



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 12, 2010

The Honorable Rudolph Parker
Chairman, Taylor County
Board of County Commissioners
201 East Green Street
Perry, Florida 32347

Dear Chairman Parker:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Taylor County (DCA 10-2), which was received on May 13, 2010. Based on Chapter 163, Florida Statute, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the 'objections' set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package proposes to create a new Sweetwater Resort Community future land use category and apply the category to approximately 1,291 acres. The Department is concerned with the suitability of the site for such an intense proposed land use. The amendment is located adjacent to the Big Bend Seagrasses Aquatic Preserve and within the Big Bend Tract Outstanding Florida Waters (OFW), per Section 62-302.700(9)(f), F.A.C., and is afforded a high level of protection under Sections 62-4.242(2) and 62-302.700, F.A.C. The site is very environmentally sensitive and contains numerous wetlands. The potential loss of property and endangerment of life, in conjunction with impacts to protected waters, indicate that the proposed use of the property may not be suitable given its natural resource characteristics.


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I believe the concerns outlined in our report can be resolved, but will require attention and revision of the amendment. If you or your staff have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Ana Richmond, Principal Planner, at (850) 922-1794.

Sincerely,


Mike McDaniel, Chief
Office of Comprehensive Planning

MM/ar

Enclosures: Objections, Recommendations and Comments Report,
Review Agency Comments

cc: Mr. Jack Brown, County Administrator
Mr. Danny Griner, County Building Official
Mr. Scott R. Koons, AICP, Executive Director, North Central Florida Regional Planning
Council

TRANSMITTAL PROCEDURES

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, Taylor County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s.163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, Taylor County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

Please be advised that the Florida Legislature amended Section 163.3184(8)(c), Florida Statutes, requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names or addresses are submitted, please provide this information as well. For efficiency, we encourage the submittal information sheet in an electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR TAYLOR COUNTY
COMPREHENSIVE PLAN AMENDMENT 10-2

July 12, 2010
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Taylor County's proposed amendment to their comprehensive plan (DCA number 10-2) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR THE TAYLOR COUNTY

PROPOSED COMPREHENSIVE PLAN AMENDMENT 10-2

I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C.

A. Overview of amendments: Amendment 10-2 proposes to amend the Future Land Use Element creating the Sweetwater Resort Community future land use category to apply the category to the 1,291 acre tract of land situated along Deckle Beach Road and CR 361.

1. Objection: The Department has concerns with the proposed amendment with regard to the protection of natural resources, suitability of the areas for the proposed intensity of development, and consistency of the amendments with existing Plan policies.

Based on the best data available to the Department the amendment site contains environmental features that do not appear suitable for the proposed type of development:

- **Wetlands and Surface Waters:** While the data and analysis in the transmittal package state that development will directly impact about 25.74 acres of wetlands, it fails to account for the indirect impacts of proposed development on the extensive wetlands throughout the property (82% of the site). Additionally, according to the data and analysis supporting the plan amendment, the southern part of the golf course will be located adjacent to saltwater marshes of the Big Bend Seagrasses Aquatic Preserve. Development of the Golf Course Area would substantially alter the existing topography and vegetative communities within the sub-category, leading to significant changes in patterns of stormwater runoff. To maintain the healthy manicured greens and fairways of golf course property, managers regularly apply pesticides, herbicides, and fertilizers, while vehicles on impervious roads, drives and cart paths release oils, greases and other fluids that wash into soils, ditches and ponds. As a result, stormwater runoff from the Golf Course Area as well as that from the other development nodes could impact surrounding wetlands and other surface waters, groundwater, floodplains, saltwater marshes, and the aquatic preserve by increasing pollutant-loads of fertilizers, oils, pesticides, herbicides, sediment, and other constituents. The proposed text states that “the golf course will obtain and maintain the designation at the Silver Level in the Audubon International Signature Cooperative Sanctuary Program in order to achieve heightened water quality and conservation benefits.” However, the proposed language does not identify protective measures and guidelines associated with the private program. Therefore, the amendment does not protect natural resources and provide predictable standards and guidelines for development and maintenance of the proposed golf course.
- **Wildlife:** The County has provided data and analysis regarding the onsite vegetative communities using the Florida Land Use Cover and Forms Classification System (FLUCFCS). The FLUCFCS classification does not specify if the proposed development nodes contain under-represented natural pineland or endemic sandhill habitat. Additionally, the upland nodes identified for development within the extensive wetland

system may have significant value for the entire ecosystem. Furthermore, the Florida Fish and Wildlife Conservation Commission (FWC) has indicated the amendment site includes bald eagle nests, secondary range for the Florida black bear, documented occurrences of the Florida mouse with similar upland habitat adjacent to the amendment site, and Jug Island spring, a documented second-order magnitude spring, which may harbor rare and endemic cave dwelling wildlife species. Therefore, the amendment has not demonstrated it protects listed species.

As proposed the amendment is internally inconsistent with the following provisions of the adopted Taylor County Comprehensive Plan: Future Land Use Element Policy I.1.6, which requires the coordination of future urban development with land topography and soil conditions; Future Land Use Policy I.4.1, which calls for the restriction of development within unsuitable areas due to flooding and improper drainage; Future Land Use Element Objective I.10 and implementing policies, which call for the protection of natural resources and environmentally sensitive areas including wetlands and floodplains; Conservation Element Objective V.3 and implementing policies, which require the conservation, appropriate use, and protection of soils; Conservation Element Objective V.4 and implementing policies, which call for the conservation and protection of soils, native vegetative communities, wildlife and wildlife habitats; Coastal Management Element Objective IX.1 and Policy IX 1.4, which require the County to protect, conserve and enhance the County's coastal wetlands, living marine resources and wildlife habitats and limits density in the rural areas of the Coastal High Hazard Area to one unit per five acres; and Coastal Management Element Policy IX 12.4, which requires all future land use in the coastal area to be evaluated for consistency with the Florida Department of Environmental Protection management plans for the Big Bend Seagrasses designation.

Sections 163.3177(2), (6)(a), (c), and (d), (8), and (10); Rules 9J-5.005(2), (5), and (6); 9J-5.006(1), (2)(b and e), (3)(a) and (b) 1, 4, and 7, (c) 6 and 7, and (4); 9J-5.011(1), (2)(b) 5, and (c)4; and 9J-5.013(1), (2)(a), (b)2, 3, and 4, and (c)1, 3, 5, and 6, and (3), F.A.C.

Recommendation: Do not adopt the proposed amendment unless the amendment can be revised to remove the golf course completely from impacting wetlands. The Department strongly recommends the County demonstrate that 100% of potential stormwater flows and discharges from the Golf Course Area and the other development nodes will be contained within the upland portions of the property and not allowed to flow or discharge into wetlands or other surface waters, groundwater, floodplains, salt marshes and other resource areas. Additionally, the County should revise the amendment to include specific guidelines to achieve heightened water quality and conservation benefits from the Silver Level Audubon International Signature Cooperative Sanctuary Program. With regards to protection of wildlife the County should provide appropriate data and analysis demonstrating the development on the upland portions of the amendment site will not adversely impact the overall function of the ecosystem and associated upland and wetland dependant species.

2. Objection: The proposed Sweetwater Resort Community future land use classification includes silviculture as an allowable use within conservation areas. Rule 9J-5.003(28), F.A.C., defines conservation uses as activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and

shellfish, or protection of vegetative communities or wildlife habitats. Active silviculture is inconsistent with this definition.

Section 163.3177(1 and 6), F.S., and Rules 9J-5.003(28), 9J-5.006(3)(b) and (c)1, 4 and 6, F.A.C

Recommendation: Do not adopt the proposed amendment. Alternatively, revise the amendment to allow only suitable conservation uses consistent with the intent of conservation lands as defined by Rule 9J-5.003(28), F.A.C., within the conservation areas of the Sweetwater Resort Community future land use category.

3. Objection: The amendment is not functionally related to the urbanized or planned urbanized areas of the County and the development controls introduced to overcome urban sprawl are not adequate. Specifically, the amendment reflects the following indicators of urban sprawl:

- Designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available, according to the County's EAR.
- Designates urban development in an isolated pattern.
- Promotes premature conversion of rural land to urban uses and fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, and natural groundwater aquifer recharge areas.
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.
- Fails to maximize use of existing public facilities and services, as no facilities or services exist on the site.
- Fails to maximize use of future public facilities and services, as facilities or services are not adequately planned for the site.
- Allows for land use patterns which disproportionately increase the cost of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, and education.
- Fails to provide a clear separation between rural and urban uses.
- Discourages infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage an attractive and functional mix of uses, as the policies intended to do so are not meaningful and predictable.
- Results in poor accessibility among linked or related land uses, as the policies intending to do so are not meaningful and predictable.
- Results in the loss of significant amounts of functional open space.

The proposed comprehensive plan amendment has not demonstrated that it has addressed the requirements of The Building Codes and Standards Act of 2008, commonly referred to as House Bill 697, including energy conservation, energy efficient land use patterns, and transportation strategies to reduce greenhouse gases, pursuant to Sections 163.3177(6)(a), 163.3177(6)(b), 163.3177(6)(d) and 163.3177(6)(f), F.S.

In view of the amount of land allocated in more suitable urbanized areas of the County, including areas recently adopted related to the Vision 2060 Plan, the presence of indicators of urban sprawl the land use configuration reflects a pattern that threatens natural resources, and represents sprawl and inefficiency.

Sections 163.3177(6)(a),(c), (d), (f), and (j); 163.3177(2), (3), (4), (8) and (10), F.S.; Rules 9J-5.005(1), (2), (4), (5) and (6); 9J-5.006(2), (3), (4), and (5); 9J-5.011(2)(b)2, 3, 4, and 5, and 2 (c)1 and 2, 9J-5.013(2)(b) 2, 3, and 4, and (2)(c)1, 3, 4, 5, 6, 7, and 9, and (3); 9J-5.016(3)(a), (3)(b) 1, 3, and 5, (3)(c) 1.d, 1.e, 1.g; (3)(c)4, and (4); 9J-5.019(4)(b), (4)(c)1, 5, 7, 10, 11, 12, 13, and 15; and 9J-5.025(3)(b) 1, 2, 3, and 5 and (3)(c) 1 and 7, F.A.C.

Recommendation: Do not adopt the proposed amendment. Alternatively the County may choose to revise the amendment to put in place provisions that ensure urban form is created which discourages urban sprawl, achieves a compact, energy efficient development pattern, results in a balanced and integrated mix of uses over time, and reduces greenhouse gas emissions through alternate modes of mobility. To demonstrate connectivity and a potential reduction in vehicle miles traveled the County should adopt a map similar to Figure 10 'Passive Recreation' included with the data and analysis showing the internal trails, boardwalks, and kayak trails on the amendment site. The County should revise the amendment to include policies that specify the amount of neighborhood commercial permitted on development node B and the location of the golf club house within the Golf Course Area thereby, creating a more predictable pattern of development.

4. Objection: The hurricane evacuation analysis provided does not consider the amendment's impacts to evacuation times in conjunction with the recently adopted Future Land Use Map amendments implementing the County's 2060 Vision Plan or demonstrate consistency with Coastal Management Element Objective IX.7 and implementing policies to maintain a hurricane evacuation time of 9 hours for a category 1 storm and 22 hours for a category 5 storm for residents of the Coastal Management Area.

Authority: Sections 163.3177(2), 163.3177(6)(a and g), 163.3177(7 and 8) and 163.3178(1) and (2)(d and h) F.S.; and Rules 9J-5.005(2)(a), 9J-5.006 (3)(b) 1., 3., and 5, 9J-5.006(3)(c)1., (4)(b)6, and 9J-5.012(3)(a),(b)5., 6., and 7., (c)3.-7.&13, F.A.C.

Recommendation: Do not adopt the proposed amendment. Alternatively, a revised hurricane evacuation impact analysis should be submitted to consider the amendment's impacts to evacuation times in conjunction with the amendments implementing the County's 2060 Vision Plan.

5. Objection: The proposed amendments to the five-year schedule of capital improvements do not identify a funding source or provide data and analysis demonstrating the costs associated with the proposed improvements will be adequate to fund the improvements.

Authority: Section 163.3177(3)(a)5, F.S. and Rule 9J-5.016(2)(c), F.A.C.

Recommendation: Do not adopt the amendment. Alternatively, the five-year schedule of capital improvements should be revised to include a funding source(s) for the projects. The County should also include data and analysis demonstrating the proposed dollar amounts will be adequate to fund the scheduled improvements.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

Objections 1 and 2 related to the lack of natural resource protection:

- (7) Water Resources, Goal (a) and Policies (b) 8 and 10;
- (9) Natural Systems and Recreation Lands, Goal (a) and Policies (b)1, 3, 7, and 10;
- (8) Coastal and Marine Resources, Goal (a) and Policies (b) 4, 6, and 7
- (15) Land Use, Goal (a) and Policies (b) 2 and 6;
- (21) The Economy, Goal (a) and Policy (b)3; and
- (25) Plan Implementation, Goal (a) and Policy (b)7.

Objection 3 related to the proliferation of urban sprawl:

- (11) Energy, Goal (a) and Policies (b) 1, 3, 4, and 5;
- (19) Transportation, Goal (a) and Policies (b) 2 and 9;
- (15) Land use, Goal (a) and Policies (b) 1 and 2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Objection 4 related to the internal inconsistency with adopted Plan requirements to for hurricane evacuation times: The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (8) Coastal and Marine Resources, Goal (a) and Policies (b) 3, 8, and 10;
- (9) Natural Systems and Recreation Lands, Goal (a) and Policies (b)1, 7, and 10;
- (15) Land Use, Goal (a) and Policies (b) 1, 2, and 6;
- (16) Public Safety, Goal (a) and Policy (b) 16; and
- (25) Plan Implementation, Goal (a) and Policy (b)7.

Objection 5 related to the lack of land use and infrastructure planning related to central wastewater:

- (7) Water Resources, Goal (a) and Policies (b) 1, 2, 5 and 10;
- (8) Coastal and Marine Resources, Goal (a) and Policy (b)6;
- (9) Natural Systems, Goal (a) and Policies (b) 1, 3, 7, and 10;
- (17) Public Facilities, Goal (a) and Policies (b)7; and
- (25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.