

# Growth Management

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June 19, 2024

VIA E-MAIL

Adrian Calderin  
Community Development Coordinator  
Planning & Zoning Division  
City of Bunnell  
PO Box 756  
Bunnell, FL 32110

RE: FLAGLER COUNTY COMMENTS – RESERVE AT HAW CREEK PROJECT  
TRANSMITTAL OF PROPOSED LARGE-SCALE COMPREHENSIVE PLAN  
AMENDMENT – 2,787+/- ACRE FUTURE LAND USE AMENDMENT  
PROPOSED CITY OF BUNNELL ORDINANCE 2024-09

Dear Mr. Calderin:

Please accept this letter as Flagler County's response to the City of Bunnell's May 20, 2024 transmittal of proposed Ordinance 2024-09. This letter is divided into two parts: the first part includes comments provided consistent with the requirements of Section 163.3184(3)(b)3.b., Florida Statutes:

“County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.”

The second part of this letter is limited to comments related to the relationship between the City and the County, and the unique role that the County has as it relates specifically to the provision of public services, including drainage, Fire Services, and connection (and impacts) to the County Road System.

### Comments on the relationship and effect on the County Plan

The City's proposed amendment seeks to amend 2,786.03+/- acres from City of Bunnell Single Family Low Density, Agriculture & Silviculture, and Conservation 1, and Flagler County Agriculture (& Timberlands) Future Land Use Map designations to City of Bunnell Rural Estates (RE), Single Family Low Density (SF-L), Single Family Medium Density (SF-M), Multifamily (MF), Commercial-Medium (COM-M), Industrial (IND), and Public (PUBLIC) Future Land Use Map designations.

Andy Dance  
District 1

Greg Hansen  
District 2

David Sullivan  
District 3

Leann Pennington  
District 4

Donald O'Brien, Jr.  
District 5

The lands included within the proposed amendment were part of two prior large voluntary annexations: City of Bunnell Ordinance 2006-14 (36,989+/- acres) as adopted on June 6, 2006 and recorded on June 30, 2006 at Official Records Book 1453, Page 1682, Public Records of Flagler County, Florida; and City of Bunnell Ordinance 2007-30 (42,688+/- acres) as adopted on June 19, 2007 and recorded on July 3, 2007 at Official Records Book 1592, Page 902, Public Records of Flagler County, Florida. Prior to the annexations, these lands had the Future Land Use Map designation of Flagler County Agriculture & Timberlands (maximum density of 1 dwelling unit per five acres) and Conservation (no density). County lands adjacent to the proposed amendment – located on the North side of State Road 100, West of County Road 65, and South of County Road 80 – are presently designated as Flagler County Agriculture & Timberlands and Conservation, Agriculture & Timberlands and Residential: Low Density/Rural Estate (maximum density of one dwelling unit per acre), and Agriculture & Timberlands, respectively. In addition, a number of enclaves – remnant parcels remaining in unincorporated Flagler County – are within the boundary of the proposed amendment, with these parcels designated as Flagler County Agriculture & Timberlands and Conservation.

As the proposed amendment relates to the County's 2010-2035 Comprehensive Plan, the Intergovernmental Coordination Element provides, in relevant part, the following Goals, Objectives, and Policies (GOPs) that are specifically applicable to the proposed amendment:

GOAL I.1: Flagler County will develop and maintain intergovernmental coordination mechanisms necessary to achieve consistency among local, county and regional plans and policies and coordinate all development activities in order to improve delivery of services, enhance the quality of life and protect the natural environment.

Objective I.1.1: Flagler County shall establish a formal process for intergovernmental coordination with the municipalities and adjacent counties through various interlocal agreements and/or specific coordination activities.

Policy I.1.1: Flagler County shall continue to participate in the local government review of comprehensive plans and plan amendments for municipalities within its boundaries and the adjacent counties.

Objective I.1.2: Flagler County shall continue to review the comprehensive plans and plan amendments of adjacent municipalities, adjacent counties, planning activities of the Flagler County School Board, and other state and regional agencies regulatory and planning programs to determine that all planning and land development

regulatory activities are consistent and coordinated with the goals, objectives, policies and implementation plans of the Flagler County Comprehensive Plan.

Policy I.1.2.1: Flagler County shall continue to review and comment on proposed comprehensive plans of adjacent counties, municipalities within its boundaries, and adjacent municipalities for consistency and compatibility of development proposals and comprehensive plan amendments.

Objective I.1.3: Flagler County and the municipalities shall continue to work together to maintain coordinated Level of Service (LOS) standards throughout the planned urban service areas and incorporated portions of Flagler County.

Policy I.1.3.1: Flagler County and the municipalities shall continue to maintain countywide Level of Service (LOS) standards for County and State roads regardless of political boundaries by pursuing the formation of a transportation planning organization (TPO) or metropolitan planning organization (MPO).

Policy I.1.3.2: Flagler County and the municipalities shall continue to maintain countywide adopted Level of Service (LOS).

Objective I.1.4: Flagler County shall review and provide comments on adjacent local government's 5 Year Schedule of Capital Improvements and to provide a copy of the County's 5 Year Schedule of Capital Improvements to adjacent local governments for their review and comment.

Policy I.1.4.1: Flagler County shall initiate a formal joint planning agreement, interlocal agreement, or memorandum of understanding with the municipalities to coordinate the construction of roadways and associated infrastructure across jurisdictional boundaries.

Policy I.1.4.2: Flagler County shall initiate a formal joint planning agreement, interlocal agreement, or memorandum of understanding with the municipalities to provide periodic updates indicating recent building permits issued near jurisdictional boundaries and estimates of new infrastructure necessary to serve new development.

GOAL I.2: Flagler County shall enhance intergovernmental coordination between the County elected official and staff, local municipalities, and

adjacent counties to provide services more efficiently and achieve more sustainable growth.

Objective I.2.1: Flagler County shall initiate and/or continue opportunities for fostering timely and effective dialogue among local government jurisdictions regarding planning and development issues having a County-wide impact and/or of mutual concern.

Policy I.2.1.3: Flagler County shall cooperate with the City of Bunnell to efficiently provide services with regard to the City's 2007-2008 annexations.

Policy I.2.1.4: Flagler County shall pursue expanded collaboration among government jurisdictions and agencies to share services and facilities more cost-effectively when providing public services.

Policy I.2.1.5: Flagler County shall encourage intergovernmental collaboration in the siting, design, and use of facilities and services in the County, including recreational and other services.

Policy I.2.1.6: Flagler County shall maintain existing shared service agreements with the municipalities and explore opportunities for additional joint efforts to provide public facilities and services. A key focus of the County's efforts to share services will be to maintain or improve the existing level of services and equitably fund necessary improvements.

Policy I.2.1.9: Flagler County shall work cooperatively to protect the region's natural assets, support regional planning efforts, and improve the quality of life throughout the region.

Policy I.2.1.10: Flagler County shall collaborate with the municipalities to explore future multi-modal transit-based options to address long-term County-wide transportation needs.

From the County's Future Land Use Element:

GOAL A.1: Flagler County shall strive to achieve orderly, harmonious and judicious use of the land through a distribution of compatible land uses, fostering the viability of new and existing communities while maintaining the agricultural pursuits of the County, and recognizing and preserving the integrity of the natural environment.

Objective A.1.5: Upon plan adoption, Flagler County shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.

Policy A.1.5.6: The impact resulting from new non-residential development along collector and arterial roadways shall be managed through access management, shared or joint access, traffic signalization and other similar techniques.

GOAL A.4: Flagler County shall coordinate land use decisions to ensure coordination with the goals, objectives and policies of other elements contained in this Comprehensive Plan to order to preserve, protect and enhance the natural resources within the County.

Objective A.4.1: Flagler County shall continue acquisition and preservation activities for the protection of environmentally sensitive features. Flagler County shall implement specific measures to protect environmentally sensitive features. In addition, Flagler County shall protect and preserve historical, cultural, or archaeological resources in the County from the adverse impacts of development. Flagler County shall coordinate acquisitions of these environmentally sensitive lands with the applicable State of Florida agency assigned with the implementation of the “Florida Forever” program, or its successor.

Policy A.4.1.1: The Future Land Use Map designates as Conservation areas of ecologically sensitive species or communities and regionally significant wildlife corridors. This category includes creeks, stream and river banks, moderate or higher quality wetlands, floodplains, prime groundwater recharge areas, and natural systems that contribute to wildlife or greenway corridors. The geographic limits of the Conservation areas adopted on January 3, 2000 were based upon best available data, primarily U.S. Geological Survey (USGS) Quad Sheets dating from the 1970's. The following locational criteria shall apply to the verification of the existing limits of the Conservation Future Land Use as depicted on the County's 2010-2035 Future Land Use Map, as well as new designations of Conservation for ecologically sensitive species or communities and regionally significant wildlife corridors:

- (3) Verification and adjustments involving the designation of unincorporated lands as Conservation shall be coordinated with the City of Bunnell and adjacent landowners, including appropriate State and Federal agencies, to ensure that ecologically sensitive and regionally significant environmental resources, including wetlands

and State and Federally-listed species and flora habitat, are protected, conserved, and maintained.

- (4) In no case will the limits of conservation extend less than seventy-five (75) feet from the apparent shoreline of those creeks listed in Policy A.4.1.2 and one hundred fifty (150) feet from the ordinary or mean high water line of those water bodies listed in Policy A.4.1.3.

Policy A.4.1.2: The harvesting of trees shall be prohibited within seventy-five (75) feet of the water course bank of the following Conservation Areas identified on the Future Land Use Map:

- (1) Bulow Creek (Natural Creek)
- (2) Pellicer Creek (Natural Creek)
- (3) Haw Creek and Little Haw Creek (Natural Creek)
- (4) Blackwater Branch (Natural Creek)
- (5) Sweetwater Branch (Natural Creek)
- (6) Hullet Branch (Natural Creek)
- (7) Pringle Branch (Natural Creek)
- (8) White Oak Branch (Natural Creek)

Policy A.4.1.3: The harvesting of trees shall be prohibited within one hundred fifty (150) feet of the mean high water mark of the following Conservation Areas identified on the Future Land Use Map:

- (1) Lake Disston
- (2) Dead lake
- (3) Crescent Lake
- (4) Black Lake
- (5) Speckled Perch Lake
- (6) Gore Lake
- (7) Tank Lake
- (8) Mud Lake
- (9) Matanzas River

Policy A.4.1.4: Management practices for forested wetlands (Cypress hardwood swamps, bay bottoms, and bottomland hardwoods) shall include the maintenance of the natural resource integrity of the wetland community and its attendant wildlife, vegetative, and hydrological characteristics. Any harvest of timber shall be limited to select cuts or small clearcuts and be performed in a manner that does not alter vital wetland community characteristics such as plant species diversity, composition, canopy cover and age structure on an ecosystem basis. This precaution shall apply to site preparation where earth moving or ditching would generally not be compatible with “conservation” uses. In some instances, stand

composition may be altered beneficially, as in restoring degraded wetlands.

Policy A.4.1.5: Silvicultural activities within wetlands shall be conducted in a manner to prevent violations of State water quality standards and to maintain wetland integrity. Silvicultural activities shall not modify the natural hydrology of any wetland. In addition, silvicultural activities shall be undertaken in a manner to ensure that sites with wetland hydrologic conditions are not converted to upland conditions through the manipulation of the natural drainage regime.

Policy A.4.1.7: Species of flora and fauna listed in the Conservation Element of the plan as endangered, threatened or species of special concern shall be protected through inclusion of their habitats in designated Conservation Areas and lands acquired through the Flagler County's environmentally sensitive lands acquisition program.

GOAL A.5: Flagler County shall establish methods of protecting valuable agricultural resources to ensure that the rural history and character of the County is maintained.

Objective A.5.1: Flagler County acknowledges the importance of agriculture in the economy and overall character of Flagler County.

Policy A.5.1.1: Flagler County shall protect agricultural and rural resources and will ensure that conflicts between such agricultural lands and other non-agricultural uses will be resolved in favor of the agricultural interests by ensuring that all buffering, screening and protective measures identified in the Land Development Regulations (LDRs) are required of the owners of non-agricultural uses.

Policy A.5.1.2: Flagler County shall strive to establish interlocal agreements or memorandums of understanding with the other local governments, private utility providers and/or quasi-governmental organizations that implement the objectives and policies of the respective plans for the sustainable development of western Flagler County. The emphasis shall be on the support of agricultural and natural resources through a variety of planning tools including, but not limited to transfer development rights, incentivize "Green" development through the use of performance based development standards, and land acquisition.

GOAL A.7: Flagler County shall establish and enforce land uses such that the resulting development will be efficiently and effectively served by needed public services and facilities.

Objective A.7.2: Flagler County shall map the known locations of future public facilities and services and provide for those public facilities and services consistent with the Capital Improvements Element and the policies and criteria of the Flagler County Comprehensive Plan.

Policy A.7.2.1: Flagler County shall require the dedication of adequate lands for community facilities or purchase such lands through the use of bonds, special assessments, ad valorem revenue, or through impact fees and other development-generated revenue.

Policy A.7.2.3: Public facilities and utilities shall be located to:

- (1) Provide the most efficient service for the public facility or utility through providing a correct location and size of facility;
- (2) Mitigate impacts on nearby existing and planned development;
- (3) Eliminate or mitigate their impacts on the natural environment; and
- (4) Provide the designated level of service (LOS).

Policy A.7.2.5: Flagler County shall acquire or require dedication of adequate lands for parks and recreation facilities to meet the County's future recreational needs, or purchase adequate lands, as identified in the Recreation and Open Space Element and in the Capital Improvements Element. These lands will be dedicated or purchased concurrent with development.

Objective A.7.3: Flagler County shall maintain a Concurrency Management system which establishes procedures and/or processes that the county government uses that assure that no development orders or permits will be issued which result in a reduction of the adopted level of service (LOS) standards of the Comprehensive Plan at the time that the impact of development occurs.

Policy A.7.3.2: The concurrency requirement may be satisfied and approval of a development permit may be granted if potable water, wastewater, solid waste, and drainage service is available to meet adopted level of service (LOS) standards specified in the Capital Improvement Element as follows:



- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place with when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

Policy A.7.3.3: For parks and recreation, concurrency for a development proposal may be met by complying [with] either of the following standards:

- (1) At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit. Completion of the required facilities must occur no later than two (2) years following permit issuance; or
- (2) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. Completion of the required facilities must occur no later than two (2) years following permit issuance. An enforceable development agreement may include, but not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

Policy A.7.3.4: For roads, concurrency for a development proposal may be met by meeting the following standard:

- (1) The road improvements are scheduled to commence on or before the third year of the adopted 5-year Flagler County

Capital Improvements Program, and be completed on or before the fifth year.

Policy A.7.3.7: All requests for preliminary development order approval shall be evaluated by the various responsible Flagler County Departments for an assessment of the levels of service (LOS) for the public being affected:

- (1) The concurrency management system will allow for the applicant to reserve capacity for one year following the issuance of a development order.
- (2) The preliminary approval must be documented at time of final development order approval as complying with LOS requirements as per the Capital Improvements Element.

From the County's Transportation Element:

GOAL B.1: Provide a safe, convenient, and energy-efficient multimodal transportation system that is coordinated with the desired future land use pattern, protects natural resources, helps to reduce greenhouse gas emissions and maintains adequate capacity to meet demand projected through the planning horizon of 2035.

Objective B.1.1: Flagler County will provide a safe and efficient roadway system by maintaining adopted roadway level of service standards as a mechanism for coordinating land use and transportation.

Policy B.1.1.1: The following peak hour Level of Service (LOS) standards are established:

Table B.1 Flagler County Peak Hour Level of Service (LOS) Standards

Facility Type	Urbanized LOS Standard	Rural LOS standard	Transitioning LOS Standard
Principal Arterials (Limited Access I-95)	C	B	C
Principal Arterials Other Roadways	D	C	D
Minor Arterials	D	C	D
Major Collectors	D	C	D
Minor Collectors	D	C	D

Facility Type	Urbanized LOS Standard	Rural LOS standard	Transitioning LOS Standard
Local Roadways	D	C	D

Policy B.1.1.3: Flagler County, through its Concurrency Management System (CMS) adopted in the Land Development Regulations (LDRs), shall ensure that the transportation facilities needed to serve new development are in place or scheduled to be under construction within three (3) years of the local government approval of a building permit or its functional equivalent that results in traffic generation.

Policy B.1.1.4: Flagler County will incorporate into the Land Development Regulations (LDRs) standards that maximize roadway capacity and safety by providing multimodal options and implementing Transportation System Management (TSM) measures such as encouraging off-peak use of transportation facilities such as staggered work hours, improving signal timing, reducing the number of curb cuts and median openings, adding turn lanes and other intersection improvements, and requiring new development to incorporate pedestrian and bicycle facilities.

Objective B.1.2: Flagler County will provide a safe and efficient roadway system by maintaining its transportation-related infrastructure that is owned and maintained by Flagler County, or otherwise subject to an interlocal agreement for maintenance.

Policy B.1.2.1: Flagler County will perform maintenance activities on the County maintained roadways relative to roadway materials, road grading, and traffic control devices.

Policy B.1.2.3: Flagler County will continue to implement a pavement management program which monitors pavement conditions, establishes repair needs and priorities, and develops paving resurfacing schedules.

Objective B.1.3: Flagler County will strive to expand the opportunities and use of multimodal transportation systems.

Policy B.1.3.1: Flagler County will continue to maintain and enforce a Concurrency Management System (CMS) that monitors existing and projected roadway operating conditions on the County's Major

Roadway Network for compliance with the adopted Level of Service (LOS) standards.

Objective B.1.4: Flagler County shall maintain the existing right-of-way program for acquisition or reservation of needed road rights-of-way by adopting minimum road right-of-way requirements and land development regulations which require mandatory right-of-way dedications as a condition of development approval.

Policy B.1.4.2: Flagler County shall continue to require mandatory dedications of necessary road rights-of-way for State, and County, and other local roadways as a condition of subdivision plat approval.

Objective B.1.5: Flagler County shall meet the existing and projected demand for transportation facilities based on the existing and projected future land uses for 2035 by implementing roadway improvements identified on the Future Traffic Circulation Map.

Policy B.1.5.4: Flagler County shall review all proposed development for impacts upon the adopted Level of Service (LOS) standards by maintaining the Concurrency Management System (CMS) and development review procedure in the Land Development Regulations (LDRs). The CMS will assure that sufficient capacity is available concurrent with the impacts of new growth.

Policy B.1.5.5: In coordination with the incorporated municipalities within Flagler County, a future Transportation Planning Organization (TPO) or Metropolitan Planning Organization (MPO), and the Florida Department of Transportation (FDOT), Flagler County shall monitor its transportation system to ensure adequate transportation system capacity prior to issuance of development orders by adopting a development review procedure for the Concurrency Management System (CMS). Flagler County, working in coordination with FDOT and the incorporated municipalities within Flagler County, may implement a long-term transportation concurrency management system to address significant backlogs that may arise after the 2015 planning horizon.

Policy B.1.5.6: Flagler County shall pursue joint planning agreements, interlocal agreements, or memoranda of understanding with the incorporated municipalities within Flagler County to establish maintenance responsibility and a common transportation concurrency review methodology for maintenance of Level of

Service (LOS) standards on Strategic Intermodal System (SIS) facilities and the County's Major Roadway Network.

Objective B.1.6: Flagler County shall review all development proposals, DRI applications, land use classification amendment requests, subdivision plats, and commercial construction site plans to require that they are consistent with and help implement the County's Transportation Element.

Policy B.1.6.1: Flagler County will coordinate with FDOT and surrounding cities in order to maintain an up-to-date listing of analyzed and prioritized road improvement needs based on the Transportation Element.

Objective B.1.8: Flagler County will provide for the coordination of transportation plans and programs with the Florida Department of Transportation (FDOT), municipalities, adjacent local governments, and other state agencies by creating a forum for communicating plans and programs with these entities.

Policy B.1.8.2: Flagler County shall coordinate with the Florida Department of Transportation (FDOT) and the cities of Palm Coast, Flagler Beach, Bunnell, Beverly Beach, and Marineland to prevent state and county maintained roadways from becoming constrained or backlogged roadway facilities.

From the County's Infrastructure Element, Surface Water Protection/Stormwater Management Sub-Element:

GOAL D.4: Flagler County shall ensure the development, operation and maintenance of a cost-effective and efficient surface water management system which minimizes flood damage and losses, prevents water quality degradation of receiving water bodies and promotes groundwater aquifer recharge.

Objective D.4.1: Correct existing deficiencies to ensure preservation and improvement of surface water quality, according to priorities established within the Capital Improvements Element.

Policy D.4.1.1: Flagler County staff shall work with other local governments and private entities when it is necessary to study the existing primary drainage canal system serving Flagler County and

determine those maintenance and required improvements necessary to service the general public interests.

Objective D.4.5: Stormwater drainage regulations shall be included in the Flagler County's Land Development Regulations (LDRs) and shall protect natural drainage features and ensure that future development utilizes stormwater management systems compatible with existing master surface water management plans.

Policy D.4.5.1: As provided for the Land Development Regulations (LDRs) Flagler County will continue to enforce the following stormwater drainage provisions:

(1) Water Quantity

- (a) new developments and re-development activities are required to manage runoff from the 25-year frequency, 24-hour duration design storm event on-site so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions which is the County's minimum level of service (LOS) standard for drainage improvements;
- (b) stormwater engineering design and construction standards for on-site systems are provided;
- (c) erosion and sediment controls are used during development; and
- (d) periodic inspection and maintenance of on-site systems is ensured as a condition of system permit approval.

(2) Water Quality

- (a) The quality of post-development runoff from the developed site must ensure that receiving water criteria established in Rule 17-302.500, F.A.C., are maintained.
- (b) Direct discharge of stormwater runoff into Class II water and Outstanding Florida Water (OFW) is prohibited. A workable filter system must be provided prior to any discharge into Class II water consistent with the standards in (2)(a) above.

Policy D.4.5.3: Stormwater runoff for development within developed areas and subdivisions must meet the following level of service standards:

(a) Water Quantity:

Post-development runoff shall not exceed pre-development runoff rates for the entire development or subdivision.

(b) Water Quality:

The treatment of post-development runoff from the site must ensure that receiving water quality criteria established in Rule 17-302.500, F.A.C., are maintained.

Objective D.4.6: Flagler County's Land Development Code Regulations (LDRs) shall be reviewed annually to ensure that it is consistent with the latest available regulations promulgated by the Federal Emergency Management Agency (FEMA) to reduce property damage and loss of life due to flooding.

Policy D.4.6.1: Flagler County shall continue to minimize flood damage and related losses by prohibiting new development within the 100-year floodplain unless the structures use elevated first floors and provide compensating storage.

Objective D.4.7: Maintain the function of natural drainage features by reducing loss of flood storage capacity, protecting the functional value of wetlands, and by reducing the interbasin diversion of waters from the Lower St. Johns River basin into the Upper East Coast[al] basin.

Policy D.4.7.1: Flagler County shall continue to enforce regulations specifying limitations on encroachment, alteration, and compatible uses of design storm event floodplains.

Objective D.4.9: Encourage regulatory agencies to consolidate permitting programs to the maximum extent possible, and to provide uniform data requirements for new stormwater management projects.

Policy D.4.9.2: Flagler County shall continue to work with other local governments and quasi-governmental agencies (e.g. Community Development Districts) in order for consistency and coordinated review of existing and future stormwater issues.

From the County's Conservation Element, Surface Water Sub-Element:

GOAL F.1: Conserve, protect, and appropriately manage the natural resources of Flagler County to ensure the highest environmental quality possible.

Objective F.1.2: Flagler County shall endeavor to protect the quality of all surface waters by conducting or cooperating with monitoring evaluations and study efforts.

Policy F.1.2.2: Flagler County shall work towards protecting the water quality and quantity of the known problem areas of Crescent Lake, Dead Lake, and Lake Disston, along with the enhancement of the St. Johns River Water Management District's (SJRWMD's) Surface Water Improvement and Management (SWIM) program, results by promoting (through via the County's Agricultural Extension Service) the use of U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) and Florida Department of Agriculture and Consumer Services (DACS) best management practices (BMPs) concerning agricultural runoff, and golf course management.

Policy F.1.2.5: Flagler County shall prohibit any point source pollution discharges into surface waters, including, but not limited to, lakes, estuaries, oceanic waters, creeks, inlets, the Intracoastal Waterway, and wetlands.

Objective F.1.3: Flagler County shall protect the natural functions of the one hundred year (100-year) floodplain so that the flood-carrying and flood storage capacity are maintained by continuing to implement and enforce floodplain ordinances and reviewing development proposals for the presence of impacts on floodplains.

Policy F.1.3.1: Flagler County shall work towards maintaining water quality through its the stormwater management regulations and protecting wetlands to ensure that there are no net loss of wetland function.

Objective F.1.4: Flagler County's viable wetlands shall be conserved and protected from permanent physical and hydrologic alterations.

Policy F.1.4.3: Flagler County shall prohibit water management and development projects that adversely impact the natural wet and dry cycles or cause permanent functional disruption of wetlands.

From the County's Conservation Element, Natural Area Reservations Sub-Element:

Objective F.1.11: Flagler County shall promote the protection of natural area reservations to lessen the adverse effects which adjacent developments might have on the managed conservation areas through implementation of various Land Development Regulations (LDRs)



including transfer of development rights, clustering, Planned Unit Development (PUD) standards, permitting, and wetlands protection.

Policy F.1.11.1: Flagler County's environmentally sensitive lands shall include creeks, streams, rivers, major drainage ways, beaches, shorelines, viable wetlands, floodplains, poor soil areas not suitable for development, wellhead protection areas, prime groundwater recharge areas, and natural systems that contribute to greenway corridors. The prime groundwater recharge areas are determined by the St. Johns River Water Management District (SJRWMD) as provided for in Florida Statutes.

From the County's Recreation and Open Space Element:

GOAL H.1: Ensure provision of sufficient parks, open spaces, and recreation facilities and programs to satisfy the health, safety and welfare needs of all Flagler County residents and visitors. Flagler County's goal is to strive to preserve and protect open spaces and other natural features with recreation potential for current and future needs. The County shall provide a system of parks, open space, recreational facilities, environmentally sensitive lands, trails, greenways, and blueways to ensure healthy lifestyle choices, improve communities and neighborhoods and offer bicycle and pedestrian access. Lastly, the County shall enhance public access to and utilize the park system and natural resources of Flagler County in order to provide a total quality of life for the residents.

Objective H.1.1: A system of parks and recreation facilities shall continue to be developed and maintained through the year 2035 to meet the needs of the existing and projected future population.

Policy H.1.1.1: Flagler County hereby adopts the following Recreation and Open Space level of service standards:

- (1) Countywide Parks: LOS standard of 30 acres per 1,000 persons (public lands per total permanent County and incorporated population).
- (2) Community Parks: LOS standard of 3 acres per 1,000 persons (public lands per unincorporated permanent population).
- (3) Neighborhood Parks: LOS standard of 1 acre per 1,000 persons (public lands per unincorporated permanent population).

Policy H.1.1.3: Flagler County shall pursue joint agency funding for the purchase and development of parks and recreational facilities

within Flagler County and its incorporated areas to adequately serve the permanent unincorporated population.

Policy H.1.1.4: Flagler County shall require developers of residential areas to dedicate suitable land for park acreage needs created by projected development population. The County maintains the option of payments in lieu of land that is needed for specific improvements planned within the associated impact zone. Flagler County shall include provisions within the LDRs to ensure that the land and improvements required to meet the requirements of this policy shall be conveyed or provided to the County as provided by the terms established in the Development Order for the project to ensure that the park and facilities are in place to serve the new residents.

Policy H.1.1.5: Flagler County assumes primary responsibility for ensuring the availability of Countywide parks and facilities, under the ownership and maintained by Flagler County, to all residents and visitors and will work with other agencies to facilitate this policy.

Policy H.1.1.6: Flagler County shall establish neighborhood and community parks for communities in unincorporated areas and work with municipalities to obtain adequate facilities and locations.

Policy H.1.1.7: Flagler County shall use, as a guideline, the activity standards suggested in the State Comprehensive Outdoor Recreation Plan (SCORP).

Policy H.1.1.8: As the population continues to grow, as defined in Policy H.1.1.1 Flagler County shall proportionately increase its recreational facilities to maintain the adopted level of service standards.

Policy H.1.1.9: Flagler County shall provide facilities at parks to maintain service delivery consistent with the size and type of each facility and community needs and desires, consistent with the adopted minimum levels of service and subject to the financial feasibility of providing those facilities.

From the County's Capital Improvements Element:

GOAL J.1: Flagler County will provide adequate public facilities to all residents within its jurisdiction as determined by adopted level of service (LOS) standards.

Objective J.1.1: Flagler County shall continue to implement a Concurrency Management System that is coordinated with adjoining local governments, quasi-governmental authorities (e.g., Community Development Districts), and private providers to ensure that existing and future developments are served with sufficient facilities and services consisting of sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities. This will require that the County prioritize capital improvement projects in a manner that achieves and maintains adopted level of service standards.

Policy J.1.1.1: Capital improvement funding, to the extent permitted by the funding source, should be directed first toward correcting existing and anticipated deficiencies; and second to building facilities that accommodate new growth.

Policy J.1.1.3: Where financially feasible, Flagler County shall promote reuse and rehabilitation, or joint-use of facilities over new construction.

Policy J.1.1.7: The Flagler County Concurrency Management System shall incorporate methods of analyzing, summarizing and reporting the current and future conditions for capacity of the public services identified in Objective J.1.1. Flagler County shall use this reporting process to ensure compliance with the requirements of Florida Statutes and Florida Administrative Code (FAC) that require:

- (1) Sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. The provision of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development shall only be allowed as specified in the Infrastructure Element. Flagler County will apply the following criteria to evaluate the concurrency of development proposals on the impacted facilities. The projected demand will be added to the existing plus committed demand and subtracted from the system's

capacity to calculate residual capacities or system deficiencies. The following criteria shall be used determining concurrency and shall be implemented by the Land Development Regulations (LDRs):

- (a) Services are in place at the time the development permit is issued; or
- (b) The permit is issued conditionally (subject to above facilities being in place at the time impacts occur); or
- (c) The facility is under construction at permit issuance; or
- (d) The facility is guaranteed in an enforceable development agreement.

(2) Prior to the issuance of a building permit or its functional equivalent, Flagler County shall verify that parks and recreation facilities to serve new development shall be in place or under actual construction no later than one (1) year after issuance by the local government of a certificate of occupancy or its functional equivalent. The County shall require a financial surety from developers prior to the issuance of a building permit or its functional equivalent. The surety shall be in a form acceptable to the Board of County Commission[ers] and shall be in the amount to cover all expenses associated with the construction. This is required to ensure that the improvement will be in place when needed to address the impacts of the development. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction. The following standards for recreation and open space concurrency will be implemented:

- (a) The proposed facility shall be consistent with Policy J.1.1.10 of the Capital Improvements Element.
- (b) At the time the development permit is issued the necessary facilities are subject to a binding executed contract providing for commencement of actual construction within one (1) year of issuance.
- (c) Necessary facilities are guaranteed in an enforceable development agreement requiring commencement of actual construction or provision within one (1) year of issuance of development permit.

- (3) Except as otherwise provided by Florida Statutes, transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the local government approves a building permit or its functional equivalent that results in traffic generation. Flagler County shall verify prior to the issuance of a building permit or its functional equivalent that there is sufficient capacity to accommodate the impacts from the new development. Flagler County will apply the following criteria to evaluate transportation concurrency of development proposals. Pursuant to state law and subject to the Flagler County Long Range Transportation Concurrency Management System, a development permit will be issued if the necessary improvements satisfy any one of the following:
- (a) All new roads, improvements to existing roads and/or improvements to traffic operations needed to maintain the adopted levels of service are in place or have a committed funding source for completion within three (3) years of the issuance of the development order.
  - (b) The required roadway improvements are guaranteed in an enforceable development agreement. The agreement will need to guarantee that the necessary roadway improvements will be in place when the impacts of the development occur.
  - (c) At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one (1) year of the issuance of the development permit.
  - (d) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit.
  - (e) The project is located within a designated Transportation Concurrency Exception or Management Area as defined in Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code (FAC), and is in compliance with the requirements established by Flagler County for these areas.
  - (f) All determinations for transportation concurrency shall be based on standards established in the Land Development

Regulations (LDRs) for a Transportation or Traffic Impact Analysis. The standards established in the Land Development Regulations (LDRs) shall be based on sound transportation engineering and planning principles and practices.

These GOPs are relevant to the proposed amendment as these either pertain to development of adjacent County lands or to the County's provision of public services to serve the Reserve at Haw Creek project. In reviewing these GOPs and how these are impacted by the proposed amendment, of greatest concern from a land use standpoint is the County's previous Conservation designation and the lack of a similar proposed City of Bunnell Future Land Use Map designation by the City despite the acknowledgement (within the submittal) of the presence of wetlands (and likely of greater concern, Special Flood Hazard Areas and floodplain) throughout the project. In the view of the County and as it pertains to the proposed amendment, the City should include – within the boundaries of the project – the designation of lands that are not suitable for development through the City's Future Land Use Map designations rather than relying on a future development agreement. In the least, the Future Land Use Map designation to City Conservation or a similar designation provides a belt-and-suspenders approach that buttresses a future development agreement, while at its most a City of Bunnell Conservation designation is a correct representation of the capacity of the underlying lands to be developed.

For this reason and together with the County's GOPs mentioned above, the County urges the City to reevaluate the entitlements that are to be provided through the adoption of the proposed amendment to the developer, its successors and assigns, so as to be limited to the physical characteristics of the underlying lands to be developed as the Reserve at Haw Creek project, along with the City's (and the County's) capacity to provide public services to this project. To the extent that these GOPs call for an interlocal agreement or similar mechanism to accompany the provision of services so as not to degrade established Level of Service standards, the County pledges to work cooperatively with the City towards the enactment of these agreements.

Where enclave parcels exist within the project boundaries – and for development occurring along the project boundaries adjacent to unincorporated parcels – appropriate buffering of uses should be incorporated into the City's Future Land Use designations proposed through this amendment so as to step-down the density and intensity of uses along these borders. The County encourages the City to contemplate the adoption of a parcel-specific limiting text policy within its Future Land Use Element so as to address the allocation of entitlements and any proposed phasing beyond the broad policy text of the City's Comprehensive Plan and the entitlements assigned to the project through the proposed amendment.

### Comments on the provision of public services

The comments related to the provision of public services are broken down into three sections representing the principal areas of concern to the County, presented here in alphabetical order (and not in order of importance): drainage (stormwater); Fire Services; and transportation (County Road System) impacts.

#### Drainage (Stormwater)

There are a number of existing drainage ditches and canals that are located within, adjacent, or proximate to the proposed amendment, and these would be impacted by development occurring within the project limits. These drainage conveyance structures may or may not be presently maintained by the County, but for the most part, these drain areas of both unincorporated Flagler County and the City of Bunnell from the northeast limits of the proposed amendment area to its southwest limits, and generally coinciding with a large low, swampy area through the center of the amendment area that is both Special Flood Hazard Area and floodplain. As these presently drain into Haw Creek, which in turn drains into Crescent Lake, both water quantity and water quality are of concern to the County and the respective regulatory agencies. Any stormwater master planning of the proposed amendment area would need to not merely convey water through its limits, but would also need to treat these waters to an extent that meets or exceeds the applicable treatment requirements for the receiving waters located within unincorporated Flagler County to the West. The County's GOPs require this onsite stormwater treatment: the development's stormwater design shall meet the minimum requirements of governing regulatory agencies (e.g. SJRWMD, FDEP, City of Bunnell, and Flagler County). The set-aside of these lands through the City's Conservation designation would limit development, avoid (or minimize) development within these sensitive areas, foster the development of a North-to-South wildlife corridor, and limit impacts to critical habitat (inclusive of possible endangered or threatened species of flora and fauna, where the impacts of development to these species within this area have not yet been determined).

It is further recommended due to water quality concerns that the project provide – through the design of its stormwater retention, exfiltration and under-drain treatment systems, etc., that are designed as on-line systems – treatment of an additional one-half inch of the runoff from the first flush above the SJRWMD base requirements over the contributing basin for runoff to be retained for treatment (water quality). From the standpoint of flood control, the County seeks that all retention/detention ponds will provide an additional 0.5 feet of freeboard beyond required minimum levels. These additional criteria would ensure that the development of the project recognizes the region's existing water quality and flooding issues both upstream and downstream from the proposed development.

As for the primary outfall ditches and canals impacted by the development, the County requires that these be improved (channel fixed and stabilized), cleaned out, expanded to receive additional runoff from the development, and either conserved or dedicated to the

responsible future maintaining agency or entity, with dedicated easement/right-of-way to the County and access provided for maintenance (including construction or improvement of adjacent roadway), or alternatively the development takes responsibility for maintenance while providing a full easement for access to the County in case emergency response or emergency restoration is required. The developer could also set aside sensitive areas – in concert with the City, and to be designated as City of Bunnell Conservation designation as part of this amendment – to reduce the impacts of development and provide for compensating storage for the adjacent development.

#### Fire Services

Up until 2017, the City had its own Fire Department. In an effort to consolidate services and provide fire response for efficiently, the City of Bunnell and Flagler County entered into an interlocal agreement for the merger of Fire Services late in 2017. This *Interlocal Agreement between the City of Bunnell and Flagler County for Merger of Fire Services*, recorded on October 3, 2017 at Official Records Book 2232, Page 1977, Public Records of Flagler County, Florida (hereafter “Agreement”), requires the County to provide fire suppression services within the City of Bunnell at a Level of Service standard corresponding to no less than the standard provided by the City prior to the execution of the Agreement.

As the Fire Service provider to the City of Bunnell – and specific to the proposed amendment – the County requires that the developer provide at least a minimum five acre site (all upland acreage) at a location to be approved by the County that would meet the needs of both the Reserve at Haw Creek project and the community as a whole. This site would be developed with a fire station, including an engine and a rescue at a minimum. Depending upon the type and size of the commercial/industrial occupancies, a ladder truck may also be needed; however, all three will not be needed, the configuration being either engine and rescue, or ladder and rescue. Depending on the ultimate extent of development and the timing of the phasing, an additional fire station site may be needed.

Based on a population increase of an additional 14,583 persons, there would be an expected increase in call volume of 2,200 calls for service. The addition of industrial and commercial occupancies will add to the Fire Service demand. Unless phased, future subdivision plats and site development plan approvals (for developments other than subdivisions) will require concurrency evaluation of impacts prior to final approval as provided in the Florida Fire Prevention Code. Of additional concern to the County – and to coincide with the timing of final approvals by the City – minimum street widths and the regulation of on-street parking impact the ability of emergency response apparatus to navigate without damaging units and personal property. Acknowledging these minimum requirements now will ensure that sufficient lands are available in the future to accommodate the needs of the County.



The development will also need to ensure that provisions are made now for adequate availability of fire suppression water throughout the project limits. Planning for water supply now will limit restrictions on future development. Ultimately, development of the Reserve at Haw Creek project cannot adversely impact the County's ISO rating, which includes criteria related to travel distance and water supply, among other factors. Finally, it should be noted that to the extent applicable to the development of this project and as provided in Florida Statutes, any dedication of land, buildings, or equipment, including the funds provided by the developer for these, would be eligible for impact fee credits. Should these be warranted, an agreement between the County and the developer would be required to describe the extent of the credits and the timing of the development.

#### Transportation (County Road System)

For existing roads within the proposed development, the County requires that these roadways are improved to a paved road standard and, once these are paved, the ownership and maintenance responsibilities for these roadways should be assumed by the City of Bunnell or by a Community Development District (CDD) or similar entity to assume long-term maintenance. These roadways should be improved to meet current Florida Greenbook criteria. For the County's roadways adjacent to the project boundaries, including County Road 65 and County Road 80, these roadways should also be improved to meet current Florida Greenbook criteria and paved. Improvements to County Road 302 and the reconfiguration of the intersection of State Road 100 and County Road 302 are also required based on the phasing of the development. It is also recognized that evacuation timing is impacted by the project, with State Road 100 serving as the principal East-West evacuation route to the interior of the State.

The included Traffic Study only analyzed the first phase of the development: an estimate of the impacts of the full development plan should also be provided now so as to forecast the impacts of future phases. The analysis of future phases will require updated concurrency studies, inclusive of increases in background traffic occurring throughout the County Road System. In the event that a future phase would adversely impact the County's adopted Level of Service standard for an impacted roadway, the County may require that the developer enter into a proportionate fair share agreement so as to ensure that timing of roadway capacity corresponds to the timing of development approvals.

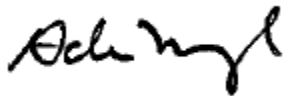
The timing of future phases should either be described now as part of this amendment – with the timing included in a parcel-specific limiting text policy – or, alternatively, the proposed amendment should be limited to the extent of development that is both warranted (based on the City's needs through the 2035 planning horizon) and for which supporting infrastructure and services can be provided without negatively impacting the adopted Level of Service standards.

Aside from the public services described above, it is anticipated that several services will be provided to the Reserve at Haw Creek project by the City of Bunnell, including the

collection and disposal of solid waste and law enforcement. Should the City not intend to provide these services (along with others not mentioned in this letter which are subject to concurrency) to the project, the County would have similar concerns to the provision of these services as was mentioned for drainage, Fire Services, and transportation impacts. We appreciate the opportunity to respond to the amendment package with the County's comments on the amendment itself, and to additionally provide comments on the County's unique role as a service provider to the City of Bunnell and the Reserve at Haw Creek project. We are available to meet with City staff and the developer to discuss these comments if additional information or clarification is needed. The County remains committed to working with the City as we grow together.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Mengel". The signature is fluid and cursive, with the first name "Adam" being more prominent than the last name "Mengel".

Adam Mengel, AICP, LEED AP BD+C  
Growth Management Director

cc: Donna Harris, Florida Commerce (via email)