

# M E M O R A N D U M

## GROWTH MANAGEMENT DEPARTMENT

Planning & Development Division  
315 West Main Street  
Post Office Box 7800  
Tavares, Florida 32726-7800



## LAKE COUNTY FLORIDA

P: 352.343.9739  
F: 352.343.9595  
[www.lakegovernment.com](http://www.lakegovernment.com)

**To:** Property Owners and Development Consultants  
**From:** R. Wayne Bennett, Planning Director  
**Date:** February 1, 2007  
**Subject:** Staff Guidelines Related to the Conservation and Platting of Wetlands

The purpose of this memorandum is communicate with you about the guidelines that Growth Management staff will apply to the platting of wetlands and implementation of Policy 1-2.1E of the adopted Lake County Comprehensive Plan. These guidelines address aspects of Policy 1.2.1E that include: the interpretation of the phrase “to the extent practicable”; and specific standards that apply to the physical parameters of wetlands and subdivisions that are referenced in the policy. The entire text of the adopted plan policy is provided below.

***“Policy 1.2.1E - Control of Wetlands During Platting.*** *To the extent practicable, wetlands within a project shall be placed in a conservation easement which shall run in favor of, and be enforceable by, a homeowner’s association or the County, at its option. In determining whether it is practical to convey a conservation easement to a homeowner’s association or the County, the County shall take into account the following factors: (1) the number of lots in the subdivision; (2) the size of the subdivision; (3) the size of the wetlands; and (4) the location of the wetlands. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. To the extent practicable, wetlands shall not be included as part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the homeowner’s association or the County for ownership and maintenance.”*

While the policy above does not provide specific direction about the size of subdivisions and wetlands, nor the number of lots and location of wetlands, there is another adopted plan policy that does. In order to ensure internal consistency between the elements and policies of the adopted Comprehensive Plan, staff will utilize and apply standards enumerated in Policy 1A-2.9 to determine when it is practical to: convey conservation easements; and plat wetlands as separate tracts. This policy, as adopted, is intended for application within the Green Swamp Area of Critical State Concern. Staff has determined that the standards for treatment of wetlands contained in Policy 1A-2.9 are physically and procedurally appropriate and applicable on a countywide basis. The entire text of this policy is provided below.

***“Policy 1A-2.9 – Treatment of Wetlands for Development Approval.*** *Wetlands with a project shall be placed in a conservation easement which shall run in favor of, and be enforceable by, the County, other governmental agency or a qualified non-profit conservation organization. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. The entity accepting said conservation easement shall enforce its provisions. In addition, wetlands shall not be included as part of any platted lot, but the wetland shall be shown on the plat as a common area, which shall be dedicated to the homeowner’s association or the County, at its option, for ownership and maintenance. Wetlands may be included in the platted lots for subdivisions which have no*

*homeowner's association and which contain 10 lots or less. Any isolated wetland of less than one acre shall be exempt from these requirements."*

The policies referenced above are the basis for the staff implementation guidelines described below. We will begin to utilize these guidelines immediately. As provided in the adopted Land Development Regulations, this staff determination may be appealed to the Board of Zoning Adjustment.

### **Staff Implementation Guidelines**

- 1) Isolated wetlands less than one (1) acre in size are not required to be placed within a conservation easement nor platted as a separate tract or lot.
- 2) Non-isolated wetlands that adjoin an open water body (lakefront lots) shall be placed in a conservation easement and are not required to be platted as a separate tract or lot and may be included within building lots. There is no limit on the number of "lakefront" lots that may include non-isolated wetlands.
- 3) Non-isolated wetlands are also not required to be platted as a separate tract or lot when the subdivision is comprised of ten (10) lots or less. The phasing of a subdivision to include ten (10) lots or less will not be considered under this guideline. Non-isolated wetlands shall be placed in a conservation easement.
- 4) Subdivisions that have received a preliminary plat review in which wetland areas were given approval to be included in lots will not be subject to these guidelines (with the exception of placement within a conservation easement) as long as the preliminary plat approval does not expire.
- 5) In all other cases, non-isolated wetlands are required to be placed in a conservation easement, platted as separate common area tract(s) or lot(s), and dedicated to a homeowner's association or the County. When these tracts or lots are dedicated to a homeowner or property owner association, the applicable covenants, conditions and restrictions shall include provisions to guide the association in the perpetual maintenance and preservation of the wetlands and assure the necessary financial resources and procedures to effectively carry out those responsibilities.
- 6) Although the adopted comprehensive plan policies reference dedication of a conservation easement to a homeowner's association or the County, a dedication to the St. John's River Water Management District is also acceptable.
- 7) These guidelines are intended for use on an interim basis until such time as the Board of County Commissioners has acted to confirm or not confirm these guidelines through appropriate amendments of the Land Development Regulations.

If you have any questions about these staff guidelines or the adopted comprehensive plan policies please do not hesitate to contact this office and speak with myself or either of the Chief Planners. Thank you for your cooperation.