

PLANNING COMMISSION

Tuesday, October 1, 2013

MEETING MINUTES

The Monroe County Planning Commission conducted a meeting on **Tuesday, October 1, 2013**, beginning at 10:02 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	Absent
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present

STAFF MEMBERS

Christine Hurley, Director of Growth Management	Present
Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Steve Williams, 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
Rich Jones, Senior Administrator, Marine Resources	Present
Patricia Smith, Transportation Planning Manager	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Creech confirmed receipt of all necessary paperwork.

MEETING

1.Presentation by Kieth & Schnars

Debbie Love, Senior Planner with Keith & Schnars, introduced Erin Deady, Deputy Project Manager, to present the Energy and Climate Element.

Energy and Climate Element (New)

(10:05 a.m.) Ms. Deady stated Goal 1601 is the foundation for coordination between the different governments and municipalities. Objective 1601.1 talks about collaboration with municipalities and other public and private entities in addressing energy strategies and the unique climate impacts that are going to be occurring in the future in Monroe County. Policy 1601.1.1 talks about acknowledgment of these existing forums, but also wanting to engage in new forums as appropriate. Policy 1601.1.2 talks about collaboration with the Southeast Florida Regional Climate Change Compact. The Compact has finalized a Regional Climate Action Plan that local governments can utilize within their planning efforts. Policy 1601.1.3 talks about collaboration with the South Florida Water Management District (SFWMD) and the South Florida Regional Planning Council. They are addressing climate change impacts at a regional level, as well as energy conservation. Policy 1601.1.4 talks about coordination with NOAA and FEMA. Policy 1601.1.5 talks about local and regional monitoring and modeling programs and making sure that data is assimilated. Objective 1601.2 talks about the County acting as a role model in the reduction of greenhouse gas emissions. The policies under this objective talk about the fact that the County is going to rethink how it deals with keeping cars off the road and mitigation strategies that the County can implement.

Goal 1602 talks about how best available data and science is changing. This month the intergovernmental panel on climate change is starting to release its new findings and data. It is important to have a goal of continuing to monitor the science because it is constantly changing. Objective 1602.1 starts to marry the concept of incorporating new data into the capital improvement planning process. The idea in Policy 1602.1.1 is that the County will start reviewing in its capital improvements planning process how that data affects its decision-making. Policy 1602.1.2 ensures the County is adding energy efficient technology consideration into new infrastructure. Policy 1602.1.3 states the County will commit to undertake over the next five years identification of Adaptation Action Areas. Policy 1602.1.4 deals with establishing a baseline of infrastructure and build upon that baseline and establish an inventory of what the County's existing and planned infrastructure will be up to 2030. Policy 1602.1.5 establishes consideration of three to seven inches of sea level rise by 2030. Policy 1602.1.6 talks about the fact that infrastructure should be designed to consider potential impacts. Policies 1601.1.7, 1.8 and 1.9 all deal with coordination and exchange of data for transportation planning and what those impacts might be related to transportation systems, monitoring real data changes within existing road systems and dealing with storm water management principles when planning for climate change impacts.

Goal 1603 deals with the relationship between climate change, energy conservation and mitigating our footprint in terms of carbon emissions and encouraging the private development piece of the equation. Policy 1603.1.2 starts to get into the issues of harmonizing transportation choices within the Land Development Code to mitigate greenhouse gas emissions from the

transportation sector and encourage more alternative modes of transportation into the land development process. Policy 1603.1.3 deals with FEMA mapping and making land development decisions that are sensitive to new FEMA mapping and data. Policies 1603.1.4, 1.5 and 1.6 deal with alternative energy and continuing to work with and coordinate with the electric and water utilities in terms of water auditing, water conservation practices and encouraging alternative energy into the development process. Policy 1603.1.7 talks about impacts and risks to species in Monroe County. Policy 1603.1.8 deals with shoreline stabilization strategy. Objective 1603.4 deals with greenhouse gas reductions related to the transportation sector. Policy 1603.4.1 deals with encouraging policies and development and redevelopment to link together alternative modes of transportation to get people riding transit more. Policy 1603.4.2 deals with trying to encourage EV charging stations and hybrid fuel and alternative fuel vehicles. Policy 1603.4.3 deals with promoting and enhancing transit already in place. Objective 1603.5 talks about promoting public awareness of the County implementing green construction of County buildings and facilities. Policy 1603.5.3 deals with creating a new green economy to serve these types of principles. Objective 1603.6 deals with the integration of hurricane evacuation in the face of a three to seven-inch increase in sea level rise over the next 17 years.

Goal 1604 is dealing with natural systems and habitats and getting a handle on the impacts that will be seen in the future. These types of impacts in the future may affect the County's land acquisition strategy. Policy 1604.1.4 is unique to the Keys because the environment here drives the economy. This policy considers policy decisions based on how they impact the marine ecosystems. Policy 1604.1.5 deals with exchanging data with resiliency-based concepts in terms of the reef system and the National Marine Sanctuary. Policy 1604.1.6 deals with the relationship between natural habitats, mitigation strategies and specifically mentions buffering concepts.

Chair Wiatt asked if the County can afford to wait five years within adoption of the comp plan to reevaluate the impacts of sea level rise. Ms. Deady responded that the IPCC has just released new projections and the climate impact projections will be revisited. Mr. Roberts stated that the five-year window for policies is for the County to be able to evaluate what those potential impacts may be and mapping and identifying those areas is not something that can be done overnight. A lot of those time windows are based on direction from the BOCC. Ms. Deady added that a lot more data collection will be done within the next year to 18 months and five years provides enough time to be able to evaluate what that data means and how it can be integrated into code updates and land development decisions. Chair Wiatt believes it should be done as soon as possible.

Chair Wiatt asked for public comment.

D.A. Aldridge from Tavernier stated Monroe County should identify how to promote and support actions regarding renewables within one year and should implement them within five years. Chris Bergh of the Nature Conservancy commended the County for having this new Climate Change and Energy Conservation Element. Mr. Bergh suggested specifying sea level rise in Policy 1601.1.5 as something that needs to be monitored. Mr. Bergh suggested shortening the five-year deadline in Policy 1602.1.3. The County needs to identify adaptation options regardless of how rapid the rate of sea level rise is. Mr. Bergh further suggested Policy 1602.1.4

should specify design criteria for defense, accommodation and retreat. Mr. Bergh believes Goal 1603 should include language that the Land Development Code should be modified as a factor in determining appropriate levels of development in vulnerable areas. Mr. Bergh feels that Goal 1604 should address allowing habitats to shift in a positive direction as opposed to focusing on stopping habitats from shifting. Beth Ramsay-Vickery, No Name Key resident, asked the Commissioners to consider including noise and air pollution policies that will limit the use of portable generators. Ms. Ramsey-Vickery pointed out that the County's government buildings should also practice energy conservation measures by keeping them at a warmer temperature.

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

Ms. Santamaria pointed out that the five-year time frame is the time frame within which to produce a product and explained the County does not want to make decisions without having the best data possible that then could impact infrastructure planning in the future, which is a significant expense. Chair Wiatt asked that the language be tweaked to say work will be initiated in a year and be completed by five years. Ms. Deady suggested establishing some midterm milestones for different policies. Commissioner Miller proposed Policy 1603.1.1 state within one year after the adoption of the comprehensive plan Monroe County shall endeavor to create energy efficient and resilient development requirements. Ms. Santamaria will discuss the generator item with legal staff to see if that is something staff can address or not. Ms. Santamaria will double-check the language regarding the shifting of habitat. Chair Wiatt suggested segregating the energy issues from the climate change issues. Commissioner Lustberg asked for more specific earlier deadlines offered as options when this goes before the BOCC. Commissioner Lustberg proposed the last sentence of Policy 1603.1.1 be separated into a policy of its own. Commissioner Lustberg then asked if water supplies should be mentioned in this section as an impact from climate change. Ms. Deady pointed out that the majority of our water supply is in Miami-Dade County and maybe language referring to coordinating with Miami-Dade County in terms of what their data collection is could be included. Mr. Roberts clarified there are a number of policies in the potable water supply policies that address the potential for saltwater intrusion into the water supply. Chair Wiatt suggested referencing that in this section.

Future Land Use Element

Ms. Love stated the Future Land Use Element has had the greatest amount of revisions throughout the document. Objective 101.1 was slightly revised to require that any comprehensive plan land use amendment has to meet the review requirements during the review process to meet a level of service. Nothing else has changed on Page 1. The comp plan used to contain a lot of levels of service that were required by Florida Statutes. Policy 101.1.3 now lists what levels of service are required by statute. It requires that the utilities be in place no later than the issuance of the certificate of occupancy and that a developer is required to have some type of legally binding covenant or contract that will go through the County Attorney's office. Policy 101.1.4 deals with parks and recreational facilities. This is no longer a level of service requirement by statute. This policy says that any facilities that are needed for parks and recreation will be in place or under construction no later than one year of a building permit, any acreage that is going to be dedicated has to be dedicated prior to the building permit being issued, or if they are going to pay into a fund it has to be committed no later than the County's approval to permit construction. If any facility improvements are needed, those facility

improvements have to be in place through an agreement. Policy 101.1.5 is another policy that is no longer statutorily required and this deals with transportation concurrency. The BOCC wanted to maintain the transportation level of service, so any facilities needed to serve new development shall be in place three years after the building permit. Prior to commencement of construction a covenant or contract with the County is needed to make sure that those facilities are constructed. Policy 101.1.6 is a requirement of Florida Statute. This policy states coordination with any water authority is required no later than issuance of a CO to make sure that they have adequate water to serve the development. Ms. Santamaria reminded the Commissioners that staff and County Attorneys are still reviewing the thresholds used for improvements, so this may change when it is reviewed by the Commissioners in November.

The objective and policies on Page 3 deal with hurricane evacuation and are all new. The objective is to maintain a hurricane evacuation time of 24 hours and to coordinate through the MOU that the County has signed between all the municipalities and the State agencies. The first policy is regarding maintaining that MOU. Policy 101.2.2 talks about how many units would be allocated through the next ten years. Policy 101.2.3 talks about how capital improvement projects will be looked at in maintaining the hurricane evacuation time. Policy 101.2.4 is an existing policy that has been relocated from the coastal part of the Conservation Element. Objective 101.3 on Page 5 deals with ROGO. The permit allocation system has been split into two objectives: One that deals with ROGO and one that deals with NROGO. The ROGO objective describes what is or is not a residential allocation. Vessels are expressly excluded from the allocation system. A table has been created and included that shows what the market rate and the affordable units would be and the total allocation for the next ten years. Ms. Santamaria noted that the portion about the vessels in Policy 101.3.1 came from a suggestion at the DRC meetings. Also, the total allocation of 1,970 in Policy 101.3.2 was provided by the Administration Commission to the County, but the BOCC suggested that staff try to slow the rate to allow additional time for other strategies like land acquisition. So this is just the first draft to start the discussion on how to slow the rate. Ms. Love stated that Policy 101.3.3 is regarding affordable housing and how a minimum of 20 percent must be allocated. This is subject to not being located in certain tiers. The biggest change on Page 7 is providing some updates on Policy 101.3.4 to reflect the number of allocations that come out of the MOU. Policy 101.3.6 is related to public and institutional uses that serve the County's non-transient population would be exempt from ROGO. Policy 101.3.7 is a temporary emergency housing policy. This is to cover when RVs or FEMA trailers are brought in after a hurricane. Ms. Santamaria added that at the last Planning Commission meeting the Commissioners directed staff to add options, which will be taken to the BOCC for their recommendation. Pages 9 through 20 have been deleted. Policy 101.3.8 on Page 21 talks about administrative relief and where that would be applied and to which tier. Policy 101.3.9 talks about transfer of affordable housing between districts except within Big Pine and No Name Key.

Commissioner Lustberg suggested on Policy 101.3.7 on Page 8 deleting "or undertaking a long-term capital improvement project" and deleting (c) in the last paragraph of that policy. Ms. Santamaria repeated that that policy will be revised to correspond to the Commissioners' prior recommendations.

Chair Wiatt asked for public comment. D.A. Aldridge questioned where the number 197 comes from in Policy 101.2.2. Ms. Santamaria cited the rule where the State has allowed the County 197 ROGO allocations per year. Commissioner Miller would like to see the allocations extended out 20 years.

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

Ms. Love stated Objective 101.4 on Page 22 adds the maximum non-residential allocation that the County is allowed annually, but still maintains the 239 square feet per dwelling unit. This does not include and is not applicable to Ocean Reef. Policy 101.4.2 talks in specifics about the NROGO system and a little bit about introducing the NROGO bank. The new Policy 101.4.3 on Page 23 is a table that spells out where the allocations will go and what district, the number of market rate units that would be allowed, the number of affordable units and the total dwelling units. Policy 101.4.4 is more clarification about what happens to the NROGO bank. Policy 101.4.5 specifies what is exempt from application of the NROGO system. They are exempted from the NROGO system to promote economic development in the County. Ms. Love pointed out that hotels are included in the statutory definition of recreational and working waterfront and any transient uses are excluded. Tier I or Tier III-A parcels are exempted, as well as boat barns.

Ms. Love stated Objective 101.5 is regarding different future land use categories. Policy 101.5.5 on Page 27 is about protecting existing non-conforming non-residential uses that are currently within certain residential land use districts by allowing them to rebuild, but they cannot increase their intensity, their density or change any type of use that existed. Ms. Love pointed out on Page 29 Policy 101.5.7 regarding the mixed use/commercial fishing future land use category that water-dependent and water-related uses were added, as well as sport fishing and the charter boat industry. Ms. Love stated the County Attorney wanted clarification to Policy 101.5.19 on Page 31 that the County has review authority over any development at the airports, either Key West or Marathon, although they are in other jurisdictions. Policy 101.5.22 on Page 32 adds the creation of a new commercial center overlay, which is really a way to implement the Livable CommuniKeys plans. Policy 101.5.23 deals with the development of any detention, confinement, treatment or rehabilitation facilities. Policy 101.5.24 is the inclusion of urban sprawl into the comp plan as required by Florida Statute. Page 33 is a table of Future Land Use Densities and Intensities. One of the biggest changes is a minimum open space ratio has been added to this table. The various changes under allocated density, maximum net density and maximum intensity are recommendations made by staff. In the RV district commercial apartments shall not be allowed to exceed 10 percent of the total spaces allowed or in existence on the site. Ms. Santamaria explained that staff went through the code and the comp plan to see if there were any discrepancies between the two, and where there were limiting factors that were in the code and not in the comp plan they were put in as notes to make somebody looking at the comp plan aware of other additional limitations. Ms. Love stated that Page 36 provides clarification of additional requirements for donated land. Ms. Santamaria pointed out one change on this page recommended by the Planning Commission and adopted by the BOCC is the discouragement policy. (3) was added, which states if the nonresidential component is increased, not the density provision, it would not be subject to the mitigation requirement. Ms. Santamaria explained the main limitation of density and intensity is through ROGO. There is nothing in the code relevant to limiting density and intensity, it is dealt with in this policy. Ms. Love stated

Page 37 covers clearing limits. The biggest change here has been clarifying and referring to the tiers. On Page 39 the clearing limit was changed for palm and cactus hammock, limiting it to 10 percent and the maximum amount of clearing shall be no more than 3,000 square feet. Policy 101.5.30 deals with height. It now matches the LDRs. In the second paragraph it was added that wind turbines may exceed the 35-foot height limit, but they have to have an Avian Protection Plan. A definition of "height" was added.

Commissioner Lustberg believes a wind turbine owned by a private individual that meets all the requirements should not be prohibited. Mr. Haberman responded that a private individual is permitted to have a wind turbine, but it cannot exceed the 35-foot height limit. Commissioner Miller does not believe commercial turbines fit in the community character of the Keys and questions if they would benefit people living in the Keys. Commissioner Lustberg would like wind turbines left in as an option. Commissioner Miller pointed out solar energy instruments could be put almost anywhere and would be below the tree line. Commissioner Lustberg asked for confirmation that there are provisions in place to make sure the NROGO exemptions on Pages 24 and 25 are not transferred to other things that would need NROGO. Ms. Santamaria responded there are already provisions for that. Commissioner Lustberg questioned the inclusion of mobile homes in Policy 101.5.4. Mr. Haberman explained there is an urban residential mobile home district where a mobile home can be replaced. Commissioner Lustberg then questioned the reference to Tier I lands within the mixed use/commercial category. Ms. Santamaria stated there are quite a few policies already designated mixed use/commercial under industrial that is Tier I and this policy was to add additional development control. Commissioner Lustberg stated the language on Page 28 regarding preserving and promoting recreational and commercial working waterfront uses does not seem to go far enough overall and that there is no specification for commercial fishing uses. Commissioner Lustberg read aloud proposed language for Paragraphs 1, 2, 3 and 6. Chair Wiatt would also like working waterfront to be adjacent to water. Ms. Santamaria will take the proposed amendments to the BOCC for consideration. Commissioner Lustberg commented that the residential development allowed in this section maybe should not be limited to employee housing or commercial apartments. Ms. Santamaria will look into that. Commissioner Lustberg asked if Policy 101.5.13 on Page 30 would include private educational facilities and whether Policy 101.4.2 on Page 22 would include assisted care which is sometimes done by for-profit entities. Mr. Haberman responded that assisted living is under institutional residential in the code. Mr. Haberman explained that the purpose of special future land use categories is to protect substantial institutional developments and that mixed use/commercial would allow for for-profit projects. Ms. Santamaria then clarified for Commissioner Lustberg that the maximum intensity of .25 for agriculture and aquaculture is for the structure only. Commissioner Lustberg suggested changing the 35 percent on Page 35 to 45 percent and making sure things are adjacent to the water. Commissioner Lustberg questioned why (h) on Page 35 is limited to 10 percent. Mr. Haberman responded that has been a provision in the Land Development Code since its inception in 1986 and this would make the comp plan consistent with the Land Development Code. Ms. Santamaria explained that the intent was to have some commercial apartments to serve the RV park, but one is a transient use and the other is not and one cannot be converted to the other. Commissioner Miller pointed out that boat barns are still listed under the NROGO exemptions. Ms. Santamaria will remove that.

Chair Wiatt asked for public comment.

Nancy Yankow, attorney in Key Largo, stated Policy 101.5.20 and proposed Policy 101.5.26 is more than discouragement and is bordering on extortion. The cost of land in this county and the limitation of land in Big Pine and No Name Key is prohibitive. Because clerical errors were made on the FLUM maps that are not able to be corrected means commercial owners are going to lose the value of their property. Ms. Yankow believes by enacting this language the County will get either the law of unintended consequences or the County will have to down the road modify this in order not to bring building to a complete halt. Ms. Santamaria stated that this requirement comes from the work program rule by the Administration Commission where they require the County to adopt a policy to discourage increases in density and this was adopted by the BOCC last year. Provision 3 under this policy is being proposed to address the concerns that Ms. Yankow is bringing up. Ms. Santamaria stated clarifying language can be added to make sure that Option 3 is described, but the intent of this is to direct growth to the most appropriate areas. A definition of “public facilities” can be added to the glossary for further clarification. Commissioner Lustberg added that she approves of this third option as a way for property owners to increase density and/or intensity by going through a process, but suggested changing the language to state the donated lands shall “contain predominantly non-scarified” as opposed to “contain non-scarified” and adding that it has to be double-checked by the County biologist. Ms. Yankow reiterated her fear that small business owners’ ability to sell their properties, to modify their properties, to continue developing their properties will be halted. Ms. Yankow does not feel the County should place the burden of purchasing and donating land on its citizens. Ms. Yankow suggested putting up a tollbooth at the entryway into the County.

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

Ms. Love pointed out that “public facilities” has been defined in the glossary.

Ms. Love stated Objective 101.6 on Page 41 talks about adding points related to being in a CBRS. Policy 101.6.3 on Page 42 talks about compact development, which is a requirement of Florida Statute. The point assignment section was broken out between ROGO and NROGO with criteria between outside and inside Big Pine and No Name Key. A reference to the Habitat Conservation Plan for Big Pine and No Name Key is made with no changes in points. Number 3, Wetlands, on Page 44 requires having sufficient upland land for a buildable lot. Number 4, Lot Aggregation, adds some additional points. A notation has been made that these new points would apply to new applications coming into the system after January 13, 2015, or when this gets adopted. Ms. Love pointed out under Land Dedication, Number 5, on Page 47 a point was added for Tier III dedicated land of 2,000 square feet of upland. On Page 48 it was clarified the points for Tier III-A is for platted lots. On Page 48 under Special Flood Hazard Areas negative points were added for development proposed within a CBRS system. Energy and Water Conservation is a new point system that has been assigned. The points are given according to how the dwelling unit is constructed, the landscape irrigation equipment used, solar systems used, and certain AC systems used. The systems must be maintained for a minimum of five years unless replaced with a system that provides a functional equivalent or increased energy or water savings. Under Perseverance Points a point is awarded for every year up to four years, and after that it goes down to a half point per year. Policy 101.6.5 on Page 51 is specific to points related to NROGO. One of the changes here is a new point for the expansion of an existing

lawfully established non-residential development regardless of tier as long as there is no additional clearing. This is broken out within and outside of Big Pine and No Name Key. The last point for Big Pine and No Name Key is for a community center as identified in the Livable CommuniKeys Plan located within the U.S. 1 corridor area. Under Wetland on Page 52 the only real change in the points is they have to have sufficient wetland to be a buildable lot. Under Land Dedication on Page 52 there is a new section with additional points for a platted lot within Tier I containing a minimum of 2,000 square feet of upland. There are additional points for donation of Tier III vacant lots that have been legally platted with a minimum of 2,000 square feet of uplands. Inside and outside of Big Pine and No Name were broken out. On Page 55 negative points were given for development in the CBRS. The points were reduced after four years. An energy section was added to the landscaping section. Again points for how the structure is built, the solar equipment and landscape irrigation used were added. On Page 57 an additional point is given for building a community center within a Livable CommuniKeys Plan. Policy 101.6.8 on Page 58 is the criteria created for the transfer of ROGO exemptions. Objective 101.7 on Page 60 deals with administrative relief. Much of Page 61 was deleted. The last policy has not been changed at all. The entirety of Objective 101.7 was deleted because this has been accomplished through the Livable CommuniKeys Plans where redevelopment and preferred redevelopment areas have been identified.

Commissioner Lustberg asked if there is a mechanism in place to follow up on the energy efficient equipment that receives points. Ms. Santamaria responded language was added that the systems must be maintained for a minimum of five years or replaced with an equivalent or better system. Chair Wiatt voiced concern about deleting some of the policies because they have been covered in the CommuniKeys plans because some areas do not have CommuniKeys plans drawn up yet. Commissioner Werling voiced concern about transferring TREs that causes an ever-changing landscape of people in and out of a structure that becomes three times as large as the one that it was swapped for.

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

Commissioner Lustberg pointed out on Page 51 the “exception below” is crossed out and removed. Ms. Santamaria stated that is a typo and it should be crossed off at the top. Commissioner Lustberg suggested adding a Number 7 on Page 59 that says “is not an offshore island.” Ms. Santamaria noted that all the offshore islands are Tier I and the receiver sites must be Tier III. Commissioner Werling agreed with adding the proposed Number 7. Commissioner Lustberg joined in with Commissioner Werling’s concern about the transferring of the one unit becoming multiplied. Ms. Santamaria will add clarifying language to limit that. Chair Wiatt recommended using square footage to limit it. Commissioner Lustberg would like to address this concern at a future meeting.

Ms. Love stated Objective 101.7 on Page 64 deals with nonconformities. The language added was to recognize there are nonconforming uses that have become part of the community character. With the exception of nonconforming uses located in the mixed use/commercial fishing land use category and within the community center overlay, structures may be repaired or restored only for uses which conform to the provisions of the future land use category and zoning district. Improvements to historic sites and improvements to sanitary and safety code

specifications are not considered substantial improvements. On Page 65 the language protects the nonconforming residential uses that exist in certain residential land use categories. Policy 101.7.8 is placeholder language for amortization of uses and is a way to recompense a property owner for their land when they are made to terminate that use. Ms. Santamaria added that language is still being worked on. Ms. Love continued on Page 65 and stated accessory uses or structures may be permitted as long as it meets the LDC. Objective 101.8 on Page 66 deals specifically with the structures. The idea is to be able to allow these structures that contain many of the same uses in the other section. A substantial improvement is defined. In the mixed use/commercial fishing district as well as the community center overlay enlargements and extensions of lawful nonconforming structures are allowed. Page 67 is placeholder language for the amortization. Objective 101.9 on Page 68 deals with drainage and storm water with only minor editing. Language was added to require existing development except single-family residential built prior to November 16, 1992 shall meet the County's best management practices for storm water management. Page 69 had only minor editing. Objective 101.11 on Page 70 was deleted because it is dealt with elsewhere. Objective 101.11 on Page 71 ensures acreage for utilities is available and the policies clarify what the County does and does not deal with. Objective 101.12 on Page 73 deals with the TDRs. The max net density on the bottom of the page is clarified. Ms. Santamaria explained Policy 101.12.2 clarifies the difference between the allocated density and the max net density. Ms. Love stated the next page discusses the program itself and the sender site and receiver site criteria. Objective 101.13 on Page 76 deals with the Coastal High Hazard Area. It says growth will be directed away from the Coastal High Hazard Area as much as possible. Placement of mobile homes within the Coastal High Hazard Area is prohibited except within a mobile home park or a URM subdivision. Objective 101.15 on Page 79 talks about beneficial use and vested rights. The first policy deals with vested rights and protecting those vested rights. "Vested right" is defined in this policy. Policy 101.15.4 clarifies that this policy deals with beneficial use. Ms. Love deferred discussion of those two policies to the County Attorney.

Commissioner Lustberg questioned whether it would be appropriate to add "saltwater intrusion and overextraction" to Objective 101.10. Commissioner Lustberg then asked who in the County comments on the land use and regulatory issues within Policy 101.10.2. Ms. Santamaria will confirm that Kevin Wilson handles that. Mr. Wolfe commented that saltwater intrusion is dealt with in another section. Commissioner Lustberg believes all issues with water should be worked on cooperatively. Commissioner Lustberg asked for and received clarification that Policy 101.12.3 on Page 74 takes something from a more sensitive sender site to a less sensitive receiver site. Chair Wiatt pointed out that Policy 101.7.4 puts areas not under a community center overlay at a distinct disadvantage when it comes to rebuilding. Chair Wiatt suggested changing the language "and within a Community Center Overlay" to "or within a Community Center Overlay." Chair Wiatt then stated Objective 101.9 regarding storm water management may need to include some exceptions or an expeditious permitting process for discharge. Mr. Roberts responded that the code includes the acceptance of best management practices for residential uses. This objective encourages those best management practices as well as the low impact development-type designs that would reduce the runoff. Mr. Roberts will pass Chair Wiatt's concern to the Engineering Department for their thoughts. Chair Wiatt suggested adding a policy or objective that would include participation with the State and Federal Government for some sort of regulatory relief in this regard.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery asked to remove the word “supermajority” from Criteria Number 2 of Policy 101.11.2 to be consistent with the wording on Page 107. Ms. Ramsay-Vickery then suggested removing “or utility facilities” from the first full paragraph on Page 72 so it tracks the rest of this element. Commissioner Werling noted that the benefit to a supermajority is sometimes things are area-specific and believes the supermajority language should remain in this instance. Ms. Santamaria will highlight this or strike through it for the Commissioners’ consideration in November to recommend one or the other. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

A luncheon recess was held from 1:08 p.m. to 1:40 p.m.

Ms. Love stated Objective 101.16 deals with platted lots. The policy on the bottom was clarified that there will be no further subdividing of already platted lots. Page 85 through 87 is regarding Livable CommuniKeys Plans. Pages 85 and 86 are relatively unchanged. There is a clarification on Page 87 on the implementation of the plans. Commissioner Lustberg asked why a date from 1986 is used in Policy 101.16.3. Ms. Schemper explained that is the date when the zoning districts outlined were put into effect. Chair Wiatt asked if Policy 101.17.1 allows for the development of new CommuniKeys Plans. Ms. Santamaria responded not at this point, but that does not mean it will not be allowed in the future.

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

Ms. Schemper confirmed for Commissioner Miller that Policy 101.16.3 keeps the zoning per acreage, so it does not actually change the density.

Ms. Love stated Goal 102 deals with the conservation in environmentally sensitive lands. Policy 102.1.1 has a formatting change only. Wetlands and tropical hardwood hammocks were clarified in the goal. The next page contains minor editorial changes. Objective 102.3 on Page 91 is the environmental goals for the permit allocation system. The meaning of “environmental features” is clarified and the eighth goal to steer growth to the most appropriate areas and away from the inappropriate areas was added. Objective 102.4 on Page 93 is about the Land Acquisition Master Plan. Ms. Santamaria explained this section came from staff’s special workshop with the BOCC. These policies were modified to encourage the State and Federal agencies to acquire lands. Policy 102.4.2 is placeholder language and is still under discussion. Policies 102.4.3 and 102.4.4 are about prioritizing land acquisition, updating and maintaining the master plan. Policy 102.4.6 at the bottom of Page 97 was added to create an incentive program for property owners to aggregate lots or put a conservation easement on the property to somehow get those lots off the books.

Ms. Love stated the objective on Page 98 was removed because it talks about water quality and that is in various other places throughout the document. Objective 102.5 at the bottom of Page 99 deals with development of the mainland and has very little changes to it. Objective 102.6 on the top of Page 100 has changed very little and deals with regulating land use activities on offshore islands. The first policy was deleted because that has been done. Policy 102.6.1 is a slight revision to talk about looking at this based upon the best resources that the agencies have.

Campgrounds and marinas were added to Number 3 under this policy to not be permitted on offshore islands. Number 4 was revised to say the use of any motorized vehicles on offshore islands that do not contain any development is prohibited. Objective 102.7 deals with the CBRs. This objective and its policies maintain the discouragement of the extension of facilities and services in CBRs areas. Objective 102.8 on Page 103 contains clarification and some minor editing.

Commissioner Miller asked why affordable housing is not mentioned in Policy 102.3.1. Chair Wiatt pointed out that these objectives and policies under this goal are specific to environmental protection.

Chair Wiatt asked for public comment. Beth Ramsay-Vickery suggested adding the language “on offshore islands not accessible by bridge or road” to Policy 102.6.1. Ms. Santamaria explained the glossary includes a definition of “offshore island” and it specifically states that it is not directly or indirectly connected. Ms. Ramsay-Vickery then asked to change “private development” to “new development” on Page 102. Ms. Ramsay-Vickery would like it clarified in Objective 102.7 that the process of discouraging development to CBRs areas is being done now through the point allocation and the ROGO system. Ms. Santamaria suggested adding the language “through the assignment of negative points in ROGO and NROGO” to the end of Policy 102.7.1. Ms. Ramsay-Vickery then suggested adding the language “but shall allow for the repair or replacement of such bridges, causeways and roads already in place” at the end of Policy 102.7.2. Ms. Ramsay-Vickery would like Policy 102.7.5 to be deleted because that has been covered in Judge Audlin’s ruling or, in the alternative, change “utility providers with” to “utility providers by.” Mr. Williams disagreed with changing that language. Ms. Grimsley noted that Policy 102.7.1 would include not just the point system, but also the tier system, zoning and FLUMs, so any one thing should not be specified there.

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

Commissioner Lustberg suggested adding a Number 3 under Policy 102.6.1 that says “Development shall be prohibited on offshore islands (including spoil islands) on which no properly permitted or lawfully nonconforming development has occurred” by the date of this comp plan. Mr. Williams cautioned against adding general prohibitions so as not to create a takings situation. Commissioner Lustberg would be willing to include “vested rights” in her proposed language. Commissioner Lustberg then suggested changing the language of Number 6 on Page 101 to read “public facilities and services shall not be extended to offshore islands” and delete the added language. Mr. Williams again cautioned against such general language for fear of opening the County up for litigation. Commissioner Lustberg would like to see language included that states the County is not responsible for paying to get services to these offshore islands. Ms. Schemper clarified that all extensions of facilities and services have to go through an evaluation no matter where it occurs.

Ms. Love stated Goal 103 on Page 104 has had stricken from it the references to areas of critical County concern with only minor edits made to the rest of the page. Objective 103.2 on Page 105 contains minor changes. “Known locations of Stock Island tree snail” was added to Policy 103.2.4 on Page 107. Policy 103.2.8 was deleted on Page 108 because the County does not do

the cooperative land management plans, but only comments on and reviews them. Only minor edits were made to Page 109. The objective referring to Ohio Key and the objective referring to the four ACCC areas was deleted on Page 110.

Chair Wiatt asked for public comment. Ms. Ramsay-Vickery suggested use of the word “prohibit” in the second paragraph on Page 107 is too strong since the new wastewater sewers are going to be going into North Key Largo. Mr. Wolfe pointed out it follows on to say “unless no feasible alternative exists,” that it is not a complete prohibition. Ms. Ramsay-Vickery then suggested deleting Policy 103.2.7 on Page 108 because it is basically a duplicate of Policy 102.8.1 on Page 102. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Ms. Love stated Goal 104 is about protection of historic resources. On Page 111 there are some minor editorial changes with some clarification on the documentation. Some of the policies on Page 111 have been completed and were therefore deleted. Objective 104.2 on Page 113 is related to protection of historic places and landmarks and talks about maintaining and continuing to nominate resources, creating specific procedures for designation and using a historic overlay zone in the FLUM. Policy 104.2.2 on Page 114 was updated to talk about the National Register of Historic Places. Policy 104.2.3 at the top of Page 115 says the County may nominate those resources as they come up and as needed. Objective 104.3 on Page 116 continues with historic resources and maintaining land development regulations. A couple of policies on Page 117 were deleted because architectural guidelines have already been developed. There were only minor editorial changes to Objective 104.4 and its policies on Page 118. Policy 104.5.2 on Page 119 was deleted because it was accomplished. The policy at the top of Page 120 was deleted because the County already has that in place. Policy 104.6.4 on Page 121 was amended to say that the County will provide deferral to the appropriate agencies since the County does not perform these tasks themselves. Policy 104.6.5 was deleted. Page 122 adds that the County will assist property owners to apply for and to use the federal assistance programs.

Commissioner Lustberg suggested changing the language of Policy 104.4.5 to read “local historic, cultural or archeological landmark.” Chair Wiatt believes the term “reasonable amount of public access” needs to be addressed for clarification. Mr. Wolfe commented that “reasonable” is the appropriate term to use in light of all of the current circumstances, particularly as it becomes increasingly expensive to provide access.

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

Ms. Love stated Goal 105 deals with maintaining the Land Acquisition Program. Policy 105.1.1 adds the development of an Economic Sustainability Element, which was very important to the community. There are a lot of recommendations in the EAR for economic sustainability opportunities, including marine technical uses. Under Policy 105.1.4 it was added that within one year after this plan is adopted redevelopment standards will be prepared and then within one year after that land development regulations will be created related to preservation of nonconforming commercial structures. The last policy on Page 124 was deleted because those land development regulations have already been prepared. Objective 105.2 on Page 125 is all about the Land Acquisition Program without much change. Policy 105.2.4 on Page 126 deleted

things that were deferred to a separate policy. On Page 128 there is a new policy regarding land acquisition for public access to the shoreline. Further down that page additional funding sources for land acquisition is addressed.

Commissioner Miller asked why Tier III-A is not included on Page 126. Ms. Santamaria explained this language is as the policy is today. Tier III-A is addressed in a different policy. Chair Wiatt suggested adding Tier III-A under Number 3.

Chair Wiatt asked for public comment. D.A. Aldridge agreed that Tier III-A should be added to this policy. Ms. Santamaria explained there are three tiers and one is a subcategory for areas that have an acre or more of environmentally sensitive upland habitat. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Ms. Love asked staff to address Goal 106 because it is a new goal written by staff. Ms. Santamaria stated Goal 106 is a requirement from Rule 28-20.140 where there are six work program tasks that require the County to adopt certain policies about maintaining the tier maps, updating the data and then reevaluating the maps with the EAR. Commissioner Lustberg asked if property owners wishing to contest their tier designation could have them reviewed through this process. Mr. Roberts explained that a private property owner can file an application for a tier review that would go before the Tier Designation Review Committee. Ms. Santamaria further clarified this policy looks at a broad view of all the tiers based on data and changes in habitat.

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

Ms. Love stated Goal 107 deals with specific areas of the County. There are essentially no changes to this section other than a couple of the lots listed on Page 134 were updated. Chair Wiatt asked for public comment. There was none. Public comment was closed.

Ms. Love stated Goal 108 deals with the compatibility with the Naval Air Station in Key West and has not changed at all. Commissioner Lustberg asked for a clearer copy of the table at the end of this goal. Chair Wiatt asked for public comment. There was none. Public comment was closed.

Commissioner Lustberg asked for the status of the determination whether live-aboards are exempt from ROGO. Ms. Santamaria explained that is in the ROGO policy where it talks about vessels and vessels would not be transferred. Therefore, they are not part of ROGO because they cannot be counted, cannot be allocated and cannot be transferred.

Ms. Love explained that the Cultural Resources Element was completely deleted. The creation of an Economic Sustainability Element will pull cultural resources into one element. It will focus on cultural resources as a tool for economic sustainability. Ms. Santamaria clarified for Chair Wiatt that the historic policies in the Future Land Use Element included archeological and historical sites.

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

Intergovernmental Coordination Element

Ms. Deady presented the Intergovernmental Coordination Element. Ms. Deady stated there are no substantive changes in this element, but only ministerial updates and changes in State law. Goal 1301 is a broad goal encouraging intergovernmental coordination. Objective 1301.1 addresses that coordination in the context of infrastructure and development and which particular agencies are involved. Policy 1301.1.1 deals with a natural resource coordination affecting Card Sound. Policy 1301.1.2 avails the County of the Regional Dispute Resolution Process. Policy 1301.1.3 deals with coordination on water resource impacts with Miami-Dade County. Policy 1301.1.4 deals with Florida Keys Aqueduct Authority and water supply issues. Policy 1301.1.5 addresses specific issues that the County will be coordinating with in terms of community services, public works and planning. Policy 1301.1.6 specifies more the relationship between the County and FKAA coordinating on public facilities for water supply and adoptive levels of service in the context of the Consumptive Use Plan. The strike-throughs on Page 3 are updates related to statutory changes in the law. Policy 1301.1.7 on Page 4 creates an inventory of all the different existing and planned intergovernmental and interagency agreements. Policy 1301.1.8 talks about how the County is going to make sure there is adequate input into the decision of the SFWMD governing board. Policy 1301.1.9 deals with coordination with the FKAA to ensure or confirm the availability of water supply in the context of issuing a building permit. Policy 1301.1.10 deals with the availability of water supply to serve existing and new development. Policy 1301.1.11 states within one year the County will be coordinating with the FWC to deal with best practices and protection of natural habitats.

Ms. Love stated that Objective 1301.2 lists out the intergovernmental agreements that the County will be coordinating with in terms of water quality. Policy 1301.2.1 lists out the commitments that the County is making to address and coordinate with other agencies in the development of water quality improvements throughout the County. Objective 1301.3 deals with level of service standards established by the comp plan and reviewed with the entity responsible for providing those facilities to meet the needs of existing and future residents. Policy 1301.3.1 provides more detail into what happens when conflicts with other local governments arise. Further down in that policy it describes the use of the Regional Dispute Resolution Process if and when appropriate. Policy 1301.3.2 addresses level of service standards between adjacent governments, Miami-Dade County and Collier, in the context of the development review process. Policy 1301.3.3 addresses considering the impacts of projected development on comprehensive plans of the municipalities within the County, itself. Policy 1301.3.4 addresses a commitment that the County makes to coordinate with Miami-Dade County on level of service standards within one mile of county borders. Objective 1301.4 on Page 8 starts to deal with the type of coordination with the different transportation facilities and services that the County provides. Policy 1301.4.1 deals with the Transportation Disadvantaged Program in coordinating with the Key West Transit Authority and Florida Department of Transportation. Policy 1301.4.2 addresses coordination with Miami-Dade Transit and Key West Transit for the service between Key West and Miami-Dade County. Policy 1301.4.3 addresses development proposals for ports and related infrastructure and meeting the requirements of other federal and state agencies in the context of that infrastructure development. Policy 1301.4.4 talks about coordination with port related improvements with Key West Transit and talks about how staff will act as liaison to the Planning Department between the two. Policy 1301.4.5 deals with aviation in coordination with FAA and

State planning requirements and Aviation System planning. Policy 1301.4.6 addresses requirements for FAA's airport master plan. Policy 1301.4.7 on Page 9 talks about coordination working with the Department of Transportation and the FAA to secure airport improvement grants. Policy 1301.4.8 talks about that same type of coordination going on between the City of Marathon and the City of Key West with airport facilities in the County. Policy 1301.4.9 starts to deal with coordination between Key West Airport and the U.S. Navy. Policy 1301.4.10 addresses transportation and hurricane evacuation issues in coordination with the FDOT and the impact on clearance times. Policy 1301.4.11 addresses future U.S. 1 roadway projects as they relate to the Livable CommuniKeys Plans. Policy 1301.4.12 addresses coordination implementing the vision, goals and objectives of the Florida Scenic Highway Corridor Master Plan and the Florida Scenic Interpretive Master Plan. Policy 1301.4.13 states the County will be coordinating with the Florida DEP to deal with the Florida Keys Overseas Heritage Trail master Plan.

Objective 1301.5 on Page 9 lists all the different related departments and agencies that the County will continue to coordinate with in implementing, monitoring and evaluating the comp plan. The several policies struck through on Page 10 are consolidated within that objective. Policy 1301.5.1 on Page 11 addresses coordination between the SFWMD and the County in the context of drainage. Policy 1301.5.2 addresses coordination with the County Housing Authority in the development of elderly and institutional housing. Policy 1301.5.3 addresses coordination with the school district. Policy 1301.5.4 addresses coordination during the preparation of the Concurrency Management Report in determining the acreage and location of land to accommodate projected service expansions. Policy 1301.5.5 addresses coordination with hospital facilities. The struck-through policies on Page 12 have been streamlined and updated in other elements.

Objective 1301.6 on Page 13 deals with the County's commitment to implement mechanisms to identify and resolve governmental coordination needs pertaining to environmental and natural resource issues. Policy 1301.6.1 addresses coordination in the context of reclaimed water storage systems and utilization for exterior irrigation. Policy 1301.6.2 addresses coordination with DEP and U.S. Fish & Wildlife Service (USFWS) in the context of air quality monitoring. Policy 1301.6.3 addresses coordination on upland habitat mapping and evaluation efforts with different agencies. The next two policies have been struck through for streamlining purposes within the law. Policy 1301.6.4 on Page 14 addresses coordination regarding boating impacts and management activities within the National Marine Sanctuary in coordination with different agencies. Policy 1301.6.5 addresses coordination with USFWS, Florida Keys National Marine Sanctuary and National Parks Service in terms of recovery of plant species designated as threatened and endangered. Policy 1301.6.6 talks about supporting the Florida Keys National Marine Sanctuary Management Program and lists out the specific activities within that context. The next page continues dealing with policies within that context that are within the County's jurisdiction and for which funding is available. Policy 1301.6.7 addresses the County's coordination efforts with various agencies and other counties on existing and potential land management problems in the region because of the unique vegetative communities and species within Monroe County. Policy 1301.6.8 addresses continuing to implement the following species at special status and protection programs, which are specifically listed out and the various agencies that the County is coordinating with in the implementation of those programs.

Policy 1301.6.9 on Page 16 addresses cooperation and coordination with various agencies identifying alternatives for adaptive reclamation of productive reuse of resource extraction pits. Policy 1301.6.10 addresses coordination with the CBRS units and how that coordination will occur within the context of electricity and telephone service. Policy 1301.6.11 addresses coordination with DEP encouraging acquisition of North Key Largo under the Florida Forever Program. Policy 1301.6.12 addresses coordination in the context of soliciting comments from various agencies on permitting, planning, regulatory revisions and other agency related issues. Policy 1301.6.13 encourages coordination with appropriate agencies to develop a natural disasters response plan pertaining to beach restoration and natural area cleanup.

Objective 1301.7 on Page 17 addresses the County continuing to initiate the necessary inter-local coordination means for hurricane evacuation times and improving those times to ensure shelter facility needs are met. Policy 1301.7.1 addresses the County's MOU with different agencies in the context of hurricane evacuation. Policy 1301.7.2 deals with the County considering developing a plan which will identify agencies for coordination and funding of one Category 5 Emergency Operations Center in each of the three EOC districts. Policy 1301.7.3 addresses coordination with sufficient shelter spaces for all County residents who shall require a shelter from a Category 3 or greater event. Policy 1301.7.4 on Page 18 makes a commitment within a year after adoption of the plan for the County to enter into an inter-local agreement with Miami-Dade and other agencies as appropriate to provide sufficient additional approved spaces outside Monroe County capable of withstanding a Category 3 or stronger and their associated surges. Policy 1301.7.5 addresses coordination with the U.S. Coast Guard to identify areas of mutual concern during a hurricane evacuation and what appropriate coordination mechanisms are appropriate. Objective 1301.8 on Page 20 addresses increased coordination amongst various state agencies regarding regional solid and hazardous waste management. Policy 1301.8.1 talks about that level off coordination amongst the municipalities in the County. Policy 1301.8.2 talks about access to implementing a County-wide mandatory curbside recycling program.

Ms. Deady stated Goal 1302 on Page 22 talks about the County's increasing of public participation procedures. Objective 1302.1 talks about maintaining procedures designed to have public participation and to provide real property owners with notice of official actions which regulate the use of their property and land. Policy 1302.1.1 addresses utilizing an exchange of information to provide communication in summary form between the County and interested parties. Policy 1302.1.2 talks about public awareness of the comprehensive plan through public education. Policy 1302.1.3 talks about coordination between government and government-related entities in receiving a copy of the comprehensive plan within six weeks of approval by the State Land Planning Agency. Policy 1302.1.4 is general language about how within one year of adoption of the comprehensive plan land development regulations must be adopted and talks about the public participation procedures in the context of the land development regulations.

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

Commissioner Werling questioned the shelters provided for residents who want to stay in a Category 3 hurricane in Policy 1301.7.3 on Page 17. Ms. Santamaria pointed out it is shelter space outside of Monroe County. Commissioner Werling then asked whether the mandatory

curbside recycling program in Policy 1301.8.2 is for commercial or only residential. Ms. Santamaria will get an update whether commercial will be included.

Chair Wiatt asked Ms. Deady to continue with Goal 1301 on Page 23 regarding Policy 1302.1.5. Ms. Santamaria noted that Policies 1302.1.4, 1302.1.5 and 1302.1.6 came out of EAR-based amendments. Staff has received a lot of public comment, as well as comments from the BOCC, about developing a strategy to increase public participation and public notice. These particular policies are draft placeholders. Legal staff is looking into the other option provided on Page 23 to see if that is something Monroe County wants. Commissioner Lustberg feels that an additional meeting is not needed so much, but more notice is needed. Commissioner Lustberg suggested changing “a countywide impact” in Policy 1302.1.5 to “a countywide or neighborhood-wide impact.” Commissioner Werling believes the time of day and where the meetings are held should also be considered. Ms. Love explained that one of the community suggestions that came out of the EAR was to have a meeting in the community near the site and that is why this language is written this way. Chair Wiatt agreed with adding the language “neighborhood-wide impact.” Mr. Harvey pointed out that Policy 1302.1.4 are site-specific changes and Policy 1302.1.5 are text changes which affect the county as a whole.

Ms. Love asked for the Commissioners’ feedback on the option included for the land development regulations in Policy 1302.1.5. Commissioner Lustberg likes the first option better, but is still unsure that an additional meeting will accomplish what the policy is trying to accomplish. Mr. Haberman explained County code allows for special Planning Commission meetings as used in the case of Wisteria Island and ICE’s proposed development in Tavernier. Policy 1302.1.5 is more for a non-Planning Commissioner meeting, but more of a developer-driven workshop, like the one held for Rockland Key. Ms. Love stated this would allow the developer to receive feedback from the community before spending time going through the text amendment or the map amendment process. Ms. Grimsley described the pre-application process used in Palm Beach County that legal staff is considering. Chair Wiatt is hesitant to add another level of involuntary bureaucracy to the application process. Commissioner Werling repeated that times of meetings are not conducive to public participation. Commissioner Lustberg suggested holding the DRC meetings in locations closer to where a project is. Ms. Love clarified that Policy 1302.1.4 primarily deals with private applications. Ms. Santamaria gave an example of a countywide comp plan amendment as the current dredging item. Commissioner Lustberg asked whether official minutes will be taken at a community meeting to assure the public the developer will build what he proposes. Ms. Santamaria responded that those details would be included in the code, but those details have not been developed at this stage. Mr. Wolfe noted that the point of a community meeting is an informal information exchange and a way of developing a better application. Chair Wiatt stated he is comfortable with Policy 1302.1.4, but is only comfortable with Policy 1302.1.5 if it is done on a voluntary basis. Commissioner Lustberg believes there is good and bad in both policies. Commissioner Miller would like to leave the language the way it is proposed.

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

Commissioner Lustberg added that she would like for Policy 1301.7.3 to include pet owners.

Ports, Aviation and Related Facilities Element

Ms. Love then presented the Ports, Aviation and Related Facilities Element. Goal 501 clarifies that the goal includes County-owned and operated airports within the County. There are no changes on the second page. The only change on Page 3 is the deletion of the requirement for the land development regulations and a study regarding the buffer land between the airport and 107th Street. Objective 501.3 on Page 4 deletes the LDR requirements since that was already completed. Objectives 501.4 and 501.5 have only editorial changes with a reminder that the airport would be subject to all policies and regulations of Monroe County. There are no changes on Pages 8 and 9. Objective 501.9 was deleted on Page 10.

Chair Wiatt questioned if anything other than hurricanes was at issue in Objective 501.9. Ms. Love explained there are LDRs that address how to use aviation facilities in case of emergencies.

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

Ms. Love stated Goal 502 has only editorial changes. Policy 502.1.1 clarifies the County will maintain land development regulations and maps for existing ports, permit ports and port-related facilities, and expanded it to include water-dependent uses, marine businesses and restaurants. A second policy was deleted because it was very specific to Safe Harbor LDRs and that has been covered. On Page 12 Policy 502.1.6 was revised to say a list of all the marinas that could be used in an emergency situation and for potential emergency ports will be prepared. There were only editorial changes on Page 13. On Page 14 Policy 502.3.3 is an existing policy that was just relocated. Page 15 has only editorial changes clarifying appropriate agencies. Objective 502.5 was completely stricken.

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

Recreation and Open Space Element

Ms. Love presented the Recreation and Open Space Element. Policy 1201.1.2 talks about level of service and the functional population. The level of service was changed to goals. Florida Statute no longer requires concurrency for parks. However, the BOCC wanted to maintain this. This element has been updated to match the technical document. The last two policies on Page 2 were deleted. The County has an overabundance of park lands as far as the requirements based upon population. Objective 1201.2 on Page 4 have very little changes except clarifying the acquisition of park sites would be on a limited basis. Page 5 has some minor editorial changes. The last policy was deleted because the County has a park master plan that encompasses this policy. Page 6 contains only editorial changes. Objective 1201.3 has very few changes. Policy 1201.3.3 changes the time a park plan shall be completed for all new neighborhood and community parks to within one year of acquisition. Policy 1201.3.5 identifies waterways as part of the comprehensive plan. Recreational uses are included. Page 9 has an objective moved to this page as a policy. Objective 1201.4 and its policies on Page 10 were deleted because they are encompassed in the park master plans. Objective 1201.5 on Page 11 was deleted because that is included in the County's impact fee schedule. Objective 1201.6 was moved to another spot. The policies underneath were deleted because those are now located in the Conservation and Coastal Management Element since it is specific to waterfront activities. Object 1201.4 on Page 13 has minor clarification and editorial changes. Objective 1201.5 on Page 14, the language was

refined to say the County will continue to coordinate on the use of state and federal lands. Policy 1201.5.3 on Page 15 was reworded with the correct name of the organization and the process. Objective 1201.6 on Page 16 had originally said a parks and recreation department would be created and funded, but this reworded objective requires an update and adoption of the Parks and Recreation Master Plan. The level of service requirements on Page 17 were deleted because they are incorporated elsewhere. Objective 1201.7 on Page 18 has been changed very little other than adding detail. This outlines both the Parks and Recreation Master Plan and the Parks Maintenance Plan. The plan was specified to add restoration and removal of exotic species. By May 1, 2015 this plan should be prepared. The objective on Page 20 was deleted because this is encompassed in the Future Land Use Element about land acquisition.

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

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 3:58 p.m.