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**PART V      SPECIAL TOPICS**

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AMELIA ISLAND LIGHTHOUSE



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**Summary**

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**Part V** includes a discussion of five (5) special topics as required to be addressed in the EAR by F.S. 163.3191(2). For Fernandina Beach, these requirements include the following:

- The financial feasibility of implementing the comprehensive plan and maintaining levels of service through the capital improvements element.
- An assessment of the coordination between future land use map changes and associated residential development with public schools and their capacities (i.e., public school concurrency).
- An assessment of the comprehensive plan with respect to the water management district's regional water supply plan.
- An assessment of the extent to which changes are needed to develop a common methodology with municipalities and surrounding counties for measuring impacts on transportation facilities and discussion of the impacts of 2009 SB 360 and the City's recent designation as a Dense Urban Land Area (DULA).
- An evaluation of whether any past reduction in land use densities within the Coastal High Hazard Area (CHHA) impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster.

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## FINANCIAL FEASIBILITY

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F.S. 163.3177 requires comprehensive plans to have an orderly and balanced approach to development, paying particular attention to economic, social, physical, environmental and financial feasibility. Financial feasibility assures that committed funding sources are available to finance capital improvements to ensure that level of services standards are achieved and maintained within a five-year planning period. The financial feasibility of implementing the City of Fernandina Beach Comprehensive Plan and providing needed infrastructure in order to maintain the level of service standards is addressed through the implementation of the Five- Year Capital Improvement Program (CIP). The CIP adopted as part of the Capital Improvement Element (CIE) of the Comprehensive Plan and enforced by the City's Planning Department.

The CIP is a multi-year forecast of major buildings, infrastructure and equipment. The current CIP is included in this report in **Appendix E**. The City's current concurrency tracking system ensures, prior to the issuance of a development order and development permit, that the adopted Level of Service (LOS) standards for roads, potable water, sanitary sewer, solid waste, drainage, parks and recreation and schools, police and fire rescue facilities, bicycle and pedestrian facilities needed to support development are available concurrent with the impacts of development. Impacts to these facilities are also assessed during any land use or zoning change considerations.

Effective July 1, 2005, the "pay as you grow system" adopted under Senate Bill 360 (2005) required the Capital Improvement Element to show committed funding sources to finance CIP projects for the first three years and committed or planned funding sources for years four and five. The intent is to ensure that funding is in place for those capital projects that are necessary to maintain adopted level of service standards with the time period set forth in F.S. 163.3180. Through the CIE, the City provides capital improvements to correct existing public facilities determined to be deficient, to accommodate desired growth and to replace those facilities determined to be irreparable.

The financial feasibility requirement directs communities to link their rate of growth with the ability to pay for facilities needed to maintain the adopted LOS standards. The City has been involved in continuous efforts to implement this and other requirements of the growth management legislation under the 2005 Senate Bill 360. The City will continue its analysis to provide a financially sound and feasible CIP while maintaining the adopted LOS standards and implementing sound growth management procedures.

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**PUBLIC SCHOOL CONCURRENCY**

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An inter-local agreement (ILA) was adopted by the City of Fernandina Beach with Nassau County, the Town of Hilliard and the Town of Callahan. This agreement became effective on June 12, 2003. The ILA includes provisions for coordinated planning efforts, including data collection, financially feasible work plans and physical plant surveys. The ILA also contains protocols for new school site selection, expansion and closure of existing schools and zoning requirements for school facilities.

With the passage of the 2005 Senate Bill 360, school concurrency and a public school facilities element became mandatory elements of a local government Comprehensive Plan. The City amended the ILA in accordance with the requirements established in Chapter 163.3191(2) (k), and adopted the following amendments as of July 14, 2008:

- A Public School Facilities Element (PSFE) enabling the Comprehensive Plan to more effectively address the coordination of public schools and land uses (F.S. 163.3180(13)(a-b), and 163.3177(6)(h)(1));
- Amendments to the Intergovernmental Coordination Element including coordinated procedures for implementing school concurrency (F.S. 163.3177(6)(h)(1) and 163.3180(13));
- Amendments to the Capital Improvements Element including adopted school level of service standards that establish maximum permissible school utilization rates relative to capacity (F.S. 163.3180 (13)(d)(1));
- Amendments to the Capital Improvements Element including a financially feasible Public School Capital Facilities Program (F.S. 163.3180(13)(d)(1));
- Update of the supporting data and analysis section of the Comprehensive Plan to include information on public school Concurrency Services Areas (CSAs) that define geographic boundaries of school concurrency (F.S. 163.3180(13)(c) and 163.3180(13)(g)(5)).

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## WATER SUPPLY PLANNING

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The most recent St. Johns Water Management District (SJRWMD) District Water Supply Plan is dated February 7, 2006. Under the existing Water Supply Plan the City is not within the District's Priority Water Resource Caution Area (PWRCA). However, the draft 2010 Water Supply Plan identifies Nassau County and the City as within a "Potential" PWRCA. If approved, as currently written, then the City will be required to take steps towards addressing "adequate water supplies and facilities" within its Comprehensive Plan and Land Development Regulations. Further, the City would be required to complete a 10-year water supply facilities work plan. Specifically, the following items would be required as part of its subsequent EAR-based amendments to the Comprehensive Plan:

- Update the Public Facilities Element to address water needs and sources, water supply development, conservation, reuse, and cooperative planning efforts related to the development of multi-jurisdiction water supply facilities, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies;
- Update the Coastal and Conservation Element to include an assessment of current and projected water needs and sources for at least a 10-year period. This assessment should consider the SJRWMD Plan. (Ex. commercial, recreation and residential uses use surface water);
- Update the Intergovernmental Coordination Element to address cooperative efforts with other local governments, public and private utilities, regional water supply authorities, special districts and water management districts with regard to potable and reuse water service delivery;
- Update the Public Facilities Element, Coastal and Conservation Element, the Intergovernmental Coordination Element and the Future Land Use Element to reflect the SJRWMD 2005 District Water Supply Plan (Note: No Water Supply Development Projects listed in the 2005 plan are located in Nassau County or within City limits).

At this time, the City is not within the PWRCA or listed as a "potential" PWRCA; however, it is recommended that the City begin assessing its current and projected water needs and sources for at least a 10-year period with consideration of any applicable consumptive use permits. It should identify water supply-related projects necessary to meet the projected demands of the 10-year planning horizon and begin to identify how the comprehensive plan addresses existing deficiencies. If adequate facilities do not (or will not) exist, corrective actions must be addressed, including recommendations for plan amendments to ensure construction of necessary facilities to meet demands. It is important for the City, as the City's water supplier, to address water conservation practices and its role in implementing the provision of reuse to meet non-potable water demands. As part of the City's major issue of Sustainability, water supply planning and conservation measures are likely to be addressed.

The City is included as part of the St. Mary's River Basin within the District's Water Management Plan. As such, the City should consider identifying policies that support and implement goals of the St. Mary's River Management Plan. It should also include Comprehensive Plan policies that encourage water reuse. The City should identify its own or cooperatively funded reuse projects that reduce discharge to surface water bodies as well as any stormwater system upgrade or retrofit projects. It should also consider policies that promote and encourage the use of low impact development techniques and provide development incentives for water efficient developments, such as those that use the Florida Water Star program, a point based new home certification program, similar to the federal Energy Star program.

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## TRANSPORTATION PLANNING

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Florida Statute 163.3191(2)(p) requires that local governments complete an assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination pursuant to 163.3180(10).

Historically, the City has measured its transportation impacts in a similar way as Nassau County. Both continue to utilize the same trip generation data, the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, to determine the number of trips to be produced or attracted to a particular land use when assessing trip generation and distribution analysis of traffic. The City's adopted LOS is C for minor arterials and city-maintained collectors; however, the County-maintained collectors within the City have a LOS of D. The difference between these standards indicates the need for an inter-local mechanism to address a consistent level of service. The City's Plan will also need to be amended to reflect the Strategic Intermodal System (SIS) of which the 8th Street/ SR 200/ A1A link has been designated as part of the SIS network. **Appendix F** contains the latest transportation analysis spreadsheet.

### Traffic Concurrency Exemption Area

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The 2009 Senate Bill 360 (SB 360) (2009) created a Traffic Concurrency Exemption Area (TCEA) for the entire City by classifying it as a Dense Urban Land Area (DULA.) Provisions of SB 360 (2009) remove state-mandated transportation concurrency requirements in TCEA's. Local governments that have been defined as a DULA automatically receive this exemption. Where TCEA's have been designated, DCA will no longer have the authority to review plan amendments for compliance with state-mandated transportation concurrency requirements, including the "achieve and maintain standard." DCA will, however, continue to review plan amendments in designated TCEA's for compliance with all other state-mandated requirements in Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, including other transportation requirements and for internal consistency.

SB 360 (2009) does impose new local planning requirements for TCEA's designated pursuant to the legislation. Fernandina Beach falls within this category as an identified DULA and will need to amend its Comprehensive Plan to include "land use and transportation strategies to support and fund mobility within the TCEA, including alternative modes of transportation" by July 1, 2011. Failure to comply with this mandate may result in the imposition of sanctions against the local government. It is recommended that the City begin preparations for compliance with provisions of SB 360 (2009) and provide funding towards a City-wide mobility study to facilitate development of strategies.

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## REDEVELOPMENT IN THE COASTAL HIGH HAZARD AREA

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Between 1997 and 2006, the State of Florida defined the Coastal High Hazard Area (CHHA) in Chapter 163.3178(2)(h), Florida Statutes, as: “the evacuation zone for a category one hurricane as established in the regional hurricane evacuation study applicable to the local government.” Pursuant to 2006 amendments to Chapter 163, F.S. through House Bill 1359, the Department of Community Affairs (DCA) now establishes the CHHA, as the area below the elevation of a category 1 storm surge as established by a Sea, Lake and Overland Surges from hurricane (SLOSH) computerized model. The City adopted the new definition of CHHA in the 2006 second Plan transmittal package. Since the adoption of the new CHHA definition, the City has not decreased residential density within the CHHA. The effect of the newly adopted definition was the removal of a tremendous amount of land area that was previously defined as within the CHHA.

The City has made past efforts to purchase and preserve land within the CHHA, particularly within the Egans Creek Basin. In 2001, the community endorsed a bond referendum to aggressively purchase the City’s most environmentally sensitive land. To date, the City has purchased over 30 acres of wetlands with bond dollars and placed these lands under a Conservation land use category.

Nassau County was selected as a pilot community to prepare a Post Disaster Redevelopment Plan (PDRP). This plan was prepared to serve as an overarching strategic, interdisciplinary plan for guiding action and decision making during the disaster recovery and redevelopment period, as well as identify actions that can be implemented prior to a disaster that will expedite the recovery process. The development of a PDRP document establishes a strategy for the County and the City to leverage organizational coordination necessary amongst its internal departments, businesses, non-profit and faith based organizations, regional, state and federal oversight agencies. Providing for the City with the ability to redevelopment following a catastrophic disaster in a more proactive and effective manner. This document better positions the City to recover more expeditiously from a disaster and to utilize redevelopment as an opportunity to build a more sustainable community and maintain or enhance its existing “quality of life” characteristics, which are so often cited by residents as a benefit of living in this area. The PDRP planning process began in May 2008 and was completed in June 2009. The planning process used to develop the PDRP involved a multi-disciplinary, inter-governmental and inter community coordinated approach. All meetings were publicly noticed and the Local Planning Agency and City Commission were apprised of the PDRP project throughout its development process.

A component of the document is to identify actions that should occur prior to a disaster event, during a time when the community can think, discuss and agree on needed policies and post disaster strategies without the fear, emotion, and confusion that can occur as a storm approaches or following a catastrophic event. The PDRP identified a number of policy considerations that should be evaluated as part of the EAR-based amendment process. Recommendations of the PDRP facilitated the need to discuss and incorporate policy changes within the Future Land Use Element, the Coastal and Conservation Element, the Housing Element, the Public Facilities Element and the Capital Improvements element.

The plan also recommends pre-disaster actions that the City should consider for improving its institutional capacity following a disaster event including:

- Establishing a Post Disaster Recovery and Redevelopment Ordinance to provide the force of law to policies for post-disaster redevelopment such as:
  - financing for implementing actions found in the PDRP;
  - redevelopment priorities and post-disaster planning;
  - and permitting procedures;

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- Developing Mutual Aid Agreements for the following (as deemed necessary):
    - Damage Assessment;
    - Permitting Specialists;
    - GIS Analysts,;
    - Community Planners,;
    - Engineers;
    - Architects/ Archaeologists; and
    - Public Information Officer for PDRP activities
  
  - Developing a team of disaster reservist volunteers that would be mentored and trained prior to a disaster regarding the City’s post –disaster redevelopment actions; and
  
  - Creating a Development Agreement regarding catastrophically damaged structures and/or infrastructure; (i.e., strategies to develop vacant land that is adjacent to redeveloped areas).