



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

December 21, 2009

The Honorable Bryan Desloge  
Chairman, Leon County Commission  
Board of County Commissioners  
301 South Monroe Street  
Tallahassee, Florida 32301

The Honorable John Marks  
Mayor, City of Tallahassee  
300 South Adams Street  
Tallahassee, Florida 32301

RECEIVED  
2009 DEC 23 P 1:24  
TALLAHASSEE/LEON COUNTY  
PLANNING DEPARTMENT

Dear Chairman Desloge and Mayor Marks:

The Department of Community Affairs has completed its review of the proposed Tallahassee-Leon Comprehensive Plan Amendment DCA Number 10-1, which was received on October 21, 2009. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes and the Tallahassee-Leon Comprehensive Plan. The Department does not identify any objections and this letter serves as the Objections, Recommendations and Comments Report. One comment is provided: proposed Policy 1.2.6:[SS] should be modified to reference the Performance Based Treatment System standards that will be adopted by including the ordinance number and date.

For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you have any questions, please call Mark Yelland, AICP, Principal Planner, at (850) 922-1790.

Sincerely,

Mike McDaniel, Chief  
Office of Comprehensive Planning

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) • 850-921-0781 (f) • Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

• COMMUNITY PLANNING 850-488-2356 (p) 850-488-1109 (f) • FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) •  
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The Honorable Bryan Desloge  
The Honorable John Marks  
December 21, 2009  
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Attachment #3  
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MM/myb

Enclosures: Transmittal Procedures, Agency Comments

cc: Wayne Tedder, Director, Tallahassee-Leon County Planning Department  
Charles Blume, Executive Director, Apalachee Regional Planning Council

## TRANSMITTAL PROCEDURES

Upon receipt of this report, Tallahassee-Leon has 60 days in which to adopt, adopt with changes, or determine that Tallahassee-Leon will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in § 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, Tallahassee-Leon must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination, and issue the appropriate notice of intent.

In order to expedite the Apalachee Regional Planning Council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the Apalachee Regional Planning Council.

Please be advised that § 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.



# Florida Department of Environmental Protection

Office of Intergovernmental Programs  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Administrative  
Services  
Division  
November 10, 2009

2 SP  
11/11/09

November 10, 2009

Mr. D. Ray Eubanks  
Bureau of Local Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Leon County/Tallahassee 10-1, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed emergency comprehensive plan amendment submitted by Leon County/City of Tallahassee in accordance with the provisions of Chapter 163, *Florida Statutes*. Our comments address the potential impacts of the proposed land use designation or policy change on resources or facilities within the purview of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2168.

Sincerely,

Environmental Specialist  
Office of Intergovernmental Programs

/lec



# Apalachee Regional Planning Council

Serving Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Liberty, Leon, and Wakulla Counties and their municipalities

Attachment #3

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2 SP  
11/20/09

## MEMORANDUM

TO: D. Ray Eubanks, Department of Community Affairs

FROM: Charles D. Blume, Executive Director

DATE: November 13, 2009

SUBJECT: Tallahassee-Leon County Adopted Amendment Series 10-1

Attached is the ARPC Report on the Tallahassee-Leon County Proposed Amendment Series 10-1. The Board of Directors of the Apalachee Regional Planning Council met and approved this report on November 12, 2009.

If you have any questions or need any additional information concerning this matter, please contact Keith McCarron at 850-488-6211 or 850-674-4571.

cc: The Hon. Bryan Desloge, Chairman, Leon County Commission  
 The Hon. John Marks, Mayor, City of Tallahassee  
 Mr. Wayne Tedder, Director, Tallahassee-Leon County Planning Department

ARPC REVIEW OF THE TALLAHASSEE-LEON COUNTY  
PROPOSED AMENDMENT SERIES 10-1

*Introduction*

The Tallahassee-Leon County Proposed Amendment Series 10-1 was received at the offices of the Apalachee Regional Planning Council (ARPC) in October 2009. The amendment series contains one Future Land Use Map (FLUM) change and two text amendments.

*Staff Analysis*

PROPOSED MAP AMENDMENTS

- 1) Amendment # PCM 090202 is a proposed FLUM change for a 1.92-acre site containing two parcels at the northeast corner of Sharer Road and Fulton Road.

Size (Acres)	Proposed Land Use Amendment		Proposed Development Plan
	From	To	
1.92	Urban Residential 2	Suburban	Office Development

In 2007 the future land use on the subject parcels was incorrectly changed to Urban Residential 2 when a previous Mixed Use category was being eliminated from the FLUM. Urban Residential 2 is not an appropriate category for the site because it is part of the Fun Station PUD and is proposed for office development. This map amendment is intended to correct the previous mapping error and eliminate an inconsistency between the FLUM and the proposed PUD.

- Regional Resources or Facilities impacted: None.
- Extrajurisdictional Impacts: None.

PROPOSED TEXT AMENDMENTS

- 2) Amendment # PCT 100102 is a proposed text amendment to the Intergovernmental Coordination Element that adds a new Objective 1.10 and three associated policies to establish procedures and mechanisms to resolve planning and growth management conflicts. The new objective and policies are intended to address recent Legislative amendments to Chapter 163.3177, Florida Statutes (FS), contained in Senate Bill 360 (SB 360) that require local governments to include such policy provisions in the Intergovernmental Coordination Element (ICE) of their comprehensive plans.

DISPUTE RESOLUTIONObjective 1.10 [I]:

Leon County and the City of Tallahassee, respectively and/or collectively, shall establish procedures and mechanisms to reconcile differences on planning and growth management issues between local governments, regional agencies, and private interest.

Policy 1.10.1 [I]:

Conflicts with governmental and/or non-governmental entities having existing agreements with Leon County and/or the City of Tallahassee shall be resolved using the procedures established in those agreements to the extent that the referenced agreements contain provisions addressing the resolution of disputes.

Policy 1.10.2 [I]:

For those governmental and/or non-governmental entities whose planning and/or growth management issue of dispute is not covered by an existing agreement with Leon County and/or the City of Tallahassee, the County Manager or the City Manager, respectively, shall direct the appropriate level staff to work with the staff of the other governmental and/or non-governmental entity to resolve any such conflicts.

Policy 1.10.3 [I]:

If an agreement cannot be reached through the procedures specified in Policies 1.10.1 and 1.10.2, Leon County and/or the City of Tallahassee shall utilize the dispute resolution process established by Apalachee Regional Planning Council pursuant to Section 186.509, Florida Statutes. However, nothing contained herein shall preclude any party to a dispute from seeking judicial or administrative remedy as provided otherwise by the law.

- Regional Resources or Facilities impacted: None
  - Extrajurisdictional Impacts: None.
- 3) Amendment # PCT 100103 is a proposed text amendment to the Utilities Element to redefine the standards for performance based on-site treatment and disposal systems required in the Primary Springs Protection Zone. The change will allow systems from more than one manufacturer and allow the use of all systems accepted by the Department of Health for installation in Florida.
- 4) Policy 1.2.6: [SS] (Effective 4/10/09)  
Within the Primary Springs Protection Zone, as identified in Policy 4.2.5 [C], Performance Based On-Site Treatment Disposal Systems shall be required when

*connection to sewer facilities designed to achieve Advanced Wastewater Treatment standards is not available. Performance Based On-Site Treatment Disposal Systems must be a design that is accepted certified and/or tested by the Department of Health. Local government shall establish by ordinance a Nitrogen reduction treatment standard for new and replacement Performance Based On-Site Treatment Disposal Systems in the Primary Springs Protection Zone. The National Sanitation Foundation (NSF) Standard 215 to demonstrate no more than 10 milligrams per liter (mg/L) Nitrogen at the outlet of the final treatment chamber or reduces the effluent Nitrogen concentration by a minimum of seventy (70%). Performance based systems shall comply with the applicable standards in Part IV, ch. 64E-6, F.A.C.*

- Regional Resources or Facilities impacted: None
- Extrajurisdictional Impacts: None.

### ***Objections, Recommendations and Comments***

The Apalachee Regional Planning Council (ARPC) provides the following comment:

#### **Comment – Amendment #PCT100103**

The ARPC Board supports the proposed text amendment to broaden the types of performance based onsite treatment systems that comply with the Primary Spring Protection Zone (PSPZ) standards for new development and redevelopment. However, the ARPC Board remains concerned that only addressing new development and redevelopment does not go far enough toward correcting the documented groundwater quality problem within the PSPZ. Existing, conventional septic tanks within the PSPZ are also part of the problem and retrofitting these systems must be part of the solution. The ARPC encourages Leon County to consider a more comprehensive approach that includes the retrofit of existing septic systems in the PSPZ, especially where sewer extensions are not anticipated within the planning time frame. The economic circumstances of affected homeowners should be considered in implementing such a program, but the need for economic exemptions can be minimized by phasing in upgrades over time and seeking funding assistance from available state and federal sources.



## Florida Department of Transportation

CHARLIE CRIST  
GOVERNOR

STEPHANIE C. KOPELOUSOS  
SECRETARY

2 SP

November 17, 2009

NOV 18 2009

Department of Community Affairs  
Bureau of Local Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**Attention: Mr. Ray Eubanks, Community Program Administrator**

**Subject: Proposed Comprehensive Plan Amendment**  
**Local Government: Leon County/Tallahassee**  
**DCA Amendment #: 10-1**

Dear Mr. Eubanks:

After reviewing the above referenced documents, the Department has no objections, comments, or recommendations at this time.

If you have any questions or need further information, please call.

Sincerely,

Virginia J. Carlisle  
Assistant Growth Management Specialist

VC

Copies: Kathy Neill-MS 28  
Tommy Barfield  
Jimmy Smith  
Bryant Paulk



FLORIDA DEPARTMENT OF STATE  
Kurt S. Browning  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

November 18, 2009

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Leon County/Tallahassee 10-1 Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Leon County/Tallahassee Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map and two text amendments to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the county's/city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Kammerer".

Laura A. Kammerer, Historic Preservationist Supervisor  
Compliance Review Section  
Bureau of Historic Preservation

xc: Ms. Susan Poplin

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

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