

**EVALUATION AND APPRAISAL REPORT
OF THE
CITY OF FELLSMERE COMPREHENSIVE PLAN**

APPENDIX C.1

**ASSESSMENT OF CHANGES TO FLORIDA STATUTES AND
STATE AND REGIONAL POLICY PLAN**

Chapter 163.3191 (2)(f) F. S. requires that the Evaluation and Appraisal Report (EAR) contain an evaluation and assessment of relevant changes since adoption of the last EAR (or in this case, since the adoption of the original Plan) to the State Comprehensive Plan (187.201, F.S.); Chapter 163, F.S.; Rule 9J-5; and the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan. This analysis was conducted utilizing all of the changes that have occurred to these documents since 2003, when the City adopted its first Comprehensive Plan. When an inconsistency was identified, such as a requirement not currently addressed in the City Comprehensive Plan, the appropriate element is identified for update.

State Comprehensive Plan

The State Comprehensive Plan was first adopted in 1985 as Chapter 187, Florida Statutes (see Chapter 85-57, Laws of Florida). Since that time, the State Comprehensive Plan has been revised in nine (9) separate years. Changes to the State Comprehensive Plan since adoption of the City of Fellsmere Comprehensive Plan in 2003 are summarized below.

In 2008, the following changes were made (see Section 5 of Chapter. 2008-227, Laws of Florida)

1. A new policy was added under Goal (10) Air Quality:

6. Encourage the development of low-carbon-emitting electric power plants.

Response: The City's Comprehensive Plan does not specifically address development of low-carbon emitting power plants or provide for appropriate incentives when applicable. As part of the EAR-based amendments to the City's Comprehensive Plan, the appropriate future land use categories for low-carbon emitting power plants will be identified. In addition, the City will allow for appropriate incentives when applicable.

2. Goal 11 Energy was revised as follows:

Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and shall reduce atmospheric carbon dioxide by, while at the same time promoting an increase use of renewable energy resources and low-carbon-emitting electric power plants.

Response: The City's Comprehensive Plan does not contain sufficient policies related to energy conservation and efficiency to lead to a reduction in atmospheric carbon dioxide. In addition, as stated above, the City's Comprehensive Plan does not specifically address development of low-carbon emitting power plants or provide for appropriate incentives when applicable. As part of the EAR-based amendments to the City's Comprehensive Plan, the appropriate future land use categories for low-carbon emitting power plants will be identified. In addition, the City will develop appropriate policies related to energy conservation and efficiency to lead to a reduction in atmospheric carbon dioxide.

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3. A new policy was added under Goal (15) Land Use:

8. Provide for the siting of low-carbon-emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.

Response: As stated above, the City's Comprehensive Plan does not specifically address development of low-carbon emitting power plants. As part of the EAR-based amendments to the City's Comprehensive Plan, the appropriate future land use categories for low-carbon emitting power plants will be identified.

Treasure Coast Strategic Regional Policy Plan

Chapter 186, F.S. governs the adoption and revision of the Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. The City of Fellsmere Comprehensive Plan adopted in 2003 analyzed the Treasure Coast Strategic Regional Policy Plan (TCSRPP), which was adopted on December 15, 1995, and was found to be consistent. Recommended changes have previously been incorporated in the Comprehensive Plan and reviewed by the Treasure Coast Regional Planning Council. There have been policy changes to the SRPP since its original adoption.

Changes to Rule 9J-5 F.A.C.

Rule 9J-5 F.A.C. establishes the minimum criteria for the preparation, review and determination of compliance of the comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S. The review period of this evaluation is from 2003 through 2009. During this time, as reported by the Department of Community Affairs, there have been no changes to this rule. The last rule change reported by the Department is in February 2001.

Changes to Chapter 163, F.S.

Chapter 163, Part II provides Growth Policy, County and Municipal Planning, and Land Development Regulation. Subsection 163.3164, F.S. known as the Local Government Comprehensive Planning and Land Development Regulation Act, governs comprehensive planning in the State of Florida. An analysis of all changes to Chapter 163, F.S. that have occurred since the adoption of the City's Comprehensive Plan in 2003 is provided in the following table. The changes are summarized by year including appropriate citations.

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CHANGES TO STATE AND REGIONAL RULES
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Changes to Rule 9J-5, F.A.C.		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
February 25, 2001					
69	Defined general lanes	9J-5.003	X	No impact.	None.
70	Revised the definition of “ marine wetlands. ”	9J-5.003	X	This term was not used in the City’s Comprehensive Plan.	None.
71	Repeal the definition of “ public facilities and services. ”	9J-5.003		No impact.	None.
72	Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		The City abided y the new requirements as part of this EAR	None.
73	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053	X		None.
74	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)		The City has adopted a Public Schools Facility Element and required interlocal agreement. The City’s concurrency management system has been revised to incorporate the requirement the PSFE and interlocal agreement.	None.
75	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)	X	The City has not elected to create a multimodal transportation district.	None.
76	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	X	The City has not elected to establish level of service standards for general lanes of the Florida Intrastate Highway System.	None.
77	Provide that public transit facilities are not	9J-5.0055(8)	X	The City does not have a	None.

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Changes to Rule 9J-5, F.A.C.		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	subject to concurrency requirements.			level of service standard for transit.	
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution .	9J-5.0055(9)		The City has not addressed multi-use developments of regional impact and satisfaction of transportation concurrency requirements by payment of a proportionate share contribution.	None.
79	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)	X	The City has not elected to create a multimodal transportation district.	None.
80	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	X	The City has not elected to create a multimodal transportation district.	None.
81	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		To be updated after receipt of the next census data.	Data & Analysis
82	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)	X	The City has not elected to supplement the affordable housing needs assessment with locally generated data.	None.
83	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination	9J-5.015(3)(b)		PSFE and the existing effective ILA.	None.

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Changes to Rule 9J-5, F.A.C.		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency .				
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	<ul style="list-style-type: none"> • Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas; 			ICE A-2.7	None.
	<ul style="list-style-type: none"> • Recognize campus master plan and provide procedures for coordination of the campus master development agreement; 		X	The City does not have a major campus within its city limits.	None.
	<ul style="list-style-type: none"> • Establish joint processes for collaborative planning and decision-making with other units of local government; 			ICE A-2.1 & A-2.3	None.
	<ul style="list-style-type: none"> • Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; 			PSFE	None.
	<ul style="list-style-type: none"> • Establish joint processes for the siting of facilities with county-wide significance; and 			ICE A-4.2	None.
	<ul style="list-style-type: none"> • Adoption of an interlocal agreement for school concurrency. 			PSFE	None.
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts , if locally established.	9J-5.016(4)(a)		The City adopted the Public Schools Facility Element in 2007. The element is current through 2009 as a result of the prior annual Capital Improvement Element update. Mechanisms are in place to maintain the 5-year	None.

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	Changes to Rule 9J-5, F.A.C.	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
				program as part of future annual CIE updates.	
86	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	X	The City has not elected to create a multimodal transportation district.	None.
87	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	X	The City has not elected to create a multimodal transportation district.	None.
88	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	X	The City has not elected to establish level of service standards for general lanes of the Florida Intrastate Highway System.	None.