

Board of County Commissioners

Agenda Request

Date of Meeting: May 17, 2010

Date Submitted: May 4, 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 CP09-02
Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

THIS PUBLIC HEARING WAS OPENED AT THE MAY 3, 2010 BOARD MEETING AND CONTINUED TO THE MAY 17, 2010 BOARD MEETING.

Statement of Issue:

This agenda item provides the Board with an Application for Comprehensive Plan Text Amendment CP09-02, which includes Evaluation and Appraisal Report (EAR)-based amendments to the Future Land Use Element of the Comprehensive Plan.

Background:

During 2007 and 2008, the County worked with Kimley-Horn (KHA) to complete the EAR, as required by Chapter 163, *Florida Statutes*. Every seven years, the EAR process provides the County with the opportunity to evaluate and monitor the successes and shortcomings of its Comprehensive Plan. The EAR process provides guidance in updating the Comprehensive Plan in response to major issues or changes in the community, as well as any changes in state and federal planning requirements.

On September 11, 2007, KHA and County staff held a major issues scoping meeting with local agencies. At this meeting, agency representatives from the Florida Department of Transportation District Three, Northwest Florida Water Management District, Apalachee Regional Planning Council, Wakulla County School Board, and the Florida Fish and Wildlife Conservation Commission were in attendance. Written comments were also provided by the Tallahassee-Leon County Planning Department and the Florida Department of Environmental Protection.

On October 4, 2007, a public issues meeting was held at the Wakulla County Senior Citizens Center, where KHA presented a revised preliminary list of issues developed from the results of the agency major issues scoping meeting. During the public issues meeting, members of the public provided input through facilitated discussions. Once public comments were provided and compiled, they were analyzed by KHA and consolidated into the list of major issues for the EAR.

A Board workshop was held on November 5, 2007, which included a presentation of the results of the agency scoping meeting and the public issues meeting to the Board. A Board workshop on December 3, 2007, included a presentation on the Draft EAR. The Draft EAR was posted on the Mywakulla.com website and a paper copy housed for public review in both the Planning and Zoning Division and the County Public Library. The final EAR incorporates any issues identified by the State of Florida Department of Community Affairs (DCA) during its review of the Draft EAR.

On February 4, 2008, the Board adopted the EAR Report. DCA found the EAR sufficient on April 15, 2008. Now, Chapter 163, *Florida Statutes*, requires that the County complete amendments to its Comprehensive Plan based upon the Major Issues identified during the EAR Report process.

On December 19, 2008, Wakulla County advertised an RFQ for Professional Engineering and Planning Services. On January 20, 2009, the Board awarded the RFQ to two (2) qualified firms – PBS&J and KHA, and directed staff to negotiate a contract and for the Chairman to execute a contract with each of these firms. The Professional Services Agreement with KHA was executed in February 2009. On April 7, 2009, the Board approved a Scope of Work with KHA to work on the EAR-based Amendments to the Wakulla County Comprehensive Plan.

On April 29, 2009, a kick-off meeting was held at the Florida Department of Community Affairs (DCA) with KHA, County staff and DCA staff. During this kick-off meeting, staff discussed the proposed schedule with DCA staff and noted that an extension from DCA would be needed for the EAR-based Amendment schedule which is slated to end beyond the typical 18-month deadline. The County received an extension from DCA staff to complete the EAR-based Amendments by April 2010.

On September 28, 2009, a public meeting to review the proposed EAR Amendments occurred at the Wakulla County Senior Center. Over 20 people attended this workshop-style meeting. Many comments were obtained and considered by staff. During this meeting, a PowerPoint was presented to attendees and copies of all proposed EAR Amendments were available for people to take home and review, if desired. In addition, County staff placed the proposed EAR revisions in the County library, on the County website, an online blog and in the Planning and Zoning Division's offices for public review and comment.

On October 15, 2009, a workshop on the proposed EAR Amendments was held with the Board. This workshop included a presentation by KHA and staff on the major changes proposed to the Comprehensive Plan. This forum allowed the Commissioners to discuss and provide feedback on the proposed changes. Additionally, Commissioners and the public alike were provided an opportunity to present comments and suggestions on the draft amendments.

Staff and KHA worked to incorporate the comments received from the October 15, 2009 workshop and those provided by the County Attorney into the proposed amendments. After the completion of draft updates, a meeting was held between DCA, County staff and KHA on November 6, 2009 to

update DCA on the County's progress thus far on its EAR-based amendments and supporting data and analysis.

Planning Commission:

The Planning Commission considered this item at their November 17, 2009 public hearing. Two citizens expressed concerns that the draft revisions of the EAR Amendments were not made available to the public on the County website. The draft revisions incorporated changes from the direction received from the Board at its 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 and review period provided for the November revisions was sufficient per applicable law. The County website was updated on November 18, 2009 to include the most updated EAR Amendments.

Another concern raised by a citizen during the Planning Commission hearing 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 during 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 project.

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 are several changes proposed to the Future Land Use Element (FLUE) that were previously approved by the Board for transmittal, as included in the strike through and underline draft of the FLUE (Attachment 1). It is important to note a few of those major changes proposed for incorporation into the Comprehensive Plan.

Two overlay districts have been proposed in the County as areas in which future growth and redevelopment are desired. The first district, the Crawfordville Special Overlay District, is an area in which economic growth is encouraged and should be developed in a manner that creates a walkable

environment. The second district is the Panacea Special Overlay District. This proposal is the result of several years' worth of work by Panacea citizens, consultants and County staff. This district is designed to encourage new developments and substantial redevelopments to incorporate an architectural look that preserves the fishing village nature of Panacea. In addition to these two overlay districts, policies have been added which allow for consideration of future overlay districts in Medart and Wakulla Station.

As now required by State law, policies have been added to the FLUE to develop greenhouse gas reduction strategies for the County by utilizing land planning techniques and incentives. Additionally, the promotion of compact energy efficient land use patterns is one proposed policy that works hand in hand with these greenhouse gas reduction efforts.

Direction to incorporate Low Impact Development practices into the Land Development Code was also included in the FLUE to promote sustainable use of the land.

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 the Future Land Use Element. (Attachment 2) The Comments and Objections raised by DCA are described below with a description of the associated revisions that have been prepared to address each DCA concern.

3. Comment: Policy 1.3, which established a timeframe for which board members of the Panacea Overlay district shall serve, has a milestone of 2009. This policy should be revised to reflect a new milestone, or be removed if the board will continue to serve into the future.

Revision: Policy 1.3 has been revised to remove the milestone of 2009 and to indicate that the Panacea Special Overlay District shall maintain a Voluntary Review Board for all proposed developments and redevelopments within the Panacea Special Overlay District boundary.

4. Comment: Policy 14.3 of the FLUE does not establish a deadline for incorporating Greenhouse Gas reduction strategies into the County's Land Development Code (LDC). The policy could be improved by including a target date.

Revision: Policy 14.3 has been revised to establish a deadline of 2015 for the incorporation of greenhouse reduction strategies into the Land Development Code.

5. Objection: Policy 1.2.1 (e) of the element has been revised to allow existing and *new* agriculture and silviculture activities within the Conservation land use category. However, the revision increases the amount of impacts to the Conservation land use category and makes this revision internally inconsistent with the intent of the category. Further, the revision is not supported by data and analysis on public and

private ownership of Conservation lands to demonstrate the extent of the impacts given the proposed revision. Therefore the impact of this revision cannot be assessed.

Revision: Policy 1.2.1 has been revised to limit new agricultural and silviculture activities in the Conservation Land Use to privately owned property outside of the Coastal High Hazard Area. A map has been included in the Map Series to show the limited extent of the impacts from the proposed revision. The data and analysis for the element has been updated to include area calculations for lands in the Conservation Land Use category, privately owned conservation lands in the County, and privately owned conservation lands outside of the Coastal High Hazard Area. These calculations are included in Section III. Existing Land Uses, F. Conservation Land Use.

6. Objection: The County has included as part of the EAR-based amendments the County's Future Transportation Map. However, the County has not submitted an updated Future Land Use Map (FLUM) series as part of the EAR-based amendment package. Conditions have changed since the County's last EAR, including several FLUM changes and Waterfronts Community designation and an established Overlay for the Communities of Panacea and Crawfordville, and the statute has been revised requiring mapping of conservation areas and energy conservation strategies. By omitting or failing to update the map series including the County's FLUM, Conservation Map, and Energy Conservation Map, the County has not demonstrated consistency with mapping requirements in the rule and statute.

Revision: The map series has been included in the Wakulla Comprehensive Plan. The map series includes maps that depict the most up-to-date FLUM, the Panacea Waterfronts Community Designation, the Panacea Overlay, the conceptual Crawfordville Overlay, conservation lands, and energy conservation strategies.

In addition to the changes described above, a few grammatical alterations were included in the draft to correct clerical errors. A revised draft of the Future Land Use Element and its supporting data and analysis showing the new language changes which address these items noted above has been prepared for review. (Attachments 3 and 4)

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.

An advertisement for the May 3, 2010 public hearing appeared in The Wakulla News on April 8, 2010 (Attachment 6). An advertisement for the May 17, 2010 public hearing will appear in The Tallahassee Democrat on May 10, 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 Amendment to the Future Land Use 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 Future Land Use 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 Future Land Use Element
- 2) DCA ORC Report
- 3) Proposed revisions to the Comprehensive Plan Future Land Use Element in response to ORC Report
- 4) Proposed revisions to the Future Land Use Element data and analysis
- 5) Revised FLUM Map Series
- 6) The Wakulla News Advertisement
- 7) The Tallahassee Democrat Advertisement
- 8) Draft Ordinance