

PLANNING COMMISSION

Monday, September 23, 2013

MEETING MINUTES

The Monroe County Planning Commission conducted a meeting on **Monday, September 23, 2013**, beginning at 10:04 a.m. at the Marathon Government Center, 2nd floor, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

William Wiatt, Chair	Present
Jeb Hale	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present

STAFF MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Absent
Susan Grimsley, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mayte Santamaria, Assistant Director of Planning and Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Patricia Smith, Transportation Planning Manager	Present
Rich Jones, Senior Administrator, Marine Resources	Present
Emily Schemper, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

MEETING

Chair Wiatt asked that each goal be reviewed individually and, once the presentation of that goal is complete, any and all questions will be taken from the Commissioners and then that goal will be opened up to public comment.

1.Presentation by Keith & Schnars

Debbie Love, Senior Planner with Keith & Schnars, presented the updates of the comprehensive plan scheduled for today. Ms. Love stated the Technical Document update and the Evaluation and Appraisal Report (EAR) have been completed. The EAR had over 120 recommendations for

comprehensive plan amendments. Today some of those amendments that were made will be presented.

Introduction

(10:07 a.m.) Ms. Love stated the introduction on Page 1 has been updated to give more detail about the background of the County. A citation of Section 380, The Principles for Guiding Development, is included directly from Florida Statute. Page 2 is a continuation of Section 380. On Pages 3 through 7 Rule 28-20 has been relocated from the Future Land Use element into the Introduction and Background. This is from the work program of what has been accomplished by July 1, 2012, primarily in wastewater implementation. Background is given on Page 7 of how the comprehensive plan is divided into different documents: Technical Document, Policy Document, as well as the Map Atlas. The language of the Technical Document was updated and the comprehensive plan has been separated out. Reference is made to the requirements of Chapter 163 on Page 8. The goals, objectives and policies consist of 15 elements. Monitoring, Evaluation and Implementation Procedures will be discussed at another meeting. On Page 9, Chapter 5.0 is very specific to what Florida Statute says the County must have to deal with public participation and comment.

Objective 2.00 on Page 10 has not changed much and the yellow highlighted areas denote specific numbering that need to be rechecked after the amendments have been accepted. Policy 3 was deleted because those items were accomplished. Policy 4 on Page 11 has now become Policy 3. Any dates that are out of date or tasks that have been accomplished have been changed. Policy 5 was updated to denote that DCA is now the State Land Planning Agency and the year 2010 was changed to 2030.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mass Transit

Ms. Love stated on Page 1 and 2 Mass Transit had some changes to encourage the transit atmosphere in the Keys. Who handles the different transit pieces here in the Keys between Key West, DOT and Miami-Dade Transit has been clarified. Policy 401.1.2 has been added, which talks about updating land development regulations to encourage developers to provide transit facilities. Some of the policies that have already been accomplished have been deleted. On Page 3 the Transportation Disadvantaged Program has been clarified with updated names of the different boards. Objective 401.3 on Page 4 is new and has been added to talk about developing an intermodal transportation system. The entire premise is to become more bike/pedestrian friendly and to encourage more mass transit in the Keys.

Commissioner Lustberg asked for the definition of “transit facility.” There is currently not a definition, but Ms. Santamaria explained that if there is no definition in the glossary the Florida Statutes can be referred to for a definition. Ms. Santamaria will double-check for a definition of “transit facility” and will add one if necessary.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Traffic Circulation

Ms. Love stated that Goal 301 on Page 1 has not changed at all. It was added under Objective 301.1 that the LOS standards would be applied to all paved roads in Monroe County as a clarification. The individual policies spell out that it is measured by the peak hour traffic volume and the Highway Capacity Manual is referred to for the methodology used. The new Policy 301.1.3 expands upon that and talks about coordinating with the cities to review the traffic monitoring program and to establish the traffic volumes and travel speeds and coordinate with FDOT on the various segments. New Policy 301.1.4 talks about updating the Long Range Transportation Plan.

Objective 301.2 on Page 2 essentially has not changed except to clarify that the LOS is applied to paved roads. How U.S. 1 is written was updated. New Policy 301.2.2 talks about the systematic traffic monitoring program and evaluating the need for any type of improvements through that type of monitoring program. Policy 301.2.3 has more clarification as far as what that is applied to, that a developer may mitigate by funding or constructing improvements to maintain or improve the level of service of that segment. It was added that the development of a single-family residential unit is considered di minimus and not subject to the level of service requirement. The last policy on the page has been deleted. Many things have already been accomplished or other policies are now in place to take care of those issues.

New Policy 301.2.5 on Page 3 talks about in order to proceed with development a parcel must front on a County-maintained road or U.S. 1. If the parcel is located on a private road, a right-of-way permit may be required by Monroe County for access to the County road system of U.S. 1. Policy 301.2.6 was revised to state Monroe County shall continue to review and evaluate FDOT surplus property opportunities for the implementation of traffic circulation policies and goals instead of cooperating with FDOT. Objective 301.3 on Page 4 clarifies the encouragement of a multi-modal transportation system with complimentary facilities to support non-motorized users. Policy 301.3.1 was revised slightly to talk about annually taking a look at the CIP and, where appropriate, adding in the coordinating efforts when updating the CIP for any type of bike or pedestrian needs with the general public as well as the other municipalities and the State. Policy 301.3.2 is really a new policy requiring that any development occurring on or adjacent to the location of a planned bike-pedestrian facility as identified by the County provide for construction of that portion of the facility occurring within or adjacent to the development. Ms. Love cited the example of connecting new development into the Heritage Trail in a safe manner.

Objective 301.4 and Policy 301.4.1 on Page 5 are new and plan for an intermodal transportation system accomplished through the completion of a Transportation Strategy Master Plan, which includes consideration of climate change implications. Objective 301.5 and Policy 301.5.1 on Page 6 essentially have not changed other than editorial changes. Policy 301.5.2 was deleted and revised to say by May 2021 the County will update the Long Range Transportation Plan to consider climate change as well. Objective 301.6 on Page 7 has been modified to talk more about the scenic corridor enhancement. Policy 301.6.3 was added to support the Florida Scenic Highway Corridor Management Plan and the recommendations within the interpretive master plan in transportation planning.

On Page 8 Objective 301.7 deals with federal regulations and putting forward coordination efforts in transportation planning. Policy 301.7.2 is an existing policy that has been relocated here. Policy 301.7.4 has editorial changes to include Marathon and Islamorada. The next couple of policies have been deleted because they are no longer applicable because climate change was discussed in other areas of the document. Policy 301.6.6 on Page 9 remains the same. Objective 301.8 on Page 10 has been revised to deal with participating in updates to the various right-of-way acquisition issues from DOT. Where policies state “adopt regulations” has been changed to “maintain regulations” where those regulations have been adopted. Policy 301.7.3 was deleted. On Page 11 Objective 301.9 promotes a multi-modal transportation system. Policy 301.8.1 was deleted and Policy 301.9.1 was updated to maintain those LDRs.

Commissioner Lustberg asked for clarification of Policy 301.2.5 on Page 3. Ms. Santamaria stated that the County’s Engineering Department has recommended this policy be revised to say it is a driveway connection permit. This policy was recommended by DEO at the DRC meeting and further revisions may be needed to accommodate what actually happens and how things are permitted. Commissioner Miller asked if on Page 1 the level of service is an average. Ms. Santamaria explained that this is based on direction from the BOCC. The annual report showed that Islamorada had significant failing sections and the County has started coordinating with the various cities. DOT has recommended the average of the overall length staying at a Level C. DOT also recommended it only be evaluated every other year. Commissioner Miller asked for confirmation under Policy 301.2.3 that homes will still be paying a fair share of impact fees. Ms. Santamaria confirmed that. Commissioner Miller suggested emphasizing access to waterfront attractions be included in Policy 301.3.1 with coordination efforts to include the individual CommuniKeys plans. Ms. Santamaria informed Commissioner Lustberg that Policy 301.3.2 would be used for making changes in the LDRs about bicycles and bike racks. Commissioner Lustberg then asked if Policy 301.7.2 on Page 8 would completely prohibit the addition of a third lane, if necessary. Ms. Santamaria responded that the comp plan can be changed to achieve that addition, but tremendous hurdles through the State and Federal permitting agencies would be encountered. Commissioner Lustberg asked whose right-of-ways are referred to in Policy 301.8.2 on Page 10. Mr. Haberman responded both State and County. Ms. Grimsley noted that the County can only regulate the County right-of-ways. Ms. Santamaria clarified for Chair Wiatt that the traffic monitoring program is a completely separate model than the hurricane modeling and there is no cross-over between the two.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery, No Name Key resident, suggested Policy 301.8.2 should change “public right-of-way” to say “County-owned right of way” so there is no confusion. Mr. Haberman explained that language in Policy 301.8.2 might prohibit the County from doing something such as a plat up against U.S. 1, but switching that language in other policies would not create an issue. Mr. Haberman clarified the LDRs would be more specific as what the State and the County were allowed to do. Ms. Grimsley feels the language should remain the way it is to allow for flexibility when reviewing site plans.

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

Conservation and Coastal Management

(10:47 a.m.) John Abbott, Director of Environmental Planning at Keith & Schnars, presented the Conservation and Coastal Management element. There were no changes to Goal 201 on Page 1, but Policy 201.1.2 was deleted, which relates to the County requiring permits issued by other agencies because that is no longer possible according to Florida Statute. Policy 201.1.5 was also deleted, which is regarding vehicle inspections. Goal 202 on Page 2 had quite a few changes because it had been outdated by the Florida Keys National Marine Sanctuary Water Quality Protection Program and the Sanctuary Management Plan to make it consistent with all of the subsequent documents. Mr. Abbott asked for any comments or questions on Goal 201. Chair Wiatt asked if there are any asbestos issues that need to be addressed. Mr. Abbott responded that no needs were brought up with respect to that.

Chair Wiatt asked for public comment. Kathy Brown, resident of No Name Key, asked if any consideration was given to the air pollution of generators throughout Monroe County, as well as noise pollution. Mr. Abbott confirmed that the County is in full compliance in that regard.

Mr. Abbott continued with Goal 202. Policy 202.1.3 was revised and is actually a policy from another section. Objective 202.2 is a policy that was moved from another section and was expanded quite a bit based on comments from Harry DeLashmutt regarding disposal of fish and shellfish waste. Policy 202.3.1 was updated quite a bit based on being consistent with the mooring field system planning document in 2002 and the Sanctuary Management Plan. Mr. Jones commented Policy 202.3.2 has some staff revisions that did not make it into today's version. Mr. Jones read aloud the proposed language regarding requiring marinas to put in pump-outs and the timeline for that. Policy 202.3.6 adds a reference to the DEP Clean Marina Program. Mr. Jones then read aloud another revision to Policy 202.3.4 regarding live-aboard vessels and adding free-anchoring. Mr. Abbott informed Commissioner Lustberg that the pages with crossed-out material is because those policies had a specific date by which they were to be accomplished, and some is material that has been reorganized and moved to a different section. There are only editorial changes made on Page 12. Pages 15 and 16 were deleted because this had to do with developing a Soil Erosion Control Program for the County, which is really dictated by EPA and DEP. The objective on Page 17 regarding mosquito control techniques is supported by policies that were developed and the techniques are beyond that at this point, so this was deleted. Page 18 and 19 had to do with underground storage tanks, which is governed by DEP regulations. The references to the State cleanup programs have ended, so this policy was deleted. Pages 20 and 21 had to do with canal water quality and this section was moved to Policy 202.1.3. Page 22 has to do with protecting water supply on the mainland. Names of agencies were updated.

Commissioner Miller suggested rewording Policy 202.3 to read "No dredging shall be permitted within areas of vegetated seagrass beds or characterized by hard bottom communities except for maintenance in public navigation channels." Ms. Santamaria explained the exception for public navigation channels is defined in State rule. Mr. Jones pointed out that maintenance dredging should be allowed in public navigational channels even if there is habitat. Mr. Jones believes the way it is currently written is exactly what it should be. Ms. Love noted that "maintenance dredging" is defined in the glossary. Commissioner Werling asked what Policy 202.2.2 is addressing. Ms. Santamaria explained that this policy is to provide some guidelines on what to

evaluate in the future to reduce water quality issues in the canals. Commissioner Lustberg asked why inspections and enforcement procedures were deleted from Policy 202.1.3. Mr. Roberts explained that there is nothing in the current County code that specifically addresses canal restoration and canal management. The permitting procedures in place now are under DEP and the Army Corps of Engineers. The County does not have a direct permitting role, so the inspection and enforcement would not fall under the County's current framework. Mr. Roberts explained for Commissioner Miller that the six-foot depth reference on Page 12 has to do with the depth at which seagrass can establish and grow. The intent behind this policy is to limit maintenance dredging to six feet. Chair Wiatt voiced concern about adding language to prohibit live-aboards in commercially zoned areas because some have DEP leases that allow for live-aboards and others have their live-aboard over owned bay bottom. Mr. Jones explained it is being expanded from just residential canals to anywhere except marinas, which are equipped for that as they go through the development permitting process. Mr. Wolfe noted that typically DEP leases specify whether or not live-aboard vessels are allowed. Mr. Jones mentioned that the definition of "live-aboard vessel" expressly excludes commercial vessels. Ms. Santamaria clarified that preexisting permitted live-aboard vessels can remain as a lawful nonconforming structure. Ms. Santamaria will look into adding language for specific exceptions and bring it back before the Commission.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery asked how Policy 202.2.2 on Page 6 would be enforced on private property. Commissioner Werling likes the residential part of the policy. Ms. Santamaria commented this was specifically brought up at the DRC meeting and is just a policy to evaluate options.

Mr. Abbott stated Goal 203 has to do with mangroves, seagrasses and coral reefs. There are no substantive changes on Page 24. On Page 25 the definition of "development" has been moved to the glossary. Policy 203.2.4 on Page 26 and 27 was deleted and updated because it was outdated by the Sanctuary Management Plan. The objective and policies on Page 28 relating to coral reefs were updated by deleting the work that has already been done and deleting that which is repetitive to the Sanctuary Management Plan. On Page 29 and 30 actions from the Florida Reef Resilience Program were added. Policy 203.4.4 on Page 31 was revised because the County does not develop a fisheries plan and the policy relating to a mangrove trimming ordinance has already been completed. There were no substantive changes on Page 32. On Page 33 the part of Objective 203.5 having to do with boating impacts was revised based on several new studies, including the mooring field planning document. Pages 34, 35 and 36 were deleted because it was largely obsolete.

Commissioner Werling and Chair Wiatt voiced concern that Policy 203.4.2 was not strong enough. Ms. Santamaria stated the "shall continue to" language can remain. Chair Wiatt suggested addressing lionfish on Page 32. Mr. Abbott believes lionfish would be better addressed in Goal 207. Commissioner Miller asked why Policy 203.2.1 would not apply to public mooring fields. Mr. Jones explained it would not apply because it is so hard to find a barren area of bay bottom large enough for a mooring field. This policy separates a private property owner from a public mooring field.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery asked the Commissioners to propose that there be no lobster harvesting allowed from live coral heads. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Commissioner Miller commented that lobster casitas, which are prohibited, cause less damage than turning over coral. Chair Wiatt reiterated that he feels there should be more in the policy regarding lobster harvesting because of the large amount of damage done to the environment during mini season. Commissioner Werling suggested postponing mini season to after the beginning of the commercial opening day. Ms. Santamaria pointed out that language can be added that Monroe County will coordinate with these agencies, but the County does not get to regulate this activity in any way. Mr. Jones clarified that the County regulates diving and snorkeling activities within jurisdictional boundaries, but only the State and Federal Government can regulate fisheries. Mr. Jones suggested making the recommendations to the fishery commission in this section. Commissioner Lustberg proposed the language “Monroe County shall propose actions for consideration by the Florida Marine Fisheries Commission designed to reduce adverse impacts of the lobster sport fishing season on the lobster fishery and sensitive marine resources of the Florida Keys, including complete closure of mini lobster season and changing the dates of mini lobster season.” Chair Wiatt suggested closure of recreational lobstering until August 15.

Mr. Abbott stated Goal 204 has to do with protection of freshwater wetlands and was updated based on the technical summary document created. Most of Page 37 was deleted. Page 38 provides the options for setting up framework for developing a wetlands restoration program. Page 40 has to do with undisturbed wetlands. Salt ponds were added as a type of wetland to be protected. Policy 204.2.1 added the requirement to use the UMAM to be consistent with the rest of the state. Policy 204.2.6 on Page 42 revised the definition of a disturbed wetland from a KEYWEP score of 7.0 to 5.5 to be consistent with the summary document created. Page 43 and 44 consist of updates for obsolete information. On Page 46 the mandate to have an annual list of priority wetland restoration sites was deleted.

Chair Wiatt questioned the reason for the policies on Page 44 dealing with enforcement. Mr. Abbott believes the need for specifying enforcement is redundant. Mr. Roberts pointed out that those policies are specific to the elimination of the environmental crimes task force. Chair Wiatt is concerned that including enforcement language in one portion and not others sends a mixed message and it should all be in or all be out. Ms. Santamaria agreed to remove the enforcement language here.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 205 is really reiterating to maintain the Tier Overlay Ordinance. The text that was deleted on Page 48 was mainly outdated by the Tier Overlay Ordinance and is obsolete now. Page 49 continues to recommend Monroe County follow the carrying capacity study. The bottom of Page 49 clarifies the habitats to which this applies. There are no substantive changes on Page 50. Pages 51 and 52 were reworded for clarity. Page 54 has an objective for the protection of plant species or special concern. The end of Page 55 refers to the National Park

Service for protection of plants on the mainland. Page 56 contains some minor revisions to be consistent with the Tier Overlay Ordinance.

Ms. Santamaria confirmed for Commissioner Miller that all of the land in Unincorporated Monroe County has an effective tier overlay and that Policy 205.1.1 is used when somebody wants to amend their tier. Commissioner Miller questioned the language “designate the boundaries” in Policy 205.2.1. Ms. Santamaria agreed it should state “maintain the boundaries.” Commissioner Miller asked about the mitigation on Page 52. Mr. Roberts explained staff is currently reevaluating the mitigation criteria within the code. One potential revision is addressing some of the native vegetation for which mitigation is required only if that vegetation is greater than four inches in diameter at breast height, but no one has brought up increasing the two-to-one ratio at this point.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 206 on Pages 57 through 61 has been deleted because “Beaches” was moved to Goal 211. Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated that the new Goal 206 is on Page 62. There are no substantive changes on Page 62. Text was added on Page 63 about adding a permit referral process. Ms. Santamaria confirmed for Commissioner Lustberg that the deleted Policy 207.1.3 on Page 62 is elsewhere in the comp plan. Commissioner Lustberg believes Policy 206.1.2 on Page 62 should say only, “Development shall be prohibited on offshore islands (including spoiled islands).” Mr. Roberts explained that the change in language in this particular policy was to clarify that it did not have to be documented under the Protected Animal Species Map as long as it was a documented rookery from a resource agency. Ms. Santamaria added that the definition of “development” is quite broad and could potentially prohibit a property owner from adding a fence to their yard. Commissioner Lustberg suggested saying “new development.” Commissioner Lustberg also suggested instead of saying “as an established bird rookery” saying “of any particular environmental importance” to include plant species. Mr. Haberman noted that offshore islands are protected by being designated Tier I and cautioned staff to be specific on what is prohibited. Commissioner Lustberg proposed the language “Development shall be prohibited on offshore islands (including spoil islands) which have no prior development and have environmental importance.” Ms. Grimsley believes that should be looked into. Commissioner Miller pointed out under Item 3 on Page 62 the “may, when deemed appropriate” should be changed. Ms. Santamaria agreed that the “shall” should remain.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery suggested adding to Policy 206.1.2 “inaccessible by road or bridge” and referencing the County maps to clarify that this is an offshore island and undeveloped areas we are trying to protect. Ms. Santamaria will look at that, but cautioned those maps are out of date. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Mr. Abbott noted that Page 66 was the objective that had to do with protecting native wildlife from invasive species and the previous policies were to create a list of invasive species and to

prohibit their sale and possession. These policies were deleted because it defers to State regulation on sale and possession of invasives. Mr. Abbott suggested this might be the place to address lionfish. Chair Wiatt suggested keeping Objective 207.4 with the language “shall look at ways to mitigate effects.” Mr. Abbott stated Objective 206.3 had to do with protection of the Key deer and was updated primarily based on the HCP. Page 70 was made obsolete by the HCP and was deleted. Page 71 has to do with protection of manatees and crocodiles and marine turtles. Policy 207.8.4 was moved to the water quality section. References to FWC guidelines were added. On Page 72 Policy 207.8.8 was deleted so as not to imply the County was committing any money to nonprofit conservation groups. On Page 73 Policy 207.8.11 was deleted because FWC controls the boating zones.

Commissioner Lustberg asked why Policy 207.8.12 was deleted. Ms. Santamaria explained the crocodile habitat up in North Key Largo has been purchased by the State and is no longer an issue.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Roberts reported that there is a potential change that has just become evident within the last couple of weeks. Policy 206.7.1 on Page 69 could be amended because the U.S. Fish & Wildlife Service intends to add several additional species to the Endangered Species Act and some of those potentially critical habitats occur on Big Pine Key, No Name Key and within the confines of the Key Deer National Wildlife Refuge.

Mr. Abbott stated Page 74 has to do with protection of critical nesting sites. Several policies were deleted because they had to do with creation of a list of offshore rookeries and a list of nesting sites which would be viewed not so much as policy needs, but other desires. The bottom policy on Page 74 states the State regulations will be maintained. Page 75 was broadened to cover all listed species. Page 76 was expanded to include the Miami blue butterfly. Some of the policies were deleted because FWS was deferred to on mapping and protection measures. The bottom policy on Page 76 was revised to encourage planting the right types of plants to support those butterflies. Page 77 includes similar changes. There are no substantive changes to Pages 78 and 79. The bottom list on Page 79 continuing to Page 80 is made up by the tier ordinance. Page 81 has to do with the alligator. A couple policies were deleted because they referenced the need to meet with FWC on that, which is no longer needed.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

A recess was held from 12:27 p.m. to 12:40 p.m.

Mr. Abbott stated Goal 208 on Page 82 continues prohibition on new mining. Oil and gas exploration, extraction and production will continue to be prohibited. This is a relocation of that policy from the subsequent page. At the bottom of Page 83 language was added that a mining operation should have proof of financial responsibility to complete the reclamation. Halfway down Page 84 it is clarified that the County should encourage reclamation. The bottom half of 84 was obsolete since the County has no new mining. Page 85 is minor clarifications. The top of Page 85 recommends that the County should have an inventory of both abandoned mining and

also active mining sites. On Page 86 it is recommended that the County have a plan for reuse and productive reuse of mines and borrow pits.

Commissioner Lustberg questioned whether language should be added to Policy 208.1.2 that states damages shall be mitigated. Mr. Roberts explained it is very difficult to establish a mitigation measure and right now neither the State nor the Federal Government has an adopted methodology to address or compensate for damages from water quality. If there were habitat-related impacts associated with a problem with a mining operation, then through either the Clean Water Act or through State law those damages would have to be mitigated for in terms of loss of habitat.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 209 has to do with discouraging certain activities on offshore islands and conservation lands. The key policy here is 209.1.2 which states the County is going to continue to discourage private development in CBRS units. Ms. Santamaria confirmed that the “mainland” is in the hands of the Federal Government. Chair Wiatt asked for public comment.

Kathy Brown asked the Commissioners to consider the Keith & Schnars report given to the BOCC in May which talked about steering new construction away from risky and environmentally sensitive places while minimizing impacts to communities where substantial commitments of time and money have been made. Ms. Brown suggested the use of the word “undeveloped” before “CBRS” in Policy 209.1.2. Ms. Santamaria explained that the Keith & Schnars report given to the BOCC in May included a two-phase approach: The first phase being amendments to the code; the second phase being amendments to the comp plan, where it said to maintain the discouragement language and to not award additional points for infrastructure. The word “undeveloped” was not used because the definition of “development” is so broad. The Board gave staff direction to continue to discourage private development in these areas by giving negative points in the ROGO and NROGO system. Because of that staff did not feel there needed to be any changes to these policies. Beth Ramsay-Vickery pointed out that 20-29 already uses the word “undeveloped.” Ms. Ramsay-Vickery would like to see in Policy 209.1.2 the clarification that the discouragement is via the ROGO and NROGO system. Ms. Ramsay-Vickery again stated the County maps can be used as a starting point to reference and build off of that. Ms. Ramsay-Vickery gave a history of how mapping errors occurred previously and recited language from the CBRS executive summary she believes should be included in the County’s policies. Ms. Santamaria explained the County has no authority over what is deemed undeveloped on the maps. Ms. Santamaria also noted that 99 percent of the land in the CBRS is also Tier I where steps are taken to discourage development. Ms. Santamaria will review this with County Attorneys. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Mr. Abbott stated Objective 210.1 has to do with maintaining and restoring native habitats. A lot of these comments came from the County land steward. The main changes on Pages 89 and 90 is the frequency of when to update lists of invasive plants, lists of seagrass bed restoration sites. The language was revised based on the environmental land management restoration fund and the priority given to restoration of beaches was added.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Goal 211 on Page 92 was previously Goal 206 and was moved and there were no substantive changes to the goal and policies.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 212 on Page 95 has to do with protection of potable water sources. The first objective was clarified to encourage water conservation with no other substantive changes.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 213 has to do with protection of shoreline land uses. In the first objective water-enhanced uses was added and was identified as a lower priority use than water-dependent or water-related. No substantive changes were made on Page 97. There were only minor clarifications made on Pages 98 through 104.

Ms. Santamaria introduced Dick Ogburn from the South Florida Regional Planning Council to speak about the policies and the needs analysis done for the Marina Siting Plan. Mr. Ogburn said that the policies that are presented under Objective 213.3 establish a two-tiered process for any new marinas being authorized in Monroe County. The first tier is to establish a need for additional marinas and the second tier is to establish the environmental criteria that should apply if a need has been established. A set of maps has been developed to show the status as of the most recent update to the needs analysis and a threshold of 90 percent utilization was established as the basis for there being need within a five-mile radius of existing marinas. Policy 212.3.2 speaks to the environmental criteria.

Ms. Santamaria confirmed that this objective would apply to any marina, public or private. Mr. Jones further clarified that it applies to all marinas open to the public, but the needs analysis would not apply to a condominium marina because it is not open to the public. Launching of boats has nothing to do with this objective. Commissioner Lustberg asked if Policy 212.3.2 is attempting to regulate competition, which is not allowed when considering alcohol licenses. Mr. Wolfe explained this is basic regulation of land use, which has an impact upon the whole county, as opposed to how many people can sell alcohol. Ms. Santamaria added it also considers the environmental criteria.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Objective 213.4 on Page 110 has to do with mooring fields. There are no substantive changes to Page 110. On Page 111 one obsolete paragraph was deleted without any other substantive changes. On Page 112, also one obsolete policy was deleted without any other substantive changes. Mr. Jones clarified there is a revision on Page 112 and read the following proposed language: "Monroe County shall evaluate and identify sites for the installation of mooring fields and maintain policies and regulations which specifically address the following (some sections may not apply to short-term recreational mooring fields): Number 1, siting

criteria; Number 2, mooring design criteria based on seagrass protection; Number 3, recommendations or standards for management from shoreside facilities; Number 4, provision of vessel pump-out services.”

Mr. Abbott stated Objective 213.5 on Page 113 has to do with shoreline stabilization without substantive changes. The policy at the bottom of the page that had to do with identifying contradictory regulations was deleted. Chair Wiatt asked if a property owner on open water with a deteriorated bulkhead or seawall would be able to renovate. Ms. Santamaria clarified that would be considered altered shoreline, not open water.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Commissioner Miller asked if concrete stairs are allowed into a canal. Mr. Roberts responded there is no specific restriction on water access as long as it meets the design criteria contained within the code or within DEP/Army Corps’ guidelines, but putting fill waterward of mean high might be an issue.

Mr. Abbott stated Goal 214 has to do with public access to the beach or shoreline. A Public Access Plan continues to be recommended. The bottom of the page was deleted because it primarily dealt with enforcement. The last policy on Page 116 was deleted because, even though it is not a bad idea to have a GIS layer for public access facilities, it does not belong as a policy.

Commissioner Lustberg asked if under Policy 214.1.1 when estimating the existing capacity of and need for public access facilities a list of all the public access points to the beach and the shoreline through public land will be available. Ms. Santamaria responded that list is complete already but may need some updating of minor changes from the last year. Commissioner Lustberg suggested that excessive public notice should be given if any public lands are eliminated from that list. Mr. Wolfe believes that is more appropriate in the land development regulations because they deal with notice all the time. Commissioner Lustberg proposed additional language at the end of Policy 214.1.2 that says “including reclaiming public access that has been encroached upon by neighboring property owners.”

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 215 on Page 123 has to do with maintaining the level of service, but limiting public expenditures in coastal areas. There were no substantive changes on Page 123.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 216 on Page 124 has to do with hurricane evacuation shelters. Most of the first page was made obsolete by the Tier Overlay Ordinance. Most of Page 125 was made obsolete by ROGO. There were no substantive changes on Page 126. The first full policy on Page 127 was deleted because it was made obsolete when U.S. 1 was rebuilt and the elevation was changed. There were no substantive changes on Page 128. Page 129 added the requirement to monitor County shelters on an annual basis. Policy 216.3.3 on Page 130 was deleted because there is no need to update the behavioral analysis.

Commissioner Lustberg suggested the language “sufficient approved pet-friendly shelter spaces outside Monroe County” be included in Policy 216.3.1. Ms. Santamaria will confirm that with emergency management staff. Ms. Santamaria confirmed for Commissioner Lustberg that the number 197 in Policy 216.1.4 can be reduced, but cannot be increased per the State. Chair Wiatt pointed out that 3(c) and 3(d) on Page 126 should reference “Long Key Channel Bridge.” Chair Wiatt also believes the second paragraph from the bottom on Page 126 should include consideration of results of an actual evacuation when updating and making improvements on a plan on an annual basis. Ms. Santamaria commented that the Comprehensive Emergency Management Plan captures that, as well as a Post-Disaster Redevelopment Plan.

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Mr. Abbott stated Goal 217 has to do with reducing damages and public expenditures related to disaster redevelopment. It speaks to the Coastal High Hazard Area. There are no substantive changes on Page 131. Ms. Love added that Policy 217.1.1 was changed to reflect the revised definition of the Coastal High Hazard Area in Florida Statutes. On the bottom of Page 132 a policy was added that the land clearing, grading and filling activities should not affect drainage patterns. The top of Page 133 continues to recommend maintenance of a Disaster Redevelopment Plan with no substantive changes on that policy or the policies on the following page. The first policy on Page 135 was deleted because it was obsolete. Page 136 added a new policy about public expenditures in the CBRS units.

Commissioner Lustberg asked if Policy 217.2.4 includes both private and public land. Ms. Santamaria will double-check that.

Chair Wiatt asked for public comment. Kathy Brown requested Objective 217.4 and related policies replace “public expenditures” with “County expenditures.” Ms. Santamaria noted that is existing language that was simply moved, but does not object to using “County” in the language. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Ms. Love explained that Goal 218 was added because it is a requirement of Florida Statute that every community must provide public access to marine and coastal waters. This section was revised to promote protection of recreational and commercial working waterfront and commercial fishing uses and the preservation and protection of coastal and natural resources and the community character. Incentives were added to create LDRs that will encourage the preservation of public access to the navigable waters of the state, promote commercial fishing uses and the recreational and commercial working waterfront uses. The strategies to accomplish this were outlined.

Commissioner Miller asked if Number 1 under Policy 218.1.1 was still necessary since NROGO has become more liberal. Ms. Santamaria responded that this could help facilitate the creation of even more working waterfront areas because NROGO still takes time and there is still an application fee. Chair Wiatt asked if other future land use categories can be added to Number 2 under Policy 218.1.1. Ms. Love stated those are generally covered under other land use categories. Ms. Santamaria will look into that. Ms. Santamaria confirmed for Commissioner

Lustberg that if somebody builds NROGO in working waterfront they cannot transfer them elsewhere or switch uses and that transient uses are being specifically excluded in Objective 218.1

Chair Wiatt asked for public comment. There was none. Public comment was closed.

Ms. Santamaria explained that these first three meetings are to get public input and get direction from the Commissioners to further refine the document. When this is brought back in November as the entire comp plan the Commissioners will review it and provide recommendations and vote in terms of recommending the Board adopt or not adopt the amendment. Ms. Santamaria further explained what is stated as being due one year after a particular task is done will be extended out in time because there is no why to accomplish everything within one year.

Commissioner Lustberg recited her proposed language regarding lobster harvesting on Page 31: “Monroe County shall propose actions for consideration by the Florida Marine Fisheries Commission designed to reduce adverse impacts of the lobster sport fishing scene on the lobster fishery and sensitive marine resources of the Florida Keys, including but not limited to ending mini lobster season completely or changing the date of mini lobster season to one month after the start of commercial season and/or requiring a separate and expensive lobster permit fee separate from the regular lobster season.”

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 1:56 p.m.