



January 13, 2025

Ms. Christine Nazaire, Planning Analyst
Bureau of Community Planning & Growth
Department of Commerce
Via Email: christina.nazaire@commerce.fl.gov

Re: Belle Isle 24-01ER

Dear Ms. Nazaire:

Enclosed please find responses in **bold** to State Agency Technical Assistance Comments dated November 26, 2024, in addition to the revised adoption package containing the complete Belle Isle Comprehensive Plan Update and Preliminary Assessment (supportive data/analysis).

1. The proposed amendment does not update the City's Comprehensive Plan, based on relevant and appropriate data and analysis, to comply with statutory requirements relating to the City's planning periods.

Chapter 2023-31, Laws of Florida, modified Section 163.3177(5)(a), F.S., to require local governments to increase the two required planning periods in their comprehensive plans from 5-year and 10-year planning periods to 10-year and 20-year planning periods. While the City's Plan should contain a long-term planning period covering a period from now until at least 2044 (20 years from the anticipated adoption of Amendment 24-01ER), the City's proposed long-term planning period is 2040.

The proposed amendment 24-01ER does not update the City's Comprehensive Plan elements to address the required planning periods, based upon relevant and appropriate data and analysis, consistent with the requirements of Section 163.3177(1)(f), F.S., which requires that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and analysis by the local government. Coordination of the elements of the local comprehensive plan shall be a major objective of the planning process, and the elements shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

Recommendation: The City must revise the amendment to include an update to the Comprehensive Plan to ensure the Plan contains at least two planning periods in accordance with the requirements set forth by Section 163.3177(5)(a), F.S. The necessary update must also be based upon relevant and appropriate data and analysis. The Plan must include one planning period to cover at least the first 10-year period occurring after the plan amendment adoption and another planning period must cover at least a 20-year period.

- Data and analysis of the permanent and seasonal population estimates and projections;
- Coordination of consistency between all of the elements of the Comprehensive Plan;
- Data and analysis of public facilities (potable water, sanitary sewer, solid waste, stormwater and transportation facilities).

RESPONSE: Please see the revised Preliminary Assessment, which has been revised to extend the long-range planning period from 2040 to 2045. This change has been reflected throughout all elements of the revised Comprehensive Plan, also attached.

2. The proposed amendment deleted the Five-Year Capital Improvements Plan (CIP) from the Comprehensive Plan and amends Capital Improvements Element Policy 1.4.3 to reference the CIP as part of the City's budget. The deletion of the CIP from the Comprehensive Plan is not consistent with the requirements of Section 163.3177(3)(a)4., F.S.

Section 163.3177(3)(a)4., F.S. requires that local governments include an updated Five-Year Capital Improvements Schedule in any comprehensive plan that includes federal, state, or local government publicly funded projects as well as privately funded projects for which the local government has no fiscal responsibility. All projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

However, proposed Amendment 24-01ER removes the Five-Year Capital Schedule, and instead states in Capital Improvements Element, Policy 1.4.3 that the City's 5-year CIP can be found in the City's budget. The City must include the Five-Year Capital Improvements Schedule in the Capital Improvements Element of its Comprehensive Plan to satisfy the statutory requirement.

Recommendation: The City must update and adopt the Five-Year Capital Improvements Schedule into the Comprehensive Plan. The City cannot rely on a reference to the City budget to address the requirements in Section 163.3177(3)(a)4., F.S.

RESPONSE: Please refer to the revised Capital Improvements Element. The Five-Year CIP has been included, as adopted for FY 24-25. Policy 1.4.3 has been revised to eliminate reference to the City's budget and relies on attachment of the Five-Year CIP Schedule as an Exhibit to the Element.

3. The proposed amendment includes two policies concerning septic systems; Infrastructure Element Policy 1.1.2 stating the City shall require that new construction on lots that are less than 1 acre in size use enhanced nutrient reducing septic systems where sewer is not available, and Conservation Element Policy 3.4.4 stating no new permits for septic tanks or septic tank repairs within the City limits shall be approved. These policies are not consistent with the requirements of Section 163.3177(6)(c), which requires the element to be correlated to principles and guidelines for future land use and Section 163.3177(1), which requires meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations. These policies are internally inconsistent with each other and do not establish meaningful and predictable standards due to one policy allowing septic systems on lots with new construction where sewer is not available, but the other prohibiting permits for new septic tanks.

Recommendation: The City needs to evaluate their approach to permitting new septic tanks systems to adopt policies that are consistent with the requirements of Section 163.3177(1) and 163.3177(6)(c), F.S.

RESPONSE: Please refer to the revised Infrastructure and Conservation Elements. Policy 3.4.4 has been revised to eliminate the first sentence stating no new permits for septic tanks or septic tank repairs are permitted within the City limits.

4. The proposed amendment is not consistent with the requirements of Section 163.3177(6)(c)3., F.S. Chapter No. 2023-169 amended Section 163.3177(6)(c)3., 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 24-01ER 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 October 30, 2024) from the Florida Department of Environmental Protection (FDEP).

Recommendation: The City should coordinate with FDEP and revise the amendment to include the information required by Section 166.3177(6)(c)3., F.S., within the adopted portion of the Infrastructure Element.

RESPONSE: Please see revised Infrastructure Element. Policy 1.2.4 has been added as follows to ensure consistency with Section 166.3177(6)(c)3., F.S. as follows:

“Policy 1.2.4: In accordance with Florida Statutes, the City will consider the feasibility of providing wastewater service within a 10-year planning horizon to developments within the City limits of 50 or more residential lots, whether built or unbuilt, and more than one (1) on-site wastewater treatment and disposal system (septic system) per one (1) acre. As part of this consideration, the City shall identify the wastewater facility that could receive flow, the capacity of the facility and any associated transmission facilities, the projected wastewater flow at that facility for the next 20 years, and a timeline for construction.”

Comment 1: Intergovernmental Coordination

FloridaCommerce recommends that the City of Belle Isle coordinate with the Department of Environmental Protection (DEP) and St. Johns River Water Management District (District) to address their comments regarding the proposed amendment.

RESPONSE: Acknowledged. Please see below responses to the District’s and FDEP’s comments and referenced revisions.

St. Johns River Water Management District Comments:

1. The District approved the Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP) in November 2020. Subsequently, in accordance with Section 163.3177(6)(c)4, F.S., the City is/was required to adopt an updated Water Supply Facilities Work Plan (WSFWP) and related comprehensive plan amendment within 18 months of approval of the 2020 CFWI RWSP (i.e., by May 2022). The District and City representatives have recently been coordinating on the City’s effort to update its WSFWP and the District understands that the City plans to include an updated WSFWP as part of its adopted materials for the 24-01ER amendment.

RESPONSE: The City has prepared the updated WSFWP per the above comment and is transmitting it to the state for review concurrent with the adoption of the City’s Comprehensive Plan Update (24-01ER). We appreciate the District’s Staff assisting in the expeditious preparation of the WSFWP update and understand based on initial review, that it will meet all requirements of Section 163.3177(6)(c)4, F.S.

Florida Department of Environmental Protection Comments:

1. During the 2023 legislative session, the Florida Legislature passed House Bill (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.)

RESPONSE: Please refer to the revised Capital Improvements Element. The Five-Year CIP has been included, as adopted for FY 24-25, which outlines the City’s proposed drainage projects. The Infrastructure and Conservation Elements have also been updated to strengthen policy direction for pollutant load reductions, such as Infrastructure Element Policies 1.2.3 and 1.2.4.

- 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 onsite sewage and disposal system (OSTDS; aka septic system) per acre must be included by July 1, 2024 (s. 163.3177(6)(c)3, F.S.)

RESPONSE: Please see revised Infrastructure Element. Policy 1.2.4 has been added as follows to ensure consistency with Section 166.3177(6)(c)3., F.S. as follows:

“Policy 1.2.4: In accordance with Florida Statutes, the City will consider the feasibility of providing wastewater service within a 10-year planning horizon to developments within the City limits of 50 or more residential lots, whether built or unbuilt, and more than one (1) on-site wastewater treatment and disposal system (septic system) per one (1) acre. As part of this consideration, the City shall identify the wastewater facility that could receive flow, the capacity of the facility and any associated transmission facilities, the projected wastewater flow at that facility for the next 20 years, and a timeline for construction.”

Florida Department of Transportation Comments:

1. Based on the Comprehensive Plan analysis, we have found examples within the document that should be updated to be consistent with current standards. For example, State roadways should be designated with the appropriate naming conventions such as “S.R. 15 / Hoffner Ave”. Another example we noted was the version of the ITE used for the traffic analysis. Additionally, there is a reference to the seventh edition of the Institute of Transportation Engineers’ Trip Generation Manual, whereas the 11th edition is the latest edition.

Resolution: The Department recommends that the City of Belle Isle review the comprehensive plan and incorporate consistent edits and changes.

RESPONSE: Please refer to the revised Infrastructure, Concurrency Management System, and Capital Improvements Elements and Map Series. All state and county road names have been included in the format referenced above.

Thank you in advance for your consideration of the above information. Please contact me directly at acrespo@rviplanning.com or (239) 850-8525 if you have any questions or require additional information.

Sincerely,



Alexis Crespo, AICP
Vice President of Planning

CC: Rick Rudometkin, City Manager
Raquel Lozano, City Planner