

## V

### CONSERVATION ELEMENT

#### INTRODUCTION

The following goal, objectives and policies constitute the Conservation Element providing for the promotion of the conservation, use and protection of the County's natural resources. The data collected for this plan element and analysis of this data, contained in the County's Data and Analysis document, are not part of this plan element, but serve to provide a foundation and basis for the formulation of this portion of the Comprehensive Plan.

Conservation uses are defined as activities within land areas designated for the purpose of conserving or protecting natural resources, ~~or~~ environmental quality, or agriculture and silviculture through conservation easements or related tools and within this plan includes areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, or protection of vegetative communities or wildlife habitats.

The Future Land Use Plan map addresses conservation future land use as defined above. The conservation future land use category shown on the Future Land Use Plan map identifies future conservation areas which consist of land within the County which is anticipated to have planned management of a natural resource to prevent exploitation, destruction or neglect of that natural resources. The majority of the areas shown are wildlife management areas and Water Management District lands.

The Future Land Use Plan map series includes the identification of flood prone areas, wetlands, existing and planned waterwells, rivers, bays, lakes, minerals and soils, which are land cover features, but are not land uses. Therefore, although these natural resources are identified within the Future Land Use Plan map series, they are not designated on the Future Land Use Plan map as conservation areas. However, the constraints on future land uses of these natural resources are addressed in the following goal, objective and policy statements.

#### CONSERVATION GOAL, OBJECTIVES AND POLICIES

GOAL V - CONSERVE, THROUGH APPROPRIATE USE AND PROTECTION, THE RESOURCES OF THE COUNTY TO MAINTAIN THE INTEGRITY OF NATURAL FUNCTIONS.

**OBJECTIVE V.1**     The County shall continue to enforce provisions within the site plan review process to protect air quality by requiring the appropriate siting of development and associated public facilities.

POLICY V.1.1 The County shall require that all appropriate air quality permits are obtained prior to the issuance of development orders, so that minimum air quality levels established by the Florida Department of Environmental Protection are maintained in the County.

OBJECTIVE V.2 The County shall provide for the conservation, appropriate use and protection of the quality and quantity of current and projected water sources, **and** shall require a 300 foot wellfield protection area around community potable water system wells. In addition, the County, in order to protect high groundwater aquifer recharge areas as designated by the Water Management District and depicted in Appendix A of this Comprehensive Plan, shall continue to limit development in those areas as specified in the high groundwater aquifer recharge protection policy of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of this Comprehensive Plan.

Policy V.2.1 The County as part of the development review process shall require the coordination of development plans with the Florida Department of Environmental Protection and the Water Management District to assist in the monitoring uses which may impact the current and projected water sources of the County.

~~Policy V.2.2 The County shall protect the present water quality classification established by the Florida Department of Environmental Protection by prohibiting industrial uses, intensive commercial uses and intensive agricultural uses (the term intensive agriculture means those agricultural uses requiring an industrial waste permit from the Florida Department of Environmental Protection) to be located within or adjacent to the surface waters of the County. For the purpose of this Comprehensive Plan "surface water" means water above the surface of the ground whether or not flowing through definite channels, and including: (1) a natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or (2) a natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or (3) any wetland.~~

**Note: The following language was adopted by Ordinance No. 2007-04, however it was challenged and never actually became part of the Plan. The County decided to not move forward with this amendment and repealed the 2007-04 by Ordinance 2008-04.**

**Policy V.2.2** **The County shall protect the present water quality classification established by the Florida Department of Environmental Protection for certain specified water bodies pursuant to Rule 62-302.400, Florida Administrative Code, by ensuring that industrial uses, intensive commercial uses and intensive agricultural uses (the term intensive agriculture means those agricultural uses requiring an industrial waste permit from the Florida Department of Environmental Protection) to be located within or adjacent to the surface waters of the County will be in the public interest and will not degrade the existing water quality of the receiving water body. Mitigation shall ensure that the water quality classification of the receiving water body is maintained. For the purpose of this Comprehensive Plan “surface water” means water above the surface of the ground whether or not flowing through definite channels, and including: (1) a natural or artificial pond, lake reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or (2) a natural or artificial stream, waterway, gully, ravine, street, roadway swale, or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks. Wetlands shall be protected in accordance with the other applicable provisions of this Comprehensive Plan.**

Policy V.2.3 The County shall identify and make recommendations to appropriate state agencies, for the purchase of environmentally sensitive lands as part of the Florida Forever Program, as listed by the Acquisition and Restoration Council for the Board of Trustees of the Internal Improvement Trust Fund, Water Management District, or U.S. Government, under programs administered by the U.S. Department of the Interior, Florida Department of Environmental Protection or the land acquisition programs of the Water Management District.

Policy V.2.4 The County shall require that, unless impacts are mitigated pursuant to Florida Department of Environmental Protection or other appropriate state agency requirements, a 35-foot natural buffer shall be maintained around all wetlands and prohibit the location of agricultural, residential, commercial and industrial land uses within the buffer areas. Mitigation measures must be acceptable to the Department of Environmental **Protection Regulation** or other governmental agency having mitigation permit jurisdiction but allow silviculture and resource based recreation

activities within the buffer areas in accordance with the silviculture policies of the Conservation element of this Comprehensive Plan. Normal agricultural and pine silvicultural activities shall be allowed, subject to Best Management Practices 2000 as adopted by the Florida Department of Agriculture or Florida Division of Forestry, as appropriate, and also subject to the current regulatory requirements of Chapters 373 and 403, Florida Statutes, and the rules, regulations and permitting requirements of the Suwannee River Water Management District and other State or Federal governmental agencies having jurisdiction. Unless further restricted by the County's Land Development Regulations, normal hardwood silvicultural activities shall be allowed subject to Best Management Practices and other regulatory requirements as cited for pine silviculture above.

Policy V.2.5                   The County shall, through the development review process, require that post-development runoff rates and pollutant loads do not exceed pre-development conditions.

Policy V.2.6                   The County shall require all new development to maintain the natural functions of environmentally sensitive areas, including but not limited to wetlands and 100-year floodplains so that the long term environmental integrity and economic and recreational value of these areas is maintained. This will be accomplished through compliance with applicable statutes, rules and regulations of State and Federal Agencies having jurisdiction.

Policy V.2.7                   The County shall require that, unless impacts are mitigated, the conservation of wetlands shall be provided for through prohibiting any development or dredging and filling which would significantly alter their natural functions. Mitigation measures must be acceptable to the Department of Environmental Protection or other governmental agency having mitigation permit jurisdiction. Resource based recreation activities (such as hunting and fishing) shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed, subject to Best Management Practices as adopted by the Florida Department of Agriculture and Consumer Services, Division of Forestry, as appropriate, and also subject to the current regulatory requirements of Chapters 373 and 403, Florida Statutes, and the rules, regulations and permitting requirements of the Suwannee River Water Management District and other Federal or State governmental agencies having jurisdiction. Unless further restricted, normal hardwood silvicultural activities shall be allowed subject to Best Management Practices and other regulatory requirements as cited for pine silviculture above.

- Policy V.2.8 The County shall provide for the conservation of wetlands through prohibiting any development or dredging and filling, which would significantly alter their natural functions without mitigation. Agricultural, and silvicultural activities consistent with Best Management Practices manual developed by the Florida Department of Agriculture and Consumer Services, shall be allowed.
- Policy V.2.9 The County shall support water conservation programs conducted by the Water Management District within the scope of their delegated authority.
- Policy V.2.10 The County shall cooperate with the plans of the Water Management District for the emergency conservation of water sources.
- Policy V.2.11 The County shall, as part of the developmental review process, limit development to low density and non-intensive uses in high groundwater aquifer recharge areas designated by the Water Management District within the scope of their delegated authority.
- Policy V.2.12 The County as part of the development review process shall require the maintenance of the quantity and quality of surface water runoff within freshwater stream to sink watersheds by requiring the installation of structures or other devices designed to prevent the degradation of the quality and quantity of surfacewater runoff within the County.
- Policy V.2.13 The County shall require that all hazardous waste generators properly manage their own wastes in compliance with current statutes or other governmental regulations, and shall, as part of the development review process, require that new hazardous waste generators comply with all applicable federal and state permitting requirements before approving any development plans.
- Policy V.2.14 The County shall require a 75-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks and their estuaries located within the significant natural areas identified in the Conservation element of this Comprehensive Plan, and prohibit the location of residential, commercial and industrial (including mining) land uses within the buffer areas. Resource based recreation activities (such as hunting and fishing) shall be allowed. Also beyond seventy-five (75) feet, normal agricultural and silvicultural activities will be allowed, subject to Best Management Practices and all other existing regulations. Normal agricultural and pine silvicultural activities shall be allowed outside the 75-foot regulated

natural buffer, subject to Best Management Practices as adopted by the Florida Department of Agriculture and Consumer Services, Division of Forestry, as appropriate, and also subject to all other existing regulations. The County has reserved the right to further regulate hardwood silvicultural activities. Agricultural and silvicultural activities are also subject to the current regulatory requirements of Chapters 373 and 403, Florida Statutes, as well as the rules, regulations and permitting requirements of the Suwannee River Water Management District and other Federal or State governmental agencies having jurisdiction. Unless further restricted by the County, normal hardwood silvicultural activities shall be allowed outside the 75-foot regulated natural buffer subject to Best Management Practices and other regulatory requirements as cited for pine silviculture above.

The County shall govern the land management practices and activities which are allowed within the 75-foot regulated natural buffer.

The significant natural areas to which this policy applies are identified and described in the Conservation element of this Comprehensive Plan.

Policy V.2.15

The County shall require a 35-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks and their estuaries, or those which are intermittent in nature and their estuaries, but which have a distinct, identifiable stream bed or creek run, and prohibit the location of residential, commercial and industrial land uses within the buffer areas. Resource based recreation activities (such as hunting and fishing) shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed within the buffer areas subject to Best Management Practices as adopted by the Florida Department of Agriculture and Consumer Services, Division of Forestry, as appropriate, which are applicable to the management of these buffer areas, and also subject to the current regulatory requirements of Chapters 373 and 403, Florida Statutes, as well as the rules, regulations and permitting requirements of the Suwannee River Water Management District and other Federal or State governmental agencies having jurisdiction. Unless further restricted by the County's land development regulations, normal hardwood silvicultural activities shall be allowed subject to Best Management Practices and other regulatory requirements as cited for pine silviculture above.

**Policy V.2.16                      The County shall partner with the Suwannee River Water Management District to use and promote Best Management Practices to maintain the quantity of freshwater flow into the**

**coastal systems.**

- OBJECTIVE V.3 The County shall continue to provide for the conservation, appropriate use and protection of soils.
- Policy V.3.1 The County shall require that any mining permit be coordinated with the Florida Department of Environmental Protection or other agencies having jurisdiction so that areas disturbed by mining activities are reclaimed to productive and beneficial use in compliance with current statutes or other governmental regulations.
- Policy V.3.2 The County shall consider topographic, hydrologic and vegetative cover factors during the development review process in order to assess the impact of the proposed development and adopt measures to protect and conserve the natural functions of soils.
- Policy V.3.3 The County shall require **landowners**, during the development review process, **to** consider the appropriate multiple use of forest resources to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control and maintenance of water quality.
- Policy V.3.4 The County shall cooperate with adjacent local governments, other governmental entities, research and interest groups and private landowners to conserve and protect unique vegetative communities located within the County and adjacent local government jurisdictions.
- Policy V.3.5 The County shall allow normal agricultural and silvicultural activities, subject to Best Management Practices as adopted by the Florida Department of Agriculture and Consumer Services, Division of Forestry, as appropriate, and current regulatory requirements of sections 373 and 403, Florida Statutes. Effective October 1, 1990.
- OBJECTIVE V.4 The County shall conserve and protect soils, native vegetative communities, wildlife, and wildlife habitats from adverse effects, with an emphasis on rare and endangered species. Mineral resources shall be appropriately used, conserved and protected.
- These objectives shall be effective throughout the planning period and shall be accomplished using the following policies.
- Policy V.4.1 The County shall require an assessment of the potential adverse effects on rare and endangered species for the following:

1. All development within the 35-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks, and those which are intermittent in nature, but which have a distinct, identifiable stream bed or creek run.
2. All development with the 75-foot regulated natural buffer adjacent to all perennial Rivers, streams and creeks located within the significant natural areas identified in the Comprehensive Plan.
3. All development within 35 feet of a wetland or water body other than as described in 1. and 2. above.
4. Plan amendments which increase density or intensity of development in the Agricultural-1, Agricultural-2, Agricultural/Rural Residential, and Mixed Use: Rural Residential districts.

Policy V.4.2

The County shall require that when one or more of a rare or endangered species, are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which avoids the adverse effect of the project on the species.

The County shall require the use of best management practices for the conservation, appropriate use and protection of fisheries, wildlife and wildlife habitats, identify and protect native wildlife and their habitats, including state and federally protected plant and animal species (endangered, threatened and species of special concern), within proposed development sites and protection of these natural resources from the impacts of development by the use of the Florida Fish and Wildlife Conservation Commission Strategic Habitat Conservation Areas maps, Florida Natural Areas Inventory, and North Central Florida Strategic Regional Policy Plan Regionally Significant Natural Resources map series to identify habitats which potentially contain endangered, threatened or species of special concern, and rare or unique vegetative communities prior to granting development approval

Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination and compliance with the Florida Fish and Wildlife Conservation Commission.

Policy V.4.3

The County shall protect~~s~~ native vegetation and provide~~s~~ for the extensive use of native vegetation, thereby promoting the

regeneration of natural habitats.

The developer of any proposed development which is equal to or greater than 20 acres and located within areas identified by the Florida Fish and Wildlife Conservation Commission as Strategic Habitat Conservation Area or is shown as habitat for listed species on the Florida Natural Areas Inventory shall be required to evaluate the impacts to endangered, threatened, or species of special concern and rare or unique vegetative communities provided, however, if competent and substantial scientific evidence demonstrating that an endangered, threatened or species of special concern, wildlife habitat or rare and unique vegetative community is located within the area of any proposed development which is equal to or greater than 20 acres. Such evaluation shall be submitted to the County at the time a preliminary plat or site and development plan is reviewed by the County, the developer shall evaluate the impacts on such habitats or communities. As a condition of permit approval of any proposed development within these areas, such evaluation shall consist of a survey of the development site conducted by the developer to identify the presence of any state and federally protected plant and animal species.

If protected species are found on the development site or would be affected by the development, a management plan shall be required from the developer, including necessary modifications to the proposed development, to ensure the preservation of the protected species and their habitat. Both the survey and the management plan shall be done in consultation with the Florida Fish and Wildlife Conservation Commission, but the final approval of the management plan shall be by the County.

Policy V.4.4 Through the site planning review process, proposed mining activities shall comply with the Florida Department of Environmental Protection rules and the North Central Florida Strategic Regional Policy Plan.

Policy V.4.5 The County shall use innovative techniques for preservation, ~~of such areas~~, such as: designation and regulations of conservation areas; site plan review; on-site density transfers to allow clustering of allowable units to protect environmentally sensitive portions of a site; and, overlay zoning whereby density calculations and developable land expectations are based on net developable acreage after excluding the environmentally sensitive portions.

Policy V.4.6 The County shall promote the protection of publicly-owned natural reservations designated within the County, through cooperation with the federal government regarding areas such as, but not

limited to, the St. Mark's National Wildlife Refuge and the state regarding the Aucilla Wildlife Management Area, the State's CARL program, and the Water Management District's Save Our Rivers and SWIM Program, and designation of such areas on the Future Land Use Map as conservation.

- Policy V.4.7 Prior to approving a plan amendment, in those areas designated Agricultural/Rural Residential, Mixed Use Rural Residential, and Mixed Use - Urban Development, **Mixed Use: Urban Development Medium High Density, Rural Settlement, Rural Village, Conservation Community, Ecological Village, Coastal Village, Coastal Village Center, Coastal Settlement, Regional Employment Center, Suburban Village, Compact Mixed Use Village, and Urban Village** on the Future Land Use Map, the County shall require the applicant to provide an inventory of all wetlands and other environmentally sensitive lands, as well as documentation that the proposed user will not negatively impact environmentally sensitive lands.
- Policy V.4.8 Through intergovernmental coordination with federal personnel at the St. Mark's Refuge, the County shall cooperate to ensure fisheries and marine habitat are protected. Further, the County shall regulate development within the 150' corridor of Spring Warrior Creek, the Econfina, Steinhatchee and Aucilla Rivers to ensure there will be no negative impacts to fisheries and marine habitat downstream to the gulf.
- Policy V.4.9 Since erosion has direct impacts on surface water quality and quantity of the area, the County shall consider the need to pursue funding assistance for erosion projects from the Suwannee River Water Management District, under the Surface Water Management Improvement Program (SWIM) and other programs.
- Policy V.4.10 The County shall cooperate with the Florida Department of Environmental Protection in the monitoring of aquaculture activities within the County.
- Policy V.4.11 The County shall, during any development review process involving significant natural areas and their estuaries, address mitigation of development activities to ensure that the possible adverse impacts of the proposed development activity on the natural functions of these significant natural areas will be minimized, and that the natural functions will not be significantly altered. Mitigation measures must be acceptable to the Department of Environmental Protection or other governmental agency having mitigation permit jurisdiction. The significant natural areas and their estuaries to which this policy applies are:

Aucilla River Corridor (includes Aucilla Sinks)  
Econfina River Corridor  
Spring Warrior Creek Corridor  
Steinhatchee River Corridor  
St. Marks National Wildlife Refuge  
Coastal Marsh and Tidal Swamp Conservation Areas  
Aucilla SRWMD Conservation Area

The generalized location of these significant natural areas is as shown on the Future Land Use Map series. A separate map identifying the corridors of these significant natural areas shall be provided. Their boundaries are further described below:

In the case of the river corridors, the corridors shall include the river itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the river. The Aucilla River corridor shall extend from the Gulf of Mexico to the municipality line. The Econfina River corridor shall extend from the Gulf of Mexico to the east boundary "rural community" established at Shady Grove. The Steinhatchee River corridor shall extend from the Gulf of Mexico to the municipality line.

In the case of the Spring Warrior Creek corridor, the corridor shall include the creek itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the creek. The corridor shall extend from the Gulf of Mexico to C.R. 361 (Beach Road).

In the case of the St. Marks National Wildlife Refuge, the Coastal Marsh and Tidal Swamp Conservation Area and the Aucilla SRWMD Conservation Area, the boundary shall be the boundary of the lands owned by the governmental entity.

Resource based, low intensity recreation activities and facilities shall be allowed along rivers, with any new facility being located at least five miles from an existing facility.

Residential, commercial and industrial uses shall be allowed, subject to a setback of at least seventy-five (75) feet from the natural bank along the **rives rivers** and Spring Warrior Creek, subject to all other permitting requirements. Residential density shall be shown on the Future Land Use Map. Beyond seventy-five (75) feet, residential, commercial and industrial use is allowed, subject to all other permitting requirements.

The densities and intensities of use, as well as the permitted uses

allowed on the St. Marks National Wildlife Refuge, the Coastal Marsh and Tidal Swamp Conservation Area and the Aucilla SRWMD Conservation Area shall be consistent with the management plans for these areas in fulfillment of their conservation purpose. Residential densities shall not be greater than one unit per 40 acres, as shown on the Future Land Use Map.

**OBJECTIVE V.5** The County, in order to protect significant natural resources in a manner which is in conformance with and furthers the North Central Florida Strategic Regional Policy Plan, as amended February 27, 2003, hereby adopts the following maps as they apply to the unincorporated areas of the County as part of the Future Land Use Map Series of this Comprehensive Plan; (1) Regionally Significant Natural Resources - Ground Water Resources, dated July 17, 2001; (2) Regionally Significant Natural Resources - Natural Systems, dated July 17, 2001; (3) Regionally Significant Natural Resources - Planning and Resource Management Areas, dated July 17, 2001; (4) Regionally Significant Natural Resources - Planning and Resource Management Areas (Surface Water Improvement Management Water Bodies), dated July 17, 2001; and (5) Regionally Significant Natural Areas - Surface Water Resources, dated July 17, 2001. The following policies provide direction for the use of these maps in applying the referenced policies of this Comprehensive Plan.

**Policy V.5.1** The map entitled Regionally Significant Natural Resources - Ground Water Resources, July 17, 2001, included within the Future Land Use Map Series, identifies groundwater resources for the application of the provisions of the high groundwater aquifer protection policy of the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of this Comprehensive Plan.

**Policy V.5.2** The map entitled Regionally Significant Natural Resources - Natural Systems, dated July 17, 2001, included within the Future Land Use Map Series, identifies listed species for the application of the provisions the critical wildlife habitat policy of this element.

**Policy V.5.3** The maps entitled Regionally Significant Natural Resources - Planning and Resource Management Areas, dated July 17, 2001, included within the Future Land Use Map Series, identifies state owned regionally significant lands for application of the provisions of the conservation land use policy of the Future Land Use Element of this Comprehensive Plan.

**Policy V.5.4** The maps entitled Regionally Significant Natural Resources - Planning and Resource Management Areas (Surface Water

Improvement Management Water Bodies), dated July 17, 2001, included within the Future Land Use Map Series, identifies surface water management improvement water bodies for the application of the provisions of the surface water runoff policy of this element.

Policy V.5.5 The map entitled Regionally Significant Natural Areas - Surface Water Resources, dated July 17, 2001, included within the Future Land Use Map Series, identifies surface water resources for the application of the provisions of the surface water and riverbank protection policies of this element.

OBJECTIVE V.6 The County shall protect the most sensitive resources within springsheds, including the principal areas of ground water contribution and recharge, sinkholes, depressions and stream to sink features, the area immediately adjacent to the spring and spring run.

Policy V.6.1 The County shall use acquisition funding programs such as the Florida Forever Program, Florida Community Trust, Rural and Family Land Protection Program and others to acquire fee simple or less than fee ownership through conservation easements on land within the delineated springshed that has been identified as critical or sensitive resources.

Policy V.6.2 The County shall use other innovative approaches to protect sensitive resources, such as the transfer of development rights, performance zoning, open space zoning, on site density transfer and other techniques to maximize the establishment of open space areas.

**Policy V.6.3 The County shall encourage the use of setbacks recommended in “Protecting Florida’s Springs: An Implementation Guidebook” (2008), published by the Department of Community Affairs, to protect springs and groundwater quality.**

OBJECTIVE V.7 The County shall define and delineate environmental overlay protection zones to protect the springshed and spring system resources and designate appropriate land uses in these zones.

Policy V.7.1 The County shall designate low density and intensity land uses, including conservation lands and recreation areas, on the Future Land Use Plan Map of the Comprehensive Plan in and around critical springshed resources and sensitive springshed areas. Following the preparation and issuance of springshed maps for magnitude one springs by the Florida Geological Society of the Florida Department of Environmental Protection, the County shall

adopt a springshed overlay protection zone map that designates critical springshed resources and sensitive springshed areas for magnitude one springs.

**OBJECTIVE V.8** **The County shall continue to encourage the clustering of existing development rights in order to create a compact development pattern and reduce the overall development footprint within the County, or by discouraging sprawl and reducing the need for new infrastructure by promoting more compact and cohesive land use patterns.**

**Policy V.8.1** **The County shall permit clustering of development rights, as designated on the Future Land Use Map. Proposed development that exceeds the 2035 population projection shall be permitted provided that development rights on the Future Land Use Map are clustered or transferred.**

**Policy V.8.2** **Density clustering shall be defined as the redistribution of residential units within a project area boundary.**

**Policy V.8.3** **Density transferring shall be defined as the redistribution of residential units from one project area boundary to a separate project area boundary.**

**Policy V.8.4** **Density transfer sending areas shall retain rights for agricultural uses, including silviculture and passive recreation, but shall be non-developable.**

**Policy V.8.5** **Density transfer sending and receiving areas shall be consistent with the Density Transfer Overlay Map of the Conservation Element.**

**Policy V.8.6** **The designation of areas for sending and receiving density transfer units shall be identified in conjunction with either a Comprehensive Plan Amendment or Development of Regional Impact (DRI). A binding agreement shall be executed at the time of DRI approval or effective date of a Comprehensive Plan Amendment.**

**Policy V.8.7** **Density transfer sending areas for urban development shall be located in close proximity to the urban development areas that are to receive the transferred units. Whenever possible, the density transfer sending areas shall be contiguous to the area where transfer units are being utilized. Density transfer sending areas for rural development need not be contiguous to the rural development areas that are to receive the**

transferred units.

**Policy V.8.8** **The ratio for transferring density to Urban Planning Areas shall be based on the underlying land use of the sending area on the Future Land Use Map at the time of the density transfer. The ratio may be reduced provided that environmental benefits accrue from preservation of land, including the conservation of environmentally sensitive natural resources, preservation of wildlife migration corridors and habitat, preservation of aquifer recharge areas, or by discouraging urban sprawl and excessive building of roads and new infrastructure through a more compact, contiguous, cohesive and functional development pattern with defined edges between urban and rural uses.**