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OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT
PASCO COUNTY 06-ERI
i PROPOSED COMPREHENSIVE PLAN AMENDMENT

! Consistency with Rule 9J-5. F.A.C.. and Chapter 163. Part II. F.S.

Future Land Use Map Amendments

A. The Department has identified the following objections to potential impacts of proposed FLUM 2025.

1. Objection: The proposed Future Land Use Map (PLUM) amendments are not supported by an adequate cumulative transportation analysis of the proposed amendments on the regional roadway network and Strategic Intermodal System (815) facilities addressing the following (1) the impact of the vehicle trips on the projected operating level of service roadways; (2) the need for road improvements (scope, timing, and costs of improvements) to maintain the adopted level of service standards for roadways; (3) coordination of the road improvements with the Transportation and Capital Improvements Elements, including implementation through the Five-Year Schedule of Capital, Improvements and (4) coordination of the road improvements with the plans of the Florida Department of Transportation. Therefore, the amendments are inconsistent with FLUE Policy 1.2.13 and Transportation Element Objective 3.1 regarding coordination of public facilities with land use.

Rules 9J-5.005(2), 9J-5.005(5) 9J-5.0055, 9J-5.016(1), (2) and (4), 9J-5.016(3)(b)5., 9J-5.016(3)(c)6, 9J-5.019(3)(a),(b),(g),(h),and (i), 9J-5.019(4)(a) and (b) 2.,3., and 4.,9J-5.019(4)(c)1., 7., 11., 12., and 13., 9J-5.019(5), F.A.C. Sections 163.3177(6) (b) and (j), 163.3177(2) and (8),163.3177 (10) (e), and 163.3180, F.S.

Recommendation: Revise the amendment to include the required analysis necessary to support the amendment and demonstrate coordination of land use with the provision of transportation facilities and the Capital Improvements Element. The County should indicate what roadway improvements are being anticipated to address any potential roadway deficiencies. Revise the Transportation Element and Capital Improvements Element, including the Five-Year Schedule of Capital Improvements, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM.

2. Objection: The proposed amendments are not supported by adequate public facility analyses for potable water, sanitary sewer, solid waste, and recreation based on the maximum development potential of the amendment parcels addressing: (1) the amount of potable water, sanitary sewer, solid waste, and recreation demand generated by the maximum development potential allowed by the FLUM amendments; (2) the available uncommitted capacity of these facilities; (3) the impact of demand for facilities on the projected operating level of service; (4) the need for potable water, sanitary sewer, solid waste, and recreation facilities improvements (scope, timing and cost) to maintain the adopted level of service standards for these facilities; and (5) coordination of any needed facilities improvements with the Infrastructure and Capital

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Improvements Elements, including implementation through the Five- Year Schedule of Capital Improvements.

Rules 9J-5.005(2) and (5), 9J-5.0055, 9J-5.006(2) (a) and (3)(b), 9J-5.006 (4), 9J-5.011(1)(a)-(f), 9J-5.011(2)(b)2, 9J-5.011(2)(c)1, 9J-5.016(2)(b), (c), and (f), 9J-5.016(3)(b)1,3, and 5, 9J-5.016(3)(c)1.d.,1.e., 1.f., and 1.g., and 9J-5.016(4)(a), F.A.C. Sections 163.3177(2) and (3) and 163.3177(6)(a) and (c), F.S.

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I Recommendation: Revise the amendments to include the required analyses necessary to support the FLUM aJJ:lendments and demonstrate coordination of land use with the provision of public facilities and Capital Improvements Element, including the Five-Year Schedule of Capital Improvements, and demonstrate consistency with the Comprehensive Plan goals, objectives and policies. It is also recommended that the County include a letter from the utility which indicates that the infrastructure is available and that the cumulative amount of water to serve the proposed land uses is available under the utility's consumptive use pennit (CUP) from the District after consideration of previously committed allocations for existing users and approved development.

3. Objection: The proposed amendments increase the residential density on the subject parcels and have the potential to increase the student population for schools. The proposed amendments are not supported by data and analysis demonstrating coordination of the amendments with Pasco County School Board regarding the potential student population and the availability of school facilities to accommodate the student population consistent with the school planning and intergovernmental coordination requirements of Pasco County Comprehensive Plan. Therefore, the proposed amendment is not consistent with futergovernmental Coordination Element Policy 1.3.1 of the County's Plan.

Rules9J-5-005(2) and (5), 9J-5.006(3) (c), 9J-5.006(4), 9J-5.015(3) (b) 1, 9J-5.015(3) (c) 1, and 12., F.A.C. Sections 163.3177(6)(a); and 163.3177(6)(h)1, and 2., and 163.3177(8), F.S.

Recommendation: Provide data and analyses demonstrating that there is adequate school capacity to serve the sites and coordination with the School Board on identifying the additional projected student population that could result from the amendments, the availability of school facilities to serve the projected population, and demonstrating consistency willi the provisions of the County's Comprehensive Plan.

B. The Department has identified the following objections to Amendments BCPA 06-1(5), (13) and (38):

4. Objection: The proposed amendments increase the number of units that could be constructed on tile site without demonstrating site suitability for the increased density- The amendments are ~ot supported by best available, relevant and appr9priate data and analysis addressing the environmental suitability of the sites for protection of multi jurisdictional natural resources such as riverine systems, coastal marshes, potable water supply, w1 l demess areas, floodpJains and listed species and their habitat. The sites have not been demonstrated to be suitable for the ., proposed land use designations and their associated density and intensity standards. Therefore,

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the amendments are inconsistent with Rule 9J-5.013(2)(b)(3)-(4), F.A.C. and internally

inconsistent with Conservation Element Objective(s) 2.8 and 2.10 of Pasco County Comprehensive Plan.

Rules 9J-5.006(2)(b), 9J-5.006(3)(b)I, and 4., 9J-5.012(3)(b), 9J-5.013(2)(c), and 9J-5.013(3), F.A.C. Sections 163.3177(2), 163.3177(4) 163.3177(6)(a), c., and d., 163.3177(8), and 163.3177(10)e., F.S.

Recommendation: Do not adopt the proposed amendments. Alternatively, provide an environmental suitability analysis for the amendment sites, which address the potential for impacts to riverine systems, coastal marshes, potable water supply, wilderness areas floodplains, soil suitability, wetlands, and listed species habitat. Revise the proposed land use as appropriate based on the data and analysis to ensure protection of the above listed natural resources.

Text Amendments

C. The Department has identified the following objection to Policy ADM 1.2.5, Policy TRA 1.6.1, Policy TRA 2.4.1, Policy TRA 2.4.2,

5. Objection: The Policies allow for the use of a Road Congestion Index (RCI) as a professional method used to determine; 1) financial feasibility of a comprehensive plan element and; 2) whether the adopted Level Of Service (LOS) for transportation facilities has been met on a systemwide basis. The RCI procedure is not professionally accepted methodology.

Ch. 163.3177(2), F.S. and Rule 9J-5.0055(c), F.A.C.

Rule 9J-5.005(3); 9J-5.0055(c); 9J-5.006(2)(a) and (3)(b)(1); 9J-5.016(3)(c)(4) and (6); 9J-5.019(4)(c)(1) F.A.C. Sections 163.3177(6)(b)(j), and 163.3177(2), F.S.

Recommendation: Revise the proposed text policies that require or allow the use of the RCI as a measure to determine financial feasibility and adequate LOS to delete the RCI use-

D. The Department has identified the following objection to Policy 1.2.4(3)(c)5:

6. Objection: Policy ADM 1.2.4(3)(c)5, under the Concurrency Management System section of the comprehensive plan, describes an option to satisfy concurrency for roads if the facility is identified as 'Constrained' in the Transportation Element. This option does not ensure the adopted LOS for the facility is maintained. Therefore, the proposed amendment is inconsistent with Rule 9J-5.005(1)(a), F.A.C.

Rule 9J-5.005(3); 9J-5.006(2)(a) and (3)(b)(1); 9J-5.016(3)(c)(4) and (6); 9J-5.019(4)(c) F.A.C. Sections 163.3177(6)(b)(j), F.S.

Recommendation: Revise the Policy to include language requiring alternative mitigation strategies to reduce the impact to constrained facilities while achieving and maintaining the adopted LOS for the facilities identified as constrained in the Transportation Element of the Comprehensive Plan.

E. The Department has identified the following objection to Policy FLU A-4(1) and (2)

6. Objection: Section FLU A-4, Policies 1 and 2, propose a density calculation methodology which uses the 'applicable zoning designation' (Policy 1) and the 'Developable Residential Acre' as parameters to calculate maximum density and intensity impacts. The proposed methodology allows for unplanned impacts on public facilities and other sources. Therefore, the proposed amendment is inconsistent with FLU Objective 1.4 and Rule 9J-5.0055

F.A.C.

Rules 9J-5.005(2) and (5), 9J-5.0055, 9J-5.006(2) (a) and (3)(b), 9J-5.006 (4), 9J-5.011(1)(a)-(f), 9J-5.011(2)(b)2, 9J-5.011(2)(c)1, 9J-5.016(2)(b), (c), and (1), 9J-5.016(3)(b)1,3, and 5, 9J-5.016(3)(c)1.d.,1.e., 1.f., and 1.g., and 9J-S.016(4)(a), F.A.C. Sections 163.3161(3), 163.3177(2) and (3) and 163.3177(6)(a),(d),(g), 163.3188, 163.3178(1)(2)(a), 163.3178(2)(b), 163.3178(2)(c) and (2)0), and 163.3178(8), F.S.

Recommendation: Revise the Policy language to describe public facility analysis based on the maximum intensity and/or density allowed under the proposed land use category to ensure the data and analysis is adequate to support the proposed land use change.

F. The Department has identified the following objection to Policy FLU A-6:

7. Objection: Proposed Future Land Use Categories Planned Development and Commercial do not include minimum and maximum percentages of allowable uses and/or intensity standards. The Department encourages mixed use land categories. However, the category language does not include text required for the implementation of mixed uses, such as the percentage of distribution among the uses and other objective measurements as called for in Rule 9J-5.006(4)(b)6, F.A.C. Moreover, the proposed amendment does not provide set maximums for the percentage of residential that would be allowed in the Commercial category as set forth in Rule 9J-5.006(3)(c)(7), F.A.C. Thus, the proposed amendments are internally inconsistent with FLUE Policy 1.1.4 and inconsistent with Rule 9J-5.006(4)(b)(6) and Rule 9J-5.006(3)(c)(7), F.A.C.

Rule 9J-5.005(2) and (5); 9J-5.006(2) and (5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3 and 7; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.013(3)(a)and(b); 9J-5.016(2)(b, c and f); 9J-5.013(3)(b)1,3 and 5; 9J-5.016(3)(c)1.d, 1.e, 1.f, and 1.g; 9J-5.016(4)(a); 9J-5.019(3)(f, g, h, and i); 9J-5.019(4)(b)1,2 and 3); 9J-5.019(4)(c)1; 9J-5.019(5)(a and b), F.A.C. and Sections 163.3177(2 and 3); and 163.3177(6)(a, c, and j) F.S.

Recommendation: Along with density and intensity standards for all residential and non-residential uses, the Department recommends that the County include percentages within the proposed policy that would apply to the mix of uses within the Planned Development and

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Commercial categories. Also, the County should set maximums and minimums for the amount of residential and non-residential uses that would be allowed in the categories.

G. The Department has identified the following objection to Policy WAT 1.1.7:

8. Objection: Policy WAT 1.1.7 includes language describing water rights for developers and identifying the County as the sole agency required for review of requests to modify or transfer water permits. The proposed amendment is inconsistent with Ch. 373.016(4)(a), F.S. and internally inconsistent with Intergovernmental Coordination Element Policy 1.2.5.

Rule 9J-5.006(3)(b)(4), (3)(b)(6) and (4)(b); 9J-5.011(2)(b)(4) and (5), 9J-5.11(2)(c)(3) and (4);

9J-5.012(2)(d); 9J-S.012(3)(b)(1); 9J-5.012(3)(c)(2) and (15), 9J-S.13 (1)(a)(1) and (5) 9J-5.13(2)(b)(3) and (4); 9J-5.13(2)(c)(3),(5),(6),(8)and (9); 9J-5.013(3); 9J-5.005(5), 9J-5.012(3)(c)(14) and (15); 9J-S.013(2)(c)(8); 9J-5.015 F.A.C. Sections 163.3177(2), 163.3177(9)(b), 163.3161(4), 163.3177(4), 163.3177(6)(h) F.S.

Recommendation: Revise the text amendment to reflect the delegated review authority of requests to modify or transfer water permits to the South Florida Water Management District

(SWF!11D) and delete language attributing water rights to developers.

H. Comments:

The Department raises the following comment to text amendment (FLUE Policy 2.1.6(c)):

The County should revise the Policy to clarify whether the criteria for restoration is spelled out in the Open Space Management Plan or include the criteria in the Policy.

The Department raises the following comment to text amendment (FLUE Policy 2.1.6(1)):

The County should revise the Policy to include measures for satisfactory maintenance of the dedicated Conservation Subdivision Open Space in the Policy or reference the appropriate section of Land Development Regulations (LDRs) that contains the measures.

The proposed amendments do not adequately address and further the State

Comprehensive Plan including the following goals and policies (Chapter 163.3177(9), F.S.):

Goal (16)(a), Land Use, policies (b)1, and 6;

Goal (17) (a), Public Facilities, Policy (b) 1;

Goal (19) (a), Transportation, Policy (b) 9; and

Goal (20) (a), Governmental Efficiency, Policy (b) 1.

Recommendation: Revise the amendments as indicated earlier so as to be consistent with the above cited policies of the State Comprehensive Plan.