## POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**ID** #: N/A

**DRC Date:** May 15, 2025

**Planning Commission Date:** June 4, 2025

**BoCC Dates:** July 15, 2025 (Transmittal), and November 4, 2025

**Applicant:** Polk County Land Development Division

Level of Review: Level 4 Review, Comprehensive Plan Text Amendment

Case Number and Name: LDCPAL-2025-4 EAR Based Comp Plan Text Amendment

**Request:** Change several policies in all Comprehensive Plan elements per the

requirements of Florida Statutes 163.3191, Evaluation and Appraisal Report (EAR), to reflect a minimum planning period of at least ten (10) years; to reflect changes in state requirements since the County's last

EAR; update the Historic Preservation policies and Historical

Resources Map; and, update the Infrastructure Element for septic to

sewer feasibility.

Location: N/A
Property Owner: N/A

Parcel Size: N/A

**Development** N/A

**Area/Overlays:** 

Future Land Use: N/A

Nearest Municipality N/A

**DRC Recommendation:** Approval Planning Commission Vote: Approval 6/0

Case Planner: Chanda Bennett, Comprehensive Planning Administrator

Florida Commerce: Polk CO. 25-4ER – 1 objection and 2 comments

Florida Statutes 163.3191, Evaluation and Appraisal Report (EAR), requires updates to Comprehensive Plans every 7 years to reflect a minimum planning period of at least ten (10) years and to reflect changes in state requirements since the County's last EAR. The proposed changes are for all elements of the Comprehensive Plan except four because updates based on the EAR are not necessary. Additional changes to the Comprehensive Plan include an update of the Historic Preservation policies and Historical Resources Map and modifications to the Infrastructure Element for septic to sewer feasibility.

#### **Summary of Analysis**

This is a staff-initiated amendment, pursuant to the requirements of Florida Statutes 163.3191, Evaluation and Appraisal Report (EAR), to reflect a minimum planning period of at least ten (10) years and to reflect changes in state requirements since the County's last EAR. In addition, the changes include modifications to the Historic Preservation policies and Septic to Sewer feasibility, in the Infrastructure Element. The changes have been made to the following elements.

#### Chapter 1 – General

• Divisions 1.100 to 1.400 General

#### **Chapter 2 – Development Policies**

- Division 2.100 Future Land Use designation
- Appendix 2.130 DRI and Pre DRI Selected Area Plans
- Appendix 2.131 Adopted Selected Area Plans
- Appendix 2.132 Critical Area Resource Management Plan
- Appendix 2.133 Individual Settlement Agreements
- Appendix 2.134 Adopted Neighborhood Plans (no changes)
- Appendix 2.135 Parcel Specific Future Land Use Map Amendments (no changes)
- Division 2.200 Housing Element
- Division 2.300 Conservation Element
- Division 2.400 Economic Element (no changes)
- Division 2.500 Property Rights Element (no changes)

#### **Chapter 3 – Public Facilities Policies**

- Division 3.100 Infrastructure Element (Includes septic to sewer changes)
- Division 3.200 Transportation Element
- **Division 3.300 Mass Transit Element** (No longer part of Plan as it was combined with Transportation Element with first EAR)
- **Division 3.400 Aviation Facilities Element** (No longer part Plan as combined with Transportation Element with first EAR)
- Division 3.500 Recreation and Open Space Element
- Division 3.600 Public School Facilities Element

#### **Chapter 4 – Implementation**

- Division 4.100 Intergovernmental Coordination Element
- Division 4.200 Capital Improvements Element
- Division 4.300 Administrative Provisions
- Division 4.400 Glossary

#### **Findings of Fact**

- This is a County-initiated request to amend the following elements of the Comprehensive Plan pursuant to the requirements of Florida Statutes 163.3191, Evaluation and Appraisal Report (EAR), to reflect a minimum planning period of at least ten (10) years; to reflect changes in state requirements since the County's last EAR; update the Historic Preservation policies; and, update the Infrastructure Element for septic to sewer feasibility:
  - Chapter 1 General
    - o Divisions 1.100 to 1.400 General
  - Chapter 2 Development Policies
    - o Division 2.100 Future Land Use designation
    - o Appendix 2.130 DRI and Pre DRI Selected Area Plans
    - o Appendix 2.131 Adopted Selected Area Plans
    - o Appendix 2.132 Critical Area Resource Management Plan
    - o Appendix 2.133 Individual Settlement Agreements
  - Division 2.200 Housing Element
  - Division 2.300 Conservation Element
  - Chapter 3 Public Facilities Policies
    - o Division 3.100 Infrastructure Element (Includes septic to sewer changes)
    - o Division 3.200 Transportation Element
    - o Division 3.500 Recreation and Open Space Element
    - O Division 3.600 Public School Facilities Element
  - Chapter 4 Implementation
    - o Division 4.100 Intergovernmental Coordination Element
    - o Division 4.200 Capital Improvements Element
    - o Division 4.300 Administrative Provisions
    - o Division 4.400 Glossary
- Florida Statutes 163.3191, Evaluation and Appraisal Report (EAR), requires a Comprehensive Plan to be updated every seven years to reflect a minimum planning period of at least ten (10) years and to reflect changes in state requirements since the County's last EAR.
- December 5, 2023, The Board of County Commissioners adopted Ordinance 2023-076, Certified Local Government for Historic Preservation.
- Pursuant to Section 163.3 177(6)(c)3, F.S., local governments are required to consider the feasibility of providing sanitary sewer services to any developments of more than 50 built or unbuilt lots with a density of more than one OSTDS per acre and identify the wastewater facilities (name and location) that could receive sanitary sewer flows after connection by

July 1, 2024. This section must address the current capacity of the identified wastewater facilities and any transmission facilities as well as the projected wastewater flows for the next 20 years, including expected future new construction and connections of OSTDSs to sanitary sewer. Additionally, the element must include a timeline for the construction of any sanitary sewer determined to be feasible.

- The County was unable to gather information from other city utilities providing wastewater in unincorporated Polk County by the July deadline. The Florida Department of Environmental Protection allowed the County to further meet this requirement by the time of the County's EAR transmittal.
- The County submitted a letter data October 22, 2024, stating that the County will accomplish the following with the submittal of the EAR:
  - o Identify all communities with developments of more than 50 built or unbuilt lots with a density of more than one (1) OSTDS per acre;
  - o Identify applicable utility service areas for these developments;
  - o Identify the current and 10-year projected capacity of the wastewater treatment facilities managed by Polk County;
  - o Evaluate feasibility to connect the identified developments to public sewer.
- Polk County submitted a letter to Florida Commerce on July 30, 2024 stating that the County is notifying the Florida Department of Commerce that Polk County intends to transmit an update to its Comprehensive Plan by August 1, 2025, to reflect an updated planning horizon and make changes based on changes in state law.

#### Recommendation

**Development Review Committee Recommendation:** Based on the information provided and the analysis conducted within this staff report, the Development Review Committee finds that with the proposed conditions the request **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the Development Review Committee (DRC) recommends APPROVAL of LDCPAL-2025-4.

Planning Commission Recommendation: On June 4, 2025, in an advertised public hearing, the Planning Commission voted (6:0) to recommend APPROVAL of LDCPAL-2025-4.

Department of Florida Commerce Objections, Comments and Recommendations Report (ORC) - Polk CO.25-4ER - Dated September 23, 2025: Florida Commerce has provided one objection and two comments. The ORC report is attached under separate cover. In addition, staff has worked with Inspire Placemaking Collective, Inc working with the County on the Comprehensive Plan update to provide a joint staff response to Florida Commerce. This is also attached under separate cover.

#### **GENERAL NOTES**

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

#### **Analysis:**

All Elements except Appendix 2.135, Parcel Specific Future Land Use Map Amendments; Division 2.400, Economic Element; and, Division 2.5, Property Rights Element were amended to update the horizon year where appliable, dates, statutory references, and agency names. Specific changes by element are as follows:

- Chapter 1 General
  - o Divisions 1.100 to 1.400 General
    - Changes to the General section include population project updates horizon year, dates, statutory references, and agency names
- Chapter 2 Development Policies
  - o Division 2.100 Future Land Use designation
  - o Appendix 2.130 DRI and Pre DRI Selected Area Plans
  - o Appendix 2.131 Adopted Selected Area Plans
  - o Appendix 2.132 Critical Area Resource Management Plan
  - o Appendix 2.133 Individual Settlement Agreements
    - Changes to the Elements in Chapter 2 include updated reference to community vision, added references and policies for specialized uses (floating solar facilities, public utilities, fuel terminals), and added policies for historic preservation
- Division 2.200 Housing Element
  - Changes to Housing Element include removing language on historic resources as covered in Future Land Use element.
- Division 2.300 Conservation Element
  - o Changes to Conservation Element are the general modifications previously mentioned.
- Chapter 3 Public Facilities Policies
  - o Division 3.100 Infrastructure Element
    - Changes to the Infrastructure Element include removing historic solid waste capacity table (1990-2020) and added current level of service (8.25lbs/capita/day), and adding policies on the septic to sewer feasibility analysis. See separate attachment titled "Technical Memorandum" prepared by Dewberry Engineers Inc. regarding a Septic Remediation Plan with a detailed feasibility analysis.
  - O Division 3.200 Transportation Element
    - Changes to the Transportation Element include general modifications previously mentioned.

- o Division 3.500 Recreation and Open Space Element
  - Changes to the Recreation and Open Space Element include the general modifications previously mentioned.
- o Division 3.600 Public School Facilities Element
  - Changes to the Public School Facilities Element included added statutory language regarding proportionate share mitigation
- Chapter 4 Implementation
  - o Division 4.100 Intergovernmental Coordination Element
    - Changes to Intergovernmental Coordination Element include general modifications previously mentioned.
  - O Division 4.200 Capital Improvements Element
    - Changes to Capital Improvements Element include removing outdated level-of-service language, statistics, and project references
  - Division 4.300 Administrative Provisions
    - Changes to Administrative Provisions include general modifications previously mentioned.
  - o Division 4.400 Glossary
    - Changes to the Glossary include statutory updates to definitions.

#### **Comparisons to other Jurisdictions:**

The changes to the Comprehensive Plan are based on the experience of the consultant, Inspire Placemaking Consultant, in updating other jurisdictions throughout the state in regarding to the Evaluation and Appraisal Report.

#### **Limits of the Proposed Ordinances**

The scope of the amendment will apply to those elements of the Comprehensive Plan need updating due to changes in state law since the last EAR as well update the Historic Preservation policies due to the Certified Local Government Ordinance being adopted and the septic to sewer feasiblity analysis.

#### **Comments from Other Agencies:** None

#### **Exhibits:**

Exhibit 1 **EAR** Letter

Septic to Sewer Letter Exhibit 2

Historic Preservation Map update Exhibit 3

#### **Separate attachment**

- Draft Ordinance with proposed text
- Application information
- Polk County 2050 Comprehensive Plan Evaluation and Appraisal Report Data and Analysis Memorandum
- CLG Ordinance Separate attachment
- Polk County FL Statutes Matrix
- Technical Memorandum prepared by Dewberry Engineers Inc. regarding a Septic Remediation Plan

#### Florida's Crossroads of Opportunity

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#### LAND DEVELOPMENT DIVISION

Land Development Division Ben Ziskal, AICP, CEcD, Director

July 30, 2024

James D. Stansbury, Chief Bureau of Community Panning and Growth State Land Planning Agency Caldwell Building 107 East Madison – MSC 160 Tallahassee, Florida 32399

: Polk County Comprehensive Plan Evaluation and Appraisal Report (EAR) Notification

Mr. Stansbury:

In accordance with Florida Statutes, Section 163.3191, Polk County respectfully submits this letter to notify the Florida Department of Commerce of our intention to amend our comprehensive plan within a year to include transmittal by August 1, 2025. The Polk County Comprehensive Plan has a planning period to 2030. In accordance with Section 163.3191, the comprehensive plan needs to reflect a planning period of at least 10 years.

Polk County has hired, Inspire Placemaking Collective, Inc, to collect appropriate data and analysis and conduct a vision update with Polk Vision as a partner. In addition, the Comprehensive Plan will be evaluated to determine any updates needed to reflect changes in state requirements.

If you need any additional information, please contact me or the Comprehensive Planning Administrator at (863) 534-6484 or email at chandabennett@polk-county.net.

Sincerely,

Benjamin J. Ziskal, AICP, CEcD, Director

Land Development Division

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Cc: Scott Rogers, Regional Program Administrator

COMMISSIONERS: George Lindsey III • Rick Wilson, Vice Chair • Bill Braswell, Chair • Martha Santiago • Neil Combee

### EVALUTION AND APPRASIAL REPORT LETTER TO FLORIDA COMMERCE

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#### LAND DEVELOPMENT DIVISION

Land Development Division Ben Ziskal, AICP, CEcD, Director

October 22, 2024

James D. Stansbury, Chief (via portal) Bureau of Community Panning and Growth State Land Planning Agency Caldwell Building 107 East Madison – MSC 160 Tallahassee, Florida 32399 Lindsay Weaver, Environmental Specialist II Office of Intergovernmental Programs Florida Department of Environmental Protection Via Email - <u>Lindsay.Weaver@FloridaDEP.gov</u>

RE: Polk County Comprehensive Plan Amendment LDCPAL-2023-13 (Septic to Sewer) Florida Commerce Amendment No. 24-02ACSC

Mr. Stansbury and Ms. Weaver:

Polk County is in receipt of the Florida Commerce letter dated June 28, 2024, indicating the Bureau of Community Planning and Growth completed a review of the proposed comprehensive plan, Polk County Amendment No. 24-02ACSC (LDCPAL-2023-13 – Septic to Sewer). The letter included an Objections, Recommendations, and Comments Report (ORC) with comments provided by the Florida Department of Environmental Protection (FDEP). This response is provided to communicate Polk County's intentions for complying with the ORC.

In the ORC, FDEP provided a comment stating the County must address the requirements established in Section 163.3177(6)(c)3, F.S by July 1, 2024. Although the County did not receive these comments in time to meet the deadline, FDEP stated as an alternative, the County could provide "an appropriate policy direction and outline the process" the County plans to use to address these requirements in future updates. Specifically, the County must complete a feasibility analysis for providing sanitary sewer services to any developments of more than 50 built or unbuilt lots with a density of more than one (1) On-Site Treatment and Disposal System (OSTDS) per acre and identify wastewater facilities that could receive sanitary sewer flows after connection.

The County's transmitted amendment previously included this analysis for those communities in unincorporated Polk County within a Basin Management Action Plan (BMAP) and within a County Utilities service area for wastewater. The adoption hearing for this amendment is scheduled for December 17, 2024. Polk County's expectation is that the amendment will accomplish the following:

- Identify all communities with developments of more than 50 built or unbuilt lots with a density of more than one (1) OSTDS per acre;
- Identify applicable utility service areas for these developments;

COMMISSIONERS: George Lindsey III • Rick Wilson, Vice Chair • Bill Braswell, Chair • Martha Santiago • Neil Combee

# SEPTIC TO SEWER LETTER TO FLORIDA DEPARTMENT OF ENVIRONMNTAL PROTECTION

- Identify the current and 10-year projected capacity of the wastewater treatment facilities managed by Polk County;
- 4) Evaluate feasibility to connect the identified developments to public sewer.

Additional time is necessary for Polk County to estimate the cost of connection for the identified developments including an evaluation of the connection scenarios that may exist. For instance, the development may be within a Polk County Utilities service area, a private utility service area or municipal utility service area, or maybe outside of any utility service area where connection is not feasible in the next ten (10) years. Polk County will include an evaluation of the estimated cost with the update to the Comprehensive Plan due to be transmitted to Florida Commerce in July 2025.

If you need any additional information, please contact me via information below or the Comprehensive Planning Administrator, Chanda Bennett, at (863) 534-6484 or email at chandabennett@polk-county.net.

Sincerely,

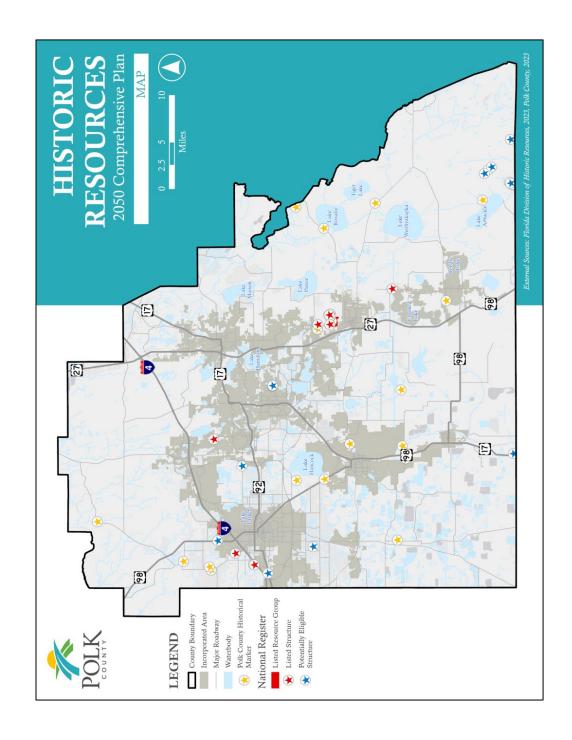
Benjamin J. Ziskal, AICP, CEcD, Director

Land Development Division

863.534.6473 / benjaminziskal@polk-county.net

Cc: Scott Rogers, Regional Program Administrator

# SEPTIC TO SEWER LETTER TO FLORIDA DEPARTMENT OF ENVIRONMNTAL PROTECTION



### **HISTORIC PRESERVATION MAP**