing regulations to ensure that untreated stormwater is not discharged into estuarine waters;
- (3) Using the Master Storm Drainage Plan to guide drainage improvements intended to correct existing stormwater runoff problems;
- (4) Providing central sewer to those coastal areas that contain concentrations of aging or failing septic tanks, and;
- (5) Restricting development in designated Ecosystem Management Areas.

Policy 6.5.2: The County will protect seagrass beds in those areas under County jurisdiction by:

- (1) Requiring erosion control for all development projects adjacent to estuarine waters.
- (2) Prohibiting development that would cause damage or destruction of seagrass beds unless mitigation is undertaken as provided by law.

Objective 6.6: Protect, conserve and appropriately use Outstanding Florida Waters, Class I waters and Class II waters.

Policy 6.6.1: The County will protect and conserve Outstanding Florida Waters and Class I waters by:

- (1) Maintaining Lake Powell as an Outstanding Florida Water (OFW) by enforcing the provisions of the Land Development Regulations;
- (2) Enforcing the provisions of the Deer Point Reservoir Protection Zone (Section 1906 of the Land Development Regulations);

- (3) Maintaining an ongoing water quality monitoring program in Deer Point Reservoir;
- (4) Undertaking paving and drainage improvement projects designed to reduce stormwater runoff into Lake Powell and Deer Point Reservoir, and;
- (5) Prohibiting septic tanks within 100 feet of the shoreline.

Policy 6.6.2: The County will protect and conserve Class II waters by:

- (1) Prohibiting any new point source sewage discharges, and;
- (2) Prohibiting septic tanks within 100 feet of mean high water in all new development projects. Applications for variances will be considered on a site-specific basis only after consultation with the Department of Health regarding possible alternatives.

Objective 6.7: Conserve and manage natural resources on a systemwide basis rather than piecemeal.

Policy 6.7.1: The County will use designated Ecosystem Management Areas illustrated on Map 6.1 as a means for the conservation of natural systems.

Policy 6.7.2: Ecosystem Management Areas are considered "Special Treatment Zones" in which extraordinary regulatory standards may be applied to protect natural resources.

Policy 6.7.3: The following areas or resources are included in Ecosystem Management Areas: Undeveloped, unplatted land in the Rural or Suburban Service Areas adjacent to Class II waters and Outstanding Florida Waters, tributaries and headwaters thereto.

Policy 6.7.4: The following development standards will apply in designated Ecosystem Management Areas.

- (1) The requirements of this policy shall apply unless: 1) it can be demonstrated that no locally significant resources exist on a parcel of land subject to development, or 2) a developer can design and construct a development project such that locally significant environmental resources are preserved, or impact minimized.
- (2) All stormwater runoff will be treated to OFW standards or greater.
- (3) Any new point source discharges of sewage effluent are prohibited.
- (4) All septic tanks will be located at least 100 feet upland of the mean high water line, ordinary high water line, or DEP wetland jurisdiction line.
- (5) Development will be undertaken so as to avoid activities that would destroy wetlands or the natural functions of wetlands.
- (6) No building or structure can be located closer than thirty (30) feet from any DEP wetland jurisdiction line, mean high water line, or ordinary high water line except for piers, docks or

similar structures and an attendant ten (10) foot wide cleared path through the wetland for purposes of providing access to such structure, or wet-land crossings required to connect dry, upland parcels. All native vegetation, if any exists, will be preserved within the 30-foot setback area. This requirement, including possible alternatives, may be further addressed in the Land Development Regulations.

- (7) No development will be permitted that can reasonably be expected to cause short or long term violations of state water quality standards.
- (8) The requirements of this policy will not apply to bona fide agricultural or silvicultural activities whenever established "Best Management Practices" are used.
- (9) Development projects may be clustered to avoid or preserve significant natural resources.

Policy 6.7.5: The County will target strategic habitat conservation areas within Ecosystem Management Areas for land acquisition using federal, state and or local dollars, or by requiring conservation easements.

Policy 6.7.6: The County will encourage and support the preservation and acquisition of lands both within as well as outside of the Ecosystem Management Areas for mitigation or mitigation banking purposes.

Objective 6.8: Identify and protect strategic habitat conservation areas using the Closing the Gaps in Florida's Habitat Conservation System (1994) and 2006 update publications.

Policy 6.8.1: The County will use the regulatory requirements of its Ecosystem Management Areas and Deer Point Reservoir Protection Zone to protect and conserve identified Strategic Habitat Conservation Areas (SHCA).

Policy 6.8.2: Developers of projects within or adjacent to an SHCA must demonstrate through conclusive scientific evidence the presence or absence of rare, threatened or endangered species. If such species are determined to be present the developer must provide a specific conservation plan approved by the U.S. Fish and Wildlife Service to ensure survival of the species.

Policy 6.8.3: Strategic Habitat Conservation Areas as described in the "Closing the Gaps" publication are as follows.

- (1) Patches of sandhill in Washington, Jackson, and Bay counties. Portions of this area include a Strategic Habitat Conservation Area for sandhill communities in Florida. Rare species are listed by more precise geographic areas. Sweetwater, Buckhorn, and Econfina Creeks: gopher tortoise, limpkin, southeastern American kestrel, American swallow-tailed kite, hairy woodpecker, pyramid magnolia, mountain laurel, smooth-barked St. John's-wort, toothed savory.

Porter, Gap, and Deadening lakes (east of State Road 77, north of State Road 20): gopher tortoise, eastern indigo snake, Florida pine snake, gopher frog, toothed savory, white-topped pitcher plant, Harper's yellow-eyed grass, panhandle meadow beauty, smooth-barked St.

John's-wort, and Gulf Coast lupine. Hicks, Lucas, and Big Blue Lakes (west of State Road 77, east of State Road 79, north of State Road 20): eastern indigo snake (several records), gopher tortoise (several records), smooth-barked St. John's-wort, panhandle meadowbeauty, silky camellia, karst pond xyris, Piedmont water-milfoil, pyramid magnolia, heartleaf, and mountain laurel. Court Martial and White Western Lakes (east of State Road 79 and south of State Road 20): Cooper's hawk, hairy-topped pitcher plant, smooth-barked St. John's-wort, Cruise's golden aster, gulf coast lupine, panhandle meadowbeauty, and karst pond xyris.

- (2) Important resources are listed in more precise geographic areas. **Lake Powell:** Strategic Habitat Conservation Area for Cuban snowy plover; other species include Godfrey's golden aster, Gulf Coast lupine, and large-leaved jointweed. **Panama City Beach** (private lands north of U.S. Highway 98): historic record for red-cockaded woodpecker, Chapman's crownbeard, and southern red lily. **St. Andrews Bay:** black skimmer, Strategic Habitat Conservation Areas for western seaside sparrows (coastal marshes along Easy Bay); other species include Wilson's plover (West Bay Point, North Bay, and Goose Point), southern bald eagle, and shorebird aggregation areas. **Tyndall Air Force Base/St. Andrews State Recreation Area:** Strategic Habitat Conservation Area for St. Andrews beach mouse, piping plover, Cuban snowy plover, Wilson's plover, black skimmer, least tern, least bittern, sandwich tern, Wilson's plover, loggerhead turtle, southern red lily, Harper's yellow-eyed grass, Drummond's yellow-eyed grass, Gulf coast lupine, Godfrey's golden aster, Gulf rockrose, Chapman's butterwort, Chapman's crownbeard, giant water-dropwort, and southern milkweed; coastal habitats also important to migratory birds.

Objective 6.9: Maintain water quality and protect rare, threatened or endangered species associated with the Sand Hills Lakes.

Policy 6.9.1: The Sand Hills Lakes are hereby identified as follows.

- (1) Court Martial Lake
- (2) Black Pond
- (3) Sunset Lake
- (4) White Western Lake
- (5) Tank Pond
- (6) Tyson Lake
- (7) Brit Lake
- (8) Lake Merial
- (9) River Lake
- (10) Bream Lake

- (11) Little Island Lake
- (12) Big Island Lake
- (13) Rattlesnake Lake
- (14) Shirt Tail Lake
- (15) Little Blue Lake
- (16) Five Mile Lake
- (17) Island Pond

Policy 6.9.2: Developers of projects on lands adjacent to the Sand Hills Lake shall comply with the requirement of Policies 6.7.4 and 6.8.3.

Policy 6.9.3: Continue to prohibit further amendment of this Plan that would permit an allowable density of greater than one unit per ten acres on land immediately adjacent to any of the Sand Hills Lakes outside designated Rural Communities. Proposed developments not immediately adjacent to, but within 1320 feet of a Sand Hill Lake, and outside of a designated Rural Community, will provide, prior to approval, an analysis indicating that the development will not be too dense or intense to sustain the lake.

Policy 6.9.4: Surface water and ground water withdrawals that can reasonably be expected to draw down water levels in the Sand Hills Lakes are prohibited.

Policy 6.9.5: The County will contact lakefront residents to determine the feasibility of instituting Lakewatch Programs for the Sand Hill Lakes.

Objective 6.10: Conserve, protect and appropriately use potable water and potable water sources.

Policy 6.10.1: Potable water sources include reservoirs, public drinking water wells, and identified high aquifer recharge areas.

Policy 6.10.2: The County will use the provisions of the Deer Point Reservoir Protection Zone (Section 1906 of the Land Development Regulations) to control development and protect water quality in Deer Point Reservoir and major tributaries thereto.

Policy 6.10.3: The County will maintain an ongoing water quality monitoring program in Deer Point Reservoir to ensure that water quality standards are met or exceeded.

Policy 6.10.4: Public drinking water wells must be located as specified in section 62-555.312 (FAC).

Policy 6.10.5: The County will maintain rural densities and intensities of development in identified high aquifer recharge areas.

Objective 6.11: Protect and conserve wetlands and the natural functions of wetlands.

Policy 6.11.1: For purposes of this Plan the term "wetlands" means the same as defined at section 373.016(17), Florida Statutes.

Policy 6.11.2: Dredge and fill activities in wetlands will be governed by applicable federal and state regulatory requirements.

Policy 6.11.3: To protect and ensure an overall no net loss of wetlands, the County will employ the following measures to protect and conserve wetlands.

- (1) Wetlands and their required setbacks will be delineated and depicted on all site plans included in applications for development approval.
- (2) Developers will design and construct development projects so as to avoid activities that would destroy wetlands or the natural functions of wetlands jurisdictional to Federal or State agencies.
- (3) Wetland setbacks will be required as specified in Policy 6.7.4 for development on lots or parcels created after the effective date of this policy. Alternative project design and construction may be permitted in lieu of a required buffer when it can be demonstrated that such alternative design provides equal or greater protection to the wetland or its habitat value.
- (4) Wetlands walkway crossings that connect dry upland areas are permissible provided the natural water flow between wetlands is not interrupted, and crossings are constructed to allow maximum light penetration to the vegetation below.
- (5) In the event a lot or parcel of property is rendered totally undevelopable by avoidance of wetlands the property may be developed when: 1) disturbance of wetlands is the minimum necessary to build an allowable use; 2) applicable Federal and State regulatory permits are obtained; and, 3) mitigation is provided consistent with applicable law.
- (6) No dredge and fill permit may be utilized with the intent of creating a wetland setback.

Objective 6.12: Reduce the potential for shoreline erosion or sedimentation and reduce the potential for property damage caused by erosion.

Policy 6.12.1: All principal structures shall be located no closer than thirty (30) feet from the mean high water or ordinary high water line of all naturally occurring surface waters. Further criteria may be included in the Land Development Regulations.

Policy 6.12.2: No new development will be permitted that will contribute to the shoreline erosion of adjacent properties.

Policy 6.12.3: Temporary erosion control measures (e.g. silt fence, hay bales, etc.) shall be used to control potential erosion caused by development adjacent to shorelines.

Objective 6.13: Protect and conserve selected trees and important vegetative communities.

Policy 6.13.1: The County will maintain tree protection regulations as part of the Land Development Regulations. These regulations will include criteria for:

- (1) Type and size of protected trees;
- (2) Exemptions;
- (3) Conditions for tree removal;
- (4) Replacement of removed trees;
- (5) Protection of trees during development, and;
- (6) Preservation of certain large trees.

Policy 6.13.2: The County will maintain "green space" and vegetation in the Urban and Suburban Service Areas by preserving trees and requiring that landscaping be installed as part of development projects.

Policy 6.13.3: Developers of land within Ecosystem Management Areas and Strategic Habitat Conservation Areas will be required to preserve those vegetative communities that are critical to continuation of the habitat.

Objective 6.14: Identify and classify areas to be designated for conservation purposes on the Future Land Use Map (FLUM).

Policy 6.14.1: Conservation designations to be shown on the FLUM include Preservation, Conservation/Habitation, and Conservation/Recreation.

Policy 6.14.2: The Preservation designation is intended to ensure that protected resources are preserved essentially in a natural condition with very limited alteration. Areas or resources to be designated as Preservation include:

- (1) Major tributaries that flow into estuarine waters;
- (2) Sand Hills Lakes;
- (3) Government owned lands used for preservation purposes;
- (4) Seagrass beds, and;
- (5) Pine Islands.

Policy 6.14.3: The Conservation/Habitation designation is intended to provide for conservation with appropriate use through regulations that will minimize damage to natural resources. Areas or resources to be designated as Conservation/Habitation include:

- (1) Ecosystem Management Areas;
- (2) Habitat Conservation Areas; and
- (3) Government-owned or leased lands used for conservation purposes.

Policy 6.14.4: The Conservation/Recreation designation is intended to provide areas that are jointly used for both conservation and recreation purposes. Areas or resources to be designated as Conservation/Recreation include:

- (1) St Andrews State Recreation Area and Aquatic Preserve;
- (2) Pine Log State Forest;
- (3) Northwest Florida Water Management District Areas; and
- (4) Shell Island.

Objective 6.15: Provide landowners with beneficial use of their property when environmental restrictions cause the loss of full development potential through use of innovative and flexible development strategies.

Policy 6.15.1: On lots or parcels where locally significant environmental resources exist and resulting development restrictions apply, owners or developers may use, or be required to use, the following innovative land development techniques:

- (1) Clustering
- (2) Mitigation.

Policy 6.15.2: The concept of clustering involves allowing development on the most suitable parts of a development site while avoiding environmentally sensitive areas of the site. In order for clustering to be allowed the following criteria must be met:

- (1) The resource to be protected or preserved must be clearly identified.
- (2) Clustering must be limited to a single lot, piece or parcel of property rather than multiple parcels, unless multiple parcels fall within the limits of a common Development Order.
- (3) The avoided resource must be protected or preserved in perpetuity.

- (4) In order to determine the allowable development on a site the number of units allowed for the whole parcel must first be determined. This number of units will then be allowed on the portion of the parcel that remains after environmental resources are perpetually preserved, subject to the availability of facilities and services.
- (5) Resource preservation may be through common open space, fee simple transfer, conservation easement, or other similar means.
- (6) This policy may be further described in the Land Development Regulations.

Objective 6.16: Acquire property that is instrumental in meeting the County's conservation objectives.

Policy 6.16.1: The County will target for purchase properties adjacent to existing conservation lands, strategic habitat conservation areas, or land that is needed for capital improvements required to meet conservation objectives.

Policy 6.16.2: The County will use available external funding sources such as grants, loans, or appropriations to acquire conservation lands.

Policy 6.16.3: The County will consider accepting dedications of preserved areas as an incentive (property tax reduction) for preservation of environmental resources on a case-by-case basis.

Policy 6.16.4: The County will apply for State funds such as "Florida Forever", CARL or other applicable funds for the purchase of vacant, undeveloped land along the shorelines of West Bay and East Bay.

Policy 6.16.5: The County will target for purchase the remaining privately owned properties on Shell Island in order to protect the natural resources and minimize damage to persons and private property on Shell Island, and enhance public access to St. Andrew Bay and saltwater beaches in Bay County.

Policy 6.16.6: The County will coordinate the management of natural areas and open spaces on land acquired for preservation, conservation, or recreation purposes with other State, Federal, and local agencies, and non-profit organizations.

Objective 6.17: Maintain development review procedures that will promote protection of cultural and historic resources.

Policy 6.17.1: The County will use the State of Florida Master Site File to identify those areas where cultural, archaeological or historic resources may exist. Developers of property within these areas must either demonstrate that no such resources are present or provide a protection plan which demonstrates how these resources will be protected or preserved.

Objective 6.18: Protect, conserve, and acquire Pine Islands as unique habitat conservation areas.

Policy 6.18.1: "Pine Islands" are small upland areas generally twenty (20) acres in size or less (usually characterized by typical pine flatwood vegetation) which are surrounded by waters of the

State, wetlands, saltmarsh, or tidal mud flats. Development, including land clearing, on any Pine Island is prohibited.

Policy 6.18.2: The County shall pursue available Federal, State, and local funds to acquire and preserve "Pine Island" and surrounding wetland areas.

Objective 6.19: Identify, conserve or protect unique vegetative communities located within more than one jurisdiction.

Policy 6.19.1: The County will coordinate with state and local agencies toward the conservation and protection of unique vegetative communities.

Objective 6.20: Maintain or improve water quality and bio-diversity in the Lake Powell Outstanding Florida Water (OFW).

Policy 6.20.1: Restrict use of individual household septic tank systems or other alternative individual household domestic waste treatment systems (hereafter referred to as septic tanks) around Lake Powell and areas that discharge into Lake Powell. This restriction shall prohibit the location of septic tanks within the first 100 feet of the shoreline of Lake Powell as defined by mean high water and shall further prohibit the location of septic tanks in the second 100 feet of the shoreline as defined by mean high water in areas where, by virtue of topography, soil type, or groundwater type, the location of septic tanks may not be suited. On all properties located adjacent to tributaries to the Lake, there shall be a 100 foot setback landward from the Department of Environmental Regulation wetlands jurisdictional line within which no portion of any septic tank may be located.

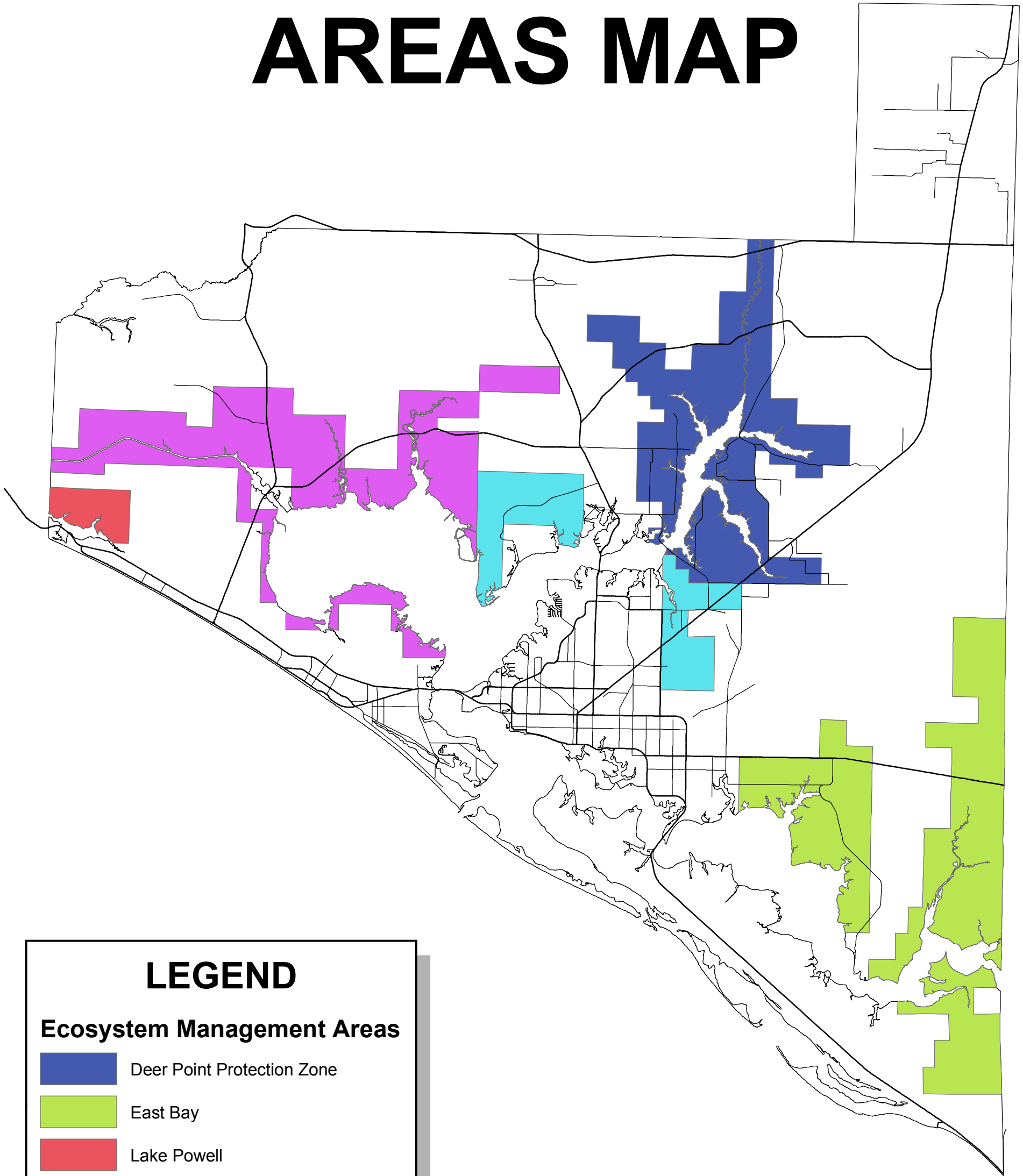
Policy 6.20.2: Those areas of the shoreline of Lake Powell designated for "Residential" or "Seasonal/Resort" development on the Future Land Use Map in a zone 200 feet wide using the standards identified in section 177.27, Florida Statutes, shall be designated a special low density overlay zone. Within this zone, maximum density shall be two dwelling units per acre, and land use shall be limited to single-family dwellings in which 60% of each building site must be of porous materials. Twenty-five (25) percent of each building site must be composed of native vegetation and septic tanks may be placed only in adequate soils as identified in 10D-6, FAC.

Policy 6.20.3: General permits for dredge and fill activities shall be restricted consistent with section 403.814, Florida Statutes.

Objective 6.21: Protect surface- and ground-water resources, air quality, soils, flora and fauna, and public health, safety, and welfare from contaminants associated with hydraulic fracturing.






Policy 6.21.1: Prohibit hydraulic fracturing in all land use categories listed in Table 3A and 12A of this Plan. Hydraulic fracturing is the process which fractures in rocks below the earth's surface are forced open and widened by injecting chemicals and liquids at high pressure and typically used to extract natural gas or oil. (Amended Ord. 16-18, 5-17-16)

ECOSYSTEM MANAGEMENT AREAS MAP



LEGEND

Ecosystem Management Areas

-  Deer Point Protection Zone
-  East Bay
-  Lake Powell
-  North Bay
-  West Bay

