



Hillsborough County
Florida
Office of the Interim County Administrator
Michael S. Merrill

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MEMORANDUM

DATE: October 8, 2010

TO: Board of County Commissioners

FROM: Michael S. Merrill, Interim County Administrator *M.S. Merrill*

SUBJECT: Community Plan Opt Outs

On October 14, 2010, the Board of County Commissioners will hold a public hearing on the adoption of two community plans into the Comprehensive Plan. The issue of opt-outs will be a major consideration for the Board as it discusses these plans. This memorandum provides options and a recommendation for the Board to consider in this discussion.

The Board approved an opt-out provision for community plans at its Comprehensive Plan Amendment Public Hearing on July 22, 2010. This provision allows property owners within the community planning area to be excluded from a community plan prior to its adoption by the Board. Opt-outs have been considered as a part of three community plans. The Board approved opt-outs in the adoption of the Carrollwood-Northdale Plan, and in the transmittal of the Seffner-Mango and Brandon community plans.

Two of these plans – Seffner-Mango and Brandon -- are scheduled for the adoption public hearing on October 14, 2010. Since the transmittal hearing for these two community plans on July 22, 2010 the Department of Community Affairs (DCA) has issued an Objections, Recommendations and Comments (ORC) Report recommending removal of the opt-out provisions (attached).

We concur that, on its face, opt-outs are inconsistent with good planning principles and bifurcate communities. This sentiment was articulated in a memorandum to the Board, dated July 9, 2010 from the Director of the Planning Growth Management Department and the Executive Director of the Hillsborough County City-County Planning Commission. However, we also believe that those property owners requesting opt-outs raise issues that should be addressed before the decision is made to allow opt-outs or not.

One option is for the Board to approve the community plans with the opt-outs as they were transmitted to DCA. However, DCA has already articulated its position that this would likely result in an administrative process.

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A second option is for the Board to remove the opt-out provisions as DCA suggests and adopt the community plans in their entirety. This option would likely mitigate DCA's concerns. However, the fundamental questions as to why these opt outs are being requested will remain unanswered. It certainly would not solve the issue should DCA, as it is likely to do, respond similarly to the Carrollwood-Northdale community plan. It is expedient, but it does not help us build community trust and resolve conflicts.

Based on comments by those choosing to opt-out, we see the larger issue tied to a lack of trust with the process and the final product. In the earlier meetings, common themes seemed to resonate with those requesting opt-outs. How was public notice provided to indicate that the process was underway? How can there be equity in representation of the issues? What does the community plan designation really mean? What will happen to the property in the implementation phase?

When community plans were first introduced twelve years ago, they were used as a mechanism to resolve community debate about the community's future growth and development. They are no longer serving that purpose. The issues identified by those property owners advocating for opt-outs may not appear as real issues to some, or some may think that they were addressed during the process. Nonetheless, it may be time to consider them seriously and re-think how the community planning process can be improved so that opt-outs are not an option at the very end.

We suggest that the Board of County Commissioners defer the two community plans to the next round of comprehensive plan amendments. We recognize how much work has been put into these plans and how disappointed some residents will be to delay this decision. But we believe that there are repercussions if the underlying issues are not addressed.

We would offer that we find a solution the underlying causes of the anxiety in the community plans and report back to the Board. Is there a way to mitigate the concerns of what happens next for those who are impacted by the plan? Consider merging the implementation and the plan process to be conducted together so that the question of "what can I do with my property?" is answered. Can the process be designed to keep the Board of County Commissioners involved throughout the planning process so that such major issues do not rise at the end?

We are available to respond to questions on this topic. Please do not hesitate to contact me, Lucia Garsys or Joe Moreda.

c: Executive Team
Robert B. Hunter, FAICP, Planning Commission
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