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RESPONSE TO THE  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
TECHNICAL ASSISTANCE COMMENTS  
DATED APRIL 4, 2018

FOR THE UNION COUNTY  
PROPOSED COMPREHENSIVE PLAN AMENDMENT N0.18-IESR (CPA 17-02)

May 21, 2018

**Florida Department of Economic Opportunity Technical Assistance Comment 1:**

Future Land Use Element Policy 1.3.6 states that “[b]uffer zones shall be established adjacent to surface waters and wetlands and existing parks and preserves so that they will not be adversely impacted by extraction activities.”

Future Land Use Element Policy 1.3.7 states (in part) that, “[n]ew residential developments shall be restricted in the vicinity of operating mines or shall provide for adequate buffers and noise abatement.”

Policies 1.3.6 and 1.3.7 of the Future Land Use Element should provide meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations. They should provide for the establishment of minimum, static or average buffer zones or establish criteria for identifying those buffer zones.

In addition, the terms “restricted,” “in the vicinity of” and “adequate buffers” related to new residential developments should be further clarified in Policy 1.3.7.

**County's Response:**

The County has revised Policies 1.3.6 and 1.3.7 to establish criteria for identifying buffer zones and setbacks. Additionally, the sentence in Policy 1.3.7 regarding new residential development containing the terms “restricted,” “in the vicinity of” and “adequate buffers” has been deleted and replaced with a new sentence that states setbacks for new residential development from operating mines shall be based upon the future land use density.

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RESPONSE TO THE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF INTERGOVERNMENTAL PROGRAMS  
TECHNICAL ASSISTANCE COMMENTS AND RECOMMENDATIONS  
DATED APRIL 5, 2018

FOR THE UNION COUNTY  
PROPOSED COMPREHENSIVE PLAN AMENDMENT N0.18-IESR (CPA 17-02)  
May 21, 2018

**Florida Department of Environmental Protection Technical Assistance Comment 1:**

Policy I.3.2(3) requires the County land development regulations include “standards for reclamation and reuse that provide for restoration of the functions of natural systems.” The Department recommends the policy include, pursuant to Chapter 378, F.S. Land Reclamation.

**County's Response:**

The County has revised Policy I.3.2(3) to include the phrase “pursuant to Chapter 378, Florida Statutes, as amended, Land Reclamation.”

**Florida Department of Environmental Protection Technical Assistance Comment 2:**

Policy V.2.8 contains a reference to Chapter 40B-400, Florida Administrative code (F.A.C.), which was repealed October 14, 2013. Mitigation requirements for activities which may impact functions of wetlands can be found in Chapter 62-330, F.A.C. Environmental Resource Permitting. Rule 62C-16.0051(4), F.A.C., states that wetlands disturbed by phosphate mining shall be restored at least acre-for-acre and type-for-type. Type-for type refers to Level II of the Florida Land Use, Land Cover and Forms Classification System (DOT 1999).

**County's Response:**

The County has revised Policy V.2.8 to reference Chapter 62-330, Florida Administrative Code, as amended, and Rule 62C-16.0051(4), Florida Administrative Code, as amended.

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RESPONSE TO THE  
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
TECHNICAL ASSISTANCE COMMENTS AND RECOMMENDATIONS  
DATED APRIL 5, 2018

FOR THE UNION COUNTY  
PROPOSED COMPREHENSIVE PLAN AMENDMENT N0.18-IESR (CPA 17-02)

May 21, 2018

**Florida Fish and Wildlife Conservation Commission Technical Assistance Comment 1:**

Policy V.4.7 stipulates requirements for evaluating development projects and mining activities for potential impacts to listed species and their habitats. This Policy mentions the FWC and references an FWC designation, Critical Wildlife Conservation Area,” that FWC staff no longer recommend for planning purposes. To better screen projects for potential impacts and update the resources available for developers and applicants, FWC staff recommends the following change, in strike-thru/underline format (as requested), to this Policy:

*“The developer of any proposed development or the applicant for any proposed mining activity equal to or greater than 20 acres and located within areas ~~identified by the Florida Fish and Wildlife Conservation Commission as Critical Wildlife Conservation Areas~~ (or “Matrix Units”) identified by Florida Natural Areas Inventory’s (FNAI) Biodiversity Matrix as containing documented, documented-historic, likely, or potential rare species or natural communities, shall be required to evaluate the impacts to endangered, threatened or species of special concern and rare or unique vegetative communities; ~~provided, however,~~ Listed animal species include those species identified in Florida Administrative Code 68A-27, Rules Relating to Endangered or Threatened Species. Alternatively, if competent and substantial scientific evidence demonstrating that an endangered, threatened or species of special concern, wildlife habitat or rare and unique vegetative community is located within the area of any proposed development or proposed mining activity which is equal to or greater than 20 acres is presented to the County at the time of a preliminary plat, site and development plan, or mining operation permit is reviewed by the County, the developer or applicant shall evaluate the impacts on such species, habitats, or communities. As a condition of permit approval of any proposed development or any proposed mining activity within these areas, such evaluation shall consist of a survey of the development site or mining activity area conducted by on behalf of the developer or applicant by person(s) qualified in the appropriate field of study, conducted according to professionally accepted standards to identify the presence of any state and federally protected plant and animal species.”*

*“If protected species are found on the site/area or would be affected by the development or mining activity, a specific management plan shall be required from the developer or applicant, including necessary modifications to the proposed development or proposed mining activity, to ensure the preservation of the protected species and their habitat. The County shall require the use of best management practices for the conservation, appropriate use and protection of fisheries, wildlife and wildlife habitats, identify and protect native wildlife and their habitats, including state and federally protected plant and animal species (endangered, threatened and species of special concern), within proposed development sites or proposed mining activity area and protect these natural resources from the impacts of development or mining activity ~~by the use of the Florida Fish and Wildlife Conservation Commission Strategic Habitat Conservation Areas maps, Florida Natural Areas Inventory, and North Central Florida Strategic Regional Policy Plan Regionally Significant Natural Resources map series to identify habitats which potentially contain endangered, threatened or species of special concern,~~*

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~~and rare or unique vegetative communities~~ prior to granting development or mining activity approval. Both the survey and the management plan ~~shall~~may be done in consultation with the Florida Fish and Wildlife Conservation Commission, but the final approval of the management plan shall be by the County.”

**County's Response:**

The County has revised Policy V.4.7 to reflect the Florida Fish and Wildlife Conservation Commission staff recommendations.