

CITY OF DUNNELLON
COMPREHENSIVE PLANNING WORKSHOP
DECEMBER 9, 2015

Kenneth Metcalf, AICP
Planning Director
Stearns Weaver Miller, P.A.

PURPOSE OF PLANNING WORKSHOP

- Introduce Stearns Weaver Miller, P.A.
- Statutory Requirements for Comprehensive Plan Amendments Based on Evaluation and Appraisal Letter
- DEO Planning Grant Requirements and Schedule
- Progress Report on First Deliverable

STEARNS WEAVER MILLER, P.A.

- Full Service Law Firm
- Statewide Practice
- Land Use/Environmental Department
- Primary SWM Team Members
 - Ken Metcalf, Planning Director and Project Manager for Dunnellon Grant
 - Chris Smith, GIS Director
 - Reggie Bouthillier, Esq.

My Background/Professional Experience

- ▣ Masters in Urban and Regional Planning
- ▣ American Institute of Certified Planners
- ▣ 30 Years as Professional Planner in Florida
 - 3 Years – City of Ocala/MPO Planner
 - 16 Years – Florida Department of Community Affairs
 - 10 Years – Planning Director, Greenberg Traurig, P.A.
 - Joined SWM as Planning Director in 2014
 - Periodic Adjunct Instructor – FSU Department of Urban and Regional Planning
- ▣ Expert Witness in 45 Administrative/Judicial Hearings on Comprehensive Planning/Compliance Issues

DCA Southeast Florida Regional Planning Administrator

- ▣ Supervise Managers/Planners Implementing All Agency Planning Programs
 - ▣ Comprehensive Planning (125 Local Governments)
 - ▣ Developments of Regional Impact (100+)
 - ▣ Florida Keys Area of Critical State Concern
 - ▣ Transportation Planning (Statewide)
 - ▣ Marina Siting/Manatee Protection (Statewide)

Comprehensive Planning

- ▣ Directed Compliance Review
- ▣ Compliance Determinations
- ▣ Compliance Settlement Negotiations
- ▣ Expert Witness for All Southeast Florida Compliance Hearings
- ▣ Legislation/Rulemaking
- ▣ Drafting Comprehensive Plans/Land Development Regulations for Florida Keys
- ▣ Evaluation and Appraisal Report Sufficiency Determinations

Examples of Private Sector Comprehensive Planning

- ▣ **Charlotte County** – Settlement Negotiations on EAR-based Amendments.
- ▣ **Haines City, Florida** – Drafting/Settlement Negotiations on EAR-based Amendment/Water Supply Plan.
- ▣ **City of Edgewater** – Compliance Hearing on EAR-Based Amendments.
- ▣ **Volusia County, Florida** (for developer client) – Compliance Hearing on Farmton Amendments.
- ▣ **Palm Coast, Florida** (for developer client) – EAR-based Amendments, Water Supply Planning, Northwest Plan, Settlement Negotiations.
- ▣ **Baker County, Florida** (for developer client) – Plan Amendments for Cedar Creek DRI.

Chris Smith – GIS Director

- ▣ 17 Years as GIS Professional
- ▣ Degree in Geology
- ▣ Public Sector/Private Sector Work with Local Governments
 - 4 Years – Project Manager At Department of Environmental Protection - Source Water Assessment and Protection Program
 - Bay, Calhoun, Franklin, Gadsden, Gulf, Jefferson, Leon, Pasco, Polk and Wakulla Counties
 - Port St. Joe, Midway, Haines City and Dade City
- ▣ Comprehensive Plans/Maps/Supporting Analysis
- ▣ Complex Spatial Database Management and Analysis
- ▣ High Quality Mapping Services

Reggie Bouthillier, Esq.

- ▣ 23 Years Experience in Florida
- ▣ Land Development, Land Use and Environmental Department Head
- ▣ Statewide Practice
- ▣ Primarily Private Sector Clients
- ▣ Substantial Experience with Comprehensive Planning and Growth Management Issues
- ▣ Administrative Hearings on Compliance

Chapter 163, Florida Statutes Community Planning Act

- ▣ Chapter 163, F.S., was substantially amended in 2011 and Rule 9J-5, F.A.C., was repealed.
 - State agencies' review limited to subject matter for agency (i.e., FDOT focuses on transportation).
 - State review focused on whether plan amendment will adversely impact “an important state resource or facility.”
 - DEO can raise other compliance issues, but has not done so in practice.
 - Local government discretion to balance economic development and development limitations/controls.
 - Eliminated mandatory Evaluation and Appraisal Reports.
 - Local governments submit notice letter advising if plan amendments will be adopted in response to changes in statutory requirements.

Chapter 163, Florida Statutes

Community Planning Act

- ▣ Examples of Local Government Discretion:
 - Determining “land use need” based on job creation, economic diversification and capital investment.
 - Land use need defined as a minimum allocation test (floor rather than ceiling).
 - Urban Sprawl test is more flexible with clear compliance criteria.
 - Mandatory concurrency applies only to sanitary sewer, potable water, drainage and solid waste.
 - Transportation and school concurrency are optional.

Comprehensive Plan Evaluation and Amendment Process (Section 163.3191, F.S)

- ❑ Dunnellon submitted Evaluation Notice Letter on 11/19/2014.
- ❑ Notice letter confirmed intent to adopt Comprehensive Plan Amendments in response to statutory changes (Community Planning Act).
- ❑ These are referred to as EAR- or EAL-Based Comprehensive Plan Amendments.
- ❑ EAL-Based Comprehensive Plan Amendments were due within one year of Notice Letter or by 11/19/2015.
- ❑ Timing of grant execution did not allow City to prepare and adopt EAL-based Comprehensive Plan Amendments by 11/19/2015.
- ❑ The City is statutorily prohibited as of 11/20/2015 from adopting other Comprehensive Plan Amendments until the overdue EAL-based Comprehensive Plan Amendments are adopted.

EAL-Based Comprehensive Plan Preparation and State Review Process (Section 163.3184, F.S)

- ▣ Grant schedule requires preparation and transmittal of Comprehensive Plan Amendments to DEO by 3/31/2016.
- ▣ DEO will implement “State Coordinated Review” process as required for this type of Comprehensive Plan Amendment.
- ▣ DEO has 60 days (about 6/1/2016) to complete review and issue Objections, Recommendations and Comments (ORC) Report.

Schedule for Adoption of EAL-Based Comprehensive Plan Amendments

- ❑ 2015-2016 Grant schedule is very aggressive, but does include adoption of EAL-based plan amendments.
- ❑ SWM has two months to prepare the supporting data and analysis and draft EAL-based amendments. This is normally at least a 6-month process.
- ❑ Grant schedule completes State review (ORC Report) and SWM review of ORC in June 2016. 2015-2016 grant cycle ends June 30, 2016.
- ❑ Dunnellon must adopt Plan Amendment within 180 days following receipt of DEO ORC Report or by about 12/1/2016.

Schedule for Adoption of EAL-Based Comprehensive Plan Amendments

- City has two options for final adoption after ORC is issued and grant cycle ends in June 2016:
 - Option 1. Apply for 2016-2017 DEO technical assistance grant to fund the final work required to adopt the transmitted plan amendments.
 - Pro: State funding, minimal City costs.
 - Con: Delay extends prohibition on other Plan Amendments.
 - Option 2. Use City funds/staff resources to do final work required for adoption of transmitted plan amendments.
 - Pro: Expedites adoption/resolves prohibition.
 - Con: Requires more City funding.
- If ORC issues are minimal as expected, minimal funding should be required to complete adoption process.

Department of Economic Opportunity Planning Grant

- ▣ Objective: City of Dunnellon adopts required Comprehensive Plan Amendments based on Section 163.3191, Florida Statutes. (2016-2017 Grant Cycle)
- ▣ 2015-2016 Grant: Prepare and submit proposed Comprehensive Plan Amendments to DEO and respond to DEO ORC Report.
- ▣ Anticipated 2016-2017 Grant: Adopt Comprehensive Plan Amendments based on Section 163.3191, Florida Statutes and prepare/adopt supplemental Comprehensive Plan Amendments (Spring Protection/Other City Priorities).
- ▣ Anticipated 2017-2018 Grant: Prepare and adopt Land Development Regulations.

DEO 2015-2016 Grant

▣ Three Major Deliverables

- **Deliverable 1** (12/31/2015) - Consolidate adopted Comprehensive Plan, hold Planning Workshop and submit documentation to DEO.
- **Deliverable 2** (2/12/2016) - Revise Evaluation Notice Letter to focus on EAL-Based Plan Amendments, prepare supporting analysis, draft EAL-based Plan Amendments and submit documentation to DEO.
- **Deliverable 3** (6/6/2016) - Hold public hearings on draft Plan Amendments, revise draft Plan Amendments based on public hearings, transmit Proposed Plan Amendments to DEO for State Coordinated Review (3/31/2016), review DEO ORC Report and prepare draft Response to DEO ORC Report (6/6/2016).
- 2/16/2016 - Planning Commission Public Hearing (Local Planning Agency)
- 3/14/2016 - City Council Public Hearing (Transmittal Hearing)

Department of Economic Opportunity Planning Grant

▣ First Deliverable

- Determine Goals, Objectives and Policies adopted by City in 1991 and by subsequent Comprehensive Plan Amendments.
- Identify any data and analysis adopted by the City in 1991 and by subsequent Comprehensive Plan Amendments.
- Submit consolidated Comprehensive Plan incorporating all adopted components (including adopted maps).
- Submit list of adoption Ordinances.
- Hold Planning Workshop and submit Workshop notice, Workshop agenda and Summary of Workshop comments.
- First Deliverable Due 12/31/2015.

Progress Report on First Deliverable

- ▣ On Schedule for submittal to DEO by end of month.
- ▣ Submit draft to staff by end of this week.
- ▣ Methodology:
 - Reviewed DEO archived records on Dunnellon Comprehensive Plan and Plan Amendments.
 - Compared to Dunnellon records on Comprehensive Plan and Plan Amendments.
 - Identified controlling Ordinance language and Exhibits.
 - Compared to 1991 Florida Statutes, subsequent statutory requirements, 1991 Rule 9J-5, F.A.C., and subsequent rule requirements defining adopted components.
 - Confirmed City adoption is consistent with those standards.

Key Findings for First Deliverable

- ❑ Neither the City nor DEO records include Exhibit A to Ordinance 91-05 (Original Comprehensive Plan).
- ❑ DCA Found Original Comprehensive Plan Not In Compliance.
- ❑ Remedial Amendment 92-R1 includes Comprehensive Plan Elements, dated October 1991, except for three Elements, dated June 1992, that were revised based on DCA Settlement Agreement. These are the best records of the originally adopted comprehensive plan.
- ❑ Original adoption ordinance clearly distinguishes between adopted GOPS/future conditions maps and un-adopted Technical Support Documents (Data and Analysis).
- ❑ 1991 Consultant reports make same distinction.
- ❑ Adopted Components include:
 - ❑ Goals, Objectives and Policies
 - ❑ Future Land Use Map Series
 - ❑ Future Traffic Circulation Map

First Deliverable Products

- ▣ Binder/CD Documenting Methodology and Results:
 - Matrix documenting findings of adoption Ordinances for 1991 Comprehensive Plan and all Plan Amendments.
 - Matrix documenting GOPS and map changes adopted by each Plan Amendment.
 - Consolidated Comprehensive Plan including all adopted Plan Amendments.
 - GIS database with Future Land Use Map Amendments and related attribute data.
 - Workshop documentation.

Next Steps

- ▣ Obtain staff feedback on draft, first Deliverable.
- ▣ Submit first Deliverable to DEO by December 31, 2015.
- ▣ Initiate work on Support Document for EAL-Based Amendments.
- ▣ Prepare Draft EAL-Based Comprehensive Plan Amendments, including GOPS and Maps.
- ▣ Finalize draft with City staff.
- ▣ Submit draft (2nd Deliverable) to DEO by 2/12/2016.
- ▣ Hold LPA Public Hearing on 2/16/2016.

Thank You!

Questions?

Kenneth Metcalf, AICP
Planning Director
Stearns Weaver Miller, PA