

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF WILDWOOD
COMPREHENSIVE PLAN AMENDMENT
08-CIE1; AMENDING THE CAPITAL
IMPROVEMENTS ELEMENT ADOPTED
BY ORDINANCE No. 634 ON DECEMBER
22, 2008

Docket No. 08-CIE1-NOI-6006-(A)-(I)-(N)

STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENTS
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes (F.S.), and Rule 9J-11.012(6), Florida Administrative Code (F.A.C), hereby issues this Statement of Intent to find the amendment adopted by Ordinance Number 634 on December 22, 2008 as part of the City of Wildwood 08-CIE1 amendment package Not In Compliance. The Department finds that the amendments are not “in compliance”, as defined in Section 163.3184(1)(b), F.S., and not consistent with Chapter 163, Part II, F.S., Chapter 9J-5, F.A.C. and the State Comprehensive Plan, Chapter 187, F.S., for the following reasons:

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

A. Inconsistent Provisions The inconsistent provisions of the amendments under this subject heading are as follows:

1. Population Projections: The population projections used to support the adopted amendment have not been based upon a professionally acceptable methodology that addresses the requirements of Rule 9J-5.005(2)(e), F.A.C. According to the population projections submitted with the adopted amendment, the City’s population will grow from 6,439 in 2008/09 to 12,983 by 2012/13. The population projections are based on assumptions that are not supported by relevant and appropriate data and analysis. The amendment uses a 2008 baseline population for

the City of Wildwood of 6,439, which far exceeds the Florida Bureau of Economic and Business Research (BEBR) estimates for the City of 4,885 as of April 1, 2008. No data and analysis was provided supporting the City's 2008 population estimates that exceed those published by BEBR by 1,554. The use of the high baseline population for the City contributes to the unusually high population projections for 2013. Based on BEBR's 2008 population estimates, the City of Wildwood represented only approximately five percent of the total Sumter County population in 2008, and according to the 2013 projection the City's population will account for 11 percent of Sumter County's 2015 BEBR medium population projections. No data and analysis was provided that justifies the City's increased percentage of Sumter County's future population projections. It appears the City is using the same population projections to support this amendment that were used to support the recently adopted amendments regarding the Landstone Communities, Wildwood Springs, and Renaissance Trails Developments of Regional Impact. The Department found those amendments to be not in compliance with Chapter 163, F.S. and Rule 9J-5, F.A.C., and the population projections have not been approved by the Department pursuant to 9J-5.005(2)(e), F.A.C. Furthermore, the conversion of projected population to the need for additional housing units and associated land uses is predicated on a number of unsubstantiated or unacceptable assumptions. The high population projections coupled with the high estimate of need overestimate the amount of growth Wildwood can expect and should be planning for. Therefore, this adopted amendment is not supported by a professionally accepted population projection methodology consistent with Rule 9J-5.005(2)(e), F.A.C., and Section 163.3177(10)(e), F.S.

Authority: Sections 163.3177(2), (6)(a), (8), and (10)(e), F.S.; and Rules 9J-5.005(2)(a), (b), (c), (d), & (e) and (5), F.A.C.

2. Intergovernmental Coordination: The City's amendment is based on population projections that are higher than the projections used by Sumter County, the Sumter County School Board, the Lake-Sumter County Metropolitan Planning Organization, and the Southwest Florida Water Management District. The City's use of higher projections results in a comprehensive plan that is not coordinated with the county, the region, or the school board as required by Section 163.3177(4) and (6)(h)1 and 2, F.S. Furthermore, the amendment is inconsistent with the following objectives and policies of the City of Wildwood Comprehensive Plan: Objective 1.2 and Policies 1.2.1 and 1.2.4 of the Intergovernmental Condition Element and Policy 1.1.2 of the Public School Facilities Element.

Authority: Section 163.3177(2), (4) and (6)(h)1. and 2., F.S. and Rules 9J-5.005(5), F.A.C

3. Transportation: The City's transportation level of service analysis is based upon capacity projects that are not fully funded in the five-year schedule of capital improvements. The supporting transportation level of service analysis includes roadway capacity from transportation improvements for which the five year schedule does not include enough funding to complete. For example, the transportation analysis shows that the segment of CR 468 from the Florida Turnpike to SR 44 will be increased from two to four lanes by 2013. The data and analysis shows that this improvement will cost \$17,654,000, yet the adopted five-year schedule of capital improvements only includes \$1,787,000 of funding. Furthermore, the transportation improvements listed in the City's adopted five-year schedule of capital improvements are not supported by financially feasible revenue sources based on professionally acceptable projections of growth. Years four and five of the five-year schedule includes improvements to CR 139, CR

209, CR 468, CR 470, CR 501, and US 301 totaling \$64,964,515 that have not been supported by financially feasible revenue sources. Each of these transportation improvements lists developer contributions as one of the funding sources that will be used to construct the projects, but the amendment does not include a projection of the revenues that will be available from this source of funding based on professionally acceptable projections of growth. While improvements listed in years four and five may be funded by planned revenue sources, the five-year schedule of capital improvement must still identify the planned sources and provide a projection of the revenues that will be used to fund the projects. The five-year schedule of capital improvements is required to identify the projects needed to address level of service standards, the cost of the project, the funding sources, and the specific years in which the project will be funded. Due to the lack of adequate funding for projects needed to achieve and maintain the adopted level of service standards and the failure to provide revenue projections to support the transportation projects placed in the schedule, the City's five-year schedule of capital improvements has not been demonstrated to be financially feasible.

Authority: Sections 163.3164(32); 163.3177(2), (3),(6)(a) & (b) and (8), F.S. and Rules 9J-5.005(2) and (5), 9J-5.016(1), (2), and (4); 9J-5.019(2), (3), (4), and (5), F.A.C.

4. Transportation Level of Service Standards: The City has adopted a level of service standard on SIS facilities of "As determined by FDOT." This is a self-amending level of service standard which does not provide a meaningful and predictable guideline.

Authority: Section 163.3177(3)(a)3., Section 163.3180(10),F.S., and Rules 9J-5.005(6) and 9J-5.016(3)(c)4., F.A.C.

B. Recommended remedial actions: The above inconsistencies may be remedied by taking the following actions:

1. Population Projections: Revise the amendment to be supported by population projections which are based upon a professionally acceptable methodology and assumptions. This may be done in the context of the City's current update to its comprehensive plan. Since the City is proposing to use its own methodology to forecast population growth (i.e., a non-linear regression analysis), pursuant to Rule 9J-5.005(2)(e), F.A.C., a more complete description of the methodology, the data used, the assumptions relied on, how it is applied, and particularly the appropriateness of the methodology for Sumter County and Wildwood must be provided. Furthermore, the population projections submitted with this amendment assumes that the City of Wildwood's population will represent an increasing percent of the total Sumter County population to about 11 percent by 2013 which have not been justified. The City's current population represents only approximately five percent of the total county population. The Department recommends that a more reasonable percentage that can be justified with relevant and appropriate data and analysis be used as part of the comprehensive plan update.

2. Intergovernmental Coordination: The City must coordinate with Sumter County, the Sumter County School Board, the Lake-Sumter MPO, the SWFWMD, and any other unit of local government that provides service but does not have regulatory authority over land use in order to ensure consistency with future population projections and growth rates. The City must coordinate with the other governmental entities to ensure the public facilities needed to serve the consistent population projections are available to meet future growth.

3. Transportation: Revise the transportation level of service analysis to be based on anticipated growth of the City that is supported by a professionally accepted population increase and need for additional development that will occur over the next five years. Amend the five-year schedule of capital improvements to include the projects that are needed to meet population increases and development during this timeframe. Transportation improvements that are needed to achieve and maintain the adopted level of service standards must be included in the five-year schedule of capital improvements. Revise the five-year schedule of capital improvements to ensure all improvements that have been added are financially feasible as defined by Section 163.3164(32), F.S. All projects that are listed in the five-year schedule of capital improvements must identify the source of funds and be supported by adequate data and analysis pertaining to the funding sources listed for the project. In addition, the five-year schedule must identify the specific amount of money that will be spent on each project each year of the five-year schedule. The projects listed in years 1-3 of the five-year schedule must be supported by committed revenue sources, while projects listed in years 4 and 5 of the five-year schedule must be supported by planned or committed funds. Even if transportation projects are placed in years four and five, the City must provide a projection of the revenue sources based on consistent projections of population and growth that will be used to fund these projects.

4. Transportation Level of Service Standards: Revise the amendment to include specific level of service standards for state roads that are consistent with FDOT's adopted level of service standards.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent Provisions: Adopted Ordinance Numbers 634 is not consistent with the State Comprehensive Plan including the following goals and policies set forth in Section 187.201, F.S.:

Goal (15)(a). Land Use; Policies (15)(b)1

Goal (17)(a). Public Facilities Policy (17)(b)6 and 7

Goal (19)(a). Transportation; Policies (19)(b)3, (19)(b)7, (19)(b)9, and (19)(b)13

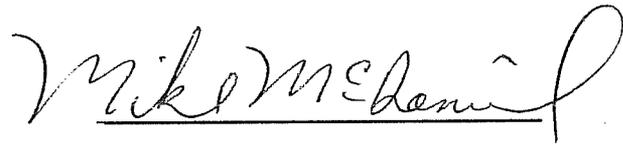
Goal (25)(a). Plan Implementation, Policy (25)(b)7

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described earlier in this statement of intent.

CONCLUSIONS

1. The Amendment is not consistent with the State Comprehensive Plan.
2. The Amendment is not consistent with Chapter 9J-5, F.A.C.
3. The Amendment is not consistent with the requirements of Chapter 163, Part II, F.S.
4. The Amendment is not "in compliance," as defined in Section 163.3184(1)(b) F.S.
5. In order to bring the Comprehensive Plan amendment into compliance, the City may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 17th day of February 2009, at Tallahassee, Florida.

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

Mike McDaniel, Chief
Division of Community Planning
Department of Community Affairs
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