

DEVELOPMENT REVIEW COMMITTEE

Tuesday, February 28, 2012

Meeting Minutes

The Monroe County Development Review Committee conducted a meeting on **Tuesday, February 28, 2012**, beginning at 1:05 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Jerry Smith, Assistant Building Official	Present
Mayte Santamaria, Assistant Planning Director	Present
Rey Ortiz, Planner	Present
Mary Wingate, Senior Floodplain Coordinator	Present
Brian Corcoran, Senior Floodplain Coordinator	Present
Ron Demes, Ex-Officio Member, Naval Air Station-Key West	Present
Karen Pleasant, Applicant Analyst	Present
Emily Schemper, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Agenda Item 4 will be heard first.

MINUTES FOR APPROVAL

Townsley Schwab approved the minutes from the January 23, 2012 meeting.

MEETING

NEW ITEMS:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-121, AIR INSTALLATION COMPATIBLE USE ZONES OVERLAY (AICUZ), TO REVISE THE REGULATIONS PERTAINING TO MILITARY AIRPORTS AND THE REFERENCED AICUZ MAP FIGURES, 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
(File 2012-025)

(1:07 p.m.) Joe Haberman presented the staff report. Mr. Haberman reported that this section of code is inconsistent with the comprehensive plan changes that have been taken forward. What is inconsistent is being removed so that when the comp plan goes into effect there will be no inconsistencies in timing and everything will go into effect at the same time, if the comp plan changes are approved.

Ron Demes was present on behalf of Naval Air Station-Key West. Mr. Demes commented that he would like to see that when the amendments for the comp plan are sent forward and approved that these amendments could go into effect in the same process. Mr. Demes then stated that the Navy continues to take exception to the Alternate to Noise Map because the Navy feels valid ways to analyze the noise statistically were not used due to the types of operations and types of aircraft used in the FAA circular. Mr. Demes is hopeful that this one subparagraph can be worked through.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO CHAPTER 122 FLOODPLAIN REGULATIONS, CLARIFYING AND DELETING CERTAIN PROVISIONS; CREATING SECTION 122-7 FLOODPLAIN CERTIFICATE OF COMPLIANCE PROGRAM; PROVIDING FOR SEVERABILITY; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(1:11 p.m.) Jerry Smith presented the staff report. Mr. Smith reported that these amendments reflect the codification of FEMA laws that are going to progress through the Florida Building Code. This will make it easier for resident, as well as the County, because this specifies that when staff goes out to do inspections or issue permits they only inspect a specified work area. Some definitions within this ordinance are being clarified.

Ms. Wingate mentioned that on the very first page of the revised ordinance one of the blue bullets for 122-7 is missing and she will insert it back in. Mr. Smith added that scrivener's errors within the text were cleaned up also. Mr. Roberts clarified for Mr. Haberman that floodplain regulations were not moved out of the Land Development Code as was previously considered. Ms. Wingate pointed out that some sections are now the responsibility of the Building Official as the Floodplain Administrator as opposed to the Planning Director.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN AMENDMENT TO CHAPTER 122 FLOODPLAIN REGULATIONS, CREATING SECTION 122-10 PROVIDING FOR INCLUSION OF UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND UNITED STATES FISH AND WILDLIFE SERVICE (FWS) REQUIREMENTS IN FINAL PERMIT DETERMINATIONS; PROVIDING FOR SEVERABILITY; DIRECTING THE

DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-024)

(1:16 p.m.) Michael Roberts presented the staff report. Mr. Roberts reported that this ordinance puts into place the use of species assessment guides to determine potential impacts and to confirm that Monroe County has evaluated the parcel for potential impacts prior to issuing a building permit. Where the review results in a “may affect” determination, it may affect the habitat or may affect the species, then those applications will be rendered to the Fish & Wildlife Service (FWS) for their determination. Only where staff’s determination is “no effect” or “not likely to adversely effect” would a final decision be made at the County level and permits would then be issued. Mr. Roberts explained that this is a little bit contrary to FEMA’s preferred methodology and contrary to what the literal requirements are in the reasonable and prudent alternatives, and that exposure to potential takings liability is now put with the Federal Government as opposed to with the County Government. Mr. Roberts believes there is a 50 percent chance this ordinance will get modified before it gets adopted.

Mr. Roberts clarified for Ms. Pleasant that existing comprehensive plan policies and existing land development regulations require the coordination between the County and FWS prior to building permits being issued. Mr. Roberts further explained that once this ordinance is passed, staff anticipates the species focus area maps that have been generated by the FWS will be incorporated in and then the injunction list will go away.

Ms. Pleasant suggested placing a hold in the system on the finalized list of potential parcel numbers so as soon as the person applies for a permit, they can stop the application process and consult with FWS. Mr. Roberts then explained that this ordinance would only apply to construction and expansions that would result in an increased footprint.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 138-27 AND 138-54 PRECLUDING THE GRANTING OF ADMINISTRATIVE RELIEF IN THE FORM OF THE ISSUANCE OF A BUILDING PERMIT FOR LANDS WITHIN THE FLORIDA FOREVER TARGETED ACQUISITION OR TIER I LANDS AREAS UNLESS, AFTER 60 DAYS FROM THE RECEIPT OF A COMPLETE APPLICATION FOR ADMINISTRATIVE RELIEF, IT HAS BEEN DETERMINED THE PARCEL CANNOT BE PURCHASED FOR CONSERVATION PURPOSES BY ANY COUNTY, STATE OR FEDERAL AGENCY OR ANY PRIVATE ENTITY; PROVIDING FOR NOTIFICATION OF ADMINISTRATIVE RELIEF REQUESTS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMISSION TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2011-068)

(1:27 p.m.) Mitch Harvey presented the staff report. Mr. Harvey reported that for the past few years the County has been working with the State and revising the work program related to the

area of state critical concern. During that revision one of the requirements was this administrative relief provision. In 2009 the County adopted policy 101.6.6. Its preclusion of granting of administrative relief is in the comprehensive plan right now. This past year the Governor and Cabinet approved and then the State Legislature adopted Rule 28-20.140, and one of those items is that the Land Development Code should be amended by July 1, 2012 to require administrative relief. The exact same language that is in the comp plan has been repeated and put into the Land Development Code. By doing this the July 1, 2012 adoption date will be able to be met. This will go in front of the Planning Commission in March and the BOCC in May for adoption.

Mr. Roberts inquired into whether the language in this ordinance, which is presently absent, allows for flexibility by the Commission. Ms. Santamaria explained that this ordinance simply reflects the language in the rule and does not change any of the preferred options in the administrative relief section, at the BOCC's direction, but that it can be approached again through the comp plan update in a different format.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 1:33 p.m.