DEVELOPMENT REVIEW COMMITTEE

Tuesday, March 24, 2015

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 24 , 2015**, beginning at 1:02 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mayte Santamaria, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present

STAFF

Steve Williams, Assistant County Attorney	Present
Emily Schemper, Principal Planner	Present
Matt Coyle, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Mr. Schwab stated Item 2 will be heard first because the applicant for Item 1 is delayed.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes of the February 24, 2015, DRC meeting as is.

MEETING

New Items:

2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.26 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT FOR WIND TURBINES OWNED AND OPERATED BY A PUBLIC UTILITY; CREATING POLICY 101.5.31 TO ADDRESS NON-HABITABLE ARCHITECTURAL DECORATIVE FEATURES WITHIN THE OCEAN REEF COMMUNITY; CREATING POLICIES 101.5.32 AND 101.5.33 TO PROVIDE CERTAIN EXCEPTIONS TO THE HEIGHT LIMIT IN ORDER TO PROTECT PROPERTY FROM FLOODING AND REDUCE FLOOD INSURANCE COSTS; AND CREATING POLICY 101.5.34 TO PROVIDE AN EXCEPTION TO THE HEIGHT LIMIT EXCLUSIVELY FOR AFFORDABLE OR EMPLOYEE/WORKFORCE DWELLING UNITS THAT MEET THE INCOME LIMITS FOR THE VERY LOW, LOW AND/OR MEDIAN

INCOME CATEGORIES ON PROPERTIES DESIGNATED AS TIER 3; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-006)

(1:03 p.m.) Ms. Santamaria stated that Items 2 and 3 will be held as a workshop discussion versus a staff report with comments. Both items are from the comp plan update and were proposed within the 2030 comp plan. The BOCC has asked staff to remove the policies as they were in the comp plan and process them separately so that there is public understanding and public input through the process. This item will be brought back two or three times to ensure revisions can be made with public input.

Ms. Santamaria first addressed Policy 101.4.26. Ms. Santamaria explained that the current height definition is the vertical distance between grade and the highest part of any structure and it is measured from either grade or the crown of the nearest road. Multiple height exceptions have been proposed in order to address a variety of issues. The first one is the wind turbine for facilities owned and operated by a public utility. An avian protection plan would be required. The height exception would be for those wind turbines that facilitate green technologies and alternative energy sources. Ms. Santamaria informed Deb Curlee there are no applications for wind turbines currently.

Alicia Putney commented that her personal experience has been that wind turbines are not able to generate enough current to be deemed useful unless the sustainable winds were above 20-25 miles an hour. Consequently, wind is more questionable than solar energy at this point. Ms. Curlee is not in favor of wind turbines because of their aesthetics. Ms. Santamaria will draft a version of the policy as the BOCC has proposed it next to a version that includes the public's input. Bill Eardley asked that staff obtain an analysis of FKEC's two wind turbines located on Cudjoe Key before proceeding with this policy.

Ms. Santamaria then addressed Policy 101.5.31. Ms. Santamaria explained that this policy is specific to Ocean Reef. In permitting for that community staff has had to deal with architectural features just above the 35-foot height limit. Staff has recommended the architectural features could exceed the 35-foot height limit by five feet, not to exceed 40 feet, and can contain no habitable space up there.

Joel Reed was present on behalf of Ocean Reef Community Association and Ocean Reef Club. Mr. Reed stated even though Policy 101.5.31 is intended to address non-habitable architectural decorative features, it is only one and the least significant of three provisions that Ocean Reef has requested. Mr. Reed explained that Ocean Reef has its own architectural review committee that projects go through as well. One of the longer term issues facing Ocean Reef Club is that they still own a number of buildings and condominiums that currently exceed the 35-foot height restriction. These are aging buildings coming to the end of their useful life. There is concern if they are ever destroyed they would not be able to build back to their current heights. Mr. Reed agrees with being proactive by building above the FEMA flood heights. One policy request from

Ocean Reef is for the ability to build back on a story-by-story approach rather than to the pre-existing height. Mr. Reed feels allowing this way of rebuilding with an increase in the slab-to-slab measurement to 11 feet would encourage owners to remodel their buildings rather than tearing them down. Another issue important to Ocean Reef is the Cultural Center building. Because the flyover space in this building is limited, the ability to have productions in this building is limited also. Mr. Reed suggested that a height of 65 feet would accommodate that flyover space. Mr. Reed emphasized that the proposed story-by-story rebuilding process is being requested for Ocean Reef only, which is an isolated and gated community, not visible from the roadway. Ms. Santamaria asked that Ocean Reef provide information of the cultural center, such as a map depiction and its existing height information. Mr. Reed agreed to provide that information, as well as a list of inventoried buildings at Ocean Reef including their existing heights.

Ms. Curlee asked for an estimate of the height of a building with an 11-foot slab-to-slab allowance plus the flood elevation. Mr. Reed replied that it depends on the flood zone and the average existing grade or crown of road of each site. Ms. Putney proposed Ocean Reef go through a variance procedure for each of the specific buildings because of all the variables associated with each building. Mr. Reed agreed that consideration needs to be given for each building individually and stressed that losing a floor would not be an option in rebuilding. Mr. Reed further explained that some communities have minimum ceiling heights so that a more adaptable building into the future is built.

Ms. Putney asked if Ocean Reef has its own community master plan containing its own design criteria. Mr. Reed responded that there are architectural design guidelines for Ocean Reef that are followed currently and a process is being gone through to update and create a new master plan for Ocean Reef. Ms. Santamaria clarified that it is for Ocean Reef's own development internally, but a Livable CommuniKeys plan or even an overlay district can be proposed. Ms. Putney voiced concern that this policy would open the door for other gated communities throughout the Keys to increase their height restriction. Ms. Santamaria noted that the reason the BOCC was even considering this policy is because Ocean Reef is not only gated, but it is isolated and separate from the rest of the Keys. Bill Hunter, present on behalf of Sugarloaf Property Owners Association (SPOA), will be taking this request by Ocean Reef back to SPOA members for their input. SPOA recognizes that Ocean Reef is isolated and very different from the rest of the Keys. Mr. Hunter commented that the BOCC has said in the past they do not want to treat Ocean Reef differently than the rest of the County. SPOA is neutral on this policy as long as this does not affect the rest of the County.

Mr. Reed explained that there is language that allows Ocean Reef to go through a letter of understanding process without going through a conditional use process. Mr. Reed feels perhaps some stronger language would help address the concerns being voiced. Ms. Putney again suggested Ocean Reef have their own Livable CommuniKeys plan which is protected by the comp plan. Mr. Reed pointed out that Ocean Reef has stricter regulations than the rest of the County has, such as setbacks. Ms. Putney suggested adding language referring to gated communities over a certain size. Ms. Curlee believes, regardless of Ocean Reef being isolated and gated, the public will expect the same consideration that Ocean Reef receives. Ms. Putney agreed. Ms. Putney asked to underscore that the BOCC does not want to have special rules for

Ocean Reef. Mr. Reed added that he believes only one Commissioner has expressed that sentiment. Ms. Santamaria stated the BOCC will make the decision of what they choose to adopt and/or transmit to the State and will ultimately make the decision of which communities, which policies and where they will apply to.

Ms. Santamaria then addressed Policies 101.5.32 and 101.5.33. Ms. Santamaria explained these policies are an attempt to provide existing and new structures the ability to redevelop or lift the existing structure to come into compliance with their flood zone. New FEMA maps are expected in four years. The first provision of Policy 101.5.32 is for new structures to voluntarily elevate their structures up to five feet above the 35-foot height limit. It is based on what they choose to elevate above flood. The second provision of the policy is for existing structures to be able to meet their base flood zone or to exceed it. Again, they can go up to five feet above the 35-foot height limit, but this is based on the amount they choose to go up. The third provision is for those structures that need to go a little bit higher to meet their flood zone. The addition of one foot of freeboard above the base flood elevation is provided for.

Bill Eardley stated raising an existing structure is impractical due to the cost. It is simpler to pay off the mortgage and cancel the flood insurance. Mr. Eardley feels there is no need for the exception on new construction because the building can be designed to meet the current standards. Ms. Santamaria explained the exception was proposed because the BOCC did not want people to lose living space and be squeezed into smaller homes. FEMA representatives have informed staff a grant program may be created to help with the cost of elevating a home. Ms. Santamaria pointed out that some existing structures may not be able to be raised due to its structural integrity. Mr. Roberts pointed out that there has been discussion about including bonus points or points under the CRS for communities that provide for an opportunity for property owners to elevate their base floor one to three feet above base flood elevation on a voluntary basis. Dottie Moses from the Upper Keys Homeowners Federation stated that the CRS looks at encouraging people not to build in low-lying areas. Ms. Santamaria explained that is why the inventory of flood zones was done. Mr. Hunter expressed concern that the County is somehow encouraging building in a very low-lying area where roads will eventually no longer be maintained by the County. Ms. Santamaria clarified that Number 1 is applicable when people tear down and build a new structure. Ms. Putney stated that the number of homes built before FEMA came in to Monroe County in ’78 built below the base flood would be a small enough number that they could be dealt with through some kind of a development review mechanism as opposed to a carte blanche rule. Ms. Schemper noted that this would give property owners the allowance to do it rather than being penalized because of their unique circumstance. Ms. Santamaria stated staff will evaluate that.

Ms. Santamaria then described a situation of a property owner in North Florida who built a home less than ten years ago at three feet above flood. The new FEMA maps now show that home being three feet below flood. Ms. Santamaria explained that the new FEMA maps could impact a substantial number of people whose flood insurance premiums are going to skyrocket up because of this situation. FEMA is supposed to take sea level rise into account when creating their new maps. Staff is trying to think into the future to try to facilitate people’s ability to protect their homes and investments. Mr. Hunter suggested, because it is unknown what the maps will show, introducing the concept and making allowances for the solution in the comp

plan and holding off on the details of the actual solution since modifying the LDRs in the LDC is an easier process. Mr. Schemper cautioned the longer addressing this issue is put off, the more homes will be built that are going to be affected. Ms. Moses stated that at an Army Corps meeting comments were made that all of the "easy" lots have been built on and what is left will require mitigation and other issues. Ms. Santamaria will try to run an analysis of the flood zone of the vacant parcels in the County.

Mr. Hunter clarified that when he suggested splitting the concept in the comp plan and the detail in the LDRs, he was not suggesting delaying the LDRs. Mr. Hunter further stated more public outreach would help in educating the public more on climate change and sea level rise. Mr. Roberts clarified for Mr. Hunter that the County does not have policies in place yet regarding replacement of infrastructure in areas potentially susceptible to sea level rise, so the County has to proceed under existing policies and directives, which obligates the County to maintain the roads. Ms. Santamaria described a situation in St. Augustine where property owners are suing the municipality to maintain a road in a low-lying area so that the people would have access to their fire service. Ms. Curlee asked about regulations regarding filling a lot. Mr. Roberts explained that whether fill is allowed depends on the flood zone. Ms. Putney added that runoff from higher lots into the road is creating a problem for the neighbors and in the canals, as well as blocking views and creating shade. Mr. Williams clarified that situation does not create a property rights issue. Ms. Santamaria noted that the variance procedure could create a staggered view line in an area.

Ms. Moses stated the Federation has taken the position they do not want the 35-foot height limit raised under any circumstance. The County has managed to get by under that height limit to date with new construction. Mr. Hunter on behalf of SPOA agreed with Ms. Moses' comments. Mr. Hunter personally believes more education is needed about freeboard and the benefits of freeboard. Ms. Putney on behalf of Last Stand stated existing buildings should have some kind of mechanism for special approval, but that the total raised building could not exceed 40 feet and the space created under the first floor should be non-habitable. Secondly, Last Stand is opposed to new construction receiving an exception to the 35-foot height limit. Mr. Williams noted that there is a potential map amendment process to appeal to FEMA to make an exception for a lot. The expense of that process was discussed.

Ms. Santamaria then addressed Policy 101.5.33. Ms. Santamaria explained that this policy addresses existing structures that currently exceed the height limit, such as a three or four-story condo. By redeveloping to upgrade the building, coming into compliance with the flood zone may result in loss of a story of that condo. That could potentially result in 20 people on the top floor no longer having the ability to rebuild their home. Ms. Putney questioned why it is perceived to affect the top story as opposed to the first story. Ms. Santamaria stated half of the people would lose their home regardless of which story it is. This policy provides for allowing five feet above their existing height. Ms. Putney stated Last Stand supports this policy provided that the footprint of the structure is not changed. Ms. Santamaria clarified for Ms. Curlee there is no cap on the height. Staff does not have a clear inventory of those structures this policy would encompass, but estimates only a handful. Mr. Reed asked that those who do support this policy consider giving some additional slab-to-slab height when rebuilding. Ms. Putney replied Last Stand supports the grandfathering of nonconforming height to certain buildings in Monroe

County when redevelopment is involuntary provided the new building height does not exceed that of the old building. As such, compliance with FEMA along with any additional voluntary clearance above base flood elevation must be equal to or less than the height of the old nonconforming building. Mr. Hunter stated SPOA agrees as long as the redevelopment is involuntary, such as because of fire or flood. Ms. Santamaria asked if the public in attendance considers the new FEMA maps deeming a structure below base flood involuntary.

Mr. Reed does not like the "involuntary" language because it is a very tricky threshold to meet. Ms. Santamaria noted the BOCC has tried to direct staff to focus on redevelopment versus trying to facilitate a lot of new development. Mr. Reed clarified that while there is no magic slab-to-slab number, floor to ceiling heights should be created that are adaptable and can continue to be remodeled throughout future years. Ms. Curlee expressed concern that what is "involuntary" to one person may open the door to let somebody else take advantage of this policy. Ms. Santamaria clarified for Ms. Curlee that in almost all situations exceptions to the height limit will not allow people to add a story. In some situations that would be possible. Ms. Putney believes that language should be included to limit in what situations it would be allowed. Mr. Hunter suggested more detail of the buildings in Ocean Reef be gathered to realize the effect this could have on the County. Mr. Reed clarified that his comments regarding slab-to-slab increases were specific to the Ocean Reef policy, but feels it might be worth considering for all of unincorporated Monroe County. Ms. Moses is concerned about taking people's property rights away from them. Mr. Hunter then commented that the "historical designation" language should be eliminated.

Ms. Santamaria then addressed Policy 101.5.34. Ms. Santamaria explained this came out of the session of the BOCC at the October meeting to address a different height maximum for very low, low and median income affordable employee and work force housing on properties designated Tier III. This was to facilitate having nonresidential development on the first story and allowing a couple stories of affordable housing on top. Mr. Hunter stated SPOA is opposed to this amendment. SPOA believes that the County has the benefit of seeing what the cities have done to address this issue before they make a decision on solutions. Another issue for SPOA is using height as a solution to affordable housing in the County where there is more land than the County has ROGO allocations for. Ms. Moses stated the Federation is opposed to raising the affordable housing limit. Key Largo does not have an affordable housing issue. There are affordable housing projects in the Upper Keys district already and some of the way those projects are being managed are not the way their deed restrictions have been written.

Ms. Moses pointed out there is no definition for "workforce housing" in the code. Ms. Santamaria replied the Affordable Housing Committee will be addressing that soon. The BOCC hired the FSU Consensus Center to provide a report on the County's affordable housing issue. Ms. Schemper added that the LDC uses the term "affordable housing" or "employee housing," which are defined terms. "Work force housing" is a more general term. Mr. Reed argued that there is a demand and a need still in the Upper Keys for affordable housing. Mr. Reed then stated it is a severe challenge to find appropriate land of a certain size to accommodate affordable housing. Mr. Eardley is concerned this amendment would open the door for all kinds of other development. Mr. Eardley agrees there are ways to address work force housing without going higher, such as making the units smaller. Ms. Curlee added when talking about truly

affordable housing that would be rentals. Ms. Putney believes this issue is complex and the height exception for affordable housing should be dealt with within the arena of the affordable housing discussion separate from what is being done today. Ms. Santamaria clarified this amendment would provide the opportunity to build more units, but it also will raise those units above base flood.

Ms. Santamaria thanked the public for their comments and stated these comments will be included in the staff report and will be back before the DRC again for more comments.

1.<u>Playa Largo Resort, 97450 Overseas Highway, Key Largo, mile marker 97.5:</u> A public meeting concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the development of a proposed 177-unit hotel and associated accessory uses. The subject property is legally described as Tracts 4B and 5B, Amended Plat of Mandalay (Plat Book 2, Page 25), Key Largo, and also a tract of submerged land in the Bay of Florida fronting said Tract 5B (TIIF Deed No. 22416), Monroe County, Florida, having real estate number 00555010.000000.
(File 2015-031)

(2:32 p.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this applicant currently has an approved major conditional use permit from 2007 and it has had several deviations and time extensions over time. It is still active. The most recent deviation has approved the site plan for 162 transient units and one commercial apartment, which was previously on the site. The applicant has been issued a number of building permits. This amendment to the major conditional use permit is to add an additional 15 transient units into the hotel, the building of which has already been permitted, and that would bring them up to their max number net density. It does not change any footprint on the site plan. All of the required criteria are in compliance. The only issue that is still outstanding is the traffic and access. The applicant had supplied a Level 2 traffic study with this application, and because of the threshold of what is being proposed a Level 3 traffic study is needed. This may also impact the requirement for a right-turn deceleration lane leading into the property. Ms. Schemper recommended approval with conditions. Those conditions were outlined.

Ms. Santamaria commented that the Planning Commissioners will likely want to see the traffic studies so they can take that data into account in their decision-making and make sure that it is compliant. Mr. Roberts asked that Number 7 of the recommended actions be reworded to specify the number of allowed docks. Mr. Roberts will supply that number to Ms. Schemper.

Jorge Cepeda, present on behalf of the applicant, stated he was familiar with the conditions contained in the original approval. Mr. Cepeda asked that Condition 8, the transportation shuttle for guests and employees, be considered in the traffic study because that has less of an impact on traffic. Mr. Cepeda asked that the second portion of the language about adequacy of public facilities on Page 6 of the report remain part of the recommended action. Mr. Cepeda clarified that no trees will be cut for the mulch exercise path, but there may be some underbrush that may need to be accommodated. Mr. Roberts specified that “clearing” is the removal of any native vegetation regardless of the size. Mr. Roberts asked the applicant to inform staff if the applicant is planning on clearing or removing additional vegetation that has not been previously accounted

for in the site plan. Ms. Schemper will look again at the deviation to see exactly how it is worded and get back to the applicant regarding the clearing.

Ms. Santamaria asked for public comment. Ms. Moses asked whether the proposed commercial apartment is bayfront. Ms. Schemper explained it was a previously existing unit, so the residential use and density is protected. Mr. Cepeda stated the apartment is in the same location as the prior developer's site plan. Ms. Moses then pointed out the site plan shows two entrances. Ms. Schemper explained one is an emergency access drive requested by the fire department. Ms. Moses then noted that the front buffer that faces US-1 looks to contain lead tree. Mr. Cepeda replied that the landscaping will be done in the final stage. The main entrance is the original American Outdoor entrance and at the end stage the exotics will be removed and landscaping will be done to complete that buffer. Ms. Moses commented that there are a lot of non-native species on the vegetation list. Mr. Roberts explained that the required vegetation is 100 percent native vegetation, but anything planted above the minimum requirement can be anything the developer wants. The developer is overplanting the required landscaping significantly. Ms. Schemper clarified for Ms. Moses that the docking facility on the property is a hotel accessory dock, not a marina.

3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICIES 101.5.8 AND 101.13.5 WITHIN THE FUTURE LAND USE ELEMENT AND POLICIES 207.1.2 WITHIN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT TO FURTHER CLARIFY THE DEVELOPMENT OF OFFSHORE ISLANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File 2015-007)

(2:49 p.m.) Ms. Santamaria stated this item also comes from the comp plan update project. The BOCC asked staff to remove these policies that were included in the comp plan and process them separately since it was a new topic and received a lot of attention and people wanted to provide input on the topic. These policies relate to the transfer of ROGO exemptions, density rights, as well as where the development would be directed to.

Ms. Santamaria addressed Policy 101.5.8. Ms. Santamaria explained that, again, this item will be handled today more like a workshop-type item.

Bart Smith, Esquire, was present on behalf of FEB Corp. Mr. Smith asked staff to address all of the policies together. Mr. Smith thanked staff for planning multiple workshops to allow these policies to be vetted over a period of time where everyone can work together. Mr. Smith asked staff to provide notice to the affected property owners of these meetings so they can actively engage in this process. Mr. Smith asked staff to contemplate the unintended consequences of these policies of not allowing the TDRs and TREs to be transferred to offshore islands and designating all offshore islands as Tier I. Mr. Smith believes this negates the tier system, which is the primary tool for determining whether a parcel is suitable for development. These policies

put an inordinate burden on the property owners. These property owners have some development right, all residential in nature. The code only has two ways that residential can be built: Through ROGO allocation or ROGO exemption. These islands do not have ROGO exemptions because they do not have homes on them, so in order to build residential one would have to get a ROGO allocation or transfer a ROGO exemption from somewhere else. These policies eliminate the ability to transfer. A property is left with requiring a ROGO allocation, but the property is designated Tier I. This would be so limiting that the only use left would be bee-keeping and temporary camping by the owner. Mr. Smith asked that staff look at how these policies would operate as a whole to get a complete picture of how it would operate.

Ms. Santamaria clarified individual property owners were not notified because this is not property-specific and not all properties have their issues resolved with ownership. This is a policy that would impact all privately-owned or even publicly-held offshore islands. Ms. Santamaria further clarified that while the policy has direction of discouraging development by designating Tier I does not mean it is an automatic Tier I. That designation would have to go through its proper process to apply a designation to a property. Ms. Santamaria commented that this policy is not a huge change regarding the TREs and the TDRs. This is a proposed change based on the discussions from the BOCC of where to direct the remaining allocations or exemptions and where is the most appropriate place to direct development.

Julie Dick on behalf of Last Stand and Florida Keys Environmental Fund thanked staff for the workshop process and allowing the public the opportunity to participate in this process. Last Stand thinks that the policies generally are consistent with the concepts of the tier overlay system for offshore islands. Last Stand is generally supportive of the changes. Ms. Dick commented that there are some inconsistencies with the acreage on the inventory. Ms. Santamaria explained the Property Appraiser does not have the exact acreage of a property. A boundary survey is required to determine the upland portions of a property. Ms. Santamaria will look into any discrepancy reported to her. Ms. Dick further stated Last Stand agrees with the sender and receiver site criteria. For evacuation purposes it make sense to discourage additional development on offshore islands. Last Stand recommends removing significant upland habitat as a criteria in Policy 206.1.2. The reasons to protect offshore islands go beyond whether or not they are suited to upland habitat, such as containing bird rookeries. Ms. Santamaria pointed out that under Policy 206.1.2 the significant upland habitat is one of the criteria and it is being made consistent with the Tier I criteria.

Ms. Putney asked whether there was a determination made that offshore islands were Tier I when the County went to the tier system. Ms. Santamaria explained Policy 102.7.3 stated that designating offshore islands as Tier I lands was one method used to discourage developments proposed on offshore islands. The only offshore islands that are not designated Tier I were the ones that were missed by accident and undesignated, but this policy does not automatically designate them. They would still have to go through that process. The provision exists in the LDC that any islands without a specific land use designation shall be considered zoned as offshore islands. The approximately ten offshore islands that were missed and not designated were discussed.

Ms. Santamaria thanked the members of the public for their participation and invited them to participate in the workshop-style meetings scheduled in the future.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 3:15 p.m.