

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

JULY 21, 2005

The Lake Local Planning Agency met on THURSDAY, JULY 21, 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:

David Jordan	District 1
Anne Dupee	District 2
Michael F. Carey	District 3
Nadine Foley, Vice-Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative

Members Absent:

Richard Dunkel	District 4
Sean Parks	At-Large Representative
Becky Elswick	School Board Representative

Staff Present:

Gregg Welstead, Deputy County Manager; Interim Director, Growth Management Department
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Planning Manager, Comprehensive Planning Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division
Blanche Hardy, Director, Environmental Services
Liz Eginton, AICP, Community Services Grant Director
Terrie Diesbourg, Director, Customer Service Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Amelyn Regis, Senior Planner, Comprehensive Planning Division
Shannon Suffron, Senior Planner, Comprehensive Planning Division
Thomas Wheeler, Comprehensive Planning Intern
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.

TABLE OF CONTENTS

AGENDA
ITEM:

AGENDA DESCRIPTION

PAGE NO.

a	City Manager Panel: Discussion of Comprehensive Plan Update	4
b	Discussion and Recommendation of Lady Lake Joint Planning Agreement and Boundary	9
c	Discussion of Goals, Objectives and Policies	11

MOTION by MICHAEL CAREY, SECONDED by KEITH SCHUE to approve the minutes from the May 19, 2005 meeting as submitted.

FOR: Newman, Foley, Schue, Carey, Dupee, Jordan,

ABSENT: Parks, Elswick, Dunkel

AGAINST: None

MOTION PASSED: 6-0

MOTION by MICHAEL CAREY, SECONDED by KEITH SCHUE to approve the minutes from the May 26, 2005 meeting as submitted.

FOR: Newman, Foley, Schue, Carey, Dupee, Jordan,

ABSENT: Parks, Elswick, Dunkel

AGAINST: None

MOTION PASSED: 6-0

City Manager Panel

Amye King, Planning Manager had a prepared series of questions regarding utilities. The following city managers or their designees participated: Alton Roane, City of Eustis; Dottie Keedy, City of Tavares; Bill Vance, Town of Lady Lake; Tim Scobie, City of Umatilla; Jason Yarborough, City of Groveland and Marge Stausbaugh, Town of Mascotte. Ms. King's first question regarded the biggest issue facing each municipality regarding utilities.

Mascotte and Umatilla are in the process of installing or expanding their sewer systems to support anticipated growth. Eustis, Tavares, Lady Lake and Groveland have their utility systems in place and the Town of Howey has an agreement with the Mission Inn Community Development District (CDD) to provide utilities.

Jason Yarborough said the City of Groveland was concerned with private utility companies encroaching on their 180 district. In response to a question from Ms. King, he said it would be his recommendation not to allow private utility companies in 180 districts of the cities.

Alton Roane said the City of Eustis was concerned about possible increased expenses associated with the Wekiva legislation.

Dottie Keedy said the City of Tavares was in the end stage of implementing their master water and sewer plan. She added it was difficult to keep current with regulatory requirements for sewer systems.

In response to a question from Mr. Schue, Ms. King said it was her understanding that the municipalities absent today were planning to attend this meeting.

Ann Dupee asked the panelists about reuse water.

Several participants commented that St. John River Water Management District (SJRWMD) was requiring them to reduce their consumption as a condition of their Consumptive Use Permits (CUPs).

Mr. Roane said the City of Eustis has been recycling and reusing water for years and they have more demand than can be currently met. They are also requiring new developments to have reuse water capabilities and sprinkler systems. Those developments must have separate meters for reuse water.

Reuse water is part of the Town of Tavares wastewater plant expansion and those lines are going into their new developments. The remaining municipalities are also implementing or expanding their reuse water.

Ms. Dupee asked if the cities had reuse pipes being installed that would never be used.

Mr. Roane didn't know if some of the pipes would go unused. However, the City of Eustis hopes to increase the amount of available reuse water. Mr. Schue said when the demand for reuse exceeds the supply it is often supplemented with potable water. Mr. Roane said they were currently using potable water in some instances, but they hope to convert to reuse soon.

Mr. Schue asked about an unnamed development that had far exceeded their allocation. Mr. Roane said in that instance, the reuse water had been used in ways that were not intended. He stated that the city has brought this situation into compliance. Mr. Schue asked how true water use could be calculated. Mr. Roane said he did not have specific information on that.

Ms. Dupee asked if the cities had considered storage of water. Mr. Roane said the reuse of storm water was required by the Wekiva legislation. Ms. Keedy said Tavares was just beginning to discuss augmenting reuse water with surface water.

Next the panelists were asked if utilities were used to control growth.

Representatives from Howey-in-the-Hills and Eustis said they looked to their comprehensive plans to control growth. Mr. Yarborough agreed and added that he believed utilities are a basic human need and water was too precious a resource to be used in that manner. He said utilities are an issue when changes to the comprehensive plan are considered.

Mascotte requires dry lines in all new subdivisions for immediate sewer hook up when available. Package plants in that area must be able to convert to lift stations when sewer is installed. Ms. Strausbough added that minimum lot size for septic was $\frac{1}{4}$ acre unless the development is clustered.

All developments in Tavares are currently on utilities and lines are available throughout the utility district. Lady Lake is in a similar situation and Mr. Vance said they are being careful because residential growth does not pay for itself.

Mr. Scobie said projects in the Umatilla area are small and they want to avoid package plants even if the city is not able to currently provide utilities. They are relying on their comprehensive plan to control growth.

Mr. Carey asked if the cities were in the position of being forced to consider where growth would occur rather than if it would occur.

In general the municipalities agreed that controlling growth was an issue. Mr. Vance added that Lady Lake wanted to be sure the town can support any lands that are annexed and therefore capacity is the limiting factor.

In response to Mr. Schue's comments on the importance of Joint Planning Agreements (JPA) in growth planning, Mr. Vance replied that the next item on the agenda is their

JPA. He added they were considering a supplemental school fee and that their development fees are the highest in the county. The town wants to be sure their existing residents don't pay for new development.

The next question focused on how to define regional and package plants. What is the capacity of a package plant and at what point does it become a regional facility. Ms. King also asked about distance requirements for mandatory hook-ups.

The municipalities all agreed that they would prefer not to have package plants on anything beyond a temporary basis.

The City of Mascotte has some commercial sites on package plants and one development may be on a package plant that will convert into a regional sewage plant. Their distance requirements have been 200-300 feet and all annexed developments must connect to city utilities. Mascotte is not planning to provide utilities beyond their city limits.

Mr. Yarborough thought a package plant would serve 400 houses or less. He added that plants with a capacity over 100,000 gallons are subject to different DEP regulations. Their distance requirement is 5,000 feet. The city would prefer no package plants unless they could be converted into transfer stations.

Mr. Scobie said sewer and water in Umatilla would probably extend 4 miles out from the plant.

Mr. Vance said Lady Lake has no package plants and the town doesn't plan to extend their infrastructure. If a development were proposed within a mile, the town could choose whether or not to provide utilities.

Ms. Keedy said Tavares requires annexation of any new developments that request central utilities. They have no distance requirement.

Mr. Roane said Eustis would only consider a package plant for a special or single use facility, any expansion beyond that would be a regional plant. Distance requirements are 500 feet for sewer and 2,000 feet for water. He added that they might have areas where sewage utilities are not feasible or too costly to be practical.

Mr. Kearny said the Town of Howey's distance requirements are 1000 feet for sewer and 300 feet for water.

Ms. King asked if any of the municipalities use pioneering agreements.

Although pioneer agreements have financed much of the expansion for Tavares Ms. Keedy admitted they were an "administrative nightmare". Their agreements have a "sunset clause" and the impact fees are paid to the original developer.

The City of Mascotte is working on pioneer agreements because they will help to make

growth pay for it's impact.

Groveland's representative thought pioneer agreements were useful but agreed that they were an "administrative nightmare". Their development agreements have a 5-year sunset rule.

The Town of Lady Lake will coordinate negotiated reimbursements and Mr. Roane thought developers were getting some reasonable reimbursement from Eustis.

Mr. Kearney said they are using developer agreements.

Mr. Jordan asked how the 180 districts of the municipalities compared to their city limits and asked about their annexation policy. Mr. Jordan was interested in getting their input on how to get the best design on the land use in those areas where growth was most likely to occur.

Mr. Roane said the 180 district and the JPA for the City of Eustis were identical, however that did not mean all of that area would be annexed. Mr. Scobie said Umatilla was not able to support all areas of their 180 district. Groveland and Mascotte commented that development was most intense close to the city and the more rural areas are close to wetlands.

Mr. Schue agreed with Mr. Jordan that growth should be focused in the urban areas. He asked about their policies on providing utilities outside of their JPA areas.

Mr. Roane said there were numerous developments permitted in the County without central utilities. Eustis would prefer to have those developments on utilities.

Mr. Schue was concerned that when the LPA heard land plan amendments that some applicants already have utility approvals from a municipality. Those approvals are frequently from a municipal provider. He thought those approvals can upset the decision making process.

Ms. Keedy said Tavares would only provide utilities within their 180 district. If utilities were run outside those areas, it would be urban sprawl. Tavares also has an informal land use map with the county.

Mr. Vance felt utilities can help to control growth but coordination with the county is more important. He reiterated the importance of having enough commercial development to support residential.

Mr. Yarborough felt the 180 districts are not legally recognized as he thought they should be by the County Attorney's Office. He thought cities would not be as tempted to provide utilities outside their boundaries if the county's legal department had a different interpretation of the 180 districts.

Mr. Schue asked if Mr. Yarborough thought 180 districts should more closely follow JPA area boundaries. Mr. Yarborough said that in the past he didn't believe their district was given much credence by the county's legal department. He added that cities might pursue revenue outside of their utility district if they feel it is necessary.

Ms. Strossbrough said cities agree to provide utilities outside the 180 districts because they want to help the County to support their growth. She said Mascotte was not considering the extension of utility services outside their utility district.

Mr. Scobie said capacity was an issue with water. He thought the water management district would be more involved in capacity issues in the future.

Mr. Vance said Lady Lake does not consider utilities a "money maker" but consider them a necessity and a tool to support the town.

Ms. Keedy said the County doesn't have to approve increased densities outside utility areas just because there is capacity. Developers are not going to run utility lines unless they get the higher densities to make it profitable. She felt the County is really in control of creating the densities that they want to have.

Mr. Schue was concerned primarily with comprehensive plan amendments that change the image of how the county should grow.

Ms. Foley commented on the importance of JPAs and asked if the cities felt those JPAs would be effective looking forward 20 years.

All the representatives from the cities agreed with her and thought they would be effective. Mr. Scobie said the County has been working hard to cooperate and communicate with the cities.

Mr. Jordan thought the attitude of the county has changed and he agreed with Ms. Keedy that the county didn't have to approve increased densities. He said in his opinion that the county should be doing what they are saying. Mr. Roane agreed that the county has been cooperative recently. He didn't see any reason to have a negative outlook. He acknowledged that everyone is overwhelmed.

Ms. King said her last two questions had already been answered.

Ms. King asked if each city representative would like to make comments on the comprehensive plan rewrite.

Mr. Roane thought distance and density should be factors for mandatory utility connection. He said the type and intensity of developments should also be a consideration, such as commercial. He said that utilities don't drive development but they can be a selling point.

Ms. Keedy said when everyone knows the rules, then developers won't be able to 'play' one jurisdiction against the other. And everyone will get better developments. She agreed that city relations with the county have improved a great deal over the last 2 years.

Mr. Vance, Mr. Scobie, Ms. Straussbough, and Mr. Kearney all agreed that regulations for mandatory utility hook-ups should be based on densities.

Public comment

Elaine Rennick, Clermont Council member said the key to making the Clermont JPA work was the agreement between the city and Lake Utilities. Lake Utilities agree not to provide utilities if the city objects.

Steven Luche made several positive comments about the work of the LPA

Susan Hilldenbrant thought the City of Minneola was moving towards unbridled growth, and she wished they were present to answer these questions. She thought we should control development, not development control us. She added that density and intensity of new developments should be consistent with the surrounding areas.

Steve J. Richey, Attorney thought that communication with private utilities providers was important. He said developers do not object to conforming to rules, but they do have a problem when utilities are used to force or blackmail developers into a specific type of development. Mr. Richey said that non-availability of utilities should not be based on land use.

Duane Booth P.E., Farner Barley Engineering thought comprehensive plans should control growth not utilities. He said package plants have a capacity of 100,000 gallons a day or less. Department of Environmental Protection (DEP) has different regulations for larger capacity plants. He stated that water systems serving more than 100 homes are considered to be regional plants. Mr. Booth commended the good work being done through this process. He would like to see the Urban Expansion (UE) district reconsidered with regards to well and septic. Requiring central utilities could effectively block lower cost housing because that is where land is more affordable. Mr. Booth pointed out that the County is running out of more affordable housing.

Mark Esche took exception to Mr. Richey's comment about blackmail and felt he was trying to make the issue more emotional.

Cindy Barrow, representing Voters Organization Interested in Children's Education (VOICE), said she also was concerned about affordable housing and who would be subsidizing it.

Marvin Jacobson agreed with Mr. Vance's comments about limiting residential to what the commercial will support. He didn't want to see more residential development approved than the roads, schools or utilities can support.

Ms. King said there was agreement that both density and distance should be considered when requiring utility hook-ups, plus the protection of rural areas. She thanked the city representatives for their participation

Chairman Newman extended the LPA's appreciation too.

Mr. Jordan didn't see anything wrong with governments using business leverage to ensure the citizens get the community they want to have.

Ms. Foley said she was encouraged by the comments made today. Mr. Carey thought it was a good format and each member thanked the participants.

5 minute break.

Lady Lake Joint Planning Area Agreement

Bill Vance, Town Manager said this was a preliminary review of the agreement. He added that the Town was comfortable with the boundaries of the JPA.

Ms. King outlined the boundaries, said the map shows the existing land use as of 2002 and the current boundaries of the incorporated area. She said both staffs are working towards agreement on future land use designations for the JPA area.

Ms. Foley commented on the proposed prohibition of other utilities within the JPA.

In response to comments from Mr. Schue, Mr. Vance said he considered the town and the county to be on the same team, working together. Ms. King said the notification and the JPA areas are the same in this case. Mr. Schue believed meaningful decision-making should be included on how growth should occur. He pointed to Mt. Dora as an example. He thought it was important to make each JPA unique to that municipality. He also commented on the importance of creating balance between residential development and the land uses that produce revenue. Mr. Vance said the Hwy 27/441 area would be a commercial corridor. There was some discussion regarding residential and commercial areas in the JPA and location of utilities. Mr. Vance agreed that environmental areas are good for open space and not conducive for development. Mr. Schue thought it would be useful to include language that more clearly defined residential and employment areas.

Ms. King said she would continue to work with Mr. Vance on this agreement.

Mr. Jordan thought Mr. Vance and the Town of Lady Lake have done an excellent job in growth management.

Ms. King said aesthetic commercial design standards and economic centers were two items she and Mr. Vance would be discussing.

Ms. Foley asked about the widening of Route 466 and asked if Lady Lake has enough

land for commercial. Mr. Vance said commercial would be located mainly on the south side of 466.

In response to Ms. Dupee’s comment on the notification area, Mr. Vance explained this was a preliminary document and everything could possibly be changed before it was finalized.

MOTION by MICHAEL CAREY, SECONDED by DAVID JORDAN to accept the boundaries of the Lady Lake Joint Planning Area Agreement as presented.

Mr. Schue requested and received clarification that the motion applied only to the boundaries, not to the content of the agreement.

FOR: Newman, Foley, Schue, Carey, Dupee, Jordan,

ABSENT: Parks, Elswick, Dunkel

AGAINST: None

MOTION PASSED: 6-0

Ms. King listed the elements to be discussed at this meeting. She said discussion on the Education Element would be continued because the education interlocal agreements in the County will have to be revised pursuant to Senate Bill 360, which requires school concurrency. Until this uncertainty is resolved, staff would be unable to draft an Education Element. Ms. King explained to Mr. Schue that his comments were included under Tab 3, Case Comments.

Housing Element

Alfredo Massa, Senior Planner explained some of the changes made in this element since it was last discussed by the LPA. The focus remains affordable housing and he realized some of the proposals might be controversial.

Chairman Newman suggested that Mr. Massa explain the significant differences from the last draft.

Mr. Massa said he would like to discuss developer incentives for Affordable Housing such as land donation, changes to set back requirements and impact fees. There are also minor changes to infill location assistance, which would be a map identifying developable lands between developments and use that map as an incentive.

In response to Mr. Carey’s question about impact fee reduction, Mr. Massa said those fees were passed on to homeowners therefore reducing them under certain circumstances would make homes more affordable. Mr. Massa suggested they define affordable

housing and focus on how those policies should be addressed. Mr. Carey was concerned that age restricted communities are exempt from education impact fees and he felt that group could most easily pay them. He believed everyone should pay for education. Mr. Welstead explained the County currently has an impact fee waiver program for low-income families. That program is funded through the interest paid to the County on the impact fee accounts.

Ms. Foley thought the current program was just for low and very low-income families and making that program available to moderate-income families would be new. She said she would only support that exemption for low-income families. She thought the method of supporting the County's current program was sufficient and did not want to solicit other funding.

Mr. Schue said his suggestions were intended to keep the county from disbursing county funds as an overbroad subsidy for housing industry. Chairman Newman suggested striking moderate income and retaining the low and very low income. She agreed with the deletion of Mr. Schue's suggested the wording regarding Federal and State sources. Mr. Schue said he did not want to expand county expenditures for this type of program. Mr. Welstead explained that the county does not expend county funds for the current program. The only money used is the interest paid to the county on the impact fee accounts. Mr. Schue said he supported the existing program but not its expansion. Mr. Welstead said all impact fees were included in this program. Ms. King said the State requires an Affordable Housing Policy, even if the policy supports only the current program. Mr. Schue thought the policy needed to be modified to reflect the current policy. Mr. Welstead understood the intent was to keep the current program in existence, which was limited to low and very low-income families. He added that the County Commissioners would have the prerogative to fund such a program from other sources.

Mr. Carey added it was the responsibility of the State Department of Education to fund capital improvements and that school improvements should not be funded by impact fees.

Mr. Welstead said the intent of the LPA was clear and language would be written to maintain the current program.

Melanie Marsh, Assistant County Attorney said the code defines funding for Affordable Housing and the program qualifications, so it is not necessary for this policy to be specific.

In response to comments from Ms. Dupee, Ms. King explained higher densities would be in the municipalities and the county is working with the cities to locate suitable sites for multiple family housing. Ms. Dupee said she understood how difficult it is for young families today to afford to purchase their own homes.

There was some discussion regarding the strike through and underline format and Mr. Schue's changes. Mr. Schue explained that his written notes were items upon which he and Mr. Massa had not reached agreement. Mr. Jordan asked Mr. Massa if he was

comfortable with the suggested changes from Mr. Schue. Mr. Massa said the open issues are those with the notes.

The first policy for discussion was Policy 1.5-3 Integration of Alternative Housing Structures, Manufactured Homes. In response to a question from Mr. Jordan, Mr. Massa said he was not trying to promote any particular type of housing but rather he was trying to remove restrictions, to allow for more affordable housing and better integration within the community. Mr. Schue was concerned that this policy went beyond not restricting. He said he would support affordable housing language as opposed to manufactured, mobile and modular homes. Mr. Massa said the intent was not to have land use categories preclude those types of homes. Mr. Schue thought Mr. Massa had addressed that issue very well in a previous policy and he thought policy 1.5-3 could be eliminated.

Mr. Jordan was concerned about the practical and the economic considerations of this policy. There was some discussion regarding where mobile homes could be placed in the County.

Melanie Marsh, Assistant County Attorney said Florida Statutes do not allow mobile homes to be restricted to certain areas. The code says housing structures must meet certain minimum requirements such as width and roof pitch. Any mobile home that meets those requirements can be placed anywhere in the County.

There was a consensus by the LPA to delete Policy 1.5-3.

Next the LPA discussed Housing Programs Implementation policies 1.9-1.3 and 1.9-1.7. Mr. Schue commented on the importance of open space and the commitment of the LPA to open space. He didn't think that should "go away" just because affordable housing is involved. Mr. Jordan and Mr. Schue discussed the role of open space in affordable housing and the location of affordable housing. Mr. Schue said open space was a critical part of smart growth designs. Mr. Jordan summarized that Mr. Schue didn't want this policy to be an opportunity to lower standards for open space. Mr. Schue said density bonuses should only be considered in urban areas.

Ms. King suggested the following wording in the first policy, last sentence in Objective 1.9, "this provision may include but is not limited to".

Mr. Schue didn't know why open space reductions would be considered. Mr. Massa said the only reason was to offer an incentive to affordable housing. He felt that without incentives these homes would not be built.

Ms. Dupee was concerned about fire safety in density areas of 22 units per acre.

There was consensus by the LPA on Policy 1.9-1 to change "shall" to "may".

There was some confusion over which policies were being discussed. Ms. King said Mr. Schue's comments were being addressed because a consensus has been reached on the

text in the strike through/underline format between staff and Mr. Schue.

After some additional discussion on policy 1.9-1.3, Mr. Jordan said he was in favor of striking it because it made economic sense for affordable housing. Ms. Foley said she would prefer to leave it in, as did Mr. Carey and Chairman Newman. To help to clear up the confusion on policy 1.9-1.3, Ms. King asked for a vote by a show of hands from the members. The vote was 4-2 for retaining the original language. Mr. Schue and Mr. Carey were the dissenting members.

Mr. Schue asked what the policy was for public input on these discussions. The Chairman said public comment would be heard after the discussion on housing. She added that public comments would be heard at one time.

Ms. King said the next topic for discussion was Objective 2.1.

Discussion moved back to Goal 2, Mr. Massa said the real difference between Goal 1 and 2, was that Goal 2 has more of a focus on affordable housing.

Mr. Massa explained the term “moderate” was included because is it a generally accepted legal description. He added that with the increase of housing costs, many moderate-income families were unable to afford to purchase a home in Lake County. These price increases mean that affordable housing is now also worker housing.

Chairman Newman said the content in this policy is different because it does not involve any waivers. Mr. Schue said he supported assistance for low-income housing, but when moderate-income was included it could mean the “bulk of housing in Lake County”. He did not want to subsidize the housing industry in that fashion. He thought that it might be better for the County to offer incentive programs to create more balance between residential and business development.

Ms. King said the current trend was moving towards only higher priced homes and it was not realistic to expect everyone to be able to afford those homes. In addition the funds currently received from the State could be cut. She added that Mr. Massa’s data proves a need for affordable housing far in excess of the funding by the State.

Liz Eginton, Community Development Block Grant (CDBG) Director said she had worked closely with Mr. Massa and she is in total agreement with his and Ms. King’s comments. She thought that low, very low and moderate-income terminology could be replaced with “worker housing”. She added that the lack of affordable housing has reached a crisis.

Cheryl Thomas, Lake County Housing and Community Development explained that there currently is a fund called the “Affordable Housing Trust Fund” and that is how State funds are received. In the last three years Lake County’s funding has been permanently capped at 3.3 million dollars and there is a real need for new funding. She said that salaries in the State had increased 4% and housing costs increased 25%. In Lake

County those housing costs could have increased at a higher percentage. They have always used all the State funding even realizing that it was used for only low and very low-income families.

Mr. Jordan said moderate may be a term used to include low and very low-income. Ms. Thomas explained it was becoming ever more difficult for families to purchase homes on a moderate income. Affordable housing funding is currently limited to \$140,000 for a new home and a lesser amount for existing homes.

Mr. Schue said he fully supported the current programs although, he did not believe that the County should expand its programs to broadly subsidize housing development.

Ms. Eginton said that developers would be able to make contributions of either money or land to the Affordable Housing Trust Fund. Ms. King explained the intent of the policy was to direct staff to investigate these proposals that is why 2008 is the date and why there are no specific details. She said that the intent is to work with developers. However, if the county were unable to determine funding sources then the 2008 EAR would readdress this issue. Mr. Carey was concerned that foreign investment was contributing to the escalating cost of housing. He said the mortgage market has too many creative financing options that could be unsustainable if the market does not continue to rise as it has been.

Ms. Eginton added that almost every county surrounding Lake County funds affordable housing. She said county staff would be investigating those programs to see how they work.

Chairman Newman felt that staff had a considerable amount of knowledge and said that Mr. Massa's position should be supported by retaining the word moderate. There was a consensus by a majority of the LPA to accept the wording as presented by staff. Mr. Schue and Mr. Carey dissented.

Mr. Schue suggested substituting "may" for "shall" in Policy 2.1-1. Ms. King recommended the word "shall" remain because in this case it means staff will investigate the feasibility of setting up a trust fund. If the trust fund were not set up then it would be removed during the EAR review.

Ms. Foley felt funding may be available through the document stamp fees generated when property is bought and sold.

Mr. Schue reiterated his concern about the use of the word "shall".

There was a consensus by a majority of the LPA to retain the word "shall". Mr. Schue and Mr. Carey dissented.

Mr. Schue said he was concerned that these policies as written would lead to the unbalanced allocation of county funds to subsidize the housing industry at the expense of

other needs. Ms. King explained this was a commitment to provide affordable housing for families. She said that it was not to benefit developers. In addition she said that these policies will guide the development of the Land Development Regulations (LDRs) and it is within the LDRs that the policy details could be worked out. Mr. Schue thought it would be too open and that a commitment to the creation of a land bank was in appropriate.

There was a consensus by a majority of the LPA to retain the original wording regarding the land bank. Mr. Schue and Mr. Carey dissented.

Ms. King said staff from Community Services had informed her that a pre-cursor for this land bank is in existence.

Mr. Massa said the purpose of Policy 2.3 is to expand upon a process already in existence. The purpose of the expedited process would be to reduce some costs to developers, which could be passed on to the buyer. Mr. Jordan said it would be good to expedite all processes wherever possible. Mr. Schue read his suggested changes. Mr. Jordan said the policy would show the county is concerned about its policies. Mr. Schue thought this statement shows a bias because it does not include all procedures. He suggested moving this policy into another element. Mr. Massa said the purpose is to provide incentives for affordable housing. Mr. Welstead explained just how simple this procedure could be and it would just make the process move faster.

There was a consensus by a majority of the LPA to retain the original wording submitted by Mr. Massa. Mr. Schue and Mr. Carey dissented.

The Chairman said the next note to be discussed is on 2.4-1.

Mr. Jordan referred to the proposed wording “the county shall implement a process whereby assessed values of all real properties are analyzed” and said that was the property appraiser’s job. Ms. King agreed and thought it should be removed. Ms. Foley agreed and thought any similar policy should address all property.

Mr. Schue thought this would shift the property tax burden from residential to other uses and he believed the tax burden should be equitable. Ms. King repeated that it would be removed.

The Chairman said the next issue to be addressed was 2.5-4. Mr. Schue suggested instead of “any property” that “where applicable” be substituted. Mr. Jordan and Mr. Schue discussed this issue. Mr. Massa said he had no objection to the changing of that wording.

Public Comment

Egor Emory expressed frustration that public comment was allowed only after the LPA had made recommendations to staff. He was concerned about how Comprehensive Plan

policies are translated into the LDRs and about incentives for affordable housing. He believed developers would build what would sell and the market will dictate the type of developments unless the county planned for development. He thought the planning process should change the market and spoke about the importance of community.

Harry Fix, Director of Growth Planning for the Lake County School Board said the school board has expressed concern regarding a policy that might reduce school impact fees as an incentive for affordable housing. Mr. Fix stressed the importance of planning for education within the Comprehensive Plan.

Nancy Fullerton thought that 1.9.1-1, Allowing Development Up to 22 Units Per Acre, might be too generous an incentive and she wanted to be sure it would only be applied to Urban areas. She also suggested that perhaps Open Space within commercial development should be considered.

Mark Esche was concerned about reducing open space requirements for high-density housing. He said affordable housing now corresponded to public servants such as firemen, teachers and law enforcement. He thought it would be strange if high housing costs forced those professionals to commute to Lake County because they could not afford to live in the county they were serving.

Cindy Barrow said she understood the need for Affordable Housing but she is concerned over the development in south Lake County.

There was a one-hour break at 1:15

Recreation and Conservation

Shannon Suffron said this element was based on the Recreation Master Plan and the existing Comprehensive Plan Elements. There are few additions, such as Policy 1.4-5 Mandatory Dedication of Land for Open Space and Policy 1.4-6 Land or Cash in Lieu.

Ms. Suffron explained that currently Lake County only has mandatory open space requirements for Planned Unit Developments (PUD). The basic concept of this policy is that 5% of the value of the lots be set aside for open space or cash in lieu of that land be set aside in a land bank. The land set aside must be useable land. Mr. Jordan was concerned that these elements are accepting increased densities as something that can't be avoided, although the citizens made it clear in the public forums that they did not want higher densities in the County. Ms. Foley said this would actually provide for more open space. She suggested that the "money in lieu" be spent in the same district as it was collected. Ms. King said staff would be meeting with the County Attorney's Office to review the legalities of all the proposed elements. Ms. Marsh said before land dedication can be required there has to be a rational nexus between that requirement and the impact of the development. She said a 5% requirement without a rational nexus would not be legal. Ms. Suffron explained this proposal was an effort to make sure that open space is tied to development.

Mr. Jordan questioned the underlying assumption that growth was unavoidable and he favored a more neutral approach. He wondered if it was possible to do what the citizen's suggested and not meet the needs of the projected population. In response Ms. King said there would always be a way for landowners to request a change to the Future Land Use on their property or to rezone it. The intention is to have a process to make growth perform for the County. Mr. Jordan asked if language could be drafted to incorporate his suggestion. Ms. King said this concern could be addressed within the Future Land Use Element. There was a consensus from the entire LPA to do that.

In response to Mr. Schue, Ms. Suffron explained Policy 1.4-5 is currently an existing policy but one that is not being enforced. Policy 1.4-6 is a new policy. Mr. Schue said it appeared the intent of these policies was to be applicable to active open space. Ms. Suffron explained this 5% would not reduce the amount of open space set aside under the current regulations. Mr. Schue said he thought the impact fee for parks was supposed to address this issue. Ms. King said these policies would generate impact fee credit for the developers. She added that the level of service has to be addressed. Ms. Suffron said she would do more research and bring this back before the LPA. Ms. Dupee said the City of Clermont has a Recreation Impact Fee assessed per lot or a contribution of land could be made.

Ms. Marsh said the County's Park Impact Fee is \$222.00 per single family home or there is the option to dedicate land. If land is dedicated they receive a credit toward the impact fee in the amount of the assessed value of the land.

Ms. Suffron said Objective 3.1, (Ensure Provision of Open Space Through the Protection of Natural Areas) is an addition to the adopted Master Park Plan but it is in the current Comprehensive Plan. Referring to Policy 3.1-5 Open Space Definitions and Standards Mr. Schue said that policy defined open space within the context of a particular subdivision. Ms. Suffron replied that was the existing language in the current plan. Mr. Schue said the definition of Open Space has been the subject of much discussion and suggested this might better be included in the FLUE. Ms. King explained it was her understanding that Open Space would be duplicated in Recreation, Conservation and the Future Land Use Elements. Mr. Schue thought a solid definition of Open Space was needed. Ms. King suggested continuing this discussion during the review of the Conservation Element.

Mr. Jordan said a strict definition could be restrictive. He would prefer less density to be a theme all through the Comprehensive Plan. He thought Open Space was not only vegetative ground it also meant the County would not be over run by development. He stated that less density in development is part of open space.

Mr. Schue referred to the clustered subdivision design in the Manual for Ecological Design written by the Regional Planning Council (RPC). Mr. Schue's suggested definition which he shared with the LPA and submitted in writing for the record was as follows "for all new development Lake County shall define Open Space as permanently

protected undeveloped and naturally vegetative pervious areas; including natural resource preserves and passive recreation lands. Storm water retention areas may contribute to open space if enhanced as amenities utilizing native vegetation and literal zone plantings as appropriate. For the purpose of calculating minimum open space requirements within a development site, open space shall exclude water bodies, wetlands, private lots, parking and street right-of-way, impervious surfaces and active recreation including golf courses. Standards, which provide for open space requirements for varying development types including: residential, commercial and industrial developments shall be developed in the Land Development Regulations. Clustering of units shall be required within Planned Unit Developments in order to create or maintain large usable open space areas.”

In discussion, Mr. Schue suggested that one question to be addressed is whether storm water retention areas should be included in open space. He thought that would be acceptable as long as an amenity was associated with it, such as native vegetation. He said when calculating the minimum open space requirement within developments those areas presumed to be unsuitable for development such as wetlands, should not be included in those calculations. He thought active recreation space should not be counted towards the calculated open space. He would also exclude golf courses from being counted as open space, although in some jurisdictions a percentage of golf courses are considered open space.

Ms. King said that was a different definition from the current one and asked Mr. Schue to send a copy to be included on the website. Ms. Dupee said if there was going to be a requirement that developments be clustered; she didn't think everyone would want to live on smaller lots. Ms. King said one of the proposed new land use designations would require clustering. Mr. Schue asked if this would only apply to Planned Unit Developments (PUD). Ms. Suffron said the current Comprehensive Plan calls for Open Space in all residential and commercial zoning categories, but the County only requires it in PUDs. She added this would bring consistency into the plan. Mr. Schue thought urban and suburban designs should include open space. He thought rural areas with very large lots may meet the objectives of open space.

Ms. Foley said the EAR committee wanted to consider a percentage of golf courses as Open Space. She thought a reasonable percentage might be acceptable at this time. Mr. Schue agreed perhaps 50% would be acceptable. Mr. Jordan wondered if there was a rational basis behind the 50% figure, he thought perhaps there was some issue with the property appraiser. Mr. Schue said there has been much debate on whether golf courses provide an environmental benefit. There was a consensus by the LPA to consider a percentage of golf courses as Open Space.

Ms. Suffron said Goal 2 regarding spring sheds, greenway networks, interconnectivity and greenway land acquisition projects are new topics not included in the current Comprehensive Plan or the Master Park Plan. She said this was sample language. Mr. Schue thought it was great language and suggested it should apply to greenway networks as a whole. The LPA agreed to incorporate that suggestion.

Ms. Dupee thought there was an inconsistency between the County disbursing small parks and accepting land donations since that could create more small parks. In addition she thought if the small parks are currently being used by the public that the County should retain them. Ms. Suffron said she would discuss this issue with the consultants on the Recreation Element.

Ms. Dupee thought the County and the School Board should work to co-locate parks and school recreational facilities. She said in the past that liability had been an issue. Ms. King said the County Attorney had stated that liability was not the problem; the issue is that the schools make individual decisions on that issue. Ms. Dupee suggested this issue be addressed in the upcoming meeting between the County and the School Board. Ms. King thought the issue was addressed in the Intergovernmental Coordination Element. However, she was sure the issue was with the principals. Ms. Dupee thought this was an important issue and it needed to be resolved for the good of the citizens. Ms. Foley added that many schools are located within the municipalities and not in the County. She added that many of the small parks to be dispersed are not in the County but in the cities. Mr. Schue suggested the small parks could be turned over to another organization to be managed by them. Mr. Jordan was concerned about public property being turned over to a non-public entity such as a homeowners association. Ms. Marsh explained that legally it would depend on how the title was transferred to the County. In some cases if the land wasn't turned over to another public entity it might have to be returned to the original owners. Each park parcel would have to be considered on an individual basis. Generally the County first investigates to see if the property can be utilized in another manner. If not it is offered to other governmental entities. Chairman Newman thought the language "evaluating for phase out" should stay. Mr. Jordan suggested that the county might want to institute a minimum acreage for donations.

Ms. King said the only other comments she had were those of Mr. Parks. She read his comments provided earlier to the LPA. Ms. Suffron thought the eco-tourism issue had been addressed and an Adopt A Park Program could be considered. Mr. Schue thought there should be a program developed to encourage volunteers in the parks, there was a consensus of the LPA on that issue. Mr. Schue said he was confused about the exact level of service for the park system. Ms. King thought the Comprehensive Plan and the LDRs were inconsistent on that issue. Mr. Schue asked what the balance should be between active and passive recreation and then he asked what the Level of Service (LOS) should be. Ms. King said she would like to bring back the actual LOS figures for the County. There was some discussion regarding the LOS.

Mr. Schue said in Policy 3-1.8 there was a reference to open space including "areas preserved for proposed transportation routes", he thought open space should be permanent, not land reserved for roads. There was consensus of the LPA on that issue.

In response to a comment from Ms. Dupee on Policy 1.3-1.2 there was discussion about changing the language to be more inclusive.

Ms. Suffron requested that any additional remarks and recommendations be sent directly

to her.

Transportation

Amelyn Regis, Senior Planner said additional changes had been made to the draft copy and that new policies exist. She said the new LOS categories are based on the FDOT 2002 Quality/Level of Service Handbook. She said Mr. Parks' comment on bike lanes had been addressed. Ms. Regis said in the most recent draft there are more specific objectives. She said Senate Bill 360 referencing transportation concurrency had been incorporated.

Ms. Regis said she would like to discuss the policy to Prohibit Use of Roadway Improvements as Sole Justification for Land Use Amendments. She read the following "county shall prohibit the use of new or expanded roadway facilities as a sole justification for amendments to the Future Land Use Element, where new or expanded development will adversely impact resource, conservation areas or neighborhoods or will otherwise be deemed to adversely affect the problem". She asked the LPA for their comments. Mr. Jordan liked that language and he suggested adding, "perpetuate the problem" or "exacerbate the problem".

T.J. Fish, Executive Director, Lake/Sumter Metropolitan Planning Organization said during their public consensus building meetings that 'limited access roadways' were a frequent topic of discussion. He agreed with Ms. Regis' suggested policy.

Ms. Regis explained that the coordination of Transportation with Future Land Use would be addressed in the FLUE. This element does, however, contain language regarding consistency between FLUE and Transportation and land development coordination. Other policies address Mass Transit, Public Participation, Regional Coordination and the Wekiva Parkway.

The fourth goal is the Transportation Capital Improvement Program, which includes right of way issues, building setbacks, designation of future enhancement corridors, review of development proposals and coordination with other public facilities.

In response to Ms. Foley, Ms. Regis said that the Citizen's Advisory Council (CAC) was currently in existence. Ms. Foley said it was rumored the Eustis area airport may be sold and then be closed. She commented that there was not a general aviation airport in South Lake County.

Ms. Dupee said there was a recent Federal Aviation Agency (FAA) report stating that another general aviation airport was needed in this area.

Mr. Fish said the only general aviation airports in the county are in Leesburg and Umatilla.

Mr. Schue suggested language for Policy 1.5 Airport Expansion similar to "expansion of

existing publicly and privately owned airports”. There was a consensus by the LPA to remove “publicly owned”.

Mr. Schue suggested that public participation not be limited only to that of the CAC. He suggested the wording “workshops where appropriate may be conducted”.

Mr. Fish reminded the LPA that the MPO assumes some of the responsibilities formerly held by the County. For example the MPO is charged this year with creating a public participation plan to ensure the public has direct participation in transportation planning. He added that referencing the MPO could eliminate a lot of the details in this element.

Ms. King and Ms. Regis explained this element was being coordinated not only with the MPO but also with the Public Works Department.

Ms. Dupee said she would like to be sure when Right of Way (ROW) is acquired, it is wide enough for turn lanes and other uses. Mr. Fish said the MPO is considering corridor preservation which will be a land use containing additional regulations covering issues such as setbacks. He added that adequate setbacks were a health, safety and welfare issue.

Mr. Schue asked for additional information on Policy 1.1-5 and 1.1-6 relating to Trip Capture Development. Mr. Fish explained when traffic calculations from a proposed development show that the LOS would be exceeded, the developer may be able to prove that some of the traffic created by the development would be “captured” on or close to the site and therefore it would not adversely impact the LOS. Mr. Fish said the minimum threshold for trip capture to be considered is 10%. He said this provision does not affect transportation concurrency.

Mr. Fish said the MPO is reviewing and re-evaluating transit issues.

Mr. Fish spoke to the LPA as a citizen and reminded them that free market forces mean the demand for development is not going away. He said densities should be located where infrastructure is available. He said if no new development was allowed then prices would increase to the point where there would be no affordable housing.

In response to a question from Ms. Dupee, Ms. Regis explained the LOS is taken from the FDOT Quality of Level of Service Handbook. It is based on population and divided into areas such as rural and urban.

Mr. Schue asked if there were policies directed to the rail system, Ms. King said there was a sub-element in the current Comprehensive Plan and said staff would be working on that. Mr. Fish thought commuter rail should at the least be included as a goal.

There was a 5-minute break.

Intergovernmental Coordination Element

Amelyn Regis said all the policies in this element are new. First she discussed the Joint Planning Committee to be formed between the county and the cities.

The second topic was Advance Notification of Requests to Change Land Use. She said this is particularly important in JPA areas.

Ms. Regis said she had included an objective and six policies regarding coordination between the County and the School Board. One of the policies referred to co-location of recreational facilities and use of schools for public meetings, which was discussed earlier. These policies stress the importance of coordination between the schools and the County on many levels.

Ms. Regis asked for comments on a policy regarding notification of land use changes to the Lake County Water Authority (LCWA). There was a consensus by the LPA to include the LCWA with the other groups to be notified.

Mr. Schue commented on the reference to the Regional Planning Council as mediators, he thought other mediators could also be included. There was a consensus by the LPA to refer to other possible mediators.

Ms. Regis explained the last objective to be discussed was the JPAs. She added it had been brought to her attention that possibly special policies should be included for the two currently adopted JPAs.

Ms. King said a copy of the Comprehensive Plan would be provided to other governmental agencies. Additionally, the Department of Community Affairs (DCA) would also be providing copies to designated agencies.

Mr. Schue commented on the importance of water allocation. He suggested developing a total "water budget". Ms. King said the Water Alliance would probably consider that issue because of the required 10-year regional water supply plan. There have also been initial discussions that local governments should combine and work under a joint Consumptive Use Permit (CUP). Mr. Schue suggested including a policy to support coordination of water use. Ms. King thought that policy would be appropriate for inclusion in the Potable Water Element.

Ms. King said there were policies in the FLUE dedicated to cities with adopted JPAs. When Ms. King asked if the LPA would recommend duplicating those policies in the Intergovernmental Coordination element, the consensus of the LPA was that it would not be necessary.

Ms. King briefed the LPA on a suggested Plan Amendment Review Committee (PARC). This would consist of elected officials to review Land Plan Amendments and annexations across the County. There was some discussion regarding this issue. Ms. King said if PARC was established it would make recommendations to the appropriate local

governments. Mr. Jordan thought it would be a more pro-active approach. Mr. Schue was concerned that if the PARC had elected officials as members then the independent review process could be subject to political pressure. Ms. King ask the LPA to give it some thought and let staff know what they felt would be appropriate.

Ann Dupee left the meeting at 4:00

Conservation

Amelyn Regis said that all the policies were new and after discussions with Mr. Schue and Ms. Foley more policies would be added. Those policies would be presented next month.

Ms. Regis explained some of the policies on spring sheds and protection of spring shed zones. The first includes the Protection of Sensitive Resources, Educating the Public and Regulation of Land Use Activities.

Ms. Regis explained she was still working on the fourth policy, which is silviculture. She added that policies on Wetlands and Uplands Communities would be separate objectives.

Ms. Regis listed some of the remaining Objectives and Polices. She said after speaking with Ms. Foley she would be including the Leadership Energy Environmental Design Program (LEED) program. She said the Comprehensive Protection of Wetlands, will include the wetlands classification system discussed at earlier meetings.

Objectives 11through14 are still to be written. Other issues yet to be addressed include the Green Swamp Area of Critical State Concern, Wekiva/Ocala Greenway and the Lake Wales Ridge.

Ms. Regis asked for the LPA's comments on Mr. Parks' suggestion that the Conservation Data Inventory and Analysis (DIA) should include a description of the potential impacts to ecology from development. Ms. King said that would be a very large topic and suggested further discussions with Mr. Parks.

Ms. Regis said Mr. Parks' other suggestion was an objective requiring the LDRs to better address buffers to wetlands and surface water. Ms. Regis said that would be addressed and there would be variable buffers dependent on the type of wetlands.

Mr. Carey said grading in subdivisions was not being inspected to ensure it was in accordance with the site plan. The Water Management District (WMD) is accepting the engineer's letter, which simply states the grading has been done in conformance with the plan. Mr. Carey thought a physical, on-site inspection should be done. Ms. King said the County was aware of this problem. Ms. King said the Storm water Element could include a policy to address this issue.

Mr. Schue said he understood that in the past the County had staff to do environmental

inspections. He would like to see that program reinstated because neither the WMD or Fish and Wildlife have the staff for that kind of inspection program. There was a consensus by the LPA to consider reinstating such a program.

Economic Element

Ms. King explained the Board of County Commissioners (BCC) is considering enhancing economic development through a resolution and an ordinance. She thought this should be included in this element. She said it could be referenced by policy perhaps by the next meeting.

Mr. Schue asked if his comments about eco-tourism had been incorporated into this element. He thought it was important to recognize the economic value of natural lands in the County. Mr. Massa said he would review that information and he had additional information on the same topic. He said the economic value of land kept in its natural state could have a greater overall economic benefit than developed land, which requires infrastructure and services.

In response to a question from Ms. Foley, Mr. Massa said he had not yet received comments from the Industrial Development Authority (IDA). She suggested they be contacted and said the business park they had talked about would be addressed within the FLUE. Mr. Schue thought input from the IDA was essential and said he would like more detail in this element. He referred to the "My Region" project and the economic activity centers in other counties. He said Lake County should identify and promote Economic Activity Centers that attract high-wage jobs as those counties do.

Mr. Schue presented a draft policy for the Economic Element that would set up a task force. Several LPA members said his description sounded like the IDA. Mr. Schue thought it would bring needed attention to this issue. And that a Task Force to obtain new input from other entrepreneurs and experts would be of value. He said the IDA should be part of this task force. Ms. King said a meeting was pending on this issue with the County Manager, the Deputy County Manager, Director of Economic Development and herself; she suggested waiting to see what came out of that meeting. Chairman Newman concurred with Ms. King. Mr. Carey said the IDA has done good work and he suggested inviting the IDA back. Mr. Jordan thought the IDA did not want to be burdened by excess bureaucracy. Mr. Carey said businessmen would be looking for a nice environment to live in and good educational opportunities for their children. Ms. Foley concurred with the target industries on Mr. Schue's list. She suggested reviewing the list at the meeting mentioned by Ms. King. There was a consensus by the LPA to do that.

Public Comment

Tom Luche said he was interested in education. Ms. King explained to Mr. Luche that Senate Bill 360 requires mandatory school concurrency, which meant the Interlocal Agreements between the School Board and all the municipalities will have to be

rewritten. In the near future there will be a meeting to address those agreements. As soon as staff has direction on this, they will begin to draft an Education Element.

Winifred Luche said she was interested in the new school component of the Comprehensive Plan.

Michael Carey left the meeting.

New Business

There was discussion regarding the meeting schedule for August.

Ms. King explained the consultants were now working on the Conservation and Recreation Elements. They would be doing peer review and indexing the elements with “hotlinks” to the Comprehensive Plan.

Ms. Foley commented that the requirements of the Water Management Districts (WMD) should be incorporated into the Groundwater Recharge Element.

Mr. Schue said he didn’t believe it was a violation of the Sunshine Law if one member e-mailed the group unless they entered into a subsequent dialogue. Mr. Minkoff said it was his recommendation not to do that because it is too easy to reply and then there is a Sunshine Law violation.

Ms. King explained that the Public Forum Analysis would be presented during the second round of public meetings. The public would then be able to see how their concerns are being addressed in the proposed elements.

Ms. Foley asked if summaries of the elements would be available at the meetings. Mr. Wheeler said he was writing those summaries.

Mr. Schue said the public was very concerned about growth, maintaining rural areas and even slowing growth. He did not think the strength of those concerns were reflected in the written analysis that had been provided to the LPA.

Ms. King said additional information would be added to the analysis.

The Chair adjourned the meeting at 5:15 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary

