

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY**

**JANUARY 20, 2005**

The Lake County Local Planning Agency met on Thursday, January 20, 2005 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan.

**Members Present:**

Dan Matthys	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

**Absent:**

David Jordan	District 1
Sean Parks	At-Large Representative

**Staff Present:**

Gregg Welstead, Deputy County Manager; Director, Growth Management Department  
Sanford A. Minkoff, County Attorney  
Amye King, AICP, Planning Manager, Comprehensive Planning Division  
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division  
Terrie Diesbourg, Director, Customer Service Division  
Alfredo Massa, Senior Planner, Comprehensive Planning Division  
Jeff Cooper, Support Service Director, Program Analysis and Contract Management  
Bob Stevens, Parks and Recreation Director  
Amelyn Regis, Senior Planner, Comprehensive Planning Division  
Thomas Wheeler, Comprehensive Planning Intern  
Karen Mitchell, Public Hearing Coordinator  
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 9:00 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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**Minutes**

**MOTION by Michael Carey, SECONDED by Nadine Foley to approve the December 16, 2004 minutes as presented.**

**FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys, Elswick**

**ABSENT: Parks, Jordan**

**AGAINST: None**

**MOTION AGAINST: 7-0**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.02.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED TEMPORARY HOUSING DURING CONSTRUCTION; DELETING THE REQUIREMENT THAT MOBILE HOMES MUST MEET THE CRITERIA OF 3.01.02. (A)(1)(a. THROUGH d.); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Terrie Diesbourg, Director, Customer Service Division, explained that currently the only mobile homes permitted for temporary housing during construction are doublewide mobile homes that meet the criteria in 3.01.02. This is a request to allow singlewide mobile homes to be permitted that meet the same criteria. Everything else in the ordinance remains the same.

Ms. Diesbourg acknowledged that the ordinance copy provided to the Local Planning Agency (LPA) has several grammatical errors that will be corrected.

**MOTION by Michael Carey, SECONDED by Nadine Foley to approve the temporary housing ordinance with the grammatical changes as enumerated by Ms. Diesbourg.**

**FOR:** Newman, Foley, Schue, Carey, Dunkel, Matthys, Elswick

**ABSENT:** Parks, Jordan

**AGAINST:** None

**MOTION CARRIED:** 7-0

Chairman Newman announced that the Board of County Commissioners had officially appointed Becky Elswick to the Local Planning Agency (LPA). On behalf of the members she welcomed Ms. Elswick to the LPA.

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER XV, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, RESERVED; CREATING CHAPTER XV, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; ENTITLED LAND DEVELOPMENT REGULATIONS FOR JOINT PLANNING AREAS OF LAKE COUNTY; CREATING SECTION 15.00.00 LAND DEVELOPMENT REGULATIONS FOR JOINT PLANNING AREAS OF LAKE COUNTY; CREATING SECTION 15.00.01 PURPOSE, INTENT AND APPLICATION OF LAND DEVELOPMENT REGULATIONS (LDRS) ; CREATING SECTION 15.02.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED CLERMONT JOINT PLANNING AREA (JPA) LAND DEVELOPMENT REGULATIONS; BOUNDARY; CREATING SECTION 15.02.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LAND USE AND ZONING STANDARDS; CREATING TABLE 15.02.01A, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LOT SIZE AND FRONTAGE REQUIREMENTS MATRIX; CREATING TABLE 15.02.01B, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED FRONT SETBACK REQUIREMENTS; CREATING TABLE 15.02.01C, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED RESIDENTIAL SIDE SETBACK REQUIREMENTS; CREATING TABLE 15.02.01D, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED COMMERCIAL SIDE SETBACK REQUIREMENTS; CREATING TABLE 15.02.01E, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED OTHER SETBACK REQUIREMENTS; CREATING SECTION 15.02.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED TREATMENT OF WETLANDS AND FLOODPLAIN AREAS; CREATING SECTION 15.02.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED UTILITY CONSTRUCTION STANDARDS; CREATING TABLE 15.02.03A, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED MINIMUM HYDRANT SPACING BY LAND USE; CREATING SECTION 15.02.04., LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED ARCHITECTURAL STANDARDS; CREATING SECTION 15.02.05, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED ROADWAY AND STREET DESIGN STANDARDS; CREATING SECTION 15.02.06, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SIGNAGE STANDARDS; CREATING SECTION 15.02.07, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LIGHTING STANDARDS; CREATING SECTION 15.02.08, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LANDSCAPING; CREATING SECTION 15.02.09, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PARKING REQUIREMENTS; CREATING SECTION 15.02.10, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED GRADING STANDARDS PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division, said wetlands and floodplains were the only issues upon which agreement had not been reached between Clermont and the County.

He said new language had been included to prevent the prohibition against wetland alteration from interfering with access to property, easements, or utilities. This language will also prevent previously approved plats from being affected.

Keith Schue said he had reviewed the new criteria and understood the importance of addressing ingress and egress issues. He asked if the City of Clermont had reviewed and were in agreement with the criteria.

Mr. Richardson said representatives from the City of Clermont were present.

Mr. Schue thought the LPA had recommended that wetland mitigation would be allowed only outside the Green Swamp and only for specific issues. He said that distinction does not appear in this document. He said he was comfortable with the protection of wetlands as outlined in the ordinance. However, he wanted to be sure the Green Swamp area would be treated as a distinct and separate issue.

Mr. Richardson said that an additional item had been added to Chapter 15.02.02. The addition is item 3 which states "Proposals for mitigation of wetlands areas, other than on those lands within the Green Swamp Area of Critical State Concern, may be considered through the various process". Mr. Schue agreed that the new language was acceptable for floodplains but he still believed that the Board of County Commissioners (BCC) should review any impact to wetlands. Mr. Richardson said he was sure there was a way to incorporate a mechanism to require review of wetland impacts by the BCC.

Becky Elswick asked which agencies establish the boundaries of wetlands and flood plains. Mr. Richardson said the Army Corp of Engineers, the Water Management District and Department of Environmental Protection (DEP) all have different criteria. Ms. Elswick asked if wetland and flood plain boundaries were ever reviewed. Mr. Richardson thought the last overall update by the Federal Emergency Management Agency (FEMA) was about 2 years ago.

In response to a question from Michael Carey, Mr. Richardson replied that wetland impact would be one of the evaluation criteria in the review of an application for a Planned Unit Development (PUD). However, if a wetland impact issue arose during a straight rezoning it would be addressed by the Board of Adjustment (BOA).

Mr. Schue said the LPA had discussed using a tiered classification system to evaluate wetlands outside the Green Swamp. He thought that idea should be explored further so there would be guidelines available to County boards reviewing wetland issues. Mr. Richardson believed that a wetland classification system similar to Orange County's would work in Lake County, but there was not enough time to adopt one for this ordinance. Mr. Schue asked if it would be possible to require that developments that impact wetlands undergo a review process similar to that of PUDs. Mr. Richardson said that there would still need to be a similar review process set up for existing, consistent parcels. He went on to further explain that if a parcel was zoned R-4 and the request was to develop at those densities and it is consistent with the Future Land Use Map,

development plans can be filed. An avenue would have to be found for them without having to go through a re-zoning or PUD process that would involve a public hearing.

Richard Dunkel thought the Water Management District had a system to grade wetlands and a tiered approach mitigation. Mr. Richardson said the County could have similar or stricter mitigation criteria.

Nadine Foley said the wetlands issue couldn't be resolved that day. She thought the suggested language met the City of Clermont's request for stringent language about wetland alteration.

Wayne Saunders, Clermont City Manager, said this language was acceptable to the City although it was not their original recommendation.

**MOTION by Nadine Foley, SECONDED by Michael Carey to approve the Ordinance for the Joint Land Development Regulations with the City of Clermont, Section 15.02.00 of the Lake County Land Development Regulations**

Mr. Schue made a motion to amend the motion to create language stipulating that in item 3, regarding Wetland Impact, that BCC review and approval be required.

The amendment failed for lack of a second.

**FOR: Newman, Foley, Carey, Dunkel, Matthys, Elswick**

**ABSENT: Parks, Jordan**

**AGAINST: Schue**

**MOTION CARRIED: 6-1**

Mr. Schue said table 15.02.01E was inconsistent with the motion that was just approved. Mr. Richardson said that was an oversight and he would make the necessary corrections. Mr. Schue suggested that the wetland issues had been covered by the previous motion and that reference to wetland setbacks could be removed. Mr. Richardson agreed to do that.

In response to a question from Mr. Richardson, the Chairman confirmed that the motion previously passed applied to Section 15.02.00.

The Chairman announced that the LPA was in receipt of a resignation letter from Dan Matthys, effective on March 31, 2005. She thanked him for his participation and wished him the best in his new endeavor.

**Discussion of Planning Periods**

Amye King, Planning Manager, Comprehensive Planning, said that Statute 163 requires each local government plan to include at least 2 planning periods. DCA and Staff have agreed on a twenty-year plan. Staff is recommending the first planning period be 5 years and would end in 2011. The second planning period would then be fifteen-years and would end in 2025. This schedule would allow the 2016 Evaluation and Appraisal Report (EAR) data to be utilized.

The Chairman said that by consensus the LPA agreed with the plan as presented by Ms. King.

**Recreation and Open Space Element**

Ms. King introduced Bob Stevens, Lake County Parks and Recreation Director. Mr. Stevens said that when work began on the update of the Recreation and Open Space Element (ROSE) several years ago, it was clear that a Parks and Recreation Master Plan would be the best way to update that element.

Mr. Stevens explained that the ROSE is no longer required but his recommendation would be to continue to have it included within the Comprehensive Plan. The County has requested that HHI convert the Master Plan into the ROSE.

Mr. Stevens explained that the Master Parks Plan was a documented recommendation in support of improvements, renovations and the development of a plan for the future. The Master Park Plan includes a ten-year capital improvement program. It recommends that members of Public Land Acquisition Advisory Counsel and the Bicycle/Pedestrian Advisory Council be included on the Parks and Recreation Advisory Board. The Plan recommends the development of athletic and community facilities to attract regional sporting events. It recommends a parks system that would be limited to community parks of fifty-acres or more, regional parks of one hundred fifty-acres or more and special facilities. Existing small parks should be phased out of the County system. The Plan includes the adoption of a Level of Service (LOS) of 4-acres per thousand. At this point environmental lands are not included in the LOS. Lake County should act as a coordinator for the development of recreational facilities and work with other agencies to facilitate programs. The County should build the parks and then find a community agency to take responsibility for their operation while the County maintains them. It recommends coordination with the Lake County School Board to develop a model for a mutual use agreement. The Master Park Plan said the grant program should be reviewed and revised to benefit the cities. There should be coordination with the Lake County Water Authority (LCWA) to expand the size of the Hickory Point Park and turn it into a regional type facility. It includes a recommendation to study the feasibility of a motorized recreational trail. A Blueways Committee should be created to include LCWA and the Water Management District. It includes recommendations for staffing needs and a ten year Capital Improvements Program.

Michael Carey thought the idea of coordinating the mutual use of recreational facilities with the school system was an excellent idea and he knew that similar programs have been very successful. Mr. Stevens said he had similar positive experiences.

Keith Schue asked for more information on the recommendation for facilities for motorized vehicles. Mr. Stevens said there had been public requests for this type of facility. A facility dedicated to motorized vehicles may prevent some of the damage caused by motor vehicles to public lands, such as the damage in the Ocala Forest. He said it would be similar to an athletic or equestrian facility.

Nadine Foley asked if HHI would be converting the Master Park plan into the ROSE for the Comprehensive Plan. Mr. Stevens said the scope of services was being written. Ms. Foley asked if the environmental lands to be purchased would be included in that scope of services. Mr. Stevens said the Master Park Plan addressed environmental lands; he added that he believed the high quality work product provided by both committees should be included in the ROSE.

Ms. Foley asked how the conservation lands would fit in. Mr. Stevens deferred to Ms. King who said it was really up to the LPA. Ms. Foley said she would like to build on what the County has without losing anything and that the Master Park plan doesn't address the management of conservation lands. Mr. Stevens thought the ROSE is a good place for that, because conservation lands can also be used for recreation, and the conservation element could focus on other subjects. Ms. Foley said Mr. Stevens had prepared a white paper on recreation, because the November referendum made it clear that citizens did not feel those funds should be used for active recreation, although there could be some shared uses.

Mr. Schue said the Conservation Element would deal with many environmental issues and he thought a separate element would be appropriate for Parks & Recreation. He asked Mr. Stevens if that was his recommendation. Mr. Stevens said it was, but he emphasized the importance of the elements working together.

Egor Emory, Eustis resident, said he served on the EAR committee for Parks and Recreation. He was concerned that conservation funds be used for conservation lands. He thought separate elements would be better. He also commented that the current LOS for parks in the County had not yet been attained. Mr. Stevens said HHI recommended that the LOS be upgraded in the future. Mr. Emory thought that cooperation on these issues between the County and the municipalities was an excellent idea.

Mr. Emory said he would like to see a Cultural Element included in the Comprehensive Plan. Mr. Stevens said there had been a lot of public input that parks be designed to accommodate cultural events, and the Master Park Plan addresses that issue.

Terry Godts said the cooperation between the Parks and Recreation and the environmental lands committees was a very good thing.

Mike Stone said he was very supportive of these efforts being made by the County and it was important to move forward in a timely manner.

In response to a question from Ms. Foley, Mr. Stone said he was on the Parks and Recreation Advisory committee. Ms. Foley asked if the committee had made any recommendation for keeping the ROSE as a separate element. He said the committee would like to see the ROSE remain in the Comprehensive Plan.

Mr. Schue asked if LOS could be related to different aspects of recreational uses. Mr. Stevens said many governments do have such a LOS system and that had been one of the recommendations in the Master Park Plan.

### **Discussion and Recommendation of Optional Elements**

Ms. King addressed the LPA about the optional elements. She said staff would continue to gather data for those elements; however, time this year had not been programmed for Education, Cultural or Safety Elements. She added that the Education and Safety elements would require numerous interlocal agreements; therefore staff would like to recommend those elements be targeted for 2006.

Barbara Newman thought that would be best, because it would allow more time to do the best possible job.

Richard Dunkel thought the Education Element was critical. In addition he didn't think the public would stand for a delay in Education. Because it will be so time consuming he thought it should be started yesterday.

Mr. Schue asked if there was a way to communicate to DCA that Lake County is committed to completing additional elements and set up a time frame so it doesn't get put off. He understood that at the present time there was a "manpower" issue. Ms. King said staff could create a 2-year program and transmit that to DCA.

Ms. Foley said she agreed with Mr. Dunkel. She understands that staff is limited, however she thinks it is best to move forward with all the elements. She said if the December deadline were not met, DCA would know they are working on completing it. Ms. King said the Education element could include school concurrency or the Martinez Plan, or as an alternative it could be addressed in the public facilities element.

Mr. Carey said that although there was a consensus that government and education administration should be separate, they are getting closer and closer. He thought the Education Element should be one of the highest priorities. The issues surrounding growth and school finances are closely related.

Mr. Schue asked Ms. King if an education element could address these issues, even if concurrency was not instituted. She deferred to Mr. Minkoff.

Mr. Minkoff said an Education Element could address issues such as school siting or the Martinez Plan. Mr. Schue thought an Education Element was essential whether or not concurrency or the Martinez Plan were included.

Ms. Elswick said she was encouraged to see strong support for an Education Element. She said the school board would make any resources they could available to county staff. She believed the BCC would agree with the need for an education element and she hoped that additional resources would be made available if needed. She explained that the county schools were in the position of having to catch up with recent growth.

Mr. Dunkel thought it might be helpful to meet with the School Board and to consider their recommendation.

In response to a question from Ms. King, Ms. Elswick said the School Board has talked to several experts. She further explained that the School Board had sent a resolution in support of the Martinez Plan to the BCC and the municipalities. Ms. Elswick said she would make available to the LPA information on school concurrency and the Martinez Plan that had been prepared for the School Board. She thought it would be helpful for the school board and county staffs to meet.

The Chairman thanked Ms. Elswick for making that information available. She agreed that an Education Element was imperative, but she was also concerned with the quality.

Ms. Foley asked if documents provided at Friday's meeting had been provided to the members that were absent. The Chairman said information received during meetings should be provided to any absent members.

Mr. Schue said there were several ways to deal with education issues and asked if there was a consensus to go forward with an Education Element. The Chairman said she thought there was a clear consensus.

Ms. King said the cities play a significant role in these elements and said staff would like to get the cities involved as soon as possible.

Mr. Minkoff said it was important to include educational language in the Comprehensive Plan to support all current education-based ordinances. He explained that in the Mann case, which challenged the Martinez Plan, the Courts found that policies in Orange County's Comprehensive Plan supported the decision not to approve the rezoning. He said it was not possible to institute school concurrency this year. The inclusion of basic education policies is a good idea from a legal standpoint even if those policies were located within other elements. He said the County could make a commitment to write additional education policies in the future.

Dan Matthys asked Mr. Minkoff if he was referring to an interim element, Mr. Minkoff replied that was an additional option.

**MOTION by Nadine Foley, SECONDED by Becky Elswick to move forward with all elements, including the optional elements for Education, Culture, Public Safety and Recreation and Open Space in comprehensive plan rewrite.**

Mr. Schue said he was also concerned that good policies be written; he then asked staff what resources and manpower they would need. Ms. King explained there were guidelines in place for the ROSE and Cultural Element, however the Safety and Education Elements are totally new. She said a report on those two elements would be ready for the meeting in February.

Mr. Schue asked Ms. Foley if the motion was to include all the elements in the current timetable. She responded that the motion was to move forward with all the elements, which would allow for some flexibility.

Mr. Schue asked if keeping all the elements together would mean delaying their submission to DCA. Ms. King said that was possible. She explained there is one more staff position to fill in Comprehensive Planning, but ten Future Land Use Map Amendments have been submitted for the first cycle of this year.

Mr. Dunkel suggested setting priorities for the elements, and giving Education the highest priority.

The Chairman asked Ms. Foley if she would like to amend the motion.

**Ms. Foley amended her motion to move forward with the comprehensive plan including the optional elements, with Education having the highest priority. Seconded by Michael Carey.**

Mr. Schue asked if there had been discussion about the Cultural Element and whether it would be included within the other elements. The Chair said that a decision on that had not been made.

Ms. King said she understood that the LPA considers these optional elements to be very important and that the Education Element is to have the highest priority and it is to be a separate element. She said the remaining optional elements might possibly be addressed within the required elements.

Mr. Carey said he agreed with Ms. Foley

The Chair called for a vote on the amendment.

**FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys, and Elswick**

**ABSENT: Parks, Jordan**

**AGAINST:**                      **None**

**MOTION CARRIED:**        **7-0**

The Chair called for a vote on the amended motion.

Mr. Matthys stated that he too believed that it was important to move forward on all of the elements, and suggested that the timeline could be adjusted.

**FOR:**                              **Newman, Foley, Schue, Carey, Dunkel, Matthys, and Elswick**

**ABSENT:**                        **Parks, Jordan**

**AGAINST:**                      **None**

**MOTION CARRIED:**        **7-0**

In response to comments from Ms. King, the LPA agreed that additional information on wetlands should be presented during a future meeting.

The Chair adjourned the meeting at 10:30 a.m.

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Donna R. Bohrer  
Office Associate III

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Keith Schue  
Secretary