

Item # 56

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: PLANNING CERTIFICATION PROGRAM

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kent Cichon *KCC* CONTACT: Dick Boyer *WB* EXT. 7382

Agenda Date <u>11/26/02</u>	Regular <input checked="" type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Authorize preparation of application for Planning Certification Program including preparation and signing by the Chairman of a letter soliciting comments from state and regional agencies and authorization to hold an advertised public hearing on January 28, 2003 to solicit public input regarding the proposed application and to review and approve submission of the application;
2. Deny authorization to apply;
3. Move to continue item to (specify a date certain)

District: Countywide

Dick Boyer, Senior Planner

BACKGROUND:

During the 2002 legislative session Chapter 163.3246, F.S. was amended to establish a Local Government Comprehensive Planning Certification Program. This program is a successor to 1997 Sustainable Communities Demonstration Project.

The law allows responsible local governments with a demonstrated record of effectively adopting and implementing their comprehensive plan and a commitment to implementing exemplary planning practices to operate with less state and regional oversight of their comprehensive plan and developments of regional impact. State and regional agency review is eliminated and the Department of Community Affairs may not issue any objections, recommendations, and comments reports on proposed plan amendment. However, affected persons may still challenge an adopted plan amendment by filing a petition for administrative review. The certification area must be defined, compact, contiguous and appropriate for urban growth and development.

Certification is implemented by execution of an agreement with the Department of Community Affairs (DCA), and the contents of the agreement must be in accordance with Section 163.3246(5), F.S.

Reviewed by:	<i>KCC</i>
Co Atty:	<i>KCC</i>
DFS:	
Other:	<i>MW</i>
DCM:	<i>SS</i>
CM:	
File No.	<i>rpdp06</i>

(attached). Generally, the agreement addresses a variety of plan implementation activities to be carried out by the jurisdiction. Major activities would be:

1. Develop a visioning plan/schedule
2. Create a criterion based index of effectiveness to measure improvements from a starting baseline of conditions in the certified area.
3. Design and implement a work program to improve the baseline conditions.
4. Increase public participation in comprehensive planning
5. Annually report on plan amendments adopted and progress in meeting the terms and conditions of the certification agreement

Certification also requires an annual reporting on the status of activities and the performance of the local government and allows revocation of certification under certain conditions. The law also provides that citizens may initiate a review of the certification. A certification agreement is effective for up to 10 years after execution.

Staff will continue to evaluate the implementation requirements, potential workload and cost impact during the application process.

Application Process:

The application must be received between January 6th, 2003 and February 4th, 2003. Only the first eight qualifying applications, by order of receipt, will be considered. To make application, staff will need to accomplish the following:

1. Demonstrate that the County has adopted programs and development regulations which address a variety of significant growth and quality of life issues.
2. Obtain comments from state and regional review agencies regarding the appropriateness of the proposed certification;
3. Hold at least one public hearing soliciting public input concerning the local government's proposal for certification.

STAFF RECOMMENDATION:

- Staff recommends that the Board authorize staff to prepare an application, approve and authorize Chairman to sign a letter to state and regional agencies, and hold an advertised public hearing.

ATTACHMENT:

Copy of 163.3246 - Local Government Comprehensive Planning Certification Program.

- Section (2) details eligibility requirements.
- Section (5) details the activities and reporting requirements that Seminole County would be responsible for in the agreement.

ATTACHMENT

163.3246 Local government comprehensive planning certification program.--

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the Department of Community Affairs. The purpose of the program is to create a certification process for local governments who identify a geographic area for certification within which they commit to directing growth and who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, the level of technical planning experience exhibited by the local government, and a commitment to implement exemplary planning practices, require less state and regional oversight of the comprehensive plan amendment process. The purpose of the certification area is to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. Municipalities and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the department.

(2) In order to be eligible for certification under the program, the local government must:

(a) Demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan;

(b) Demonstrate technical, financial, and administrative expertise to implement the provisions of this part without state oversight;

(c) Obtain comments from the state and regional review agencies regarding the appropriateness of the proposed certification;

(d) Hold at least one public hearing soliciting public input concerning the local government's proposal for certification; and

(e) Demonstrate that it has adopted programs in its local comprehensive plan and land development regulations which:

1. Promote infill development and redevelopment, including prioritized and timely permitting processes in which applications for local development permits within the certification area are acted upon expeditiously for proposed development that is consistent with the local comprehensive plan.

2. Promote the development of housing for low-income and very-low-income households or specialized housing to assist elderly and disabled persons to remain at home or in independent living arrangements.

3. Achieve effective intergovernmental coordination and address the extrajurisdictional effects of development within the certified area.

4. Promote economic diversity and growth while encouraging the retention of rural character, where rural areas exist, and the protection and restoration of the environment.

5. Provide and maintain public urban and rural open space and recreational opportunities.

6. Manage transportation and land uses to support public transit and promote opportunities for pedestrian and nonmotorized transportation.

7. Use design principles to foster individual community identity, create a sense of place, and promote pedestrian-oriented safe neighborhoods and town centers.

8. Redevelop blighted areas.

9. Adopt a local mitigation strategy and have programs to improve disaster preparedness and the ability to protect lives and property, especially in coastal high-hazard areas.

10. Encourage clustered, mixed-use development that incorporates greenspace and residential development within walking distance of commercial development.

11. Encourage urban infill at appropriate densities and intensities and separate urban and rural uses and discourage urban sprawl while preserving public open space and planning for buffer-type land uses and rural development consistent with their respective character along and outside the certification area.

12. Assure protection of key natural areas and agricultural lands that are identified using state and local inventories of natural areas. Key natural areas include, but are not limited to:

a. Wildlife corridors.

b. Lands with high native biological diversity, important areas for threatened and endangered

species, species of special concern, migratory bird habitat, and intact natural communities.

c. Significant surface waters and springs, aquatic preserves, wetlands, and outstanding Florida waters.

d. Water resources suitable for preservation of natural systems and for water resource development.

e. Representative and rare native Florida natural systems.

13. Ensure the cost-efficient provision of public infrastructure and services.

(3) Portions of local governments located within areas of critical state concern cannot be included in a certification area.

(4) A local government or group of local governments seeking certification of all or part of a jurisdiction or jurisdictions must submit an application to the department which demonstrates that the area sought to be certified meets the criteria of subsections (2) and (5). The application shall include copies of the applicable local government comprehensive plan, land development regulations, interlocal agreements, and other relevant information supporting the eligibility criteria for designation. Upon receipt of a complete application, the department must provide the local government with an initial response to the application within 90 days after receipt of the application.

(5) If the local government meets the eligibility criteria of subsection (2), the department shall certify all or part of a local government by written agreement, which shall be considered final agency action subject to challenge under s. 120.569. The agreement must include the following components:

(a) The basis for certification.

(b) The boundary of the certification area, which encompasses areas that are contiguous, compact, appropriate for urban growth and development, and in which public infrastructure is existing or planned within a 10-year planning timeframe. The certification area is required to include sufficient land to accommodate projected population growth, housing demand, including choice in housing types and affordability, job growth and employment, appropriate densities and intensities of use to be achieved in new development and redevelopment, existing or planned infrastructure, including transportation and central water and sewer facilities. The certification area must be adopted as part of the local government's comprehensive plan.

(c) A demonstration that the capital improvements plan governing the certified area is updated annually.

(d) A visioning plan or a schedule for the development of a visioning plan.

(e) A description of baseline conditions related to the evaluation criteria in paragraph (g) in the certified area.

(f) A work program setting forth specific planning strategies and projects that will be undertaken to achieve improvement in the baseline conditions as measured by the criteria identified in paragraph (g).

(g) Criteria to evaluate the effectiveness of the certification process in achieving the community-development goals for the certification area including:

1. Measuring the compactness of growth, expressed as the ratio between population growth and land consumed;

2. Increasing residential density and intensities of use;

3. Measuring and reducing vehicle miles traveled and increasing the interconnectedness of the street system, pedestrian access, and mass transit;

4. Measuring the balance between the location of jobs and housing;

5. Improving the housing mix within the certification area, including the provision of mixed-use neighborhoods, affordable housing, and the creation of an affordable housing program if such a program is not already in place;

6. Promoting mixed-use developments as an alternative to single-purpose centers;

7. Promoting clustered development having dedicated open space;

8. Linking commercial, educational, and recreational uses directly to residential growth;

9. Reducing per capita water and energy consumption;

10. Prioritizing environmental features to be protected and adopting measures or programs to protect identified features;

11. Reducing hurricane shelter deficits and evacuation times and implementing the adopted mitigation strategies; and

12. Improving coordination between the local government and school board.

(h) A commitment to change any land development regulations that restrict compact development and adopt alternative design codes that encourage desirable densities and intensities of use and patterns of compact development identified in the agreement.

(i) A plan for increasing public participation in comprehensive planning and land use decisionmaking which includes outreach to neighborhood and civic associations through community planning initiatives.

(j) A demonstration that the intergovernmental coordination element of the local government's comprehensive plan includes joint processes for coordination between the school board and local government pursuant to s. 163.3177(6)(h)2. and other requirements of law.

(k) A method of addressing the extrajurisdictional effects of development within the certified area which is integrated by amendment into the intergovernmental coordination element of the local government comprehensive plan.

(l) A requirement for the annual reporting to the department of plan amendments adopted during the year, and the progress of the local government in meeting the terms and conditions of the certification agreement. Prior to the deadline for the annual report, the local government must hold a public hearing soliciting public input on the progress of the local government in satisfying the terms of the certification agreement.

(m) An expiration date that is no later than 10 years after execution of the agreement.

(6) The department may enter up to eight new certification agreements each fiscal year. The department shall adopt procedural rules governing the application and review of local government requests for certification. Such procedural rules may establish a phased schedule for review of local government requests for certification.

(7) The department shall revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement.

(8) An affected person, as defined by s. 163.3184(1)(a), may petition for administrative hearing alleging that a local government is not substantially complying with the terms of the agreement, using the procedures and timeframes for notice and conditions precedent described in s. 163.3213. Such a petition must be filed within 30 days after the annual public hearing required by paragraph (5)(l).

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal report; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187.

(10) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation