

Board of County Commissioners

Agenda Request

Date of Meeting: May 3, 2010

Date Submitted: April 16, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Lindsay Stevens, Assistant County Administrator
Melissa Coleman Corbett, Planner II
Sommer Strickland, Planner

Subject: Adoption of Comprehensive Plan Text Amendment CP09-03
Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Statement of Issue:

This agenda item provides the Board with an Application for Comprehensive Plan Text Amendment CP09-03, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Capital Improvements Element and Infrastructure Element of the Comprehensive Plan.

Background:

As this Amendment has followed the same preparation and review process as Application for Comprehensive Plan Text Amendment CP09-02, please refer to that Application's Background section for the relevant information.

Planning Commission:

The Planning Commission considered this item at their November 17, 2009 public hearing. Two citizens expressed concerns over the amount of time that the draft revisions of the EAR Amendments were available to the public on the County website. The draft revisions incorporated changes from the directions received from the Board at their October 15, 2009 workshop on the proposed EAR Amendments. While staff notes that there was a delay in posting the November revisions to the County website, hard copies of these revisions were delivered to Planning Commission members and available for inspection in the Planning and Community Development Department one week prior to the Planning Commission meeting. During the discussion of this issue at the Planning Commission hearing, the County Attorney opined that the notice provided for the November revisions was sufficient per applicable law. As of November 18, 2009, all of the revisions were posted on the County website.

Two citizens also expressed their concerns over the proposed changes to the transportation Level Of Service (LOS) standards that were incorporated in these Elements. These citizens believed that the

increase of LOS standards as traffic moves outward from the Crawfordville area could be a hindrance to the County's growth and development. It is important to note that these proposed alterations were incorporated into the drafts at the direction of the Board at their October 15, 2009 workshop.

At the conclusion of the public hearing, the Planning Commission voted to recommend transmittal of the Application with a 6-2 vote.

Board of County Commissioners:

The Board of County Commissioners considered this Application at their December 8, 2009 public hearing. Jon Sewell, with Kimley-Horn and Associates, Inc., made a presentation on this item. One citizen spoke in favor of the Application. At the conclusion of the public hearing, the Board voted to transmit the Application with a unanimous vote.

Analysis:

There were a few changes proposed to the Capital Improvements Element (CIE), as included in the strike through and underline draft of this Element which was previously approved by the Board for transmittal at their December 8, 2009 public hearing (Attachment 1). The CIE was updated in 2008 to meet the requirements set forth in Senate Bill 360. Senate Bill 360 was passed by the Florida Legislature in 2005 and requires all Counties within Florida to annually update the CIE in their Comprehensive Plans. As the CIE received a major overhaul in 2008, only a few modifications were originally included in this Element. The CIE includes a list of all capital projects in the County and more importantly, a list of capital projects needed to maintain the adopted Level of Services standards over the next five fiscal years. Projects in these sections were updated to reflect those adopted in the latest Wakulla County Capital Improvements Program. Additionally, comments from the Department of Community Affairs review of the revised CIE in 2008 were incorporated into this EAR-based amendment to further clarify information in the document. A significant change proposed to the CIE is the incorporation of increased transportation Level of Service (LOS) standards for the County. As stated above, these proposed alterations were reviewed by the Board and incorporated at their direction. As further described in the CIE document, the LOS standard would be maintained at E in the Crawfordville area and then transition to D as traffic moves out from the downtown area and finally increase to C as it reaches the outer rural areas of the County. It is important to note that Crawfordville Highway in the section that runs north from Harvey Mill Road to the Leon County line will remain at LOS E to accommodate existing traffic flow.

Among the proposed language changes previously approved by the Board to the Infrastructure Element (IE) are minor updates to goal target years and rule changes (Attachment 2). A few significant changes are also proposed to the IE. One of the main items proposed for revision is the update of minimum Level of Service standards based on recommendations from the Concurrency Management System Report. These standards set forth specific requirements for different types of stormwater facilities and update the minimum average daily flow for sanitary sewer and potable water. In addition, policies were added to create a GIS-based infrastructure inventory and asset management system. These tools can then be utilized in assessing infrastructure maintenance and

expansion options and the promotion of efficient growth. Another important addition was made in regards to performance-based septic tanks. Language was added to include the requirement for performance based septic tanks to be utilized when modification is necessary in addition to the existing language that requires it when replacement is needed.

Following the Board's vote to transmit the Application on December 8, 2009, staff forwarded the Application to DCA and other State agencies for their review of the proposed language changes. Subsequently, DCA issued an Objections, Recommendations and Comments (ORC) Report on the proposed text amendment on February 19, 2010. This ORC Report included a few Objections, Recommendations and Comments on these Elements. (Attachment 3) The Comments and Objections raised by DCA are described below with a description of the associated revisions to address each DCA concern.

Capital Improvements Element

7. Objection: The Capital Improvements Schedule is not supported by the best available data and analysis; the data is outdated. According to the County's adopted 2008 annual update to the Capital Improvements Element (CIE), the City of Sopchoppy was projected to have a Potable Water deficiency this year; and the Otter Creek Wastewater facility is experiencing a current deficiency. The wastewater facility was planned for an expansion from 0.6 mgpd to 1.6 mgpd. Additionally, the County has indicated that the funds have been received for the expansion of the Water, the Capital Improvements Schedule has the well expansion project for the City of Sopchoppy included in the third year of the schedule, but the data has not been revised to indicate that the City will not be experiencing a deficiency for Potable Water until a later data, or the otherwise justify placing the Potable Water project in the third year of the Capital Improvements Plan (CIP). Further, the wastewater collection system for the Wakulla Gardens subdivision is included in the data and analysis of the infrastructure Element, but is not included in the County's Capital Improvements Schedule.

Revision: The data and analysis has been updated based on the Wakulla County Fiscal Year 2009 Final Budget Capital Improvement Program and Plan, the City of Sopchoppy Capacity Analysis Report, and additional review by the Wakulla County Public Works Department.

Infrastructure Element

8. Comment: The County's data regarding Solid Waste facilities and services should be updated. The data has conflicting accounts of the state of the County's solid waste facilities. Some data indicate that the County has no centralized solid waste collection system, due to the closure of the County's only Class III landfill in 2007. However, other data indicate Waste Management has been contracted to pick up waste through 2009, and the contract can be renewed on a year-by-year basis for 4 years. Further, there is data that also states that Star Environmental has been contracted to haul the County's Class III waste to the Springhill Landfill in Jackson County. The amendment should be revised to indicate the status of solid waste facilities with an appropriate LOS standard and the provider.

Revision: The data and analysis has been updated to reflect the most up-to-date account of the County's solid waste facilities and services. This revision was made in Solid Waste Sub-Element, IV. Existing Conditions.

9. **Objection:** The Element has been revised to include new LOS standards for Potable Water and Sanitary Sewer services within the County. However, these standards are not consistent among the Capital Improvements Element, the supporting data for the Capital Improvements Element and the Infrastructure Element, and Policy 1.3 of the Concurrency Management System.

Revision: The LOS standards for Potable Water and Sanitary Sewer have been revised in the Capital Improvements Element and the data and analysis for the Capital Improvement Element to be consistent with Infrastructure Element and the most up-to-date information.

In addition to the changes described above, a grammatical alteration was included in the draft to correct a clerical error. This alteration consisted of the word "statutues" in Policy 5.1 of the Capital Improvements Element being edited to "statutes". Revised drafts of the Capital Improvements Element, Capital Improvements Element data and analysis, and Infrastructure Element data and analysis showing the new language changes which address these items noted above have been prepared for consideration. (Attachments 4-6) No changes were proposed to the Infrastructure Element itself in response to the ORC, only it's supporting data and analysis has been revised. Therefore, the changes contained within the previously approved version of the Infrastructure Element are the ones being considered for adoption.

Public Notification:

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. The Planning Department received a few written responses and telephone calls in regards to the proposed language changes during the transmittal review process. These responses included suggested language changes throughout all the Elements of the Comprehensive Plan. Staff and the County Attorney's office considered all of the suggested language and incorporated the suggestions in the drafts, where appropriate, that were previously approved for transmittal by the Board.

The advertisement for this public hearing appeared in The Wakulla News on April 8, 2010 (Attachment 7).

The revisions in response to the ORC Report were made available to the public on April 16, 2010 by posting them on the mywakulla.com website and placing paper copies in the Planning office and Public Library. Additionally, a paper copy was made available in the Administration office on April 19, 2010.

Additional Issues:

Should the Board vote to adopt the Application, staff will submit it to DCA, and other State agencies, for their review. Subsequently, DCA will provide Wakulla County with a Notice of Intent

on the Application within forty-five days of receipt of the adopted plan amendment. In the Notice of Intent, DCA will state whether they find the Application in compliance or not.

Options:

1. Conduct the final Public Hearing and vote to adopt the proposed EAR-based Text Amendments to the Capital Improvements Element and the Infrastructure Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
2. Conduct the final Public Hearing and vote to deny the adoption of the proposed EAR-based Text Amendments to the Capital Improvements Element and Infrastructure Element of the Comprehensive Plan, based upon the findings of facts and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
3. Board Direction.

Recommendation:

Option #1

Attachments:

1. Original proposed revisions to the Comprehensive Plan Capital Improvements Element.
2. Original proposed revisions to the Comprehensive Plan Infrastructure Element.
3. DCA ORC Report.
4. Proposed Revisions to the Comprehensive Plan Capital Improvements Element in response to ORC Report.
5. Proposed Revisions to the Capital Improvements Element data and analysis.
6. Proposed Revisions to the Infrastructure Element data and analysis.
7. Advertisement.