

Appendix B

Planning mechanisms – *to direct community development around the regional infrastructure for managing water and master plan the watershed for long-term water resource sustainability through interlocal agreements*

The planning mechanisms that follow are expressly provided for in Florida Statutes and include:

- **Local Comprehensive Plan** (Sections 163.2511-163.3253 *Florida Statutes*)
- **Sector Plan** (Section 163.3245, *Florida Statutes*)
- **Rural Land Stewardship Area Plan** (Section 163.3248, *Florida Statutes*)

Guidance and actions for applying the planning mechanisms are provided in italicized text after the description of each mechanism.

A. Local Comprehensive Plan (Sections 163.2511-163.3253 *Florida Statutes*)

Comprehensive plans are an ideal vehicle to address the principles of planning for sustaining places. Comprehensive by definition, the role of the plan is to look across all of the structures and forces that determine a community's future well-being and to intervene strategically in those processes that determine whether the community will be sustainable, as measured in terms of economy, culture, and environment. Of all the tools for influencing the future available to communities, the comprehensive plan is the only one with a mandate to set community wide goals, to develop processes for engaging citizens in determining and monitoring goal achievement, and to assign responsibilities and priorities for implementing its proposals.

By communicating the community's development values, comprehensive plans inform developers about the preferred types of development and the rules of the game to be followed, minimizing their risks and the risk to the public concerning the outcome. By serving as the public statement of community growth priorities, a comprehensive plan gives confidence to public and private investments and facilitates collaboration among public and nongovernmental agencies, increasing their ability to contribute to the overall public welfare.

The time horizon for a comprehensive plan is typically two decades or more, reflecting both the demographic and economic projections on which the plan is based. The plan typically starts with a big-picture vision for the future of the community—like the vision presented in the *Sustainability Plan*—based on a public outreach effort. The specific policies and actions in the plan flow from and support that vision.

A comprehensive plan has legal standing that gives it prominence among planning and policy documents. Its status is established by enabling legislation and case law. It is the basis for;

- Zoning regulations; the
- Foundation for capital improvements;
- Urban design, and other land-use and environmental regulations; and a
- Potential guide for economic, social, and cultural aspirations.

A comprehensive plan seeks to shape both public and private sector investment and, therefore, three primary vectors of implementation. The first is to serve as the policy foundation for development and environmental regulations, including zoning. The second is to provide guidance for discretionary decisions, such as petitions to amend the zoning map or special use permits. The third is to guide public

capital investments, such as roadways, transit, water and wastewater systems, parks, and schools. Coordinating these major public investments—each with long lead times, extended life spans, and high costs—with private development is what makes comprehensive planning relevant.

A comprehensive plan, taken together with a regional transportation plan, is the basis for transportation planning and expenditure priorities. As such, it can have tremendous influence on land-use patterns, vehicle-miles traveled that generate carbon emissions, and access to economic opportunities, even if the plan does not have direct land-use authority. The power of the transportation purse can have as much influence as any land-use regulation because most land uses are of limited value without access to the regional transportation network.

Gateway Selected Area Plan

As part of its comprehensive planning process, Polk County, in cooperation with the City of Winter Haven, has already incorporated elements of the *Sustainability Plan* in the Gateway Selected Area Plan (SAP). The SAP was prepared to help plan for development associated with the CSX ILC development and the extension of the Polk Parkway. The goals of the SAP are to:

- Promote economic development opportunities;
- Centralize urban development patterns in key areas where infrastructure and urban services are available (or planned);
- Encourage transit supportive development patterns that will be key to the economic vitality of the area;
- Provide a balance between preserving the rural/agrarian character of the area and providing for future areas of urban growth; and
- Help protect/restore some of the area’s most unique environmental features.

Intergovernmental coordination is a key component of the Gateway SAP. Although the policies within the SAP are only enforceable within unincorporated Polk County’s jurisdiction, the cooperation of neighboring governmental agencies that have jurisdictions within portions of the SAP boundary is necessary.

The County adopted the following objective and policy to promote cooperation between the County and other governmental agencies to help achieve the goals of the SAP:

Objective 2.131-TA: Develop a shared long-term vision for land use and desired development patterns, environmental resources, and community infrastructure within the Gateway Study Area.

Policy 2.131-TA1: Vision Implementation – Polk County shall partner with the cities of Bartow, Eagle Lake, Lake Wales and Winter Haven (hereinafter referred as the “area cities”) to develop and implement a shared vision for the Gateway Area. These efforts may include the preparation and implementation of the following:

- Sustainable land use strategy that provides a mix of development options that complement efforts to protect and enhance natural resources and quality of life;
- Long-term strategy for the provision of community infrastructure and services, including public safety services, roads, transit, sidewalks, multi-use trails, parks and recreation opportunities, and natural areas and open space;
- Common land use designations and regulations;
- Economic development strategies; and

- Joint Planning Area Agreement(s).

The City of Winter Haven, Polk County, and the other municipalities in the Peace Creek watershed could use their comprehensive plans and planning processes to direct community development around the regional infrastructure for managing water and master plan the watershed for long-term water resource sustainability through interlocal agreements.

To initiate the process, the City of Winter Haven could review the its comprehensive plan and municipal code, including zoning regulations, building ordinances, and other land-use and environmental regulations, and existing and future land use maps to identify obstacles to and opportunities for restoring and protecting water resources in the watershed. The evaluation would include an analysis of future development scenarios and the infrastructure requirements related to each scenario. The City should also evaluate and build upon the Gateway SAP. This will build further support with the County for implementing the Sustainability Plan.

B. Sector Plan (Section 163.3245, Florida Statutes)

The Sector Planning Program was first created in 1998 as a demonstration project limited to five "optional sector plans." Four optional sector plans were approved. Chapter 2011-139, Laws of Florida, removed the program's pilot status and made a number of substantial changes to the program's provisions. There is now no limit on the number of local governments that may propose sector plans, but the minimum size of the planning area required to be eligible for participation in the program has increased from 5,000 to 15,000 acres.

Approval of a sector plan is accomplished in two stages: first a long-term master plan and second implementation of the master plan is accomplished through detailed specific area plans. Adoption of a long-term master plan requires an amendment to the comprehensive plan in accordance with the state coordinated review process, but detailed specific area plans are now implemented through a local government development order, which must be rendered to the Department in the same manner as a Development of Regional Impact (DRI) development order. However, the DRI process does not apply to development within the boundaries of the detailed specific area plan. Neither the long-term master plan nor the detailed specific area plans are required to be based on a demonstration of need for the amount of development they would allow, and they may both have planning timeframes exceeding the general timeframe of the comprehensive plan. Previously approved sector plans are governed by the new sector plan provisions.

The long term master plan consists of:

- A framework map;
- Policies guiding development form, intergovernmental coordination, and protection of natural resources; and
- A general identification of the water supplies, transportation facilities, and regionally significant public facilities that will be needed to support development in the sector plan.

Regionally significant natural resources must also be identified. Once approved, any long-range transportation plan of the metropolitan planning organization must be consistent, to the maximum extent feasible, with the projected population and the approved uses of the master plan. Also, the water needs, sources, and water supply development projects identified in the master plan and detailed area specific plans must be incorporated into the applicable district or regional water supply plan.

Detailed specific area plans must contain at least 1,000 acres, although a local government can approve less in certain circumstances, and they must address the same issues as the master plan, although in greater detail. Areas identified for permanent preservation must have a conservation easement recorded and in effect before or concurrent with the effective date of the detailed specific area plan. The detailed specific area plan development order is required to establish a build-out date until which the approved development is not subject to down zoning, or density or intensity reductions.

Four sector plans were approved when the sector planning program was still a pilot program:

- Bay County (West Bay Area Vision) Sector Plan
- Orange County (Horizon West) Sector Plan
- City of Bartow (Clear Springs) Sector Plan
- Escambia County Sector Plan

Section 163.3245(11), Florida Statutes, provides that the state land planning agency may enter into an agreement with a local government to convert a large-scale plan amendment containing at least 15,000 acres which was adopted prior to July 1, 2011, into a sector plan, provided it meets certain criteria. To date, the agency has approved three conversions:

- Nassau County (East Nassau County) Sector Plan
- Hendry County (Rodina) Sector Plan
- Osceola (Northeast District) Sector Plan

Although Winter Haven, Polk County, and the other municipalities could use the sector planning process to master plan the Peace Creek watershed for water resource sustainability, it is not clear if they would derive any benefits from doing so. Interlocal agreements and comprehensive planning provide a more direct route and more familiar process for achieving the same goal: each community can work cooperatively to restore and protect water resources, while at the same time continuing to direct their own land use planning and decision-making processes.

C. Rural Land Stewardship Area Plan (Section 163.3248, Florida Statutes)

Chapter 2011-139, Laws of Florida, substantially amended the Rural Land Stewardship Area (RLSA) program. Now at Section 163.3248, Florida Statutes, the law provides that one or more landowners may request that the local government designate their lands as a rural land stewardship area. Upon receipt of such a request, the local government may adopt a future land use overlay to designate all or portions of the lands as a rural land stewardship area if the properties currently are classified as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use. RLSAs are areas within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and the use of creative land use planning techniques to support a diverse economic and employment base.

Rural land stewardship areas are designed to establish a long-term incentive-based strategy to balance and guide the allocation of land to accommodate future land uses in a manner that protects the natural environment, stimulates economic growth and diversification, and encourages the retention of land for agriculture and other traditional rural land uses.

The RLSA Program has several key features. It consists of:

- A future land use overlay with accompanying criteria for the designation of receiving areas;

- Strategies defining urban form; and,
- Policies establishing a mix of densities and intensities that are adopted through the State Coordinated Review plan amendment process.

The designation of sending and receiving areas as well as the generation and transfer of stewardship credits are implemented through land development regulations.

A rural land stewardship area must be at least 10,000 acres, must be located outside of municipalities and established urban service areas, and must be designated by a plan amendment by each local government with jurisdiction over the rural land stewardship area. Development within a designated rural land stewardship area is exempt from the development of regional impact program.

The Legislature designated a RLSA in Collier County encompassing 195,000 acres. Ave Maria, a 5,000 acre town and university was the first development approved by the County under the RLSA. As of 2009, 56,000 acres in sending areas had been protected as conservation areas at no cost to the public. These lands with an estimated value of \$800 million stay on the tax rolls. A total of 8,700 acres of compact development have been approved so far. The ratio of conservation lands to developed lands at build-out is expected to be 3:1.

There is also a designated RSLA in St. Lucie County.

As with sector planning, it is not clear that Winter Haven, Polk County, and the other municipalities would derive any benefits through the RSLA planning process. There are also other complexities to the RSLA process that would take more time to implement and be more costly to administer. Polk County came to this same conclusion in their analysis of rural land stewardship. That said there may be benefits of incorporating the transfer of stewardship credits in the cities' comprehensive plans.

Unlike mitigation credits, stewardship credits can be "stacked," meaning that more than one credit can be applied to the same parcel of land. For example, a restored wetland storage and conveyance area that provides water quality, water supply, flooding, habitat, and threatened and endangered species benefits would receive a credit for each of the five benefits.

This is important, as the transfer of stewardship credits from these areas to other areas that are to be developed, would provide financial incentives for restoring the wetland storage and conveyance areas. It would also provide a mechanism for directing development to areas that are more suitable for development and allow greater development intensity, i.e., the greater the number of credits transferred to a site, the greater the development intensity allowed.

In contrast, mitigation credits only allow one credit per segment of land. If there more than one credit is available, then the individual credits have to be assigned to separate segments of land.