

EXECUTIVE SUMMARY

Recommendation that the Board of County Commissioners (Board) adopt the Collier County Florida-Friendly Use of Fertilizer on Urban Landscapes.

OBJECTIVE: To have the Board adopt the Collier County Florida-Friendly Use of Fertilizer on Urban Landscapes as required by Section 403.9337(2), Florida Statutes.

CONSIDERATIONS: Section 403.9337(2), Florida Statutes requires all counties and municipalities with Florida Department of Environmental Protection (FDEP) designated impaired waters to adopt and enforce, at a minimum, the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes for the protection of local surface and groundwater quality. On June 14, 2011, the Board directed the County Manager or designee to draft the Collier County Florida-Friendly Use of Fertilizer on Urban Landscapes with the following provisions and provide support for these provisions.

- Annual limit of four lbs. of nitrogen per 1,000 square feet
- Minimum of 50 % slow release nitrogen
- Limit of 2 % phosphorus
- Fertilizer prohibition period in August and September
- 10-foot fertilizer free buffer around water bodies or wetlands
- Exception for fruits and vegetables

The support document for these provisions is attached. Note that Section 8(c) of the June 14, 2011 ordinance allows an applicator to follow University of Florida Institute for Food and Agricultural Sciences (IFAS) guidelines for fruits and vegetables so no change is recommended for this provision. To identify changes to the June 14, 2011 ordinance version, all additions are underlined and deletions are struck through. The adoption of more stringent recommended provisions requires the consideration of input from the FDEP, Department of Agriculture and Consumer Services (DACS), and IFAS. Attached are the state agency responses to a staff draft ordinance that included the more stringent provisions, except the 2 % phosphorus limitation. The per application and annual application rate for phosphorus included in Rule FAC 5E-1.003(2) Florida Administrative Code are retained. Both FDEP and IFAS accepted the 10-foot fertilizer free buffers that are adjacent to water bodies or wetlands.

The Environmental Advisory Council (EAC) and the Collier County Planning Commission (CCPC) recommended many of the same more stringent provisions as the Board. The Southwest Florida Regional Planning Council (RPC) adopted Resolution 07-01, which provided more stringent recommendations to local jurisdictions, and sent a November 18, 2010 letter requesting the adoption of a fertilizer ordinance at least as protective as the state 2010 model. Also, the City of Naples passed Resolution 11-12883 (attached) requesting the Board to adopt an ordinance analogous to the City's. The City of Marco Island adopted Resolution 11-08 which requests the Board to include provisions more stringent than the Model ordinance. The primary areas of more stringent standards are listed in the table below. The attached table details the recommendations by the EAC and CCPC and the provisions of the existing ordinances from the City of Naples and Lee County.

Primary Areas of More Stringent Standards

	Nitrogen Limit	Slow Release	Water Buffers	Prohibited Period
RPC	4 lbs	> 70 %	25 ft	Jul - Sep

EAC	4 lbs	> 50 %	10 ft	Jun - Sep
CCPC	4 lbs	> 50 %	10 ft	Aug - Sep
City of Naples	4 lbs	> 50 %	10 ft	Jun - Sep
Lee County	4 lbs	> 50 %	10 ft	Jun - Sep
Proposed Ord.	4 lbs	> 50 %	10 ft	Aug - Sep
Model Ord.	Per Label	N/A	10 ft*	Watch**

* 10 feet unless a deflector shield, drop spreader is used, then 3-foot minimum

** Hurricane, Tropical Storm, or Flood Watch or Warning, or > 2 inch rain predicted

A public education program to assist with ordinance implementation will be developed by Land Development Services and Pollution Control and Prevention Departments. The program will include a web page, utility bill inserts, retail outlet brochures, and cooperation with the Greenscape Alliance to develop newspaper articles and additional education opportunities.

FISCAL IMPACT: The direct impact of the recommendation contained in this Executive Summary is the legal advertising of a proposed ordinance at the cost of approximately \$600. Once adopted, the ordinance will be enforced with existing Code Enforcement staff. Educational efforts will be accomplished with existing Land Development Services and Pollution Control and Prevention staff. Any additional education costs will be from available Pollution Control and Prevention Department funds.

LEGAL CONSIDERATIONS: The proposed ordinance has been reviewed by the County Attorney's Office and is legally sufficient for Board action. A majority vote is required for Board approval of the ordinance. (STW)

GROWTH MANAGEMENT IMPACT: Development and adoption of the ordinance will contribute to the protection of water quality required in Conservation and Coastal Management Element Objectives 2.2 and 2.3.

ENVIRONMENTAL ADVISORY COUNCIL RECOMMENDATION: The EAC discussed this item April 13, 2011 and recommended the model ordinance with these amendments; 4 lbs. nitrogen annual limit, 50 % slow release nitrogen, 10-foot buffer for water bodies, June through September prohibition period, and the exception allowing fertilization for new plantings for 60 days in the buffer by a vote of 5 to 0. They also approved the golf course exemption by a vote of 4 to 1.

COLLIER COUNTY PLANNING COMMISSION RECOMMENDATION: The CCPC discussed this item May 19, 2011 and recommended the model ordinance with these amendments; 4 lbs. nitrogen annual limit, 50 % slow release nitrogen, 0 % Phosphorus unless soil test indicates deficiency, 10-foot buffer for water bodies by consensus. They also approved an August through September prohibition period by a vote of 5 to 3.

RECOMMENDATION: That the Board adopt the Collier County Florida-Friendly Fertilizer Use on Urban Landscapes Ordinance.

PREPARED BY: Mac Hatcher, Senior Environmental Specialist

Attachments:

1. Collier County Florida-Friendly Fertilizer Use on Urban Landscapes Ordinance
2. Florida-Friendly Ordinance Support
3. FDEP Collier County Fertilizer Ordinance Comment
4. DACS Collier County Fertilizer Ordinance Comment
5. IFAS Collier County Fertilizer Ordinance Comment
6. Judith Hushon Fertilizer Support
7. Conservancy of Southwest Florida Fertilizer Support
8. Southwest Florida Regional Planning Council Resolution 07-01
9. Southwest Florida Regional Planning Council Memo
10. City of Naples Resolution 11-12883
11. City of Marco Island Resolution 11-08
12. Summary Table of EAC, CCPC and City of Naples recommendations