

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
Somerset Strickland, Planner

Subject: Adoption of Comprehensive Plan Text Amendment CP09-04
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 CP09-04, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Intergovernmental Coordination Element and Public School Facilities 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.

At the conclusion of the public hearing the Planning Commission voted to recommend transmittal of the Application with a 7-1 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. No citizens were present to speak regarding the Application. At the conclusion of the public hearing, the Board voted to transmit the Application with a unanimous vote.

Analysis:

Several revisions were proposed to the Intergovernmental Coordination Element (ICE) that were previously considered by the Board, as included in the strike through and underline draft of this Element (Attachment 1). Some of the revisions include updates to the Department names and simplification of existing language. One of the more significant revisions is the addition of an Objective and its Policies regarding coordination of springs and karst features protection with Leon County, the City of Tallahassee, Northwest Florida Water Management District, DCA, and the Department of Environmental Protection.

The Public School Facilities Element was adopted and approved by DCA in 2008 pursuant to requirements included in Senate Bill 360. As this was a newly created Element, only one minor update to this language was made during the transmittal review stage. The date of the Wakulla County School Board (WCSB) Educational Facilities Work Program was revised to the latest edition approved by the WCSB (Attachment 2).

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 prepared to address each DCA concern.

10. Objection: The County's data for Intergovernmental Coordination suggests that there are currently no coordination measures to address inconsistent land use practices with adjacent counties. The County's plan does not include any objectives or policies to address this issue and no mechanisms have been established to begin any coordination. Further, the County was subject to a Stipulated Settlement Agreement (SSA) to develop an Interlocal Agreement with Leon County to address anticipated transportation impacts from the Sustainable Community Future land use category.

Revision: The data and analysis for the Intergovernmental Coordination Element has been updated to reflect the existing Interlocal Agreement with Leon County addressing inconsistent land use practices and the Stipulated Settlement Agreement. This revision was made in Part III. Analysis, A.

Future Land Use, 1. Issue: Discouraging Inconsistent Land Use Practices, Coordinating Mechanism and Nature of the Relationship. Policy 1.8 of the ICE has been added to address inconsistent land use practices with adjacent counties.

11. **Comment:** The data for the element should be revised to include the correct citation for school planning as Chapter 1013, Part III, F.S.

Revision: The data for the element has been revised to include the correct citation for school planning as Chapter 1013, Part III, F.S. This revision was made in Part III. Analysis, A. Future Land Use, 3. Issue: School Board Coordination.

Public Schools Facilities Element

12. **Comment:** Policy 7.1 of the County's adopted PSFE includes an outdated reference to the Wakulla County School Board's 5-year district facilities work plan dated September 25, 2007. The element should be revised to include a reference to the most recently adopted 2009/2010 through 2013/2014 school board district facilities work plan. Additionally, the element as included in the policy document has missing pages. The County should revise the element to ensure it is complete.

Response and Revision: The PSFE includes the complete text of the element. The PSFE references the Wakulla County School Board's 5-year district facilities work plan dated 09/14/2009 in Policy 3.1. The data and analysis for the PSFE has been updated to reference the most current Wakulla County School Board's 5-year district facilities work plan dated 09/14/2009.

13. **Comment:** The County is seeking to revise Policy 1.4 and corresponding Policy 1.6 of the ICE, to change the School Board's status on the Technical Review Committee (TRC) from "voting member" to "commenting member". While this change is not inconsistent with the Interlocal Agreement, the County may want to coordinate with decision with the School Board.

Response: The revisions to Policy 1.4 of the PSFE and 1.6 of the ICE were made in coordination with the School Board.

14. **Comment:** The data and analysis to support the PSFE should be updated to reflect the opening of "New Elementary School A" as Riversink Elementary, and to remove proposed "Middle School AA" and "High School AAA" from the County's district facilities work plan in year 20. Additionally, the remaining data to support the element is more than 2 years old and should be updated to reflect the best available data for school enrollment and current Florida Inventory of School Houses (FISH) capacity; this also includes updating the LOS standard for schools in CIE data and analysis.

Revision: The data and analysis for the PSFE has been updated to reflect the best available data. This includes population growth (Table 1), population characteristics (Table 2), and housing characteristics (Table 5) based on the most recent edition of BEBR Florida Statistical Abstract 2009, FISH capacity (Tables 6 and 7), school enrollment (Table 7), and the most current Wakulla County School Board Educational Facilities Work Program dated 09/14/2009 (Tables 8 and 9). LOS for schools has been updated in the CIE and in the CIE data and analysis as part of Table 2.

In addition to the changes described above, a grammatical alteration was included in the draft to correct a clerical error. Revised drafts of the Intergovernmental Coordination Element, Intergovernmental Coordination Element data and analysis, and Public School Facilities Element data and analysis sections 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 Public School Facilities 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 Public School Facilities 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.

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 Intergovernmental Coordination Element and the Public School Facilities 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 Intergovernmental Coordination Element and the Public School Facilities 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 Intergovernmental Coordination Element.
2. Original proposed revisions to the Comprehensive Plan Public School Facilities Element.
3. DCA ORC Report.
4. Proposed Revisions to the Comprehensive Plan Intergovernmental Coordination Element in response to ORC Report.
5. Proposed Revisions to the Intergovernmental Coordination Element data and analysis.
6. Proposed Revisions to the Public School Facilities Element data and analysis.
7. Advertisement.