

MEMORANDUM
MONROE COUNTY PLANNING &
ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair



To: Monroe County Planning Commission

Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Michael Roberts, CEP, PWS; *Sr. Administrator/Environmental Resources*
Tiffany Stankiewicz, *Development Administrator*

Date: November 3, 2010

Re: Tier Designation Review Staff Report for Planning Commission

Meeting Date: November 16, 2010

I. BACKGROUND

The Monroe County Board of County Commissioners adopted Ordinances 08-2006, 09-2006, 10-2006, 11-2006 and 13-2006 in March of 2006. These Ordinances established in the Land Development Code the criteria for determining the Tier designation, revised the ROGO and NROGO point system and implemented the Tier Overlay maps for unincorporated Monroe County, excluding Ocean Reef.

On June 16, 2006 the Department of Community Affairs (DCA) published notice of the Final Orders determining that the above ordinances were consistent with Chapter 380 F.S. and were approved. On July 7, 2006 Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc. d/b/a Last Stand [Petitioners] filed a petition for administrative hearing regarding the Final Orders. The final administrative hearing was held in February 2007 and the Administrative Law Judge (ALJ) issued a Recommended Order on June 26, 2007. The majority of the challenges raised by the Petitioners were rejected by the ALJ, however three (3) key assertions were upheld and the ALJ determined:

- The four (4) acre minimum threshold for Tier 1 designation was arbitrary and

- 1 • The one (1) acre minimum threshold for Special Protection Areas (Tier
2 III-A SPA) was likewise arbitrary.
- 3 • The division of parcels by a road of sixteen feet or more was not a basis to
4 petition for a Tier IIIA property to become Tier III.
5

6 A Final Order was signed on 9/26/07 by the DCA Secretary Pelham accepting the
7 recommended order incorporating the findings of the ALJ and on 1/2/08, DCA
8 Secretary Pelham issued the Amended Final Order correcting a scrivener's error.
9 The orders required Monroe County to revise Chapter 130-130 of the Land
10 Development Code to reflect the findings of the Amended Final Order,
11 specifically deleting the acreage criteria that was found to be arbitrary and
12 eliminating the provision that allowed a road of sixteen feet or more to be the
13 basis to petition for a tier designation change from Tier IIIA property to become
14 Tier III.
15

16 After the amended final order, in 2008 and subsequent years the Monroe County
17 "30 day report" submitted to and accepted by the Governor and Cabinet regarding
18 progress under the Area of Critical State Concern, 10 year work program required
19 Monroe County to revise the Tier Maps that were previously rendered tierless by
20 the Amended Final Order. The work plan required preparation of new habitat
21 data based on the best available ortho-photography. It also required Monroe
22 County to establish a Tier Designation Review Committee (TDRC) with
23 members selected by the DCA. The TDRC was established to make
24 recommendations to the Monroe County Board of County Commissioners on
25 proposed adjustments to the Tier boundaries for the Tierless properties. In
26 addition, Planning Commission is required to review the proposed tier
27 recommendations by the TDRC and Monroe County staff and the Planning
28 Commission should make a recommendation to the Board of County
29 Commissioners after taking public input for designation of each parcel in the Tier
30 System.
31

32 **Tierless Parcel Information and information on parcels recommended for** 33 **review under Tier Sytem** 34

35 The Amended Final Order discussed above resulted in approximately 3125
36 parcels being rendered tierless. In addition, throughout the past several years, the
37 Board of County Commissioners or staff have reviewed the tier designations of
38 other parcels (approximately 303) and recommended they be re-reviewed for
39 consideration of an alternate tier under the tier system.
40

41 The Planning Commission should use the information provided in this agenda
42 item to review the parcels that are tierless or those parcels recommended for
43 review and consideration of an alternate tier under the tier system. This is the
44 same criteria used by the TDRC and staff to formulate the recommendations in
45 this report and on the maps included in this agenda packet. Please note the TDRC
46 recommendations (from September 30, 2010) are included for Maps 1-86. The

1 Monroe County staff has recommended alternate recommendations for certain
2 parcels on Maps 8, 10, 12, 25, 29, 30, 35, 40, 54, 57, 58, 59, 69, and 78. The
3 Development Review Committee met on October 15, 2010 to review the staff
4 recommendations and recommended no changes to the staff recommendations or
5 the TDRC recommendations.

6
7 To reiterate, the Planning Commission is being asked for their recommendations
8 for tier designations for each parcel found on the map series on map pages 1-86.

9
10 The criteria for the tier overlay district map designations for Tier I, Tier III-A and
11 Tier III are:

- 12 • Section 130-130 of the Monroe County Code (Code) (formerly Sec. 9.5-
13 256 at the time of ordinance adoption (Ordinance 10-2006)); and
- 14 • The Monroe County Year 2010 Comprehensive Plan (Plan) Policies
15 102.7.3, 103.2.1, 105.2.1 and 205.1.1; and
- 16 • A three-page map series of color aerial maps with reference data
17 including the following on pages numbered 1 through 86 which show:
 - 18 • Previous Conditions (area of parcels, previous tier status as undesignated
19 or with designations, and surrounding parcels and area)
 - 20 • Land Use District Map Designation(Zoning)
 - 21 • Future Land Use Map Designation
 - 22 • Land Cover Hammock
 - 23 • U.S. Fish and Wildlife Listed Species (2009)
 - 24 • Land Cover Habitat 2009 (different vegetative communities)
 - 25 • ELC Challenged Area boundaries (areas needing tiers as a result of the
26 DOAH Case No. 06-2449GM
 - 27 • Kreuer 2006 recommendations (Plaintiff's expert's recommendations for
28 the challenged areas resulting from the DOAH Case No. 06-2449GM)

29 Because of the complex nature of the parcels rendered tierless and the status of
30 each parcel in the Rate of Growth Ordinance building permit allocation system,
31 the parcels to be considered for tier designations have been divided into 4 groups
32 for processing through the land use district Tier Overlay Map amendment
33 process. Your agenda item includes 4 ordinances for each sub-group and
34 spreadsheets that include the data for each parcel. The 4 sub-groups follow:

- 35
36 1. Ninety-two (**92**) parcels in the Rate of Growth Ordinance building permit
37 allocation system competing for building permits which are tierless
- 38
39 2. One Hundred Twelve (**112**) parcels which have no tier for which ROGO
40 allocations or building permits have been issued in the Rate of Growth
41 Ordinance building permit allocation system since the Final Order
42

1 3. Two Thousand Nine Hundred Twenty One (2,921) other parcels which
2 have no tier

3
4 4. Three Hundred Three (303) parcels whose owners had petitioned for
5 review or which staff felt should have been changed or which were
6 included to be reviewed because of requests by owners or staff by BOCC
7 Resolution No. 148-2006 dated March 15, 2006;

8
9 In all, there are 3428 parcels being reviewed by the Tier Designation Review
10 Committee, staff, Development Review Committee, Planning Commission and
11 ultimately the Board of County Commissioners for recommendation of a new
12 Tier Designation.

13
14 If the Planning Commission recommends adoption of the TDRC
15 recommendations as presented, 670 parcels or 19% of the reviewed parcels are
16 recommended to change from Tier 3 to a more restrictive Tier (1 or SPA).

17
18 The affected 670 parcels (19%) contain 125.1 acres of tropical hardwood
19 hammock. The TDRC recommendations are summarized in Table 1 below.
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Table 1. Tier Designation Review Committee Recommendations

TDRC	Total Parcels	% of Total	Acres	% of Total
Tier I	526	15%	76.86	44%
SPA	144	4%	48.24	28%
Tier III	2758	80%	50.06	29%
TOTAL	3428		175.16	

		% of Total Hammock
Parcels Changed Tier 3 to Tier 1	154	6.15%
Acres Hammock in Changed Parcels	10.77	
Parcels Changed Tier 3 to SPA	119	13.84%
Acres Hammock in Changed Parcels	24.25	
Parcels Changed SPA to Tier 1	132	15.26%
Acres Hammock in Changed Parcels	26.73	
Parcels Changed Tier 1 to SPA	6	2.44%
Acres Hammock in Changed Parcels	4.27	
Parcels Changed Tier 1 to Tier 3	77	0.46%
Acres Hammock in Changed Parcels	0.81	
Parcels Changed SPA to Tier 3	6	0.60%
Acres Hammock in Changed Parcels	1.05	
Parcels With No Change	2921	58.08%
Acres Hammock in Unchanged Parcels	101.73	
Parcels Previous Tier "0"	13	3.17%
Acres Hammock in 0 Tier Parcels	5.55	

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As stated previously, the Planning and Environmental Resources staff made alternate recommendation to the TDRC recommendation for parcels on Maps 8, 10, 12, 25, 29, 30, 35, 40, 54, 57, 58, 59, 69, and 78 . Those alternate recommendations result in 597 parcels or 17% of the reviewed parcels changing from Tier 3 to a more restrictive Tier (1 or SPA). The affected 597 parcels contain 117.18 acres of tropical hardwood hammock. The Staff recommendations are summarized in Table 2 below.

1 **Table 2. Monroe County Planning & Environmental Resources Staff**
 2 **Recommendations**
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All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total
Tier I	376	11%	58.92	34%
Tier III-A	221	6%	58.26	33%
Tier III	2831	83%	57.98	33%
TOTAL	3428		175.16	

		% of Total Hammock
Parcels Changed Tier 3 to Tier 1	89	
Acres Hammock in Changed Parcels	7.22	4.12%
Parcels Changed Tier 3 to SPA	116	
Acres Hammock in Changed Parcels	23.69	13.52%
Parcels Changed SPA to Tier 1	61	
Acres Hammock in Changed Parcels	13.64	7.79%
Parcels Changed Tier 1 to SPA	18	
Acres Hammock in Changed Parcels	2.33	1.33%
Parcels Changed Tier 1 to Tier 3	80	
Acres Hammock in Changed Parcels	4.48	2.56%
Parcels Changed SPA to Tier 3	8	
Acres Hammock in Changed Parcels	1.19	0.68%
Parcels With No Change	3042	
Acres Hammock in Unchanged Parcels	116.63	66.58%
Parcels Previous Tier "0"	13	
Acres Hammock in 0 Tier Parcels	5.55	3.17%

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2 **II. Process**
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4 Tier overlay amendments are processed as changes to the land use district map
5 (130-130(e)). The Director of Planning shall review and process Tier Overlay map
6 revisions and pass them on to the Development Review Committee and the
7 Planning Commission for recommendation and final approval by the BOCC. In
8 addition to the map amendments, new Ordinances addressing the change in Tier
9 designation of the affected parcels are also required. Staff has prepared four (4)
10 proposed Ordinances that address the varying circumstances of the parcels (1)
11 Parcels competing in ROGO (2) Parcels that have been awarded an allocation or
12 development permit (3) the Parcels that were rendered Tierless by the Final Order
13 and (4) Parcels that were reviewed by previous request of the property owner,
14 BOCC or Staff. These Ordinances will also require a recommendation from the
15 Planning Commission and final approval by the BOCC.
16

17 The Planning Commission shall hold at least one public hearing on the proposed
18 map revisions. The Planning Commission shall review the revised maps, the
19 reports and recommendations of the Tier Designation Review Committee
20 (TDRC), the Department of Planning & Environmental Resources and the
21 Development Review Committee, and the testimony given at the public hearing,
22 and shall submit its recommendations and findings to the BOCC. The BOCC
23 shall consider the staff report, recommendations, and testimony given at the
24 public hearings before it. Because of the statutory notice and Monroe County
25 Code notice requirements, two required notification processes will be followed.
26 Individual notices to parcel owners and newspaper advertising will be provided.
27 Two hearings will be required before the BOCC because of statutory
28 requirements for contiguous parcels of more than 10 acres. If the BOCC adopts
29 the ordinances, they are sent to DCA for consideration and approval by a final
30 order, published in the Florida Administrative Weekly. There is a 21 day appeal
31 period before the ordinances are considered final.
32

33 **III. Ordinances**
34

35 **As stated earlier, the parcels recommended for redesignation have been**
36 **separated into sub-groups because of their status in: the ROGO allocation**
37 **building permit system; the building permit system; or because they were**
38 **not originally part of the tierless parcels from the Amended final order. The**
39 **following sub-groups have been described in the attached ordinances and the**
40 **breakdown of the recommended changes, with corresponding hammock**
41 **acreage is included.**
42
43

- 44 1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY
45 COMMISSIONERS ASSIGNING, AMENDING OR RATIFYING THE
46 TIER OVERLAY DISTRICT DESIGNATIONS FOR APPROXIMATELY

1 NINETY-TWO (92) PARCELS COMPETING FOR BUILDING PERMITS
 2 IN THE RATE OF GROWTH ORDINANCE (ROGO) ALLOCATION
 3 SYSTEM IN ACCORDANCE WITH THE FINAL ORDER IN DOAH
 4 CASE NO. 06-2449GM; PROVIDING FOR SEVERABILITY; PROVIDING
 5 FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR
 6 TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS
 7 AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE
 8 DATE

Tier Designation Review Committee (TDRC)					
Tier Designation Recommendations					
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total	
Tier I	10	11%	1.01	19%	
Tier III-A	14	15%	1.91	36%	
Tier III	68	74%	2.33	44%	
TOTAL	92		5.25		% of Total Hammock
Parcels Changed Tier 3 to Tier 1				2	
Acres Hammock in Changed Parcels				0.27	5.14%
Parcels Changed Tier 3 to SPA				13	
Acres Hammock in Changed Parcels				1.72	32.76%
Parcels Changed SPA to Tier 1				2	
Acres Hammock in Changed Parcels				0.29	5.52%
Parcels Changed Tier 1 to SPA				0	
Acres Hammock in Changed Parcels				0	0.00%
Parcels Changed Tier 1 to Tier 3				2	
Acres Hammock in Changed Parcels				0.00	0.00%
Parcels Changed SPA to Tier 3				1	
Acres Hammock in Changed Parcels				0.14	2.67%
Parcels With No Change				70	
Acres Hammock in Unchanged Parcels				2.83	53.90%
Parcels Never having a Tier Designation				2	
Acres Hammock in 0 Tier Parcels				0.00	0.00%

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Growth Management Staff Recommendations					
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total	
Tier I	8	9%	0.74	14%	
Tier III-A	10	11%	1.31	25%	
Tier III	74	80%	3.20	61%	
TOTAL	92		5.25		% of Total Hammock
Parcels Changed Tier 3 to Tier 1				0	
Acres Hammock in Changed Parcels				0	0.00%
Parcels Changed Tier 3 to SPA				9	
Acres Hammock in Changed Parcels				1.12	21.33%
Parcels Changed SPA to Tier 1				2	
Acres Hammock in Changed Parcels				0.3	5.52%
Parcels Changed Tier 1 to SPA				0	
Acres Hammock in Changed Parcels				0	0.00%
Parcels Changed Tier 1 to Tier 3				2	
Acres Hammock in Changed Parcels				0.00	0.00%
Parcels Changed SPA to Tier 3				1	
Acres Hammock in Changed Parcels				0.14	2.67%
Parcels With No Change				76	
Acres Hammock in Unchanged Parcels				3.70	70.48%
Parcels Never having a Tier Designation				2	
Acres Hammock in 0 Tier Parcels				0.00	0.00%

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Variation between TDRC and Staff Recommendations:

RE Number	Hammock Acres	Previous Tier	TDRC	Staff	Map Series
00210440-000000	0.14	III	I	III	57
00210450-000000	0.13	III	I	III	57
00484450-000000	0.15	III	III-A	III	30
00484460-000000	0.15	III	III-A	III	30
00484470-000000	0.15	III	III-A	III	30
00484480-000000	0.15	III	III-A	III	30

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7

Ninety-two (92) parcels out of approximately 273 applications competing in ROGO are tierless. Twenty-seven (27) of these have an allocation being held in

1 abeyance by the Planning Commission. One (1) of the 27 parcels is proposed to
 2 be designated to a more restrictive tier (Real Estate Number 00445980-000000).

3
 4 10 other parcels of the 92 parcels are recommended for change to a more
 5 restrictive tier. Below is a list of the 11 parcels. 8 of these 11 parcels have been
 6 scored based on the Tier designation previously assigned. 3 of the 11 parcels
 7 have been scored in ROGO as if they were Tier I and are recommended to go to
 8 Tier III-A (Real Estate Numbers 00445660-000000; 00510450-000000; and
 9 00510460-000000).

10
 11 It should be noted that the proposed Tier designation for 8 of these 11 parcels, if
 12 adopted by the Board of County Commission, would result in their current score
 13 in ROGO being reduced due to the change in Tier designation. The
 14 recommendation for 3 parcels would result in their current score in ROGO
 15 increasing. These parcels are shown below:

16

RE Number	Owner Name	Previous Tier	Staff Recommendation	Scored in ROGO as	Hammock Acres
00210500-000000	PARKINSON DEAN	III-A	I	III-A	0.13
00210811-005600	HANEY NORMAN & MARIA	III-A	I	III-A	0.16
00445610-000000	DAVIS SARAH	III	III-A	III	0.14
00445660-000000	NATIVE RENTAL PROPERTIES LLC	III	III-A	I	0.14
00445820-000000	TAYLOR MARK AND ANDREA	III	III-A	III	0.14
00445970-000000	PARKINSON DEAN	III	III-A	III	0.14
00445980-000000	PARKINSON DEAN	III	III-A	III	0.12
00446940-000000	HARPER LINDA W	III	III-A	III	0.10
00510280-000000	WHITE RICHARD H	III	III-A	III	0.12
00510450-000000	QUIROS CONSTANTINO	III	III-A	I	0.12
00510460-000000	QUIROS CONSTANTINO	III	III-A	I	0.10

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2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING TIER OVERLAY DISTRICT MAP DESIGNATIONS TO APPROXIMATELY ONE HUNDRED TWELVE (112) PARCELS DETERMINED TO HAVE NO TIER ON THE TIER OVERLAY DISTRICT MAP FOR MONROE COUNTY IN DOAH CASE NO. 06-2449GM WHICH PARCELS HAVE BEEN THE SUBJECT OF AWARD OF ALLOCATION IN THE RATE OF GROWTH (ROGO) COMPETITION OR HAVE BEEN ISSUED BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

Tier Designation Review Committee (TDRC)				
Tier Designation Recommendations				
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total
Tier I	4	4%	0.38	7%
Tier III-A	12	11%	1.27	24%
Tier III	96	86%	3.70	70%
TOTAL	112		5.35	
				% of Total Hammock
Parcels Changed Tier 3 to Tier 1				3
Acres Hammock in Changed Parcels				0.38
				7.10%
Parcels Changed Tier 3 to SPA				12
Acres Hammock in Changed Parcels				1.27
				23.74%
Parcels Changed SPA to Tier 1				0
Acres Hammock in Changed Parcels				0.00
				0.00%
Parcels Changed Tier 1 to SPA				0
Acres Hammock in Changed Parcels				0
				0.00%
Parcels Changed Tier 1 to Tier 3				1
Acres Hammock in Changed Parcels				0.00
				0.00%
Parcels Changed SPA to Tier 3				1
Acres Hammock in Changed Parcels				0.17
				3.18%
Parcels With No Change				95
Acres Hammock in Unchanged Parcels				3.53
				65.98%

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Growth Management Staff Recommendations					
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total	
Tier I	2	2%	0.16	3%	
Tier III-A	13	12%	1.39	26%	
Tier III	97	87%	3.80	72%	
TOTAL	112		5.35		
Parcels Changed Tier 3 to Tier 1				1	
Acres Hammock in Changed Parcels				0	2.99%
Parcels Changed Tier 3 to SPA				13	
Acres Hammock in Changed Parcels				1.39	25.98%
Parcels Changed SPA to Tier 1				0	
Acres Hammock in Changed Parcels				0.0	0.00%
Parcels Changed Tier 1 to SPA				0	
Acres Hammock in Changed Parcels				0	0.00%
Parcels Changed Tier 1 to Tier 3				1	
Acres Hammock in Changed Parcels				0.00	0.00%
Parcels Changed SPA to Tier 3				1	
Acres Hammock in Changed Parcels				0.17	3.18%
Parcels With No Change				96	
Acres Hammock in Unchanged Parcels				3.63	67.85%

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2 Variation between TDRC and Staff Recommendations:

RE Number	Hammock Acres	Current Tier	Previous Tier	TDRC	Staff	Map Series
00468420-000000	0.11	UNDES	III	I	III-A	8
00468430-000000	0.11	UNDES	III	I	III-A	8
00447450-000000	0.10	UNDES	III	III-A	III	35

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4 The Planning Commission has issued allocations for 112 of the Tierless parcels.
 5 These allocations were issued prior to the County's knowledge that the ROGO
 6 scores were incorrect due to the Tier designations. Many of these have had
 7 building permits issued, have homes constructed, or are on the FEMA injunction
 8 list.

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3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING TIER OVERLAY DISTRICT MAP DESIGNATIONS TO APPROXIMATELY TWO THOUSAND NINE HUNDRED TWENTY ONE (2921) PARCELS DETERMINED TO HAVE NO TIER ON THE TIER OVERLAY DISTRICT MAP FOR MONROE COUNTY IN DOAH CASE NO. 06-2449GM ; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

Tier Designation Review Committee (TDRC)					
Tier Designation Recommendations					
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total	
Tier I	290	10%	42.11	33%	
Tier III-A	112	4%	40.79	32%	
Tier III	2519	86%	43.21	34%	
TOTAL	2921		126.11		% of Total Hammock
Parcels Changed Tier 3 to Tier 1				149	
Acres Hammock in Changed Parcels				10.12	8%
Parcels Changed Tier 3 to SPA				94	
Acres Hammock in Changed Parcels				21.26	17%
Parcels Changed SPA to Tier 1				130	
Acres Hammock in Changed Parcels				26.44	21%
Parcels Changed Tier 1 to SPA				0	
Acres Hammock in Changed Parcels				0	0%
Parcels Changed Tier 1 to Tier 3				0	
Acres Hammock in Changed Parcels				0.00	0%
Parcels Changed SPA to Tier 3				4	
Acres Hammock in Changed Parcels				0.74	1%
Parcels With No Change				2533	
Acres Hammock in Unchanged Parcels				62.00	49%
Parcels in Tier "0" To Tier I				11	
Acres Hammock in Unchanged Parcels				5.55	4%

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Growth Management Division Development Review Committee (DRC)				
Tier Designation Recommendations				
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total
Tier I	159	5%	26.39	21%
Tier III-A	180	6%	53.23	42%
Tier III	2582	88%	46.49	37%
TOTAL	2921		126.11	
				% of Total Hammock
Parcels Changed Tier 3 to Tier 1				88
Acres Hammock in Changed Parcels				7.06
				6%
Parcels Changed Tier 3 to SPA				94
Acres Hammock in Changed Parcels				21.18
				17%
Parcels Changed SPA to Tier 1				60
Acres Hammock in Changed Parcels				13.78
				11%
Parcels Changed Tier 1 to SPA				0
Acres Hammock in Changed Parcels				0
				0%
Parcels Changed Tier 1 to Tier 3				0
Acres Hammock in Changed Parcels				0.00
				0%
Parcels Changed SPA to Tier 3				6
Acres Hammock in Changed Parcels				0.88
				1%
Parcels With No Change				2662
Acres Hammock in Unchanged Parcels				77.66
				62%
Parcels in Tier "0" To Tier I				11
Acres Hammock in Unchanged Parcels				5.55
				4%

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RE Number	Hammock Acres	Previous Tier	TDRC	Staff
00118420-000000	0.00	III	I	III
00185860-000000	0.00	III	I	III
00185870-000000	0.00	III	I	III
00185880-000000	0.00	III	I	III
00185890-000000	0.00	III	I	III
00185900-000000	0.00	III	I	III
00185910-000000	0.00	III	I	III
00185920-000000	0.00	III	I	III
00185930-000000	0.00	III	I	III
00185940-000000	0.00	III	I	III
00185950-000000	0.00	III	I	III
00186040-000000	0.00	III	I	III
00186050-000000	0.00	III	I	III

00186060-000000	0.00	III	I	III
00186070-000000	0.00	III	I	III
00186080-000000	0.00	III	I	III
00186090-000000	0.00	III	I	III
00186100-000000	0.00	III	I	III
00186110-000000	0.00	III	I	III
00186120-000000	0.00	III	I	III
00186130-000000	0.00	III	I	III
00186140-000000	0.00	III	I	III
00186150-000000	0.00	III	I	III
00186160-000000	0.00	III	I	III
00186170-000000	0.00	III	I	III
00186180-000000	0.00	III	I	III
00186190-000000	0.00	III	I	III
00186200-000000	0.00	III	I	III
00186210-000000	0.00	III	I	III
00186220-000000	0.00	III	I	III
00186230-000000	0.00	III	I	III
00209150-000000	0.14	III	I	III
00209160-000000	0.14	III	I	III
00209170-000000	0.13	III	I	III
00210160-000000	0.00	III-A	I	III
00210480-000000	0.00	III	I	III
00210490-000000	0.00	III	I	III
00210640-000000	0.14	III-A	I	III
00210650-000000	0.14	III	I	III
00210811-011400	0.19	III	I	III
00210811-011500	0.08	III	I	III
00211200-000000	0.00	III	I	III
00211200-000100	0.00	III	I	III
00211230-000000	0.00	III	I	III
00211240-000000	0.00	III	I	III
00211250-000000	0.00	III	I	III
00211260-000000	0.00	III	I	III
00211270-000000	0.00	III	I	III
00211280-000000	0.00	III	I	III
00211290-000000	0.00	III	I	III
00211300-000000	0.00	III	I	III
00211310-000000	0.00	III	I	III
00211320-000000	0.00	III	I	III
00215130-000000	0.00	III	I	III
	0.96			
00088570-000000	0.98	III	I	III-A
00090401-000100 thru 00090401-000436	1.56	III-A	I	III-A
00466540-000000	0.11	III	I	III-A
00466550-000000	0.11	III	I	III-A
00466560-000000	0.11	III	I	III-A

00468310-000000	0.08	III	I	III-A
00468320-000000	0.10	III	I	III-A
00468390-000000	0.11	III	I	III-A
00468400-000000	0.12	III	I	III-A
00486850-000100	1.65	III-A	I	III-A
00486870-000000	0.60	III-A	I	III-A
00486900-000000	0.78	III-A	I	III-A
00486900-000100	0.23	III-A	I	III-A
00486910-000000	2.22	III-A	I	III-A
00486920-000000	3.20	III-A	I	III-A
00486920-000100	2.28	III-A	I	III-A
00487120-000000	0.52	III	I	III-A
	14.76			
00447420-000000	0.11	III	III-A	III
00447460-000000	0.10	III	III-A	III
00458560-000000	0.12	III	III-A	III
00458710-000000	0.12	III	III-A	III
00466830-000000	0.09	III	III-A	III
00466990-000000	0.21	III	III-A	III
00483370-000000	0.98	III	III-A	III
00566010-000000	0.31	III	III-A	III
00566300-000000	0.28	III	III-A	III
	2.32			

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2 The remaining 2921 Tierless parcels have no applications pending with the
3 County.

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5 4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY
6 COMMISSIONERS AMENDING OR RATIFYING THE TIER OVERLAY
7 DISTRICT DESIGNATIONS FOR APPROXIMATELY THREE
8 HUNDRED THREE (303) PARCELS PROPOSED FOR REVIEW BY THE
9 BOARD OF COUNTY COMMISSIONERS, STAFF OR OWNERS,
10 WHICH PARCELS CURRENTLY HAVE TIER DESIGNATIONS ;
11 PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF
12 CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO
13 THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE
14 SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

15

Tier Designation Review Committee (TDRC)				
Tier Designation Recommendations				
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total
Tier I	222	73%	33.36	87%
Tier III-A	6	2%	0.82	2%

Tier III	75	25%	4.27	11%	
TOTAL	303		38.45		% of Total Hammock
Parcels Changed Tier 3 to Tier 1				0	
Acres Hammock in Changed Parcels				0.00	0%
Parcels Changed Tier 3 to SPA				0	
Acres Hammock in Changed Parcels				0.00	0%
Parcels Changed SPA to Tier 1				0	
Acres Hammock in Changed Parcels				0.00	0%
Parcels Changed Tier 1 to SPA				6	
Acres Hammock in Changed Parcels				4	11%
Parcels Changed Tier 1 to Tier 3				74	
Acres Hammock in Changed Parcels				0.81	2%
Parcels Changed SPA to Tier 3				0	
Acres Hammock in Changed Parcels				0.00	0%
Parcels With No Change				223	
Acres Hammock in Unchanged Parcels				33.37	87%

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Growth Management Staff Recommendations					
All Parcels	Total Parcels	% of Total	Acres (Hammock)	% of Total	
Tier I	207	68%	31.63	82%	
Tier III-A	18	6%	2.33	6%	
Tier III	78	26%	4.49	12%	
TOTAL	303		38.45		% of Total Hammock
Parcels Changed Tier 3 to Tier 1				0	
Acres Hammock in Changed Parcels				0	0.00%
Parcels Changed Tier 3 to SPA				0	
Acres Hammock in Changed Parcels				0.00	0.00%
Parcels Changed SPA to Tier 1				0	
Acres Hammock in Changed Parcels				0.0	0.00%
Parcels Changed Tier 1 to SPA				18	
Acres Hammock in Changed Parcels				2.33	6.06%
Parcels Changed Tier 1 to Tier 3				77	
Acres Hammock in Changed Parcels				4.48**	11.65%
Parcels Changed SPA to Tier 3				0	
Acres Hammock in Changed Parcels				0.00	0.00%
Parcels With No Change				208	
Acres Hammock in Unchanged Parcels				31.64	82.29%

3 ** 3.17 acres mapped as hammock that is cleared land with no hammock. See Map Series 59;
4 RE #'s 00114090 & 00114120

RE Number	Hammock Acres	Current Tier	TDRC	Staff
00544590-000000	0.14	I	I	III-A
00544600-000000	0.11	I	I	III-A
00544620-000000	0.12	I	I	III-A
00545100-000000	0.10	I	I	III-A
00545110-000000	0.12	I	I	III-A
00545200-000000	0.09	I	I	III-A
00545230-000000	0.09	I	I	III-A
00545240-000000	0.14	I	I	III-A
00545250-000000	0.12	I	I	III-A
00545260-000000	0.12	I	I	III-A
00545270-000000	0.12	I	I	III-A
00545280-000000	0.12	I	I	III-A
00545310-000000	0.12	I	I	III-A
00545320-000000	0.12	I	I	III-A
00545330-000000	0.10	I	I	III-A
00114090-000000	2.21**	I	III-A	III
00114090-000100	0.50	I	III-A	III
00114120-000000	0.96	I	III-A	III

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There are 303 parcels that have a Tier Designation where the property owners or staff applied for reconsideration of the Tier Designation, or were included in a BOCC resolution for Staff to review the Tier designation. Most of these applications were evaluated by a Special Magistrate using the now invalid criteria and need to be re-evaluated using the revised criteria.

IV. Issues

TDRC vs. Staff recommendations - explanation

The TDRC evaluated the challenged parcels with regard to the revised Tier Designation criteria. The removal of acreage criteria from the Code resulted in the TDRC making some recommendations for parcels that contained tropical hardwood hammock vegetation to be Tier I and SPA, while staff felt in some circumstances that these parcels, occurring within existing, substantially developed subdivisions with improved infrastructure, were more appropriately defined as Tier III and made their recommendations accordingly. The other major variation between Staffs recommendations and that of the TDRC is the designation of wetlands. In some instances the TDRC recommended a Tier I or SPA designation for a parcel that did not contain native upland vegetation, but was wetland habitat. Where wetlands were the sole native habitat on a parcel, Staff recommends a Tier III designation as stated in the Land Development Code (130-130).

1
2 In all, the TDRC recommended a total of 125.1 acres of tropical hardwood
3 hammock be designated as Tier I or SPA, while Staff's recommendation places a
4 total of 117.18 acres of hammock in these two Tiers.
5

6 **V. Consistency with the Principles for Guiding Development in the Florida**
7 **Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7).**
8

9 For the purposes of reviewing consistency of the Land Development Code or any
10 amendments to the Code with the principles for guiding development and any
11 amendments to the principles, the principles shall be construed as a whole and no
12 specific provision shall be construed or applied in isolation from the other
13 provisions.
14

15 (a) To strengthen local government capabilities for managing land use and
16 development so that local government is able to achieve these objectives
17 without the continuation of the area of critical state concern designation.

18 (b) To protect shoreline and marine resources, including mangroves, coral
19 reef formations, seagrass beds, wetlands, fish and wildlife, and their
20 habitat.

21 (c) To protect upland resources, tropical biological communities,
22 freshwater wetlands, native tropical vegetation (for example, hardwood
23 hammocks and pinelands), dune ridges and beaches, wildlife, and their
24 habitat.

25 (d) To ensure the maximum well-being of the Florida Keys and its citizens
26 through sound economic development.

27 (e) To limit the adverse impacts of development on the quality of water
28 throughout the Florida Keys.

29 (f) To enhance natural scenic resources, promote the aesthetic benefits of
30 the natural environment, and ensure that development is compatible with
31 the unique historic character of the Florida Keys.

32 (g) To protect the historical heritage of the Florida Keys.

33 (h) To protect the value, efficiency, cost-effectiveness, and amortized life
34 of existing and proposed major public investments, including:

- 35 1. The Florida Keys Aqueduct and water supply facilities;
- 36 2. Sewage collection and disposal facilities;
- 37 3. Solid waste collection and disposal facilities;
- 38 4. Key West Naval Air Station and other military facilities;
- 39 5. Transportation facilities;
- 40 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 41 7. State parks, recreation facilities, aquatic preserves, and other
42 publicly owned properties;
- 43 8. City electric service and the Florida Keys Electric Co-op; and
- 44 9. Other utilities, as appropriate.

1 (i) To limit the adverse impacts of public investments on the
2 environmental resources of the Florida Keys.

3 (j) To make available adequate affordable housing for all sectors of the
4 population of the Florida Keys.

5 (k) To provide adequate alternatives for the protection of public safety
6 and welfare in the event of a natural or manmade disaster and for a
7 post disaster reconstruction plan.

8 (l) To protect the public health, safety, and welfare of the citizens of
9 the Florida Keys and maintain the Florida Keys as a unique Florida
10 resource.

11 Staff finds the proposed amendment consistent with the Principles for Guiding
12 Development as a whole and is not inconsistent with any one principle.

13
14 **VI. Staff Recommendation:**

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16 Staff recommends:

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18 I. The Planning Commission recommend approval of the four
19 ordinances, with the staff recommended alternative designations on
20 Maps 8, 10, 12, 25, 29, 30, 35, 40, 54, 57,58, 59, 69, and 78, that
21 indicate the recommended tier designations for all parcels included in
22 the 4 sub-groups including:

23
24 1. Ninety-two (92) parcels in the Rate of Growth Ordinance building
25 permit allocation system competing for building permits which are
26 tierless

27
28 2. One Hundred Twelve (112) parcels which have no tier for which
29 ROGO allocations or building permits have been issued in the Rate of
30 Growth Ordinance building permit allocation system since the Final
31 Order

32
33 3. Two Thousand Nine Hundred Twenty One (2,921) other parcels
34 which have no tier

35
36 4. Three Hundred Three (303) parcels whose owners had petitioned for
37 review or which staff felt should have been changed or which were
38 included to be reviewed because of requests by owners or staff by
39 BOCC Resolution No. 148-2006 dated March 15, 2006;

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II. The Planning Commission review and discuss the following 8 parcels competing in ROGO and make a recommendation to the Board of County Commissioners as to whether these 8 parcels should maintain the original tier designation as shown below. Seven (7) of the 8 parcels have not yet come before the Planning Commission for award. One (1) of the 8 parcels has a ROGO allocation held in abeyance by the Planning Commission.

RE Number	Owner Name	Original Tier aka Previous Tier
00210500-000000	PARKINSON DEAN	III-A
00210811-005600	HANEY NORMAN & MARIA	III-A
00445610-000000	DAVIS SARAH	III
00445820-000000	TAYLOR MARK AND ANDREA	III
00445970-000000	PARKINSON DEAN	III
00445980-000000	PARKINSON DEAN	III
00446940-000000	HARPER LINDA W	III
00510280-000000	WHITE RICHARD H	III

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III. Any parcel which has a ROGO allocation being held in abeyance whose tier designation did not change shall be awarded after the ordinances amending the tier designations are effective. The remaining parcels in ROGO will be rescored and re-ranked based on the applicable tiers.

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- VII. Exhibits**
- Comprehensive Plan Policies
- Revised Land Development Code 130-130
- Tier Designation Review Committee (TDRC) Recommendation Maps (86)
- Monroe County Environmental Resources Staff Recommendation Maps (14)
- Pages 8, 10, 12, 25, 29, 30, 35, 40, 54, 57,58, 59, 69, and 78
- Proposed Ordinances (4)