



St. Johns River Water Management District

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September 12, 2006

D. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Subject: Lake County Comprehensive Plan Amendment
DCA Amendment #06-W

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of text changes to the goals, objectives, and policies (GOPs) of the Stormwater Sub-element, and Future Land Use, Drainage, Sanitary Sewer, and Transportation elements of the County's comprehensive plan to comply with statutory requirements related to the Wekiva Parkway and Protection Act (Act). The District staff review of the text changes focuses on the requirements of the Act relative to water supply availability and other water resource issues. Correspondence between the County and the Department of Community Affairs (DCA) indicates that the County is to retransmit these proposed amendments later, with Evaluation and Appraisal Report (EAR) related amendments, for formal review, and that this review process is intended to provide preliminary comments.

Stormwater Sub-element

- The transmittal material indicates that objectives 6C-1, 6C-2, 6C-3, and 6C-4, and all associated policies shall remain unchanged. There are numerous references that are out of date; these sections do need to be revised. It is unclear if the intent is to revise these sections with the EAR-based amendments.
- The County is one of 14 local governments in the Wekiva Study Area (WSA) that cooperated with the District in the development of a WSA regional master stormwater management plan (MSMP) that was completed in November 2005. The MSMP contains 12 recommendations, which are summarized in Table 7-15 of the report. This table identifies each recommendation, where it is referenced in the MSMP, and the identified stakeholders that apply to each recommendation. The County should provide an analysis showing how each recommendation has been satisfied by the proposed policies, existing provisions, or programs.
- Policy 6C-5.2 should be revised to meet the established January 1, 2007, deadline for land development regulations, which are necessary to comply with the MSMP requirements of the Act.

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Future Land Use Element

- The definition of “open space” provides lengthy criteria and operational statements, apparently to clarify interpretation of the definition. The County should consider relocating criteria contained in the definition to the relevant policy section or the land development regulations.
- The County should review provisions throughout the comprehensive plan that reference the Wekiva River Protection Area to determine if the requirements of the Act would be better met by making those provisions applicable to the WSA. For example, new Objective 6C-5 in the Stormwater Sub-element relates to stormwater management in the WSA, providing that the County will revise its land development regulations to protect the functions of groundwater recharge areas, springs, and springsheds within the WSA. Future Land Use Element Policy 1-20.5 contains submittal requirements for development permits within the Wekiva River Protection Area, including issues related to stormwater. The County should consider expanding the applicability of these submittal requirements to the WSA.
- In Policy 1-20.7, Wekiva System Setbacks, it is unclear whether this policy is distinguishing between the Wekiva River Protection Area and the Riparian Habitat Protection Zone, which are covered under two different areas in District rules. It is unclear what is meant by setbacks being “regulated.”

This policy relies on District “setback requirements.” The County should note that the District does not have any required setbacks from wetlands in its rules. District environmental resource permit (ERP) requirements are presumptive and evaluated on a case-by-case basis. An applicant for an ERP must provide reasonable assurance that the secondary impacts from construction, alteration, and intended or reasonably expected uses of a proposed system will not cause violations of water quality standards or adversely impact the functions of wetlands or other surface waters. District permitting rules provide that secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers with a minimum width of 15 feet and an average width of 25 feet are provided to abut those wetlands and if the buffers remain under the permitted design. Larger buffers may be required if the District determines that a 25-foot buffer will not provide adequate protection of wetlands used by listed species for nesting, denning, or critically important feeding habitat. Also, where an applicant for an ERP elects not to utilize buffers of the above-described dimensions, buffers of different dimensions, measures other than buffers, or information may be proposed to provide the required reasonable assurance.

- The DCA guidelines addressing land use strategies indicate that local governments should identify and map resources, including most effective recharge areas, karst areas, and sensitive natural habitats, which Lake County has done. Objective 1.25 and its related policies should be revised to include references to most effective recharge areas, karst areas, and sensitive natural habitats.
- Policy 1-25.3 provides that new development within the WSA, using PUD zoning, shall be required to protect natural resources, including but not limited to aquifer recharge, karst features, native vegetation, habitat, and wildlife. It is unclear from the data and analysis or policy provisions what land use strategies for development, not using PUD zoning, would protect those resources. It

is also unclear from the policy provisions how the strategies reference the data in the adopted map exhibits or how they are otherwise connected to those maps.

Conservation Element

- Policy 7-4A.6 should contain a date by which the County will adopt land development regulations (LDRs) for springshed protection and incorporate best management practices.
- Policy 7-6.7 requires a site “survey” and protection of natural upland plant communities; Policy 7-6.10 requires that a site “analysis” be performed during the development review process to identify sensitive natural habitats for new development within the WSA. It is unclear how these processes relate to the adopted map exhibits or are otherwise connected to those maps.
- Policy 7-7.11 indicates that the County shall evaluate its LDRs and code of ordinances (including the County’s arbor ordinance) and revise those ordinances and regulations, as appropriate, to ensure the protection of trees and native vegetation, with “a target of protecting 50% of trees on site.” The same policy later indicates that “the development review process shall determine the extent to which preservation of vegetative communities and wildlife habitats shall be protected and incorporated into protected open space on a development site.” It is unclear from the two statements what standard would apply.
- No data and analysis was provided in the County staff summary of the ordinance for sections 7–11, which propose revisions to objectives and policies of the Conservation Element.

Sanitary Sewer Sub-element

- Policy 6A-5.1 and Objective 6A-6 both state that the County shall “encourage” various actions with regard to centralized sewer service or septic systems; those provisions should be revised to clearly state the requirement or actions to be taken.

We appreciate the opportunity to provide preliminary comments. District staff are available to assist the County as they prepare responses to comments and revise the proposed amendments prior to adoption. If you have any questions, please contact District Policy Analyst Peter Brown at (386) 329-4311/Suncom 860-4311 or pbrown@sjrwmd.com.

Sincerely,



Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/GCS

cc: Carol Stricklin, Lake County
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