



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: **City of Palm Coast**

Date: September 30, 2009

Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Palm Coast 09-2

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 29, 2009

The Honorable Jon Netts
Mayor, City of Palm Coast City Council
160 Cypress Point Parkway, Suite B-106
Palm Coast, Florida 32164

Dear Mayor Netts:

The Department has reviewed the proposed Comprehensive Plan Amendment for the City of Palm Coast (DCA No. 09-2), which was received on July 27, 2009. Based on Chapter 163, Part II, Florida Statutes, Rule 9J-5, Florida Administrative Code, and the adopted Flagler County Comprehensive Plan, we have prepared the attached report that outlines our findings concerning the amendment. Flagler County is proposing one Future Land Use Map Amendment and text amendments to the Future Land Use Element to update the Comprehensive Plan.

The Department is raising four objections to Amendment #1604 relating to site suitability, need, water supply and impacts on public school facilities. Also, the Department is raising one objection to eight of the proposed text amendments due to lack of meaningful and predictable standards.

The attached Objections, Recommendations, and Comments Report is intended to assist the City in responding to the issues we have raised in a manner that is in compliance with state growth management requirements. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendments. For your assistance, our report outlines procedures for the final adoption and transmittal.

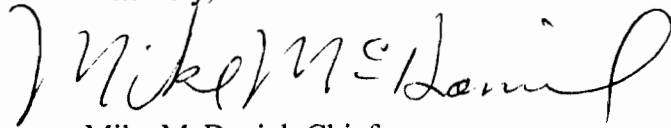
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850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

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♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Jon Netts
September 29, 2009
Page 2

The Department's staff is available to assist the City in responding to the report. If you have questions regarding this matter, please call Jeannette Hallock-Solomon, Senior Planner, at (850) 922-1809.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McDaniel". The signature is fluid and cursive, with a large initial "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/jhs

Enclosures: Objections, Recommendations and Comments Report
 Agency Comments

cc: Mr. Jose Papa, AICP, Senior Planner, City of Palm Coast
 Mr. Ed Lehman, Growth Management Director, Northeast Florida Regional Council

TRANSMITTAL PROCEDURES

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

Within ten working days of the date of adoption, the City 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 REPORT
CITY OF PALM COAST COMPREHENSIVE PLAN AMENDMENT
DCA No. 09-2

September 29, 2009
Division of Community 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 the City of Palm Coast's proposed comprehensive plan amendment (DCA 09-2), pursuant to Section 163.3184, Florida Statutes (F.S.).

The objection relates to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of approaches that might be taken to address the cited objections. 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.

The City should address each of these objections when the amendment is resubmitted for our compliance review. Objections that 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 that the City 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 that follow the objections and recommendations 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 the bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR THE CITY OF PALM COAST

PROPOSED COMPREHENSIVE PLAN AMENDMENT 09-2

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

Overview

The proposed City of Palm Coast 09-2 amendment includes one Future Land Use Map (FLUM) amendment and 22 text amendments.

A. The Department has identified the following Objections to Amendment #1604:

Objection 1. Site Suitability (Amendment #1604):

The proposed amendment included development potential in areas that are not suitable for those potential densities and intensities because of the prevalence of significant natural resources including: the natural functions of wetlands, surface waters and habitat for listed species. In addition, the proposed amendment is not supported by data and analysis demonstrating that the natural and cultural resources located within the development will be protected consistent with the requirements of Rule 9J-5, F.A.C., Chapter 163, F.S., and the City's Comprehensive Plan.

The Florida Fish and Wildlife Conservation Commission stated given the habitat and connectivity values characterized by Graham Swamp, Bulow Creek and the associated uplands on the property, the proposed future land use category could be detrimental to the following threatened and endangered species and their potential habitat: the St. Johns Population of the Florida black bear, American alligator, gopher frog, colonial wading birds, wood stork, Florida pine snake, eastern indigo snake, bald eagle, least tern, Sherman's fox squirrel, Florida mouse, peregrine falcon, Southeastern American kestrel, bald eagle, Florida scrub jay, white ibis, roseate spoonbill, snowy egret, reddish egret, limpkin, little blue heron, tri-colored heron, and Florida pine snake. Also, the site contains roosting habitat for American swallow-tail kite (a protected species under the federal Migratory Bird Treaty Act), is within the secondary range for the St. Johns Population of the Florida black bear, includes priority wetlands for the Florida black bear, American alligator, gopher frog, colonial wading birds and word stork, and documented FNAI occurrences of the gopher tortoise.

The Florida Department of Environmental Protection indicated that wetlands and floodplains located on the subject property appear to drain to the Tomoka River, and ultimately, the Tomoka River Aquatic Preserve, which is an Outstanding Florida Waters. The whole proposed amendment area is located within the Bulow Creek drainage basin which drains to the Tomoka River Aquatic Preserve, Bulow Ruins Historic State Park, and the Bulow Creek State Park, waters on both the state parks are Outstanding Florida Waters.

Bulow Creek is identified as a Natural Resource of Regional Significance in the Strategic Regional Policy Plan.

Furthermore, the proposed amendment is not consistent with the City of Palm Coast's comprehensive plan Future Land Use Element Policies 1.1.1.1(f) and 1.5.1.8 and Conservation Element Policies 6.1.9.10, 6.1.10.6, 6.1.10.7 and 6.1.10.9, which state newly annexed large interconnected wetlands and environmentally sensitive lands shall be designated conservation. The proposed amendment is inconsistent because it did not designate all interconnected wetlands on the site as conservation, including some medium quality wetlands that interconnect to wetlands that are proposed to be designated conservation.

[Sections 163.3161(3 and 5); 163.3177(2, 8, 9, and 10); 163.3177(6)(a, c, and d); 163.3187(2), F.S.; Rules 9J-5.005(2, 5, and 6); 9J-5.0055 (1 and 2); 9J-5.006(1, 2, and 3); 9J-5.011(1 and 2); and 9J-5.013(1, 2, and 3), F.A.C.]

Recommendation: Based on the environmental resources on the portion of the site east of Old Kings Road, the development should be limited to the portion of the site west of Old Kings Road. Development on the portion of the site west of Old Kings Road should be directed away from any environmentally sensitive and/or interconnected large wetland systems (there appears to be one system in the north and one system in the south that are large and interconnected). Also, all wetlands that meet the requirements of the City's comprehensive plan policies regarding wetlands should be designated conservation on the FLUM, also any medium or high quality wetlands that are part of an interconnected system should also be designated conservation on the FLUM.

Objection 2. Need (Amendment #1604):

The proposed amendment did not include an analysis of the need for additional residential density, thus the City has not demonstrated that the vacant developable lands it currently has designated on the Future Land Use map are not enough to address the needs of the projected growth. This amendment would allow an additional 2,364 dwelling units and could result in a population increase of 5,674 residents. The proposed amendment is inconsistent with Section 163.3177(6)(a), Florida Statutes, which requires that the future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth and the projected population of the area.

[Section 163.3177(6)(a), (8), (10)(e), Florida Statutes; and Rules 9J-5.005(2)(a), (c) & (e), & (5); 9J-5.006(2)(c); 9J-5.006(3)(b)8, and (5)(g), (h), (i), (j), & (k), Florida Administrative Code.]

Recommendation: Revise the amendment to include an analysis based on a professionally acceptable methodology demonstrating that the proposed additional residential capacity is needed in order to accommodate the City's projected population growth for the planning timeframe of the City's Comprehensive Plan. The analysis must take into account vacant, developable land already included on the Future Land Use Map for residential development. The analysis should be consistent with Rule 9J-5.005(2)(e), Florida Administrative Code,

and take into account all of the potential residential development that exists on the Future Land Use.

Objection 3. Water Supply (Amendment #1604):

The proposed amendment has not demonstrated that there is adequate water supply available to serve the increased development. A letter from the water supplier, the City of Palm Coast Utilities, does not state that the City will have enough water to supply the proposed development. Also, according to the St. Johns River Water Management District, while the property is within the City's utility service area that is included in the adopted water supply facilities work plan, the proposed FLUM change was not planned for in the City's adopted 10-year Water Supply Work Plan. The St. Johns Water Management District stated in its comments that the City's current Consumptive Use Permit (CUP) allocation amount is not adequate to cover the water demand generated by the proposed amendment.

[Section 163.3161(3), 163.3167(13), 163.3177(3)(a), (4)(a), (6)(a), (c), (d) & (h)1, and 163.3180(2)(a), F.S. and Rule 9J-5.005(2), (2)(a), (4), 9J-5.006(2)(a) & (b), (3)(b)1 & 4, (3)(c)6, (5), 9J-5.011(2)(b) & (c), F.A.C.]

Recommendation: Provide data and analysis that demonstrates that adequate water is available at the source to meet the demands of development on the subject site at the maximum potential density and intensity. The data and analysis should be coordinated with the St. Johns River Water Management District, be consistent with the District's Regional Water Supply Plan and be consistent with the City's most recent CUP approved by the St. Johns Water Management District. The City should update the Ten-year Water Supply Plan to coordinate water supply with the proposed amendment.

Objection 4. Impacts to Public School Facilities (Amendment #1604):

The amendment proposes to increase the potential amount of residential use. The City of Palm Coast has adopted its Public School Facilities Element, and therefore, is required to assess the facility impacts on its public school facilities. While the data included the projected number of students the amendment would generate, no data and analysis was provided to demonstrate that the adopted level of service standard for the City's schools will be met over the five-year short-term planning timeframe. Absent this data and analysis and any related changes, the proposed amendment has not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.

[Sections 163.3177(2), (3), (6)(a), (8), (10), & (12)(c), (f) & (g)9; and 163.3180(13)(d), F.S. and Rules 9J-5.006(2)(a); and 9J-5.025(2)(b), (2)(d), (3)(b)2, (3)(c)7, F.A.C.]

Recommendation: Support the amendments with data and analysis and appropriate planning. The data and analysis should address (1) the impact of additional students on the level of service standards for the school concurrency service area for the short-term (five-year) planning timeframe; (2) identify school facility capacity improvements that are needed to achieve and maintain the adopted level of service standards; (3) if any

deficiencies are identified in the first five years and there are no planned school facilities included in the Capital Improvements Plan then one of the following actions may be taken:

- a) Revise the amendment to reduce development potential to that amount that can be supported by the impacted school facilities at the adopted level of service standard;
- b) Commit through plan policy that, prior to any development, the developer will make a binding commitment to provide adequate school capacity in coordination with the School District, and as appropriate adopt the improvement in the Capital Improvements Schedule; or
- c) In coordination with the School District, with the adoption of this amendment also amend the Capital Improvements Schedule with school facility improvements necessary to ensure adequate school capacity.

B. The Department has identified the following Objection to the Related Text Amendments:

Objection 5: Meaningful and Predictable Policy Language

The City's amendment package includes eight proposed text policies related to the proposed FLUM that do not meet the requirement of Rule 9J-5.005(5) F.A.C. that requires that goals, objectives and policies must establish meaningful and predictable standards for the use and development of land and provide meaningful guidance for more detailed land development and use regulations, because the City uses expressions that are unpredictable or inconsistent. They are:

- FLUE Policy 1.1.8.7: "In an effort to protect that portion of the Area lying East of Old Kings Road, low to medium density development shall be promoted". "**Low to medium density development shall be promoted**" does not ensure the exact type of development that will be on this Area; therefore, the policy is not predictable.
- FLUE Policy 1.1.8.8: "Gopher Tortoise, commensal species, and associated habitats shall be preserved to reasonable extent within the South Old Kings Road Planning Area in order to retain viable populations." The phrase "**habitats shall be preserved to reasonable extent**" is not defined and does not include specific guidelines that must be met for the habitats to be preserved; therefore, this policy is not meaningful or predictable.
- FLUE Policy 1.1.8.10: "Scrub jay habitat or habitat that is utilized by off-site populations of scrub jay shall be preserved to reasonable extent possible within the South Old Kings Road Planning Area in order to retain viable populations." The phrase "**scrub jay habitat... shall be preserved to reasonable extent possible**" is not defined and does not include specific guidelines that must be met for the habitats to be preserved; therefore, this policy is not meaningful or predictable.
- FLUE Policy 1.1.8.11: "Development standards for the Planning Area shall include design practices and standards to protect environmental and cultural resources. Such standards may include but not be limited to: clustering, Florida Green Building Coalition, Low-Impact Development (LID), and

Conservation Subdivision Design.” The phrase “**may include but not be limited to**” does not ensure what development standards will be used in the development since nothing is required; therefore this phrase is not meaningful or predictable.

- FLUE Policy 1.1.8.12: “In order to sustain hammock communities, areas within the site with the greatest concentration of specimen and historic trees, shall be considered in the design process to minimize impacts and removal of the trees through avoidance of such areas. If this is not physically possible, other techniques and development practices associated with green development may be utilized to reduce impacts.” The phrases “**shall be considered in the design process to minimize impacts**”, “**if this is not physically possible**”, and “**may be utilized to reduce impacts**” are not meaningful and predictable because they do not include specific guidelines on what methods the development is required to do to avoid the hammock communities.
- FLUE Policy 1.1.8.13: “Road crossings designed to reasonably minimize the impact to natural and cultural resources shall be permitted in areas designated as Conservation on the City’s FLUM.” The phrase “**designed to reasonably minimize the impact**” is not meaningful or predictable because there are no defined guidelines as to what will be allowed in the Planning Area.
- FLUE Policy 1.1.8.14: “Road crossings in Conservation areas shall be minimized.” The phrase “**shall be minimized**” does not include a definition of minimization means or specific guidelines that will guide the development to minimize the impacts; therefore, the policy language is not meaningful or predictable.
- FLUE Policy 1.1.8.15: “Road crossings in Conservation areas, special flood hazard areas, and wildlife corridors shall be designed to avoid compromising the functions and quality of the environmental resources. Such designs may include but not be limited to grade separations and wildlife crossings.” The phrase “**shall be designed to avoid compromising**” is not meaningful or predictable because there is no definition to explain what is meant by compromising or any guidelines for the development to use to avoid compromising the environmental resources.

[Rules 9J-5.005(2)(a), 9J-5.005(5), and 9J-5.010(3)(b)4. and 6., F.A.C and Sections 163.3177(8), 163.3177(9)(b) and (e), F.S.]

Recommendation: Revise the policies to provide meaningful and predictable guidelines to implement the intent of the proposed policies. Text revisions should be supported by and consistent with relevant and appropriate data and analysis.

C. The Department notes the following Comments Related to the Proposed Amendment Package:

Comment A: The City’s proposed site specific limiting text policy (proposed FLUE Policy 1.1.8.1) does not include a corresponding notation on the Future Land Use Map identifying the density/intensity restrictions as set forth in the proposed FLUE Policy 1.1.8.1. Include a

notation on the Future Land Use Map that identifies the planning area or a specific description in the proposed FLUE Policy of the planning area.

Comment B: Proposed FLUE Policy 1.1.8.5 states that prior to any development owners shall request a binding letter from the Florida Department of Community Affairs. The City of Palm Coast is currently designated a Dense Urban Land Area by the Florida Legislature's Office of Economic and Demographic Research. Please note that since Section 380.06(29)(a)1, F.S. states that proposed development in a municipality that qualifies as a Dense Urban Land Area is exempt from DRI review, the Department of Community Affairs does not issue binding letters for proposed development located in Dense Urban Land Areas.

Comment C: The Department of State has indicated in their letter dated August 21, 2009 (attached and incorporated into this report) that the site contains four recorded cultural resources including: 8FL37, a midden site; 8FL1 - King's Road Mound, a burial mound; 8FL137 - Bulow Still, and 8FL186 - Old Kings Road which has been determined to be a potentially significant resource and has requested an historic resource survey be required on the site.

II. Consistency with the State Comprehensive Plan, Chapter 187, F.S.

The proposed amendment is not consistent with the State Comprehensive Plan including the following goals and policies:

Goal (5) Health, Policies (b) 2 (a, b, and c) and (c) 2 (f): **(Objections 1 and 3)**

Goal (7) Water Resources, Policies (b) 2, 5, 8, 9, 10, 11, and 12: **(Objections 1 and 3)**

Goal (9) Natural Systems and Recreational Lands, Policies (b) 1, 3, 7, and 10: **(Objections 1 and 5)**

Goal (15) Land Use, Policies (b) 1, 2, 3, 4, 5, and 6: **(Objections 1, 2, 3, 4 and 5)**

Goal (17) Public Facilities, Policies (b) 1, 2, 3, 4, 5, 6, 7, 9 and 10: **(Objection 3 and 4)**

Goal (21) Economy, Policies (b) 3, and 6: **(Objections 1, 3 and 4)**

Goal (25).a (Plan Implementation); Policy 25.6.7: **(Objections 1, 2, 3, 4 and 5)**

EXTERNAL AGENCY COMMENTS/CITIZEN COMMENTS

A. Receipt of comments from External Review
Agencies pursuant to F.S. 163.3184(4)

B. Citizens Comments



**Florida Fish
and Wildlife
Conservation
Commission**

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Executive Director

Nick Wiley
Assistant Executive
Director

Karen Ventriglia
Deputy Chief of Staff

*Office of Planning and
Policy Coordination*
Nancy Linehan
Director

(850) 487-3794
(850) 410-5265 FAX
(850) 410-5272
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32399-1600

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800/955-8771 (T)
800/955-8770 (V)

FWC.com

September 14, 2009

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Palm Coast 09-2: Bulow Creek LC land annexation and Comprehensive Plan Amendment FLUM amendment from Agriculture and Timberlands and Conservation (Flagler County designation) to Mixed Use and Conservation (City of Palm Coast Designations)

Dear Mr. Eubanks:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of the proposed Bulow Creek Area annexation and Comprehensive Plan Amendment (Department of Community Affairs' designation for City of Palm Coast 09-2) and provides the following comments in accordance with Chapter 163.3184(4), Florida Statutes.

Proposal Description

The proposed City of Palm Coast annexation and Comprehensive Plan Amendment would affect approximately 797 acres of annexed lands from Flagler County. The Future Land Use Map (FLUM) amendment proposes changing the land use designation of the site in part from Agriculture and Timberlands and in part from Conservation (Flagler County designation) to in part Mixed Use and in part Conservation (City of Palm Coast Designations); therefore, land use designations and its potential effects on fish and wildlife resources, along with their associated habitats, will be the focus of our comments.

Bulow Creek LC is requesting approval to modify the existing FLUM at a site consisting of three parcels located south of State Road 100 and east of Interstate 95. The site is located in the eastern portion of the County, adjacent to the Graham Swamp Conservation Area and within the floodplains of Bulow Creek and tributaries. The applicant is requesting the approval of a mixed use and commercial designation in the FLUM, which includes a parcel that the Florida Forever Blueways Trail system has proposed for conservation.

Potentially Affected Resources

We completed a Geographic Information System (GIS) analysis and according to our review, the proposed Bulow Creek site contains:

- Priority wetlands for the Florida black bear, American alligator, gopher frog, colonial wading birds, and wood stork;

4.
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- Florida Natural Areas Inventory (FNAI) Conservation Needs – Sustainable Forestry Areas;
- U.S. Fish and Wildlife Service Consultation Area for the Florida scrub-jay.
- Documented FNAI occurrences for gopher tortoise (state threatened) FNAI potential habitat for gopher frog, Florida pine snake, eastern indigo snake, bald eagle, least tern, and Sherman's fox squirrel;
- FWC secondary habitat for St. Johns sub-population of the Florida black bear; and
- Roosting habitat for American swallow-tailed kite, a protected species under the federal Migratory Bird Treaty Act (MBTA).

The property contains hardwood hammock, sand pine, scrubby flatwoods, riparian, seepage swamp, freshwater and tidal marshes, mesic hammock, pine plantation, and mesic flatwoods. These habitats support a diverse array of wildlife species, including 20 species that are protected by state or federal law (Table). Therefore, we checked for consistency in *Chapter 6: Conservation and Coastal Management Strategy* of the City of Palm Coast 2020 Comprehensive Plan. We believe that this Comprehensive Plan provides significant Objectives and Policies for the preservation of natural resources. We understand that these objectives and policies are intended to protect listed species and their associated habitats from development or degradation. These provisions can be found in the comprehensive plan and can be reviewed at the following web site: http://www.ci.palmcoast.fl.us/CityDocs/Resident/ComprehensivePlan/compplan_ch6.pdf.

We believe that the associated Objectives and Policies cited below are particularly relevant to this issue:

Objective 6.1.9 – Wetlands and Estuarine Ecological Communities

Protect, conserve, and enhance the natural functions of existing wetlands including, but not limited to, estuarine systems.

- ***Policy 6.1.9.1*** - The City shall assess and modify its wetland protection land development regulations to ensure effective protection of high quality, functional, and integrated wetland systems.
- ***Policy 6.1.9.8*** - The City shall support wetland and estuarine systems creation, restoration, enhancement and preservation and shall encourage public and private sector initiatives for these efforts.
- ***Policy 6.1.9.10*** - The Conservation future land use designations shall be established on the FLUM to provide protection of wetland systems and other environmental sensitive lands. This FLUM designation provides for preservation of large interconnected high quality wetland systems and other high quality environmentally sensitive areas. Conservation areas are generally a minimum of 10 acres in size, with most being substantially larger. Other areas, which may be classified conservation, include natural water bodies and lakes, estuaries, oak hammocks and other large areas consisting of native vegetation areas, wildlife corridors, and aquifer recharge zones.

Objective 6.1.10 - Preservation of Native Vegetative Communities

Promote and encourage preservation and long-term maintenance of native vegetative

communities, wildlife habitat, and environmentally sensitive lands.

- **Policy 6.1.10.3** - *The City shall identify rare upland communities located within the City and amend the LDC, as appropriate, with consideration being given to imposing standards for buffering, setbacks requirements and restrictions on land use intensities and densities to ensure protection of ecological communities.*
- **Policy 6.1.10.6** - *The City shall protect its environmentally sensitive areas that include, but are not limited to, large interconnected wetland systems, by utilizing the Conservation land use designation. The Conservation land use designation, as well as the Preservation Zoning classification, shall be utilized by the City, as appropriate, for the purpose of protecting high quality wetlands, lakes, designated hammock areas and other environmentally sensitive areas.*
- **Policy 6.1.10.7** - *The City shall pursue annexation of environmentally sensitive lands such as Graham Swamp to ensure additional protection of environmental ecosystems.*
- **Policy 6.1.10.9** - *The City shall consider the presence of environmentally sensitive lands in formulating all actions relating to development.*

Objective 6.1.13 - Wildlife and Habitat Protection

Protect Endangered and Threatened Species, Species of Special Concern, living marine resources and their associated habitats.

- **Policy 6.1.13.1** - *The City shall protect endangered and threatened species through the regulatory authority of FDEP, Florida Game and Fresh Water Fish Commission, and U.S. Fish and Wildlife Service, as mandated by the Federal Endangered Species Act of 1973 and the Florida Endangered and Threatened Species Act of 1977 and other applicable laws, rules and regulations. The City shall amend the LDC, as appropriate, to implement this Policy.*
- **Policy 6.1.13.2** - *The City shall use appropriate means to protect listed species and prevent further reductions in the population sizes and habitat through land acquisition, LDC enforcement, environmental review processes for Development of Regional Impact (DRI), the use of the Planned Unit Development (PUD) processes, land development application review processes, the updating of the LDC as needed, and collaboration and cooperation with agencies with jurisdiction over listed species and/or their habitat. The City shall amend the LDC, as appropriate, to implement this Policy.*

Issues and Recommendations

Given the habitat and connectivity value characterized by Graham Swamp, Bulow Creek, and associated uplands on the Bulow Creek site, we recommend that a more compatible land use designation be incorporated in the FLUM. The Graham Swamp Conservation Area was acquired to maintain the integrity and quality of natural communities and ecological functions within the region. The maintenance of the upland plant communities comprising portions of these public conservation areas require the use of prescribed fire to maintain the natural communities' suitability for imperiled species such as the Florida scrub-jay, which previously have been documented in the area. A mixed-use designation could result in constraints on conservation area managers' continued use of this necessary management tool.

According to the review document, a general wildlife assessment on the proposed site was completed by Natural Resource Consultants, LLC (NRC); however, the methodology and results of the species specific surveys was not included in the submittal packet. If future development occurs within any of the parcels under discussion, species-specific wildlife surveys for listed species should be conducted. This recommendation is also compatible with Objective 1.1.8; Policy 1.1.8.4 outlined in the City of Palm Coast Staff Report for this proposal.

Species-specific wildlife surveys are time sensitive, and FWC recommends that all wildlife surveys follow established survey protocols by U.S. Fish and Wildlife Service and the FWC. Surveys should also be conducted by qualified biologists with recent documented experience for each potential species. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/CONSERVATION/FWCG.htm>). This guide also provides an overview of conservation opportunities on private land.

In addition to the resources listed above, our GIS analysis also identified occupied and suitable gopher tortoise soils on site. A conservation permit from the FWC would need to be obtained if any proposed development on the property would impact gopher tortoises, their burrows, or their habitat. The FWC now requires that gopher tortoise work be conducted by "Authorized Agents." If gopher tortoises are encountered during wildlife surveys of the area, then we recommend that applicant look into the need for a gopher tortoise conservation permit. The applicant would need to adhere to the current (revised April 2009) FWC gopher tortoise permitting guidelines (see www.myfwc.com/gophertortoise).

Finally, our GIS analysis also identified potential habitat for colonial wading birds and bald eagle. We recognize that NRC has reviewed the bald eagle and colonial wading bird nest locator; however, the FWC has not conducted any wading bird roosting or nesting survey since 1999. Additionally, the FWC conducted bald eagle surveys from November 2008 to April 2009; however, not all eagle nests in Florida have been documented by the FWC. New bald eagle nests and wading bird colonies may form each year and thus ground truthed surveys should be conducted annually.

Summary

Based on our review of the proposed FLUM changes and the sites wildlife and habitat resources, we believe that a mixed use designation could be detrimental to the above-mentioned listed species and their habitat. As proposed, we believe this element of the proposed FLUM amendment is inconsistent with the referenced City of Palm Coast Comprehensive Plan Objectives and Policies.

We appreciate the opportunity to provide input on this proposed annexation and comprehensive plan amendment and ask that you coordinate with our agency once final decisions are made available. Modifications to our recommendations may be needed upon review of additional information. If you or your staff would like to coordinate

Ray Eubanks
Page 5
September 14, 2009

further on the comments contained in this letter, please feel free to contact Stephanie Rousso via email: Stephanie.rousso@myfwc.com or by phone: 904-731-3196.

Sincerely,



Mary Ann Poole
Commenting Program Administrator

map/sr
ENV 2-3-3
Palm Coast 09-2 2368 091109
Enclosure

CC: Ray Tyner, Planning Manager
City of Palm Coast; 2 Commerce Blvd., Palm Coast, Florida 32164

Denise Bevan, Senior Environmental Planner
City of Palm Coast; 2 Commerce Blvd., Palm Coast, Florida 32164

Ryan Carter, PWS
Natural Resource Consultants, LLC; 66 Cuna Street, Suite A; St. Augustine,
Florida 32084

Table 1: Potentially Occurring Wildlife Species

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Tricolored heron	<i>Egretta tricolor</i>	SSC
Little blue heron	<i>Egretta caerulea</i>	SSC
Limpkin	<i>Aramus guarauna</i>	SSC
Reddish egret	<i>Egretta rufescens</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Roseate spoonbill	<i>Ajaia ajaia</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T
Bald eagle	<i>Haliaeetus leucocephalus</i>	P
Least tern	<i>Sterna antillarum</i>	ST
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Wood stork	<i>Mycteria americana</i>	SE; FE
peregrine falcon	<i>Falco peregrinus</i>	SE; FE
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Florida mouse	<i>Peromyscus floridanus</i>	SSC
Florida black bear	<i>Ursus americanus floridanus</i>	ST

* SSC - Species of Special Concern; ST - State Threatened; SE - State Endangered; FT - Federally Threatened; FE - Federally Endangered; P - Protected under federal law and state management plan



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

4 BW
9/2/09

September 1, 2009

Mr. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**RE: Palm Coast 09-2, Proposed Comprehensive Plan Amendment Objections,
Recommendations, and Comments Report**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP or Department) has reviewed the amendment submitted by the City of Palm Coast (City) under the provisions of Chapter 163, Part II, *Florida Statutes* (F.S.), and Chapters 9J-5 and 9J-11, *Florida Administrative Code* (F.A.C.). The amendment package consists of one (1) future land use map (FLUM) amendment and related text amendments that seek to limit the development potential of the subject property. The Department notes multiple concerns with the requested future land use map amendment, and proposed and existing policies.

Our comments address the potential impacts of the proposed land use designation change on resources or facilities within the purview of the Department's regulatory and proprietary responsibilities. The Department provides the following comments and recommendations to assist your agency in developing the state's response to the proposed amendment.

SOUTH OLD KINGS ROAD FUTURE LAND USE MAP AMENDMENT

The proposed amendment requests to change the future land use of an approximately 797-acre property, recently annexed into the City, from Flagler County *Agriculture/Timberlands* (643ac at 1du/5ac¹), and *Conservation* (154ac) to City *Mixed Use* (678.3ac) and *Conservation* (118.8ac). The amendment package describes the property as the South Old Kings Road Planning Area ("Area" or "subject property").

¹ Dwelling Units per Acre

COMMENTS

Natural Resources

The subject property is located within a region of significant natural diversity and environmental sensitivity. The Area provides suitable habitat for both state and federally protected species, and also appears to include primary range for the Florida black bear. The easternmost portion of the subject property is comprised of acreage identified by the Florida Forever program as the Flagler County Blueway (Blueway) project. Principal natural communities of the Blueway project area include hydric hammock, basin swamp, maritime hammock, scrub, scrubby flatwoods, and tidal salt marsh. The project also includes coastal strand, depression marshes, and mesic flatwoods. The Florida Forever program has identified this area as of such ecological value that preservation of these lands would contribute to the program's goals of increasing the protection of Florida's biodiversity at the species, natural community, and landscape levels.

Based upon the best data available to the Department, wetlands and floodplains located on the subject property appear to drain to the Tomoka River and, ultimately, the Tomoka River Aquatic Preserve. Because it contains ecological resources of statewide importance, the Tomoka River, associated wetlands, and waters of the aquatic preserve are designated as Outstanding Florida Waters² (OFW). The entirety of the subject property is also located within the Bulow Creek drainage basin which drains to the Tomoka River Aquatic Preserve, Bulow Ruins Historic State Park, and Bulow Creek State Park. The waters of Bulow Ruins and Bulow Creek state parks are classified as OFWs³. OFWs are afforded a high level of protection under Rules 62-4.242(2) and 62-302.700, F.A.C. Direct impacts to these waterbodies and associated wetlands must be demonstrated to be "clearly in the public interest."

According to the Florida Aquifer Vulnerability Assessment (FAVA), the subject property is located within a region designated as "more vulnerable" to impacts to the Surficial and Floridan aquifers. This measure indicates that groundwater and surface water quality in this region is more sensitive to pollution from land use activities than regions receiving lesser designations. FAVA is a statewide screening tool that identifies areas of relative aquifer vulnerability at the broad, regional view, by examining several characteristics of an area. Such characteristics include soil permeability, topography, closed topographic depressions (indicators of karst features), water-table elevation, and extent of aquifer confining unit.

² Rule 62-302.700(9)(h), F.A.C.

³ Rule 62-302.700(9)(c), F.A.C.

Existing Land Use Category and Supporting Policies

The Department is concerned that the proposed *Mixed Use* land use category is not suitable for the property subject to the requested amendment. As adopted, the *Mixed Use* category does not meet the requirements of Chapter 9J-5.006(3)(b) and (c), F.A.C. , by providing sufficient information to provide predictability to the application of this category. Of specific concern is that the category does not define a percentage for the mix of future land uses. Without this level of detail, the Department is unable to estimate the maximum intensity of development of the future land use category. The potential impact of this land use category is further confused by Policy 1.1.1.3 which provides limitations on the density and intensity of development on a citywide basis. [Emphasis added] It is unclear how this policy is applied without an indication of the parcel-level acreage that would be affected by the density and intensity limitations. The Plan also provides conflicting information that further removes predictability. On page 1-4, a verbal description of the *Mixed Use* land use category states: "*Within the Mixed Use FLUM designation, the Plan proposes the concept of establishing Village Centers in specific places denoted by circles on the FLUM.*" These circles are, however, located outside of the property subject to the proposed change to the *Mixed Use* designation.

Further, Page 1-8 contains a table listing a number of **zoning districts** allowable within the *Mixed Use* land use designation [Emphasis added]. But the Plan does not define allowable future land use categories. It is also unclear if the *Village Center* zoning district has been established based upon Policy 1.1.1.4 which states: "*The City shall create a new zoning district for Village Centers to encourage...*" Policy 1.1.1.5 details the desirable mix of uses within the *Mixed Use Village Centers*, but it is unclear if this is defining the land use category or the zoning district and how this would apply to the *Mixed Use* future land use category. Based on the comments noted above, it is not possible to determine the maximum intensity of development possible on the subject property, the potable water and wastewater treatment demand that would be required, or the potential stormwater volumes generated by development.

Proposed South Old Kings Road Planning Area Policies

Proposed Policy 1.1.8.1 seeks to set limitations on the overall residential density and commercial or industrial use within the South Old Kings Road Planning Area (Area). The policy proposes setting the maximum number of residential units at 2,500 and seeks to limit commercial or industrial use to 2.5 million square feet. The policy, however, does not address all the allowable uses (or zoning districts) in the *Mixed Use* future land use category, noted in the table on page 1-8. The policy also states that it limits the square footage of commercial or industrial use. Also, the policy does not define if the

square footage limitation is solely applicable to building footprint (as defined by FAR⁴) or to all impervious surfaces (as would be defined by ISR⁵). With the concerns noted here and above, the proposed density and intensity limitation is not predictable.

Potable Water Supply and Wastewater Treatment

The amendment package notes that the subject property will be served by centralized potable water and wastewater service, and states that sufficient supply and treatment capacity exists to serve the maximum development potential (as limited by Policy 1.1.8.1). The information provided by the City regarding the availability of potable water supply and wastewater service to the proposed development, however, is inadequate. No data and analysis were provided to show the availability of adequate potable water supply, or the capacity of water and wastewater treatment and distribution facilities. To meet the requirements of §163.3167(13), F.S.,⁶ and §163.3177(6)(a),⁷ F.S., the City should submit the required data and analysis and amend its Capital Improvements Element (CIE), if necessary, to demonstrate the manner in which the required services will be provided to the property subject to the proposed land use change.

- (Of additional concern is that the St. Johns River Water Management District (SJRWMD), in their letter to the Department of Community Affairs dated August 19, 2009, notes the potable water demand created by the proposed land use change would lead to a deficiency in existing potable water supplies. SJRWMD staff report that the City has had an application to increase groundwater withdrawals pending since October 2006. The SJRWMD states that the application requires critical pieces of information that will allow the SJRWMD to determine if additional groundwater will be available to serve the City without causing impacts to the environment. The Department reiterates these concerns and recommends the City coordinate with SJRWMD to address these as soon as possible.

CONCLUSION

Given the subject property and region's natural resource sensitivity, the Department reiterates concerns about the proposed future land use change. As noted above, the

⁴ Floor Area Ratio

⁵ Impervious Surface Ratio

⁶ "Each local government shall address in its comprehensive plan . . . the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.0361."

⁷ "The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services[.]"

proposed *Mixed Use* future land use category, other existing policies, and proposed Policy 1.1.8.1 do not provide predictability in the development of the subject property. Given the sensitivity of the natural resources and natural communities on and adjacent to the subject property, the Department is concerned that intense development of these lands will fragment habitat for listed species, will cause direct and secondary water quality impacts to surface and groundwater supplies, and will diminish the quality of OFWs.

As such, the Department believes the subject amendment does not meet the requirements of Section 9J-5.006(3)(b)(1), *F.A.C.*, which states that the future land use element must "[c]oordinate future land uses with the appropriate topography and soil conditions[.]" The proposed amendment also does not meet the requirements of Section 9J-5.011(2)(c)(4), *F.A.C.*, which requires the regulation of "... land use and development to protect the functions of natural drainage features and natural groundwater aquifer recharge areas." The amendment is also inconsistent with Section 9J-5.013(2)(c)(6), *F.A.C.*, because it fails to provide for the protection of natural functions of soils, fisheries, wildlife habitats, rivers and floodplains.

In general, DEP recommends that development projects not infringe upon environmentally sensitive areas such as flood zones, rare or endangered species' habitats, wetlands, and/or natural drainage courses. If development does proceed on the subject property, every effort should be made to maximize the treatment of stormwater runoff from the proposed project, as area stormwater discharges to OFWs. Direct impacts to these waterbodies and associated wetlands must be demonstrated to be "clearly in the public interest." The Department recommends that the applicant include an evaluation of existing stormwater treatment adequacy and details on the future stormwater treatment facilities. Any future permits may be required to demonstrate that the proposed stormwater system meets the design and performance criteria established for the treatment and attenuation of discharges to OFWs.

Given the potential acreage of impervious surface, the Department recommends the City consult the Environmental Protection Agency's standards and recommendations for reducing urban heat island effect and greenhouse gas (GHG) emissions. With the proposed policy limiting intensity, the amendment has the potential to result in 2.5 million or more square feet of developed space, such as in the form of roof tops and pavement, on the subject property. These surfaces retain heat, raise the ambient temperature in the surrounding region, remove open space and recharge areas, and lead to potential pollution of groundwater and surface water sources through runoff. Potential impacts from urban heat island include increases in overall electricity demand through increased air conditioning usage, altered growing seasons for local plants, and

Mr. Ray Eubanks
Palm Coast 09-2
September 1, 2009
Page 6 of 6

the formation of ground level smog. Information on how to prevent urban heat island effect through innovative and cost-effective development strategies can be found at the following website: <http://www.epa.gov/heatisland/mitigation/index.htm>.

The Department also strongly recommends incorporating Low Impact Design (LID) in development requirements for reducing stormwater pollution resulting from development of the subject parcel. In general, LID can be a cost-effective and attractive approach to stormwater management at the parcel or subdivision scale that emphasizes conservation and the integration of on-site natural features with engineered, small-scale hydrologic controls. For more information, the Department encourages the City to consult the DEP Bureau of Watershed Management website at: <http://www.dep.state.fl.us/Water/wetlands/erp/rules/stormwater/>.

Thank you for the opportunity to comment on the adopted amendments. If I may be of further assistance, please call me at (850) 245-2168.

Yours Sincerely,

Lori Cox

Environmental Specialist
Office of Intergovernmental Programs

/lec



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

August 19, 2009

Mr. D. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: City of Palm Coast Proposed Comprehensive Plan Amendment
DCA Amendment #09-2

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The amendment consists of one change to the future land use map (FLUM) with associated text changes to the Future Land Use Element (FLUE). District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. In the review of water supply availability, District staff consider infrastructure, permitted allocation under District-issued consumptive use permit (CUP), and source. District staff have no comments on the text changes since no substantial water supply or water resource issues were identified. District staff comments on the FLUM change are below.

FLUM change (South Old Kings Road Planning Area)

The City of Palm Coast (City) proposes to change the future land use on a total of 797 acres, of which 678 acres are proposed to change from County Agriculture and Timberlands and Conservation to City Mixed Use and 119 acres from County Conservation to City Conservation. The property that is the subject of the FLUM change is within the City's utility service area per a 2007 stipulated settlement agreement with Flagler County, the City of Flagler Beach, and the Hammock Beach Property Owner's Association. Further, the subject property was identified as being within the City's utility service area in its adopted water supply facilities work plan (work plan), which has been found in compliance by the Department of Community Affairs (DCA).

The City proposes new FLUE Policy 1.1.8.1 that will limit the maximum development intensity of the subject property to 2,500 dwelling units and 2.5 million nonresidential square feet. The potable water demand associated with this FLUM change will result in a deficient water supply under the City's existing CUP. District records indicate that the City has a pending application (since October 2006) to modify its CUP (to obtain higher permitted groundwater allocations). District regulatory staff are awaiting receipt of the City's impact analysis that is based upon groundwater modeling as well as updated population and demand projections. The District requires this information to determine if additional groundwater will be available to the City without adverse impacts to the environment.

GOVERNING BOARD

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			Arlen N. Jumper FORT McCOY

The use of reclaimed water is an integral component of the City's adopted work plan. The City did not provide data and analysis relative to the availability of reclaimed water to meet the nonpotable needs of the subject property. Prior to adopting this FLUM change, the City should demonstrate adequate water supply availability (potable and nonpotable) and related facilities to support the development. This could be demonstrated by the City through revision of its work plan to address the required facilities and water (potable and nonpotable) demand associated with this FLUM change, as well as changes to the CUP (authorized groundwater withdrawals, permit conditions, etc.) consistent with the ongoing CUP modification process.

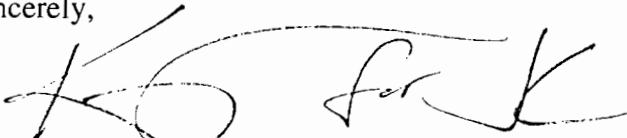
Relative to this FLUM change, the work plan should include:

- a. The potable and nonpotable water demands associated with the FLUM change.
- b. The alternative water supply projects, if any, needed to address the water demands of the FLUM change.
- c. The City's and developer's commitments to fund potable and nonpotable water supply projects that are needed to support the development and the timing for those projects.

The City may need to amend its Infrastructure and Capital Improvements elements to include proposed facilities and water demand associated with this FLUM change and CUP modification.

We appreciate the opportunity to provide comments. If you have any questions or need additional information, please contact District Policy Analyst Cathleen Foerster, AICP, at (386) 329-4436 or cfoerste@sjrwmd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'JC for K', written over a horizontal line.

Jeff Cole, Director
Office of Communications and Governmental Affairs

JC/cf

cc: Jose Papa, City of Palm Coast
Ed Lehman, NEFRC
Jim Quinn, FDEP
Kraig McLane, SJRWMD
Claire Muirhead, SJRWMD
Geoff Sample, SJRWMD



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

4 BW
8/25/09

August 21, 2009

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Palm Coast 09-2 Comprehensive Plan Amendment
(Flagler County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Palm Coast Comprehensive Plan.

We reviewed one proposed text and land use amendment for 797 acres to consider the potential effects of these actions on historic resources. A review of our records indicates that there are four recorded resources within this tract: 8FL37, a midden site; 8FL1 - King's Road Mound, a burial mound; 8FL137 - Bulow Still, and 8FL186 - Old Kings Road which has been determined to be a potentially significant resource. Furthermore, the information in the Florida Master Site File shows that this large tract has never been subjected to a cultural resource assessment survey. Thus, there is the possibility of additional archaeological or historic resources being present.

Therefore, it is our request that the city to sponsor or require a historic resource survey so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered for this land use amendment. Known resources should be revisited to evaluate current conditions, and testing should be done to determine if additional resources may be present. It is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

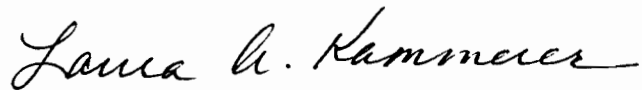
☐ Archaeological Research
(850) 245-6444 • FAX: 245-6452

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

Mr. Eubanks
August 21, 2009
Page 2

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Kammerer".

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Ms. Brenda Winningham



4 BW
Bringing Communities Together 8/7/09

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MEMORANDUM

DATE: July 29, 2009
TO: Northeast Florida Regional Council
THRU: Planning and Growth Management Policy Committee
FROM: Ameera F. Sayeed, Senior Regional Planner
RE: City of Palm Coast Transmitted Amendment 09-2

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Council review local government comprehensive plan amendments prior to adoption. Under provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments report on the proposed amendment.

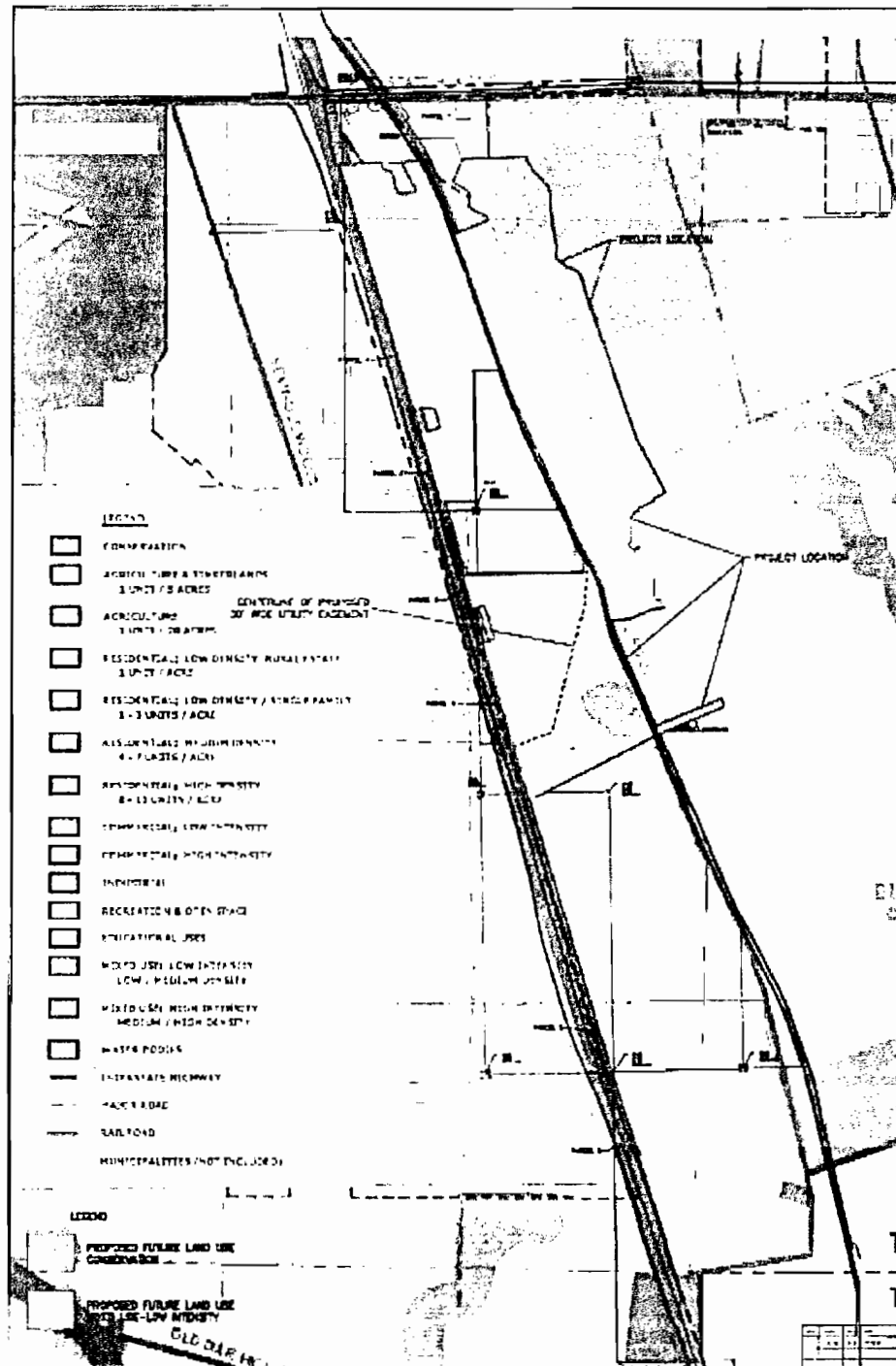
Amendment Summary

The Amendment includes one large scale amendment and associated proposed text amendments. The Regional Council received the City of Palm Coast Transmitted Amendment 09-2 on July 27, 2009. The City of Palm Coast requested that DCA review the amendments. Therefore, pursuant to Chapter 163, Florida Statute and the contract between DCA and the Regional Council, staff reviewed the Transmitted Amendment.

Background, Acreage and Location

The Future Land Use Map (FLUM) amendment proposes to change 797 acres. The subject parcel is generally located east of Interstate 95, south of S.R. 100 and west of Bulow Creek. The subject property is the South Old Kings Road Planning Area that was recently annexed into the City.

,



Board Memorandum
July 29, 2009
Page 3

Current and proposed land use designation

Of the total, the proposed amendment will change 678 acres of Flagler County Agriculture and Timberland to the City of Palm Coast designation of Mixed Use. The remaining 119 acres will be changed from Flagler County Conservation to the City of Palm Coast designation of Conservation.

Surrounding Area

North – Mixed Use (City of Palm Coast)

South – Agriculture and Timberlands (Flagler County)

East – Agriculture and Timberlands, Conservation (Flagler County)

West – Interstate 95, Residential (City of Palm Coast)

Density/Intensity

The development potential of the site under the current categories is limited to those uses associated with agriculture and conservation, and does not allow more than 1 unit per 5 acres (maximum of 129 units). Included with the FLUM amendment is a proposed policy to limit the development of the 678 acres proposed for Mixed Use to 2,500 residential units (12 units per acre) and 2.5 million square feet of non-residential building area.

FINDINGS

1. Effect on Natural Resources

Portions of the site are located within the headwaters of Bulow Creek, a Natural Resource of Regional Significance. Bulow Creek is also identified as part of the Flagler County Blueway Project (managed by the Department of Environmental Protection). The Flagler County Blueway Project is listed in the Florida Forever land acquisition program as Group A priority. Group A lands are the highest priority acquisitions under the Florida Forever program. The area east of Old Kings Road is identified as a 100 year flood plain area. The subject property has several areas of high quality wetlands, according to the amendment report

Comment

Staff has concerns regarding impacts the development of the site could have on natural resources, including Bulow Creek, which is identified as Natural Resource of Regional Significance in the Strategic Regional Policy Plan, and is included in State and County programs. Staff will work with the City on this issue before adoption of the amendment. Staff recognizes that the City has indicated that additional review and environmental analysis will be needed before any rezoning or development agreement is requested.

2. Effects on Public Facilities

Transportation - The transportation impact analysis provided indicates the Level of Service (LOS) on Old Kings Road between S.R. 100 and the Flagler County line will be deficient in the next five years. Also, S.R 100 between I-95 and Seminole Wood Parkway will be operating at a deficient LOS. In addition, the segment of S.R 100 between Old Kings Road and I-95 east ramps will fail with the 10 year planning period. In addition, the Planning Area is in close proximity to the Flagler County Airport. City staff has reviewed and confirmed that the proposed residential development potential raises no issues regarding compatibility with airport use.

Comment

The Transportation Impact Analysis reflects various segments as failing. Staff concurs with the amendment report that additional discussion on transportation regional impacts are needed. The proposal to 4 lane 2.5 miles of S.R 100 south to Palm Coast City limits may not address the impacts to the remainder of the road up to the Flagler County line.

- **Infrastructure** - The analysis included with the amendment report identified adequate capacity in water, sewer and solid waste facilities.

Other Comments

1. *The City of Palm Coast is designated as a Dense Urban Land Area (DULA) pursuant to SB 360, and is therefore not subject to DRI review requirements. However, it is anticipated that due to annexations, the DULA designation will not apply next year.*
2. *If the amount of commercial development proposed under a unified plan of development is greater than the DRI thresholds, the project would be required to undergo DRI review.*
3. *Dependent upon the timing of the application, for approval of the development plan the subject property may need additional review through the DRI review process.*

Recommendation

Staff respectfully recommends that the Planning and Growth Management Policy Committee and the Council approve this report for transmittal to the Department of Community Affairs.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

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4 BW
9/15/09



September 11, 2009

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Palm Coast 09-2

Thank you for the opportunity to review the City of Palm Coast's proposed comprehensive plan amendment package related to the Bulow Creek future land use map amendment. The amendment has potential to increase residential densities and thus must be reviewed for adequate public school facility capacity.

While the supporting data and analysis identified the estimated number of new elementary, middle, and high school students likely to result from the proposed map amendment, it did not analyze the impacts of those new students on school capacities in the affected school concurrency service areas. The analysis (Attachment R) also does not demonstrate coordination with the Flagler County School Board pursuant to the city's intergovernmental coordination element and the approved interlocal agreement for school planning. Further, the city does not provide a cumulative analysis of the impacts on school facilities from recent future land use map amendments or recent land use approvals by the city, Flagler County and neighboring municipalities. The city's recent 09-1 and 09-D1 proposed amendments have the potential create an estimated 486 additional new students (09D1 impacts from phase 1 only). As a result of these omissions, the amendment is not supported with data and analysis to demonstrate level of service standards for public schools will be maintained. The Flagler School Board tracks these impacts and can provide additional data and analysis. Finally, the amendments do not demonstrate coordination with the public school facilities element and the capital improvements element. Therefore, the city has not demonstrated the amendments are financially feasible.

SPESSARD BOATRIGHT
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS CLEARINGHOUSE

325 W. GAINES STREET • SUITE 1014 • TALLAHASSEE, FL 32399-0400 • (850) 245-0494 • FAX (850) 245-9304
www.fldoe.org

Mr. D. Ray Eubanks
September 11, 2009
Page 2 of 2

Using information from the supporting data and analysis from the city's Public School Facilities Element and the proposed amendment, I prepared a simple analysis of impacts to schools (see enclosure). The analysis indicates an estimated 1316 students over by end of the 5-year planning period of the public school facilities element (580 elementary, 325 middle and 411 high school students). The level of service standard for schools is 100% of permanent Florida Inventory of School Houses capacity. The enclosed analysis shows both the impact of the 09-2 amendment alone and the cumulative impacts of the 09-1 and 09D1 map amendments may cause level of service failures at the elementary and high schools. There are no planned capacity additions in the CSAs in the planning period. Because it appears the amendment will cause deficiencies in school capacity for elementary and high schools in the short term, the plan amendment must include a financially feasible plan to provide the capacity needed to correct the deficiencies.

To support the proposed map amendment, the city must provide a cumulative analysis of impacts on schools based maximum development potential and recent land use changes and development approvals by adjacent local governments. The analysis must be specific to the impacted school concurrency service areas and demonstrate coordination with the Flagler County School Board. In the event the city's analysis reveals a deficiency in school capacity, the plan amendment must include a financially feasible plan to provide the capacity needed to correct the deficiency.

Again, the Department appreciates the opportunity to comment and is pleased to make Department staff available to assist the city in responding to these comments.

\Sincerely,



Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

Enclosure

cc: Ms. Pam Billy, School Board of Flagler County
Ms. Brenda Winningham, DCA

Student Generation, Flagler 09-2

		Multiplier (PSFE Data Table 9)		
		ES	MS	HS
Single Family		0.146	0.082	0.104
Multifamily		0.051	0.02	0.018
Development Program	Units	Students		Total Students
09-2	2500	365	205	260
09-1	73	11	6	8
09D1 SF Phase 1 only	1350	197	111	140
09D1 MF Phase only	150	8	3	3
total	4073	580	325	411
				1316

09-2 Amendment Impacts								
End of Five Year Planning Period (Source: adopted PEFE data and analysis)								
School/CSA	2012-13 Capacity	2012-13 Enrollment	Amend. Impacts	Enroll+Amd Total	Resulting LOS	LOS Standard	LOSS Met?	Capital Plans
Elementary								
CSA 3 Old Kings ES	1254	1292	365					none
	1254	1292	365	1657	132.14%	100	no	
Middle								
CSA 5 (Rymfire, Wadsworth, Taylor)	6045	5441	205					
	6045	5441	205	5646	93%	100	yes	
High								
CSA 1 Matanzas	2340	2100	260			100		
	2340	2100	260	2360	101%	100	no	
Cumulative Amendment Impacts								
End of Five Year Planning Period (Sources: adopted PEFE data and analysis and proposed amendment packages cited)								
School/CSA	2012-13 Capacity	2012-13 Enrollment	Amend. Impacts	Enroll+Amd Total	Resulting LOS	LOS Standard	LOSS Met?	Capital Plans
Elementary								
CSA 3 Old Kings ES	1254	1292	580					none
	1254	1292	580	1872	149%	100	no	
Middle								
CSA 5 (Rymfire, Wadsworth, Taylor)	6045	5441	325					
	6045	5441	325	5766	95%	100	yes	
High								
CSA 1 Matanzas	2340	2100	411					
	2340	2100	411	2511	107%	100	no	



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

133 South Semoran Boulevard
Orlando, FL 32807-3220

STEPHANIE C. KOPELOUSOS
SECRETARY

4 BW
8/12/09

August 12, 2009

Mr. Ray Eubanks, Community Program Administrator
Department of Community Affairs, State of Florida
Plan Review & DRI Processing Section
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENT
LOCAL GOVERNMENT: CITY OF PALM COAST
DCA #: 09-2

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed comprehensive plan amendment as requested in your memorandum dated, July 31, 2009.

We appreciate the opportunity to participate in this review process. Since the amendment does not appear to have significant adverse impacts to the State Highway System or the Florida Intrastate Highway System, the Department does not have any review comments.

If you have any questions, you may contact me at 407-482-7880 or by e-mail at judy.pizzo@dot.state.fl.us, or Jon V. Weiss, Government Operations Manager, at 407-482-7881 or by e-mail at jon.weiss@dot.state.fl.us.

Sincerely,

Judy Pizzo, GISP
Systems Planner

jp
attachment

C: Jose Papa, City of Palm Coast
Adam Mengel, Flagler County
Brian Teeple, NEFRPC
Rob Magee, FDOT
Brenda Winningham, DCA

File: H:\OOC\Planning\Growth Management\CPA Project Files\Palm Coast_Flagler\Review\2009-Palm Coast 09-2 Cvrtr 081209.Doc