

**SUMTER COUNTY BOARD OF COMMISSIONERS  
EXECUTIVE SUMMARY**

**SUBJECT:** Presentation of 2011 Growth Management Legislation

**REQUESTED ACTION:** N/A

Work Session (Report Only)

Regular Meeting

**DATE OF MEETING:** 8/16/11

Special Meeting

**CONTRACT:**  N/A

Effective Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_

Termination Date: \_\_\_\_\_

Planning

**BUDGET IMPACT:** \_\_\_\_\_

Annual

Capital

N/A

**FUNDING SOURCE:** \_\_\_\_\_

**EXPENDITURE ACCOUNT:** \_\_\_\_\_

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**HISTORY/FACTS/ISSUES:**

During the 2011 Florida Legislative Session, the Florida Legislature approved House Bill 7207 (HB 7207), "Community Planning Act". HB 7207 was signed into law by Governor Scott.

HB 7207 provides a complete overhaul of Florida's growth management system with a focus on more local control of planning decisions. At the Board's workshop, Brad Cornelius, Director Planning & Development, will provide an overview of the major changes to the growth management system.

Staff is seeking input from the Board regarding the pursuit of eliminating concurrency requirements for transportation, public schools, and parks and recreation. Under HB 7207, concurrency for transportation, public schools, and parks and recreation is optional at the discretion of the local government.

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2011

# Growth Management Update

Sumter County BOCC Workshop

August 16, 2011

Sumter County Planning & Development

# Major Legislative Changes

## HB 7207 : The Community Planning Act

strengthens “the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government”

Laws of Florida, Chapter 2011-139

# From 1975 to 2011

- 1975 – Recognition of need to plan.
- 1985 – Mandatory planning – Strong State role and oversight of local planning decisions.
- 2011 – Mandatory planning - Shift from “What does DCA want?” to “What does the local community want?”
- Planning is still critical and required but from local perspective and not State mandate.

# From DCA to DEO

- The Florida Department of Community Affairs (DCA) is eliminated.
- Replaced with the Florida Department of Economic Opportunity (DEO).
- Focus of DEO, and other State review agencies, is on “State Significant Resources”.
- “State Significant Resources” – Still to be determined.
  - Urban Sprawl
  - State/Federal Roads
  - Jurisdictional Wetland Systems and Waterways
  - Protected Wildlife Species and Habitats
  - Water Supply and Quality

# Deleted Items

- State Comprehensive Plan (Chapter 187, F.S.) – Not used in compliance determinations.
- Energy Efficiency/Greenhouse Gas Requirements (HB 697).
- Rule 9J-5, F.A.C. – Parts moved to Chapter 163, F.S.
  - Compatibility/Suitability
  - Density/Intensity
  - Goals, Objectives, and Policies
  - Level of Service
  - Population Projections

# Development of Regional Impact (DRI) Changes

- Automatic 4-year Extension to Build-Out Dates (Notify Local Government by December 31, 2011).
  - Villages extended build-out date from 2014 to 2018
- Exempts
  - Industrial
  - Movie Theater
  - Mining (Phosphate)
  - Hotel
- Provides Greater Flexibility in Changes to Retail, Office, and Attraction/Recreation DRIs.
- Confirms DRI Exemptions from Previous Year Legislation.

# DRI Changes

- Aggregation – Eliminates “Sharing of Infrastructure”.
- Cannot Require DRI by Local Comprehensive Plan or State Agency Agreement.
  - Monarch Ranch DRI Requirement

# Evaluation & Appraisal Report (EAR)

- The County is required to evaluate and update the Comprehensive Plan at least every seven years.
- The State no longer reviews the EAR and the EAR is not formally adopted by local government.
- Local government sends a letter to the State stating the results of the EAR and our intent to update the Comprehensive Plan within 12 months of the letter.
- Next EAR is due September 2012 – It's only a letter!

# Comprehensive Plan Elements

No Change to Required Elements  
Except Public Schools – Now Optional

## Required Elements

- Capital Improvements - Schedule of Capital Improvements
- Future Land Use – Future Land Use Map
- Transportation
- Utilities
- Conservation – Water Supply Plan
- Recreation and Open Space
- Housing
- Intergovernmental Coordination

## Optional Elements

- Economic Development
- Public Safety
- Public Schools

# Future Land Use

- Amount of land in each land use category must allow adequate choices for residents and businesses – not limited by projected population.
- Bureau of Economic and Business Research Medium Population Projections are **Minimum not Maximum.**
- New urban sprawl test for future land use amendments.
  - Meet 4 of 8 requirements.
  - County's and cities' adoption of the ISBA/JPAs will facilitate compliance.

# Concurrency

- Concurrency – Assure public facilities are available to meet the demands of new development.
- Significant change in 1985 concurrency mandate.
- Concurrency still required:
  - Potable Water and Sanitary Sewer.
  - Stormwater.
  - Solid Waste.
- Concurrency optional at discretion of local government:
  - Transportation.
  - Public Schools.
  - Parks and Recreation.
- Elimination of concurrency requires Comprehensive Plan amendment but not subject to State review.

# Transportation Concurrency

- Unintended Consequences

- Discourage development within urban/built-up areas.
- Complex, difficult, and expensive.
- Focus on automobile – not creative.

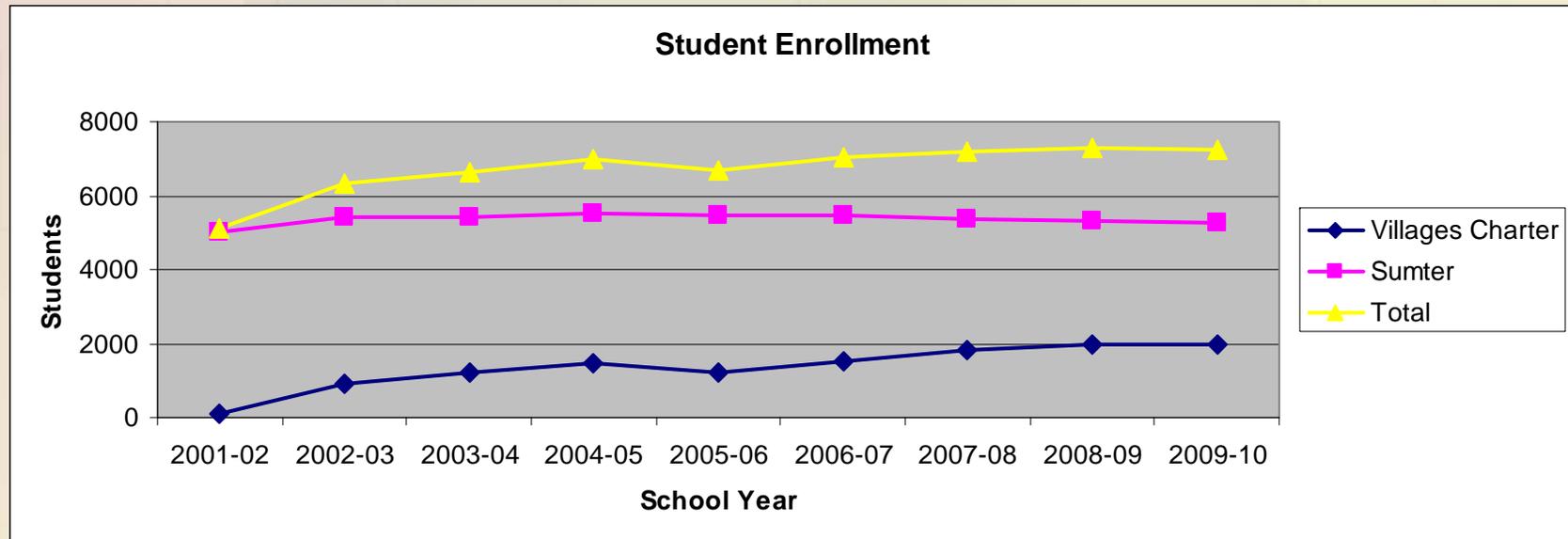
- Limited transportation level of service deficiencies.

- Primarily State roads.
- Artificial level of service standards.
- Coordination with developers.
- Strong coordination with Lake-Sumter MPO and FDOT.
- Impact fees.

# Transportation Concurrency

- Recommend to eliminate transportation concurrency.
  - Maintain congestion management system with Lake-Sumter MPO to identify, plan, and prioritize road capacity needs.
  - Maintain requirements for improvements to sub-standard roads and site access/operational improvements.
  - Maintain ability for developers to enter into Proportionate Share Agreements with County for road improvements and related Impact Fee Agreements.
  - Does not impact existing developer obligations or agreements.
- Consider implementing Indexing of Road Impact Fee.
  - Road Impact Fee Ordinance allows for the BOCC to index the Road Impact Fee based on Consumer Price Index.

# Public School Concurrency



Source: Sumter School District Strategic Plan

- **Coordination & Cooperation – Not Concurrency.**
- **Retain Interlocal Agreement (less Concurrency).**

# Parks and Recreation Concurrency

- County Focus – Passive/Regional Parks.
  - Interlocal Service Boundary Agreements – City Active Parks.
- Coordination with State Agencies for public access/recreation on State owned lands.
- Eliminate concurrency

# Financial Feasibility

- The Comprehensive Plan does not have to demonstrate financial feasibility.
- The Capital Improvements 5-year Schedule simply lists projects as funded or not funded and prioritizes.
- The Capital Improvements 5-year Schedule must be annually updated by Ordinance and not by Comprehensive Plan Amendment.
- Continue to prepare Capital Improvements 5-Year Schedule in coordination with annual budget process.

# Administrative Procedures

- Removed limitation of frequency of Large Scale Comprehensive Plan Amendments.
- Maintained 10 acre limitation for Small Scale Comprehensive Plan Amendment but increased annual acreage from 80 acres to 120 acres.
- Eliminated the timing and location limitation for Small Scale Comprehensive Plan Amendments.
- Allows Small Scale Comprehensive Plan Amendments to include a text amendment directly related to the map amendment.

# Administrative Procedures

- Expedited Review Process – Nearly all Large Scale Amendments.
  - Transmittal Hearing at ZAB and BOCC.
  - Submit to DCA/DEO and other State Agencies.
  - DCA/DEO and other State Agencies submit comments within 30 days.
  - County has 180 days to consider comments and adopt or not adopt amendment.
  - DCA/DEO does not Issue a Notice of Intent but may challenge adopted amendment.
  - Cut time from 8-12 months to 4-6 months.
- Coordinated Review Process – EAR Based Amendments, etc.
  - Similar to existing process.
- Opportunity to resolve disputes with DCA/DEO through negotiated settlement retained.

# Small but Significant Changes

- Maximum duration of Development Agreements increased from 20 to 30 years.
- Permits extended two years upon notice to local government.
- Added additional data and analysis requirements for Housing Element.

The background features a complex, abstract design with overlapping semi-transparent rectangles in shades of red, orange, yellow, green, and grey. Faint, thin white outlines of various shapes are scattered across the background, creating a layered, architectural feel.

Questions?