

June 28, 2024

The Honorable Bill Braswell
Chairman, Polk County
Board of County Commissioners
330 West Church Street
Bartow, Florida 33831-9005

Dear Chairman Braswell:

The Florida Department of Commerce (FloridaCommerce) has completed its review of the proposed comprehensive plan amendment for Polk County (Amendment No. 24-02ACSC), which was received on April 30, 2024. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

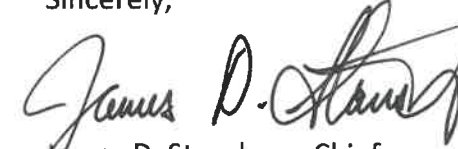
The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. FloridaCommerce does not identify any objections to the proposed amendment. However, FloridaCommerce is providing a comment. The comment is offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S. The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to Section 163.3184(4)(e)2., F.S.

FloridaCommerce staff is available to assist the County to address the comments. If you have any questions related to this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850) 717-8510 or by email at scott.rogers@commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Chanda Bennett, AICP, Comprehensive Planning Administrator, Polk County
Jennifer Codo-Salisbury, AICP, Executive Director, Central Florida Regional Planning Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Polk County, Amendment 24-02ACSC**

FloridaCommerce has identified a comment regarding Polk County's proposed comprehensive plan amendment. The comment is provided below, along with recommended actions the County could take to resolve issues of concern. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with County staff and is available to assist the County to address the comment.

1. Comment (Septic System Conversion to Central Sanitary Sewer System Service): Chapter No. 2023-169 amended Section 163.3177(6)(c)3., Florida Statutes (F.S.), to require the Infrastructure Element to consider the feasibility of providing sanitary sewer services to any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (OSTDS) per one acre within a 10-year planning horizon, and to identify the wastewater facility (capacity, projected flows for the next 20 years, and timeline for construction of the sanitary sewer system) that could receive the sanitary sewer flows after connection. Section 163.3177(6)(c)3., F.S., requires that each comprehensive plan must be updated to include the required element by July 1, 2024, and as needed thereafter to account for future applicable developments. The proposed Amendment 24-02ACSC does not include the information required by Section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element. In addition, please see the enclosed comments (letter dated May 30, 2024) from the Florida Department of Environmental Protection (FDEP). The County should coordinate with FDEP and revise the amendment to include the information required by Section 163.3177(6)(c)3., F.S., in the adopted portion of the Infrastructure Element.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Florida Department of Commerce identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

_____ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 30, 2024

Donna Harris, Senior Plan Processor
Florida Department of Commerce
Bureau of Comprehensive Planning
State Land Planning Agency
107 East Madison – MSC 160
Tallahassee, Florida 32399-4120

Polk County 24-02ACSC Proposed Comprehensive Plan Amendment State Coordinated Review

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment in accordance with the provisions of Chapter 163, Florida Statutes (F.S.). The Department's review of the proposed policies focused on important state resources and facilities that would be adversely impacted if the amendment is adopted, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails and conservation easements; solid waste; and water and wastewater treatment; and the Everglades ecosystem restoration.

PROPOSED AMENDMENTS

The proposed amendment updates the County's Infrastructure Element, Future Land Use Element, and Capital Improvement Element to address new onsite sewage treatment and disposal system (OSTDS) limitations within areas covered by Basin Management Action Plans (BMAP), Reasonable Assurance Plans (RAP), and Pollution Reduction Plans (PRP), and establishes a Nutrient Restoration Plan Overlay for these areas. The County's Draft OSTDS Remediation Plan is included within the transmittal package. The County's Staff Report states that the amendments are in response to House Bill (HB) 1379.

DEPARTMENT COMMENTS

During the 2023 legislative session, the Florida Legislature passed HB 1379, Laws of Florida Chapter No. 2023-169, which revised s. 163.3177, F.S., requiring local government comprehensive plans to address the following:

- Within the schedule of capital improvements, any county or municipality with a BMAP within its jurisdiction must include a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP (s. 163.3177(3)(a)4.b, F.S.)

- Within the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element, local governments must address the upgrading of wastewater treatment facilities and prioritize advanced waste treatment (AWT), and, for local governments not included within a designated Rural Area of Opportunity, a section considering the feasibility of providing sanitary sewer services within a 10-year planning horizon to any development of more than 50 built or unbuilt residential lots with a density of more than one OSTDS (aka septic system) per acre must be included by July 1, 2024 (s. 163.3177(6)(c)3, F.S.)

Section 163.3177(6)(c)3, F.S., requires local governments 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. 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.

To be consistent with s. 163.3177(6)(c)3, F.S., the County must address the above requirements within the Infrastructure Element by July 1, 2024. If the County is unable to include this information before the deadline, please provide appropriate policy direction and outline the process the County plans to use to address these requirements in future updates to the element.

CONCLUSION

The Department is providing technical assistance comments consistent with s. 163.3168(3), F.S. The comments will not form the basis of a challenge. If you should require assistance or additional information, please contact me at (850) 717-9037 or Lindsay.Weaver@FloridaDEP.gov.

Sincerely,



Lindsay Weaver, Environmental Specialist II
Office of Intergovernmental Programs

cc: Donna Harris, Florida Department of Commerce



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Ed Armstrong
Chair, Pinellas

Michelle Williamson
Vice Chair, Hillsborough

John Mitten
Secretary, Hernando, Marion

Jack Blapham
Treasurer, Manatee

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John Hall
Polk

James Holton
Pinellas

Dustin Rowland
Pasco

Robert Stern
Hillsborough

Nancy Watkins
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

May 15, 2024

Ms. Barbara Powell, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120

Subject: Polk 24-2ACSC

Dear Ms. Powell:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment. We are not forwarding any comments for consideration.

We appreciate this opportunity to participate in the review process. If you have any questions or require further assistance, please do not hesitate to contact me at (352) 269-6937 or james.golden@watermatters.org.

Sincerely,

James J. Golden, AICP
Senior Planner

JG
cc: Chanda Bennett, Polk County