

PLANNING COMMISSION  
**November 14, 2018**  
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, November 14, 2018**, beginning at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** by Debra Roberts

**PLANNING COMMISSION MEMBERS**

Denise Werling, Chair	Present
William Wiatt	Present
Ron Miller	Present
Kristen Livengood	Present
Tom Coward	Present

**STAFF**

Emily Schemper, Acting Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Cheryl Cioffari, Comprehensive Planning Manager	Present
Tiffany Stankiewicz, Development Administrator	Present
Janene Sclafani, Senior Planner	Present
Debra Roberts, Planning Coordinator	Present

**SWEARING OF COUNTY STAFF**

County staff members were sworn in by Mr. Wolfe.

**SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS**

Ms. Debra Roberts confirmed receipt of all necessary paperwork.

**COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL**

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

**CHANGES TO THE AGENDA**

Mr. Wolfe announced that since there is no NROGO to award this quarter, Item 2 would be read in as an announcement; and staff is requiring Items 3 and 4 be read and heard together, though separately voted on.

## APPROVAL OF MINUTES

**Motion: Commissioner Livengood made a motion to approve the October 24, 2018, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

## MEETING

**1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JULY 13, 2018, THROUGH OCTOBER 12, 2018, ROGO (Quarter 1, Year 27). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2018-128)**

Ms. Tiffany Stankiewicz, Development Administrator, presented the report for the residential allocations. The Planning Department recommends approval of the following market rate: Lower Keys Applicants Ranked 1 through 8; Big Pine/No Name Keys Applicants 1 through 2, subject to mitigation availability at the time of permitting; Upper Keys Applicants Ranked 1 through 15; and there was only one Affordable Housing Applicant in the Upper Keys. Staff recommends approval.

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

Commissioner Miller referenced the top of page three and asked if there were no affordable housing allocations for Big Pine. Ms. Stankiewicz responded that based on the accounting, there are not. Until someone picks up their permits or obtains required inspections, there is no way of knowing if something will expire, which would change that number. Commissioner Miller asked if the four that were expired would go back into the system. Ms. Stankiewicz responded that those four were already accounted for and back in the system. Ms. Schemper explained that she could go through it further if desired. Commissioner Miller stated that it didn't make any sense to him at all but that it was fine. Ms. Schemper stated she could make it make sense very quickly, explaining that 38 allocations had been awarded but four of those had expired. Effectively, that means only 34 were given out. There are 6 BOCC reservations which brings the number up to 40. Commissioner Miller asked about the market rates and whether the same math would apply. Ms. Schemper responded that 133 were allocated, two of which had expired, meaning that 131 were actually allocated; so 131 plus the balance of 29 equals the 150.

**Motion: Commissioner Wiatt made a motion to approve. Commissioner Coward seconded the motion. There was no opposition. The motion passed unanimously.**

Commissioner Miller then asked about the absence of the court reporter and whether attendance was required. Ms. Roberts explained that the reporter was out but would be preparing minutes from the audio. Mr. Steve Williams responded that State Statute requires that minutes be recorded, but that the County normally takes the additional step of having a verbatim record with a court reporter.

**2. MONROE COUNTY ANNOUNCEMENT OF NROGO BALANCES** Pursuant to Monroe County Code Section 138-53(e)(14), the Planning and Environmental Resources Department is providing a notification to the general public of the NROGO account balances. No report for NROGO. No applicants.  
(File # 2018-129)

Mr. Wolfe stated that there was a table set forth showing the balances in the advertised item and on the agenda.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING POLICY 101.3.7 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN REGARDING TEMPORARY EMERGENCY HOUSING FOR TEMPORARY OCCUPANCY BY RESIDENTS DISPLACED BY A NATURAL DISASTER, TO ALLOW FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE BY RESOLUTION AN EXTENSION OF THE DURATION OF TEMPORARY EMERGENCY HOUSING AFTER A NATURAL DISASTER; AND TO ALLOW FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE BY RESOLUTION PLACEMENT OF TEMPORARY EMERGENCY HOUSING AT MOBILE HOME PARKS AND RV PARKS FOR THE TEMPORARY OCCUPANCY BY RESIDENTS DISPLACED BY A NATURAL DISASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2018-042)

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 103-1, TEMPORARY HOUSING, REGARDING TEMPORARY EMERGENCY HOUSING FOR TEMPORARY OCCUPANCY BY RESIDENTS DISPLACED BY A NATURAL DISASTER, TO ALLOW FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE BY RESOLUTION AN EXTENSION OF THE DURATION OF TEMPORARY EMERGENCY HOUSING AFTER A NATURAL DISASTER; AND TO ALLOW FOR THE BOARD OF COUNTY COMMISSIONERS TO APPROVE BY RESOLUTION PLACEMENT OF TEMPORARY EMERGENCY HOUSING AT MOBILE HOME PARKS AND RV PARKS FOR THE TEMPORARY OCCUPANCY BY RESIDENTS DISPLACED BY A NATURAL DISASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2018-043]

Ms. Janene Sclafani, Senior Planner, presented the staff report. This is a proposed amendment to the 2030 Comprehensive Plan Policy 101.3.7 and Monroe County Code Section 103-1 regarding the temporary emergency housing for occupancy by residents displaced by a natural disaster, and to allow for the BOCC to approve by resolution an extension of the duration of temporary emergency housing after a natural disaster, and to allow for the BOCC to approve by resolution

the placement of temporary emergency housing at mobile home and RV parks for temporary occupancy by residents. This is in response to Hurricane Irma which made landfall September 10, 2017. The time extension and placement of RVs in mobile home and RV parks is not already included, so this is to add it into the Code. Currently, there is an initial time period of 180 days with an additional 180 days extension for the emergency housing, and this would be approved by resolution for a time extension beyond that. The placement of emergency housing would be through resolution to allow for placement in mobile home and RV parks as they already have the infrastructure. Staff is recommending approval of these amendments.

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

Commissioner Miller asked if this would be allowed for any vacant residential properties. Ms. Sclafani responded that temporary emergency housing is allowed on vacant residential properties but it has to be FEMA licensed and can't be just anybody. Commissioner Miller asked if these could be put on Tier I parcels. Ms. Schemper responded that she did not believe there was a Tier requirement, though there is a requirement for no clearing. Ms. Sclafani again clarified that this was only for FEMA trailers. Ms. Schemper went on to explain that these regulations had been in the Comp Plan and Code for temporary emergency housing but the reality of it was they were not broad enough, as more sites and flexibility were needed, especially for the FEMA trailers. The BOCC had adopted one ordinance for emergency procedures for the Code changing it to allow this on the vacant residential sites and this is just making the Comp Plan match. The BOCC had also adopted a resolution following the storm allowing the temporary emergency housing at mobile home and RV parks. This would memorialize that into the Comp Plan and Code so if there is another disaster, the emergency resolution process will not need to be gone through again. Commissioner Miller asked about the time frame as it was now 360 days that had been allowed without this change. Ms. Schemper explained that the initial permit was for six months and a six-month extension could be applied for through Planning and Building Department staff. Applicants need to show that they are making progress in terms of rebuilding a home that was destroyed. Right now, it's November and the end of the two six-month periods will be ending with people still need this temporary housing. Commissioner Miller noted that they may need it for years. Ms. Schemper reiterated that they must be making progress and it is not open ended. Circumstances have people waiting for insurance and grant money which is just now becoming available. This allows the BOCC to pass a resolution allowing for more extensions, so they still have to decide more than a year is needed. Right now, the Code doesn't give the BOCC that option.

Commissioner Coward asked if it would be extended for another year or in six-month increments. Ms. Schemper responded that it would be whatever the Board decides. Commissioner Coward asked this was parcel by parcel, and Ms. Schemper thought the Board, after eight or nine months, may realize that a year was not going to be enough and they would adopt a resolution allowing another six or twelve-month extension and setting a time limit for it. Additional criteria could be added if desired. And people asking for renewals would still be subject to the criteria of making progress. Building permits are the standard way of showing that progress is being made, but staff has also looked at other information such as working on the insurance claims or getting grant money. Commissioner Miller asked how that would fit into an overall six-month extension if it was being based on individual properties. Ms. Schemper

responded that the Board would authorize staff to give out additional extensions and it is not an automatic extension for every single person.

Chair Werling stated that she was aware there was a broad trailer/RV definition and she understood that because of established parks needing park models and what have you, that it makes total sense. But when getting into the emergency trailers on private parcels, that Code was what the County went by. Chair Werling asked, since it's strictly temporary because you're displaced from your residence, was it possible to have a different standard of what can be put on the property than what could be put in an RV park without creating more headaches. Ms. Schemper responded that in her opinion, it would create more headaches. Things have calmed down, but in those few months after the storm, people were looking for whatever type of unit they could get their hands on to put in as temporary. So whether it's a park model, an RV or pull-behind trailer, it's being permitted as something temporary and given a time limit. Ms. Schemper believes this should be left open as the problem after the storm required more flexibility, not less. However, she understands the concerns about the types of units.

Chair Werling noted that one problem was not even getting the permit pulled for the emergency until six months after the storm. When in an RV park these units are tied down. As time progresses into another hurricane season, everyone in the neighborhood has to worry about where the unit will end up next time. Ms. Schemper responded that in the existing Code and in the proposed language, when a property owner applies for an extension, it does say that the building official has to determine that the unit is adequately tied down and secured so as to not present an undue hazard and there were a wide variety of types of units being used. Commissioner Wiatt noted that we would probably end up with a lot more travel trailers even when people stop living in them with people potentially leaving them on their property. Commissioner Miller agreed, adding that it's not a laughable matter and that the Code is not being enforced. There are travel trailers and motor homes all over the Keys sitting on properties where they shouldn't be right now. They were sitting there before the hurricane and will be there forever and the Code is not being enforced. Going through this stuff would make more sense if the Code was being enforced and he does not know why Code Enforcement is turning a blind eye to this. Ms. Schemper responded that she did not believe they were turning a blind eye to anything, but right now, especially coming up on the one-year period, there are more and more temporary permits expiring. Staff is working on enforcement and figuring out who is expired. Commissioner Miller reiterated that this was going on before the hurricane and though he's gotten used to it, it's a real mess. In other areas where Codes are enforced, you can see how much neater the neighborhoods are causing the problem here to stand out.

Commissioner Coward asked if staff's experience was that 90 days after initial issuance of a permit was enough time. Ms. Schemper thought probably not, but it would be tough to know. Commissioner Coward clarified that he was referring to not getting the initial emergency housing permit for six months, where the emergency housing permit was applied for but not picked up for six months. In order to be approved for temporary housing, a permit is required to be pulled within 90 days for the actual permanent home to make progress on repairing that. Commissioner Coward asked if that was realistic. Ms. Schemper responded that she did not know if 90 days was realistic in all situations as it would depend on the extent of the damage. Though the County has not been hard core in enforcing this, they have been checking up on all

of these permits to confirm progress. The 90 days was not a hard line. Chair Werling thought 90 days was kind of reasonable as someone would need some type of permit to start either clearing the debris, demolishing or starting to build back. Commissioner Coward thought it could be bumped up to 120 to give people a chance. There would be 30 days just to figure out what was going on, insurance conversations, and staff dealing with their own sets of issues. Chair Werling asked if these permits were being given out for free to take the edge off of the insurance and financial part. Ms. Schemper stated she was not an expert on how all of this works with insurance, but she had heard that some people were even delayed in starting their demolition because the insurance companies have to come and see your house. If you get rid of it before that, then there is a problem with them doing their evaluation. Chair Werling thought maybe making it lengthier would be better. Commissioner Coward agreed. Ms. Schemper informed the Commission that they could make the recommendation of 120 days instead of 90. Commissioner Miller asked if this would also apply to Ocean Reef, and Ms. Schemper confirmed that it would apply. Commissioner Miller again asked about placing trailers on Tier I properties, stating that it's bad enough having people clearing lots and blaming the hurricane without putting trailers on Tier I properties. Ms. Schemper confirmed there was no restriction on Tier, but there is a restriction that no clearing or filling of environmentally sensitive lands may occur. A Tier I vacant property would only be available for FEMA trailers on a site already partially scarified. Commissioner Miller asked if the lot being partially scarified could be added, as he feels this opens up more destruction of the Tier I properties. Ms. Schemper believed the no clearing requirement covered that. Commissioner Wiatt suggested not allowing anything on Tier I without it being previously approved by the County Biologist. Ms. Schemper responded that that could be added, but that the Planning and Bio staff already review these permits.

Commissioner Wiatt explained that he was trying to figure out how to get away from having an issue where people are putting trailers on Tier I properties causing unintended consequences associated with doing that. If someone is really in a bind and they own two properties, a Tier I and a Tier III adjacent to one another, and the only room they have is on the Tier I, then they could still do it but with extra approval. Having a blanket statement saying that someone can get a free permit to put a trailer on a Tier I parcel may not be a good idea. Ms. Schemper responded that these permits are for parcels that already have a house on it and they are not allowed to do any additional clearing. When FEMA is looking for sites to put their trailers on, that's when it is a little more open where they could use vacant properties. Ms. Schemper then confirmed he was referring to adding a restriction for Tier I vacant properties for FEMA. Commissioner Wiatt confirmed that. Commissioner Livengood added that on Tier I parcels in Big Pine, people already have to go through a lot more hoops trying to rebuild and she would hate to put more restrictions on them. Commissioner Wiatt reiterated that he was talking about vacant Tier I residential properties, not parcels where there was already a home on the property. Both Commissioners Miller and Wiatt thought this could be a fairly substantial problem from a clearing standpoint. Chair Werling agreed, adding that the temptation should not even be given and Tier I should be left out entirely. Ms. Schemper stated that eliminating Tier I for residential properties could definitely be recommended. Ms. Sclafani also confirmed that these permits are all routed through Biology staff. Commissioner Miller added that one of his concerns is along Route 905. Commissioner Miller then asked about sewage hookups. Ms. Schemper explained that these units are required to either be hooked up to the sewer or have a pump-out contract with a tank, which is all required in the Code and is regulated by the Department of Health.

Ms. Schemper reiterated that this is temporary emergency housing. Commissioner Miller noted that for temporary, it has now already been over a year. Ms. Schemper confirmed that he was correct, but added that the federal funding grant programs had just started a month and-a-half ago for people to rebuild their homes. Commissioner Coward asked if there were any unintended consequences by excluding Tier I that they were possibly missing. Ms. Schemper responded that potentially, if and when there is another storm, the BOCC would end up passing an emergency resolution after the storm to open up Tier I. Chair Werling thought they should be allowed to do that when the time comes and it could be excluded for now, and asked Mr. Williams if he saw a problem with recommending that. Mr. Williams stated that it's not that it's an issue, but the Commission has come full circle with the BOCC having to draft an emergency action which was the purpose of getting this done so they wouldn't have to do that. Mr. Wolfe suggested passing it as it is and asking staff to pass on the concern about the vacant Tier I parcels.

The Board then discussed FEMA not bringing in trailers and the logistical problems in the Keys. Commissioner Miller asked if these trailers could be placed on hotel properties. Ms. Schemper responded that that was an option in the Code and had been for Irma. Commissioner Coward asked if the vacant residential land was land owned by the County or owned by anybody. Ms. Schemper responded that it could be owned by anybody. The owner of the property would be the applicant, but for the vacant properties it would have to be a FEMA trailer. Commissioner Miller asked if families could be placed in homes with other families. Ms. Schemper thought that a lot of that had actually happened.

**Motion for Item 3: Commissioner Coward made a motion to approve, increasing the 90 days to 120 days, and advising the BOCC of concerns regarding Tier I properties. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**Motion for Item 4: Commissioner Coward made a motion to approve, increasing the 90 days to 120 days, and advising the BOCC of concerns regarding Tier I properties. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:46 a.m.