



STATE OF FLORIDA

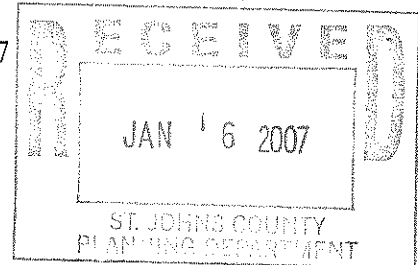
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

January 11, 2007



The Honorable Ben Rich, Chairman
St. Johns County Board of County Commissioners
P. O. Drawer 349
St. Augustine, Florida 32085-0349

Dear Chairman Rich:

The Department has reviewed the adopted comprehensive plan amendment for St. Johns County, DCA No. 06-2, adopted on November 15, 2006 by Ordinance Nos. 2006-142 through 2006-150. The Department has determined that Ordinance Nos. 2006-146 and 2006-147 do not meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance. The Department has determined that Ordinance Nos. 2006-142 through 2006-145 and 2006-148 through 2006-150 do meet the requirements of Chapter 163, Part II, F.S. for compliance. The Department's Notice of Intent and Statement of Intent are enclosed with this letter. The Notice of Intent has been sent to The St. Augustine Record for publication on January 12, 2007.

In addition, the Notice of Intent and the Statement of Intent will be forwarded to the Division of Administrative Hearings of the Department of Management Services for the scheduling of an administrative hearing pursuant to Section 120.57, F.S. Please note that a copy of the St. Johns County adopted comprehensive plan amendment, the Department's Objections, Recommendations and Comments Report dated June 30, 2006, the Notice of Intent and the Statement of Intent must be available for public inspection, Monday through Friday, except for legal holidays, during normal business hours, at the County Clerk's Office, St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32084.

Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the Notice of Intent. We are interested in meeting with you or your designee at your convenience for the purpose of negotiating an agreement that will bring your comprehensive plan amendment into compliance.

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The Honorable Ben Rich
January 11, 2007
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If you have any questions concerning this matter, please contact Mike McDaniel, Chief of Comprehensive Planning, at (850) 922-1806 or mike.mcdaniel@dca.state.fl.us, or Joseph Addae-Mensa, Senior Planner, at (850) 922-1783 or joseph.addae-mensa@dca.state.fl.us

Sincerely,



Thomas G. Pelham
Secretary

Enclosures: Notice of Intent
Statement of Intent

cc: Teresa Bishop, AICP, Planning Director, St. Johns County
Ed Lehman, Growth Management Director, NEFRC

**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

IN RE: ST. JOHNS COUNTY
COMPREHENSIVE PLAN AMENDMENT
ADOPTED BY ORDINANCE Nos. 2006-146
AND 2006-147 ON NOVEMBER 15, 2006

Docket No. 06-2-NOI-5501-(A)-(N)

**STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE**

The Florida Department of Community Affairs hereby issues its Statement of Intent to find the Comprehensive Plan Amendment of St Johns County, adopted by Ordinance Nos. 2006-146 and 2006-147 on November 15, 2006, Not In Compliance based upon the Objections, Recommendations and Comments Report (ORC Report) issued by the Department on June 30, 2006, which is hereby incorporated by reference. The Department finds that the plan amendment to change the future land use map (FLUM) designation from Rural Silviculture and Agriculture Intensive to Rural Center District for 889 acres of property located on the east of CR 13 and west of Joe Ashton Road; and the amendment to the 5-year schedule of capital improvements in support the above-referenced FLUM amendment are not "in compliance," because they are not consistent with Chapter 163, Part II, Florida Statutes (F.S.), the State Comprehensive Plan (Chapter 187, F.S.) and Rule 9J-5, Florida Administrative Code (F.A.C.), for the following reasons:

**FUTURE LAND USE MAP AMENDMENT ADOPTED BY ORDINANCE No.
2006-146 (THE WELLS FARM RURAL CENTER DISTRICT)
AND
THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS AMENDMENT
ADOPTED BY ORDINANCE No. 2006-147**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The amendment does not demonstrate a financially feasible capital improvements plan and strategies to ensure that the adopted level of service (LOS) standards for the impacted roadways will be achieved and maintained.

The traffic impact analysis supporting the Wells Farm FLUM amendment shows that the amendment will cause segments of the roads in the area to operate below the adopted level of service (LOS) standards, including State Roads 13 and 16 and County Road 208. To address these roadway impacts, the County has submitted along with the amendment an executed development agreement entered into with the applicant of the Wells Farm FLUM amendment that includes a proportionate fair share mitigation plan. The mitigation plan proposes to widen a segment on County Road 208 from two lanes to four lanes. However, no actual dollar amounts have been included in the agreement.

The amendment supporting documentation states that this improvement constitutes an improvement that “significantly benefit the impacted transportation system”, as contemplated in Section 163.3180(16)(f), F.S. However, that statutory provision applies only at the concurrency stage, and is not appropriately considered in determining whether a FLUM amendment is supported by financially feasible capital improvements. Additionally, the amendment is not supported by traffic data and analysis to demonstrate that the proportionate fair share mitigation plan will result in the LOS being achieved and maintained on all impacted roadways.

More importantly, the amendment to the 5-year schedule of capital improvements does not include the transportation improvements contemplated by the development agreement and the cost of the improvements. The County’s staff report states that the County and the applicant

are still working on the details of the transportation mitigation plan to ensure that the mitigation plan is consistent with the County's adopted proportionate fair share ordinance, and that a revised development agreement will be brought back to the Board of County Commissioners for approval when the final transportation plan has been agreed upon.

State growth management laws require that local governments adopt a 5-year financially feasible plan to ensure that adequate capacity of each public facility will be available to support the FLUM, and to ensure that the adopted LOS standards are achieved and maintained.

Therefore, the amendment is inconsistent with Section 163.3164(32), 163.3177(3)(a)(b), 163.3177(6)(a), F.S.; Rule 9J.5.005(2)(a), 9J-5.006(3)(b)1, 9J-5.006(3)(c)3, 9J-5.016(2), 9J-5.016(4)(a), 9J-5.019(3)(f), 9J-5.019(4)(b)2, F.A.C.

B. Recommended Remedial Action

The above inconsistency may be remedied by revising the amendment to ensure that there will be adequate capacity of roads to serve the proposed development for the short-term planning timeframes, and to ensure that the County's adopted LOS standards for the impacted roadways are achieved and maintained. The revised amendment should demonstrate that the proposed transportation improvements are financially feasible, by including information to show that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5 of a 5-year capital improvements, which are adequate to fund the projected costs of the transportation improvements. If the source of funding of the improvements is developer funded, then the funds must be guaranteed in an enforceable development agreement; and the agreement must be reflected in the 5-year schedule of capital improvements if the transportation

improvements are necessary to serve the development within the 5-year schedule. Coordinate the needed transportation improvements with FDOT District 2.

II. **CONSISTENCY WITH STATE COMPREHENSIVE PLAN**

A. Inconsistent Provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. The adopted comprehensive plan amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, F.S., including the following provisions:

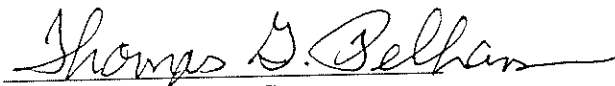
- a. (15) Land Use, Policy 5. Establish comprehensive impact review procedures to evaluate the effects of significant development activities within local government jurisdictions;
- b. (17) Public Facilities, Policies 1 & 6. Provide incentives for developing land in a way that maximizes the use of existing public facilities; and identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities; and
- c. (19) Transportation, Policies 2, 3 and 15. Coordinate land use planning and transportation planning.

A. Recommended Remedial Actions. These inconsistencies may be remedied by taking the actions described above in Section I.B.

CONCLUSIONS

1. The plan amendment is not consistent with the State Comprehensive Plan, Chapter 187, F.S.
2. The plan amendment is not consistent with Chapter 9J-5, F.A.C.
3. The plan amendment is not consistent with the Chapter 163, Part II, F.S.
4. The plan amendment is not "in compliance," as defined in Section 163.3184(1)(b), F.S.
5. In order to bring the plan amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 9th day of January 2007, at Tallahassee, Florida.



Thomas G. Pelham, Secretary
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100