

**Board of County Commissioners
Leon County, Florida**

**Workshop on
Growth and Environmental Management Permit
Process Improvement Focus Group
Recommendation**

**12:00 p.m. – 3:00 p.m.
Tuesday, April 11, 2006**

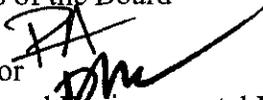
**Leon County Board of County Commissioner Chambers
Leon County Courthouse, 5th Floor**

This document distributed: April 5, 2006

Board of County Commissioners Workshop Request

Date of Workshop: April 11, 2006
Date Submitted: April 5, 2006

To: Honorable Chairman and Members of the Board

From: Parvez Alam, County Administrator 
David McDevitt, Director, Growth and Environmental Management 

Subject: Growth and Environmental Management Permit Process Improvement Focus
Group Recommendations

Statement of Issue:

To provide the Board of County Commissioners a summary of the Growth and Environmental Management (GEM) Focus Group recommendations regarding permit process improvements and development review related issues.

Background:

On April 26, 2005, the Board conducted a workshop on GEM Permit Process and Development Initiatives (Attachment #1). The workshop item had been prepared in response to the Board's request at the June 8, 2004 Budget Issue Discussion Meeting that staff review the current development review and associated permitting processes and recommend revisions to streamline the process.

GEM staff presented the comprehensive workshop package (Attachment #1) that itemized proposed ways to streamline the development review and permitting process. After some deliberations, the Board voted to establish a Blue Ribbon Committee (a.k.a. the GEM Focus Group), reflective of the community, to review the items outlined in the GEM Permit Process and Development Initiatives workshop package, and provide input and recommendations to GEM staff concerning streamlining and improving the development review and permitting process. The Board ratified this direction including the adoption of a resolution establishing the GEM Focus Group at their May 10, 2005 meeting. The Board also scheduled a November 22, 2005 workshop to review the recommendations of the GEM Focus Group concerning enhancements to the development review and permitting process. At the Board's May 24, 2005 meeting, Commissioners appointed the 14-member (two appointees per Commissioner) GEM Focus Group (Attachment #2).

On October 11, 2005, the Board approved the rescheduling of the GEM Permit Process and Development Initiatives Workshop from November 22, 2005 to March 28, 2006. The rescheduling was requested by staff to provide the GEM Focus Group additional time to complete their review of the April 26, 2005 GEM Workshop item. On February 14, 2006, the Board approved a subsequent

rescheduling of the workshop to April 11, 2006. In addition, at the June 14, 2005 budget workshop the Board directed staff to agenda the GEM Fee Study after the Board has considered the recommendations of the GEM Focus Group. The fee study contemplated raising fees to maintain the existing level of service, and the Board wanted to review fees after hearing the recommendations from the GEM Focus Group.

The GEM Focus Group's initial meeting was June 23, 2005. The GEM Focus Group generally met two times a month for approximately one and half hours per meeting with their formal meetings concluding in February, 2006. The Focus Group membership is very diverse and is generally representative of the various interest groups typically involved or interested in the County's development review and permitting processes. The members were provided a draft of the workshop package for final review and comment.

Analysis:

GEM's April 26, 2005 Workshop item (Attachment #1) generally categorized the permit process and development initiatives into three areas: (1) Process and Policy Modifications; (2) Code Revisions and Comprehensive Plan Amendments; and (3) GEM Special Project Assignments. The following analysis and presentation of the GEM Focus Group recommendations will generally follow this format, and includes (4) Initiatives/Recommendations from the GEM Focus Group on issues that were not previously noted in the GEM Workshop item, as well as a summary analysis of the GEM Focus Group recommendations with estimated impact of the County's development review and permitting process.

(1) Process and Policy Modifications

- **Enhanced Permitted Use Verifications (PUVs) – (Workshop Item A.1/Page 4)**

Staff requested the Board's support for enhancing the PUV. The primary enhancement area noted in the workshop item included additional site-specific environmental information based on GIS data availability. The enhancements noted in the workshop item have been subsequently implemented by staff.

The GEM Focus Group supports staff's recommendation with the addition that PUVs should be optional with the addition of the proviso language that the applicant will be preceding at their own risk should they decide to proceed with the development review process without being issued a PUV certificate from the County.

IMPACT: *PUV requests typically require 7 to 10 calendar days to complete. Should the applicant choose not to request a PUV, the estimated reduction in time during the initial development review process would be decreased accordingly. However, should the*

applicant submit for the inappropriate review type/level or for a project not allowed by the property's land use designation, the associated overall development review time may be increased. The review timeframe for PUVs is not established by code, and could be administratively reduced.

- **Having GEM staff conduct in-house Natural Features Inventories (NFIs) development applications – (Workshop Item A.2/page 5)**

The Workshop package proposed implementation of the in-house review of certain components of the NFI and the limitation of single family review to only those lots created prior to 1996. It was suggested that this could be accomplished by the realignment of staff, specifically environmental and building inspection staff. However, certain components of the NFI review process would still require the applicant to hire consultants.

The GEM Focus Group by consensus does not support staff's recommendation. The Group indicated the need for trained professional biologists completing the required reviews, and did not support the realignment and retraining of environmental and building inspection staff. The Group also recommended that the Board consider additional staff be added to conduct NFIs. It was noted that further staff analysis would be required to determine the level of additional staffing required.

IMPACT: *If the BCC approves additional staffing in the Environmental Compliance Division as recommended by the Focus Group and reflected in the Department's current budget request, it is estimated that the NFI review and approval process could potentially be reduced by approximately one week (from the current 15 working days/21 calendar days to approximately 10 working days/14 calendar days). This reduction could also potentially reduce the time between a project's Pre-application meeting and Staff Technical review meeting by potentially (2) two weeks.*

- **Pre-Application Meetings and Quick Checks – (Workshop Item A.3/Page 9)**

Staff recommended reinstating the relatively informal "Quick Check" meeting concept for applicants that were interested in a conceptual approval as opposed to those applicants seeking final development approval. Applicant's requesting final development approval would be required to attend a pre-application meeting consistent with current code requirements. However, the County's current code does not require a Pre-application meeting for certain types of development proposals (such as Type A site and development plans and Limited Partition Subdivisions).

The GEM Focus Group partially supports staff's recommendations. The consensus recommendation of the Group is that the pre-application meeting should be mandatory for all

development proposals, including both the conceptual and concurrent review processes (see discussion below). The consensus of the Group was that if the site plan process can be expedited by moving certain detail EIA components to environmental permitting, pre-application should be mandatory. Finally, it was noted that if the pre-application is mandatory, then the Quick Check concept, as presented by staff, would need to be revised to assist those property owners who do not have a specific development proposal or understanding of the process.

IMPACT: *It is difficult to quantify the potential time savings that may be realized by this recommendation. However, past experience would indicate that projects that complete the pre-application process generally require less (if any) re-submittals, and typically do not require more than one staff technical review meeting prior to final approval. The requirements for an additional staff technical review meeting can increase the project's associated review time by one month or more based on the consultant's re-submittal timeframe.*

- **Concurrent and Conceptual Site Plan/EIA/EMP Review Processes – (Workshop Item A.4/Page10)**

The staff workshop item outlined and recommended a two track review system; one sequential and the other concurrent. Under the proposal, the applicant would select the review track at the beginning of the application process. The concurrent option would potentially reduce the timeframe associated with the subsequent environmental permitting process for the proposed project.

The GEM Focus Group recommends by consensus the staff recommendation for a two-track review system: (1) a sequential track with a shortened site plan review phase that would move select EIA components to environmental permitting, but where the applicant has assurances that the site plan approval will be adequate for financing and permitting; and (2) a concurrent review process where the site plan, EIA, and EMP review processes are completed concurrently. Should the Board approve this direction, staff will be developing a more specific description of the two tracks (including the incorporations of the parameters provided by the Group), and utilize Carolyn Bibler and Carmen Green of the Focus Group to review the proposals prior to finalization for code incorporation.

IMPACT: *This recommendation could potentially have the greatest impact on reducing the overall development review and permitting times associated with development projects. Specially, implementation of the concurrent review tract would eliminate approximately (at a very minimum) six (6) weeks from the total time required to complete the development review and subsequent final permitting process.*

- **Allow Administrative Approval for Type B and C Site Plans – (Workshop Item A.5/Page 11)**

Staff recommended in the April 26, 2005 Workshop item to revise the County's Land Development Regulations (LDR) to authorize the administrative review and final review of all Type B and C site and development plans, except those proposed land uses that are noted as Special Exceptions in the LDRs.

The GEM Focus Group fully supported staff's recommendation to authorize staff to prepare code amendments to allow for the administrative review and final approval of Type B and C site plans exclusive of proposed Special Exception land uses.

IMPACT: *This recommendation, if implemented, would generally reduce by 30 calendar days (Type B) and 60 calendar days (Type C) the time frame associated with all currently designated Type B and C site and development plans and subdivisions, except for those land uses that are currently allowed as special exceptions.*

- **Allow Developers to Pay for an Expedited Review Process – (Workshop Item A.6/Page 12)**

Staff presented this alternative option in the BCC Workshop item. However, staff did not recommend that the Board pursue the option to allow developers/property owners to pay for an expedited permitting process, and utilize the additional revenue to hire staff to review permits submitted under the expedited tract.

The Group supports the staff recommendation that the Board not pursue this option to developers/land owners to pay for an expedited review process. During the discussion on this item, the GEM Focus Group noted the need for the Board to consider additional staffing at GEM (especially in the areas of environmental review and permitting) and to increase application fees to cover the associated costs.

IMPACT: *It is anticipated that additional review and permitting staff would expedite the process by reducing the time required to complete the proposed development project's associated field work, engineering analysis, and permit review.*

Privatize Portions of the Review Process – (Workshop Item A.7/Page 13)

Staff had presented this alternative option in the BCC Workshop item. However, staff did not recommend that the Board pursue the option of privatizing the County's permit review process.

The Group supports the staff recommendation that the Board not pursue the privatization of certain portions of the review process. Additionally, during the discussion on this item the GEM Focus Group noted the need for the Board to consider additional staffing at GEM and to increase application fees to offset the additional staffing costs.

IMPACT: *It is anticipated that additional review and permitting staff would expedite the process by reducing the time required to complete the proposed development project's associated field work, engineering analysis, and permit review.*

- **Modification of Tree Survey Requirements – (Workshop Item A.8/Page 13)**

In the April 26, 2005 Workshop item, it was recommended that the Board direct staff to prepare draft revisions to the current protected tree survey process that would move the requirement to the environmental impact analysis (EIA), environmental management permit (EMP), or site and development plan application as appropriate. Additionally, staff recommended that the Board approve revisions to the protected tree survey process which would provide for sampling methods outside the project's anticipated development limits as established on the site and development application.

The consensus of the Focus Group is that tree surveys should be moved from the NFI to the EIA consistent with the staff recommendation. Additionally, the Group recommended that tree surveys in large areas to be set aside, such as floodplains or natural areas that are not going to be disturbed, are unnecessary, and therefore should not be required. This recommendation is consistent with the utilization of sampling methods outside the project's development limits as recommended by staff in the April 26, 2005 BCC Workshop item.

IMPACT: *This proposed revision would result in a reduction in project-related consultant costs to the applicant, and facilitate a reduction in associated County review and approval time of approximately (1) one week. The typical timeframe required to receive the initial County development approval would be reduced based on the scale of the proposed project accordingly.*

- **Discontinue Environmental Permitting for Docks – (Workshop Item A.9/Page 14)**

Staff recommended that the Board no longer require EMA permits for proposed docks on single family lots.

The Focus Group indicated support for staff's recommendation to discontinue the current County permitting requirement for proposed docks. This recommendation was based on the fact that Florida Department of Environmental Protection (DEP) permits are required for docks, and the County permitting requirements are duplicative.

IMPACT: *Currently, the County reviews approximately 7 to 8 dock permit requests on a yearly basis. Implementation of this recommendation would result in an overall reduction in the permitting time associated with new docks (State permit required only). This would also increase staff time for other development review and permitting activities.*

- **Reducing the Level of Silviculture Review – (Workshop Items A.10/Page 15)**

Subsequent to the initial Board Workshop on the development review and permitting process in April of 2005, code amendments were adopted by the County Commission on June 14, 2005, to eliminate duplicative permitting for silviculture on agriculturally zoned sites. This eliminates staff review of the majority of the silviculture application requests. However, there is still a small portion of applications for non-agriculturally zoned sites that must demonstrate bona fide agricultural use, which can be subjective, before obtaining a silviculture notice of intent (NOI). Staff recommended that all non-agriculturally zoned property obtain a vegetative management plan or short form permit under non-exempt permitting procedures.

The Focus Group agreed with staff that the Property Appraiser should be the only entity to determine whether it is bona fide agricultural use resulting in an agricultural zoning. If determined agricultural by the Property Appraiser, silviculture would then be exempt by ordinance. The Focus Group agreed with staff that all other non-exempt tree removal (silviculture) requests would be reviewed through normal permitting procedures through issuance of a vegetative management plan or short form permit.

Impact: *Recent code revisions proposed by the County Attorney's Office and approved by the BCC to implement recently adopted statewide provisions addressing the "right to farm" have clarified the NOI issue relating to silviculture activity. However, there are 3 to 5 non-exempt NOI requests per year that are not impacted by this revision. Staff time would be saved by not having to review subjective criteria to substantiate bona fide agricultural use if the code was amended to only issue a vegetative management plan or short form permit for these requests.*

- **Implement the “Gold Card” Permitting Program – (Workshop Item A.11/Page 16)**

The Staff workshop item provided an overview of the “Gold Card” also known as the “Certified Quality Design Professional” concepts. This concept had been previously presented to the Board for consideration in March of 2000, and the County Commission directed staff at that time not to pursue the programs. Their direction instead was to implement the Leon County Quality Development Program. However, to date the County has not received an application under the program.

The Focus Group did not support a “Gold Card” permitting program consistent with staff recommendation on this item. However, the GEM Focus Group recommended that the criteria currently established under the Quality Development Ordinance be reviewed and enhanced to facilitate its utilization by developers.

IMPACT: *It is unclear at this time how much impact the enhancement of the program's criteria would have on the review and permitting times associated with proposed projects that select this alternative permitting program. However, this program could potentially provide not only an expedited development review and permitting process to the applicant, but could also afford the developer an improved financial position in the market.*

(2) Code Revisions and Comprehensive Plan Amendments

- **Comprehensive Review of and Revisions to the Land Use Regulations – (Workshop Item B.1/Page 17)**

Staff requested the Board's support for a FY 05/06 budget request to retain a consultant to assist staff with a comprehensive revision of Chapter 10 of the Leon County Code of Laws (the Land Development Regulations). The proposed project will include reformatting of the LDRs, and drafting of the ordinance revisions required to implement Board approved streamlining changes.

This issue was discussed at the organizational meeting and has consensus support from the Focus Group. At the time of initial discussions by the Group, the funds for this proposed project were removed from the budget. However, the funds were added back at the direction of the Board, and subsequently approved in the FY05/06 budget. Based on Board approval of the funding for the project, staff is currently proceeding with implementation.

IMPACT: *It is anticipated that a comprehensive reformatting and glitch revision of the County's LDRs would result in a more “user friendly” document. It is anticipated that this*

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will increase the quality and completeness of development and permitting applications received by the County; thereby, reducing the number of re-submittals and overall approval timeframes.

- **Closed Basins – (Workshop Item B.2.a./Page 18)**

The Focus Group supports staff's recommendation that SWMFs not be required for minor residential subdivisions (3 or less lots) in closed basins based on compliance with specific performance standards. The Group also recommended an additional performance standard regarding adequate conveyance to the bottom of the closed basin.

IMPACT: *The implementation of this recommendation would result in approximately a two (2) week reduction in the development review and permitting time associated with minor residential subdivisions located in closed basins.*

- **Natural Area/Conservation Area Requirements – (Workshop Item B.2.b./Page 19)**

Consistent with staff recommendations, the Focus Group supports not requiring recorded conservation easements (in multi-family and non-residential) for the required 25% natural area set-aside if the area does not contain environmental features protected by code. The area would instead be noted as a "conservation area" on the approved site and development plan and protected/enforced by the County accordingly.

IMPACT: *If the BCC approves the implementation of this recommendation, it is anticipated that a two (2) week reduction in the total time required for applicable non-residential and multi-family development sites would be realized.*

- **Revisions to the (1) Definition of Protected Tree, (2) Reforestation Requirements, (3) Replanting Requirements and Tree Debit/Credit System and (4) Landscaping Regulations – (pgs. 19 – 23 from Workshop Item)**

With regard to (1) tree protection, staff recommended code revisions to reduce the size and types of trees protected; (2) reforestation requirements, staff recommended code amendments to reduce the required 40 to 10 trees per acres inside the USA and for public roadway projects, and 20 per acre (from 40) outside the USA; (3) replanting and the tree/debit credit system, staff had requested Board direction on this issue; and (4) revisions to the current landscaping regulations, staff also requested Board direction on this issue.

After extensive discussion, the Focus Group concluded that these four (4) items should be considered together based on their interconnection, and the potential impact that revisions to either four may have on the "community values" (as established in the Comprehensive Plan)

in addition to the permitting process. The Focus Group recommends that the BCC appoint a four (4) to six (6) member representative citizen's committee to review these four (4) issue areas and provide the BCC with recommendations as appropriate.

- **Pre-Development Review Time Frames – (Workshop Item B.2.g./Page 25)**

The GEM Focus Group reviewed this item and supports staff recommendations with the caveat that additional staff will be required to meet these proposed ten (10) working day review periods for NFIs and EIAs.

IMPACT: *This issue and recommendation has been previously addressed above under NFI Application Review and Privatization of the Review Process sections. The current code provides for a 15 working day review period for NFIs and EIAs. Implementation of this recommendation would result in a five (5) working day reduction in staff review times associated with NFIs and EIAs.*

- **Allowing the Construction of Single Family Homes in Subdivisions with Incomplete Infrastructure – (Workshop Item B.2.h./Page 26)**

Staff drafted an ordinance revision to address this issue. The draft ordinance was reviewed and supported by the GEM Citizens' User Group. The Planning Commission found the proposed ordinance consistent with the Comprehensive Plan on February 7, 2006. After the second and final public hearing the Board adopted the ordinance on February 28, 2006.

IMPACT: *Due to the adopted ordinance revisions that address this issue, it is anticipated that the timeframe associated with the issuance of a final Certificate of Occupancy in public residential subdivisions would be reduced by an estimated two months on average.*

- **Revisions of Native Forest and/or High Quality Successional Forest Regulations – (Workshop Item B.3.a./Page 27)**

Staff outlined several options and recommendations to address modification to the regulation of native and high quality successional forests. Generally, it was noted that any reduction in the current level of protection and regulation for these types of unique forest resources would require a Comprehensive Plan amendment. Board direction was requested.

The GEM Focus Group did not support any of the staff recommendations outlined in the workshop package. The group did reach consensus that the definitions of native and HQSF were hard to define and supported eliminating references to these definitions. They supported regulating forests based on recognized community types that could be defined. The Group supported the use of a document created by a biologist/forester working for Tall

Timbers Research Station as a platform. Some edits were made to this document and it was distributed to the Group. The Focus Group suggested that GEM staff further refine the document and utilize it to define the natural community types that should be regulated.

IMPACT: *Implementation of these proposed revisions and clarification concerning native and HQSF would directly reduce the time associated with NFI review and approval on sites where these types of forests occur. The specific amount of reduction is not quantifiable and would only impact those specific development proposals that contain regulated communities. However, enhanced guidelines could result in a substantial reduction in preliminary environmental review timeframes for these specific types of projects.*

- **Policy 2.1.9 Subdivisions and Sunsetting – (Workshop Item B.3.c./Page 31)**

In the April 26, 2005 Board workshop item, staff recommended that the Board amend the Comprehensive Plan to provide for the sunsetting of Land Use Policy 2.1.9. Staff noted that the “grandfathering” or vesting provision had been in place a sufficient amount of time (16 years). Additionally, subsequent Board direction elevated the Policy 2.1.9 subdivision review from an exempt or minimum review level to a review consistent with standard subdivisions. Finally, State Statutes and the County LDRs provide for heir subdivisions that achieve many of the same objectives as were initially intended by Policy 2.1.9.

The GEM Focus Group agreed to not provide the BCC with a recommendation on this issue from the previous workshop package. The item was discussed at length by the Focus Group with the members generally being equally divided on the issue of sunsetting the Policy 2.1.9 Subdivision provisions in the Comprehensive Plan.

IMPACT: *The impact of sunsetting the Policy 2.1.9 Subdivision process as recommended by staff would be to increase staff time for the review and approval of other development proposals. Recent trends in the utilization of Policy 2.1.9 have indicated a reduction in the number of applications per year that are received by the Department. This trend, if consistent, would address the staff time issues associated with the Comprehensive Plan-based subdivision process.*

- **Protection and Regulation of Significant and Severe Slopes – (Workshop Item 3.B.b./Page 30)**

Staff presented several alternatives to address the issues surrounding the protection and regulation of significant and severe slopes as established in the Comprehensive Plan and implemented by the LDRs. Staff did not recommend a specific option in the Board’s April 26, 2005 workshop item. Board direction on the issues was requested.

The Focus Group discussed the slope standards at length and agreed on the following recommendations, which should form the basis for proposed Comprehensive Plan amendments and Code revisions by the County. All recommendations are for proposed changes to the regulation of significant slopes, and the Focus Group recommends that all proposed revisions to the current slopes regulation be limited to inside the USA. The Focus Group recommends that the current regulations for severe slopes remain unchanged except for the interpretative clarification recommended in Number 5 below.

1. Exempt commercial sites inside the Urban Service Area from significant slope standards, provided the sites are less than or equal to three (3) acres in size with no other preservation features present on the site. Associated storm water impacts must be mitigated according to an approved storm water management plan.

2. For the purpose of meeting infill goals within the USA, allow residential development to occur on a significantly sloped site provided that:

- A grading plan is submitted and approved;
- Associated storm water and water quality impacts are mitigated based on performance-based guidelines implemented through the County's LDRs.
- The homeowners' association agrees to be responsible for assurance that storm water management structures remain in place over time and that homeowners are fully aware that such structures located on their properties cannot be altered;
- County GEM retains the right to inspect storm water management facilities at any time; and
- County GEM is authorized to go onto any property that is not in compliance to restore, at the property owner's expense, storm water facilities that may have been altered by the owner or others.

3. Develop guidelines for incorporation into the County's LDRs to allow and encourage the use of low impact development techniques as an alternative to conventional storm water management. Low impact development practices include:

- Minimizing grading to preserve natural topography;
- Clustering development to reduce impervious surfaces and avoid highly erodible or sensitive areas;
- Using on-site bio-retention systems in commercial and residential sites and rain gardens on residential lots to reduce and treat storm water;
- Using vegetated swales instead of costly curb and gutter systems; and
- Using permeable pavement materials in low-use areas to increase infiltration and reduce runoff.

4. Do not protect or regulate manmade slopes (significant or severe). The Comprehensive Plan states that it is not the intent of the slope policy to regulate manmade slopes (such as drainage ditches), yet there are anecdotal instances in which this has occurred. The LDRs should be amended to specifically implement this Comprehensive Plan policy regarding manmade slopes.

5. Do not protect or regulate isolated significant slopes that are 0.25 acres or less in size. Small areas of severe slopes of 0.25 acres or less that are part of regulated significant slope features should be treated as significant slopes.

Staff supports the recommendations from the GEM Focus Group as outlined above with regard to the regulations of significant and severe slopes. Staff recommends that they be utilized as the guiding criteria for any proposed changes to the Comprehensive Plan and LDRs regarding the protection and regulation of slopes.

(3) GEM Special Project Assignments

- **Gem Special Project Assignments (Workshop Item C./Page 32)**

In the April 26, 2005 Board workshop item, staff noted that a substantial amount of staff time (estimated at approximately 55% or greater) is associated with Board-assigned special projects and other non-fee related activities, such as code enforcement and grants management. Additionally, staff provides support for the several code-established boards and Board-appointed citizen's advisory groups and committees. Staff had requested Board direction concerning this issue.

The Focus Group discussed this issue and concluded that the Board will and should continue to assign special projects to GEM, and staff will and should be required to provide support to the various boards (Code Board, BOAA, etc.) as required by County Code. In order to address these types of assignments and to assist with the development review and permit streamlining as recommended by the Focus Group, the Group recommends that the Board approve additional staffing for the Department. Additionally, the GEM Focus Group recommends that the Board increase the applicable fees as appropriate to off-set the costs associated with the additional staff.

(4) Initiatives/Recommendations from the GEM Focus Group

The following items and issue areas associated with the permitting process were not specifically identified and discussed in the staff workshop item that was presented to the BCC on April 26, 2005.

- **Revising and Updating the Public Works Design Guidelines Manual.**

At the request of the Focus Group, staff from the Public Works Department met with the Group to

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discuss inter-departmental coordination issues relating to the development review and approval process. Based on these discussions, the Group recommends that the Public Works Department update their current Design Guidelines Manual associated with the construction of infrastructure (roads, storm water management facilities, sidewalks, etc.) in developments (or components of development) that are proposed to be transferred to the County for ownership and maintenance. Additionally, the Group recommends that the revised and updated Guidelines Manual provide examples of alternative designs that could be utilized by the development community in both public and private developments. Finally, it was recommended that the design guidelines be categorized as being appropriate for utilization inside the USA and/or outside the USA.

- **Provide an Index Specific to Chapter 10 of the Leon County Code of Laws.**

The Focus Group recommends that an index specific to Chapter 10 (the County's Land Development Regulations) be developed and provided with the next update of the Chapter. The Focus Group noted that this type of chapter-specific index would further assist the user of the County's Land Development Regulations by providing an index unique to topic and subject areas addressed in Chapter 10, apart from the current index that covers all Chapters within the County's Code of Laws.

- **Establishment a "Project Manager Concept" within the Department.**

During the Focus Group discussions associated with several of the issue areas from the BCC workshop item (PUV, pre-application meeting, site plan review process, etc.), the need for a "single point of contact" for a proposed project was noted. Furthermore, the Group indicated that the contact person or project manager should be able (and be specifically provided the authority) to coordinate across division and department lines to facilitate the review and approval of proposed projects. Additionally, the Group also noted that this staff person should be able to basically act as "ad hoc" ombudsmen when project issues cross division and department lines. Generally, the Focus Group recommended that the BCC considered establishing a project manager concept for certain types (if not all projects that require subdivision or site and development plan approval) of proposed developments.

- **Provide Adequate Staffing Levels to the Department.**

As noted above, during the GEM Focus Group's discussion of staff review of NFIs it was recommended that the Board approve additional staffing to the Department. Additionally, this recommendation was discussed and further supported by the GEM Focus Group in conjunction with several other recommendations associated with the streamlining of the County's development review and permitting process. Furthermore, the GEM Focus Group indicated support for an increase in the County's development review and permitting fees to off-set the additional staffing required to fully implement the Group's recommendations.

Staff from GEM fully supports the additional recommendations from the GEM Focus Group as outlined above. Should the Board concur with these recommendations that were not previously discussed in the April 26, 2005 Workshop item, they can be implemented by staff as a further component of the overall streamlining initiative.

Analysis of GEM Focus Group Recommendations and Estimated Impacts

The April 26, 2005 Board workshop item (Attachment #1) generally outlined 23 issue areas that could provide the opportunity to facilitate the streamlining of the County's development review and permitting process. Of the 23 issue areas discussed, staff provided the Board with 16 recommendations concerning possible modifications, and requested Board direction on the remaining seven (7) issue areas.

After a comprehensive review of the April 26, 2005 Board workshop item, the GEM Focus Group supported 14 of the 16 recommendations that had been noted by staff. The only recommendation that was not supported by the GEM Focus Group was the proposal to complete the in-house review of certain components of the NFI, and the limitation of single family environmental reviews to only those lots created prior to 1996. The GEM Focus Group recommends that the Board provide additional staff to the Department and to increase the associated review fees as appropriate to off-set the additional costs. The GEM Focus Group could not reach a consensus of the other staff recommendation concerning the sunseting of Policy 2.1.9 in the Comprehensive Plan. Board direction concerning this issue is requested.

For the seven (7) issue areas where staff had requested Board direction, the GEM Focus Group has provided specific recommendations to the Board. Four (4) of the seven (7) issues generally are interrelated and include tree protection, reforestation and replanting requirements - tree debit and credit system, and landscaping regulations. Based on the impact that revisions to these regulations may have on the community values as established in the Comprehensive Plan, the Focus Group recommends that the Board appoint a four (4) to six (6) member citizen's committee to review the overall issue areas and provide recommendations to the Board.

The remaining three (3) areas where staff had previously requested Board direction included regulation of native and high quality successional forest (HQSF), slopes regulations, and GEM special projects. The Gem Focus Group recommends that native and HQSF protection and regulations remain unchanged; however, they recommend that the County utilize the documentation available from Tall Timbers as the basis for enhancing the definition of the protected community types. With regard to the slopes regulations issues, the Focus Group compiled a series of guidance criteria that should be utilized by the Board during the development of supporting Comprehensive Plan amendments to address changes to the current slopes regulations. The proposed relaxing or elimination of slopes regulations would generally be limited to significant slopes and to areas inside

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the USA. Finally, with regard to the issue of GEM special project and non-fee related activities, the GEM Focus Group recommends that the Board allocate additional resources to continue the Department's special project and committee staff assignments.

The April 26, 2005 Board workshop item on the streamlining of the development review and permit processes estimated that if the Board approved implementation of all of the staff recommendations that the overall timeframe involved with the process could be substantially reduced. The specific reductions are noted in Table 1 on Page 34 of Attachment #1. As noted in Table 1, the estimated review time saved is 17 to 21 weeks, or 4.25 to 5.25 months.

Because the GEM Focus Group generally supported the majority of staff's recommendations, the estimated timesaving as noted in the April 26, 2005 Board workshop item would remain unchanged. However, the Focus Group has also included additional recommendations and further clarifications which if implemented by the Board would result in additional review time reductions. These include mandatory pre-application meetings (potentially reducing the need for re-submittals), proposing enhanced definitions for regulated forest communities, recommending guidelines for modifying significant slopes regulations, recommending the revision and updating of the Public Works Design Guidelines Manual, recommending the implementation of a project manager concept at GEM, and proposing that the Board approve additional staffing and application review fee increases consistent with the associated increased staffing costs. These recommendations cannot be tied directly to a specific review time savings. However, in concert with the proposed conceptual and concurrent site plan review/environmental permitting recommendation, it is estimated to possibly facilitate an additional month to 1.5 month in overall time savings.

GEM staff fully supports the recommendations of the Board-appointed GEM Focus Group. Additionally, based on staff's experience with the County's current development review and permitting process, implementation of the GEM Focus Group streamlining recommendations will not have an impact on current environmental protection standards and policies. It is estimated that it would take approximately 12 months to fully implement the recommendations/changes to the County's development review and permitting processes, including LDR revisions and Comprehensive Plan amendments.

Options:

1. Approve the recommendations of the GEM Focus Group concerning streamlining of the County's development review and permitting processes as summarized above and direct staff as follows:
 - To implement the procedural and policy revision recommendations that do not require Comprehensive Plan amendments or LDR revisions;

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-
- Proceed with the development of LDR revisions to implement the GEM Focus Group recommendations as a component of the comprehensive LDR revision and reform project approved by the Board in the FY05/06 budget;
 - To initiate amendments to the Comprehensive Plan specifically with regard to slopes protection and regulation utilizing the guidance criteria as recommended by the GEM Focus Group;
 - To agenda for Board approval an item establishing a citizen's committee to review and provide recommendations as appropriate to the Board concerning the County's tree protection, reforestation, replanting, and landscaping regulations; and,
 - As recommended by the GEM Focus Group direct staff to incorporate a request for additional positions into GEM's proposed FY06/07 budget, and to identify the appropriate level of development review and permitting fee increases required to support the additional staff. This is in addition to staff presenting the Board the results of the FY 05 service cost analysis which review the Department's current fees with existing staffing levels at the June 13, 2007 budget workshop.
2. Provide staff direction with regard to the sunseting of Land Use Policy 2.1.9 in the Comprehensive Plan.
 3. Do not approve the recommendations of the GEM Focus Group concerning streamlining of the County's development review and permitting processes as summarized above.
 4. Board direction.

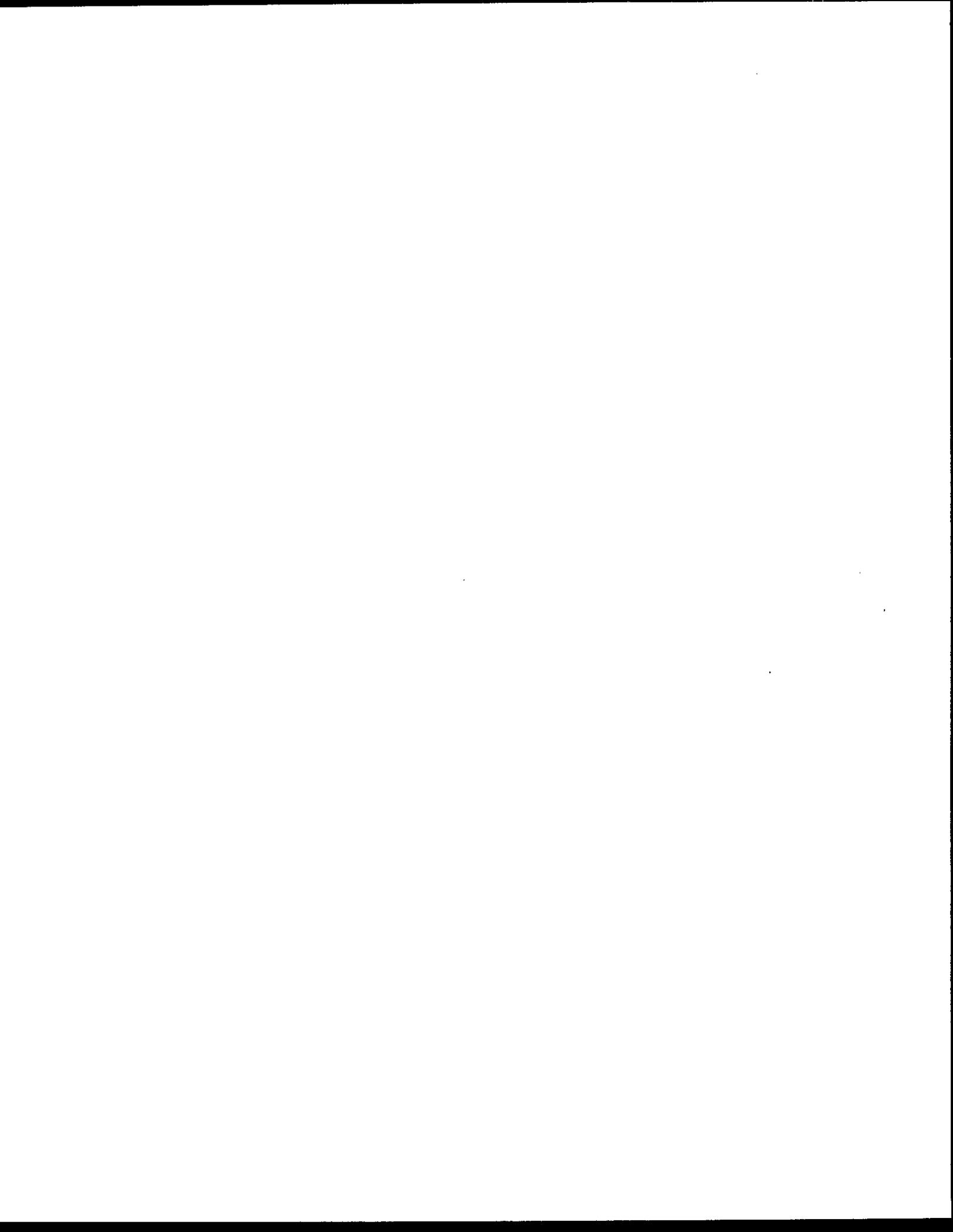
Recommendation:

Options #1 and #2.

Attachments:

1. April 25, 2005 Board of County Commissioners Workshop Item - GEM Permit Process and Development Initiatives
2. GEM Focus Group Members

PA/DM



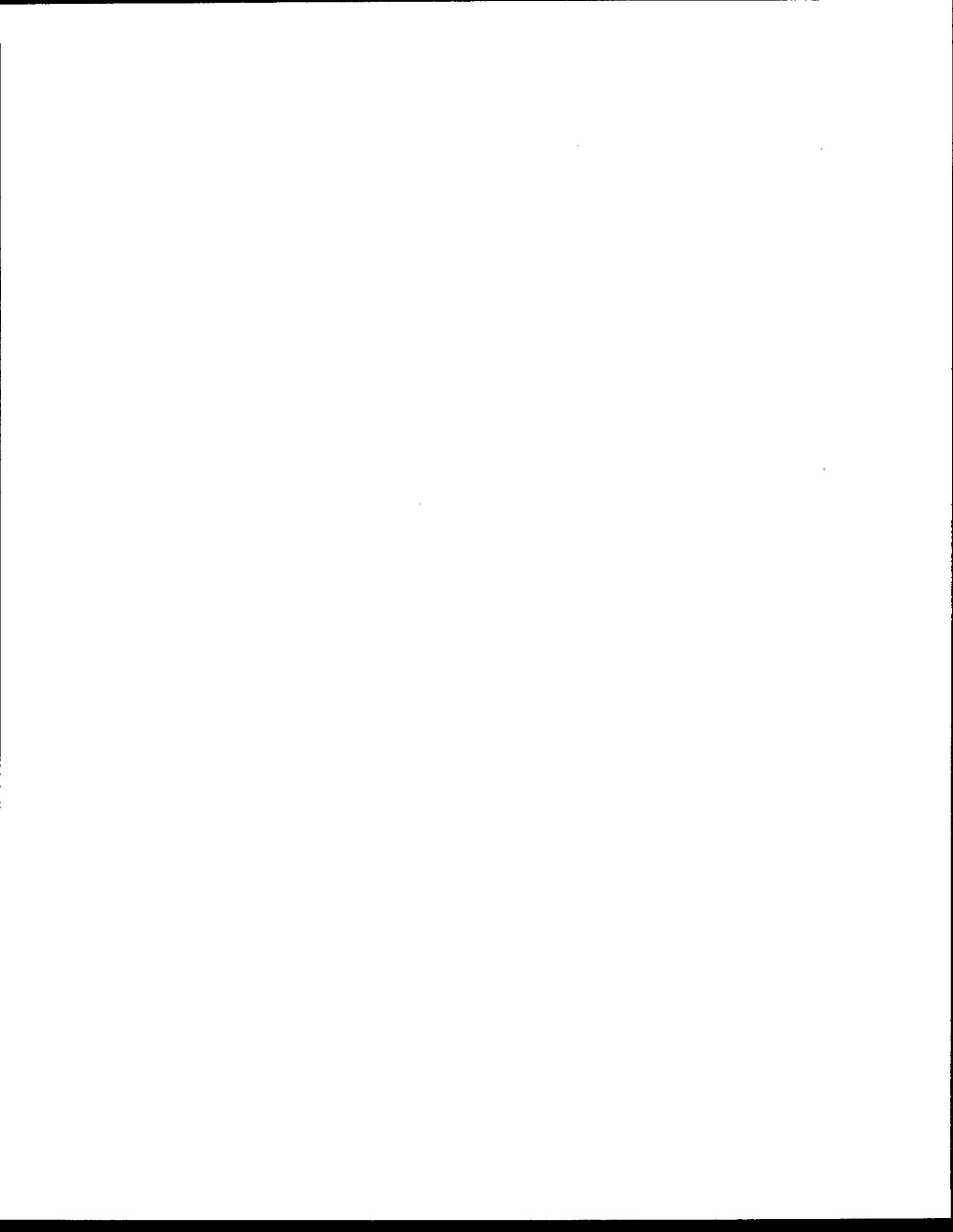
**Board of County Commissioners
Leon County, Florida**

**Workshop on
Consideration of
Growth and Environmental Management
Permit Process and Development
Initiatives**

**12:00 p.m. – 1:30 p.m.
Tuesday, April 26, 2005**

**Leon County Board of County Commissioner Chambers
Leon County Courthouse, 5th Floor**

This document distributed: April 20, 2005



Board of County Commissioners Workshop Item

Date of Meeting: April 26, 2005
Date Submitted: April 20, 2005
To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator *PA*
Gary W. Johnson, Director, Growth and Environmental Management
Subject: Consideration of Growth and Environmental Management Permit Process
and Development Initiatives

Statement of Issue:

This item considers Comprehensive Plan and Land Use Regulation changes, and associated process modifications that would facilitate economic development by reducing development constraints and expedite the permitting process for land use approvals and environmental reviews at Growth and Environmental Management.

Background:

As part of the June 8, 2004, Budget Issue Discussions, the Board directed GEM staff to further explore implementing the proposed permitting process changes outlined in the GEM budget issue item, and bring them forward in a workshop for further consideration. This included looking at Comprehensive Plan and Land Use Regulation revisions that would allow for a more streamlined permitting process.

This direction was provided subsequent to the FY 05 Executive Budget Hearing process, where GEM staff was requested to look at areas of the current permitting process that could be streamlined or eliminated in order to improve the time frame in which development orders or permits could be issued by the Department. Staff was instructed to bring ideas for Board consideration regarding where GEM could streamline the permitting process.

In an attempt to strike a balance between land use regulation and economic development, the following information is presented to the Board. These ideas could save from four to five months in permit processing time. The initial time savings of six to eight months noted at the June 8, 2004 Budget Discussion Workshop was reduced after additional staff analysis. The earlier estimate was based on applicants submitting complete applications that would not require staff responding with additional information requests. The new four to five month time frame for savings incorporates the likelihood that staff will request additional information after reviewing an initial application package. The time savings could be reduced even further if applicants submit complete and thorough applications to the Department, eliminating the need for additional information requests.

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The proposals contained in this document would require revisions to the Comprehensive Plan and LDRs. A matrix showing which sections of the Comprehensive Plan and which Land Development Regulations (LDRs) would need to be amended to implement the options outlined below is shown as Attachment # 1. Comments from the Tallahassee Leon County Planning Department (TLCPD) concerning amendments to the Comprehensive Plan are shown in Attachment #2.

Staff have previously analyzed how to provide regulatory services mandated by Florida Statutes, the County Code of Laws, and the Comprehensive Plan while providing clients with an efficient review process while ensuring that local code requirements are met. These processes have been reviewed in association with other activities that GEM administers that are not specifically related to reviewing land use approvals or environmental permits. These activities include: special project requests; code compliance; silviculture reviews; monitoring and facilitating Board appointed citizen groups and Boards, such as the GEM Citizens User Group, the Science Advisory Committee, the Board of Adjustment and Appeals, etc.; and generalized customer assistance through the Duty Officer System, as opposed to activities associated with processing building, development or environmental permit applications.

Some of the special projects performed by GEM include: code revisions, the Bradfordville watershed and design standards, and contract management for grant projects, such as the Woodville recharge groundwater study, and Upper Lake Lafayette. A list of special projects that GEM has completed, a list that shows pending special projects, and committee responsibilities are shown as Attachment # 3.

In addition, GEM staff has done an initial comparison of the land use and environmental code requirements of adjacent county jurisdictions and counties of similar population size. The comparison is shown as Attachment # 4. The results indicate that Leon County has a more detailed and comprehensive review process than these neighboring counties. One of the primary differences is that smaller counties rely on the Florida Department of Environmental Protection or the governing Water Management District for stormwater permitting. The population levels in these counties do not appear to have reached the levels where more detailed land use regulations are normally found; however, Gadsden County appears to be a local county where the levels of land use regulations are increasing as the population and development levels rise.

The comparison results also appear to indicate that counties with population sizes similar to Leon County's tend to have a more thorough review process than the counties that neighbor Leon. There appears to be a correlation with counties that have population similar to Leon County's, and the number of land use regulations that are found in these jurisdictions. As populations grow there is generally a greater demand by citizens that governments enact codes that regulate what individuals can do with their land to control the negative externalities that accompany some land uses.

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Also in response to the demands of the citizenry of Leon County, the Board has approved several ordinances over the past year which staff prepared, and now has to implement. Some of these ordinances include: the Special Exception Ordinance; the Temporary Use Ordinance; the Bradfordville Rural Road Designation Ordinance; the Lot Mowing Ordinance; the Filthy Fluid Ordinance; the Redevelopment Ordinance; and the Cultural Resource Protection Ordinance. These ordinances were drafted, and are being implemented with existing staff resources.

Generally, new ordinances increase the detail and level of review for project applications, and often increase the inspection workload of the organization. The results are often that the existing permitting and code compliance workload may take longer to resolve.

Analysis

In order to streamline the permitting process, staff has reviewed both land development review and environmental permitting processes in conjunction with Comprehensive Plan and LDR code changes that need to occur to facilitate an expedited permitting process. For Board consideration, staff has outlined several land use review and environmental permitting areas that could be streamlined or modified. The review and analysis for providing an expedited permitting process are divided into three general categories: process and policy modifications, code revisions and GEM special project assignments. Code revisions also address areas of the Comprehensive Plan that will have to be amended.

A. Process and Policy Modifications

- 1. Enhancing Permitted Use Verifications (PUVs) pg 4
- 2. Having GEM Staff Conduct In-House Natural Features Inventories (NFIs) for Development Applications..... pg 5
- 3. Pre-Application Meetings and Quick Checks..... pg 9
- 4. Concurrent and Conceptual Site Plan/Environmental Impact Analysis (EIA)/ Environmental Management Permit (EMP) Review Processes.....pg 10
- 5. Allow Administrative Approval for Type B and C Site Plans pg 11
- 6. Allow Developers to Pay for an Expedited Review Process..... pg 12
- 7. Privatize Portions of the Review Process..... pg 13
- 8. Modification of Tree Survey Requirements..... pg 13
- 9. Discontinue Environmental Management Permitting of Docks..... pg 14
- 10. Reducing the Level of Silviculture Review..... pg 15
- 11. Implement the "Gold Card" Permitting Program..... pg 16

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B. Code Revision (Including Comprehensive Plan Amendments)..... pg 17

1 Comprehensive Review of and Revisions to the Land Use Regulations..... pg 18

2. Short Term Leon County Land Development Regulation (LDR) Revisions..... pg 18

 a. Closed Basins..... pg 18

 b. Natural Area Conservation Area Requirements..... pg 19

 c. Revisions to the Definition of Protected Trees..... pg 19

 d. Revisions to Reforestation Requirements..... pg 21

 e. Revisions of Replanting Requirements (and Tree Debit/Credit System)..... pg 22

 f. Revision of Landscaping Regulations..... pg 23

 g. Pre Development Review Time Frames..... pg 25

 h. Allowing the Construction of Single Family Homes in Subdivision with Incomplete Infrastructure..... pg 26

3. Long Term Comprehensive Plan Amendments and LDRs Changes pg 27

 a. Revisions of Native Forest and/or High Quality Successional Forest Regulations pg 27

 b. Significant and Severe Slopes..... pg 30

 c. Policy 2.1.9 Subdivisions and Sunsetting..... pg 31

C. GEM Special Project Assignments pg 32

A. Process and Policy Modifications

GEM staff have identified eleven current process and policy areas that could be modified in order to provide a streamlined permitting process. Some process areas such as having staff perform portions of the NFI will require a redirection of staff resources, and others such as modifying the way tree surveys are conducted will save consultants time which in turn will save the applicant the cost associated with this service.

1. Enhancing Permitted Use Verifications

GEM has recently started providing applicants baseline GIS information concerning mapped environmentally sensitive areas (ESA) to customers with approved PUVs. This is an enhancement for this initial part of the review process. Utilizing GIS mapping templates, staff anticipates providing more refined map information at this level of the review to enable applicants to see as early in the review process as possible the development constraints that may be present on a tract of land.

Staff usually provides general NFI information at the pre-application meeting that could have easily been identified and addressed earlier in the process by using the detailed environmental GIS data available to the Department.

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This information is routinely accessed by staff during the preliminary review of the PUV, and not much additional effort would be required to print and provide the maps to the applicant. These maps would notify applicants of what natural features the Department knows constrain a particular site from the readily available GIS/ESA data. The information would be in a standard template format and would be qualified that it was from mapped data, and may not include site specific conditions such as endangered species, native forests, and cultural artifacts.

Analysis:

Currently, as directed by the Board, the PUV is the first public notification that occurs during the land use and development review process. Board direction has been to provide notification to the public as early in the development process as feasible. Enhancing the PUV process would allow for continued public notice early in the development process, and at the same time provide additional information to the customer.

Providing this enhanced data would give the applicant base information to provide to the consultant before applying for an NFI review. The anticipated end result would be better NFI applications that could be reviewed more quickly for accuracy, and a reduction in requests for additional information since subsequent application to the Department would be more thorough. This will allow staff to troubleshoot site specific criteria at the following pre-application conference.

2. Conduct Portions of the Natural Features Inventories (NFIs) for Development Applications In-House by Modifying the Single Family Environmental Permitting Process to Allow Existing Environmental Compliance Staff to Conduct Portions of the NFIs

Presently it takes approximately 61 days to complete a Natural Features Inventory (NFI). The NFI is required at the beginning of the development process for the purpose of identifying the unique characteristics of the property in regards to the land areas that are suitable for development potential. After these land areas are identified, the permitting process precedes with the siting of buildings, parking lots, and other development structures and code requirements. The present practice is for the land owner or developer to employ a consultant to perform the NFI. On average, the NFI process for each application takes 24 days of staff time and 37 days of consultant time until they are deemed sufficient.

The Board can give consideration to having staff perform a large percentage of the NFI requirements to speed up the processing time, especially the time spent during the consultant review time frame. Presently, GEM staff conduct NFIs for 2.1.9 and Limited Partition subdivisions. The Department is proposing expanding this review process to cover other Department applications. The list below provides a detailed analysis of the functions that would be performed by a consultant and the functions that staff would perform. The functions that are listed to be performed by the consultant are due to staff's inability to perform these functions without additional positions, equipment and training.

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Having GEM staff conduct portions of this analysis would reduce the "back and forth" between the Department and the consultant and could allow an NFI to be issued in two to three weeks or sooner. This would allow the project to move into the Site Plan process more quickly. Also, retooling the single family review process will free up the Environmental Compliance Specialists to assist in performing the in-house NFIs.

The NFI functions listed for staff to perform can be executed with some changes to the functions of the Environmental Compliance Specialist (a.k.a. Environmental Inspectors) and Environmental Review Specialist.

Natural Features Inventory List:

The following portion of the NFI would be performed by the consultant:

1. Floodplain analysis
2. Karst features – Active or Inactive
3. Archeological Survey
4. Tree Survey - Survey may be deferred to EIA or EMP portion of the process

These NFI features would still need to be done by a consultant due to the highly technical nature of the work that is done to identify and map these features. Generally an engineer or geologist is utilized to conduct this work. GEM does not have enough engineers on staff to conduct the level of field and analytical work to complete the identification, modeling, and mapping of these features in a timely manner.

The following NFI features would be identified by GEM staff:

1. Wetland Delineation - Identified by staff during NFI and surveyed for the site plan by the applicant during the Environmental Impact Analysis
2. Endangered/Listed Species
3. Soil Types
4. Slopes
5. Forest Type delineation
6. Vegetation Mapping
7. Special Development Zones - Identified by staff during NFI and surveyed for the site plan by the applicant during the Environmental Impact Analysis
8. Canopy Road
9. Waterbodies
10. Watercourses
11. Topo Map

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Analysis:

To accomplish conducting portions of the NFI in-house, GEM is proposing for Board consideration, that the Environmental Compliance Specialist who conduct the current lot specific permitting review for all single family residential homes, be reassigned to performing portions of NFIs. This would be accomplished by limiting the level of environmental permitting review on single family lots created after February 1996. Land that went through the subdivision process after February 1996 was reviewed and approved under new subdivision regulations. These subdivisions in turn also went through and received an environmental management permit. The subdivisions were then inspected by Environmental Compliance staff during the construction of the infrastructure to ensure that the identified environmental features were protected as specified on the approved environmental permitting plan.

The Environmental Compliance Specialists functions will change in that there will be less environmental review for single family homes that are being constructed in subdivisions that were created after 1996 since extensive environmental review was done on most of these subdivisions. Currently, 31 percent of the residential single family homes that are issued permits are located in post February 1996 subdivisions. A trend analysis using permitting data from 1998 -2004 (Attachment # 5) indicates that this percentage number will increase over time as the pre-1996 lots are developed and more lots are created. The staff time saved as a result of this trend should allow Environmental Compliance Specialists to be able to perform some of the NFI functions.

The current single family environmental permitting review site visits include the following:

1. Lot-to-Lot Drainage) - Identification of lots that may require additional stormwater controls through the use of swales or berms to be identified during the site review process.
2. Floodplain Evaluation – Flood Letter
3. Flood Indemnity letter backup to Intake Staff and Environmental Duty Officer
4. Erosion Control
5. Tree protection
6. Limits of Clearing
7. Canopy Road Cut
8. Special Development Zone

The Environmental Compliance Specialists review responsibilities will change for houses constructed in subdivisions that were approved after February 1996. The permit review would be limited to a review of the lot-to-lot drainage, the flood letter review and providing backup to the flood indemnification notification process (items 1, 2 and 3 above). Only lots that were identified as questionable as identified by GIS would have a permitting site visit. Examples of lots that may need a site visit prior to issuing a permit are ones that GIS identifies with significant or severe slopes, lots that are mapped adjacent to floodplains, or in what appear to be “low lying areas” that may indicate a potential to be affected adversely by stormwater.

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Environmental inspections would be limited to erosion control to be carried out by Building Inspectors who have received certification in proper erosion control methods. Building permit application submitted for lots created before February 1996, would still be reviewed by the Environmental Compliance Specialists as enumerated above.

In order to implement this process, there would have to be some retraining of the Environmental Compliance Specialists. These inspectors are not biologists and do not have expertise in delineating wetlands or identifying listed species such as pityopsis (hent golden aster). While the Environmental Compliance Specialist would be performing much of the NFI work, it would be under the auspices of the exiting Environmental Review Biologists, who currently review the NFI application submitted to the Department. These biologists would be available to trouble shoot and assist the Environmental Compliance Specialists.

To ensure a smooth transition for the Environmental Compliance Specialist conducting portions of the NFIs, the Environmental Compliance Division will request extra budget funds for their training account during FY 07. It is estimated that approximately \$1000 per position, or \$5000 dollars will be needed to initiate the necessary training. This will allow inspection staff to register for wetland delineation and other environmental feature identification classes that would be necessary to obtain the baseline knowledge required to conduct a quality NFI. Also, additional training dollars will be required for these positions to produce, in-house NFI maps that will identify the environmental features identified in the field by staff.

In addition, there should be no additional cost to the applicant if GEM is paid to conduct the NFI, since applicants are currently paying a private consultant for this service. In fact, it may be somewhat less expensive to the applicant to have staff conduct portions of the NFI since the service would be provided at cost.

The role of single family permitting is to prevent lot-to-lot drainage problems, minimizing initial site clearing to protect trees, ensuring that sensitive features such as wetlands and floodplains are not disturbed, ensuring that the site contractor has an adequate erosion and sedimentation control plan to protect downstream lakes and to ensure that the flood certification letters are adequate. This process would remain the same for lots created before February 1996.

The Department has previously crossed trained the Building Inspectors in inspecting erosion controls. These inspectors can document and identify that erosion controls are properly installed when they conduct the initial foundation inspection. If there are significant problems identified, they can hold building inspection approvals, or report the problems to the Environmental Compliance Division for corrective action. For homes constructed on lots created after February 1996, the Building Inspectors would check for the proper installation of erosion controls when they conduct their initial foundation inspection; however, there would be no initial environmental plan review or site visit for these home sites.

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Currently, limits of clearing, protected trees, and other environmental features are delineated on the environmental, single family home, site plan. These features are then verified by a site visit prior to issuing the permit. The potential exist for some protected trees to be removed, and other environmental features could be impacted without approval since the first site inspection for the home will not occur until after the site is cleared.

Also since erosion controls will not be inspected until the first building inspection is called for by the builder, the potential for lots being cleared without the installation of proper erosion controls will likely increase. This could increase the likelihood of possible offsite siltation if erosion control are not installed when a lot is cleared. Also, this newly proposed process could allow some lot-to-lot drainage problems in newer subdivisions to not be identified until after a home is under construction. The cost to correct these problems during or after the homes are constructed could be more than if these lot-to-lot drainage issues were addressed at the beginning of the building permit process.

Finally, while flood certification letters will still be required for single family homes to ensure that the finished floor elevation is out of the floodplain, the elimination of the site visit by an Environmental Compliance Specialist could allow lots located in unmapped floodplains to go unnoticed. This could increase the probability of some homes being negatively impacted by large storm events after they are constructed. Environmental Engineers would still review questionable flood letters and marginal lots. The Environmental Compliance Specialists will refer home site plans to Environmental Engineering when they suspect a lot could be affected by an unmapped or unidentified floodplain after a review of applicable map and field data prove inconclusive.

To compensate for the staff time needed to conduct and complete the NFI, the NFI fee will have to be adjusted. The Board would need to approve a resolution setting a new NFI fee. GEM will request that Maximus include an analysis for this service in the fee/service cost analysis budgeted for FY 05.

3. Pre-Application Meetings and Reactivation of Quick Checks

Before Growth and Environmental Management established a formal site plan review process that included a Pre-Application meeting, a method of early review of a project was put in place known as "Quick Check." The Quick Check process was one or more meetings between the applicants and staff. The meetings were conducted in an informal setting and were used to guide the applicant in the required methods and development issues in order to submit a development application. County staff invited representatives from the City Utilities Department, the Planning Department, the Public Works Department, and Growth and Environmental Management to participate in this initial screening of the site and development proposal.

Code requires a pre-application meeting "...with the County Administrator or designee to discuss the application." Presently, the Development Services Division calls the affected parties and staff together and notifies the affected public about the pre-application meeting, allowing for their comment. A current shortcoming of some pre-application meetings is that some applicants do not have a well thought out and structured plan for the public to comment upon. This can often cause unnecessary confusion to the public about what really is being proposed for development.

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The Quick Check process can help the applicant provide a good concept plan of development in an informal setting with staff. The process is also less intimidating without public comment on plans which may not even be feasible at this early stage of a development proposal. In order to notify the public and receive comments, the LDRs would need to be amended to allow comments at the Technical Review meeting.

For applicants who have initial design and engineering drawings the pre-application meeting would be an alternative process where a quicker approval and comment period from staff could be provided. To avoid confusion with public notification and comment, the public notice requirement for pre-application could moved to the technical review/environmental permitting portion of the concurrent review process.

Analysis:

The Quick Check process could be utilized (attachment # 6) for projects where the applicant wants conceptual approval or does not want to pay all the design, engineering and permit costs at the beginning of the project. The Planner in Development Services assigned to the project would act as a Project Manager throughout the entire Site Plan approval process, including setting a meeting for this initial screening through the Quick Check review. The Planner would also arrange to have the necessary staff present to respond to the applicant's questions.

For a more formal review and approval process, the Pre-Application Meeting could be used by applicants who want all their land use approvals and environmental permits immediately after site plan approval. In this instance, the pre-application requirements would need to be enhanced to ensure that enough information regarding a site was provided for review. This would allow staff to provide the applicant detailed comments on a proposed site plan so that a thorough site plan and EIA/EMP application was submitted for the site plan process. Public notification and comment would not be eliminated but would be deferred until the Technical Review/Environmental Permitting portion of the concurrent review. This would allow the public to provide comments verbally or in writing on plans that where beyond the concept stage. The conceptual and concurrent review concepts are discussed in more detail below.

4. Concurrent and Conceptual Site Plan/EIA/EMP Review Processes and other Alternative Review Concepts

Currently, the majority of the Department Site Plan approvals and Environmental permitting are done sequentially. Specifically, the developer waits for site plan approval before applying for environmental and building permits. This sequential approach was developed to minimize the up front engineering and permitting costs to land owners and developers. The Department has the ability to process these applications concurrently but the process has not been taken advantage of in part due to the different review time lines codified for Development Services and Environmental Compliance application reviews.

Analysis:

To formalize a two track process, the Department site plan applications need to be modified to allow the applicant to choose whether they want to go through the concurrent review process, where all land use approvals and environmental permits will be issued after the site plan is approved by the required authority, or whether they want to go through the existing sequential/conceptual approval process.

Projects that choose to go under concurrent review would have a different time clock for review. The concurrent time clock would mirror the 20 day EMP review period, and the information needed for Environmental Impact Analysis would be folded into the EMP. These projects would be scheduled for Technical Review and DRC meetings to meet this cycle, accordingly. It is anticipated that these projects could be scheduled for the second technical review cycle after they are submitted. Deficiency comments would be provided to the applicant prior to the Technical Review meeting.

After the Technical Review Committee approves the application for sufficiency, the project could be scheduled for the next available DRC meeting if the applicant chooses. This procedure would allow the concurrent review process to blend with the existing Technical Review schedule. All the permits required for site clearing could be issued after the project is approved. A diagram depicting this process is shown in Attachment # 7.

A benefit to the applicant for combining the EIA and EMP together as part of the site plan process would be the potential reduction of permitting time by an estimated seven weeks. This savings is realized by not having to wait until a site plan is approved before submitting the environmental permit application. There should also be some time savings by combining the reviews. There should not be as many resubmittals for the EIA and EMP, since comment concerning EIA and EMP issues would be addressed at the same time and not independently as they are now.

Conversely, if an applicant did not want to pay the entire permitting and engineering cost up front, they would have the ability to choose the sequential review process for conceptual approval and use the initial "Quick check" process as outlined above. Applications for EIA would be submitted as they are now, but the Department review time clock would be reduced by 10 days from the current 15 in order for the EIA review cycle to mirror the Site Plan review clock.

5. Allow Administrative Approval of Type B and C Site Plans, Excluding Special Exceptions

Currently, Type B and C Site and Development Plan proposals require review and approval by the Development Review Committee (DRC) prior to the issuance of a development order. This review process adds an additional two weeks to the land development review process after the application has been reviewed and deemed sufficient by technical review staff. In the period between 1999 and 2003, the majority (94%) of land development proposals were Limited Partition Subdivisions, Type A or Type B site and development plans, while the Board provided final review of 6% of the land development proposals during this same period. Of the 94% of development proposals not requiring Board consideration, 68% were approved administratively by staff, and 25% were considered by the DRC. Because the majority of the development proposals received by GEM are either Limited

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Partition Subdivisions or Type A and B Site and Development Plans, the Board may wish to consider allowing Type B and C projects to go through the same administrative approval reprocess as Limited Partition Subdivisions and Type A Site and Development Plans. This approach would make the County's land development review and approval process administrative, and consistent with the majority of the Counties in the state. The only Site Plans that would go before the DRC and the Board for approval are Site Plans submitted for land uses identified in the LDR's as Special Exceptions and those requiring rezoning, such as PUD concept plans.

Analysis:

Revising the County's land development review process to expand the administrative approval of projects and issuance of associated development orders would reduce at a minimum the overall time frames associated with Type B and C projects by two to four weeks. Additionally, this proposed revision to expand administrative review and approval of land development proposals would be consistent with the majority of Florida Counties, and would be revenue neutral.

Without a revision to the current public notification process associated with Type B Site and Development Plan Review process, particularly as it relates to DRC meetings, the proposed expansion of administrative review of development proposals would result in a reduction in public notification and subsequent public comment. This impact could be offset or addressed by providing public notification to solicit comments at the Technical Review meeting for applications proceeding under the concurrent review process, and for applications submitted under the sequential review process.

6. Allow Developers to Pay for an Expedited Permitting Process

Another alternative to reduce permitting time frames would be to allow developers the option of paying for an expedited process. This option was recently adopted by the City of Tallahassee. Applicants have the option of paying extra permitting fees that fund positions dedicated to an expedited process. Allowing extra fees to be paid, and dedicating the fees to personnel used to expedite permits, could allow for faster reviews for these projects, and not slow down the review for projects being reviewed under the current process.

Analysis:

City Growth Management is currently implementing this program, so it is unknown what effect on permitting time frames this new program will have. It is also not known whether developers will take advantage of this new program, and fund the positions that were hired to work on expedited permit requests. If Leon County were to implement the two approval tracks as outlined above, it may not be necessary to hire additional personnel to review permits more quickly.

7. Privatize Portions of the Permitting Review Process

A completely different approach to take would be to privatize portions of the permitting review process. Gadsden County contracts the environmental stormwater portion of the review process to a private engineering firm. The firm reviews the project to ensure that it complies with Florida Department of Environmental Protection water quality requirements. The contractor is not concerned with the rate and volume control measures such as those found in Leon County's Land Development Regulations.

Analysis:

Privatization of the storm water engineering review in Leon County would be more complicated due to the more stringent water quality, and rate control requirement codified in Leon County, especially in the different lake protection zones, closed basins and the Bradforville Study Area. Leon County could utilize existing engineering staff to oversee the contracts for the program. The cost of privatizing portions of the permitting review process are unknown, and would be determined during the Request for Proposal process. Any contract would have to have strict performance standards and guidelines to ensure quality and timely reviews of permits submitted for review.

8. Modification to Tree Survey Requirements

Various sections of the EMA require that a survey of existing protected trees be provided. This survey indicates, for each protected tree, its physical location, species, size (diameter breast height), and critical protection zone (the CPZ, which is a circle around the tree having a radius of 1 foot per inch tree diameter). The tree survey is generally required as part of the project's Natural Features Inventory (NFI) and must cover essentially the entire project site (the parcel).

The current protected tree survey requirements could be modified in the following manner. Submittal of the tree survey could be moved from the NFI application to the Environmental Impact Analysis (EIA) application. A limited number of projects do not require a separate EIA. Instead, EIA matters can be covered as part of the project's Environmental Management Permit (EMP) application. When this situation occurs, submittal of a tree survey could be moved to the EMP application unless a separate Site and Development Plan approval is required. In this latter instance, the tree survey would need to be provided as part of the site plans submitted for approval.

The tree survey requirements could also be modified to only require survey location of protected trees situated within the limits of actual development (i.e. limits of clearing, grading, landscaping, etc., not natural areas and preserves) and protected trees whose CPZ extends into these limits of actual development. To meet EMA reforestation requirements (see Item B.2.d.) and/or replanting requirements (see item B.2.e.), even if these are modified, there may still be cases where documentation (survey) of existing trees located outside the development envelope is necessary. Standard sampling methods could be prepared and employed to document these trees rather than requiring each tree to be located by a survey crew and mapped in a survey drawing.

Analysis:

Moving the submittal of a tree survey from a project's NFI application to its EIA application, EMP application, or Site and Development Plan application (as applicable) would significantly decrease the applicant's NFI costs as well as the time required to prepare the NFI. The tree survey cost would not be eliminated since a survey would still be required, but this cost would be deferred to a later stage of the project approval process. There are some instances where a developer may decide not to pursue a project further when the NFI results reveal excessive environmental constraints. By moving tree survey requirements out of the NFI application, a developer could avoid a costly tree survey if the developer decides to "drop" the project once the NFI is completed. Moving the tree survey requirement out of the NFI application will further help decrease the time staff must devote to reviewing the NFI. This may help expedite NFI review and approval.

Limiting the tree survey to only include trees located within the actual development limits, together with trees whose CPZ extend into these limits, will significantly reduce the cost of the survey and time required to prepare the survey. Trees situated outside the development limits should automatically be protected and preserved hence a survey location of these trees is unnecessary. For example, consider a proposed development on a 10-acre parcel. The developer proposes developing 5 acres leaving the remainder undisturbed. Only the protected trees within the 5-acre development limits would need to be surveyed. Staff has already allowed some projects to use sampling methods to document trees in "preserve" areas when such documentation is needed. Such methods appear to be adequate for helping demonstrate compliance with project reforestation and replanting requirements and are much less expensive than using the typical survey location approach.

The tree survey process changes discussed would necessitate minor modifications to the EMA. These changes would primarily involve clarification of such matters as when the tree survey is to be provided, the area that must be surveyed, and potential methods for documenting trees in "non-development" portions of the project site.

9. Discontinue Environmental Management Permitting for Docks

Currently, GEM policy requires a single-family lot owner to obtain an Environmental Management Permit (EMP) before constructing boat docks that exceed a certain square footage. If the dock is on a lake or other water feature classified as Outstanding Florid Waters (OFW), such as Lake Jackson or the Ochlockonee River, a permit is required if the dock is larger than 500 square feet. If the dock is not on an OFW, a permit is required if the dock is larger than 1,000 square feet. Applicants for a "dock permit" are required to apply for and obtain approval of a Short Form "A" Environmental Management Permit prior to building their dock (which includes boardwalk, dock, boat house, etc.). The application fee is \$244. If the applicant's proposal includes construction of any walled (enclosed) feature or structure with a roof, they must also submit building plans for this feature/structure and obtain a separate building permit from GEM. The fee for the building permit is based on the valuation of the construction.

Current GEM policy could be modified to no longer require single-family lot owners to obtain an Environmental Management Permit for construction of docks since boat docks already are subject to review and approval by other government agencies. This change would not eliminate the need to obtain a Building Permit from GEM prior to constructing boat docks that have enclosed structures or structures with roofs.

Analysis:

Persons wishing to build a boat dock must typically also obtain a permit from the Florida Department of Environmental Protection (FDEP). In some instances they may also be required to obtain a permit from the US Army Corps of Engineers (ACOE) in addition to their FDEP permit. These two agencies do not review the permit applications for all the same topics evaluated by GEM since their regulations are different. For example, they do not evaluate potential construction impacts to areas of significant slopes or native forests. These agencies do, however, evaluate most of the critical impact concerns associated with docks such as effects upon wetlands and other aquatic features, effects upon listed species, and erosion control. To require a separate EMP from the County thus seems to be a relatively unnecessary duplication of existing government regulation.

If GEM discontinues requiring EMPs for docks on single-family lots, it is anticipated that the FDEP and ACOE permitting requirements would adequately cover most of the critical environmental concerns. Under this scenario, GEM would still require a Building Permit for docks involving enclosed structures or structures with roofs. Such construction details are not fully evaluated by FDEP or ACOE, hence County permitting of these aspects remain necessary as a matter of protecting the public health, safety, and welfare through ensuring proper adherence to building codes. GEM's Environmental Review staff would also still review and permit docks that are components of larger developments (subdivision with docks, parks, marinas, etc.) as part of the Environmental Management Permit necessary for the overall development.

Eliminating permitting requirements for single-family docks would provide staff more time to review other proposed projects and permit applications. If this change is made, it would be best to revise applicable portions of the EMA to clarify that an Environmental Management Permit is not required for docks on single-family lots. This change would reduce the permit application fees received by GEM, although the fiscal impact would be minimal. On average, GEM processes between 5 to 10 "dock permits" per year. Thus, one could estimate a maximum revenue reduction of approximately \$2,440 per year.

10. Reducing the level of Silviculture Review

On average GEM reviews twenty notices of intent to perform silviculture per year. The Department does not collect a fee for the review or inspection services provided to the community for this service. Sometimes silviculture requests are submitted to the Department for property that is not designated as agricultural by the Property Appraiser's Office, or are in a zoning district that would not allow silviculture. This places staff in the position of trying to determine if the silviculture request is legitimate, or if an applicant is trying to circumvent the permitting process by harvesting trees on a tract of property as a precursor to development.

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Analysis:

Reducing the code provisions that require an owner to notice the Department for silviculture activities would free the Environmental Review Specialist assigned this function to review more environmental permit applications where fees are paid. In essence, the Department would only consider property that has an agricultural classification, as designated by the Property Appraiser's Office, for notice to perform silviculture. All other proposed silviculture projects would go through a vegetation management or short form permitting review.

11. The "Gold Card" Permitting Program

Two items previously considered by the Board at the March and July 2000 workshops under the banner of the "Gold Card" Program are presented below.

a.. The "Leon County Certified Quality Development" Program

The "Leon County Certified Quality Development" concept was a new and innovative way to encourage developers to go above and beyond current code requirements. Generally, this type of approach is a two-part concept that includes commitments and benefits in the equation, with the goal of the process to make sure that the equation balances. The program offers incentives and benefits to the developer by offering a way to expedite the site plan process, while at the same time giving a higher level of environmental protection that enhances the overall environmental quality of the project. Finally, the voluntary aspects of the program recognizes the need for flexibility based on customer needs. This program was adopted by the Board, and added to the Land Development Regulations as Article XIX in March 2001. To date there has not been an application submitted under the quality development label.

It is unclear why potential applicants have not utilized the "quality development" track, especially as a vehicle for reducing overall approval time frames. The reluctance may be merely related to the uncertainty associated with being the first to undertake a new process, especially in view of the commitments that the applicant is required to make under the program. Subsequent to completion of the first "quality development," it is anticipated that the program can and will provide a positive benefit to both participants and the County.

Analysis:

Presently, staff is reviewing the program that was adopted by the Board in 2001, to determine if possible revisions may be required to encourage public participation. Additionally, staff is working with County Administration to develop and implement public information materials to assist with the promotion of the program. This will include articles in the County Link that appear in the Tallahassee Democrat, development of informational brochures, and other material to be provided to potential participants in the program. Furthermore, staff is distributing information regarding the program during the PUV approval and at the pre-application meeting to proposed projects that appear to merit consideration for possible quality development designation.

b. The "Leon County Certified Quality Design Professional" Program

Another component of a streamlining effort would allow some developers and consultants opportunities to certify that certain aspects of their projects meet code requirements and allow them to bond the improvements. This would allow the project to proceed into the construction phase more quickly. Any code deficiencies could be caught during the inspection process, and addressed before a final certificate of occupancy is issued.

The introduction of the "Quality Design Professional" concept was provided as a new way to encourage design professionals to assist staff in improving the site plan and environmental permitting process through a cooperative effort. This concept utilized current informal business practices which facilitate the process for those individuals which are more familiar with Leon County's rules and practices. Staff identified a few design professionals that provided quality submittals each and every time they submitted applications. The Department anticipated implementing an education and training program for consultants interested in becoming a "Certified Quality Design Professional" that would train them on the nuances of the Land Development Regulations. Being designated such a professional would allow applications to by-pass certain steps in the approval process such as pre-applications in anticipation of there being substantially complete site plan and permit applications, and fewer requests for additional information. At the time, this idea was perceived by the Board as possibly being biased or discriminatory toward certain consultants, and was not adopted.

Analysis:

Due to the perceived if not inherently biased or discriminatory principles that may result from the implementation of this proposed designation, and in view of the other possible revisions to the land use approval and associated permitting processes, including the adoption of the Quality Development Program that have been outlined above, it is recommended that this proposal not be explored further by the Board.

B. Code Revisions (Including Comprehensive Plan Amendments)

Staff has reviewed the LDRs and portions of the Comprehensive Plan to determine which areas of the LDRs or Comprehensive Plan could be amended to allow for a more expedited permitting process. Staff proposes three initiatives that could be implemented to achieve this goal. These initiatives are: a comprehensive review and revision of the LDRs with the assistance of an outside consultant; short term LDR code revisions that could be initiated through the standard ordinance amendment process; and Comprehensive Plan amendments that would need to be initiated through the normal Comprehensive Plan amendment cycle. As referenced in the background section of this package, the TLCPD's response concerning area of the Comprehensive Plan that may need to be amended are shown in Attachment # 2.

1. Comprehensive Review of and Revisions to the Land Use Regulations

Subsequent to the adoption in 1992 of the County's current LDRs to implement the Comprehensive Plan, the only major revisions of the Code occurred in 1996 with the adoption of new subdivision and site and development plan regulations and in 1997 with the incorporation of site-specific zoning districts to implement the mixed use future land use categories of the Comprehensive Plan. Additionally, every year numerous minor revisions and amendments to the LDRs are approved by the BCC. This has resulted in the potential for internal inconsistencies and redundancies in the LDRs.

Analysis:

To address this issue staff is proposing a comprehensive review of Chapter 10 of the Leon County Code of Laws. The goal of this undertaking would be to systematically identify inconsistencies, redundancies, format issues and items in the County's LDRs, and recommending changes to the BCC. It is anticipated that this process would enhance the usability of the LDRs, and provide the public a more "user friendly" document that is hopefully reduced in length as a result of the exercise. The City of Tallahassee went through a similar process last year, and shortened their LDRs by an estimated 50 percent. The County Attorney's Office supports this initiative.

It is anticipated that this proposed special project would require assistance from outside consultants along with in-house staff resources from primarily GEM with assistance from the County Attorney's Office. Therefore, it is recommended that this issue be further outlined in the form of a budget request during the Board's FY05-06 budget development process. In addition staff has summarized below possible LDR revisions that could be addressed during the comprehensive rewrite and reorganization of the existing LDRs.

2. Short Term Land Use Regulation Revisions

a. Closed Basins

Volume control is required for development in all closed basins. The volume control difference created by new impervious surfaces must be retained in a stormwater retention pond for all storm events up to 100-year, 24-hour duration storm. This is required to prevent the floodplain from being raised at the bottom of the closed basin which could flood homes if they are located near this floodplain. However, there may be Limited Partitions or 2.1.9. Subdivisions that create one or two additional lots that will not significantly affect the bottom of the closed basin.

Analysis:

Consideration might be given to exempting these minor subdivisions (Limited Partitions and 2.1.9.s) from the closed basin standards if the following criteria are met:

1. There are no more than three lots being created in the subdivisions.
2. There are no structures at the bottom of the closed basin that could flood.
3. There are no existing flooding problems or adverse impact to downstream properties.
4. The new lots have a minimum size or maximum impervious area to facilitate sheetflow drainage.

If some minor subdivision could be approved under the revised criteria enumerated above there would be less stormwater analysis required by the applicant's consultant, and smaller stormwater treatment systems would have to be constructed. This would reduce the costs to the applicant and/or developer when permitting and constructing these small subdivisions.

b. Natural Area Conservation Area Requirements

Non single family residential developments are required to preserve 25% natural on-site in either Natural Areas and/or Conservation Easements. In many instances the developer has to present a conservation easement to the Board of County Commissioners. The conservation easement which preserves preservation of the natural area does not allow for disturbance on 25% of property. The conservation easement accomplishes the objective by providing a legal easement dedicated to the Board that provides better enforcement capabilities. These enforcement capabilities are needed in environmentally sensitive areas such as wetlands and floodplains.

Analysis:

This level of regulation may not be needed for the 25% natural area when there are no environmental sensitive areas. Consideration should be given to eliminating the conservation easement requirement in cases where the preserved natural areas do not contain conservation or preservation features. Eliminating the need to set these natural areas aside in conservation areas will reduce the review and approval time frame for associated projects since the areas will not have to be recorded with the Clerk of Courts and accepted by the Board. Conservation easements will still be used to preserve floodplains, wetlands, waterbodies, and watercourses, active karst features, native forest, and other environmentally sensitive features.

c. Revisions to the Definition of Protected Trees

The EMA presently defines protected trees as including: all trees = 12" diameter breast height (DBH); all dogwoods = 8" DBH, and; all trees = 4" DBH located in a lot's perimeter setback zone (the building setback areas). One possible revision to the EMA could be to change this definition to be simply all trees = 18" DBH (vs. current 12") and all dogwoods = 8" DBH (same as current). Trees = 4" DBH located in a lot's perimeter setback zone would no longer be considered protected.

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The City is presently contemplating changing their definition of protected trees to be all trees = 24" DBH (vs. their current 18"). This approach could also be adopted by the County. Under this scenario, the EMA definition of protected trees could be changed to include all trees = 24" DBH (vs. current 12") and all dogwoods = 8" DBH (same as current). Again, trees = 4" DBH located in a lot's perimeter setback zone would no longer be considered protected under this scenario.

Another potential EMA modification could be to exclude certain tree species from consideration as protected trees, regardless of their size. For example, all pines except for longleaf and spruce pines could be excluded since other pines are abundant. Sweetgums could be excluded since they tend to be "nuisance" trees even though they are native species. Certainly invasive tree species could be excluded since these species, listed by the Florida Exotic Pest Plant Council, are highly undesirable.

These potential revisions described above would not extend to other portions of the EMA dealing with protected tree issues. All trees within preservation and conservation features (wetlands, floodplains, etc.) would remain protected as would all trees located within Canopy Road Protection Zones and Special Development Zones. They would also not affect the EMA section that already indicates only those trees > 36" DBH are protected trees on legally occupied single-family residential lots.

Analysis:

Any of the potential changes would decrease an applicant's NFI/EIA and permitting costs and preparation times by reducing tree survey requirements. The portion of the EMA that includes trees = 4" DBH in lot perimeter setbacks as being protected trees is particularly cumbersome. If the tree replanting requirements and related tree debit/credit system are not modified (see Item B.2.e.), these changes would also decrease development costs associated with re-planting requirements since fewer trees would classify as warranting "replacement". This could also help reduce staff's application review time. Changing protected trees from being all trees = 12" DBH to being all trees = 18" DBH would match the City's current classification of protected trees.

Any of the discussed revisions would decrease the County's current level of tree protection. They would not, however, jeopardize current tree protection in environmentally sensitive features, canopy road protection zones, or special development zones. Protection and regulation of invasive tree species and certain nuisance tree species is not warranted since it is desirable to have such trees eradicated. It is noted that by significantly changing tree survey requirements (see Item A.8.), reforestation requirements (see Item B.2.d.), and/or replanting requirements (see Item B.2.e.), a developer may gain only limited additional benefits from changing the definition of protected trees. The exception to this statement would be excluding trees = 4" DBH in lot perimeter setback zones as well as invasive and nuisance trees from protected status.

Should the definition of protected trees be changed such that the minimum size requirement increases from 12" DBH to 24" DBH (except for dogwoods), it is worth noting that very few trees would be "protected" except those found in other protected features. For the many of the parcels examined by staff, it is relatively common that the majority of the existing trees are smaller than 24" DBH. There certainly are exceptions, however increasing the minimum size requirement to 24" DBH would definitely eliminate the protection of numerous trees whereas changing the minimum

size to 18" DBH would result in a far lower percentage of trees being deleted from protected tree status. It is extremely rare to find dogwoods that are 8" DBH or larger, hence there seems no need to change the minimum size requirements for this species.

d. Revision of Reforestation Requirements

The EMA requires a minimum number of trees remain on a project site following development. This requirement is 40 trees per acre of developed area except for public roadway projects. For public roadway projects the requirement is 20 trees per acre of developed area. The developer is awarded "credits" toward meeting this requirement by preserving existing trees. The number of credits (1 tree credit = 1 tree needed for reforestation) is derived from a table. The number of credits is based on the size (diameter breast height) of the tree preserved, with larger trees generating more credits.

The EMA reforestation requirements could be revised to require only 20 trees per acre of developed area for projects located outside the USA and 10 trees per acre of developed area for projects located inside the USA. For public roadway projects, the requirement could be revised to require only 10 trees per acre of developed area. Another possibility could be to delete reforestation requirements entirely.

Analysis:

Either of the two possible revisions (i.e. revising requirements or eliminating requirements) would result in reduced development costs for both private development projects and public roadway projects. There would be less time involved in preparing site plan, EIA, and EMP applications. Staff's application review burden would be reduced helping expedite processing time frames.

It can be quite difficult for some development projects to meet current reforestation requirements given various site constraints. Attempting to meet these requirements can also necessitate a site plan layout that is not the most appropriate as regards efficient use of available space. It is almost impossible for residential developments involving high densities and/or small lots to achieve reforestation requirements on-site. The same is true for many roadway projects. In cases where reforestation cannot be accomplished on-site (either through preservation of existing trees, landscaping, or both), the developer must compensate for the shortage by making payment to the Tree Bank/Wildlife Preservation Fund. These costs can be considerable as can be the cost of planting sufficient trees on-site to achieve reforestation needs.

Changing or eliminating reforestation requirements may result in a less "green" County. There would be less incentive for preservation (or replacement) of existing trees. It could be assumed, however, that current or modified natural area requirements, landscaping requirements, and replanting requirements would still achieve most of the goals intended by the current reforestation code. The existing reforestation requirements are somewhat redundant in that they are mimicked by the existing replanting requirements (see Item B.2.e.). The City Commissioners have requested City staff to propose various code and process changes in a similar effort to help expedite the development review, approval, and permitting process. In consideration of the fact that replanting,

natural area, and landscaping requirements effectively achieve most of the goals of reforestation and the inordinate amount of time staff must devote to reviewing reforestation information, City staff has recommended deleting reforestation requirements completely from their EMO.

Changing or eliminating reforestation requirements would result in less money being paid into the Tree Bank/Wildlife Preservation Fund. This topic is further addressed in Item B.2.d.

e. Revision of Replanting Requirements (and Tree Debit/Credit System)

Many types of development projects must provide a plan for the replacement of protected trees that will be removed during development. The replacement (replanting) requirement is based on a tree debit and tree credit system. Trees removed generate "debits" based on the size (DBH) of each tree removed. These debits must be fully offset by tree "credits". Credits are generated by preserving existing trees, with more credits being given for larger trees. Credits are also generated through planting new trees (landscaping). More credits are awarded for planting larger trees. If the debits can't be fully offset by on-site credits (preserving trees and planting trees), the developer can compensate for the outstanding debits by paying a fee to the Tree Bank. The fee presently is \$150 per credit needed. The tree debit/credit system is also applied to code violation cases. If a protected tree is removed illegally the tree must be replaced at twice the typical credit requirement. For example, if the tree removed is worth 4 credits (or debits) then the replanting mitigation must generate 8 credits.

The EMA could be modified such that the current replanting requirements are eliminated except in situations involving code violations (i.e. tree removal without a permit), projects involving the removal of patriarch trees, and projects involving removal of trees in a Canopy Road Protection Zone. This change would also essentially eliminate the tree debit/credit system except it would still be utilized for the exceptions discussed and in determining compliance with the EMA's reforestation requirements (see Item # B.2.d – reforestation regulations only employ tree credits, not debits).

One function of the present replanting requirements is to provide an incentive for development to preserve existing trees, especially larger ones. Preserving trees reduces the need for costly additional tree replacement necessary to compensate debits generated by removing trees. The proposed EMA modifications would substantially reduce this incentive. This effect could possibly be mitigated through measures such as: increasing the fee currently charged for tree removal (now \$95 for first 100 trees plus \$1.64 per tree in excess of 100 trees), and; revising EMA language to further emphasize the County's goal of preserving desirable native trees to the greatest extent practicable.

Analysis:

The discussed changes would reduce the amount of time and money an applicant must expend in preparing applications for Site and Development Plan approval, EIAs, and EMPs involving typical development projects as well as linear projects (roads, sewer lines, power lines, etc.). Staff reviewing such applications spend considerable time verifying an applicant's replanting analysis (tree survey, tree impacts, replanting proposal, tree debit/credit calculations). Modifying the replanting requirements would help reduce staff's application review time and thereby increase the efficiency of the review/permitting process. Increasing the tree removal permit fee would obviously

increase development costs. This increase, however, would likely be more than offset by the savings realized through reduced application preparation costs, speedier application processing, and the reduction in post-development tree planting requirements. As discussed, tree removal permit fees would not be changed for projects simply involving tree removal on existing single-family residential lots, hence the code changes would not affect existing homeowners.

Modifying the current replanting regulations would reduce the incentive for preserving existing trees on a project site. This change could also reduce the number of trees incorporated into a development (via either preservation and/or replanting) to an unknown degree. Current EMA regulations dealing with minimum natural area and landscaping requirements already achieve the goal of preserving trees and replacing impacted trees to a large extent.

Staff would still retain some ability to require project design modifications in cases where it appears plan changes could help preserve desirable trees, despite the suggested regulatory revisions. Modification of existing EMA language to further emphasize the desired goal of incorporating existing trees into a development project combined with establishing this concept as the County's preferred project design alternative would be one means by which staff would retain the ability to recommend, if not require, project plan modifications. Existing regulations protecting patriarch trees would remain unchanged thus retaining staff's authority to require design alternatives which protect such trees. These factors in combination with increasing tree removal permit fees would likely counteract any reduction in current tree preservation and replanting incentives that result from modifying the EMA.

Changing the replanting regulations would substantially reduce monies paid into the Tree Bank/Wildlife Preservation Fund since there would be fewer cases where tree debits must be compensated by paying into this fund. This would particularly be true for linear projects such as public roadways. The Tree Bank funds are used to help pay for public landscaping projects and to fund wildlife protection and rehabilitation organizations.

f. Revision of Landscaping Regulations

For many types of projects, the EMA requires that at least 25% of a project's total developed area be devoted to landscaping. If the project involves an industrial land use, then the minimum landscaping requirement is reduced to 15% of the project's total developed area. There is no minimum landscaped area requirement for single-family residential projects or for residential projects involving up to and including up to 4 dwelling units (quadraplex) per lot. If a project involves redevelopment of a site, only half the typical minimum landscaped area is required (i.e., only 12.5% needed for redevelopment of a non-industrial project; 7.5% needed for redevelopment of an industrial project). It is important to understand the minimum landscaped area requirement is based upon the developed area rather than on the total parcel's area. As an example, consider a 20-acre parcel where only 10 acres will actually be developed. If the minimum landscaping standard is 25% of the developed area, then 2.5 acres within the 10-acre developed area must be devoted to landscaping.

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Generally speaking, the minimum landscaped area required is in addition to the minimum natural area required (for example, if 25% of parcel must be natural area then another separate 25% of the developed area must be provided for landscaping). The EMA does, however, provide for a variety of situations where much of the natural area set aside can be counted toward meeting the minimum landscaped area requirement.

The EMA could be revised to reduce the current minimum landscaped area requirements. The current 25% requirement could be reduced to 20%. The current 15% requirement applicable to industrial projects could be reduced to 10%. The allowances made for qualifying redevelopment projects would remain the same (i.e. such projects would only be required to provide half the typical minimum landscaped area needed). Given the specified reductions in redevelopment project that was not industrial would need to provide 10% of the developed area as landscaping whereas an industrial redevelopment project would need to provide 5% of the developed area as landscaping.

Analysis:

Reducing the minimum landscaped area requirements would be beneficial to developers by "freeing up" more land for constructed features such as buildings, stormwater ponds, and other infrastructure. This could increase the development potential for a site (a benefit to the developer and the seller of the property) and increase the net profit realized upon project completion. Costs associated with landscaping would be reduced to a certain degree in many cases. Reducing the total landscaped area required would likely provide for more site plan layout options. Theoretically, it could also help reduce sprawl by allowing more development on a particular parcel.

Reducing the minimum total landscaped area requirements could result in a reduction in the aesthetic characteristics of a project by reducing the amount of post-development of "green space". There would still be landscaped areas and natural areas on the project site (note that landscape requirements do not affect natural area requirements), however the area devoted to landscaping would be diminished. It is worth noting that changing the total landscaped area required would not affect portions of the LDC dealing with other landscaping requirements and landscape-related matters such as landscaped buffer requirements. For certain projects the full benefit of a reduced total landscaped area may not be realized due to the necessity of satisfying other landscaping and/or buffer requirements. As an example, even though the minimum landscaped area may be reduced from 25% to 20%, the final landscaped area on the project site might be 23% of the developed area in order to meet buffer requirements and other landscaping requirements such as canopy coverage of vehicular use areas, perimeter landscaping, landscape islands in parking areas, etc.

Many other possible variations could also be explored. One example of such a possibility would be to reduce the minimum total landscaping requirements only for those projects located within the USA and Urban Fringe areas while maintaining current requirements for projects located outside these areas.

g. Pre Development Review Time Frames

In order for staff to perform portions of the NFI, and to allow for a concurrent review of an EIA application, the pre development review times for these applications would have to be adjusted. NFIs have to be approved prior to a project applying for Site Plan Review. Since staff would be performing portions of the NFI in house, a tiered time scale would be developed to allow for a faster turn around time for small projects, and a longer review period for large projects. For example, it is estimated that an NFI for a small project of 10 acres or less could be done within 10 working days; however, a large project, such as a 200 acre subdivision with extensive wetlands could take up to 30 working days.

In order to synchronize the EIA review time frames with the Site Plan review cycle, the response time for staff to comment on EIA applications should be reduced to the same ten day review cycle currently codified for site plans. Having the review periods correspond for applications that are going through the same process will reduce confusion to applicants who are often responding to applications for the same project but at different intervals.

Analysis:

As currently codified, staff has 15 days to provide comments to an applicant for an NFI or EIA application. This same review period applies for the review of additional information requested by the Department. These review periods do not match the review time clocks set for providing comments on Site Plan applications. If the review periods were the same for EIAs, the applications could be processed by the Department in a more synchronized manner.

NFIs are approved before a project enters the Site Plan review process. If staff is conducting portions of the NFIs submitted for review, additional field analysis will have to be performed. This could cause some NFIs, especially ones that involve large tracts of land with many environmental features to take longer to review. One way to ensure that the NFIs produced and reviewed by the Department are of good quality, are to create a tiered review time cycle for NFIs that depends on the acreage of the site under review, and the number of protected features that are estimated to be on the site. It is estimated that an NFI for a small 10 acre site could be done and approved within 10 working days. A medium size project more than 10 acres, but less than 100 acres could be done within 15 working days. A large project that was more than 100 acres could take up to 30 days to approve.

The biggest impact would be having the EIA review period to match the 10 day review period for Site Plans since these applications are submitted to the Department at the same time. The 10 day review clock would be utilized for projects applying for the sequential review process. This 10 day review time frame would only apply to EIA applications, and can be implemented administratively since this would exceed the performance criteria allowed by code.

For projects moving through the concurrent review process where the EIA and EMP are reviewed with the Site Plan a 20 day review period would be established. If the different application components for the sequential and concurrent review process are reviewed under the same time parameters (10 days for sequential and 20 for concurrent), then the entire project will be allowed to move through the entire review process, in a cohesive manner. This will also allow the existing Technical Review and/or Development Review Committee schedule to remain the same for both application tracks.

h. Allow the Construction of Single Family Homes in Subdivisions That Do Not Have the Approved Infrastructure Completed

Before February 1996, single family home builders were allowed to pull building permits in subdivisions while the infrastructure such as roads, stormwater, and utilities was still being installed. If the timing was right, this allowed homes to be ready for sale when the subdivision was completed and the final plat recorded; however, the home construction was often completed before the subdivision received final inspection and plat recording, leaving builders to apply for temporary certificates of occupancy for residences that were ready to occupy. Sometimes the County lost leverage to ensure that subdivisions were completed to exact plan specifications since many of the homes were occupied when a subdivision passed a final inspection.

To correct this problem, Article XI, Division 4, Sections 10.1484.1-.3. of the LDRs was amended to only allow for the construction of up to three model homes in subdivisions that had not passed final infrastructure inspections, and that did not have a final recorded plat. This allowed the developer of the subdivision and partnering builders some flexibility in constructing homes during the subdivisions development, while providing the County assurance that the subdivision would be completed before certificates of occupancy were issued for these three homes, and not allowing the issuance of additional permit applications in the subdivision until the infrastructure was complete, and the final plat recorded.

In order to allow more home construction in subdivisions that are under construction the Board may want to consider increasing the number of permits that can be issued for model homes. This could be accomplished by utilizing a sliding scale that allowed a certain percentage of lots to have building permits issued depending on the number of total lots in a subdivision. This would allow more model houses to be constructed in a large subdivision and fewer in a small subdivision such as a limited partitions.

The extreme recourse would be to allow an unlimited number of permits to be issued as long as an appropriate bond is in place for the unbuilt infrastructure, and providing that no certificates of occupancy are issued until the subdivision improvements are complete and the final plat recorded. This last example might cause the County to have to utilize the bond to ensure the completion of the infrastructure if there were numerous completed homes that could not be legally occupied, due to the developer failing to finish construction of the infrastructure for some reason. The City of Tallahassee Commission has authorized an amendment to their LDRs that would allow for the construction of single family homes in incomplete subdivisions if certain parameters are adhered to. This proposed ordinance will be considered by the Planning Commission at their January 4, 2005 meeting.

3. Long Term Comprehensive Plan and LDR Amendments

a. Revision of Native Forest and/or High Quality Successional Forest Regulations

The County's Land Development Code (LDC) defines native forests as: "A natural community dominated by native vegetation and wildlife species whose life cycle is naturally perpetuated in that community type. Native vegetation is present in such age, numbers, and diversity that when evaluated with standard ecological parameters the integrity of the site is evident. Some level of anthropogenic disturbance may have occurred but has not destroyed or prevented persistence of the community." It defines high quality successional forests (HQSF) as: "A natural community type in which regeneration succession has occurred in such a manner that native vegetation and wildlife species are dominant and are present in such numbers and diversity that when evaluated with standard ecological parameters it is evident that the community will proceed to a native forest type." The LDC classifies native forests as preservation areas and classifies HQSF as conservation areas. The maximum allowable impact to both forest types is restricted to 5%, except in cases where the entire site is occupied by HQSF. In such cases 4,000 square feet of development for every 2 acres is allowed but still cannot total more than 20% of the site (i.e. maximum 20% of HQSF can be developed). Native forests along with a 20' buffer must be placed in conservation easement. HQSF must also be placed in conservation easement; however a buffer is not required.

Native forests and HQSF are also addressed in the Comprehensive Plan (see: Environmental Overlays section of the Land Use Element; Policies 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.7, 1.5.1 in the Conservation Element). Although the Comp Plan does not define native forests or HQSF, it requires protection of such forests in general keeping with the requirements of the LDC. It also specifies maximum development densities within areas of native forests and HQSF. The TLPD has indicated (Attachment # 2, page 2 of 2) that all these Comprehensive Plan sections, except Section 1.3.7 "would require some changes in policy language depending on the suggested options selected."

The LDC and the Comp Plan could be modified to completely eliminate regulation (protection) of high quality successional forests. If desired, they could also be modified to entirely eliminate regulation of native forests.

Analysis:

The current definitions of native forest and HQSF are somewhat ambiguous and do not provide much guidance to staff as to exactly what constitutes one of these forest types. Both definitions imply that "standard ecological parameters" and methods can be used to gage whether a particular forest classifies as native or HQSF when in fact this is not the case. Although there are many scientific methods for sampling/describing plant communities and for measuring various parameters associated with trees and forests, none of these is specifically designed to reach the goal of classifying forests as native or HQSF.

A 1995 study of potential methods for determining native forest and HQSF classification prepared for the County by Tall Timbers Research Station essentially concluded that extensive additional research would need to be performed to prepare a reliable classification (testing) system and that appropriate classification methods might be cost and/or time prohibitive. More recently, a committee consisting of County staff, City staff, and private citizens was formed to explore possible changes to the definitions of native forests and HQSF as well as changes to regulation of these forests. This proved to be a daunting and divisive task given the complexities of the matter and inherent differences in the viewpoints involved. Although some headway was made, this committee eventually disbanded owing to the inability to reach a consensus on recommended regulatory changes.

Staff finds it difficult to consistently interpret the definition of native forest and especially HQSF. This situation also makes it difficult to field-determine whether a forested area may be HQSF or native forest and difficult to provide guidance to consultants and applicants attempting to assess a site. These difficulties lead to rather subjective determinations – one professional's interpretation of what constitutes an HQSF or native forest can differ significantly from another professional's interpretation (even internally). Because of the ambiguities, subjectivity, and difficulties, much time can be spent (by staff and applicants) in determining whether an area classes as native forest or HQSF, the limits of such areas, and in debating classification determinations.

It should be noted that it tends to be much easier to determine whether an area is native forest as opposed to whether an area is HQSF. This is due to the very nature of a High Quality Successional Forest. By definition, such a forest is undergoing succession; the forest has been severely disturbed in the past and is currently re-growing or "regenerating." In such cases, staff and applicants are forced to predict what the final, stable forest community will be assuming appropriate management practices are followed. Such predictions are obviously difficult in many instances and fraught with varying assumptions. In contrast, native forests are to a large degree stable already or at least have undergone the majority of their "successional" period. This eliminates most of the "prediction" problems associated with HQSF other than anticipating how good management could affect the quality of the forest if management is presently lacking.

The de-regulation of HQSF and/or native forests could obviously lead to increased loss of these rare forest communities and the habitats they provide since they would no longer be protected by code. Staff cannot provide the Board with any accurate estimate of the potential extent of native forests or HQSF remaining in unincorporated portions of the county. The County's ESA mapping project attempted to map areas that might classify as native forests or high quality successional forests located within the County but excluding the Apalachicola National Forest. This effort focused more on mapping native forests vs. HQSF (no distinction was made between these 2 categories) and was not intended to provide very accurate results given the inherent mapping problems. Such problems included: extremely difficult to confidently map such forests, especially HQSF, based on aerial photo interpretation – intensive ground truthing is required; staff could not access many lands to perform ground truthing, particularly the northern plantations where native forests and HQSF remain; only limited time available for site inspections; the inherent difficulties associated with the definitions of

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native forests and HQSF. Considering the mapping performed by ESA staff, one may roughly estimate that native forests and HQSF occupy anywhere from 1% to 4% of the unincorporated area of Leon County excluding National Forest lands. Four percent equates to approximately 11,184 acres of native forests and/or HQSF. It is emphasized that these percentages are extremely general, and it would be unlikely that native forests alone would account for more than half of the cited area since such forests are far rarer than HQSF.

Some native forests and HQSF may be afforded protection via other portions of the EMA even if regulations specific to such forests are eliminated. Some of these forests could be protected through a project's natural area requirements (although natural area requirements do not apply to single-family developments, Limited Partition subdivisions, and Policy 2.1.9 subdivisions). It is likely that some of these forests would be "inadvertently" preserved and protected by other code requirements for protecting other types of preservation and conservation features such as wetlands, un-altered floodplains, and listed species and their habitats. Within many of the large plantations, native forests and HQSF are already protected and well managed via conservation easements established through Tall Timbers.

Eliminating regulations pertaining to HQSF and/or native forests would result in several possible benefits to affected developers, land owners, and permit applicants. Development of such forests would no longer be prohibited in cases where no other sensitive environmental features are present. This shift would increase the site's development potential, increasing its worth to the property seller and its potential profitability to the developer/buyer. The costs associated with preparing and processing NFI applications, both in terms of time and consulting fees, would be reduced since a project's NFI would no longer need to address HQSF and/or native forests. Similarly, the time and money expended in preparing and processing EIAs and EMPs could be reduced if the topic of protecting and managing such forests no longer needed to be addressed. Once they are preserved and protected as part of a development project, HQSF and native forest areas require careful and continued management to help ensure the quality and desirable characteristics of these forests is preserved and/or enhanced. The associated management expenses places a long-term economic burden on projects that would be eliminated if the forest areas no longer had to be preserved.

Staff can spend considerable time dealing with HQSF and native forest matters during various phases of a project including its NFI, EIA, and EMP. Much field time can be expended inspecting an applicant's mapping of native forest and HQSF areas or the lack thereof. Site inspection times and the time required to process NFI applications can increase considerably when disagreements arise between staff and applicants as to the limits of mapped areas or whether native forests or HQSF areas are present at all. Staff prepares NFIs for Policy 219 and Limited Partition subdivisions rather than consultants contracted by the applicant. It can take many hours of site inspection for staff to appropriately determine whether native forests or HQSF are present and then to map these areas if they are present. During the EIA and EMP stages of a development project, it often requires significant staff time to evaluate and debate forest management programs proposed by the developer in cases where the project includes preserved native forest or HQSF areas. If native forests or HQSF were de-regulated, staff could devote the time now spent dealing with these forests to other issues. This time savings could help expedite processing of NFIs, EIAs, EMPs, and even Site and Development Plan reviews.

b. Significant and Severe Slopes

This code modification considers allowing additional alteration or disturbance of slopes designated as significant or severe. Significant slopes are designated as less than 20% but greater than or equal to 10% grade and severe slopes are designated as greater than or equal to 20% grade. Presently, the LDRs do not allow for disturbance of slopes designated as severe, and allows 50% disturbance of significant slopes.

Analysis:

Several options for modification of these standards are proposed as follows:

1. **Allow 100% disturbance of significant and severe slopes.** This option fully deregulates all significant and severe slopes.
2. **Allow up to 75% of significant slopes and 25% of severe slopes to be altered or disturbed.** This provides more flexibility without fully deregulating slopes in this area. Essentially, the allowable disturbance to significant and severe slopes is increased by 25%.
3. **Preserving severe slopes and 50% of significant slopes only if located within 100 feet of altered or unaltered wetlands, floodplains, floodways, watercourses, and waterbodies and active karst features.** This essentially deregulates slope protection unless the slopes are within 100 feet of these features. Slopes that are within 100 feet of these features should be kept natural to protect the water quality discharging to these surface water features. This is consistent with the distance of 100 feet adopted for the buffer surrounding the floodplain of Lake Lafayette, Lake McBride's Special Development Zone, and the distance proposed by the City in Option #4 below. Also, protecting 50% of the significant slopes within this 100 feet could be considered similar to the 125 foot buffer proposed by the Technical Citizens Committee for the buffer around tributaries and waterbodies in the Lake Lafayette Basin. The tributary and waterbody buffer was based on analysis of scientific data by the Committee. However, the Board could establish a different distance based on some other criteria.

The impact of these changes would allow more flexibility for the siting of development, and the additional use of property, especially within the urban service area. With the exception of option #2, protecting the most important slopes within 100 feet of altered or unaltered wetlands, floodplains, floodways, watercourses, and waterbodies and active karst features, the environmental impact will be minimized with the use of good erosion control and stormwater management systems. Option #2 above provides the most flexibility by not protecting slopes at all. Option #1 provides the second most flexibility by not protecting slopes 25 % of a site significant or severe slopes. Option # 3 is less flexible than Option #1 but would still address the majority of the difficulties experienced in development. It must be understood that all of these changes would first require amending the Comp Plan before the Leon County Code. This has been corroborated by the TLCPD as shown in Attachment # 2, page 1 of 1.

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c. Policy 2.1.9 Sunsetting Proposal:

When the County's current Comprehensive Plan was adopted in 1990, it established Land Use Policy 2.1.9. The Policy provides relief to owners that had their property designated as Urban Fringe or Rural by the Plan, and as a result in many instances were unable to subdivide their property due to the larger minimum lot size that were established by the applicable future land use designations. The Policy 2.1.9 hardship exemption provided by the Plan is based on the future land use designation and the ownership of the property (prior to 1990). Property sold subsequent to the adoption of the Plan is no longer eligible to utilize the Policy 2.1.9 rights provided by the Plan. Policy 2.1.9 provides eligible property an exemption from the minimum lot size provisions as established by the Plan and allows them to subdivide their property into as many as six (6) nonconforming lots as small as one-half acre in size.

Since the adoption of the Comprehensive Plan, more than 300 eligible property owners (approximately 25 per year) have utilized their option under Land Use Policy 2.1.9 to create lots smaller than those provided by the applicable future land use designation. However, during the last several years the number of proposed Policy 2.1.9 subdivision requests has slightly decreased. It is anticipated that this decrease is related to a decrease in the remaining number of eligible property owners and environmental constraints that may impact the ability to subdivide.

Analysis:

On March 23, 1999, staff provided a report to the Board on the Policy 2.1.9 Subdivision review process (Attachment # 8). This report provided the full history and evolution of the 2.1.9 process. The environmental review at that time was conducted by the Planners in the Development Services Division, limited to a cursory review using the County's Environmentally Sensitive Areas (ESA) maps and information from the GIS data pool. There were problems associated with this limited level of review. The biggest problem was the ESA and GIS maps did not accurately reflect the floodplains that exist in the County. The existence of unknown floodplains allowed the creation of new lots, sometimes entirely within the floodplain. There were also unmapped wetlands and karst features that created the same problem. Another problem was the creation of new dirt road accesses for these new 2.1.9 subdivisions that turned into "two rut roads". Frequent complaints were received by property owners regarding muddy roads being impassable during rain events and squabbling between property owners over who should pay for grading, stabilization and maintenance. In addition, no stormwater was provided for the new accesses or the new honesties relying primarily on the sheet flow concept. This created erosion, sedimentation and resultant poor water quality in downstream waters. Also, lack of stormwater management resulted in lot to lot flooding similar to the sheet flow problems experienced in Killlearn Lakes.

As a result of these problems, the Board directed staff to initiate changes in the 2.1.9 Subdivision review and approval process that would require these types of proposed subdivisions to follow the review process currently established for Limited Partition Subdivisions. This required that staff perform a Natural Features Inventory (NFI) in-house to properly identify conservation and preservation features. This ensured that there was at least one-half acre of buildable area outside preservation features such as floodplains and wetlands. All new roadways and ingress/egress

casements were required to be permitted, stabilized and stormwater was captured in roadside swales to provide water quality treatment. Stormwater treatment was required for the higher density lots (less than two acre lots on clay soils and less than one acre lots on sandy soils). In addition, stormwater treatment was still required for all new lots in the Bradfordville Study area and in closed basins. The Environmental Permitting Processing Steps for Policy 2.1.9 Subdivisions are included in Attachment # 9. It was stated in the March 23, 1999 agenda that the subdivision process would increase from 10 days to as many as 30 days if an environmental permit was not required. This increase was primarily due to staff having to perform an in-house NFI. If an environmental permit was required for stormwater treatment, the review period and approval time frame would increase at a minimum to the 60 to 90 day range. The majority of this additional time frame was for consultants to prepare permitting plans and respond to staff comments.

Since the 2.1.9. policy has been in effect for over 14 years, the Board of County Commission may want to consider sunseting the exemption or hardship provisions (excluding the family heir component) in the Comprehensive Plan associated with Land Use Element Policy 2.1.9. These provisions have been in place for more than 14 years, and it would appear that this period of time along with the addition of a time certain sunseting period would provide adequate opportunity for all impacted property owners. Should the Board decide to sunset the Policy 2.1.9 provisions, a Comprehensive Plan amendment and subsequent Land Development Code revisions would be required. As shown in Attachment # 2, page 2 of 2, the TLCPD does not object to sunseting this section of the Comprehensive Plan.

C. GEM Special Project Assignments

In order for staff to focus more time on the permitting of development and permit applications, consideration should be given to reducing or eliminating special projects that do not involve permitting or the Land Development Regulations. Staff estimates that at least 55 percent of the Departments resources are spent on special projects or other non-fee related activities such as code enforcement and grant management activities. Reducing the number of special projects that are assigned to GEM would allow staff assigned to special projects to concentrate on the review and processing of development and permit applications.

Analysis:

Most special projects are assigned by County Administration via the Board, and determined to be of significant impact to the citizens of Leon County; therefore, it has been difficult to recommend eliminating special projects. Current Board direction attempts to budget the 121-Growth Management Fund at 45% from general revenue and 55% from fees. The Board has funded a service fee analysis of the 121-GMF for the current FY05 budget year. Part of this study will review the amount of time the Department spends on fee and non-fee related activities. This will give the Board data to use to determine if the amount of general revenue needs to be increased to the 121-GMF for the amount of time spent on non-fee related activities. Conversely, if the Board were to consider eliminating some of the special projects assigned to GEM, the amount of general revenue funding to the Department could remain constant or slightly decrease.

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Based on the impact on the workload of the Department, consideration should be given to eliminating Special Project numbers 1, 2, 3, 20, 22, 30, 45, 46, 47, and 48 as listed on the Special Projects Ongoing list on Attachment # 2 pages 3 and 4 of 5. Staff is not recommending the elimination of any committee assignments provided in the Committee Responsibility list on Attachment # 3 page 5 of 5.

CONCLUSION

Modifying the current permitting review structure in conjunction with Comprehensive Plan and LDR revision should allow GEM to process permit application more efficiently and reduce confusion to individuals applying for development orders or permits. Revamping the single family environmental permitting would allow GEM to realign staff resources to focus on conducting NFIs for development projects. This one step would allow proposed projects into the Site Plan process with many of the environmental issues addressed.

If portions of the NFIs are performed by staff, the Department would then be prepared to conduct environmental permitting review during the Site Plan process. All land use approvals and environmental permits would be ready to be issued once a Site Plan had been approved. In addition, if Type B and C Site Plan applications could be approved by the Development Services Director, like Type A Site Plans, the majority of the Site Plans submitted to GEM for approval could be approved administratively.

Conversely, the current sequential review process would be left in place to allow developers flexibility in using the permitting system. The current system allows speculative developers, and private land owners to control expenditures on a project as it move through this system, and does not require anyone to pay all the engineering, consultant and permitting fees for a project at the beginning of a project. The concurrent process will allow developers who know what they want to build to move through the process more quickly.

Implementing any of these changes will likely reduce the length of time it takes the Department to issue a development order or permit. Having GEM staff conduct the NFI has the potential to shave three weeks off the initial stages of the Development process. In addition, providing a formalized concurrent review process that combines the EIA and EMP applications during the Site Plan review has the potential to reduce this portion of the process by an estimated seven weeks if the applications are sufficiently complete when they are submitted to the Department for review. Together the time savings for the preliminary stages of the review process, combined with the environmental review modifications, total an estimated four to five months that can be saved on the average development project if all the changes proposed are instituted.

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The following table (Table 1) summarizes the estimated time that would be saved during the permitting process, under the best case scenario, if all the changes enumerated above were adopted by the Board. Certain code modifications should also save consultants time in preparing documents associated with review applications. These time frames are not quantified in the table since they are not within the control of the Department.

Table 1

Permit Process Step	Estimated Review Time Saved
Natural Features Inventory (NFI) <i>section A.2., page 5</i>	3 weeks
Public Notice for Pre-Application <i>section A.3. and 4., pages 9 and 10</i>	2 weeks
Environmental Permit at Site Plan <i>section A.4., page 10</i>	7 weeks
Administrative Approval of Type B and C Site Plans, <i>section A.5., page 11</i>	4-8 weeks
Pre Development Review Time Synchronization <i>section B. 2.g., page 25</i>	1 week
Total	17-21 weeks (4.25-5.25 months)

At Board direction, staff will initiate revisions to the Comprehensive Plan and LDRs as specifically delineated in Attachment # 1, in conjunction with the proposed comprehensive review and reorganization of the LDRs.

To conclude, many of the possible process changes outlined in this report are contrary to past Board direction. In light of the community interest to significantly reduce the time it takes to obtain development approvals and/or associated permits, these suggestions could save approximately four to five months from the current time frames. Many economic development analyses done in Leon County have identified the permitting process as one of several detriments to economic growth in the community.

For Board consideration, staff has outlined options and recommendations for each of the topics presented on the following ten pages. A page number for each topic area has been assigned so easy reference can be made to the item as it is deliberated. These options are presented as possible methods to shorten the development approval and environmental permitting process. If the Board provides staff direction to implement some or all of these options, staff proposes the

following general outline for implementation of the proposed process changes, and Comprehensive Plan and/or LDR amendments. The implementation schedule for the options will depend on whether the change can occur utilizing existing resources, or whether the LDR and/or the Comprehensive Plan needs to be amended.

The following options are suggested for short term implementation that can be put into effect withing two to four weeks.

1. Enhancing Permitted Use Verifications (PUVs)
2. Review of Board GEM Staff Assignments

The following options will require LDR revisions and two public hearings in order to formally implement these options. Staff could begin to bring requests to schedule public hearings for these items over the next two to four months. If these options were to go through the routine ordinance process, it is anticipated that these options could have an effective date of January 1, 2006. Issues brought up during the ordinance revision process could cause delays in implementing some of these option.

1. Having GEM Staff Conduct In-House Natural Features Inventories (NFIs) for Development Applications
2. Pre-Application Meetings and Quick Checks
3. Concurrent and Conceptual Site Plan/Environmental Impact Analysis (EIA)/ Environmental Management Permit (EMP) Review Processes
4. Allow Administrative Approval for Type B and C Site Plans
5. Allow Developers to Pay for an Expedited Review Process
6. Privatize Portions of the Review Process
7. Modification of Tree Survey Requirements
8. Discontinue Environmental Management Permitting of Docks
9. Reducing the Level of Silviculture Review
10. Implement the "Gold Card" Permitting Program
11. Lessening Volume Control Criteria in Closed Basins for Subdivisions with Three or Less Lots
12. Natural Area Conservation Area Requirements
13. Revisions to the Definition of Protected Trees
14. Revisions to Reforestation Requirements
15. Revisions of Replanting Requirements (and Tree Debit/Credit System)
16. Revision of Landscaping Regulations
17. Pre Development Review Time Frames
18. Allowing the Construction of Single Family Homes in Subdivision with Incomplete Infrastructure

The remaining items will require Comprehensive Plan and LDR amendments and will require staff to prepared requests to amend the Comprehensive Plan. If authorized, staff could initiate these Comprehensive Plan amendments for the upcoming amendment cycle.

1. Revisions of Native Forest and/or High Quality Successional Forest Regulations
2. Significant and Severe Slopes.
3. Policy 2.1.9 Subdivisions and Sunsetting

This effort to improve the land development review process has been and will continue to be a work in progress. As other improvements are identified, they will be presented to the Board for consideration.

Options:

A. Process and Policy Modifications

1. Enhancing Permitted Use Verifications (PUVs) ... Page 4

- a. Support staff efforts to provide enhanced PUV reports and maps to Department customers.
- b. Do not support staff efforts to provide enhanced PUV reports and maps to Department customers.
- c. Board Direction

Recommendation:

Option A.1.a.

2. Having GEM staff conduct in-house Natural Features Inventories (NFIs) for development applications ... Page 5

- a. Authorize staff to conduct portions of the NFI for Department applicants, and limit the environmental single family permitting review for homes constructed on lots approved after February 1996, thus allowing the realignment of staff to perform this additional service.
- b. Do not authorize staff to conduct portions of the NFI for Department applicants, and do not limit the environmental single family permitting review for homes constructed on lots approved after February 1996, thus allowing the realignment of staff to perform this additional service.
- c. Board Direction

Recommendation:

Option A.2.a.

3. Pre-Application Meetings and Quick Checks ... Page 9

- a.. Instruct staff to implement the Quick Check review process for conceptual development plan review and keep the current pre-application meeting process for the proposed formal concurrent review.
- b. Do not instruct staff to implement the Quick Check process for conceptual development plan review, and leave the current pre-application process in place for projects required to have a pre-application meeting.
- c. Board Direction

Recommendation:

Option A.3.a.

4. Concurrent and Conceptual Site Plan/EIA/EMP Review Processes ... Page 10

- a. Instruct staff to implement a two track review system, one sequential and the other concurrent, that the applicant chooses at the beginning of the application process, and have the review time periods for the applications submitted under each tract option match.
- b. Do not instruct staff to implement a two track review system, one sequential and the other concurrent that the applicant chooses at the beginning of the application process, and do not have the review time periods for the applications submitted under each tract option match.
- c. Instruct staff to implement a concurrent review process where all the application review periods match, and discontinue reviewing development projects under the current sequential review system.
- d. Instruct staff to keep the current sequential review system in place, but amend the LDRs to have the review period for applications submitted for a development project match.
- e. Board Direction

Recommendation:

Option A.4.a.

5. Allow Administrative Approval for Type B and C Site Plans ... Page 11

- a. Authorize staff to prepare code amendments to allow for the administrative approval of Type B and C Site Plans exclusive of proposed special exception land uses.
- b. Do not authorize staff to prepare code amendments to allow for the administrative approval of Type B and C Site Plans exclusive of proposed special exception land uses.
- c. Board Direction

Recommendation:

Option A.5.a.

6. Allow Developers to Pay for an Expedited Review Process ... Page 12

- a. Do not authorize staff to prepare a fee resolution, that would allow developers to pay for an expedited permitting process, and utilize the revenue to hire staff to review permits under the expedited tract.
- b. Authorize staff to prepare a fee resolution, that would allow developers to pay for an expedited permitting process, and utilize the revenue to hire staff to review permits under the expedited tract.
- c. Board Direction

Recommendation:

Option A.6.a.

7. Privatize Portions of the Review Process ... Page 13

- a. Do not instruct staff to prepare a Request for Proposal to privatize portions of the permitting review process.
- b. Instruct staff to prepare a Request for Proposal to privatize portions of the permitting review process.
- c. Board Direction

Recommendation:

Option A.7.a.

8. Modification of Tree Survey Requirements ... Page 13

- a. Direct staff to prepare draft revisions to the current protected tree survey process and requirements as follows: allow tree survey to be provided as part of a project's EIA application, EMP application, or Site and Development application, as applicable; allow survey to only locate those trees situated within the limits of proposed development plus any protected trees whose CPZ extends into the development limits, and allow use of sampling methods (developed by staff and approved by the Board) to document trees located outside a project's development limits. In addition, direct staff to prepare draft revisions to the EMA to appropriately address the described changes to the protected tree survey process and requirements.
- b. Do not direct staff to prepare draft revisions to the current protected tree survey process and requirements and do not direct staff to prepare draft EMA revisions to account for such tree survey modifications.
- c. Board direction

Recommendation:

Option A.8.a.

9. Discontinue Environmental Management Permitting of Docks ... Page 14

- a. Direct staff to no longer require Environmental Management Permits for constructing docks on single-family lots. In addition, direct staff to prepare draft revisions to the EMA to clarify that an Environmental Management Permit is not required for such docks.
- b. Do not direct staff to no longer require Environmental Management Permits for constructing docks on single-family lots (i.e. continue current practices) and do not direct staff to prepare draft revisions to the EMA regarding permitting requirements for such docks.
- c. Board direction

Recommendation:

Option A.9.a.

10. Reducing the Level of Silviculture Review ... Page 15

- a. Instruct staff to only issue notices of intent to conduct silviculture activities on property that is so designated by the Property Appraisers Office, and permit all other large scale tree removal projects under normal permitting procedures.
- b. Do not instruct staff to only issue notices of intent to conduct silviculture activities on property that is so designated by the Property Appraisers Office, and allow the issuances of silviculture notices on other classifications of property.
- c. Board Direction

Recommendation:

Option A.10.a.

11. Implement the "Gold Card" Permitting Program ... Page 16

- a. Do not authorize staff to implement the "Certified Quality Design Professional" portion of the program, and do not continue to increase promotions and incentives for the "Quality Design Professional" Program.
- b. Authorize staff to implement the "Certified Quality Design Professional" portion of the program, and continue to increase promotions and incentives for the "Quality Design Professional" Program.
- c. Board Direction

Recommendation:

Option A.11.a.

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B. Code Revision (Including Comprehensive Plan Amendments)

1. Comprehensive Review of and Revisions to the Land Use Regulations ... Page 18

- a. Authorize staff to submit a budget request for a comprehensive analysis of and revisions to the Land Use Regulations by an independent consultant for FY 06.
- b. Do not authorize staff to submit a budget request for a comprehensive analysis of and Revisions to the Land Use Regulations by an independent consultant for FY 06.
- c. Board Direction

Recommendation:

Option B.1.a.

2. Short Term Land Use Regulation Revisions ... Page 18

a. Closed Basins ... Page 18

- 1. Direct staff to prepare draft revisions to the EMA that would exempt minor subdivisions from the closed basin volume control requirements if: there are no more than three lots being created; there are no structures at the bottom of the basin; there are no downstream impacts; and if the new lots have a minimum size or maximum allowable impervious area to facilitate sheet flow drainage.
- 2. Do not direct staff to prepare draft revisions to the EMA that would exempt minor subdivisions from the closed basin volume control requirements.
- 3. Board Direction

Recommendation:

Option B.2.a.1.

b. Natural Area Conservation Area Requirements ... Page 19

- 1. Direct staff to prepare draft revisions to the EMA eliminating the requirement for conservation areas for natural areas that do not contain protected conservation or preservation features.
- 2. Do not direct staff to prepare draft revisions to the EMA eliminating the requirement for conservation areas for natural areas that do not contain protected conservation or preservation features.
- 3. Board Direction

Recommendation:

Option B.2.b.1.

7/2/05
Page 42 of 71

c. Revisions to the Definition of Protected Trees ... Page 19

1. Direct staff to prepare draft revisions to the EMA such that protected trees include only all trees = 18" DBH and all dogwoods = 8" DBH.
2. Direct staff to prepare draft revisions to the EMA that exclude certain tree species from being protected trees, such as common pines, invasive species, and nuisance species.
3. Direct staff to prepare draft revisions to the EMA such that protected trees include only all trees = 24" DBH and all dogwoods = 8" DBH.
4. Options 1 and 2.
5. Options 2 and 3.
6. Do not direct staff to prepare draft revisions to the EMA modifying the definition of protected trees.
7. Board direction

Recommendation:

Option B.2.c.4.

d. Revisions to Reforestation Requirements ... Page 21

1. Direct staff to prepare draft revisions to the EMA such that the reforestation requirements are as follows: outside the USA, 20 trees per acre of developed area; inside the USA and for all public roadway projects, 10 trees per acre of developed area.
2. Direct staff to prepare draft revisions to the EMA such that all reforestation requirements are eliminated.
3. Do not direct staff to prepare draft revisions to the EMA modifying or eliminating the current reforestation requirements.
4. Board Direction

Recommendation:

Option B.2.d.1.

e. Revisions of Replanting Requirements (and Tree Debit/Credit System) ... Page 22

1. Direct staff to prepare draft revisions to the EMA to eliminate the current replanting requirements except for cases involving code violations (tree removal without a permit), projects involving the removal of patriarch trees, and projects involving tree removal in a Canopy Road Protection Zone.
2. Option #1 plus direct staff to develop proposed changes to the current tree removal permit fee (fee increase). Tree removal permit fees would remain unchanged for tree removal on legally occupied single-family residential lots.
3. Do not direct staff to prepare draft revisions to the EMA modifying the current replanting requirements or to develop changes in the current tree removal permit fees.
4. Board Direction

Recommendation:

Option B.2.e.4. Board Direction

f. Revisions of Landscaping Regulations ... Page 23

1. Direct staff to prepare draft revisions to the EMA and other applicable portions of the LDC to reduce the minimum landscaped area requirements as follows: for projects other than industrial, at least 20% of the developed area must be devoted to landscaping; for industrial land use projects, at least 10% of the developed area must be devoted to landscaping. Minimum total landscaped area requirements applicable to redevelopment projects will remain unchanged as will current exemptions to landscaping requirements.
2. Direct staff to draft revision to the EMA that change the requirement for landscaping for non-industrial and industrial land uses to Board approved percentages.
3. Do not direct staff to prepare draft revisions to the EMA and other applicable portions of the LDC to reduce existing minimum landscaped area requirements.
4. Board Direction

Recommendation:

Option B.2.f.4. Board Direction

g. Pre Development Review Time Frames ... Page 25

1. Direct staff to prepare revision to the EMA to create tiered review time frames for NFIs depending on a sites acreage, and make the review time periods for an Environmental Impact Analysis coincide with the review period codified for Site Plan Review process.
2. Do not direct staff to prepare revision to the EMA to create tiered review time frames for NFIs depending on a sites acreage, and do not make the review time periods for an Environmental Impact Analysis coincide with the review period codified for Site Plan Review process..
3. Board Direction

Recommendation:

Option B.2.g.1.

h. Allowing the Construction of Single Family Homes in Subdivisions with incomplete infrastructure ... Page 26

1. Authorize the initiation of code revisions that would allow the issuance of building permits in subdivisions that did not have complete infrastructure, but limit the number of allowable building permits to 10 percent of available lots.
2. Continue the current practice as authorized by code of allowing up to three model homes to be constructed in a subdivision before the infrastructure is complete.
3. Authorize the initiation of code revisions to allow an unlimited number building permits to be issued in subdivision with incomplete infrastructure.
4. Board Direction

Recommendation:

Option B.2.h.1.

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3. Long Term Comprehensive Plan Amendments and LDRs Changes ... Page 27

a. Revisions of Native Forest and/or High Quality Successional Forest Regulations

..... Page 27

1. Direct staff to prepare draft revisions to the Comprehensive Plan to eliminate regulation (protection) of High Quality Successional Forests (HQSF). Assuming amendments to the Comprehensive Plan are approved, also direct staff to prepare draft revisions to the EMA to appropriately account for the deregulation of HQSF.
2. Direct staff to prepare draft revisions to the Comprehensive Plan and LDRs to allow for the disturbance of up to 50% of forests designated as native.
3. Option #1, plus direct staff to prepare draft revisions to the Comprehensive Plan to eliminate regulation of native forests as well, and assuming this revision is approved, to prepare draft revisions to the EMA to appropriately account for the deregulation of native forests and HQSF.
4. Do not direct staff to prepare draft revisions to the Comprehensive Plan that would eliminate regulation (protection) of native forests or HQSF and do not direct staff to prepare draft revisions to the EMA that reflects deregulation of such forests.
5. Board Direction

Recommendation:

Option B.3.a.5. Board Direction

b. Significant and Severe Slopes ... Page 30

1. Direct staff to initiate a Comprehensive Plan amendment and ordinance revisions that allows up to 100% disturbance of significant and severe slopes.
2. Direct staff to initiate a Comprehensive Plan amendment and ordinance revisions that will allow for the alteration or disturbance of up to 75% of significant slopes, and 25% of severe slopes on a development site.
3. Direct staff to initiate a Comprehensive Plan amendment and ordinance revisions that would allow for 100% disturbance of significant or severe slopes, unless they are located within 100 feet of an altered or unaltered wetland, floodplain, floodway, watercourse, waterbody or active karst feature. Include ordinance provisions that would allow for the alteration or disturbance of up to 50% of slopes designated significant, and 0 % of slopes designated as severe if the slopes are located within 100 feet of an altered or unaltered wetland, floodplain, floodway, watercourse, waterbody or active karst feature.
4. Board Direction

Recommendation:

Option B.3.b.4. Board Direction

100-45-071

c. Policy 2.1.9 Subdivisions and Sunsetting ... Page 31

1. Direct staff to draft a Comprehensive Plan amendment to sunset the exemption or hardship provisions, but keep the family heir provisions, of Policy 2.1.9.
2. Direct staff to maintain status quo by following the Environmental Permitting Processing Steps for Policy 2.1.9 Subdivisions provided in Attachment # 8.
3. Direct staff to revert back to the pre 1999 Policy 2.1.9 review process.
4. Board Direction

Recommendation:

Option B.3.c.1.

C. GEM Special Project Assignments ... Page 32

- a. Reduce the number of special projects assigned to GEM, and eliminate some currently assigned projects, to allow staff resources to remain focused on the processing and issuance of permits.
- b. Do not reduce the number of special projects assigned to GEM, and do not eliminate some currently assigned projects, to allow staff resources to remain focused on the processing and issuance of permits.
- c. Board Direction

Recommendation:

Option C.c. Board Direction

Attachments:

1. Matrix Showing Ordinance Changes Needed to Implement Proposed Options
2. Tallahassee Leon County Planning Department Comments on Comprehensive Plan Sections Referenced for Amendment to Facilitate Streamlined Permit Process
3. Growth and Environmental Management Special Project List
4. Jurisdictional Comparison Chart of Adjacent and Similar Sized Counties Land Use Codes
5. Single Family Home Permitting Trend Analysis
6. Flow Chart of Sequential "Quick Check" Review Process
7. Flow Chart of Concurrent Review Process
8. March 23, 1999, Staff report to the Board on the Policy 2.1.9 Subdivision Review Process
9. Environmental Permitting Process Steps for 2.1.9. Subdivisions

PA/GWJ/DM/JK/WSR/wsr

Land Development Regulation and Comprehensive Plan Amendment Sections

Land Development Regulation Code Revision Area	Chapter 10 Section(s)	Comprehensive Plan Land Use (LU) or Conservation Element (CE)ion
<u>Environmental Management:</u>		
Closed Basins	188(a)(1)and(2)and(b)	
Topographic Alteration	207(2) and 346(2)4.	LU 1.2.2, CE Policy 1.3.1, Objective 3.2
Landscaping Requirements	257	
Natural Area Requirements	258	CE Policy 3.3.1
Protected Trees and Exemptions	291(b) (1) and (2) and (c)	CE Policy 3.3.1
Silviculture	172(e) and 314.1.	
Landscaping	313(c)	
Natural Features Inventory	346(a)(1) and 346(c)	
Native Forests	10-346(a)(2)3. and (c)	CE.3.1, 1.3.2, 1.3.3,1.3.4, 1.3.7, and 1.5.1 and Associated Overlays in the LU
High Quality Successional Forests	10-346(a)(2)b.5. and (c)	CE.3.1, 1.3.2, 1.3.3,1.3.4, 1.3.7, and 1.5.1 and Associated Overlays in the LU
Environmental Analysis	346(a)(3) and 346(c)	
<u>Site Plans and Subdivisions:</u>		
Building Permits	1409(1) and 1484.3	
Permitted Use Verifications	1115(s), 1116(r), 1426(2), 1428.4.(a), 1477.1., 1478.10, 1479.1.7(a), and 1479.10	
Pre-Application	915(c)(1)a., 1428.4(a), 1429(a), 10.1478.10, and 1479.1.7.(a), 1479.10, 1481.1, and 1481.3	
Type B Site and Development Plans	959(b)(1) and (3), 1115(d)(4)a., 1115(t), and 1479.9.(e)(f)and(g)	
Type C Site and Development Plans	1115(a)(5), 1116(c)1.a.4. and 5, 1116(s), 1108.3. and 6., and 1479.1.(e)(f)	
Type D Review	959,(b)(2), 1480, and 1481.3	
2.1.9. Subdivisions	1427	LU 2.1.9

Memorandum

To: Wayne Tedder, Director Tallahassee-Leon County Planning Department
From: Fred Goodrow, Chief Comprehensive Planning
Date: 04/14/2005
Re: Consideration of Growth and Environmental Management Permit Process and Development Initiatives proposal

As you requested, I have reviewed the 3/21/2005 document submitted from the County Administrator to the BCC which contains recommendations for changes to regulation, policy and processing of the above subject matter. This memo focuses only on the Comprehensive Plan changes recommended and the Comprehensive Plan impacts that may not have been considered in implementing proposed changes.

Proposed Changes

The document suggests five subject areas changes that may require changes to the Comprehensive Plan:

<u>Subject Area</u>	<u>Policy Number</u>
1. Topographic Alteration	LU 1.2.2, CE 1.3.1 Objective 3.2
2. Natural Area Requirements	CE Policy 3.3.1
3. Protected Trees Exemptions	CE Policy 3.3.1
4. High Quality Successional Forests	CE3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.7, and 1.5.1 and associated overlays in the LU element
5. Subdivision	LU 2.1.9

- The changes to LU 1.2.2 and CE 1.3.1 objective 3.2 could, at most, eliminate protection of significant severe slopes. There are options proposed that assign less than full elimination. An interesting option would provide elimination of protection of all slopes except those located within 100 feet of a wetland, floodplain, floodway, water course, water body and active karst feature. Of all

the options this one seems to be the most practical and at the same time protects to some degree water quality discharging to these surface water features. It should be noted that no other jurisdiction regulates slopes in the manner that we do.

- The proposed changes to CE Policy 3.3.1 would appear to be unnecessary unless the intent is to completely eliminate the protection against unfettered land clearing. As presently worded CE Policy 3.3.1 allows the actual protection standards to be designated in the LDR.
- Object CE 3.1 is the endangered species protection objective. I believe this would be a difficult and very unpopular amendment if required to implement any of the proposed changes. As I read it, I see no reason to amend this objective to accomplish the recommended changes.
- CE 1.3.2, 1.3.3, 1.3.4, 1.3.7, and 1.5.1 and associated Overlays in LU. These particular policies are probably the most significant Comp Plan change requirements necessary for implementing the proposed changes. Policy 1.3.2 contains the conservation provisions for significant grades, HQSF and active karst features. Policy 1.3.3 provides for the mapping and inclusion in the preservation overlay of severe grades and native forests. Policy 1.3.4 establishes density in severe grades and native forests. Policy 1.3.7 provides for 5% deviation from development standards.

All except 1.3.7 would require some changes in policy language depending on the suggested options selected.

- Objective 1.5 establishes "Environmental Land Protection Programs" for landowners and developers. I do not know about those programs nor why the policy 1.5.1 would necessarily need to be changed.
- Policy 2.1.9 is the policy providing for relief to small parcels of rural and family member subdivision. The proposed changes would eliminate the small parcels of record provision but retain the family member subdivision provision. I see no reason to object to this.

Special Projects Completed Growth and Environmental Management

1. Apalachicola National Forest road improvements policy.
2. Lauder property purchase and development agreement.
3. Amendments to the LDC pertaining to stormwater volume control.
4. CeRCA lawsuit resolution.
5. Research on the effects of color on cell tower lights on migratory bird mortality rates.
6. Killearn Lakes Units I & II, stormwater and septic system problems.
7. Report on 700 acre Chason property south of Oakridge Road.
8. Regional stormwater facilities research and planning.
9. Seminole Raceway site and development plan approval challenge in administrative hearing.
10. Amendments to the LDC pertaining to redevelopment.
11. Amendments to the LDC pertaining to protection of cultural resources.
12. Ochlockonee River water quality and volume issues (County vs. Georgia).
13. Tired Creek Dam meetings and research.
14. FallsChase meetings to resolve development in the floodplain.
15. Weimar property flooding controversy.
16. Alford Park Greenway acquisition.
17. Comprehensive plan amendments pertaining to significant slopes.
18. Miley Miers property acquisition.
19. Tharpe St. Corridor request for proposal.
20. Consultant selection process for Lake Jackson Ecopassage Feasibility Study.
21. Stormwater modeling for Thomasville Road/Bradfordville SWMF No.4.
22. Baker Place wetland delineation & floodplain assessment.
23. Lake Lafayette SDZ Technical Review Committee meetings and research.
24. ESA committee meetings
25. Developed the Bradfordville Site and Building Design Standards Guidelines Manual
26. Completed Woodville Rural Community site-specific re-zoning initiative.
27. Developed the Leon County Quality Development Program.
28. Revisions to the County's Manufactured Housing Ordinance
29. Revisions to the County's Temporary Use and Home Occupation Ordinances
30. Developed the Special Exception Ordinance
31. Assisted Public Works and County Attorney's Office in the development of the Bradfordville Rural Road Ordinance
32. Developed a new sign ordinance
33. Assisted Planning staff with the development of the new Neighborhood Boundary zoning district to implement the new Comprehensive Plan provisions that address the transition from Residential Preservation to nonresidential land uses.
34. Assisted the Environmental Compliance staff with the development of a major glitch revision to the EMA with specific emphasis on the related Policy 2.1.9 subdivision approval process, exempt subdivisions, and limited partition subdivision review as they are related to the demonstration of environmental compliance.
35. Served on the Planning Commission's Comprehensive Reform Committee, assisted with the selection of a consultant to assist the Planning Commission in developing its recommendation to the BCC and City Commission regarding Comprehensive Plan reform.
36. Developed a new Lot Mowing Ordinance
37. Drafted Comprehensive Plan Amendment and completed support transportation merely for 10-year concurrency exempt area for Capital Circle N.W.
38. Serving on the Chamber of Commerce/Builders Association Regulatory Reform Subcommittee reviewing regulation and providing recommendations for regulatory reform
39. Assisting Planning staff with specific Comprehensive Plan language to provide for conservation subdivisions.
40. Fee-in-lieu of Sidewalk Installation Ordinance development with County Attorney's Office, Planning and Public Works.

**Special Projects
Completed
Growth and Environmental Management
(Continued)**

41. Sunsetting of vested development rights ordinance development to assist with further implementation of the "10-year traffic concurrency" provisions.
42. Completed the first comprehensive update of the County's Concurrency Management Policies and Procedures Manual since its initial adoption by the BCC in 1990. The update included the establishment of a new pro-rata mitigation alternative for complying with transportation concurrency based a project-specific primary traffic impact network concept established in the revised Manual adopted by the BCC.
43. Ordinance revisions for the Fred George SDZ.
44. Project management of ERD contract to analyze Pond #4 as part of the Lake McBride HOA settlement agreement.

**Special Projects
Ongoing
Growth and Environmental Management**

1. Pursue feasibility of implementing a Joint Leon County/Wakulla County Water Bottling Facility
2. Research and bring back information on alum injection treatment.
3. Investigate entering into a developer agreement and accepting 95+ acres for environmental conservation for a property off Crump Road.
4. Volume control regulations-conduct meetings with GEM Citizens User Group, SAC, TBA and EDC and bring back to Board.
5. Lake Lafayette ordinance revisions to adopt a SDZ for tributary and waterbody buffers.
6. Project management for Lake Lafayette water quality study.
7. Project management for the Woodville recharge aquifer protection study.
8. Ordinance revisions for significant slopes.
9. Regional stormwater regulations.
10. Meetings on the proposed Tired Creek Dam in Georgia and effects on Ochlockonee River.
11. Proposed Decatur County Landfill and effects on Lake Talquin.
12. Ordinance revisions for the building elevations in floodplains.
13. Analysis of large lot subdivisions meeting the Bradfordville Stormwater Standards.
14. Fallschase-review of development proposals, litigation, code violations
15. Habitat for listed species- review code and provide consistency with Comp Plan
16. Project management of the Leon County Water Quality Monitoring Contract for sampling 38 locations in lakes and rivers (McGlynn Contract)
17. Meetings and reporting on Proposed Routes for the City of Tallahassee Eastern Transmission Line.
18. Workshop on Silviculture
19. Amendments to LDC pertaining to aquifer protection
20. Native forest and high quality successional forest regulations
21. Lake Jackson Ecopassage Technical Review
22. Science Advisory Committee meetings
23. Lake Lafayette Partnership meetings for Total Maximum Daily Load (TMDL) program.
24. Numerous code violation cases , preparation for Code Board and administrative hearings
25. Technical support to the County Attorney's Office for two trials involving environmental permitting litigation.
26. Ordinance to convey development rights to County for 10+ years to realize reduced property taxes
27. Walmart/Sam's Club redevelopment analyses and meetings
28. Mahan Corridor Study (RFP development, consultant selection, assistance with public meetings, finalization of proposed future land use pattern and associated development standards along corridor, and providing traffic information and analysis with Planning and Public Works staff). Presently developing new zoning districts and design standards that will be used to implement the Study that has been adopted by the Board.
29. Assisting Planning staff with Oak Ridge, Lake Bradford, and Southside Sector Plans development including provisions of land use, code enforcement, transportation data and analysis, and assistance with public meetings.
30. Serving as the County Growth Management Department's represent of the Leon County School Board's site selection committee.
31. Assisting Planning with State mandated inter-local agreement with the Leon County School Board to coordinate future school siting and capacity issues.
32. Working with Planning staff to development LDRs to implement the active and passive recreation provisions recently added to the Comprehensive Plan.
33. Assisting CUTR (Center for Urban Transportation Research) initiative specifically the development of regulations to protect roadway corridor that are planned for capacity improvements.
34. Working with the County Attorney's Office on the appeal of the proposed N.G. Wade amendment to the Wakulla County Comprehensive Plan.
35. Providing ongoing technical support to the County Attorney's Office on various land use and transportation impact analysis related issues in support of various legal cases in the County, specifically in (but not limited to) the Bradfordville area.

**Special Projects
Ongoing
Growth and Environmental Management
(Continued)**

36. Development of a criteria list to use as a guide to remove old outstanding liens on cases when the property is in compliance.
37. Development of a proposed Intrusive Lighting Ordinance.
38. Revisions to the public notice requirements to expand the radius notification.
39. Drafting ordinance language to address setbacks from existing and proposed natural gas lines and related high pressure gate structures.
40. Drafting ordinance language to address high voltage transmission line siting.
41. Watershed Protection Initiative.
42. At the direction of the BCC, drafting new and revised land development regulations to implement the recommendations of the Chamber of Commerce/Builders Association Regulatory Reform Subcommittee of the Lot Availability and Affordability Study Group.
43. Assisting the Planning Department in the drafting of land development regulations to implement the recently adopted conservation subdivision provisions in the Comprehensive Plan.
44. Providing technical and expert witness support to the County Attorney's Office with the appeal of the BCC's approval of the Summerfield PUD project.
45. Serving on the Blueprint 2000 Capital Circle NW/SW EPD&E Study - Project Advisory Group.

Committee Responsibilities Growth and Environmental Management

1. Science Advisory Committee (facilitator)
2. Blue Print Technical Committee
3. Transportation Technical Coordinating Committee
4. Tree Bank Committee
5. Sensitive Lands Working Group
6. Board of Adjustment and Appeals
7. Growth and Environmental Management (GEM) Citizen User Group
8. Development Review Committee (DRC)
9. Tallahassee-Leon County Planning Commission
10. Code Enforcement Board
11. Contractor's Licensing and Examination Board
12. Enterprise Zone Development Agency
13. School Board Site Selection Committee
14. North Florida Fair Association Citizen Committee
15. Address Steering Committee

Adjacent Jurisdictional Comparison of County Land Development Requirements

Development Requirement/ Jurisdiction	Leon Population* 243,995	Jefferson Population 13,695	Gadsden Population 45,279	Wakulla Population 24,900
Permitted Use Verification (PUV)	Yes	Usually verbal (same day), will only do written confirmation on request (a few days)	No	Zoning Confirmation Letter in one day, or verbal confirmation, mostly verbal
Pre-application	most cases	informal meeting before project goes to the Planning Commission	recommended	informal meeting with staff
Site Plan Concurrence	Yes	Yes Informal Tech Review, Application for minor/major commercial go to the Planning Official. Planning Commission then BCC	Yes	Yes, minimum of three months, tech review, planning commission, then BCC
Natural Features Inventory	Yes	Informal - At the discretion of the Planning Official	Yes if site is over 40 acres or greater than 10 lots	Not required but some applicants turn them in with the application
Environmental Impact Analysis	Yes	Informal - At the discretion of the Planning Official	No	No

* Population data from Mapstats and are 2002 estimates

Adjacent Jurisdictional Comparison of County Land Development Requirements

Development Requirement/ Jurisdiction	Leon Population * 243,995	Jefferson Population 13,695	Gadsden Population 45,279	Wakulla Population 24,900
Environmental Permit	Yes	Letter required from Suwannee River WMD or FDEP. Building official signs off on flood elevations. Has tree removal permit on fee schedule, but no permit issued in the last year. This is not a high priority with the permitting office.	Yes, but issued as part of Site Plan Development Order. Minimal flooding review by contracted engineering consultant for pre and post volume 25 year/24 hour storm. Water quality issues addressed by DEP. Require 50 foot buffers on all wetlands. Tree removal is regulated.	DEP does permitting. Pre/post 25 year/24 hour storm for flooding approved by contracted Public Works Department. Flood analysis usually turned in sometime during the technical review process.
Impact Fees	No	No	No	Yes

The primary differences between Leon County and the adjacent County jurisdictions are:

- The formal PUV process.
- The requirements for a formal NFI and EIA.
- The reliance on DEP, or in the case of the eastern half of Jefferson County, the Suwannee River Water Management District, to do the formal stormwater permitting. Gadsden and Wakulla County conduct some level of flood control review by looking at the pre and post stormwater runoff for the 25-year 24 hour storm event.

* Population data from Mapstats and are 2002 estimates

Similar Sized Counties Jurisdictional Comparison of Land Development Requirements

Development Requirement/Jurisdiction	Leon Population* 243,995	Alachua Population 223,578	Collier Population 286,634	Escambia Population 295,886	Lake Population 245,877	Marion Population 280,288
Permitted Use Verification (PUV)	Yes	No - Will issue zoning letter, but most use zoning map on web site	Zoning verification letter optional	Land use verification form via fax or taken over the counter. No charge for this service	Zoning Confirmation Letter available from Customer Service	No Have a land use form for general land use determinations
Pre-application	Option for Type A developments. Required for all other site plans	Optional conceptual review prior to site plan	Yes. Mandatory with all involved Department.	Yes, but only for subdivisions.	Yes, called pre-submittal. Weekly meeting attended by seven representatives	Yes - Optional and non binding
Site Plan Concurrency	Yes	Yes - three phases: conceptual, preliminary and final. Environmental Department signs off at DRC level. Tree removal reviewed by County arborist	Yes - Concurrent Review Process. Packages distributed and comments are entered into data base independently. Final comment report compiled for applicant by Engineering. Final Site Development Permit is approved administratively and issued by Engineering First comments provided in 30 days.	Yes. Major and minor site plans. Major developments are reviewed by Development Review Committee. Landscaping, stormwater, and construction level detail	Yes. Approved Administratively after review by Development Review staff. Utilize CD+ system to enter and provide comment to the applicant. Construction plans approved before final site plan approval is given. Development Review staff are the same individuals who meet during the pre-submittal.	Yes - Major and Minor reviews Major review (>9000 sq.ft or > 35% impervious which ever is less) is a full concurrent review that has a 30 day comment period. Applicant provides 10 copies that are distributed to staff and reviewed independently. Comments are entered into CD - data base and can be reviewed on-line. When all comments are entered letter is compiled from the data base as sent to the applicant. DRC provides final administrative approval.
Natural Features Inventory	Yes	Sometimes. GIS is used as base. If areas is flagged as having sensitive features more information is required	Part of Environmental Impact Statement. Generally done on 2.5 acres for coastal and greater than 10 acres inland	Site specific survey that is done before the final development order is required if size threshold (> one acre) is met. Based on available data.	Yes, features such as wetland and protected species and protected uplands identified and reviewed by planners during the pre-submittal process	No formal NFI. For sites 20 acres or more a listed species survey is required. Wetland protection is deferred to the State of Florida.

Similar Sized Counties Jurisdictional Comparison of Land Development Requirements

Development Requirement/ Jurisdiction	Leon Population* 243,995	Alachua Population 223,578	Collier Population 286,634	Escambia Population 295,886	Lake Population 245,877	Marion Population 280,288
Environmental Impact Analysis	Yes	see above	Environmental Impact Statement is part of concurrent review process. EIS is reviewed by Environmental Advisory Council.	See above	Environmental Assessment done at Site Plan, and does not address stormwater.	No formal EIA. Issues are dealt with during concurrent process or by the State of Florida.
Environmental Permit	Yes	Stormwater permitting by Public Works and Water Management District. Environmental issues handled at the site plan review level.	Stormwater, landscaping and tree protection handled during concurrent review.	Land disturbance permit with no grade change before site plan approval or predevelopment by Environmental Services. preconstruction site permit from Planning and Engineering Department after Site Plan approval. Building permit for final site and grading. 12 inch trees except pines protected.	Stormwater permitting addressed by Public Works and St. Johns Water Management District. Trees and landscaping reviewed by planners during the site plan process.	No Environmental Permitting by name. Called stormwater permitting and it looks at both rate and water quality. Trees and landscaping are reviewed by zoning Department during concurrent review.
Impact Fees	No	Yes (recreation, roads and fire protection)	Yes	Yes. Drainage Impact Fee.	Yes	Yes

BUILDING PERMITS AND PARCEL CREATION

TOTAL LB PERMITTING BREAKDOWN

1379 LB's Pulled on Parcels created after 10/1/98
6033 LB's Pulled on Parcels created before 10/1/98
7412

		ONE YEAR	Percent of total
1108	LB's Pulled in the period 10/1/03 to 9/30/04		
338	LB's Pulled on Parcels created after 10/1/98		31%
770	LB's Pulled on Parcels created before 10/1/98		69%

		THREE YEARS	Percent of total
3208	LB's Pulled in the period 10/1/01 to 9/30/04		
938	LB's Pulled on Parcels created after 10/1/98		29%
2270	LB's Pulled on Parcels created before 10/1/98		71%

		SEVEN YEARS	Percent of total
7412	LB's Pulled in the period 10/1/97 to 9/30/04		
1379	LB's Pulled on Parcels created after 10/1/98		19%
6033	LB's Pulled on Parcels created before 10/1/98		81%

Board of County Commissioners

Agenda Request

Agenda Item for: March 23, 1999
DATE: March 18, 1999
TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
Gary W. Johnson, Director, Community Development
SUBJECT: Report on the Policy 2.1.9 Subdivision Review Process

STATEMENT OF ISSUE:

To provide the Board of County Commissioners a report on the Policy 2.1.9 Subdivision review process.

BACKGROUND:

At their February 23, 1999 meeting, the Board of County Commissioners requested that staff prepare a report on the Policy 2.1.9 Subdivision review process. Also, the Board specifically requested information regarding a Policy 2.1.9 Subdivision that had been recently approved on Veteran Memorial Boulevard.

When the Comprehensive Plan was adopted in 1990, it included Land Use Policy 2.1.9 (Attachment #1). This provision was included in the Comprehensive Plan to provide some relief to property owners whose property was being rezoned from generally A-2 (Agricultural) to Urban Fringe or Rural, both representing large-lot residential zoning districts. The previous A-2 zoning district allowed one residential unit per 20,000 square feet compared to one unit per three (3) acres in the newly created urban fringe future land use category and one unit per ten (10) acres in the rural district. Policy 2.1.9 was drafted solely to provide relief to certain property owners based on location (zoning district) and ownership.

ANALYSIS:

Under Policy 2.1.9, qualified land owners are allowed to create up to six (6) nonconforming lots no less than one-half acre in size. Use of this policy is limited to once per land owner, i.e., if you own multiple parcels that qualify for a Policy 2.1.9 Subdivision, the policy can only be used on one of the parcels. The policy does not regulate the use of the newly created nonconforming parcels nor does it require that the lots be homesteaded by the owner or relatives of the property owner.

Board of County Commissioners
Agenda Request
RE: Report on the Policy 2.1.9 Subdivision Review Process
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ANALYSIS: (continued)

In 1992, the Florida Legislature approved changes to Chapter 163, Florida Statutes, to address the impact of the state's comprehensive planning requirements on family-owned property. Section 163.3179, Family homestead (often called the "family heir provision") was added to provide a statewide density exemption from local comprehensive plan requirements based solely on the requirement that the newly created parcel be homesteaded by a family member. The statute defines family members and also limits the use of this provision to once to any individual. This 1992 statewide family homestead exemption was modeled somewhat after the County's Policy 2.1.9 exemption that was adopted in 1990. In 1993, the County's Comprehensive Plan was amended to incorporate the provisions of Section 163.3179, Florida Statutes.

The statewide family homestead exemption or hardship provision does not require ownership of the property in question prior to the adopted comprehensive plan nor is its applicability limited to specific zoning districts like the County's Policy 2.1.9 exemption. The statewide family hardship provision does not indicate a minimum lot size as does Policy 2.1.9 (one-half acre minimum required). Also, the statewide exemption requirement that the newly created parcel be homesteaded by a family member as defined by statute has raised issues statewide concerning implementation, enforcement, and equal protection under the law. The County requires the applicant for the statewide homestead exemption subdivision to complete an affidavit indicating that the parcel created by the subdivision will be homesteaded by a family member as defined by Florida Statutes. However, enforcement of this is almost impossible, especially over time as the property tends to change ownership.

Because of the family homestead or "family heir" requirements that are attached to the statewide exemption, it has generally not been the exemption of choice of the "Policy 2.1.9-qualified" property owners in Leon County. Instead, it is generally used as a last resort by those property owners who cannot meet the ownership provisions of Policy 2.1.9. Therefore, the statewide exemption in Chapter 163, Florida Statutes has only been used 20 times since the provision was added to the County's Comprehensive Plan in 1993. Presently, no monitoring or enforcement procedures have been established or implemented to ensure that these subdivisions are in compliance with the family homestead provisions of Chapter 163, Florida Statutes.

Since the adoption of the Comprehensive Plan in 1990, the County's exemption or hardship provision, Policy 2.1.9 has been used 212 times by qualified property owners to subdivide property. A review of files indicates that the use of Policy 2.1.9 was declined on a yearly basis over the past three (3) years. In 1996, the County Commission codified the qualifications for the implementation of Policy 2.1.9 and the statewide family heir exemption in Section 10-1427 of the Leon County Code

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of Laws (Attachment #2).

ANALYSIS: (continued)

The review process associated with proposed Policy 2.1.9 Subdivisions includes the following steps:

- * Determination by staff that the property that is the subject of the request is zoned Rural, Lake Talquin Recreation/Urban Fringe or Urban Fringe.
- * Verification by staff of the recorded deeds and coordination with the Property Appraiser's Office for qualification of ownership date (pre-Comprehensive Plan adoption).
- * Verification by staff that the parcel is a "lot of record" which has not been subdivided subsequent to the adoption of the Comprehensive Plan.
- * Determination by staff that the applicant has not previously used the Policy 2.1.9 hardship exemption.
- * A completed application submitted by the applicant (Attachment #3).
- * A completeness review of the application and supporting material by staff.
- * An Environmental Sensitive Area review completed by staff (Attachment #4).
- * Review for legal access to the parcel by staff.
- * A recommendation of approval or denial by staff.
- * Approval or denial by the Director or his designee.

For a proposed Chapter 163 family homestead or "Family Heir 2.1.9 Subdivision," the date of ownership is not an issue; however, the applicant must complete an Heir Property Affidavit (Attachment #5) attesting that the person he or she is giving or selling the subdivided property to meets the definition of family or heir as defined by Florida Statute, Chapter 163.3179.

The review and approval process associated with proposed Policy 2.1.9 Subdivision has evolved since 1990. Generally, changes have been made to enhance the review process to ensure that the resulting lots are buildable and have legal access. Also, these enhancements have been incorporated into the review process in such a manner as to not increase the informational requirements of the applicant. Staff has enhanced its level of environmental review of the proposed subdivision sites by using information available on the County's Environmentally Sensitive Areas (ESA) maps and information from the GIS data pool which is based on the ESA maps and ongoing mapping efforts. However, Policy 2.1.9 Subdivision applicants are not required to submit the extensive information required of other subdivision and site and development plans in the standard review process. The typical review and approval timeframe for a proposed Policy 2.1.9 Subdivision is generally two weeks.

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ANALYSIS: (continued)

VETERANS MEMORIAL BLVD. (HIGHWAY 59) POLICY 2.1.9 SUBDIVISIONS

At the Board's meeting on February 23, 1999, two subdivisions were noted and discussed. The two subdivisions are Policy 2.1.9 Subdivisions that were completed on two lots of record with two different property owners. Both parcels are located on Veterans Memorial Boulevard (previously County Road 59). The applicants for these Policy 2.1.9 Subdivisions were Mr. Harold Knowles, owner of property with Tax I.D. #16-32-20-020-001-0 (Attachment #6) and Mr. Raymond Thompson, owner of property with Tax I.D. #16-32-20-019-000-0 (Attachment #7). The two qualifying parcels total approximately 11 acres, and are located adjacent to each other.

These two Policy 2.1.9 Subdivisions each contain six (6) lots, ranging in size from .73 to 1.08 acres. Each proposed subdivision was reviewed by staff according to the procedures outlined above. Pursuant to standard practice an Environmental Sensitive Areas review was completed which indicated that a watercourse was nearby and that flood prone areas were either on or nearby the subject parcels (Attachments #6 and #7). Information submitted by the surveyor of record indicated ponds on both parcels. The surveyor of record also provided subdivision drawings under seal with a certification statement, "The subject property is located in Flood Zone "X" (areas determined to be outside the 500-year flood plain) as determined by the Federal Emergency Management Agency, Panel No. 120143 0175 D, dated November 19, 1997." Approval notations included, "Any improvements to access may require environmental permitting" (Attachments #8 and #9).

The approval of a proposed Policy 2.1.9 Subdivision can occur as long as at least one-half acre of "buildable area" is demonstrated by the proposed application and supporting documentation. Buildable area would include that portion of the subject property that is not encumbered by environmental constraints including floodplain, water bodies, water courses, wetlands, steep slopes, or mature successional forest.

The Health Department uses a "100-year flood certification letter" from a Florida Registered Engineer and soil evaluations to determine the appropriate onsite location of a septic system and the elevation location of the bottom of the septic tank and drain field. It was noted at the February 23, 1999 Board meeting, that several of the septic systems associated with the Policy 2.1.9 Subdivisions on Veterans Memorial Boulevard were elevated. Elevated, or mounded septic systems are routinely permitted by the County Environmental Health Department. An elevated, or mounded septic system can be the result of a high water table, poorly drained soils, or location in a flood prone area. The

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mounded systems in question are a result of a combination of poorly drained soils (high percentage of clays) and a high water table.

ANALYSIS: (continued)

REVIEW PROCESS ENHANCEMENTS FOR POLICY 2.1.9 SUBDIVISIONS

In lieu of requiring a final recorded subdivision plat consistent with the County's current Type B site and development plan process, it is proposed that a review process for proposed Policy 2.1.9 Subdivisions be established through which an environmental review is implemented in a manner consistent with the review that is currently required for a Limited Partition Subdivision. This review, known as a "Natural Features Inventory" (NFI) would provide for a more comprehensive review for environmentally sensitive features than is currently being undertaken by the ESA review outlined above. The NFI would provide a staff review for environmentally sensitive features and advise the applicant of any known outstanding environmental concerns onsite. Included in the NFI is an engineering consultation, map analysis, aerial analysis and site visit. This review is normally completed within 15 working days of a request. Fees for the environmental review for proposed Policy 2.1.9 Subdivisions would be calculated at the rate that is currently charged for the NFI for Limited Partitions which is a \$375.00 base fee plus \$15.00 per acre for every acre more than 5. Additionally, based on the results on the NFI, some proposed Policy 2.1.9 Subdivisions would also be required to complete the standard environmental permitting process which would include additional fees that would range from \$475.00 (short form low intensity) to \$1,585.00 (standard form). Also, if a stormwater management facility is required, an operating permit (\$348.00) would also be required.

It is also proposed that Policy 2.1.9 Subdivisions be required to participate in the site and development plan review process consistent with the current process for Limited Partition Subdivisions if the environmental review requirements are enhanced with the requirement of an NFI. This would increase the development review fees from the current \$500.00 to \$825.00 consistent with the review fee for a Limited Partition Subdivision.

In summary, the review enhancements outlined above for Policy 2.1.9 Subdivisions would have the following impacts of the process. The development review costs associated with these subdivisions would increase from \$500.00 to \$825.00. The environmental review component of Policy 2.1.9 Subdivisions would increase from zero (0) to at a minimum \$475.00 with the possibility of environmental review and permitting fees as high as \$2,408.00. Therefore, the combined total increase in review fees associated with the above recommendations would range from \$800.00 to \$2,733.00. With regard to review time frames, it is anticipated that the current typical review period

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for proposed Policy 2.1.9 Subdivisions would increase from 10 days to as many as 30 days if an environmental permit is not required. If an environmental permit is required, it is anticipated that the review and approval time frame would increase at a minimum to the 60 to 90 day range.

OPTIONS:

1. Direct staff to continue the Policy 2.1.9 Subdivision review and approval process that is currently in place.
2. Direct staff to initiate changes in the Policy 2.1.9 Subdivision review and approval process that would require these types of proposed subdivisions to follow the review process currently established for Limited Partition Subdivisions. This would also include increases in both development and environmental review fees and increased review times as noted above.
3. Provide staff other direction with regard to the review and approval of Policy 2.1.9 Subdivisions.

RECOMMENDATION:

Option #2

ATTACHMENTS:

- | | |
|---------------|---|
| Attachment #1 | Land Use Policy 2.1.9 from the Comprehensive Plan |
| Attachment #2 | Section 10-1427, Residential development pursuant to Comprehensive Plan |
| Attachment #3 | Policy 2.1.9 from the Land Development Code |
| Attachment #4 | Policy 2.1.9 Application |
| Attachment #5 | ESA Map Check |
| Attachment #6 | Family Heir 2.1.9 Application w/ Heir Affidavit |
| Attachment #7 | Harold Knowles Application |
| Attachment #8 | Raymond Thompson Application |
| Attachment #9 | Knowles' approved subdivision |
| | Thompson's approved subdivision |

PA/GWJ/DM

Policy No. 51
Environmental Compliance Division
Leon County Dept. of Community Development
Effective: January 1, 2001
Last Revision: August 5, 2003

#51

ENVIRONMENTAL PERMITTING PROCESSING STEPS
FOR POLICY 2.1.9. SUBDIVISIONS

1. The applicant will submit 4 copies of a scaled plan sketch with proposed lots and easements depicted. There will be concurrent review by Development Review and Environmental Compliance. Development Review will distribute two copies to the Environmental Review Supervisor. The project will be assigned to a biologist and a permit reviewer (either an engineer or environmental review specialist) for concurrent review. The Biologist will act as the Project Manager and coordinator with the permit reviewer. The Biologist will prepare two GIS maps (one for the permit reviewer) delineating all the sensitive features in the data base.
2. Development Review will notify Environmental as early as possible if the site is not eligible for a Policy 2.1.9. Subdivision. All work stops if it is not eligible.
3. The Biologist will have two days from receipt of application (date of intake) to complete a map analysis and initial review. The initial review will include a calculation of the percentage of total area the natural features comprise. If the subdivision contains greater than 40% preservation features on a parent parcel, Environmental staff must forward a recommendation to the Development Review Director as to whether the subdivision should go through site plan. All work stops if the decision is made to send the subdivision through site plan. Applicants will be notified by Development Services that they must re-apply through the Type B site plan process.
4. Environmental staff will identify all environmentally sensitive features on a map. Recommended conservation areas will be delineated. The applicant may need to adjust lot lines in order to accommodate minimum buildable area for each lot. Each lot should have at least a half of an acre of buildable area outside the limits of conservation areas. The applicant should be notified in the NFI approval letter if the proposed lot lines are not acceptable due to environmental features. In some cases the site could be constrained to disallow any subdivision (Development Services must be notified and they will officially deny the application).
5. A cultural resource assessment letter from the Department of Historic Resources must be obtained prior to approving an NFI-2.1.9. This assessment letter should be submitted by the applicant with the NFI-2.1.9. application. If it is not, the review times shown in this policy shall be extended until receipt of the assessment letter.

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6. After the two day initial review and map analysis, if there are only minor environmentally sensitive features (generally less than ½ acre in size) or no features, staff will complete the review process, delineate sensitive or conservation features on a map and forward it to the applicant along with an approval letter within a goal of 5 days (note that ordinance required time frame is 15 days). The Biologist must obtain written approval from the permit reviewer for his/her portion of the review prior to sending the approval letter. The approval letter will require that these features be delineated on the final survey and submitted in the revised 2.1.9. application. The approval letter will be copied to Development Services.
7. If map analysis reveals significant natural features (generally greater than ½ acre in size), the significant natural features will be mapped and then the map forwarded to the applicant with an approval letter (necessary changes will be included if applicable) within 10 days (note that the ordinance required time is 15 days). The approval letter will require that the features be placed on the final survey and submitted in the revised 2.1.9. application. The approval letter will be copied to Development Review.
8. The applicant will bring a revised 2.1.9. survey/plan back in to Development Services. Development Services will distribute a copy of the revised plan to the Biologist to verify that the features have been properly delineated, lot lines are correct, previous recommendations adhered to, and for compliance with any required conditions.
9. If the application includes the creation of lots greater than 40 acres in size, the environmentally sensitive features will be delineated, but the final approved plan must include a condition that any further subdivision of the created lots will require a standard NFI along with the appropriate mitigation. This special condition will also be flagged in Permits Plus to provide notification for any further subdivision proposed on the child parcels presently being created.
10. There will be concurrent review by the permit staff. A copy of the sketch plan and NFI-2.1.9. application will be forwarded by the Biologist to one of the permit staff for concurrent review of floodplain, ingress/egress, and environmental permit requirements. The Biologist will be responsible for informing the permit staff of deadlines as indicated above.
11. The permit staff will provide technical support for floodplain determinations. The floodplain will be delineated based on the best available information. When there is insufficient flood study data, a conservative estimate of the flood elevation will be determined by a staff engineer (note: this estimate is for subdivision purposes only, individual lots will still have to obtain flood letters during single family permitting). The applicant will either accept this conservative estimate or provide their own alternative engineering analysis. This analysis must be signed and sealed by a registered

professional engineer. The floodplain will be delineated and labeled as a "floodprone area" on the NFI map to be submitted to the applicant.

12. A determination must be made as to whether environmental permitting will be required. If a permit is required, the applicant must be notified by letter that the 2.1.9. application will be **placed on hold** until the permit can be issued. Development Services must be copied on the letter. The 2.1.9. maximum density is 1 unit per half acre including roadways. The following guidelines shall be used to determine if a permit is required:
 - A. All subdivisions in the Bradfordville Study area must obtain an environmental permit that meets the Bradfordville Sector Plan standards.
 - B. An environmental permit may be required if the site is located within a closed basin. Applicant must demonstrate that the pre vs. post volume retention will occur onsite or that offsite properties will not be adversely impacted. The calculations must be signed and sealed by a registered professional engineer.
 - C. Verify applicability of special watershed conservation measures. The following are permitting guidelines for all open basins:
 - (1) No stormwater permit required for homesite impervious if lot is greater than or equal to 2 acres.
 - (2) No stormwater permit is required for homesite impervious if the lot is greater than or equal to 1 acre and located on sandy soils (defined as hydrologic soil group 'A').
 - (3) A stormwater permit will be required for homesite impervious if the lots are less than 2 acres in size and located on clayey soils (defined as hydrologic soil groups 'B', 'C' and 'D') or less than 1 acre in size and located on sandy soils (defined as hydrologic soil group 'A'). Stormwater ponds, swales or vegetative buffers may be used to meet water quality requirements. The calculations must be signed and sealed by a registered professional engineer.
 - D. Permitting is not required for improved ingress/egress to only two lots provided it is less than 3,000 square feet of impervious area and a demonstration that there are no adverse impacts to adjacent properties.
 - E. All new roadways and ingress/egress easements that serve three or more single family residential parcels must be stabilized to prevent erosion, sedimentation and water quality problems in surface waters. A permit is required and, if applicable,

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shall meet the requirements in Section 10-208(18). The permit staff must notify the Biologist of the permitting requirements and the Biologist must notify the applicant by letter that the 2.1.9. application will be **placed on hold** until the permit can be issued. Development Services should be copied on the letter.

- F. If an existing access or driveway is being converted to a roadway or ingress/egress easement, and a determination is made that increased pollution loadings would result, then the access or driveway must be retrofitted to meet stormwater management requirements.
- G. All roadways and ingress/egress for Policy 2.1.9. Subdivisions that requires permitting must comply with the following design standards:
- (1) All new roads in the Bradfordville Study area must meet the Bradfordville Sector Plan stormwater standards.
 - (2) All new roads in closed basins must demonstrate that pre vs. post volume retention will occur onsite or offsite properties will not be adversely impacted.
 - (3) Stormwater facilities are to be designed and constructed in accordance with various provisions in the EMA.
 - (4) Where applicable, the following design parameters may be used:
 - 4.1 A 10' road width ongrade, either 3" gravel or 1.25" asphalt over 6" compacted granular base graded to a swale.
 - 4.2 The swale shall be, at a minimum, 6' wide, 1' deep, 3:1 side slopes, ditch blocks as necessary (concave driveways can be used as ditch blocks if paved).
 - 4.3 No adverse impacts anticipated on downstream property.
 - 4.4 No operating permit is required.
 - 4.5 These design standards may qualify for a FDEP swale exemption provided that an environmental permit is not required for the homesite as defined in subsections A) and B) above. The applicant will be required to obtain a permit from the FDEP. If any changes occur as a result of FDEP permitting, the Leon County Environmental Permit would need to be amended.
 - (5) Deed restrictions must be recorded on all new parcels for maintenance of new roads and stormwater facilities.

After a determination that an environmental permit is necessary, the permit staff must enter under the LEX number in Permits Plus that an environmental permit is required.

13. The Permit Staff will check for potential adverse impacts from newly concentrated runoff affecting downstream properties. Check the drainage flow from the site and determine if

downhill offsite easements are necessary. Check to ensure that provisions are made for drainage of uphill runoff through the 2.1.9. site. If there is a significant uphill drainage area, a drainage easement through the 2.1.9. site may be required. The flow route of minor drainage through the site can be identified as "drainage area" on the NFI map.

14. Upon completion of the 2.1.9. process, the Biologist should notify Development Review of any conditions, locks, holds or notices that should be placed on individual parcels within the subdivision.

GROWTH AND ENVIRONMENTAL MANAGEMENT
PERMIT PROCESS IMPROVEMENT FOCUS GROUP MEMBERS

Appointed	Appointed By
Ms. Wendy Grey Mr. David Walmsley	Commissioner Rackleff
Mr. Terry Fregley Mr. Russell Price	Commissioner Deputy
Mr. Ted Thomas Mr. Ben Wilkinson, Jr.	Commissioner Grippa
Ms. Caroloyne Bibler Nancy Caire Miller	Commissioner Winchester
Mr. Rick Bateman Mr. Millard Noblin	Commissioner Proctor
Ms. Carmen Green Ms. Pam Hall	Commissioner Thael
Ms. Kathy Archibald Mr. Neil Fleckenstein	Commissioner Sauls