

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 CP09-08
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 CP09-08, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Coastal Management Element and Recreation and Open Space 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.

One citizen did speak in favor of this Amendment stating that the Wakulla County Chamber of Commerce would support this Application, as the revisions seek to promote ecotourism. 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. One citizen, with the Tourist Development Council, spoke in favor of the Application and asked that they be involved in the Bicycle and Pedestrian Master Plan and the Blueways Master Plan that are incorporated in these Elements. At the conclusion of the public hearing, the Board voted to transmit the Application with a unanimous vote.

Analysis:

Multiple revisions were proposed to the Coastal Management Element (CME) that were previously approved by the Board for transmittal, as included in the strike through and underline draft of the Element (Attachment 1). Some of the revisions include updates to the State rule numbers and simplifications of existing language. Redevelopment within the Coastal High Hazard Area was also addressed through the proposed language changes, with citizens being able to redevelop their property as long as conformance with all current requirements is achieved. Additionally, policies were incorporated to promote surface water uses for recreation and economic purposes while protecting manatees and preserving working waterfronts and public access. It is also important to note that another facet of the Panacea Special Overlay District was incorporated into the CME, which through a Panacea Public Access Plan, preserves public access to and scenic vistas of coastal areas.

Among the more substantial changes to the Recreation and Open Space Element (ROSE) that were previously approved by the Board for transmittal, as shown in the draft revision of the ROSE, is the inclusion of a policy requiring all public recreation facilities to provide access for the elderly and disabled individuals (Attachment 2). In addition, retrofit of facilities to meet the American Disabilities Act Standards for Accessible Design was also added to take priority over all other recreation projects. Lastly, the requirement of a bicycle, pedestrian and recreation and open space master plan for the County was incorporated into the draft ROSE.

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.

Coastal Management Element

16. Comment: Policy 1.11 of the element indicates that the County shall designate lands under lease from the Florida Department of Environmental Protection (FDEP) on Mashles Sand Island as a

County Bird Sanctuary. These designated areas could be mapped as part of the Conservation or Energy Conservation map series.

Revision: Mashas Sands Park is now depicted on both the Conservation and the Energy Conservation maps in the map series.

17. **Objection:** The data for the Coastal Management Element includes the proper definition of the Coastal High Hazard Area (CHHA). However, revised Policy 2.6 (of Goal 1) of the element does not define the CHHA but references Section 163.3178, F.S.; and Rule 9J-5.012, F.A.C., as being the boundary of the CHHA to be identified on the Future Land Use Map.

Revision: Policy 2.6 has been revised to include the definition of the CHHA (the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surge from Hurricanes (SLOSH) computerized storm surge model) instead of referencing the Florida Administrative Code and Florida Statutes. The CHHA is depicted on the FLUM, which has been included in the map series.

Recreation and Open Space

18. **Comment:** Policy 1.4 of the element has removed the deadline for completing the Recreation and Open Space Master Plan by 2012. The County's data has not indicated that the master plan was completed or if the County no longer wishes to pursue the project. If the deadline is being removed, the County should provide data indicating the status of the master plan.

Revision: Policy 1.4 has been revised to include a deadline of 2015 for the County to complete a bicycle, pedestrian, recreation and open space master plan.

19. **Objection:** The Recreation and Open Space element includes two standards for LOS. The County has established one LOS standard as 5 acres/1,000 population; the other standard breaks down facilities as user-oriented and resource-based facilities. This second LOS standard is not being monitored to determine if it is being achieved and maintained.

Revision: The user-oriented and resource-based facilities LOS has been moved from the Capital Improvements Element and included in the Recreation and Open Space Element as Objective 6 and Policy 6.1. The language of Policy 6.1 indicates that the measures for user-oriented and resource-based facilities are targets for the County rather than formal level of service standards. The 5 acres/1,000 population remains the LOS standard for recreation. The data and analysis for these facilities planning targets have been moved from the CIE data and analysis to the ROSE data and analysis under Part III. Analysis: Demand and Needs Assessment, C. Future Recreation Demand.

In addition to the changes described above, reformatting of two policies was included in the Coastal Management Element to correct clerical errors. Revised drafts of the Coastal Management Element, Recreation and Open Space Element, and their supporting data and analysis sections showing the new language changes which address these items noted above have been prepared for consideration. (Attachments 4-7)

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 8).

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 Coastal Management Element and the Recreation and Open Space Element of the Comprehensive Plan, based upon the Planning Commission's recommendations 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 Coastal Management Element and the Recreation and Open Space 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 Coastal Management Element
2. Original proposed revisions to the Comprehensive Plan Recreation and Open Space Element
3. DCA ORC Report

4. Proposed Revisions to the Comprehensive Plan Coastal Management Element in response to ORC Report.
5. Proposed Revisions to the Coastal Management Element data and analysis.
6. Proposed Revisions to the Comprehensive Plan Recreation and Open Space Element in response to ORC Report.
7. Proposed Revisions to the Recreation and Open Space Element data and analysis.
8. Advertisement.