

PLANNING COMMISSION
February 6, 2012
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, February 6, 2012**, beginning at 10:07 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
Randy Wall, Vice Chair	Present
Jeb Hale	Absent
Elizabeth Lustberg	Present
William Wiatt	Present

STAFF

Christine Hurley, Director of Growth Management	Present
Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Mike Roberts, Administrator, Environmental Resources	Present
Joe Haberman, Planning and Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Rich Jones, Senior Administrator, Marine Resources	Present
Mayte Santamaria, Assistant Planning Director	Present
Tiffany Stankiewicz, Development Administrator	Present
Kathy Grasser, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

MEETING

New Item:

1. 2nd Presentation of the ER Report by Keith & Schnars

Mr. Schwab introduced Debbie Love and Dawn Sonneborn, presenters on the EAR for the 2010 comprehensive plan. Mr. Schwab then introduced Tyson Smith, who will be assisting the County after the EAR process in helping with the comp plan amendments.

Ms. Sonneborn outlined the presentation to be given today. Debbie Love, project manager for this EAR evaluation, explained that today's presentation will include discussion on the big policy impacts of the EAR so the Commissioners can see how everything is going to tie together.

Ms. Love described two recurring themes of the EAR as environmental protection and a focus on redevelopment and development utilizing green strategies. Sustainable development is a key piece of what will be presented today. The discussion today is premised upon the idea that the economy of the Keys is tied to a healthy environment. The economic development strategies are broken up into different categories: Planning and land use, hotel and tourism, redevelopment, marine and waterfront issues, and finance and investment. Although there are two different topics, they do tie together.

Strategies to be discussed and considered are hotel/motel development strategies, discontinuing the NROGO allocation system in the administrative structure that it currently has, developing an exclusive Commercial Land Use category, and establishing some ROGO criteria for wetlands. The KEYWEP and UMAM will be discussed, as well as strategies for water-dependent and water-related uses and some economic health considerations to think about.

The issue statement that goes along with this topic is to "Promote economic sustainability in a manner consistent with environmental stewardship, with a special focus upon existing businesses." Monroe County has a lot of land that is environmentally sensitive. Monroe County also faces a lot of economic constraints. Implementation strategies are needed to link the environmental health to economic sustainability. There will be discussion on what Monroe County wants to be or not want to be as a community, the current conditions of the County, some targeted industries will be given special attention, findings and facts, and some choices to be made.

Some of the constraints the County faces follow the national trend in the employment structure that has moved away from manufacturing to service industries, specifically tourism. There are State restrictions imposed on the County, being under the Area of Critical State Concern and the carrying capacity. Local issues that must be considered are the ROGO and NROGO allocation system, environmental regulations, infrastructure capacity restraints, as well as hurricane evacuations. Other local issues include our location relative to the mainland, lack of raw materials locally, water pressure, the physical layout of the County, being flood prone, hurricanes, development costs, and we have a very limited amount of vacant land in relation to other communities. Ms. Love explained that these constraints make Monroe County unique and the citizens want it to remain unique.

Ms. Love pointed out similarities of opportunities between Monroe County and other island communities. The targeted industries in the County were reviewed. Commercial fishing has decreased in growth, whereas business services and finance has increased. Tourism is the dominant industry, with the second highest employer being the government. The employment in business services has more than doubled. Medical health service is one of the fastest growing industries locally. Hotel/entertainment is the second fastest growing segment.

Ms. Love next discussed the Livable CommuniKeys Plans (LCPs). Realignment of some of the strategies within the LCPs may be needed related to economy and growth. In the LCP redevelopment is allowed in the Upper Keys within the existing footprint and in very limited areas is any higher intensity development allowed. New commercial development throughout is limited to 2500 square feet per site. In Big Pine and No Name Key the issues are limited land availability and concurrency constraints. Vice Chair Wall and Ms. Love spoke of the difficulty this causes in expanding a business. Stock Island and Key Haven want to maintain the focus on marine dependent services. It is believed the strongest opportunities for marine research facilities and technology can be located down in Stock Island because of its proximity to Key West.

Mr. Jones then explained the prior working waterfront preservation master plan that included comp plan amendment language to help refresh and enhance working waterfronts. A lot of that comp plan language was not embraced by the community because it was felt it locked the property owners into something as far as preservation. Mr. Jones suggested revisiting that comp plan amendment language to come up with something that includes the ability to be flexible with the future economics. Mr. Jones then updated the Commissioners on the Marine Siting Plan. The most important element that will be adopted into the comp plan will be marina siting criteria, a list of criteria that somebody has to comply with if they want to build a new marina, not expand an existing marina. Another important data and analysis backup element is the needs analysis that the Regional Planning Council is working on right now, which will be used to develop a needs analysis for new marina developments.

Ms. Love then spoke of how this ties into how the County approaches economic sustainability and redevelopment. Vice Chair Wall questioned how a culture is maintained when the economic viability is no longer there? Ms. Love replied that the business community of this industry needs to be involved in deciding how to maintain some of this culture and allow the property owners to get the highest and best use for their property. Ms. Hurley reminded the Commissioners that this is to set the stage for the comp plan amendments that the County wants to propose, so a balance between preservation of working waterfronts and how to make that economically sustainable for the businesses there must be found.

The economic characteristics of each of the sub-areas were discussed. The Upper Keys should maintain a focus as a marine sanctuary. The Middle Keys' tax base growth is going to come from residential components. The Lower Keys is more industrial and includes a lot of the marine industry the county has.

Ms. Love next discussed the County's touchstone industries, including tourism. Key West does have the bulk of the county's tourism. 40 percent of the 3.3 million visitors to Monroe County were cruise ship visitors. As of December 2010 there were about 8800 hotel rooms of various configurations in the County. Seasonal resort units have increased in number. That number does not include a residential house rented out as a vacation rental. Chair Werling and Ms. Love discussed the difficulty in obtaining a hard number of transient units in the County. Over half of the hotel rooms/units are over 40 years of age. The economist on the County's team wanted it emphasized that the need for hotel property investment coupled with a prohibition on hotel expansion due to seasonal occupancy constraints and other development constrictions means

new hotel unit tourists are likely to be accommodated in newly built seasonal residential housing units. Hotels which are in need of renovation will be unable to justify needed capital improvements.

Ms. Hurley explained that the primary reason for this is the definition of a hotel unit is a one bathroom/bedroom facility. The County has used that to say that if you want to add another bedroom an additional ROGO allocation is needed. That could be simplified by just changing that definition. Vice Chair Wall brought up how that conflicts with the campground redevelopments to condotels that have been approved by this Planning Commission. Mr. Haberman explained that a new definition of seasonal transient units was created, which are basically houses that can be used for up to six months out of a given year, where a hotel owner is held to the definition of hotel, which is less than 30-day occupancies.

Ms. Love stated that the best option to fix this would be to not have the moratorium and allow the market to fulfill. Commissioner Wiatt questioned the impact that would have on hurricane evacuation, transportation, traffic, water usage, etc. Ms. Santamaria explained that different analyses will be done in hurricane evacuation models considering transient units and the potential of increasing the number of units. Commissioner Lustberg pointed out that while the hotel rooms are at capacity in season, they are so far away from being at capacity out of season that there is not enough money coming through the door to redevelop the hotel rooms, which is a whole different issue from whether expansion is allowed. The effects of the transient unit moratorium were further discussed.

Ms. Love explained that 65 percent occupancy is the break-even point. Ms. Love stated that the bottom line on the moratorium is the market is being filled by the residential units. Ms. Hurley explained that the BOCC does view that as a negative. The unintended consequence of not providing adequate hotel accommodations in appropriately zoned areas means that the spillover is impacting people in single-family neighborhoods.

The next touchstone industry discussed was marine resources. The fishing and marine related industry is just 2 percent of the employment. It is declining. However, recreational boating licenses have increased since 1980. In commercial fishing the licenses have declined as well as the volume of the catch. The volume of the catch has declined 70 percent since 1980. The definition of commercial fishing does not include tourist fishing. The fishing industry is an extremely important part of the culture and history of the Keys, and the challenge becomes how to support the surrounding uses and building the restaurant industry for that fresh catch and allowing it to become a cultural focal point for redevelopment. It is felt that marine research, coral reef preservation and marine related eco-tourism are going to be important opportunities here in the Keys.

Chair Werling asked for public comment.

Ron Miller, Key Largo resident, stated that he believes the phased hurricane evacuation is a bunch of nonsense and believes the transient allocations need to be kept inside of ROGO. Ms. Hurley explained to the Commissioners the background of how the transient units were separated out in the hurricane evacuation models at the State's request.

Deb Curlee, resident of Cudjoe Key, pointed out that the added cost to maintain any additional hotel rooms would not allow for any gain to the hoteliers.

Joyce Newman of Big Pine Key voiced her concern that economic sustainability is being discussed ahead of anything else that affects permanent residents. Ms. Newman believes the TDC creates an economic imbalance in this County by putting the emphasis on tourism at the expense of quality of life issues for the residents.

Commissioner Lustberg stated that the moratorium on transient units and dealing with hotel allocations and ROGO allocations is a touchy subject and believes when options are discussed there should be more public involvement in that than normal. Commissioner Lustberg also believes an analysis on charter fishing should be included when discussing the working waterfront. Ms. Love replied that charter fishing is documented and information is available in the technical document. Chair Werling added that there was a meeting back in the mid '90s from a redevelopment/development perspective of the working waterfront that was well-attended with a lot of direct input that might be able to be obtained. Ms. Hurley stated that staff will try to locate that information. Mr. Hurley received a text message from a County Commissioner who believes it was during the Stock Island Livable CommuniKeys Plan development.

The next topic discussed was strategies relating to these areas of discussion. The first strategy was in the planning and land use area. Ms. Love recommended identifying economic business development locations on the future land use map to identify where the County wants to focus economic development. Another suggestion was to develop an economic development element to the plan. If an economic development element is put in the plan, the LCPs need to be aligned and consistent with it.

Strategies for hotel and tourism were discussed next. One thing that is important to the community is trying to incentivize green building activities with hotels and motels. The green lodging certification program should be expanded and incentivized. Focus needs to be put on eco-tourism. Supporting the TDC would encourage the TDC to facilitate the communication and the organization between the different groups to help expand off-season occupancy. They can also interface with the environmental groups. The TDC should focus their marketing efforts on eco-tourism, as this would attract tourists who appreciate the environment in the Florida Keys.

Hotel/motel redevelopment options include removing them completely from the residential allocation system or just making it an administrative function. Ms. Hurley explained that staff is contemplating policy language that would allow staff to administratively take any permanent ROGO allocation not used in a ROGO year and designate that for transient use or to be used for hotel units. This would limit the administrative burden that ROGO has on staff. Ms. Hurley stated that staff has received quite a bit of public input relative to reintroducing some green ROGO incentives.

Ms. Love continued with more hotel/motel unit development options, including setting aside a flat percentage of the allocations for transient uses, setting aside a percentage of allocations based upon occupancy, and allowing hotels to add suites with more rooms per unit.

Vice Chair Wall asked about directing growth based on the FLUM when an individual property owner who knows his FLUM category would like to figure out how to develop within that. Ms. Love explained that property owner still has those rights. Ms. Hurley described why the County needs to amend our policies and make them easy to understand so that people know what they can do.

Ms. Hurley then asked the Commissioners for their input on the strategies listed for the hotel/motel development options. Commissioner Lustberg stated she is hesitant to approve any of it without more information and a lot more public input. Commissioner Wiatt voiced his concern with making any kind of dramatic changes to what is already in place with respect to ROGO and the transient units, because when the economy improves the Commission could regret easing some of the tough requirements that were put into place during a good economy. Vice Chair Wall believes there is no economic incentive to redevelop and that hotel units are as important as the attractions they serve. Commissioner Wiatt stated he believes it is a mistake to believe that the only way the hotel industry can grow economically is to add units and the focus should be on redevelopment as opposed to new development. Commissioner Lustberg would like to see the TDC promote green options for the off-season in particular and have green incentives for redevelopment of existing hotels. Ms. Love stated that these buildings have not been redeveloped before because the return on investment is not there to make it viable for hoteliers to do that.

Vice Chair Wall believes that the transient moratorium and fallout of that needs further research and would like the Comp Plan Review Committee to give that a hard look and suggest some alternatives. Commissioner Wiatt agreed, as long as one of the alternatives would be to do nothing. Mr. Schwab reminded the Commissioners that that comp plan is a broad overview that defines what we want to be as the years pass. The planning process requires one to open their mind up to possibilities and explore them and vet them thoroughly. This is not anything cast in stone, but is a visioning process.

Ms. Love again emphasized that it is necessary to realign LCPs with policies in order to implement those appropriately. Ms. Love clarified for Vice Chair Wall that this strategy simply gets the FLUM in agreement with and working with the CommuniKeys plans for individual communities and does not change FLUM designations.

Ms. Love encouraged the Commissioners to comment on the economic development element considerations. Chair Werling added that she would like to see business directed to those businesses in the proper locations as opposed to entrepreneurs conducting business that has spread outside of business districts. Vice Chair Wall voiced his concern that it is outside the purview of the Planning Commission to develop an economic plan for a property owner. Ms. Love replied that the economic development element coalesces all the policies used in handling business in the community. Vice Chair Wall stated that he would be in favor of getting regulations into categories that make it easier to analyze how one can fit their business ideas into existing planning regulations. Commissioner Wiatt would like to see the promotion of economic sustainability through redevelopment and look for and promote community input on this topic. Ms. Love reminded the Commissioners that a special focus upon existing businesses is the theme

running throughout this entire process Commissioner Wiatt again stated growth of their revenue should be promoted, but not at the expense of density. Commissioner Lustberg agreed that redevelopment should be kept in the forefront of all of these discussions, but does not want to preclude the ability to have new development. Ms. Love suggested that the County should revisit some of the LCPs to make sure that the data is consistent with whatever economic policies are proffered. Commissioner Wiatt added how important it is to get the public to weigh in on these issues.

Ms. Love asked the Commissioners for their thoughts on promoting types of incentives in redevelopment programs. Commissioner Lustberg would like to see this go beyond the hotels and lodging and into new and redeveloped commercial and residential properties.

Ms. Love asked for the Commissioners' feedback on tasking the TDC with organization and communication issues with marine research facilities and environmental groups to focus on eco-tourism. Commissioner Lustberg would like to hear from the TDC before making a decision. Commissioner Wiatt supports this strategy.

Ms. Love next asked for comments on the hotel/motel redevelopment options. Commissioner Wiatt believes public comment should be sought on this topic. Commissioner Lustberg agreed that the topic should be explored with extensive public input. Ms. Santamaria explained the percentage of the allocations for transient units would occur when 85 or 90 percent occupancy level was reached. Commissioner Lustberg is in favor of abandoning the option of allowing hotels to add suites with more rooms per unit, but believes the flat percentage of allocations for transient units and percentage of allocations based on occupancy should be left on the table for discussion in the future.

Joyce Newman stated that using the language "support" the TDC in promoting eco-tourism could mean give money to and could be an ambiguous term. Ron Miller about the disparity of allowing a hotel to develop while not giving allocations for a Tier III property and believes all development has to come out of ROGO in this County. Ms. Hurley added that the discouragement ordinance is drafted to say that any increase in density would require one to retire on a two-to-one basis.

Chair Werling asked for further public comment. There was none. Public comment was closed.

A luncheon recess was held from 12:44 p.m. to 1:51 p.m.

Ms. Love next discussed the redevelopment capacity bank. The capacity bank could be developed if all of somebody's units or square footage is used, it is tracked, maintained and they can sell it, transfer it to another parcel, or transfer it off site somewhere into another property within the same sub-area. Another option is to relax the zoning regulations where appropriate in exchange for compliance or upgrade issues. Ms. Hurley explained to Vice Chair Wall the difference between this and a major or minor conditional use amendment. Ms. Love then explained why NROGO allowances should not be determined by residential growth. Chair Werling does not believe enough information on who would be in charge of this bank of units has been given to make a comment on this topic. Ms. Love gave different examples of how

these units could be tracked and implemented. Ms. Hurley clarified that this option is meant to address setbacks, open space ratios, shoreline setbacks, things that make it challenging for an existing business to renovate, and not meant to add units or relax anything related to units. The Commissioners agreed that this is something they would like to look at in the future in greater detail and come up with rules that should work. Ms. Love further explained how this could be used to incentivize the waterfront development to maintain community character. Ms. Hurley then explained why staff does not feel it is necessary to engage in a study to determine what commercial square footage should be allocated per year, because using residential growth is not a valid number to use and staff is not in favor of increasing NROGO allocations.

Ms. Love next discussed the strategies for marine and waterfront industries. First is to establish a local marine quality/marine research and technology task force to communicate and coordinate with the TDC to establish what kind of research facilities the County wants to attract. This would help to create jobs locally and help the local economy and tourism. This would also provide support for the fishing and marine industries by having more viable uses. The Commissioners agreed they would be willing to look at these strategies in more detail. Ms. Love added that a definition for marinas needs to be created and put in the comp plan. Mr. Jones agreed.

The next topic of discussion was finance and investment strategies. Ms. Love described the difference between the two financing mechanisms Community Development Districts (CDD) and Community Redevelopment Areas (CRA). Keith & Schnars is preparing a green paper for the BOCC, which is a description of an activity that gives an opportunity for reviewing details of something that may be considered down the road, which will go into the details of the CDD versus a CRA. Another option would be to give a three to five-year ad valorem tax break to those people who want to redevelop in economic business development areas that have been identified. Another option would be for the County to invest in the infrastructure themselves. The areas for CRA boundaries would be selected and the boundaries would then be determined through a finding of necessity. Ms. Love then explained how these two financing mechanisms would affect the property owners within these districts or areas.

County-wide visioning and planning was the next category for discussion. The issue statement here is to “Capitalize upon and protect the uniqueness (or sense of place) of the various communities within the planning areas; implement the recommendations that should be within the existing visioning plan.” It is very important to the community that the LCP is kept as a guide in moving forward through development. Again, Ms. Love stated that existing LCPs need to be consistent with economic goals and current with the County’s vision. Some nonconforming uses are part of community character that could not be redeveloped under current conditions, so flexibility is needed in order for redevelopment to occur to preserve some of that community character. Ms. Love proposed adding a policy that says authorization staff looks at the LCPs when doing a development review.

Chair Werling asked for public comment. There was none.

Ms. Hurley explained that the CommuniKeys plans have been adopted into the comp plan future land use element and the wording in that element implies they are to be treated equally to

policies of the comp plan, which conflicts many times with people's future land use categories they have. The LCPs need to be refined so that the exact requirements are put into the comp plan or code and not the vision. Vice Chair Wall commented that gives them much more weight than the wording "recommendation and strategy." Ms. Santamaria added that the LCPs were adopted by reference into the comprehensive plan as equivalent to goals, objectives and policies, even though the LCPs may be inconsistent with the rest of the comprehensive plan.

Ms. Love then suggested creating overlay districts to be added to Objective 101.4 to maintain some of the underlying requirements and/or add special requirements. Ms. Love emphasized the importance of deciding how to deal with nonconforming structures and encouraging the BOCC to have that discussion.

Issue Statement 2 is "Promote attractive, well-planned development adjacent to services, and existing commercial 'hubs' with an emphasis on redevelopment." Ms. Hurley explained the data and technical document that Keith & Schanrs published showed that the highest FAR throughout the Keys was about .29, but it averaged far less than that. Rather than recommend decreasing all the maximum floor area ratios countywide, staff would like to encourage the BOCC to add a third measurable standard for maximum development potential by adding a minimum open space ratio so we do not have development that looks out of character. Ms. Santamaria added that this is not a new concept, there are already some open space ratios in the code, but this is to develop more appropriate standards in the comp plan.

Redevelopment incentives were discussed. One strategy to offset the requirement of the green building is to consider floor area bonus or other incentives. Vice Chair Wall commented that seems to be saying that we need to increase open space ratios. Ms. Love replied that it is necessary to look at how to incentivize things and at the same time look at how to address some administrative issues. Ideas for incentivizing need to be looked at and then it will be examined to make sure that none of that conflicts. Ms. Love suggested relaxing policies regarding nonconforming specific to shoreline and property line setbacks limited to Tier III commercial properties.

In discussing discouragement of density increases Ms. Love stated that there is adequate vacant land to accommodate our population. Lands that are in Tier I that have a mixed use designation could be used as sender sites. Consideration is being given to creating a policy to allow transfer of ROGO allocations or exemptions from a Tier I, Tier II or Tier III, to allow something that has an allocation in Tier I to be transferred to a Tier III property within the same sub-area. Ms. Hurley explained that the Department of Economic Opportunity wants the County to figure out their inventory of paper units so they can be accommodated in the hurricane model. DEO staff would like for these units to be recognized and then given a time limit to redevelop. Consideration needs to be given on how to retire development rights in one spot and encourage them in another.

Issue Category 2D, the impact of outside jurisdictional constraints, was discussed. Limiting the County's exposure and liability in takings issues needs to be discussed. Ms. Hurley suggested that she speak to the Commission on this topic at a future meeting.

Development of a commercial land use district was next discussed. This is to create a strictly commercial land use district adjacent to Tier I lands to address the impacts of residential uses adjacent to those lands.

Mr. Roberts spoke on habitat and species protection. Mr. Roberts explained that the principal threat to the continued viability of the population of federally protected species is directly related to feral animals. The County is looking at increasing coordination with the Fish & Wildlife Service to try to come up with some compatible language as far as the feral animal management. At this point it is really a cooperation and coordination strategy, not a code development or policy development idea at this point.

Ms. Grimsley spoke on the CBRS strategy. Ms. Grimsley explained that rather than discouraging development, the County would instead try to not encourage further development. Ways of doing that were discussed. The County Attorney's Office has recommended language regarding this strategy to be put in the EAR.

Joyce Newman spoke on behalf of Last Stand. Ms. Newman urged the Commission to consider the fact that the BOCC refused to change the CBRS policies in the comprehensive land use plan and to wait until current litigation is resolved before changing any language regarding CBRS. Deb Curlee also urged the Commission to not take action until the legal case has been resolved. Ms. Curlee also suggested that the last sentence of the strategy paragraph proposed be deleted. Ron Miller supports the existing language in the comp plan supporting and protecting the CBRS units. Mr. Miller read aloud Policy Number 6.

Chair Werling asked for further public comment. There was none. Public input was closed on this topic.

Mr. Miller then added that the Federal Government is not protecting the CBRS units, that the local government and local citizen are the stewards of the Keys. Ms. Grimsley noted that the language says that "the County should consider whether it is necessary" and it is something that should be discussed. Ms. Grimsley added that the support from the State might be in question due to the state of their budget. Ms. Hurley explained that the comp plan language says "discourage" and the code says "prohibit." The County Attorney is trying to make sure the County's exposure is the most limited. This proposed language is a narrative explaining what the Commission should consider when drafting the policy. Ms. Grimsley assured Commissioner Wiatt that this change in language does not minimize protection to the environment for these areas. Commissioner Lustberg understands the County wanting to limit vulnerability to lawsuits, but does not want to rely on other government entities to have regulations in place to protect things the County wishes to protect. Chair Werling recommended not changing the language until there is a better determination from the lawsuit in what direction to move forward.

On the issue of wetlands, Mr. Roberts explained that a lot of the strategies to be discussed this afternoon are housekeeping type strategies to bring our code or comp plan policies into alignment with State policies and State regulations, and also where the comp plan and LDC overlap Monroe County may be regulating itself into a liability issue. Wetlands in the County are protected by UMAM and KEYWEP. Our code provides other layers of protection by

requiring 100 percent open space on certain types of wetland communities. Wetlands can change over time, so how KEYWEP will be used or if KEYWEP will continue to be used is being evaluated.

Strategies regarding wetlands include using the same definition of wetlands to line up with the State's definition, changing our boundaries to align with State jurisdictional requirements, and tweaking the setback language regarding wetlands in the land development code. Other strategies are keeping KEYWEP as the determination of whether or not to issue a permit on a wetland, but then incorporating State definitions as to what a wetland is, as well as accepting the mitigation that would be required under UMAM. Another strategy would be revising the code to indicate that staff can update KEYWEP scores that were assigned many years ago.

Mr. Roberts explained that the State definition of wetlands is more detailed and specific than the County's, so there would potentially be an increase in protection by incorporating the State's jurisdictional language. Ms. Hurley noted that for the past two legislative sessions there has been a move afoot to disallow local governments from waiting on other agencies to issue their permits. Staff is also looking at trying to incorporate into the comp plan requiring the use of "best available data" for wetlands as well as our endangered species data. Vice Chair Wall suggested requiring a review of a property suspected of having wetlands due to the fact that wetlands grow and change over time. Mr. Roberts agreed with that requirement and then also discussed the value of more updated maps. "Environmentally sensitive land" also needs to be defined in the comp plan. Mr. Roberts then explained that there has been discussion about what types of wetland communities to regulate and potentially allow impacts to, but there has been no agreement on that so far. The land development code as it exists right now does not mention salt ponds, but the comp plan does. Staff now wants to make sure that the LDC does address salt ponds as 100 percent open space communities. A determination needs to be made whether or not to continue to pursue land acquisition efforts with wetlands and whether to develop ROGO scoring criteria for wetlands. One of the strategies talked about is subtracting points in ROGO for parcels that contain wetlands on them, which is in transmittal right now. Commissioner Lustberg commented that the comp plan and land development regulations should be consistent regarding salt ponds.

Chair Werling asked for public comment. There was none.

Ms. Sonneborn discussed the affordable housing issue. The issue statement is "Promote the development of affordable, attainable and senior living housing that is well-planned, attractive and energy efficient." Ms. Sonneborn described the affordability gap in residential sales as well as rentals. Strategies include considering mapping the locations of all existing deed restricted affordable housing units, including the mobile homes and RV parks that allow the long-term rentals, targeting those mapped areas for retention and expansion programs, and continuing implementation of the Affordable Housing Ordinance. Commissioner Lustberg added that even though there are houses on the market right now for a lot less than they used to be on the market for, banks do not want to lend money required to fix them up. Mr. Harvey replied that there are monies available for that purpose.

The next major issue discussed was public involvement and information. That issue statement is “Promote robust public involvement and information sharing regarding land use issues without the planning and development process.” Ms. Sonneborn reported that the County has been very good with keeping the public informed and allowing the public to speak. The extensive formalized public involvement process the County implements was described. The only strategy to consider is requiring an applicant to hold a community meeting prior to the public hearings to obtain direct public input into the project. Commissioner Wiatt thinks that is a great idea as long as a planner was present to guide the meeting, and it would allow the meeting to be held closer to the site. Ms. Sonneborn offered to share with the Commissioners the rules and regulations other cities have who use this process. Chair Werling spoke of the past practice of allowing the affordable component to be transferred off site not necessarily to an existing place, but be put in abeyance until later and talk at that point about making an affordable component part of that project. Ms. Hurley said that a revision could be suggested to the BOCC.

Next intergovernmental coordination was discussed. The issue statement is to “Provide effective and efficient intergovernmental, interdepartmental and interagency coordination.” Ms. Sonneborn outlined the existing coordination mechanisms in place. Recommendations were made and collected at the scoping meeting back in May of 2010 when all the agencies came together in one meeting. Those recommendations were described. Strategies developed are to encourage more frequent participation by DOT to better coordinate DOT activity with the County’s plans and projects, and consider creating a user-friendly consolidated list of all the interlocal and intergovernmental agreements. Also, to upgrade the date certain GOPs regarding interlocal agreements and coordination activities and have the County, TDC and Chamber of Commerce jointly promote the County’s parks as family-friendly attractions. There was then discussion regarding the “family-friendly” language included in the last strategy.

Issue Category B, interdepartmental data sharing and development review, was discussed next. Ms. Sonneborn described who the DRC is comprised of and stated that coordination appears to be adequate, so there are not recommended strategies.

Regarding Category C, FCAA supply of adequate water pressure for fire service, Ms. Sonneborn stated Objective 701.8 addresses the fire flow protection and the strategy here is to continue to implement the goals, objectives and policies related to adequate water pressure for the distribution system and on-site fire abatement requirements.

Issue Category D, Florida Keys Carrying Capacity Study and Model, is required by Rule 28-20 of the Florida Administrative Code. The implementation is through amendments to the LDC, the FLUM series and the maximum permitted densities. The County has implemented the requirements of the work program related to this, so there are no strategies recommended at this time. Commissioner Lustberg questioned whether, per Chapter 163 of the Florida Statutes, other regulatory agencies are required to follow Monroe County’s regulations, if more stringent, when providing those permits. Ms. Santamaria explained that the State would take on implementing the County’s regulations. Commissioner Lustberg then questioned if the County’s current agreements to protect both the quantity and quality of our water is adequate. Mr. Schwab replied that FCAA is obligated to provide us with the water we require and we have an agreement with them, but if something is happening north of Monroe County they have the obligation to inform

us of the details of that, but it does not always occur early on in the process. Commissioner Lustberg voiced her concern with our water supply being beyond our jurisdiction and believes interlocal agreements should be examined to determine what can be done to protect our interests. Mr. Harvey suggested developing and improving liaisons with cities to the north of Monroe County to ensure that we are included in the participation process on whatever proposals are occurring within the vicinity of the well field. Commissioner Lustberg also would like Monroe County to have a voice to address existing and potential land management problems in the region which may affect conservation and use and protection of water quality and fisheries in Florida Bay. Ms. Sonneborn pointed out that those both were recommendations gathered from the scoping meetings.

Ms. Love next addressed the vacant land analysis. An update was given in this regard. Ms. Love explained the potential conflict analysis that was done and what it revealed. The analysis was broken down into Lower Keys, Middle Keys and Upper Keys. More investigation is needed to determine whether or not a future land use plan amendment is required.

Chapter 3 was addressed next, Assessment of the Comprehensive Plan Elements. Ms. Love described what Keith & Schnars is looking for from the Commission today regarding this chapter. Some new recommendations are to add the minimum open space ratios into the comprehensive plan. Another recommendation is to consider the creation of a preservation FLUM category for publicly-owned lands. Ms. Santamaria explained that a category of preservation does not allow public access, whereas a category of conservation does allow public access. Another new recommendation is to create a light industrial zoning district. Ms. Love recommended updating Policy 101.2.13, Work Program and Rules, because right now it stops at year 10.

Another recommendation not talked about previously is eliminating maximum net density. Ms. Hurley explained that the BOCC would appreciate the Planning Commission's input on whether the Board should maintain maximum net density in the future land use element and allow affordable housing to automatically receive that, and also allow other types of development to take advantage of that if they provide certain open space, or whether community-wide maximum net density should be eliminated. Vice Chair Wall mentioned that the vast majority of public comment is in opposition to maximum net densities. Chair Werling agreed. Ms. Love continued to list recommendations. Ms. Hurley clarified that the bullet relating to the Navy's EIS should read "upon completion of the 2011 NAS-Key West EIS and adopt changes as appropriate."

Previously reviewed recommendations were then discussed. The first recommendation is to review and revise stormwater regulations. Commissioner Lustberg asked about the conflict between the EPA's and the State's requirements in terms of monitoring nutrients. Mr. Roberts explained the outcome is being tracked by the County. Commissioner Lustberg believes this issue should not be dropped because of how serious this is to the County. Mr. Roberts added that the County is not trying to get more flexibility in water quality standards.

Mr. Jones clarified that the marina siting criteria is going to be adopted in the comp plan and is going to reference the Marina Siting Plan and the needs analysis. Ms. Love added that this will designate appropriate marina siting areas for new marinas and will include some of the new

policy revisions that have been promulgated through that process to deal with expansion of marinas and new marinas, including different requirements like pumpouts. More conservation and coastal management recommendations were reviewed. Ms. Love explained the traffic circulation recommendation. Ms. Love continued to outline previously reviewed recommendations. Commissioner Lustberg believes parks and recreation open space concurrency should be maintained. Ron Miller requested that a walkability type of concurrency be looked at that the tourists can use.

Ms. Love stated that Objective 1201.9 should be deleted because the County does not have funding available for a Parks and Recreation Department. Ms. Love further recommended the Parks and Recreation Master Plan be adopted to provide direction for future maintenance and upgrades.

Intergovernmental coordination and capital improvement recommendations were outlined. Ms. Love asked the Commissioners for their thoughts on whether the cultural resources element was necessary. Commissioner Lustberg believes cultural resources could be a piece of an economic development element. Ms. Love explained if the cultural resources element is deemed to be unnecessary, the ADA component is covered under the Parks and Recreation Master Plan. Ms. Grimsley added that an inventory was done of County buildings for ADA compliance as a result of a lawsuit the County was involved in. Commissioner Wiatt does not believe the cultural resources element is necessary. Ms. Love discussed how “Date Certain” GOPs will be dealt with and cleaned up through the process.

The special topic Coastal High Hazard Area (CHHA) was next discussed. Maps were displayed of coastal high hazard areas. The definition of CHHA needs to be adopted after some minor wordsmithing, and the maps need to be adopted as part of our future land use. A strategy that is statutorily required is to modify the definition to match the State’s definition for coastal high hazard and to eventually adopt these coastal high hazard boundaries on our FLUM. Ms. Santamaria added that previously the CHHA was an area where development was prohibited, but recently it was amended to be an area where growth is to be discouraged, and if there is growth it has to be mitigated. Possible mitigation measures were discussed.

Ms. Love next discussed assessment of Florida Statute Chapter 163. A matrix was prepared to show which policies accommodate Chapter 163, where the amendments need to go and what kind of amendments need to occur. Ms. Love then outlined what changes are required.

Ms. Love informed the public that Keith & Schnars will be going before the BOCC in March to do this same process. Next the Planning Commission’s comments and the BOCC’s comments will be incorporated into changes to the EAR. Then a final version will go before the BOCC for adoption that hopefully will occur sometime in May.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 6:27 p.m.