

1                   **AGREEMENT AUTHORIZING AN OPTIONAL SECTOR PLAN**  
2                   **IN ESCAMBIA COUNTY, FLORIDA**

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5           **THIS AGREEMENT** is entered into by and between the FLORIDA  
6 DEPARTMENT OF COMMUNITY AFFAIRS (herein “Department”), and  
7 ESCAMBIA COUNTY, a political subdivision of the State of Florida (herein “the  
8 Local Government”).

9   **WITNESSETH:**

10           **WHEREAS**, the Department of Community Affairs is the state land  
11 planning agency under Chapter 163, Part II, Florida Statutes; and

12           **WHEREAS**, Section 163.3245, Florida Statutes, provides that, as a  
13 demonstration project, the requirements for developments of regional impact in  
14 Section 380.06, Florida Statutes, may be addressed for up to five local  
15 governments or combinations of local governments which adopt an optional  
16 sector plan into their comprehensive plans and otherwise meet the requirements  
17 set forth in the statute; and

18           **WHEREAS**, an optional sector plan may not be authorized in an area of  
19 critical state concern; and

20           **WHEREAS**, Section 163.3245 further provides that preparation of an  
21 optional sector plan is authorized by agreement between the Department, as the  
22 state land planning agency, and the applicable local government; and

23           **WHEREAS**, the Local Government has requested that the Department  
24 enter into an agreement with it to authorize preparation of optional sector plan for  
25 the area described in this Agreement; and

26           **WHEREAS**, the optional sector plan area identified herein is not in an  
27 area of critical state concern; and

28           **WHEREAS**, a scoping meeting was held by the West Florida Regional  
29 Planning Council to assist the Department and Escambia County in the  
30 identification of the relevant planning issues to be addressed and the data and  
31 resources available to assist in the preparation of plan amendments for an  
32 optional sector plan; and

1           **WHEREAS**, the West Florida Regional Planning Council recommends that  
2 a sustainable sector plan within the Escambia County’s jurisdiction is  
3 appropriate; and

4           **WHEREAS**, Escambia County has conducted a public workshop to review  
5 and explain to the public the optional sector planning process and the terms and  
6 conditions of this Agreement; and

7           **WHEREAS**, the Department has determined that Escambia County meets  
8 the criteria set forth in Section 163.3245, Florida Statutes, and should be  
9 authorized to adopt an optional sector plan as provided in this Agreement.

10           **NOW, THEREFORE**, for and in consideration of the mutual promises and  
11 undertakings contained herein, the receipt and sufficiency of which are hereby  
12 acknowledged, the Department and the Escambia County agree as follows:

- 13 1. **RECITALS**. The above Recitals are incorporated herein and form a material  
14 part of this Agreement.
- 15 2. **GEOGRAPHIC AREA**. The geographic area to be subject to the optional  
16 sector plan is that area depicted on the map attached hereto as **Exhibit A**.
- 17 3. **PLANNING ISSUES & AVAILABLE RESOURCES**. The Planning Issues  
18 and Available Resources to be emphasized in the development of the sector plan  
19 are attached hereto as **Exhibit B**.
- 20 4. **SUPPORTING APPLICATION MATERIALS**. The materials, including data  
21 and analysis, which support or are related to the planning issues for development  
22 of the optional sector plan are identified in **Exhibit C**, and including the Scoping  
23 Document.
- 24 5. **PROCEDURES FOR PUBLIC PARTICIPATION**. The procedures for public  
25 participation in the sector planning process are identified and attached as **Exhibit**  
26 **D**.
- 27 6. **REQUIREMENTS FOR INTERGOVERNMENTAL COORDINATION**. The  
28 requirements to address intergovernmental coordination of extrajurisdictional  
29 impacts are identified in **Exhibit E**.
- 30 7. **MONITORING REPORTS**. The Local Government shall submit a monitoring  
31 report to the Department and the applicable regional planning council annually on

1 the anniversary of the effective date of comprehensive plan amendments  
2 incorporating the detailed specific area plan(s) as described in Section 163.3245,  
3 Florida Statutes, into the Local Government’s comprehensive plan. The reports  
4 shall meet the criteria in Section 163.3245(4), Florida Statutes.

5 8. **DRAFTING OF AGREEMENT.** The parties shall be deemed to have  
6 participated generally in the drafting of this Agreement. Accordingly, this  
7 Agreement shall be construed neutrally without regard to the party or parties  
8 responsible for its preparation; any terms, conditions, uncertainty, or ambiguity  
9 shall not be construed against any of the parties as a result of the drafting of this  
10 Agreement

11 9. **CERTIFICATION OF UNDERSTANDING AND VOLUNTARY EXECUTION.**  
12 The parties and/or their authorized representatives each certify that they have  
13 read and understand the terms and conditions of this agreement and that it is  
14 voluntarily executed for the purposes set forth herein.

15 10. **ENTIRE AGREEMENT:** This Agreement evidences the entire agreement  
16 and understanding of the parties and may be supplemented or modified only by a  
17 written instrument signed by each party hereto.

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1 **11. EFFECTIVE DATE AND TERM OF AGREEMENT.** The effective date of  
2 this Agreement is the date the last party signs this Agreement. This Agreement  
3 shall remain in full force and effect until the effective date of amendments to the  
4 Local Government's comprehensive plan incorporating the specific area plan(s)  
5 as described in Section 163.3245, Florida Statutes.

6 **IN WITNESS WHEREOF,** the parties by their fully authorized  
7 undersigned representatives, have executed this Agreement on the dates and  
8 year below written.

9 BOARD OF COUNTY COMMISSIONERS  
10 OF ESCAMBIA COUNTY, FLORIDA

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12  
13 By: \_\_\_\_\_  
14 D.M. "Mike" Whitehead, Chairman

15  
16 ATTEST: ERNIE LEE MAGAHA  
17 CLERK OF THE CIRCUIT COURT

18  
19  
20 By: \_\_\_\_\_  
21 Deputy Clerk

22  
23 (SEAL)

24  
25 ENACTED:

26  
27 FILED WITH THE DEPARTMENT OF STATE:

28  
29 EFFECTIVE DATE:

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31  
32 FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AN AGENCY OF THE  
33 STATE OF FLORIDA

34  
35 By: \_\_\_\_\_  
36 Thomas G. Pelham, Secretary

37  
38 APPROVED AS TO LEGAL FORM AND SUFFICIENCY

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40 By: \_\_\_\_\_  
41 Assistant General Council

## **EXHIBIT B: REGIONAL PLANNING ISSUES & AVAILABLE RESOURCES**

### **PLANNING ISSUES**

#### ***Economy***

- Determining an appropriate mix of uses to create a sustainable balance of population and employment growth
- Potential impacts on agriculture, tourism, military industries, regional products and permanent job creation

#### ***Physiographic Features***

- Maintaining or enhancing sustainability of natural eco-systems/water management functions and aquatic systems
- Potential impacts to:
  - River, streams and wetlands
  - Water recharge
  - Water sheds
  - Soils
  - Wildlife including threatened and endangered, special concern and rare
  - Habitat connectivity
  - Native landscaping

#### ***Land Use & Development Pattern***

- The three large ownerships located in the Sector provide a significant opportunity to create sustainable Master Planned Communities.
- Avoidance of a continuation of sprawl
- The need to establish and/or maintain/protect:
  - Urban and rural communities with appropriate infrastructure
  - Viable agriculture in rural communities, and
  - Important eco-systems
- Sector vision planning and design that addresses:
  - A sustainable development pattern with a required mix of land use and a job/housing, and mobility balance
  - Maximization of public infrastructure
  - Compatible land use relationships and
  - Avoiding future blight

#### ***Public Facilities***

- Maximizing the efficient use of public services and facilities including:
  - Central water and sewer including relocation of the Main Street Plant

- Water reclamation and reuse
- Regional stormwater
- Well located and adequate schools
- Recreation and Health Care
- Public Safety
- Other Civic uses such as YMCAs, Hospitals, libraries, government administration, civic centers,
- State and Federal government
- Emergency preparedness including shelters
- Maximizing financial resources available to the County

### ***Transportation***

- The need for an interconnected transportation and circulation including:
  - The proposed interchange
  - Roads (with a special focus on the proposed beltway)
  - Bikeways,
  - Pathways and
  - Transit
  - Access management
- Sector vision planning that addresses the issues above in a comprehensive manner at the appropriate level of detail for the Vision “buildout” Overlay Plan and at the more detailed Specific Area Plan.

### ***Government Land Use and Related Policies***

- Consistency of the Sector Vision Plan with adopted the Comprehensive Plan, applicable LDCs, and applicable sections of the Strategic Regional Policy Plan:
  - Affordable Housing
  - Economic development
  - Emergency Preparedness
  - Natural Resources of Regional Significance
  - Regional Transportation and
  - Historic Resources
- Sector vision planning that addresses educational mechanisms that describe:
  - Sector Plan Implementation Process
  - Reporting Guidelines for development monitoring and reporting
  - Standard Development Agreement
  - Annual Reporting Procedures

### ***Affordable Housing***

- Providing a balance of workforce and affordable housing for the jobs created.

- Future development and infrastructure impacts on existing neighborhoods and infill opportunities throughout the County

### ***Intergovernmental Coordination to Address Extra-Jurisdictional Impacts***

- The role of State Agencies in the overall planning process and the review and approval process.
- Insuring that extra-jurisdictional impacts are addressed

## **AVAILABLE RESOURCES**

### **Mechanisms**

- Innovative financing infrastructure through study of mechanisms such as CDD's
- Buffers, clustering, fire management, reuse, stormwater management, mitigation strategies, and green or open space management
- Innovative development and implementation mechanisms such as development credits and TDRs, and design standards/guidelines with an educational/technical manual
- Efficient Transportation Decision Making Process

### **Agencies**

- The WFRPC and other State Agencies will be involved throughout the Optional Sector Planning process as provided by Florida Statutes.
- FFW will provide technical assistance to insure fish and wildlife habitats are provided a high level of consideration in the planning process.
- Emerald Coast Utilities Authority is planning for the relocation of the Main Street Sewer Plant and the distribution network.
- FDOT request involvement with the methodology to address transportation impacts from development.

### **Existing Data and Analysis**

- **See Exhibit C below**

## **EXHIBIT C: EXISTING DATA AND ANALYSIS**

Escambia County has provided a platform of data and analysis to support the Sector Plan process as follows:

- Escambia County has provided preliminary data and analysis and maps of the Sector (**Please refer to the attachment herein in D titled “Optional Sector Plan Information”**) including:
  - Demographic and Economic Profile Data
  - Existing and Future Land Use Data
  - Environmental Maps
  - Archeological Report
  - Roadway Maps
  - Preliminary Identification of Issues
- The Scoping Document (**Please refer to the attachment herein in Exhibit D “WFRPC Report and Recommendations”**).
- The 2007 EAR Report.
- The Comprehensive Plan
- County and Regional Agency plans and documents will be reviewed for data and Analysis including:
  - WFRPC Policy Plan
  - TPO Plans
- MSCW will review existing maps and information relating to the following
  - Demographic and Market Factors
  - Physiographic/Environmental Features
  - Land Use/Development Pattern
  - Public Services/Infrastructure Extent and Capacities
  - Transportation/Circulation Network/Transit/Beltway/Potential Corridors
  - Governmental Land Use and Related Policies
  - Financial Resources Availability and programmed and proposed CIP improvements

## **EXHIBIT E: OPTIONAL SECTOR PLAN PARTICIPATION SCHEDULE**

### **Initial Meetings**

- 8/21/2007 Escambia County Brief of Optional Sector Planning (OSP) to WFRPC
- 9/13/2007 W. FL Regional Planning Council Agency Scoping Meeting
- 10/30/2007 Stakeholder Interview sessions
- 10/31/2007 Stakeholder Interview sessions
- 01/22/2008 Escambia County Explanatory Public Workshop
- TBD Escambia County BCC Public Hearing for Agreement Approval  
MSCW to present Sector Plan Approach  
(BCC & Planning Board Joint Meeting)

### **Steps/Procedures to Insure Public Participation**

- TBD Execute agreement between DCA and Escambia County to proceed with the sector planning process
- TBD Sector Profile Meetings:  
Public Workshop to Confirm Results of Sector Profile  
Public Meeting @ Joint County Commission and Planning Board
- TBD Trend Analysis Meetings:  
Community Values Public Workshop  
Public Meeting @ Joint County Commission and Planning Board
- TBD Vision Plan Concept Meetings:  
Alternative Vision Concepts Public Workshops  
Public Meeting @ Joint County Commission and Planning Board
- TBD Large-scale amendment for the Sector Overlay District Meetings:  
Sector Plan Public Workshops/Community Forums  
Adoption Meeting @ Joint County Commission and Planning Board
- TBD Model Special Area Plan Meetings:

Model SAP Public Workshops/Community Forums  
Adoption Meeting @ Joint County Commission and Planning  
Board

**EXHIBIT F: REQUIREMENTS FOR INTERGOVERNMENTAL  
COORDINATION TO ADDRESS EXTRAJURISDICTIONAL IMPACTS**

During the planning process every effort will be made to identify general procedures to ensure intergovernmental coordination to address any extrajurisdictional impacts resulting from adoption of the adoption of Sector Plan Overlay (long range conceptual framework). At the subsequent Detail Specific Area Plan level the identification of specific procedures to address extrajurisdictional impacts will be addressed and incorporated into the adopted DSAP.

The WFRPC identified the following State, Regional and Local agencies that will have direct involvement:

- The WFRPC and other State Agencies will be involved throughout the Optional Sector Planning process as provided by Florida Statutes.
- FFW will provide technical assistance to insure fish and wildlife habitats are provided a high level of consideration in the planning process.
- Emerald Coast Utilities Authority is planning for the relocation of the Main Street Sewer Plant and the distribution network.
- FDOT request involvement with the methodology to address transportation impacts from development.

Additionally, adjacent counties including Baldwin County in Alabama, the City of Pensacola, the Town of Century, and any Federal Agencies or other State or Regional Agencies that may be impacted will be invited to participate in determining extrajurisdictional impacts. During the “Steps to Insure Public Participation” listed in Exhibit “D” herein, the public involvement strategy for each public workshop or meeting is to invite attendees to include, but not limited to the following:

- Citizens
  - General Public
  - Stakeholders

- Property Owners
- FDCA & WFRPC
- FDOT, FDEP & FFW
- WFWMD
- Inter-Local Governments: Santa Rosa County, Baldwin County -Alabama, City of Pensacola, and Town of Century

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