

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 Area/Overlays:	N/A
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
 - 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
 - Division 2.200 – Housing Element
 - Division 2.300 - Conservation Element
 - Chapter 3 – Public Facilities Policies
 - Division 3.100 – Infrastructure Element (Includes septic to sewer changes)
 - Division 3.200 – Transportation Element
 - 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
- 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 163.3177(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 dated October 22, 2024, stating that the County will accomplish the following with the submittal of the EAR:
 - 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;
 - Identify the current and 10-year projected capacity of the wastewater treatment facilities managed by Polk County;
 - 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 applicable, dates, statutory references, and agency names. Specific changes by element are as follows:

- Chapter 1 – General
 - 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
 - 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
 - **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
 - **Changes to Conservation Element** are the general modifications previously mentioned.
- Chapter 3 – Public Facilities Policies
 - 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.
 - Division 3.200 – Transportation Element
 - **Changes to the Transportation Element** include general modifications previously mentioned.

- Division 3.500 – Recreation and Open Space Element
 - **Changes to the Recreation and Open Space Element** include the general modifications previously mentioned.
- 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
 - Division 4.100 – Intergovernmental Coordination Element
 - **Changes to Intergovernmental Coordination Element** include general modifications previously mentioned.
 - 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.
 - 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 feasibility analysis.

Comments from Other Agencies: None

Exhibits:

Exhibit 1 EAR Letter
Exhibit 2 Septic to Sewer Letter
Exhibit 3 Historic Preservation Map update

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 330 West Church Street PO Box 9005 • Drawer GM03 Bartow, Florida 33831-9005	 POLK COUNTY	Board of County Commissioners PHONE: 863-534-6792 FAX: 863-534-6407 www.polk-county.net
LAND DEVELOPMENT DIVISION		
Land Development Division Ben Ziskal, AICP, CEcD, Director July 30, 2024 James D. Stansbury, Chief Bureau of Community Planning and Growth State Land Planning Agency Caldwell Building 107 East Madison – MSC 160 Tallahassee, Florida 32399 RE: <u>Polk County Comprehensive Plan Evaluation and Appraisal Report (EAR) Notification Letter</u> 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 Cc: Scott Rogers, Regional Program Administrator		
COMMISSIONERS: George Lindsey III • Rick Wilson, Vice Chair • Billi Braswell, Chair • Martha Santiago • Neil Combee		

EVALUATION AND APPRASIAL REPORT LETTER TO FLORIDA COMMERCE

Florida's Crossroads of Opportunity 330 West Church Street PO Box 9005 • Drawer GM03 Bartow, Florida 33831-9005	 POLK COUNTY	Board of County Commissioners PHONE: 863-534-6792 FAX: 863-534-6407 www.polk-county.net		
LAND DEVELOPMENT DIVISION				
Land Development Division Ben Ziskal, AICP, CECD, Director October 22, 2024 <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> James D. Stansbury, Chief (via portal) Bureau of Community Planning and Growth State Land Planning Agency Caldwell Building 107 East Madison – MSC 160 Tallahassee, Florida 32399 </td> <td style="width: 50%; vertical-align: top;"> Lindsay Weaver, Environmental Specialist II Office of Intergovernmental Programs Florida Department of Environmental Protection Via Email - Lindsay.Weaver@FloridaDEP.gov </td> </tr> </table> RE: <u>Polk County Comprehensive Plan Amendment LDCPAL-2023-13 (Septic to Sewer) Florida Commerce Amendment No. 24-02ACSC</u> 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: 1) Identify all communities with developments of more than 50 built or unbuilt lots with a density of more than one (1) OSTDS per acre; 2) Identify applicable utility service areas for these developments;			James D. Stansbury, Chief (via portal) Bureau of Community Planning 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 - Lindsay.Weaver@FloridaDEP.gov
James D. Stansbury, Chief (via portal) Bureau of Community Planning 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 - Lindsay.Weaver@FloridaDEP.gov			
COMMISSIONERS: George Lindsey III • Rick Wilson, Vice Chair • Bill Braswell, Chair • Martha Santiago • Nell Combee				

SEPTIC TO SEWER LETTER TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

- 3) 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.

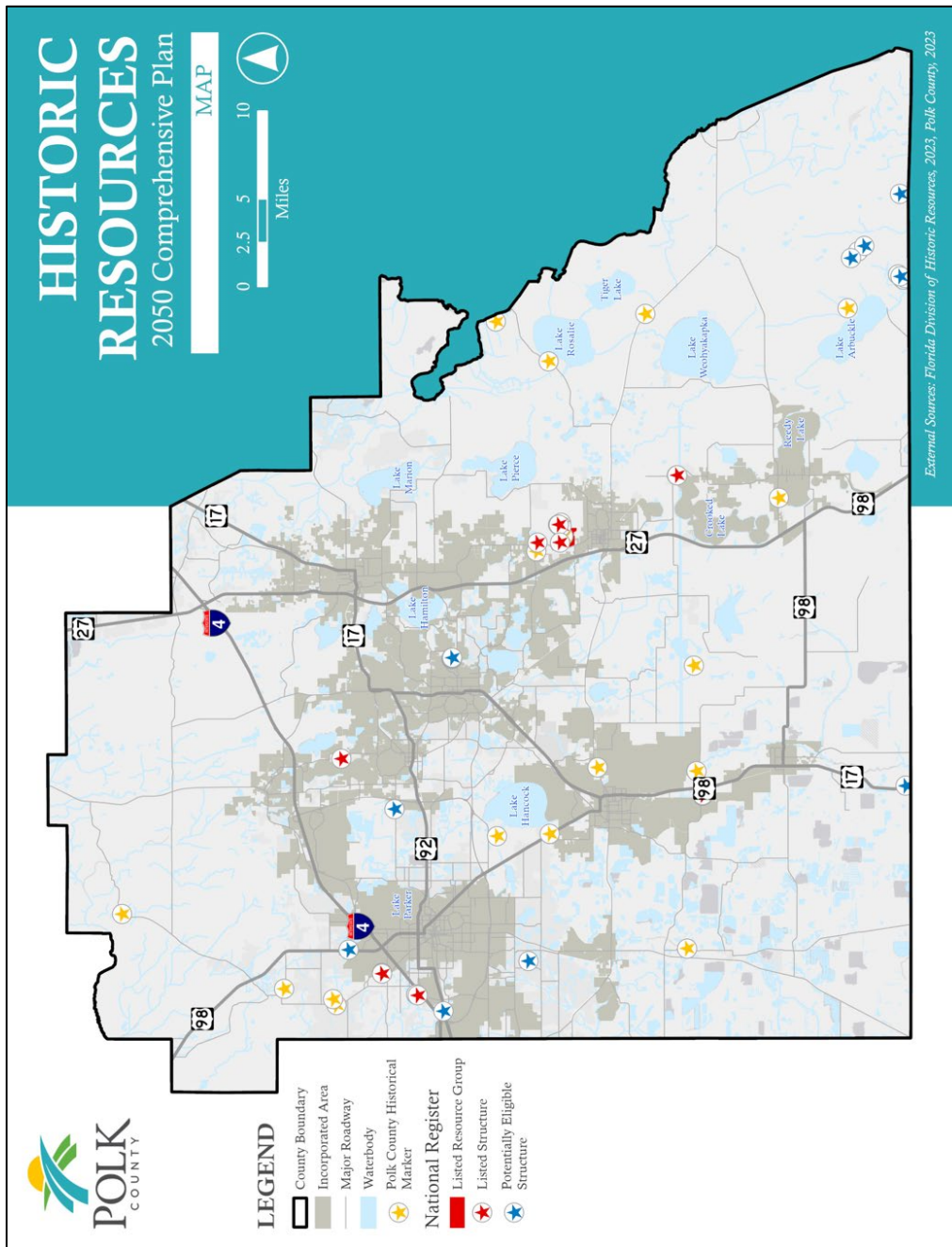
Sincerely,



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 ENVIRONMENTAL PROTECTION



HISTORIC PRESERVATION MAP