

**Hickory Hill
Public Hearing Agenda Packet**

EXHIBIT C

***OBJECTIONS, RECOMMENDATIONS AND
COMMENT REPORT, ISSUED BY THE
FLORIDA DEPARTMENT OF COMMUNITY
AFFAIRS, HERNANDO COUNTY
AMENDMENT 06D-1,
DATED SEPTEMBER 16, 2006***



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

Thaddeus L. Cohen
Secretary

MEMORANDUM

TO: Jim Quinn, DEP
Susan Harp, DOS
Wendy Evans, AG
Mary Ann Poole, FWC
Carol Collins, FDOT 7
Mike Moehlman, Withlacoochee RPC
Richard S Owen, Southwest Florida WMD

Date: September 18, 2006

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):

Hernando Co 06D1

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/ts

Enclosure

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466 Suncom 278.8466 FAX: 850.921.0781 Suncom 291.0781
Internet address: <http://www.dea.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2798 Overseas Highway, Suite 212
Marathon, FL 33060-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7958



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

September 15, 2006

The Honorable Robert Schenck, Chairman
Hernando County Board of County Commissioners
20 North Main Street
Brooksville, Florida 34601

Dear Chairman Schenck:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Hernando County (DCA No. 06D-1), which was received on July 17, 2006. Based on Chapter 163, Florida Statutes, we have prepared the attached Report that outlines our findings concerning the amendment. It is particularly important that the County address the "objections" set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of one proposed amendment to the Future Land Use Map (FLUM), Future Land Use Element, and to the Five-year Schedule of Capital Improvements in the Capital Improvements Element. The Department has raised objections of the amendments, related to need, urban sprawl, transportation, public facilities, and natural resources concerns.

If you or your staff have any questions or if we may be of further assistance as you formulate your response to this Report, please me at (850) 487-4545 or Ron Horlick, Planner at (850) 922-1801.

Sincerely,

Brenda Winningham
Regional Planning Administrator

BW rh

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Michael Moehlman, Executive Director, Withlacoochee Regional Planning Council
Mr. Ron Pianta, Planning Director, Hernando County

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: (850) 424-4666 • Suncom: 278-8466 • FAX: (850) 922-1078 • Suncom: 291-6731

Internet address: <http://www.dca.state.fl.us>

REGIONAL SERVICE CENTER
1700 Macras Highway, Suite 100
Marathon, FL 33050-1277
305-289-2402

REGIONAL PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
850-487-4556

REGIONAL SERVICE CENTER
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
850-487-4560

REGIONAL SERVICE CENTER
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
850-487-4560

TRANSMITTAL PROCEDURES

Hernando County shall, just prior to the adoption of the DRI development order, 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 s. 163.3184, Florida Statutes, and Rule 9J-111.011, Florida Administrative Code. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

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

1. Three copies of the adopted comprehensive plan amendment;
2. A copy of the adoption ordinance;
3. A listing of additional changes not previously reviewed;
4. A listing of findings by the local governing body, if any, which were not included in the ordinance; and
5. 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 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 Mr. Michael Moehlman, Executive Director, Withlacoochee Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use). **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/addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
HERNANDO COUNTY
AMENDMENT 06D-1

September 15, 2006
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-31.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Hernando County's proposed amendment to their comprehensive plan (DCA number 06D-1) pursuant to Chapter 163, Florida statutes (F.S.)

The objections 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 of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which 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 considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to 9J-5.002(2), F.A.C., must be submitted.

The comments, which 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 our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading of this report.

Hernando County Amendment 06D-1

Objections, Recommendations and Comments Report

Florida Department of Community Affairs

1. CONSISTENCY WITH CHAPTER 163, PART II, FLORIDA STATUTES, AND RULE 9J-5, FLORIDA ADMINISTRATIVE CODE

Future Land Use Map (FLUM) Amendment and Text Amendment to the Future Land Use Element

A. The Department raises the following objections to the proposed FLUM amendment and to the proposed Future Land Use Element (FLUE) amendment CPAM 06-02.

1. Objection: The proposed FLUM amendment and FLUE Objective 1.07E and its policies 1.07E(1) – 1.07V(9) is not supported by adequate data and analysis demonstrating the need for the additional land designated for residential use in order to accommodate the County's projected population growth within the planning timeframe of the County's Comprehensive Plan. Specifically, the proposed amendment is not supported by a land use needs analysis, which includes the need for the additional residential density that would be allowed by the proposed text and FLUM amendment, to accommodate the Comprehensive Plan's projected population growth within the planning timeframe of the Future Land Use Map, and a description of the methodology used. The proposed amendment is not supported by adequate data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl regarding the following indicators of urban sprawl and are, therefore, inconsistent with Future Land Use Element (FLUE) Goal 1.01 which discourages urban sprawl, Goal 101F and its policies, and Goal 1.07. The proposed amendment exhibits the following characteristics of Urban Sprawl:

- Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.
- Fails to maximize use of existing public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.

Rules 9J-5.005(2) and (5), 9J-5.005(3)(b)8, 9J-5.006(3)(c), 9J-5.006(5), 9J-5.006(5)(g), F.A.C. Sections 163.3177(4)(a), 163.3177(6)(a), 163.3177(8), and 163.3191 F.S.

Recommendation: Do not adopt the proposed amendment. Alternatively, the County should provide a land use needs analysis demonstrating there is a need for the amount of development allowed by the proposed amendment in order to accommodate the Comprehensive Plan's

projected population growth within the planning timeframe of the Future Land Use Map. Include an urban sprawl analysis that considers the proposed amendments in relation to the urban sprawl criteria identified above. Revise the amendment as necessary to be consistent with and supported by the data and analysis and to limit additional densities to specific areas that are appropriate for increased densities and that would not promote urban sprawl.

2. Objection: The proposed amendment is not supported by an adequate transportation analysis for the five-year and long term planning timeframes addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the proposed FLUM amendments; (2) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways including S.R. 50, I-75, and other affected roadways and (3) coordination of the road improvements with the Transportation and Capital Improvements Elements, including the Future Transportation Map and implementation through the Five-Year Schedule of Capital Improvements. Therefore, the amendments are not consistent with the following provisions of the County's comprehensive plan: Transportation Element Objectives 2.02A, 2.04A and 2.04B and their Policies, Capital Improvements Element Objectives 9.01A and 9.01C and their Policies and Policies 9.01E(1)a., 9.01E(3), and 9.01E(6).

9J-5.005(2)(a); 9J-5.005(5); Rules 9J-5.006(2 and 5), 9J-5.006(3)(b)1, 9J-5.006(4), 9J-5.019(3)(a, b, f, g, h, and i); 9J-5.019(4)(b)1, 2, and 3; 9J-5.019(4)(c)1; 9J-5.019(5)(a and b); 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1d, 1e, 1f, and 1g; 9J-5.016(4)(a)1, and 2; 9J-5.015(3)(b)1 and 2; 9J-5.015(3)(c)1, and 11; and Sections 163.3177(2 and 3); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2; and 163.3177(8), F.S.

Recommendation: Revise the amendment to include the required analysis necessary to support the FLUE and FLUM amendment and demonstrate coordination of land use with the provision of transportation facilities and the Capital Improvements Element. The analysis should address all impacted roads, particularly S.R. 50 and I-75. The County should indicate what roadway improvements are being anticipated to address the potential roadway deficiencies. The Five-Year Schedule of Capital Improvements needs to be revised to include any needed improvements to maintain the adopted level of service.

3. Objection: The proposed amendment does not proposed an expansion to the Ridge Manor Subregional Wastewater Treatment Plant even though the data and analysis clearly indicates that the adoption of the proposed amendment will result in the capacity of the plant to be exceeded. Additionally, the data and analysis indicates that the proposed water and sewer line extensions to serve the proposed amendment site are to be funded through hookup fees; however, these fees will not be available until after the lines are constructed. The proposed amendment is not supported by a public facilities analysis for water, sewer, and reuse water (including assumptions, data sources, and description of methodologies used) for the five year and long term planning timeframes addressing the following: coordination of any needed facilities improvements or other planning alternatives with the Future Land Use Element, Infrastructure Element, and Capital Improvements Elements, including implementation through the Five-Year Schedule of Capital Improvements. The amendment is not consistent with the following provisions of the County's Comprehensive Plan: Future Land Use Element Policy 101F(10); Sanitary Sewer Element Objective 4.01(A) and its Policies, Policy 401C(5). Potable Water Element Policy 4.11A(3), Objective 4.11E and its policies, Objective 4.11G and its policies, Objective 4.14A and its policies, Objective 4.15 and its policies, and Objective 4.16A and its policies.

Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1; 3, and 5; 9J-5.016(3)(c)1.d, 1.e, 1.f, and 1.g; 9J-5.016(4)(a), F.A.C.; and Sections 163.3177(2 and 3); and 163.3177(6)(a, c and j), F.S.

Recommendation: Revise the amendment to include the required analysis necessary to support the amendment and demonstrate coordination of land use with the planning and provision of public facilities, including coordination with the Capital Improvements Element and Infrastructure Element, and to demonstrate consistency with the Comprehensive Plan goals, objectives and policies. Revise the amendment as necessary to be consistent with and supported by the analysis. Coordinate the proposed FLUE and FLUM amendments. Specifically, show that water and sewer services can be supplied to the amendment site and that the providers of the water and sewer utilities have sufficient capacity to extend their lines to the proposed amendment site. Revise the 5-year Schedule of Capital Improvements to identify the funding source who will fund the extension of the water, wastewater lines, and reuse water. Likewise, indicate what changes will be needed to the wastewater plant to supply the amendment site in the future. Revise the 5-year Schedule of Capital Improvements as necessary to identify the party who will be responsible for these changes and how the improvements will be funded.

Objection 4: The data and analysis does not address and demonstrate the environmental suitability of the amendment site. The amendment is not supported by data and analysis describing how the amendment assures the protection of wildlife and vegetative communities consistent with the wetlands protection requirements of Rule 9J-5 and the County comprehensive plan. The land use is not supported by data and analysis demonstrating that the proposed land use will not adversely affect listed species. The amendment is not supported by data and analysis demonstrating that the amendment is consistent with the following provisions of the County's Comprehensive Plan: Conservation Element Policies 6.01a(4), 6.01C(6)

Rules 9J-5.005(2 and 5); 9J-5.006(2)(a and b); 9J-5.006(3)(a); 9J-5.006(3)(b)1 and 4; 9J-5.006(3)(c)4 and 6; 9J-5.006(4); 9J-5.011(1)(h); 9J-5.011(2)(a); 9J-5.011(2)(b)4 and 5; 9J-5.011(2)(c)4 and 5; 9J-5.013(1)(a, b and c); 9J-5.013(2)(a); 9J-5.013(2)(b)2; and 9J-5.013(2)(c), F.A.C.; and Sections 163.3177(2 and 8); and 163.3177(6)(a, c and d), F.S.

Recommendations: Revise the amendment to assure the protection of wildlife and vegetative communities consistent with the wetlands protection requirements of Rule 9J-5 and the County's comprehensive plan regarding the County's clustering provision to protect significant habitat. Revise the amendment as necessary to be consistent with and supported by the data and analysis.

II CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed plan amendment is not consistent with the following goals and policies of the State Comprehensive Plan:

187.201(7)(b)5. – Ensure that new development is compatible with existing and regional water supplies.

187.201(7)(b)10. – Protect surface and groundwater quality and quantity in the state.

187.201(9)(b)2. – Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational value.

187.201(9)(b)3. - Prohibit the destruction of endangered species and protect their habitats.

187.201(15)(b)1 – Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

187.201(15)(b)2 – Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

187.201(15)(b)6.- Consider in land use planning and regulations, the impact of land use on water quality and quantity, the availability of land, water, and other natural resources to meet demands, and the potential for flooding.

187.201(17)(b)1.- Provide incentives for developing land in a way that maximizes the use of existing public facilities.

187.201(17)(b)4.- Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.

187.201(17)(b)7. – Encourage the development, use, and coordination of capital improvement plans by all levels of government.

187.201(19)(b)3. – Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.

187.201(19)(b)9. – Ensure that the transportation system provides Florida Citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

187.201(19)(b)13. – Coordinate transportation improvements with state, local and regional plans.

DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF COMPREHENSIVE PLANNING
CORRESPONDENCE ROUTING SLIPS

ORIGINATOR: Ron Horlick DATE: 9/14/06

SUBJECT: Hernando Co OGD-1 MAILOUT DATE: 9/15/06
ORC

| Referral | Init. | Date | Referral | Init. | Date |
|----------------|-------|------|--------------------------|-------|---------|
| Secretary | | | Division Director-DCP | | |
| Chief of Staff | | | Chief Comp. Plan | | |
| Legal | | | 2 Regional Planning Adm. | RW | 9/15/06 |
| Personnel | | | Principal Planner | | |
| | | | Senior Planner | | |
| | | | 1 Planner | RH | 9/14/06 |

COMMENTS: ORC with objections
