




Interoffice Memorandum

May 11, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

SUBJECT: 2021-1 Regular Cycle Comprehensive Plan Amendment
2021-1-B-FLUM-1 (Green PLACE)
Board of County Commissioners (BCC) Adoption Public Hearing

The 2021-1-B-FLUM-1 Regular Cycle Staff-Initiated Map Amendment is scheduled for a BCC adoption public hearing on May 11, 2021. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on April 15, 2021. The staff report, including back-up materials, has been provided under separate cover. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2021-1 Regular Cycle-State-Expedited Review Amendment scheduled for consideration on May 11 entails a staff-initiated Future Land Use Map Amendment located in Districts 4 and 5. The staff-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over ten acres in size.

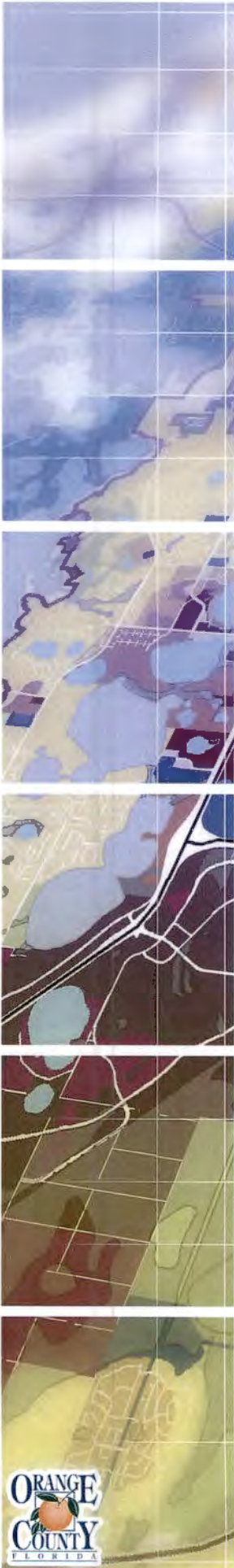
The 2021-1 Regular Cycle-State-Expedited Review Amendment was heard by the PZC/LPA at a transmittal public hearing on January 21, 2021, and by the BCC at a transmittal public hearing on February 9, 2021. This amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 23 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in June 2021, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

AAV/sw

Enc: 2021-1-B-FLUM-1 Regular Cycle Comprehensive Plan Amendment –
BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Eric Raasch, AICP, Planning Administrator, Planning Division
Gregory Gologowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Read File



ORANGE COUNTY PLANNING DIVISION 2021-1 REGULAR CYCLE AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**
MAY 11, 2021
ADOPTION PUBLIC HEARING
2021-1-B-FLUM-1

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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		1

2021 FIRST REGULAR CYCLE AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION PUBLIC HEARING

INTRODUCTION

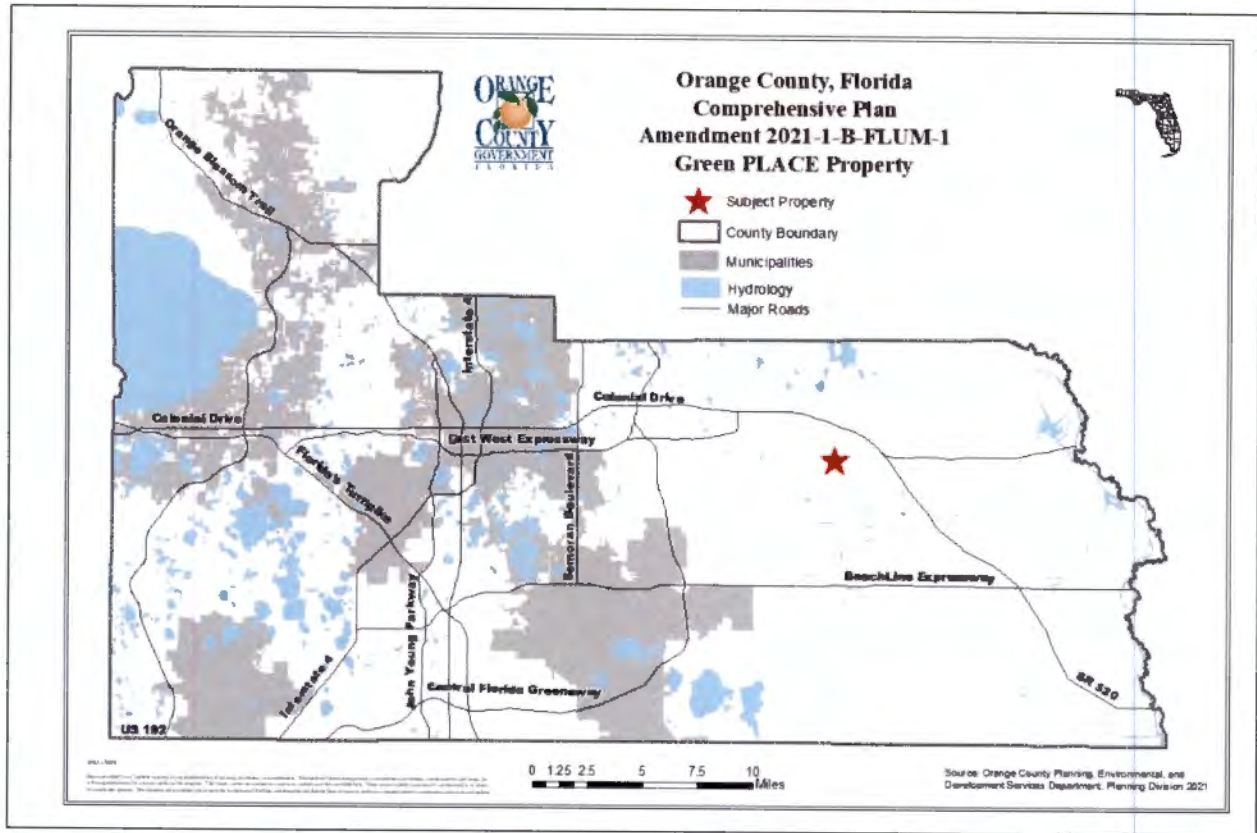
This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendment 2021-1-B-FLUM-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on April 15, 2021, and is scheduled before the BCC on May 11, 2021.

The 2021-1 Regular Cycle Staff-Initiated Future Land Use Map Amendment scheduled for BCC consideration on May 11 was heard by the PZC/LPA at a transmittal public hearing on January 21, 2021, and by the BCC at a transmittal public hearing on February 9, 2021.

The 2021-1 Regular Cycle-State-Expedited Review amendment scheduled for consideration on May 11 entails a staff-initiated map amendment. The staff-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over ten acres in size.

The 2021-1 Regular Cycle-State-Expedited Review Amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 23, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in June 2021, provided no challenges are brought forth for the amendment.

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The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
	Report/Public Hearing	Outcome	Title: Amendment 2021-1-B-FLUM-1	
✓	Staff Report	Recommend transmittal	Division: Environmental Protection	
✓	LPA Transmittal January 21, 2021	Recommend transmittal (6-0)	Request: Map amendment to the Future Land Use Map consistent with Conservation Element Policy C1.4.4 to change the designation of three Green PLACE properties totaling 122.81 acres from Rural/Agricultural (R) to Preservation (PRES)	
✓	BCC Transmittal February 9, 2021	Transmit (7-0)		
✓	State Agency Comments April 23, 2021	No comments were received.		
✓	LPA Adoption April 15, 2021	Recommend Adoption (8-0)		
	BCC Adoption May 11, 2021		Revision: Orange County Future Land Use Map	

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan (see Conservation Element Goal C1 and Policy C1.4.4, Open Space Element Goal OS1, and Future Land Use Element Policy FLU1.1.4.G), determine that the amendment is in compliance, and **ADOPT** Amendment 2021-1-B-FLUM-1, Rural/Agricultural (R) to Preservation (PRES).

A. Description/Justification

Since the mid-1990s, Orange County has been acquiring environmentally-sensitive land through its Green PLACE (Park Land Acquisition for Conservation and Environmental Protection) program. The mission of Green PLACE is "to preserve and manage environmentally sensitive lands, protect water resource lands and to provide a quality passive recreational experience for existing and future generations". To date, the County has acquired roughly 23,190 acres independently or in partnership with such agencies as the Florida Parks and Recreation Division of the Florida Department of Environmental Protection, St. Johns River Water Management District, South Florida Water Management District, and the Florida Fish and Wildlife Conservation Commission. The Orange County Environmental Protection Division (EPD) has recently received three contiguous environmentally-sensitive parcels totaling 122.81 acres via donation by JEL Land Development, LLC, which it proposes to add to the Green PLACE program. The applicant, Beth Jackson of EPD, is seeking to change the Future Land Use Map (FLUM) designation of these parcels from Rural/Agricultural (R) to Preservation (PRES) to attain consistency with **Conservation Element Policy C1.4.4** of the Orange County Comprehensive Plan.

Policy C1.4.4 states, "The future land use designation of Preservation shall be established to recognize publicly or privately owned lands of significant environmental importance for the purposes of environmental protection. Publicly owned lands designated Preservation shall be lands owned by federal, state or local governments acquired for environmental preservation, rehabilitation or management. Privately owned lands such as wetland mitigation banks, Regional Offsite Mitigation Areas, and environmentally-sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities may be designated as Preservation so long as formal consent is provided.

Compatible very-low impact recreational or educational uses, such as hiking, non-motorized boating, bird watching, horseback riding, fishing, primitive camping, and nature study, that use natural amenities of the site for public benefit are allowable uses in the Preservation designation, so long as these uses avoid development encroachment into warranted, environmentally-sensitive areas. All other uses are prohibited. Furthermore, development within areas designated Preservation cannot exceed a 0.1 Floor Area Ratio." It is staff's belief that this proposed Future Land Use Map Amendment is consistent with the purpose and intent of **Policy C1.4.4**.

B. Map Amendment

The proposed map amendment entails a requested change from Rural/Agricultural (R) to Preservation (PRES) for the following Green PLACE properties: Parcel 33-22-32-0000-00-002 (67.61 acres), Parcel 33-22-32-0000-00-006 (35.27 acres) and Parcel 33-22-32-0000-00-007 (20.03 acres). The combined 122.81 acres are presently undeveloped, with the exception of a now-vacant single-family home on the west side of the property. As shown on the accompanying aerial photograph, the heavily-wooded site is primarily comprised of upland vegetation and forested wetlands associated with the Econlockhatchee River and its Long Branch tributary, which flow through the site. The property is bounded to the east and south by the 559-acre Long Branch Preserve, a Preservation-designated Green PLACE property that includes the 163-acre Long Branch Park, an Orange County facility, and 396 acres of preservation land jointly owned by the County and the St. Johns River Water Management District. A 470-acre former cattle ranch with the Rural/Agricultural future land use designation is located north of the property, with the Econlockhatchee River and its wetland system bordering the site to the west. As illustrated on the zoning map, the subject property is zoned A-2 (Farmland Rural District), a classification it will retain if the proposed map amendment is adopted.

In addition to its consistency with **Policy C1.4.4**, staff finds this proposed amendment consistent with **Future Land Use Element Policy FLU1.1.4.G**, which establishes future land use designations, including the requested designation of Preservation, for the creation of permanent open space, conservation, and recreation areas. As set forth in **Policy FLU1.1.4.G**, the Preservation category recognizes publicly- or privately-owned lands of significant environmental importance for the purpose of environmental protection. This policy mandates that publicly-owned lands shall be lands owned by federal, state, or local governments acquired for environmental preservation, rehabilitation, or management. **Policy FLU1.1.4.G** further specifies that the utilization of Preservation-designated properties shall be limited to those compatible, very-low-impact recreational or educational uses that use natural amenities of the site for public benefit. This requested amendment entails the incorporation of the 122.81-acre subject property, through which the Econlockhatchee River and its Long Branch tributary flow, into EPD's Green PLACE program for preservation in perpetuity, while allowing for public education and enjoyment through engagement in low-impact recreational activities.

In addition, staff finds this request consistent with **Conservation Element Goal C1**, which mandates that Orange County shall conserve, protect, and enhance the County's natural resources, including air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered, or species of special concern, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations. EPD's Green PLACE program furthers **Goal C1** by preserving and managing environmentally-sensitive lands and protecting water resources. As noted previously, the subject site is immediately adjacent to the 559-acre Long Branch Preserve, an existing Green PLACE property that includes Orange County's 163-acre Long Branch Park and an additional 396 acres of preservation land jointly owned by the County and the St. Johns River Water Management District. The inclusion of 122.81 contiguous acres of environmentally-sensitive land in the Green PLACE program will provide a wealth of opportunity for the protection and enhancement of surface water, wetland and upland vegetative communities, wildlife habitat, and other natural resources in this area of the County. Similarly, **Open Space Element Goal OS1** states it is a goal of Orange County to protect and preserve valuable open space resources. Perpetual preservation of the site while simultaneously allowing for its use by the public for passive recreation and education will help advance this goal and foster awareness of the importance of conserving and enhancing these critical resources among present and future generations.

Based on its consistency with Policy C1.4.4 and the supporting Comprehensive Plan policies discussed above, staff recommends **adoption** of this requested amendment.

AERIAL



FUTURE LAND USE



Current Future Land Use Designation:
 Rural/Agricultural (R)

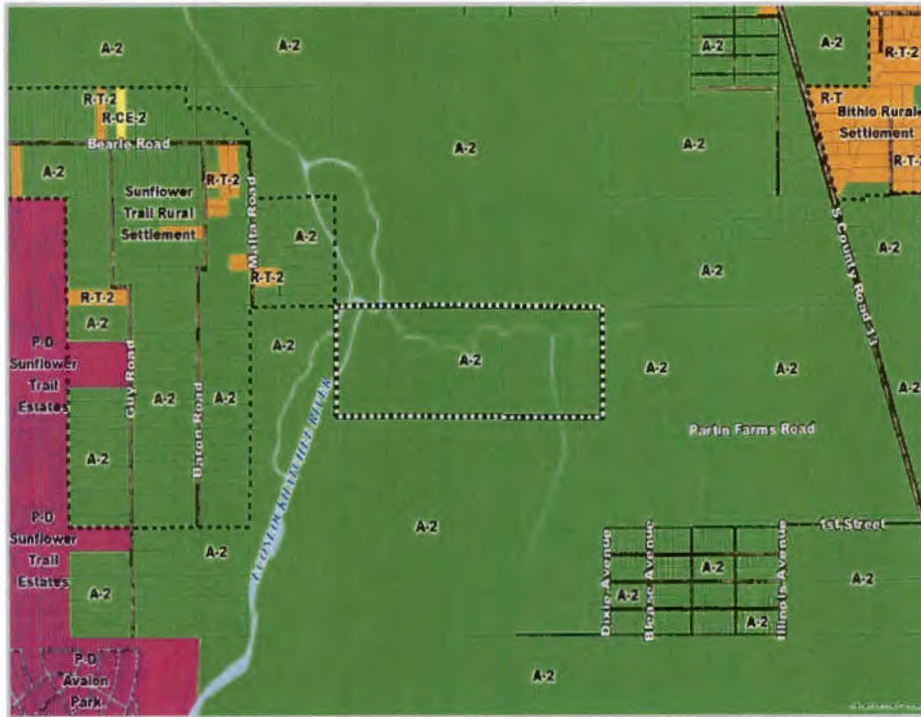
Special Area Information:
 The subject property is located within the Econlockhatchee River Protection Area.

FUTURE LAND USE – PROPOSED



Proposed Future Land Use Designation:
 Preservation (PRES)

ZONING



Current Zoning Classification:
A-2 (Farmland Rural District)

Site Visit Photos

Subject Site



ORDINANCE NO. 2021-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County's 2010-2030 Comprehensive Plan; and

c. On May 11, 2021, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to Future Land Use Map. The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix "A,"**

31 attached hereto and incorporated herein.

32 **Section 4. Effective Dates for Ordinance and Amendment.**

33 (a) This ordinance shall become effective as provided by general law.

34 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
35 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
36 that the plan amendment package is complete. However, if an amendment is timely challenged,
37 the amendment shall not become effective until the DEO or the Administration Commission issues
38 a final order determining the challenged amendment to be in compliance.

39 (c) No development orders, development permits, or land uses dependent on this
40 amendment may be issued or commence before the amendment has become effective.

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43 ADOPTED THIS 11th DAY OF MAY, 2021.

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45 **ORANGE COUNTY, FLORIDA**
46 By: Board of County Commissioners

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50 By: _____
51 Jerry L. Demings
52 Orange County Mayor

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54 ATTEST: Phil Diamond, CPA, County Comptroller
55 As Clerk to the Board of County Commissioners

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59 By: _____
60 Deputy Clerk

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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Staff-Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2021-1-B-FLUM-1	Rural/Agricultural (R)	Preservation (PRES)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

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