



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): October 7, 2020
Board of County Commissioners (BCC): October 27, 2020

Case No. and Project Name: CP-19-06, Open Space for Sand Mining

Applicant: Tracey Mouncey on behalf of the Central Florida Sand Mining Association

Requested Action: Amend Comprehensive Plan Policy I-4.2.1 entitled 'Limitations of Development within the Green Swamp Area of Critical State Concern' to exempt sand mining operations within the Green Swamp Rural Conservation and the Green Swamp Core Conservation Future Land Use Categories from adhering to the open space requirements during active mining operations and to allow open space credit for all areas subject to reclamation including planned water bodies, artificially created wetlands, and uplands; and amend Comprehensive Plan Chapter X entitled 'definitions & acronyms' to revise the definition of open space to include reclaimed lands.

Staff Determination: Staff recommends Approval of the amendment to the 2030 Comprehensive Plan.

Case Managers: Tim McClendon, Director
Michele Janiszewski, Chief Planner

PZB Recommendation:

Summary of Analysis

The Applicant has applied for amend Comprehensive Plan Policy I-4.2.1 entitled 'Limitations of Development within the Green Swamp Area of Critical State Concern' to exempt sand mining operations within the Green Swamp Rural Conservation and the Green Swamp Core Conservation Future Land Use Categories from adhering to the open space requirements during active mining operations and to allow open space credit for all areas subject to reclamation including planned water bodies, artificially created wetlands, and uplands; and amend Comprehensive Plan Chapter X entitled 'definitions & acronyms' to revise the definition of open space to include reclaimed lands.

The Green Swamp Area of Critical State Concern (ACSC) was designated in 1979 by the Florida Legislature pursuant to the Florida Statutes. The area consists of approximately 322,690 acres with portions lying in northern Polk and southern Lake Counties. The Green Swamp ACSC is a statewide asset due to its high recharge to the Florida aquifer. The boundary of the GSACSC is depicted on the Lake County Future Land Use Map and is legally described within Rule Chapter 28-28, FAC. Goal IV of the Lake County Comprehensive Plan contains the objectives and policies to maintain the long-term viability of the natural resources within the Green Swamp.

The application included an analysis (Attachment B) which concluded that the amendment would be consistent with how open space is treated in Polk County in regard to sand mining operations within the Green Swamp ACSC.

Background on Open Space

The 2030 Comprehensive Plan, which became effective on September 22, 2011, requires new development to provide a minimum amount of open space within all the Future Land Use Categories (FLUC). Development is defined in the 2030 Comprehensive Plan as:

As defined in 380.04 Florida Statutes, as may be amended. Generally, the carrying out of any building activity or mining operation or the making of any material changes in the use or appearance of any structure or land, so as to adapt the land to non-agricultural purposes.

Open Space is defined in the Comprehensive Plan as:

Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

Pursuant to the definition of Open Space, a portion of the buildable area of a site shall be preserved and remain undeveloped for open space to meet the open space requirements. Net Buildable area is defined as "The total area of a parcel, or combination of parcels, proposed for development, less wetlands and water bodies; also referred to as "Net Area."" Wetlands and waterbodies are not included in the net buildable area nor may they be credited towards the open space requirements.

The 1992 Comprehensive Plan, effective on July 16, 1991, defined open space in Policy 8-8.5, entitled 'Open Space Definition and Standards,' stated that, "Lake County shall define open space as naturally vegetated pervious area. Standards which provide for open space requirements for varying development types (...) shall be developed in the Land Development Regulations." The Land Development Regulations, adopted on May 19, 1992, defined Open Space as:

Any Parcel of Land set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of Owners and Occupants of Land adjoining or neighboring such Open Space. Open Space includes golf courses, parks, passive recreation areas, Landscaped areas, natural Floodways, Wetlands, Conservation and preservation areas, non-fenced in stormwater Retention areas, and non-activity-based, non-manmade Lakes wholly within the property. Open Space does not include Rights-of-Way, above-ground utilities, Parking Areas, side or rear Lots, Street surfaces, activity-based recreation facilities (except golf courses), and fenced in stormwater Retention areas.

The primary difference between the previous and current definition of Open Space is how wetlands are involved. The former open space definition allowed wetlands to be credited towards open space and the current definition does not consider wetlands open space nor are they included in calculating the required amount of open space. The previous open space definition calculated the open space requirements on the property's base site area which was defined as, "the gross Site area minus the Land devoted to Waters of the State and open water bodies." The base site area included wetlands but not open water bodies.

The previous Comprehensive Plan established an 80% and 90% minimum open space requirement for development within the Green Swamp Rural Conservation FLUC and the Green Swamp Core Conservation FLUC, respectfully. The 2030 Comprehensive Plan reestablished the Green Swamp Rural Conservation and Green Swamp Core Conservation FLUC and their original minimum open space requirements.

Sand Mining Operations within the Green Swamp

The previous and current Comprehensive Plans do not allow mining operations within the Green Swamp ACSC, with the exception of sand mining. There are eight (8) active mining conditional use permits (MCUPs) for sand mining within the Green Swamp ACSC (Attachment A):

Land Owner	Current Development Order	Approximate Uplands	Approximate Wetlands	Total Acreage
Bishop & Buttery	Ordinance 2003-64	72.23	7.25	79.48
Cemex Construction Materials	Ordinance 2010-04	816.48	385.5	1,201.98
Cemex – Barohona	Ordinance 2010-04	124.9	34.74	159.64
ER Jahna – Independent North	Ordinance 1995-97	260.4	161.73	422.12
ER Jahna Industries – Independent South	CUP 863-2/3 (Approved in 1983)	358.6	172.5	531.09
E.R. Jahna	Ordinance 2004-80	1,144.35	1,547.7	2,692.05
Florida Rock Industries – Lake Sand Plant	Ordinance 2002-24	858.88	556.6	1,415.48
Rinker Materials	Ordinance 2000-06	112.84	81.32	194.16
Total		3,748.68	2,947.34	6,696.00

Green Swamp Mining Committee

The 2030 Comprehensive Plan established Policy I-4.4.10 entitled ‘Evaluation of Existing Protections from Mining in the Green Swamp Area of Critical State Concern,’ which required the Board of County Commissioners will appoint a committee to review the existing regulations pertaining to the sand mining within the Green Swamp ACAS and report back to the Board with any additional protections that are needed for new or expanded mines in the Green Swamp Area of Critical State Concern. The policy states that no new or expanded mines may be approved by the Board until the committee reports their findings to the Board. The Green Swamp Mining Committee was established in January 2012 and prepared a report for the Board in September 2012 with their findings and recommendations (Attachment A).

One of the recommendations was to “maintain [the] existing open space requirements to protect a portion of the upland area from development.” The recommendation went on to clarify that open space is “an area left undisturbed in its original natural predevelopment state and is not part of the reclaimed areas.”

Staff inquired about the changed circumstances which would require a deviation from the Committee’s recommendation and was provided with the following response:

In 2012, the Green Swamp Mining Committee recommended both that the continuation of sand mining be ensured and that existing open space standards maintained. However, review of the Committee’s agendas and minutes indicates inadequate attention to the land area consequences of the open space standards as they relate to the unique nature of sand mining. Recent experience with a minor expansion to an existing sand mine has highlighted the impracticality of the standards for reasonable expansions and new approvals (MCUP-19-01-1).

Standards for Review
Pursuant to LDR Section 14.02.03.

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed amendment is consistent with all elements of the Comprehensive Plan.

The Future Land Use Element seeks to ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; promote the conservation and preservation of Lake County's natural and cultural resources; and direct compact development to established urban areas to prevent sprawl. The amendment is consistent with this element.

The Capital Improvements Element seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. The proposed development will not be issued a final development order by the County unless there is sufficient capacity of public facilities to meet the standards for levels of service for the existing population and for proposed development.

The Conservation Element is intended to provide a framework for the ongoing monitoring, management and use of the County's natural resources. The amendment would allow existing and future sand mines within the Green Swamp ACSC to fully develop (mine) all the uplands covered by their mining conditional use permit and allow the open space requirements to be satisfied with reclaimed land including open water bodies, artificial wetlands, and uplands.

The Economic Element seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. The proposed amendment is not in conflict with the Economic Element.

The purpose of the Housing Element is to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. The proposed amendment will not be conflict with the Housing Element.

The Intergovernmental Coordination Element strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The application was provided to DEO to review and provide comments. DEO has not provided comments on this application.

The goal of the Parks and Recreation Element is to facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The proposed amendment is not in conflict with the Parks and Recreation Element.

The goal of the Transportation Element is to prepare a plan that emphasizes more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The application is not in conflict with the Transportation Element.

The purpose of the Public Facilities Element is to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refers to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public school facilities. The proposed development will need to demonstrate that public facilities are available prior to receiving a final development order.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

Approval of the proposed amendment would require an amendment to the Land Development Regulations to ensure consistency between the Comprehensive Plan and Land Development Regulations.

C. Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

The amendment seeks to eliminate the application of the open space requirements to sand mining operations within the Green Swamp Rural Conservation and Green Swamp Core Conservation Future Land Use Categories during active mining operations. The open space requirements would be satisfied as part of the reclamation process. If approved, the existing sand mining operations would be able to expand their existing operations without acquiring additional land and any new sand mining operation in the Green Swamp would not need to adhere to any open space requirements while the mining operation is active.

D. Whether there have been changed conditions that justify an amendment.

The Applicant contends that the "recent experience with a minor expansion to an existing sand mine has highlighted the impracticality of the [open space] standards for reasonable expansions and new approvals."

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There are no adverse impacts anticipated to public facilities, infrastructure and services as a result of this amendment.

F. Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The amendment would allow existing and future sand mines within the Green Swamp ACSC to fully develop (mine) all the uplands covered by their mining conditional use permit and allow the open space requirements to be satisfied with reclaimed land including open water bodies, artificial wetlands, and uplands.

G. Whether, and the extent to which, the proposed amendment would affect the property values in the area.

The application contained no evidence to suggest that property values may or may not be affected by the amendment.

H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The Comprehensive Plan's open space requirement for new development

I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The amendment is in the public interest, and in harmony with the purpose and interest of these regulations

J. Any other matters that may be deemed appropriate by the Local Planning Agency or the Board of County Commissioners, in review and consideration of the proposed amendment.

Not at this time.

ORDINANCE 2020 – ____
CP-19-06

Open Space for Sand Mining within the Green Swamp

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING POLICY 1-4.2.1 ENTITLED "LIMITATIONS OF DEVELOPMENT WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN" TO EXEMPT SAND MINING OPERATIONS WITHIN THE GREEN SWAMP RURAL CONSERVATION AND THE GREEN SWAMP CORE CONSERVATION FUTURE LAND USE CATEGORIES FROM ADHERING TO THE OPEN SPACE REQUIREMENTS DURING ACTIVE MINING OPERATIONS AND TO ALLOW OPEN SPACE CREDIT FOR ALL AREAS SUBJECT TO RECLAMATION INCLUDING PLANNED WATER BODIES, ARTIFICIALLY CREATED WETLANDS, AND UPLANDS; AMENDING CHAPTER X ENTITLED 'DEFINITIONS & ACRONYMS' TO REVISE THE DEFINITION OF OPEN SPACE TO INCLUDE RECLAIMED LANDS; PROVIDED FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; 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; and

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

WHEREAS, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

WHEREAS, on the 7th day of October 2020, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

WHEREAS, on the 27th day of October 2020, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for approval to transmit to the state planning agency and other reviewing agencies; and

WHEREAS, on the XX day of XXXX 2020, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for adoption; and

WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt the amendment to the Lake County Comprehensive Plan and Future Land Use Map;

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

3
4 **Section 1. Comprehensive Plan Text Amendment.** The 2030 Comprehensive Plan Policy I-4.2.1
5 entitled "Limitations of Development within the Green Swamp Area of Critical State Concern," shall be
6 amended as follows. Added text is shown as underlined, deleted text is shown as ~~strikethrough~~.

7
8 **Policy I-4.2.1 Limitations of Development within the Green Swamp Area of Critical State Concern**
9

10 The densities and intensities established in these policies are the only densities and intensities that apply
11 in the Green Swamp Area of Critical State Concern. Proposed development within the GSACSC shall be
12 required to follow the policies set forth herein which are additional to the other requirements of the
13 Comprehensive Plan.

14 Except as provided in this Policy, Lake County shall limit the amount of development that can occur in
15 the GSACSC to the uses allowed in each of the Future Land Use categories identified in the policies
16 below and which are located on the County FLUM.
17

18
19 The open space requirement set forth in Policy I-4.2.4 and Policy I-4.2.5 herein shall not apply to sand
20 mining during the course of active mining operations. Sand mines shall achieve open space requirements
21 upon completion of reclamation.
22

23 Mining reclamation plans shall demonstrate appropriate open space including open space credit for all
24 areas subject to reclamation including planned water bodies, artificially created wetlands and uplands.
25 The minimum required quantity of open space shall be calculated based upon the net mining site, which
26 is defined as the total site area less pre-existing water bodies and naturally occurring wetlands.
27

28 A portion of the Cagan Crossings Future Land Use Category as described in Policy 1-1.3.5 (Cagan
29 Crossings Future Land Use Category) of this element is recognized to exist in the GSACSC prior to the
30 adoption of this Comprehensive Plan and continues to be recognized. The Cagan Crossings Future Land
31 Use Category shall not be expanded or applied to any other property.
32

33 In addition, the South Lake Regional Park Future Land Use Category, the Green Swamp Interlachen
34 Future Land Use Category, and the Conservation Future Land Use Category within the Public Benefit
35 Future Land Use Series may be assigned to property within the GSACSC.
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1 **Section 2. Comprehensive Plan Text Amendment.** The 2030 Comprehensive Plan Chapter X,
2 entitled “Definitions & Acronyms,” shall be amended as follows. Added text is shown as underlined, deleted
3 text is shown as ~~strikethrough~~.

Open Space	Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement. <u>Reclaimed lands may be utilized to meet open space requirements.</u>
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8 **Section 3. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes,
9 Section 163.3184(11).

10
11 **Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be
12 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
13 validity of the remaining portions of this Ordinance.

14
15 **Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
16 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
17 amendment package is complete. If timely challenged, this amendment shall become effective on the date
18 the state land planning agency or the Administration Commission enters a final order determining this
19 adopted amendment to be in compliance. No development orders, development permits, or land uses
20 dependent on this amendment may be issued or commence before it has become effective. If a final order
21 of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made
22 effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to
23 the state land planning agency.

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1 ENACTED this ____ day of _____, 2020.

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3 FILED with the Secretary of State _____, 2020.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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Leslie Campione, Chairman

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13 ATTEST:

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Gary J. Cooney, Clerk

18 Board of County Commissioners

19 of Lake County, Florida

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22 Approved as to form and legality:

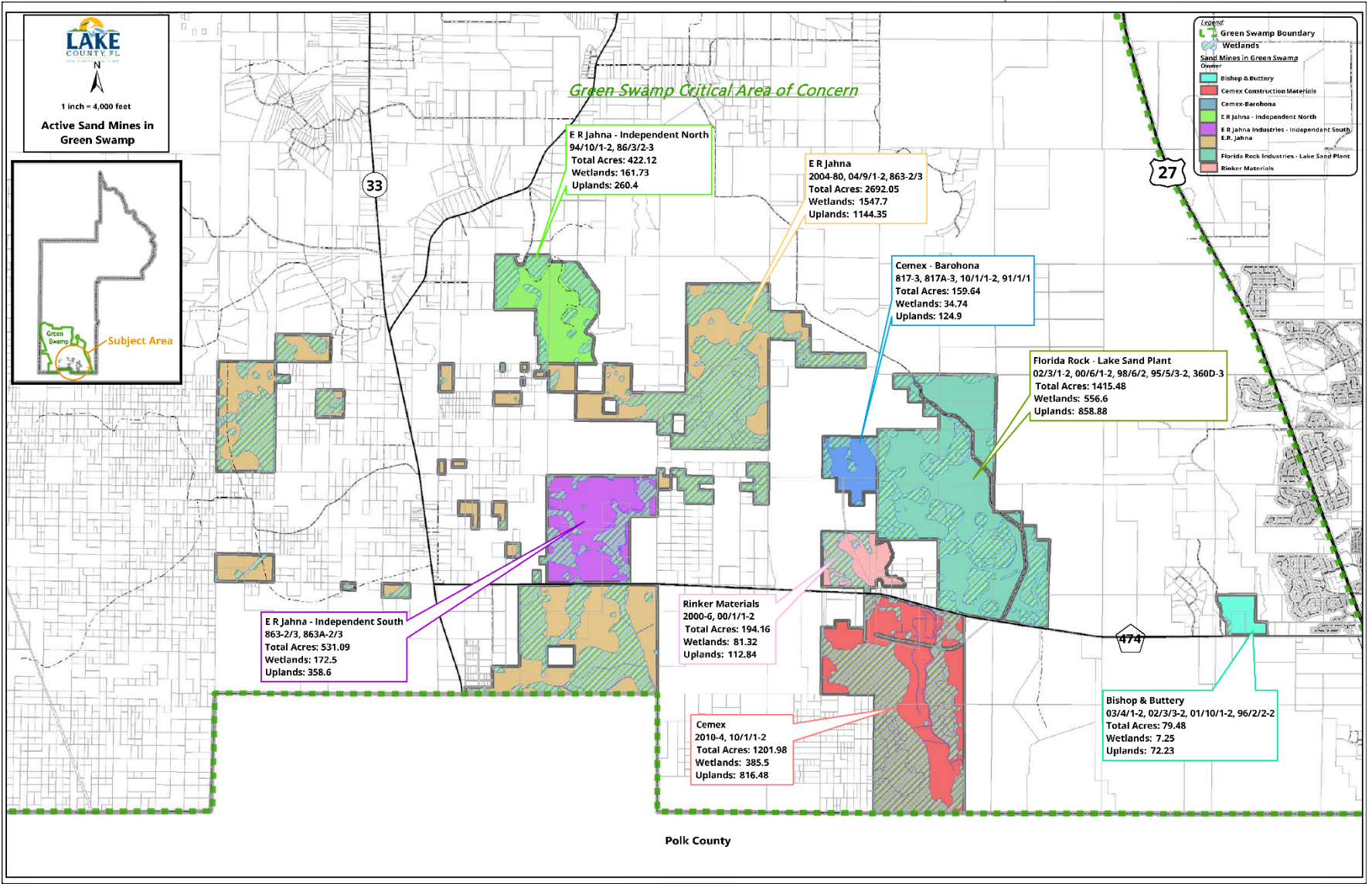
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Melanie Marsh,

27 County Attorney



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SUPPLEMENTAL DATA AND ANALYSIS

PROPOSED AMENDMENT TO THE LAKE COUNTY COMPREHENSIVE PLAN'S OPEN SPACE
STANDARDS FOR SAND MINING IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN

NOVEMBER 25, 2019

Summary

An application to amend the text of Comprehensive Plan Policy I-4.2.1 was submitted on October 25, 2019, on behalf of the Central Florida Sand Mining Association (CFSMA). The request is to specify that the open space requirements set forth in Policy I-4.2.4 and Policy I-4.2.5 do not apply to sand mining:

The open space requirement set forth in Policy I-4.2.4 and Policy I-4.2.5 herein shall not apply to sand mining.

The CFSMA is a non-profit corporation dedicated to promoting public knowledge of the Central Florida sand mining industry, establishing and maintaining the highest ethical standards of business practices among members, and disseminating to the public and others information relative to the industry. The CFSMA is comprised of sand mining operators who own property and conduct operations in Lake County and include CEMEX Construction Materials Florida, LLC., E.R. Jahna Industries, Titan America, and Vulcan Materials Company.

The amendment is supported by appropriate data and analysis including the following findings:

1. Adopted in 2010 and revised pursuant to settlement agreement in 2011, the 2030 Lake County Comprehensive Plan (Plan) imposed 80% and 90% open space standards on sand mining operations in the Green Swamp Rural/Conservation and Core/Conservation future

land use categories. The open space standards escalate mine site land area needs by five to ten times or more making reasonable expansion of existing operations and approval of new operations impractical and not economically feasible.

2. While the 2030 Plan allows sand mining as a Conditional Use in the Rural/Conservation and Core/Conservation future land use categories, the open space standards make it impractical and uneconomical thus creating a contradiction in the Plan.
3. The extraordinarily high open space standards for the Rural/Conservation and Conservation/Core categories are commensurate with, can be physically accommodated by, and serve as a complement to the allowable residential land use densities of one unit per 10-acres and one unit per 20-acres. In contrast for sand mining, where a concentrated development footprint is necessary, the standards are not supported by a site planning rationale and result in disproportionate exactions in the form of large-scale “off-site” dry land area set asides.
4. The Plan’s definition of open space excludes wetlands and open water bodies. Since wetland areas do not qualify as open space sand mine site land area needs may grow substantially.
5. Sand mining is a temporary and interim land use. Land, water and vegetative reclamation is required as mining is completed with an outcome of recreated lands, water bodies and protected wetlands. However, while water bodies and wetlands represent de facto open space they are excluded from the Plan’s open space calculations.
6. In recognition of its valuable hydrologic functions the Florida Legislature designated the Green Swamp as an Area of Critical State Concern (ACSC) in 1974. Accordingly, all development including sand mining is regulated to the highest degree to avoid, minimize and offset potential environmental impacts. Sand mining operations must be consistent with Florida’s ACSC regulations; Lake County’s Plan and Land Development Code (LDC), a Mining Conditional Use Permit and Mine Operating Plan; and other local, state

and federal approvals including a Florida Department of Environmental Protection (FDEP) Environmental Resource Permit.

7. An exception to 80% and 90% open space standards for sand mining would not reduce environmental regulatory protection requirements for sand mining sites. The open space standards do not have a direct relationship to rigorous on-site environmental protection requirements.
8. The Florida Legislature has expressed its intent in Section 337.0261, Florida Statutes, that the mining of sand for use as a construction aggregate material is a strategic and critical need for the state, construction aggregates materials mining is an industry of critical importance to the state, and that mining of construction aggregate materials is in the public interest.
9. Inclusion of open space standards for sand mining in the Plan is not a legal necessity under Section 163.3177, Florida Statutes, “Required and optional elements of the comprehensive plan; studies and surveys -” or under Chapter 28-28, Florida Administrative Code, “Boundary and Regulations for the Green Swamp Area of Critical State Concern – Lake County.”
10. Polk County’s Plan and LDC do not impose open space standards on Sand Mining in that jurisdiction’s approximately 64% portion of the Green Swamp ACSC. The Polk County LDC specifically excludes sand mining in the Green Swamp from the definition of development for the purpose of its requirements.
11. The amendment is consistent with the Lake County Plan; the elements of the Plan would remain consistent and coordinated.

Background

Comprehensive Planning History

Up until 2011 Lake County excepted sand mining from Green Swamp open space requirements.

In 1992 the County adopted its first complete comprehensive plan under the Growth Management Act of 1985. The Plan included Future Land Use Policy I-1.1 establishing minimum open space standards by future land use category stated in part:

The County shall require the following minimum open space standards for development”

Green Swamp:

Rural/Conservation PUD 80%

Core/Conservation PUD 90%

In addition, at the time of platting, the County shall require the developer to designate the party responsible for the maintenance of all open space areas shown on the plat.

Policy IA-2.2(4) of the 1992 Plan established restrictions for the Rural/Conservation category that referred only to residential development:

4. residential developments require 80% of the project site be retained as open space;

Similarly, Policy IA-2.2(8) tied open space to residential land use:

1. Developments of more than six (6) parcels shall be processed as residential planned developments. Developments shall require a minimum of 90% of the project site to be retained as open space;

The references to PUDs, platting and residential development tied the open space standards to residential use and the County proceeded accordingly.

The Plan in effect in 2002 was almost identical in approach: its Policy I-1.2 expressed required open space percentages in the context of PUDs; the Rural/Conservation restrictions in Policy IA-2.2 refer to residential development in connection with a 80% standard; and Policy IA-2.3 criterion

for open space in Core/Conservation refers residential planned unit developments. The Comprehensive Plan as amended through Ordinance 2009-32 continued the same approach.

2030 Comprehensive Plan

After more than 20-years of comprehensive planning practice changes were imposed on Green Swamp sand mining by a major update to the County's Plan in 2010, revised based on settlement agreement in 2011. Adoption of the "2030 Plan" occurred after a years-long planning process, amendments subsequent to 2011 have not revised sand mining requirements.

Policy I-1.2.2 of the 2030 Plan sets forth 80% and 90% open space standards for Rural/Conservation and Core/Conservation future land use categories but omitted references to PUDs; Policies I-4.2.4 and I-4.2.5 express blanket 80% and 90% open space requirements for development within the future land use categories; and sand mining was required to obtain a Conditional Use Permit.

The basis for these departures from Lake County's traditional planning approach is not clear from the hundreds of pages of data and analysis submitted to state and regional agencies to support the Plan update.

While the updated Plan went through extended preparation, a significant change was made at the time of adoption when, in response to an objection from the Florida Department of Community Affairs to ensure planning standards were meaningful and predictable, the Board of County Commissioners approved a staff recommendation to revise Policy I-1.2.2 regarding open space to strike the words "up to" and replace with "minimum". (see Objection #8, Lake County 10-1ER Part 2 Response to ORC)

In other words, flexible open space standards developed through a lengthy planning process and initially approved by the elected officials became rigidly applicable to all land uses at time of the final adoption.

Green Swamp Mining Committee

Recognizing the need for more study about sand mining issues in the Green Swamp the Board of County Commissioners adopted Policy I-4.4.10 as part of the 2030 Plan:

Upon the effective date of the Comprehensive Plan, the Board of County Commissioners will appoint a committee of interested stakeholders, including the environmental community and mining industry that will report back to the board within 18 months of appointment, of any additional protections that are needed for new or expanded mines in the Green Swamp Area of Critical State Concern. Until the committee reports back to the Board with their findings, no new or expanded mines shall be approved by the Board.

In September 2012, a Green Swamp Mining Committee issued a report summarizing that:

The committee established that, unlike other land uses, sand mining is limited to areas where the material is physically located. Sand mining is a significant industry in Lake County and should be preserved under specific regulations to ensure that its impacts are adequately addressed. Existing policies in the 2030 Comprehensive Plan and Land Development Regulations have been examined in the context of other agency requirements. The Committee developed objectives and recommendations to address policy or regulatory items that could be improved.

While the report recommended that sand mining is a significant industry that should be continued to be allowed in the Green Swamp it also recommended maintaining the open space standards from the 2030 Plan. It is not clear from the Committee's agendas and minutes what data and analysis the committee relied upon for its open space recommendation; there is no indication the dramatic escalation of mine site land area needs was fully assessed although member Mr. O'Berry raised the issue on May 17, 2012, and June 28, 2012, and also on June 28th Ms. Mouncey referred to potential Burt Harris issues from further restrictions. After viewing a generalized presentation on November 6, 2012, the Board of County Commissioners accepted the report.

Green Swamp ACSC Future Land Use Categories

According to a 2030 Plan Maximum Density Chart the land area breaks out by future land use category as indicated.

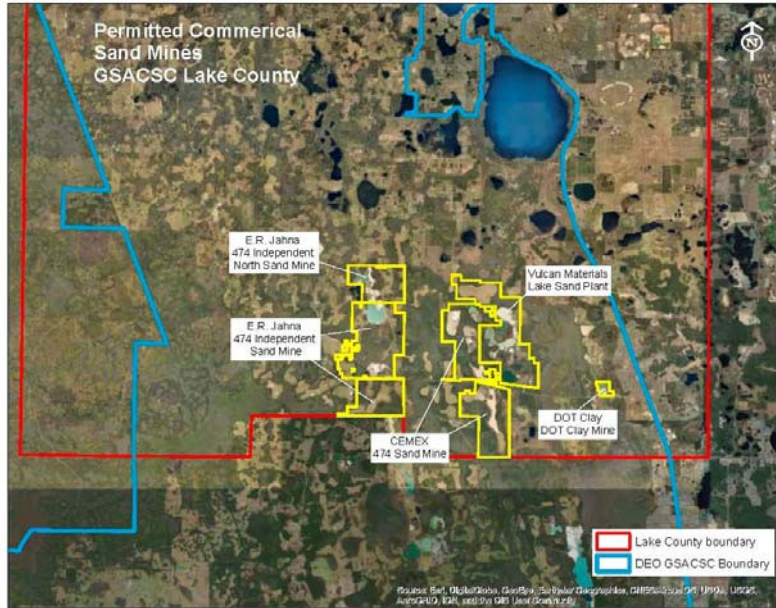
Future Land Use Category	Acres
Green Swamp Rural/Conservation	19,038
Green Swamp Core/Conservation	20,072

Sand Mining in the Green Swamp

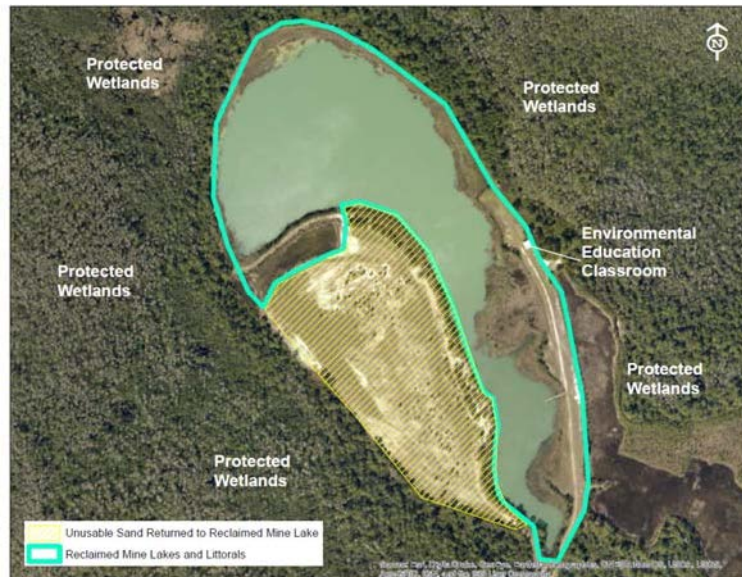
There are five active sand mines on 7,815-acres in Lake County’s portion of the Green Swamp ACSC. The five mines average about 1,563-acres in site land area inclusive of protected wetlands.

Operator	Mine Name	Acres
E.R. Jahna Industries, Inc.	474 Independent Sand Mine	2,509
E.R. Jahna Industries, Inc.	Independent North Sand Mine	833
Cemex Construction Materials Florida, LLC	474 Sand Mine	2,496
Vulcan Materials Company	Lake Sand Plant	1,895
DOT Clay, LLC	DOT Clay Mine	82

The sand mines are generally located west of US 27, proximate to County Road 474, and east of SR 33. Sand mining has unique location needs since it can occur only where there are suitable deposits of material, adequate areas for excavating and processing, access to market and economic feasibility. Sand mining operations require a concentrated or consolidated work area that is not geographically separated or dispersed by intervening open space.



Sand mining is a temporary and interim land use, mining sites must be reclaimed upon completion. For instance, as part of its reclamation the CEMEX 474 Sand Mine provided an open water body and a new upland area was created using unusable/unmarketable material, and the upland areas were sloped and re-vegetated pursuant to reclamation requirements.



On July 30, 2019, the Board of County Commissioners approved a minor expansion to the Independent Sand Mine by amendment MCUP-19-01-1. The approximately 56-acre expansion

and 90% open space was able to be supported by E.R. Jahna Industries, Inc, using its existing properties in the area. While land ownership circumstances made this possible the permitting process highlighted the impracticality of disproportional open space standards for significant expansions and new new sand mines.

Sand Mine Site Land Area Needs based on 80% and 90% Open Space

At an 80% open space standard for every acre of mining area there would need to be 4-acres of qualified open space. To illustrate the magnitude of the potential open space exaction a 1,500-acre sand mine at an 80% open space standard would theoretically require up to 7,500-acres excluding consideration of protected wetlands.

At a 90% standard for every acre of mining there would need to be 9-acres of open space. A 1,500-acre sand mine operational area would therefore require roughly 15,000-acres to accommodate the mining area and open space excluding consideration of protected wetlands.

Since wetland areas do not qualify under the definition of open space in Lake County's Plan land acquisition and management needs should be expected to push higher given the wetland mosaic in the area.

Chapter X: Definitions and Acronyms ***Open Space***

Land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course outside of the regularly maintained fairways that are naturally vegetated and not subject to chemical application may be credited toward the minimum open space requirement. The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total area of a parcel less wetlands and water bodies.

Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement.

Acquiring and managing land on this scale is problematic both to physically achieve and support economically. Open space standards of 80% and 90% dovetail with the very low residential densities of one unit per 10-acres and 20-acres and may be used to achieve classic planning purposes such as dispersing or orienting open areas as a counterpoint or complement to residential development. However, sand mining is a unique use that necessitates a concentrated development footprint so open space must be an area added above and beyond that necessary for mining operations. There is no apparent nexus between sand mining and the open space exactions.

Sand Mining in the Green Swamp ACSC is Regulated to the Highest Degree

The Green Swamp provides water resource functions of state-wide importance. Appropriately, sand mining in the Green Swamp ACSC is highly regulated by Federal, State, regional and local government to avoid, minimize and offset potential environmental impacts.

An exception to the open space standard for sand mining will not affect Federal, State, regional and local environmental regulations. The open space standard is not directly related to minimizing potential environmental site impacts from sand mining operations.

State Oversight

In addition to its comprehensive planning authority the Florida Department of Economic Opportunity exercises direct regulatory review over land development regulations and development permits within the Green Swamp ACSC. To pass state muster regulations and permits relating to sand mining must achieve 11 objectives identified in Chapter 28-28.002, Florida Administrative (FAC):

- (1) Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands and flood-detention areas.*
- (2) Protect the normal quantity, quality and flow of ground water and surface water*

- which are necessary for the protection of resources of state and regional concern.*
- (3) Protect the water available for aquifer recharge.*
 - (4) Protect the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.*
 - (5) Protect the normal supply of ground and surface water.*
 - (6) Prevent further salt-water intrusion into the Floridan Aquifer.*
 - (7) Protect or improve existing ground and surface water quality.*
 - (8) Protect the water-retention capabilities of wetlands.*
 - (9) Protect the biological-filtering capabilities of wetlands.*
 - (10) Protect the natural flow regime of drainage basins.*
 - (11) Protect the design capacity of flood-detention areas and the water-management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.*

Sand mining permits must be consistent with performance criteria under Chapter 28-28.008, FAC:

- (1) All development in flood prone areas shall meet the following standards:*
 - (a) Structures that are built in a flood prone area shall have a minimum basement or first floor level of 12 inches above the regulatory flood level.*
 - (b) Development shall not adversely affect the natural flow regime or reduce the recharge capabilities of the area.*
 - (c) All development shall be consistent with sound flood plain management practices and comply with the Flood Disaster Act of 1973 (PL 93-234) and Federal Insurance regulations applicable in flood prone areas.*
- (2) Development in the uplands shall not significantly reduce the on site percolation rate of rain water back into the ground from that which existed when the land was in its undisturbed state.*
- (3) All drainage facilities shall include engineering design features to remove suspended solids and other contaminants and pollutants in storm water runoff to meet Lake County Pollution Control Board Water Control Standards.*
- (4) Sites shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into adjoining streets and water courses to the extent feasible. Storm water runoff from roofs and other nonpermeable surfaces shall be diverted into swales or terraces on the site. Whenever land lying within 200 feet of a lake and which slopes toward said lake is developed, the following methods shall be provided to minimize storm water runoff into the lake:*
 - (a) Construction of terraces which slope in the direction away from the lake, and*

(b) Erection of a tree line or performance equivalent structures to reduce or divert runoff.

(5) Street drainage by grassed swales shall be utilized except where flow velocities in excess of two feet per second are anticipated, in which case curbs and gutters or other engineering techniques may be required. The overflow from these swales and other drainage facilities shall be diverted to natural percolation areas or artificial seepage basins of at least sufficient capacity to retain the storm water runoff from each drainage area for a fifty (50) year storm. Natural lakes shall not be used as retention areas for the increased runoff generated by development. Drainage facilities shall be provided for all percolation, seepage basins and detention areas to handle the runoff from storms which exceed the fifty (50) year storm in duration and severity.

(6) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. Such systems shall ensure drainage at all points along streets and provide positive drainage away from buildings and on-site waste disposal sites.

(7) Site Alteration.

(a) Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of each phase of development.

(b) It is the responsibility of the applicants to demonstrate that the plans achieve the following objectives:

1. That the site alteration shall not adversely affect the natural surface flow regime or natural recharge capabilities of the site.

2. That site alteration shall not cause siltation of wetlands or reduce the natural retention of filtering capabilities of the wetlands.

3. That all site alteration activities shall provide for water retention and settling facilities, shall maintain an overall site runoff approximating the natural flow regime prior to such alterations and shall maintain a runoff rate that does not cause erosion.

(8) Fill Areas, Borrow Pits and Mines.

(a) Fill areas and related dredge and borrow pits shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow pits shall provide for the release of storm waters as sheet flow from their downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximating the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the total flow.

(b) Man-made lakes, ponds or other containment works shall be constructed with maximum slope of 30 degrees to a depth of six feet of water.

(c) Mining operations shall be completely self-contained and shall retain any waste materials or water generated by the process of mining on the premises. The operation shall not utilize any surface water from lakes or ponds which are not entirely on the property.

(d) Any unusable soil or other debris shall be reasonably contoured as it is removed from the mine area, with the exception of the settling area and the dikes which shall be contoured upon termination of their use.

(e) All mines, borrow pits, fill areas and related dredge operations shall meet all the requirements of this code, except that the requirements of paragraph 28-28.008(8)(a), F.A.C., do not apply to mines.

(9) Solid Waste. Solid waste disposal sites shall meet all the requirements of this code.

(10) Ground water withdrawal shall comply with the standards and regulations of the Southwest Florida Water Management District or its successor agency.

Lake County 2030 Comprehensive Plan

The County Plan carries forward state requirements for the Green Swamp under Goal I-4. For instance, Policy I-4.1.4 restates, extends and provides more detail on the protection objectives and regulatory guidelines found in state rule. Objective I-4.3 includes strong policies to ensure protection of water resources from development:

OBJECTIVE I-4.3 PROTECTION OF WATER RESOURCES IN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN

Lake County shall protect surface and ground water resources associated with the Green Swamp Area of Critical State Concern for the benefit of present and future residents of Lake County, and to maintain natural hydrologic regimes and biologic functions. Protection of water resources in the GSACSC is required by the Principles for Guiding Development within the GSACSC.

*Policy I-4.3.1 Minimization of Adverse Impact to the Floridan Aquifer
Lake County shall minimize the adverse impacts of development on resources of the Floridan Aquifer.*

*Policy I-4.3.2 Protection of Ground and Surface Waters
Lake County shall protect the normal quantity, quality, and flow of ground and surface water, which are necessary for the protection of resources of State and regional concern such as the Green Swamp Area of Critical State Concern.*

*Policy I-4.3.3 Protection of the Amount of Water Available for Aquifer recharge
Lake County shall protect the water available for aquifer recharge.*

*Policy I-4.3.4 Protection of the Water Supply
Lake County shall protect the normal supply of ground and surface waters.*

*Policy I-4.3.5 Prevention of Salt-water Intrusion into the Floridan Aquifer
Lake County shall act to prevent further salt-water intrusion into the Floridan Aquifer.*

*Policy I-4.3.6 Maintenance of the Potentiometric High of the Floridan Aquifer
Lake County shall protect the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.*

Lake County Land Development Code

Section 6.06.00 of the Lake County LDC takes state regulations and comprehensive plan policies to a highly detailed level. Of note is a County Legislative Finding under 6.06.01.A.4 that:

Mining and Excavation, together with related activities, is a unique Land Use which requires specialized regulation.

Under 6.06.00 the LDC requires a Mining Conditional Use Permit, Mining Operating Plan, Mining Reclamation Plan, a Grading Plan, Financial Assurances and Monitoring and Reporting.

6.06.02 Standards for Mining includes a litany of General Standards; Environmental Protection Standards; Mine Operating Standards; and Reclamation Standards. 6.06.03 identifies procedural and substantive requirements for Mining Conditional Use Permits and Operating Plans. 6.06.04 requires Annual Progress Reports.

Among the site development requirements are property line setback requirements of 100 to 200-feet which with the 50-foot average wetland buffers found in the Plan (Policy III-2.5.13 yield a minimum extent of open space specifically determined through Mining Conditional Use and Operating Permits.

State Environmental and Other Permits

Surface water management for sand mining is also subject to the Environmental Resources Permitting Program through FDEP, sand mining is subject to other forms of approval regarding a host of issues.

Mining of Aggregate Materials is in the Public Interest

Florida Law provides clear direction that the mining of construction aggregate materials is in the public interest. The proposed Plan amendment is supported by this statutory directive:

337.0261 Construction aggregate materials.—

(1) DEFINITIONS.—*“Construction aggregate materials” means crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.*

(2) LEGISLATIVE INTENT.—*The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state’s construction industry, transportation system, and overall health, safety, and welfare. In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

State Planning Law does not Require Open Space Standards

Section 163.3177, Florida Statutes, directs the basis for and content of comprehensive plans. More specifically ss. 163.3177(6)(a)1 requires that each future land use category include standards to be followed in the control and distribution of population densities and building and structure intensities. Policy I-4.2.4 and Policy I-4.2.5 of the Lake County Plan will continue to include standards for residential density and for non-residential impervious surface. The inclusion of open space standards is an extra step that is above and beyond the requirements of the law.

At a statutory level Section 380.0551, Florida Statutes, designates the Green Swamp as an ACSC without including open space requirements. Chapter 28-26, FAC, identifies the Boundary and Principles for Guiding Development in the overall Green Swamp critical area without requiring open space standards. Chapter 28-28, FAC, the ACSC rule focused on Lake County refers to open space only in that master plans for development are to identify the number of dwelling units, the total lot coverage, and the percentage of open space to be preserved.

Polk County Comprehensive Plan and Land Development Code

Polk County carries out its responsibility to protect the Green Swamp without mandating specific open space standards for sand mining in its Plan or LDC. Of the approximately 295,000-acres

of the critical area Polk County has about 189,000-acres or 64% and Lake County 106,000-acres, or 36%.

Of note: Policy 2.109-A1 of the Polk County Plan establishes Land Use Categories including residential densities and non-residential floor area ratios but does not specify open space by land use category; Objective 2.123-F establishes a Green Swamp Protection Area overlay which allows sand mining as a land use and requires compliance with a Critical Area Resource Management Plan (Appendix 2.132 of the Plan); Policy 2.131.PA5 requires that new development designate as open space a minimum of 50-feet from wetlands and floodplains; and Policy 2.132-D8.f.1 requires that new development in the rural category preserve 80% to 90% of certain native vegetation inclusive of wetlands.

Chapter 10 of the Polk County LDC addresses mining operations; however it is focused on limestone and phosphate mining. Article II, Green Swamp Administrative Code, does not include open space standards. Section 506 Rural Special Protection Area states non-phosphate mining is not considered development for the purpose of a specialized Rural-SPA open space standard. Additionally, Polk County's Conservation Core Land Use District states that non-phosphate mining is not considered development for the purpose of its land set-aside within the Conservation area.

Consistency with the Lake County Comprehensive Plan

Section 163.3177(2), Florida Statutes requires that the elements of comprehensive plans be coordinated and consistent:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent.

To be internally inconsistent an amendment must present a direct policy conflict. In this instance the proposed amendment is narrow in scope and does not present direct policy conflicts. Pertinent objectives and policies include:

Future Land Use Element Objective 1-1.2 “Future Land Use” is satisfied since it calls upon the County to seek an appropriate balance between public and private interests.

Policy I-4.14 “Principles for Guiding Development within the Green Swamp ACSC” is satisfied since all protection objectives and regulatory guidelines would remain in full force and effect.

There is no conflict with Policy I-4.1.5 “Development Requirements within the Green Swamp Area of Critical State Concern” since each requirement would remain in full force and effect.

Policy I-4.2.4 “Green Swamp Rural/Conservation Future Land Use Category” presents no internal inconsistencies; sand mining would continue to be allowed as a Conditional Use and be subject to the standard for maximum impervious surface. The open space exception would create no conflict with other requirements in Policy I-4.2.5 “Green Swamp Core/Conservation Future Land Use Category”.

No changes are proposed Objective I-4.3 “Protection of Water Resources in the Green Swamp Area of Critical State Concern” and its subordinate policies. Each of the protective requirements regarding site development will remain in effect.

Objective I-7.1 addresses Nonconformities and Vested Rights including:

Specific regulations shall be adopted that allow for the continuation or reestablishment of nonconforming uses previously existing on a site, including the type, size and intensity of such uses, unless:

- **The use is abandoned or discontinued for a period of 18 months; or**
- **Is determined to be inconsistent with the character of the surrounding community to such an extent as to cause an adverse impact to the public interest.**

Minor expansions may be allowed to accommodate compliance with regulatory requirements up to 10% of the nonconforming use existing as of the effective date of this Comprehensive Plan.

The 2030 Plan does not make sand mining a non-conforming use.

Policy I-7.5.2 “Open Space Protection” is met since Lake County will continue to require minimum open space standards for sand mines through LDC provisions for Mining Conditional Use Permits and required setbacks and buffers.

There is no policy conflict with Conservation Element Objective III-2.1 “Groundwater” and its subordinate policies. Lake County’s Plan, as amended, would continue to protect the quality and quantity of groundwater.

Similarly, Objective III-2.2 “Surface Water” and its policies will remain in full force and effect, the amendment would not revise or create a contradiction with surface water related standards.

Likewise, Objective III-2.4 “Floodplains” and its policies to minimize impacts to floodplains and Objective III-2.5 “Wetlands”, Objective III-3.3.2 “Habitat and Wildlife Preservation”, and Objective III-3.3 would remain in effort on lands subject to sand mining operations.

Policy III-3.5.2 will continue to impose prohibitions on mining in environmentally sensitive areas, require mining reclamation plans, preserve surface and groundwaters and reclaim wetlands. An exception to the open space requirements will not impact the objectives and policies concerning operational sand mine areas.

The Lake County Plan includes “Comprehensive Plan Amendments Standards of Review” under Future Land Use Element Objective I-7.13. The Plan Amendment Application submitted on October 25, 2019, and this Supplemental Data and Analysis fulfill the requirements of Policy I-7.13.1 “Framework for Review”; demonstrate “Mandatory Consistency with the Comprehensive Plan” per Policy I-7.13.2; and would not impact “Services and Facilities” per Policy I-7.13.3. Policy I-7.13.5 sets forth “Standards for Review for Amending the Future Land Use Map”; this policy is not applicable, as the proposed amendment would not amend the future land use map.

Report Preparation

This report was prepared by Charles Gauthier, FAICP. My career as a professional environmental and land use planner in Florida has spanned more than 40-years including service with local government, state government and the private sector. As manager of planning I served as chief author of the Collier County land use plan; as zoning administrator I managed the review of over 300 zoning changes for Lee County; for 17-years I served as a senior administrator at the Florida Department of Community Affairs with responsibilities for statewide comprehensive planning and areas of critical state concern; in the private sector I have represented public and private interests for major consultants; and for the past five-years I have worked as an independent planning expert providing statewide service. I have been accepted as an expert in over 35 legal proceedings. In 2011, I was inducted as a Fellow in the American Institute of Certified Planners.