

PLANNING COMMISSION

Thursday, October 10, 2013

MEETING MINUTES

The Monroe County Planning Commission conducted a meeting on **Thursday, October 10, 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	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present

STAFF MEMBERS

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
Mitch Harvey, Comprehensive Plan Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Rich Jones, Senior Administrator, Marine Resources	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, stated this is Part 3 of the review of the comprehensive plan amendments. Ms. Love introduced Dawn Sonneborn, Director of Planning and Public Engagement for Keith & Schnars and stated Ms. Sonneborn will present the infrastructure elements.

Housing Element

Ms. Love began the presentation with the Housing Element. Ms. Love stated many of the edits on Page 1 came as a result of updating the LDRs and some of the assignments being made to affordable housing. Page 2 contains some editorial changes. Policy 601.1.2 no longer is limited to low income and moderate affordable housing. Policy 601.1.4 changed some language to now match the LDRs. Number 3 of Policy 601.1.5 on Page 3 was added to clarify eligible sites for affordable housing criteria. Page 4 has added language to match the requirement of at least 20 percent of the annual ROGO allocations have to go to affordable housing allocations. Policy 601.1.9 changed the language so that land development regulations will be maintained as opposed to created. Policy 601.1.11 adds the criteria for the tier designation. Policy 601.1.12 was edited to match the previous policy change. The changes on Page 6 are editorial, as these actions have been completed. Objective 601.3 on Page 7 changed the establishment of an update report by 1998 to monitoring the housing conditions. Editorial changes were made to update the names of the departments that are involved at the federal level. Page 8 has wording changes for clarification purposes. Page 9 has included the focus on elderly residents of the County and allowing group homes in residential neighborhoods, which is a requirement by Florida Statute. Policy 601.5.1 on Page 10 provides a date to adopt some uniform relocation standards, which is also required by Florida Statute.

Commissioner Miller inquired who the Monroe County Housing Authority actually is. Mr. Harvey responded that the Monroe County Housing Authority is an agency located in Key West whose role is to implement the funding programs in the County. Commissioner Miller suggested adding language to Policy 601.1.4 on Page 2 to allow for an audit of how affordable units are being used. Ms. Stankiewicz explained that the County maintains files on the qualification of residents living in affordable housing and some management companies do annual qualifications. Ms. Grimsley noted that most of the projects that the County has approved use State funds and have audit requirements associated with them. The County does not have the staff to audit them very year, but certifications are received indicating compliance with the regulations. Ms. Stankiewicz informed Commissioner Lustberg code revisions to the Land Development Code could be made to change how this is handled. Ms. Love clarified that Ms. Stankiewicz is the main person who handles the qualifications for the County, but several of the nonprofits have internal processes utilized in qualifying both the owners as well as the renters. Commissioner Miller pointed out that the County has the incentive to monitor the compliance of this. Commissioner Lustberg suggested adding the language “including the very low and low income classifications” at the end of Objective 601.1 so those classifications do not get overlooked, as well as retaining “including for low and moderate income residents” in Policy 601.1.2. Commissioner Lustberg then asked whether the restrictions applied to affordable housing within a larger development would be exempted. Ms. Santamaria replied that in general the other developments will have to comply with these restrictions as well, but she will look into the details of this further.

Chair Wiatt asked for public comment. D.A. Aldridge from Tavernier suggested changing the wording in Objective 601.1 to say, “Monroe County shall implement the following defined policies to meet the estimated affordable housing need” because affordable housing needs go up and down depending upon the economy. Ms. Aldridge would like Policy 601.4.2 on Page 9 to

have language to ensure that it is for elderly residents of Monroe County. Mr. Williams cautioned against that language because it would be considered discriminatory. Ms. Santamaria explained the difference between the requirements of affordable housing and employee housing. Ms. Santamaria then addressed changing the word “reduce” to “meet” in Objective 601.1 and stated it is unlikely the affordable housing need will ever be considered met because it is hard to estimate the need because it fluctuates so much. Ms. Love added that the term “meet” is problematic because there is nothing to measure that by and strongly recommended the term “reduce” be retained.

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

Potable Water Element

Ms. Sonneborn presented the Potable Water Element. Ms. Sonneborn stated Goal 701 is basically supporting FKAA. A lot of the changes throughout the Potable Water Element were changed from FKAA shall do something to the County will support FKAA, because the County cannot instruct FKAA what to do in the comp plan. Objective 701.1 changes the development permit to a certificate of occupancy or its functional equivalent. The level of service standards include 100 gallons per capita per day based on historical data. Some of the names of the regulatory agencies in the Minimum Potable Water Quality are no longer applicable. Page 2 has editorial changes and elimination of some policies that no longer apply. Page 3 changes reference the Florida Statutes. Objective 701.2 and all related policies on Page 4 were deleted in its entirety because that was instructing the FKAA they shall do something. Objective 701.2 on Page 5 includes changing the language that Monroe County shall work closely with FKAA and changing some of the division names to the current names. Throughout the comp plan specific County divisions have been removed and changed to “Monroe County.” Where tasks have been completed new wording has been added to say it will be continued or continue coordination. Page 6 changes Monroe County shall “seek” to “maintain” now that task has been established. Pages 7, 8 and 9 came out in their entirety because they stated that FKAA shall do something. Objective 701.4 on Page 10 was changed to Monroe County shall continue to coordinate with FKAA to ensure the adequate capacity is available. Policy 701.4.1 adds the clarifying language “throughout Florida Keys as funds and land are available” and “Fire flows shall meet the provisions of the Florida Fire Prevention Code” per the DRC meetings. The agreement between Monroe County and FKAA for installation and maintenance of the fire hydrants was included. Policy 701.8.2 was completed and, therefore, was deleted in its entirety. Monroe County shall require that at the time a construction permit is issued adequate fire flow is supplied to the site in accordance with the Fire Prevention Code, again from the DRC meetings. Policy 701.5.1 on Page 12 changed the old date and was replaced with within one year of the adoption of the 2030 comprehensive plan. Page 13 changes some of the division and agency names and changes “grey water” to “reclaimed water.” Policy 701.5.6, per DRC meetings, states “Monroe County shall permit and encourage rainwater capture for all non-potable uses and for household potable uses.” The policies in yellow highlighting refer to other areas and are highlighted so the correct reference is used as numbers change. Objective 701.6 on Page 14 states the County in coordination with FKAA shall continue to maximize the use of existing facilities. A new policy 701.6.1 was added that Monroe County shall annually evaluate proposed FKAA capital improvements for inclusion in the annual update of the County’s CIE schedule. Everything else beyond that was deleted because they included older dates for tasks that have been completed.

Jolynn Reynolds from FKAA was present to answer any specific questions. Commissioner Lustberg asked why throughout the comp plan sometimes it states that the County needs to show that there is enough supply before a certificate of occupancy is given and sometimes it says before permits are given. Ms. Santamaria explained the concurrency requirements and the capital improvement elements have changed and all changes were made to reflect the statutory change. Commissioner Lustberg proposed Policy 701.2.1 include the language “shall be evaluated within a year of the comp plan” so the County does not wait until the aquifer is limited to do an analysis. Commissioner Werling believes that ties into Policy 701.5.2 on Page 12, which addresses water conservation efforts. Commissioner Lustberg noted that water conservation is different from alternative water sources. Ms. Santamaria agrees with adding it into the objective relating to water conservation strategies for individuals on Pages 12 and 13 because Policy 701.2.1 is specific to the well field. Ms. Love suggested breaking it down into two policies for clarification. Commissioner Lustberg asked who within the County coordinates and provides comments on SFWMD’s plans as mentioned in Policy 701.2.4. Mr. Harvey replied that he is the contact person for that. Commissioner Lustberg then proposed adding at the end of Objective 701.3 “saltwater intrusion and overextraction.” Ms. Santamaria agreed to that. Ms. Sonneborn will check the statutes cited to make sure there is no conflict. Commissioner Lustberg then asked why at the end of Page 1 the Federal standards followed are being changed to State standards. Ms. Reynolds explained that State standards can meet or exceed Federal standards, so the Florida Administrative Code is being cited, which is already contained in Florida DEP’s code. Commissioner Lustberg asked for confirmation that the new Level of Service Standard of 100 gallons per day is appropriate with the levels of development that has been set out. Ms. Santamaria stated that this LOS reflects the data in the technical document and the projections included therein and is all based on historical data and evaluations that FKAA has provided.

Chair Wiatt asked whether it has been determined how much sea level rise can be endured before the aquifer is compromised. Ms. Reynolds replied that FKAA has been participating on different Miami-Dade committees and monitoring the different science being discussed and analyzed currently. Commissioner Miller asked for an explanation of the term “urban sprawl” in Objective 701.6. Ms. Santamaria explained that is not to build more facilities into areas that are not currently developed so the urban area is not expanded and the County will coordinate with FKAA to ensure that there is water, a pipe and enough flow. Commissioner Miller would like to see alternative water sources cited in this objective. Ms. Santamaria reiterated that the statute is very clear that the County cannot put binding steps onto another entity. Commissioner Lustberg suggested including language that the County will encourage capital improvements in already developed areas and discourage improvements in areas that the County does not want to direct development. Ms. Santamaria will try to craft some language to that effect.

Ms. Reynolds explained to Commissioner Lustberg that FKAA provides a coordination letter for developments to let them know there is a water line available and provides an annual report to Monroe County on how much water has been used and how much water is allocated for that year. Water that comes from alternative sources is more expensive than the water that is treated at the aquifer. Commissioner Lustberg asked at what point the County would prefer not to increase development as opposed to having its water supplied through more expensive means.

Ms. Santamaria replied that is not being considered right now, but a recommendation can be made to the BOCC to at a certain point stop or discourage development, but cautioned there are potential outcomes from that kind of decision. Commissioner Lustberg proposed not doing anything on this at this point, but believes it would be good to know the potential cost changes and a time frame for when this possibly might be necessary. Ms. Santamaria replied she is unaware of that information at this point, but will try to get that information.

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

Solid Waste Element

Ms. Santamaria informed the Commissioners that Rosa Washington was present from the Solid Waste Department to help answer any questions that may arise.

Ms. Sonneborn presented the Solid Waste Element. Ms. Sonneborn stated Objective 801.1 on Page 1 deleted the language “current with the impacts of such development.” The Level of Service Standards were brought up-to-date to 11.41 pounds per capita per day based on the technical document. Policy 801.1.2 “maintains” the land development regulations as opposed to “adopt” and ensures that “no certificate of occupancy or its functional equivalent will be issued without adequate disposal facilities” instead of “permits.” Policy 801.1.4 on Page 2 was removed in its entirety because it is no longer applicable. Policy 801.2.1 on Page 3 was removed in its entirety because the County does not rank capital improvement projects anymore. Policy 801.3.2 on Page 4 had an editorial change to “analyze the creation of” a Solid Waste and Resource Recovery Authority. The other policies on Page 4 and 5 were removed because of the date certain those policies were completed. Objective 801.4 on Page 6 changed the year from 1998 to 2014. Some of the division names were changed to the current names and outdated policies were removed. Policy 801.4.5 on Page 7 changed the separation of recyclables from the waste stream from construction and demolition debris from 50 percent to 40 percent, which is a State directive discussed at the DRC meetings. A new policy was added to assess the implementation options for creating a yard waste program including composting by January 4 of 2014, which came from public comment at DRC. Pages 8 and 9 contain editorial changes and the removal of out-of-date policies. On Page 10 some of the names of the agencies were changed to their current names. Policy 801.6.1 clarifies that the solid waste disposal is just for the unincorporated areas. Page 11 contains editorial changes and the removal of Policy 801.7.3, which is an outdated policy.

Commissioner Werling asked for stronger language for recycling by commercial entities. Commissioner Lustberg proposed changing the language of Policy 801.4.2 to say, “Monroe County shall implement a county-wide mandatory recycling program for businesses and residents” and remove “curbside” because however it is decided to be done is fine. Ms. Washington stated that although mandatory recycling is the right thing to do, politically it is not very acceptable. Ms. Santamaria suggested proposing that Monroe County shall evaluate creating a mandatory program because it is extremely expensive to run a recycling program and the BOCC has not moved forward with funding that type of program. Mr. Wolfe agreed that the “evaluate” language is better because otherwise this could set the County up to not comply with the comp plan in the future. Mr. Williams cautioned the Commissioners that there are existing contracts and, regardless of what the comp plan says, the County cannot breach a contract.

Commissioner Lustberg still recommends the language “Monroe County shall implement” and the BOCC can decline, and also pointed out there is no date stated by which Monroe County shall implement it. Chair Wiatt encouraged the Commissioners to think outside the box and consider a more proactive type of plan. Ms. Santamaria pointed out that if “implement” is used a date certain must also be included in the policy because it has to be measurable in some way. Chair Wiatt believes the program would have to be designed before being implemented and suggested using the term “evaluate” while looking at options that do not require taxpayer dollars to implement.

Ms. Washington clarified that the County’s recycling rate is 52 percent, with traditional recycling being 29 percent and the rest are credits that the County gets from the waste energy plant. Ms. Washington explained that the 40 percent in Objective 801.4 was decided upon before the County had attained the 52 percent rate. Commissioner Lustberg proposed using language in Policy 801.4.5 that the County would like to achieve an 80 percent recycling rate with nothing mandatory and, if the 80 percent is not achieved by the end of the waste contract, a mandatory component be added. Ms. Washington noted that the state goal is 75 percent. Ms. Love clarified that Policy 801.4.5 is specific to construction debris and the 40 percent goal is based upon the traditional records of construction separation. The Solid Waste group has been able to achieve through additional credits a higher percentage, but that is not the traditional “recycle bin” number. Chair Wiatt believes a goal for each of the different waste streams should be proposed. Ms. Love recommended having the Solid Waste group come back with proposed higher percentages or whatever number they think is reasonably achievable based upon the cost involved to the County.

Ms. Washington specified that the County’s construction debris recycle rate is at 40 percent and, since DEP classifies Monroe County as a small county, commercial and residential recycling is considered together and the County is currently at 52 percent. Ms. Washington then explained that after the recyclables are collected they get sent to a place where they are separated, processed and sold. That then gets sent to a waste energy incinerator, which produces energy for about 5,000 homes on the mainland, and Monroe County gets the credit for the energy. Commissioner Lustberg pointed out that the County’s definition of recycling does not account for the waste to energy credits and, therefore, this may not be the right place to put the exact numbers of exactly when the goals should be achieved. Commissioner Lustberg believes the point to be made to the BOCC is that recycling should be strongly encouraged and recycling by businesses should become a priority as opposed to just on residences. Commissioner Werling suggested using some sort of a reward system as opposed to a system that penalizes. Commissioner Lustberg proposed Policy 801.4.2 read “Monroe County shall evaluate a county-wide mandatory recycling program for businesses and residents” within a near future completion date. Chair Wiatt added options should be considered that are not taxpayer-funded.

Chair Wiatt asked for public comment. D.A. Aldridge from Tavernier agrees that it would be appropriate to wait and see what Solid Waste brings forward, but does believe a mandatory business recycling program should be implemented in the future. Hal Aldridge from Tavernier encouraged the Commissioners and staff present to the BOCC the strongest language possible in the comp plan for future recycling in the County.

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

Commissioner Lustberg asked for clarification of the two groups referenced in Policies 801.3.1 and 801.3.2. Ms. Washington explained that a task force is made up of concerned citizens and people that would be considered experts in the subject and an authority would be a private group doing what the internal Solid Waste Department now does. Commissioner Lustberg then questioned whether the County should contract out the yard waste program including composting. Ms. Love believes there is not enough time for the additional task placed upon staff for developing a contract by January 2014 and suggested adding language that allows one year for that. Ms. Washington explained currently the County is evaluating how a yard waste program works and will probably develop a pilot program. Ms. Washington clarified this would include both mulching and composting. Commissioner Lustberg then proposed the beginning of Policy 801.7.2 read “Monroe County shall promote recycling and composting by the retail sector.” Ms. Santamaria pointed out this policy is talking about doing audits to ensure progress and the County does not currently have a composting program so there is nothing to audit. Commissioner Miller cautioned this should be assessed first because there could be environmental concerns associated with pesticides leaching out from the composted material. Ms. Love assured Commissioner Lustberg that composting was addressed in the EAR by the BOCC.

A recess was held from 11:47 a.m. to 12:03 p.m.

Commissioner Lustberg stated that when discussing the County’s levels of recycling it should be clear that the County wants to measure, track and improve the actual rates of recycling, not just recycling including waste to energy. Chair Wiatt suggested using the term “recovery” when discussing waste to energy to minimize confusion.

Sanitary Sewer Element

Ms. Sonneborn presented the Sanitary Sewer Element. Ms. Sonneborn stated Objective 901.1 on Page 1 changed “development permit” to “certificate of occupancy, or its functional equivalent” based on the Legislative directive. The Level of Service Standards have some changes as directed by staff. Letter (B) on Page 2 stated the County shall support State and Federal educational programs to reduce the demand for phosphate products. The original Letter (C) was deleted and the new Letter (C) changed the level of service standard to 167 gallons per day per EDU as a directive of staff. The remaining changes on the page are changes due to dates. Page 3 contains some editorial changes. Policy 901.1.5 deletes the date and changes “adopt” to “maintain” what already exists. The double underline on Policy 901.1.6 was a previous policy that was moved to this new location. Pages 4 and 5 contain editorial changes and the removal of policies that are out of date. Objective 901.3 on Page 6 is all new language. Out-of-date policies on Pages 6 and 7 were removed and some of the names of the agencies were clarified. Many of the policies on Page 8 were removed because they were date-certain. Policy 901.4.1 refers to the master plan. Policy 901.4.4 adds “Monroe County shall encourage all sewage treatment plants to provide for wastewater reuse whenever feasible.” Policy 901.4.5 says the County shall continue to support programs which minimize or eliminate the use of products which contain phosphorous in the County. Policies on the top of Page 10 contained date-certain that were

removed. The rest of this page and Page 11 contain editorial changes and the removal of out-of-date policies.

Commissioner Miller suggested changing the word “limit” in Policy 901.4.3 on Page 9 to “eliminate.” Mr. Roberts replied the technology is not available to eliminate it, but to only drop it down to barely detectible levels. Mr. Roberts clarified that policy refers to the discharge of treated water, not direct discharge of non-treated water. Chair Wiatt pointed out that Policy 901.4.4 was missing the word “shall.” Commissioner Miller asked if the County maintains a schedule for those property owners referenced in Policy 901.2.1 that still have septic tanks and cesspits. Ms. Santamaria responded that the Department of Health (DOH) regulates the septic tanks and the standards that must be met. It is a State requirement through the DOH to meet certain standards and have certain pump-outs and inspections. Ms. Santamaria confirmed for Commissioner Lustberg that cesspits are definitely being eliminated, but septic tanks will continue to be allowed because there are some areas that will not be served by central wastewater. Commissioner Lustberg asked if this element should contain how the County will protect the wastewater treatment facilities from flood surges or hurricanes. Ms. Santamaria explained that is in the Climate and Energy Element.

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

Drainage Element

Ms. Sonneborn presented the Drainage Element. Ms. Sonneborn stated that Page 1 contains some editorial changes. Review of the standards for detention and retention volumes for surface water has been changed to every three years. Page 2 contains editorial changes and changes “permits” to “certificate of occupancy or its functional equivalent.” Policy 1001.1.3 changed the date certain to “as necessary” the County shall review and update the County Stormwater Management regulations. Staff directed that Policy 1001.1.4 change the date-certain to within one year of the adoption of the comp plan Monroe County shall adopt the stormwater management practice regulations. Page 3 changed a date-certain to within three years of the adoption of the 2030 comp plan Monroe County shall evaluate the need to complete an inventory analysis of the existing public drainage facilities, which was staff directed. Policy 1001.1.7 states Water Quality Level of Service Standards are based upon design storm frequency and duration, and all of the bulleted items have been added. Since the County does not do the ranking of capital improvement projects anymore the language of Policy 1001.2.1 has been amended accordingly. Page 5 has been eliminated in its entirety. Page 6 contains editorial changes and a date certain has been removed in Objective 1001.3 and replaced with Monroe County shall continue to coordinate with the regional agencies and the additional cities have been added in Policy 1001.3.1

Commissioner Miller suggested adding language to Policy 1001.2.2 on Page 4 to give priority to fixing drainage problems with inexpensive measure. Chair Wiatt noted that the Drainage Element is almost entirely about water quality and feels there is more to drainage than water quality, such as public health issues. Chair Wiatt would like for priority to be given to improving groundwater and nearshore water quality, as well as public health issues. Commissioner Lustberg pointed out that Policy 1001.2.1 talks about dealing with new issues and Policy 1001.2.2 talks about correcting old issues. Ms. Loved added that capital improvements

will correct or create new measures for improving water quality and (a) deals with public health and safety. Ms. Love recommended including specific prioritization language. Commissioner Miller stated that (b) addresses his concerns. Ms. Love explained to Chair Wiatt that Policy 1001.2.1 addresses those projects that are needed to deal with public health issues, which is an overarching goal in all capital improvement projects. Ms. Love suggested expanding Policy 1001.2.2 to also include the prioritization for public health. Chair Wiatt stated improving the public health language would make him more comfortable. Ms. Santamaria will review the added language regarding public health and safety with the County Engineer. Ms. Santamaria informed Chair Wiatt that the County Engineering Department is re-evaluating stormwater issues throughout the County. Commissioner Lustberg proposed the following language for the last sentence of Policy 1001.2.2 to say, “Specific priority will be given to those existing drainage problems which are determined to have the greatest adverse effect on: One, groundwater and nearshore waters or areas designated as Outstanding Florida Waters; two, those projects which allow the County to meet its legal requirements to provide access; and, three, protect health and safety (traffic and mosquitoes)” to break it out into three specific items without giving priority to any one item. Commissioner Lustberg then proposed an additional policy under Objective 1001.2 as follows: “Monroe County shall discourage the use of pesticides, herbicides, fertilizers and cleaners which degrade the nearshore waters, especially in locations where they drain directly into the nearshore waters without any treatment or filtration.” Commissioner Werling recommended using language similar to the language dealing with groundwater to undertake activities that will reduce pollutants in nearshore waters. The Commissioners agreed with the suggestions. Ms. Santamaria proposed the language “discourage through the creation of educational materials.” Chair Wiatt noted that products should be used in accordance with the labeling. Commissioner Werling asked if it was acceptable for boats to be washed while in the water. Mr. Jones responded that DEP does have best management practices for marinas and boats that discuss the types of products that should be used for boats in the water. Ms. Santamaria pointed out that the County does not have the authority to regulate what boat washing products residents can use or not use. Mr. Jones added that the County’s Marine and Port Advisory Committee is active in those sort of concerns.

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

Natural Groundwater Aquifer Recharge Element

Ms. Sonneborn presented the Natural Groundwater Element. Ms. Sonneborn stated Page 1 contains editorial changes on the regulations. The date certain was removed from Objective 1101.2 on Page 2 and now says, “Monroe County shall provide for the protection of groundwater within the unincorporated areas.” There has been some clarification on Policy 1101.2.1 that Monroe County shall coordinate with the Florida Keys Mosquito Control District on the pesticides used for mosquito control. Letter (c) was clarified that Monroe County shall encourage the DOH to continue undertaking activities designed to reduce the pollutants from fuel storage tanks. Letter (f) on Page 3 makes a clarification for hazardous waste. The date certain in the policy after that was removed. There were editorial changes made to the following policies on the page. A date certain and the entire objective and related policy has been removed on Page 4.

Commissioner Lustberg suggested adding language on Page 3 after (f) that says “fertilizers, pesticides and herbicides used in landscaping.” Ms. Santamaria pointed out that the County would not be able to enforce the use of herbicides and fertilizers in somebody’s yard. Ms. Santamaria suggested using the “educational programs” language as added to the Drainage Element. Ms. Santamaria clarified for Commissioner Miller that Objective 1101.1 is referring to when Miami-Dade proposes a huge development beyond their urban boundary and FKAA is unlikely to get involved unless County staff refers the issue to them.

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

Capital Improvements Element

Ms. Love presented the Capital Improvements Element. Ms. Love stated an assessment has been added to capital improvement projects of sea level projections as they relate to different infrastructure. On Page 2, the bottom two policies have been completed and, therefore, deleted. On Page 4 the date certain has been revised as to when Monroe County shall revise and update the LDRs. There were no substantive changes on Page 5. The bottom policy was revised because Florida Statutes changed. Page 6 contains highlighting of the references to the Florida Statute change. Letter (b) was added on Page 7 because that is a requirement now in Florida Statute. The concurrency requirements were changed and this is placeholder language while staff continues to work through this. Page 8 contains an editorial change to the title of the annual report that the County prepares. Language was added under 4 on Page 9 that if the proposed development requires a permit it has to be obtained prior to the final concurrency determination. Policy 1401.4.12 was deleted on Page 10 because this is all part of FKAA and their wastewater program. The last two policies have been deleted because they have both been implemented. The policies on Page 11 were revised to say the CIP will be updated annually. The last policy was deleted because that has been completed. Page 12 contains no changes other than editorial changes related to statutory requirements.

Commissioner Miller is concerned that Number 6 on Page 9 uses an overall level of service for the entire length of US 1 instead of using segments. Ms. Santamaria explained this change is at the BOCC’s direction. This was also a recommendation from DOT. The County’s level of service standards have been static segment by segment and over the last 20-plus years of data the County’s overall level of service has never changed from a Level of Service C. This is also included in the Future Land Use Element and in the Transportation Element and is going to be a code amendment as well. Ms. Santamaria further explained the County is working with a consultant to look at development thresholds, except for single-family, because it would be a penalty to them to have to do a roadway improvement for their minimal impact on the road. Ms. Love pointed out that Policy 301.2.3 under the Traffic Circulation Element proposes still looking at the segments and requiring the developer to mitigate any issue they are causing on the segment before the development moves forward.

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

Glossary (New)

The Commissioners agreed to open this section up for discussion rather than go through all of the definitions. Ms. Love stated that the creation of a glossary came out of the EAR. The acronyms

are established and clarified in the glossary. Chair Wiatt voiced concern that the definition for “working waterfront,” which is the State’s definition, includes recreational uses and hotel/motel uses. Ms. Santamaria explained that in the Future Land Use Element and the Coastal Management Element transient uses are excluded from the recreational and commercial working waterfront. The policies have been refined so as to not enhance hotels. Mr. Williams stressed that where the State has defined a term, the County should not be in contravention of that State definition. Ms. Love explained that the entire goal came out of the State level for protecting the working waterfronts throughout Florida. Chair Wiatt is concerned with the “recreational” part used in the definition. Ms. Santamaria pointed out that the State’s definition does not differentiate or prioritize “working” versus “recreational” and the County has to comply with Florida Statutes.

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

Cultural Resources Element

Ms. Santamaria explained that the Cultural Resources Element was struck through. Ms. Love reminded the Commissioners this was deleted through the EAR and will be folded into the Economic Sustainability Element that will be created in the future.

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

Monitoring & Evaluation

Ms. Love presented the Monitoring and Evaluation Element. Ms. Love stated that it is a requirement of Florida Statute that every single comprehensive plan developed in the State of Florida has to provide information as to how the County will monitor and evaluate procedures. The County’s measurability will be accomplished through date-certain and through LDRs. A section has been created that discusses the monitoring and evaluation process and the responsibility for the EAR and how it is done. Florida Statute has now changed and says that essentially comprehensive plans have to be updated by looking at Florida Statute to see what changes have occurred. Florida Statute also encourages municipalities to go further than that and look at major issues and changing conditions in the community. That language has been added in this element. Page 2 is in reference to the County’s Growth Management Concurrency Management Report. The rest of the pages in the element add the EAR, as well as the concurrency items.

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

Public Participation

Ms. Love presented the Public Participation Element. Ms. Love stated public participation was a major issue in the EAR. Florida Statute requires the encouragement of public participation in the comprehensive planning process. Some items have been added here as to the types of procedures in addition to those that are required. Members of the public had previously suggested adding social media advertisement through Twitter and Facebook. Keith & Schnars has included ideas in this section for consideration, such as including where the documents are going to be stored so the community can see them and the specifics required for newspaper advertisement. A section was added that an optional workshop for consideration of any plan

amendments and one public hearing are the bare minimum standards. Commissioners Werling and Lustberg agreed with using social media as a means of advertisement. Mr. Wolfe pointed out that these suggestions may be followed, but are not mandatory. Ms. Grimsley clarified for Commissioner Miller that the minimum standards for advertisements are outlined in the State statutes.

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

Ms. Love explained that the entire comprehensive plan package will be brought before the Planning Commission on November 15, 2013 when the Commissioners will be presented a prepared ordinance to make recommendations to move forward to the BOCC.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 1:26 p.m.