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Conservation Element

1 **CONSERVATION ELEMENT**

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3 The purpose of the Conservation Element is to provide for the conservation, appropriate use, and  
4 protection of natural resources within Hendry County.  
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6  
7 **GOAL 1:** The purpose of the Conservation Element is to provide for the conservation,  
8 appropriate use, and protection of natural resources within Hendry County.  
9 The goal is to conserve and enhance the quality of the natural resources in  
10 Hendry County for current and future population.  
11

12 **OBJECTIVE 1.1:**

13  
14 The Policies under this Objective describe the categories shown on the Conservation maps, and  
15 describe the nature and applicable criteria and requirements related to each category. The  
16 categories require various levels of treatment concerning conservation, use, and protection as  
17 noted in the Policies below.  
18

19 Because of their dynamic natures and their often conflicting definitions among agencies and  
20 professionals, the environmental categories illustrated as part of the Conservation Element Map  
21 series must be considered generalized. These maps act to flag general areas in which an  
22 environmental category likely exists; however, a more detailed examination must be conducted  
23 for specific locations on a case by case basis to reveal the full extent and actual locations of each  
24 environmental category.  
25

26 During the planning period, the County shall provide for the conservation and appropriate use of  
27 mineral resources to ensure that the water quality and quantity of wetlands, surface waters, or  
28 aquifers shall not be degraded or reduced by development activities, including mining, and that  
29 there will be no net loss of or impairment of natural functions of wetlands or surface waters  
30 resulting from development activities, including mining. This objective will be accomplished  
31 through the implementation of the policies set forth below  
32

33 **Policy 1.1.1: Wetlands:** Wetlands are areas identified by plant communities commonly  
34 associated with lands inundated by water for a significant period each year.  
35 The Land Cover map provides general location for wetlands. Wetlands  
36 serve an important ecological function for flood control, water quality, and  
37 water management. Therefore, the potential for development within  
38 wetland areas shall be regulated to limit impacts according to the following  
39 provisions:  
40

41 Jurisdictional determination of wetlands by the appropriate state agency  
42 shall be conducted and submitted with applications for a final permit issued  
43 by Hendry County.  
44

45 a) In order to protect and conserve wetlands, impacts to jurisdictional

46 wetlands shall be avoided to the greatest extent possible through  
47 clustering.  
48

49 b) On parcels that contain jurisdictional wetlands, development is to be  
50 clustered and located on disturbed land or land deemed to be of  
51 the lowest quality vegetative community available according to a  
52 professional environmental assessment consistent with state and  
53 federal methodologies. Subdivisions shall also be designed to  
54 preserve jurisdictional wetland areas and create lots containing  
55 disturbed land or land of the lowest quality vegetative community  
56 available according to a professional environmental assessment  
57 consistent with state and federal methodologies.  
58

59 c) If development within jurisdictional wetlands is unavoidable,  
60 development within wetlands shall be minimized to the greatest extent  
61 possible. Hendry County shall discourage incompatible uses within  
62 wetlands. Permissible uses shall be limited to single family and two-  
63 family residential dwellings. All other uses will be directed away  
64 from wetlands. Residential density within wetlands is limited to one  
65 unit per 20 acres.  
66

67 d) If development within jurisdictional wetlands is unavoidable, all uses  
68 in wetlands shall meet applicable state and Federal regulations and  
69 permitting requirements.  
70

71 **Policy 1.1.2:** The County shall support the Everglades CERP Plan as implemented by the  
72 Water Management District. Such support shall consist of, but not be limited  
73 to, review of the CERP Plan to determine which portions should be  
74 incorporated into the County’s Comprehensive Plan, distribution of  
75 information on the CERP Plan to landowners, developers, and staff who are  
76 affected by its provisions, and provision of available information to the  
77 District to assist the District in its own implementation efforts.  
78

79 **Policy 1.1.3:** Hendry County shall work towards the establishment of mitigation areas  
80 within the County to ensure that local impacts to protect wildlife are  
81 mitigated locally.  
82

83 **Policy 1.1.4: Groundwater Protection:**  
84 No areas have currently been designated as Groundwater Protection for lack  
85 of appropriate locational data and information. Map titled, Oil Well Fields,  
86 and Cones of Influence is provided to illustrate areas identified as cones of  
87 influence.  
88

89 Any land use proposed for development within one-half mile of any potable  
90 water well designated on Map: Oil Well Fields, and Cones of Influence is to  
91 be reviewed as a Special Exception in order to determine impact on

92 groundwater resources from the proposed use and specific development.  
93 Such review shall address, but is not limited to: restrictions on land uses  
94 which involve pollutants and/or restrictions on handling and storage of  
95 hazardous/toxic materials in order to minimize the opportunity for  
96 contamination. In addition, the following standards shall apply to the  
97 location of certain activities within close proximity to public potable water  
98 wells: (a) septic tanks shall be prohibited within two hundred (200) feet of a  
99 well; (b) any generation, use, storage, transfer, treatment, or disposal of  
100 hazardous materials (including hazardous waste, agricultural chemicals, and  
101 petroleum products) shall be prohibited within four hundred (400) feet of a  
102 well.

103  
104 **Policy 1.1.5:** Work with the SFWMD to identify new water sources in the County, as  
105 provided within the Lower West Coast Water Supply Plan and Hendry  
106 County’s Ten-Year Water Supply Facilities Plan, as updated.  
107

108 **Policy 1.1.6:** **Historic Resources:**  
109 There are many historic and archeological places in Hendry County,  
110 including various Indian mounds, historic fort locations, and the Hendry  
111 County Courthouse, which are listed in the Florida Master File of historic  
112 and archaeological places. The locations are indicated on the Historical and  
113 Archeological Sites map.  
114

115 Any development proposal which encompasses a historic and/or  
116 archaeological site which is listed on the Florida Master File or on the  
117 Historical and Archeological Sites map shall be reviewed for historic  
118 significance by professionals in appropriate agencies with requisite  
119 experience on the request of Hendry County staff.  
120

121 **Policy 1.1.7:** **Soils and Topography:**  
122 Soils classifications are included on the map titled Soils. Extensive  
123 development potential rating of soils in Hendry County is not yet available.  
124 A rating system that pertains to the septic tank suitability of soils is  
125 available, and has served as a guide for the location of land use categories  
126 and densities.  
127

128 **Policy 1.1.8:** The septic tank permitting process shall be conducted by the Hendry County  
129 Environmental Services Department and shall be consistent with the  
130 Department of Health.  
131

132 **Policy 1.1.9:** A rating system that indicates the potential for leaching and runoff of  
133 pesticides for the soil types present in Hendry County is available from The  
134 University of Florida Institute of Food and Agricultural Sciences (IFAS)  
135 Cooperative Extension Service, which provides the publication titled  
136 “Hendry County: Soil Ratings for Selecting Pesticides.” This publication is  
137 a resource that indicates soils with high runoff potential are present in

138 Hendry County. This publication shall be used in conjunction with the maps  
139 provided in the “Hendry County Soil Survey Report” by the IFAS  
140 Cooperative Extension Service as reference for operators of agricultural  
141 activity to guide the selection of which pesticides are appropriate according  
142 to site specific soil types.  
143

144 **Policy 1.1.10: Minerals:**  
145 Possible commercially valuable minerals are not specifically mapped due to  
146 the lack of specific locational information. It is noted on the maps that  
147 Hendry County has extensive areas of mineral resources including sand,  
148 sand shell and marl, and some peat, covering nearly the entire land area of  
149 the County.  
150

151 **Policy 1.1.11: Mining:**  
152 The removal of mineral resources, earthen materials or deposits by means of  
153 excavation, stripping, grading, or by any other process for use off-site shall  
154 constitute mining and shall require County approval. Excavation activities  
155 that do not constitute mining are excavations required for: onsite water  
156 management, onsite backfilling or grading, foundations of swimming pools,  
157 fences, walls, and small ponds not exceeding five percent of the total land  
158 area.  
159

160 **Policy 1.1.12:** Proposed mining activities require approval by Hendry County according to  
161 the development regulations set forth in the Land Development Code, which  
162 are intended to address issues such as groundwater monitoring, screening,  
163 access, and compatibility with adjacent uses. At a minimum, a request for  
164 approval of a mining activity must include a master plan indicating the  
165 limits of the proposed mining activity, the potential impacts of the proposed  
166 mining activity on listed species and native vegetation (with demonstrated  
167 adherence to the policies under Objectives 1.1 and 1.2), the proposed  
168 mechanism for extraction, the proposed timeframe for the mining activity,  
169 and a restoration plan. No conflicting land uses shall be permitted within the  
170 limits of the mine during the period of the mining activity. In addition to the  
171 requirements put forth in these policies, all mining activities and restoration  
172 shall be consistent with state law.  
173

174 **Policy 1.1.13:** Environmentally sensitive lands, including wetlands, surface waters, upland  
175 habitat adjacent to wetlands and surface waters, floodplains, and listed  
176 species habitat must be restored after mining to their condition prior to  
177 mining, or an equivalent area onsite must be created, according to function,  
178 type, extent, and quality. Mining shall be prohibited in such environmentally  
179 sensitive lands where such restoration of the natural functions to their prior  
180 type, extent, quality and location, or equivalent created area onsite, is not  
181 feasible.  
182

183 **Policy 1.1.14:** **Caloosahatchee River:** The Caloosahatchee River (also designated canal  
184 number C-43) is rated a Class III river according to the surface water quality  
185 classification system of the Florida Department of Environmental Protection  
186 (FDEP). This classification represents benefits from the river for recreation,  
187 fish and wildlife, and is a middle range classification in the DEP system  
188 which runs from Class I (potable water) to Class V (industrial). The  
189 Caloosahatchee River is under the management of the South Florida Water  
190 Management District (SFWMD) and Army Corps of Engineers (ACOE).

191  
192 **Policy 1.1.15:** Nonpoint source pollution occurs when stormwater runoff carrying  
193 pollutants flows into water bodies. In order to protect the Caloosahatchee  
194 River from improperly managed runoff, the County shall limit land uses and  
195 activities on property abutting the river that result in water quality  
196 degradation. Hendry County staff will coordinate with the SFWMD and  
197 FDEP and will monitor the development of Total Maximum Daily Load  
198 (TMDL) and Basin Management Action Plan (BMAP) for the  
199 Caloosahatchee River. State Agency regulations, once adopted, will guide  
200 Hendry County's evaluation and application of development standards on  
201 property abutting the Caloosahatchee River and its tributaries.

202  
203 **Policy 1.1.16:** Agricultural activities and keeping of livestock occur on properties  
204 designated in both Residential and Agriculture categories on the Hendry  
205 County Future Land Use Map. Hendry County shall encourage Best  
206 Management Practices established by the Florida Department of Agriculture  
207 and Consumer Services (FDACS) Office of Agricultural Water Policy for  
208 property owners abutting the Caloosahatchee River and its tributaries  
209 engaged in agricultural activities and keeping of livestock. FDACS's *Water  
210 Quality/Quantity Best Management Practices for Florida Equine 2008*  
211 Edition (Draft Date: 12/09/08) provides the following examples of practices  
212 to minimize water quality impacts : maintaining vegetative cover;  
213 managing manure; controlling density of livestock; incorporating planned  
214 grazing systems; encouraging animals away from the river with structural  
215 barriers, buffers and feeding area setbacks; and preventing direct flow of  
216 stormwater runoff into the river by using swales, constructed wetlands, and  
217 stormwater retention ponds.

218  
219 For property owners along the river and its tributaries engaged in existing  
220 agriculture or keeping of livestock, Hendry County shall implement an  
221 educational program outlining the importance of maintaining water quality  
222 and associated Best Management Practices. The educational program may  
223 include public meetings, brochures, website information, tours, and a hotline  
224 for reporting activities that threaten water quality.

225  
226 An example of a stocking rate standard from FDACS's *Water  
227 Quality/Quantity Best Management Practices for Florida Equine 2008*

228 Edition (Draft Date: 12/09/08) is as follows:

229  
230 An example of a stocking rate standard from FDACS Best Management  
231 Practices for Florida Equine (2008 Edition Draft) is as follows:  
232

$$\text{Pasture Acres Required} = \frac{(\# \text{ horses}) \times (\text{average body weight in pounds}) \times (.03) \times (\# \text{ grazing days})}{\text{Average forage production, in pounds per acre}}$$

233  
234  
235 **Policy 1.1.17:** Hendry County shall coordinate with and assist the SFWMD, ACOE and  
236 other private and public entities in efforts to restore and ensure the long-  
237 term stability of the Caloosahatchee Oxbows.  
238

239 **Policy 1.1.18:** The County shall coordinate with the University of Florida Institute of Food  
240 and Agricultural Sciences Extension Office to promote the Florida Friendly  
241 Landscapes Program and shall utilize, whenever possible, Florida Friendly  
242 Landscape techniques and plants for county-owned property. Florida  
243 friendly landscapes use native vegetation that require low levels of irrigation  
244 and fertilization.  
245

246 **Policy 1.1.19:** The County shall develop and adopt criteria and standards in the Land  
247 Development Code including building design standards that consider solar  
248 orientation, low impact development standards, and use of native  
249 landscaping.  
250

251 **OBJECTIVE 1.2: WILDLIFE HABITAT OF ENDANGERED AND THREATENED**  
252 **SPECIES AND SPECIES OF SPECIAL CONCERN/VEGETATIVE**  
253 **COMMUNITIES**  
254

255 The County shall coordinate with State and Federal wildlife agencies to ensure that critical  
256 habitat for listed species is protected consistent with State and Federal agency guidance. This  
257 Objective shall be implemented by a program of activities which includes the following:  
258

259 **Policy 1.2.1:** It shall be the policy of Hendry County to protect habitat for threatened or  
260 endangered species or species of special concern from destruction by  
261 development.  
262

263 **Policy 1.2.2:** State and Federal wildlife agency requirements shall be followed and  
264 evidence of compliance shall be provided with a final permit.  
265 Documentation of an approved mitigation and/or management plans must be  
266 provided prior to issuance of a final permit by Hendry County.  
267

268 **Policy 1.2.3:** In accordance with State and Federal wildlife agency methodology, Hendry  
269 County shall require a listed species survey for proposed development sites  
270 of 20 acres or more, and on development sites with proposed wetland

271 impacts of one acre or more. However, the Planning Director may  
272 determine a development site under these thresholds is of environmental  
273 significance due to its site conditions, surrounding site conditions, or  
274 proximity to known listed species habitat, and therefore a listed species  
275 survey may be required.  
276

277 **Policy 1.2.4:** On sites where listed species are identified as likely to occur, sufficient area  
278 shall be established on the site and in conjunction with adjacent properties to  
279 maintain viable habitat for listed species. All development that proposes  
280 impact to listed species habitat must provide evidence of consultation and  
281 compliance with applicable USFWS and FFWCC requirements prior to  
282 issuance of a final permit by Hendry County.  
283

284 **Policy 1.2.5:** The County shall seek consultation from the USFWS and the FFWCC, as  
285 well as stakeholders, in the consideration of species-specific habitat  
286 protection policy and criteria.  
287

288 **Policy 1.2.6:** To protect listed species, and particularly migratory birds, from the impacts  
289 associated with communication towers, the County shall refer to the U.S.  
290 Fish and Wildlife Service (USFWS) Guidance on the Siting, Construction,  
291 Operation and Decommissioning of Communication Towers (September  
292 2000). For any application for development of a communication tower, the  
293 County shall require the applicant to provide an analysis of impacts to  
294 natural areas, including the project's location within the Panther Primary  
295 Habitat Area, and project's location with regard to the core foraging area of  
296 known wood stork colonies. Co-location of towers shall be encouraged.  
297 The County may request technical assistance from the USFWS if the  
298 proposed communication tower project does not specifically comply with  
299 the Service Guidance on the Siting, Construction, Operation and  
300 Decommissioning of Communication Towers.  
301

302 **Policy 1.2.7:** The land development regulations adopted by the County shall continue to  
303 state that no final permit will be issued by any agency of Hendry County  
304 until the applicant provides evidence that the requirements of state and  
305 federal law as set forth in policies under Objectives 1.1 and 1.2 have been  
306 or will be complied with by the applicant and that the natural functions  
307 of designated or otherwise known environmentally sensitive lands will not  
308 be adversely affected by the use for which the application is sought.  
309 Wetlands, aquifer recharge areas, native vegetation communities, wildlife  
310 habitat, and potable water well cones of influence shall be regulated in  
311 accordance with the applicable Comprehensive Plan policies for these  
312 resources.  
313

314 **Policy 1.2.8:** The County shall coordinate its efforts with the regional hazardous waste  
315 program as defined in the Southwest Florida Regional Planning Council's  
316 Strategic Regional Policy Plan.



317 **OBJECTIVE 1.3: NATURAL RESERVES/RECREATION**

318

319 The County shall seek the preservation of natural areas identified in the Recreation and Open  
320 Space Element, as well as proposed natural recreation areas, by implementing the following  
321 policies:

322

323 **Policy 1.3.1:** The County will evaluate the feasibility of adopting watershed management  
324 provisions, by basin, to protect water quality, supply, and wetlands and  
325 listed species habitat.

326

327 **Policy 1.3.2:** The County will evaluate the feasibility of implementing Best Management  
328 Practices for urban areas to manage stormwater and fertilizer runoff that  
329 impacts water quality.

330

331 **Policy 1.3.3:** The County shall assess its current and projected water needs and sources  
332 for at least a 10-year period, considering the South Florida Water  
333 Management District regional water supply plan approved pursuant to s.  
334 373.0361.