



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: May 18, 2010

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 10-2

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) ♦



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May 18, 2010

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. 10-2), which was received on March 18, 2010. Based on Chapter 163, Part II, Florida Statutes, Rule 9J-5, Florida Administrative Code, and the adopted City of Palm Coast Comprehensive Plan, we have prepared the attached report that outlines our findings concerning the amendment.

The City of Palm Coast is proposing an updated planning timeframe to 2035 and related text and map series changes related to the new planning timeframe and proposing the Northwest Corridor Overlay Area (NCOA). The Department is raising issues related to site suitability, urban sprawl, long-term impacts to public facilities (public schools, transportation, and solid waste), coordination with adjacent local governments, density and intensity standards, and lack of meaningful and predictable policy language.

The Objections, Recommendations, and Comments Report is attached. Within the next 60 days, the City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for the final adoption and transmittal.

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, Planning Analyst, at (850) 922-1809.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/jhs

Enclosures: Objections, Recommendations and Comments Report
Agency Comments

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

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) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

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 County will not adopt the proposed changes. 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.

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at **"Submitting Comprehensive Plan Amendments and Developments of Regional Impact"** <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm> .

Additional Information

Ray Eubanks, Plan Processing Administrator

(850) 922-1767

ray.eubanks@dca.state.fl.us

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
CITY OF PALM COAST COMPREHENSIVE PLAN AMENDMENT
DCA No. 10-2

May 18, 2010
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 10-2), 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 10-2

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

Overview

The proposed City of Palm Coast 10-2 amendment (amendment) includes an update to the planning timeframe of the comprehensive plan to 2035, and an overlay and underlying policies to establish the Northwest Corridor Overlay Area (NCOA).

A. The Department has identified the following Objections to the NCOA Amendments:

1. Objection (Site Suitability): Proposed FLUE Goal 1.8 states that the NCOA goal is to create a strategically planned community to accommodate a substantial portion of the City's future growth. However, the proposed amendment does not include a site suitability analysis for the NCOA regarding potential habitat for listed and endangered species. Also, a map showing the areas which are the potential location of wildlife species that are listed by federal, state, or local government agencies as endangered, threatened or species of special concern was not included in the proposed amendment package. The NCOA contains many environmentally sensitive lands: 94 percent of the area is in primary bear habitat; 75 percent of the area is covered by wetlands; 49 percent of the area is in the 100 year floodplain; and 958 acres of the area are aquifer high recharge lands (4 percent).

According to the Florida Aquifer Vulnerability Assessment, which is a measure of the likelihood of contamination to the Floridan Aquifer System (the principal drinking water source for the area), the site lies in a region designated more vulnerable (the highest vulnerable category) to pollution from land use activities than other areas. The Florida Department of Environmental Protection states that most of the site is underlain by Symrna, Wabasso, Immokalee and Pineda soils. The Soil Survey of Flagler County, Florida states that these soil types have severe limitations for building site development, primarily due to ponding and wetness.

Furthermore, the St. Johns Water Management District, in its comment letter regarding the Neoga Lakes Development of Regional Impact's (DRI) Application of Development Approval (ADA) First Sufficiency Response, stated that there are likely more wetlands than currently estimated by the data and analysis that was provided for both the ADA and the proposed comprehensive plan amendment because the District has done a preliminary review of wetland limits located on a small portion of the site and the review found more wetlands than shown on the applications' maps. A formal wetland determination of the site has not been performed. Since the wetlands, identified in the FLUE map series (Map CP-1.1), are large, interconnected wetlands that are spread consistently throughout the site, the site is unsuitable for development.

Most of the area should be designated conservation on the Future Land Use Map pursuant to 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.

Although most of the site is currently pine plantations, according to the Florida Fish and Wildlife Conservation Commission's comments, on the Palm Coast 10-D1 ORC Report, the site contains a number of native upland and wetland plant community types including pine flatwoods, sand pine, scrub, upland and wetland mixed forest, cypress, bay swamps, and freshwater marshes. In addition, the site is potential habitat for sixteen listed and endangered species, including, but not limited to: gopher frog (Species of Special Concern, SSC), American alligator (SSC, Federally Threatened (FT), gopher tortoise (State Threatened, (ST), eastern indigo snake (ST, FT), Florida pine snake (ST), tricolored heron (SSC), little blue heron (SSC), snowy egret (SSC), white ibis (SSC), Florida scrub jay (ST, FT), Florida sandhill crane (ST), wood stork (State Endangered (SE), Federally Endangered (FE), southeastern American kestrel (ST), Sherman's fox squirrel (SSC), Florida black bear (ST), and Florida mouse (SSC). The Florida Fish and Wildlife Conservation Commission also commented that the area lies in the U.S. Fish and Wildlife Service's Consultation Areas for the Florida scrub-jay (These areas are endemic to Florida and development in this area must be reviewed by US Fish and Wildlife Service for a determination about the developments impacts and how the development will avoid, minimize or mitigate for its impacts.).

Furthermore, the Florida Department of Environmental Protection stated, in their comments regarding the Palm Coast 10-D1 amendment, that the urban development proposed for this site is the type that often results in predation by domestic animals on native wildlife species, negative impacts to nocturnal animals due to increased nighttime lights, increased traffic-related wildlife mortalities, and bear/human conflict episodes.

According to a Florida Natural Areas Inventory Biodiversity Matrix Report for the location, run December 17, 2009, the following three Natural Communities (NC) and thirteen state listed plant species are either documented historically, likely, or have the potential to be on the site: Scrub (NC, G2- imperiled globally), Mesic Flatwoods (NC), Swamp lake (NC), Variable-leaved Indian-plantain (ST), Many-flowered Grass-pink (SE), Sand Butterfly Pea (SE), Large-flowered Rosemary (ST), Nodding Pinweed (ST), Pondspice (SE), Florida Spiny-pod (SE), Celestial Lily (SE), Florida Beargrass (ST), Giant Orchid (ST), St. John's Black-eyed-Susan (SE), Florida Willow (SE), and Lake-side Sunflower (SE).

According to the Florida Department of Environmental Protection, the northern-most portion of the property, encompassing approximately 650 to 700 acres, is traversed by Pringle Branch which drains into Pellicer Creek Aquatic Preserve. Pellicer Creek is designated an Outstanding Florida Water. Pellicer Creek is an important water course that drains wetlands and floodplains, which contribute flow to the Matanzas River. Stormwater impacts from the increased densities and intensities could negatively impact the Creek and River. The St. Johns River Water Management District indicated that since the project is in an area of water shortage, it may have to use stormwater reuse for water supply, and raised concerns that the potential reuse storage may cause adverse hydrologic impacts to wetlands and Pellicer Creek.

Finally, the map series does not include the Old Brick Road Mitigation Bank, an environmentally sensitive area that is within the NCOA and abuts the City's annexed lands, but is not in the City's current limits. The Old Brick Road Mitigation Bank would be adversely impacted by the proposed urban type of development proposed to be allowed in the NCOA.

While the proposed amendment includes new Goals, Objectives and Policies regarding the NCOA, these Goals, Objectives and Policies are not specific enough to protect the environmentally sensitive lands, and the language defers the planning of this overlay area to the DRI process, and planned unit development stage. The policy language provides no assurances that the natural resources will be protected.

The proposed overlay and corresponding policies are internally inconsistent with the following City comprehensive plan policies:

- Conservation Policy 6.1.12.1, regarding limiting development in the 100-year floodplain and Conservation Element Objective 6.1.12 and Policy 6.1.12.4 requiring protection of the natural functions of the 100-year floodplain.
- Infrastructure Element Policy 5.4.1.3 that states, "The City shall continue to support and coordinate with the St. Johns River Water Management District and its regulatory programs to protect recharge areas within the District."
- 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.
- Conservation Element Objective 6.1.10, Preservation of Native Vegetative Communities; Conservation Element Policy 6.1.10.6, that states protection of environmentally sensitive lands will be done by designating the lands as Conservation on the FLUM; and Conservation Element Policy 6.1.10.9, that states all actions relating to development will consider the impacts on environmentally sensitive lands.
- Objective 6.1.13, Wildlife and Habitat Protection, and Conservation Element Policy 6.1.13.2 that state the City will use appropriate means to protect listed species and prevent further reductions in the population sizes and habitat through the environmental review process for Development of Regional Impact.
- FLUE Policy 1.1.3.1 that states proposed FLUM amendments shall be evaluated for the following environmental factors: (1) topography and soil conditions including the presence of hydric soils; (2) location and extent of floodplains and the Coastal Planning Area, including areas subject to seasonal and periodic flooding; (3) location and extent of wetlands, certain vegetative communities, and protected wildlife species; (4) location and extent of other environmentally sensitive features; and (5) proximity to wellfields and aquifer recharge areas.
- Conservation Element Policy 6.1.9.10 (proposed to be renumbered as 6.1.9.9) that states: "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."

[Sections 163.3177(2), (8), (9), and (10); 163.3177(6)(a), (c), and (d); 163.3187(2); 187.201(7)(b) 2., 5., 8., 9., 10., 11., and 12., (9)(b) 1., 3., 6., 7., and 10., (10)(b)1., 2., 3., and 4., (15)(b)1.-6., (16)(b)12., (21)(b)3., (25)(b)5., 7., F.S.; Rules 9J-5.005(2), (5), and (6); 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: Do not adopt this amendment.

2. Objection (Urban Sprawl): The proposed NCOA, guiding Goal 1.8, and its implementing policies meet all thirteen indicators of sprawl. The amendment meets the following indicators of urban sprawl, per Rule 9J-5.006(5)(g), F.A.C.:

- Allows for substantial areas to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. While the NCOA calls for developments to be mixed-use, the NCOA does not have policies that predict the mix of uses or ensure these uses will not be low-intensity or low-density. Also, there are no assurances that the mix of uses will be co-located rather than spread apart from each other.
- Designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. The NCOA does not ensure that development will be close to the existing City, because it would allow development anywhere in the area.
- Designates urban development in isolated patterns emanating from existing urban developments. The NCOA does not ensure that development will be sited so that it will not be isolated from the City's services.
- Promotes premature conversion of rural land to urban uses and fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, and natural groundwater aquifer recharge areas. This site is at least 75 percent wetlands, is approximately 49 percent floodplains, is 94 percent primary bear habitat, and includes 958 acres of aquifer recharge areas (4 percent).
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils. While the NCOA states that these activities will be allowed in the area, it does nothing to protect these uses from future development.
- Fails to maximize use of existing public facilities and services. In fact, there are no existing public facilities in the area.
- Fails to maximize use of future public facilities and services.
- Allows for land use patterns which disproportionately increase the cost of providing and maintaining facilities and services including roads, potable water, sanitary sewer, stormwater management, education, parks and recreation, health care, fire, emergency response and general government law enforcement services.

- Fails to provide a clear separation between rural and urban uses.
- Discourages infill development or the redevelopment of existing neighborhoods and communities.
- Fails to encourage an attractive and functional mix of uses. While the NCOA would require a mix of uses for new development, there are no guidelines to ensure an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

The goals, objections, and policies of the NCOA lack meaningful and predictable guidelines and standards to discourage urban sprawl. Although the overlay establishes the Northwest Corridor for intensive urban development “to accommodate a substantial portion of the City’s future growth”, it lacks specific and sufficient development controls pursuant to Rule 9J-5.005(6), F.A.C. and 9J-5.006(5)(j), F.A.C., to ensure that urban form, timing, environmental protection, and other development controls are adequate to prevent a sprawling pattern of development.

Additionally, the proposed amendment is inconsistent with the City of Palm Coast comprehensive plan Infrastructure Element Policies 5.1.3.2, and 5.2.2.3 , which state the City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for potable water facilities and sanitary sewer facilities where connection is available. Also, the proposed plan amendment is inconsistent with the FLUE Objective 1.1.4 (Discourage Urban Sprawl), which states the City will promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.

Furthermore, the proposed NCOA and its underlying policies has not demonstrated that they have addressed the requirements of Ch. 2008-191, Section 2, Laws of Florida, including energy conservation, energy efficient land use patterns, and transportation strategies to reduce greenhouse gases, pursuant to Sections 163.3177(6)(a), 163.3177(6)(b), 163.3177(6)(d), 163.3177(6)(f), and 163.3177(6)(j), F.S.

[Sections 163.3177(6)(a), (c), (d), (f), and (j); 163.3177(2) - (4), and (8) - (10); 163.3187(2); 187.201(7)(b)5.; (9)(b) 1., 3., 7., and 10., and (11)(b)4. and 6., (15)(b)1.-6., (17)(b)1.-7., 9. and 10., (21)(b)3., and (25)(b)5., and 7., F.S.; Rules 9J-5.005(1) - (6); 9J-5.006(2) - (5), F.A.C.]

Recommendation: Do not adopt the proposed amendment.

3. Objection (Land Use Authority): The City is proposing a “Northwest County Overlay Area” and an associated goal, and related objectives and policies. This Overlay would cover land that is currently in the City of Palm Coast, as well as land that is currently in unincorporated Flagler County. The goal, objectives and policies purport to guide future land use decisions and development for all land covered by the Overlay, thus including areas in both the City and the County.

Under Chapter 163, Part II, Florida Statutes, a municipality may adopt plan provisions and exercise planning authority only for the area under its jurisdiction unless it has entered into a

“Joint Planning Agreement” meeting the requirements of Section 163.3171, F. S. The City did not submit a Joint Planning Agreement along with this amendment package as data and analysis. Accordingly, the Overlay and its associated goal, objectives and policies are not consistent with the requirement that the City plan only for the area under its jurisdiction or, alternatively, that the City have a valid Joint Planning Agreement with the County to plan for unincorporated areas.

[Sections 163.3164(2); 163.3167; 163.3171; 163.3177; 187.201(b)(25)5. & 7., F.S.; Rule 9J-5.005(2), F.A.C.]

Recommendation: Do not adopt the proposed amendment.

4. Objection (Lack of Meaningful and Predictable Language): Proposed FLUE Goal 1.8: Northwest Corridor Overlay Area, as proposed, does not contain implementing policies to adequately protect natural resources that are meaningful and predictable. Each policy is listed below:

- FLUE Policy 1.8.3.2 states, as an alternative to the LEED certification, the mixed-use developments located in the NCOA shall protect ecosystems and conserve natural resources and ensure covenants and deed restrictions do not prohibit green practices, but it does not include specifics of where natural systems are to be protected, how they will be measured, and does not define the term green practices.
- FLUE Policy 1.8.4.5 states new development shall utilize reuse and/or reclaimed water resources for non-potable sources when such services are available and feasible, however, the policy does not define available and feasible; therefore the policy is not meaningful and predictable.
- FLUE Policy 1.8.5.1 states that high quality wetlands and environmentally sensitive areas will be put in the conservation land use category. However, the policy does not define how wetlands and other environmentally sensitive areas will be ranked and what the definition of high quality is.
- FLUE Policy 1.8.5.2 does not provide meaningful and predictable criteria to determine how or what natural resources will be protected, conserved and preserved through designation in the conservation FLUM and as part of the future ecological corridor, nor criteria for determining what resources will be protected. The terms high quality, medium quality and low quality wetlands are not defined. Also, this policy defers the planning for environmentally sensitive areas to the development stage. Thus, the amendment does not ensure environmentally sensitive areas and natural resources, including wetlands, listed species habitat, native communities, and high aquifer recharge areas, will be protected, preserved and conserved. This proposed policy is inconsistent with FLUE Policy 1.8.5.2 that states large interconnected high quality wetlands shall be designated Conservation on the FLUM. Also, this policy is inconsistent with Conservation Element Policy 6.1.10.9 (proposed to be renumbered as 6.1.10.9) requiring that the City consider the presence of environmentally sensitive lands with regard to development actions and Conservation Element Objective 6.1.13 that states the City will protect Endangered and Threatened Species, Species of Special Concern and their associated habitats.

- FLUE Policy 1.8.5.3 directs items to be considered at the time of development review in order to effectively maintain a multi-function greenway system; however, the policy does not identify specific natural resources that will be protected through the greenway and does not include specific requirements or criteria to ensure a multi-function greenway system and protection of the natural resources on the site.
- FLUE Policy 1.8.5.4 states in order to sustain hammock communities, areas with the greatest concentration of specimen and historic trees shall be considered for protection. The phrase “shall be considered” does not ensure protection of the hammock communities.
- FLUE Policy 1.8.5.10 states that new development shall demonstrate that high quality wetland systems, rare upland communities, and listed species impacts are avoided to the greatest extent practical. The phrase greatest extent practical is not defined; therefore, the policy does not ensure protection and conservation of the NCOA’s natural resources.
- FLUE Policy 1.8.1.1 states that only new development, which requires rezoning will be required to obtain a comprehensive plan amendment. That defers to the LDRs on determination as to whether a comprehensive plan amendment is needed or not.

[Sections 163.3177(2); 163.3177(6)(a), (b), (c), (d), and (j); 187. 201(25)(b)5., F.S.; and Rules 9J-5.005(5) and (6); 9J-5.006(3)(b) & (c), F.A.C.]

Recommendation: Do not adopt the proposed amendment.

5. Objection (Coordination with Adjacent Local Governments): The amendment proposes to allow mixed use (an urban form of development) adjacent to rural areas in the County that are currently designated conservation, and agriculture and timberlands. These lands in Flagler County are considered primary bear habitat. The proposed amendment also includes urban uses next to newly annexed City of Palm Coast lands that are currently designated Flagler County conservation (a majority of the area) and agriculture and timberlands. Section 163.3177(4)(a), F.S. requires coordination of the Comprehensive Plan with the comprehensive plan of adjacent municipalities. Policies 7.1.5.2 and 7.1.5.4 of the City’s Intergovernmental Element states that, “The City shall coordinate its Plan and amendments thereto with the comprehensive plans of the cities of Bunnell and Flager Beach [and Flagler and St. Johns Counties].” The City has not demonstrated coordination with Flagler County regarding the proposed urbanization of the NCOA. This lack of coordination creates an internal inconsistency with the County’s own comprehensive plan, which is inconsistent with Section 163.3177(2), F.S. Also, the proposed amendment is inconsistent with Intergovernmental Coordination Policy 7.1.6.2.D. that states, “The City shall address potential impacts that may result from development proposed in the Plan upon Flagler County by: Coordinating the conservation and protection of wetlands, natural resources and other environmentally sensitive areas that exist within the jurisdiction of one or more local governments.”

[Sections 163.3177(2), (4)(a), & (10), 163.3187(2), 187.201(9)(b)1.,3.,7.,10., and (15)(b)2., 6. and (21)(b)3. and (25)(b)7., F.S. Rules 9J-5.005(2) and (5), F.A.C.]

Recommendation: Do not adopt the proposed amendment.

6. Objection: FLUE Policies 1.8.1.1 and 1.8.1.2 state that new development that requires rezoning shall be implemented through a comprehensive plan amendment. These policies are establishing when a comprehensive plan amendment is required and states it is required when new development requires rezoning. This is inconsistent with Section 163.3194(1)(a), F.S., which says all development shall be consistent with the comprehensive plan (whether the development is consistent with the zoning or not). Therefore, any development, which is proposed must be consistent with the comprehensive plan, and if a use is proposed that is not, a comprehensive plan amendment must first be adopted to allow it.

[Section 163.3194(1)(a), 163.3177(6)(a), 187. 201(25)(b)5 F.S.]

Recommendation: Do not adopt the proposed amendment.

7. Objection: The Transportation Element Future Functional Classification Map and the Data and Analysis, included in multiple places but specifically on page 2-10, proposes a network of roads in the NCOA including the Palm Coast Parkway Extension, Hargrove Grade Road Extension, Matanzas Woods Extension and north-south connector between the proposed Neoga Lakes DRI and the proposed Old Brick Township DRI. All these road improvements would fragment the primary wildlife habitat of the Florida Black Bear, adversely affect the Florida Black Bear, and are not consistent with the following requirements of Rule 9J-5, F.A.C.: to conserve, appropriately use, and protect wildlife and wildlife habitat (Rule 9J-5.013(2)(b)4., F.A.C.); restriction of activities known to adversely affect the survival of endangered and threatened wildlife (Rule 9J-5.013(2)(c)5., F.A.C.); the protection and conservation of the natural functions of wildlife habitats (Rule 9J-5.013(2)(c)6., F.A.C.); and the protection of natural resources (Rule 9J-5.006(3)(b)4., F.A.C.)

[Section 163.3177(6)(a) & (d), F.S. and Rule 9J-5.006(3)(b); 187.201(25)(b)5. & 7.; and 9J-5.013(2), F.A.C.]

Recommendation: Do not adopt the proposed amendment.

B. The Department has identified the following Objections to the Comprehensive Plan Update Amendments:

1. Objection (Population Projections and Need): The proposed 2035 comprehensive plan update is not based on population projections and need analysis that are professionally acceptable because they are based on flawed and unsubstantiated assumptions. For instance, the assumption that the City will capture 91.4 percent of the County's growth rate throughout the planning timeframe is not justified. In addition, as indicated elsewhere in this report, the area proposed to be included in the NCOA is unsuitable for the type, densities, and intensities of uses proposed and if the redesignation does not go into effect, it is likely the capture rate will decline. Furthermore, the assumptions do not take into account the capacity of other areas within the County, both incorporated and unincorporated, which may accommodate a larger share of the future growth.

In the population projections, the methodology states that the City's population will continue to grow at the rate it has been growing because the NCOA will be available for urban growth. Then in the needs analysis, the analysis states, in the introductory paragraph on page 1-41, that the annexations "are necessary to ensure sufficient land use allocations to maintain the City's historic share of population growth." This constitutes a circular argument. It is not plausible to assume that growth will occur simply because there is an available supply of land or the potential for providing infrastructure and services, particularly if that land is otherwise determined unsuitable for intense development. Also, other flaws with the needs analysis include the following:

- The data, data sources, and descriptions of the methodologies are not provided in several instances. For example, Table 1.18 does not include acreage amounts and densities for some categories; does not explain how maximum capacities were estimated; and does not explain the relationship among the DRIs and other categories. Also, Table 1.20 does not explain the relationship of housing types and densities to land use categories.
- Assumptions regarding densities, intensities, and mix of uses are not linked to policies in the comprehensive plan.
- The analysis assumes that the City will attain a 65 percent work force by 2035 without justifying why 65 percent is reasonable.
- The acreage demands are based on a 0.2 FAR. While this may be the case in the already built part of the City, the City's non-residential land use categories provide for more intense/higher FARs and, therefore, the vacant land designated for non-residential land use could justifiably be built at a higher intensity than a FAR of 0.20 and there would, therefore, be less demand for land for residential development.

[Sections 163.3177(1), (2), (6)(a), (8) & (10)(e); 163.3177(8) and (10); 187.201(15)(b)1.-6., (25)(b)5. & 7., F.S.; Rules 9J-5.005(2 and 5); and 9J-5.005(2); 9J-5.006(1) – (5), F.A.C.]

Recommendation: Revise the data and analysis to include a methodology based on plausible assumptions that are consistent with the goals, objectives and policies of the plan. Provide all supporting data, data sources, and description of the methodologies. Provide an explanation as to why a 65 percent work force is reasonable and consistent with and supported by the plan. Increase the FAR to be consistent with the plan's adopted land use intensities and that supports an energy efficient land use pattern.

2. Objection (Internal Inconsistency- Planning Timeframe): The proposed update to the comprehensive plan includes an updated planning timeframe to 2035. While the amendment includes projects and funding for potable water and wastewater public facilities through 2035, it does not include an analysis and identification of projects needed for public school and solid waste facilities. A Public School Facilities Element data and analysis Addendum was included, but it only projects out the whole County's projected number of school age children to 2035 and does not provide an analysis of how these new children will be accommodated.

The Infrastructure Element Summary on Solid Waste states the City's solid waste disposal needs will be met until 2026. There is no discussion regarding solid waste needs between 2026 and the proposed timeframe of the comprehensive plan of 2035.

While the Transportation Element includes a list of roads that are projected to not meet their adopted LOS standards in 2035, it does not include the following for projected long-term planning timeframe: (1) the impact of the vehicle trips on the projected operating level of service of roadways for the long-term planning timeframe; (2) the need for road improvements (scope and timing) to maintain the adopted level of service standards for roadways; (3) coordination of any needed road improvements with the Transportation and Capital Improvements Elements; and (4) coordination of road improvements with the Florida Department of Transportation.

[Sections 163.3177(2), (4), (5)(a), (6)(b), (c), & (j), (8), (10)(e) & (12); 187. 201(19)(b)3., (25)(b)5. F.S.; and Rules 9J-5.005(2), (3), (4), (5), and (6); 9J-5.0055(2); 9J-5.011; 9J-5.016; 9J-5.019; 9J-5.025, F.A.C.]

Recommendation: Revise the Public School Facilities, Infrastructure, and Transportation Elements to include data and analysis that demonstrates the facilities will meet their adopted LOS Standard through 2035. If any of the public facilities are projected to not meet the adopted LOS standard, then include in the plan the projects that will allow the LOS standard to be met and demonstrate that the standard will be met. If any facility is projected to be deficient in the short-term planning timeframe, the Five-year Schedule of Capital Improvements needs to be revised to include the improvements needed and coordinated with the Flagler County School District and Florida Department of Transportation to maintain the adopted level of service standard. If any facility is projected to be deficient in the long-range planning timeframe, the City should maintain in the Capital Improvements Element a list of the improvements that are projected to be needed in the planning timeframe but beyond the five years covered by the adopted capital improvements schedule. This list need not include any cost estimates for the improvements. The City must use this list when it adopts the mandatory annual update of the capital improvements schedule. Improvements needed to achieve and maintain adopted level of service standards within the next five years should be moved from the list into the financially feasible five-year schedule, along with a cost estimate and funding source.

3. Objection (Density and Intensity Standards): The proposed revision to FLUE Policy 1.1.1.1(G) proposes to reference the DRI's development order and approved development program or include a footnote on the FLUM with a site specific policy. Since Policy 1.1.1.1 (G) proposes to reference a document outside of the comprehensive plan, which can be changed without a FLUM amendment, this does not meet the requirements of Section 163.3177(6)(a), F.S. and Rule 9J-5.006(3)(c)7., F.A.C., which state all FLUM categories must have density and intensity standards. Because the development order is outside of the comprehensive plan and may be amended without a comprehensive plan amendment, FLUE Policy 1.1.1.1(G) does not provide predictable or meaningful standards for the use and development of land pursuant to Rule 9J-5.005(6), F.A.C.

[Sections 163.3177(6)(a); 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. and Rule 9J-5.005 (6); 9J-5.006 (3) and (4), F.A.C.]

Recommendation: Revise FLUE Policy 1.1.1.1(G) to delete the language regarding referencing the DRI's development order and approved development program. In addition clarify that the footnote on the FLUM will identify all uses allowed on the site and their related number of dwelling units and square footage.

4. Objection (Density and Intensity Standards): The FLUE land use categories rely on a table after FLUE Policy 1.1.1.2 and the corresponding zoning categories to set the intensity and density standards for the categories. A proposed change to FLUE Policy 1.1.1.2 states that the zoning districts **may be amended from time to time**. This phrase leads to unpredictability in regards to the maximum densities and intensities for each future land use designation and therefore, is inconsistent with the requirements of Section 163.3177(6)(a), F.S. and Rule 9J-5.006(3)(c)7., F.A.C., which state all FLUM categories must have density and intensity standards.

[Sections 163.3177 (6)(a); 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. and Rule 9J-5.005(6); 9J-5.006(3) and (4), F.A.C.]

Recommendation: Delete the phrase “may be amended from time to time” in FLUE Policy 1.1.1.2.

5. Objection (Density and Intensity Standards): The Conservation and Preservation FLUM categories, shown in the table with FLUE Policy 1.1.1.2 should include density and intensity standards pursuant to Section 163.3177(6)(a), F.S. and Rule 9J-5.006(3)(c)7., F.A.C., which state all FLUM categories must have density and intensity standards.

[Sections 163.3177(6)(a); 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. and Rule 9J-5.005 (6); 9J-5.006 (3) and (4), F.A.C.]

Recommendation: Revise the Conservation and Preservation FLUM categories, as listed in the table with FLUE Policy 1.1.1.2, to include density and intensity standards appropriate for these categories.

6. Objection (Intensity Standards): Existing FLUE Policy 1.1.1.3 proposes to adopt an average city-wide FAR of 0.20. This proposed city-wide FAR is not meaningful and predictable because it does not state whether the city-wide FAR will be based on all the land use categories or on just the mixed use and then just the industrial designated lands. If the FAR is only meant for the single category then this low intensity of a FAR could lead to an urban sprawl type pattern and an energy inefficient land use pattern. Also, this low intensity will limit the City's ability to attract and support increased employment.

[Sections 163.3177(6)(a); 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. and Rule 9J-5.005(6); 9J-5.006(3),(4) and (5), F.A.C.]

Recommendation: Revise FLUE Policy 1.1.1.3 to a more intensive FAR. Alternatively, clearly state how this FAR will be calculated and demonstrate that the FAR is appropriate for urban type of development that will not lead to an urban sprawl pattern type of development.

7. Objection (Density Standards): Existing FLUE Policy 1.1.1.2 proposes to delete the Village Center and Neighborhood Scale Village Center zoning districts listed under the Mixed Use Land Use Category that contained the density standards for the Mixed Use Land Use Category. This proposed amendment is inconsistent with the requirements of Section 163.3177(6)(a), F.S. and Rule 9J-5.006(3)(c)7., F.A.C., which state all FLUM categories must have density standards.

[Sections 163.3177(6)(a); 187.201(7)(b)5., (15)(b)1.-6., (25)(b)7., 380.06, F.S. and Rule 9J-5.005(6); 9J-5.006(3),(4) and (5), F.A.C.]

Recommendation: Revise FLUE Policy 1.1.2 to include density standards for the Mixed Use Land Use Category.

8. Objection (Internal Inconsistency): Conservation Element Policy 6.1.13.4 proposes to strike bald eagles and wood storks from the list requiring developers to provide permits for listed and endangered species before the start of construction occurs. Wood storks are still a listed species and the bald eagle must still have a state management plan, therefore, this proposed change is internally inconsistent with Conservation Element Objective 6.1.13 and underlying Policy 6.1.13.1 that states the City shall protect endangered and threatened species. Also, the proposed change is inconsistent with Section 163.3177(6)(d), F.S. and Rule 9J-5.013(1)and (2), F.A.C., which states the comprehensive plan must include policies for the protection of the listed species and their potential habitat.

[Sections 163.3177(2), (6)(a) & (d), and (10); 163.3187(2); 187.201(25)(b)5. & 7., F.S.; Rules 9J-5.005(5); and 9J-5.013, F.A.C.]

Recommendation: Revise Conservation Element Policy 6.1.13.4 to include wood storks as a listed species. Also, revise the Policy or add an additional policy stating that bald eagles require a state management plan.

9. Objection: The amendment package does not include an Energy Conservation Areas Map or include Conservation Element policies addressing energy conservation pursuant to Section 163.3177(6)(d), F.S.

[Sections 163.3177(6)(d); 187. 201 (25)(b)5, F.S. and Rule 9J-5.013(2)(c), F.A.C.]

Recommendation: Revise the amendment package to include an Energy Conservation Areas Map in the FLUE map series and include policies in the Conservation Element to address energy conservation pursuant to Section 163.3177(6)(d), F.S.

10. Objection: (Internal Inconsistency between the City's Water Supply Plan list of projects and the Five-year Schedule of Capital Improvements) The Infrastructure Element's Water Supply Plan has proposed changes (deletions and additions) in the short-term time frame. However the included Five-year Schedule of Capital Improvements does not reflect the changes made in the Water Supply Plan's Short-term Work Plan. This is inconsistent with Rule 9J-5.016(2)(b) and (e), F.A.C., which states that the Capital Improvements Element shall be based on the needs identified in other comprehensive plan elements and use the timing and location of capital improvements to public facilities to support efficient land development goals, objectives and policies in the future land use element.

[Sections 163.3167(13); 163.3177(2), (3), (4), (5)(a), (6)(c) & (d), (8), (10)(a); 163.3187(2), 187.201(7)(b)5., and (15)(b)1., (17)(b)1.-7., 9. and 10., (25)(b)7., F.S.; and Rules 9J-5.005(2), (3) and (5); 9J-5.006(2)(a) and (3)(c); 9J-5.011(1) and (2); 9J-5.013(1)(c); 9J-5.016, F.A.C.]

Recommendation: Revise the Five-year Schedule of Capital Improvements to include the projects listed in the Water Supply Plan's Short-term Work Plan.

11. Objection (CHHA): The comprehensive plan map series includes a Coastal High Hazard Area (CHHA) map. However this map shows the category 1 and 2 hurricane storm surge as one category, which is inconsistent with Section 163.3178(2)(h), F.S., which states the CHHA is the area below the elevation of the category 1 storm surge lines as established by the a Sea, Lake, and Overland Surges from Hurricanes computerized storm surge model.

[Section 163.3177(4)(a) , (6)(a) & (d); 163.3178(2)(h), 187.201(25)(b)5. & 7. F.S. and Rule 9J-5.005(2)(a) and (5)(b); 9J-5.006(1)(a), F.A.C.]

Recommendation: Revise the CHHA map to show a CHHA boundary that is consistent with Section 163.178(2)(h), F.S., which states the CHHA is the area below the elevation of the category 1 storm surge lines as established by the a Sea, Lake, and Overland Surges from Hurricanes computerized storm surge model.

C. The Department has identified the following Comments to the NCOA and Comprehensive Plan Update Amendments:

1. Comment: The FLUE data and analysis section regarding the NCOA, on page 1-6, includes statements that, in order, "to promote this planning process (working with agencies regarding listed species and wetlands), so as to avoid the unintended consequence of other state and federal agencies determining any ecological protections contemplated under this NCOA or implementing amendments do not qualify for full mitigation credit in their respective regulatory processes simply because they were made prior to the filing of necessary applications in their processes. Developers shall received fully mitigation credit for any preservation, enhancement, restoration, and/or creation related to the ecological greenway corridors without regard to any ecological designations or protections provided for under this NCOA or implementing amendments." This language is not clear as to whether or not the City is encroaching on the SJRWMD's or FDEP's regulatory authority.

2. Comment: Inconsistencies found in the Transportation Element include the following: (1) Table 2-1: LOS Table on page 2-7, does not include a segment identified as not meeting its LOS Standard in Map DA-2.4: Existing Peak Hour Roadway LOS Performance (Belle Terre Parkway between Palm Coast Parkway (EB) and Cypress Point Parkway); (2) Table 2.2 on page 2-9 lists Belle Terre Parkway between Pine Lakes Parkway and Palm Coast Parkway as being widened to a six-lane segment by 2012; however, Map DA-2.8a: 2015 Number of Lanes shows Belle Terre Parkway as a four-lane segment; and (3) Map DA-2.8a: 2015 Number of Lanes shows Belle Terre Parkway between SR 100 and US 1 as a four-lane roadway; however, the improvement is not listed in Table 2.2: Funded Roadway Projects (2009/10- 2013/14).

3. Comment: Proposed Transportation Element Policy 2.1.10.3 states that the City shall implement programs to provide a safe, convenient, and energy efficient multimodal transportation system, thereby reducing vehicle miles traveled and greenhouse gas emissions. There are no specific actions included in the policy regarding how the City intends to meet this policy; however, the City's comprehensive plan includes many Transportation Element objective and policies (regarding interconnectivity, bicycle and pedestrian planning, transit planning, etc.) that would fulfill the requirements of HB 697 and this policy should reference those policies.

4. Comment: The City indicates on page 3-2, in the Housing Element Summary, that the City's expansion from 50 square miles at the time of incorporation to its current size of more than 89 square miles will provide opportunities for the City to meet its future housing need and to increase the diversity of housing stock in the City of Palm Coast. The City has expanded into lands for the NCOA; however, as indicated in the ORC Report for the City of Palm Coast's 09-D1 and 10-D1 amendments, the Department has many reservations about this area due to the suitability of the site for urban development, as well as, objections including urban sprawl, need, and coordination with adjacent local governments. The Department believes this site is not suitable for urban type of intensities and densities. Also, the Housing Element does not have policies to ensure that a diversity of housing types is achieved.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN, CHAPTER 187, F.S.

The proposed amendment is inconsistent with the goals and policies of the State Comprehensive Plan, Chapter 187.201, Florida Statutes, as identified under each of the objections contained in the preceding section of this report.

Recommendation: Revise the amendment, if recommended, under each objection to reconcile the inconsistencies with the State Comprehensive Plan. When the recommendation is "do not adopt the proposed amendment", this is the recommendation to reconcile the inconsistencies with the State Comprehensive Plan.



"Suber, Tracy"
<Tracy.Suber@fldoe.org>
05/06/2010 11:13 AM

To <Jeannette.Hallock-Solomon@dca.state.fl.us>
cc <juddM@flaglerschools.com>, "Billy, Pam"
<BillyP@FlaglerSchools.com>
bcc

Subject Palm Coast 10-1

History: This message has been forwarded.

Hi Jeannette –

Sorry these comments are late – the city didn't send the amendment package to FDOE and I just saw it on Anita's compliance meeting schedule memo for next week. The amendment includes a plan update to extend the long-term planning horizon. Data and analysis to support the update project significant population increases and the policies propose increased residential densities. The city, however, did not update the public school facilities element to ensure internal consistency. Further the city did not provide analysis of the increased residential densities on public school facilities to demonstrate the adopted level of service standards for public school facilities will be maintained. The amendment would be improved if revised to address coordination with the public school facilities element and capital improvements element.

Please let me know if you have any questions.

Tracy

Tracy D. Suber
Educational Consultant-Growth Management Liaison
Office of Educational Facilities
Florida Department of Education
325 West Gaines Street, Suite 1014
Tallahassee, Florida 32399-0400
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Jose Papa
<jpapa@ci.palm-coast.fl.us>

03/23/2010 02:11 PM

To "Pizzo, Judy" <Judy.Pizzo@dot.state.fl.us>, "Anita.Franklin@dca.state.fl.us" <Anita.Franklin@dca.state.fl.us>
cc "Decuir, Lance" <Lance.Decuir@dot.state.fl.us>, "Weiss, Jon" <Jon.Weiss@dot.state.fl.us>, "Dutel, Dorothy" <Dorothy.Dutel@dot.state.fl.us>, "Claridge Kay

bcc

Subject RE: Palm Coast 10-2 (proposed)

Judy & Lance:

The City of Palm Coast's proposed Comprehensive Plan Amendment was sent on Thursday March 18. I have just sent by "YouSendIt" the complete package (it's about 68 Mgs). If you did not receive it. Please let me know and I will overnight a CD.

Thank you.

Jose Papa, AICP
Senior Planner/Long Range Planning
Community Development Department
City of Palm Coast
160 Cypress Point Pkwy. Suite B-106
Palm Coast, FL 32137
TEL. (386)-986-2469
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The 2010 Census: What's in it For You?

An undercounting of 1,000 residents could mean a loss of millions of dollars for Flagler County . Governments use census data to allocate billions of dollars in funding for education , public safety, housing, roads, public transportation, and other community services . It also determines representation in the federal and state legislatures. Census data helps attract new businesses and jobs to our community . Please complete and mail back your form, and encourage your family, friends and neighbors to do the same . Our census numbers stick with us for 10 years so let's make sure that **FLAGLER COUNTS!**

From: Pizzo, Judy [mailto:Judy.Pizzo@dot.state.fl.us]

Sent: Tuesday, March 23, 2010 1:46 PM

To: Anita.Franklin@dca.state.fl.us

Cc: Jose Papa; Decuir, Lance; Weiss, Jon; Dutel, Dorothy; Claridge Kay (kclaridge@gmb.cc); Ray.Eubanks@dca.state.fl.us; brenda.winningham@dca.state.fl.us

Subject: RE: Palm Coast 10-2 (proposed)

Importance: High

Anita – This proposed comprehensive plan amendment package has not been received in this office for review. By copy of this email we are requesting the City of Palm Coast provide a copy for our review. This should go to the attention of Lance Decuir, P.E. at 133 S. Semoran Blvd, Orlando, FL 32807. We accept either hard copies or CD.

Judy Pizzo, GISP
System Planner
FDOT, District 5, CUD
Voice: +07.482.7880

Please consider the impact on the environment
and your responsibility before printing this e-mail
"D5 - One Mission, One Team, One Voice"

From: Anita.Franklin@dca.state.fl.us [mailto:Anita.Franklin@dca.state.fl.us]
Sent: Friday, March 19, 2010 1:27 PM
To: Allena.Nelson@dep.state.fl.us; SHARP@DOS.STATE.FL.US; Pizzo, Judy; elehman@nefrpc.org;
jcole@sjrwmd.com; tracy.suber@fldoe.org; lisa.sparkman@fldoe.org
Subject: Palm Coast 10-2 (proposed)

We are committed to maintaining the highest level of service and we value your feedback. Please complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. However, if you require direct assistance or a response, please visit <http://www.dca.state.fl.us/contactus/>.

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"Pizzo, Judy"
<Judy.Pizzo@dot.state.fl.us>
>
03/23/2010 01:45 PM

To "Anita.Franklin@dca.state.fl.us"
<Anita.Franklin@dca.state.fl.us>
cc Jose Papa <jpapa@ci.palm-coast.fl.us>, "Decuir, Lance"
<Lance.Decuir@dot.state.fl.us>, "Weiss, Jon"
<Jon.Weiss@dot.state.fl.us>, "Dutel, Dorothy"
bcc

Subject RE: Palm Coast 10-2 (proposed)

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Judy Pizzo, GISP
System Planner
FDOT, District 5, OUD
Voice: 407.482.7880

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and your responsibility before printing this e-mail
"D5 - One Mission, One Team, One Voice"

From: Anita.Franklin@dca.state.fl.us [mailto:Anita.Franklin@dca.state.fl.us]
Sent: Friday, March 19, 2010 1:27 PM
To: Allena.Nelson@dep.state.fl.us; SHARP@DOS.STATE.FL.US; Pizzo, Judy; elehman@nefrpc.org;
jcole@sjrwmd.com; tracy.suber@fldoe.org; lisa.sparkman@fldoe.org
Subject: Palm Coast 10-2 (proposed)

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St. Johns River Water Management District

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

04BW
4/29
lw

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

On the Internet at floridaswater.com.

April 19, 2010

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

APR 29 2010

Re: City of Palm Coast Proposed Comprehensive Plan Amendment
DCA Amendment #10-2

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 text changes to each element of the City of Palm Coast's (City's) comprehensive plan to extend the planning horizon to 2035; address the energy efficiency and greenhouse gas legislative requirements; add a Northwest Corridor Overlay Area (NCOA) to the Future Land Use Element (FLUE); update the water supply facilities work plan (work plan) that is an exhibit to the Infrastructure Element (IE); and update the 5-year capital improvements schedule (CIS) in the Capital Improvements Element (CIE). 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. District comments are provided below.

Text changes related to the NCOA

District staff completed a pre-transmittal review of the NCOA goals, objectives, and policies (GOPs) and provided comments to the City on February 22, 2010. The comments remain valid and are incorporated in this letter as item 3 below. New comments are provided as items 1 and 2.

1. Within the data and analysis, under the "Standards for the Provision of Sustainable Development" subheading, the City states the following:

"To promote this planning process, and so as to avoid the unintended consequence of other state and federal agencies determining any ecological protections contemplated under this NCOA or implementing amendments do not qualify for full mitigation credit in their respective regulatory processes simply because they were made prior to the filing of necessary applications in their processes. Developers shall receive full mitigation credit for any preservation, enhancement, restoration, and/or creation related to the ecological greenway corridors without regard to any ecological designations or protections provided for under this NCOA or implementing amendments."

GOVERNING BOARD

W. Leonard Wood, CHAIRMAN
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GAINESVILLE

Arlen N. Jumper
FORT MCCOY

John A. Miklos
ORLANDO

It is difficult to ascertain from the text whether the referenced mitigation credits relate to a City environmental review process or a separate permitting process conducted by a regulatory agency such as the District or the Florida Department of Environmental Protection (FDEP). Please be advised that a regulatory agency's permitting process cannot be altered by a local government's comprehensive plan. The City should clarify the above-captioned text with the understanding that it cannot encroach on the District's or FDEP's regulatory permitting authority.

2. District records indicate that a portion of the 2,945-acre Brick Road Mitigation Bank (including 819 acres encumbered by a conservation easement granted to the District) is located inside the NCOA but outside the Palm Coast municipal limits. Proposed FLUE Policy 1.8.1.6 states that the City will seek to annex properties outside the city that are located in the NCOA. The City should add a policy to the NCOA GOPs requiring that an application for development in an area adjacent to the mitigation bank include an assessment of how the development would affect the mitigation bank. The assessment may result in a determination by the District that additional mitigation is required for secondary impacts that will occur as a result of the development.
3. The District recommends that the NCOA GOPs be revised to include:
 - a. Firewise language. The City should require that property within the NCOA be developed using firewise principals. For example, buildings should be set back as far as possible from conservation areas to provide as much defensible space as possible; a development's on-site stormwater management system should be located on that portion of property nearest a conservation area boundary.
 - b. Language regarding the District's natural resource land management practices. The City should ensure that any future land use designation within the NCOA allows the District's natural resource land management practices, including but not limited to: prescribed fire, silviculture, exotic and nuisance plant and animal removal/control, and restoration of natural communities, which can include mechanical manipulation of vegetation, the use of herbicides, or other accepted land management practices.
 - c. Language to ensure that future homeowners, lessees, and residents within the NCOA are aware of the natural resource land management practices. The City should add a policy that requires that a covenant be placed on properties near or adjacent to public conservation or preservation land to notify future owners or residents that near or adjacent public land will be managed by natural resource land management practices, including prescribed fire and other techniques.
 - d. Language to ensure that public spaces (green space, open space, stormwater treatment systems) within developments will be managed and maintained in perpetuity. Public property within a development that is not encumbered by a conservation easement needs some safeguard for long-term care and management. The City should ensure that an adequate legal entity will be established and funding will be allocated for care and maintenance in perpetuity of public spaces within private developments.
 - e. Designated green spaces. The City should require that designated green spaces within private developments be available to the public.

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Letter to D. Ray Eubanks (

April 19, 2010

Page 6 of 6

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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,



Jeff Cole, Director

Office of Communications and Governmental Affairs

JC/cf

cc: Jim Landon, City of Palm Coast
Beau Falgout, City of Palm Coast
Jose Papa, City of Palm Coast
Denise Bevan, City of Palm Coast
Richard Adams, City of Palm Coast
Brian Matthews, City of Palm Coast
Kirby Green, St. Johns River Water Management District
Kraig McLane, St. Johns River Water Management District
Geoff Sample, St. Johns River Water Management District
Tara Boonstra, St. Johns River Water Management District
Jim Quinn, Florida Department of Environmental Protection
Ed Lehman, Northeast Florida Regional Council

4 BW

Jeannette
Hallock-Solomon/DCA/FLEO
C

04/19/2010 02:57 PM

To Ray Eubanks/DCA/FLEOC@fleoc, Brenda
Winningham/DCA/FLEOC@fleoc

cc

bcc

Subject Fw: FDACS LGCP Amendment Review

Jeannette Hallock-Solomon
Planning Analyst
Comprehensive Planning
Department of Community Affairs
(850)922-1809
(850)488-3309 (fax)
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

— Forwarded by Jeannette Hallock-Solomon/DCA/FLEOC on 04/19/2010 02:55 PM —



"Scott, W Ray"
<scottra@doacs.state.fl.us>

04/19/2010 02:55 PM

To <Jeannette.Hallock-Solomon@dca.state.fl.us>

cc

Subject RE: FDACS LGCP Amendment Review

We will not comment on Palm Coast 10-2, and we are still reviewing St Johns Co 10-2ER.

W. Ray Scott
Conservation & Water Policy Federal Programs Coordinator
Office of Agricultural Water Policy
Florida Department of Agriculture and Consumer Services
The Capitol (PL-10)
Tallahassee, FL 32399-0810
(office) 850-410-6714
(mobile) 850-544-9871
(fax) 850-922-4936

From: Jeannette.Hallock-Solomon@dca.state.fl.us [mailto:Jeannette.Hallock-Solomon@dca.state.fl.us]

Sent: Monday, April 19, 2010 2:38 PM

To: Scott, W Ray

Subject: Re: FDACS LGCP Amendment Review

Mr. Scott-

Is the Department going to comment on Palm Coast 10-2 or St. Johns County 10-2ER?

Thanks,
Jeannette Hallock-Solomon
Planning Analyst
Comprehensive Planning
Department of Community Affairs
(850)922-1809
(850)488-3309 (fax)

2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

"Scott, W Ray"
<scottra@doacs.state.fl.us>

04/19/2010 02:31 PM

To "Ray Eubanks" <Ray.Eubanks@dca.state.fl.us>
cc "Jeannette Haillock-Solomon" <Jeannette.Haillock-Solomon@dca.state.fl.us>, "Bernard Plawah" <Bernard.Plawah@dca.state.fl.us>, "Brenda Winningham" <Brenda.Winningham@dca.state.fl.us>, "James Stansbury" <James.Stansbury@dca.state.fl.us>, "Susan Poplin" <Susan.Poplin@dca.state.fl.us>
Subject: FDACS LGCP Amendment Review

Mr. Eubanks:

FDACS has reviewed the following LGCP amendments and has no objections, recommendations, or comments:

Seminole County 10-1
Walton County 10PWSP-1
Duval County/Jacksonville 10-1ARA
St Johns County 10D1
DeSoto County 10PEFE-1
Duval County/Jacksonville 10-1ARB
Manatee County 10-1

Please call if you have any questions or comments:

W. Ray Scott
Conservation & Water Policy Federal Programs Coordinator
Office of Agricultural Water Policy
Florida Department of Agriculture and Consumer Services
The Capitol (PL-10)
Tallahassee, FL 32399-0810
(office) 850-410-6714
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We are committed to maintaining the highest level of service and we value your feedback. Please complete our [Customer Service Survey](#). If you require direct assistance or a response, please [visit our Contact Page](#).



St. Johns River Water Management District

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

4 BW
4/19/10

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

April 19, 2010

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 #10-2

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 text changes to each element of the City of Palm Coast's (City's) comprehensive plan to extend the planning horizon to 2035; address the energy efficiency and greenhouse gas legislative requirements; add a Northwest Corridor Overlay Area (NCOA) to the Future Land Use Element (FLUE); update the water supply facilities work plan (work plan) that is an exhibit to the Infrastructure Element (IE); and update the 5-year capital improvements schedule (CIS) in the Capital Improvements Element (CIE). 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. District comments are provided below.

Text changes related to the NCOA

District staff completed a pre-transmittal review of the NCOA goals, objectives, and policies (GOPs) and provided comments to the City on February 22, 2010. The comments remain valid and are incorporated in this letter as item 3 below. New comments are provided as items 1 and 2.

1. Within the data and analysis, under the "Standards for the Provision of Sustainable Development" subheading, the City states the following:

"To promote this planning process, and so as to avoid the unintended consequence of other state and federal agencies determining any ecological protections contemplated under this NCOA or implementing amendments do not qualify for full mitigation credit in their respective regulatory processes simply because they were made prior to the filing of necessary applications in their processes. Developers shall receive full mitigation credit for any preservation, enhancement, restoration, and/or creation related to the ecological greenway corridors without regard to any ecological designations or protections provided for under this NCOA or implementing amendments."

GOVERNING BOARD

William Wood, Chairman
Citrus County

Henry Henry, Chairman
Citrus County

John Hester
Citrus County

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Citrus County

Douglas C. Bennett
Citrus County

Michael E. Smith
Citrus County

Margaret H. Gaudin
Citrus County

Richard G. Hamann
Citrus County

Adam M. Hester
Citrus County

4/19/10

It is difficult to ascertain from the text whether the referenced mitigation credits relate to a City environmental review process or a separate permitting process conducted by a regulatory agency such as the District or the Florida Department of Environmental Protection (FDEP). Please be advised that a regulatory agency's permitting process cannot be altered by a local government's comprehensive plan. The City should clarify the above-captioned text with the understanding that it cannot encroach on the District's or FDEP's regulatory permitting authority.

2. District records indicate that a portion of the 2,945-acre Brick Road Mitigation Bank (including 819 acres encumbered by a conservation easement granted to the District) is located inside the NCOA but outside the Palm Coast municipal limits. Proposed FLUE Policy 1.8.1.6 states that the City will seek to annex properties outside the city that are located in the NCOA. The City should add a policy to the NCOA GOPs requiring that an application for development in an area adjacent to the mitigation bank include an assessment of how the development would affect the mitigation bank. The assessment may result in a determination by the District that additional mitigation is required for secondary impacts that will occur as a result of the development.
3. The District recommends that the NCOA GOPs be revised to include:
 - a. Firewise language. The City should require that property within the NCOA be developed using firewise principals. For example, buildings should be set back as far as possible from conservation areas to provide as much defensible space as possible; a development's on-site stormwater management system should be located on that portion of property nearest a conservation area boundary.
 - b. Language regarding the District's natural resource land management practices. The City should ensure that any future land use designation within the NCOA allows the District's natural resource land management practices, including but not limited to: prescribed fire, silviculture, exotic and nuisance plant and animal removal/control, and restoration of natural communities, which can include mechanical manipulation of vegetation, the use of herbicides, or other accepted land management practices.
 - c. Language to ensure that future homeowners, lessees, and residents within the NCOA are aware of the natural resource land management practices. The City should add a policy that requires that a covenant be placed on properties near or adjacent to public conservation or preservation land to notify future owners or residents that near or adjacent public land will be managed by natural resource land management practices, including prescribed fire and other techniques.
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Letter to D. Ray Eubanks

April 19, 2010

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Sincerely,



Jeff Cole, Director

Office of Communications and Governmental Affairs

JC/cf

cc: Jim Landon, City of Palm Coast
Beau Falgout, City of Palm Coast
Jose Papa, City of Palm Coast
Denise Bevan, City of Palm Coast
Richard Adams, City of Palm Coast
Brian Matthews, City of Palm Coast
Kirby Green, St. Johns River Water Management District
Kraig McLane, St. Johns River Water Management District
Geoff Sample, St. Johns River Water Management District
Tara Boonstra, St. Johns River Water Management District
Jim Quinn, Florida Department of Environmental Protection
Ed Lehman, Northeast Florida Regional Council



4 BW

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

133 South Semoran Boulevard
Orlando, FL 32807-3230

STEPHANIE C. KOPELOUSOS
SECRETARY

April 16, 2010

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 AMENDMENTS
LOCAL GOVERNMENT: CITY OF PALM COAST
DCA #: 10-2

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed Comprehensive Plan Amendments as requested in your memorandum dated, March 19, 2010.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. We provided the local government a courtesy review on April 8, 2010. **If further information is received from the local government prior to the issuance of the Objection, Recommendations and Comments (ORC) Report, the Department will revise the comments.**

If you have any questions, you may contact me at 407-482-7863 or by e-mail at lance.decur@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,

Lance Decuir, P.E.
Project Manager

attachment

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

File: H:\OOC\Planning\Growth Management\CPA Project Files\Support Documents\CPA Cover Letter Templates\CPA Cover Ltr Template.Doc

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS – ADOPTION PACKAGE

Local Government: Palm Coast
DCA Amendment #: 10-02
Date of DCA's Request Memo: 03/19/10
Review Comments Deadline: 04/18/10
Today's Date: 04/18/10

GENERAL BACKGROUND INFORMATION

The proposed Comprehensive Plan Amendment (Round 2-2010 package) consists of the City's Comprehensive Plan Map and Text Amendment, which includes:

- an extension of the comprehensive plan horizon year from 2020 to 2035 and associated policy changes to reflect extension of planning horizon
- an update of the City's boundaries in the comprehensive plan map series based on best available data
- the creation of an overlay area for the northwestern section of the city, and
- the addition of new objectives and policies to address the requirements of House Bill 697

This review was initially prepared on April 7, 2010 based on the City's transmittal package. A courtesy review was provided to the local government on April 8, 2010. This review is based on the additional information provided by the City after the courtesy review.

Elements

Future Land Use Element, Transportation Element, Housing Element, Infrastructure Element, Conservation Element, Recreation and Open Space Element, Intergovernmental Coordination Element, Capital Improvements Element, and Public School Facilities Element

Rule Reference

Rule 9J-5, F.A.C., Minimum Criteria for Review
Rule 9J-11, F.A.C., Submittal and Review
Section 163.3177, F.S., Required and Optional Elements
Section 163.3184, F.S., Process for Adoption

Background

The City of Palm Coast is located in Flagler County, Florida. The transmittal package consists of the City's comprehensive plan update reflecting the change in the long term planning horizon from 2020 to 2035 and the associated data and analysis changes. The City is currently in the process of preparing an Evaluation and Appraisal Report of the Comprehensive Plan. There are several state roadways located within the City limits – SR 9A-95, SR 100, and SR 5AUS-1. I-95 and SR 100 from I-95 west to Putnam County Line are SIS facilities. A map illustrating the existing LOS of all state roadways within the City is included as Figure 1. Note that the City Limits in Figure 1 do not reflect recent annexations by the City, which have significantly increased the size of the City.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS – ADOPTION PACKAGE

Local Government: Palm Coast

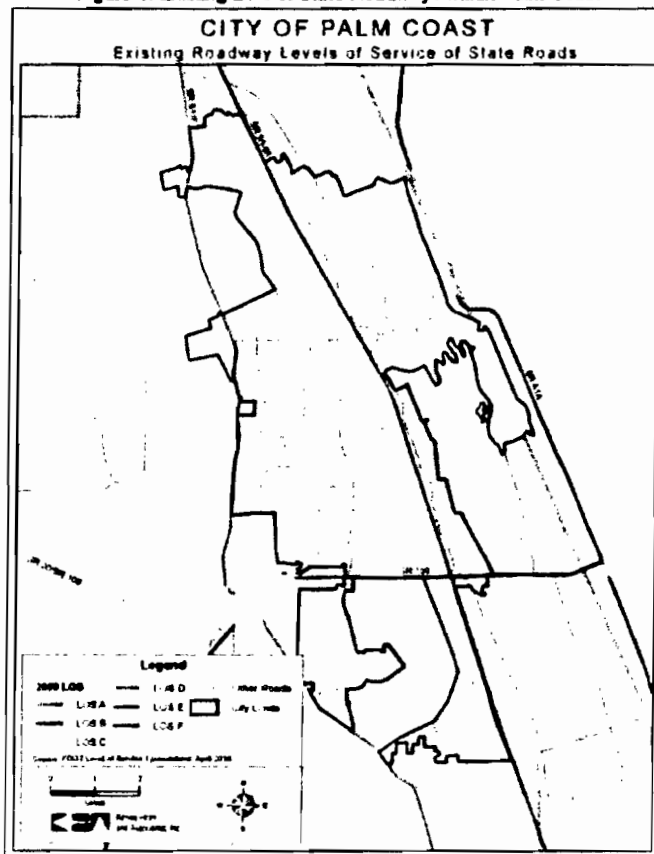
DCA Amendment #: 10-02

Date of DCA's Request Memo: 03/19/10

Review Comments Deadline: 04/18/10

Today's Date: 04/18/10

Figure 1: Existing LOS of State Roadways within Palm Coast



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Table 1 illustrates the existing and projected (2015) LOS evaluation of the two SIS facilities within the City. Both facilities are currently operating at or above their adopted LOS standards based on the latest traffic count information available at FDOT. SR 100 is projected to operate at LOS F between Seminole Woods Parkway and Old Kings Road by 2015.

Table 1: Existing and 2015 Projected LOS on State Roadway Facilities

Roadway Segment	SIS (Y/N)	Adopted LOS Standard	Service Volume	Existing AADT	Existing LOS	2015 AADT	2015 LOS
Interstate 95							
Palm Coast N City Limit Palm Coast Pkwy	Y	C	85,300	45,500	B	54,100	B
Palm Coast Pkwy to SR 100	Y	C	85,300	57,700	B	70,100	C
SR 100 to Palm Coast S City Limit	Y	C	85,300	53,000	B	63,800	C
SR 100							
Belle Terre Pkwy to Seminole Woods Pkwy	Y	C	34,700	23,000	B	29,000	B
Seminole Woods Pkwy to I-95	Y	C	34,700	28,500	B	40,500	F
I-95 to Old Kings Rd	N	D	35,700	27,500	B	37,500	F
Old Kings Rd to Palm Coast E City Limits	N	D	35,700	15,500	B	18,600	B

Source: FDOT LOS_ALL Spreadsheet based on 2008 counts and 2015 estimates

According to the City's Data and Analysis, all roadways within the City are currently (based on 2008 counts) operating at or above their adopted roadway LOS with the exception of Belle Terre Parkway between Pine Lakes Parkway (S) and Cypress Point Parkway. This segment has been identified for improvement in the City's five-year Schedule of Capital Improvements (SCI).

The following segments are projected to operate below their adopted LOS by the year 2015:

- Old Kings Road between SR 100 and Palm Coast City Limit
- Old Kings Road between Town Center Boulevard and Oak Trails Boulevard
- Town Center Boulevard between Royal Palms Parkway and Old Kings Road

Old Kings Parkway has been programmed for widening within the City's five-year SCI. No improvements or alternative approaches have been identified for the other two segments.

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A summary of amendments within the comprehensive plan is provided below by the respective element of the City's comprehensive plan.

Future Land Use Element:

A summary of the amendments to the Future Land Use Element is provided below:

- Update of population and employment projections
- Update of City's boundaries
- Inclusion of Northwest Corridor Overlay Area (NCOA)
- Policy 1.1.1.2 includes addition of new zoning districts including Rural Estate and Preservation and removal of few zoning districts
- Policy 1.1.1.3 reduces the maximum allowable portion of residential within the Mixed Use FLUM designation from 25% to 20% with a cap of 33% for residential units that can be developed at a density equal to or greater than 12 units per acre. The policy also limits the average citywide FAR to 0.2.
- New objective 1.1.8 directing the city to maintain a five-year planning period to ensure financial feasibility and minimum 15-year long-term planning period

Transportation Element:

A summary of the amendments to the Transportation Element is provided below:

- Analysis of short-term (2015) and long-term (2035) conditions
- Revised Policy 2.1.1.1 to remove reference of backlogged facility on Palm Coast Parkway
- Removal of existing Policy 2.1.1.3 to delete reference to temporary LOS standard for Palm Coast Parkway between Old Kings Road and Cypress Point Parkway
- Revised Policy 2.1.1.3 to reflect adopted LOS of SIS and FHHS facilities consistent the Rule 14-94 F.A.C.
- Revised Policy 2.1.2.1 to acknowledge receipt of impact fee credits for fair share payments by proposed developments.
- Revised Policy 2.1.2.2 to acknowledge receipt of impact fee credits for fair share payments by proposed Developments of Regional Impacts (DRIs).
- Revised Policy 2.1.4.3 showing proposed roadway improvements recommended for 2015 and 2035
- Revised Policy 2.1.5.2 to indicate support for an interchange at Matanzas Woods Parkway and I-95
- Revised Policy 2.1.6.1 to pursue additional interchanges along I-95 based on the CFRPM model
- Revised Policy 2.1.7.3 to indicate completion of two additional lanes on Belle Terre Parkway from Belleaire Drive to Matanzas Woods Parkway by 2010

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- Revised Policy 2.1.10.1 indicating City's commitment to develop a Mass Transit Development Plan within five years of plan adoption
- Revised Policy 2.1.10.2 and new policy 2.1.10.3 related to reducing single occupant vehicles and vehicle miles traveled
- New objective 2.1.11 and associated policies to increase employment opportunities within the City along major arterials and strategic mixed use centers
- Revised Policy 2.2.2.2 to include multiuse paths for multimodal considerations in addition to sidewalks and bicycle facilities
- Revised Policy 2.4.4.1 to strengthen coordination with North East Florida Regional Planning Council (NEFRPC) to refine and improve evacuation plans

Housing Element:

A summary of the amendments to the Housing Element that may be relevant to State roadway planning and operations are as follows:

- Determination of affordable Housing Needs
- New Objective 3.3.3 and associated policies stating that the City will promote the design and construction of energy efficient homes through establishment of Green Development incentive program.

Recreation and Open Space Element:

A summary of the amendments to the Recreation and Open Space Element is provided below:

- Update of existing parks and recreational facilities inventory
- Determination of recreation and open space needs through plan horizon year
- Revised Policy 4.2.1.2 adding new projects to the City's desired greenways, trails and open spaces in the Transportation Map Series
- Revised Policies 4.2.2.1, 4.2.2.2, and 4.2.2.3 updating projects to the City's short range, mid range and long range priorities

Infrastructure Element:

The amendments to the Infrastructure Element include minor edits to the goals, objectives and policies and inclusion of projected demand, alternative water supply, and short- and long-term work plan from the 2020 Water Supply Facilities Work Plan.

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Conservation and Coastal Management Element:

The amendments to the Conservation and Coastal Management Element include minor edits to the goals, objectives and policies related to the stormwater management system, sustainable environmental practices, and ensuring consistency with the statewide evacuation study.

Intergovernmental Coordination Element:

The amendments to the Intergovernmental Coordination Element include minor edits to the goals, objectives and policies to include references to the Coquina Coast Seawater Desalination Project and the City of Palm Coast-Flagler County Joint Housing Program.

Capital Improvements Element:

The amendments to the Capital Improvements Element (CIE) goals, objectives, and policies are as follows:

- Minor text edits have been made
- Removal of the adopted LOS of "maintain" for the Palm Coast Parkway between Old Kings Road and Cypress Point Parkway in Exhibit 8.1
- Addition of adopted LOS of "C" for designated SIS facilities in Exhibit 8.1
- New Goal 1.8 and associated objectives and policies related to the Northwest Corridor Overlay Area (NCOA)

Review Comments

Comment 1: FDOT notes that the entire municipality has been defined as a "Dense Urban Land Area" (DULA) under SB 360 and qualifies for designation as a TCEA. The following comment assumes the City maintains its DULA status; however, if the City loses its DULA status, this comment will not apply. TCEAs established under the SB 360 legislation are required to adopt strategies for supporting and funding mobility in the TCEA within two years of the TCEA being designated. Per section 163.3180(5)(b), F.S., these strategies should include alternative transportation modes and are encouraged to reflect the regional vision. FDOT recommends that, as the City updates its Comprehensive Plan to consider the implications of SB 360 as it relates to concurrency exceptions, the City proactively review its current TCEA strategies or considers new strategies to bridge the gap between traditional concurrency requirements and the adoption of a mobility plan within 2 years. FDOT looks forward to working with the City in the future to plan and implement mobility strategies to support and fund transit opportunities, and to develop bicycle and pedestrian connections.

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Comment 2: The following inconsistencies were found within the Transportation Element:

- Table 2.2 (page 2-9) of the Transportation Element lists Belle Terre Parkway between Pine Lakes Parkway and Palm Coast Parkway as being widened to a six lane segment by 2012. However, Map DA-2.8a "2015 Number of Lanes" shows Belle Terre Parkway between Pine Lakes Parkway as a four lane segment.
- Table 2-1 "LOS Table" on page 2-7 shows the segment along Belle Terre Parkway between Pine Lakes Parkway and Cypress Point Parkway as the only segment exceeding the adopted LOS standard. However, Map DA-2.4 "Existing Peak Hour Roadway LOS Performance" shows the segment between Palm Coast Parkway (EB) and Cypress Point Parkway as also exceeding the adopted LOS standard.
- Map DA-2.8a "2015 Number of Lanes" shows Belle Terre Parkway between SR 100 and US 1 as a four lane roadway. However, the improvement is not listed in Table 2.2 – Funded Roadway Projects (2008/10 – 2013/14).

Comment 3: Table 2-1 "LOS Table" on page 2-7 shows the following two segments as exceeding the adopted LOS in the year 2015 – Old Kings Road between SR 100 and Palm Coast City Limit & Town Center Boulevard between Royal Palms Parkway and Old Kings Road. No improvements or alternative approaches are identified to address these segments, which are projected to exceed the adopted LOS standards in the short-term (2015).

Comment 4: The transportation data and analysis (Table 2-1 "LOS Table" on page 2-7) is not consistent the data and analysis submitted for the Old Brick DRI and the Neoga Lakes DRI that are currently being reviewed by the Department. Specifically, the projected LOS along US 1 included in the comprehensive plan update is inconsistent with data and analysis provided in the DRI applications. Many of the service volumes on US 1 are based on uninterrupted flow. Based on the Department's analysis of year 2029 conditions associated with the Neoga Lakes DRI, many of the intersections will be signalized, resulting in interrupted flows with lower service volumes. In addition to the two segments of US 1 listed in the comprehensive plan update LOS Table, the following segments of US 1 will need to be 6-laned:

- White View Pkwy to Otis Stone Hunter (4-lane, 2-way service volume (SV) = 3,560; 6-lane, 2 way SV = 5,360)
- Otis Stone Hunter to Royal Palms Pkwy (4-lane, 2-way SV = 3,560; 6-lane, 2 way SV = 5,360)
- Bunnell City Limit to Belle Terre Pkwy (4-lane, 2-way SV = 3,110; 6-lane, 2 way SV = 4,710)
- Belle Terre Pkwy to Dupont Rd (4-lane, 2-way SV = 3,110; 6-lane, 2 way SV = 4,710)
- Dupont Rd to Seminole Woods Pkwy (4-lane, 2-way SV = 3,110; 6-lane, 2 way SV = 4,710)
- Seminole Woods Pkwy to Palm Coast City Limit (4-lane, 2-way SV = 3,110; 6-lane, 2 way SV = 4,710)

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Comment 5: The data and analysis of the Transportation Element includes widening of US 1 between Matanzas Woods Parkway and White View Parkway to six-lanes to address 2035 LOS deficiency. This improvement is not included in any of the FDOT long range plans. The City has not demonstrated a reasonably available funding source for this improvement.

Comment 6: Policy 2.1.1.3 addresses FHIS and SIS facilities. In 2009, changes to F.S. 163.3180(10) removed the reference to the Florida Intrastate Highway System (FHIS); however, the reference to the Strategic Intermodal System (SIS) was retained.

Comment 7: The Department assumes that there are no associated future land use changes within the Northwest Corridor Overlay Area (NCOA). "Map CP-1.5: Future Land Use" of the Future Land Use Element still shows the underlying future land use within the NCOA limits as Agricultural and Timberlands.

Comment 8: The following comment assumes the City maintains its DULA status; however, if the City loses its DULA status, this comment will not apply. The City is exempt from state mandated transportation concurrency requirements; however, the City has chosen to maintain the local concurrency requirements. The City should consider renaming its transportation concurrency management program with a title that does not reference "concurrency" to avoid any confusion. Examples include Transportation Management Program, Transportation Impact Mitigation Program, Congestion Management Program, Transportation Impact Assessment Program, etc. The City may also want to review other elements of the Comprehensive Plan to ensure consistency such as the Future Land Use and Capital Improvement Elements. Removing references to transportation concurrency within the comprehensive plan will eliminate any potential confusion between the previously state-mandated requirements and the intent of the City to maintain its ability to require develop to assess its impacts on roadway level-of-service (LOS) and contribute to improvements where a project may cause the City's adopted LOS standards to be exceeded.

Recommendations

The Department believes that the following recommendations concerning the above referenced amendment should be addressed in the adopted amendment.

Recommendation 1: Address inconsistencies identified in Comment 2 or provide additional clarification.

Recommendation 2: SR 100 is projected to operate below its adopted LOS in 2015. Since SR 100 is a regional facility that runs the entire length of Flagler County, the traffic patterns and conditions along the corridor are interrelated. Therefore, the Department recommends that the City coordinate with the City of Bunnell and Flagler County to jointly identify a concurrency approach to address any potential deficient segments along SR 100. One potential approach could include adoption of a Long Term Transportation

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Concurrency Management System (LTCMS) as allowed under the Florida Statutes. Other alternative approaches could include identification of parallel facilities and cross access easements along sections of the corridor. The Department also recommends that the City include a policy in the Comprehensive Plan committing to coordinate with adjacent jurisdictions to implement a concurrency approach to address the deficient segments collectively.

Recommendation 3: Address inconsistencies or provide clarifications to resolve the inconsistencies in the service volumes and projected LOS on US 1 between the Comprehensive Plan date and analysis and the DRI applications.

Recommendation 4: Provide information on reasonably available funding sources for widening of US 1 to six-lanes between Matanzas Woods Parkway and White View Parkway.

Recommendation 5: The following modifications are proposed to the following goals, objectives and policies in the strike-thru/underline format:

Policy 2.1.1.3 – The City adopts an LOS consistent with the requirements of Rule 14-94 of the Florida Administrative Code for on the Florida Interstate Highway System (FIHS) and Strategic Intermodal System (SIS) facilities for all Federal and State highways within the City.

Objective 2.1.7 - Facilitate the Use of Alternatives to the Interstate 95 FHHSIS facility for Local Travel

Policy 2.1.10.1 – Within five (5) years of Plan adoption, the City will coordinate with Flagler County in the development of a Mass Transit Development Plan which assesses the need for a Mass Transit program that includes fixed route/deviated route bus services, paratransit services, ride share, and van pooling.

Policy 2.4.4.1 - The City shall continue to participate with the Northeast Florida Regional Planning Council (NEFRPC) in order to refine and improve evacuation plans, and to identify primary roadways to serve in an emergency.

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The Department is supportive of the City's intent of pursuing a multimodal transportation planning strategy to maintain mobility within City limits. The Department will continue to work with the City in implementing those initiatives and provide guidance in establishing the strategies.

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

4 BW
4/5/10

April 8, 2010

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 10-2 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 proposed text amendments to various elements of the Palm Coast Comprehensive Plan, in addition to the Northwest Corridor Overlay Area (NWCOA), to consider the potential effects of these actions on historic resources. In the Future Land Use Element, Policies 1.2.3.1 and 1.2.3.4 which address historic resource concerns have been modified to remove a due date. The former policy has also been modified to change the policy to an ongoing action. In the NWCOA, Policy 1.8.2.5 addresses preservation of the historic Old Brick Road, 8FL155, which is listed on the National Register of Historic Places.

While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

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,

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

xc: Ms. Brenda Winningham



**Northeast
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April 1, 2010

Mr. Mike McDaniel
Chief of Comprehensive Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

4BW 4/2/10

RE: MONTHLY REPORT, MARCH 2010 COMPREHENSIVE PLAN REVIEWS

Dear Mr. McDaniel:

During the month of March, the Northeast Florida Regional Council staff received and reviewed the following eleven (11) comprehensive plan amendments, including one (1) Evaluation and Appraisal Report (EAR). This does not include the City of Jacksonville's Transmitted Amendments 10-1ARA and 10-1ARB, which are reviewed pursuant to the requirement of s. 163.32465, F.S., Alternative Review. Staff reports on the amendments were presented to the NEFRC Board for approval at the **April 1, 2010**, Council meeting. The following is a summary of the reports that were approved by the Council.

Transmitted Amendments

Nassau County	10-1
City of Palatka	10-1
City of Palm Coast	10-2
St. Johns County	10-D1
St. Johns County	10-2ER

Adopted Amendments:

City of Atlantic Beach	10-1ER
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Evaluation and Appraisal Reports

Town of Baldwin Adopted EAR

April 1, 2010

Small Scale Amendments

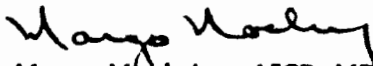
Baker County
City of Jacksonville
City of Jacksonville
Putnam County

Ordinance 2010-01
Ordinance 2009-655E
Ordinance 2009-657E
Ordinance 2010-03

- ***Action taken*** - the Small Scale Amendments were determined by staff to be consistent with the Northeast Florida Strategic Regional Policy Plan and, therefore, were not brought to the Council for action.

The staff reviews of the amendments, as approved by the Board at the April 1st, 2010, meeting, are attached. Please contact me at (904) 279-0880 if you have any questions, or if I can be of further assistance.

Sincerely,



Margo Moehring, AICP, MRTPI
Director of Planning & Strategic Initiatives

cc: Mr. Ray Eubanks
Ms. Brenda Winningham
Mr. Joseph Addae-Mensa
Ms. Jeannette Hallock-Solomon
Mr. Joseph Murphy

FORM C-7

NORTHEAST FLORIDA REGIONAL COUNCIL

**REGIONAL PLANNING COUNCIL
AMENDMENT REVIEW FORM
FY 2009-2010**

1. Local Government Name: City of Palm Coast
2. Transmitted Amendment Number: 10-2
3. Is the RPC precluded from commenting on the proposed plan or element pursuant to s. 163.3184(5), F.S., or Rule 9J-11.0084, L.O.F.; or commenting on the proposed amendment pursuant to s. 163.32465(4)(b), F.S.? **NO**
4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable: March 19, 2010
5. Date Amendment Review must be Completed and Transmitted to DCA: April 18, 2010
6. Date the Amendment Review was transmitted to DCA: April 2, 2010
7. Description of the Amendment:

The amendment extends the planning horizon year to 2035, creates the Northwest Corridor Overlay Area, and provides Goals, Objectives, and Policies to meet the requirement of HB 697, promoting greenhouse gas reduction and energy efficiency.

Extension of Horizon Year

Each element has been amended to reflect the new 2035 Horizon Year. According to the City, the use of the BEBR medium projections will be unusually conservative, in that historically BEBR projections have under-estimated Flagler County population. Nevertheless, the BEBR medium projections are those used by the Water Management District and are those recommended for use by DCA. The Transportation Element includes a number of proposed improvements determined through updated of the transportation model. In addition, policies emphasize the need to continue construction of north-south parallel facilities to I-95, including Old Kings Road and Belle Terre Parkway. The Housing Element is being amended to add the promotion of the design and construction of energy efficient homes. Tables 5.1 and 5.2 are being amended to reference a modified Short-Term and Long-Term Capital Improvements Plan for water and sewer.

Comment: Much as it did with water and sewer projects, the City should include a Long-Term Capital Improvements Plan that includes transportation improvements, referencing the deficient list of 2035 Roadway Improvements.

Objective 6.1.16 and Policies have been added to the Conservation and Coastal Management Element to address the natural resource sustainability requirements of HB 697.

Northwest Corridor Overlay Area

New Goal 1.8 and its associated objectives and policies address the establishment of the

Northwest Corridor Overlay Area. The NCOA is to be a showcase community composed of mixed-use neighborhoods, served by a regional transportation network and public facilities, while providing energy efficient and diverse housing opportunities. The NCOA is the largest and most contiguous remaining area of undeveloped land with the City's corporate limits and Chapter 180 Utility Service Area for providing water and sanitary sewer service. Objective 1.8.1 and its associated policies address standards for mixed-use development, requiring mixed-use development through Master Planned Development zoning. Objective 1.8.2 and its associated policies address the need for a multi-purpose path system, a regionally significant loop roadway network, accommodation of future transit, and the preservation of historic Old Brick Road. Objective 1.8.3 addresses housing affordability, while its associated policies also address environmental protection.

Comment: Staff supports Policy 1.8.3.2, which required LEED Program Certification or standards to be met with all new construction. Objective 1.8.3 should be amended to include reference to environmental protection, amenity, circulation, etc., issues, rather than just housing affordability.

Objective 1.8.4 and its associated policies address public facilities, including central water and sewer, water conservation (including water reuse) and water recycling. Objective 1.8.5 and its associated policies address greenways and open space. Objective 1.8.6 and its associated policies address economic development, including the need for a mix of residential and employment to improve the jobs-to-housing.

Please complete the following table for each individual proposed amendment to the Future Land Use Map (FLUM) only: Not applicable

Existing FLUM Category	Proposed FLUM Category	Existing Maximum Density (DU/Acre)	Proposed Maximum Density (DU/Acre)	Existing Maximum Intensity (FAR)	Proposed Maximum Intensity (FAR)	Net Increase or (Decrease) in Maximum Density	Non-Residential Net Increase or (Decrease) in Potential Floor Area

8. Is the Amendment consistent with the Strategic Regional Policy Plan?

Generally, Palm Coast Transmitted Amendment 10-2 is consistent with the Northeast Florida Strategic Regional Policy Plan.

9. Applicable Strategic Regional Policy Plan Goals and Objectives:

This amendment is generally consistent with the following SRPP Goals (and Policies):

Regional Goal 1.1 – Increase the number of affordable housing units for very low-, low-, and moderate-income households in the Northeast Florida Region.

Policy 1.8.3.1 requires mixed-use developments in the NCOA to provide a mix of lot sizes and housing types and opportunities for multi-family housing.

Regional Goal 4.2 – Assure an adequate supply of water both in quantity and quality for present and future human, economic development, and ecosystem needs.

Policies provide that the City will promote water conservation, including reuse, and coordinate with Coquina Coast with the proposed water desalination plant. The City should continue to work with the District to ensure that their plan is consistent with the District's Water Supply plan.

Regional Goal 4.3 – Conserve, and where opportunities exist enhance, the functions of Natural Resources of Regional Significance while protecting private property rights.

The NCOA provides for a multi-function regional corridor system. The NCOA policies require large interconnected wetlands and environmentally sensitive areas to be designated conservation. This area of Palm Coast lies within the City's Chapter 180 Utility Service Area. The City's proposal to establish the NCOA will help protect the functions of the regional systems; it is highly unlikely that the function of these resources would be maintained if random piecemeal development was allowed in this area of Palm Coast, which could happen over time.

Regional Goal 5.1 – To develop a regional transportation system which optimizes the movement of citizens and goods in Northeast Florida while protecting the environment. In particular Regional Policies 5.1.6 and 5.1.9.

The NCOA requires that all new development occur within a mixed-use MPD zoning. SRPP Policy 5.1.6 requires all developers of such MPD type developments to provide for bicycle and pedestrian paths to encourage viable alternatives to the single-occupancy automobile, consistent with the City's NCOA Policy 1.8.2.1 and 1.8.2.3. Policy 1.8.1.5 of the NCOA requires a functional mix of land uses that will accommodate multi-modal transportation systems; SRPP Policy 5.1.9 states that all local land use plans and regulations should require that an appropriate mix of land uses be provided to reduce trips between predominantly single-use activity centers.

10. The effects of the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

There are a number of policies under the Northwest Sector Overlay Area that offer protection to regional resources. In particular, Objective 1.8.5 provides for a multi-function regional greenway corridor system to provide for diverse wildlife habitat and movement. A policy establishes protection for large interconnected wetlands and other environmentally sensitive areas that have been ranked as high quality. The City's Overlay will address the impacts that could occur if development occurred in a piecemeal fashion without the guiding strategies proposed for adoption in this plan.

By extending the planning horizon to 2035, the City provides a long-term strategy for addressing the impacts from development based on BEBR medium projections. It must be noted that the proposed changes to the plan do not, in and of themselves, result in an increase in land use densities and intensities within Palm Coast. The City should consider providing for a long-term transportation improvement projects within the Capital Improvements Plan, recognizing that priorities and funding may change over the next 25 years, which would be reflecting in amendments to the long-range plan.

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

There are none.

Analysis of the effects of the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

None.

13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

The District's Water Supply Plan has a horizon year of 2030. A draft version of the plan will be released to the public in April 2010, with a December 2010 date for approval by the District Governing Board. The City has included a number of policies pertaining to water supply protection and conservation. Policy 5.1.1.4 states that the City will update its Water Supply Facilities Work Plan within 18 months of the District's adoption of its Water Supply Plan. The policy has been amended to state that the City's plan will identify new or proposed water supply facilities that are necessary to serve existing or new development through 2035, not 2020.

14. Affordable housing issues and designation of adequate sites for affordable housing:

Extension of the horizon year to 2035 will be addressed by existing policies. In addition, the Overlay Area includes policies that require mixed-use developments within the NCOA to provide a mix of single-family lot sizes and housing types, and opportunities for multi-family housing.

15. Protection of natural resources of regional significance identified in the Strategic Regional Policy Plan including, but not limited to, protection of spring and groundwater resources, and recharge potential:

No effect.

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

Policies under the NCOA Goal 1.8 require mixed-use developments to accommodate future transit availability. New Policy 2.1.11.2 recognizes the need to concentrate employment opportunities within strategic mixed-use centers to promote future transit. Other policies address the importance of providing alternative roadway improvements parallel to I-95.

17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

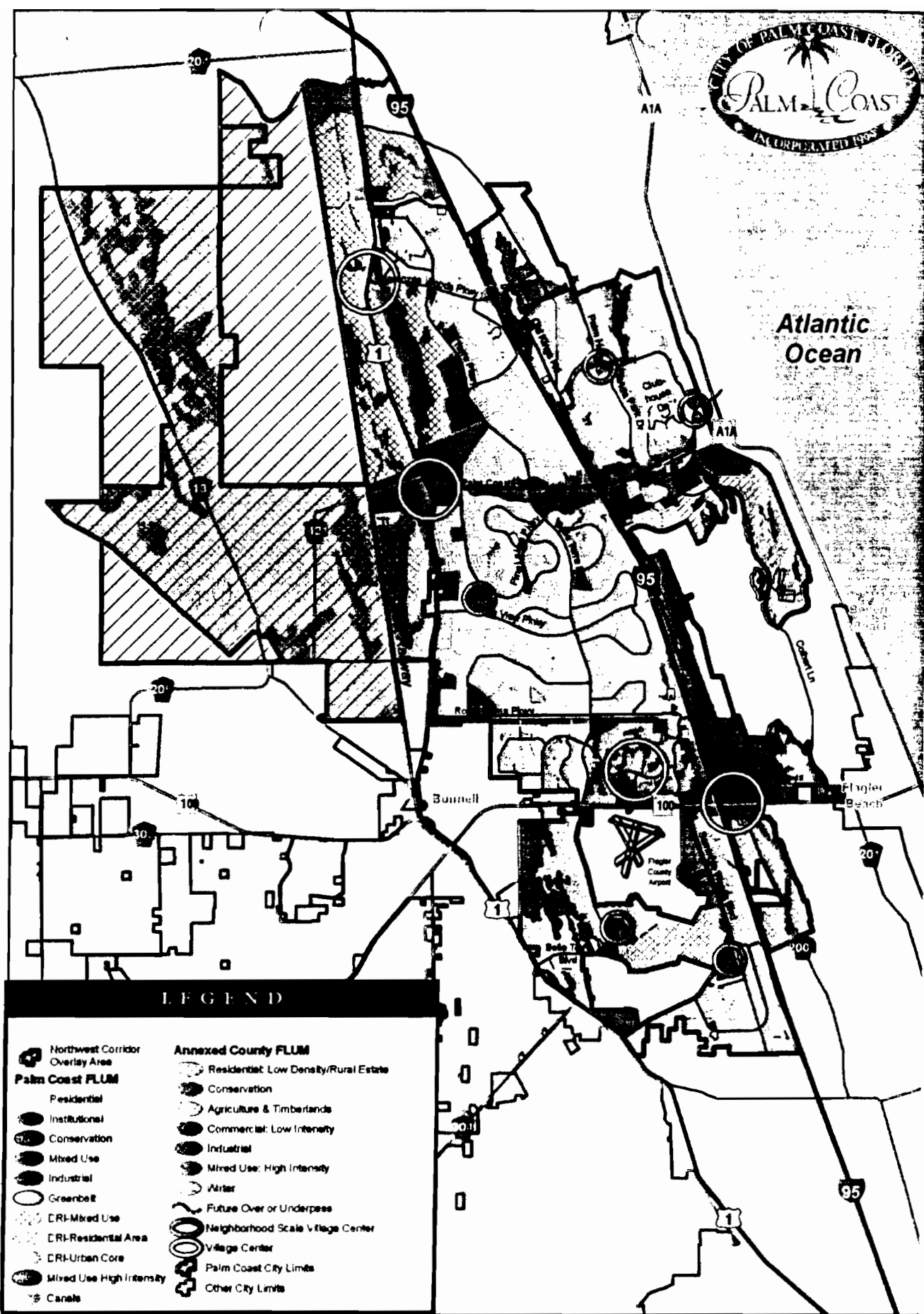
No effect.

18. Analysis of the effects of extra-jurisdictional impacts which may be created by the amendment:

None.

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.



LEGEND

- | | |
|---------------------------------|---------------------------------------|
| Northwest Corridor Overlay Area | Annexed County FLUM |
| Palm Coast FLUM | Residential: Low Density/Rural Estate |
| Residential | Conservation |
| Institutional | Agriculture & Timberlands |
| Conservation | Commercial: Low Intensity |
| Mixed Use | Industrial |
| Industrial | Mixed Use: High Intensity |
| Greenbelt | Water |
| ERI-Mixed Use | Future Over or Underpass |
| ERI-Residential Area | Neighborhood Scale Village Center |
| ERI-Urban Core | Village Center |
| Mixed Use High Intensity | Palm Coast City Limits |
| Canals | Other City Limits |



City of Palm Coast Comprehensive Plan Northwest Corridor Overlay Area (DA-1.6)

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