

# County, Audubon approve settlement

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The Osceola County Commission approved a settlement with Audubon Florida last week that resolves the conservation group's objections to changes county staff made to the Conservation Element of its Comprehensive Plan in April.



It also avoids a possible lawsuit over the changes.

As part of the agreement, the county will modify eight policies that were part of revisions to the plan commissioners initially approved April 21. The Audubon Society opposed those changes to environmentally sensitive land areas and animal species.

Charles Lee, Audubon's Florida's director of advocacy, said in a petition filed in May that the changes did away with the major conservation protections in the Conservation Element "that had been seen as a model for conservation in the state of Florida."

The society disputed the county's claims that even with the changes, the Conservation Element provided "meaningful and predictable standards providing for the conservation, use and protection of natural resources in Osceola County." That petition, which in general said there were no guidelines ensuring air quality and that of the water flowing southward toward the Everglades, also requested an administrative hearing to determine if the revisions complied with state law and all other county covenants.

Lee said the latest round of negotiations went as well as could be hoped.

"County staff wanted move policies into the hands of ordinances, but the law requires they remain in the Plan. I think they made the right decision," he said. "The additional changes Osceola County agreed to make in the plan fully resolve our concerns."

The county's rationale for the changes was that the guidelines were already covered by other state regulation agencies, and they "ensure consistency with other Elements of the Comprehensive Plan and Florida Statutes."

According to the settlement agreement, the county still disputes the allegations of the Audubon petition regarding the revisions' compliance with state law, but the parties agreed to avoid the time and monetary expense of litigation.

"I was not present, but my reports are it was a positive settlement," County Attorney Andrew Mai said. "Both sides were in agreement on what the final result should be."

Among the new provisions of the latest changes to the Conservation Element of the Comprehensive Plan include: Ensuring proper buffers between high impact developments and significant natural resources, especially those outside the Urban Growth Boundary, which marks where the county will manage the master plan for future development; enacting strict guidelines for the alteration and removal of wetlands; recognizing the longleaf pine/turkey oak, sand pine scrub and dry prairie as sensitive species; ensuring ecological evaluations will be

performed where new development is proposed unless environmentally sensitive areas are not identified on the property.

Commissioner Frank Attkisson said the changes form a better structure for policies, plans and ordinances that provide Osceola County with the finest environmental protection in the state.

"We never intended to back away from this commitment," he said. "The county has a strong history of preserving its heritage and its environmental gems, and we appreciate the relationship we have had with Audubon Florida, which made this decision easy."

Board Chairman Fred Hawkins said the changes show the county's commitment to protecting its environmentally sensitive spaces and habitats.

"While the county believes it is within the law to maintain the level of detail in its regulations without the level of detail in the Comprehensive Plan, the Settlement changes are consistent with the County's continued commitment," he said.

Lee said that after this recent positive dialogue with the county, Audubon hopes to work closely together on other environmental protection, including creating space for an Everglades National Headwaters preserve.