



STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

January 27, 2009

The Honorable Cliff Thael  
Leon County Board of County Commissioners  
301 South Monroe Street, 5th Floor  
Tallahassee, Florida 32301

Re: Leon County Comprehensive Plan Policy 2.2.12

Dear Commissioner Thael:

Thank you for your January 15, 2009, email regarding Conservation Element Policy 2.2.12 of the Leon County/City of Tallahassee Comprehensive Plan. One of the Department's most important roles is to ensure that the State's natural resources are adequately protected through local governments' comprehensive plans. As you are aware, the Department has devoted significant time and resources to the protection of Lake Jackson, the only freshwater Florida Aquatic Preserve. Therefore, we are troubled by the possibility that land meant to remain undisturbed within the special development zones could be used for a stormwater facility.

The special development zones require 50 percent to 95 percent of the land therein to remain undisturbed or natural. For the Lake Jackson special development zones, Policy 2.2.12 specifically authorizes government-initiated stormwater facilities for retrofit purposes to disturb a greater portion of the special development zone under limited circumstances. This strongly suggests that any other stormwater facility may only utilize the special development zones if it retains the requisite amount of land in an undisturbed or natural state.

Directing stormwater over land meant to remain undisturbed or natural and storing it in the special development zones would not be consistent with Policy 2.2.12. The addition of stormwater into closed basins within the special development zones could effectively create a stormwater holding pond leading to the disruption of the natural hydroperiod. Furthermore, stormwater often contains elevated pollutant levels which could affect the wildlife, plants, and natural processes associated with the special development zones.

A reading of the County's Comprehensive Plan clearly demonstrates the intent to provide a heightened level of protection to the County's special water bodies. Objective 2.2 requires the County to improve or maintain water quality in water bodies. For Lake Jackson in particular,

The Honorable Cliff Thael  
January 27, 2009  
Page 2

Objective 2.3 requires the prevention of further degradation and the restoration of water quality to its condition at the time of its Outstanding Florida Waters designation. Policy 2.3.1 requires the Lake Jackson special development zones to restrict activities that impact the quality of stormwater. The Department urges the County to implement this intent by preserving the special development zones as an area where undisturbed and natural lands are truly just that.

If you have any questions regarding this letter, please contact Shaw Stiller, General Counsel, at 488-0410.

Sincerely yours,



Thomas G. Pelham  
Secretary

TGP/km

cc: Herb Thiele, Esq., County Attorney, Leon County  
Wayne Tedder, Planning Director, Tallahassee-Leon County Planning Department  
John Kraynak, Director of Environmental Compliance, Leon County Department of  
Growth & Environmental Management  
W. Douglas Hall, Esq., Carlton Fields