

DEVELOPMENT REVIEW COMMITTEE

Tuesday, March 26, 2013

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 26, 2013**, beginning at 10:07 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
Rich Jones, Senior Administrator, Marine Resources	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

Mr. Schwab postponed approving the minutes until the next meeting.

MEETING

Continued Item:

1. Review of the Comp Plan Update – Continued from 2.15.13

Debbie Love was present on behalf of Keith & Schnars.

Page 48, Ms. Love stated Policy 101.5.5, Number 3, includes recently adopted changes to tier points for wetlands.

Page 49, Ms. Love stated that there was only a minor change of a deletion of an “and” between “Tier I” and “Tier II.” Ms. Stankiewicz pointed out this section needs to be consistent with the ROGO section for requirements of land dedications. Ms. Santamaria noted that at the last

meeting it was discussed that Page 43 did include changes to the land dedication section under ROGO, but they are not reflected in the NROGO section. Mr. Roberts suggested defining what “sufficient upland to be buildable” means. Ms. Santamaria remembers that language was struck through in the last meeting. Ms. Jetton commented that the reason the .5 point assignment was given was because years ago a realtor was trying to sell properties zoned suburban residential that were complete hammock areas to the state, so staff gave some minor points for the lots even though they did not constitute a full ROGO point. Ms. Jetton urged the Committee to remember there are a number of lots that are platted and are not big enough to get a ROGO allocation, but would definitely be desirable property for the County to acquire because they have nice habitat on them. Ms. Jetton then suggested striking “sufficient upland to be buildable” and increase the points they are given. Ms. Santamaria informed Ms. Jetton that staff will be seeking direction from the BOCC this month on the concept of increasing points. Ms. Jetton noted that a decision needs to be made on which areas will retain the “sufficient upland” language. Mr. Roberts and Mr. Haberman agreed that some upland should be required or a disclaimer should be included that a submerged lot cannot be used. Staff will submit clarifying language to Ms. Love.

Page 50, Ms. Love stated there were no changes to Number 5, Special Flood Hazard Area, and “or two points” was deleted under Perseverance Points and made one point only. Ms. Stankiewicz commented if any changes are made to CBRs, those changes should appear under Number 5 of this policy, as well as any changes made under Perseverance Points should be consistent with the changes made under ROGO. Mr. Haberman noted that the term “development” used in the criteria under Number 5 is a very broad term and is open to interpretation. Mr. Haberman suggested replacing “development” with “structure requiring an allocation.” Ms. Love added the same should be reflected in the ROGO section as well. Mr. Roberts commented that it should be clarified under Number 6 whether there is a cap of points allowed. Ms. Stankiewicz again noted this needs to be consistent with the ROGO section. Ms. Jetton believes dedication of land ought to get more points than anything. Ms. Santamaria reminded Ms. Jetton that land dedication and aggregation are discussion items that will go to the BOCC this month. Ms. Love stated under Number 7 the language “and provides a connection between commercial uses” was included to encourage interconnectivity. Ms. Jetton believes the number of points given for this should be reduced. Ms. Hurley commented there has never been a demand for this. Ms. Santamaria pointed out there may be a demand in the future once NROGO is made easier in which to compete. Ms. Hurley noted the possibility of everybody being dumped onto US-1, which is poor planning. Ms. Santamaria suggested keeping the language as it is and see how NROGO plays out and possibly addressing this in the future.

Page 51, Ms. Love stated energy and energy conservation have been added to this section and the verbiage identifying the Land Development Code was revised. Ms. Love then described the point assignments, both revised and added. Mr. Roberts commented that the “above” in the first criteria of Number 8 should be “below.” Mr. Roberts questioned the percentages used for the native plants to achieve the points awarded. Ms. Stankiewicz believes the points need to be clarified. Mr. Roberts feels the numbers may be too high. Mr. Roberts then noted the only energy conservation addressed in this section other than the commercial structure is the solar system. Mr. Haberman questioned who is going to review for all these points. Ms. Hurley commented no one in the Building Department would have the skills to do that. Ms. Hurley recommended possibly training a planner to do this. Ms. Jetton supports reducing the number of

points assigned for this criteria to one. Ms. Santamaria agreed. Naja Girard suggested the points awarded that are design-oriented and not location-oriented could be a separate type of accumulation of points and people would compete with other people within the same tiers. Mr. Haberman pointed out that the number of Tier I building permits will still be capped. Ms. Santamaria added that the energy and water conservation were only for Tier III parcels and that should apply here as well. Mr. Roberts questioned whether alternative conservation technologies should be included here or put in another set of point criteria. Ms. Santamaria suggested awarding an additional half a point if one of the alternative technologies is included. Mr. Roberts noted it should be included in ROGO, also. Mr. Roberts then questioned how to determine what the “X” should be in this section and explained it would depend on the resident. Ms. Santamaria noted that Alicia Putney had suggested including size requirements in the points awarded for the different renewable energy systems used.

Page 52, Ms. Love stated Number 10 has not changed. Mr. Haberman commented “for” should be replaced with “including” and the criteria should read “Proposes a new employee housing unit which is located on the same parcel with the nonresidential use.” Ms. Love stated there have been no changes made to Number 11. Number 12 is a new item. Mr. Haberman feels applicants proposing non-residential development in community centers should have an advantage. Ms. Jetton commented a map of the overlay is needed, as well as some minimum criteria for a community center. Mr. Haberman responded the maps have been adopted and are included in each CommuniKeys plan and consideration is being given to putting some in the code and on the FLUM. Ms. Jetton recommended not putting the maps in FLUMs and requiring some minimum thresholds. Ms. Hurley noted when the code amendment is performed the overlay districts will be adopted simultaneously. Mr. Haberman pointed out that if the intent was to give everybody five points within a designated overlay community center it cannot be put on the FLUM because some properties will not be on the FLUM. Ms. Santamaria suggested adding language to state an area designated as a community center overlay and an adopted LCP. Ms. Stankiewicz questioned whether Tier I limitations should be included in NROGO. Mr. Haberman pointed out there has been no competition in Tier I and no permits have been issued in Tier I.

Page 53, Ms. Love stated Policy 101.5.6 has been slightly revised to monitor the point systems through the EAR every seven years as opposed to annually, but if issues come up amendments can be made. In Policy 101.5.7 “projects” was changed to “developments.” Policy 101.5.8 was changed to state the County will maintain the TRE program already in place, which does already allow for the transfer off site of the dwelling units, and the last sentence was deleted. Mr. Haberman suggested using verbatim language from a more detailed text amendment recently adopted. Ms. Hurley wants clarification in this policy that dwelling units in Big Pine can only move to the Lower Keys sub-area. Ms. Hurley commented this policy needs work because development in a V zone is not included. Mr. Haberman noted that the receiver unit cannot be built in a V zone. Ms. Hurley feels that might create a potential taking because structures in the V zone are allowed. Mr. Haberman responded that this is an optional application. Mr. Haberman argued the same could be said of Tier I properties. Ms. Hurley responded that standards, criteria and thresholds were developed in the data and analysis to support that. Mr. Roberts questioned how to ensure that a unit that has been transferred off of a site stays transferred off the site. Ms. Santamaria stated the code should be more explicit in that detail, this is just the policy establishing the ability to do that. Ms. Jetton cautioned that something needs to

be crafted so that an RV cannot be transferred to a velocity zone. Ms. Hurley responded that is already in the flood plain regulations. Ms. Jetton suggested more work be done on restrictions in flood zones to arrive at some recommendations. Mr. Haberman pointed out that market rate units are not allowed to be moved around at this time except through the mobile home park ordinance. Ms. Hurley commented that needs to be examined to make it consistent one way or the other. Ms. Hurley then suggested adding a Number 7 to Policy 101.5.8 to read, "Does not require any clearing of native vegetation," and Number 8, "The receiver site includes all infrastructure, water, centralized wastewater, pave roads," et cetera, and it should be clarified they cannot be moved where there are inadequate services. Ms. Jetton feels Number 7 may be too restrictive. Mr. Roberts agreed that using the term "native vegetation" in Number 7 may be too restrictive and suggested using "native upland habitat" instead. Mr. Roberts will fine-tune this language for Ms. Love.

Page 54, Ms. Love stated in Policy 101.5.9 "Tier III" was changed to "Tier III-A" to clarify that is the Special Protection Area. Mr. Haberman explained this policy is to put a Tier I or Tier III-A lot on the same playing field as a vacant Tier III lot, but the wording is unclear as to the points. Mr. Haberman suggested getting rid of this policy or move points back to the actual table that says existing residential development on a Tier I will get plus five. Ms. Santamaria remembers the Committee discussed deleting this at the last meeting on Page 47, Policy 101.5.5. Ms. Schemper remembers at the last meeting the Committee gave an extra four points to existing businesses with no more clearing in any tier. Ms. Love noted the need to adding the "plus four" to the table on Page 47. Ms. Love then moved on to Policy 101.5.12. Ms. Girard asked whether the glossary includes definitions for "disturbed land" or "scarified land." Ms. Jetton suggested adding the language "based on the 1987 existing conditions map" to Number 1. Ms. Santamaria noted that it has been discussed by staff putting in some language of using the 1985 habitat maps as a guide, but having the County Biologist look at all relevant data to make that determination. Mr. Roberts described the rationale behind that language being in the policy. Ms. Santamaria will submit language to Ms. Love. Ms. Jetton pointed out existing conditions maps could show trees that now somebody has cleared unlawfully. Mr. Roberts recommended using the term "lawfully disturbed or scarified land" in Number 1. Ms. Jetton would still prefer that the existing conditions maps are supplemented by more recent relevant mapping as reviewed by the County Biologist. Ms. Girard does not want it restricted to mapping. Mr. Roberts suggested "best available data." After reading Number 1, Ms. Hurley questioned if there is any land on Big Pine in the commercial center or zoned commercially that is Tier I. Mr. Roberts recommended changing "institution" to "non-residential" in Number 1. Mr. Haberman suggested reviewing the Big Pine Master Plan after changes are made to Policy 101.5.12. Ms. Hurley added that Number 1 is more far-reaching than the tier system. Mr. Haberman agreed. Ms. Hurley cautioned against including language that would render land with no use left. Ms. Santamaria suggested leaving the policy as it is. Ms. Hurley further suggested having staff work on this assignment. Policy 101.5.12 will be reverted back to the original reading. Ms. Jetton asked to renumber the LCP and merge it into the comp plan. Ms. Hurley explained staff met with citizens regarding the Key Largo Master Plan and they could not stay focused on the existing policies already adopted without wanting to reopen the plan. That effort failed.

Page 55, Ms. Love stated Objective 101.6 includes policy amendments proffered by the Land Authority. Of particular note, the fair market value was deleted, which came out of the EAR

process, and the section beginning “A purchase offer is the preferred option for administrative relief” was revised and includes Florida Forever targeted acquisition areas along with Tier I areas. Ms. Santamaria informed the Committee that staff is having discussion now with the Land Authority to discuss land acquisition policies, as well as potentially coming up with other funding strategies and other priorities. These items may need to be placed on hold because there might be significant changes after BOCC direction. Ms. Santamaria suggested leaving Policy 101.6.1 as it stands for now. Mr. Roberts commented the “minimum reasonable economic use” is not consistent with the objective, itself. Mr. Roberts suggested adding a parenthetical “or its successor” after Florida Forever in case of a name change. Ms. Stankiewicz recommended a definition of “suitable” contained in Number 3 under “A purchase offer” be made. Mr. Haberman agreed “suitable” is up for interpretation. After discussion on possible proposed language, Ms. Santamaria proposed the language “non-waterfront lot for affordable housing,” taking out “suitable.” The Committee then discussed the rationale behind the “non-waterfront” language.

Page 56, there were no comments.

Page 57, this page was deleted in its entirety.

Page 58, Ms. Love stated Objective 101.7 and related policies were all deleted based on Board discussion.

Pages 59, 60, 61 and 62, Ms. Love stated Objective 101.8 will become 101.7, which deals with non-conforming uses. Non-conforming structures have been split out of this section. Ms. Hurley commented that even though non-conforming uses and structures should be split out, there is now so much detail included matching the code that if a code amendment is made it would necessitate a comp plan amendment. Ms. Hurley requested that Objectives 101.7 and 101.8 be amended so there is an objective for each use and structure and a policy for each use and structure that says “Monroe County should discourage non-conforming structures” or “uses,” depending on the objective. Ms. Hurley then spoke of the possibility of an owner renovating based on the amount of improvements annually allowed. Ms. Love suggested including the language “subject to the 50 percent rule limitations.” Ms. Hurley added that after that general parameter is set a second policy should be included that would allow someone to register the economically viable non-conforming uses, without addressing anything in here about how the code works. Expansions should meet the current code. Ms. Jetton noted that a policy like that would not be approved because it defers things to the code that should have a policy in the comp plan. Ms. Jetton suggested not changing what is currently written. Ms. Jetton feels the way it is written in the original plan is balanced and gives the flexibility needed. Mr. Haberman agreed with Ms. Jetton. Mr. Haberman believes “expansion” should be defined. Mr. Haberman recommended non-conforming structures and non-conforming uses be separated in the comp plan because they are separate in the code. Ms. Hurley summarized the original language will be kept, but a definition of “expansion of non-conforming uses” will be added in the glossary. Mr. Haberman believes the language “Accessory development associated with a non-conforming principal use may occur as long as it is in compliance with the code” would resolve 99 percent of possible issues. Mr. Haberman explained to Ms. Girard technically a non-conforming structure to the setbacks can still get a variance which could make the structure conforming, except for a

shoreline setback. Ms. Hurley added variances that can be applied for are very restrictive, such as landscaping, dry setbacks and parking. There are very narrow characteristics to adjust a shoreline setback, but there are absolutely no variances to height, open space and other requirements.

Rey Ortiz, Planning and Biological Plans Examiner Supervisor, joined the meeting.

Page 63, Ms. Love stated the 9J5 reference has been deleted and changed to 163. In Policy 101.9.1 “adopt and implement” has been changed to “maintain.” The drainage policy numbers are highlighted because it is unknown what the numbering will be. A revision was made to say “support the new development” in the second sentence. A caveat was added regarding existing development. Ms. Hurley noted existing development does not include single-family homes. Ms. Love will add the language “except single-family.” Mr. Roberts suggested including a date here as opposed to “built prior to the stormwater regulations.” Mr. Roberts will supply that date to Ms. Love. Ms. Hurley questioned the level of service standard concept in Policy 101.9.2. Mr. Roberts stated the standard is included in Drainage Objective 1001.1. Ms. Love pointed out this is related to the facilities themselves, not the development. Mr. Roberts suggested striking “for new development” and just say “conforming with the adopted level of services pursuant to 1001.1.1.” Ms. Hurley pointed out the County’s ordinance is not about the new facilities, but is about the rules for new development. The County’s stormwater master plan is about the new facilities. Ms. Hurley proposed the second sentence in Policy 101.9.2 be revised to say, “This plan shall require that improvements for replacement, expansion or increase in capacity of drainage facilities conform with the adopted level of service standards” and be moved to 101.9.4. Ms. Santamaria pointed out that Policy 1001.1.3 has to be revised to match that language.

Page 64, Ms. Love stated in Objective 101.10 “Dade County” was changed to “Miami-Dade County” and Policy 101.10.2 revised the date from “January 4, 1998” to “Within one year after the adoption of the 2030 Comprehensive Plan Update, or approximately June 2015.” This is in regards to wellfield protection. Ms. Santamaria suggested replacing specific dates to within X amount of years when referring to regulations.

Page 65, Ms. Love stated Objective 101.11 was deleted because it has been completed.

Page 66, Ms. Love stated Objective 101.12 has a major change made to it by adding that the County shall address coordinating the extension of, or increase in capacity of, facilities to meet future needs with regard to potable water, as well as adding “and protecting the functions of natural ground water recharge areas and natural drainage features.” Also, “City Electric” was replaced with “Keys Energy Service.” Ms. Santamaria commented that the County does not have concurrency for electrical, so that would not be included in concurrency management. Ms. Santamaria suggested the language “Monroe County, during the preparation of the concurrency management report, shall coordinate with the utility providers in Unincorporated Monroe County.” Ms. Hurley commented that Policy 101.12.2 should only address what concurrency items the County has and should only include reference to those entities as opposed to “the Municipal Services District.” Ms. Santamaria suggested using the language “utility providers,” leaving it general in case they change. Ms. Hurley commented this objective mixes in concurrency with adequate acreage being available for these types of uses when the County does

not project needs for any of them. Ms. Hurley recommended deleting Policies 101.12.1 and 101.12.3. Ms. Hurley does not believe the second sentence added to the objective is necessary.

Page 67, Ms. Hurley commented that the sentence after Number 2 was no longer necessary because the Key Largo Wastewater Treatment District had a statute put in place that allowed them to accomplish this clearing. Ms. Love stated the 9J5 reference in the last policy was deleted.

Page 68, Ms. Love stated Policy 101.13.1 was revised to say the County is going to “maintain” the LDRs as opposed to “adopt” them. Ms. Hurley suggested deleting the entire second sentence of Objective 101.13 and Policy 101.13.1 because that is obsolete. Mr. Haberman recommended changing the end of the first sentence of the objective to read “Monroe County shall maintain land development regulations which implement the Transferable Development Rights Program.” Policy 101.13.1 will be deleted. Ms. Santamaria suggested changing Policy 101.13.2 to read “Monroe County shall monitor the existing TDR program and maintain LDRs which address the deficiencies in the program and evaluate the following.” Ms. Hurley noted Number 1 under this policy cannot be done by the County. Ms. Stankiewicz suggested deleting the allocation reference in Number 4. After discussion it was agreed Number 4 should read “The LDRs shall continue to require that a restrictive covenant be recorded on the sender site deed at the time of the building permit issuance for the receiver site.” Ms. Hurley noted “tract” should be changed to “track” in Number 5. Mr. Haberman suggested changing “establishment of” to “maintain” in Numbers 2 through 5. Ms. Girard asked whether the receiver and the sender sites have the same criteria under Number 2. Mr. Roberts explained the current code establishes the hierarchy of sender and receiver sites based on specific habitat types or zoning districts, but everything else has already been changed to reflect the tier system, Tier I, Tier II, Tier III-A as appropriate sender sites, and Tier III as appropriate receiver sites. Ms. Girard asked to broaden the criteria and to include the same criteria as TREs.

Page 69, Ms. Santamaria pointed out the previous discussion regarding the TRE criteria should be included in Policy 101.13.4. Ms. Love suggested including the language “pursuant to Policy 101.13.4” under Number 2 on Page 68 and adding the same criteria as the TREs in Policy 101.13.4 on Page 69. Ms. Girard added CBRs areas might be one of the other criteria. Mr. Haberman discussed the difficulty of determining allocated density in zoning categories. Ms. Hurley replied that will be discussed in a future meeting set up with County Attorneys.

Page 70, Ms. Love stated only editorial changes were made to Objective 101.14 by deleting the 9J5 references and changing “adopt” to “maintain.” Mr. Roberts commented every piece of land in the County is subject to periodic flooding and Objective 101.14 should read “Monroe County shall maintain LDRs which direct future growth away from areas within the Coastal High Hazard Area.” There was discussion regarding the placement of mobile homes within the CHHA. Mr. Haberman suggested changing the language “or subdivision zoned for such use” to “or URM subdivision.” Ms. Hurley wants to get mapping from GIS before discussing this further.

Page 71, Ms. Love stated Objective 101.15 was deleted because it is a sign ordinance that does not belong in the comp plan. Objective 101.16 satisfies the requirement of having something in the comp plan that deals with on-site traffic flow.

Page 72, Ms. Love stated this page was deleted because it is more of an administrative function.

Pages 73, 74 and 75, Ms. Love stated Objective 101.18 was written by Tyson Smith. Ms. Love read aloud Policy 101.18.1 Ms. Love confirmed for Mr. Haberman every time an LDR or comp plan is changed people have the right to petition for vested rights. Ms. Santamaria feels there should be an objective and policy for vested rights and one for beneficial use. Ms. Love clarified Policy 101.18.1 is vested rights and then beneficial use starts under Policy 101.18.5. Ms. Santamaria suggested Policy 101.18.X should be Policy 101.18.6 with the inclusion of an intro. Ms. Hurley does not want a one-year time limit included. Ms. Stankiewicz noted there is minimal processing of vested rights applications currently. Ms. Santamaria confirmed a one-year limit is included in the code. Ms. Schemper pointed out Policy 101.18.1 says nothing in the comp plan shall be construed as affecting expired vested rights established. Ms. Hurley commented this section needs a lot of work. Ms. Hurley pointed out there is no definition of “vested rights.” Ms. Love will add that definition to the glossary and Policy 101.18.1 will be titled “Vested Rights.” Staff will work further with County Attorney Steve Williams on this section.

A lunch recess was held from 1:20 p.m. to 2:38 p.m.

Steve Williams, Assistant County Attorney, joined the meeting. Ms. Hurley explained to Mr. Williams Policy 101.18.1 is a rewrite of an allowable process available after this new comp plan is adopted where someone in the public feels that something in this comp plan might have changed their rights will have a year, or some specified time period, to come in and say the County should recognize their vested rights. Ms. Hurley asked for help rewriting this policy to include more of its purpose and how it will work. Pages 73, 74, 75, 76 and 77 should be defining vested rights in that process for the new comp plan and the beneficial use, as well as include an introduction of what this is. Mr. Williams commented vested rights can be addressed and identified to be specifically included or excluded.

Page 78, Ms. Love stated the only change on this page is the deletion of the 9J5 reference. Mr. Roberts pointed out the first two paragraphs should be one paragraph. Ms. Schemper informed the Committee a separate internal working group worked on this and recommended adding to the end of the second sentence in the second paragraph “and shall not exceed the maximum density of the future land use category or the land use district, whichever is less.” Ms. Hurley recommended defining “unbuildable,” which is in the last sentence of the objective. Mr. Haberman explained “unbuildable” has never been defined because there could be different reasons why it is unbuildable. Ms. Hurley would then prefer to keep the “buildable” definition. Ms. Jetton questioned what would happen if a property owner had unbuildable wetlands that they wanted to put into a conservation easement. Mr. Schwab replied it would be excluded in open space requirements. Mr. Williams advised against that because it would cause the plat to fail. Ms. Hurley suggested the language “Areas of upland or wetland habitat may be included in a plat as conservation area.” It was agreed the last sentence of Objective 101.19 would read, “Monroe County shall only approve plats which create buildable lots; areas of upland or wetlands may be included as conservation area on said plat.” Ms. Love will make sure the definition in the glossary for “buildable lot” matches the LDC definition. Ms. Schemper and Ms. Hurley

discussed a meeting where staff proposed not allowing further subdivision of certain land use districts. Mr. Haberman suggested including in the comp plan one unit is allowed per platted lot. Ms. Love commented that language is included in Policy 101.4.3. Ms. Hurley will have GIS check the maps to see if there is any other land within RM except IS zoning. Ms. Hurley reviewed the changes to 101.4.3. It reads “Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption.” Ms. Hurley commented the word “plan adoption” needs to include the date the plan was adopted, which is on or before January 4, 1996. Ms. Hurley then recommended eliminating the last sentence. Ms. Hurley recited it was determined the words “subdivided” and “lot splits” needed to be defined using language from Chapter 177. Ms. Hurley then suggested adding a Policy 101.19.3 that would disallow subdividing of IS, ISD, URM, UR and CFV platted lots as of 9/15/1986 that result in an additional net lot. Ms. Hurley pointed out that code amendments were recommended at that meeting and Ms. Schemper needs to write a summary e-mail of that.

Page 79, Ms. Love stated Policy 101.20.1 was modified to say “maintain, and update periodically, as appropriate with public input, the Livable CommuniKeys Master Plans.”

Page 80, Ms. Love stated there was no change to this page other than the “Adopted by” at the bottom of the page.

Page 81, Ms. Love stated there were some minor changes here referencing the action items with or without the green checkmark and each one of those plans has been addressed here.

Page 82, Ms. Love stated there were only editorial changes on Page 82.

Page 83, Ms. Love stated that Mr. Roberts had asked for more detail on Goal 102 where it talked about protection of environmentally sensitive lands. A parenthetical was added specifying wetlands and tropical hardwood hammocks. In Objective 102.1 “upon adoption of the comprehensive plan” was deleted and “disturbed wetlands” was changed to “wetlands.” The numbering on Policy 102.1.1 was realigned and the 9J5 reference was deleted.

Page 84, Ms. Love stated in Objective 102.2 the section of the LDC was updated from 9.5 to 118-1 throughout, as well as some editorial changes. Policy 102.2.1 talks about maintaining environmental standards instead of adopting them and mitigation for wetland impacts referencing the Army Corps, FDEP and SFWMD were added. Ms. Santamaria questioned whether the objective should still reference disturbed wetlands or just wetlands. Mr. Roberts explained the deletion of “disturbed” helps clarify because these policies do not protect disturbed wetlands, but spell out how development is allowed to occur in disturbed wetlands. Ms. Love will delete the word “disturbed” in Objective 102.2

Page 85, Ms. Love stated there were editorial changes in Objective 102.3 changing 9J5 to 163. The wording in Number 5 under Policy 102.3.1 was changed to specify wetlands and native upland plant communities. Mr. Roberts noted because “environmentally sensitive lands” will be included in the definition section there is an option here to leave Number 5 the way it is referencing environmentally sensitive lands instead of the individual communities. Ms.

Santamaria suggested reverting Number 5 back to the original language. Mr. Roberts stated the changes to Number 6 look fine.

Page 86, Ms. Love stated this page only contains editorial changes from 9J5 to 163.

Pages 87, 88 and 89, Ms. Love stated this objective and related policies were deleted because it dealt with developing the Land Acquisition Master Plan and the Land Authority felt this was no longer necessary. Ms. Santamaria noted this section may need to be revisited after staff meets with the Land Authority.

Page 90, Ms. Love stated Objective 102.5 deals with protection of the nearshore water quality. Mr. Jones recommended deleting this objective because the County does not want to undertake developing a water quality protection program. The implementation of several studies under Policy 102.5.1 is discussed in a different section under Policy 203.5, which says to evaluate the need for them. Ms. Santamaria recommended deletion of all policies under Objective 102.5.

Page 92, Ms. Love stated Objective 102.6 and related policies deals with development of the mainland of Monroe County, which it was important to DEO that this be included. The “wilderness state” was changed to “natural, cultural and historic resources of the mainland area.” Policy 102.6.1 was deleted because it incorporates the Everglades National Park and Big Cypress National Preserve Plans into the comp plan. Policy 102.6.2 was updated to state the County is going to maintain the existing LDRs related to the native area district. Ms. Hurley requested that Ms. Love confer directly with Ms. Jetton on this section. Ms. Love will ask Ms. Jetton for any more detail desired.

Page 93, Ms. Love stated Objective 102.7 deals with offshore islands. Ms. Santamaria requested a definition of “offshore island” be added to the glossary. Ms. Hurley and Mr. Haberman discussed offshore island zoning. Ms. Santamaria commented the “maintain” should be changed to “adopt” within one year. Ms. Love proposed the language for Policy 102.7.1 to be “Within one year of the adoption of the 2030 comprehensive plan Monroe County shall adopt land development regulations which will further restrict the activities,” and continue on. Ms. Hurley commented it needs to clarify how the County will determine documented bird rookeries. Ms. Hurley further commented that the fact an owner of an offshore island may camp on it needs to be clarified within Number 2. Mr. Roberts does not feel a definition of “bird rookery” is necessary. Ms. Hurley and Ms. Santamaria disagreed. Ms. Santamaria questioned whether “best available data” should be referenced regarding bird rookeries. Mr. Roberts will call the refuge to see what they recommend. Ms. Hurley pointed out Policy 102.7.1 directs you to Policy 207.1.3 under Conservation and Coastal Management which was struck out. Mr. Roberts noted it is a bad reference because 207.1.3 is in reference to open space requirements for undisturbed salt marsh and buttonwoods and 207.1.2 is the actual policy referring to offshore islands and bird rookeries. Ms. Hurley referenced the identification of the current protected animal species map. Mr. Roberts explained they are almost identical to the 1985 existing conditions maps but that data is over 30 years old and Mr. Roberts recommended deleting it. Mr. Roberts suggested using the existing conditions maps in conjunction with the best available data. Mr. Roberts will confer with Randy Grau from Fish & Wildlife on this. Ms. Hurley would like “the best available data” language both here and in Policy 207.1.2. Ms. Jetton proposed the language “or recent surveys”

because nobody has ever been there. Ms. Hurley requested Numbers 2 and 5 get combined and that “campgrounds” be defined. Ms. Hurley and Mr. Haberman feel permitted uses in Number 4 should not be here because this section talks generally about islands, not the zoning category. Ms. Jetton noted that some offshore islands are not designated as islands under zoning. Ms. Santamaria agreed there are mapping inconsistencies that will have to be addressed.

Page 94, Ms. Love stated Numbers 6, 7 and 8 relate to restricting the activities permitted on offshore islands. Mr. Roberts questioned the purpose of Number 7. Mr. Haberman noted since it is only being encouraged it is harmless. Mr. Haberman questioned the purpose of Number 6 since that is not an approved use. Discussion ensued about what makes an offshore island developed. Mr. Haberman recommended changing Number 6 to be offshore island that do not contain any development. Ms. Hurley asked if Number 8 should be made more specific to state the public entities or private owners shall not extend. Ms. Jetton recommended limiting it to undeveloped offshore islands. Ms. Hurley suggested clarifying Number 8 to be public facilities and services shall not be extended to undeveloped offshore islands and the extension of public facilities and services to developed offshore islands shall comply with 101.12.4.

Page 95, Ms. Love stated Objective 102.8 is not being changed.

Page 96, Ms. Love stated this page has been amended in cooperation with other responsible state and federal agencies. This is language that was recommended by Mark Rausch. This is about land management. Mr. Roberts proposed the language for Policy 102.9.1 “Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the land development code.”

Page 97, Ms. Love stated Goal 103 concerns the Areas of Critical County Concern. “Holiday Isle” has been deleted. Some renumbering was done. “DNR” was changed to “FDEP” and “FWS” was changed to USFWD” in Policy 103.1.3. “Acquisition shall be considered through the Monroe County Natural Heritage and Park Program” was deleted. Mr. Haberman suggested “and No Name Key” be added to Objective 103.1 (c) and (d). Ms. Santamaria noted that “formerly described as areas of Critical County Concern” in Goal 103 is not needed anymore. Mr. Roberts agreed.

Page 98, Ms. Love stated there were some editorial changes on this page and Ms. Love will confirm Objective 207.7 still comports once the final numbering has been completed.

Page 99, Ms. Love stated Objective 103.2 has editorial changes. “Upon adoption of the comp plan” was deleted from Policy 103.2.4 and “FWS” was changed to “USFWS.” Mr. Roberts is unsure of having the limitation under Objective 103.2 to only the four current species because the Stock Island tree snail occurs north of 905. Ms. Love will delete the Number 4 habitat of four species of animals listed as endangered under the Endangered Species Act and replace it with “including but not limited to the American crocodile, the Key Largo wood rat,” et cetera.

Page 100, Ms. Love stated Policy 103.2.5 was deleted because it is dealing with monitoring FKAA and their compliance prohibiting hookups into endangered species territory. Mr. Roberts suggested inserting a Number 4 under Policy 103.2.6 for known locations of Stock Island tree

snail. Ms. Love stated in Policy 103.2.7 other resource agencies were added to be placed upon acquisition and native upland sites which are located within improved subdivisions and which are outside of the acquisition areas identified by other resource agencies instead of being limited to those.

Page 101, Ms. Love stated Policy 103.2.8 was deleted at the recommendation of the Land Acquisition Authority because that was part of the land management program, and Policies 103.2.11 through 103.2.13 were deleted because it requires archeological and historical review. Staff did not feel that was necessary any longer. Policy 103.2.13 was also deleted because it required all federal and state permits to be acquired.

Page 102, Ms. Love stated Policy 103.2.14 had only minor editorial changes regarding USFWS.

Page 103, Objective 103.3 and the related policy were deleted because they were specific to Ohio Key, which was already publicly owned.

Page 104, Objective 103.4 and its associated policy were deleted.

Page 105, Ms. Love stated Goal 104 had some minor editorial changes. Policies 104.1.3 through 104.1.5 were deleted because all this work was already done. Ms. Hurley commented having an inventory of resources is useless if an inventory is not taken and little by little designated as a local either landmark or site or significant structure.

Page 106, Ms. Love stated the next policy, 104.2, says the County will recognize them. Ms. Santamaria suggested including language to say the County will strive to nominate X number per year.

Page 107, Ms. Schemper proposed leaving in Policy 104.2.3 that talks about encouraging local historic preservation groups to nominate things, but deleting anything that says the County will nominate things. Ms. Love explained the reason this was deleted was because the BOCC was not interested in having so much other folks do this as they were interested in having staff do it. Mr. Haberman added staff already does this, but all staff should do is notify the property owner that they can do it and, if any incentives are provided for doing it, let them know what the incentives are. Ms. Love suggested only undeleting in Policy 104.2.3 the last sentence that Monroe County Growth Management Division shall provide information and technical assistance to individuals and the local historic preservation groups. Mr. Haberman thinks it should say to property owners. Ms. Love proposed saying “assistance to individuals who wish to prepare nominations to owners.” Ms. Hurley pointed out that current code, 134-56, already allows the Planning Director or a historic property owner or any third party with concurrence of the owner to apply for a designation. Ms. Love stated Policy 104.2.4 was deleted because it talks about nominating to the National Register of Historic Places. 9J5 references were revised to reference 163. Ms. Hurley would like Policy 104.2.5 to say “may nominate,” not “shall.”

Page 108, Ms. Love stated Objective 104.3 had some editorial changes about maintaining the LDRs instead of creating them. Mr. Haberman suggested the language for Policy 104.3.1 “shall maintain land development regulations implementing historic preservation regulations.” Ms.

Schemper noted in Number 4 of Policy 104.3.1 that is very old numbering. Mr. Haberman recommended getting rid of Article VIII and just saying “in the Land Development Code.”

Page 109, Ms. Love stated Policy 104.3.2 was deleted because the Committee decided a long time ago not to address that. Ms. Love further stated Policy 104.3.3 was deleted because this was about becoming certified and getting grants, and that program is no longer in place.

Page 110, Ms. Love stated some editorial changes were made from 9J5 to the 163 reference.

Page 111, Ms. Love stated a policy of identification and improvement of historically significant housing will be encouraged by the Planning Department through the coordination of public information programs. Mr. Haberman recommended deleting this policy because it does not give any meaningful direction. Ms. Santamaria noted this is in the housing element word for word under 601.3.4. Mr. Haberman pointed out “historically significant” means something different than “historic.” Ms. Hurley proposed the language “Indication and improvement of a historic property will be encouraged and incentivized through the coordination of public information programs defining benefits and improvement funding sources such as ad valorem tax exemption for renovated historic properties.” Mr. Haberman noted that the whole next page is about incentives. Ms. Hurley then suggested getting rid of 104.4.X.

Page 112, Ms. Love stated Policy 104.5.2 was deleted because that is dealing with all the things contained in the technical documents. Policy 104.5.3 was revised to recognize that funding is already being sought from the TDC and the historic marker program. Policy 104.5.4 was deleted. Ms. Love asked if instead of deleting Policy 104.5.4 in its entirety it should say the County and the HPB shall continue to notify property owners. Ms. Santamaria agreed it should say the County will continue to notify. Ms. Schemper commented that under Number 3 of Policy 104.5.1 the Historic Florida Keys Preservation Board no longer exists. It is now a private entity called the Historic Florida Keys Foundation. Ms. Love suggested deleting Number 3.

Page 113, Ms. Love stated only editorial revisions were made to 163 and 9J5.

Page 114, Ms. Love stated on Objective 104.6 some minor editorial changes were made at the beginning, and then Policy 104.6.4 includes the language “providing referral to the appropriate governmental agencies, the County shall assist property owners in the identification of historically significant structures.” Policy 104.6.5 has been modified to read “Monroe County shall assist property owners of historically or architecturally significant structures in applying for and utilizing state and federal assistance programs.”

Page 116, Ms. Santamaria stated time has run out on the use of the meeting room tonight, but no changes are being proposed for Goals 105, 106, 107 and 108.

The Development Review Committee meeting was adjourned at 4:47 p.m.