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Board Certified in City, County and Local Government Law

August 25, 2010

State of Florida Department of Community Affairs (DCA)
2555 Shumard Oak Blvd.
Tallahassee, FL
32399-2100

**Re: RENEWED CITIZEN OBJECTIONS to ADOPTION
Osceola County 10-2ER CPA09-0009 Northeast Conceptual Master Plan**

Dear DCA,

I represent **Sierra, Inc.** (the “Sierra Club”) **Central Florida Group**, the **Pine Lily Chapter of the Florida Native Plant Society**, the **Lake May Jane Alliance** and the **Whippoorwill Hart Rural Settlement Community Action Association**, **Catherine Bowman**, expert ecologist and a concerned citizen, **Eugene Stoccardo**, concerned citizen, **Suzanne Arnold**, 13306 Lake Mary Jane Road, Orlando, FL 32832 and the following individual residents of Osceola County with statutory standing, including **Kathy Crawford**, an Osceola County Resident; **Cheryl Livingston**, an Osceola County Resident; **Cindy Meketa**, 6791 Midland Drive, St. Cloud, FL 34771; **Jenny Welch**, 3203 St Augustine Court, Kissimmee, Fl 34746; and **Gary Graham**, 601 Dakota Ave, St. Cloud, FL 34769 with regard to their legal objections to the above referenced Comprehensive Plan Amendment, which include the following issues:

Expansion of the Urban Growth Boundary

The objectors believe the NE Master Plan is premature and is not supported by a demonstration of a population projection based “need” for expansion of the Urban Growth Boundary (UGB) at this time and constitutes urban sprawl. The plan amendment project is a premature expansion of the Urban Growth Boundary that is inconsistent with the goals, objectives and policies of the existing Comprehensive Plan governing expansions of the UGB, promoting infill, and protecting undisturbed native rural lands outside the UGB. A compilation of the annual DRI reports within Osceola County indicate a surplus of many approved but un-built residential units and non-residential square footage. Current population projections and Osceola County’s data and analysis for the existing Housing Element do not support a demonstrated need for additional lands for development or expansion of the UGB through the planning horizon of 2025.

Information gathered as part of DRI Annual Reports indicates that there is a huge surplus of specially approved but not yet built units and other specifically approved commercial square footage in Osceola County:

Totals	Approved	Built
Dwelling Units	DU	
Single Family (SF)	33,956	8,614
Multi Family (MF)	12,070	5,148
Time Share (TS)	11,852	4,666
Town Homes (TH)	1,110	0
SF and MF	18,673	0
SF, MF, TS, TH	4,105	982
Total Dwelling Units	81,766	19,410
Commercial	SF	
Office	8,237,210	1,613,918
Retail	12,269,104	1,767,884
Industrial	3,620,000	80,000
Convention	1,375,000	0
Expo	3,745,000	0
Total Commercial	29,246,314	3,461,802
Institutional		
School (acres)	9,262	177
School (students)	7,071	2,750
Other Uses	167,200	0
Hotel (rooms)	34,539	3,118
Medical Center Office	378,036	230,286
Outdoor Area	Acres	

Within DRIs alone there remains unbuilt and available for development 62,356 dwelling units and 25,784, 512 million square feet of Commercial ! There is simply no demonstrated need to expand the Urban Growth Boundary when this amount of development has yet to be absorbed. This table shows only those specific units and square footage that have already been approved and not yet built within existing DRIs in Osceola County. There are many more dwelling units and commercial lands that are designated for such use WITHIN the urban development boundary for urban growth. Information from the Department of Community Affairs public presentations indicate that Osceola County’s approved plan amendments include a capacity total of 105 years of dwelling unit growth and 88 years of growth beyond the planning period.

<http://www.dca.state.fl.us/fdcp/dcp/LUNP/Files/LandUseNeedsAnalysis-Pelham.pdf>

The existing Osceola Comp Plan’s current Needs Analysis is contained in the Data & Analysis Vol. III:

6. Demand for Land Related to Population Growth

Rule 9J-5.006(2)(c), F.A.C., requires that Osceola County project the amount of land necessary to accommodate the needs of Osceola County during the planning timeframe. The analysis requires a report by gross acreage and density and intensity of FLUM

designations. The analysis further requires a description of the methodology used to determine these figures. The purpose of this exercise is to provide important information for use in the formulation of an inventory of necessary capital improvements. The projected land use requirements will also be reflected in the FLUM series. The projected land uses, the location of land uses, and rates of growth are key factors in controlling the timing and patterns of development.

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Table 3-2: County Population Projections

Year	BEBR High Range
2000	172,493
2005	240,700
2010	304,400
2015	372,900
2020	446,800
2025	525,100
2005-2025 growth	284,400

Source: Bureau of Economics and Business Research (BEBR) University of Florida, Florida Population Studies, Vol. 37, No. 2, Bull. 138, February 2004

4. Land Requirements and Availability for Projected Housing Needs

Based on the figures provided by the Shimberg Center for Affordable Housing, a total of 139,631 dwelling units will be needed to serve the unincorporated population of Osceola County by the year 2025. Of those 139,631 units, 112,537 will be owner occupied and 27,094 will be renter occupied (see Table 3-16).

As described in the Future Land Use Element Data and Analysis, there are 239,257 acres in the County's Urban Growth Boundary (UGB). The area within the UGB is where the majority of new residential development in the County will take place through the year 2025. Within the UGB approximately 146,560 acres account for developed, pre-existing land uses and water bodies. Of the remaining 92,697 acres, there are approximately 26,228 acres of undevelopable wetlands. Therefore, there are 66,469 acres of developable land in the UGB that can accommodate new growth and the projected housing population.

Table 3-16: Housing Composition, 2000-2025

Countywide Total Households (HH)

HH Size	Tenure	2002	2005	2010	2015	2020	2025
1-2	Owner	24,524	32,144	43,590	57,912	74,845	93,045
1-2	Renter	11,183	13,827	17,460	21,474	25,922	30,713
1-2 Total		35,707	45,971	61,050	79,386	100,767	123,758
3-4	Owner	16,143	20,419	25,882	31,107	36,291	41,493
3-4	Renter	7,500	9,070	11,134	13,115	15,003	16,853
3-4 Total		23,643	29,489	37,016	44,222	51,294	58,346
5+	Owner	6,028	7,622	9,622	11,487	13,366	15,351
5+	Renter	2,820	3,449	4,231	4,986	5,723	6,490
5+ Total		8,848	11,071	13,853	16,473	19,089	21,841
Countywide Total:		68,198	86,531	111,919	140,081	171,150	203,945

Unincorporated Total Households (HH)

HH Size	Tenure	2002	2005	2010	2015	2020	2025
1-2	Owner	16,974	22,707	31,565	42,627	55,834	70,135
1-2	Renter	4,502	5,813	7,742	9,915	12,480	15,460
1-2 Total		21,476	28,520	39,307	52,542	68,314	85,595
3-4	Owner	11,267	14,452	18,619	22,650	26,652	30,704
3-4	Renter	3,298	4,095	5,180	6,178	7,107	8,070
3-4 Total		14,565	18,547	23,799	28,828	33,759	38,774
5+	Owner	4,314	5,531	7,093	8,576	10,078	11,698
5+	Renter	1,475	1,839	2,307	2,725	3,124	3,564
5+ Total		5,789	7,370	9,400	11,301	13,202	15,262
Unincorporated Total:		41,830	54,437	72,506	92,671	115,275	139,631

Source: Shimberg Center for Affordable Housing, Model Run with BEBR High Projections, 2005.
Osceola County Planning Department

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Table 3-21: Projected Demand for Housing by Building Type

Type	2005		2010		2015		2020		2025	
	SF	MF	SF	MF	SF	MF	SF	MF	SF	MF
Countywide	74,215	17,932	96,595	22,582	121,474	27,685	149,011	33,225	178,220	38,929
Unincorporated	52,118	5,855	69,417	7,799	88,723	9,968	110,365	12,399	133,683	15,019
Demand Year:	2005		2010		2015		2020		2025	
Countywide	92,147		119,177		149,159		182,236		217,149	
Unincorporated	57,973		77,216		98,691		122,764		148,702	
Unincorporated Share of Total	63%		65%		66%		67%		68%	

Source: Shimberg Center for Affordable Housing, Model Run with BEBR High Projections, 2005.

Table 3-22: Projected Need for Housing by Building Type

Type	2005		2010		2015		2020		2025	
	SF	MF	SF	MF	SF	MF	SF	MF	SF	MF
Countywide	15,323	3,379	37,703	8,029	62,582	13,132	90,119	18,672	119,328	24,376
Unincorporated	11,328	1,282	28,627	3,226	47,933	5,395	69,575	7,826	92,893	10,446
Demand Year:	2005		2010		2015		2020		2025	
Countywide	18,702		45,732		75,714		108,791		143,704	
Unincorporated	12,610		31,853		53,328		77,401		103,339	
Unincorporated Share of Total	67%		70%		70%		71%		72%	

Source: Shimberg Center for Affordable Housing, Model Run with BEBR High Projections, 2005.

Some problems, though not unique to Osceola, exist with adequate transportation service and facilities. Population as well as traffic growth has increased beyond the public's general willingness to pay. State and Federal funds and gasoline taxes provide some relief, and the County also charges an impact fee.

At this point, growth is most significantly affected by the ability to provide central sewer service (wastewater). The County government does not provide sewer services; so new development must utilize sewer service from other providers, septic tanks or provide a privately-operated package system. The septic tank requirement effectively limits density to lots of 1/2-acre or larger. Should the County begin to provide public sewer services, and it is expected that the package systems would be acquired and incorporated into the system where feasible and appropriate. Until then, new package systems should be designed in anticipation of becoming part of the public system. It should also be noted that the Future Land Use Element generally prohibits extension of water and wastewater services outside of the designated Urban Growth Boundary.

Sufficient land and density and commercial use district acreage already exist within the UGB to accommodate the projected growth (and redevelopment) for the 2025 planning horizon.

Internal Inconsistency.

Expanding the UGB prematurely without fully utilizing the available lands within the UGB Urban Infill and Urban Expansion Areas at the specified minimum densities is internally inconsistent with the existing Comprehensive Plan's transfer of development rights (TDR) policies and other policies implementing Goal 1 (Growth Management) Goal 2 (RLSA) and Goal 3 (TDR program) of the Future Land Use Element (quoted below):

Future Land Use Element

GOAL 1: GROWTH MANAGEMENT

Osceola County shall manage how and where growth occurs during the next 20-year planning horizon by using sustainable development and smart growth planning practices. The County shall manage the land use patterns designated on the Future Land Use Map comprehensively, consistently, and effectively to enhance the quality of life for its citizens, promote economic vitality, and accommodate projected population growth and development in an environmentally acceptable manner.

Objective 1.1: Urban Growth Boundary

Osceola County establishes an Urban Growth Boundary (UGB) to provide a spatial framework within which urban scale development can occur and the location, capacity, and financing for the roads, schools, utilities, transit and other public facilities necessary to support development can be planned for and provided

Policy 1.1.1: Urban Growth Boundary (UGB).

The UGB is fundamental to the County’s long-term growth strategy for achieving a compact urban area where a quality of life superior to that provided by a conventional suburban development pattern can be achieved. To that end, the County will use the UGB as the primary planning and management tool for identifying 20-year capital facility needs and the funding commitments required to support its future urban growth.

Policy 1.1.2: Density range within UGB; target density of 3.0 DU/acre.

The UGB is intended for and planned for urban land uses with urban level densities and intensities. For new residential development within the UGB, the County shall provide for a range of densities of up to twenty-five (25) dwelling units per acre with a target average density of 3.0 dwelling units per acre by 2025.

Policy 1.1.3: Urban Infill and Urban Expansion Areas.

The UGB is divided into two (2) development areas – an Urban Infill Area and an Urban Expansion Area. To encourage development that can be efficiently served with public facilities and services, while discouraging the proliferation of urban sprawl, new residential development within these areas shall meet the following minimum net densities:

Urban Infill Area – 3.0 dwelling units per acre

Urban Expansion Area – 5.0 dwelling units per acre

Developing at less than the established minimum net densities will be permitted where the County’s TDR program is used to buy down the density.

Policy 1.1.5: Central water and sewer mandatory within UGB.

All new development within the UGB shall connect to a regional service provider of central potable water and sanitary sewer systems, except in situations where the development of fewer than 4 adjacent single-family residential lots is proposed and these services do not exist within 200 feet. Those areas served with private potable water wells and on-site treatment and disposal systems may remain until central services are available, to serve these areas. Furthermore, the extension of central potable water and sanitary sewer systems outside of the UGB shall be prohibited, unless the Board of County Commissioners determines that these services are needed for one of the following reasons:

- A. A public health hazard exists for existing development, and extension will not serve as the basis for new development; or
 - B. When the facilities are extended to protect environmentally sensitive areas from the impacts resulting from existing development;
 - C. Enhancement of services in the Rural Settlements;
 - D. Development of receiving properties through a Rural Land Stewardship program.
- Expansion of these services shall not be considered justification for expanding urban development outside the UGB or for extension of the UGB.

Policy 1.1.6: Transfer of Development Rights (TDR).

The County will use transfer of development rights (TDR) as a mechanism for preserving large areas of rural lands that can function as greenbelts between existing and future urban areas as described under Goal 3.

Policy 1.1.7: UGB accommodates BEBR 2025 high projections.

The Urban Growth Boundary (UGB) has been designed to accommodate the Bureau of Economic and Business Research’s (BEBR) 2025 population projection for Osceola County. The size of the UGB and its continuing capacity to accommodate the projected population shall be evaluated during each statutorily required Evaluation and Appraisal Report (EAR) period. If determined that the amount of land available for development is insufficient to allow the UGB to function as desired, adjustment to the boundary may be made through the County’s EAR amendment process. An adjustment to the UGB shall not be approved unless recommended in the EAR and adopted as an EAR amendment. Within the UGB, wetlands are assigned no densities or intensities and are excluded from the calculations for determining areas available for future development.

Policy 1.1.8: Modifications to the UGB.

The UGB contains two (2) separate growth areas identifiable by the different development forms encouraged in each. They are:

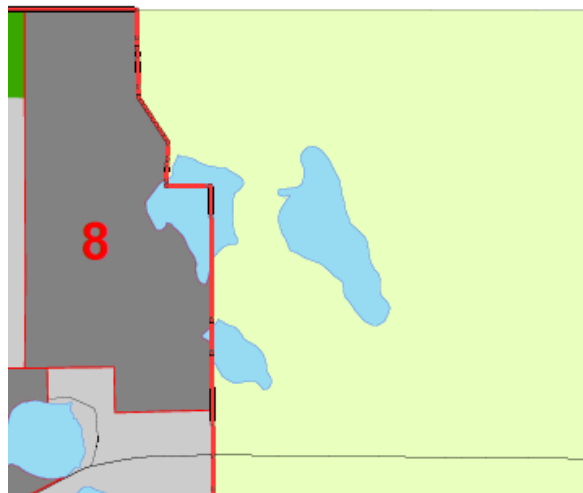
1. **Urban Infill Area** - This area is a continuation of existing planning practices and development patterns. The form is conventional suburban development designed around an automobile-oriented transportation network.
2. **Urban Expansion Area** - This area is designed to offer a more urban form of development that is pedestrian-oriented, multi-modal and provides a concentrated mix of uses with a distinct sense of place.

Modifications to the Urban Growth Boundary that equate to or reduce the acreage within the existing boundary shall be considered if they result in greater environmental protection, or improve infrastructure efficiency. Any modification to the UGB shall be adopted as an amendment to the Comprehensive Plan.

Policy 1.1.9: Mixed Use Planning Districts.

The **Urban Expansion Area** of the UGB is divided into nine (9) Mixed Use Planning Districts. Growth and development have been projected for the year 2025 and distributed to each Planning District as shown below:

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FLUM Map 2

[Note: Contrast Mixed Use Districts 8 with 9 located on opposite side of the County]:

District 8 – 4533 acres
SFU 1287 du
MFU 0 du
Employment 91 employees
Comm./Services 36,400 sq. ft.

District 9 – 3417 acres
SFU 5700 du
MFU 2300 du
Employment 523 employees
Comm./Services 785,000 sq. ft.

Policy 1.1.13: Land Development and Infrastructure Capacity Monitoring System.

The County shall create by March 2008 an UGB Land Development and Infrastructure Capacity Monitoring System capable of tracking the planning, funding and provision of infrastructure consistent with County policies and Chapter 163, F.S. and Rule 9J-5, F.A.C. and land development activity within the County.

Objective 1.2: Sustainable Development

Osceola County, through the use of transfers of density rights, clusters developments, and other approaches, shall develop a Smart Growth development pattern that makes efficient use of the developable land; optimizes urban services and infrastructure, uses innovative mixed-use planning techniques; promotes a wide variety of transportation and housing options; absorbs and effectively serves a significant portion of the future population growth of Osceola County and Central Florida, protects the architectural and environmental character of the County through compatible, high quality, and environmentally sensitive development practices, and helps provide a distinct separation of urban and rural land uses. To ensure a sustainable development pattern the County shall strictly enforce the development standards identified in the Future Land Use Element.

Policy 1.2.2: Infill development encouraged.

To maximize the use of existing services and facilities, compatible higher intensity residential and non-residential infill development shall be encouraged within the UGB. For purposes of this policy, infill development shall be defined as projects of thirty (30) or fewer acres and bounded on at least two sides by existing development and where central potable water and sanitary sewer service is located within 200 feet. Furthermore, infill developments shall be exempt from the locational criteria identified in the FLU element. This policy shall take effect following a study to be completed by March 2008 identifying development opportunities and constraints for each of the sites meeting the infill development definition. Study recommendations shall be considered by the BCC and appropriate changes made to the Comprehensive Plan and Land Development Code.

Policy 1.2.3: Sustainable development.

New development should promote a sustainable land development pattern where communities provide for the efficient use of infrastructure, protect the environment, and are compatible with adjacent developments.

Policy 1.2.6: Strengthening existing neighborhoods.

Existing neighborhoods should be strengthened through infill development, housing rehabilitation, proactive enforcement of zoning and building standards, and housing code enforcement.

Policy 1.2.7: Location of new development in proximity to public schools.

New development will be located in close proximity to existing and proposed public schools in order to promote the cost-effective development of schools and their supporting infrastructure. The County will develop locational criteria for new schools in cooperation with the Osceola County School District.

Objective 1.3: Future Land Uses

The adopted Future Land Use Map and any amendments to this map shall promote responsible growth management practices. More specifically, Future Land Use Map designations and Land Development Code regulations shall be based upon appropriate topography and soil conditions, coordinated with the availability of facilities and services; provide for adequate drainage, stormwater management, open space, safe onsite traffic flow and needed vehicular parking; encourage the elimination or reduction of incompatible land uses; and discourage the proliferation of urban sprawl development patterns.

Policy 1.3.3: Rural/Agricultural Future Land Use Map (FLUM) designation defined.

Rural / Agricultural

The Rural / Agricultural designation provides for continuation of agricultural production and supporting land uses outside of the adopted Urban Growth Boundary. Limited residential development is allowed based upon meeting the following criteria:

1. Maximum density allowed shall be 1 dwelling unit per 5 acres.
2. The number of units allowed for a development proposed as 5 acre “ranchettes” shall be based upon net density defined as the total number of dwelling units divided by developable land, i.e., land area minus natural water bodies and wetlands.
3. The number of units allowed for a development proposed as a Conservation Subdivision shall be based upon gross density defined as the total number of dwelling units divided by the development’s total area.
4. At a minimum 50% of the land area shall be set aside under common ownership.
5. Conservation Subdivisions shall optimize the land maintained under common ownership in order to retain agricultural functions, minimize fragmentation of area resources and preserve existing ecological connections. Common open space within a Conservation Subdivision will be permanently preserved via easement and managed by the agricultural owner, homeowners association, land trust, conservation organization or public agency. The easement or dedication shall remove all residential development rights from the property, but shall not limit agricultural, conservation, or recreational uses.
6. Lot size within a Conservation Subdivision will not exceed 2.5 acres.
7. A Conservation Subdivision ordinance shall be adopted by March 2008 that addresses the quality, quantity and configuration of open space to be preserved, methodology for identifying the location of residential dwellings, and requirements for ownership and maintenance of common open space.

Policy 1.3.5: Expansion of Rural Settlement lands.

Expansion of existing Rural Settlements or the creation of new Rural Settlements shall be limited. Requests to expand or create Rural Settlements shall be approved only as an amendment to the Comprehensive Plan and must be based on the demonstrated ability to meet the following criteria:

- The amendment will maintain the Settlement’s rural character;
- The amendment is needed to accommodate the projected twenty-year population and employment needs
- For densities greater than 1 du/ 5 acres, Conservation Subdivision principles will be applied to the Settlement’s design or the **County’s TDR program will be used to buy the additional density.**

In addition, the following criteria shall be considered to evaluate or justify the proposed amendment:

- The existing lot/parcel configuration within the amendment area is inconsistent with the Rural / Agricultural FLUM designation;
- The amendment would allow logical infill development;
- The amendment would not adversely impact the adopted level of service for any needed public services.

Policy 1.3.37: NRU: raw water resources.

The County shall study and, if deemed feasible, implement land use policies through which the identification, preservation, conservation, and management of raw water resources can be accomplished consistent with the procedures and authority established in the Florida Statutes for the water management districts, the Florida Department of Environmental Protection (FDEP), and the land use and growth management responsibilities assigned to the local jurisdiction, as further established by the Florida Statutes. These land use policies shall include, but not be limited to the following:

- (1) The study and, if necessary, modification of the existing County water districts;
- (2) The review and consideration of the long-term potable water resources available for utilization by the citizens of Osceola County along with the expected demand in the near and long-term future as demonstrated by the individual district water supply plans, data and studies undertaken by the FDEP, and other applicable resource studies;
- (3) The implementation of innovative land use regulation and incentives mechanisms to preserve water resources through the establishment of local regulatory land use decision mechanisms consistent with the requirements of the applicable Florida Statutes;
- (4) The recognition that the regulation of the consumptive use of water is specifically reserved to the water management districts, pursuant to Chapter 373, F.S.;
- (5) In furtherance to the local sources first policy, embodied in Section 373.223, F.S., Osceola County expressly intends that the land use policies and determinations made pursuant to this Comprehensive Plan be considered by the appropriate water management district as part of the consumptive use permitting decision making process, pursuant to Chapter 373, F.S.; and
- (6) Provisions establishing that when a consumptive use permit under section 373.2295 (interdistrict transfer of groundwater), F.S., is granted for water use beyond the boundaries of a local government from which, or through which, the groundwater is withdrawn or transferred, and a local government denies a permit required under Chapter 125 or 153, F.S., for a facility or any infrastructure which produces, treats, transmits, or

distributes such groundwater, the person or unit of government applying for the permit under Chapter 125 or 153, F.S., may appeal the denial to the land and Water Adjudicatory Commission.

Policy 1.3.39: Urban sprawl.

Promoting development to occur where commitments have been made for requisite facilities and services shall discourage urban sprawl. Urban sprawl is deemed to be contrary to the best interests of the County's health, safety, and welfare, whether it occurs in Osceola County or in an adjoining jurisdiction. Further, urban sprawl is a land use impact deemed to be a threat to the long-term protection of the natural resources that is a central feature of this Plan, and the County shall discourage such threats through the development review process.

Policy 1.3.40: Public utilities' impact on natural resources.

Public utilities shall consider the long-term impacts of land use decisions upon natural resources, the overall health, safety and welfare of the County and its residents, and the development consequence parameters as established in the County's long-term resource allocation model in the siting and provision of new or expanded essential service facilities. It is intended that long-term land use consequences be reviewed whenever a Natural Resource Utilization use is established to any location under the County's jurisdiction.

Policy 1.3.42: Environmental impact statement and mitigation plan.

Osceola County shall require that all developments with a significant impact upon natural resources, including but not limited to developments involving mining, natural resource extraction, wetlands removal, or environmentally sensitive habitat destruction, prepare an environmental impact statement and mitigation plan. This environmental impact statement shall detail the long-term potential land use impacts upon the natural resource base of the County and demonstrate how those land use impacts will be alleviated. This policy shall not authorize the County to regulate impacts of the consumptive use of water as provided in Chapter 373, F.S. However, such applicant will still be required to address those other impacts of the proposed activity that involve construction, installation, erection, acquisition, operation, maintenance, improvement, extension, connection, enlargement, or reconstruction of any projects infrastructure.

Objective 1.4: Special Development Areas/Developments of Regional Impact (DRIs)

Osceola County shall continue to use Developments of Regional Impact and the Special Development Areas of the County, which are areas that require special development criteria due to their unique location, topography or size, as planning tools for managing the County's future growth.

Policy 1.4.1: Lowering of residential DRI threshold.

Pursuant to the provision in Chapter 380.06, F.S., the County shall petition the Florida Administration Commission to lower the residential DRI threshold from **2,000 to 1,000 dwelling units**.

Policy 1.4.2: DRIs subject to development orders.

Each DRI shall build out consistent with the land uses identified in the ADA as modified

by the Development Order (DO). Density/intensity standards shall be adhered to unless alternate standards are stipulated as part of the DO conditions adopted by the ECFRPC. The extent to which there may be future modifications to these standards without additional review shall be determined by an exchange matrix that has been included as part of the DO conditions, consistent with the provisions of s.380.06 F.S.

Policy 1.4.3: Special Development Areas/Future Sector Plans.

Osceola County recognizes the need for certain study areas as sector plans. The County shall review the need for sector plans on a regular basis and schedule plans for development or updates, as necessary.

Objective 1.5: Public Educational Facilities

Osceola County shall continue to coordinate with the Osceola County School District for the adequate provision of existing and planned capacity of public educational facilities.

Policy 1.5.3: Schools inside and outside of UGB.

Within the UGB, Osceola County shall allow public educational facilities to be located in the following Future Land Use categories: Mixed Use; Institutional; Commercial; Office; Tourist Commercial and Celebration. Elementary schools may be located in areas designated as low, medium or high residential. **Outside the UGB, public educational facilities may be located within a development approved through the Rural Land Stewardship Program.**

Policy 1.7.3: Allowable residential densities outside UGB.

With the exception of rural settlements and in approved Rural Land Stewardship Areas (Goal 2 and its subordinate objectives and policies) and for pre-existing developments, residential densities greater than 1 dwelling unit per 5 acres outside of the designated Urban Growth Boundary shall not be permitted.

Policy 1.7.4: Allowable residential densities within UGB.

With the exception of rural enclaves, and for pre-existing developments, new development or redevelopment within the UGB shall meet the **established minimum residential densities unless the County's TDR program** is used to buy down the density.

Objective 1.8: Natural Resources Protection

Prior to the approval of site plans by Osceola County, areas of unsuitable soils, wetlands, or wellhead protection areas must be identified. Provision to ensure that these factors are addressed in a manner that is consistent with the Goals, Objectives and Policies of this Plan shall be included in the Land Development Code

Policy 1.8.2: Natural Resources Inventory (NRI).

Osceola County has developed a Natural Resource Inventory that identifies areas critical to protection and conservation. The inventory includes, but is not limited to, the following resources: aquifer recharge areas, wellhead protection areas, wetlands, mineral resources, raw water extraction and production resources areas, wilderness resource areas, rare and endangered animal species, areas deemed suitable for wastewater disposal, re-use, recycling or land-filling areas and areas characterized by fire ecology. The

Natural Resource Inventory will be used to guide the decisions related to the long-term preservation and protection of natural resources throughout the County.

Objective 1.10: Redevelopment

The County shall review its local development review process to encourage redevelopment where public facilities are available and adequately support infill projects.

Policy 1.10.1: Blighted areas inventory.

By December 2008, the County shall complete an inventory of blighted areas, including developed communities containing substandard structures and infrastructure such as roads, central sewer and central water. The periodic housing inventories addressed in the Housing Element shall be specifically used to identify blighted residential areas.

Policy 1.10.2: Prioritization of improvements.

Subsequent to completing the inventories of blighted areas, the County shall prioritize needed improvements and secure funding for said improvements through local funding, interlocal agreements with the municipalities, and grants from various state and federal agencies

GOAL 2: RURAL LAND STEWARDSHIP

Protect and conserve agricultural lands and promote agricultural viability, to direct incompatible uses away from wetlands and upland habitat, to preserve cultural heritage, to discourage urban sprawl, and to encourage development that utilizes creative land use planning techniques and promotes economic prosperity and diversification.

Objective 2.1: Rural Lands Stewardship Area Overlay

To create and implement an incentive-based land use overlay system, herein referred to as the Osceola County Rural Lands Stewardship Area (RLSA) Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11)(d), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 Policies describe the structure and organization of the Osceola County Rural Lands Stewardship Area Overlay. Group 2 Policies relate to agriculture, and cultural heritage.

Policy 2.1.1: Rural Land Stewardship Area (RLSA).

In order to promote a dynamic balance of land uses in the Osceola County RLSA that collectively contribute to a viable agricultural industry, protection and conservation of natural resources, and enhancement of economic prosperity and diversification, Osceola County will, on or before December 2008, establish the RLSA Overlay.

Policy 2.1.2: RLSA intent.

The intent of the RLSA Overlay is to protect and conserve natural resources and retain and promote viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provide a system of compensation to private property owners for the elimination of certain land uses in order to protect and conserve natural resources, open space and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based on the principles of Florida's Rural Lands Stewardship Act, Chapter

163.3177(11)(d) F.S. The RLSA Overlay shall include innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.

Policy 2.1.3: Rural Land Stewardship Overlay Map.

The RLSA Overlay to the Future Land Use Map shall be depicted on the Rural Lands Stewardship Overlay Map. The Overlay Map will be an adopted overlay to the Future Land Use Map (FLUM).

Policy 2.1.4: Stewardship credits.

Stewardship Credits (credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas (SSAs). All privately owned lands within the RLSA are eligible for designation as an SSA.

Policy 2.1.5: Stewardship credits transferable.

Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies.

Policy 2.1.6: RLSA serves long-term vision beyond 20 years.

Pursuant to Chapter 163.3177(11)(d)6.,F.S., the RLSA enables Osceola County to realize the long-term vision and goals beyond the 20-year or greater projected population of the rural lands stewardship area.

Policy 2.1.7: Methodology for transfer of credits.

Pursuant to Chapter 163.3177(11)(d),F.S., upon the adoption of the Rural Lands Stewardship Area Overlay, Osceola County shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits.

Objective 2.2: Agriculture and Cultural Heritage

To protect and conserve agricultural lands and open space, continue the viability of agricultural production, and preserve cultural heritage in Osceola County.

Policy 2.2.1: Agricultural activities within RLSA.

Nothing herein or in the implementing Land Development Code (LDC), shall restrict lawful agricultural activities and conditional uses on lands within the RLSA Overlay that have not been approved as SSAs pursuant to Policy 2.1.4.

Policy 2.2.2: RLSA incentives.

Incentives will be created on or before December 2008 that protect and conserve agricultural lands, through encouraging a property owner to voluntarily eliminate the right to convert agricultural land to non-agricultural uses in exchange for Stewardship Credits.

Policy 2.2.3: Stewardship sending areas.

Agriculture lands protected and conserved through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs).

GOAL 3: TRANSFER OF DEVELOPMENT RIGHTS

Protect and conserve agricultural lands and promote agricultural viability, to direct incompatible uses away from wetlands and upland habitat, to preserve cultural heritage, to discourage urban sprawl, and to maximize density and the efficiency of residential and commercial development within the Urban Growth Boundary.

Objective 3.1: TDR Program

Create and implement an incentive-based rural lands conservation program that contributes to the long-term viability of the County's agricultural industry and protection of its natural resources.

Policy 3.1.1: Intent of TDR program.

The intent of the TDR program is to protect and conserve natural resources and retain and promote viable agriculture by allowing rural land owners outside the UGB to obtain economic value from the development rights associated with their land by selling those rights to be used within the UGB to allow greater development densities. This will provide a system of compensation to private property owners for the elimination of certain land uses in order to protect and conserve natural resources, open space and viable agriculture in exchange for transferable credits that can be used to entitle those developing land within the UGB.

Osceola County will, by March 2008, establish a TDR program and implementing ordinance. Until such time as the ordinance is adopted, new development shall not be approved that is less than the minimum or greater than the maximum residential densities permitted by the Plan.

Policy 3.1.2: Purchase of TDR credits.

Minimum densities have been established for both Urban Infill and Urban Expansion Areas within the Urban Growth Boundary. Any landowner or developer proposing to build at less than the prescribed density shall be required to purchase one (1) TDR credit for every unit below the minimum density from outside the UGB. Neighboring homeowners or other groups or organizations making a formal request for the County to approve a density less than the minimum shall, at the time of the request, present to the County a financially feasible plan for purchasing 1 TDR credit for every unit below the minimum density from outside the UGB.

Policy 3.1.3: Two options for purchasing density credits.

Two options are available for purchasing density credits. They are as follows:

1. Density credits can be purchased from the County. The County shall establish a rate schedule that may be revisited annually to ensure the amounts charged are adequate to fund a meaningful acquisition program. The funds will be maintained in a Rural Lands Acquisition Fund to be used by the County for purchasing development rights from lands identified in a Rural Lands Acquisition Plan, which will be adopted as part of the Program's implementing ordinance.
2. Developers or landowners within the UGB may work independently with rural landowners to purchase density credits without the need to go through the County, as long as it can be demonstrated that development rights have been bought and the property appropriately encumbered. In addition, the credits bought must remove development rights from lands included in and consistent with the

County's Rural Land Acquisition Plan.

Policy 3.1.4: Density credits established at one unit per 2.5 acres.

Density Credits shall be established at the rate of one (1) unit per 2.5 acres, excluding natural water bodies and wetlands. Once development rights from these properties are sold, the sending properties are to be kept in permanent agriculture, open space or conservation uses. Sale shall result in a specific recorded deed transferring such rights, and the recording of a permanent conservation easement/agricultural easement encumbering land uses on the sending property so that only agricultural, open space, passive recreation or conservation uses are allowed in the future.

Additional Internal Inconsistencies with other Comp Plan Element Goals, Objectives and Policies are listed, supra pp. 30-40.

No projects have been identified to serve the NE Conceptual Master Plan UGB Expansion area.

Infrastructure projects have been not been adequately identified to serve the NE Conceptual Master Plan UGB Expansion area. *See Capitol Improvement Element and EAR.*

The capital costs of such infrastructure as well as the costs to maintain the facilities should be identified. How much will it cost the County to construct and build the infrastructure necessary to serve the NE Plan area, including police/sheriff stations and patrols, fire stations, schools, water, sewer, libraries, roads, and other services? Where will these resources come from? When will the public begin to pay for these services?

Fundamentally, the planning question that has not been answered even before the ability of the public to pay for, and support, this infrastructure into the long term future is “whether or not there is a demonstrated demand for growth in this particular area that is located outside the current UGB and is not suitable for development because it is environmentally sensitive, links adjacent protected conservation areas and contains ecological resources of regional and statewide importance.

DCA Statutory Authority and Current Rules Pertaining to Need

Section 163.3177(2), Fla. Stat. states that:

“The several elements of the comprehensive plan shall be consistent....”

§163.3187(2), Fla. Stat. states that:

“Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan....”

This internal consistency requirement should be stringently applied to the Future

Land Use Map, which must:

“reflect goals, objectives, and policies within all elements and each such map must be contained within the comprehensive plan.” §163.3184(11)(a) Fla. Stat.

The Administration Commission has explained that the FLUM:

"is a critical component of the Plan. [It] provides an essential visual representation of the commitment to uphold ... goals, objectives, and policies," Austin et al .v. City of Cocoa and DCA, 1989 WL 645182, ER FALR 89:0128 (Admin. Comm. 1989).

Section 163.3177(6)(a), Florida Statutes (2009) provides a compelling statutory basis for needs analysis, quoted below in relevant part (emphasis supplied):

In addition to the requirements of subsections (1) - (5) and (12), the comprehensive plan shall include the following elements: (a) A future land use plan element designating the proposed future general distribution, location, and extents of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land.... **The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land needed to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities and services; the need for redevelopment, including the need for renewal of blighted areas and the elimination of non-conforming uses which are inconsistent with the character of the community;** the compatibility of uses on land adjacent to or closely proximate to military installations; lands adjacent to an airport...; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy....

A number of rules relate to the need determination, but the most direct references are: 9J-5.005(2)(e) and 9J-5.006(1)(g) and (2)(c), F.A.C.

Rule 9J-5.005(2)(e) provides in part: "The comprehensive plan shall be based on resident and seasonal population estimates and projections." The default data typically used are the University of Florida BEBR medium-range projections.

Rule 9J-5.006(1)(g) provides: "The element (Future Land Use Element) shall be based upon the following data requirements pursuant to subsection 9J-5.005(2), F.A.C. ...

(g) Population projections as prescribed in the general requirements section of this chapter."

Rule 9J-5.006(2)(c) provides: "Land Use Analysis Requirements. The element shall be based upon the following analysis which support the comprehensive plan pursuant to Rule 9J-5.005(2), F.A.C. ... (c) An analysis of the amount of land needed to accommodate the projected population, including: 1. The *categories* of land use and their densities and intensities. 2. The estimated gross acreage needed by category, and 3. A description of the methodology used."

A number of associated rules must be considered together with those direct rule references in order to understand the reference to "*categories*" which is a reference to the eleven categories listed in Rule 9J-5.006(1)(a), together with the definitions of each of those categories in Rule 9J-5.003 (Definitions) (2), (21), (28), (40), (55), (58), (99), (104), (108), and the definitions of "density" and "intensity" in Rules 9J-5.003 (31) and (60), F.A.C., respectively.

This FLUMA was not based on a professionally acceptable demonstration of need as required by Section 163.3177(6)(a), Florida Statutes, and Rules 9J-5.006(2)(c) and 9J-5.005(2), and the FLUMA is internally inconsistent with the Objective and Policies set forth in the Osceola County FLUE Goal 1 and Goal 2, as well as with the rest of the Osceola County Comprehensive Plan, including demonstrating sufficient infrastructure capability and costs of infrastructure under the Infrastructure Element.

Current Market Conditions.

The economic damage in current market is not helped by current market conditions and market oversupply. Approving this plan amendment will aggravated oversupply and over-allocation already built into the current existing comprehensive plan. It is clear that many plans are "over allocated" and may have contributed to "housing market collapse" in Florida. ("*Population Need as a Criteria for Changes to a Local Government's Future Land Use Map*" October 2009 Interim Report 2010-107 by the Florida Senate's Committee on Community Affairs (Senate Report), p. 1). "The needs assessment is a fundamental part of land use planning;" and "although the needs assessment has been in the statutes for a long time, it has not been consistently enforced." (Senate Report, p. 8). In addition, many areas in Florida are overbuilt and are experiencing a huge backlog of thousands of built units that are either vacant and idle or have been placed for sale in the MLS by owners or banks (REO). It is important that the backlog in "oversupply" of un-built homes and built homes that are unoccupied but for sale (or sit idle as bank owned foreclosed properties) be reduced.

Existing Land Use Inventory.

Few, if any, comprehensive plans contain an up-to-date "existing land use map" as required by Rule 9J-5.006(1)(a), FAC. Similarly, the requirements of Rule 9J-5.006(1)(c), FAC, which requires "the approximate acreage and general range of density or intensity of use shall be provided in tabular form for the gross land area included in each existing land use category" have not been enforced. In part, neglect of these

provisions has created huge over-allocations in many counties. For example, according to Sec. Pelham, Jackson County has an allocation of 993 years of dwelling unit growth beyond the planning period with an allocation ratio of 331.9. (Presentation to Senate Community Affairs Committee, November 3, 2009, p. 19).

The current supply of housing and commercial development nodes should be absorbed prior to building additional residential and commercial square footage in areas not currently served by infrastructure. Prematurely approving additional areas for development outside the Urban Development Boundary drives local governments further into a serious and still growing local government budget crisis and unwisely and illegally directs growth into areas beyond the current urban development boundary into lands that are less suitable for development that represent environmentally sensitive natural, unimproved wild lands of regional and statewide significance.

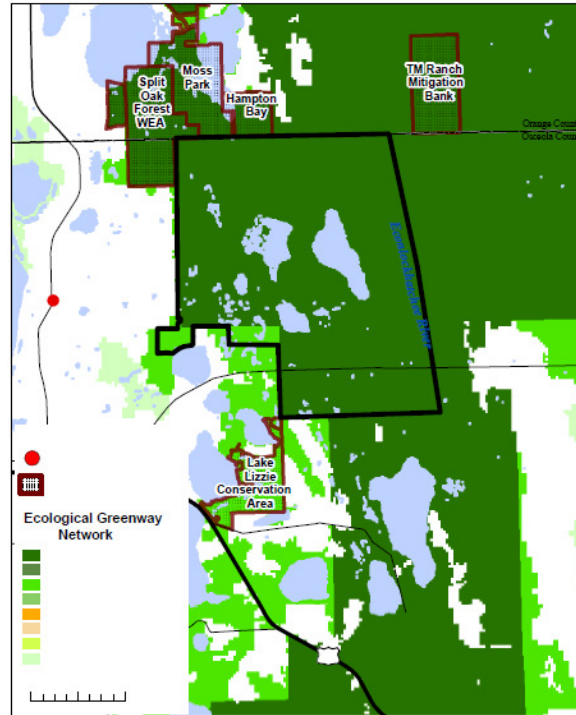
This particular area contains not just wetlands but an important mosaic of ecosystems including a variety of closely located unimproved upland ecosystem types and ecotones that provide important local, regional and state connections to significant wildlife habitat.

Where the population is directed is and should be controlled by a demonstration of a large scale need that cannot be accommodated in urban service areas when expanding urban development boundaries, (UDB) and development service areas into native ecosystem habitats and one of the few remaining regional and statewide wild lands corridors remaining in Florida.

See, *“Florida 2060 A Population Distribution Scenario for the State of Florida”* A research project for 1000 Friends of Florida Prepared by the Geoplan Center At the University of Florida Paul D. Zwick, Ph.D Professor and Chair Department of Urban and Regional Planning Margaret H. Carr, ASLA Professor Department of Landscape Architecture August 15, 2006.

Suitability - Environmental Sensitivity of the Econ Mosaic Ecological Corridor

The **Northeast Conceptual Master Plan** site is located in the headwaters of the Florida’s Kissimmee Lakes Northern Everglades basin and the St Johns-Econ Mosaic. The NE Plan area contains unimproved uplands, wetlands and some of Florida’s last remaining undeveloped oligotrophic lakes as important surface water resources. The mosaic of numerous natural ecosystem types, characterized by fire ecology, including numerous important upland ecosystem types and ecotones (where these ecosystem types abut each other) which have been mapped by the Florida Natural Areas Inventory (See, maps attached to this letter) specific to these NE Master Plan lands that serve important biological and hydrological functions connecting local protected areas for which millions of dollars have been spent to acquire, restore, preserve, and manage with even larger wildlife corridors with statewide and regional ecological significance. It is important that the wildlife connections to Split Oak Mitigation Bank, Moss Park, TM Ranch Mitigation Bank, Lake Lizzie Conservation Area characterized by fire ecology be protected and preserved.



The subject lands are also part of a larger regional and statewide wildlife corridors that has been identified in many reports and studies, including:

- Florida Biodiversity Hotspots ECRPC, FWC CLIP database;
- The Nature Conservancy Portfolio / 2005 Ecological Greenway Linkages – identified the ecological link on these subject lands as “Critical”;
- Closing the Gaps Strategic Habitat Conservation Areas for Florida,
- CLIP Biodiversity Resource Priority, Landscape Resource Priority, Consensus aggregate Priority;
- FDEP Ecological Greenways Network, Priority, Significant Landscapes, Linkages and Conservation Corridors (Ecological Greenways Network) Fla Geoplan Center and DEP Office of Greenways and Trails;
- “Landscape-sized Protection Areas” FNAI;
- Florida Forever Conservation Needs Assessment Prioritized SHCA;
- Reserve Network generalized greenways depicted in the Florida 2060 Report, 1000 Friends of Florida;
- ECRPC Visioning “How Shall We Grow” Conservation Priority;
- Identified and listed as for state acquisition by Florida Forever Upper Econ Mosaic acquisition project (and placed by the ARC as an “A” and “B” priority lists); and
- The Integrated Wildlife Habitat Ranking System, 2007. Florida Fish and Wildlife Conservation Commission..

See attached maps.

The Florida Fish and Wildlife Conservation Commission updated “Closing the Gaps” in the 2006 report, *Wildlife Habitat Conservation Needs in Florida: Updated Recommendations for Strategic Habitat Conservation Areas*. The report details an assessment to determine the protection afforded to focal species, including many rare and imperiled species, on existing conservation lands in Florida and to identify important habitat areas in Florida that have no conservation protection. These areas, known as “Strategic Habitat Conservation Areas,” serve as a foundation for conservation planning in Florida and depict the need for species protection through habitat conservation. This was further enhanced with development of The Integrated Wildlife Habitat Ranking System. The Integrated Wildlife Habitat Ranking System (IWHRs) ranks the Florida landscape based upon the habitat needs of wildlife as a way to identify ecologically significant lands in the state, and to assess the potential impacts of land development projects. The IWHRs is provided as part of the Commission’s continuing technical assistance to various local, regional, state, and federal agencies, and entities interested in wildlife needs and conservation in order to: (1) determine ways to avoid or minimize project impacts by evaluating alternative placements, alignments, and transportation corridors during early planning stages, (2) assess direct, secondary, and cumulative impacts to habitat and wildlife resources, and (3) identify appropriate parcels for public land acquisition for wetland and upland habitat mitigation purposes.

The subject NE Conceptual Master Plan 17,000+ acres are part of a larger 300,000+ acres owned by Deseret Ranch, a much larger parcel of regional and statewide importance to wildlife that is not fragmented and under sole ownership of Deseret Ranch that encompasses lands extending far beyond these NE Conceptual Master Plan lands located in Osceola County. Because these wildlands are not fragmented, under sole landowner they offer an extraordinary opportunity to preserve upland habitat connections to important wildlife corridors.

The NE Conceptual Master Plan 17,000+ acres is also part of a larger 34,000+ acres of an acquisition project known as the **Upper Econ Mosaic**, which lies 20 miles southeast of Orlando in south-central Orange County and north-central Osceola County. The northwest portion is contiguous with Split Oak Wildlife Mitigation Park (FGFWFC and Orange and Osceola counties) and Moss Park (Orange County). The NE Conceptual Master Plan 17,000+ acres and the majority of the **Upper Econ Mosaic** proposal lie within Osceola County. The Upper Econ Mosaic proposal includes approximately 31,443 acres of land of high ecological value, especially when considered in conjunction with adjacent public lands. Boundaries were drawn to maximize contiguity with existing public lands while incorporating high quality natural communities but excluding more disturbed features. In conjunction with Split Oak Mitigation Park and Moss Park, the **Upper Econ Mosaic** will protect approximately 35,000 contiguous acres in a region facing overwhelming threats from residential and commercial expansion. The Upper Econ Mosaic CARL proposal offers a large sustainable system of a high diversity of relatively intact natural communities. In addition, the site has tremendous recreational potential given its location in an area where demand for natural areas and outdoor activities is high and will continue to increase. The proposal lies within the northern part of the Osceola Plain physiographic region, which is bounded on the west by the higher Lake Wales Ridge and on the east by the lower Eastern Valley. It encompasses the Econlockhatchee River Swamp, an Outstanding Florida Water and headwaters of the

Econlockhatchee River, which flows north and east into the St. Johns through Orange and Seminole counties. Elevations grade almost imperceptibly from 65 feet in the wetlands to 75 feet on the highest scrubby ridges.

West of the river swamp **Upper Econ Mosaic** includes all of four large lakes and has frontage on six others, providing abundant recreational opportunities. The mix of xeric uplands, flatwoods, and wetlands provides habitat for many listed species of wildlife and several rare plants, as well as for wildlife species that are believed to be declining or in some degree of imperilment. The **Upper Econ Mosaic** proposal consists of a mosaic of somewhat disturbed to relatively undisturbed, high quality natural community types; these were described in greater detail below by the *Florida Natural Area Inventory* report for the **Upper Econ Mosaic** proposal (the NE Conceptual Master Plan encompasses roughly 17,000 acres of the 34,000 acre Upper Econ Mosaic acquisition proposal).

Mesic/Wet Flatwoods: Much of the **Upper Econ Mosaic** proposal area consists of level expanses of high quality Mesic Flatwoods found in long strips between the wetter Strand and Dome Swamps and the drier Scrub communities. This community is comprised of open stands of longleaf pine (*Pinus palustris*) and occasional slash pines (*Pinus elliotii*) and with minimal hardwood encroachment. The open understory is dominated by low stature saw palmetto (*Serenoa repens*) and wiregrass (*Aristida stricta*), and scattered myrtle oak (*Quercus myrtifolia*), gallberry (*Ilex glabra*), fetterbush (*Lyonia lucida*), and wax myrtle (*Myrica cerifera*). Other species present in various numbers include rabbit tobacco (*Pterocaulon pycnostachyum*), pawpaw (*Asimina reticulata*), St. John's wort (*Hypericum reductum*), elephants foot (*Elephantopus elatus*), and gopher apple (*Licania michauxii*). The flatwoods are burned in the non-growing season on approximately three year rotations, which contributes to an overall open appearance in places with a well developed groundcover of forbs and various grasses and sedges. The longleaf pines are estimated to be about 30 to 50 years old (one cored longleaf adjacent to a scrub was determined to be approximately 35 years old), with older flat-topped pines scattered about. The last selective cut on the Deseret parcel took place about 15 years ago. There are some smaller areas near the northern boundary of the Deseret Ranch that are more densely stocked with longleaf of all ages, including older trees. Wetter slash pine flatwoods occur along the east shore of Lake Preston (located in center of proposal); a core of an 8" diameter slash pine in a young dense stand near the lake indicated an age of approximately 20 years. The Mesic Flatwoods commonly grade into Wet Flatwoods, with slash pine often replacing longleaf pine, or Wet Prairie along the swamp margins, and into oak-dominated Scrubby Flatwoods and Scrub on slightly higher ridges. Depression Marshes and Wet Prairies of various sizes are interspersed among the flatwoods, scattered Dome Swamps, and Strand Swamps. Much of the area around the lakes, in between Xeric Hammocks and depressions, appears to be secondary growth consisting of densely stocked slash pine flatwoods with an abundance of young "dog hair" stands. The understory is generally sparse and includes blue maidencane (*Amphicarpum muhlenbergianum*).

Strand Swamp/Dome Swamp: Long and often broad, irregularly shaped forested wetlands run north-south throughout the proposal and smaller, rounded cypress domes are scattered about. Some of these areas are extensive and appear to be relatively undisturbed. A major feature of the proposal is the Econlockhatchee Swamp, a broad (0.5

to 1.5 miles in width) expanse of Strand Swamp and Slough (see below), which runs approximately 8.5 miles north-south within the proposal boundaries to a more definite river channel in the northernmost part of the proposal. Pond cypress (*Taxodium ascendens*) predominates with Virginia chain fern (*Woodwardia virginica*), blechnum (*Blechnum serrulatum*), and *Sphagnum* sp. forming a sometimes dense groundcover. Other species present include slash pine, loblolly bay (*Gordonia lasianthus*), swamp redbay (*Persea palustris*), wax myrtle, fetterbush, beakrush (*Rhynchospora* sp.), and pipewort (*Eriocaulon compressum*). Epiphytic bromeliads (*Tillandsia* sp.) are common. The shrub layer gradually decreases as you proceed deeper into the swamp. This whole system is of high quality and has had little cypress harvesting except in some areas on the eastern edge. Many of the smaller Dome Swamps have a marsh component in their centers. Pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), beakrush (*Rhynchospora corniculata*), and mermaid-weed (*Proserpinaca pectinata*) are occasional to abundant. Cypress harvesting is more evident in the smaller strands and domes east of the river swamp and remains a threat to their quality.

Depression/Basin Marsh,Slough: These wetlands are interspersed throughout the matrix of flatwoods, lakes, cypress wetlands, and Wet Prairies. They range from very small depressions with little or no woody vegetation in their centers to quite extensive, irregularly shaped areas in association with lake communities or Strand Swamps. A large open grassy slough occurs in the north central part of the Econlockhatchee River Swamp. This area was not accessed during the current assessment. Baker (1990) indicates this area is dominated by maidencane (*Panicum hemitomom*), beakrushes, arrowhead, pickerelweed, water lily (*Nymphaea odorata*) and small patches of sawgrass (*Cladium jamaicense*). Small tree islands of pond cypress, loblolly bay, sweetbay (*Magnolia virginiana*), and dahoon holly (*Ilex cassine*), with scattered slash pine, wax myrtle, and bamboo-vine (*Smilax laurifolia*) are distributed throughout the marsh. Smaller marshes examined often had an upper zone of slash pine and wax myrtle with swamp red bay and pond cypress in lower spots. Lower stature vegetation predominates proceeding toward the center of the marsh. Species present include scattered pond cypress, sandweed (*Hypericum fasciculatum*), bachelor's button (*Polygala cymosa*), Virginia chain fern, fleabane (*Pluchea* sp.), and beakrush. The center of the marsh consists mostly of sawgrass. From aerial photograph interpretation and Baker (1990), other large marshes have tree islands of various sizes. The smaller islands probably consist predominately of wax myrtle, buttonbush and Carolina willow (*Salix caroliniana*). Larger islands appear to consist of higher stature trees, probably cypress, sweetbay and loblolly bay among others. These wetlands are generally surrounded by Mesic Flatwoods, Flatwoods Lake, Wet Prairie, and/or Xeric Hammock communities. Some larger marshes have a sizable woody component and appear partially compromised by hydrological disruptions caused by water control measures. Wax myrtle is fairly dense over a good portion of these disturbed marshes. Broomsedge (*Andropogon* sp.) and beak rush are abundant and baccharis (*Baccharis halimifolia*), buttonbush (*Cephalanthus occidentalis*), and arrowhead are less abundant. An extensive marsh in the southwest, adjacent to Lake Lizzie, consists principally of sawgrass. Arrowhead and pickerelweed are present in this area of the marsh. Approximately 30 sandhill cranes were feeding and calling at this site.

Scrub/Scrubby Flatwoods: Oak- and occasionally sand pine (*Pinus clausa*)-dominated scrub occur on slightly higher elevations throughout much of the property. They appear as a string of scrub islands along both sides of the river swamp and also are scattered around the lakes. The oak-dominated scrub patches, ca. 20-100+ acres in size, are characterized by a rather high canopy of myrtle oak (*Quercus myrtifolia*) (10-15'), sand live oak (*Q. geminata*), and Chapman's oak (*Q. chapmanii*). A very sparse overstory of longleaf pine and sometimes slash pine (one cored tree was approximately 65 years old) was present in some areas. Most of the scrubs have been unburned for long periods resulting in a well developed, often dense shrub layer. Understory and groundcover species of more Scrubby Flatwoods include saw palmetto (up to 10' rhizomes), fetterbush, staggerbush (*Lyonia fruticosa*) and rusty lyonia (*L. ferruginea*), deerberry (*Vaccinium stamineum*), tar flower (*Befaria racemosa*), St. John's wort (*Hypericum reductum*), and wiregrass. Clumps of reindeer moss lichens (*Cladonia leporina* and *Cladina evansii*) occur in open white sand patches. One scrub described in Baker (1990) but not visited on the current assessment had rosemary (*Ceratiola ericoides*) and sand spikemoss (*Sellaginella arenicola*). A sand pine scrub briefly examined in the southwest consists of a relatively dense overstory of large sand pines. The understory is thick with oaks, saw palmetto, and staggerbush. An oak scrub on a noticeably higher ridge just east of Lake Lizzie is estimated to have four families of scrub jays. These scrubby areas are generally of good to high quality, although burning is needed to restore high quality community structure.

Flatwood Lakes: West of the Econlockhatchee River Swamp lies a cluster of four large, undeveloped lakes (Lake Preston, Lake Joel, Lake Myrtle, and Bullock Lake - all within the Deseret Ranch parcel). Information from Deseret personnel indicate the four lakes within their property are primarily acidic and oligotrophic, resulting in sparse fish populations. Lake Preston, the largest, has a mostly sandy bottom, at least in the shallowest waters. In a fairly high-use area on the west shore there is a relatively wide littoral zone of herbaceous species including yellow-eyed grass (*Xyris elliotii*), pipewort (*E. decangulare*), marsh-pink (*Sabatia grandiflora*) and scattered cordgrass (*Spartina bakeri*). This area of the lake is used regularly for recreational purposes. The shore on the east side of Lake Preston appears relatively undisturbed and consists of three clear zones, a lower grassy zone comprised of umbrellagrass (*Fuirena scirpoidea*), a herbaceous middle zone of pickerelweed and occasional arrowhead, and an upper zone with occasional giant bulrush (*Scirpus californicus*). The lakes, especially within the Deseret Ranch tract, have extensive areas of Xeric Hammock (see below) adjacent to their shores providing excellent sites for activities such as picnicking and camping. Water control canals connect all of the lakes (except Bullock Lake) within or bordering the proposal allowing miles and miles of canoeing from one lake to another. This, combined with camp sites at each lake offers excellent recreational possibilities. Other natural communities commonly bordering the lakes include Mesic/Wet Flatwoods and Basin/Depression Marsh.

Xeric Hammock: There are large areas (100+ acres) of Xeric Hammock adjacent to the lakes within the Deseret parcel. These hammocks consist of a mostly closed canopy of large, spreading, live oaks (*Quercus virginiana*) with an abundance of epiphytic resurrection fern (*Polypodium polypodioides*) and occasional spanish moss (*Tillandsia usneoides*). There is virtually no understory, which creates a very open park-like

appearance. Species present include an occasional beautyberry (*Callicarpa americana*) and non-native citrus tree. Recreational and some cattle activities have contributed to the disturbed understory. These hammocks possibly represent former scrub communities that developed into hammocks in the absence of fire. The lakes surrounding the hammocks create a natural "fire shadow." Smaller, but possibly less disturbed, patches of hammock occur on Lake Lizzie (Donovan parcel) and Trout Lake.

Wet Prairie: The Wet Prairie communities within the **Upper Econ Mosaic** are generally of high quality. Some areas have been affected by road placement and by logging equipment in ecotonal areas between cypress wetlands and flatwoods. These communities are characterized by low, herbaceous vegetation and an often spectacular floral display. They are primarily dominated by various grasses (*Aristida* spp.) and sedges, including beakrush. Patches of hooded pitcher-plants (*Sarracenia minor*) are common and associated with bantam-buttons (*Syngonanthus flavidulus*), yellow colic-root (*Aletris lutea*), milkworts (*Polygala* sp.), pipeworts (*Eriocaulon* sp.), meadow beauty (*Rhexia* sp.), sundew (*Drosera capillaris*), and star rush (*Dichromena latifolia*) among others. Rose pogonia (*Pogonia ophioglossoides*) and grass-pink (*Calopogon tuberosus*), two orchids, are less frequent. Baker (1990) reported southern red lily (*Lilium catesbaei*) as common in August and September. Hooded pitcher-plants are the only *Sarracenia* to extend into peninsular Florida.

The **Upper Econ Mosaic** harbors several rare plants. The rarest species in Florida is the wild coco (*Pteroglossaspis ecristata*). While this orchid has a fairly wide range from Cuba to Florida, Louisiana, and the Carolinas, it is quite uncommon in Florida, with only 18 occurrences (excluding this one) mapped in the FNAI database. The following rare species of vascular plants recorded from the proposal. Federal, state (FL Department of Agriculture and Consumer Services), and FNAI ranks are included:

Pteroglossaspis ecristata A wild coco G3G4 S2 C2 (LT)

Lechea cernua Nodding pinweed G3 S3 3C LE

Lilium catesbaei Southern red lily G4 S3 N LT

Nolina atopocarpa Florida bear-grass G3 S3 C2 LE

Two plants of Florida beargrass (*Nolina atopocarpa*) were noted during the assessment in the mesic flatwoods community east of the Econlockhatchee River Swamp. This is a new county record for this species according to the FNAI matrix. The wild coco orchid (*Pteroglossaspis ecristata*) was found in this same community at several locations in August 1990 (Baker, 1990). This is also a new county record for the FNAI matrix (1990). Southern red lily (*Lilium catesbaei*) was also seen in this community in 1990. Nodding pinweed (*Lechea cernua*) was not seen in the scrubs visited during the assessment, but was mapped in the FNAI database in two sand pine scrubs south and west of Lake Preston.

Blackwater Stream: To the north of the proposal the Econlockhatchee River emerges from the swamp and flows roughly two miles north and out of the proposal area. The water quality of the upper Econlockhatchee River is very good (St. Johns River Water Management District 1994).

Water Management Control Structures: The **Upper Econ Mosaic** lies within two water management districts (WMD), St. Johns River and South Florida. The

Econlockhatchee River Swamp lies within St. Johns River WMD. All of the lakes are part of the Kissimmee chain of lakes and are within the South Florida WMD. South Florida controls the water levels of the lakes by a series of canals/levees and maintains the road accessing those within Deseret Ranch. Modifications to connections between the lakes began in the late 1800s for navigation purposes. The channels were later modified for water/flood control purposes and remain such today (Fernald and Patton 1984).

Northern Everglades (North of Lake Okeechobee) - Water Quality & Existing Uses.

An independent study conducted for World Wildlife Fund 80% of the phosphorus that flows into Lake Okeechobee each year comes from basins north of the Lake (the remaining phosphorus comes from rainfall and from backpumping from basins south of the Lake). The lion's share of this northern tributary phosphorus, which averaged 703 tons per year from 1995-2001, was generated by improved pastures, vegetable crops, citrus and dairy production. Residential Development areas also contributes at least one third this much phosphorous. Growing urban areas contribute large amounts of pollution (Mock-Roos 2003). www.lakeokeechobee.org

The subject Upper Chain of Lakes that in pristine conditions probably had phosphorus levels in the range of 30-49 parts per billion (ppb) that were developed now have levels considerably greater, resulting in water quality conditions for the Kissimmee Chain of Lakes that now are rated fair to poor (McDiffett 1981, Livingston et al. 1998). Average phosphorus concentration of water flowing out of Lake Kissimmee increased from 38 ppb between 1990-94 to 84 ppb between 1995-2000 (SFWMD 2002b). It has been estimated that four of the major lakes in the Kissimmee Chain (Kissimmee, Hatchineha, Cypress, and Tohopekaliga) will be saturated with phosphorus by about the year 2014 (White et al. 2003). Id.

Slash pine, live oak, and cypress forests on the north shore of the Lake were rapidly logged to make way for improved pasture for beef and dairy cattle. The Kissimmee River once meandered across 165 km within a 1.5-3 km wide floodplain. Between 1962 and 1971, the river was channelized into a 90 km long, 10 meter deep, 100 meter wide canal. This process destroyed 12,000-14,000 hectares of wetlands in the watershed, and enabled 45,000 acres of the Kissimmee's floodplain to be transformed into improved pasture. Loss of this acreage has radically reduced the system's ability to filter nutrients, and to support healthy populations of flora and fauna. A massive restoration program is currently underway to restore approximately 11,000 hectares of wetland around the Kissimmee. Conversion, degradation and fragmentation of wildlands are the major threats to Florida's natural environment. Id.

Cattle ranches utilizing native range (e.g., native range cattle grazing on Deseret Ranch) contain much of Florida's last remaining native habitat. Most importantly, they contain a mix of habitats--marshes, swamps, and woodlands--all of which are an integral part of a working ranch, providing valuable forage for cattle and habitat (i.e., food and cover) for a diversity of species. Rural land stewardship programs, such as those contained in the Oscoela Comprehensive Plan FLUE and Conservation Element Goals, Objectives and Policies can help provide and manage wildlands for wildlife habitat on a regional and

statewide scale that may exceed the resources of Florida's current land acquisition programs. For example, fifty percent of the habitat used by the endangered Florida panther is reported to be on private lands, much of which is used for cattle production. Cattle ranches also provide habitat smaller but equally important reptile and amphibian species such as frogs. Frogs are an important part of the diet of many animal species including wading birds. With little to no effort, cattle ranchers can enhance permanent and temporary wetlands to help provide habitat for both the water and land stages of a frog's life. Cattle ranches north of Lake Okeechobee also serve as a refuge for wading birds, many of whom move from the southern part of everglades to the north during times of drought. Ranch lands are also an important migratory bird route, a last gas station if you will before many species journey onward to South America. *Id.*

Water levels in the Lake are now artificially controlled. Water managers at the South Florida Water Management District (SFWMD) and the USACOE now manage water levels on a daily and annual basis. Decisions about lake levels can be contentious, and a regulatory schedule/mechanism known as Water Supply Environmental (WSE). One reason Lake Okeechobee cannot assimilate more phosphorus is that its hydrologic regimen has radically changed. Rainfall and run-off now enter Okeechobee through canals, as opposed to rain falling on sandy scrub and other upland ecosystem types (providing some absorption and adsorption of nutrients) and filtration through miles and miles of wetlands and littoral vegetation. Because these canals do not contain significant vegetation to absorb nutrients, water entering the Lake has a higher concentration of phosphorus than it would have had without C&SF modifications. Various elements of the CERP and of the Lake Okeechobee Protection Program (such as the restoration of isolated wetlands and the construction of stormwater treatment areas), which are being constructed at a cost of billions of dollars in restoration efforts as part of CERP, are intended to slow the entry of runoff and rainfall into Okeechobee, and to decrease the concentrations of phosphorus in these inflows. *Id.* It is the hope that the Kissimmee River Restoration Project will reduce phosphorus inflows, but this may be compromised by additional development in the natural mosaic that serves to filter water in the watersheds of the Upper Chain.

Increasing the capacity of ranches to retain and detain water will have tremendous benefits to Florida's citizens. Slowing the movement of water as well as permanently holding the water in ponds or restored wetlands will greatly increase the likelihood that Lake levels can be seasonally managed. This will improve the health of the Lake and coastal estuaries and provide another vehicle for providing flood control to coastal communities (see attached, Mock-Roos Report to SFWMD for more information about the management of lake levels and flood control North of Lake Okeechobee). Greater water retention and detention on ranches has the added benefit of helping to reduce phosphorous concentrations in runoff. In addition, it increases wetland habitat. *Id.*

Similar hydrological connections exist on this parcel across the hydrological divide leading from the Econlockhatchee Swamp to the Econlockhatchee River system. The Econ, as it is locally known, is the second largest tributary of the St. Johns.

Author Bill Belleville describes the Econ system and its complex hydro-geology (in a manner reminiscent of a John McPhee) as follows:

"At this moment in time a series of tropical storms have filled the Econ's valley of paleo-dunes to overflowing. A month earlier, it had been a shallow sandy-bottomed blackwater stream that you could have walked across. A year before, rain had been so sparse that it stopped flowing, and it became less a river and more a series of narrow sloughs. But now it is high and raging, full of eddies and little standing waves. Like everything else in Florida, our rivers resemble few others back on the continent. In different stages of our wet-dry seasons, they don't even resemble themselves. Gravity makes them work, of course, but it's a distinctly Florida-driven gravity that pushes water down subtle gradients that are little more than lee sides of bumps in our geography. Florida was birthed from the sea, of course, and its distinctive oceanic history is still written with great detail in this landscape. Terraces and bluffs and ridges have all left their memory on topographical maps. Prehistoric sandbars and dunes and coastlines have become our hills, and the swales in between have become our valleys. On the topographical charts of the Econ, the isobars that signal the presence of contours seem to push up against each other with great urgency. ...During dry seasons, these sandy white banks are revealed. During the inundation of the wet, they are hidden under the swiftly flowing tea."

The subject land, surrounded by adjacent conservation areas like the Split Oak Wildlife Mitigation Park, other open space and critical areas of conservation are not currently protected.

Conservation Element Goals, Objectives & Policies

Objective 1.13: Northern Everglades Plan

The County will coordinate with the South Florida Water Management District (SFWMD) as the District develops and implements the state-mandated Northern Everglades Plan to improve the quality, quantity, timing and distribution of water within the northern Everglades ecosystem of which the Kissimmee River Watershed is an integral part.

Policy 1.13.1: Lake Okeechobee and Estuary Watershed Basin Rule.

The County shall coordinate with the SFWMD as the District develops the Lake Okeechobee and Estuary Watershed Basin Rule to improve management of stormwater runoff and to reduce phosphorous loadings from new development within the County. Upon rule adoption, the County's LDC will be reviewed and modified, if necessary, to ensure consistency with the Basin rule.

Policy 1.13.2: Lake Okeechobee Watershed Protection plan.

The County shall coordinate with SFWMD as the District completes the Lake Okeechobee Watershed Protection plan to improve the hydrology, water quality and associated aquatic habitats essential to the protection of the greater Everglades ecosystem and make such adjustments to the County's Comprehensive Plan as may be necessary to facilitate its implementation.

The existing use and carrying capacity on this environmentally sensitive property, (for example, as native range), are more sustainable and the parcel was identified by the state of Florida as important conservation lands that were listed for acquisition as part of the Florida Forever program, called the “Upper Econ Mosaic” project. So important is this land, that it was listed as a category “A” priority for acquisition. The top “A” ranking is given to those parcels of land that contribute the most to state-wide connectivity of important ecological corridors, the protection of listed plant and animal species, improve the health of the habitat, are import to preserve for biodiversity and critical not only for species survival but also species dispersal throughout the region and the state. It was named the Upper Econ Mosaic after the important mosaic of numerous ecosystems and ecotones within close range of each other as an important biodiversity feature for conservation biology. That is why this land has been identified for a conservation purchase by the state.

According to The Nature Conservancy, this property “is one of the highest-quality and most important lands on the entire Florida Forever list for purchase. Its waters, generally, flow to the Kissimmee River and thus to Lake Okeechobee and the Greater Everglades Ecosystem (some of the eastern portion of the property drains to the St. Johns River system). This is an important piece of land for conservation, and one that supports numerous federally listed species, including a population of red-cockaded woodpeckers.”

Ecosystem services are provided by the subject parcel as part of a larger interconnected system that sustains the economy, environment and influence/benefit each other. If the County Commissioners can think about and push for what was originally planned for this land – conservation of this complex, biodiversity irreplaceable habitat, it can both provide a future vision of conserved wild lands without extirpation of imperiled species, watershed flow, fresh water recharge and economic gain.

2006 ECONOMIC IMPACTS OF WILDLIFE VIEWING IN FLORIDA

	Resident	Nonresident	Total
Retail sales	\$2.428 billion	\$653.3 million	\$3.081 billion
Salaries & wages	\$1.204 billion	\$391.8 million	\$1.595 billion
Full & part-time jobs	38,069	13,298	51,367
Tax revenues			
State sales tax	\$243.1 million	\$69.7 million	\$312.8 million
Federal income tax	\$292.5 million	\$92.8 million	\$385.3 million
Total economic effect	\$4.078 billion	\$1.170 billion	\$5.248 billion

The citizens of Florida and Osceola County have demonstrated over many years that they are willing to pay tax dollars for the “ecosystem services” that come when land is conserved and protected for the public permanently. Since 1990, the voters in 78 of 96 local governments have approved funding measures for land acquisition. When asked on a local ballot, Florida voters overwhelmingly (more than 81 percent) say “yes” to the use of their taxes for land conservation, including residents of Alachua, Brevard, Broward, Charlotte, Collier, Duval, Flagler, Hillsborough, Indian River, Lake, Leon, Martin,

Miami-Dade, **Osceola**, Pinellas, Palm Beach, and Polk counties. Several ecosystem-service valuation studies have also documented Floridians' willingness to pay for conservation acquisitions. One study reported that residents of four counties in northeast Florida would pay an average of \$44 per household for a 250,000-acre conservation program that would use a combination of fee-simple land purchases and conservation easements to maintain water quality and quantity. Another study reported a mean willingness-to-pay value as high as \$138 per household for moderate levels of improvement in water quality, biodiversity conservation and carbon sequestration in the Lake Okeechobee watershed.

Goal 2 of the Osceola Plan established Rural Land Stewardship Areas for which the NE Plan area seems particularly well suited. Recently, on the November 4, 2009 statewide ballot, 68 percent of voters approved a Constitutional Amendment to encourage private property owners to enter perpetual conservation easements over their land or to maintain their land for conservation purposes in exchange for a property tax exemption or reduced property taxes.

Additional Internal Inconsistencies:

The Comprehensive Plan Amendment NE Conceptual Master Plan expanding the Urban Growth Boundary into lands not served by infrastructure and more suitable for acquisition than increased urban development is also internally inconsistent with the following Elements, Goals, Objectives and Policies in the existing Osceola Comprehensive Plan:

TRANSPORTATION ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL 1: ESTABLISHMENT OF A MULTIMODAL TRANSPORTATION SYSTEM

Osceola County shall establish a multimodal transportation system that promotes the values of sustainable development articulated in the Future Land Use Element, increasing mobility options and promoting accessibility to economic, educational, cultural, and recreational opportunities for residents and visitors alike. In developing a transportation network, the County shall work to ensure that transportation improvements will minimize environmental impacts and protect natural resources.

Objective 1.1: Coordination of Future Land Uses and Transportation Planning

Guided by the Urban Growth Strategy of the Future Land Use Element and the Conservation Element, the County shall coordinate the siting of existing and proposed transportation improvements, including existing airports and related facilities, with surrounding land uses, ensuring that they are able to serve existing and proposed population densities, housing, and employment patterns, and to assure that land uses are consistent with the transportation modes and levels of service. Policy 1.1.5: FLUM amendments; infrastructure required.

All large scale applications for amendments to the Future Land Use Map (FLUM) shall be supported by data and analyses that demonstrate that adequate and financially feasible transportation infrastructure will be available to mitigate the proposed amendment's impacts to the transportation network. The data and analysis shall be based on the

maximum densities and intensities of the proposed FLUM categories or subcategories where appropriate.

Policy 1.1.6: Development without adequate infrastructure prohibited.

Development shall be prohibited in areas where transportation facilities are not available, or in areas where the vehicular level of service (LOS) would decrease below adopted standards due to the impacts of additional development, unless adequate transportation facilities will be available concurrent with the impacts of the proposed development.

Policy 1.4.3: Land use decisionmaking.

The County shall make land use decisions based upon the planned availability of transportation facilities.

Policy 1.4.4: Impact of land use decisions on CIE schedule.

The County shall consider the effects of proposed land use decisions on the Five-year and Long-Range Schedules of Capital Improvements to ensure they do not interfere with the County's ability to achieve a functioning roadway network within the 2025 planning timeframe.

Policy 1.4.5: Backlogged facilities.

All backlogged facilities shall be schedule in the first five years of the County's Schedule of Capital Improvements, for which funding has been programmed and planned.

Policy 1.4.19: Roadway network within UGB.

Within the Urban Growth Boundary (UGB) the County shall construct or cause to be constructed a major transportation network with a high degree of connectivity between roadways to provide convenient alternate access and transit opportunities for people and goods movement. Each of these roadways shall be conveniently accessible to most pedestrians and bicyclists from their point of origin, and shall serve them with walks, lanes, transit pauses and roadway crossing capability in a manner that attracts usership.

Objective 1.5: Access Management

The County shall control access to arterials, collectors, and local roads to preserve adopted LOS standards and to maintain the functions and operations of the County and regional road network.

Policy 1.6.2: Existing and planned transit routes within UGB.

The County shall continue to financially support and promote existing and planned public transit routes within the Urban Growth Boundary.

Policy 1.6.3: Public transit corridors designated.

The County will promote public transit use within the Urban Growth Boundary (UGB), by designating public transit corridors, including bus routes.

Objective 2.4: Designing for Fire Management

The County will seek to implement design practices that consider the long-term use of fire as a management tool, as well as requiring all those that develop within the County to give consideration to designing for fire management programs.

Policy 2.4.1: Fire management programs.

The County and all those that develop within the County will implement planning and design tools that consider fire management programs when improving the transportation network in the burn areas and the CSDAs. Some design considerations should be road placement and design, lighted signage, drop-down gates, buffers and emergency access points.

Policy 2.4.2: Wildlife mitigation manual.

The County will encourage all development within the CSDAs and burn areas to follow the guidelines in the 2004 Wildfire Mitigation in Florida manual for fire wise homes and property to reduce the risk of spreading fires.

GOAL 2: SMOKE MANAGEMENT

The County will support the continued use of prescribed fire as a management tool within the Osceola County.

Objective 2.1: Plan for CSDAs with Compatible Land Uses

Keep incompatible land uses (schools, roads, hospitals, nursing homes, etc.) out of critical smoke disposal areas (CSDAs); if unavoidable, cluster sensitive land uses rather than spread them across the CSDA.

Policy 2.1.1: CSDAs required to plan.

The County will require that all new development in the CSDAs to plan in consideration of this objective and show evidence of using it as a design tool during the early planning stages for staff review.

CONSERVATION ELEMENT

Goals, Objectives & Policies

The goals, objectives, and policies as set forth in this element shall not be construed to prohibit, restrict, regulate or otherwise limit the activity of bona fide farm operations that are operating consistent with sound agricultural practices (as set forth, for example, in NRCS) best management practices, or regulations promulgated and/or permits issued by State and/or Federal agencies.

GOAL 1: CONSERVATION OF NATURAL RESOURCES

Osceola County shall responsibly use, enhance, protect, and restore natural resources including air, water, land, wildlife, and wildlife habitats to maintain an environment that supports a healthy population and promotes the well-being of all citizens.

Policy 1.1.1: Protection of natural resources.

Osceola County shall protect its natural resources through adoption of land development regulations that promote the preservation or conservation of environmentally sensitive lands to include habitats containing listed animal and plant species. Natural resource protection shall be achieved through mechanisms such as stricter buffer requirements, lower allowable densities in environmentally sensitive areas, open space preservation requirements, removal of exotic plant and animal species, fire management, maintenance

of greenways and habitat corridors, preservation of native vegetation, control of hydrological characteristics, and through use of clustering or density transfers to help minimize the effect of development.

Policy 1.1.2: Green Infrastructure Monitoring Program.

Planning efforts shall be initiated by March 2008 on establishing a Green Infrastructure Monitoring Program that will provide a means for reporting on the ecological health of the County's natural systems. The aim is to develop meaningful landscape metrics the County can use to assess the effectiveness of its planning and regulatory controls and can provide useful guidance on amending the Comprehensive Plan and /or LDC in order to meet the objectives of the Conservation Element.

Policy 1.1.8: Open space requirements.

By December 2009, the County will establish higher undisturbed open space percentage requirements for developments that fall within higher valued habitats. Higher valued habitats will be identified through field assessment and evaluation of site-specific and/or by using tools such as the Florida Fish and Wildlife Conservation Commission's Integrated Wildlife Habitat Ranking System. Density transfers internal to the development may offset increased open space requirements.

Policy 1.1.9: Prescribed and controlled burning.

The County shall promote and encourage the use of prescribed and controlled burning to maintain the health and diversity of fire-dependent ecosystems to private and public lands.

Policy 1.2.14: Environmental land acquisition programs.

Osceola County shall continue its land acquisition programs, including Save and Value Our Environment (SAVE), which was established by Ordinance 04-28, to identify potential restoration, enhancement, and preservation projects in floodplains and wetlands adjacent to surface waters to improve the quality of runoff into these surface water areas.

Objective 1.9: Vegetative and Wildlife Communities

Osceola County shall identify and safeguard Protected Species, through a combination of land acquisition, preservation, conservation, and governmental land use regulations; including the Osceola LDC.

Policy 1.9.1: Environmentally significant lands.

Osceola County will continue efforts to identify, restore, purchase, manage, and protect, through Federal, state, and local acquisition programs and dedicated easements, an ecologically meaningful pattern of environmentally significant lands and green spaces that contain a diverse mixture of natural upland or wetland communities within which native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic, recreational, or other natural features can be preserved and protected.

Policy 1.9.2: Wildlife corridors.

Osceola County shall identify, conserve, manage, restore and protect environmentally

significant areas in a manner consistent with applicable federal, state, and local laws. A specific goal of this program is to identify lands that will maintain, enhance, preserve, and create wildlife corridors connecting large conservation land as measured by the acres of contiguous conservation lands sufficiently large to support animal species with large range requirements.

Policy 1.9.3: Land Conservation Advisory Board (LCAB).

Osceola County shall use the Land Conservation Advisory Board (LCAB) established by Ordinance 04-28 to identify and recommend environmentally significant land for acquisition. The actions of the board will be in an advisory capacity only. Lands acquired under this provision have all development rights permanently extinguished unless the activity is strictly compatible with the purposes of the program.

Policy 1.9.4: Master Greenway Plan.

Osceola County, in cooperation with the FDEP, shall develop a Master Greenway Plan for the County that is to be integrated into the Regional Master Greenway Plan for that area of the State. Additional sites shall be sought to help complete segments of the Florida Trail, conserve the area's native plant and animal communities and allow movement and dispersal of species.

Policy 1.9.5: Upland plant communities.

Osceola County recognizes three upland plant communities as sensitive and significant: longleaf pine/turkey oak, sand-pine scrub, and dry prairie. All types contain resident populations of protected plants. The County will revise its LDC by December, 2007 to identify and protect these areas using conservation by density transfer, plat or easement and develop regulations concerning future levels of developments in these areas (if any). The County will also consider purchasing these lands as a part of the SAVE program.

Policy 1.9.7: Habitat for listed species.

Osceola County recognizes the existence and strategic value of habitat within the County for federal and state listed species of flora and fauna. The County shall participate in and support the efforts on the part of USFWS, FWC, water management districts, USACOE and Florida DOACS to protect and conserve these resources.

Policy 1.9.8: Comprehensive inventory of flora and fauna.

Osceola County shall establish, by July 2009, in cooperation with the USFWS, FWC, water management districts FDEP, USACOE and DOACS, a comprehensive inventory of listed species of flora and fauna known to inhabit the county. Osceola County recognize and shall use, as the authoritative source, both federal and state listed species indices for flora and fauna. Osceola County shall revise the inventory of recognized listed species of flora and fauna as needed in coordination with all appropriate federal and state updates and status changes.

Policy 1.9.9: Listed species of flora and fauna.

Osceola County shall define listed species of flora and fauna as those recognized and referenced by the USFWS in the Endangered Species Act; by FWC as endangered , threatened, species of special concern or species of greatest conservation need (SGEN); or listed in the Florida DOACS Regulated Plant Index as designated via the Preservation

of Native Flora and Fauna Act.

Policy 1.9.10: GIS database of listed species.

Osceola County shall develop, by December 2008, a GIS database identifying the location, distribution and status of all official federal and state listed flora and fauna species known to inhabit the county for use with rezoning applications and new development planning and permitting activities. Osceola County, in coordination with the USFWS, FWC and the Florida DOACS, shall update the listed species GIS database every two years.

Policy 1.9.12: Native vegetative communities.

Osceola County shall provide for the management and protection of native vegetative communities. The alteration of habitats where Protected Species are known to exist shall be prohibited unless project alternatives are impracticable and mitigation measure will still insure the viability of the onsite population.

Policy 1.9.13: Acquisition and management coordinated with other agencies.

Osceola County, through the Land Conservation Advisory Board (LCAB), shall coordinate with the state of Florida Conservation and Recreation Lands (CARL), Florida Communities Trust (FCT), and Save Our River (SOR) programs to complement the lands acquired through local sources and to facilitate management plans designed to preserve or enhance onsite/adjacent Protected Species and their habitats. Osceola County will also coordinate with private land trusts, such as the Nature Conservancy (TNC) and the Trust for Public Land (TPL), to acquire and manage environmentally significant lands.

Policy 1.9.14: Ecological Evaluation required for new developments.

Osceola County shall require an Ecological Evaluation be performed by a qualified Environmental Consultant, whenever new development is proposed, prior to the approval of site clearing activities. This requirement shall not apply to developments of less than four residential units.

Policy 1.9.15: Rural Land Stewardship.

Osceola County will incorporate a Rural Land Stewardship Program into the comprehensive plan and will use mechanisms such as conservation easements, voluntary landowner cooperative management and agreements, fee simple purchases, open space designations within development and any other reasonable measures for the protection of Protected animal species and their habitats.

Policy 1.9.16: Retention of agricultural uses.

In the creation of wildlife corridors, Osceola County shall promote, through incentives, the retention of agricultural uses (e.g., pastures and groves), in order to further biodiversity.

Policy 1.9.17: Management plan for conservation uses.

Osceola County shall, in cooperation with other local, state and federal agencies and entities, create a Management Plan for any conservation lands currently under County ownership or acquired as part of SAVE Osceola. The Plan will include provision to provide management activities necessary to preserve, enhance, restore, conserve,

maintain, or monitor the land, as appropriate. The plan will insure the uses are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the land, and will estimate the annual capital and operating costs of the Plan. Management activities included in the plan may include, but are not limited to: exotic/nuisance plant species removal, native vegetative communities restoration, natural hydrology restoration, natural fire regime restoration, feral hog or livestock removal from natural areas, and similar activities.

Policy 1.9.18: Natural areas and open space.

The County shall increase the public provision, protection, and enhancement of natural areas and open space as measured by the acreage set aside for these purposes. This will be accomplished by government agencies, not-for-profit corporation, or private enterprise using fee simple purchase, purchase of development rights, purchase of conservation easements, and other means appropriate, as condition and resources permit, to acquire natural lands and open space identified by federal, state, and local agencies as being of environmental or recreational significance.

Objective 1.10: Land Acquisition and Management

Osceola County shall implement a land acquisition program (e.g., SAVE) in which the County will identify, prioritize, and fund conservation and preservation programs that will include acquiring and managing public lands.

Policy 1.10.1: Environmentally significant areas.

The County shall identify environmentally significant areas for acquisition, protection, and enhancement. These areas include wetlands, surface waters, threatened or endangered ecosystems, lands that contain Protected Species, areas of aquifer recharge, and unique or rare wildlife habitats.

Policy 1.10.2: Greenway links and recreational trails.

The County shall investigate the acquisition and funding for greenway links and recreations trail systems along major riverine, creek, or lacustrine systems.

Policy 1.10.3: Increased acreage set aside.

The County shall have increased the public provision, protection and enhancement of natural areas, greenways and recreational trails as measured by the increased acreage set aside for these purposes. This will be accomplished by utilizing Florida Forever land acquisition programs or other funding sources to acquire lands identified by the County. Private enterprises shall be offered incentives to encourage the provision of natural areas, greenways and recreational trail through donation or inclusion in future developments.

Policy 1.10.4: Land acquisition within watersheds.

The County's land acquisition efforts within the Kissimmee River Watershed and the St. John's River Watershed shall be coordinated with the acquisitions identified in the applicable water management district's Five-Year Plan to ensure that the lands purchased by the County may be managed in coordination with those of the Districts. County land acquisition efforts shall be coordinated with the FFWCC, SFWMD, and SJRWMD in effort to assist in the furtherance of the implementation of their respective management plans.

Policy 1.10.8: Environmental lands in unincorporated County.

The County shall coordinate with other local entities to conserve and protect natural areas located in the unincorporated County, adjacent counties and municipalities, including but not limited to, the Split Oak Wildlife Mitigation Areas (Orange County), Shingle Creek Recreational Preserve (City of Kissimmee), Shingle Creek Recreational Preserve-North (City of Kissimmee).

Objective 1.11: Greenway and Recreational Trails

Osceola County shall develop a greenway and trails master plan and management plans for future acquisition, construction, enhancement, and maintenance of public lands and their associated facilities.

Policy 1.11.1: Greenways and trails master plan.

The County shall develop a greenways and trails master plan that includes conceptual maps, proposed new recreational trail systems, and conservation greenways to links existing and new open space and outdoor recreation areas. Land acquisition efforts shall focus on establishing these new links and enhancing existing greenways and recreation trail systems, including the acquisition of areas for destination areas and trailheads, including parking areas.

Policy 1.11.2: State Greenway Commission.

The County shall apply to the State Greenway Commission for recognition of the greenways master plan and certification as a state greenway.

Policy 1.11.3: Master management plan for greenways.

The County shall approve a master management plan for the greenways network. Specific management plans shall be developed with each new acquisition, as needed. All management plans shall address:

1. Natural resource protection
2. Recreation
3. Educational Opportunities
4. Economic development opportunities that are complementary to network maintenance.

Policy 1.11.4: Cooperation with regulatory agencies.

Osceola County shall cooperate with regulatory agencies in the establishment of the Shingle Creek and Reedy Creek greenway corridors.

Policy 1.11.5: Environmental education and conservation programs.

The County shall establish a greenways and trails committee to assist in identifying lands for acquisition, implementing the greenways and trails master plan and identifying funding sources for acquisition and management of the greenways and trails.

Objective 1.13: Northern Everglades Plan

The County will coordinate with the South Florida Water Management District (SFWMD) as the District develops and implements the state-mandated Northern

Everglades Plan to improve the quality, quantity, timing and distribution of water within the northern Everglades ecosystem of which the Kissimmee River Watershed is an integral part.

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Policy 1.13.2: Lake Okeechobee Watershed Protection plan.

The County shall coordinate with SFWMD as the District completes the Lake Okeechobee Watershed Protection plan to improve the hydrology, water quality and associated aquatic habitats essential to the protection of the greater Everglades ecosystem and make such adjustments to the County's Comprehensive Plan as may be necessary to facilitate its implementation.

POTABLE WATER ELEMENT

GOAL 1: PROTECTION OF THE POTABLE WATER SUPPLY

Osceola County shall ensure the protection of the potable water supply and delivery of safe and adequate potable water service. This service shall be managed in a cost effective manner to accommodate existing and future development.

Policy 1.2.2: Central water systems within UGB.

Except for those situations outlined in Future Land Use Element Policy 1.1.5, the County shall require new development within the adopted Urban Growth Boundary to connect to central potable water systems.

Policy 1.2.3: Existing development not connected.

Existing development within the Urban Growth Boundary that is not connected to a central potable water system, must do so within one year of service becoming available. The County shall define availability as the physical presence of potable water facilities and infrastructure adjacent to subject property.

Policy 1.2.6: Central potable water systems outside UGB.

Consistent with Future Land Use Element Policy 1.1.5, the extension of central potable water systems outside of the Urban Growth Boundary shall be prohibited, unless the Board of County Commissioners determines that this service is needed for one of the following reasons:

- A. A public health hazard exists for existing development, and extension will not serve as the basis for new development; or
- B. When the facilities are extended to protect environmentally sensitive areas from impacts resulting from existing development.
- C. Enhancement of services in the Rural Settlement Developments of receiving properties through the Rural Land Stewardship Program.

The provision of a central water system for the above reason shall not be used to justify

the expansion of urban development outside the UGB.

Objective 1.4: Water Districts

Through the use of its water district, Osceola County shall conserve and manage potable water resources, maximize the use of existing facilities, discourage urban sprawl and support agricultural productivity.

Policy 1.4.5: Procedures and mechanisms.

By December 2007 the County shall investigate and enact, if deemed necessary, any additional procedures or mechanisms for the provision of potable water service, consistent with the requirements of the Florida Statutes, to preserve, protect, and manage the long-term natural resources of the County.

SANITARY SEWER ELEMENT

GOAL 1: EFFECTIVE TREATMENT AND DISPOSAL OF WASTEWATER

Osceola County shall ensure an effective system of wastewater collection, treatment, treated effluent disposal, and reuse to meet the needs of all County residents and nonresidential establishments while protecting the environment and public health.

Objective 1.4: Planning and Construction of New Facilities

Osceola County shall conserve and manage wastewater resources available to the County for its orderly growth, development, and agricultural productivity.

Policy 1.4.3: Central sanitary sewer service outside UGB.

Consistent with Future Land Use Element Policy 1.1.5, the extension of central sanitary sewer service beyond the adopted Urban Growth Boundary shall be prohibited, unless the Board of County Commissioners determines that these services are needed for one of the following reasons:

1. A public health hazard exists for existing development, and extension will not serve as the basis for new development; or
2. When the facilities are extended to protect environmentally sensitive areas from impacts resulting from existing development.

Policy 1.4.4: Extension outside UGB requires amendments to Master Plan, ILA.

When extension of central sanitary sewer systems beyond the Urban Growth Boundary are found to be consistent with the criteria listed in Policy 1.4.3, the County shall also amend, consistent with the Toho Water Authority Master Plan, any pertinent interlocal agreement between the County and the respective service provider. Extensions to central sanitary sewer systems also must be consistent with the applicable water management district and FDEP regulations.

NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

GOAL 1: PROTECTION OF AQUIFER RECHARGE AREAS

The County shall protect aquifer recharge areas, as well as the water quality and quantity within these areas.

Objective 1.1: Planning for the Protection of Aquifer Recharge Areas

To meet current and future demands for potable water resources and to protect natural resources, Osceola County will cooperate with other governmental agencies, especially the South Florida Water Management District (SFWMD) and the St. Johns River Water Management District (SJRWMD).

Policy 1.1.3: Aquifer recharge protection measures.

Recognizing that aquifer recharge areas, groundwater resources, wellhead protection areas, and that lakes, rivers, and wetlands within the County are interconnected systems that are vital to the protection of water resources, aquifer recharge protection measures for “high” and “prime” recharge areas shall be consistent with the Conservation, Future Land Use, Stormwater Management, and Potable Water Elements of the Comprehensive

Policy 1.1.5: Aquifer recharge protection mechanisms.

The County may use open space designations, greenbelt designations, land acquisition strategies, planned development zoning districts, conservation easements, or cooperative management agreements to protect aquifer recharge areas.

Policy 1.1.6: Funding for acquisition of aquifer recharge lands.

To acquire aquifer recharge areas for protection as conservation or open space areas, the County may investigate the future use of bonds, leasing agreements for private and public properties, donations of private property, private or public trust and partnerships, Education Facilities Benefit and Community Development Districts, or tourism taxes.

Policy 1.1.7: Purchase of aquifer recharge areas.

In the purchasing of property to protect aquifer recharge areas, the County shall place higher priority on purchasing properties that may afford parks and recreation opportunities, or that may be used to improve stormwater management systems.

Objective 1.2: Coordination Efforts to Protect Aquifer Recharge Areas

The County shall assess its cooperative efforts with the St. Johns River and South Florida Water Management Districts on an annual basis to determine if new protection programs or additional coordination mechanisms are needed to achieve regional aquifer recharge protection objectives.

Policy 1.2.1: Comprehensive environmental assessment.

The County shall complete a comprehensive environmental assessment by December 2009. In preparing this study, the County shall rely upon the aquifer recharge areas data collected and maintained by the St. Johns River and South Florida Water Management Districts.

Policy 1.2.2: Monitoring of groundwater resources.

The County shall provide best available data to the St. Johns River and South Florida Water Management Districts, as well as the Florida Department of Environmental Protection, to ensure that groundwater resources are monitored for point and non-point source pollution that may harm the Floridan, Intermediate, and Surficial aquifers.

Policy 1.2.3: WMD 2030 water plans.

To ensure the health and longevity of the Floridan, Intermediate, and Surficial aquifers, the County shall cooperate with the St. Johns River and South Florida Water Management District in the development of the District 2030 Water Plans.

Policy 1.2.4: Coordination of monitoring.

The County shall coordinate with other governmental agencies to monitor groundwater levels.

PARKS AND RECREATIONAL FACILITIES ELEMENT

GOAL 1: THE PROVISION OF PARKS AND RECREATIONAL FACILITIES

The County will provide leisure facilities and services to improve the community's physical health, promote relaxation, and enhance the quality of life for all County residents and visitors.

Policy 1.1.6: Private and public funding sources.

The County shall pursue private and public funding sources, such as Florida Recreation Development Assistance Program (FRDAP), Florida Forever, and any foundation grants that may be used to acquire, expand or enhance County parks.

Policy 1.1.7: Bonds, leasing agreements, etc.

The County may investigate the use of bonds, leasing agreements for private and public properties, donations of private property, private and public trusts and partnerships, Education Facilities Benefit Districts, Community Development Districts, and tourism taxes.

Policy 1.3.4: Evaluation of conservation and preservation lands.

Prior to the County purchasing property for conservation and preservation purposes, the site shall be evaluated for future passive, resource-based recreational opportunities according to the guidelines set forth by the County's Land Conservation Advisory Board (LCAB).

Policy 1.3.5: Grants.

The County shall pursue grants and allocate funds to maintain current public access and to increase public access to public parks, and recreational areas, as well as the shorelines of lakes, rivers, and waterways. Consistent with Conservation Element Policy 1.9.13, Osceola County shall coordinate with the State of Florida Conservation and Recreation Lands (CARL), Florida Communities Trust (FCT), and Save Our Rivers (SOR) programs to complement the lands acquired through local sources and to facilitate management plans designed to preserve or enhance onsite/adjacent protected species and their habitats. Osceola County will also coordinate with private land trusts, such as The Nature Conservancy (TNC) and the Trust for Public Land (TPL), to acquire and manage environmentally significant lands.

Policy 1.3.7: Land Management Plan.

Consistent with Conservation Element Policy 1.9.17, Osceola County shall, cooperation with other local, state and federal agencies and entities, create a Management

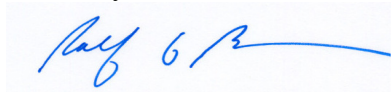
Plan for any lands currently under County ownership or acquired as part of the Land Conservation Program. The Plan will include provisions to provide management activities necessary to preserve, enhance, restore, conserve, maintain, or monitor the land, as appropriate. The plan will insure the uses are consistent with the preservation, enhancement, restoration, conservation, and maintenance of the land, and will estimate the annual capital and operating costs of the Plan. Management activities included in plan may include, but are not limited to exotic/nuisance plant species removal, native vegetative communities' restoration, natural hydrology, restoration, natural fire regime restoration, feral hogs or livestock removal from natural areas, and similar activities.

Objective 1.5: Land Acquisition

The County may ensure existing and future ecotourism opportunities by protecting water resources, including the water quality of the area's lakes and rivers, as well as all ecosystems and natural resources. The County may use a number of protective mechanisms to protect nature based tourism, including purchasing land for conservation easements, land purchased through the Land Conservation Program, developing public-private partnerships, and identifying groups or organizations that are able to maintain and operate parks and preserves and acquire new properties.

Thank you in advance for your consideration of our concerns.

Sincerely,



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