

**State of Florida  
Department of Community Affairs  
Areas of Critical State Concern  
Implementation Status Report – Apalachicola Bay Area**



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Secretary  
November 2006**

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**AREAS OF CRITICAL STATE CONCERN**  
**Status of Compliance with Chapters 163 and Chapters 380, Florida Statutes**

**PART 1 – SUMMARY AND RECOMMENDATION**

**Introduction – The Program in General**

Florida's Areas of Critical State Concern Program was adopted by the Florida Legislature in the early 1970s as Section 380.05, Florida Statutes, pre-dating Florida's Growth Management Act. Apalachicola was designated pursuant to Section 380.0555, Florida Statutes. The program was created to provide a coordinated approach for land development in areas possessing resources of state significance and thus provide a means to protect the resources through adequate planning, adoption of land development regulations and provision of adequate infrastructure. At the time of the program's creation, most local governments in Florida did not have adequate local plans to address future growth and provide for protection of resources of state significance.

**Designated Areas**

Since the program's inception, five areas have been designated: Big Cypress Area, the Green Swamp Area, the City of Key West, the Florida Keys Area, and the Apalachicola Bay Area. Initial designation of the Apalachicola Bay Area included the City of Apalachicola, the City of Carrabelle and unincorporated Franklin County (excluding Alligator Point). All of this original Apalachicola Bay Area except the City of Apalachicola was de-designated in 1993; hence, the current designation applies only to the area within the City of Apalachicola's corporation limits (see map, section 3).

This report addresses the status of the Apalachicola Bay Area with regard to its comprehensive plan, land development regulations, administration of the critical area program, level of compliance with growth management laws, and a recommendation as whether to continue the designation.

**Requirements for Removal of Designation**

The Department reviews three basic requirements to consider and recommend to the Governor and Cabinet, sitting as the Administration Commission, the removal of designation of an Area of Critical State Concern:

1. Adoption of adequate comprehensive plans consistent with the Principles for Guiding Development and periodic evaluation of the plan.
2. Adoption of adequate land development regulations to implement the plan and the Principles for Guiding Development.
3. Administration of the plans and regulations in a manner that ensures protection of resources and demonstrates proper implementation based upon Department review and monitoring of issuance of permits and development orders and absence of legal action filed by the Department.

In addition, the Department reviews any specific requirements for the Area that were included in the legislation or rulemaking designation actions. These requirements, and the local government's response to them, are detailed in the Status Report Summary table following this section.

### **Recommendation for Removal of Designation**

Based on the local government's progress in addressing regulatory requirements related to the Area of Critical State Concern designation and relevant land use planning requirements pursuant to Chapter 163, Part II, Florida Statutes, as summarized in the following section, the Department recommends that the Administration Commission initiate rule making to remove the designation for the following local government:

- *Apalachicola Bay Area of Critical State Concern (City of Apalachicola)*

### **Status of Implementation**

- Apalachicola adopted a comprehensive plan in 1992. The Evaluation and Appraisal Report was found sufficient in 2000. The next EAR is due in September 2007.
- Apalachicola has adopted land development regulations established by Section 163.3202, Florida Statutes, and has additionally adopted regulations to further implement the Principles for Guiding Development.
- Apalachicola has adopted policies and regulations that require that adequate community facilities are available at the time of development. The City has adopted the most recent version of the Florida Building Code, has a Flood Protection Ordinance, and participates in county-directed emergency evacuations in order to ensure citizen safety and minimize the impacts of natural hazards.
- Apalachicola has adopted regulations to ensure that development does not cause harm to aquatic habitats and wildlife. The City has an adopted level of service standard to ensure that water supply is not exceeded and requires the use of water conservation facilities in new construction in order to conserve and protect the natural resources and the scenic beauty of the Apalachicola Bay Area.
- Apalachicola has adopted a wellfield protection regulation that limits the types of development that can occur within close proximity to the potable water supply well. The City requires undisturbed buffers between development and mean high water and wetlands.
- Apalachicola has made substantial progress toward completion of wastewater treatment facilities in accordance with required water quality standards. Under contract with the firm of Baskerville Donovan, Inc., the City has substantially completed retrofit of septic systems to centralized wastewater facilities, and no property within the City is presently utilizing private septic tanks.

- More than 90% of the City's old/existing wastewater treatment facility was replaced as of the year 2002 with upgraded facilities that utilize Advanced Waste Treatment (AWT). Wastewater effluent is discharged into wetlands for final treatment through vegetative nutrient uptake before entering surface waters, in accordance with DEP policy.
- Apalachicola has recently received financing to upgrade AWT effluent and utilize land application in place of wetlands, further improving water quality in and adjacent to the City. Design for the land application facility is underway as of October 2006.
- Apalachicola has made substantial progress toward completion of stormwater management. Under contract with the firm of Baskerville Donovan, Inc., a stormwater management plan has been completed, as required by the City's Comprehensive Plan and Land Development Regulations.

The Department has not taken any appeals or filed any Notices of Violation against the City during the last 14 years. The City is adequately implementing the plan and land development regulations.

**PART 2 – TABULAR STATUS REPORT SUMMARY**  
**APALACHICOLA BAY AREA OF CRITICAL STATE CONCERN**

**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF COMMUNITY PLANNING  
CITY OF APALACHICOLA AREA OF CRITICAL STATE CONCERN  
STATUS REPORT SUMMARY**

Community	Section 380.05, F.S. Purpose of Designation	Principles for Guiding Development Florida Administrative Code	Adequate Comprehensive Plans	Adequate Land Development Regulations	Adequate Structure for Plan Administration	Outstanding Issues
			Chapter 163, Florida Statutes Rule 9J-5, Florida Administrative Code	Chapter 380.05, F.S. Land Development Regulations		
CITY OF APALACHICOLA, FRANKLIN COUNTY	<p>To protect the water quality and ensure a healthy environment and a thriving economy.</p> <p>To financially assist upgrading sewerage systems.</p> <p>To provide technical and advisory assistance in formulating regulations and comprehensive plans.</p> <p>To ensure the long term protection.</p> <p>To promote economic growth compatible and with conservation of the natural resources.</p>	<p><b>Land development shall be guided so that the basic functions and productivity of the Apalachicola Bay Area's natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.</b></p> <p><b>Development shall be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards.</b></p> <p>Growth shall be fostered with protecting the natural resources of the Aquatic habitats and wildlife, and water quality shall be protected.</p> <p>No wastes or stormwater shall be discharged into the Apalachicola Bay Area without treatment.</p> <p>Coastal dune systems shall be protected.</p> <p>Public lands shall be protected.</p>	<p><b>Objective #1</b> To require that all future land development activities are in appropriate areas as depicted on the Future Land Use Maps and that soil conditions, topography, and drainage are suitable for development with adequate public facilities.</p> <p><u>Policy 1.1</u> The City will review all applications for development orders to ensure that adequate infrastructure is in place before development is permitted.</p> <p><u>Policy 1.2</u> The Future Land Use Maps will be reviewed before any development is permitted to ensure that proposed development is appropriate for the area as per the land use, existing soil conditions, topography and drainage.</p>	<p>Adopted Land Development Regulations ensure that:</p> <ul style="list-style-type: none"> <li>a) Site plans for new development identify the location and extent of wetlands located on and adjacent to the property.</li> <li>b) Subdivision and commercial site plans provide measures to guarantee that normal flows and quality of water will be assured to maintain wetlands development.</li> <li>c) Where alterations of wetlands are necessary in order to allow reasonable use of property, either the restoration of the disturbed wetland will be provided or additional wetlands will be created at a 4:1 ratio to mitigate destruction (DEP and NFWFMD Rules).</li> </ul> <p>Land Use Regulations prohibit high density development adjacent to sensitive wetlands.</p> <p>All development within the Special Waterfront District must comply with Section VII, Site Plan Approval.</p>	<p>No Appeals or Violations 14 years</p>	<p>Submit EAR-based plan amendments</p> <p>Next EAR 9/2007</p>

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