



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

June 25, 2010

The Honorable Fred Hawkins, Jr., Chairman
Osceola County Board of County Commissioners
Administration Building
1 Courthouse Square
Kissimmee, Florida 34741

Dear Chairman Hawkins:

The Department of Community Affairs (Department) has completed our review of the Osceola County's 10-2ER proposed plan amendments, which was received on April 26, 2010. The Department reviewed the comprehensive plan amendments for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes, as well as the adopted Osceola County Comprehensive Plan.

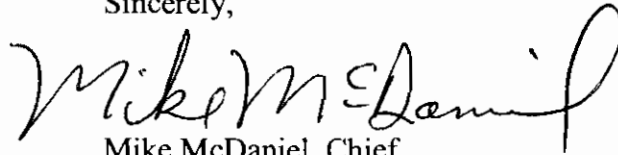
The proposed Osceola County 10-2ER plan amendments include the County's Evaluation and Appraisal Report (EAR)-based amendments, three conceptual master plans and associated text amendments covering planning districts 1, 2, 3, 4, 8, and parts of 5 and 7, an expansion of roughly 12,000 acres to the Urban Growth Boundary in the northeast portion of the County, and text amendments relative to House Bill 697, the Harmony development of regional impact, and update of the level of service standard for sanitary sewer. The proposed 10-2ER amendment package also includes several amendments to the Future Land Use Map series. The Department has concerns with the proposed 10-2ER amendment based on the lack of adequate public facilities planning, impacts to significant natural resources, transportation and public schools facilities, lack of demonstrated suitability and need specifically for the Northeast District conceptual master plan, urban sprawl, and lack of meaningful and predictable guidelines and standards.

The Department's concerns are detailed in the attached Objections, Recommendations and Comments Report (Report). It is particularly important that the County address the objections set forth in our Report so that these issues can be resolved prior to adoption of the plan amendments. We have included a copy of state and regional agency comments for your consideration.

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My staff is available to assist the County in responding to our Report and to work towards mutually acceptable solutions. If you or your staff have any questions or comments or if we may be of further assistance as you formulate your response to this Report, please contact Anoch P. Whitfield, Planning Analyst, at (850) 922-1793 or by email to anoch.whitfield@dca.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/apw

Enclosures: Review Agency Comments
Objections, Recommendations and Comments Report

cc: David F. Tomek, Acting Administrator, Growth Management Department
Phil Laurien, AICP, Executive Director, East Central Florida Regional Planning Council

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the County has 120 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), Florida Statutes.

Within ten working days of the date of adoption, the County must submit the following to the Department:

1. Three copies of the adopted comprehensive plan amendments;
2. A listing of additional changes not previously reviewed;
3. A listing of findings by the local governing body, if any, which were not included in the ordinance; and
4. A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), Florida Administrative Code, please provide a copy of the adopted amendment directly to the Executive Director of the East Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR OSCEOLA COUNTY
COMPREHENSIVE PLAN EAR-BASED AMENDMENT 10-2ER

June 25, 2010
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Osceola County's proposed EAR-based amendment to its comprehensive plan (DCA 10-2ER) pursuant to Chapter 163.3184, Florida Statutes.

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 95-5.002(2), Florida Administrative Code, must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
OSCEOLA COUNTY
PROPOSED EAR-Based AMENDMENTS 10-2ER**

I. CONSISTENCY WITH CHAPTER 163, PART II, FLORIDA STATUTES, AND CHAPTER 9J-5, FLORIDA ADMINISTRATIVE CODE

The Department raises the following objections to the proposed Amendment 10-2ER plan amendment.

**i. CONCEPTUAL MASTER PLANS & ASSOCIATED TEXT AMENDMENT
CPA10-0012**

A. Conceptual Master Plans: The County proposes three conceptual master plans (CMPs), to become new Elements of the Comprehensive Plan, covering Planning Districts 1, 2, 3, 4, 8, and parts of 5 and 7. The Northeast District CMP (CPA09-0009) covers a small portion of District 7, all of District 8 and an expansion to District 8 to expand the adopted Urban Growth Boundary (UGB) by 12,130 acres. The South Lake Toho CMP (CPA09-0008) covers Districts 3, 4 and a portion of District 5. The East Lake Toho CMP (CPA09-0010) covers Districts 1 and 2.

Specific Objections/Recommendations to CPA09-0009/Northeast District CMP:

1. **Objection (Environmental Suitability):** The Northeast District CMP proposes to expand the adopted UGB by 12,130 acres into extremely environmentally sensitive lands associated with the Econlockhatchee (Econ) Swamp. The Econ Swamp contains a mosaic of pristine, undisturbed ecosystems comprised of unique upland and wetland habitats which are home to a large variety of state and federally listed species and other wildlife. The Econ Swamp is also the headwaters of two major drainage basins – one flowing northward to the St. Johns River and the other flowing southward to the Kissimmee River. In addition, by way of canals, lakes and floodplains connecting the Econ Swamp to the Kissimmee Chain of Lakes, the intensive development proposed in the NE master plan would cause regional and statewide adverse impacts to Lake Okeechobee and ultimately the Florida Everglades. Approximately 8,950 acres (or 52%) of the subject property is comprised of wetlands, including a series of connected north-south wetland systems that serve as viable undisturbed wildlife corridors, which are also linked to the Split Oaks Wildlife Mitigation Park in Orange County. Approximately 60% of the entire Northeast District CMP property is within the 100 year floodplain, but the percentage of floodplain lands is greater within the proposed UGB expansion area. Also, the soil types on most of the property are not suited for urban type building and development. The proposed plan amendment has not been demonstrated to be environmentally suitable for the intense level of development proposed in the NE District conceptual master plan and is thus inconsistent with Rule 9J-5.013(3), Florida Administrative Code.

[Authority: Sections 163.3161(3); 163.3177(2); 163.3177(6)(a and d), (8), and (10); 187.201(7)(b)2., 9., and 10.; 187.201(9)(b)1., 3., 7., and 10; 187.201(15)(a) and (b)2. and 6.;

187.201(21)(b)3.; 187.201(25)(b)7., F. S., and Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1. and 4., (3)(c)2., and 6., and (4)(a)6., and (b); 9J-5.011(1)(g), (2)(b)5., (c)4.; and 9J-5.013(2)(b)3. and 4., (c)1., 3., 5., 6., and 9., and (3), F. A. C.]

Recommendation: Do not adopt the expansion to the Urban Growth Boundary as proposed. Alternatively, revise the proposed UGB boundary expansion in such a way as to not encroach upon the wetlands and other environmentally sensitive features associated with the Econ Swamp and to achieve a compact mixed use urban form of development that will promote alternative modes of transportation.

2. Objection (Natural Resource Protection): The proposed expansion of the UGB and development of the Northeast District master plan will cause significant habitat fragmentation and degradation of wildlife habitats and corridors. The NED CMP proposes to weave long, narrow ribbons of development and transportation infrastructure onto the upland strands associated with the Econ Swamp. This development pattern creates poor functional interconnection and is environmentally fragmenting and disruptive to the natural areas and wetlands associated with the Econ Swamp thus reducing their ability to perform natural wetland functions and support native wildlife. Development of the NE Plan would surround nearly all wetlands throughout the property, impairing and contaminating surface waters, groundwater, and natural water flow and reducing the chance that remaining corridors will continue to function as viable wildlife passages. In addition, although NE District CMP Table 3.3-1 (which is not proposed to be adopted) describes one development scenario that suggests that 11,400 acres of the District would be designated as open space, the entire 17,150-acre site is proposed to be designated a Mixed Use District designation. The proposed CMP does not include policies to assure the protection and conservation of open space and natural resources. Reliance upon existing Conservation Element policies is insufficient to demonstrate and ensure the protection of the mosaic of natural resources associated with the Econ Swamp on and adjacent to the site because the policies did not consider the Econ Swamp when they were adopted because the UGB was located well away from the Econ Swamp and other environmentally sensitive lands. Therefore, the amendment has not demonstrated that the proposed CMP will protect natural resources on-site.

[Authority: Sections 163.3161(3); 163.3177(2), (6)(a and d), (8) and (10); 187.201(9)(b)1., 2., 3., 4., 5., and 7.; 187.201(15)(b)2. and 6.; 187.201(25)(b)7., F. S., and Rules 9J-5.005(2 and 5); 9J-5.006(2)(e), (3)(b)1., and 4, (c)2. and 6., and (4)(a)6., and (b); 9J-5.011(2)(b)5 and (2)(c)4; and 9J-5.013, F. A. C.]

Recommendation: Do not adopt the expansion to the Urban Growth Boundary as proposed. Alternatively, revise the proposed UGB boundary expansion in such a way as to not encroach upon the wetlands and other environmentally sensitive features associated with the Econ Swamp and to achieve a compact mixed use urban form of development that will promote alternative modes of transportation.

3. Objection (Urban Sprawl): The NE District CMP proposes to expand the Urban Growth Boundary (UGB) by 12,130 acres into environmentally sensitive lands that contain a mosaic of plant life, wildlife, habitats and ecosystems associated with the Econ Swamp. The development

patterns and transportation networks depicted in Maps 3.4-1 through 3.4-3 allow the encroachment of long, linear, isolated ribbons of sprawling development on the upland strands that are surrounded by wetlands and floodplains associated with the Econ Swamp. This development pattern environmentally fragments the wildlife corridors and interconnections that are critical in sustaining the mosaic of ecosystems associated with the natural systems of the Econ Swamp. The proposed Northeast District CMP plan amendment triggers the following indicators of urban sprawl as they are set forth in Rule 9J-5.006(5)(g), F. A. C., because it does not adequately demonstrate the need for the UGB expansion, is not environmentally suitable for the site, has significant natural resource impacts, and is not supported by adequate public facilities planning:

- Promotes, allows or designates urban development in strip, isolated, or ribbon patterns generally emanating from existing urban developments;
- Promotes, allows or designates for development substantial areas of the jurisdiction in excess of demonstrated need;
- As a result of premature or poorly planned conversion of rural land to other uses, fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, and other significant natural systems;
- Fails to maximize use of existing and future public facilities and services;
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
- Fails to provide a clear separation between rural and urban uses;
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities; and
- Results in the loss of significant amounts of functional open space.

[Authority: Sections 163.3177(2); 163.3177(6)(a and c); 163.3177(6)(d and j); 163.3177(8) and (10); 187.201(11)(b)4.; 187.201(15)(a) and (b)1., 2., 3., and 6.; 187.201(17)(b)1. 2., 5., 6., and 7.; and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)8.; 9J-5.006(5); 9J-5.011(2)(b)3., and 9J-5.013, F.A.C.]

Recommendation: Do not adopt the expansion to the Urban Growth Boundary as proposed. Alternatively, revise the proposed UGB boundary expansion in such a way as to not encroach upon the wetlands and other environmentally sensitive features associated with the Econ Swamp and to achieve a compact mixed use urban form of development that will promote alternative modes of transportation.

4. Objection (Lack of Demonstrated Need): Adopted FLUE Policy 1.1.7 states “the Urban Growth Boundary has been designed to accommodate the Bureau of Economic and Business Research’s (BEBR) 2025 population projection for Osceola County” and that “the size of the UGB and its continuing capacity to accommodate the projected population shall be evaluated during each evaluation and appraisal report (EAR)”. Adopted FLUE Policy 1.1.7 also states that “if it is determined that the amount of land available for development is insufficient to allow the

UGB to function as desired, adjustment to the boundary may be made through the County's EAR amendment process" *if recommended in the adopted EAR*. The County's recently adopted EAR (April 2008) did not contemplate an expansion of the UGB anywhere in the County, including the area of the Northeast District conceptual master plan. However, the County now contends that the expansion of the Northeast District CMP is needed because it has "the potential to emerge as the County's primary economic center" due to its location "directly in the path of the region's emerging and expanding high tech quarter focused on Medical City, with major transportation infrastructure being planned by the County and others to extend to and through the District". The County has also indicated that "research demonstrates that successfully competing in the new economy requires 7,000 acres... less acreage would likely impede the County's ability to realize the potential of providing an employment center with the appropriate amount of housing to balance jobs-and-housing to sustainable level". The County also conducted a vacant lands analysis of lands within the UGB and determined that "the available lands cannot provide the economic platform needed to successfully compete in the region's emerging bio-tech cluster".

However, based on the adopted Future Land Use Map and Comprehensive Plan policies and with the wetlands acreage (3,139 acres or 63%) removed from the calculations, Planning District 8, as it is currently adopted (5,020 acres), has adequate developable upland land area to accommodate the proposed residential and non-residential Northeast District development program within the existing limits of the Urban Growth Boundary (UGB).

- With respect to residential density, pursuant to the adopted density standards of 5 units per acre minimum and 25 units per acre maximum, the 1,881 acres of uplands in existing Planning District 8 can develop between 9,405 units to 47,025 units. Based on the proposed development program of 29,320 dwelling units, Planning District 8 would achieve an average density of 15.5 units per acre without any expansions to the UGB. This provides for the density necessary to support transit and walkable communities and is consistent with the intent and purpose of the UGB, which is to "provide a spatial framework within which urban scale development can occur" and which is "fundamental to the County's long term growth strategy for achieving a compact urban area where a quality of life superior to that provided by a conventional suburban development pattern can be achieved" (FLUE Objective 1.1 and Policy 1.1.1.).
- With respect to non-residential intensity, pursuant to the adopted intensity range of .35 FAR minimum to 2.5 FAR maximum, the Planning District 8 can develop between 28.6 million GSF to 204.8 million GSF. Based on the development program of 10.5 million GSF plus 5,000 hotel rooms, Planning District 8 results in an intensity of 0.13 FAR.

The densities and intensities show that there is ample upland developable land area within the existing Planning District 8 to accommodate the proposed development program. With the proposed UGB expansion (totaling approximately 8,200 acres of uplands), the proposed Northeast District CMP results in a density of 3.5 units per acre and intensity of .03 FAR, which are well below the adopted required minimum standards. Therefore, the County has not adequately demonstrated the need to expand the UGB to provide the Northeast District Master Plan adequate urban land area to compete for the targeted industry jobs. The proposed UGB

expansion is also internally inconsistent with the purpose and intent of the Mixed Use Planning Districts within the comprehensive plan to accommodate growth within the existing UGB.

[Authority: Sections 163.3177(2); 163.3177(6)(a and d), (8) and (10); and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2, 4, 5 and 6); 9J-5.006(2)(c), (3)(b)8., and (5), F. A. C.]

Recommendation: Do not adopt the expansion to the Urban Growth Boundary as proposed. Alternatively, revise the proposed UGB boundary expansion in such a way as to not encroach upon the wetlands and other environmentally sensitive features associated with the Econ Swamp and to achieve a compact mixed use urban form of development that will promote alternative modes of transportation.

5. Objection (MMTD Financial Feasibility): The proposed Northeast District multi-modal transportation district (MMTD) did not include any updates to the Capital Improvements Element and Schedule of Capital Improvements that assures that the capital improvements required to ensure an integrated and interconnected multi-modal transportation system are financially feasible and will be constructed to provide an adequate level of alternative mobility over the 2025 long term planning horizon of the adopted Comprehensive Plan consistent with Section 163.3180(15)(c), F. S. The Northeast District CMP only includes proposed Policy 1.4-36 which states that “a financially feasible long-range capital improvements plan and program for the MMTD is required for the interconnected network of streets, paths, bicycle, pedestrian and transit systems”. Policy 1.4-36 simply lists the potential funding sources, including Community Development Districts, Road Impact Fees, Developer Contributions, Municipal Service Taxing Units, Tax Increment Financing and other available state or federal highway or transit funds.

Additionally, the proposed Northeast District CMP amendment does not include implementing policies which require a simultaneous linkage in the timing and phasing for the funding and construction of the transit system, including commuter rail and fixed-guideway transit, with the CMP Staging Plan. Stage 1 and a small northern portion of Stage 2 will be the only locations within the Northeast District where the County proposes to adopt multi-modal corridors (Map 3.4-2:Framework Streets Map). Based on Figure 3.4-1, the multi-modal corridors will be designed to contain facilities for pedestrian, bicycle, automobile, and fixed-guideway transit services. The coordination of the land uses with the construction of the proposed multi-modal infrastructure is not demonstrated in the policies and the data and analysis.

It is unclear whether transit facilities are planned for Stages 2 and 3 of the Northeast District CMP. The other roadway types in Stages 2 and 3 consist of boulevards and avenues. Based on Figures 3.4-2 and 3.4-3, boulevards and avenues appear to only include automobile travel lanes and bicycle and pedestrian facilities. It is not clear in the Figures or the policies whether the “travel lanes” in the boulevards and avenues will accommodate transit, such as street cars and buses, or have fixed-guideway rails. Furthermore, the proposed plan amendment does not include policies or provisions guiding and committing the County to the timing, funding and construction for the transit system/multimodal corridors depicted in Map 3.4-2. Also, it is not clear whether Map 3-4.2: Framework Streets Map will be adopted as part of the County’s Future Transportation Map Series.

[Authority: Sections 163.3177(2); 163.3177(6)(a and j), (8) and (10); 163.3180(15)(a, b, and c); 187.201(19)(b)2, 3, 7, 9, 11, 13, 14, and 15; 187.201(25)(b)7, F. S., and Rules 9J-5.005(2, 3, 5 and 6); 9J-5.0055(1)(b), (2)(a and b), (3)(c)7; 9J-5.006(6); 9J-5.016(2), (3)(b)1, 3, 4 and 5, (3)(c)1.f, (3)(c)4 and 5, and (4)(a)4; 9J-5.019(3)(k); 9J-5.019(4)(b)10; and 9J-5.019(4)(c)1 and 22, F. A. C.]

Recommendation: Revise the proposed amendment to adopt implementing policies in the Northeast District Conceptual Master Plan Element, Transportation Element and Capital Improvements Element which guide and commit the County to the timing, funding and construction of the transit system, including commuter rail and fixed-guideway transit systems within the multi-modal corridors, commensurate with transportation demand and consistent with the CMP Staging Plan. Revise the amendment to ensure that the boulevards and avenues will contain transit facilities which are relied upon as part of the MMTD for the Northeast District CMP. Revise the Northeast District CMP to include a financially feasible capital improvements program and update the Capital Improvements Element to support the entire development amount proposed in the Northeast District Master Plan within the adopted 2025 planning horizon of the Comprehensive Plan. The update to the Capital Improvements Element needs to reflect and assure the funding and construction of the alternative modes of transportation needed to provide an adequate level of alternative mobility and to support, promote and sustain the community design elements of the Northeast District MMTD pursuant to Section 163.3180(15)(c), F. S., over the 2025 planning horizon of the Comprehensive Plan, including transit, pedestrian, bicycle and roadway facilities. The MMTD Capital Improvements Schedule must be supported by a financial plan demonstrating the financial feasibility of sustaining the MMTD. Part of the financially feasible plan can consist of Comprehensive Plan policies requiring developers to contribute (either financially or by construction and design of needed projects) to the achievement of the required improvements and community design elements. Identify the revenue projections from federal, state and local sources that are anticipated to be allocated to the MMTD Capital Improvements Schedule. Revise the Northeast District CMP amendment, as necessary, to be consistent with and supported by the data and analysis demonstrating that the Schedule of Improvements will provide an adequate level of alternative mobility to sustain the community design requirements of Section 163.3180(15)(c), F. S. Revise the amendment to ensure that Framework Streets Map (Map 3.4-2) is adopted as part of the County's 2025 Future Transportation Map Series.

6. Objection (Roadway Right-of-Way): The Northeast District CMP also proposes a roadway right-of-way (ROW) beginning at the potential Osceola Parkway Extension through the northern areas of Staging Area 1 and Staging Area 2 eastward into the Econ Swamp and northeastward into environmentally sensitive lands within Orange County. The proposed ROW is inconsistent with the County's existing, adopted Future Transportation Map. This proposed ROW is inconsistent with the Rule 9J-5.006(5), Florida Administrative Code, because it encourages urban sprawl and urban-level development patterns and impacts into the Econlockhatchee Swamp within Osceola County and into environmentally sensitive areas within Orange County, including Rural/Agricultural areas within the Innovation Way Study, TM Ranch Mitigation Bank and wetlands associated with the Econlockhatchee River and the St. Johns River Water Management District's Econlockhatchee River Riparian Protection Zone.

[Authority: Sections 163.3177(2), (6)(a, d, h, and j), (8), and (10); 187.201(15)(a); 187.201(19)(a) and (b)2., 3., 9., 12., 13., and 15; and 187.201(25)(b)7, F. S., and Rules 9J-5.005(2 and 5); 9J-5.006(5); 9J-5.013; and 9J-5.019(4)(b)2. and 3., F. A. C.]

Recommendation: Revise the Northeast District Master Plan to remove the proposed right-of-way.

7. **Objection (*Future Transportation Map/Southport Connector*):** There are discrepancies with respect to the alignment for the Southport Connector between the Framework Streets Map 3.4-2 within the Northeast District CMP and proposed Future Transportation Map 4A and 4B within the EAR-based amendments. The NED CMP Map 3.4-2 shows two alternative routes/alignment which extend northward through the Stage 1 boundary. However, proposed Maps 4A and 4B depict the Southport Connector alignment being located outside of the Northeast District CMP property. Therefore, the proposed plan amendments results in internal inconsistency.

[Authority: Sections 163.3177(2), (6)(a and j), (8) and (10); and 187.201(25)(b)7, F. S., and Rules 9J-5.005(2, 5 and 6); 9J-5.006(4); and 9J-5.019(5), F. A. C.]

Recommendation: Coordinate with the Expressway Authority with respect to the future Southport Connector alignment. Subsequently, revise all applicable maps and text within the Northeast District CMP Element and Future Transportation Maps 4A and 4B to be internally consistent.

Objections Common to All 3 CMPs:

8. **Objection (*Inadequate Water and Sewer Facilities and Services*):** The proposed master plan amendments are not supported by adequate data and analyses demonstrating that the adopted level of service standards for water and sanitary sewer can be achieved and maintained in the short (2015) or long term 2025 planning horizon of the Comprehensive Plan. The master plans detail the projected increases in water, wastewater and reclaimed water demands by 2015, 2020 and project build out but do not provide data to demonstrate how the future demands will be served based on the build out timeframe within the 2025 planning horizon of the Comprehensive Plan. The data and analysis for the Northeast District amendment also does not indicate who the service providers would be, not indicates the potential providers Toho Water Authority and East Central Florida Services, Inc. Instead, the amendment only speaks to the potential service providers and does not demonstrate that the potential service providers (Toho Water Authority and East Central Florida Services) will have the water and wastewater treatment facility capacities or potable water supply sources to meet the anticipated increases in demand for public facilities and services. No changes to the Capital Improvements Element or Schedule of Capital Improvements are proposed to assure adequate water, wastewater, and reclaimed water supply facilities and services will be available to serve the development within the CMPs.

[Authority: Sections 163.3177(2), (3), and (4)(a); 163.3177(6)(a, c and j), (8) and (10); 187.201(17)(b)1., 5., 6., and 7.; and 187.201(25)(b)7, F.S., and Rules 9J-5.005(2 and 5); 9J-

5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1; 3, and 5; 9J-5.016(3)(c)1.d, e, f and g; 9J-5.016(4)(a), F.A.C.]

9. **Objection (*Water Supply Planning*):** The proposed plan amendments are not supported by adequate and relevant data and analyses demonstrating that the water service providers have the water supply capacity or reclaimed and raw water treatment facility capacity to accommodate the future water demands anticipated by the proposed conceptual master plans. The water demands projections provided in Technical Appendix 3 of each CMP do not indicate the level of service standard used in determining the water demand. With regards to the NE District CMP, the St. Johns River Water Management District has indicated that the County has not demonstrated that potable and non-potable water supplies and facilities will be available to support development of the NED CMP. With regards to the South and East Lake Toho CMPs, the South Florida Water Management District indicates that the County has only identified the demand, source and facilities for the initial phase but leaves the bulk of the potential demands unaddressed. Additionally, inadequate data and analyses have been provided to demonstrate that an adequate water supply source is available and that water treatment facilities have existing or planned capacities to serve the maximum development associated with the proposed master plans.

[Authority: Sections 163.3164(32); 163.3167(13); 163.3177(2 and 3), (4)(a), (5)(a and b), (6)(a, c and d), (6)(h)1. and 2., (8), and (10)(a and e); 163.3180(1)(a) and (2)(a); 163.3187(2); 187.201(7)(b)2., 5., 9., 10., and 11.; 187.201(15)(b)1. and 6.; 187.201(17)(b)1., 2., 7., and 8.; and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2) and (5)(a); 9J-5.006(2)(a), (3)(b) 1., (3)(c)3; 9J-5.011(1)(d), (e), (f); 9J-5.011(2)(c)2.; 9J-5.013(1)(c), (2)(c)1., and 9J-5.015(1) and (3)(b)1, 3 and 5, (3)(c)1, 3, 4 and 11, F. A. C.]

Recommendation for Objections 7 and 8: Coordinate with the St. Johns River Water Management District with respect to the Northeast District CMP and with the South Florida Water Management District with respect to the East Lake Toho and South Lake Toho CMPs. Ensure that the analysis is based on the adopted level of service standards for water and wastewater of the Osceola County Comprehensive Plan. Revise proposed CPA0-0009 to clearly identify in the Comprehensive Plan the water and wastewater service providers and the entities that will be responsible for funding and constructing the facility improvements.

Revise the data and analyses to identify the water supply sources and facility capacities, wastewater treatment facility capacities, and facility improvements needed to serve the proposed development programs in the 5-year short term and 2025 long term planning timeframes. Provide appropriate data and analysis demonstrating that the water suppliers will have adequate potable, non-potable and reclaimed water supply to accommodate the increase in water demand anticipated from the three Master Plans. Provide data and analysis demonstrating that the service providers will have adequate wastewater treatment capacities to accommodate the increase wastewater flows anticipated from the proposed development programs.

In the 5-year short term, revise the Capital Improvements Element and Schedule of Capital Improvements to include the improvements needed in order to achieve and maintain the adopted level of service standards for water and wastewater facilities and services. For the 2025

long term planning horizon of the Plan, develop and adopt water supply and wastewater treatment strategies into the Comprehensive Plan by policy. For improvements needed beyond the first five years, adopt into the Capital Improvements Element a working list of improvements that the County can draw from during the annual update of the Capital Improvement Element and Capital Improvements Plan to ensure that the adopted level of service standard for water and wastewater facilities and services will be achieved and maintained in a manner that is consistent with the County's long term strategy.

10. Objection (Schools Facilities and Services): The proposed plan amendments to implement the conceptual master plans (CMPs) do not demonstrate that the adopted level of service standards for public schools will be maintained in the short or long term and do not demonstrate coordination with the adopted Public Schools Facilities Element and Capital Improvements Element. Specifically, the proposed amendments contain the following issues:

- *Inappropriate Student Generation Rates (SGR)*: The conceptual master plans did not use the SGR as adopted in the Public Schools Facilities Element and utilized by the School Board in its preparation of the School District Capital Facilities Work Plan. Instead, the three master plans utilized student generation rates that were included as options in a February 2010 School Impact Fee Update Study that has not been approved or adopted by the Osceola County School Board. Additionally, the student generation rates by the three master plans differ from each other. The South Lake Toho and East Lake Toho CMPs used Option 2 while the Northeast District CMP used Option 1 of the February Study. When the adopted SGR are applied, the proposed CMPs will result in a greater number of elementary and middle school students and a lower number of high school students.
- *Inappropriate Use of Prototype Schools*: The proposed conceptual master plans estimated the number of schools needed based on school prototypes with lower capacities than current School Board-approved and FDOE-approved facility types.
- *School Construction Estimates/Revenue Projections*: The conceptual master plans estimate school construction costs based on the February 2010 Impact Fee Update Study. Such future impact fees have not been approved by the School Board. Thus, the cost-per-student station used in the estimates is significantly less than those provided by the Florida Legislature's Office of Economic and Demographic Research; therefore, the cost projections of the master plans underestimate the costs of needed schools. Additionally, there appears to also be a discrepancy because the estimated impact fee amounts used in the master plan's calculations of expected revenues do not match the impact fee amounts identified in the Update Study.
- *Lack of Demonstrated Financial Feasibility*: A cumulative schools impact analysis is not provided to identify the potential impacts of the proposed master plans on the school system. The 10-year and 20-year portions of the adopted 2009/10-2013/14 Osceola County School District Facilities Work Plan include schools that will serve the areas of the South Lake Toho and East Lake Toho CMPs; however, those schools are not sufficient to address the identified need to serve the South Lake and East Lake Toho

developments. Additionally, the District Work Plan does not include any projects in the long term to serve the area associated with the Northeast District CMP. Therefore, the amendments are not supported by data and analyses demonstrating that the adopted level of service will be achieved at the end of the five-year planning horizon and maintained through the end of the County's long term planning horizon or project build out.

[Authority: Sections 163.3177(2); 163.3177(3); 163.3177(6)(a); 163.3177(8); 163.3177(10); 163.3177(12)(c) and (g)9.; 187.201(15)(a); 187.201(15)(b)1.; 187.201(17)(b)1. and 7.; and 187.201(25)(b)7., F. S., and Rules 9J-5.006(3)(b)1.; 9J-5.015(2)(c); 9J-5.015(3)(b)1., 3. and 6.; 9J-5.016(1), (2), (3)(b), and (4)(b); and 9J-5.025, F. A. C.]

Recommendation: Revise the proposed plan amendments and data and analysis to be consistent with the adopted Public Schools Facilities Element and executed Interlocal Agreement. The revised analysis should be cumulative and should use the appropriate student generation rates, school impact fees, and public school prototypes in determining the student station demand, number and type of needed schools, and the associated costs. Coordinate with the Osceola County School Board to set forth a financially feasible public school capital facilities work plan that demonstrates that the adopted level of service standards will be achieved and maintained for each school type for the five year planning period and for the 2025 long range planning horizon of the Comprehensive Plan. The planned improvements must be listed in the County's five year schedule of capital improvements or the long term list of improvements in the Capital Improvements Element and the School Board's adopted Work Plan. Revise the public schools future conditions map or map series, as needed, to be consistent with the Work Plan and to depict the general location of planned public school facilities and ancillary plants and for the five year and long range planning periods.

Objections to the South Lake Toho and East Lake Toho CMPs:

11. **Objection (*Transportation Impacts*):** These proposed conceptual master plans are not supported by adequate and appropriate transportation data and analyses demonstrating that the adopted level of service standards on regional and state roadways will be achieved in the short or long term planning horizons of the comprehensive plan. It is not clear whether the County intends to adopt multimodal transportation districts (MMTDs) for these CMPs because the Goals, Objectives and Policies and the transportation analyses in Technical Appendix 2 of each CMP reflect only traditional transportation systems (roadways); however, the back of Technical Appendix 2 speaks to a "multimodal strategy", network of interconnectivity, and levels of service for transit. No level of service standards are proposed for local streets.

The traditional transportation analyses assessed current operating conditions, 2015 conditions, 2025 conditions and "build out". The analyses provided details on the anticipated deficiencies for these evaluated years and attempts to provide the proposed mitigation strategies. However, the mitigation strategies are insufficient to demonstrate that the adopted LOS would be achieved and maintained. In some instances, the roadways would continue to operate below acceptable standards with the improvements accounted. The analysis then simply states that the County will work closely with the Florida Department of Transportation (FDOT) to maximize the capacity of the improvements. Based on Tables TA2.1-4 of Technical Appendix 2 of each

CMP, both the South Lake Toho and East Lake Toho CMPs will adversely affect the same segments of the US 192 and US 17-92 as well as some local roadways by 2015 and 2025; however, the 2025 analyses do not reflect the entire development programs for each CMP. They only consider the development that is anticipated up to that time period. Therefore, based on the transportation analyses, the adopted level of service of service standards on the impacted roadways will not be achieved and maintained in the short term or long term.

Relative to the multimodal strategy discussion, the County proposes to adopt the Fine Grain Network and Framework Streets Maps (Maps 3.4-1 and 3.4-2 of each CMP) into the Comprehensive Plan. The Framework Streets Map reflects the roadways that the County will rely upon for mobility, including the multimodal corridors, boulevards and avenues similar to those in the Northeast District CMP. Technical Appendix 2 also speaks to each CMP having a multi-modal network strategy. However, the Goals, Objectives and Policies of the South Lake and East Lake Toho CMP do not propose to adopt a multimodal transportation system. Also, no financial strategy was proposed for adoption into the Comprehensive Plan to ensure the funding, timing and construction of the needed transit and alternative transportation systems to support the multimodal system and address the anticipated deficiencies. Therefore, the proposed plan amendments have not demonstrated that the adopted level of service standards on the impacted state roadways, US 192 and US 17-92, will be achieved and maintained in the short or long term planning horizons of the Comprehensive Plan.

[Authority: Sections 163.3177(2),(3),(6)(a),(j), (8) & (10); 163.3180(5) and (15); 187.201(11)(b)4.; 187.201(15)(a); 187.201(15)(b)1.; 187.201(17)(b)1., and 7.; 187.201(19)(b)2.; and 187.201(25)(b)7., F.S., and Rules 9J-5.005(2 and 5) and (6); 9J-5.006(2)(a) and (3)(b)1, (c)3; 9J-5.016(4); and 9J-5.019(4)(b)2, F.A.C.]

Recommendation: Clearly indicate whether the County intends to develop a multimodal transportation district (MMTD) for the South Lake and East Lake Toho CMPs.

If the County is not proposing a multimodal transportation system, coordinate with the Florida Department of Transportation (FDOT) and revise the transportation analysis to be consistent with the short and long term planning horizons of the Comprehensive Plan. Revise the analyses to expand on the mitigation strategies that the County will employ in order to address the anticipated transportation deficiencies. Ensure that the adopted level of service standards for the impacted state roadways will be achieved and maintained for the 5-year planning and 2025 long term planning horizon of the Comprehensive Plan based on the total development programs. The revised transportation analyses should include the programmed and planned transportation improvements (in terms of the timing, funding, and construction status) that are relied upon for purposes of achieving and maintaining level of service in the short and long terms. Indicate the entities responsible for such improvements and provide the capital improvements schedule or work program of the respective entities.

Revise the plan amendments, including the Transportation and Capital Improvements Elements and Schedule of Capital Improvements, to reflect the transportation improvements needed to achieve the adopted LOS in the 5-year short term. For the 2025 long term planning horizon of the Plan, develop and adopt the transportation strategies into the Comprehensive Plan

by policy. For improvements needed beyond the first five years, adopt into the Transportation and Capital Improvements Elements a working list of improvements that the County can draw from during the annual update of the Capital Improvement Element and Capital Improvements Plan to ensure that the transportation adopted level of service standards will be achieved and maintained in a manner that is consistent with the County's long term strategy. Reflect these improvements on the Future Transportation Map or Map Series.

If there will be a multimodal transportation system, revise the plan amendment to be consistent with the requirements of Section 163.3180(15), Florida Statutes.

B. CPA10-0012 (General Text Amendments Associated with the CMPs): The County proposes changes to the Future Land Use Element (FLUE) to provide internal consistency of the FLUE with the proposed three conceptual master plans, including revising the definition for the term "net residential density", amending the requirements for expanding the Urban Growth Boundary (UGB), and deleting the guiding and implementing policies and provisions for Mixed Use Districts which address urban form.

Objection: Proposed CPA10-0012 weakens the development controls within the Urban Growth Boundary and provides no assurance, within the comprehensive plan, of compact mixed use urban forms of development that will promote alternative modes of transportation. Therefore, proposed CPA10-0012 will contribute to urban sprawl and is inconsistent with Rule 9J-5.006(5), F. A. C. Specifically, the following proposed text changes result in the encouragement of urban sprawl:

- Proposed FLUE Policy 1.1.3: The definition for "net residential density" is being changed to allow the following land areas to be excluded from the residential density calculations which are currently not included: a) all recreation and open space areas not just those provided in excess of the required open space, b) flood control areas and all stormwater systems not just those designated by a water management district as "works of the district", c) rights-of-way, and d) transit and trails. The change to the definition for "net residential density" significantly lowers the gross residential density on a site.
- Proposed FLUE Policy 1.1.6 (old number 1.1.7): The amendment allows the UGB to be expanded through the conceptual master plan process. The proposed text change circumvents the UGB expansion criteria and process and creates opportunities for piecemeal expansions to the UGB "through the conceptual master plan" process, thus undermining the purpose of the UGB as discussed in Objection 3 above.
- Proposed FLUE Policy 1.1.9 (old number 1.1.10): The proposed text change deletes the requirement that conceptual master plans be adopted as amendments to the Comprehensive Plan.
- Proposed FLUE Policy 1.1.2: The proposed text change increases the "density range" as applied to the Mixed Use District within the UGB through adoption of a conceptual master plan without ensuring that there would not be a decrease in the minimum density standard. A density range reflects the minimum to the maximum number of units per

acre. Thus, an increase in the “range” of density can result in a widening of the density range. For example, increasing the range from 5 to 25 units per acre to 0 to 30 units per acre, thus lowering the minimum density.

- Proposed FLUE Policy 1.3.13: The proposed text change eliminates the development standards that ensure a transitioning land use form from the least intensive Neighborhood Centers to the most intensive Employment Centers, including elimination of density and intensity standards and policies that guide the urban form and locational criteria for developments within the Mixed Use Districts.
- The “conceptual” master plan nomenclature: Webster’s Dictionary defines “conceptual” as “consisting of concepts” and defines “concepts” as “thought, notion, conceived in the mind, abstract, a general idea”. The term “conceptual master plan” invokes the notion that these conceptual master plans are illustrative in nature, reflect one approach or general ideas or concepts for development within a given area, and thus are not definitive and binding within the comprehensive plan.

[Authority: Sections 163.3177(2), (6)(a and j), (8) and (10); 163.3177(6)(d); 187.201(11)(b)4.; 187.201(15)(a); 187.201(15)(b)1., 2., 3., and 6.; 187.201(17)(b)1.; and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)8.; 9J-5.006(5)(g) and (j); and 9J-5.013, F.A.C.]

Recommendation: Do not adopt CPA10-0012 as proposed. Alternatively, revise the amendment to remove the proposed text changes to FLUE Policies 1.1.3, 1.1.9, and 1.3.13. Revise proposed FLUE Policy 1.1.2 to ensure that the increase in the density range does not allow a decrease in the minimum residential density within the UGB. Revise proposed FLUE Policy 1.1.6 to provide meaningful criteria and predictable policies to guide future expansions to the Urban Growth Boundary. Future UGB expansions outside of those recommended as part of the County’s evaluation and appraisal report process should demonstrate the planning need to support the expansion. In addition to the criteria proposed in Policy 1.1.6, criteria and policies should also assure that expansions to the UGB will not encourage sprawling patterns of urban development, should be supported by appropriate public facilities planning (including alternative modes of transportation, water, wastewater, and schools facilities and services), and will not create adverse impacts to natural resources.

ii. COUNTY-INITIATED AMENDMENTS

C. **CPA10-0007 (Harmony DRI)**: The County proposes to amend the Future Land Use Element and Future Land Use Map (FLUM) by deleting the current Harmony Rural Community Overlay and replacing it with a new “Harmony future land use designation” and applying the new designation on the entire 11,031-acre Harmony site. CPA10-0007 also proposes to delete the minimum and maximum development parameters for Harmony.

Objection: The proposed plan amendment undermines the intent of the Settlement Agreement entered into between the Department and Osceola County in 2004 (DOAH Docket # 04-1082GM). The amendment proposes to change the plan for Harmony from one that was both Future Land Use Map and Policy driven to one that is only policy driven. The policies alone,

without the map, are inadequate to address location, urban form, natural resource protection, sprawl and need. Previously the FLUM depicted the locations and relative sizes of the various land use designations within Harmony, including Low Density Residential, Medium Density Residential, Commercial, Rural/Agricultural, Industrial, Institutional, and Conservation, and the adopted policies established allowable land use types, mixture and density and intensity of development. Without the FLUM and with inadequate policies, the proposed amendment could result in urban type development located outside of the adopted Urban Growth Boundary, significant increases in the maximum development potential within Harmony beyond those approved in the DRI's development order, thus resulting in urban sprawl, lack of density and intensity standards, lack of demonstrated need, lack of urban form and appropriate mixture of uses, and adverse impacts to natural resources. Furthermore, the proposed amendment does not demonstrate adequate public facilities planning to accommodate the increase in development potential within Harmony.

[Authority: Sections 163.3177(2 and 3); 163.3177(6)(a, c, d and j), (8) and (10); 187.201(11)(b)4.; 187.201(15)(a) and (b)1., 2., 3., and 6.; 187.201(17)(b)1. 2., 5., 6., and 7.; and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2, 5 and 6); 9J-5.006(2)(c)1., (3)(b)1. and 8., and (3)(c)3; 9J-5.006(4 and 5); 9J-5.011(1)(a through f), (2)(b)2. and 3., (2)(c)1.; 9J-5.013; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1; 3, and 5; 9J-5.016(3)(c)1.d, e, f and g; 9J-5.016(4)(a), F.A.C.]

Recommendation: The Department understands that the County's intent was only to change the Harmony Overlay to its own designation without substantive changes to the development program. To this end, do not adopt the proposed deletions of the minimum and maximum development parameters in FLUE Policies 1.3.32.12 and 1.3.32.13. Revise the proposed amendment to include a policy that ensures that urban development on the Harmony property does not extend beyond the adopted UGB. Include meaningful and predictable policies that adequately guide the urban form and development pattern within Harmony, including locational criteria, mixture of land uses, and interconnectivity of land uses and transportation.

D. **CPA10-0009 (HB 697):** The County proposes amendments to the Future Land Use, Transportation and Conservation Elements as well as changes to the Future Land Use Map series of the Plan to implement the requirements of HB 697. Proposed new FLUE Goal 5, Objectives 5.1 and 5.2 and implementing policies are relative to sustainable development, energy and natural resource conservation, development of Transit Oriented Development and Station Area Plan policies, and standards for Urban Infill Activity Centers. Proposed new Conservation Element Policies 1.1.2 through 1.1.5 consist of "planning-to-plan" type policies which require the County to seek opportunities to implement green and sustainable initiatives and green building guidelines. Proposed CE Policy 1.1.3 defers the evaluation of the County's energy conservation measures and practices to the EAR process. Proposed new Transportation Objective 1.11 and its implementing policies seek to establish criteria for designating multi-modal transportation districts within the County.

1. **Objections to the Proposed Transit Oriented Development (TOD) Overlay and Station Area Plan Boundaries and Standards:** The County is proposing to adopt new Goal 5 and associated Objectives and Policies within the Future Land Use Element for purposes

of guiding and implementing a Transit Oriented Development Overlay plan. The County also proposes to adopt within the Transportation Element Map 4J: *Future Transit System and Major Transit Trip Generators and Attractors 2030*, which reflects existing, proposed and potential Activity Centers, within which TODs are required. The map reflects a planning time horizon that exceeds the 2025 comprehensive plan planning horizon. Additionally, while the proposed policies establish the general framework for the overlay, the TOD Policies indicate that it will be the LDC (Land Development Code) that actually defines the higher density and intensity standards, the mix of uses, and other design guidelines as well as the areas where the increased densities and intensities can occur. Additionally, notwithstanding proposed Map 4J, the proposed Plan policies only speak to the TOD and Station Area Plan once a Station area has been designated but do not include criteria to be used in determining an appropriate area for the TOD overlay or Station Area Plan. The proposed policies also do not establish a process for designating a TOD or SAP and does not indicate whether such designation would require an amendment to the Comprehensive Plan. The proposed policies also speak to the LDC designating “station types”, but there are no policies or maps proposed in the Plan to define the station types or their designations.

Section 163.3177(6)(a), Florida Statutes, requires that the Comprehensive Plan include a Future Land Use Element, based on appropriate and relevant data and analyses, designating the distribution, location and extent of land use categories. As proposed, the amendment does not sufficiently comply with these requirements because it defers the adoption of the development standards and parameters for TOD’s to a later date outside of the Comprehensive Plan. Specifically, FLUE Policy 5.2.4 states that “the County will update its LDC to establish a TOD Overlay to be applied to transit station areas as they develop in the County”. Proposed Policy 5.2.5 states that “upon the designation of the station type and the physical location of a new transit station, a Station Area Overlay initially measuring .5 mile radius from the center of the station platform will be created to facilitate mixed use development patterns through the Land Development Code”. Proposed Policy 5.3.4 lists the minimum framework that each Station Area Plan must include, such as “mix of uses, density/intensity minimums, bicycle and pedestrian facilities”, etc, but do not actually establish the standards within the Plan.

[Authority: Sections 163.3177(2), (6)(a, b, d, and i), (8) and (10); 187.201(11)(a) and (b)2., 3., 4., 6., and 9.; and 187.201(25)(b)7., F.S., and Rules 9J-5.005(2)(a), (5), and (6); 9J-5.006(2)(b) and (c), (3)(b)1. and 7., and (5); and 9J-5.019(4)(b)2., (4)(c)9., and 12., F.A.C.]

Recommendation: Revise the Transit Oriented Development policies to establish in the Comprehensive Plan appropriate guidelines and standards that will guide the selection of the TOD areas, station locations, boundaries and station types, and land use forms, as well as the minimum and maximum density and intensity standards and mix of uses that will be allowed within each station type. The policies should indicate that, once the relevant studies have been completed or an area has been determined to be eligible to be designated a TOD or Station Area, an amendment to the Comprehensive Plan will be required in order to formally establish the station location on the Future Land Use Map and apply the increased development potential already established in the Plan for that station type. Revise the proposed amendment to also establish within the Plan meaningful and predictable standards, including the density/intensity of

development, mix of uses, and interconnectivity of development, in order to guide the urban form and development pattern within the TOD and Station Area.

2. Objections to the Proposed MMTD Policies: The County’s multi-modal transportation district (MMTD) as proposed in TE Objective 1.11 is not meaningful and predictable and is also inconsistent with the provisions of Section 163.3180(15)(b), Florida Statutes. The proposed amendment does not include meaningful standards and predictable policies that will ensure a complementary mix and range of land uses, an interconnected network of streets designed to encourage walking and bicycling, and the development of land uses that promote daily activities within walking distances of residences. Instead, the proposed text amendments (specifically TE Policy 1.11.4) simply reiterate the language from the Statutes without actually adopting the required standards into the Plan. Additionally, the proposed amendment does not include density and intensity standards and minimum percentage for the mix of uses needed to support the use and function of multiple modes of transportation. Also, the proposed amendment does not include a financial plan or strategy for the funding and construction of the needed transportation improvements. Furthermore, the MMTD is not delineated on the Future Land Use Map. Instead, proposed TE Policy 1.11.2 states that “the County hereby establishes the area(s) in and identified on the Transportation Map 4K as Multimodal Transportation District(s)”. Transportation Map 4K identifies “Future Transit Corridors 2030” along the “High Speed Rail, Narcoossee Road, North Osceola Circulator, US 192 Circulator, and US 192 Circulator East Extension”. The proposed amendment would result in a one-mile corridor along these listed roadways where transportation concurrency is applied without the assurance of a mix of uses, appropriate densities and intensities to support alternative modes of transportation and interconnectivity of land uses and transportation infrastructure.

[Authority: Sections 163.3177(2) and (4)(a); 163.3177(6)(a and j), (8) and (10); 163.3180(15)(a, b, and c); 187.201(19)(b)2, 3, 7, 9, 11, 13, 14, and 15; 187.201(25)(b)7, F. S., and Rules 9J-5.005(2, 3, 5 and 6); 9J-5.0055(1)(b), (2)(a), (3)(c)7; 9J-5.006(3) and (6); 9J-5.016(2), (3)(b)1, 3, 4 and 5, (3)(c)1.f, (3)(c)4 and 5, and (4)(a)4; 9J-5.019(3)(k); 9J-5.019(4)(b)10; and 9J-5.019(4)(c)1 and 22, F. A. C.]

Recommendation: Section 163.3180(15)(c), F. S., requires that an MMTD include a mix and range of land uses, an interconnected network of streets designed to encourage walking and bicycling, appropriate densities and intensities of use within walking distance of transit stops, daily activities within walking distances of residences and pedestrian-friendly environments. To effectively achieve such community design elements and support multiple mode use, high density residential development and intense non-residential development and a range and mix of uses must occur. Revise the proposed Transportation Element Objective 1.11 and its associated policies to include the minimum and maximum mix and range of land uses and transportation strategies which will ensure an interconnected network of streets designed to encourage walking and bicycling and the development of land uses that promote daily activities within walking distances of residences. Also, revise the plan amendment to reflect the alternative modes of transportation needed to provide an adequate level of alternative mobility and to support, promote and sustain the community design elements of the MMTD pursuant to Section 163.3180(15)(c), F. S., over the 2025 timeframe of the Comprehensive Plan, including transit, pedestrian, bicycle and roadway facilities. The plan amendment should also include a financial

plan, and changes to the Capital Improvements Element as applicable, demonstrating the financial feasibility of sustaining the MMTD. Revise the Future Land Use Map to delineate the area or boundary of the MMTD consistent with Statutes.

3. Objections: The proposed plan amendment to comply with the provisions of HB 697 is not sufficient to address the requirements of Section 163.3177(6)(f), Florida Statutes. The proposed plan amendment does not include for adoption Housing Element policies and standards requiring energy efficiency in the design and construction of new housing and the use of renewable energy sources. Additionally, proposed FLUE Policies 5.1.3 and 5.1.4 would allow the County to update its Land Development Code to allow the development of “renewable energy technology based industries and businesses or sustainable development business within any location (unless otherwise specified in the LDC) without the need for Land Use Changes or NRU designation”. Proposed Parks and Recreation Element Objective 2.1 delays the adoption of the Sidewalks, Bikeways, Trails and Greenways Master Plan from 2006 until 2011. Based on the combination of a) the objections identified above for the Transit Oriented Development, Station Area Plans, and MMTD, b) the lack of appropriate housing policies, c) the delay of the Sidewalks, Bikeways, Trails and Greenways Master Plan, d) the proposed deletion of FLUE Policy 1.3.13 in CPA10-0012 above, and e) proposed FLUE Policies 5.1.3 and 5.1.4, the proposed plan amendment will not effectively result in the reduction of greenhouse gas emissions and increase in energy conservation and thus, fails to satisfy the requirements of Chapter 2009-06, Laws of Florida.

[Authority: Sections 163.3177(2), (6)(a), (d), (f)1.h.; and (j), (8) and (10); 187.201(11)(a) and (b)2., 3., 4., 6., and 9.; and 187.201(25)(b)7., F.S., and Rules 9J-5.005(2)(a), (5), and (6); 9J-5.006(2)(b) and (c), (3)(b)1., and (5); and 9J-5.019(4)(b)2., (4)(c)12., F.A.C.]

Recommendation: Revise proposed FLUE Policy 5.1.3 to not defer to the Land Development Code but rather require an amendment to the Plan or revise the amendment to designate appropriate areas within the County or the appropriate future land use designations where renewable energy technology based industries and businesses or sustainable development business would be allowed consistent with the Future Land Use Map. In addition to addressing the Objections to D.1 and D.2 above, revise the proposed amendment to include meaningful and predictable policies within the Comprehensive Plan, including the Future Land Use and Housing Elements, which would require energy efficiency in the design and construction of new housing and the use of renewable energy sources in new construction and which would effectively result in the reduction of greenhouse gas emissions and energy efficiency. Adopt the Sidewalks, Bikeways, Trails and Greenways Master Plan within one year of proposing this amendment.

iii. EAR-BASED AMENDMENTS

1. Objection: Osceola County is proposing policy 1.7.5 in the Future Land Use Element to meet the requirements of Section 163.3175, F.S., and Section 163.3177 (6)(a). Proposed policy 1.7.5 includes a non-voting representative appointed by the Avon Park Air Force Range on Osceola County Planning Commission. The policy does not meet all of the requirements of Section 163.3175, F.S., and Section 163.3177 (6)(a). The future land use element does not include criteria to achieve the compatibility of lands adjacent or closely proximate to military

installations. Additionally, the proposed amendment does not include the intergovernmental coordination process between the local government and the military for land use decisions including comprehensive plan amendments and land development regulations. Therefore, the amendment is not consistent with Sections 163.3175 and 163.3177(6)(a) F.S., requiring the local government to coordinate compatible land uses with military bases.

[Authority: Sections 163.3175; 163.3177(2),(4)(a),(6)(a),(h),(8),(10), F.S., Rules 9J-5.003(23), 9J-5.005(2), 9J-5.006(3)(c)2, 9J-5.015(3)(b)2, F.A.C; Section 187.201(25) F.S.]

Recommendation: Revise the amendment to meet the requirements of Sections 163.3175 F.S., and 163.3177(6)(a), F.S., regarding the need to coordinate land use decisions and changes to the Comprehensive Plan that affect the operation of the military installation base. Include the process by which the County will coordinate information relating to proposed changes to the comprehensive plan, plan amendments or changes to land development regulations that would affect the density or intensity of or use of land adjacent to or in close proximity to a military installation. This process must allow the military installation the opportunity to comment before the approval of the changes. Include criteria that addresses whether the change should be approved based on incompatibility with safety and noise standards, the funding of a Joint Land Use Study for the area, impact on the military installation mission. Adopt the policy including the military representation on the Planning Commission but also address the above requirements. Identify criteria, in coordination with the military, for locating compatible land uses closely proximate to the military installation.

2. **Objection:** The proposed amendment indicates that the County will establish a Rural Land Stewardship Area (RLSA) overlay through amendments to the land development code and depict the RLSA overlay on the County's official Zoning Map. Before land development regulations can be developed, the RLSA program must first be amended into the comprehensive plan in accordance with Section 163.3177(11)(d)4, F.S., and Rule 9J-5.026(2) F.A.C. The County has yet to adopt the RLSA and the RLSA Overlay Map pursuant to Section 163.3177(11)(d), F.S. The revised policies are inconsistent with Section 163.3177(11)(d)4, F.S., and Rule 9J-5.026(2) F.A.C., which require that the RLSA program be created through an amendment to the comprehensive plan and not adopt land development regulations until after the adoption of the plan amendment creating the RLSA.

[Authority: Section 163.3177(2),(6)(a),(8),(10),(11)(d)4, F.S.; Rule 9J-5.026(2) F.A.C; Section 187.201 (15)(b)2 and 187.201(25); (F.S.)

Recommendation: Do not adopt any changes to RLSA related policies (2.1.1, 2.1.3, 2.2.2) in the Future Land Use Element.

3. **Objection (Future Land Use Map):** There is no effective date and long-term planning horizon indicated on the Future Land Use Map Series (Map 1A, 1B, 2).

The proposed Future Land Use Map Series do not include the 2025 Planning Horizon consistent with the planning horizon as the FLUE. In addition, previously adopted amendments are not reflected on the future land use map including the depiction of District 9, 10, the new District 11 and the modifications to District 7.

[Authority: Sections 163.3177(1), (2), (5)(a) and (6)(a), (8),(10), F.S.; Rules: 9J-5.005(1)(c) and (4); 9J-5.006(4)(a), F.A.C; Section 187.201(25) F.S.]

Recommendation: Include the long term planning horizon on the FLUM Series. The timeframe should be consistent throughout the comprehensive plan. Reflect the previously adopted amendments in 10-1 and the amendments adopted with the 10-2ER amendment cycle.

4. **Objection:** The proposed amendment does not include a consistent long term planning horizon pursuant to the requirements of Section 163.3177(5)(a), F.S., and consistent dated maps pursuant to Rule 9J-5.005(1)(c) F.A.C. The County's proposed Future Transportation Map series and the proposed Future Land Use Natural Resource Utilization Sites Map 3A, 3B in the EAR-based amendments do not establish a consistent long-term (2025) planning horizon for the County's Comprehensive Plan. The proposed Map series extend beyond the 2025 Osceola County Comp Plan Planning timeframe. Revised Transportation Policies 1.13, 1.2.2, 1.2.22, 1.4.2, 1.8.1A, 1.9.4 and 1.10.7 in the Transportation Element refer to a 2030 Planning Horizon which is inconsistent with the existing policies in the FLUE (Policy 1.1.2, New Policy 1.1.6) which refer to the 2025 Osceola County Planning Horizon.

[Authority: Sections 163.3177(2),(5)(a) and (6)(a)(c)(j), F.S.; Rules 9J-5.005(5); 9J-5.005(1)(c) and (4); 9J-5.011, 9J-5.013, 9J-5.019(5)(a) and (b), F.A.C; Section 187.201(25) F.S.]

Recommendation: Revise the County's proposed Future Transportation Map series and the proposed Future Land Use Natural Resource Utilization Sites Map 3A, 3B to establish an internally consistent planning horizon with the rest of the plan. Revise the Transportation Policies to reflect the same Planning Horizon. Support the revised maps and policies with appropriate data and analysis including the agreed upon data and analysis with the Department of Transportation dated May 25, 2010.

5. **Objection:** The proposed amendment proposes to extend the dates of the Land Development Code in various elements of the Comprehensive Plan to December 2011 and beyond. Pursuant to Section 163.3202, F.S., the land development code is required to be amended within one year of the submission of the revised comprehensive plan.

[Authority: Sections.; 163.3177(2); 163.3177(6)(a), (b), (c), (d), and (j); 163.3202 F.S; Rules 9J-5.005(5) and (6); 9J-5.006(3)(b) & (c), F.A.C; Sections 187.201(19) (b) 9, 13; 187. 201(25)(b)5., F.S.]

Recommendation: Amend the policies to delete the reference to the land development code regulation and rewrite the policy to continue to include meaningful and predictable standards for the adoption of land development regulations.

iv. PRIVATELY-INITIATED AMENDMENTS

A. **CPA10-0004 (Waterview):** The proposed amendment changes the FLUM designation on 279.88 acres from Low Density Residential in the Urban Infill area to Mixed Use District 11 in the Urban Expansion area. The change will not result in any expansion of the urban growth boundary. The new Mixed Use District 11 is proposed to include 200-800 dwelling units,

employment of approximately 1000 employees and Comm/Svcs/Office between 200,000-400,000 sq. ft. The proposed District 11 is located within the Urban Growth Boundary and is mostly surrounded by LDR designated properties, with the exception of Poinciana High School to the West which is designated Institutional. The amendment also proposes to change the FLU designation on Map 2 from Urban Infill to Urban Expansion Area. The proposed amendment also includes a text change to Future Land Use Element-Policy 1.1.9 to identify the amount of development approved for District 11.

1. **Objection:** The proposed amendment has not been included in the proposed Osceola County Future Land Use Map series 1A, 1B and 2.

[Authority: Sections 163.3175; 163.3177(1), (2), (5)(a) and (6)(a), F.S.; Rules: 9J-5.005(1)(c) and (4); Rule 9J-5.006(4)(a), F.A.C.; Section 187.201(25)(b)7, F.S.]

Recommendation: Revise the proposed Osceola County Future Land Use Map series 1A, 1B and 2 to clearly establish the new Mixed Use District 11.

2. **Objection:** The amendment is not supported by an adequate public facility analysis addressing the five-year and long-term planning periods regarding: (1) the amount of potable water and wastewater facilities demand that will be generated by the maximum development potential allowed by the proposed future land uses; (2) the available uncommitted capacity of these type of facilities; (3) identification of any potable water and wastewater facility capital facility improvements that are needed to maintain the adopted level of service LOS standards; (4) coordination of any needed facility improvements with the Infrastructure and Capital Improvements Elements, including implementation through a Five-year Schedule of Capital Improvements in the Comprehensive Plan.

[Authority: Sections 163.3177(2), (3), and (4)(a); 163.3177(6)(a, c and j), (8) and (10); 187.201(17)(b)1., 5., 6., and 7.; and 187.201(25)(b)7, F.S., and Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1.d, e, f and g; 9J-5.016(4)(a), F.A.C.]

Recommendation: Revise the amendment to include the data and analysis above. Demonstrate coordination of the proposed land use with the provision of potable water and wastewater facilities. Also, coordinate any needed facility improvements with the Infrastructure and Capital Improvements Elements, including implementation through a Five-year Schedule of Capital Improvements in the Comprehensive Plan.

For improvements needed beyond the first five years, adopt into the Capital Improvements Element a working list of improvements that the County can draw from during the annual update of the Capital Improvement Element and Capital Improvements Plan to ensure that the adopted level of service standard for water and wastewater facilities and services will be achieved and maintained in a manner that is consistent with the County's long term strategy.

3. **Objection:** The amendment is not supported by adequate data and analysis that demonstrates the additional potable water demand created by this amendment can be supplied or that the potable water demands of the service area with this development over the next ten years has been planned for. The County has not identified the water supply demand from the proposed amendment or identified the sources for the supply.

[Authority: Sections 163.3164(32); 163.3167(13); 163.3177(2 and 3), (4)(a), (5)(a and b), (6)(a, c and d), (6)(h)1. and 2., (8), and (10)(a and e); 163.3180(1)(a) and (2)(a); 163.3187(2); 187.201(7)(b)2., 5., 9., 10., and 11.; 187.201(15)(b)1. and 6.; 187.201(17)(b)1., 2., 7., and 8.; and 187.201(25)(b)7., F. S., and Rules 9J-5.005(2) and (5)(a); 9J-5.006(2)(a), (3)(b) 1., (3)(c)3; 9J-5.011(1)(d), (e), (f); 9J-5.011(2)(c)2.; 9J-5.013(1)(c), (2)(c)1., and 9J-5.015(1) and (3)(b)1, 3 and 5, (3)(c)1, 3, 4 and 11, F. A. C.]

Recommendation: Revise the amendment to include the data and analysis demonstrating adequate existing or planned water supplies to serve the additional demand created by the amendment. Amend the adopted 10-year water supply plan as necessary in coordination with the supplies and the appropriate water management district to demonstrate adequate planned water supply.

4. **Objection:** The proposed FLUM amendment is projected to create a net increase of over 1,659 average daily trips and 152 PM peak hour trips. The proposed amendment did not demonstrate how the adopted roadway LOS standards will be maintained over the short term (five-year) and long-term planning timeframes. The County did not submit a transportation analysis for the short term and long term planning horizons that demonstrates that transportation LOS standards will be achieved and maintained for all roadway facilities within the County affected by this amendment for the short term and long term planning horizon. By 2015, a few segments within the County are projected to fail (US 17/92). The adopted levels of service for these segments are D respectively and are projected to operate at LOS F in the short term and long term horizons. The amendment does not address the need to maintain the adopted LOS over the long term planning horizon.

[Authority: Sections 163.3177(2),(3),(6)(a),(j), (8) & (10); 187.201(11)(b)4.; 187.201(15)(a); 187.201(15)(b)1.; 187.201(17)(b)1., and 7.; 187.201(19)(b)2.; and 187.201(25)(b)7., F.S., and Rules 9J-5.005(2),(5) and (6); 9J-5.006(2)(a) and (3)(b)1, (c)3; 9J-5.016(4); and 9J-5.019(4)(b)2, F.A.C.]

Recommendation: Submit a transportation analysis for the short term and long term planning horizons that demonstrates that transportation LOS standards will be achieved and maintained for all roadway facilities within the City. Any short-term improvements needed to maintain the adopted LOS standards must be included in the adopted five-year schedule of capital improvements in the comprehensive plan. Any long-term improvements needed to maintain the adopted LOS must be included on the Future Transportation Map and in the Capital Improvements Element.

B. **CPA10-0005 (BK Ranch):** consists of an amendment to the Osceola County FLUM Series (Map 1A and 1B) by changing the FLUM designation on approximately 954 acres from

Low Density Residential to Industrial. The property is located in the Urban Infill Area of the UGB, near an established commercial and industrial area at the intersection of Poinciana Boulevard and Old Tampa Highway.

1. **Objection:** The amendment is not supported by an adequate public facility analysis addressing the five-year and long-term planning periods regarding: (1) the amount of potable water and wastewater facilities demand that will be generated by the maximum development potential allowed by the proposed future land uses; (2) the available uncommitted capacity of these type of facilities; (3) identification of any potable water and wastewater facility capital facility improvements that are needed to maintain the adopted level of service LOS standards; (4) coordination of any needed facility improvements with the Infrastructure and Capital Improvements Elements, including implementation through a Five-year Schedule of Capital Improvements in the Comprehensive Plan.

[Authority: Sections 163.3177(2), (3), and (4)(a); 163.3177(6)(a, c and j), (8) and (10); 187.201(17)(b)1., 5., 6., and 7.; and 187.201(25)(b)7, F.S., and Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1)(a through f); 9J-5.011(2)(b)2; 9J-5.011(2)(c)1; 9J-5.016(1)(a); 9J-5.016(2)(b, c, and f); 9J-5.016(3)(b)1; 3, and 5; 9J-5.016(3)(c)1.d, e, f and g; 9J-5.016(4)(a), F.A.C.]

Recommendation: Revise the amendment to include the data and analysis above. Demonstrate coordination of the proposed land use with the provision of potable water and wastewater facilities. Also, coordinate any needed facility improvements with the Infrastructure and Capital Improvements Elements, including implementation through a Five-year Schedule of Capital Improvements in the Comprehensive Plan.

For improvements needed beyond the first five years, adopt into the Capital Improvements Element a working list of improvements that the County can draw from during the annual update of the Capital Improvement Element and Capital Improvements Plan to ensure that the adopted level of service standard for water and wastewater facilities and services will be achieved and maintained in a manner that is consistent with the County's long term strategy.

2. **Objection:** The amendment is not supported by adequate data and analysis that demonstrates the County can serve the additional potable water demand created by this amendment or that the County has planned for the potable water demands of their service area with this development over the next ten years. The County has not identified the water supply demand from the proposed amendment or identified the sources for the supply.

[Authority: Sections 163.3164(32); 163.3167(13); 163.3177(2 and 3), (4)(a), (5)(a and b), (6)(a, c and d), (6)(h)1. and 2., (8), and (10)(a and e); 163.3187(2); 187.201(7)(b)2., 5., 9., 10., and 11.; 187.201(15)(b)1. and 6.; 187.201(17)(b)1., 2., 7., and 8.; and 187.201(25)(b)7. , F. S., and Rules 9J-5.005(2) and (5)(a); 9J-5.006(2)(a), (3)(b) 1., (3)(c)3; 9J-5.011(1)(d), (e), (f); 9J-5.011(2)(c)2.; 9J-5.013(1)(c), (2)(c)1., and 9J-5.015(1) and (3)(b)1, 3 and 5, (3)(c)1, 3, 4 and 11, F. A. C.]

Recommendation: Revise the amendment to include the data and analysis demonstrating adequate existing or planned water supplies to serve the additional demand

created by the amendment. Amend the adopted 10-year water supply plan as necessary in coordination with the supplies and the appropriate water management district to demonstrate adequate planned water supply.

3. **Objection:** The proposed FLUM amendment is projected to create a net increase of over 74,102 average daily trips and 11,036 PM peak hour trips. The proposed amendment did not demonstrate how the adopted roadway LOS standards will be maintained over the short term (five-year) and long-term planning timeframes. The County did not submit a transportation analysis for the short term and long term planning horizons that demonstrates that transportation LOS standards will be achieved and maintained for all roadway facilities within the County affected by this amendment for the short term and long term planning horizon. By 2015, a few segments within the County are projected to fail (US 17/92). The adopted levels of service for these segments are D respectively and are projected to operate at LOS F in the short term and long term horizons. The amendment does not address the need to maintain the adopted LOS over the long term planning horizon.

[Authority: Sections 163.3177(2),(3),(6)(a),(j), (8) & (10); 187.201(11)(b)4.; 187.201(15)(a); 187.201(15)(b)1.; 187.201(17)(b)1., and 7.; 187.201(19)(b)2.; and 187.201(25)(b)7., F.S., and Rules 9J-5.005(2),(5) and (6); 9J-5.006(2)(a) and (3)(b)1, (c)3; 9J-5.016(4); and 9J-5.019(4)(b)2, F.A.C.]

Recommendation: Submit a transportation analysis for the short term and long term planning horizons that demonstrates that transportation LOS standards will be achieved and maintained for all roadway facilities within the City. Any short-term improvements needed to maintain the adopted LOS standards must be included in the adopted five-year schedule of capital improvements in the comprehensive plan. Any long-term improvements needed to maintain the adopted LOS must be included on the Future Transportation Map and in the Capital Improvements Element.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

1. **Objection:** The proposed Osceola County 10-2ER EAR-based plan amendments are not consistent with and do not further the goals and objectives of the State Comprehensive Plan as identified in Section I above.

Recommendation: By addressing the concerns noted in Section I, this inconsistency with Chapter 187, Florida Statutes, can be addressed.