

PLANNING COMMISSION
November 15, 2013
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Friday, November 15, 2013**, beginning at 9:03 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

William Wiatt, Chair	Present
Jeb Hale	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present
Ron Demes, Ex Officio Member	Present

STAFF

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, Comp Plan Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Rich Jones, Senior Administrator, Marine Resources	Present
Patricia Smith, Transportation Planning Manager	Present
Emily Schemper, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by John Wolfe.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members were sworn in by Mr. Wolfe.

APPROVAL OF MINUTES

Motion: Commissioner Werling made a motion to approve the minutes of the September 23, 2013 meeting. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MEETING

Continued Item:

1.Oceanside Marina, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; 5671 MacDonald Avenue, Stock Island, Mile Marker 5; and 5176-5180 Suncrest Road, Stock Island, Mile Marker 5: A request for approval of a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; Coco Palms Developers, LLC; R & S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; Suncrest Landing, LLC; and Oceanside Investors, LLC allowing the transfer of up to 46 market-rate Residential Rate of Growth Ordinance (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A and 5671 MacDonald Avenue to a receiver site at 5950 and 5970 Peninsula Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement covers:

A.Receiver Site Property located at 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, PB1-55, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate numbers 00127420.000000 and 00127420.000100), 24930 Overseas Highway;

B.Sender Site Property located at 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, PB2-142, having real estate numbers 00194741.000100, 00194741.000200, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001300, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200):

C.Sender Site Property located at 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, PB2-48, having real estate number 00174960.000000).

D.Sender Site Property located at 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald's Plat, PB1-55, having real estate numbers 00124430.000000 and 00124470.000000).

E.Sender Site Property located at 5176-5180 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, PB1-107, having real estate number 00132680.000000).

The Development Agreement involves the redevelopment of the Receiver Site Property. The redevelopment includes the addition of up to 78 new, market rate residential dwelling units, which may be used as vacation rentals, up to 5 new hotel rooms, a new restaurant, and other improvements related to the existing marina and accessory development. The residential density would not exceed 100 permanent residential units and 5 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. New residential or nonresidential buildings shall not exceed 35 feet in height. (File 2013-069)

(9:06 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this is the first formal public hearing on this matter and the second hearing will be on December 11, 2013 at 3 p.m. in Marathon before the Board of County Commissioners (BOCC) where the final decision on the application may be made. Mr. Haberman stated five properties were advertised and one of them is a contingency property and is not subject to the current draft of the agreement. The overall purpose of the agreement is to allow the transfer of ROGO exemptions associated with mobile home parks, market rate permanent ROGO exemptions to the receiver site at Oceanside with 22 ROGO exemptions going from the Summerland property, 17 going from the Cudjoe property and seven going from the Stock Island property. In exchange for transferring those off, the applicant will have to deed-restrict those units as affordable housing. Some of the units may be substandard and will have to receive certain improvements to bring them up to standard. Some of the units are vacant. Those would have to be replaced with code compliant, new permitted structures. A secondary part of the agreement concerns the redevelopment of the Oceanside property, which would still need a major conditional use permit. The way it is currently drafted the Planning Commission would still have the opportunity to request changes to the site plan because it is being presented as a conceptual site plan, which locks in things like density and use, but not site-specific things that may be applied when reviewed for the conditional use standards.

Mr. Haberman described the Oceanside property as having mixed use zoning and a mixed use commercial future land use designation. It is Tier III and is about 20 acres. Oceanside is unique in that the applicant does not own all of the wet slips, which are condominiumized. There are 22 existing residential dwelling units, which are also condominiumized, and a boat barn. Although the applicant does not own those, they are part of the density because they are developed with a common team and would not meet the density on their own. The Summerland property is urban residential mobile home up against US-1. It is a residential high future land use category in Tier III. The Cudjoe property is a mix of zoning, but 90 percent of the development is on the urban residential mobile home portion with some development in the native area and some in the suburban commercial. Even though this property has the native area in the back, it has been designated Tier III because it is predominantly scarified. The Suncrest property has a mixed zoning, mixed use and native area. All of the development on this property is in the mixed use portion. This property is Tier III. The contingency property is not subject to agreement and Mr. Haberman did not describe that property.

Mr. Haberman then highlighted staff's issues talked about at the prior public informal meeting. Language was added to clarify the need for the applicant to explain their phasing and how improvements to any mobile homes that were substandard or that needed to be replaced would

be implemented, which has to be addressed before the market rate unit could be moved to the receiver site. Staff also added into the agreement that 20 percent of the wet slips the applicant does have control of must be reserved for licensed commercial fishing vessels. Language was added that makes it clear that if the Planning Commission wants to make some changes to the conceptual site plan, that can be done as the next phase of this development process. Clear and consistent legal descriptions were requested, as well as getting copies of the official zoning maps into the appendices of the agreement.

Mr. Haberman explained that at the prior meeting the Planning Commission had concerns about language that implied that all the units they were building would have to be used as vacation rentals even though they are derived from permanent units. The applicant changed the language by using the word “may,” which is permissive and not required. The applicant also will be able to present some information about the types of income levels that are currently in these properties. The applicant is still continuing to ask for all moderates, but there is some language added concerning the applicant’s willingness to lock in certain rent prices for five years for the current residents.

Mr. Haberman clarified for Commissioner Miller that the County is going to deed-restrict the units and the County will probably qualify each of the new residents for the moderate income level. Mr. Haberman explained that there have been many developers applying for the very low and low levels because they are qualifying for federal funding. Ms. Santamaria noted that it is hard to quantify the need for the different income ranges. The applicant could rent at a lower rate than moderate, but they cannot exceed the income limits for moderate.

Pritam Singh, the applicant, was sworn in by Mr. Wolfe. Mr. Singh stated that most of the people living at the sender site property are in the low to medium range, with some in the moderate and some in the very low. Because of the tax credits trailer parks are going away and new properties are being built. The moderate level gives the applicant the most flexibility. Mr. Singh pointed out that the low and very low ROGOs are going to get used and the medium and moderate are going to get left behind because there is no space for them. The current residents are protected for five years, incurring only a cost-of-living increase. Commissioner Miller asked the applicant to agree to extend that protection to seven years. Mr. Singh agreed. Mr. Singh then presented an overview of the project. Mr. Singh stated that the applicant will be preserving mobile home parks, which means those residents will not be removed from their homes and will be protected. The applicant will have to buy TDRs, which means that the conservation land protection goal of the County is also accomplished. Language has been added that is agreeable with the Navy. Mr. Singh stated large financial investments have been made within Stock Island. Mr. Singh then pointed out the different developments surrounding this proposed project. Mr. Singh stated the wet slip owners, the residential owners and the dry barn owners surrounding this area are unanimously in favor of this area being renovated. Some of the benefits of this renovation will be improved water quality, the creation of about 50 jobs, an increase in the tax base and tourism. The applicant will host a public meeting where County staff will be invited to attend.

Commissioner Werling voiced concern about the commercial fishermen that live in the Summerland trailer park area. Mr. Singh repeated that seven years’ protection is agreeable.

Commissioner Lustberg asked about the current rents being charged at the various sender sites. Mr. Singh replied they range from 700 to 1200 a month. Mr. Singh assured Commissioner Lustberg that there will be public access on this property during the daytime, but not in the evening. Mr. Demes stated that the Navy has met with the applicant and the applicant was amenable to whatever the noise contour criteria is. The applicant also has no problem agreeing with the noise level reduction in the construction. The Navy is satisfied with the proposed development.

Karen Hedrick, representative of the three condominiums within the community of the proposed development, was sworn in by Mr. Wolfe. Ms. Hedrick read aloud letters supporting the project. The letters from Oceanside Residential Condominium, Oceanside Marina Condominium Association and Oceanside East Dry Storage Condominium all asked for the Commissioners' support of the project. Robert Mongelli, business owner and property owner on Stock Island, was sworn in by Mr. Wolfe. Mr. Mongelli stated Stock Island has a very unique working waterfront community, which this project will enhance and is a benefit to the whole community. Brian Schmitt, real estate broker who represented the prior owner and seller of this property, was sworn in by Mr. Wolfe. Mr. Schmitt stated the proposed development is the only use that makes any sense for this particular property given its current condition. Mr. Schmitt believes this development will have a profound impact on Stock Island.

Chair Wiatt asked for public comment.

Deb Curlee, Cudjoe Key resident, was sworn in by Mr. Wolfe. Ms. Curlee stated this seems to be an obvious trend to eliminate all trailer parks, which is the affordable housing for the lowest echelon of the workers that are needed so desperately in Monroe County. David Combs, Cudjoe Key resident, was sworn in by Mr. Wolfe. Mr. Combs voiced concern regarding the increase in the traffic this project may cause. Mr. Combs stated his major concern is what the long-term effect on the Cudjoe, Summerland and Sugarloaf areas this transfer of market rate ROGO units will cause. Mr. Combs feels this may limit potential growth in those areas. Commissioner Lustberg pointed out that the population in the Lower Keys is going to remain the same and there will be an increase at this development on Stock Island.

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

Mr. Haberman confirmed for Commissioner Lustberg that the applicant has provided all the proper ownership documentation and exhibits. Mr. Haberman also confirmed the applicant does have 32 TDRs and 32 TREs from a previous development agreement. Commissioner Wiatt voiced a continued concern that there is no specific language that would ensure that future owners of these condos would be able to live there permanently. Mr. Wolfe noted that vacation rentals are a permissive use where they are allowed, which does not preempt the ability to live permanently or homestead in certain locations. Mr. Williams added that it is referred to throughout the document as a permanent ROGO exemption. Mr. Haberman explained that vacation rentals are derived from permanent ROGO exemptions while hotel rooms are derived from transient ROGO exemptions. That language can be shored up during the conditional use.

Commissioner Lustberg asked if language should be added to protect the native area of the two sender sites. Mr. Haberman pointed out that the native areas are mangrove and between the required setbacks and the 100 percent open space required of a mangrove the areas are adequately protected. Mr. Singh pointed out for Commissioner Lustberg the five hotel rooms on the site plan. Commissioner Lustberg suggested a language change on Page 9 or 28 under (f) of the Oceanside property to, "The height of any structure associated with the redevelopment of the Oceanside property shall not exceed 35 feet." Mr. Singh replied the only way the 35 feet can be exceeded is for a church steeple and a church is not being built here. Mr. Haberman assured Commissioner Lustberg that any substantial changes to this agreement will have to go back through the approval process. Commissioner Lustberg asked if on Page 12 of 28, (e), Public Facilities, it would be appropriate to put in some numbers of how many new things there will be. Mr. Haberman replied that this language is standard and during the conditional use process those issues will be dealt with in detail. Mr. Singh clarified for Commissioner Lustberg that the 20 percent of wet slips restricted for commercial fishing vessels will be calculated on the number 15, not eight.

Commissioner Lustberg broke the different income levels down into monthly rents and stated asking for the moderate level of affordable housing might not be appropriate for the residents currently there. Commissioner Lustberg is also concerned for the residents whose income increases during their three-year lease. Mr. Singh replied that the applicant can offer a five or seven-year lease and is willing to include that in the agreement. Mr. Singh believes having the medium and moderate income levels offers the most flexibility to be able to keep people in the development as long as possible. Commissioner Lustberg suggested having more of a mixture of the different affordable housing ROGO allocations so that there is the option to keep people with the moderate income in those and still provide the County the affordable protections, which is the purpose of this agreement for the County. Mr. Singh agreed to having a mix of income levels, but wants to keep the flexibility that offering medium and moderate levels while keeping them as trailer parks would offer. Commissioner Lustberg noted that the median income is not a static number. Mr. Singh proposed having 50 percent moderate, 25 percent medium and 25 percent low. Mr. Haberman stated that proposal should work, but recommended allowing staff the room to work with the numbers. Chair Wiatt suggested using "approximate" in the language. Mr. Haberman assured Commissioner Lustberg that the previous conditional use amendment includes the condition that the gate is open for commercial access during the day. Mr. Haberman confirmed for Mr. Wolfe the changes requested by staff in the prior version of the development agreement have been resolved. Mr. Haberman stated staff is recommending approval, but reserves the right to make minor revisions as the process moves forward.

Motion: Commissioner Werling made a motion to recommend approval to the BOCC with the changes made to the mix of affordable income levels, the 35-foot height restriction and extending the lease protection for a seven-year period. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

A recess was held from 10:32 a.m. to 10:43 a.m.

New Item:

2. Monroe County Comprehensive Plan Update: Amendments to all sections of the Monroe County 2010 Comprehensive Plan and additional sections to the Plan will be considered for recommendation to the Board of County Commissioners for the Monroe County 2030 Comprehensive Plan.

(10:44 a.m.) Mr. Wolfe stated the Commissioners were provided additional information from different sources this morning, which obviously is after the five-day rule. Representatives from those different entities are present and the Commissioners will consider the information through testimony on these issues and, as a result of that, no discussion is necessary as to whether or not to allow the material as part of the record or not. Chair Wiatt announced the Planning Commission has already gone over this update once before and today is the final all-encompassing review and approval. The changes have been highlighted in yellow and are the only issues that will be presented.

Debbie Love, Senior Planner with Keith & Schnars, stated today's presentation is going to focus on revisions that have been made. Ms. Love stated Introduction and Background, Section 1.0, has no changes recommended for this particular element. Chair Wiatt asked for public comment. There was none. Public comment was closed. There were no questions or comments by the Commissioners.

Motion: Commissioner Lustberg recommended approval of Section to the BOCC. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the first part of the Future Land Use Element, which runs from Pages 1 through 75. Ms. Love stated Policy 101.2.2 on Page 3 added the rule citation for clarification. Policy 101.3.7 on Page 8 was changed to track closer what is currently being proposed to BOCC, but it may still be revised based upon the BOCC's direction. Policy 101.5.6 on Page 27 was changed to increase the minimum thresholds of different types of uses proposed in the mixed use commercial district. Ms. Love recited the numerical increases. Number 6 of Policy 101.5.6 on Page 29 adds language for the preservation of a boat launch if one already exists. Policy 101.5.25 on Page 32 under Note (g) of the table changes the threshold of the upland area to 45 percent and added the request for "adjacent to the shoreline." Policy 101.5.26 on Page 37 added to the second bullet that the donated land shall contain predominantly non-scarified native upland. Policy 101.8.4 on Page 64 added the language "or within a Community Center Overlay" since not everywhere within the County is there a Livable CommuniKeys Plan. Objective 101.11 on Page 69 adds the terms "saltwater intrusion, and over-extraction" for protection within the Florida City Wellfield. Policy 101.12.2 on Page 71 clarifies that these are specifically public facilities. The actual language is addressed on Page 72 in the first full paragraph.

Commissioner Lustberg asked for a brief explanation of Policy 101.8.8. Ms. Love explained that this is placeholder language which may eventually change because staff may work more with the County Attorneys on crafting this particular language. This policy addresses the cost associated to the taking away of something that is non-conforming. This gives the County a mechanism for

not continuing non-conforming existing uses or structures indefinitely. Commissioner Miller addressed Page 6 where the ROGO chart is pushing the ROGO allocations out 14 years. Commissioner Miller recommended pushing ROGOs out 20 years and incorporating some of the strategies that were decided upon by the BOCC as far as how to deal with takings issues. Ms. Santamaria explained that those strategies have been included, such as increased points for land dedication, lot aggregation, creating of a program for a monetary incentive to buy people's vacant lots where they have adjacent contiguous lots and new land acquisition priorities. The 14-year number was based on staff recommendation because the BOCC was concerned about immediately changing the allocation rate and penalizing people that have been in the queue today. Commissioner Miller commented that the exception of the 35-foot height restriction for wind turbines in Policy 101.5.30 on Page 39 causes sight pollution and is inappropriate and believes that exception should be removed. Commissioner Lustberg disagreed.

Chair Wiatt asked for public comment.

Alicia Putney, No Name Key resident, spoke in favor of extending the ROGO horizon out 20 years. Ms. Putney then prefaced all of her comments today by stating this is a really good plan. Ms. Putney asked the Commissioners to consider adding the words "and enhance" to Objective 101.45 on Page 38. Ms. Putney suggested the Coastal Barrier Resource System Overlay District be included in the comp plan. Ms. Putney objected to including the wind turbine language on Page 39 because of the migratory birds and because solar panels are an alternative source of energy without negatively affecting the environment. Ms. Putney asked that one positive point be included in the ROGO for cisterns. Ms. Putney then asked the Commissioners to remove the phrase "greater than 25 percent" from Policy 101.12.2 on Page 71 because it is not clear how that would be calculated.

Naja Girard, representing Last Stand, stated that Last Stand very much supports the concept of stretching the allocations out 20 years. Ms. Girard pointed out that Policy 101.6.4 on Page 47 makes it look like dedications of Tier III parcels are being favored and thinks Tier I and Tier III parcels should be encouraged equally. Ms. Girard suggested removing Tier I and SPA parcels from the incentive program in Policy 101.6.5(1). Ms. Girard joined in giving a point in the ROGO for cisterns, but emphasized development should be directed towards Tier III parcels and away from sensitive lands and no incentives be given to build in sensitive areas.

Donna Bosold from FEB Corporation thanked the Commissioners for the work put into this comp plan. Ms. Bosold feels that adopting the proposed offshore island policies in this section of the comp plan is both untimely and creates inconsistencies that potentially could cause a taking of FEB property. Ms. Bosold stated this is untimely because Wisteria Island is the subject of an ongoing federal lawsuit which could result in the determination that it is federally owned and not subject to Monroe County's regulations. Ms. Bosold stated it is inconsistent because the goals, objectives and policies for an offshore island designation do not fit Wisteria Island, which has been described as a highly disturbed spoil island with 90 percent of the island being upland. Ms. Bosold urged the Commissioners to withdraw and modify the provisions of the amendment that adversely impact Wisteria Island as summarized in the memorandum submitted by Doug Halsey. Ms. Bosold asked that Policy 101.6.8, Receiver Site Criteria, Number 3, change

“centralized wastewater” to “sewage disposal system,” thereby permitting the property owner to use Department of Health approved state of the art sewage systems.

Dub Curlee commented that she, too, would like the exception made for wind turbines eliminated due mainly to concern for migratory birds. Ms. Curlee then pointed out that an extensive environmental study of Wisteria Island by Roger Hammer noted 93 native species, many of them endangered or threatened, on Wisteria Island, as well as turtle nesting and white crown pigeon roosting.

Dottie Moses stated that wind turbines should not be allowed in important bird areas, which the Florida Keys is one. Ms. Moses also spoke about the large footprint of wind turbines, as well as the sound and visual impacts. Ms. Moses believes the Florida Keys may not be the most appropriate location for wind turbines.

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

Commissioner Miller urged the Commissioners to push the ROGOs out to 20 years. The Commissioners agreed with the 20-year extension. Ms. Santamaria did not object and asked for flexibility in working with the numbers so that the people in the system today are not penalized. Chair Wiatt asked if there was consensus on the elimination of the wind turbine height exception language. Commissioner Werling commented the issue is finding appropriate places for these wind turbines. Mr. Haberman clarified the wind turbines on the Cudjoe site is experimental. Ms. Santamaria further clarified the policy is only for sites that are owned and operated by public utilities. Commissioner Lustberg asked if the Avian Protection Plan can be included in the policy, to which Ms. Santamaria replied the plan is to construct and operate in an avian-friendly way, but there is no way a guarantee can be made that no birds will get hurt in the process. Mr. Demes stated that wind turbines are very much an interest to the United States Navy because of the interference they create on communications and radars and the Navy will be looking at all wind turbines proximal to the air station or air corridors. The Commissioners agreed the height restriction exception for wind turbines should be removed from the comp plan.

Commissioner Lustberg stated a preference to leave the policy language referenced in the letter from FEB pertaining to offshore islands as is. Commissioner Hale agreed. Commissioner Werling agrees that Policy 101.1.2.2 on Page 71 needs some more definition with respect to the 25 percent. Ms. Santamaria commented that greater detail would be helpful to staff. Commissioner Lustberg feels the “25 percent” reference should remain in the policy. Chair Wiatt suggested adding language to clarify 25 percent of any and all structures, including roads, infrastructure and buildings. Ms. Love pointed out this policy focuses specifically on capital improvement, which is laid out by Florida Statute as what defines a public facility. Mr. Wolfe suggested changing “of any existing public facility” to “of the existing public facility.” The Commissioners agreed with that change. Ms. Santamaria pointed out that the language “of the existing public facility” would not work if it was a new facility. Commissioner Lustberg proposed Policy 101.12.2 read “Monroe County shall require that the following analysis be undertaken prior to finalizing plans for the siting of any new public facility or the significant expansion (greater than 25 percent) of the existing public facility.” The Commissioners agreed with the language.

Commissioner Miller asked about the language “still working on revision with traffic consultant” on Page 2. Ms. Santamaria explained that comes from the BOCC direction to go to an overall level of service standard for US-1, but still providing for thresholds for no degradation from individual developments to the overall length and the overall level of service. This is placeholder language until the language has been finalized. Commissioner Lustberg stated that based on public comment it is reasonable to add in the word “enhanced” on Page 38 and the CBRS overlay district should be added in the comp plan only if all overlay districts are included. Mr. Haberman clarified that there are several overlay districts within the Land Development Code that are not on the list, but are consistent with the individual comp plan policies.

Chair Wiatt summarized the recommended changes as changing the ROGO time frame from 14 years to 20 years; the elimination of the wind turbine 35-foot exemption and some wordsmithing around the 25 percent expansion for public facilities. Ms. Love asked about the recommendation made for giving points for cisterns. Mr. Haberman noted that until there is a way to word that proposed language to require the cistern be permanent, it makes it impossible for staff to enforce.

Ms. Love presented the second section of the Future Land Use Element, Pages 76 through 149. Ms. Love stated the next change appears on Page 103 under Objective 102.7. The word “new” was added to private development to make sure that it specifies that this is only related to undeveloped areas. Policy 102.7.1 clarifies the way that will be accomplished is through points in the allocation system by adding the language “through the assignment of negative points in the permit allocation system.” Policy 102.7.2 adds the caveat that this does not preclude the maintenance and repair of the existing facilities. Policy 102.7.5 clarifies that this is related to public facilities.

Commissioner Lustberg pointed out that Page 94 contains a typo. (b) and (c) under Number 3 should be reversed. Commissioner Lustberg suggested under Policy 102.4.2 on Page 93 “Lands designated as Tier III for the retirement of development rights and hurricane evacuation clearance times” under Priority Two should be moved down to Priority Four. Ms. Santamaria pointed out that this came directly from the BOCC. Commissioner Lustberg then recommended getting rid of “new” in Objective 102.7 and getting rid of “through the assignment of negative points in the permit allocation system” in Policy 102.7.1. Chair Wiatt remembered that the rationale for adding “new” was that there are preexisting developments and by not having the word “new” in there would be discouraging those developments even though they have happened. After discussion the Commissioners agreed to leave the changes made as is.

Chair Wiatt asked for public comment. Alicia Putney recommended on Page 103, Policy 102.7.1, changing “through the assignment of negative points” to “including the assignment of negative points” because there are other mechanisms that discourage beyond the point system. The Commissioners agreed with making that change.

Donna Bosole requested modifying the last sentence of Objective 101.17 to read “Monroe County shall limit its approval of plats to those which only create buildable lots, which may include disturbed wetlands; areas of undisturbed wetlands may be included in a plat as conservation areas.” Ms. Bosole stated this change is necessary to make this policy consistent

with Policy 204.2.2, which allows development within disturbed wetlands. Commissioner Lustberg asked if, in fact, one can develop in disturbed wetlands, and if there is a difference between doing a development in an already platted disturbed wetland versus approving of plats in those wetlands. Mr. Haberman replied from a planning standpoint, no. Mr. Roberts added that County code and the comp plan do allow limited development in disturbed wetlands depending on the level of disturbance to the wetland. If the wetland is only 40 percent functional or less, then development is permitted in it. The last half of the last sentence in the objective is really just to clarify that in the event that someone wants to move forward with a plat, they can include wetlands in that as conservation areas. This is not a requirement, but merely an allowance for them to do so. The Commissioners agreed with leaving the language as is.

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

Chair Wiatt summarized the changes for this second section of the Future Land Use Element as switching (b) and (c) on page 94 and adding the word “including” on page 103.

Motion: Commissioner Werling made a motion to recommend approval to the BOCC with the changes as follows: Changing the ROGO time frame from 14 to 20 years; elimination of the 35-foot height exemption for wind turbines; inclusion of the word “new” and “and” in the 25 percent expansion of public facilities on Page 103; switching (b) and (c) on Page 94; and including the word “including” on Page 103. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Conservation and Coastal Management Element. Ms. Love stated there were eight changes that were made, four of which came from the Planning Commission and four were proffered by staff since that time for the Commissioners’ consideration. Language was added to Policy 213.1.2 on Page 116 that says, “including reclaiming public access through county owned land that has been encroached upon by neighboring property owners.” Commissioner Miller asked about those areas outside of the park master plans and current management plans. Ms. Love responded that the public access plan will document all the public access facilities, so when that plan is being developed it will be important to make sure that anything outside of the park master plans and current management plans is addressed as well. Two items that were changed under Policy 215.1.4 were the addition of County Road 905 in Zone 4 and data from actual hurricane events was added when monitoring and updating the evacuation plan. Another change to this particular page was a request to refer to affordable housing versus workforce housing since affordable actually matches the name of the allocations. The next change is to Policy 215.3.1 to include pet-friendly shelters. Policy 217.11.1 on Page 139 was amended to expand the land use categories, and Mixed Use Commercial Fishing was added to that particular incentive for working waterfront. Ms. Love then presented the changes to this element proffered by staff. Policy 212.1.3 on Page 97 clarifies that commercial fishing operations that existed on the effective date of the 2010 comprehensive plan will be maintained. Policy 212.4.7 was added by Mr. Jones, and this policy was discussed at the last meeting. Policy 216.2.4 on Page 135 was added and deals with the Post-Disaster Redevelopment Plan to include LMS strategies for repetitive loss and severe repetitive loss structures.

Commissioner Lustberg asked about the term “spiny lobster sport season” on Page 33. Ms. Schemper explained that mini season is officially called the sport season. Mr. Jones clarified for Chair Wiatt that Policy 203.4.3 is just making suggestions to the right State and Federal agencies that they would regulate management measures. Chair Wiatt then asked about the permitted pump-out facilities in Policy 202.3.1. Mr. Jones explained the permits would be from the Building Department, not the Health Department. Chair Wiatt pointed out that Item 2 of this policy does not use the word “permitted.” Chair Wiatt is concerned that use of the word “permitted” is not clear enough. Mr. Haberman explained some marinas have tried to satisfy this requirement with portable systems and suggested using the terms “permanent.” Mr. Jones suggested using the term “fixed pump-out station.” Ms. Santamaria clarified that Policy 202.3.1 is pertaining to docked or moored to land vessels. Chair Wiatt agrees that “fixed” should be used. Mr. Demes asked if these pump-out facilities would be captured in water flow. Mr. Jones explained that the County’s pump-out contractor makes sure that the facilities where he offloads are making sure that that sewage is allowed through the utility. Mr. Demes asked why the old Number 2 of Policy 212.4.7 was deleted. Ms. Santamaria stated that Items 1 through 4 cover that. Commissioner Miller asked that Policy 202.4.2 on Page 14 say “No redredging shall be permitted in Monroe County.” Ms. Santamaria reiterated that “redredging” is not a defined term, it is either new dredging or maintenance dredging. Ms. Love clarified that the County does allow maintenance dredging, which is a defined term, and does prohibit new dredging, so there is no redredging.

Chair Wiatt asked for public comment. Naja Girard, on behalf of Last Stand, stated that Policy 205.1.1 on Page 48 refers to a four-acre threshold, which was determined by an administrative law judge order that threshold was arbitrary and needed to be removed.

Alicia Putney stated some of her comments are on behalf of the Key Deer Protection Alliance. Ms. Putney suggested dealing with the redredging issue by stating, “The only dredging allowed in Monroe County is maintenance dredging.” Ms. Putney supports getting rid of the four-acre threshold, but in case the Commissioners do not support the deletion of the four acres, Ms. Putney asked that placeholder language be put in this section so that it does not get overlooked in the future. Ms. Putney then suggested including on Page 51 that the clearing regulations for Big Pine Key and No Name Key are slightly different due to the HCP and ITP. Mr. Roberts explained those documents do limit the overall clearing on Big Pine and No Name, but do not limit the individual development of a parcel. The Land Development Code in terms of the clearing limits by tier still dictates the clearing amount that an individual can do on their lot. Ms. Putney then argued that the HCP and ITP do not duplicate policies for the endangered Key Deer and asked the Commissioners to leave the Key Deer policies in. Ms. Putney also believes the policies that have to do with animal control, free-roaming dogs, the speed limit and illegal feeding should stay in.

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

Commissioner Lustberg asked staff to explain the four-acre threshold. Mr. Williams explained that staff would recommend that the four-acre threshold remain in the language because of the result of at least two prior actions in the past involving prior comp plan and subsequent LDR litigation. Mr. Wolfe discouraged adding reference to any case law. Commissioner Lustberg

asked if it would be useful to add language regarding dredging that the only dredging allowed is maintenance dredging. Ms. Santamaria does not think that adds anything more than what is already in the policy. The Commissioners agreed to leave the language as is. Commissioner Lustberg asked staff for their opinion on protections for the Key Deer in the comp plan versus the ITP or HCP. Mr. Roberts explained the policies that staff recommended for deletion from the comp plan were those that the County does not have a way to enforce. Ms. Santamaria added that the HCP and the ITP are adopted by reference in both the comp plan and land development regulation rather than repeat everything in those documents. Chair Wiatt asked if there was already a county-wide leash law to address the free-roaming dogs. Ms. Grimsley will look into that.

Motion: Commissioner Lustberg recommended approval to the BOCC with the addition of the on-site fixed pump-out language in Policy 202.3.1 and the addition of a leash law if there is not one already. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

A luncheon recess was held from 1:03 p.m. to 1:47 p.m.

Ms. Love presented the Traffic Circulation Element. Ms. Love stated two changes have been made to this element. There is a new policy, 301.2.5, on Page 3, which talks about what type of access parcels need to have for development approval. Policy 301.3.1 was added on Page 4, which adds waterfront tourist attractions in relation to updating the capital improvement plan.

Chair Wiatt asked for public comment. Dottie Moses spoke about Objective 301.6. Ms. Moses commented that there are 21 billboards to be installed in the Florida Keys and asked if that can be addressed in the comp plan. Ms. Moses then asked for Monroe County to work out a local maintenance agreement with FDOT to be included in the comp plan for the landscaping being installed.

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

Commissioner Werling believes the Scenic Highway designation will take care of a large portion of the landscaping issues. Mr. Haberman clarified that billboards are prohibited under County code and are prohibited under FDOT's rules where they are off-site or off-premise advertising. The billboards going up currently are derived from previously existing billboards or improvements to existing billboards. Ms. Smith added that the County is working to reduce signage on US-1. No new billboards are permitted, but some billboards are going up now that were previously permitted.

Motion: Commissioner Werling made a motion to recommend approval to the BOCC with the changes reviewed. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Mass Transit Element. Ms. Love stated no changes were made to this element.

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

Motion: Commissioner Werling made a motion to recommend approval to the BOCC. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Ports, Aviation and Related Facilities Element. Ms. Love stated the only change to this element is on Page 2, Policy 501.1.7, where the name of the document was added.

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

Motion: Commissioner Werling made a motion to recommend approval with the change reviewed. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Housing Element. Ms. Love stated there were two changes to this element. Objective 601.1 was revised to add the median and moderate classification and maintain the very low classification, which was stricken in the previous version. Policy 601.1.2 on Page 2 for consistency purposes adds the very low and median classifications.

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

Motion: Commissioner Werling made a motion to recommend approval to the BOCC with the changes reviewed. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Potable Water Element. The first change to this element is the division of Policy 701.2.1 into two separate policies, which resulted in the addition of Policy 701.2.2. “Saltwater intrusion and over-extraction” were added to Objective 701.3 on Page 7. The final change to this element is on Page 15. The new Policy 701.6.2 was added to clarify how to prevent sprawl.

Commissioner Lustberg asked to double-check that the minimum potable water quality standards as defined by Chapter 62-550 F.A.C. are more stringent than quality standards of the EPA. Ms. Santamaria confirmed that was stated by Jolynn Reynolds, the representative from the FKAA.

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

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC with the changes presented. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Solid Waste Element. Ms. Love stated some amendments to this element have been proffered by staff after discussion at the Planning Commission level along with the revisions suggested by the Planning Commission. Policy 801.3.3 on Page 4 deletes clarification that certain landfills are closed. Objective 801.4 on Page 6 creates a separate

recycling goal of 80 percent by a date certain of 2024 for recycling and waste to energy credits. Policy 801.4.1 on Page 6 adds the words “continue” to assess collection practices. A date certain of within three years was added to Policy 801.4.2 on Page 6 to evaluate a mandatory curbside recycling. Policy 801.4.5 on Page 7 adds a 40 percent level of separation of construction and demolition debris, which is the state level. Policy 801.4.6 includes mulching with a date certain to evaluate looking at a composting and mulching program for yard waste.

Chair Wiatt asked for public comment. Alicia Putney asked why Policy 801.5.1 on Page 8 regarding the hazardous material Amnesty Day Program was deleted. Ms. Putney also submitted a couple of pages of typos to the consultants. Ms. Schemper responded that the Amnesty Day Program policy is not necessary because those materials are always accepted now.

Commissioner Lustberg proposed changing language to Objective 801.4 on Page 6 as, “Further, Monroe County shall strive to reach the goal of 80 percent diversion rate of the municipal solid waste stream by 2024 through recycling and yard waste separation.” Chair Wiatt and Commissioner Werling agreed. Commissioner Lustberg believes recycling and waste to energy credits should be totally separate. Ms. Schemper proposed leaving the waste to energy credits out and lowering the percentage to 50 percent diversion rate of municipal waste stream through recycling. Commissioner Lustberg agreed. Commissioner Lustberg then pointed out that Policy 801.4.1 conflicts with Policy 801.4.2 in that Policy 801.4.1 states a countywide mandatory recycling program will be implemented and Policy 801.4.2 states it will just be evaluated. Ms. Santamaria suggested striking Policy 801.4.2. Chair Wiatt proposed keeping Policy 801.4.2, but changing the word “evaluate” to “implement,” which gives the County an out if there is no available funding.

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC with the changes made by Keith & Schnars and the changes discussed to Objective 801.4 and Policy 801.4.2. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Sanitary Sewer Element. Ms. Love stated there is only one change made to this section, which is to relocate an existing objective and turn it into Policy 901.1.7 on Page 3. This is existing language that was previously Objective 901.2. Commissioner Lustberg pointed out a typo on Page 1, Policy 901.1.1, and stated it should read “at the time a development.”

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

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Drainage Element. Ms. Love stated Goal 1001 was amended to add a focus on public health and safety. Policy 1001.2.2 on Page 4 was also amended to add a focus on public health and safety. Policy 1001.2.3 is a new policy to address the concern regarding the use of pesticides, herbicides, fertilizers and cleaners and where they can potentially go into the

nearshore waters. Policy 1001.2.4 is a new policy to address concern about how chemicals are used.

Commissioner Lustberg commented that the three years to evaluate the need to do an analysis of drainage facilities in Policy 1001.1.6 on Page 3 seems like a long time for that task. Ms. Santamaria explained this revision came from the Engineering Department because they are currently doing an analysis of drainage facilities in the county and this policy would be based on whatever they produce in the next year or so to update it. Commissioner Miller commented that Policy 1001.2.3 on Page 4 limits the County in the ways they will discourage the use of chemicals which degrade nearshore waters. Commissioner Lustberg proposed using the language “including through.”

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

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC with the changes before the Planning Commission and the changes discussed. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Natural Groundwater Aquifer Recharge Element. Ms. Love stated there are two changes made to this element. “Saltwater intrusion and over-extraction” was added to Objective 1101.1 on Page 1. Policy 1101.2.2 on Page 3 was added to reflect the pesticide uses. Ms. Love noted that the “including through” language needs to be added to this policy as well. Commissioner Lustberg commented that “nearshore waters” in this policy needs to be changed to “groundwater.”

Chair Wiatt asked for public comment. Ms. Curlee asked if “nearshore water” was to be eliminated. Commissioner Lustberg explained that nearshore water was dealt with in the prior section. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC of this section with the Keith & Schnars changes and the changes just discussed for Policy 1101.2.2. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Recreation and Open Space Element. Ms. Love stated staff is offering three changes to this section. The word “annual” was stricken from Policy 1201.2.4 because on Page 5 the management plan is updated as it needs to be updated. The date to adopt the master plan for the parks was revised in Objective 1201.6 on Page 16 because this will be a time-consuming project for staff to undertake. Ms. Santamaria recommended stating the County will adopt a Monroe County Parks and Recreation Master Plan because staff will be updating it versus using the existing one that is several years old.

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

Ms. Love added that Policy 1201.7.1 on Page 18 updates the date to prepare the Recreation Master Maintenance and Management Plan to within three years after the adoption of the whole plan.

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC including the changes just added. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Intergovernmental Coordination Element. Ms. Love stated there are two changes to this element. The first is on Page 17, Policy 1301.7.3 to include pet-friendly shelter language. The second change is on Page 20 regarding a mandatory recycling program. Some wordsmithing was done to evaluate for both residential and commercial locations, including implemented with funds other than County tax dollars. Ms. Love noted that “evaluate” was changed to “implement” in the Solid Waste Element and asked if the Commissioners wanted to make this element comport with that. Commissioner Lustberg agreed with that. Chair Wiatt asked if there are any sources of funding currently other than taxpayer dollars. Ms. Santamaria responded no. Commissioner Lustberg proposed adding the language “utilizing outside funds when possible” or “additional funds when possible.” Chair Wiatt then suggested using the language “utilizing available funding.”

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

Commissioner Lustberg suggested one additional bullet under Policy 1302.1.4 on Page 23 which says, “Notice shall be posted at the juncture of US-1 closest to the affected property.” Ms. Love pointed out that Policy 1302.1.4 added a voluntary community meeting. Commissioner Lustberg reminded the Commissioners of the discussions at prior meetings about the problem in sending notices only to property owners within 300 feet. Chair Wiatt cautioned the County will not be able to put notice on County easements because that is still going to be somebody’s private property. Chair Wiatt suggested adding the language “when possible.” Mr. Wolfe recommended reserving this issue for an amendment to the Land Development Code or similar code which would allow for more flexibility in changing it as the conditions change. Commissioner Lustberg asked for an explanation of Policy 1302.1.6 on Page 23. Ms. Santamaria explained this language is directly from the statute. It is a provision that is required that the County provide a mediation and dispute resolution process. Mr. Williams added that this policy tolls the statute of limitation if a property owner chooses to mediate.

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC including the changes proffered. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Capital Improvement Element. Ms. Love stated the capital improvement schedule was previously in a different section of the comp plan and has now been moved to the Capital Improvement Element.

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

Motion: Commissioner Werling made a motion to recommend approval to the BOCC with the noted changes. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love stated the Cultural Resources Element was deleted. Some of the items from the element will be incorporated as part of the Economic Sustainability Element.

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

Motion: Commissioner Lustbeg made a motion to recommend approval to the BOCC with the proposed changes for this section. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Energy and Climate Element. Policy 1501.1.5 on Page 1 includes sea level rise. A date certain was added to Policy 1502.1.3 on Page 4 to identify criteria to define adaptation action areas followed up by saying within five years those adaptation action areas will be identified. Policy 1502.1.4 on Page 5 adds different classes of adaptation strategies. Policy 1503.1.1 on Page 7 was separated into two different policies, one to deal with the energy efficiency requirements and the second to talk about climate change impacts. Policy 1503.1.5 adds a date certain for action on this particular policy. Policy 1503.1.6 adds the reference to the Lower East Coast Regional Water Supply Plan. Policy 1503.1.8 on Page 8 added emergency management and threats to potable water supply insofar as determining appropriate climate change considerations. Goal 1504 on Page 12 recognizes shifting habitats as a consideration in climate adaptation and mitigation strategies.

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

Motion: Commissioner Miller made a motion to recommend approval to the BOCC with the noted changes. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Monitoring and Implementation Procedures. Ms. Love stated there were no changes made to this section.

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

Motion: Commissioner Hale made a motion to recommend approval. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Public Participation and Comment section. Posting through social media was added to this section.

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

Motion: Commissioner Lustberg made a motion to recommend approval to the BOCC. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Love presented the Glossary section. Ms. Love stated there are two alternatives to the existing definition of “Development” on Page 7. Option One is a blend of Florida Statutes and the existing definition. Option Two is straight from Florida Statutes. Option Three is to not specify what it is and just defer to the statute. Ms. Love asked for direction from the Commissioners. Mr. Williams noted that the State definition would trump the County’s definition if they conflicted. Chair Wiatt is comfortable going with the existing statutory definition. Commissioner Werling agreed with using the statutory definition. Commissioner Miller also prefers using the statutory definition. Ms. Love added that the State definition has not substantively changed in a long time. Mr. Wolfe pointed out that not having the definition of “Development” in the comp plan has worked well so far because the comp plan says if something is not defined in the comp plan the code and statute should be used. The Commissioners agreed to remove the definition of “Development” from the glossary.

Ms. Love then asked for direction on the definition of “Mean High Water” and “Mean Low Water.” The Commissioners agreed to remove both definitions from the glossary. Ms. Love then introduced two new alternatives to the definition of “Structure.” The first alternative comes out of Florida Statute and the second is an example of what the City of Marathon uses. Commissioner Miller pointed out that Alternative 1 and 2 do not mention docks. Ms. Love responded that a structure is anything constructed or erected. The Commissioners agreed to keep the original definition of “Structure” that has been used in the past. Ms. Love stated on Page 25 an alternative definition to “Transient Facility” is being offered. The Commissioners agreed to keep the original definition. Ms. Love deferred the discussion of the definition of “Vessel” to the County Attorneys. Mr. Williams explained there was a Supreme Court case where the live-aboard issue came up. The Supreme Court has defined the term “Live-aboard” and Mr. Williams will check to see if “Vessel” was defined also. Mr. Williams will review the language and make sure the definition of “Vessel” fits within the definitions made by the Supreme Court.

Chair Wiatt asked for public comment. Naja Girard from Last Stand disagrees with all of FEB’s recommendations for proposed changes to the glossary. Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Motion: Commissioner Werling made a motion to recommend approval of the glossary as it is written with the deletion of “Development, Mean High Water” and “Mean Low Water,” maintain the first definition for “Structure,” maintain the first definition for “Transit Facility,” and include the definition of “Vessel.” Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

Commissioner Lustberg asked to return to the Future Land Use Element on Page 133 under Goal 107. Commissioner Lustberg suggested the “50 or more” is a typo and should be “50 percent or more.”

Motion: Commissioner Werling made a motion to recommend approval of the comprehensive plan in its entirety with suggested changes made today to the BOCC. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 3:15 p.m.