



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT

Planning & Community Design Division

LOCAL PLANNING AGENCY

N/A

BOARD OF COUNTY

COMMISSIONERS

July 26, 2011

-Item-

Type: County-initiated Comprehensive Policy Plan Map Amendment to Comply with Long & Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. (Case Number DOAH 10-8958GM) Stipulated Settlement Agreement

Creation or Revision: Revision

Description: 1) Revises the 2030 Future Land Use Map by amending the boundary of the Yalaha-Lake Apopka Rural Protection Area to remove approximately seven (7) square miles in east Lake County to meet the requirements of the Stipulated Settlement Agreement; and
2) Create a new Future Land Use Element Policy, which allows paved airstrips on the Long & Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. property in accordance with the Stipulated Settlement Agreement; and
3) Amends the Future Land Use Map to include a note stating the allowance of paved airstrips, in accordance with the Stipulated Settlement Agreement .

- Summary of Staff Recommendation -

Staff recommends **APPROVAL** of the request to adopt the Comprehensive Plan Future Land Use Map and Text Amendments.

-- Summary --

On July 23, 2010, the State of Florida Department of Community Affairs (the "DCA") published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes. On August 13, 2010, Long & Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. (the "Petitioner") filed a Petition for an Administrative Hearing in the matter of Lake County Ordinance No. 2010-25 Amending the County's Comprehensive Plan and the related Notice of Intent to find the plan in compliance issued by the DCA.

Although the property is proposed to remain within the Rural Future Land Use Category under the 2030 Comprehensive Plan. The Petitioner objected to the inclusion of their property within the Yalaha-Apopka Rural Protection Area (the "RPA") on the 2030 Future Land Use Map, citing a reduction of development potential for the property without adequate data, inventory and analysis.

The Petitioner also objected to the lack of a specific use allowing the production of alternative energy from passive and agriculturally based sources. Although these uses would fall within existing defined uses, the addition of Green Energy Facility for passive energy generation and Renewable Energy Production Facility is included in this amendment for clarification.

The State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and the Petitioner entered into a Stipulated Settlement Agreement for Case Number DOAH 10-8958GM to resolve the Petition. This amendment is required as a condition of this Stipulated Settlement Agreement and will remove the RPA from the Petitioners property and include a specific policy that will allow a paved airstrip on their property, in addition to the allowed uses in the Rural Future Land Use Category.

-- Analysis --

The Long & Scott Farms Family Limited Partnership and Long and Farms, Inc. property (the "Property") is located east of CR 448 in Township 20 South, Range 26 East, west of the Orange County line. The Property is approximately 700 acres in size, with 90 acres of wetlands and can be accessed from CR 448A as well as Duda and Jones Roads.

The 1991 Comprehensive Plan category for this property is Rural Future Land Use. The adopted Rural Future Land Use Category allows a density of 1.0 dwelling unit/5.0 net acres with limited commerce and nonresidential uses including, but not limited to, agriculture, civic uses, schools and mining.

The proposed amendment to the Future Land Use Map would not change the density, intensity or impervious surface ratio of the affected area.

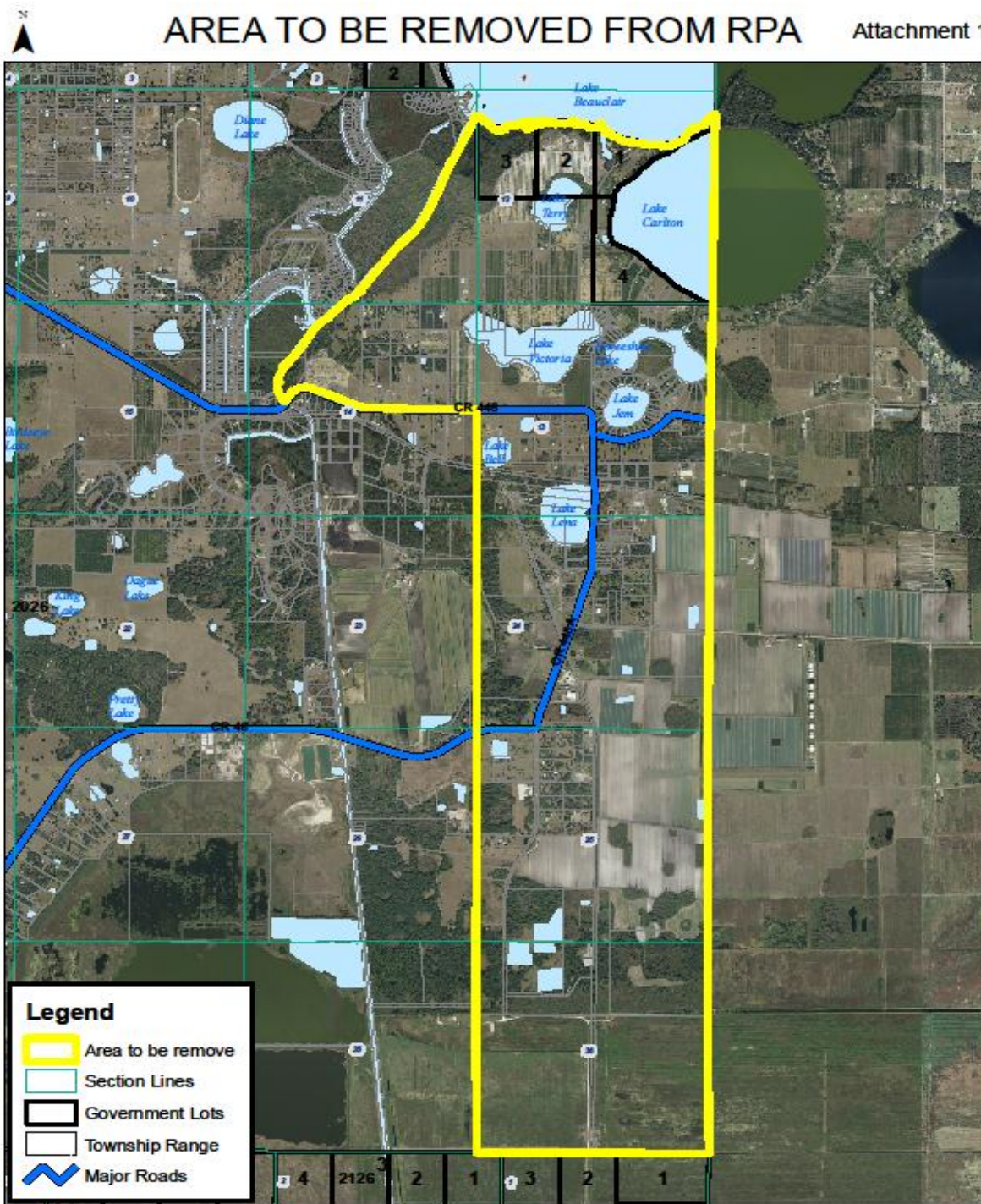
Removal of Property from Yalaha-Lake Apopka Rural Protection Area

The 2030 Comprehensive Plan Future Land Use Map includes the subject property within the Yalaha-Lake Apopka Rural Protection Area (the "RPA"). This boundary includes all the Property to the county line. This amendment would move the boundary of the RPA west from the county line to the Lake Beauclair canal boundary south of Lake Beauclair/CR 448 and the western section line of Sections 24, 25 and 36 of Township 20S Range 26E as shown in Attachment 1 below. This amendment is requesting to allow greater flexibility in planning for this area, which is primarily agricultural at this time, but also has some existing retail commercial and industrial uses.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

AREA TO BE REMOVED FROM RPA

Attachment 1



ADDITION OF GREEN ENERGY FACILITY AND RENEWABLE ENERGY PRODUCTION FACILITY

Policy I-1.4.4 *Rural Future Land Use Category* allows Agricultural Uses and Civic Uses, but does not specifically identify uses such as solar or wind energy generation or the creation of biofuel from agricultural crops. However, these uses are supported by Objective III-4.2 Energy Conservation and its subordinate policies, Objective I-7.6 Greenhouse Gas Reduction and subordinate policies as well as Policy 1-7.12.1.1 *Provisions for Electric Utilities*, which specifically allows small-scale, site-specific, or off-grid electrical generation systems in all future land use categories. The proposed amendment would create two new defined uses: Green Energy Facility as a Typical Use and Renewable Energy Production Facility.

Green Energy Facilities will be defined as facilities generating energy from solar, wind or similar passive technology. These uses are generally low impact uses, suitable for both urban and rural environments.

Renewable Energy Production Facility is a use that could include the storage and distribution of fuel products from renewable agricultural or biological products. This use has the potential to have impacts beyond the property due to odors, noise or safety (such as could result from large storage of fuel) and are included as a Conditional Use. The growing of crops for the creation of biofuels would fall under the Agricultural and silvicultural uses listed as typical uses.

Therefore, adding these two uses to the Rural Future Land Use Category provides specificity to this category.

Allowance for Paved Airstrip

The Long & Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. property was granted Community Facility District Zoning in 2004 by Ordinance 2004-0085. This ordinance granted permission for an airstrip on the property as an extension of an airport facility located on the Orange County side of the county boundary. A portion of this extension is paved. Therefore, the proposed property specific policy would allow this existing airstrip to remain conforming with the possibility for expansion (subject to zoning approval). There would be no increase to any services or facilities from this amendment.

– Recommendation –

Based upon the requirements of the Stipulated Settlement Agreement between the County, DCA and the Petitioner and the analysis herein, staff recommends **APPROVAL** of the proposed Amendment.

**ORDINANCE 2011-
LPA#11-7-2**

Long and Scott Farms Family Limited Partnership and Long and Scott Farms, Inc.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.7, WHICH ALLOWS THE USE OF A PAVED AIRSTRIP ON SAID 700-ACRE PARCEL; AMENDING THE FUTURE LAND USE MAP BY EXCLUDING AREAS FROM THE YALAHA-LAKE APOPKA RURAL PROTECTION AREA; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan Amendment; and

WHEREAS, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

WHEREAS, on the 13th day of August, 2010, Long and Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 26th day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners, the Long and Scott Farms Family Limited Partnership and Long and Scott Farms, Inc. did enter into a Compliance Agreement for DOAH Case Number 10-8958GM, as permitted by Section 163.3184(6), Florida Statutes; and

WHEREAS, on the 26th day of July, 2011, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Comprehensive Plan Text Amendment. The following policy is created in the 2030 Comprehensive Plan:

Policy I-1.6.7 Specific Limitations on the Long and Scott Family Farms Property

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8958GM, challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to approximately 700 acres of land generally located east and southeast of County Road 48, legally described in Attachment 2 "Legal Description"

In addition to the uses included in Policy I-1.4.4 for the Rural Future Land Use Category, the property shall be allowed a paved airstrip.

Section 2. Future Land Use Map Amendment. The Yalaha-Lake Apopka Rural Protection Area is hereby amended to exclude the following area:

That portion of lands lying within Township 20 South, Range 26 East, Lake County, Florida, described as follows: all of Sections 36, 25, 24 and 13; all of Section 12 south of Lake Beauclair; all of Sections 11 and 14 lying east of Lake Beauclair Canal and north of CR 448.

Section 3. Advertisement. This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective as provided for by law.

ENACTED this ____ day of _____, 2011.

FILED with the Secretary of State _____, 2011.

EFFECTIVE _____, 2011

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Jennifer Hill, Chairman

This ___ day of _____, 2011.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners,
Lake County, Florida

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

EXHIBIT A
LPA#11-7-2
Long and Scott Farms Family Limited Partnership
and Long and Scott Farms, Inc.

