ORDINANCE	NO.:	2009-	17
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COUNTY AN ORDINANCE AMENDING THE HERNANDO COMPREHENSIVE PLAN BY AMENDING VARIOUS GOALS, **OBJECTIVES AND POLICIES CONTAINED IN THE FUTURE LAND USE,** TRANSPORTATION, HOUSING, COASTAL ZONE, CONSERVATION, **RECREATION AND OPEN SPACE, AND ECONOMIC DEVELOPMENT** ELEMENTS; AMENDING SECTION D, FUTURE LAND USE MAP -MAPPING CRITERIA AND LAND USES ALLOWED RELATING TO CONSERVATION MAPPING CRITERIA: ADOPTING CPAM-09-01; **PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF** COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND **PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, in 1985, the Florida Legislature adopted the Local Government Comprehensive
Planning and Land Development Regulation Act as set forth in §§ 163.3161 through 163.3215
Florida Statutes (the "Act"); and,

WHEREAS, on June 7, 1989, the Board of County Commissioners adopted Ordinance 89-9 which adopted the Hernando County Comprehensive Plan, as such Plan or portions thereof have been subsequently amended ("Comprehensive Plan"); and,

WHEREAS, the Hernando County Board of County Commissioners ("BOCC"), following a public hearing, approved amending the Future Land Use, Transportation, Housing, Coastal Zone, Conservation, Recreation and Open Space, Economic Development elements of the Hernando County Comprehensive Plan relating to certain objectives and policies; amending Section D, Future Land Use Map - Mapping Criteria and Land Uses Allowed relating to Conservation mapping criteria (a complete copy of the amendment is collectively attached as **Exhibit "A"** hereto and made a part hereof) and referred to as CPAM-09-01; and,

WHEREAS, the County subsequently transmitted CPAM-09-01 to the Florida Department of Community Affairs ("DCA") for review pursuant to the Act and was assigned DCA No.09-1; and,

WHEREAS, the DCA reviewed CPAM-09-01 and, thereafter, issued its Objections, Recommendations and Comments (ORC) Report concerning same; and,

WHEREAS, DCA's ORC Report raised objections to CPAM 09-01 (DCA No. 09-1); and,

- WHEREAS, the County has prepared a response to the DCA ORC Report; and,
 - WHEREAS, CPAM-09-01 is now ready for final adoption by the BOCC; and,

43 WHEREAS, the BOCC conducted a second public hearing on December 8, 2009 in 44 connection with final adoption of the CPAM-09-01 (DCA No. 09-1) as an amendment to the 45 County's adopted Comprehensive Plan; and,

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WHEREAS, CPAM-09-01 will be transmitted to DCA along with CPAM-09-02 as part of the same plan amendment cycle/package.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. Adopting CPAM-09-01 (DCA No. 09-1). CPAM-09-01 (DCA No. 09-1), collectively attached as Exhibit "A" hereto, is hereby approved and adopted and the Hernando County Comprehensive Plan is amended accordingly subject to Section 6 below.

SECTION 2. Execution. The Chairperson of the Hernando County Board of County
Commissioners is hereby authorized to execute this ordinance.

SECTION 3. Transmittal to Florida Department of Community Affairs. County staff
shall transmit an executed copy of this ordinance to the Florida Department of Community Affairs
within ten (10) working days of adoption hereof. CPAM-09-01 will be transmitted to DCA along
with CPAM-09-02 as part of the same plan amendment cycle/package.

SECTION 4. Publication. This ordinance has been published in accordance with law.

SECTION 5. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective date. This Ordinance shall take effect upon filing with the Florida Secretary of State; however, the adopted amendment CPAM-09-01 shall take effect, and be considered an amendment to the Hernando County Comprehensive Plan, upon DCA issuing a final order finding same to be in compliance pursuant to § 163.3189(2), Florida Statutes.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 8th day of December, 2009.

UNTY COMA

CLERK

Approved as to Form and Legal Sufficiency By: Geoffrey T ssistan Count

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HERNANDO COUNTY, ELORIDA By.

BOARD OF COUNTY COMMISSIONERS

DAVE RUSSELL CHAIRMAN

EXHIBIT A

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CPAM 09-01

FUTURE LAND USE ELEMENT

COMMERCIAL NODES

OBJECTIVE 1.01M: HERNANDO COUNTY WILL MANAGE AND DIRECT COMMERCIAL DEVELOPMENT THROUGH THE DESIGNATION USE OF COMMERCIAL NODES AND RELATED POLICIES.

- **POLICY 1.01M(1):** Commercial development shall be managed guided through a classification into categories of commercial nodes, established primarily by <u>function and</u> locational <u>characteristics</u>. <u>Other</u> <u>factors</u>, including but not limited to compatibility, opportunities for redevelopment, access, the availability of adequate infrastructure, environmental constraints and consistency with other policies may affect the size, location, function and appropriateness of commercial development.
- **POLICY 1.01M(2):** Commercial nodes shall be classified as neighborhood commercial, community commercial, general commercial, and regional commercial, with the following minimum locational criteria characteristics:
 - a. Neighborhood Commercial Nodes
 - May be located in the Residential or Rural Future Land Use categories, but because of size will not require mapping on the Future Land Use Map Series;
 - 2. Will have a maximum node size of 5 acres;
 - 3. Will not be located in Conservation areas or environmentally sensitive areas;
 - 4. Will be located on collector or arterial roads except where proposed as part of an integrated, mixed-use planned unit development;

- 5. Will not degrade the proper functioning of the adjacent roads below the established levels of service;
- Will be <u>designed to serve the convenience and</u> personal service needs of nearby residents, and will be proximate to population areas to support the proposed use;
- 7. Will not compromise the integrity of residential areas.
- b. Community Commercial Nodes
 - Will be located in areas designated on the Future Land Use Map Series as locations appropriate for nodal commercial development <u>designed to serve</u> <u>the surrounding area with a wider range of</u> <u>commercial uses;</u>
 - 2. Will be located proximate to the intersection of two roadways of a status of collector road or greater;
 - 3. Full median cuts will generally not be allowed any closer than 660 feet from the intersection to maintain the proper functioning of the intersection;
 - 4. Will be located on the fringe, not the interior, of residential areas;
 - 5. Will not compromise the integrity of the residential areas;
 - 6. Will generally range from 40-60 acres in size with a service area radius of up to 3 miles.
- c. General Commercial Nodes
 - Will be located in areas designated on the Future Land Use Map Series as appropriate for nodal <u>commercial</u> development <u>designed to provide for a</u> <u>full range and variety of shopping goods;</u>

- 2. Will be located proximate to the intersection of an arterial highway and a second road of at least collector status;
- 3. Full median cuts will generally not be any closer than 1,320 feet on arterials and 660 feet on collectors from the intersection to maintain the proper functioning of the intersection;
- 4. Will generally range from 50 to 100 acres in size;
- 5. Will be located within <u>a</u> three to five miles <u>radius</u> of population areas <u>necessary</u> to support the size and intensity of the development proposed;
- Will be of a design <u>and function</u> which does not compromise the integrity of adjacent uses of close proximity.
- d. Regional Commercial Nodes

A Regional Commercial Node shall be an overlay district, may be located on the Future Land Use Map only in association with but not limited to an existing commercial area <u>appropriate for general commercial development</u> <u>serving both the county and surrounding region (either strip</u> commercial or a General Commercial Node), and shall meet the following criteria:

- 1. Will be located along a multi-lane arterial roadway, within 1.5 miles of an intersecting multi-lane arterial;
- 2. Will have a minimum node size of 80 acres;
- 3. Will be of a design which does not compromise the integrity of adjacent uses of close proximity;
- 4. Full median cuts will generally not be any closer than 1,320 feet from the intersection, in order to maintain the proper functioning of the intersection.

- 5. Will provide for road, bicycle and pedestrian connectivity to adjoining land uses.
- **POLICY 1.01M(8):** By the end of 2006, the County shall classify all commercial nodes into the categories described in Policy 1.01M(2).
- POLICY 1.01M(9): By the end of 2006, the County shall define the boundaries of the commercial nodes along specific and identifiable boundaries, so that land use decisions regarding the location of commercial properties becomes more predictable for all stakeholders.
- POLICY 1.01M(11):By the end of 2006, When reviewing requests to designate
additional commercial areas the County will consider the
commercial node classification policies, the need to provide for a
range of commercial uses, and evaluate the amount of
commercial property available to meet the needs of businesses
and residents as projected growth occurs through the planning
horizon.

LEVELS OF SERVICE FOR FLOODPLAINS AND FLOOD PRONE AREAS

OBJECTIVE 1.03C: TO PROVIDE STANDARDS FOR PROVIDING AND MAINTAINING INFRASTRUCTURE IN AREAS PRONE TO FLOODING

POLICY 1.03C(3): By the end of 2006 special standards shall be developed in the land development regulations <u>The County's Facilities Design</u> Guidelines and flood plain management regulations shall <u>be</u> <u>adopted to establish and maintain standards to</u> that address roads and other infrastructure where small areas of development with lot sizes smaller than five acres occur in the fringes of <u>in</u> flood prone areas or in small isolated flood prone areas. <u>The methods</u> <u>implemented by the Guidelines and regulations shall include, but</u> <u>not be limited to, minimum base flood elevations, engineering</u> <u>details to prevent infiltration and design standards to minimize</u> <u>damage from flooding.</u>

ALTERNATIVE METHODS OF PRESERVING PROPERTIES

OBJECTIVE 1.05A: TO ESTABLISH <u>ALTERNATIVE</u> METHODS OF COMPENSATING PROPERTY OWNERS FOR DEVELOPMENT <u>WHERE</u> LIMITATIONS <u>ARE</u> PLACED ON LAND IN THE PUBLIC INTEREST.

POLICY 1.05A(1): The County shall conduct a study by 2010 to determine the feasibility of consider using use the following methods for the development of property where the preservation of certain features are in the public interest: Transfer of Development Rights, Purchase of Development Rights, planned development project procedures, clustering of development, conservation easements, buffers, the preservation of natural areas as open space, or and other appropriate planning techniques. that may be identified, to preserve ecologically sensitive areas, wetlands, open space, wildlife habitats, estuaries, mangroves, archaeological, historical sites, agricultural and other areas deemed worthy of preservation. If determined to be feasible, The Land Development Regulations shall be amended to include these techniques where necessary.

ANALYZING FISCAL IMPACTS

OBJECTIVE 1.11A: TO EVALUATE THE SHORT AND LONG TERM FISCAL IMPACTS OF LAND USE DECISIONS AND CHANGES IN PLANNING STRATEGY WHICH AFFECT LAND USE, DEVELOPMENT INTENSITY, INFRASTRUCTURE, AND/OR INVOLVE INVESTMENT OF PUBLIC FUNDS OR OTHER PUBLIC RESOURCES.

POLICY 1.11A(4): The County shall investigate explore available options and methods for analyzing fiscal impacts and by September 30, 2006 shall select utilize one or more methodologies for evaluating the fiscal impacts and considerations of proposed changes in land use distribution, development intensity, capital improvement programming, and/or planning strategy to demonstrate the plan is financially feasible. Fiscal impact analysis shall become an integral part of land use planning and decision-making when the selected methodology becomes operational.

TRANSPORTATION ELEMENT

ROADS LEVEL OF SERVICE (LOS) STANDARDS AND BACKLOGGED FACILITIES

OBJECTIVE 2.04A: LEVELS OF SERVICE STANDARDS FOR ROADWAYS SHALL BE ADOPTED AS PART OF THIS COMPREHENSIVE PLAN.

POLICY 2.04A(2): For State-maintained roadways facilities on the Strategic Intermodal System, the Florida Intrastate Highway System, and roadway facilities funded in accordance with the Transportation Regional Incentives Program, the level of service standard shall be in accordance with the level of service standard established by the Florida Department of Transportation by rule. "LOS C peak hour." For all other roads on the State Highway System, the level of service standard shall be LOS "D" peak hour.

MASS TRANSIT SYSTEMS FEATURES

OBJECTIVE 2.06C:	INCORPORATE OR RESERVE AREAS FOR MASS TRANSIT SYSTEM FEATURES IN ROADWAY IMPROVEMENTS OR NEW DEVELOPMENT.
POLICY 2.06C(1):	By 2008, include review criteria in the land development regulation approval process which <u>The County's Facilities</u> <u>Design Guidelines shall establish and maintain standards which</u> addresses arterial and collector roadway design which is conducive to later adaptation to mass transit.
POLICY 2.06C(2):	By 2008, tThe County Facilities Design Guidelines shall establish and maintain standards for collector and arterial roadways, which reserve sufficient right-of-way space for the safe and efficient operation of circulator and feeder bus routes.
POLICY 2.06C(3):	The County shall utilize transit oriented design techniques where appropriate to facilitate the use of mass transit.

PUBLIC AND PRIVATE TRANSIT SERVICES

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OBJECTIVE 2.06D: THE COUNTY SHALL COORDINATE WITH PUBLIC AND PRIVATE TRANSIT SERVICES WHICH PROVIDE FOR SAFE AND AVAILABLE TRANSIT SERVICES.

POLICY 2.06D(2): The County shall <u>evaluate coordinate</u> the possible expansion of intercounty bus routes to link the County with other portions of the <u>Tampa/St. Petersburg Tampa Bay metropolitan</u> area and other metropolitan areas of the <u>State</u> with the Tampa Bay Area Regional Transit Authority (TBARTA).

REVIEW OF PORT AUTHORITY FACILITY IMPROVEMENT AND EXPANSION

OBJECTIVE 2.07B: TO REVIEW ANY PORT AUTHORITY FACILITY MODIFICATION, IMPROVEMENT, AND EXPANSION FOR ITS EFFECTS ON THE COASTAL ZONE, TRANSPORTATION SYSTEM, AND LAND USE PATTERN.

POLICY 2.07B(1): By 2008, tThe County and the shall establish a review procedure that evaluates the effect of proposed Port Authority shall review related port projects, and provide the opportunity for public comment, related to impacts from proposed projects on the environment, public facilities, road and adjacent land uses, and other impacts; and provide for proposing mitigation measures, if required necessary.

HOUSING ELEMENT

ADEQUATE AND AFFORDABLE HOUSING

OBJECTIVE 3.01A: THE COUNTY SHALL CONTRIBUTE TO ENCOURAGE THE PROVISION OF ADEQUATE AND AFFORDABLE HOUSING OPPORTUNITIES TO ACCOMMODATE THE EXPECTED POPULATION.

- **POLICY 3.01A(2):** Revise Land Development Regulations to allow shall provide for a variety of lot sizes, densities, and housing types including single family, multi-family, zero-lot line, and mobile homes to help ensure a housing choice for all segments of the population.
- **POLICY 3.01A(5):** The County shall consider the use of incentives, such as density bonuses or transfers, provisions for accessory units, performance standards, and policies for alternative fee payments or the reduction or waiver of fees, to encourage the provision of affordable housing.
- **POLICY 3.01A(6):** The County shall encourage the provision of employer assisted housing as a component of it's economic development policies and programs.

SUBSTANDARD HOUSING

OBJECTIVE 3.02A:BY THE YEAR 2008, THE COUNTY SHALL IDENTIFY
CONDITIONS OF SUBSTANDARD HOUSING IN
HERNANDO COUNTY AND ESTABLISH A PROGRAMS
TO REDUCE OR ELIMINATE SUCH CONDITIONS.

POLICY 3.02A(1):By the year 2008, conduct a survey The County shall utilize
periodic inspections of the housing stock and code enforcement
processes to identify the condition, extent, and location of
substandard housing in Hernando County in an effort to
determine the appropriate actions to improve and/or demolish
substandard units. For the purpose of the data used in the
Technical Support Document for Housing Element, substandard
is defined as any unit that is either lacking complete plumbing or
lacking complete kitchen facilities, or lacking central heating. In

addition, the County shall work with non profit organizations, and pursue available funding for the rehabilitation or demolition of substandard housing.

POLICY 3.02A(2): Prepare updates <u>Review</u> of the <u>existing</u> housing conditions survey at five year intervals shall be ongoing.

SITES FOR VERY-LOW, LOW AND MODERATE INCOME HOUSING

OBJECTIVE 3.04A: THE COUNTY SHALL CONTRIBUTE TO THE PROVISION OF ADEQUATE SITES TO MEET THE DEMAND FOR VERY LOW, LOW AND MODERATE INCOME HOUSING UNITS, THROUGH EFFICIENT LAND DEVELOPMENT REGULATIONS AND SUPPORT OF THE HERNANDO COUNTY HOUSING AUTHORITY.

POLICY 3.04A(1): By 2008, t The County shall utilize the following criteria to guide projects which accommodate very-low, low and moderate income households. The criteria shall address include accessibility to shopping, schools, services, transportation and employment and will avoid concentration of such units in single areas or neighborhoods.

COASTAL ZONE ELEMENT

STANDARDS FOR PRIORITIZING SHORELINE USES

- OBJECTIVE 5.05A: PROVIDE CRITERIA OR STANDARDS FOR PRIORITIZING SHORELINE USES, GIVING PRIORITY TO COMMERCIAL AND RECREATIONAL FISHING AND OTHER WATER-DEPENDENT USES, WHEN NOT IN CONFLICT WITH PROTECTION OF MARINE RESOURCES.
 - **POLICY 5.05A(1):** Develop a compatibility matrix which indicates which uses are permitted, prohibited, and conditionally allowed.
 - POLICY 5.05A(2): Amend Hernando County Ordinances and/or review procedures to include the review criteria in the compatibility matrix from Policy 5.05A(1) for proposed shoreline uses.

PROTECTION OF HISTORICALLY, ARCHITECTURALLY, OR ARCHAEOLOGICALLY SIGNIFICANT AREAS

- OBJECTIVE 5.06A: INDIVIDUAL SITES AND AREAS DESIGNATED BY FEDERAL, STATE, OR LOCAL GOVERNMENTS AS EITHER HISTORICALLY, ARCHITECTURALLY, OR ARCHAEOLOGICALLY SIGNIFICANT (i.e. HISTORIC RESOURCES) SHALL BE CONSERVED, PROTECTED, AND, WHERE POSSIBLE, ENHANCED.
 - POLICY 5.06A(5): Public acquisition of the Bayport Hotel Site and the Union Cemetery Site at Bayport shall be encouraged.

CONSERVATION ELEMENT

CREATION OF NATURAL AREA GREENWAYS

OBJECTIVE 6.01G: ENCOURAGE THE CREATION OF CONNECTING NATURAL AREA GREENWAYS BY CONNECTING ENVIRONMENTALLY SENSITIVE LANDS AND OTHER PRESERVED AREAS IN THE COUNTY.

- POLICY 6.01G(8):Provide for an east-west corridor connecting the Chassahowitzka
Preserve to the Green Swamp and a north south coastal corridor
west of US Highway 19 connecting to Pasco County as strategic
wildlife corridors, and require future development to
accommodate wildlife habitat corridors through the use of
designated open space, conservation easements, clustering, or
other acceptable planning technique.
- **POLICY 6.01G(9):** Provide for designated, and properly designed, wildlife crossings on the roadway network, and prevent the fragmentation of wildlife corridors by minimizing new roadway construction in designated wildlife corridors where possible.

RECREATION AND OPEN SPACE ELEMENT

RESIDENTIAL DEVELOPMENT RECREATION FACILITIES

OBJECTIVE 7.01C: RECREATIONAL FACILITY STANDARDS SHALL BE DEVELOPED FOR RESIDENTIAL DEVELOPMENTS.

POLICY 7.01C(4): By 2008 2012, the County Parks and Recreation Department shall develop and maintain a countywide plan for the recreational development of parks and open space to serve the projected population at buildout contemplated by this comprehensive plan. The plan shall include at a minimum: an assessment of the current and projected demand for county recreation facilities and open space; standards for developing the various categories of county park sites; an analysis of the long term effectiveness of current parks and open space levels of service standards for meeting the needs of a buildout population; provisions for joint and co-located recreations facilities for use by both the county and the School District: and an assessment of the suitabilities of undeveloped park sites throughout the county with plans for their development or role as open space and identification of the appropriate entity(ies) for maintaining each site.

DISTRICT AND COMMUNITY PARKS

OBJECTIVE 7.02B: THE COUNTY SHALL DEVELOP A SYSTEM OF DISTRICT PARKS AND COMMUNITY PARKS, PROVIDING USER-ORIENTED RECREATION FACILITIES.

POLICY 7.02B(1): At least one district park or one community park shall be located and maintained in each of the impact fee park districts by 2008.

PARKS LEVEL OF SERVICE (LOS) STANDARDS

OBJECTIVE 7.03A:TO MAINTAIN THE CURRENT LEVEL OF PARKS AND
OPEN SPACE STANDARDS AT 4.00 ACRES PER ONE
THOUSAND (1,000) PEAK (SEASONAL) POPULATION.

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POLICY 7.03A(2): The Land Development Regulations will be amended by 2007 to provide standards and requirements for residential developments to provide on-site, user oriented neighborhood recreation facilities, and to determine what entity(ies) will be responsible for their maintenance. These recreation facilities will not be part of the county recreation system and will not be funded by impact fees nor eligible for credits.

SCENIC PRESERVATION

OBJECTIVE 7.04D: ESTABLISH REGULATIONS WHICH PROTECT THE SCENIC VIEWS ALONG PUBLIC ROAD RIGHTS-OF-WAY.

POLICY 7.04D(4): The County shall develop land development regulations to provide standards at a minimum for setbacks, buffers, <u>landscaping</u>, and protection of existing natural vegetation along designated scenic corridors <u>and other areas of the County</u>. The standards may address building height and appearance, land uses, <u>landscaping and buffers</u>, or other factors in order to protect the public benefits of designated scenic corridors. The standards shall be adopted by the end of 2008.

ECONOMIC DEVELOPMENT ELEMENT

MONITORING AND EVALUATION PROCEDURES

OBJECTIVE 10.01F:MEASURE THE PERFORMANCE AND
EFFECTIVENESS OF ECONOMIC DEVELOPMENT
EFFORTS AND THE OBJECTIVES OF THIS ELEMENT.

POLICY 10.01F(1):By the end of 2008 Hernando County shall select monitor certain
select economic indicators and monitor them over time as
measurements of the effectiveness of Hernando County's
Eeconomic Ddevelopment Improvement Plan efforts and the
objectives of this element.

MAPPING CRITERIA AND BASIC STANDARDS FOR FUTURE LAND USE MAP CATEGORIES

CONSERVATION

- Mapping Criteria. This classification includes state forests, wetlands, riverine protection zones, privately owned isolated uplands in the Coastal Zone and publicly and quasi-publicly owned properties which have been designated for conservation.
- Purpose. To retain forests, protect wetlands and retain areas of wildlife and marine habitat.
- Land Uses Allowed. Timbering (with a management plan), limited resource-oriented recreational activities and up to one residential unit per forty acres, or as otherwise consistent with the quarter-quarter land management concept.

Additional Clarification

- 1. Wetlands are mapped from available Soil Conservation Service hydric soils mapping. Due to the mapping scale, small areas of wetlands or isolated uplands (generally less than 20 acres) may not be shown on the Future Land Use Map.
- 2. Exact determination of wetlands shall be the wetland jurisdictional limits of the applicable environmental agencies (DEP, SWFWMD, COE), with the wetland area being treated as "conservation" in the land use approval process.
- 3. Any jurisdictional wetlands approved for dredge and fill by the appropriate environmental agency shall no longer be considered as wetlands for the purpose of County land use approvals.
- 4. Within the Coastal Zone, any unmapped uplands within the conservation designation which have direct access to the County roadway network shall be considered to have a residential designation, which potentially allows all of the land uses specified therein.
- 5. Any non-hydric areas on privately owned parcels, designated Conservation, within non Coastal Zone State or Federal lands shall be considered as having a Rural designation.
- 6. <u>Passive recreation or resource oriented recreation activities include, but are not limited</u> to, hiking, picnicking, fishing, etc.