



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

MEMORANDUM

TO: **Jim Quinn, DEP**
Susan Harp, DOS
Wendy Evans, AG
Mary Ann Poole, FWC
John Czerepak, FDOT 1
Patricia Steed, Central Florida RPC
Rand Frahm, Southwest Florida WMD
Kate Edger, South Florida WMD

Date: June 30, 2008

Subject: Proposed Comprehensive Plan Amendment Review Objections,
Recommendations and Comments Reports

Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):

Highlands Co 08PEFE1

These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.

If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.

RE/lp

Enclosure

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

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



STATE OF FLORIDA

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Secretary

June 30, 2008

The Honorable Edgar Stokes, Chairman
Highlands County Board of County Commissioners
600 South Commerce Avenue
Sebring, Florida 33870

Dear Chairman Stokes:

The Department has reviewed the proposed comprehensive plan amendment for Highlands County (DCA No. 08-PEFE1). Based on Chapter 163, Part II, Florida Statutes, Rule 9J-5, Florida Administrative Code, and the County's adopted comprehensive plan, we have prepared the attached report that outlines our findings concerning the amendment.

The amendment package included changes to the comprehensive plan to add a Public School Facilities Element, by providing new objectives and polices to implement school concurrency in the Capital Improvements Element, the Intergovernmental Coordination Element, and the Interlocal Agreement. The Department has identified issues with the amendment that identify deficiencies that the County should address prior to adoption of the amendment.

Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendments. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report outlines procedures for the final adoption and transmittal.

The Department's staff is available to assist the County in responding to the report. If you have any questions, please contact Thomas J. Tumminia, Planner, Division of Community Planning. Mr. Tumminia can be reached at (850) 922-1824.

Sincerely yours,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/tjt

Enclosures: Review Agency Comments

cc: Mr. Jim Polatty, Highlands County Planning Department
Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council

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DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
HIGHLANDS COUNTY COMPREHENSIVE PLAN
AMENDMENT 08-PEFE1

June 30, 2008
Division of Community 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 Highlands County's proposed Comprehensive Plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of an 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.

The County should address each of these objections when the plan is resubmitted for our compliance review. Objections that 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 that the County 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 that follow the objections and recommendations 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.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Highlands County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County 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 plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Central 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 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. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

HIGHLANDS COUNTY

I. CONSISTENCY WITH RULE 9J-5, FAC., CHAPTER 163, F.S. & HIGHLANDS COUNTY COMPREHENSIVE PLAN

A. The Department has identified the following objections and recommendations to the proposed Public School Facilities Element and the School Interlocal Agreement.

1. Objection: The proposed interlocal agreement, between the School Board and local jurisdictions, was not executed. Absent this executed agreement, the proposed Public School Facilities Element will not be supported by the appropriate data and analysis as required by chapter 163.3177(12)(c), F.S.

Therefore, the amendment is inconsistent with the following provisions Sections 163.3177(6)(h)4a; 163.3177(12) & (12)(c); 163.3177(1)& (2); and 163.3180(13)(g), F.S. and Rule 9J-5.0055(2)(b), F.A.C.

Recommendation: Provide the adopted Interlocal Agreement executed by the County, City Avon Park, Town Lake Placid, City of Sebring, and the Highlands County School Board pursuant to Section 163.3177(12)(c), F.S. If any changes are made to the proposed interlocal agreement prior to execution, revise the proposed Public School Facilities Element as needed to be consistent with the strategies in the interlocal agreement.

2. Objection: The Data and Analysis section requires that the projected population and associated demographics include development patterns year by year for the upcoming 5-year and long-term planning periods. However, the County's projected short-term population projection is presented in 5-year increments and not year by year.

Therefore, the amendment is inconsistent with the following provisions: Section 1013.31; 235.185; 163.3177(6)(a) & (12)(c); 163.3177 163.3180(13) (b)(2), (d)(1) & (g); 187.201(15)(b)1; Rules 9J-5.025(2)(b), F.A.C.

Recommendation: Revise the data and analysis to include year-by-year population projections for the upcoming 5-year planning timeframe.

3. Objection: The County did not include maps in the PSFE that depict the existing and future location of public school facilities by type with the future location of ancillary plants.

Therefore, the amendment is inconsistent with the following provisions: Section 163.3177(6)(a), (h)1, 2 and 4 & (12); 163.3177; 163.3180(13)(b)(2), (d)(1) & (g); 187.201(15)(b)1; Rules 9J-5.025(2)(b)(c)(e)(g)(h) & (j); 9J-5.025(3)(b)1 and 3; 9J-5.025(4)(a and b), F.A.C.

Recommendation: Revise the maps to depict the existing and future location of ancillary plants pursuant to Rule 9J-5.025(4)(a) and (b), F.A.C.

4. Objection: Proposed Capital Improvements Element Policy 1.1.1 seeks to adopt the school board's district facilities work plan by reference. However, the policy is self-amending and is inconsistent with rule 9J-5.005(2)(g), F.A.C., because it does not identify the document by the author (i.e. the Highlands County School Board), date (i.e. the date of approval), and by title (i.e. the Highlands County School Board's 5-Year Work Plan).

Therefore, the amendment is inconsistent with the following provisions: Section 163.3177(6)(a), (h)1, 2 and 4 & (12); 163.31777; 163.3180(13); 187.201(15)(b)1; Rules 9J-5.005(1)(c)& (2)(a); 9J-5.005(2)(g); 9J-5.025(2), (3) &(4), F.A.C.

Recommendation: Revise Capital Improvements Element Policy 1.1.1 to include the School Board's Five-year Work Program. Alternatively, add a policy that incorporates the School Board's 5-Year Work Plan, by reference. Consistent with Rule 9J-5.005(2)(g), F.A.C., the reference should be by author (i.e. the Highlands County School Board), date (i.e. the date of approval), and by title (i.e. the Highlands County School Board's 5-Year Work Plan).

5. Objection: Table 7 relies on local enrollment estimates that show about 300 fewer middle school students than the capital outlay full-time-equivalent (COFTE) student projections from the COFTE projections dated August 2007, by the last year of the five-year planning period. Therefore, Tables 6 and 7 do not show that the proposed level of service standard of 100 percent of permanent Florida Department of Education Inventory of School Housing (FISH) capacity will be met by the end of the five-year planning timeframe.

Therefore, the amendment is inconsistent with the following provisions: Section 163.3177(6)(a), (h)1, 2 and 4 & (12); 163.31777, F.S., and Rules 9J-5.005(5) , 9J-5.025(2)(a), F.A.C.

Recommendation: Revise Table 7 to ensure that the student enrollment estimates are consistent with the FISH capacity, dated August 2000 and demonstrate that the LOSS will be achieved and maintained by the end of the five-year period.

6. Objection: Tables 4 and 5 create an inconsistency between the data and analysis and the FISH data and analysis because it does not correlate with the Department of Education's FISH capacity. Therefore, the County has included capacity data that, with the exception of Sebring Middle School, overstates capacity when compared to the FISH data maintained by the Department of Education.

Therefore, the amendment is inconsistent with the following provisions: Section 163.3177(6)(a), (h)1, 2 and 4 & (12); 163.31777, F.S., and Rule 9J-5.005(5) Rule 9J-5.025(2)(a), F.A.C.

Recommendation: Revise Tables 4 and 5 to ensure the data and analysis are consistent with the Florida Inventory of School Houses and ensure that the level of service standard will be achieved and maintained within the short-term and long-term planning periods.

Interlocal Agreement (ILA) Objections

7. Objection: Section 13.3(c) on page 20 of the ILA is inconsistent with the provisions of Section 163.3180(13)(g)5, F.S. because the text does not include the phrase "by adding a fifth-year during the annual update".

Therefore, Section 13.3(c), of the Interlocal Agreement, is inconsistent with the following provisions: Sections 163.3177 (6) (a); 163.3180(13)(g)5, F. S.; and Rule 9J-5.005(2), F.A.C.

Recommendation: Revise the text of Section 13.3(c) by including the phrase “by adding a fifth-year during the annual update”.

8. Objection: Section 13.4 provides for exemptions from school concurrency and links the vested rights date to the effective date of the school concurrency ordinance. Section 13.5.a provides for needed amendment of the land development regulations by December 1, 2008. However, this is not consistent with Section 163.3177(12)(i), F.S., which require implementation of school concurrency is upon the required implementation date or the effective date of the Public School Facilities Element comprehensive plan amendment.

Therefore, the section is inconsistent with the following provisions: Section 163.3177(12)(c); 163.31777, F.S. and Rule 9J-5.005(2)(a) and (5) Rule 9J-5.025(2)(a), F.A.C.

Recommendation: Revise Section 13.4 to delete the reference to “the school concurrency ordinance” and replace it with the phrase “ the effective date of the Public School Facilities Element comprehensive plan amendment”. Further, the Department strongly encourages the local governments to adopt any needed land school concurrency development regulations at the same time the school concurrency plan amendments are adopted.

9. Objection: Section 14.3 provides a formula for the determination of available capacity and defines “vested” as “students generated from residential developments approved *after* the implementation of school concurrency” However, this is inconsistent since it could allow future development to be exempt from school concurrency requirements.

Therefore, the section is inconsistent with the following provisions: Section 163.3177(12)(c); 163.31777, F.S. and Rule 9J-5.005(2)(a) and (5) Rule 9J-5.025(2)(a), F.A.C.

Recommendation: Revise Section 14.3 to delete the word “after” and replace it with the word “prior”.

B. The Department has the following comments regarding the Public School Facilities Element and the School Interlocal Agreement.

1. Section 7.2 relates to local government review of school site plans. Sections 1013.33(13) and 1013.33(15), F.S., provide that local government review of school site plans may not impose development standards and conditions that conflict with those established in Chapter 1013, F.S., State Requirements for Educational Facilities, or the Florida Building Code, unless mutually agreed. Section 1013.371, F.S., exempts educational facilities from local ordinances. The parties should amend the agreement to track the statutory provisions:

2. Sections 8.3.b and 8.4.b. establish provisions for amending the school-related portions of the comprehensive plan as may be “initiated by a local government.” Because the law requires the mutual agreement of the school board, the parties should revise the agreement to also provide a clear process for the school board to request amendment of the plan:

3. Section 13.2.b.1 should be revised for internal consistency and clarity of intent to ensure the uniform, districtwide implementation of school concurrency, which requires use of the same school

concurrency service areas by each local government. The phrase, "using the CSA boundaries contained in their respective PSFE" should be deleted to remove the implication that each plan may establish different concurrency service areas:

4. The proposed amendments to the element are generally complete and responsive to planning requirements. Several existing policies, specifically those associated with Objective 10, and policy 3B.5 should be revised to update the citation of educational facilities planning requirements to read "Chapter 1013, F.S." rather than "Chapter 235, F.S." (This comment also applies to several existing policies in the Future Land Use Element).
5. Sections 5.1 and 9.2 require the school board to provide the local governments with its proposed annual update of the district facilities work plan by October 1. However, Section 12.1.h provides for the school board to transmit the tentative district facilities work plan to the local governments for review and comment by August 1. This creates an internal inconsistency with the statutory schedule since by law, the school board must adopt its district facilities work plan by October 1.
6. Section 13.1 provides for the commencement of the school concurrency program by December 1, 2008. However, pursuant to Section 163.3177(12)(i), F.S., implementation of school concurrency is upon the required implementation date or the effective date of the Public School Facilities Element comprehensive plan amendment.
7. Section 4.1 provides for the use of a COHORT projection waiver as an alternate projection of student enrollment. However, the waiver is no longer available. The County should revise Section 4.1 of the ILA to delete the COHORT projection waiver.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The Department staff has identified potential inconsistencies between this amendment and the State Comprehensive Plan:

Goal (25) Plan Implementation, (a)(b) 5: ensuring that functional plans are designed to achieve policies and goals consistent with the state law. (Applies to all Objections)

Recommendation: Revise the amendments, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.

FLORIDA DEPARTMENT OF EDUCATION



Dr. Eric J. Smith
Commissioner of Education



STATE BOARD OF EDUCATION

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7 BW
6/12/08

June 11, 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: Highlands County 08 PEFE 1

Thank you for the opportunity to review the proposed educational facilities element for Highlands County. The transmittal included a draft revised interlocal agreement, supporting data and analysis and proposed goals, objectives and policies that are generally responsive to planning requirements. The Department's comments are provided below:

1. **Interlocal Agreement.** The transmittal included two drafts. The following comments are made based on review of the draft with the later date, March 18, 2008.
 - a. Section 4.1 provides for the use of a COHORT projection waiver as an alternate projection of student enrollment. That waiver is no longer available and the parties should revise the agreement accordingly.
 - b. Sections 5.1 and 9.2 require the school board to provide the local governments with its proposed annual update of the district facilities work plan by October 1. Section 12.1.h provides for the school board to transmit the tentative district facilities work plan to the local governments for review and comment by August 1. Pursuant to Section 1013.35(3), F.S., the school district must provide the tentative district facilities work plan to the local governments for review and comment prior to adoption by the school board. By law, the school board must adopt its district facilities work plan by October 1. The agreement should be revised to reflect the statutory schedule and for internal consistency.

SPESSARD BOATRIGHT
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

- c. Section 7.2 relates to local government review of school site plans. Sections 1013.33(13) and 1013.33(15), F.S., provide that local government review of school site plans may not impose development standards and conditions that conflict with those established in Chapter 1013, F.S., State Requirements for Educational Facilities, or the Florida Building Code, unless mutually agreed. Section 1013.371, F.S., exempts educational facilities from local ordinances. The parties should amend the agreement to track the statutory provisions.
- d. Sections 8.3.b and 8.4.b. establish provisions for amending the school-related portions of the comprehensive plan as may be "initiated by a local government." Because the law requires the mutual agreement of the school board, the parties should revise the agreement to also provide a clear process for the school board to request amendment of the plan.
- e. Section 13.1 provides for the commencement of the school concurrency program by December 1, 2008. Pursuant to Section 163.3177(12)(i), F.S., the schedule for implementation of school concurrency establishes May 1, 2008, as the date for implementation of school concurrency in Highlands County. The agreement must be revised to require implementation of school concurrency upon the required implementation date or the effective date of the comprehensive plan amendments.
- f. Section 13.2.b.1 should be revised for internal consistency and clarity of intent to ensure the uniform, districtwide implementation of school concurrency, which requires use of the same school concurrency service areas by each local government. The phrase, "using the CSA boundaries contained in their respective PSFE" should be deleted to remove the implication that each plan may establish different concurrency service areas.
- g. Section 13.4 provides for exemptions from school concurrency and links the vested rights date to the effective date of the school concurrency ordinance. Section 13.5.a provides for needed amendment of the land development regulations by December 1, 2008. While it is appropriate for the parties to recognize vested rights, the law requires all residential development be subject to school concurrency at the time the plan amendments become effective. Therefore, the Department strongly encourages the local governments to adopt any needed land development regulations at the same time the school concurrency plan amendments are adopted.
- h. Section 14.3 provides a formula for the determination of available capacity and defines "vested" as "students generated from residential developments approved *after* the implementation of school concurrency" (in other words, those that have received a School Concurrency Determination Letter within the previous year). To ensure that the calculation appropriately determines available capacity in accordance with professionally accepted methods, the formula must be revised to also include the estimated student impacts from development approved *prior* to implementation of school concurrency (that is, those developments defined as "exempt" by the agreement).
- i. The draft agreement references several exhibits, including maps, which were not attached. The exhibits must be attached to the adopted agreement.

- j. As a reminder, the parties must submit the agreement for consistency review pursuant to Rule 9J-11.022, F.A.C. (including transmittal to the Florida Department of Education), by no later than the time of adoption of the school element.

2. Data and Analysis. – The data and analysis are presented in a report dated January 2008.

Tables 4 and 5 include permanent capacity data that, with the exception of Sebring Middle School, overstate capacity when compared to the Florida Inventory of School Houses. These discrepancies must be reconciled and other tables that rely on the baseline data in Tables 4 and 5 must be revised for internal consistency. This is particularly important for the level of service analysis to demonstrate the ability to achieve and maintain the proposed level of service within the short-term and long-term planning periods.

Table 7 relies on local enrollment estimates that show fewer middle school students than the official state estimates (COFTE, dated August 2007). Table 7 must be revised to ensure that the student enrollment estimates at least meet the official estimates, which project nearly 300 students above the local estimates in the last year of the five-year planning period. Tables 6 and 7 do not show that the proposed level of service standard of 100% of permanent FISH capacity will be met by the end of the five-year planning. The county, in consultation with the school district, must revise the analysis to show that the proposed level of service standard will be met. One option is to shift students from the overcapacity schools to schools in contiguous concurrency service areas with available capacity. The data and analysis must also be revised to demonstrate the ability to maintain the proposed level of service standards over the long-term planning period.

3. Goals, Objectives and Policies. – The proposed plan includes goals, objectives and policies related to concurrency service areas, level of service, proportionate share mitigation, and the capital improvements schedule, among others. The proposed element includes Objective 1.4 and associated policies that establish an expedited school siting process. This policy framework is commendable and serves as an example for other communities.

- a. Level of Service Standard. Proposed policy 2.1.1, which establishes level of service standards, is not supported by the data and analysis. Please refer to comment 2, above. Proposed policy 2.1.2 is inconsistent with planning requirements and must be revised to reflect the county's required implementation date for school concurrency, May 1, 2008, or the effective date of the plan amendments.
- b. Capital Improvements Schedule. Proposed CIE policy 1.1.1 seeks to adopt the school board's district facilities work plan by reference. As drafted the policy is self-amending and must be revised prior to adoption. Consistent with rule 9J-5.005(2)(g), F.A.C., the policy must include the author, date, and title of the document being adopted by reference (the document is included in the supporting data and analysis, as required).
- c. Intergovernmental Coordination Element Amendments. The proposed amendments to the element are generally complete and responsive to planning requirements. Several existing policies, specifically those associated with Objective 10, and policy 3B.5 should be revised to update the citation of educational facilities planning requirements to read "Chapter 1013, F.S." rather than "Chapter 235, F.S." (This comment also applies to several existing policies in the Future Land Use Element.)

- d. School Development Standards. The county proposes policy 1.5.4, which establishes school development standards. As noted in comment 1.c., above, a local government may not unilaterally impose school site plan standards that conflict with Chapter 1013, F.S., State Requirements for Educational Facilities, or the Florida Building Code, and Section 1013.371, F.S., exempts school facilities from local ordinances. Further, the policy is not supported by the draft interlocal agreement because the agreement does not reflect school board agreement to the specific standards enumerated in the proposed policy. Finally, the policy is inconsistent with Future Land Use Element policy 1.12.C.1, which establishes smaller minimum acreage requirements for future school sites. The policy must be revised to track statutory provisions, consistency with the interlocal agreement, and internal consistency.
- e. Coordination with the Future Land Use Map and Public School Facilities Map Series. The transmittal does not include a policy to adopt the required map series and while maps are included in the supporting data and analysis, the map series is not incorporated into the public school facilities element. Existing and planned ancillary facilities are not mapped. The county must revise the plan to adopt the maps in the school facilities element.

The Department congratulates the county and the school board on their work to complete the proposed plan for implementing school concurrency. Again, thank you for the opportunity to review and comment. Please feel free to contact me if you have any questions.

Sincerely,



Tracy D. Suber
Educational Consultant-Growth Management Liaison

TDS/

cc: Mr. Michael Averyt, School District of Highlands County
Mr. Tom Tumminia, DCA



7 BW
5/12/08

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 8, 2008

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

Re: Historic Preservation Review of the Highlands County (08PEFE1) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Highlands County Comprehensive Plan.

We reviewed a proposed text amendment to adopt the Public School Facilities Element, with corresponding changes to the Intergovernmental Coordination Element and the Capital Improvements Element, to consider the potential effects of these actions on historic resources. We note that the county addresses potential impacts of new or expanded school construction on archaeological and historic sites in Policy 1.5.2 D. Thus, while our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Highlands County.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

xc: Ms. Brenda Winningham

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Director's Office
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(850) 245-6444 • FAX: 245-6452 | <input checked="" type="checkbox"/> Historic Preservation
(850) 245-6333 • FAX: 245-6437 | <input type="checkbox"/> Historical Museums
(850) 245-6400 • FAX: 245-6433 |
| <input type="checkbox"/> South Regional Office
(850) 316-2115 • FAX: 316-2119 | <input type="checkbox"/> North Regional Office
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(813) 272-3843 • FAX: 272-2310 | |



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. Sole
Secretary

7 BW
5/5/08

May 1, 2008

Mr. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Highlands County 08-PEFE Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed Highlands County 08-PEFE1 comprehensive plan amendment 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.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2182.

Robin Branda

Robin Branda

Environmental Specialist III
Office of Intergovernmental Programs



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 3, 2008

7BW

Mr. Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

JUN 11 2008

Dear Mr. Eubanks:

**Subject: Highlands County, DCA #08-PEFE1
SFWMD Comments on Proposed Comprehensive Plan Amendment
Package**

The South Florida Water Management District (District) has completed its review of Highlands County (County) proposed amendments incorporating a new Public Education School Facilities Element and there appear to be no significant water related impacts. We offer the following comment and recommendation to assist the County and request that you include it in your review comments to the County.

The Data Inventory Analysis indicates that the County Commission has adopted alternate population projections. The District is unaware that the Department of Community Affairs (DCA) has approved an alternative population projection methodology for use in the Highlands County comprehensive plan. Prior to adoption of this amendment, we recommend that the County request and obtain approval from DCA for the use of an alternate population projection methodology. We would request being notified if an alternative population projection is approved by DCA so that we can use the revised Highlands County population projections in regional water supply planning and consumptive use permitting.

We look forward to collaborating with the County, their water supplier, and DCA on developing sound, sustainable solutions to meet the County's future water needs. For assistance or additional information, please contact Henry Bittaker at (561) 682-6792 or hbittak@sfwmd.gov.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "John Mulliken".

John Mulliken, Director
Water Supply Planning Division

c: Sally Mann (DEP)
Jim Polatty (Highlands County)
Patricia Steed (CFRPC)
Brenda Winningham (DCA)