

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 CP09-05
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 CP09-05, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Conservation 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 the revisions were posted on the County website.

One citizen expressed support for this Application stating that the Wakulla County Chamber of Commerce would support the proposed Amendments to the Conservation Element. 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, while another citizen spoke in opposition. At the conclusion of the public hearing, the Board voted to transmit the Application with a 4-1 vote.

Analysis:

There were several changes proposed to the Conservation Element (CE) that were previously approved by the Board for transmittal, as included in the strike through and underline draft of the CE (Attachment 1). It is important to note a few major changes proposed for incorporation. The Wakulla Springs Special Planning Area was relocated from the Future Land Use Element to the CE and an additional Objective and related Policies regarding this protection area were incorporated. Included among these policies are proposals that limit expansions to the Future Land Use Map designations and their densities within the Wakulla Springs Special Planning Area. Specifically, expansions to the Rural and Urban map categories shall only be allowed where development already exists and the County determines that in-fill of the area is desirable. Additionally, as this section of the County is extremely environmentally sensitive, the establishment of a transfer of development units system within the Wakulla Springs Special Planning Area may be established to foster growth in the Crawfordville Community and protect the Springs.

Another new policy that was added to the CE provides protection for gopher tortoises and other species through the use of natural features inventories. As was added in the Future Land Use Element and required by State Statute, policies regarding energy conservation measures were added as proposed language. Additionally, language to create a comprehensive Stormwater Master Plan for Crawfordville was also included.

It is also important to note a proposed change to Policy 2.3 of the CE. This Policy contains buffer protection requirements for all surface waters and wetlands. The language contained in the Policy was reorganized for clarification purposes. In addition, text was added to allow the creation of variance procedures for residential and non-residential uses within the buffer for reasonable use of the property.

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 2).

The proposed changes to be considered by the Board 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:

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. The ORC Report did not contain any comments to be addressed regarding this Application. Therefore, no additional changes beyond what was previously approved for transmittal are being proposed for this Element of the Comprehensive Plan.

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 it finds the Application in compliance or not.

Options:

1. Conduct the final Public Hearing and vote to adopt the proposed EAR-based Text Amendment to the Conservation 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 Amendment to the Conservation 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) Proposed revisions to the Comprehensive Plan Conservation Element
- 2) Proposed Conservation Element data and analysis
- 3) Advertisement