

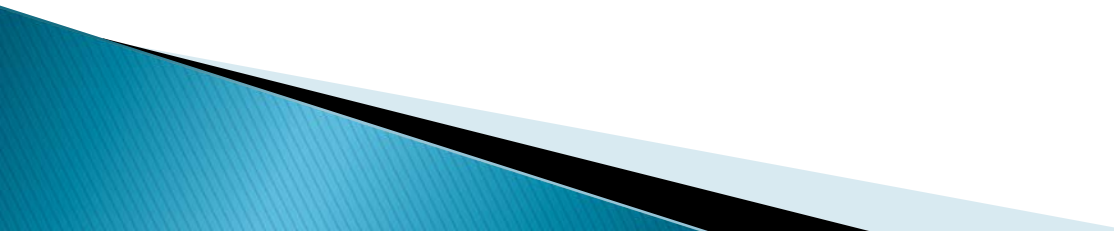
2011 Growth Management Proposals



Florida Association of Counties
March 16, 2011

Growth Management

Webinar Outline

- ▶ Introductory Remarks
 - Eric Poole, FAC Staff
 - ▶ DCA Legislative Proposal
 - Secretary Billy Buzzett
 - ▶ Current House Proposal
 - Eric Poole, FAC Staff
 - ▶ Other Initiatives
 - Eric Poole, FAC Staff
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A nighttime photograph of a city skyline, likely New York City, viewed from across a body of water. The sky is a deep blue, and the city lights are visible. A prominent bridge with blue lighting spans the water in the foreground. The skyline includes several tall skyscrapers, some of which are brightly lit.

Department of Community Affairs Secretary Billy Buzzett

Overview of DCA's Proposed Growth Management Reforms

Presented to the House Community and Military Affairs Subcommittee

Wednesday, February 9, 2011



Introduction

- Overview of Florida's growth management structure, 1970-present
- How Florida has changed since the Growth Management Act was enacted
- What role should the State play in growth management
- What State interest(s) is served by growth management from a State level?
- Define the new role of the State regarding growth management

Overview of Florida's Growth Management Structure, 1970-Present



- What necessitated the Legislature to create land use and environmental regulations?
 - Governor's conference on Water Management in South Florida, found that a severe water shortage and water quality problems in South Florida would only worsen without land use and environmental controls .

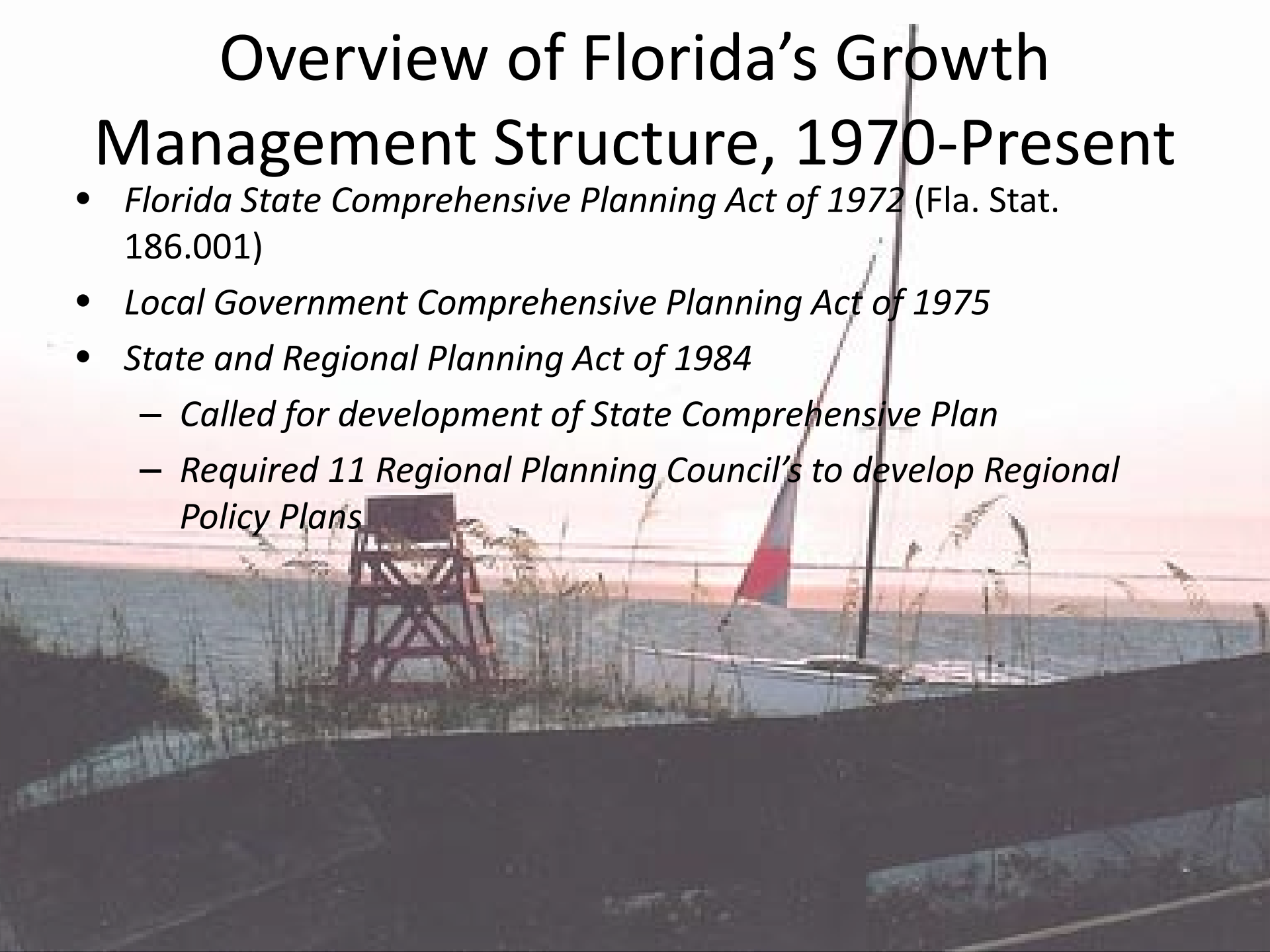
Overview of Florida's Growth Management Structure, 1970-Present

- *Environmental Land and Water Management Act of 1972* (Fla. Stat. 380.12-380.07)
 - Provided for creation of Areas of Critical State Concern
 - Created and defined Developments of Regional Impact
- *Florida Water Resources Act of 1972* (Fla. Stat. 373)
 - Established five water management districts
 - Required state and district water management plans



Overview of Florida's Growth Management Structure, 1970-Present

- *Florida State Comprehensive Planning Act of 1972* (Fla. Stat. 186.001)
- *Local Government Comprehensive Planning Act of 1975*
- *State and Regional Planning Act of 1984*
 - *Called for development of State Comprehensive Plan*
 - *Required 11 Regional Planning Council's to develop Regional Policy Plans*



Overview of Florida's Growth Management Structure, 1970-Present

- *Local Government Comprehensive Planning and Land Development Act of 1985* (Fla. Stat. 163.3161)
 - Substantially amended the *1975 Local Government Comprehensive Planning Act*
 - Required State review and approval of local plans, which were to meet minimum criteria
 - Directed DCA to promulgate rules defining the minimum criteria
 - While amended over the years, the 1985 Act serves as the basis for today's *Growth Management Act*.

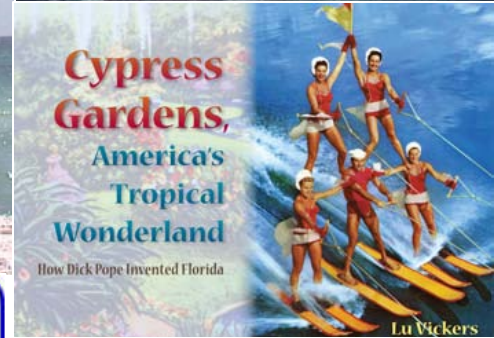
What's Changed Since 1985?

Comprehensive Planning

- Every local government has an adopted "in compliance" comprehensive plan
- In the last three years about 2500 amendment packages have been sent to the Department for review and over 93% have been found "in compliance"

Demographics

- For the first time ever, the majority of people worldwide live in urban areas, and this trend holds true in Florida
- Compared with 1985, Florida has a bigger, older, more urban, mobile and diverse population, but continues to face challenges balancing population growth, job creation, efficient provision of services, and environmental protection





Key Questions?



- What role should the State continue to play in Growth Management going forward?
- What interest should the State be promoting or protecting through Growth Management at the State level?



What role should the State play?

- It is clear that local governments have become more sophisticated in planning and managing growth
- As such, a streamlined approach to amending comprehensive plans is desirable
- Such a legislative vehicle already exists, the Alternative State Review Process (s. 163.32465)

Alternative State Review Process

Current Status

- The 2007 Florida Legislature adopted s. 163.32465 as a Pilot Program available to certain urban areas
 - Pinellas and Broward Counties and their municipalities, Jacksonville, Miami, Tampa, and Hialeah
- Alternative, Expedited Review is much faster than the normal review process
 - Under conventional process the time period for state review is 136 days
 - Under alternative, expedited review the time period for state review is 65 days
 - **This saves 71 days for a comprehensive plan amendment**



Alternative State Review Process



- Alternative, Expedited Review is less expensive than conventional review
 - No need to publish Notices of Intent
- State review is strongly encouraged to focus on issues of regional or statewide resources; however, those issues are not defined by the law
- The Department of Community Affairs or an Affected Party may challenge the local government approval

Alternative State Review Process

- 2010 OPPAGA Report
 - Most local governments report that the expedited review process is beneficial
 - Program participation has increased while the number of challenged amendments remains small



A New Approach to Alternative State Review



- Expand Alternative, Expedited review **to all local governments**; however, certain amendments should remain subject to conventional review
 - Major plan updates
 - Amendments to incorporate new Legislative requirements
 - Amendments for rural land stewardship areas and optional sector plans
 - Amendments within areas of critical state concern
 - Comprehensive plans for newly incorporated municipalities
- Local governments should have the option of requesting a conventional review

A New Approach to Alternative State Review

- The scope of state review should be limited to compelling state interests
 - Natural resources of statewide significance
 - Transportation facilities of statewide significance
 - Natural disasters preparedness to reduce risks to life, property and state and federal post-disaster expenditures
 - Protection of major military installations from incompatible development



What is the State's Interest and Role Going Forward?

- The State's focus should largely shift away from local planning by promoting a streamlined plan amendment process saving both time and money. Let Cities be Cities!
- Instead, the State should focus on large scale planning based upon the current Optional Sector Plan Program

Optional Sector Plan Program



Current Status

- The Florida Legislature adopted s. 163.3245 as a Pilot Program in 1998
- The law allows up to five Optional Sector Plans, four have been adopted
 - Orange County Horizon West – 38,000 acres
 - Bay County West Bay – 78,000 acres
 - City of Bartow Clear Springs – 18,000 acres
 - Escambia County – 16,000 acres

Optional Sector Plan Program

- Optional Sector Plans include two levels of planning
 - Long term conceptual build-out overlay for at least 5,000 acres with a planning emphasis on urban form and protection of regionally significant resources and facilities
 - Detailed specific area plans for at least 1,000 acres which implement the overlay and satisfy DRI issues thus allowing an exemption
- Each level of planning requires a comprehensive plan amendment
- DCA or an Affected Party may challenge one of the amendments and DCA may challenge a development permit if inconsistent with the detailed specific area plan

Optional Sector Plan Program



A New Approach

- Florida is fortunate to have many large private properties; better tools are needed to plan for their future
 - **As opposed to a fragmentation of ownership over time, achieve better certainty and predictability for landowners while protecting regional and statewide natural resources at no cost to the state**
 - Dovetail with other initiatives such as the Fish and Wildlife Commission's CLIP and Conservation Blueprint projects

A New Approach to Large Scale Planning

- The Optional Sector Planning Program should be revised to open up new possibilities
 - Remove Pilot Program status and artificial cap on its use
 - Increase the minimum acreage to incentivize truly large scale planning
 - Relieve requirement to demonstrate land use “need” at time of long term conceptual overlay

A New Approach to Large Scale Planning

- Add more planning at the initial level through use of trend forecasts and other techniques
 - Expand public participation and intergovernmental coordination
 - Allow creation of DSAPs locally without state review but maintain the state's authority to appeal development permits via s. 380.11 or s. 163.3215 to ensure consistency with conceptual overlay and statute
 - Continue to satisfy DRI issues through detailed specific area plans
 - Better correlate long range transportation and water supply plans with optional sector plans
 - Allow existing large scale plans similar to Optional Sector Plans to be recognized under the program
- Through a better tool for large scale planning we can produce a better Florida

Conclusion

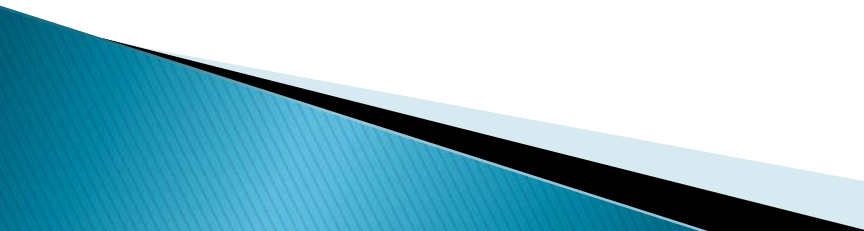
- Florida has changed considerably since the framework for growth management was implemented
- A streamlined process for amending comprehensive plans recognizes local government planning expertise and could be implemented easily
- Large scale planning offers benefits to landowners, local governments, and the State and could also be implemented by expansion and refinement of an existing program

Questions?


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Thank you!

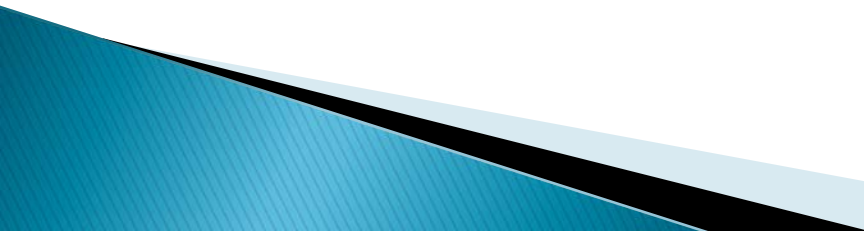
House Proposal

- ▶ Major overhaul of Growth Management Act
 - ▶ Repeal of 9J-5
 - places standards in statute
 - ▶ Eliminates financial feasibility
 - ▶ No mandatory update of CIE
 - ▶ Eliminates transportation concurrency as a statewide requirement
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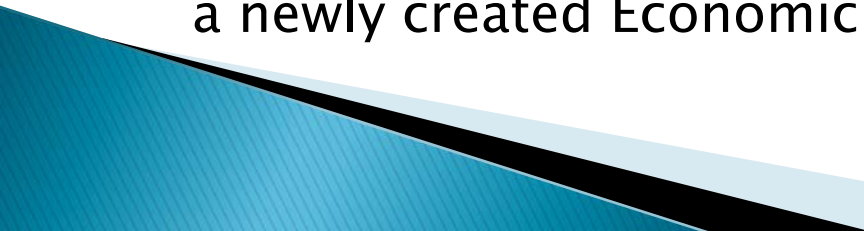
House Proposal

- ▶ Eliminates school concurrency as a statewide requirement
 - ▶ Alternative State Review Process becomes standard review process, with changes.
 - Renamed Expedited State Review Process
 - Would not apply to ACSC, Sector Plans, RLSAs and EARs
 - ▶ Twice / year limit on amendments eliminated
 - ▶ State agencies can only comment on state resources within their jurisdiction
- 

House Proposal

- ▶ Comments on state resources that would be adversely impacted, if not resolved, may result in challenge by State Land Planning Agency (SLPA)
 - ▶ State can only challenge amendment based on review agency comments
 - ▶ Affected persons can challenge within 30 days
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Governor's Budget Proposal

- ▶ Eliminates the Division of Community Planning (DCP)
 - ▶ 53 positions transferred from DCP to DEP (assumed)
 - ▶ Division of Emergency Management (DEM) is administratively moved the Executive Office of the Governor.
 - ▶ Code Compliance transferred to DBPR
 - ▶ Florida's Community Trust transferred to DEP
 - ▶ Rumors that state planning review functions to be assigned to a newly created Economic Development Agency
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Senate Proposal

- ▶ SB 1122 (Sen. Bennett)
 - Revises Urban Service Area definition
 - Extends financial feasibility to 2013
 - Includes impact fee language – challenge language from HB 227 (2009 Session)
 - Requires OPPAGA study on local government certification program
 - Creates Autonomous Planning Program for counties and cities, limiting state review in such designated areas

Senate Proposal

- ▶ SB 1512 (Sen. Bennett)
 - Addresses land use need
 - Making it easier to designate on the FLUM additional lands for development
 - Amends proportionate share calculation to reduce overcharging
- ▶ SB 1910 (Sen. Diaz de la Portilla)
 - Eliminates Regional Planning Councils

Questions??

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