



January 11, 2011

Mr. David McDevitt
Director, Leon County Growth and Environmental Management
435 N. Macomb Street, 2nd Floor
Tallahassee, FL 32301

Dear David,

Thank you for the opportunity to comment on the draft Leon County ordinance proposing minimum County-wide environmental standards. City staff has devoted considerable time to a review of the draft ordinance since the December 16, 2010 meeting, and recommends the following changes to the proposed ordinance implementing interim (phase 1) standards:

1. Deletion of the portion of section 10-4.106(1), that states, “[u]ntil such time as both unincorporated and incorporated environmental management regulations can be merged into a unified set of regulations....” The Charter amendment requires the establishment of **minimum** environmental standards, not a **unified** set of regulations.
2. Deletion of section 10-4.106(1)(a). As currently written, this section would require, as an interim measure, the County’s Lake Jackson water quality treatment standards and the Bradfordville study area water quality treatment standards to be applied inside the City limits. Our concern is that it is not clear that these sections are more stringent than the City’s regulations. While they may be more stringent for water quality, it appears they are less stringent for flood protection due to long recovery times. Without a thorough analysis of the specific differences between the City and County standards for these areas we cannot adequately determine which standards or portions thereof are more stringent. City staff recommends that a thorough analysis be conducted as part of phase 2 in an effort to ensure that we have thoroughly addressed how water quality and flood control regulations work together.
3. Include in section 10-4.106(1) (b), after reference to the City’s Chapter 5, the following clause: “as it may be amended from time to time,” The “as amended” clause is particularly important because it clarifies that any ordinances adopted by the City to amend Chapter 5 of the Land Development Code during phase 1 will be included in the County’s Environmental Management Act.

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4. Deletion of section 10-4.106(2). As currently written, this section would require adoption of the County's environmental regulations County-wide (including the incorporated areas) on April 1, 2012, if unified regulations have not been adopted prior to that date. This provision does not satisfy the intent of the Charter amendment since, as stated above, the Charter amendment does not require a unified ordinance. Rather, the Charter amendment requires the establishment of minimum County-wide environmental standards. We recommend that City and County staffs develop (as part of phase 1) a process including reasonable timeframes for implementing phase 2 of this initiative, rather than implementing the County's regulations by default in what we fear is an insufficient amount of time to implement phase 2. Both the City and the County staffs should be afforded adequate time to thoroughly analyze and integrate the two environmental codes in a way that accommodates the rural nature of the county and the more intense urban nature of the incorporated area within the Urban Services Area (USA). Developing the timeframes as part of phase 1 would show a good faith effort to comply with the spirit of the Charter amendment without arbitrarily inserting standards before we can complete a thorough analysis of their impacts.

City staff supports an ordinance that maintains the *status quo* for the interim period by incorporating Chapter 5 of the City's Land Development Code, as it may be amended from time to time, into the County's Environmental Management Act as phase 1 of the development of minimum County-wide environmental standards. In addition, language should be included to explicitly state that during the interim phase (phase 1), the City Growth Management Department will continue to enforce Chapter 5, as amended, and handle applications for development within the City limits.

We look forward to the upcoming meeting on January 14, 2011 and to working with you to develop a comprehensive approach to the implementation of phase 2 of this effort.

Sincerely,



Karen M. Jumonville
Growth Management Director
City of Tallahassee

cc: Anita Favors Thompson, City Manager
Linda Hudson, Senior Assistant City Attorney
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