



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: Jackson County

Date: August 6, 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):

Jackson County 10-1ER

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) ♦
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CHARLIE CRIST
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THOMAS G. PELHAM
Secretary

August 6, 2010

The Honorable Jeremy Branch
Chairman, Jackson County Commission
Board of County Commissioners
2864 Madison Street, Administration Building
Marianna, Florida 32448

Dear Chairman Branch:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment DCA Number 10-1ER, which was received on June 7, 2010. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes and has prepared the attached Objections, Recommendations and Comments (ORC) Report which outlines our findings concerning the comprehensive plan amendment.

As indicated in the ORC Report, the Department has identified six objections based on the requirements for protecting natural resources, including groundwater and aquifer recharge areas; school facilities planning; policy meaning and predictability; setting forth a percentage distribution among mixed uses; addressing energy efficiency in the Housing Element; and stormwater drainage level of service and water quality treatment standards.

If you have any questions, please contact Mark Yelland, AICP, Principal Planner, at (850) 922-1790.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/myb

Enclosures: Objections, Recommendations and Comments Report; Review Agency Comments

cc: Charles Blume, Executive Director, Apalachee Regional Planning Council

TRANSMITTAL PROCEDURES

Upon receipt of this report, the County has 120 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in § 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- 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.

In order to expedite the Apalachee Regional Planning Council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Apalachee Regional Planning Council.

Please be advised that § 163.3184(8)(c), F.S., requires 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 law to furnish the names and addresses of the citizens requesting this information to the Department. **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 and addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR

JACKSON COUNTY

PROPOSED AMENDMENT 10-1ER

August 6, 2010

Division of Community Planning

Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following Objections, Recommendations and Comments Report is based upon the Department's review of the Jackson County 10-1ER proposed amendment to the Comprehensive Plan pursuant to Chapter 163.3184, Florida Statutes (F.S.).

Any objections discussed relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. 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.

Each objection must be addressed by the County and corrected prior to the amendment being resubmitted for the Department's 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, which the local government may consider not applicable to its amendment. If that is the case, a statement justifying the local government's 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 section 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 the Department's 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 bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
PROPOSED COMPREHENSIVE PLAN AMENDMENT
JACKSON COUNTY (DCA No. 10-1ER)**

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

The Department received the Jackson County 10-1ER amendment package on June 7, 2010. Jackson County has proposed 205 text amendments to address the recommendations and statute and rule changes outlined in Section 5 of the Adopted Revised EAR and a new Energy Conservation Areas Overlay Map to address the requirements of HB 697 to reduce greenhouse gas emissions.

The Department has identified objections based on statute and rule requirements for protecting natural resources, including groundwater and aquifer recharge areas; school facilities planning; policy meaning and predictability in the Future Land Use and Conservation Elements; percentage distribution among mixed uses; addressing energy efficiency in the Housing Element; and stormwater drainage level of service and water quality treatment standards.

Objection 1: Springs and Groundwater Protection

Several amendments proposed within the Future Land Use, Conservation, Intergovernmental and Infrastructure Elements are not consistent with recommendations made in the Evaluation and Appraisal Report (EAR) for addressing springs and groundwater protection (Major Issue 6), and do not meet statute and rule requirements for protecting natural resources. The EAR recommended the County adopt a new Springs Protection Element (or subelement) based on the guidelines provided in the Florida Departments of Environmental Protection (FDEP) and Community Affairs publication entitled *Protecting Florida's Springs – Land Use Strategies and Best Management Practices*. Instead, the amendment revises, deletes or modifies current plan policies without taking any new steps toward implementing a strategy for springshed and groundwater protection based on this latest and best available data and the analysis conducted as part of the EAR assessment.

A majority of Jackson County's land area is categorized as "more vulnerable" to groundwater impacts based on the Florida Aquifer Vulnerability Assessment (FAVA) and is located within the Chipola River Basin. Over 30 springs, including one of Florida's 33 first magnitude springs, Jackson Blue, are located within the Chipola River Basin. As a first magnitude spring, Jackson Blue produces over 64 million gallons of water per day, is a regional resource, and is the headwater for Merritts Mill Pond. Water quality sampling at Jackson Blue over the past years has documented a trend in water quality degradation for the groundwater flowing from Jackson Blue, which now has the second highest nitrate levels of any first magnitude spring in Florida.

The Jackson Blue Springs (Basin) Working Group, which was formally funded in August 2006 by the Florida Department of Environmental Protection's Springs Initiative, has been coordinating locally to improve springs conditions. As indicated in the Working Group's website at: <http://www.chipola.edu/Grants/Blue%20Springs/index.htm>,

Jackson Blue Springs Basin, for example, has been identified to include a reduction in water quality due to the following:

- Nitrate pollution from agricultural application, septic systems, and residential lawn applications;
- EDB (ethylene dibromide, a soil fumigant) from agricultural application;

- Arsenic from natural resources;
- Pharmaceuticals from residential septic systems;
- Pesticides from agricultural applications, residential lawn applications and improper disposal in sink holes;
- Petroleum products from leaking storage tanks and dumping used oil; and
- Various pollutants from dumping in sink holes, stormwater drainage into sink holes from roads and leaching from landfills.

Although the EAR evaluated waterways that have been designated as impaired watersheds, assessed sources of groundwater contamination, mapped over 30 springs located within the Chipola River Basin and identified the need to protect first, second and third magnitude springs through the designation of springs protection areas, the County's comprehensive plan does not identify and map the Chipola River Basin or any other springshed or groundwater protection basin(s), including Jackson Blue. Instead of proposing the new goals, objectives and policies needed to implement a new strategy for springs and groundwater protection, the amendment proposes to delete numerous existing policies which, in the absence of the basic components (e.g., springshed maps) and other measures contemplated in the EAR, does not provide springs and groundwater protection. Therefore, the amendment is not consistent with requirements in Chapter 163, F.S., and Rule 9J-5.011, F.A.C., to protect natural resources, including groundwater and aquifer recharge areas.

Authority:

Sections: 163.3177(6)(a), (c), (d), (h)1 and (8), F.S.

Rules: 9J-5.005(2)(a) and (c) and (6); 9J-5.006(3)(b)1 and 4, (c)1 and 6 and (4); 9J-5.011(1)(g) and (h) and (2)(a), (b)4 and 5 and (c)4; 9J-5.013(1)(a), (b) and (c), (2)(a), (b)2, (c)1, 6, 9 and 10 and (3); and 9J-5.015(1)(a) and (3)(b)1, F.A.C.

Recommendation:

As recommended in the EAR, adopt a Springs Protection Element (or subelement) that sets forth the comprehensive land use strategy and implementing goals, objectives and policies needed to protect the County's springs and groundwater resources. Instead of adopting the proposed text amendments outlined above, the current plan should be amended as necessary to be consistent with the new strategy set forth in the Springs Protection Element (or subelement). Also recommended in the EAR, the County should refer to the guidelines provided within the publication entitled "*Protecting Florida's Springs – Land Use Strategies and Best Management Practices*." This publication together with its companion document entitled "*Protecting Florida's Springs: An Implementation Guidebook*," contain guidance on developing comprehensive land use strategies and implementing the goals, objectives and policies needed to minimize environmental impacts in developed or developing springsheds.

For example, the comprehensive planning strategies discussed in *Protecting Florida's Springs – Land Use Strategies and Best Management Practices* include establishment of an overlay protection district comprised of primary and secondary springshed protection zones, wherein specific surface and groundwater protection and restoration strategies are applied to springsheds based on hydrogeology and aquifer vulnerability data, including the location of karst, sinkhole and stream to sink features. Referring to the sample goals, objectives and policies provided in this publication (p. 35) and Section 4.2 of the *Florida's Springs: An Implementation Guidebook* and the results of the EAR assessment, develop the goals, objectives and policies needed to implement these strategies.

The new Springs Protection Element (or subelement) should establish the provisions necessary to protect first, second and third magnitude springs, including high aquifer recharge areas and karst and sink features, through the designation of springs protection areas, as recommended in the EAR, and set forth corresponding guidelines for the content of more detailed site design standards and best management practices in the Land Development Code. Both of the referenced documents and other resources are available at: <http://www.dca.state.fl.us/fdcp/dcp/springs/index.cfm>

Objection 2: School Facilities Planning

Public School Facilities Element (PSFE) Policy 1.1 is proposed to be modified to delete the table that sets forth the level of service (LOS) standards by school type. Therefore, as proposed, the PSFE does not include a policy establishing LOS standards for public school facilities which can be achieved and maintained throughout the 5-year planning period, as required by Rule 9J-5.025(3)(c)7, F.A.C.

Additionally, the proposed amendment does not include the public school facilities map series depicting the locations of existing public school facilities by type and existing ancillary plants, the planned general locations of public school facilities and ancillary plants and renovated facilities by year for the five year planning period and for the end of the long range planning period of the host county.

Authority:

Sections: 163.3177(12)(c) and (h), F.S.

Rules: 9J-5.025(3)(c)7 and (4)(a) and (b), F.A.C.

Recommendation:

Revise the amendment to retain the required LOS standards in the PSFE. Additionally, retain the PSFE Map Series included in the County's 09-PEFE1 amendment package found to be in compliance in June 2009. These maps were entitled "School Concurrency Service Areas/Attendance Zones" and "Existing/Future School and Ancillary Facilities."

Objection 3: Policy Meaning, Predictability and Internal Consistency

Several new and revised policies in the Future Land Use and Conservation Elements do not establish meaningful and predictable standards to regulate land use or provide meaningful guidelines for the content of more detailed land development and use regulations and/or are internally inconsistent. More specifically:

Future Land Use Element:

- 1) Policy 2.3 is revised to delete a sliding scale "commensurate for central service provision" (i.e., based on whether a site is served by central water, central sewer and/or a paved road) for allowing a range of densities within the Residential and Mixed Use Urban Transitional future land use categories. As proposed, Policy 2.3 states "To provide for economical and effective use of existing infrastructure, high density residential expansion will be encouraged in and near incorporated areas and in other areas where central services are provided." Policy 2.3 is not meaningful and predictable because it is not clear how the County intends to encourage high density residential expansion given the sliding scale that offers a range of densities based on availability of central services is being deleted.
- 2) Policy 2.9 is revised to delete provisions for the transfer of development rights (TDR) within the Greenways Overlay category. While the County has indicated to Department staff that the TDR program requirements have been moved to the Land Development Code (LDC), Policy 2.9 does

not reference the LDC and does not include any meaningful and predictable standards and guidelines to set forth the TDR program; therefore Policy 2.9 is not meaningful and predictable.

- 3) Proposed to be deleted in its entirety, Policy 3.3 sets forth standards applied to non-residential development within the Agriculture 2 category to minimize the impacts of urban sprawl and strip development and sets forth criteria for locating non-residential land uses within the Agriculture 2 category. Deleting these provisions is inconsistent with respect to Major Issue 4 in the EAR, which calls for establishing buffers to protect existing agricultural land from the intrusion of land development or land use changes.
- 4) New Policy 3.7 states “Future development will be promoted by the provision of central water and sewer services allowing such essential services as a permissible use in all land use districts except Conservation. If these services are unavailable, development shall meet the requirements of applicable federal, state and local regulations.” Given the “sliding scale” in Policy 2.3 (see item 1 above) is proposed to be deleted and there is no reference made to more detailed land development and use regulations, it is not clear how development will be “promoted by the provision of central water and sewer services.”
- 5) New Objective 7 states “Encourage the reduction of carbon emissions and increase energy conservation within the County.” Corresponding Policy 7.1 states “Encourage the preservation of canopy within conservation areas (public lands) and Policy 7.2 states “Encourage mixed use developments within MUUT areas to reduce automobile dependence and promote alternative transportation modes.” Policies 7.1 and 7.2 are not meaningful and predictable because it is not clear how the County intends to preserve canopy and mixed use developments.

Conservation Element:

- 1) As revised, Policy 3.2 states “Establish a program and appoint an oversight coordinator to identify and recommend acquisition of environmentally endangered lands (caves, wetlands, floodplains) by appropriate state or other agencies.” Noting that the program required under the current policy was not accomplished over the past planning timeframe, Policy 3.2 does not set forth any meaningful and predictable standards and guidelines on which the intended program will be based, including which state and other agencies are considered appropriate and a date by when the program will be established.
- 2) Policy 3.12 is modified to state “For any development which exceeds 50 acres in area where native habitat exists on the site, as determined from the current Vegetative Cover (Land-Sat) Maps available from the Florida Fish and Wildlife Conservation Commission and/or other professionally accepted methods as defined within the land development regulations.” Policy 3.12 is not meaningful and predictable because first, the policy doesn’t make any grammatical sense and second, reference to the “land development regulations” is inconsistent with references made to the Land Development Code.
- 3) As revised, Policy 6.8 states “A restoration plan shall be submitted, for mining in environmentally sensitive lands other than those areas which are specifically regulated by other policies within the Comprehensive Plan and/or Land Development Code.” Prior to the proposed revision, Policy 6.8 included references to several specific policies in the Plan on which submittal of a mining restoration plan was to be based, which considered areas within 100-year floodplains of Class I and Outstanding Florida Waters, “high recharge potential” areas, and natural communities listed in the Florida Natural Areas Inventory. Policy 6.8 is not meaningful and predictable because it is no longer clear what areas are considered to be environmentally sensitive and which areas are not subject to a mining restoration plan.

Authority:

Sections: 163.3177(2) and (6)(a) and (d), F.S.

Rules: 9J-5.005(5)(a) and (6); 9J-5.006(3)(b)1 and 4 and (c)1, 5, and 6 and (4)(c); and 9J-5.013(2)(c)1, 2 and 6 and (3), F.A.C.

Recommendations:

Revise each of the objectives and policies outlined above to establish meaningful and predictable standards and guidelines in the comprehensive plan and to ensure internal consistency. More specifically:

Future Land Use Element:

- 1) Modify Policy 2.3 to indicate how the County intends to encourage high density residential expansion given the sliding scale that offers a range of densities based on availability of central services is being deleted. Criteria encouraging high density residential should direct this use to appropriate areas.
- 2) Modify Policy 2.9 to include standards and guidelines to set forth the TDR program in the comprehensive plan and reference the LDC for more detailed land development and use regulations. At a minimum, the TDR program should identify sending and receiving areas, transfer rates and criteria for usage of the program.
- 3) Modify Policy 3.3 to set forth standards for minimizing the impacts of urban sprawl and strip development and set forth criteria for locating non-residential land uses within the Agriculture 2 category, consistent with Major Issue 4 in the EAR, which calls for establishing buffers to protect existing agricultural land from the intrusion of land development or land use changes.
- 4) Modify Policy 3.7 to set forth standards and guidelines for more detailed land development and use regulations that indicate how development will be promoted by the provision of central water and sewer services. The standards should ensure development is directed to appropriate areas that have services.
- 5) Modify Policies 7.1 and 7.2 to include meaningful and predictable standards and guidelines for preserving canopy and mixed use developments.

Conservation Element:

- 1) Modify Policy 3.2 to set forth meaningful and predictable standards and guidelines on which the intended program will be based, including which state and other agencies are considered appropriate and a date by when the program will be established.
- 2) Revise Policy 3.12 such that it makes grammatical sense and includes a reference to the Land Development Code instead of to the land development regulations.
- 3) Modify Policy 6.8 to clearly indicate what areas are considered to be environmentally sensitive and which areas are not subject to a mining restoration plan.

Objection 4: Setting Forth Percentage Distribution Among Mixed Uses

As proposed, FLUE Policy 2.3 is revised to eliminate the standards for location and mix of land uses in the Mixed Use Urban Transitional category; therefore, the Future Land Use Element no longer sets forth a meaningful and predictable percentage distribution among the mixture of uses allowed within the Mixed Use Urban Transitional category.

Authority:

Section: 163.3177(6)(a), F.S.

Rules: 9J-5.006(3)(c)1, 5 and 7 and (4)(c), F.A.C.

Recommendation:

Revise FLUE Policy 2.3 to include a percentage distribution among the mixture of uses allowed within the Mixed Use Urban Transitional category. The category should include a stated achievable percentage or range of percentages for each of the allowed uses.

Objection 5: Addressing Energy Efficiency in the Housing Element

Proposed Housing Element Objective 8 states “*encourage* [emphasis added] energy conservation in the design and construction of new and rehabilitation housing to reduce energy consumption within the County.” Corresponding Policies 8.1, 8.2 and 8.3 do not provide the standards, plans, and principles to be followed for energy efficiency and use of renewable energy resources in the design and construction of new housing, as required by Section 163.3177(6)(f)1.h and i, F.S. These policies *encourage* action, but do not describe the programs and activities necessary to carry out the energy conservation measures, therefore, are not meaningful and predictable. More specifically:

- Proposed Policy 8.1 requires the County to “encourage local utility companies to provide educational materials on ways to conserve energy and provide energy audits as budgets allow.”
- Proposed Policy 8.2 requires the County to “encourage the use of solar panels and other forms of alternative energy sources in the construction and rehab of residential units.”
- Proposed Policy 8.3 requires the County to “encourage the use of renewable energy resources in the construction and rehabilitation of housing within the County.”

Authority:

Sections: 163.3177(6)(f)1.h and i, F.S.

Rules: 9J-5.005(6) and 9J-5.010(3)(b) and (c)4, F.A.C.

Recommendation:

Modify Housing Element Policies 8.1 through 8.3 to provide standards, plans, and principles to be followed for energy efficiency and the use of renewable energy resources in the design and construction of new housing. For example, these policies should set forth standards for innovative regulations that promote energy conservation and environmentally sensitive technologies, like those meeting the standards of the United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) and the Green Building Initiative’s Green Globes rating systems, and guidelines for the content of more detailed land development regulations.

Objection 6: Stormwater Drainage LOS and Water Quality Treatment Standards

Capital Improvements Element (CIE) Policy 2.1(6) sets forth the level of service (LOS) standard for stormwater drainage as “maintained to State standards” and CIE Policy 2.1(7) sets forth the water quality standard for stormwater discharge as “in accordance with State requirements.” As proposed, the standard set forth in Policy 2.1(6) does not meet the minimum criteria in Rule 9J-5.003(62), F.A.C., that defines “level of service” as “an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility *based on and related to the operational characteristics of the facility*. Level of service shall indicate *the capacity per unit of demand* for each public facility.” Also, the standard set forth in CIE Policy 2.1(7) does not meet the requirements in Rule 9J-

5.011(2)(c)5, F.A.C., for establishing minimum standards for stormwater discharge and is not meaningful and predictable.

Authority:

Sections: 163.3177(3)(a)3 and (10)(f), F.S.

Rules: 9J-5.003(62), 9J-5.005(3), 9J-5.011(2)(c)5 and 9J-5.016(3)(c)4, F.A.C.

Recommendation:

Modify CIE Policy 2.1(6) to set forth the LOS standards for drainage facilities that are proposed to be deleted from current Policy 1.2.2 of the Infrastructure Element, which require facilities to be designed based on specific storm events given facility type and location. Also, modify CIE Policy 2.1(7) to reflect the Northwest Florida Water Management District's adoption of new Environmental Resource Permit (ERP) standards for stormwater discharge in Chapter 62-346, F.A.C.

II. COMMENT

As proposed, the Capital Improvements Element indicates the County's level of service (LOS) for wastewater "is now 155 gallons per day per capita (an increase of 55 gallons per person)." Although the Evaluation and Appraisal Report shows the County has sufficient wastewater capacity to exceed the demand projected for the next seven year period, and as indicated in the comments provided by the Northwest Florida Water Management District, the County should determine why its adopted LOS standard of 100 gallons per capita per day for wastewater is being exceeded and consider what measures are necessary to lower the demand or revise the adopted LOS standard.

III. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Objection: The Jackson County proposed amendment package 10-1ER does not adequately address and further the following goals and policies of the State Comprehensive Plan (Chapter 187.201, Florida Statutes), as they apply to the objections above:

Objection 1: Springs and Groundwater Protection

187.201(5), Health, Goal (b)1 and Policies (b)2 b and c;

187.201(7), Water Resources, Goal (a) and Policies (b)1, 2, 5, 8, 9 and 10;

187.201(9), Natural Systems and Recreational Lands, Goal (a) and Policies (b)1, 5, 7, 9 and 10;

187.201(12), Hazardous and Nonhazardous Materials and Waste, Goal (a) and Policies (b)4 and 6;

187.201(15), Land Use, Goal (a) and Policies (b)2 and 6;

187.201(21), The Economy, Goal (a) and Policy (b)3; and

187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Objection 2: School Facilities Planning

187.201(15), Land Use, Goal (a) and Policy (b)7;

187.201(17), Public Facilities, Goal (a) and Policies (b)7 and 9;

187.201(20), Governmental Efficiency, Goal (a) and Policy (b)1; and

187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Objection 3: Policy Meaning, Predictability and Internal Consistency

187.201(5), Health, Goal (b.1) and Policies (b)2b and c;

187.201(7), Water Resources, Goal (a) and Policies (b)1, 2, 5, 9, 10

187.201(9), Natural Systems and Recreational Lands, Goal (a) and Policies (b)1, 5, 7, 9 and 10;

187.201(13), Mining, Goal (a) and Policies (b)3 and 6;

187.201(15), Land Use, Goal (a) and Policies (b)1, 2, 3 and 6;

187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Objection 4: Setting Forth Percentage Distribution Among Mixed Uses

187.201(15), Land Use, Goal (a) and Policies (b)1 and 3; and
187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Objection 5: Addressing Energy Efficiency in the Housing Element

187.201(4), Housing, Goal (a) and Policy (b)3;
187.201(5), Health, Goal (b.1) and Policies (2)b and c;
187.201(10), Air Quality, Goal (a) and Policies 1, 2, 3 and 4;
187.201(11), Energy, Goal (a) and Policies (b)1, 2, 5, 6, 7 and 9;
187.201(15), Land Use, Goal (a) and Policy (b)6; and
187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Objection 6: Stormwater Drainage LOS and Water Quality Treatment Standards

187.201(5), Health, Goal (b.1) and Policies (2)b and c;
187.201(7), Water Resources, Goal (a) and Policies (b)5, 9, 10, and 12;
187.201(15), Land Use, Goal (a) and Policy (b)6; and
187.201(25), Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Referring to the specific objections and recommendations provided above, the County should revise the proposed amendment to be consistent with the State Comprehensive Plan.

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



Douglas E. Barr
Executive Director

Northwest Florida Water Management District

25p

81 Water Management Drive, Havana, Florida 32333-4712
U.S. Highway 90, 10 miles west of Tallahassee
(850) 539-5999 • (Fax) 539-2778

7/6/10

MEMORANDUM

TO: D. Ray Eubanks, Plan Processing Administrator, Florida Department of Community Affairs

FROM: ^{RK} Paul J. Thorpe, AICP, Resource Planning Section Director

DATE: July 1, 2010

SUBJECT: Jackson County Proposed Comprehensive Plan Amendment 10-1ER

In accordance with the provisions of Chapter 163, F.S., and Chapter 9J-11, F.A.C., District staff have reviewed the proposed local government comprehensive plan amendment referenced above. Advisory staff comments pertaining to the proposed amendment are attached.

If you have any questions regarding this review, please do not hesitate to contact me at (850) 539-5999.

PJT/cgc

Attachment

GEORGE ROBERTS
Chair
Panama City

PHILIP K. McMILLAN
Vice Chair
Blountstown

STEVE GHAZVINI
Secretary/Treasurer
Tallahassee

PETER ANTONACCI
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Panama City Beach

JOYCE ESTES

TIM NORRIS
Santa Rosa Beach

JERRY PATE
Pensacola

RALPH RISH
Port St. Joe

Northwest Florida Water Management District Staff Review

Jackson County Proposed Comprehensive Plan Amendment DCA Amendment Number 10-1ER

Overview

The proposed comprehensive plan amendment package provides for several EAR-based text amendments and general updates to the map series. As a general comment, District staff are appreciative and supportive of the efforts of the County, as reflected in these amendments, to recognize and protect its exceptional watershed resources and functions, including surface and ground water quality, recharge, wetlands, water supply, and associated public benefits and uses. More specific comments and recommendations are provided below.

Comments and Recommendations

Water Supply Planning

Jackson County is within the District's Region IV water supply planning area, which is not subject to a regional water supply plan. Per section 163.3177(6)(d), Florida Statutes, jurisdictions outside of a regional water supply planning area must include in the Conservation Element an analysis of current and projected water supply needs and sources for at least a ten-year period. It is recommended that the proposed amendment be revised to incorporate such analysis and reference or add appropriate policies as needed. Per the referenced statute, the analysis shall consider the District Water Management Plan (DWMP). Please note that the District's water supply assessment, encompassed within the DWMP, has been recently updated.

100-year Floodplain

The District supports the County's intention to preserve the 100-year floodplain and prohibit certain types of development within such areas (FLUE Policy 1.3). However, given the County's intention to preserve and protect natural systems by placing the 100-year floodplain in the Conservation category (FLUE Policy 2.6), it is recommended that the County consider prohibiting future residential development in the 100-year floodplain. Further, it is recommended that FLUE Policy 1.3 be amended to include additional requirements that will apply to any residential development allowed in the interim. Such standards may be deferred to the land development regulations but should include low-impact development practices and additional stormwater treatment. It is also noted that several policies in the Conservation Element may need to be revised to be consistent with other floodplain policies within the Comprehensive Plan.

Springs Protection

District staff recognize the efforts of the County to protect these water resources and are supportive of the existing springs protection policies in the Conservation Element. With over 50 identified springs in Jackson County,¹ long-term protection of springs and springsheds from the effects of land development is vital to maintaining the ecological integrity, water quality, and recreational opportunities of spring resources and adjoining surface waters. Given the importance

¹ See Scott, et al. (2004). Springs of Florida: Florida Geological Survey Bulletin No. 66, Florida Department of Environmental Protection: Tallahassee, Florida.

of these resources, it is recommended that a new Spring Protection section within the Conservation Element be completed. This section would clearly outline the County's intention to protect such resources, current projects relating to springs with target implementation dates, and minimum protection for land development activities proximate to springs and springsheds. Guidelines for development of such an element or sub-element are available in *Protecting Florida's Springs: An Implementation Guidebook* published by the Department of Community Affairs (February 2008).

Level of Service (LOS) Standards

The LOS standards are established in Policy 2.1 of the Infrastructure Element, and include a potable water LOS standard of 155 gallons per capita per day (gpcd) and a proposed increase in wastewater LOS standard to 155 gpcd. It is recommended that additional data and analysis be provided that evaluates these LOS standards and addresses the need to increase the wastewater LOS standard. It should be noted that with appropriate conservation measures, a target LOS standard for potable water is around 110 gpcd. Such conservation measures could be enhanced in the Infrastructure and Conservation elements as well.

Environmental Resource Permitting

Environmental Resource Permitting (ERP) is being implemented by the NWFWMD for stormwater in accordance with Chapter 62-346, F.A.C. It is anticipated that ERP wetland regulations will become effective during 2010. Relevant policies in the Infrastructure, Conservation, and Intergovernmental Coordination elements should be updated to be consistent with these changes.

As a minor note, it is recommended that the reference to the *Save Our Rivers* program in the Conservation Element be updated to land acquisition programs more generally. Additionally, rule references for the Department of Environmental Protection should be updated to reflect current rules under Chapter 62, Florida Administrative Code (see Conservation Policy 2.1).

District staff appreciate the opportunity to review this proposed amendment. If there are any questions about this review or if we can assist otherwise, please do not hesitate to contact Paul Thorpe or Christina Coger at (850) 539-5999.



July 1, 2010

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RECEIVED
JUL 6 2010
DIVISION OF
COMMUNITY PLANNING

**Florida Fish
and Wildlife
Conservation
Commission**

Mr. Ray Eubanks
Division of Community Planning
Plan Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
DCPexternalagencycomments@dca.state.fl.us

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**Office of Planning and
Policy Coordination**

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(850) 922-5679 FAX

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(800) 955-8770 (V)

MyFWC.com

RE: Transmittal of Proposed Evaluation and Appraisal Report-Based Amendments to the Text and Future Land Use Map of the Comprehensive Plan, Jackson County

Dear Mr. Eubanks:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC), has coordinated our agency review of the Jackson County Comprehensive Plan Amendments (CPA 10-1ER) and provides the following comments and recommendations in accordance with Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

The County, during their scoping meetings for this activity, indicated their intent to simplify the Comprehensive Plan by removing many objectives and policies that they felt should be addressed more specifically by the County's Land Development Code. This intention is reflected in the proposed amendments. The majority of the information and recommendations provided by the FWC during the County's Visioning and Evaluation and Appraisal Report process have been incorporated into the proposed amendments. We do have some recommendations that we would encourage the County address further.

One example of the proposed changes occurs in the *Conservation Element, Objective 3, Flora and Fauna*. The County proposes to transfer requirements from the Comprehensive Plan to the Land Development Regulations for wildlife surveys with the following language appearing in policies 3.10 and 3.12 of the Comprehensive Plan: "or other professionally acceptable methods as defined within the land development regulations."

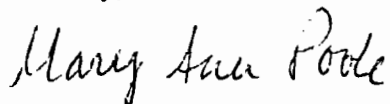
We support this modification to the Comprehensive Plan, and would like to point out that the County has the opportunity to provide greater specificity to this requirement in the land development regulations. For example, species-specific wildlife surveys are time sensitive, and the FWC recommends that all wildlife surveys follow survey protocols established by U.S. Fish and Wildlife Service and the FWC. Additionally, surveys should be conducted by individuals with well-documented experience for each potential species. Basic guidance for conducting wildlife surveys can be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/CONSERVATION/FWCG.htm>). The Guide was developed in partnership with the U.S. Fish and Wildlife Service and carries the Service's endorsement for land use planning activities. We recommend that the County consider consulting the Guide as well as the FWC as it moves forward with these changes to its Land Development Regulations.

We support the County in their efforts to protect the springs and springshed systems as contained in the Conservation Element. Consistent with that purpose, we recommend that the County consider additional information regarding the determination of adequate buffer areas through their update of the Land Development Regulations. Riparian and wetland buffers offer protection not only for water quality but also for movement of wildlife species. A literature review of wildlife movement in relation to wetlands and associated upland habitats shows that larger upland buffers may need to be applied in order to fully protect the ability of those wetlands to sustain wildlife (USFWS 2001 - enclosed).

We support the County in the development of the Future Greenways Map (Map 3) and the objectives and policies designed to promote private landowner conservation agreements to expand these greenways. We would like to point out that the Florida Wildlife Conservation Guide provides access to a wealth of information on conservation opportunities for private lands.

Overall, we support the changes proposed by Jackson County. If you or your staff would like to coordinate further on this review, please contact me at 850-410-5272, or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Dr. Joseph Walsh at (772) 778-6354 or email at joc.walsh@mvfwc.com.

Sincerely,



Mary Ann Poole
Commenting Program Administrator

map/jw/tsh
ENV 2-3-3
Jackson County 10-1ER_2878_070110

Enclosure




cc: Ms. Joan Schairer, Jackson County Department of Community Development,
director@jacksoncountyfl.com

Ms. Susan Poplin, DCA, susan.poplin@dca.state.fl.us

Buffers: An Efficient Tool for Watershed Protection


What Are Buffers?




















































A **buffer** is a strip of naturally vegetated land along a lake, stream, or wetland that provides numerous benefits. Preserving a buffer zone protects water resources from neighboring land uses. Nutrient inputs are of great concern because of their abundant sources (fertilizer, septic tank drain fields, leaking sewage lines, animal waste). Excess nutrients in lakes and estuaries cause toxic algal blooms and depleted oxygen. Natural chemical and biological processes within buffers alter or uptake nutrients and pollutants *before* they enter a water body, thus providing a cost-effective treatment system. Buffers preserve native habitat for wildlife and enhance aquatic habitat. The range of benefits provided by buffers includes:

- Water quality protection 
- Erosion control
- Storage of floodwaters and flood damage reduction
- Aquatic habitat enhancement 
- Habitat for terrestrial riparian wildlife 
- Maintenance of base flow in streams
- Improved aesthetic appearance of stream corridors
- Recreational and educational opportunities

Riparian refers to the land adjoining a body of water, usually a river or stream.

Buffer Width: Bigger is Better

Choosing a buffer width depends on your planning goals. As buffer width increases, the buffer provides greater benefits. As seen in the table below, a 30-foot buffer provides minimal service. At 50 feet, the buffer meets minimum water quality protection recommendations and gives some aquatic habitat benefits. For effective water quality and aquatic habitat protection, a buffer width of 100 feet is needed. Buffers to enhance riparian wildlife should be 300 feet or greater. Special buffer zones may be required to protect vulnerable species.  Width should be increased where slope, impervious surface, and soil type reduce buffer effectiveness. The consequences of an inadequate buffer may be an increased need for stormwater ponds, increased flooding, decreased abundance of sportfish, and/or loss of certain species such as some salamanders or crayfish.

Benefit Provided:	Buffer Width:					
	30 ft	50 ft	100 ft	300 ft	1,000 ft	1,500 ft
Sediment Removal - Minimum						
Maintain Stream Temperature						
Nitrogen Removal - Minimum						
Contaminant Removal						
Large Woody Debris for Stream Habitat						
Effective Sediment Removal						
Short-Term Phosphorus Control						
Effective Nitrogen Removal						
Maintain Diverse Stream Invertebrates						
Bird Corridors						
Reptile and Amphibian Habitat						
Habitat for Interior Forest Species						
Flatwoods Salamander Habitat – Protected Species						

Sources

Burke, V.J. and J.W. Gibbons, 1995, Terrestrial Buffer Zones and Wetland Conservation: A Case Study of Freshwater Turtles in a Carolina Bay, *Conservation Biology* 9 (6), pp. 1365-1369.

Desbonnet, A., V. Lee, P. Pogue, D. Reis, J. Boyd, J. Willis, and M. Imperial, 1995, Development of Coastal Vegetated Buffer Programs, *Coastal Management* 23, pp. 91-109.

Mitsch, W.J. and J.G. Gosselink, 1993, *Wetlands*, Van Nostrand Reinhold, New York, New York.

Semlitsch, R.D., 1998, Biological Delineation of Terrestrial Buffer Zones for Pond-Breeding Salamanders, *Conservation Biology* 12 (5), pp. 1113-1119.

U.S. Fish and Wildlife Service, April 1, 1999, Endangered and Threatened Wildlife and Plants: Final Rule to List the Flatwoods Salamander as a Threatened Species, *Federal Register* 62(241): 15691-15704.

Wenger, S., 1999, *A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation*, Office of Public Service and Outreach, Institute of Ecology, University of Georgia, Athens, Georgia.

Wenger, S. and L. Fowler, 2000, *Protecting Stream and River Corridors: Creating Effective Local Riparian Buffer Ordinances*, Carl Vinson Institute of Government, University of Georgia, Athens, Georgia.

For Further Information Contact:

U.S. Fish and Wildlife Service

Panama City Field Office

1601 Balboa Avenue

Panama City, Florida 32405

Tel: (850) 769-0552

Fax: (850) 763-2177

E-mail: FW4_ES_FR_Panama_City@fws.gov



"Scott, W Ray"
<scotra@doacs.state.fl.us>
07/06/2010 10:22 AM

To <DCPexternalagencycomments@dca.state.fl.us>
cc
bcc
Subject FDACS LGCP Amendment Review

7
SP

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

- Jackson County 10-1ER**
- DeSoto County 10-1
- Clay 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
(mobile) 850-544-9871
(fax) 850-922-4936



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

7 SP
7/6/10
STEPHANIE C. KOPELOUSOS
SECRETARY

July 6, 2010

Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Attention: Mr. Ray Eubanks, Community Program Administrator

Subject: Proposed Evaluation and Appraisal Report
Local Government: Jackson County
DCA Amendment #: 10-1ER

Dear Mr. Eubanks:

After reviewing the above referenced documents, the Department has no objections, comments, or recommendations at this time.

If you have any questions or need further information, please call.

Sincerely,

Kelly Parker
Growth Management Specialist

KP

Copies: Kathy Neill-MS 28
Phillip Gainer
Jimmy Smith
Bryant Paulk



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

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7/7/10

July 7, 2010

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

RE: Jackson County 10-1ER, Proposed Comprehensive Plan Amendment Objections,
Recommendations, and Comments Report Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP or Department) has reviewed the amendment submitted by Jackson County (County) under the provisions of Chapter 163, Part II, *Florida Statutes (F.S.)*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*.

Our comments address the potential impacts of the proposed land use designation or policy change on resources or facilities within the purview of the Department's regulatory and proprietary responsibilities.

The proposed amendment package consists of numerous text amendments based upon the County's adopted Evaluation and Appraisal Report (EAR). The Department submits the following comments and recommendations to assist your agency in developing the state's response to the proposed amendment.

DEFERRAL OF STANDARDS TO THE LAND DEVELOPMENT CODE (LDC)

Policies within the proposed comprehensive plan defer the establishment of standards and criteria to the LDC or the land development regulations, when those details should be included in the elements of the comprehensive plan.

For example, Policy 6.2 of the Future Land Use Element (FLUE) defers the development of language which will provide protective measures for high magnitude springs to the LDC. These protective measures should be included within the County's comprehensive plan.

Mr. Ray Eubanks
Jackson County 10-1ER
July 7, 2010
Page 2 of 5

Policy 3.1 of the Conservation Element states that, "The County shall require setbacks through the land development regulations, for all sites surrounding wetlands and caves that provide habitat for threatened or endangered species."

Recommendations

Meaningful and predictable standards that will guide development and the adoption of natural resource protection measures and guidelines should be included within the County's comprehensive plan. Chapter 9J-5.005(6), F.A.C., provides that the goals, objectives, and policies of a local government's comprehensive plan should establish meaningful standards for the use and development of land, and provide guidelines for the content of more detailed LDCs. The rule also describes LDCs as the strategy for implementing the goals and policies of the comprehensive plan. A comprehensive plan with no standards provides no framework upon which LDC strategies can be formulated. The Department strongly recommends that the County revise any existing and proposed policies that defer guidance to the LDC or the land development regulations to address the Department's concerns.

WETLAND PROTECTION POLICIES

The Department notes that the County has deleted Conservation Policy 1.18, which provided a buffer of native vegetation surrounding all surface waters, including wetlands. Policies 3.1 and 8.13 of the Conservation Element refer to buffers for wetlands areas; however, the proposed language defers the size and descriptions of the buffers to the County's LDC or land development regulations.

The County's wetland protection policies are inconsistent with Rule 9J-5.013(2)(c)6., F.A.C., which provides for the protection of the natural functions of wildlife habitats, wetlands, estuarine marshes, rivers, and floodplains. The proposed amendments delete existing policies which require wetland buffers and create new policies which defer the standards and guidelines for the buffers to the LDC. Without the requirement for wetland buffers in the comprehensive plan, protection of wetlands will be relegated to the environmental resource permitting process. Thus, the proposed plan amendments do not provide adequate wetland protection.

Recommendations

The Department strongly recommends that the County retain Policy 1.18 of the Conservation Element or amend its Conservation Element objectives and policies to require specific wetland buffer distances, especially those associated with natural surface water bodies, protected land, or other environmentally sensitive features.

Mr. Ray Eubanks
Jackson County 10-1ER,
July 7, 2010
Page 3 of 5

SPRINGS PROTECTION POLICIES

Jackson County's 2009 adopted EAR advised that a new element or sub-element within the Conservation Element be created to address springs protection. Upon review of the proposed EAR-based amendments, the County has included Objective 6 and its associated policies within the FLUE. The proposed language related to springs protection also includes Objective 9 and its related policies within the Conservation Element. The County's Intergovernmental Coordination Element also includes Objective 1.6 which relates to springs protection. Based upon what the County has included within the proposed EAR-based amendments, no new elements or sub-elements were created in order to address springs protection.

Objective 6 of the FLUE states that the County will coordinate with the Department and the NFWFMD to portray spring basins on the FLUM in order to protect high magnitude springs.

Objective 9 of the Conservation Element states that "the County shall continue to work with the other appropriate Federal, State, and Regional agencies to protect, maintain, and restore water quality and quantity within the spring shed in order to maintain and protect environmental, economic, recreational, and natural functions of springs and fragile resources necessary for sustaining the quality of life." Proposed Policy 9.1 states that high magnitude springs will be protected using the "latest science and technology available." Proposed Policy 9.2 addresses the development of language which will aid in the minimizing the contribution of nitrates into the groundwater which will incorporate special design standards and best management practices.

Objective 1.6 of the Intergovernmental Coordination Element states that that County will coordinate with local governments located in springshed areas in order to "ensure a consistent approach to springs, springshed, and aquifer protection."

Recommendations

While the County has included springs protection policies in the FLUE, Conservation Element, and Intergovernmental Coordination Element the Department believes that the proposed policies do not provide adequate protection of the springs as intended within the County's adopted EAR. The County's adopted EAR refers to the publication entitled "Protecting Florida's Springs - Land Use Planning Strategies and Best Management Practices." The Department strongly recommends that the County revisit this manual, which can be found at <http://www.dca.state.fl.us/fdcp/dcp/publications/Files/springsmanual.pdf>. Pages 35-39 of this document provide examples of Goals, Objectives, and Policies which can be included in the County's spring protection language. The Department recommends that

Mr. Ray Eubanks
Jackson County 10-1ER
July 7, 2010
Page 4 of 5

proposed Policy 9.1 include springs protection strategies that will be implemented through utilizing the "latest science and technology available".

ENERGY CONSERVATION POLICIES

Chapter 163.3177, F.S. requires the County to make changes to its Future Land Use, Transportation, Conservation and Housing elements to address requirements to reduce energy consumption and greenhouse gas emissions. The Department provides the following list of resources that may help the City in meeting these requirements:

Climate Change Resources

- The chapter on Climate Change in the Florida Planning Toolbox (pages 17-47) (<http://www.cuesfau.org/toolbox/>) contains a wealth of useful information for local governments, including websites for climate change resource organizations and publications, examples of several Florida city and county climate change plans, and sample policies for reduction of energy consumption and GHG emissions.
- The EPA's Clean Energy Program website, located at <http://www.epa.gov/cleanenergy/index.html>, gives you access to state and local energy programs throughout the country. The link is provided on the Florida Energy Office's website, located at <http://www.dep.state.fl.us/energy/>.
- The Florida Department of Community Affairs' website provides guidance documents on growth management topics. (<http://www.dca.state.fl.us/fdcp/dcp/publications/index.cfm>).
- The U. S. Department of Energy website shows the average electricity consumption per household and the amount of wattage used by a variety of appliances. (http://www.eia.doe.gov/emeu/reps/enduse/er01_us.html#Electricity).

The Department appreciates the opportunity to provide comments on the proposed amendment. Should you have questions or require additional information, please do not hesitate to contact me at (850) 245-2187 or by email at Jillian.Schatzman@dep.state.fl.us

Yours sincerely,

Jillian M. Schatzman

Jillian M. Schatzman
Environmental Specialist

Mr. Ray Eubanks
Jackson County 10-1ER ,
July 7, 2010
Page 5 of 5

Office of Intergovernmental Programs

/jms



Apalachee Regional Planning Council

Serving Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Liberty, Leon, and
Wakulla Counties and their municipalities

MEMORANDUM

TO: D. Ray Eubanks, Department of Community Affairs

FROM: Charles D. Blume, Executive Director

DATE: July 7, 2010

SUBJECT: Jackson County 10-1ER Proposed Amendment Series

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DIVISION OF
COMMUNITY PLANNING

Attached is the ARPC draft staff report on the Jackson County 10-1ER Proposed Amendment Series. The Board of Directors of the Apalachee Regional Planning Council will not meet again until July 22, 2010, which will be outside of the time allotted by DCA to comment on the amendment. The report submitted today is draft and will be re-submitted as a final report after the Board's review and approval on July 22, 2010.

If you have any questions or need any additional information concerning this matter, please contact Keith McCarron at 850-488-6211 or 850-674-4571.

FORM C-7

APALACHEE REGIONAL PLANNING COUNCIL

RPC AMENDMENT REVIEW FORM
FY 2009-2010

1. Local Government Name: JACKSON COUNTY
2. Amendment Number: **10-1ER Proposed**
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:
5. Date Amendment Review must be Completed and Transmitted to DCA:
6. Date the Amendment Review was transmitted to DCA: July 7, 2010
7. Description of the Amendment:

1. **Population Projection:** The County has not experienced the growth previously projected, which would have shown a 2011 population of 58,349 according to BEBR projection. Over 50% of the County's population growth has been a result of inmate population growth. Based on slow household growth and anticipated higher transportation costs, BEBRs low population projections 55,800 by 2030 are suggested. This is a net gain of only 3,161 residents, less than 100 per year. Most of this growth is expected to occur in or adjacent to the County's municipalities.
2. **Amendments to Future Land Use Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Major changes to the Future Land Use Element include:

- Revise Land Development Code to promote quality development, ensure compatible land uses, discourage urban sprawl, encourage energy efficient land use patterns that account for existing and future electric power generation and transmission lines, and promote greenhouse gas reduction.
- Include the following language in the AGRICULTURE 1 land use description:

“This land use classification is intended for those areas of the County associated with silviculture and agriculture-related activities. Examples of appropriate uses are timber production, forests, crop land, pasture land, orchards and groves, and limited residential, commercial/industrial development related to local agriculture activities and neighborhood commercial.”

- Add directive creating a Energy Conservation Overlay on the Future Land Use Map to encourage the reduction of carbon emissions within the County by (1) encouraging preservation of canopy within conservation areas (public lands) and (2) encouraging mixed use developments to reduce automobile dependence and promote alternative transportation modes.
 - Add directive to encourage future development through provision of central water and sewer services allowing such essential services as a permissible use in all land use districts except Conservation.
 - Coordinate with the Florida Department of Environmental Protection (FDEP) and the Northwest Florida Water Management District (NFWMD) to depict spring high magnitude basins on the Future Land Use Map and revise Land Development Code language to provide measures for protection.
 - Add directives to reduce carbon emissions and increase energy conservation within the County by encouraging the preservation of canopy within conservation areas (public lands), encouraging mixed use developments within MUUT areas to reduce automobile dependence and promote alternative transportation modes, working with utility providers to educate the public on ways to reduce energy consumption countywide, provide energy audits as budgets allow and promote use of alternative energy sources (solar panels, etc.) in new and rehab construction throughout the County and requiring all new major County building (public) construction to conform with LEED Standards.
3. **Amendments to Transportation Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Major changes to the Transportation Element include the following

- Add the following language to promote coordination between the County and it’s municipalities on transportation concurrency:

In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the County may enter an agreement with one or more adjacent municipal or county governments to address cross-jurisdictional impacts of development on regional transportation facilities. Since the County’s adoption of the CMS ordinance, the City of Marianna has adopted its own ordinance that is structured and monitored in

exactly the same manner as Jackson County. Jackson County and the City of Marianna work closely together to ensure that the appropriate information is shared so that each monitoring system is consistent with the other.

- The County's roadway functional classification system shall be categorized as Freeways, Principal Arterials, Minor Arterials, Major Collectors, Minor Collectors or Local Streets. The functional classifications are defined as follows:
4. **Amendments to Housing Element:** Various minor changes that update and clarify wording.

Background: The 2006 American Community Survey indicated 20,474 housing units in Jackson County. Based on the 2000 Census, 59.8% of the housing units in Jackson County are made up of single-family (detached) homes. Mobile homes comprise 32.1%. An evaluation and appraisal of housing conditions in Jackson County as of April 2008, given the data available at that time, reveal five issues 1) Significant decline in substandard housing 2) Decrease in household size, more than expected 3) Large proportion of mobile and manufactured housing 4) Affordability is not a significant problem 5) Lack of a 2005-2007 housing "bubble"

Major changes to the Housing Element include the following:

- Add directive to establish the Jackson County Affordable Housing Advisory Committee (AHAC) to address the affordable housing needs of the County. The Committee shall help the County and municipalities to participate in partnership efforts with the housing authority to provide affordable housing through programs such as the Section 8 and Rental Rehabilitation programs.
- Add directive to address the diverse housing needs of all County residents and identify procedures to reduce or eliminate blight.
- Add directive to adhere to the minimum standards of the Florida Building Code.
- Add directive to utilize a code enforcement board to affect housing code enforcement actions.
- Add directive to support development and maintenance of a supply of permanent housing affordable to moderate, low and very low-income persons, including those persons with special housing needs, at levels sufficient to meet current needs and projected needs.
- Add directive to develop and maintain a comprehensive housing plan and work to increase community awareness about housing problems and issues.
- Add directive to encourage energy conservation in the design and construction of

new and rehabilitation housing to reduce energy consumption within the County.

- Add directive to encourage local utility companies to provide educational materials on ways to conserve energy and provide energy audits.
 - Add directive to encourage the use of solar panels and other forms of alternative energy sources in the construction or rehab of residential units.
 - Add directive to encourage the use of renewable energy resources in the construction and rehabilitation of housing within the County.
 - Add directive to apply for weatherization grants to improve the weatherization of county housing as one means of improving energy conservation.
5. **Amendments to Conservation Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Background: The Floridan aquifer is the primary source for consumptive water use within Jackson County. According to the Florida Aquifer Vulnerability Assessment (FAVA), a majority of Jackson County is categorized as More Vulnerable. During the 1980's the FDEP identified high levels of ethylene dibromide (EDB) in drinking wells especially in the northeast portion of Jackson County. The EDB is a soil fumigant, used to control nematodes on golf courses, citrus, peanut, and soybean fields. High levels of this carcinogen prompted FDEP to enact stricter water well construction and water testing standards (F.S. 373.309 (1)(e)). Further steps were taken by FDEP that identified areas of greater concentrations of EDB, with Jackson County identified as a Delineated Area. The Delineation Areas contain stricter well-construction parameters as regulated by the lead State permit agency, the NFWMD (F.A.C. 62-524). Well-construction permits within the delineated areas undergo greater requirements to receive a permit.

Major changes to the Conservation Element include the following:

- Add directive for the County Road and Bridge Department to address areas of soil erosion around bridge structures on the county's roadway system.
- Add directives to work with appropriate federal, state and regional agencies to protect, maintain, and restore water quality and quantity within the spring sheds using the latest science and technology available in state and federal regulations to minimize the contribution of nitrates to groundwater and to foster long-term stewardship of springs.
- Add language to support FDEP and the NFWMD regulations for groundwater well construction and buffer zones to better regulate the FDEP Delineated Area

and require the County to follow best management practices that reduce the introduction of pollutants into the aquifer system.

6. **Amendments to Recreation Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Major changes to the Recreation Element include the following:

- Add directive to continuously evaluate park system to ensure it meets the needs of the population.
- Add directive to explore and develop potential revenue streams to support development, operation and maintenance of County parks.

7. **Amendments to Intergovernmental Coordination Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Major changes to the Intergovernmental Coordination Element include the following:

- Add directive to address development impacts in adjacent jurisdictions including coordinated plan review, issue identification and written communication with the affected jurisdictions.
 - Add directive to require coordination with other local governments to ensure a consistent approach to springs, springshed, and aquifer protection.
8. **Amendments to Capital Improvements Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Background: The unincorporated population represents 66% of the County's total population. Using BEBR's most recent population projections (2008 base year), the unincorporated population is only projected to increase by 1,624 people by 2010 (since 2008) and increase by a total of 6,700 over the next 12 years, assuming middle level BEBR projections. Given the County's historic growth rate and anticipated increases in gasoline prices, mid-level projections are probably high. Nonetheless, the County has sufficient capacity to handle the existing CIP LOS standards. As shown in the latest EAR document, the County does not have any identified deficiencies within its capital facilities.

Major changes to the Capital Improvements Element include the following:

None

9. **Amendments to Infrastructure Element:** Various minor changes that update and clarify wording of plan directives and delete provisions that have been accomplished or become obsolete.

Major changes to the Infrastructure Element include the following:

None

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

The Jackson County 10-1ER is generally Consistent with the *Apalachee Strategic Regional Policy Plan*.

9. Applicable Strategic Regional Policy Plan Goals and Objectives:

Various Goals and Policies of the *Apalachee Strategic Regional Policy Plan*.

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

No significant impacts to regional resources or facilities anticipated due to the County's low rate of growth.

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

No known extra-jurisdictional impacts.

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:

Not Applicable

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:

No significant impacts to regional resources and facilities anticipated due to the County's low rate of growth.

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

Affordable housing needs are expected to be addressed by proposed plan amendments.

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 significant impacts to regional resources and facilities anticipated due to the County's low rate of growth. However excess nutrient pollution from existing and future development may negatively impact the biological integrity of springs and other surface water systems and interfere with designated human uses of these waters.

Therefore it is recommended that Jackson County develop and support local efforts through in the comprehensive plan, such as the Jackson Blue Spring Working Group, that identify springshred problems and implement local solutions that help protect and restore the spring systems in the County.

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:

No significant impacts to regional transportation facilities anticipated due to the County's low rate of growth.

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 significant impacts to emergency preparedness plans anticipated due to the County's low rate of growth.

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

No known extra-jurisdictional impacts.

FLORIDA DEPARTMENT OF EDUCATION



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July 14, 2010

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

Dear Mr. Eubanks:

Re: Jackson County 10-1ER (proposed)

Thank you for the opportunity to review Jackson County's proposed evaluation and appraisal report based comprehensive plan amendment package. The county proposes several revisions to the Public School Facilities Element that are of concern to the Department of Education, and I offer the following comments for consideration by the Department of Community Affairs.

- **Level of Service Standards.** -- The county proposes to remove the numeric level of service standards for public school facilities (see revised policy 1.1, on page 3). Rule 9J-5.025(3)(c)7., F.A.C., requires the element to include a policy establishing level of service standards for public school facilities. To ensure consistency with minimum planning requirements and the approved Interlocal Agreement for Public School Facility Planning and School Concurrency, the county should retain the policy as previously adopted.
- **School Board Coordination.** -- The county proposes to delete policies 4.5 and 4.6, which relate to certain notices to the Jackson County School Board. The policies provide procedural guidance and ensure implementation consistent with the approved interlocal agreement. Further, Sections 163.3177(12) and 163.3180(13)(g) require a uniform districtwide school concurrency system. To ensure consistency with minimum planning requirements, the approved interlocal agreement, and consistency with the municipalities' public school facilities elements, the county should retain the policies as previously adopted.

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS CLEARINGHOUSE

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Mr. D. Ray Eubanks
July 14, 2010
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- Map Series. -- The county does not propose to adopt the required public educational facilities map series as part of the EAR-based amendments. Section 163.3177(12)(h), F.S., requires the element to include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, and include the general location of improvements to existing schools or new schools anticipated over the five-year or long-term planning period. To ensure consistency with minimum planning requirements, the county should adopt the school facilities map (or map series) based on the Jackson County School Board's district facilities work plan in effect at the time of adoption of the amendment package.

Finally, the county appropriately proposes amendment of Capital Improvements Element to adopt the Jackson County School Board's 2009-10 to 2013-14 district facilities work plan. In the event the county adopts the amendment package after September 2010, it should revise the CIE to adopt the Jackson County School Board's 2010-11 to 2014-15 district facilities work plan, which will become effective October 1, 2010. The Jackson County School District staff will provide the new work plan to county upon adoption. The county must work with the school district to revise the public school facilities map(s) as needed to reflect new projects included in the work plan, and develop data and analysis to demonstrate the adopted level of service standards will be maintained. The work plan and data must be included a support documents for the plan and the map(s) must be adopted.

Again, the Department appreciates the opportunity to comment and would be pleased to make Department staff available to assist the county in responding to these comments.

Sincerely,



Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Mr. Stuart Wiggins, Jackson County School Board
Mr. Mark Yelland, DCA