



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 9, 2010

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

Dear Chairman Wiggins:

The Department has completed its review of the comprehensive plan amendments for Taylor County adopted on December 15, 2009 by Ordinance Numbers 2009-15, 2009-16, and 2009-17 (DCA No. 09-1) and has determined they do not meet the requirements of Chapter 163, Part II, Florida Statutes. The Department is issuing a Statement of Intent and Notice of Intent to Find the Comprehensive Plan amendments Not in Compliance. The Notice of Intent has been sent to the *Taco Times* for publication on March 10, 2010.

In addition, the Notice of Intent and the Statement of Intent will be forwarded to the Division of Administrative Hearings of the Department of Management Services for the scheduling of an administrative law judge pursuant to Section 120.57, Florida Statutes. Please note that a copy of the adopted County Comprehensive Plan, the Department's Objections, Recommendations and Comments Report dated June 5, 2009, the Notice of Intent and the Department's Statement of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Taylor County Office of the County Administrator, 201 East Green Street, Perry, Florida 32347. Also, Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the Notice of Intent.

We are interested in meeting with you and your staff at your convenience for the purpose of developing an acceptable solution to the "not in compliance" finding. The Department remains concerned with the suitability of the sites for such an intense adopted land use, which would increase the residential density from one unit per forty and one unit per five acres to twelve units per acre. All the amendment sites are also within the Coastal High Hazard Area. The sites are environmentally sensitive and contain numerous wetlands. The potential loss of property and endangerment of life, in conjunction with impacts to protected waters, indicate that intensive uses are not suitable. However, the Department recognizes that at least one of the

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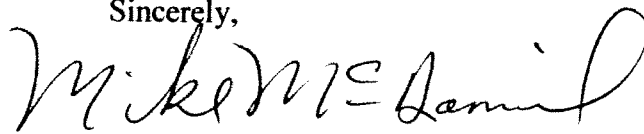
• COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) • FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) •
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The Honorable Mark Wiggins
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properties has an existing commercial fishing use and two residences and the Conservation land use category may not be an appropriate land use designation. We are willing to work with the County and the applicant for this property to identify an appropriate land use category and policies to allow reasonable and appropriate uses such as the existing commercial and residential structures and previously created or approved lots.

If you have any questions, or are interested in discussing a settlement, please contact Matt Davis, Assistant General Counsel, at 850-488-0410.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/ar

Enclosures: Notice of Intent
Statement of Intent

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

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS NOTICE OF INTENT TO FIND THE
TAYLOR COUNTY
COMPREHENSIVE PLAN AMENDMENT NOT IN COMPLIANCE
DOCKET NO. 09-1-NOI-6201-(A)-(N)

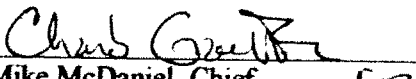
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for Taylor County, adopted by Ordinance No(s). 2009-15, 2009-16 and 2009-17 on December 15, 2009, NOT IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Taylor County Comprehensive Plan Amendment and the Department's Objections, Recommendations, and Comments Report, (if any), and the Department's Statement of Intent to Find the Comprehensive Plan Amendment Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Taylor County Office of the County Administrator, 201 East Green Street, Perry, Florida 32347.

This Notice of Intent and the Statement of Intent for the Comprehensive Plan Amendment found Not In Compliance will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to Administration Commission.

Affected persons may petition to intervene in this proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.


Mike McDaniel, Chief R02
Office of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

IN RE: TAYLOR COUNTY
COMPREHENSIVE PLAN AMENDMENT
09-1; ADOPTING FUTURE LAND USE MAP
AMENDMENTS TO THE COUNTY
COMPREHENSIVE PLAN

Docket No. 09-1-NOI-6201-(A)-(N)

**STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE**

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code, hereby issues this Statement of Intent to find the comprehensive plan amendments adopted by Taylor County Ordinance Numbers 2009-15, 2009-16, and 2009-17 on December 15, 2009 (“Amendment”), not “in compliance” based upon the Objections, Recommendations and Comments Report issued by the Department on June 5, 2009, which is hereby incorporated by reference. The Department finds the Amendment not “in compliance,” as that term is defined in Section 163.3184(1)(b), Florida Statutes, for the following reasons:

I. CONSISTENCY WITH THE CHAPTER 163, PART II, F.S. AND CHAPTER 9J-5, F.A.C.

A. Inconsistent provisions. The County adopted three Future Land Use Map (FLUM) Amendments that convert approximately 21 acres from Conservation and Agriculture/Rural Residential to Mixed Use-Urban Development. The three amendments are as follows: CPA 08-1 converting 14.00 acres from Agriculture/Rural Residential to Mixed Use-Urban Development; CPA 08-2 converting 3.58 acres from Conservation to Mixed Use-Urban Development; and CPA 08-3 converting 3.36 acres from Conservation to Mixed Use-Urban

Development. The inconsistent provisions of the Amendments under this subject heading are as follows:

1. The amendments are all located within a Velocity Zone, which is an area of the 100-year coastal flood zone with velocity (wave action). Amendments CPA 08-1 and CPA 08-3 are located adjacent to the Big Bend Wildlife Management Area and large portions of these parcels are comprised of estuarine wetland acreage. Amendment CPA 08-2 appears to be entirely comprised of estuarine wetland acreage. All three amendments are 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 are afforded a high level of protection under Sections 62-4.242(2) and 62-302.700, F.A.C. As such, preservation of water quality of the Big Bend Aquatic Preserve is of great interest to the Department. The potential loss of property and endangerment of life, in conjunction with impacts to protected waters, indicate that the adopted use of the properties is not suitable given their natural resource characteristics.

[Section 163.3177(6)(a) and (d), and (8), F.S. and Rule 9J-5.005(2), and (6), 9J-5.006(1)(b)4., 9J-5.006(3)(b)1. and 4., 9J-5.012(2)(b)and(d)., 9J-5.012(3)(b),1,2, and (3)(c)1., 2. and 15., 9J-5.013(2)(b)2-4., 9J-5.013(2)(c)1., 3., 5., 6.and 9., and 9J-5.013(3), F.A.C.]

2. The amendment sites are all located within the Coastal High Hazard Area (CHHA). Rule 9J.-5.012(3)(a), (b)5., 6., and 7., and (c)3.-7.&13., F.A.C., specifically calls for population concentrations to be directed away from the CHHA; for hurricane evacuation times to be reduced or maintained; and for limits on public

expenditures that subsidize development permitted in the CHHA. Directing growth away from areas subject to hurricane surge inundation can save lives and reduce property damage. The adopted amendments are in conflict with these provisions.

[Sections 163.3177(6)(a and g), 163.3177(8), 163.3177(10)(e), 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.]

3. The data and analysis supporting the amendment states the sites are located outside community sewer service areas and will be served by individual septic tanks. Given the above mentioned environmental constraints the amendment sites are not suitable for conventional septic tanks. Additionally, at the density allowed in the land use category, septic tanks cannot be permitted under Department of Health Rules.

[Sections 163.3177(6)(a), (c), and (d), F.S.; Rules 9J-5.005(2), 9J-5.006(3)(b)1., 9J-5.011(1)(f)4., (2)(b)5, (2)(c)4., 9J-5.012(3)(b)1., and (3)(c)5., 9J-5.013(2)(b) 2. and 4., and 9J-5.013(2)(c) 1., and 6., F.A.C.]

4. The amendments have the potential to add an additional 171 residential units and over one hundred thousand square feet of commercial uses to the County's Future Land Use Map. The County has not demonstrated the need for the additional residential or commercial uses related to the amendments. Additionally, the sites are located in remote coastal areas that are not easily accessed. Given the intense urban land use proposed for the sites, they exhibit several indicators of urban sprawl including: promotes, allows or designates urban development in an isolated

pattern; as a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and other significant natural systems; fails to maximize use of existing public facilities and services; fails to maximize use of future public facilities and services; allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government; fails to provide a clear separation between rural and urban uses; and, results in poor accessibility among linked or related land uses.

[Sections 163.3177(5) and (6)(a), F.S.; Rules 9J-5.005(2) and (5)(a), 9J-5.006(1)(g), (2)(c), (3)(b)1. & 8., (3)(c)3., and (5), 9J-5.011(2)(b)3., F.A.C.]

5. The amendments are 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), 163.3177(6)(a) and (h), 163.3177(8), F.S. and Rule 9J-5.005(5), F.A.C.]

B. Recommended remedial actions. These inconsistencies may be remedied by revising the Future Land Use Map amendments to appropriate designations that ensure natural resources such as wetlands and floodplains are adequately protected; population concentrations are directed away from the CHHA; hurricane evacuation times are reduced or maintained; and that public expenditures that subsidize development permitted in the CHHA are limited.

Consistent with Section 163.3161(9), F.S., the County may recognize existing development rights associated with CPA 08-3 (Bird Island). The County could consider designating the site with an appropriate category that preserves the residential structures and commercial working waterfront, such as Water Oriented Commercial with additional site-specific policies, and recognizing previously created or approved lots on the amendment site.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent Provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

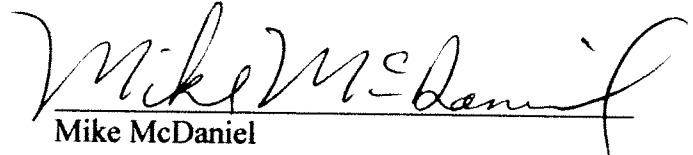
1. Goal (6) Public Safety (a) and Policies (b) 22 and 23;
2. Goal (7) Water Resources (a) and Policies (b) 1, 2, 5, 8 and 10;
3. Goal (8) Coastal and Marine Resources (a) and Policies (b) 3, 4, 6, 7, 8 and 10;
4. Goal (9) Natural Systems and Recreation Lands (a) and Policies (b)1, 3, 7, and 10;
5. Goal (11) Energy (a) and Policy (b)4;
6. Goal (15) Land Use (a) and Policies (b)1, 2 and 6;
7. Goal (17) Public Facilities, Goal (a) and Policies (b)1 and7;
8. Goal (21) The Economy (a) and Policy (b)3; and
9. Goal (25) Plan Implementation (a) and Policy (b)7.

B. Recommended remedial actions. These inconsistencies may be remedied by revising the Amendment as described above in Section I.B.

CONCLUSIONS

1. The Amendment is not consistent with the State Comprehensive Plan;
2. The Amendment is not consistent with Chapter 9J-5, Florida Administrative Code;
3. The Amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes;
4. The Amendment is not "in compliance," as defined in Section 163.3184(1)(b) Florida Statutes; and
5. In order to bring the Amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 9th day of March, 2010, at Tallahassee, Florida.



Mike McDaniel
Chief, Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399