

**DEVELOPMENT REVIEW COMMITTEE**

**Wednesday, February 13, 2013**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Wednesday, February 13, 2013**, beginning at 10:32 a.m. at the Marathon Government Center, 2nd floor, 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, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present

**STAFF**

Christine Hurley, Growth Management Division Director	Present
Mayte Santamaria, Assistant Planning Director	Present
Steve Williams, Assistant County Attorney	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Patricia Smith, Transportation Planning Manager	Present
Rich Jones, Senior Administrator, Marine Resources	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

**CHANGES TO THE AGENDA**

There were no changes to the agenda.

**MINUTES FOR APPROVAL**

There were no minutes for approval.

**MEETING**

Mr. Schwab introduced Dawn Sonneborn from Keith & Schnars to lead the Committee through the review of the second draft of the comprehensive plan for Monroe County. Ms. Sonneborn then introduced Erin Deady, Deputy Project Manager for this project, who will be assisting in the Energy Conservation and Climate element. Ms. Santamaria then explained the process today will be that the Committee will go page by page through the draft comp plan amendment, beginning with Mass Transit. Ms. Sonneborn will briefly describe any changes proposed, then ask staff for any comments, then ask DEO for any comments, and then ask for public comment.

## **Mass Transit Element**

Page 1, Ms. Sonneborn stated the first change to Goal 401 is replacing the word “guests” at the end of the first sentence with “visitors.” A second sentence was added to read, “In addition, Monroe County shall coordinate with the City of Key West Department of Transportation and Miami-Dade Transit to provide a surface transportation system for all residents and visitors.” Objective 401.1, the only change made is the elimination of all references to Rule 9J5. Ms. Smith commented that this reads mostly for the transportation disadvantaged and does not address the Lower Keys Shuttle Service. Ms. Smith suggested either in the first sentence striking “and to encourage such a system for all residents and guests and visitors” or add a policy or objective to address the Lower Keys Shuttle. Ms. Schwab noted that the objectives seems to separate the issues and indicates the transportation for the disadvantaged relates to Key West. Ms. Smith clarified the County has a paratransit system for the elderly and needy and the Lower Keys Shuttle which anybody can ride, and suggested rolling the climate change chapter into the Mass Transit element. Ms. Sonneborn confirmed the County has coordinated and communicated with those that are operating the current transportation systems for the disadvantaged during the data and analysis done for this process. Ms. Smith suggested Objective 401.3 deserves more discussion to include focus on the visitors and residents in addition to the disadvantaged. Ms. Love believes that would be appropriate under Objective 401.1. Ms. Smith suggested a different policy addressing the Lower Keys Shuttle and the County’s involvement in it. Ms. Smith will confer with Ms. Love regarding verbiage for that policy. Alicia Putney asked why Policies 401.1.2, 401.1.3 and 401.1.4 are being eliminated. Ms. Sonneborn explained it is because the land development regulations (LDRs) have been modified accordingly and have been accomplished.

Page 2, Ms. Sonneborn stated this page is a continuation of the elimination of Policy 401.1.16 and there are no other changes other than the reference to Rule 9J5 being eliminated. There were no comments on Page 2.

Page 3, Objective 401.2, Ms. Sonneborn stated there has been a deletion of the last sentence and no change in the policy. There were no comments on Page 3.

Page 4, Ms. Sonneborn stated on Objective 401.3 there have been some minor edits for clarification on this page. Ms. Santamaria asked if the three organizations referred to in the objectives and policies are all the same organization. Mr. Schwab believes these are the official name of the Planning Commission. Ms. Santamaria suggested that it either state “Planning Commission” or at least be consistent between the various policies. Ms. Smith believes these may refer to different committees. Ms. Sonneborn will investigate to clarify that. Ms. Putney noted that the word “disadvantaged” has been added to the transportation program and asked for reference to where this is defined. Staff will make a note of that and clarify.

Page 5, there were no comments.

## **Energy Conservation and Climate Element (new)**

Ms. Sonneborn asked Ms. Deady to lead the Energy Conservation and Climate Element discussion. Ms. Deady explained that this is an entirely new element of the comp plan. The rationale for putting the energy and climate issues together is to address the linkages, the broader goals and the relationship between energy and climate together.

Page 1, Ms. Deady explained Goal 1601 is to lay out a path in terms of how the County will coordinate and what the different levels of coordination are in terms of the different governments involved because there is constant development of new data and in order to be able to understand what is happening from a larger policy or regulatory perspective, and also to understand how it may affect the County. Objective 1601.1 came out of the Green Initiative Task Force's discussion in terms of greenhouse gas emissions and what a level of reduction would be. The Green Initiative Task Force developed a reduction target of 20 percent below a certain level of emissions in 2005, having a target year by 2020. Greenhouse gas emissions occur on two levels: With the County policies and decisions regarding infrastructure, vehicles, etc. that it chooses, which the County can actually control; and with the community-wide greenhouse gas emissions.

Ms. Deady further explained Policy 1601.1.1 goes to the issue of defining what those different types of emissions are and where they come from. The first policy deals with how the County can better formulate and better strategize to reduce the transportation sector of emissions. The second policy deals with procurement of different services or facilities in a way that reduces energy. Policy 1601.1.3 tries to work with other agencies and utilities within the county and to coordinate this countywide policy of trying to use the most efficient technologies to reduce greenhouse gas emissions. Policy 1601.1.4 deals with how to develop an appropriate target to reduce countywide emissions.

Mr. Roberts commented that Policy 1601.1.3 would be a policy to encourage somebody else to do something that the County has no control over. Ms. Deady suggested there may be some type of information-sharing role or education role by collaborating together. Mr. Roberts favors that because in certain cases some of the utilities are well ahead of the curve in terms of understanding some of these technologies and policies. Ms. Santamaria suggested redrafting that policy to say Monroe County shall share data and information and shall encourage others to utilize it or to adopt it. Mr. Roberts believes the date of June 2015 may be unrealistic and suggested 2018 may be a more achievable goal. Ms. Santamaria added that staff has had internal discussions and has traveled to different seminars about climate change and legal implications where recommendations were made to continue to monitor data for the next five years and allow enough time to actually adopt regulatory policies after that five-year period in order to fully understand the data. Mr. Roberts also commented that this has to be tied to Capital Improvement Plans (CIPs) and the County has to be able to afford to do the things they say they are going to do and certain of those elements require a level of resource over a short period of time. Mr. Schwab asked if the term "responsive" may be used in place of "resilient" that is used repetitively in the policy. Mr. Roberts explained "resilience" is a term of art used in discussions about climate change. Rhonda Haag, Sustainability Coordinator, asked to leave the procurement policy as is absent the reference to climate resilient principles for building facilities. Ms. Putney asked to add the word "annually" to the last sentence of Objective 1601.1. Ms. Deady explained

that it costs money and staff time to do a greenhouse gas inventory and typically local government operations protocol is to do them every three to five years to allow for an interval of time to see changes in the implementation and what happens. Ms. Putney suggested adding “every three to five years” to the policy. Mr. Roberts is in favor of having some specific time range in the policy. Rebecca Jetton, from the Department of Economic Opportunity, asked how the reduction in greenhouse emissions by 20 percent will be measured. Ms. Deady explained a baseline greenhouse gas inventory has been done. Ron Cole reminded the Committee of the likelihood of BP money that will be flowing into the County that may impact the affordability issue. Harry Delashmutt believes the critical role of the County is the awareness and education and setting an example for the public and suggested an educational awareness section should be added.

Page 2, Ms. Deady stated Objective 1601.2 lays out a framework for some things the County is already doing in participation in different forums and coordinating strategies. Ms. Santamaria commented that “universities” in Policy 1601.2.3 should be moved to the beginning of the paragraph or put in another policy that states the County will coordinate with universities on data. Ms. Smith suggested a new policy that says Monroe County will coordinate with the City of Key West to increase ridership and reduce wait times on the Lower Keys Shuttle, but is unsure of the appropriate placement in the document. Mr. Roberts suggested editing that policy to tie it back to energy conservation, greenhouse gas emissions in particular. Chris Berg from the Nature Conservancy Office suggested including non-governmental organizations (NGOs) in data sharing. Mr. Berg urged staff to call for the establishment or consideration of adaptation action areas as soon as possible to make the public more comfortable to stay in the Keys or move to the Keys and invest in our communities. Ms. Putney suggested there is a need for a tighter definition of “adaptation action areas.” Ms. Deady responded that Keith & Schnars tried to tie that concept directly to the statute of what is in 163 right now, but it leaves a lot of flexibility for local governments to define what they think is important of putting into an adaptation action area and she recommended keeping that in the statute at this time until that policy development takes place. Mr. Roberts stated that relative to this element moving forward there are two considerations: One, adaptation action areas as a term needs to be identified and defined precisely; and two, what specific actions the County is going to engage in and what policies they are going to adopt within those adaptation action areas, which is a lot of work and requires a lot of coordination. Mr. Roberts believes accomplishing this within 12 to 14 months after final adoption is unrealistic. Ms. Putney suggested tying it to the statute to explain where it came from. Mr. Berg would like to see language included as to when the process would be started. Mr. Berg stated some data is currently available, but agreed the smaller the time increment that is looked at the greater the margin of error. Mr. Roberts is willing to investigate the initiation within a year or two of adoption with an eye towards finalizing by 2018.

Page 3, Ms. Deady explained that Goal 1602 deals with best available data and the County making a commitment that they are going to be collecting that data and integrating it into its decision process where appropriate. Policy 1602.1.1 is an important new policy where the County is going to start tying review of data to its annual capital improvements process. Policy 1602.1.2 talks about looking at the feasibility of initiating this effort of adaptation action areas within a year or two and completing it by a certain date. Then the final policy, 1602.1.4, recognizes that there are some uncertainties related to climate change data and there is a lot of

regional monitoring that is occurring right now and the County wants to merge those processes on some level and make the data available to the public.

Ms. Santamaria suggested extending the time frame in Policy 1602.1.2, but including language of when it will be initiated and completed. Ms. Santamaria also feels there are too many topics in this one policy and it should be broken up to distinguish what this policy is doing for the three distinct items. Mr. Roberts asked for differentiation between public infrastructure, private built environment and natural systems because the policies are going to be sensitive to those three areas. Mr. Harvey is concerned about tying Policy 1602.1.1 into the annual CIP because it does not define who the interdisciplinary team is, which would have to be a committee appointed by the Board of County Commissioners (BOCC) and part of the annual budget review team, because that is where the CIP is created as part of the budget process. Mr. Harvey is also concerned about having this team created and being part of the annual budget prior to the data being available. Ms. Deady explained the point of this policy was to get this discussion occurring as capital improvements are looked at on an annual basis and Ms. Deady will work with staff on the language of this policy.

Page 4, Ms. Deady stated Goal 1603 gets into more specificity how the County is going to start addressing energy and climate issues. Objective 1603.1 states that the County is going to take a leadership role in promoting energy efficiency across the built environment. The policies that follow are to start within a year, so that timeframe will have to be looked at again. Policy 1603.1.1 starts to talk about transportation issues. Policy 1603.1.2 speaks of construction practices and may be a later-run policy because some policy development will be based on what is considered vulnerable. Policy 1603.1.3 deals with floor elevation requirements not just for built structures, but also for infrastructure and land development.

Mr. Haberman commented that because of the planned LDR update, instead of putting a new date in the policies, state it will be done as part of the next LDR update. Ms. Santamaria noted that the climate element will extend further than the LDR update. Mr. Haberman pointed out that development patterns are guided by the tier system and the language about encouraging development patterns may create a conflict. Ms. Deady stated this language may be the incentivizing element of requiring coordination with the Florida Building Code. Ms. Santamaria then commented that Objective 1603.1 should distinguish what pieces of built environment it is referring to. Ms. Santamaria suggested “locally vulnerable areas” in Policy 1603.1.2 should be defined. Ms. Santamaria also feels this policy might be premature at this stage until FEMA releases new flood map information after considering climate change, and then suggested either removing it now or utilize that new information when the new maps are released. Mr. Delashmutt stated this area could focus on controlling the proliferation of lighting that is occurring in the Keys by coordinating with the different agencies on infrastructure. Ms. Deady stated this issue would be addressed in a code update regarding green building rating systems. Mr. Cole believes light pollution should be a major focus of this plan. Mr. Ortiz stated this could be addressed through a policy with the details put in the code so a code compliance officer could have something by which to measure. Ms. Deady believes something can be worked on within the context of the Florida Building Code and then, going beyond that, to a unique code provision. Ms. Deady will research different green building rating systems to see how it has been

addressed. Ms. Schemper suggested light pollution be addressed in a different element of the comp plan.

Page 5, Ms. Deady stated Policy 1603.1.5 is the last policy in this section dealing with alternative and renewable energy to the extent that the County can encourage both, but recognizing that they are controlled by the utility for the most part. There were no comments on Page 5.

Page 6, Ms. Deady stated Objective 1603.2 deals with land use policies that consider the built and natural environments' resilience to climate change, focusing on the distribution of land uses in areas vulnerable to climate change. This basically lays out a framework that the County, when considering land use amendments and future land use change, can look at things that have not been looked at in the past, as they may be exacerbated by climate change and sea level rise issues. Policy 1603.2.3 introduces the concept of shoreline stabilization as one of the sets of data or types of analysis, which may take some time to do given that Monroe County has so much shoreline.

Mr. Roberts pointed out the date needs to be adjusted. Mr. Roberts then commented that the last sentence of the objective needs to take into consideration that there are other factors that could be more decisive. Mr. Roberts would be in favor of deleting the sentence. Mr. Haberman requested the language of the objective be changed to state the update of the Land Development Code regulations shall be developed, not policies. Mr. Roberts would like the date changed in Policy 1603.2.1 and feels the language "when evaluating land use amendments Monroe County shall consider all impacts" is too inclusive and should be changed to read, "Monroe County may consider impacts." Ms. Hurley commented that the policy should indicate the code will be amended prior to developing standards to use when looking at land use applications. Mr. Roberts believes it is too early to say the County will adopt orderly inward relocation in Policy 1603.2.2, but should state it is a concept that will be considered. Mr. Roberts then commented that language about hardening or stabilizing shorelines to protect an investment in terms of infrastructure or structural development found in Policy 1603.2.3 should not be included. Ms. Deady suggested amending that sentence to say "shall develop a shoreline stabilization strategy to protect and enhance the built and natural environments from erosion and sea level rise." Mr. Berg stated that the last sentence in Policy 1603.2.1 could be construed as focusing only on those adaptation action areas or their corollary that were referred to in Policy 1602.1.2. Mr. Berg suggested the use of the term "upslope." Ms. Deady suggested taking out the word "inward." Mr. Berg believes the concept of using the natural environment, such as dunes, reefs, mangroves, etc., should be included as part of the natural armoring of our shorelines in Policy 1603.2.3. Ms. Putney repeated that Policy 1603.2.3 should encourage the use of the natural protection over manmade protection. Mr. Delashmutt asked if a limit could be put on the protection of residences and shoreline infrastructure. Mr. Roberts explained the language of the policy tries to address those kinds of considerations since this is not a long-term feasible alternative, but since all of the alternatives are not know, these policies are designed to start consideration about what those alternatives may be. Ms. Hurley suggested referencing in Policy 1603.2.3 a method and standard for policy as a last resort. Ms. Deady believes that is addressed in the last sentence of the policy, but said there may be language that could be added in terms of that list of considerations so as to put something in about the feasibility of these types of things.

Page 7, Ms. Deady stated that Objective 1603.3 addresses coordinating transportation issues across different agencies and looking at transportation infrastructure at risk and considering emergency evacuation. Different layers of government not including the County may regulate transportation decisions, but exchanging data and coordinating with those agencies is important because they need to understand where the County sees impacts sooner than what is considered in their planning. Mr. Roberts deferred to Mr. Harvey on Policy 1603.3.1 about the annual basis on which Monroe County shall assure the CIE consideration of sea level rise projections. Mr. Harvey noted that the data is not going to be changing dramatically year to year. Mr. Roberts does not see the need to do this annually. Mr. Roberts requested changing the date in Policy 1603.3.2, as well as changing the language “Monroe County shall develop additional policies” to read “Monroe County shall evaluate the need to develop additional policies to reduce VMT.” Then Mr. Roberts noted the need to change the date in Policy 1603.3.3. Ms. Santamaria suggested on Policy 1603.1.3 removing “While this policy requires coordination with the federal and state agencies.” Ms. Santamaria believes the last sentence of this policy belongs in the objective that speaks to emergency management documents. On Policy 1603.3.3 Ms. Santamaria recommended the last sentence should be changed to read “charging stations adjacent to multifamily residential” as opposed to “within” them. Ms. Hurley believes it could be within or adjacent to, but where those issues as permitted should be placed in the code will have to be decided. Ms. Schemper pointed out that the last sentence refers to proposals, not the multifamily units. Ms. Hurley believes it should refer to categories and proposals because which zoning categories will be added to the uses permitted will be decided. Mr. Berg asked to add the concept of culverts into Policies 1603.3.1 and 1603.3.4 regarding road elevation standards. Mr. Cole suggested considering the mitigation strategy of digging roads out as opposed to raising the roads.

Page 8, Ms. Deady explained that Objective 1603.4 is to articulate what some potential impacts from climate change may be and how those may impact level of service standards. Ms. Deady recognized the dates need to be changed in Policies 1603.4.2 and 1603.4.3. Ms. Deady stated that this section is important because it starts to talk about the sea level rise assumption by 2030 that the County will be guided by.

Mr. Roberts would like the concept of culverts to be included in Policy 1603.4.3. Ms. Santamaria believes “development projects” should be removed from Policy 1603.4.2 since this objective focuses on infrastructure. Ms. Santamaria thinks the time frame of the language in this objective and policies is going to be modified as a result of the Public Works Director’s suggestions. Mr. Harvey pointed out on 1603.4.4 that the County does not regulate power generation facilities or hospitals. Ms. Putney clarified that in Policy 1603.4.2 it should read “three inches to seven inches.” Mr. Cole commented that the number three to seven inches was agreed to because of pressure from the business community and it is a very conservative number. Ms. Deady explained that the number came from a group of scientists that spent the better part of a year coming up with a unified sea level rise projection for four counties. Ms. Hurley added that the County was very specifically looking at the 20-year horizon and there is a different number for 2050. Ms. Hurley suggested adding language that at the time of the 2021 EAR that projection would be reevaluated. Ms. Deady suggested adding that concept on Page 3 under the objective and the goal regarding data and analysis. Mr. Roberts agreed that a policy is needed that states the County will look at sea level rise projections. Mr. Haberman commented that a

footnote is needed to record the source of the sea level rise projection. Mr. Berg suggested that the County discourage development of hospitals or public utilities in adaptation action areas. Ms. Hurley believes there are state laws that preempt the County from doing that, but recommended crossing out “hospitals and power generation facilities” in Policy 1603.4.4 and including a statement that says “and any other public facility the County can legally regulate.”

Page 9, Ms. Deady explained that Objective 1603.5 focuses on incorporating energy efficient design in water, wastewater and storm water infrastructure. Ms. Deady suggested the County explore incorporating efficiency standard rating systems into their building codes.

Ms. Santamaria suggested “electric cooperatives” in Policy 1603.5.1 be replaced by “electric providers” because there are more than one. Ms. Santamaria thinks the first sentence in Policy 1603.5.2 should begin “Monroe County shall encourage FCAA to expand its water auditing programs” without the first phrase of the sentence and without specifying land uses. On Policy 1603.5.4 Ms. Santamaria suggests it read “Monroe County shall work with FCAA to identify vulnerable infrastructure and encourage the consideration of climate change impacts in their infrastructure planning,” because the County cannot dictate where they place their items, and add the County will further encourage them to consider the location of infrastructure in the next sentence, as well as changing the time frames to the longer period. Ms. Putney asked to include the South Florida Water Management District’s Cistern Solution Manual to Policy 1603.5.3. Ms. Santamaria informed Ms. Putney that the County is trying to add points in ROGO to encourage cistern use, as well as solar and other items, which will be discussed in the Future Land Use element. Ms. Deady thinks adding it in Policy 1603.5.5 would be fine.

Page 11, Ms. Deady stated that Objective 1603.6 is about promoting the dual benefits of energy conservation while tying together the issue of climate impact. This addresses the concept of the County making better decisions and leading by example in the behaviors they want to see in building decisions in other developments.

Ms. Santamaria commented the objective is too wordy and it could be streamlined to read “Monroe County recognizes the benefits of making the County more resilient to climate change impacts and promote new green industries,” and the second sentence to read, “Monroe County will seek innovative ways to reach out to the constituents to assure that all constituents can see the need and economic benefits from these green initiative products and services.” Ms. Santamaria thinks Policy 1603.6.1 should be two policies, the first sentence as one, and extending the date on the second sentence while making it a second policy. Ms. Putney voiced concern that Goal 1603 might increase the evacuation clearance time by encouraging creation of jobs. Ms. Santamaria clarified this goal is meant to enhance the local economy, not necessarily to add people.

Page 12, Ms. Deady explained that Objective 1603.7 deals with the coordination with the local mitigation strategy. Ms. Santamaria commented that the reference to the Local Mitigation Strategy should be replaced by the general emergency management policies so the documents that are mentioned in both policies are encompassed. Mr. Berg suggested including the prediction that hurricanes will likely become more intense as another relevant projected impact. Ms. Deady will discuss that with Ms. Santamaria.

Page 13, Ms. Deady stated that Goal 1604 deals with habitat issues and making sure that land preservation and land acquisition policies still make sense. This goal also looks at the issue of maintenance of natural areas.

Mr. Roberts commented he would like to see this goal be adopted wholesale with minor recommendations. Mr. Roberts would like a date included in Policy 1604.1.2, as well as fine-tuning this policy in terms of what specifically will be done in order to evaluate potential impacts. In Policy 1604.1.3 Mr. Roberts suggested deleting the reference to the need for stabilization in the first sentence, as well as delete the time frame in the second sentence of one year and shorten the sentence to read, “Monroe County shall determine if any additional revised land acquisition or land development regulations are needed.” Ms. Santamaria recommended Policy 1604.1.2 be broken up into two steps: First, identify natural resources vulnerable to climate change impacts, and second, consider developing mitigation and adaptation strategies to address the vulnerabilities. Ms. Santamaria believes Policy 1604.1.4 may be out of place because the goal is specific to land acquisition policies and this policy is about agencies that monitor the coral reef, or the goal needs to be refined to protection of natural resources and everything included falls under that. Ms. Hurley commented that consideration of sea level rise be included in land acquisition policies used in the determination of whether or not to buy land for preservation. Ms. Deady believes that needs to be coordinated with the adaptation action area concept and suggested addressing this in the Future Land Use element also. Mr. Berg suggested specifying exotic species management and potential impacts to native species in the last sentence of the goal. Mr. Berg then discussed how purchasing and removing fill from low-lying coastal property can be used as a receiving body for storm water cleaning and serving as a physical buffer against storm waves and coastal erosion. Ms. Deady believes that concept is addressed in Policy 1604.1.6, although that policy has no restoration strategy included within it. Ms. Deady will work with Mr. Roberts to add that concept to the goal. Mr. Berg then suggested adding warming ocean temperatures be added to Policy 1604.1.4. Ms. Deady added that this section needs to be cleaned up to make it flow in terms of coastal and marine habitats, as well as working on the order of the policies. Ms. Santamaria commented that specifying which goal, objective and policy falls within which topic needs to occur.

Mr. Berg congratulated staff for taking such a forward approach in this section of the comp plan.

### **Traffic Circulation Element**

Ms. Sonneborn stated that the 9J5 references were removed in this section. In Policy 301.1.2 the reference to the Arterial Travel Time and Delay Study was added and a new policy, 301.1.3, was created. Ms. Santamaria suggested deleting “based on the FDOT methodology” and adding “using the most recent edition of the Highway Capacity Manual.” On Policy 301.1.2 Ms. Santamaria suggested adding “Monroe County hereby adopts a level of service of C on an overall basis (along the entire length of U.S.1) as measured by the U.S.1 Task Force,” and deleting the reference to the 2010 Arterial Time Travel and Delay Study because it is out of date. Ms. Santamaria then suggested on Policy 301.2.1 that “composed of representatives of Monroe County, FDOT and DCA” be removed. Ms. Santamaria recommended adding another policy after Policy 301.1.2 stating “Monroe County shall coordinate with the cities on the annual review

of traffic monitoring on the volumes and travel speeds for the 24 segments” in order to use the 24 segments analysis to address any degradations and/or deficiencies. Ms. Smith suggesting adding language to Policy 301.1.1 stating that the County will measure level of service on the County roads at the BOCC’s request or as necessary since the County does not currently do that. Ms. Smith stated she does not understand the editions made to Policy 301.1.2. Mr. Haberman stated he does not like the wording as to the level of service policies and “the County shall maintain the level of service” because the County does not have jurisdiction of FDOT’s roadways. Ms. Santamaria explained that after meeting with FDOT and DEO the BOCC still wanted to keep the level of service language. Ms. Santamaria then suggested identifying the overall length of U.S.1 must stay at a level of service C in the language. Mr. Haberman suggested inserting language to state that the County shall not approve anything that would results in a 5 percent decrease below that level of service. Mr. Haberman recommended restructuring the sentence to state the County will not approve developments or projects that would result in the level of service falling out of that threshold, and possibly creating another sentence to state that in the event a road naturally becomes deficient the County will do what they can to improve it. Ms. Hurley does not believe the words “shall not approve any development” should be used.

Page 2, Ms. Sonneborn stated that on Objective 301.2 and the related policies DCA was changed to DEO and Policies 301.2.4 and 301.2.5 were removed. Ms. Smith recommended removing “required for concurrency management” at the end of Policy 301.2.3. Ms. Smith commented Policy 301.2.6 does not make sense because the County gets first right of refusal on surplus and then it goes to the adjacent landowner, so the County could not prevent something from happening. Ms. Santamaria suggested the language “The County shall continue to review and evaluate FDOT surplus property opportunities for the implementation of traffic circulation policies and goals.” Ms. Smith asked Ms. Sonneborn to flag Policies 301.2.1 and 301.2.2 because Ms. Santamaria is working on some changes to the Land Development Code and they should be consistent. Ms. Schemper noted that the objective does not include “Monroe County shall” as the other objectives do. Ms. Jetton pointed out that under this element it is up to the County whether to continue with concurrency. Ms. Love suggested using “Monroe County can ensure.”

Page 4, Ms. Sonneborn explained that Objective 301.3 was clarified by adding “bicycle and pedestrian” and “with complimentary facilities to support non-motorized uses” was added at the end. Ms. Jetton suggested the County consider adding a policy or objective that provides some language that indicates that development can proceed only on a County-maintained road or, if on a private road, that access by easement be allowed. Ms. Hurley agreed. Ms. Smith suggested changing Policy 301.3.1 to read “Monroe County shall update the Capital Improvement Plan to include coordinated bicycle path and pedestrian way improvements where appropriate emphasizing access to schools, parks and shopping centers.”

Page 5, Ms. Sonneborn stated that Objective 301.4 and Policy 301.4.1 are new and relate to an intermodal transportation system. Ms. Santamaria explained that the BOCC during the EAR process directed staff to develop a transportation master plan that considers all aspects of transportation as a unit. Ms. Hurley suggested rewording it to clarify that the County is to develop a plan as opposed to implementation of a plan. Ms. Hurley asked Ms. Smith to assist in the wording to indicate whether it is an update to an existing plan or something else.

Page 6, Ms. Sonneborn stated that the main change is to Policy 301.45.2 where a lot of it was deleted and a new date of May 1, 2014 was inserted. Ms. Santamaria noted that since the time frame for the comp plan amendments shifted back, the dates within the comp plan need to be shifted back.

Page 7, Ms. Sonneborn stated that Objective 301.6 incorporates the Livable CommuniKeys Plans into it. Ms. Smith suggested the language “development along the Florida Keys Scenic Corridor” as opposed to listing the three areas. Ms. Hurley and Ms. Jetton are concerned this objective is being used to make the comp plan consistent with the LDRs and Livable CommuniKeys Plans. Ms. Jetton suggested changing it to say “provide a transportation system that facilitates scenic corridors,” for example. Ms. Hurley suggested leaving the original language. Ms. Jetton recommended deleting this objective and renumbering the policies to go with another objective. Ms. Sonneborn will work with staff further on this objective. Ms. Smith then commented on Policy 301.6.2 that “to minimize the impacts of signs on the scenic beauty” should be replaced by “to minimize sign clutter.”

Page 8, Ms. Sonneborn stated that Objective 301.7 and related policies have changed the word “initiating” to “maintaining” because initiation has already occurred in Policy 301.7.2 Policy 301.6.3 is being eliminated. Ms. Smith commented that Policy 301.7.4 is too broad of a statement giving support to a plan that was done 15 years ago. Ms. Hurley suggested removing the policy since it is not necessary to include the Florida Keys Overseas Heritage Trail Master Plan in the comp plan.

Page 9, Ms. Sonneborn stated one policy has been eliminated and Policy 301.8.1 has been modified to incorporate the District 6 Five-Year Work Program. Ms. Hurley suggested the FDOT work program in Policy 301.8.1 should be incorporated under a different objective. Ms. Sonneborn will work with staff further on this. Ms. Hurley commented that the next two policies do not match. Ms. Sonneborn made a note to work with staff further on this. Ms. Hurley suggested coordinating with the County’s abandonment criteria.

Page 10, Ms. Sonneborn stated two policies have been deleted and the third has removed the old date and clarified the County will maintain the revisions to the land development regulations. Mr. Haberman pointed out the objective says “Monroe County shall implement the following policies” while now there is only one policy. And since the date is being removed from the policies, the objective should stop at “policy.” Ms. Santamaria recommended “Monroe County shall promote a safe, convenient, efficient and motorized transportation system” as the objective. Ms. Hurley requested to change the policy to include not just on-site traffic flow, but interconnectedness between sites.

Ms. Putney then made general opening comments about the process today. Ms. Putney stated she has submitted by e-mail some typos and inconsistencies throughout the plan. Ms. Putney will submit some language she is suggesting regarding positive points for the solar voltage system. Ms. Putney stated that she and several other people did not get the announcement for this meeting. Ms. Santamaria stated it was announced at the Planning Commission meetings and all of the media outlets were notified, as well as it was posted on the County’s website. Ms.

Putney thanked the staff and consultants for doing a great job. Ms. Sonneborn clarified that when not referring to the specific book, land development regulations is in lower case.

A lunch recess was held from 1:13 p.m. to 2:03 p.m.

### **Future Land Use Element**

Page 1, Ms. Sonneborn stated there has been an addition to Objective 101.1 with some minor changes to the two policies. Ms. Hurley commented that staff researched when concurrency is in effect for various facility types. Water, sewer, solid waste and drainage should be linked to being in place prior to a certificate of occupancy. Because road or transportation concurrency is an optional element now, that should be in place prior to a building permit. Ms. Hurley does not believe Parks and Recreation should have been crossed out. Ms. Hurley then commented that if transportation is being linked to the building permit, a standard should be included. Ms. Jetton pointed out that Policy 301.1.2 needs to be referenced as well as Policy 301.1.1. Ms. Hurley asked to include a standard that says if the applicant is proposing development to start obtaining permits prior to CO instead of building permit, they post a bond to ensure the improvements will be made.

Page 2, Ms. Hurley commented that the last sentence needs qualified CO or building permit added. Ms. Hurley asked to have the definition of “development permit” narrowed. Ms. Sonneborn recommended the language for Objective 101.1, “Monroe County shall ensure that at the time a building permit is issued,” and then where it later talks to development permit it will be changed accordingly.

Page 3, Ms. Jetton recommended adding the words “Land Planning Agency” at the end of Policy 101.2.1. Mr. Haberman pointed out that same policy should read “the number of permits issued for new residential dwelling units” because “development” is a very broad term. Ms. Hurley commented that the County’s comp plan cannot dictate what the State Land Planning Agency shall do, as stated in the third line of the objective. Ms. Jetton suggested putting language in the objective such as “relative to the MOU that has been adopted between all the agencies” and deleting the part about “The State Land Planning Agency shall.” Ms. Jetton agreed that “no more than” or “up to 197 allocations will be issued” should be added in Policy 101.2.1. Ms. Hurley asked to delete Policy 101.2.X because that has been accomplished.

Page 4, Ms. Hurley asked why Policy 101.2.4 was deleted. Ms. Santamaria explained it was moved to Policy 101.2.13. Ms. Jetton commented that “seasonal residential units” should be stricken from Policy 101.2.6. Mr. Haberman explained that is a defined term in the Land Development Code and is a form of transient unit. Ms. Jetton pointed out that a seasonal residential unit was an RV unit or space that got converted to a permanent structure, but was still in an RV park. Ms. Santamaria clarified that “seasonal population” is defined in the glossary, not “seasonal residential unit.” Ms. Hurley suggested changing the date in Policy 101.2.6 to July 12, 2023, which is the same date the MOU allocation date ends.

Page 5, Ms. Hurley suggested deleting Policy 101.2.10. Ms. Jetton agreed it should not say “shall initiate a program,” but believes educating the public about hurricane evacuation is really

important. Ms. Jetton suggested the language “Monroe County shall educate the public regarding” and eliminating the first part of the sentence.

Page 6, Ms. Santamaria asked if reference to the stage and phase policy should be added to Policy 101.2.12. Ms. Hurley would prefer that be in a separate policy. Ms. Smith recommended replacing the word “enhancement” in Policy 101.2.12 with “projects.”

Page 7, Ms. Santamaria commented that the two sentences in (b) seem to say the same thing. Ms. Schemper pointed out that in the middle of Page 7, in the text that is to remain, it should reference residential dwelling units instead of development. Ms. Hurley would like no reference to an (a), (b), (c) or (d) and would like to have them combined with the main paragraph. Ms. Hurley asked for clarification on the date in (d). Ms. Jetton explained the old DCA were issuing permits for affordable housing without going to the Cabinet for approval, so a rule was created and that date was put in the rule. Ms. Hurley suggested referencing the MOU. Ms. Jetton believes it is an administrative rule and the paragraph should be deleted because the allocations have probably been used by now.

Page 8, Ms. Hurley commented Policy 101.2.X can be deleted because it is included in the previous policy.

Page 10, Ms. Sonneborn stated everything is being eliminated regarding the Work Program, which continues on to Page 15. Ms. Schemper read succinctly the remaining text spread throughout the Work Program section. Ms. Santamaria pointed out that the language from Policy 101.2.4 is included in Page 16 and suggested keeping that language in Policy 101.2.4 and eliminating it on Page 16.

Page 18, Mr. Roberts asked to strike “and have received negative habitat scores under ROGO” in Policy 101.2.14. Ms. Stankiewicz pointed out that Policy 101.2.14 should include Tiers II and III-A. Ms. Santamaria suggested rearranging the policies under Objective 101.2. Mr. Haberman explained that the language referring to transferring affordable between subareas in Policy 101.2.15 is in direct conflict to the Big Pine CommuniKeys Plan and suggested adding “excluding the Big Pine/No Name Key ROGO subarea.” Mr. Haberman then suggested changing the language “transient population and which house temporary residents shall be included” to “transient population which house temporary residents shall be subject to” in Policy 101.2.X. Ms. Hurley discussed emergency situations where code allows temporary housing without getting an allocation. Ms. Schemper stated that language is located in Section 130-4 of the code. Ms. Sonneborn will work with staff to either edit Policy 101.2.X or create a new policy regarding Section 130-4.

Mr. Haberman suggested adding a policy in this section of the comp plan to address live-aboards and whether they are subject to ROGO or not. Ms. Sonneborn will work with staff to create a policy regarding live-aboards and whether they are subject to ROGO. A recent U.S. Supreme Court decision was discussed regarding whether a floating structure was subject to building codes. Ms. Sonneborn will work with staff and the County Attorney for appropriate language. Ms. Santamaria does not believe live-aboards should be subject to ROGO because the vessels can come and go and they are too hard to track. Mr. Haberman pointed out it also contradicts the

County's mooring field plans. Ms. Hurley recommended getting an opinion from DEO on this subject. Ms. Santamaria stated if it is agreed that they are not subject to ROGO, the language needs to clearly state that it cannot be converted to a different ROGO type of unit.

Page 19, Ms. Sonneborn stated this is a new objective having to do with regulating the nonresidential development. Ms. Hurley asked for clarification of the language "This maximum may be modified from time to time through comprehensive plan amendments" in Policy 101.3.1. Mr. Haberman explained historically people wondered whether the 1 to 239 ratio was too much or too little and this is carryover language. Ms. Hurley suggested eliminating that sentence. Ms. Schemper pointed out the very next sentence says "commercial" and should say "nonresidential." Ms. Schemper noted that "nonresidential" does not have a hyphen when used in the code. Ms. Hurley commented that "by subarea" in this policy does not include Big Pine. Ms. Schemper suggested "uniformly" be removed from this same sentence. Ms. Santamaria proposed the language read "The nonresidential allocation allowed by this policy shall be distributed countywide excluding Big Pine Key and No Name Key, which shall get its own allocation." Ms. Love pointed out that Policy 101.3.X on Page 21 breaks out the total square feet by Big Pine Key, the Upper Keys and Lower Keys. Ms. Love suggested the language in Policy 101.3.1 be "uniformly distributed countywide pursuant to" and then reference Policy 101.3.X and delete everything after that in Policy 101.3.1.

Also on Page 19, Ms. Stankiewicz stated the ROGO subareas listed are correct, but not NROGO, and suggested using the language on Page 22, which is correct. Ms. Hurley commented that if NROGO is an objective, ROGO should be an objective. Ms. Santamaria suggested the ROGO subareas be defined in the glossary rather than in the policies. Ms. Santamaria stated hurricane evacuation and ROGO allocations should be connected in the objective. Ms. Hurley stated ROGO and NROGO should have a parallel format. Ms. Sonneborn will work with staff to rework Objectives 101.2 and 101.3 and all the related policies so they are structured the same.

Page 20, Mr. Haberman suggested the language in Item 2 that talks about what would be rolled over in terms of NROGO should be in a separate policy about the NROGO bank. Ms. Santamaria pointed out the bottom of Page 21 contains that topic. Mr. Haberman noted the two sections are inconsistent. Mr. Haberman suggested using the term "unallocated" in Policy 101.3.3 as opposed to "expired." Mr. Haberman then suggested language should be added to clarify that for projects that received allocations where the development order expired, the County reclaims those allocations. Ms. Sonneborn will work with staff to get new language for 2(a) on Page 20. Ms. Hurley commented that the first sentence of Policy 101.3.4 is in the previous policies. Barbara Powell from DEO stated Ms. Jetton had noted that it was redundant, also. Ms. Hurley then commented the second sentence is also redundant and should be taken out. Ms. Santamaria pointed out that 2(a) should be expanded to include expired or any unused allocations. Ms. Sonneborn stated that language was repeated on Page 21. Ms. Sonneborn will work with staff on this.

Page 22, Ms. Santamaria stated the first Policy 101.3.X is where things that are exempt from NROGO are discussed. Ms. Santamaria suggested moving "working waterfront" under the second Policy 101.3.X. Ms. Love assured Ms. Hurley that the reference to Statute 342.07 includes a specific list of what is exempt and it is also included in the glossary. Ms. Santamaria

pointed out the word “commercial” is missing from the second Policy 101.3.X. Mr. Haberman recommended changing the language in the first Policy 101.3.X on Page 22 to say “Commercial fishing uses are exempt from the NROGO system if they are within a commercial fishing zoning category,” and there are three types: Commercial fishing village, commercial fishing area and commercial fishing special district. Ms. Santamaria suggested getting rid of the first sentence. Ms. Hurley proposed “Commercial fishing uses, which are defined in the Land Development Code, shall be exempt from the requirements of NROGO. These exemptions shall not be available to recreational and commercial working waterfronts and commercial fishing uses on lands designated as Tier I, II or III-A (if clearing is proposed).” Mr. Roberts proposed the following language for the last sentence of the first Policy 101.3.X on Page 22: “These exemptions shall not be available to recreational or commercial working waterfront and commercial fishing uses on lands designated as Tier I or Tier III-A (if clearing is proposed).” Ms. Powell stated that Ms. Jetton’s comments on this particular section were that she thought there needed to be additional standards if the intent here is to guide the NROGO towards Tier III. Ms. Hurley pointed out the intent is to exempt commercial fishing from having to apply for NROGO, to try to give them an incentive without allowing them to impact Tier I and III-A. Ms. Sonneborn will work with staff on the first Policy 101.3.X on Page 22. Ms. Love noted that the purpose of this policy was to comply with 163.3177 and its requirement to preserve working waterfront.

Page 23, Mr. Haberman pointed out there is no “maritime industrial” zoning district, that it should be “maritime industries.” Ms. Schemper suggested the zoning districts should be capitalized. Mr. Haberman suggested changing “BOCC” in the first line of Page 23 to “Planning Commission.” Mr. Haberman then commented that boat barns should be exempt and included back into the definitions. Mr. Haberman stated the industrial uses bullet needs to be changed. Ms. Hurley suggested adding a definition taken from the code to “industrial use.” Mr. Haberman recommended removing “Low-intensity” from the last bullet point on Page 23 and start with “Marine educational.” Different marine facilities in the Keys were discussed. Ms. Hurley suggested defining “marine educational/research facilities.” Ms. Sonneborn will work with staff on this definition. Ms. Schemper noted that the agricultural and aquacultural uses bullet does not match the name of the overlay district. Ms. Santamaria proposed taking out the reference to the overlay district and end the sentence after “uses.”

Page 24, Ms. Sonneborn stated Objective 101.4 is a new objective. Ms. Hurley commented that the last pieces of Policies 101.4.1, 101.4.2, 101.4.3 and 101.4.4 should get moved below the policies they are applicable to, which is right after Policy 101.4.4. Ms. Hurley then stated the uses that these categories used to allow need to be included. Mr. Haberman believes that information belongs in the nonconforming section. Ms. Sonneborn will work further with staff on Objective 101.4 and related policies.

Page 25, Ms. Sonneborn stated this page contains more related policies. Ms. Hurley explained that staff had a meeting to review this section regarding platting. The Land Development Code says if there are three or more parcel splits it must be platted. Staff is concerned it only appears under residential medium. Ms. Hurley believes the County needs to move toward determining how to handle platting and when platting is permitted and when it is not permitted, because part of an unintended consequence of not letting it happen is that the up-to-three split is not being

enforced because the County does not have a method to enforce that, so people end up splitting land with no provision for water management or infrastructure extension, creating worse conditions than intended. Ms. Santamaria noted that the Property Appraiser informed staff if they receive a recorded deed from the Clerk's office, they have no say in it whatsoever and they do not check with any local government because they have to file that deed and do the split. Ms. Powell suggested having the splits go through DRC and the Planning Commission. Ms. Hurley pointed out that would make it so it only came to Planning staff's attention on the back end after it has been split. Ms. Hurley stated policy needs to be evolved on what is allowed for platting. Ms. Powell noted the concern and will discuss it with Ms. Jetton.

It was decided and agreed the Future Land Use Element discussion will continue Friday afternoon since it will not conclude today.

Ms. Santamaria asked if Policy 101.4.19 is used by staff. Mr. Haberman reads this policy to state densities of future land use map categories cannot be changed, which would not be allowed anyway. The loophole to that is if a property owner changes their future land use map category, then it no longer applies to them. Ms. Hurley suggested deleting this policy. Ms. Powell recommended inserting the word "future" in front of "land use category" in the last paragraph of the page.

Page 26, Ms. Hurley suggested adding "to nonresidential development" at the end of Number 2.

Page 27, Mr. Haberman recommended adding acronyms after all of the uses like is done for Commercial. Ms. Powell noted that Ms. Jetton is concerned about the lack of competition for NROGO in the commercial land use. Ms. Hurley explained this issue will be discussed later under the point system.

Page 28, Ms. Hurley suggested rewording the second line of the first paragraph to add the word "new" after "to encourage" and strike the word "the" and keep the rest. Ms. Santamaria stated Policy 101.4.10 includes student and employee housing and the density table has zero units for allocated density, but it does have rooms and spaces. The educational component of future land use maps was discussed. The definitions of "institutional residential use" and "institutional use" were discussed. Ms. Sonneborn will work with staff on this policy.

Page 29, Ms. Hurley commented that an overlay category that addresses jails and detention centers is needed. Mr. Haberman recommended deleting the word "educational" out of 101.4.16. Mr. Haberman then suggested mentioning the statute about the County's authority over their airports in this policy. Mr. Williams will review that suggestion.

Page 30, Ms. Sonneborn stated Policy 101.4.20 was moved. Ms. Santamaria asked where the language "The intent of this overlay is to encourage a mix of retail" came from in Policy 101.5.X. Ms. Hurley asked Mr. Harvey to go through the overlays to make this policy all inclusive. Ms. Santamaria does not believe the overlays necessarily encourage the list of uses. Ms. Sonneborn will work with staff on Policy 101.5.X. Ms. Powell noted that Ms. Jetton thinks it should reference back to the CommuniKeys Plans policy. Ms. Santamaria then commented that recommendations for the open spaces need to be added to Policy 101.4.21. Ms. Hurley

would like to note in Policy 101.4.21 that max net for affordable is allowed without TDRs. Mr. Haberman suggested stating deed restricted affordable dwelling units may be built up to max net density without TDRs without it limited to any particular FLUM category. Ms. Schemper added that the table has other inconsistencies that need further review. Ms. Sonneborn will work with staff on this table.

Page 32, Mr. Roberts questioned the language “preservation of Monroe County’s native habitat by enacting legislation.” Ms. Santamaria explained that was specific language that the BOCC requested and the County Attorney included and it was just adopted. Ms. Stankiewicz suggested adding comments in Policy 101.4.20 related to whether or not someone could dedicate lands in ROGO for points or cannot. Ms. Santamaria suggested adding in the point section “can utilize lands donated pursuant to Policy 101.4.20.” Ms. Hurley recommended stating donated land may count toward ROGO points. Ms. Stankiewicz believes this section is too open for interpretation.

Page 33, Mr. Roberts recommended adding “or preservation” at the end of the third bullet point. Ms. Stankiewicz asked what is defined as “suitable” in (b). Ms. Stankiewicz stated the code lists the criteria for suitable as Tier III on a non-waterfront lot. Ms. Hurley clarified that related to land acquisition. Ms. Hurley recommended striking the word “suitable” in (b).

#### **ADJOURNMENT**

The Development Review Committee meeting adjourned at 5:05 p.m.