

**PLANNING COMMISSION**

**AGENDA REQUEST**

**TO: HONORABLE CHAIRMAN & MEMBERS OF THE PLANNING COMMISSION**

**THROUGH:** Elliot Kampert, Director

**FROM:** Planning & Development Review Staff

**SUBJECT:** Comprehensive Plan Evaluation and Appraisal Report (EAR)

**DATE:** July 14, 2016

**BCC DISTRICT:** All

**PLANNING COMMISSION DISTRICT:** All

**ISSUE:** At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan, and notify the state land planning agency as to its determination. The last comprehensive plan EAR update was in 2009.

If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for state review. Local governments are also encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. If a local government fails to comply it may not amend its comprehensive plan until such time as it complies.

The attached EAR identifies new state requirements since 2009. The EAR further identifies those requirements applicable to the comprehensive plan as well as recommendations for plan amendments to meet those requirements. Recommendations presented in the EAR are as follow.

1. The County is no longer required to maintain a transportation concurrency management system. If the County chooses to not continue with transportation concurrency then a plan amendment will be required to remove it from the Comprehensive Plan. If the County chooses to continue with transportation concurrency it is recommended that a transportation engineering consultant be hired to ensure the County meets the new statutory requirements such as updated level of service standards, proportionate share fees, and development review procedures.
2. Public school concurrency is no longer required. Public school concurrency has been removed from the Comprehensive Plans of the cities except for Laurel Hill, Fort Walton Beach, Niceville, and Destin. City of Destin officials indicated it will be removed from that city's plan in the near future. It is recommended that the County coordinate with the school district to remove public school concurrency from the County's plan. A plan amendment will be required to remove the Public Schools Facilities Element from the Comprehensive Plan.

3. Stormwater management concurrency is no longer required. Stormwater management and drainage are among the more pressing problems facing the County. The County should not give up any tool at its disposal to correct existing stormwater problems as well as prevent future problems. It is recommended that stormwater concurrency provisions be retained in the Comprehensive Plan.

4. Parks and recreation concurrency is no longer required. The County currently has 449 acres of county-maintained parks. The level-of-service (LOS) for parks as specified in the Comprehensive Plan, Recreation and Open Space Element, Policy 3.1 is 0.6 acres of parks per 1000 population. This LOS equates to a demand for 66 acres of parks (2015 BEBR unincorporated population 110,280 divided by 1000 = 110.28 X 0.6 = 66). This does not include parks within cities or state and federal parks and recreation areas. Based on the availability of parks and recreation it is recommended that parks and recreation concurrency be removed from the Plan. A plan amendment will be required to remove this concurrency requirement from the Comprehensive Plan.

5. There were significant changes regarding compatibility with military installations. While these changes in state requirements occurred after the County's 2009 EAR the County had already included policies in its Plan to address compatibility with military installations. A Joint Land Use Study (JLUS) was completed in June, 2009 as well as a Tri-County Growth Management Plan completed in June, 2010. A more detailed Small Areas Study was conducted for areas north and east of the Eglin reservation and completed in October, 2012. Amendments to the Comprehensive Plan were made by the County in response to these study efforts which fulfill state requirements. No additional plan amendments are considered necessary.

6. There were changes made in the requirements for the Coastal Management Element. The County has already addressed these requirements either as part of the Comprehensive Plan or in the Land development Code. Pertinent parts of the Plan are found in the Coastal Management Element, Objective 2.1 which "Directs population concentrations away from Coastal High Hazard Areas through implementation of the future land use map, through acquisition of land, and through implementation of the Local Mitigation Strategy" and related Policies 2.1.1 to 2.1.3; Objective 2.3 which "Protect property within Coastal High Hazard Areas from coastal flooding, storm surge and high winds through implementation of construction standards" and related Policies 2.2.1 and 2.2.2; and, Objective 2.3 which "Limits public expenditures that subsidize development permitted in coastal high hazard areas, and give priority in shoreline development to those land uses that are dependent on or related to water access and to developments that comply with performance standards" and related Policies 2.3.1 to 2.3.5.

Okaloosa County has participated in the National Flood Insurance Program since July 1, 1977 and is in good standing with the program. Regulation of flood-prone areas is found in Section 3.06.00 Flood Hazard Areas of the Land Development Code. The County also participates in the Community Rating System (CRS) County is currently rated a Class 5. The County is also in the process of updating its Local Mitigation Strategy (LMS) and will incorporate any necessary plan amendments as may be required. Okaloosa County is currently in process of having and accepting new National Flood Insurance Program Flood Insurance Rate Maps. Preliminary maps will be presented to the public for their review in Public Meetings to be held on June 28, 2016.

No additional plan amendments are considered necessary at this time.

**RECOMMENDATION:** It is recommended that the Planning Commission sitting as the designated Local Planning Agency approve the proposed EAR.

**ATTACHMENTS:**

A – Proposed EAR

TJ/tj



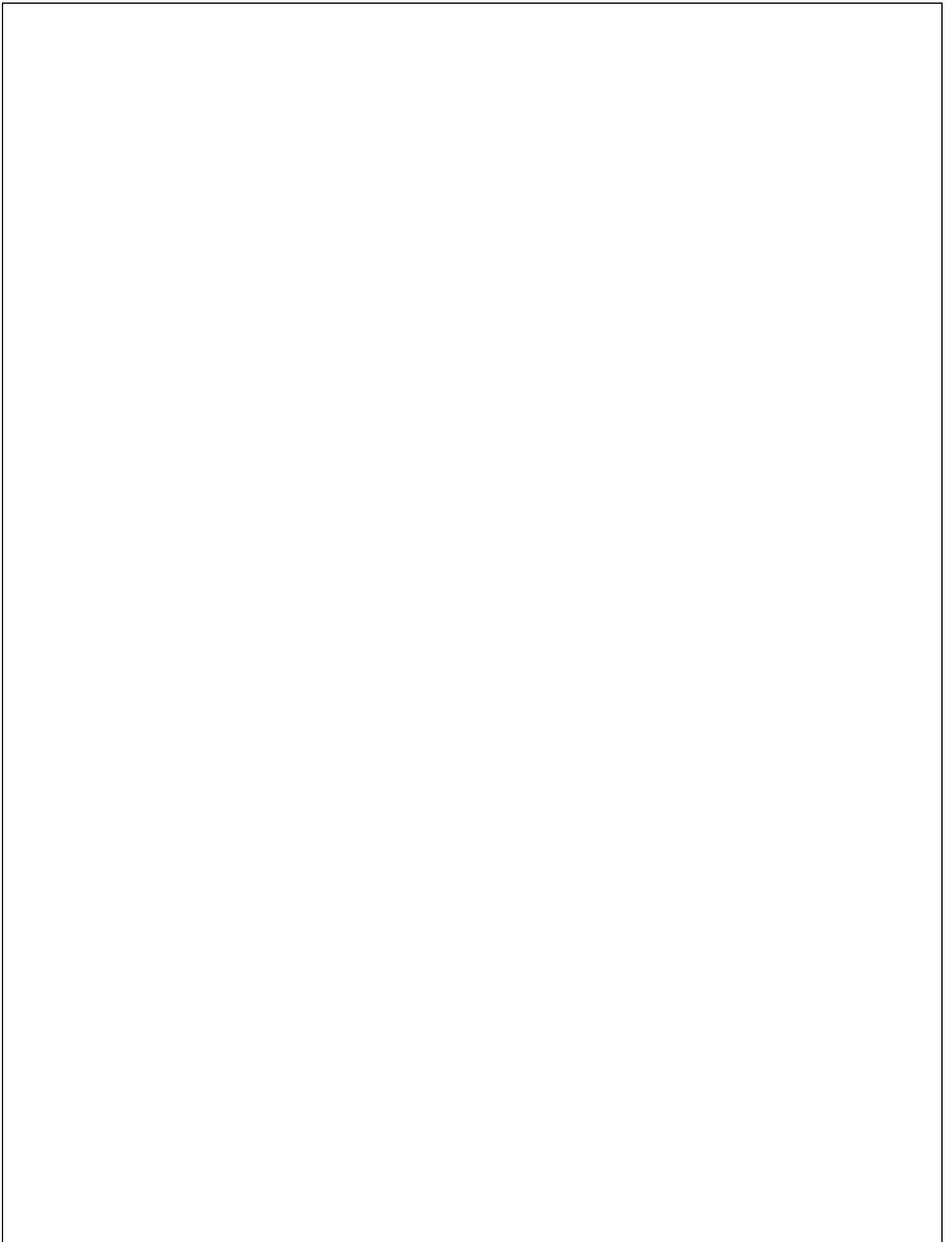
# **COMPREHENSIVE PLAN 2016 EVALUATION AND APPRAISAL REPORT**

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## **PART 1 INTRODUCTION**

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit evaluation and appraisal reports to the department for a sufficiency determination. Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated.
2. Notify the state land planning agency by letter of this determination.
3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.
5. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.





## **COMPREHENSIVE PLAN 2016 EVALUATION AND APPRAISAL REPORT**

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### **PART 2 STATUTORY REQUIREMENTS**

Statutory requirements for evaluation and appraisal reports are expressed at Section 163.3191, Florida Statutes as follows.

*163.3191 Evaluation and appraisal of comprehensive plan.—*

*(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.*

*(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.*

*(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to s. 163.3184(4).*

*(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.*

*(5) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.*



## **COMPREHENSIVE PLAN 2016 EVALUATION AND APPRAISAL REPORT**

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### **PART 3 CHANGES IN STATE REQUIREMENTS**

1. Section 163.3180(1): Deletes parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.
2. Section 163.3180(2)(b) and (c) [Deleted] Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.
3. Section 163.3180(4)(b) and (c) [Deleted] Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.
4. Section 163.3180(5)(a)-(h) [New] Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, Florida Administrative Code. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires the term “transportation deficiency” coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share contribution.
5. Section 163.3180(6)(a) [New] Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.
6. Section 163.3180(6)(f)1 and 2 Modifies school concurrency provisions to clarify that adoption and application of school concurrency is optional.
7. Section 163.3180(d) [2014 cite: Section 163.3180(g)] Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are identified and consistent with the school board’s educational facilities plan.

8. Section 163.3180(h)1.a., b. and c. [New] Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board's educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.

9. Section 163.3184(1)(b) [Revised] Modifies the definition of "in compliance" to include a reference to section 163.3248 and delete the reference to now repealed chapter 9J-5, Florida Administrative Code.

10. Section 163.3184(5)-(7) [New] Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.

11. Section 163.3184(12) [New] Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.

12. Section 163.3187(1)(a)-(f); 2014 cite: Section 163.3187(1)(a)-(d) Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale future land use map amendments are permissible.

13. Section 163.3187(1)2.a and b;3,4 and (e)-(q); 2014 Section cite: 163.3187(2)-(5) Modifies the public notice requirements for small scale plan amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.

14. Section 163.3191(1)-(14); 2014 cite: Section 163.3191(1)-(5) Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of plan to occur at least once every 7 years. The local government is required to determine if amendments are necessary to reflect changes in state requirements (only) since the last update and to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to section 163.3184(4) (State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with these requirements.



15. Section 163.3229 Revises the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to sections 163.3187 and 163.3189 regarding compliance determination by state land planning agency.

16. Section 163.3245(4) [New] Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.

17. Section 163.3245(7) [New] Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.

18. Section 163.3245(8) [New] Establishes provisions for landowner withdrawal of consent to the master plan relative to proposed and adopted amendments.

19. Section 163.3245(9) [New] Allows the right to continue, after adoption of a long-term master plan or a detailed specific area plan, existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.

20. Section 163.3248 [New] Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed section 163.3177(11).

21. Section 163.3248(1) [New] Sets forth the intent of Rural Land Stewardship Areas.

22. Section 163.3162(2)(a) Rewords the definition of “farm” to the same meaning provided in section 823.14.

23. Section 163.3162(2)(b) Rewords the definition of farm operation to the same meaning provided in section 823.14.

24. Section 163.3162 Note Adds provisions related to agricultural enclaves.

25. Section 163.3175(5) Adds “advisory” to define the commanding officer’s comments on the impact of proposed changes on military bases, and requires the comments to be based on appropriate data and analysis which must be provided to the local government with the comments.

26. Section 163.3175(5)(d) Requires local governments to consider the commanding officer’s comments in the same manner as comments from other reviewing agencies, and deletes the language that states the comments are not binding.

27. Section 163.3175(6) Adds language requiring the local government to consider the accompanying data and analysis provided by the commanding officer, in addition to the comments, and adds language stating that consideration shall be based on how the change relates to the strategic mission of the base, public safety and the economic vitality of the base while respecting private property rights.

28. Section 163.3180(1)(a) Adds language stating that an amendment that rescinds concurrency shall be processed under the expedited state review process, and is not required to be transmitted to reviewing agencies for comment, except for agencies that have requested transmittal, and for municipal amendments, it must be transmitted to the county. A copy of the adopted amendment shall be transmitted to the state land agency. If the amendment rescinds transportation or school concurrency, the adopted amendment must also be sent to the Department of Transportation or Department of Education, respectively.

29. Section 163.3180(6)(a) Provides general rewording. Adds language to clarify that the choice of one or more municipality to not adopt school concurrency does not preclude implementation of school concurrency within other jurisdictions of the school district.

30. Section 163.3184(3)(b)1. Added the word “working” to clarify the number of days a local government has to transmit an amendment.

31. Section 163.3184(4)(b) Changes the time limit a local government has to transmit an amendment from “immediately following” the first public hearing to “ within 10 working days after” the first public hearing.

32. Section 163.3180(5)(h)1 [New] Revises and adds requirements for local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, Chapter 2011-139, Laws of Florida, or as subsequently modified.

33. Section 163.3180(5)(h)1.d [New] Modifies language to require local governments that continue to implement a transportation concurrency system to “provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

34. Section 163.3180(5)(h)3 [New] Clarifies that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

35. Section 163.3180(5)(i) [New] Sets forth new provisions for any local government that elects to repeal transportation concurrency. Encourages adoption of alternative mobility funding system that uses one or more of the tools and techniques identified in subsection (f). Clarifies that any alternative mobility funding system adopted may not be used to deny, time or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development’s identified transportation impacts via the funding mechanism implemented by the local government. States that the revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. Requires a mobility fee-based funding system to comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency.

36. Section 163.3252 [New] Setting forth provisions for a local manufacturing development program and master development approval for manufacturers, allows a local government to adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries.

37. Section 163.3252(2)[New] Requires DEO to develop a model ordinance to guide local governments that intend to establish a local manufacturing development program by December 1, 2013. Requires the model ordinance, which need not be adopted by a local government, to include the elements set forth in sections 163.3252(2)(a)-(k).

38. Section 163.3202(1) Requires that local governments must adopt, amend, and enforce land development regulations that are consistent with and implement the comprehensive plan within one year after submission of the comprehensive plan or amended comprehensive plan pursuant to section 163.3191, Florida Statutes (evaluation and appraisal process), instead of section 163.3167(2), Florida Statutes (requirement that each local government maintain a comprehensive plan).

39. Section 163.3206(1) [New] Provides legislative intent related to the importance of fuel terminals.

40. Section 163.3206(2)(a)1.-9. [New] Provides a definition of fuel with cross references

41. Section 163.3206(2)(b) [New] Provides a definition of fuel terminal

42. Section 163.3206(3) [New] Provides that after July 1, 2014, a local government may not amend its comprehensive plan, land use map, zoning districts, or land use regulations to conflict with a fuel terminal's classification as a permitted and allowable use, including an amendment that causes a fuel terminal to be a nonconforming use, structure, or development.

43. Section 163.3206(4) [New] Provides that if a fuel terminal is damaged or destroyed due to a natural disaster or other catastrophe, a local government must allow the timely repair of the fuel terminal to its capacity before the natural disaster or catastrophe.

44. Section 163.3178, **Coastal Management Element** (Chapter 2015-69, section 1, Laws of Florida) Adds requirements for the redevelopment component of the Coastal Management Element to:

Reduce the flood risk in coastal areas that result from high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Remove coastal real property from FEMA flood zone designations.

Be consistent with or more stringent than the flood resistant construction requirements in the Florida Building Code and federal flood plain management regulations.

Require construction seaward of the coastal construction control line to be consistent with chapter 161, Florida Statutes.

Encourage local governments to participate in the National Flood Insurance Program

Community Rating System to achieve flood insurance premium discounts for their residents.

45. Section 163.3175(9), **Compatibility of Development with Military Installations** (Chapter 2015-30, section 1, Laws of Florida). Deletes obsolete provisions establishing 2012 deadlines for a local government to adopt plan amendments related to military base compatibility.

46. Section 163.3177(6)(c)4., **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element** (Chapter 2015-30, section 2, Laws of Florida) Provides that a local government that does not own, operate, or maintain its own water supply facilities and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or maintain a work plan if the local government's usage of water is less than 1 percent of the public water utility's total permitted allocation. The local government must cooperate with any local government or utility provider that provides service within its jurisdiction. The local government must keep the element up to date in accordance with section 163.3191 (evaluation and appraisal).



## **COMPREHENSIVE PLAN 2016 EVALUATION AND APPRAISAL REPORT**

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### **PART 4**

#### **AMENDMENTS TO REFLECT CHANGES IN STATE REQUIREMENTS**

Subsection 163.3191(2) states: *If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.* Changes in state requirements since 2009 were identified in Part 3 of this report. A summary description of those considered applicable is as follows.

#### **CONCURRENCY MANAGEMENT**

Section 163.3180, (1) states that sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, the County may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

The adopted Comprehensive Plan currently requires concurrency and level of service standards for: roadways; wastewater; potable water; solid waste; stormwater management; recreation and open space, and; public schools facilities. The County may, at its discretion, eliminate concurrency requirements for roadways, stormwater management, recreation and open space, and public schools facilities. If these are not eliminated the Comprehensive Plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. These items are already included in the adopted Comprehensive Plan.

In order for the County to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues shall be processed under the expedited state review process in s. 163.3184(3), but the amendment is not subject to state review and is not required to be transmitted to the reviewing agencies for comments, except that the County shall transmit the amendment to any local government or government agency that has filed a request with the governing body. For informational purposes only, a copy of the adopted amendment shall be provided to the state land planning agency. A copy of the adopted amendment shall also be provided to the Department of Transportation if the amendment rescinds transportation concurrency and to the Department of Education if the amendment rescinds school concurrency.

## 1. Optional Transportation Concurrency

If the County chooses to continue a transportation concurrency system, whether in the form adopted into the Comprehensive Plan before the effective date of the Community Planning Act, Chapter 2011-139, Laws of Florida, or as subsequently modified, it must:

- a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.
- b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.
- c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. 380.06, *Fla. Stat.* when applicable, if:
  - (i) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements.
  - (ii) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. The County may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.
- d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development’s proportionate share of the improvements necessary to mitigate the development’s impacts.

The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

In using the proportionate-share formula, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined by law. The proportionate-share formula shall be applied only to those

facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

When the provisions described herein have been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

This does not require the County to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the Comprehensive Plan and Land Development Code.

The term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

***ANALYSIS:*** *The County is no longer required to maintain a transportation concurrency management system. If the County chooses to not continue with transportation concurrency then a plan amendment will be required to remove it from the Comprehensive Plan. If the County chooses to continue with transportation concurrency it is recommended that a transportation engineering consultant be hired to ensure the County meets the new statutory requirements such as updated level of service standards, proportionate share fees, and development review procedures. In order to ensure that the County be able to address transportation concurrency through its development review process, it is recommended that the study be undertaken and the Comprehensive Plan and Land Development Code be amended accordingly upon completion of the study.*

## **2. Optional Public Schools Concurrency**

If the County chooses to apply concurrency to public education facilities it shall include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and interlocal agreements. The choice of one or more municipalities to not adopt school concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within other jurisdictions of the school district if the County and one or more municipalities have adopted school concurrency into their comprehensive plan and interlocal agreement that represents at least 80 percent of the total countywide population. All local government provisions included in comprehensive plans regarding school concurrency within a county must be consistent with each other and the requirements of this part.

Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards necessary to implement the adopted local government comprehensive plan, based on data and analysis.

Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

Local governments and school boards may utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

A school district that includes relocatable facilities in its inventory of student stations shall include the capacity of such relocatable facilities as provided in s. 1013.35(2)(b)2.f., *Fla. Stat.* provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to s. 1013.20, *Fla. Stat.*

***ANALYSIS:*** *Public school concurrency has been removed from the Comprehensive Plans of the cities except for Laurel Hill, Fort Walton Beach, and Destin. City of Destin officials indicated it will be removed from that city's plan in the near future. It is recommended that the County coordinate with the school district to remove public school concurrency from the County's plan. A plan amendment will be required to remove the Public Schools Facilities Element from the Comprehensive Plan.*

## **3. Stormwater Concurrency**

If the County chooses to apply concurrency to stormwater management facilities the Comprehensive Plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl. For the most part, the current Comprehensive Plan already addresses these requirements.



**ANALYSIS:** *Stormwater management and drainage are among the more pressing problems facing the County. The County should not give up any tool at its disposal to correct existing stormwater problems as well as prevent future problems. It is recommended that stormwater concurrency provisions be retained in the Comprehensive Plan.*

#### **4. Parks and Recreation Concurrency**

If the County chooses to apply concurrency to parks and recreation facilities the Comprehensive Plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. A recreation and open space element is required indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

**ANALYSIS:** *The County currently has 449 acres of county-maintained parks. The level-of-service (LOS) for parks as specified in the Comprehensive Plan, Recreation and Open Space Element, Policy 3.1 is 0.6 acres of parks per 1000 population. This LOS equates to a demand for 66 acres of parks (2015 BEBR unincorporated population 110,280 divided by 1000 = 110.28 X 0.6 = 66). This does not include parks within cities or state and federal parks and recreation areas. Based on the availability of parks and recreation it is recommended that parks and recreation concurrency be removed from the Plan. A plan amendment will be required to remove this concurrency requirement from the Comprehensive Plan.*

#### **B. COMPATIBILITY WITH MILITARY INSTALLATIONS**

As described in Section 163.3175(2), *Fla. Stat.* Eglin AFB and Hurlburt Field due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than other military installations. Consequently, this section and the provisions in s. 163.3177(6)(a), *Fla. Stat.* relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific military installations.

In this regard, the County must transmit to the commanding officer of the relevant associated installation or installations information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation. At the request of the commanding officer, the County must also transmit to the commanding officer copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the Comprehensive Plan as being in a zone of influence of the military installation. The County shall provide the military installation an opportunity to review and comment on the proposed changes.

The commanding officer or his or her designee may provide advisory comments to the County on the impact such proposed changes may have on the mission of the military installation. Such advisory comments shall be based on appropriate data and analyses provided with the comments and may include:

- (a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;
- (b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;
- (c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and
- (d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports shall be considered by the County in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184, *Fla. Stat.*

The County shall take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting private property rights and not being unduly restrictive on those rights. The County shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

***ANALYSIS:*** *While these changes in state requirements occurred after the County's 2009 EAR the County had already included policies in its Plan to address compatibility with military installations. A Joint Land Use Study (JLUS) was completed in June, 2009 as well as a Tri-County Growth Management Plan completed in June, 2010. A more detailed Small Areas Study was conducted for areas north and east of the Eglin reservation and completed in October, 2012. Amendments to the Comprehensive Plan were made by the County in response to these study efforts which fulfill state requirements. No additional plan amendments are considered necessary.*

### **C. COASTAL MANAGEMENT**

Section 163.3178, *Fla. Stat.* adds requirements for the redevelopment component of the Coastal Management Element to:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053, *Fla. Stat.* be consistent with Chapter 161, *Fla. Stat.*
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

**ANALYSIS:** *The County has already addressed these requirements either as part of the Comprehensive Plan or in the Land development Code. Pertinent parts of the Plan are found in the Coastal Management Element, Objective 2.1 which "Directs population concentrations away from Coastal High Hazard Areas through implementation of the future land use map, through acquisition of land, and through implementation of the Local Mitigation Strategy" and related Policies 2.1.1 to 2.1.3; Objective 2.3 which "Protect property within Coastal High Hazard Areas from coastal flooding, storm surge and high winds through implementation of construction standards" and related Policies 2.2.1 and 2.2.2; and, Objective 2.3 which "Limits public expenditures that subsidize development permitted in coastal high hazard areas, and give priority in shoreline development to those land uses that are dependent on or related to water access and to developments that comply with performance standards" and related Policies 2.3.1 to 2.3.5.*

*Okaloosa County has participated in the National Flood Insurance Program since July 1, 1977 and is in good standing with the program. Regulation of flood-prone areas is found in Section 3.06.00 Flood Hazard Areas of the Land Development Code. The County also participates in the Community Rating System (CRS) County is currently rated a Class 5. The County is also in the process of updating its Local Mitigation Strategy (LMS) and will incorporate any necessary plan amendments as may be required. Okaloosa County is currently in process of having and accepting new National Flood Insurance Program Flood Insurance Rate Maps. Preliminary maps will be presented to the public for their review in Public Meetings to be held on June 28, 2016.*

*No additional plan amendments are considered necessary at this time.*