

Board of County Commission Agenda Report

Date of Meeting: November 20, 2018

Date Submitted: November 1, 2018

To: Honorable Chairperson and Members of the Board

From: Dee Jackson, Interim County Administrator
Allara Mills Gutcher, AICP, The Planning Collaborative

Subject: **PUBLIC HEARING** (Legislative) – Consideration of Adoption of Ordinance 2018-019 to Amend the Recreation and Open Space Element of the Comprehensive Plan (LSPA 2018-09)

Statement of Issue:

Consideration of the adoption of Ordinance 2018-019 to amend the Recreation and Open Space Element of the Comprehensive Plan (Attachment 1).

Background:

The Recreation and Open Space (ROS) Element was last updated/amended in February of 2016 as part of the recent overhaul of the Comprehensive Plan Elements. The Recreation and Open Space Element is the guiding policy language for those lands used for recreational purposes, and the areas the County deems important to retain as open space. The legislature, through adoption of the Florida Statutes, does not provide particular requirements for content in the ROS Element.

The Planning Commission considered this item at the June 14, 2018 and at the July 12 Hearing and recommended that the Board transmit this amendment to the state for review. Subsequently, the Board of County Commissioners voted to transmit this Element at the August 21, 2018 Public Hearing to the Department of Economic Opportunity and other required state agencies for review. The County received a “no comment” letter in response to the proposed changes (Attachment 2).

Analysis:

No changes have been made since the Board last heard this item on August 21, 2018.

Since this element was heavily amended in 2016, these changes are minor and necessary for clear implementation of the policies. With the proposed creation of two new Future Land Use categories in the Future Land Use Element (forthcoming to the BOCC), this element reflects those categories in Policy 6.2.3 where it generically addresses master planned communities and planned unit developments. The other major amendment includes the deletion of the last portion of Policy 6.3.4

since the County has not developed a recreational master plan to date, and no plans are in the immediate future to do so.

Other proposed changes are essentially clean-up measures so that the policy or policies can be easily comprehended, interpreted, or otherwise implemented.

Additional information requested by the Planning Commission at the June 14, 2018 hearing included a closer look at the Land Development Code to see where open space was addressed.

In Chapter 2: Definitions, open space is defined as shown below. As a note, the Planning Commission has voted in favor of the BOCC to adopt an amendment to the following definition. The current definition is also included below for comparison. The amendments to Chapter 2, Definitions will be before the BOCC in September.

(Current) Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Buffer areas shall not be included in Open Space area calculations.

(Proposed) Open Space: Any land area, designated greenway, or permanent conservation easement either in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Areas designated for dry or wet stormwater ponds shall not be considered open space.

It is recommended the open space requirements remain as proposed in the ROS, and any amendments that need to be made to the site development regulations, such as the percentage of open space required, be made in a future amendment to the LDC. This should include clarification between what is considered open space, and what is considered recreation space.

Additionally, those changes requested at the June 14, 2018 Hearing are incorporated into the current version. These include:

The addition of “Ochlocknee River” to Policy 6.1.4.

The removal of a hyphen in Policy 6.2.1.

The addition of the word “platted” in Policy 6.4.1 before “subdivision”.

Options:

1. Adopt Ordinance 2018-019 which amends the Recreation and Open Space Element of the Comprehensive Plan (LSPA 2018-04).
2. Don't adopt Ordinance 2018-019 which amends the Recreation and Open Space Element of the Comprehensive Plan (LSPA 2018-04).
3. Adopt an amended version of Ordinance 2018-019 which amends the Recreation and Open Space Element of the Comprehensive Plan (LSPA 2018-04).
4. Board direction.

Interim County Administrator's Recommendation:

Option 1.

Attachment(s):

1. Ordinance 2018-019 with Exhibit A - Recreation and Open Space Element in underline and strikethrough format.
2. No comment letter from the Department of Economic Opportunity.
3. Newspaper Advertisement

ORDINANCE 2018 -019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE RECREATION AND OPEN SPACE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Gadsden County to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Gadsden County Local Planning Agency held a properly noticed public hearing to consider the proposed amendments to the Recreation and Open Space Element of the Comprehensive Plan on June 14, 2018 and July 12, 2018, ("LSPA 2018-04"), and recommended that the amendments be approved by the Gadsden County Board of County Commissioners for adoption; and

WHEREAS, the Gadsden County Board of County Commissioners held a properly noticed public hearing on August 21, 2018 to consider the transmission of LSPA 2018-04 to the Department of Economic Opportunity ("DEO") for review, and after consideration of the data and analyses and public comments received during the public hearing, voted to transmit LSPA 2018-04 to the DEO; and

WHEREAS, the DEO has completed its review of LSPA 2018-04 and issued a "no comment" letter; and,

WHEREAS, in the exercise of its authority, the Board of County Commissioners of Gadsden County finds it necessary and desirable to adopt and does hereby adopt the Comprehensive Plan Amendment LSPA 2018-04, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the unincorporated jurisdictional boundaries of Gadsden County.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Recreation and Open Space Element of the Gadsden County Comprehensive Plan, as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

All parts of the Recreation and Open Space Element of the Gadsden County Comprehensive Plan in existence prior to the adoption of this ordinance are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held void, unenforceable or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

Section IV: Correction of Scrivener's Errors

The County Attorney may correct any scrivener's errors found in this Ordinance, including the Exhibits attached hereto, by filing a corrected copy of the Ordinance with the Clerk.

Section V: Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 20th day of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Brenda Holt, Chairperson

Nicholas Thomas

Clerk of the Circuit Court

RECREATION AND OPEN SPACE ELEMENT

The following goal, objectives and policies establish the planning focus for recreational facilities within unincorporated Gadsden County.

GOAL 6A: PROVIDE SUFFICIENT AND ADEQUATE RECREATION AND OPEN SPACE OPPORTUNITIES.

OBJECTIVE 6.1: Improve lake and river access for passive and active resource based activities ~~along~~ abutting river and lake shores.

Policy 6.1.1: Recognizing the importance to Gadsden County's tourism economy, the County shall maintain or increase the number of access points to water-oriented recreational resources for resource-based water related activities, to include boat ramps.

Policy 6.1.2: The County shall maintain existing water access points and provide additional public access to water bodies by the following:

- A) Provide lake and river shoreline access facilities (walkways, or walkovers and parking areas) where possible near existing highway river crossings, and within new residential ~~developments~~ development along Lake Talquin.
- B) Provide access to all public recreation facilities for the handicapped, elderly and the transportation disadvantaged.

Policy 6.1.3: The County Public Works Department shall seek funding to enhance wayfinding (directional signage) to public water access points. Funding may be sought through the Gadsden County Tourist Development Council, grants with Visit Florida, or other entities.

Policy 6.1.4: The County shall coordinate with the Northwest Florida Water Management District and the Department of Environmental Protection in protecting and preserving Lake Talquin, the Ochlocknee River, and the Apalachicola River and ~~its~~ their recreational resources to ensure the quality of ~~its~~ those waters and the integrity of ~~its~~ those shores ~~is~~ are maintained or improved.

OBJECTIVE 6.2: Provide for a functional mix of both public and private recreation sites and facilities to accommodate recreation demand.

Policy 6.2.1: The County shall coordinate with the municipalities, the School Board, the state, and private organizations to identify existing and projected recreational facilities and to increase the availability and accessibility of these facilities to County residents. This should be done to the maximum extent practicable where there is excess capacity in such recreation facilities prior to constructing new site/facilities.

Policy 6.2.2: The County shall include incentives for private developers to provide

adequate land for parks as part of new developments or redevelopment activities. Such incentives shall include, but not be limited to, clustering, density bonuses, fast tracking of developments, and dedication of lands in lieu-of-fees.

Policy 6.2.3: Developments of Regional Impact, master planned communities and planned unit developments shall be required to provide physical improvements in addition to open space to provide recreational opportunities. These improvements may include, but are not limited to tot lots, playgrounds, sport courts, or multipurpose athletic fields.

OBJECTIVE 6.3: Plan for and provide for a system of adequate parks and recreational facilities that will accommodate the existing needs and future demands of the population.

Policy 6.3.1: County parks and recreation facilities shall be designed and constructed with access ways that are consistent with the character and quality of the resources and activities within the site.

Policy 6.3.2: The County shall provide safe, operational automobile, bicycle and pedestrian access to all public parks and facilities in its jurisdiction.

Policy 6.3.3: Access to all public recreation facilities shall be designed as barrier-free as possible to accommodate accessibility by the elderly, handicapped, and very young.

Policy 6.3.4: The County will seek funding to develop a recreational master plan, including conceptual greenway maps, which include proposed new recreational trail systems and conservation greenways to link existing and new open space and outdoor recreation areas. ~~Land acquisition efforts will focus on establishing these new links and enhancing existing greenways and recreation trail systems, including the acquisition of areas for destination areas and trail heads, including parking areas~~

Policy 6.3.5: The County shall, through the annual capital improvements budgeting process, identify funding sources and allocate funds to correct or improve existing deficiencies in County-owned parks and recreation facilities in accordance with the adopted level of service standards.

Policy 6.3.6: The County shall develop a parks and recreation system based on the Neighborhood Park, District Park and Water Access classifications and shall provide acreage and facilities based on the following level of service standards:

Neighborhood Parks	2.0 acres per 5,000 population
Community Parks	20.0 acres minimum per 10,000 population
Water Access Points	Near major road crossings on the Ochlockonee River and at new subdivisions or existing ramp access locations on Lake Talquin.

Policy 6.3.7: ~~The County hereby establishes basic level of service standards and needs for recreation facilities. The standards listed in Policy 6.3.6 shall be evaluated against~~

proposed new residential development. If adequate park space and/or water access points are not sufficient based upon the impact of the new development, then the developer shall create the parks and/or access points needed to serve the projected population of the proposed development.

Policy 6.3.8: No new residential development shall be issued a Final Development Order until it has demonstrated that the level of service standard for the parks and recreation system shall be met.

Objective 6.4: Ensure the provision of open space with the development of land.

Policy 6.4.1: The County shall ensure the provision of open space in new developments by requiring developers of ~~minor~~-commercial and industrial projects as well as all platted subdivisions to provide a minimum of ten (10) percent open space. ~~Major commercial and industrial developments shall be required to provide at minimum twenty (20) percent open space. Open space may be considered~~ This requirement may be fulfilled by public or private open space, or a combination thereof.

Policy 6.4.2: New development ~~and re-development along on parcels contiguous to~~ designated corridor roads shall be required to preserve at least 50% of the first fifteen (15) feet of frontage for residential subdivisions and twenty-five (25) feet for non-residential projects. The open space requirement for commercial/industrial uses parks can be shifted into perimeter buffers to better shield the development from dissimilar uses.

Policy 6.4.3: The County shall require buffers between different land uses in the form of berms, hedges, trees, and open space. The Land Development Code will designate the size of buffers for different land uses, and establish the criteria for landscaping and tree protection. The preservation of native vegetation shall be encouraged.

Policy 6.4.4: The County shall seek to coordinate with other agencies/entities and private facility providers to develop joint use plans to enhance access for all citizens to recreational facilities.

Policy 6.4.5: Gadsden County shall actively seek grants and other funds from available funding resources. This may include, but is not limited to, the Office of Greenways and Trails, the Florida Recreation Development Assistance Program (FRDAP), and/or from private or non-profit organizations.

Policy 6.4.6: The County shall seek additional revenues streams to create a fund to be utilized to assist in matching state of federal sources for funding its acquisition and recreation development programs.

Policy 6.4.7: Open space and parks developed or redeveloped by the County ~~in its recreation plan~~ will comply with all State and Federal watershed protection, groundwater protection and surface water protection regulations.

Policy 6.4.8: At the development order stage for all ~~major~~-non-residential development,

and all platted residential subdivision applications, the County shall require the applicant to submit a letter from the Division of Historical Resources, Department of State, stating whether or not there are any historical resources recorded on site as listed on the Florida Master Site File. If the Florida Master Site File has a historical resource listed on the site, then mitigation or avoidance of development of that area, shall be required.

Policy 6.4.9: The County will establish as a priority, the acquisition and protection of land that contains natural communities, as described in the “Guide to the Natural Communities of Florida,” and listed species habitat.

Policy 6.4.10: The County ~~land~~ will support the acquisitions identified in the Northwest Florida Water Management Districts’ Five Year Plan to coordinate that program with the County’s resource based recreation planning.

Policy 6.4.11: In developing each new property acquired for recreation purposes, the County will ~~restore or enhance 75% of degraded natural areas. This will include~~ establishing a program for the removal of non-native vegetation ~~with annual monitoring~~.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

October 19, 2018

The Honorable Brenda Holt
Chairperson, Gadsden County
Board of County Commissioners
9-B East Jefferson Street
Quincy, Florida 32353

Dear Chairperson Holt:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Gadsden County (Amendment No. 18-05ESR) received on September 21, 2018. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:


- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Jill Jeglie, Senior Planner, Gadsden county

Chris Rietow, Executive Director, Apalachee Regional Planning Council

Attachment 3 - Newspaper Advertisement

NOTICE OF INTENT

NOTICE IS HEREBY GIVEN to all concerned that the Gadsden County Board of County Commissioners intends to hear the following agenda item at their regularly scheduled meeting to be held on Tuesday, November 20, 2018 at 6:00 p.m. in the Board of County Commission Chambers located at 7 East Jefferson Street, Quincy, FL., as follows:

INFRASTRUCTURE ELEMENT (Legislative) (LSPA 2018-09) - Consideration of adoption of Ordinance #2018-020 adopting the Infrastructure Element of the Comprehensive Plan.

ORDINANCE 2018 -020

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE INFRASTRUCTURE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

RECREATION AND OPEN SPACE ELEMENT (Legislative) (LSPA 2018-04) – Consideration of adoption of Ordinance #2018-019 adopting the Recreation and Open Space Element of the Comprehensive Plan.

ORDINANCE 2018 -019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE RECREATION AND OPEN SPACE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

Persons wishing to review the files on the above projects may do so on the County website at www.gadsdencountyfl.gov or at the Gadsden County Building & Planning Department located at 1-B East Jefferson Street, Quincy, FL. In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by calling 850-875-8665 or 850-510-7842, at least 48 hours prior to the hearing. If any person decides to appeal any decision made with respect to any matter considered at such public hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be used.