



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

August 8, 2008

The Honorable Walter T. Kelley  
Mayor, City of Lynn Haven  
825 Ohio Avenue  
Lynn Haven Florida 32444

Dear Mayor Kelley:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Lynn Haven (DCA 08-PEFE1), which was received on June 10, 2008. Based on Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, we have prepared the attached Objections, Recommendations, and Comments (ORC) Report, which outlines our findings concerning the amendment.

It is particularly important that the City address the 'objections' set forth in the ORC Report so that these issues can be successfully resolved prior to adoption. We have also included a copy of state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our ORC Report outlines procedures for final adoption and transmittal.

The proposed amendment package consists of amendments to the City's Public School Facilities Element as well as a text amendment to the Capital Improvements and Intergovernmental Coordination elements. The Department would like to commend the City for updating its Plan; however, we do have concerns as outlined in the attached Report. Our objections relate to the data and analysis; the Capital Improvements Element; and the Interlocal Agreement supporting the proposed school concurrency amendments. It should also be noted that the Objections, Recommendations, and Comments for the City of Lynn Haven's Public School Facilities Element are consistent with those for other local governments in Bay County (i.e. Bay County, Parker, Cedar Grove, etc.).

We believe that the concerns outlined in our Report can be resolved in a straightforward manner and are available to work with your staff to assist the City in responding to our Report.

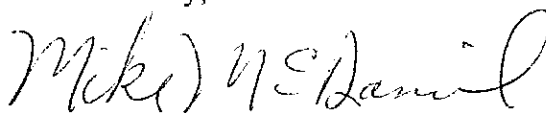
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-1309 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Walter T. Kelley  
August 8, 2008  
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If you, or your staff have any questions; or if we may be of further assistance as you formulate your response to this Report, please contact Susan Poplin, Regional Planning Administrator via email at [susan.poplin@dca.state.fl.us](mailto:susan.poplin@dca.state.fl.us) or by phone at (850) 922-1821; or Nia Clark, Planner, via email at [nia.clark@dca.state.fl.us](mailto:nia.clark@dca.state.fl.us) or by phone at (850) 921-3760.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief,  
Office of Comprehensive Planning

MM/nc

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council  
Mr. John B. Lynch, City Manager, City of Lynn Haven  
Ms. Marion L. Cook, City Planner, City of Lynn Haven

## TRANSMITTAL PROCEDURES

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, the City of Lynn Haven has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

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

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- 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 amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Terry Joseph, Executive Director, West Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring 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 the law to furnish to the Department 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.

**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR THE CITY OF LYNN HAVEN**  
**COMPREHENSIVE PLAN AMENDMENT 08-PEFE1**

August 8, 2008  
Division of Community Planning  
Bureau of Local 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 the City of Lynn Haven's proposed amendment to their comprehensive plan (DCA number 08-PEFE1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. 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 the Department's 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 9J-5.002(2), F.A.C., 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 the Department's 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 REPORT

## FOR THE CITY OF LYNN HAVEN

### PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

#### I. CONSISTENCY WITH RULE 9J-5, F.A.C. and CHAPTER 163, F.S.

##### A. Public School Facilities Element, Capital Improvements and Interlocal Agreement

###### 1. Data and Analysis

**Objection:** The Public Schools Facilities Element is not supported by best available data, including the most recent 5-year district facilities work plan, consistent with 163.3177(12), F.S.; the most recent Florida Inventory of School Houses (FISH) capacity and Capital Outlay Full Time Equivalents (COFTE), consistent with Rules 9J-5.025(2)(a), (b), F.A.C.; and population projections, consistent with 163.3177(12)(c), F.S.

Additionally, the City has provided data for the existing FISH capacity, existing enrollment, and projected 2010-2011 capacity. However, the total FISH capacity and total student enrollment has been combined for all facility types to determine the LOS for the district. The district-wide LOS should be determined for each facility type rather than aggregating capacity and enrollment for all facility types.

Authority: Sections 163.3177 (8), (12), F.S., and Rule 9J-5.025(2), F.A.C.

**Recommendations:** Revise the data and analysis to include the most recent 5-year district facilities work plan, COFTE, FISH, and population data. Additionally, the district-wide LOS should be determined for each facility type rather than aggregating capacity and enrollment for all facility types. The analysis should be revisited to show LOS by facility type for each year throughout the 5 year planning period.

###### 2. Capital Improvements Element

**Objection:** The CIE does not incorporate the latest 5-year district facilities work plan by reference or by including those relevant projects in the 5-year schedule consistent with 163.3177(12), F.S. Policy 8-2 of the CIE incorporates the most current district facilities work plan and is therefore self-amending.

Authority: Sections 163.3177(3), (6)(a), (8), (12), and Rules 9J-5.005(2)(g), 9J-5.016(4), 9J-5.025, F.A.C.

**Recommendations:** Revise the CIE to incorporate the 2007/08 5-year district facilities work plan by reference or by including relevant projects from the most recent 5-year district facilities work plan in the adopted 5-year Capital Improvements Schedule. If included by reference, the policy should identify the title, date, and author of the referenced document.

### **3. Interlocal Agreement**

**Objection:** The proportionate share mitigation options stated in Section 13.4 of the ILA are not the same as those stated in Policy 6-16 of the PSFE, which lists an additional option for Educational Facility Benefit Districts.

Authority: Sections 163.3177 (8), (12); 163.3180, F.S., and Rule 9J-5.025, F.A.C

**Recommendations:** The ILA and/or the PSFE should be revised to be consistent with each other in accordance to Sections 163.3177(8) and (12), F.S.; and Rule 9J-5.025, F.A.C.

**Comment:** Section 11.3 of the ILA provides that Land Development Regulations (LDRs) will be adopted "within one (1) year after amendment of the County's, Cities', and Town's comprehensive plans...". The City should note that the provision does not relieve the district from implementing school concurrency once the comprehensive plan amendments are adopted and in effect.

## **II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN**

The City of Lynn Haven's proposed amendment package 08-PEFE1 does not adequately address and further the following goals and policies of the State Comprehensive Plan (Chapter 187, F.S.):

### **A. Objections I.A.1 through A.3:**

- (17) Public Facilities, Goal (a) and Policy (b)7;
- (20) Governmental Efficiency, Goal (a) and Policy (b)1; and
- (25) Plan Implementation, Goal (a) and Policy (b)7.

# FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith  
Commissioner of Education

STATE BOARD OF EDUCATION

T. WILLARD FAIR, Chairman

Members

LONNA G. CALLAWAY

ER. AKSHAY DESAI

ROBERTO MARTINEZ

PHOEBE RAULERSON

KATHLEEN SHANAHAN

LINDA K. TAYLOR

1 SP  
5/13/08



May 13, 2008

D. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Bay County 08PEFE1

Thank you for the opportunity to review the proposed public educational facilities element for Bay County. The transmittal included supporting data and analysis, an executed interlocal agreement between the county and the School Board, and proposed plan amendments to implement school concurrency. On behalf of the Department of Education, I have completed a review and prepared the following comments:

1. **Data and Analysis.** – The data and analysis are fairly complete, but student enrollment estimates and data on permanent school facility do not reflect best available data. The data and analysis also omitted the current district facilities work plan and educational plant survey, which must be included in their entireties. Because best available data related to student enrollment, school facility capacities, school capacity projects, and estimated revenues are not used, the level of service analysis is not valid and the document does not demonstrate a financially feasible plan to achieve and maintain the proposed level of service standards. The data and analysis must be revised to reflect enrollment estimates prepared by the Florida Legislature's Office of Economic and Demographic Research (COFTE) and dated August 2007, accurate data for permanent capacity derived from the Florida Inventory of School Houses (FISH), and the 2007-08 through 2011-12 district facilities work plan. The data and analysis must also be revised to reflect capacity projects and estimated revenues consistent with the short-term (five-year) and 10-year planning periods covered by the current district facilities work plan.

SPESSARD BOATRIGHT  
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

The data and analysis does not adequately address requirements to identify opportunities and problems in collocating school facilities and other public facilities, the need for supporting infrastructure, opportunities to locate schools to serve as community focal points, and data and analysis showing how school concurrency costs will be met and shared by affected parties. The data and analysis must also be revised to address these requirements. Finally, the data and analysis must be revised to address existing and projected school facility surpluses and deficiencies for the short-term and long-term periods, and to provide forecasts of revenues and expenditures consistent with the current five-year district facilities work plan, projections of debt service obligations, projections of facilities operating costs and projection of debt capacity.

2. Interlocal Agreement. – The transmittal included an executed interlocal agreement for public school facility planning and concurrency signed in February 2007. While the agreement is also written to be entered into by the municipalities located within Bay County, the transmittal included only the signature pages for the county and the school board. According to the Department's records, the agreement was not previously submitted for consistency review pursuant to Rule 9J-11.022, F.A.C. The amended interlocal agreement is generally complete and responsive to minimum requirements. The Department notes that Section 11.6 establishes initially a districtwide concurrency service area and provides that less-than-districtwide areas will be established within five years.
3. Goals, Objectives and Policies. – The transmittal adequately addresses requirements for amendment of the intergovernmental coordination element. Proposed capital improvements element policy 11.13.3 seeks to adopt the most current school board school facilities work plan as part of the county's capital improvements schedule. As proposed, however, the policy is self amending and must be revised to include the author, title, and date of the document to ensure consistency with Rule 9J-5.005(2), F.A.C. Because the policy proposes to adopt the school board's plan by reference, the plan must be incorporated into the data and analysis.

Two policies included in the proposed public school facilities element must also be revised prior to adoption. First, policy 13.5.8 provides for the establishment of less-than-districtwide concurrency service areas by April 15, 2010. While this policy is not inconsistent with the interlocal agreement, it is internally inconsistent with ICE policy 10.15.1.D, which requires the adoption of sub-district concurrency service areas by 2013. These policies must be revised to be internally consistent so that a meaningful, predictable standard is provided in the plan. Second, proposed policy 13.5.16 provides an option for proportionate share mitigation that includes the use of educational facilities benefit district. This option is not supported by the interlocal agreement and the documents should be revised for consistency and clarity.

Finally, the proposed amendments do not propose adoption of the required map series. The data and analysis include maps that meet requirements and the county should revise plan to include a policy to adopt the maps as required.

Mr. D. Ray Eubanks  
May 13, 2008  
Page 3 of 3

Department of Education staff is available to assist county and district staff in resolving the consistency and compliance issues. Again, thank you for the opportunity to review and comment. Please let me know if you have any questions.

Sincerely,

Tracy D. Suber  
Educational Consultant-Growth Management Liaison

TDS/  
Enclosures

cc: Mr. Wayne Elmore, Bay County Public Schools  
Ms. Ana Richmond



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sife  
Secretary

1 SP  
6/25/08

June 24, 2008

Mr. D. Ray Eubanks  
Bureau of Local Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: City of Lynn Haven 08-PEFE1, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the amendment pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2168.

Sincerely,

*Lori Cox*

Environmental Specialist  
Office of Intergovernmental Programs

/lec




15P  
Bill Roberts, Chairman  
Bill Dozier, Vice-Chairman

Terry A. Joseph, Executive Director

**MEMORANDUM**

**DATE:** June 18, 2008

**TO:** Mr. Mike McDaniel  
Chief, Bureau of Local Planning  
DCA: 2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**FROM:** Bruce Stift,  Director of Land Use and Economic Development

**RE:** **COMPREHENSIVE PLAN PSFE AMENDMENT  
STAFF REVIEW REPORT**

Enclosed please find the West Florida Regional Planning Council Comprehensive Plan Review Staff Report for the following Comprehensive Plan amendment(s):

- Proposed City of Lynn Haven LSA-08-6 Amendment

Please contact me at (850) 332-7976 or 1-800-226-8914 if you have any questions.

BS/cw

Copy: City Planner, City of Lynn Haven  
Bay County Planning and Zoning  
Florida Department of Education  
Florida Department of Environmental Protection  
Florida Department of State, Historic Preservation Planner  
Florida Department of Transportation, District 3  
Northwest Florida Water Management District

Enclosure



West Florida  
**Regional  
Planning  
Council**

Bill Roberts, Chairman  
Bill Dozier, Vice-Chairman

Terry A. Joseph, Executive Director

**DATE:** June 18, 2008

**TO:** Mr. Mike McDaniel  
Chief, Bureau of Local Planning  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

**FROM:** Cynthia R. Williams, Senior Planner *CRW*

**RE:** City of Lynn Haven Comprehensive Plan Amendment Review  
Proposed Amendment LSA-08-6

**Introduction**

Staff has completed its review of the proposed amendments to the City of Lynn Haven Comprehensive Plan for consistency with the West Florida Strategic Regional Policy Plan. The Council must review and comment on Comprehensive Plan amendments within 30 days after receipt of the proposed plan amendment. The review is limited to effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts, which would be inconsistent with the comprehensive plan of the affected local government.

**Summary of Staff Review**

The proposed amendment package consists of the following amendments:

**LSA-08-6** Public Schools Facilities Element  
Text amendments to the Intergovernmental Coordination Element  
Text amendments to the Capital Improvement Element

**Recommendation**

The proposed amendments appear to be generally consistent with the Strategic Regional Policy Plan. Staff submits this review without Planning Council review due to the timing of response requirements and meeting date conflicts.

**G. Compatibility with regional transportation corridors and facilities, including seaports, airports, public transportation systems, high-speed rail facilities, and intermodal facilities**

Proposed amendment LSA-08-6 does not appear to adversely impact transportation corridors.

**H. Adequacy and compatibility with emergency preparedness plans**

The proposed amendments do not directly address emergency preparedness.

**I. Other issues not addressed in the SRPP**

None.

**CONCLUSION**

The proposed amendment appears to be generally consistent with the West Florida Strategic Regional Policy Plan. Staff offers the above comments for consideration. The Council will make a final recommendation of consistency or non-consistency after the amendment is adopted.