

# **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 CP09-06  
Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

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### **Statement of Issue:**

This agenda item provides the Board with an Application for Comprehensive Plan Text Amendment CP09-06, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Concurrency Management System Element and Traffic 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.

Another concern raised by a citizen related to this Element pertained to the Crawfordville Special Overlay District (the District). This concern was based on the fact that boundaries for the proposed

District have not yet been delineated. However, as presented in the October 15, 2009 Board workshop, the District boundaries will be addressed during the Land Development Code rewrite process, which will occur in 2010. The incorporation of the boundaries at this future point in the process will allow for additional citizen input to be included in this important undertaking.

Two citizens also stated their concerns over the proposed changes to the transportation Level Of Service (LOS) standards that were incorporated in these Elements. These citizens stated that the increase in the 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 from the October 15, 2009 workshop.

At the conclusion of the public hearing, the Planning Commission voted to deny the transmittal of the Application with a 3-5 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 two citizens expressed concerns about it. At the conclusion of the public hearing, the Board voted to transmit the Application with a unanimous vote.

**Analysis:**

There was minimal proposed text changes incorporated into the update of the Concurrency Management System (CMS) Element previously approved by the Board for transmittal (Attachment 1). One necessary alteration that was included was a clarification of the procedures for completing a traffic impact analysis during the transportation concurrency review process for development projects. Additionally, the list of facilities for which a minimum Level of Service standard has been established was updated by the addition of schools, as these standards are now required for schools by Senate Bill 360.

There were several significant revisions proposed to the Traffic Element (TE) that were previously approved by the Board for transmittal, as included in the strike through and underline draft of the TE (Attachment 2). One of the most significant proposed revisions is a revised Roadway Level of Service Standard (LOS), which would increase the LOS from E to D or C in certain areas of the County. As Crawfordville has been determined as an area where concentrated infill and growth is desired, the LOS would be maintained at E within the Crawfordville Special Overlay District. As roadways move further away from the downtown Crawfordville area, LOS would gradually increase to D and then C. It is important to note that on the segment of Crawfordville Highway that runs from Harvey Mill Road north to the Leon County line, that portion would remain at LOS E to accommodate existing traffic flow. Additional proposed language changes to the TE include a greater emphasis on multimodal transportation alternatives to be used throughout the County. Additionally, paving requirements for subdivisions have been revised to include lots up to ten acres in size. The County paving plan has also been updated. A new State requirement is the inclusion of

policies to reduce greenhouse gas emissions through efficient design and land use planning into the Comprehensive Plan. Therefore, new policies to address greenhouse gas emissions have been added to the TE. Lastly, language supporting the Big Bend Scenic Byway (BBSB) has been incorporated to support the implementation of the Corridor Management Plan.

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 2). The Comments and Objections raised by DCA are described below with a description of the associated revisions prepared to address each DCA concern.

### **Concurrency Management System**

**15. Objection:** The Goal of the County's Concurrency Management System (CMS) is to ensure that facilities and services are available at the time new development proposals and new development creates the demand. However, the supporting policies of the CMS are not consistent with the minimum requirements for concurrency. The CMS does not meet minimum requirements for concurrency because Policies and the associated sub-policies 1.6 (Potable Water and Wastewater) and 1.7 (Solid Waste, Parks and Recreation, and Stormwater) do not recognize an enforceable development agreement as a means to satisfy concurrency requirements, consistent with Rules 9J-5.0055(3)(a)2 and (b)2b, FAC Policies 1.6 and 1.7 are also internally inconsistent with Policy 1.2 in the CMS which recognizes an enforceable development agreement as a condition of meeting concurrency requirements.

**Revision:** Policies and associated sub-policies 1.6 and 1.7 have been revised to recognize an enforceable development agreement as a condition to meeting concurrency requirements.

### **Traffic Element**

**20. Comment:** Proposed Policy 1.7 of the element requires the County to maintain a 12-hour out-of-county evacuation time for a Category 5 storm. The County is not required to adopt hurricane evacuation standard, but meeting this standard would be required for any FLUM amendments adopted that are in the CHHA. The County may want to consider withholding the adoption of this policy because the Apalachee Regional Planning Council (ARPC) is scheduled to release the updated Apalachee Regional Evacuation Study (RES) by June 30, 2010. The County may want to review the updated clearance times before revising and adopting any policies to establish a hurricane evacuation standard.

**Revision:** Policy 1.7 has been removed to allow the County to review the Apalachee Regional Evacuation Study before adopting policies to establish a hurricane evacuation standard. Policy 1.8 has been renumbered to Policy 1.7, accordingly.

In addition to the changes described above, a grammatical alteration was included in the Traffic Element to correct a clerical error and additionally an important clarification was included on the proposed LOS change. It is important to note that this LOS clarification was made to Policy 1.2 to bring it in line with information included in the supporting data and analysis that was transmitted to DCA and with Board direction given at the December 8, 2009 Board public hearing. The Policy was revised to note that the section of Crawfordville Highway from Harvey Mill Road north to the Leon County line would remain at LOS E to accommodate existing traffic flows. Revised drafts of the Concurrency Management System, Traffic Element, and their supporting data and analysis sections showing the new language changes which address these items noted above have been prepared for consideration. The Future Traffic Circulation Map (2009) presented at the December 8, 2009 Board public hearing notes the LOS proposal as described above. (Attachments 4-8)

**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 several 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 9).

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 Concurrency Management System Element and the Traffic 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.

2. Conduct the final Public Hearing and vote to deny the adoption of the proposed EAR-based Text Amendments to the Concurrency Management System Element and Traffic 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.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. Original proposed revisions to the Comprehensive Plan Concurrency Management System Element.
2. Original proposed revisions to the Comprehensive Plan Traffic Element.
3. DCA ORC Report.
4. Proposed Revisions to the Comprehensive Plan Concurrency Management System in response to ORC Report.
5. Proposed Revisions to the Concurrency Management System data and analysis.
6. Proposed Revisions to the Comprehensive Plan Traffic Element in response to ORC Report.
7. Proposed Revisions to the Traffic Element data and analysis.
8. Future Traffic Circulation Map (2009).
9. Advertisement.