

STATE OF FLORIDA  
ADMINISTRATION COMMISSION

**RECEIVED**

JUN 06 2005

SIERRA CLUB, CENTRAL FLORIDA GROUP,  
and SUSAN EBERLE,

LEWIS, LONGMAN & WALKER  
JACKSONVILLE, FLORIDA

Petitioners,

AC Case No. CMP-05-002  
DCA Case No. 05-CMP-063

v.

THE UNIVERSITY OF CENTRAL FLORIDA,

Respondent.

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**FINAL ORDER**

This cause came for hearing before the Administration Commission (Commission) on June 1, 2005. Having been duly advised of the premises and upon a review of the entire record, the Commission finds as follows:

1. In accordance with section 1013.30, Florida Statutes (2004) and Rule 6C-21, Florida Administrative Code (2004), the University of Central Florida (University) adopted its 2005-2015 Campus Master Plan on November 30, 2004, amending the 2000-2010 Campus Master Plan. Those amendments (2005 Amendment) are the subject of these proceedings.
2. Petitioners filed timely challenges to the 2005 Amendment, alleging that it violates section 1013.30, Florida Statutes (2004).
3. In accordance with section 1013.30(8)(a), Florida Statutes (2004), the parties attended mediation but were unable to resolve their disputes. In accordance with section 1013.30(8)(b), Florida Statutes (2004), the University timely submitted the petitions to the Department of Community Affairs (Department).

4. On May 6, 2005, the Department submitted its Report to the Commission in accordance with section 1013.30(8)(b), Florida Statutes. The Department's Report is attached hereto as Exhibit A but is only incorporated herein by reference as articulated in Paragraph 7 of this Final Order.

5. The University and both Petitioners filed proposed final orders with the Commission.

6. Under section 1013.30(8)(c), Florida Statutes (2004), and Rule 6C-21.109(3), Florida Administrative Code (2004), the Commission shall consider the following issues in order to resolve any issues that are still in dispute among the parties:

- a. the nature of the issues in dispute;
- b. compliance of the parties with section 1013.30, Florida Statutes (2004);
- c. the extent of the conflict between the parties;
- d. the comparative hardships; and
- e. the public interest involved.

7. The Commission adopts and incorporates by reference only the Department's recommendations for only the following disputed issues as enumerated in the Department's Report:

- a. Disputed Issue I (standing), thereby requiring no further action by the University;
- b. Disputed Issue III (public participation requirements), thereby requiring no further action by the University;
- c. Disputed Issue IV(a) (northwest quadrant and arboretum), thereby requiring no further action by the University;

d. Disputed Issue IV(b) (northern connector roads), thereby requiring the University to amend the 2005 Amendment's Transportation Policy 1.1.11 to describe the need for a northern connector road between Gemini Boulevard North and McCulloch Road near the athletic facilities on the north side of campus and further requiring the University to correct the 2005 Amendment to remove any reference to the alternative north connector road which runs from Orion Boulevard at a right angle to McCullough Road in Figure 2.11-5 in the 2005 Amendment's Transportation Element;

e. Disputed Issue IV(c) (future land use element policy 1.1.1), thereby requiring the University to make 2005 Amendment's Future Land Use Policy 1.1.1 consistent with the Commission's CMP-04-003 Final Order;

f. Disputed Issue V (transportation element), thereby requiring no further action by the University;

g. Disputed Issue VI (stormwater management and permitting), thereby requiring no further action by the University;

h. Disputed Issue VII (projected needs analysis), thereby requiring no further action by the University;

i. Disputed Issue VIII (golf course), thereby requiring no further action by the University;

j. Disputed Issue IX (on campus housing), thereby requiring no further action by the University; and

k. Disputed Issue X (capital improvements element), thereby requiring no further action by the University.

8. In addition, the University has stipulated to the following and, therefore, the Commission hereby requires the University to do the following:

a. Clarify the 2005 Amendment by incorporating the amendments to the Future Land Use Element, the Conservation Element, and the Recreation and Open Space Element as stated in Exhibit B, attached hereto and incorporated by reference in its entirety and

b. Shall comply with Florida law, including sections 1013.30 and 286.011, Florida Statutes, that is in effect at the time that the University adopts any future amendment that creates an on-campus football stadium. However, section 1013.30(9), Florida Statutes, shall not apply to any future amendment that creates an on-campus football stadium.

9. The Commission requires the University to comply with all applicable notice and public hearing requirements in section 1013.30, Florida Statutes (2004), and any future amendments thereto.

10. Finally, the Commission hereby confirms that its Final Order in Case No. CMP-04-003 remains in full force and effect. Final Order in Case No. CMP-04-003 is attached hereto as Exhibit C.

Therefore, it is ORDERED and ADJUDGED that:

Within 90 days from the date this Final Order is filed with the Clerk of the Commission, the University shall amend its 2005 Amendment according to the Commission's findings and rulings in this Final Order.

**NOTICE OF RIGHTS**

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes (2004), by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with Barbara Leighty, Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, the Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the day this Final Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 2<sup>nd</sup> day of June, 2005.

*Terese B. Jinker*  
for MICHAEL P. HANSEN, Secretary  
Administration Commission

FILED with the Clerk of the Administration Commission on this 2<sup>nd</sup> day of June, 2005.

*Barbara Leighty*  
Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the following persons by United States Mail or hand delivery this 9<sup>th</sup> day of June, 2005.

Honorable Jeb Bush  
Governor  
The Capitol  
Tallahassee, Florida 32399

Honorable Tom Gallagher  
Chief Financial Officer  
The Capitol  
Tallahassee, Florida 32399

Honorable Charlie Crist  
Attorney General  
The Capitol  
Tallahassee, Florida 32399

Honorable Charles H. Bronson  
Commissioner of Agriculture  
The Capitol  
Tallahassee, Florida 32399

Chanta Combs, Esquire  
Governor's Legal Office  
Room 209, The Capitol  
Tallahassee, Florida 32399-0001

Thaddeus Cohen, Secretary  
Heidi Hughes, General Counsel  
Leslie Bryson, Assistant General Counsel  
Department of Community Affairs  
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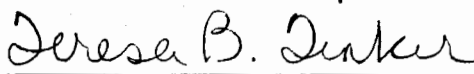
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for MICHAEL P. HANSEN, Secretary  
Administration Commission

**EXHIBIT "B"**  
**TO**  
**FINAL ORDER OF ADMINISTRATION COMMISSION**

<b>Element</b>	<b>Location/Page<sup>1</sup></b>	<b>Change</b>
Future Land Use	Policy 1.0.1-Three occurrences in Definition of "Conservation Use" that are lower case (pg. 34)	Capitalize "Conservation" at each occurrence.
"	Policy 1.1.4 (pg. 35)	Change to: "... maintained for the study and <u>protection preservation</u> of native plant and animal species. ..."
"	Policy 1.1.5 (pg. 35)	Change to: "... in order to separate the <u>R</u> esidential land use area from the <u>C</u> onservation land use area."
"	Policy 1.2.1(b) (pg. 35)	Change to: "... decrease the amount of natural areas, open space, or <u>buffers</u> on campus by more than 10% ..." [to make consistent with Fla. Stat. 1013.30(9).]
"	Policy 1.2.4 (pg. 35)	Capitalize "Conservation"
"	Policy 1.2.4(4) (pg. 35)	"
Rec. & Open Space	Policy 1.2.1 (pg. 77)	Change to: "... consistent with the Urban Design, and Future Land Use <u>E</u> lements and open space <u>preservation areas and policies identified in the, and Conservation Elements</u> of this Plan."
"	Policy 1.3.1 (pg. 78)	Remove sentence as follows: "... <u>Access to certain areas of environmentally sensitive habitat may be restricted (on occasion) if it is determined by the University to be necessary in order to best protect the local animal and plant species.</u> "
"	Policy 1.4.1 (pg. 78)	Capitalize "conservation"
Conservation	Objective 1.0 (pg. 169)	Capitalize "conservation" and "element"
"	Policy 1.1.0 (pg. 169)	Change to: "... all those sites identified <u>for conservation as Conservation</u> ..."
"	First sentence of Policy 1.1.1 (pg. 169)	Capitalize "conservation"
"	Policy 1.1.2 (pg. 169)	Change to: "... the University shall coordinate with the Florida <u>Freshwater Fish and Wildlife Conservation Commission</u> ... for designated <u>C</u> onservation and <u>C</u> onservation <u>E</u> asement areas. ..."
"	Policy 1.1.2.1 (pg. 169)	Change to: "... designated <u>C</u> onservation and <u>C</u> onservation <u>E</u> asement areas,"
"	Policy 1.1.2.8 (pg. 169)	Change to: "Developing specific guidelines to ensure the protection of the <u>natural areas in the</u>

<sup>1</sup> These page numbers refer to the underline-and-strikethrough version of the 2005-2015 University of Central Florida Campus Master Plan, adopted on November 30, 2004.

Element	Location/Page <sup>1</sup>	Change
		Arboretum.”
“”	Policy 1.2.1 (pg. 170)	Change to: “The University shall <u>protect</u> <del>maintain</del> the <u>lands shown as Conservation, Conservation Easement and 50’ Riparian Buffer</u> <del>natural areas within the campus as a system of interconnected wetlands and upland preserves,</del> as shown on the Conservation Areas Map (Figure 13-1).”
“”	Policy 1.2.4 (pg. 171)	Change to: “The University shall establish a <u>riparian</u> buffer of minimally 50 feet for upland areas adjacent to identified on-campus wetland areas <u>as shown on Figure 13-1.</u> <del>located within the Riparian Habitat Protection Zone (RHPZ) of the Little Eeonlockhatchee River. . .</del> ”
“”	Policy 1.2.6 (pg. 171)	Change to: “Any proposed development adjacent to <u>an area designated as Ceonservation or Conservation Easement</u> . . .to allow a gracious transition from developed areas to undeveloped areas <del>to preserved areas. . .</del> hydrological impacts to designated <u>Ceonservation or Conservation Easement</u> areas . . .”
“”	Policy 1.2.12 (pg. 171)	Change to: “The University shall coordinate with the Florida <del>Freshwater</del> Fish and Wildlife Conservation Commission to continually maintain the <u>area designated as Conservation Easement</u> <del>upland preserve</del> located in the north portion of the campus as the gopher tortoise relocation area. . .”
“”	Policy 1.2.13 (pg. 172)	Change to: “. . . Florida <del>Freshwater</del> Fish and Wildlife Conservation Commission . . .”
“”	Policy 1.2.14 (pg. 172)	Change to: “. . . Florida <del>Freshwater</del> Fish and Wildlife Conservation Commission . . .”