



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

April 2, 2010

The Honorable Welton Cadwell, Chairman,
Lake County Board of County Commissioners
315 West Main Street
Tavares, Florida 32778

Dear Chairman Cadwell:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for Lake County (DCA Number 10-1ER), which was received on February 2, 2010. The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the proposed amendment.

The Department wishes to commend Lake County for the thought and effort that has gone into the revision of the proposed Comprehensive Plan. A tremendous amount of time has been spent formulating new policies to guide growth in a manner consistent with the citizens' vision for the future. Many policies have been clarified and innovative planning techniques and policies to create energy efficient land use patterns have been added. While the Department has raised objections in the attached report, please understand that the resolution of the objections will result in a better document and consistency with State laws.

It is important that the County address the objections set forth in our review report so that the issues can be successfully resolved prior to adoption. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review, and their comments are enclosed.

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Planning & Community Design

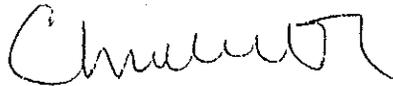
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The Honorable Welton Cadwell
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For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions, please call Julie Evans, Senior Planner, at (850) 922-1816.

Sincerely,



Charles Gauthier, AICP
Director, Division of Community Planning

CG/je

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments
Transmittal Procedures

cc: Mr. Brian Sheahan, Lake County Planning Director
Mr. Phil Laurien, Executive Director, East Central Florida Regional Planning Council

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Phil Laurien, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
LAKE COUNTY AMENDMENT 10-1ER

April 2, 2010
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010,
F.A.C.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
LAKE COUNTY
PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-1ER

I. CONSISTENCY WITH CHAPTER 163, Florida Statutes (F.S.) AND RULE 9J-5, Florida Administrative Code (F.A.C.)

1. Objection. Numerous proposed comprehensive plan policies in the proposed amendment state that land development regulations will be adopted within 24 months or 36 months of the effective date of the comprehensive plan. The plan does not ensure that within one year after submission of its revised comprehensive plan for review pursuant to Section (S.) 163.3167(2), F.S., the County shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan. [S.163.3202(1), F.S., Rule 9J-5.005(6), F.A.C.]

Recommendation. Revise comprehensive plan policies to state that land development regulations will be adopted within one year after submission of the revised comprehensive plan for review pursuant to S. 163.3167(2), F.S.

2. Objection. The Transportation Element uses Bureau of Economic and Business Research (BEBR) medium as the basis for the analysis of demand on roadway capacity for the five-year and long-term timeframes. The Future Land Use Element uses the average of BEBR medium and BEBR low. The comprehensive plan is not based on one professionally acceptable population projection. [Section 163.3177(2), (6)(a), (8), (10)(e), F.S., Rule 9J-5.005(2)(a) through (e), (5)(a) and (6), F.A.C.]

Recommendation. Revise the comprehensive plan to be based upon a single professionally acceptable population projection throughout the entire plan. The comprehensive plan shall be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the local government. If the County chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the County chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.

3. Objection. A complete five-year and long-term analysis of demand on roadway capacity for the years 2010-2015, and 2015-2030 was not completed. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.019(3)(a) through (j), Rule 9J-5.019(4) and (5), F.A.C.]

Recommendation. Complete a five-year and long-term (2030) analysis of demand on roadway capacity. The five-year analysis should identify trip generation patterns and the assumed level of build-out. In preparing the 2030 transportation analysis, the County should identify any assumptions regarding changes in trip distribution patterns, or the use of non-auto transportation

modes as a result of the modified Future Land Use Map. The analysis should state the adopted LOS standard and maximum service volume for each the roadway segments on the long-term transportation map. Long-term mitigation strategies, where needed, may include development of parallel corridors, development of concurrency alternatives, and investment in alternative modes. Note that the notes that the minimum statewide LOS standards apply to Strategic Intermodal Systems (SIS) and Florida Intrastate Highway System facilities (i.e., LOS C for SR 40, the SIS sections of US 27, and the Turnpike). Ensure that Transportation Element goals, objectives and policies; and the future transportation map, are consistent with this analysis.

4. Objection. Policy I-3.4.2, "Open Space Requirements within the WSA", was amended as follows: "Inside the WSA, any subdivision of land into ~~three (3) or more lots, within the Rural Future Land Use Category~~ into ten (10) or more lots and resulting in an allowable density greater than one (1) dwelling per twenty (20) net acres or larger calculated over the original parcel shall be configured as a clustered Rural Conservation Subdivision with a minimum 35% of the net buildable area as common open space. Increasing the minimum threshold in Policy I-3.4.2 from three or more lots to ten or more lots creates the potential for less common open space, increased fragmentation of wildlife habitat corridors, the application of increased chemicals and fertilizers to open space, and decreased protection of the aquifer. This amendment is not based on adequate data and analysis. The amendment does not adequately conserve, appropriately use and protect minerals and soils, native vegetative communities, including forests, wildlife habitat and water sources. [S. 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (5)(a), 9J-5.006(3)(b)1., Rule 9J-5.013(2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3., 6., 8. and 9., F.A.C.]

Recommendation. Do not amend Policy I-3.4.2.

5. Objection. The proposed future land use map series does not identify wellhead protection areas. Conservation Policy III-2.1.28 states that the County shall update its wellfield protection program, and maintain a map of wellfields and protected wellheads. Policy III-2.1.28 is not supported by appropriate data and analysis. [S. 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (3) and (5)(a), 9J-5.006(4)(b)1., 9J-5.013(1)(a), F.A.C.]

Recommendation. Identify wellhead protection areas on the Future Land Use Map Series, based on best available data and analysis.

6. Objection. Policy I-1.2.2 includes a table that identifies future land use categories, density, floor area ratio, impervious surface ratio, open space and building heights. The open space column for three of the four Green Swamp Area of Critical State Concern (ACSC) land use categories contains the term "up to." This policy does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of the land development regulations, because the policy does not specify the amount of open space required. [S. 163.3177 (2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S.; Rule 9J-5.005(2), (5)(a), and (6), Rule 9J-5.006(3)(c)1. and 7., Rule 28-26.003, FA.C.]

Recommendation. Delete the words "up to" in Policy I-1.2.2. Revise this policy to provide meaningful and predictable standards for the use and development of land, and provide

meaningful guidelines for the content of the land development regulations. Specify the amount of open space required in each future land use category.

7. Objection. Policy I-1.2.6 provides for the calculation of density and intensity within mixed use developments. The policy states that the maximum residential density shall be up to 100%, and the maximum non-residential intensity shall be up to 100%, for certain land use designations. The policy also states that in all other land use designations, the sum of the residential and non-residential shall not exceed a combined total of 100%. The policy does not provide meaningful and predictable guidelines to the land development regulations. The policy does not clearly establish standards for densities and intensities, and allows for a doubling of development potential on certain land use designations. [S. 163.3177(2), (4)(a), (6)(a),(d), (8), (10)(e), Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.006(3)(c)1. and 7., F.A.C.]

Recommendation. Revise Policy I-1.2.6 to provide meaningful and predictable guidelines to the land development regulations, to clearly establish standards for densities and intensities, and to eliminate doubling of development potential on certain land use designations.

8. Objection. Policy I-1.3.8 describes the Industrial land use category and provides uses that would require a conditional use permit, including "Manufacturing uses that could have an adverse impact on water quality or sensitive environment." The phrase "adverse impact on water quality or sensitive environments" is not clear. This policy does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of the land development regulations. Additionally, this policy is weaker than the adopted policy 1-2.2 that prohibited certain types of manufacturing uses in the Industrial category. [S. 163.3177 (2), (6)(a), (d), (8), (10)(e), Rule 9J-5.005(2), 9J-5.005(6), Rule 9J-5.006(3)(c)1. and 7., F.A.C.]

Recommendation. Revise Policy I-1.3.8 to provide meaningful and predictable standards for the use and development of land, and to provide meaningful guidelines for the content of the land development regulations. One way to add guidance and specificity would be to refer to a section of the North American Industry Classification System (NAICS) codes for industrial and manufacturing activities that would have an adverse impact on water quality or sensitive environmental resources or prohibit manufacturing or industrial activity that requires a particular type of stormwater permit.

9. Objection. Policies I-4.2.2 and I-4.2.3 provide for increases in development potential based on a use that is not defined. Policy 1-4.2.2 describes the Green Swamp Ridge Future Land Use Category. Included within the policy are development criteria, among them, "The maximum intensity of this category shall be 0.25 F.A.R. except for institutional uses which shall be 0.35 F.A.R." Policy I-4.2.3 allows for an increase in impervious surface ratio for institutional uses. The term "Institutional uses" is not defined in the plan. These policies do not provide meaningful and predictable standards for the use and development of land, and do not provide meaningful guidelines for the content of the land development regulations. [S. 163.3177 (2),(4)(a), (6)(a),(d), (8), (10)(e), Rule 9J-5.005(2), 9J-5.005(6), Rule 9J-5.006(3)(c)1. and 7., F.A.C.]

Recommendation. Define the term “Institutional uses” in the comprehensive plan. Revise the policies to provide meaningful and predictable standards for the use and development of land, and to provide meaningful guidelines for the content of the land development regulations.

10. Objection. Policy 1-4.2.2 allows “Commercial uses, including Services and retail trade, of 5,000 square feet or less per parcel.” The “per parcel” standard has inadequate standards, such as locational criteria or floor area ratio, to clearly define the development potential. Without additional locational standards or floor area ratios, it would be possible to develop multiple 5,000 sf buildings on multiple parcels on the same site, essentially allowing for extensive commercial within the Ridge land use designation. Similarly, Policy I-2.1.4, addressing the Market Square District in the Mount Plymouth Sorrento Main Street land use category states, “individual building floor area allocation shall not exceed 5,000 square feet for new development.” The policies do not establish clear standards for density and intensity for each future land use designation. The policies do not contain adequate locational criteria. Additionally, these policies do not provide meaningful and predictable standards for the use and development of land, and do not provide meaningful guidelines for the content of the land development regulations. [S. 163.3177 (2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), 9J-5.005(6), 9J-5.006(3)(c)1. and 7, F.A.C.]

Recommendation. Revise Policy 1-4.2.2 to ensure that the “per parcel” standard has additional locational criteria included, or some other measure, such as floor area ratio, to clearly define the development potential. Revise Policy I-2.1.4, addressing Mount Plymouth Sorrento Main Street land use category to ensure that the “per parcel” standard has additional locational criteria included, or some other measure, such as floor area ratio, to clearly define the development potential.

11. Objection. Policies I-4.2.2, I-4.2.3, I-4.2.4, and I-4.2.5 include a list of uses including the term “sports and recreational clubs or small-scale sports and recreational club.” The terms are not defined in the comprehensive plan and could allow very intense uses within environmentally sensitive areas. The policies do not provide meaningful and predictable standards for the use and development of land, do not provide meaningful guidelines for the content of the land development regulations, and do not conserve, appropriately use and protect water sources, minerals, soils, native vegetative communities and wildlife habitat. [S. 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.013(2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3., 6., 8. and 9., F.A.C.]

Recommendation. Revise Policies I-4.2.2, I-4.2.3, I-4.2.4, and I-4.2.5 to clearly define the term “sports and recreational clubs or small-scale sports and recreational club.” Revise the policies to provide meaningful and predictable standards for the use and development of land, provide meaningful guidelines for the content of the land development regulations, and to conserve, appropriately use and protect water sources, minerals, soils, native vegetative communities and wildlife habitat.

12. Objection. Policy I-4.1.5 describes the development requirements within the Green Swamp Area of Critical State Concern. The requirements do not include a higher standard for stormwater treatment in areas with hydrologic type “A” soils. The policy fails to protect the

functions of natural drainage features and natural groundwater recharge areas. The Guiding Principles require protection of the normal quantity, *quality* and flow of ground water and surface waters that are necessary for the protection of resources of state and regional concern. Although Policy III-2.1.14 addresses the need for a higher standard of treatment for stormwater in type A soils, the policy defers to the land development regulations for implementation. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.011(2)(b)5 and (c)4 and 5, Rule 9J-5.013(1)(a), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., and Rule 9J-5.015(2)(d), and Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy I-4.1.5 to include a higher standard for stormwater treatment in areas with hydrologic type "A" soils. Require retention of the first three inches of runoff from directly connected impervious areas. Do not defer implementation to the land development regulations. Revise the policy to provide meaningful and predictable standards for the use and development of land, to provide meaningful guidelines for the content of the land development regulations, and to conserve, appropriately use and protect water sources, minerals, soils, native vegetative communities and wildlife habitat.

13. Objection. Policy I-7.5.5 addresses the County's intent to implement a wetlands assessment program that would identify wetlands by type, land use, extent, and significance; require placement of wetlands in a conservation easement; and mitigate by restoration. The policy is vague, fails to direct development away from wetlands, and does not include predictable and measurable standards for the use and development of land. The County did not adequately identify all connected wetland systems and wetlands adjacent to lakes and rivers, including Outstanding Florida Waters. The County did not designate these natural features on the Future Land Use map as Conservation use. The County did not include policies for Cypress domes within the Green Swamp, which may be isolated, but perform an important pollution filtration function and retain water for long periods of time, providing slow groundwater recharge and flood detention. As written, policy I-7.5.5 is inconsistent with Rule 28-26.003, F.A.C., Principles for Guiding Development. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a) and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and 6., Rule 9J-5.013(3)(a) and (b), and Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy I-7.5.5 to include predictable and measurable guidelines that direct development away from wetlands. Due to the extensive surface waters in Lake County, the County must identify all connected wetland systems, wetlands adjacent to lakes and rivers, and Outstanding Florida Waters, and designate them on the Future Land Use map as Conservation use. Development within these wetlands should be limited to pile-supported structures. Special policies must be developed for Cypress domes within the Green Swamp, which may be isolated, but perform an important pollution filtration function and retain water for long periods of time providing slow groundwater recharge and flood detention. Revise the policy to be consistent with Rule 28-26.003, F.A.C., Principles for Guiding Development.

14. Objection. Policy I-4.4.7 and Policy I-7.5.6 address wetlands and provide guidance on when wetlands can be included within a platted lot. The policies do not contain language that provides that lots contain at least one acre of uplands in areas served by septic tanks, or a provision requiring that development be set back at least 50 feet from wetlands. As written, policies I-

4.4.7 and I-7.5.6 do not protect and conserve the natural functions of existing soils, wildlife habitats, rivers, lakes, floodplains and wetlands. These additional criteria are essential to implementing the Principles for Guiding Development. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10), F.S. ; Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a), (2)(c)1. and 3., 9J-5.013(3) F.A.C., Rule 28-26.003(1)(a), (b), (c), (e), (g), (h), (i), (j), and (k), F.A.C.]

Recommendation. Revise Policy I-4.4.7 and Policy I-7.5.6 to contain language that requires that lots contain at least one acre of uplands in areas served by septic tanks, or a provision requiring that development be set back at least 50 feet from wetlands. Revise the policies to be consistent with requirements to protect and conserve of the natural functions of existing soils, wildlife habitats, rivers, lakes, floodplains and wetlands. Revise the policies to be consistent with Rule 28-26.003, Principles for Guiding Development.

15. Objection. Policy I-4.4.8, Policy I-7.5.4, and Policy III-2.4.7 address floodplain study requirements and exempt subdivisions with only ten lots from completing the study regardless of the acreage within the one hundred year floodplain. The policy does not contain language that requires that newly platted lots contain at least one acre not in the one hundred year floodplain for areas served by septic tanks. The policies incorrectly refer to FEMA Publication 37, rather than "Guidelines and Specifications for Flood Hazard Mapping Partners." [Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10), F.S. ; Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a), (2)(c)1. and 3., 9J-5.013(3) F.A.C., 9J-5.006(2)(e), (3)(c), 9J-5.013(1)(a), 9J-5.013(2)(c)6., Rule 28-26.003(1)(a), (b), (j) and (k), F.A.C.]

Recommendation. Revise Policy I-4.4.8, Policy I-7.5.4, and Policy III-2.4.7 to include language that requires that newly platted lots contain at least one acre not in the one hundred year floodplain for areas served by septic tanks. The term FEMA Publication 37 should be revised to reference "Guidelines and Specifications for Flood Hazard Mapping Partners."

16. Objection. Under proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5., Civic uses are an allowable conditional use. A civic use is defined in the plan as "A County, Municipal, State or Federal Use or Service, and community facility uses." This broad definition would allow uses such as incinerators, power plants, and Class I, II and II sanitary landfills, in Rural, Rural/Conservation and Core/Conservation, which were previously prohibited by adopted comprehensive plan policies 1-17.6, 1A-1.3b and 1-1.15 . In addition, proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5. do not adequately guide the location of school facilities. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8) and (10)(e), (12)(g)6 and 7, F.S.; Rule 9J-5.005(2) and (6), Rule 9J-5.006(3)(b)1 and 4, Rule 9J-5.013(1)(a) and (b), (2)(b), (2)(c)1., 3., 9. and 10., F.A.C.]

Recommendation. Revise proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5., to prohibit uses such as incinerators, power plants, and Class I, II and II sanitary landfills in Rural, Rural/Conservation and Core/Conservation. These uses were previously prohibited by adopted comprehensive plan policies. In addition, revise proposed Policies I-4.2.3, I-4.2.4, and I-4.2.5. to adequately guide the location of school facilities. The policies should include the currently adopted prohibited uses in the Green Swamp ACSC land use designations. Policies should allow schools only under specially defined circumstances, with locational criteria and development controls.

17. Objection. The Capital Improvements Element does not identify roads, sanitary sewer, solid waste, drainage, potable water and public school facilities that are needed to meet adopted level of service standards for the long-term timeframe, 2030. [Section 163.3177(2), (3)(a), (6)(a), (b) and (c), (8) and (10)(e) and (12), F.S.; Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.011(1)(f), (2)(b) 1, 2 and 3, 9J-5.015(1)(a), (2)(b), and (3)(b)1., 9J-5.019(3)(f) and (4)(b)2., F.A.C.]

Recommendation. Revise the Capital Improvements Element to identify roads, sanitary sewer, solid waste, drainage, potable water and public school facilities that are needed to meet adopted level of service standards for the long-term timeframe, 2030.

18. Objection. CIE Goal II-2, which addresses timing and provision of public facilities is not supported by adequate data and analysis. The County did not address the following CIE analysis requirements:

- Current local practices that guide the timing and location of construction, extension or increases in capacity of each public facility;
- The use of timing and location of capital improvements to public facilities to support efficient land development and goals, objectives, and policies in the future land use element. This analysis must take into consideration plans of state agencies and water management districts that provide public facilities within the local government jurisdiction.

[Section 163.3177(2), (3)(a), (6)(a), (b) and (c), (8) and (10)(e) and (12), F.S.; Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.015(2)(a), 9J-5.015(3)(c)1., F.A.C.]

Recommendation. To support CIE Goal II-2 and implementing objectives and policies, revise the Capital Improvements Element data and analysis to identify

- Current local practices that guide the timing and location of construction, extension or increases in capacity of each public facility;
- The use of timing and location of capital improvements to public facilities to support efficient land development and goals, objectives, and policies in the future land use element. This analysis must take into consideration plans of state agencies and water management districts that provide public facilities within the local government jurisdiction.

19. Objection. Policy III-2.5.12 establishes minimum buffer requirements for wetland systems. The County is proposing an average buffer. Tables CON1 and CON 2, which describe the minimum buffer and average buffer requirements, appear to conflict with this policy and create an internal inconsistency. The text does not clarify how the average buffer requirement will be applied. Isolated and non-isolated wetlands need a greater buffer to ensure groundwater quality protection and to protect the filtration capability of wetlands. Policy III-2.5.12 does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of the land development regulations. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a) and (b),

(2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and 6., Rule 9J-5.013(3)(a) and (b), Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy III-2.5.12 and Tables CON1 and CON 2 to be internally consistent. Revise the text to clarify how the average buffer requirements will be applied. A minimum buffer of 50 feet from isolated and non-isolated wetlands is recommended.

20. Objection. Policy III-2.5.10 says, "Except for water-dependent activities and access, there shall be no dredge or fill activities in wetlands." The term "water-dependent activities" is not defined in the proposed amendment. Policy III-2.5.10 is vague, fails to direct development away from wetlands, and does not include predictable and measurable standards for the use and development of land. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2) and (6), Rule 9J-5.013(1)(a) and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., 3. and 6., Rule 9J-5.013(3)(a) and (b), and Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy III-2.5.10 to define the term "water-dependent activities." Revise Policy III-2.5.10 to direct development away from wetlands, and to include predictable and measurable standards for the use and development of land.

21. Objection. Policy I-4.4.12 allows airstrips and airports in the Green Swamp. The policy allows expansions of existing airports provided the runways are limited in length and are unpaved. The policy is vague because it does not clarify that unpaved strips shall not be counted toward open space in order to be internally consistent with the comprehensive plan's definition of open space and the open space definition of Rule 9J-5, F.A.C. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.003(84), Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a) and (b), (2)(b) 3. and 4., Rule 9J-5.013(2)(c)2. and 7., Rule 28-26.003, F.A.C.]

Recommendation. Revise the policy to state that unpaved airstrips shall not be counted toward open space in order to be internally consistent with the comprehensive plan's definition of open space and the Rule 9J-5.003(84), F.A.C., definition of open space.

22. Objection. Policy III-2.4.7 allows the use of floodplains for development under certain conditions, provided that compensating mitigation is required and the hydrological flow regime is maintained. Septic tanks located within the floodplain are prone to flooding, and fail to provide adequate treatment. Septic tanks should not be allowed within the 100-year floodplain. Policy III-2.4.7 does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of the land development regulations. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a) 2., and (b), (2)(b)2., 3. and 4., Rule 9J-5.013(2)(c)1., and 6, Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy III-2.4.7. to state that septic tanks are prohibited from the 100-year floodplain.

23. Objection. Policy III-1.1.5 states, "The County shall reduce or stabilize vehicular emission levels by requiring an air quality impact analysis be performed on all significant traffic-generating development proposals. Projects that are predicted to violate air quality standards

shall be required to pursue the implementation of traffic mitigation techniques to achieve compliance standards as a condition for approval in all development orders. Within 36 months of the effective date of the Comprehensive Plan, Land Development Regulations shall be adopted to provide standards to identify and regulate significant traffic-generating development and establish appropriate criteria for air quality analysis." The term "significant traffic-generating development proposals" does not provide clear guidance for the requirements of the air quality impact analyses. The term "significant traffic-generating development proposals" is not defined. Therefore, the policy does not protect the quality of the Floridan Aquifer. Policy III-1.1.5 does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of the land development regulations. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a), and (b), (2)(b)1. and 2., Rule 9J-5.013(2)(c)1. and 6, Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy III-1.1.5 to define "significant traffic generating development proposals." Adopt land development regulations within 12 months of the effective date of the Comprehensive Plan that establish appropriate criteria for air quality analysis and regulate significant traffic-generating development. Revise the policy to provide clear guidance for the requirements of the air quality impact analyses. Revise the policy to protect the quality of the Floridan Aquifer, to provide meaningful and predictable standards for the use and development of land, and to provide meaningful guidelines for the content of land development regulations that are intended to reduce or stabilize vehicular emission levels.

24. Objection. Policy III-2.2.17 and Policy III-2.2.18 address Outstanding Lake Waters and Outstanding Florida Waters. The policies state that these resources will be identified and mapped at an unspecified time in the future. These resources must be mapped in the adopted comprehensive plan. [Section 163.3177(2), (4)(a), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (b), (6), Rule 9J-6.006(1)(b), Rule 9J-5.013(1)(a)1., F.A.C.]

Recommendation. Identify Outstanding Lake Waters and Outstanding Florida Waters on the Future Land Use Map Series.

25. Objection. Policy III-3.3.5, which addresses protection of sensitive natural habitat within the Wekiva Study Area, does not include karst features and effective aquifer recharge areas. [Section 163.3177(2), (6)(a) and (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a), (6), Rule 9J-5.011(1)(g) and (h), Rule 9J-5.011(2)(b)5., Rule 9J-5.011(2)(c) 4., Rule 9J-5.013(1)(a) and (b), Rule 9J-5.013(2)(b) 2., 3. and 4., F.A.C.]

Recommendation. Revise Policy III-3.3.5, to include karst features and effective aquifer recharge areas.

26. Objection. Policy I-4.2.2, addressing the Green Swamp Ridge Future Land Use Category, states, "Development orders shall be issued with a condition that specifies a regional wastewater service provider and that requires the development to connect to the regional provider when sewer services are available." The comprehensive plan does not clearly define a "regional wastewater service provider" by setting a gallon threshold for wastewater facility capacity, or other means. The policy does not provide meaningful and predictable standards for the use and development of land, and does not provide meaningful guidelines for the content of land

development regulations. [Section 163.3177(2), (4)(a); (6)(a), (d), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.013(1)(a), and (b), (2)(b)1. and 2., Rule 9J-5.013(2)(c)1., and 6., Rule 28-26.003, F.A.C.]

Recommendation. Revise Policy I-4.2.2 to clearly define a “regional wastewater service provider” by setting a gallon threshold for wastewater facility capacity, or other means. This should be done to control the proliferation of developments with package plants. Revise the policy to protect the quality of the Floridan Aquifer, to provide meaningful and predictable standards for the use and development of land, and to provide meaningful guidelines for the content of land development regulations that address development in the Green Swamp Ridge Category.

27. Objection. The County did not show all existing transportation features on an existing transportation map or map series. For example, the Transportation Network map does not show existing bus service in Lake County provided by LYNX, which is operated by Orange County. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.019(2)(a) and (b), F.A.C.]

Recommendation. Revise the existing transportation map or map series to show all existing transportation features. Include the existing bus service in Lake County provided by LYNX.

28. Objection. The long-term transportation map shows conditions for 2025 and not 2030, the proposed planning horizon. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a), (b) and (6), Rule 9J-5.019(4)(a) and (4)(b)2., Rule 9J-5.019(5) F.A.C.]

Recommendation. Revise the long-term transportation map to show conditions for 2030.

29. Objection. Policy VIII-2.2.3 states, “Within 36 months of the effective date of the Comprehensive Plan, the County shall establish a level of service for transit.” The LOS standard should be included in a policy in the adopted plan, since Lake and Orange counties already provide transit service in Lake County. [Section 163.3177(2), (6)(a), (b), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), and (6), Rule 9J-5.019(2), (3) and (4)(c)1. and 11., F.A.C.]

Recommendation. Adopt a transit level of service in the comprehensive plan in coordination with existing transit providers and the Lake-Sumter Metropolitan Planning Organization.

30. Objection. Policy VIII-1.4.4 addresses proportionate fair-share. Policy VIII-1.4.4 states that within 12 months of the effective date of the Comprehensive Plan, land development regulations shall be adopted that allow an applicant to request the use of a proportionate fair-share contribution to satisfy transportation concurrency. Policy VIII-1.4.4 does not include methodologies that will be applied to calculate proportionate fair-share mitigation. The methodologies were not included in the Concurrency Management System by December 1, 2006, as required by statute. [Section 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Section 163.3180 (16), Rule 9J-5.005(2), (5)(a), (b) and (6), Rule 9J-5.019(1) through (4), F.A.C.]

Recommendation. Revise Policy VIII-1.4.4 to include methodologies that will be applied to calculate proportionate fair-share mitigation. The methodologies were required by statute to be included in the Concurrency Management System by December 1, 2006.

31. Objection. Policy VIII-1.1.4 and Policy VIII-1.1.5 state that the County will coordinate with FDOT, the MPO, and the Federal Highway Administration to determine functionally classified arterials, collectors and local roads. These features should already be determined and mapped on the future transportation map. [Section 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a), (b) and (6), Rule 9J-5.019(1) through (5), F.A.C.]

Recommendation. Revise the data and analysis to determine functionally classified arterials, collectors and local roads. Revise the future transportation map to depict functionally classified arterials, collectors and local roads.

32. Objection. The future transportation map does not meet all of the requirements of Rule 9J-5.019(5), F.A.C., which lists the required components of this map. The map does not identify collectors, arterials, and any local roads the County uses to achieve mobility goals. The map does not completely show the public transit system. Maintenance responsibility for all roads is not identified. The map or map series does not identify projected peak hour levels of service for all transportation facilities for which level of service standards are established. In addition, the road classifications listed in Table Tran 1 on page 266 is not consistent with the road classifications shown on the future transportation map. [Section 163.3177(2), (6)(a), (b) and (h), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), (b) and (6), Rule 9J-5.019(1) through (5), F.A.C.]

Recommendation. Revise the future transportation map to identify collectors, arterials, and any local roads the County uses to achieve mobility goals. Identify the public transit system. Maintenance responsibility for all roads must be identified. The map or map series must identify projected peak hour levels of service for all transportation facilities for which level of service standards are established. Road classifications listed in Table Tran 1 on page 266 must be consistent with the road classifications shown on the future transportation map.

33. Objection. The amendment must address facilities that provide service within Lake County. The amendment does not identify water and sewer service areas in the County, and does not describe the proportional capacity of potable water and sanitary sewer facilities that are allocated to serve Lake County. The amendment did not identify the existing levels of service provided by wastewater, potable water and solid waste facilities in Lake County. For potable water and sanitary sewer facilities serving Lake County, the plan does not include a facility capacity analysis for the initial and long-term planning periods. [Section 163.3177(2), (6)(a), (c) and (h)(1), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), (b) and (6), Rule 9J-5.011(1)(a), (c), (d), (e), Rule 9J-5.015(3)(b)1., F.A.C.]

Recommendation. Revise the amendment to address sewer and water facilities that provide service within Lake County. Identify all water and sewer service areas in the County, and describe the proportional capacity of potable water and sanitary sewer facilities that are allocated to serve Lake County. Identify the existing levels of service provided by wastewater, potable water and solid waste facilities in Lake County. Include a facility capacity analysis, for the initial

and long-term planning periods, for potable water and sanitary sewer facilities serving Lake County.

34. Objection. The amendment does not adopt level of service standards for sanitary sewer and potable water. [Section 163.3177(2), (6)(a), (c) and (h)(1), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a), (b) and (6), Rule 9J-5.011(1), (2)(c)2., Rule 9J-5.015(3)(b)3., F.A.C.]

Recommendation. Revise the amendment to adopt policies containing level of service standards for sanitary sewer and potable water.

35. Objection. Intergovernmental Coordination Element (ICE) Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 do not include a measurable timeframe by which the County will enter into joint planning agreements (JPAs) with the 11 remaining local governments within the County. The County currently has JPAs with the cities of Clermont, Mount Dora and the Town of Lady Lake. Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 do not provide meaningful and predictable standards for the use and development of land, and do not provide meaningful guidelines for the content of the land development regulations to discourage the proliferation of urban sprawl. [Section 163.3177(2), (6)(a) and (h)(1), (8), (10)(e), F.S., Rule 9J-5.005(2), (3), (5)(a) and (6), Rule 9J-5.006(3)(b)8. and (5), Rule 9J-5.011(1)(2)(b)2., Rule 9J-5.015(3)(b)1., 2. and 3., F.A.C.]

Recommendation. Revise ICE Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 to include a measurable timeframe by which the County will enter into JPAs with the 11 remaining local governments within the County. Policy VI-1.1.3, VI-1.6.9 and VI-1.6.13 should a) describe how public water supply and wastewater systems will be made available to serve new and existing development, b) provide meaningful and predictable standards for the use and development of land, c) provide meaningful guidelines for the content of the land development regulations, and d) discourage the proliferation of urban sprawl.

36. Objection. The Housing Element data and analysis does include an affordable housing needs assessment by number, type, cost or rent, tenure, and any other special housing needs. Housing objectives and policies that address the provision of affordable housing are not supported by appropriate data and analysis. [Section 163.3177(2), (6)(a) and (f), (8), (10)(e), F.S., Rule 9J-5.005(2), (5)(a) and (6), Rule 9J-5.010(1) and (2)(b), F.A.C.]

Recommendation. Revise the Housing Element data and analysis to include an affordable housing needs assessment by number, type, cost or rent, tenure, and any other special housing needs. Housing objectives and policies that address the provision of affordable housing must be supported by appropriate data and analysis.

37. Comment: Policy I-4.1.4 contains regulatory guidelines for implementing the Principles for Guiding Development within the Green Swamp Area of Critical State Concern. Among these is a provision, "Groundwater - Groundwater withdrawal shall not exceed the safe yield per acre as determined by the St. John's River Water Management District or the Southwest Florida Water Management District, or their successor agencies." This provision should be revised to use the term "minimum flows and levels" because the water management districts no longer measure by means of determining "safe yield per acre."

38. Comment: The County did not demonstrate it is eliminating or reducing land uses are inconsistent with the Local Mitigation Strategy. Specifically, the County did not address the need to reduce wildfire hazards in accordance with Division of Forestry Recommendations. Please see their attached agency comments.

39. Comment: Revise PFE Objective IX-2.2 as follows: Lake County shall guide the orderly growth and development of the County by coordinating water service availability with the municipalities, private enterprises, and individuals. The coordination of service delivery shall be in a manner that provides maximum use of existing and planned facilities.

40. Comment: Revise PFE Policy IX-2.2.9 as follows: Lake County shall maximize the use of existing and planned facilities and discourage urban sprawl by encouraging the provision of central potable water services within existing and planned service areas, where possible, and prohibiting the extension of potable water facilities outside of existing and planned service areas, as depicted on the Future Land Use Map. The County should refer to additional advisory comments in the WMD's letter, attached

41. Comment: The County should revise the Concurrency Management and CIE tables to ensure consistency with the Public School Facilities Sub Element and the Interlocal Agreement for School Planning.

42. Comment: The County should consult with the School District to prepare a map series depicting long-term school facilities through 2030.

43. Comment: The Future Land Use Element should be revised to state that the Department of Defense or United States Navy administers the Pinecastle Bombing Complex. The proposed amendment should reference the Chief of Naval Operations Instruction 3550.1 Series, Range Air Installations Compatible Use Zones (RAICUZ), which are Navy guidelines that protect public health, safety, and welfare, and prevent encroachment and incompatible land use from degrading the operational capabilities of air-to-ground ranges. Revise the Intergovernmental Coordination Element (ICE) to include the following policy:

"The County shall ensure that future development within the adopted Military Operating Area will not negatively impact current and long-term use of the military installation/range complex, as listed in the OPNAVINST 3550.1 series. The County will promote health and welfare by limiting incompatible land uses, and allow compatible land uses within such areas."

Revise the ICE to state, "representative of the Department of Defense or Department of the Navy" instead of "representative of the range."

44. Comment. Several pages in the proposed plan amendment have incorrect headings that need to be revised.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed plan amendment is not consistent with the following goals and policies of Chapter 187, F.S., the State Comprehensive Plan.

Goal (4), Housing, and (b) Policy 3. This citation refers to Objection 35.

Goal (7), Water Resources, and (b) Policies 1., 2., 3., 5., 8., 9., and 10. These citations refer to Objections 4, 5, 6, 8, 11, 12, 13, 14, 16, 19, 20, 22, 23, 24, and 25.

Goal (9), Natural Systems and Recreational Lands, and (b) Policies 1., 3., 7., and 9. These citations refer to Objections 4, 6, 8, 9, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 24, 25, and 26.

Goal (10), Air Quality and (b) Policies 1. and 2. These citations refer to Objections 16 and 23.

Goal (15), Land Use, and (b) Policies 3., 5., and 6. These citations refer to Objections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, and 33.

Goal (17), Public Facilities, and (b) Policies 3., 4., 6., and 7. These citations refer to Objections 3, 17, 18, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

Goal (19), Transportation, and (b) Policies 2., 3., 7., 8, 13. and 15. These citations refer to Objections 3, 17, 27, 28, 29, 30, 31 and 32.

Goal 20, Governmental Efficiency, and (b) Policies 1., 5., and 8. These citations refer to Objections 18, 26, 27, 29, 32, 33, and 35.

Goal (25), Plan Implementation, and (b) Policies 7. and 8. These citations refer to Objections 1, 2 and 35.

Recommendation: By addressing the concerns noted in Section I above, these inconsistencies with Chapter 187, Florida Statutes, can be addressed.