

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

SEPTEMBER 19, 2005

The Lake County Local Planning Agency met on THURSDAY, SEPTEMBER 19, 2005 at 9:00 a.m. in the Training Room # 233 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
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

Members Absent:

Anne Dupee	District 2
Sean Parks	At-Large Representative

Staff Present:

Gregg Welstead, Deputy County Manager; Interim Director, Growth Management Department
Sanford A. Minkoff, County Attorney
Amye King, AICP, Planning Manager, Comprehensive Planning Division
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 1:37 p.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.

Discussion of Process for Updating the Comprehensive Plan and Future Land Use Map	3
--	---

Process for Updating the Comprehensive Plan and Future Land Use Map

Chairman Newman stated the purpose of the meeting was to facilitate the process for updating the Comprehensive Plan and the Future Land Use Map (FLUM).

Amye King, Planning Manager said staff was asking the Local Planning Agency (LPA) for suggestions on how to best process comments, from LPA members, the municipalities and the public. A second concern was the process to facilitate review of the Future Land Use Map (FLUM).

Chairman Newman discussed the qualities of good board members and the importance of respecting the opinions of others. She repeated that LPA members discuss questions with staff prior to meetings whenever possible and they provide comments to staff as soon as possible so they can be distributed in a timely manner. She emphasized that everything included in the Comprehensive Plan is subject to LPA consensus.

Chairman Newman said on occasion the LPA meetings have gotten too involved in philosophical discussions. She said it was important to be focused on the issues and to remember the Comprehensive Plan encompasses the whole county.

Chairman Newman was interested in the comments of the LPA members regarding public comment during meetings and the possibility of imposing time limits on members. She thought staff should present drafts of their work to the LPA for discussion then the revised drafts would be brought back to the LPA and a consensus would be reached.

Ms. King thought a way to identify the most recent draft of each element would make the process easier.

Nadine Foley agreed and added she would like to be able to identify the source of comments.

Keith Schue said the strike through underline format had been used in some elements to compare the current Comprehensive Plan with the new draft. He thought that comparison would be useful. Ms. King said staff was preparing a comparison similar to Mr. Schue's suggestion with the Evaluation and Appraisal Report (EAR). Ms. King said staff could apply the same process to the Comprehensive Plan if the LPA requested that.

Ms. King said staff has been receiving a tremendous number of comments from many sources. The LPA did not think it was necessary to color code comment.

The LPA agreed with Mr. Dunkel that evening meetings should be scheduled on the Future Land Use Map (FLUM).

Michael Carey did not think it was necessary to compare different views. He said staff should include the comments they considered to be important. He thought receiving more than staff's recommendations would be too cumbersome. Ms. King suggested staff

could present the comments they did not agree with for discussion. Mr. Carey said staff should only have to present their own point of view. He thought if a suggestion hadn't been incorporated by staff then the public meeting was the appropriate place to discuss it. Mr. Carey didn't feel it was necessary to provide other LPA members with his comments in writing. He acknowledged that other people may not agree with him.

Becky Elswick was concerned that not discussing comments in public could create a Sunshine Law issue. David Jordan said he had been told by the Attorney General's office that the County's web board was not a violation of the Sunshine Law until or unless the LPA members respond to the comments of other members. Ms. Elswick agreed with Mr. Carey on open debate. Mr. Schue said that he didn't see how a dialogue could occur when information was just posted for the public to view. He said all comments were public record. Chairman Newman thought a problem could arise if one member made comments that referenced those made earlier by another LPA member. Ms. Foley said when individuals request she present their comments to the LPA she has suggested they make their own comments. Mr. Jordan said the public meetings have created a vision for the future. He questioned whether it was the purview of the LPA to go through every part of the plan verbatim or instead should they have a vision of the "larger picture". He said it was important for the LPA to speak with one voice and he referred to a concern that LPA members were 'meddling' with staff. Chairman Newman agreed and said she did not believe the LPA should be "micro-managing". As far as the Sunshine issue, she suggested the LPA not post their comments but use the web board as a resource for public opinion. Ms. King explained the LPA comments had been posted at the request of the public. Mr. Schue said comments provided at a meeting were public record. It was agreed comments should not be posted in advance of the meeting.

Mr. Schue said because his comments were substantial, he thought the other members wanted those comments in advance of the meeting so they could be reviewed. He thought when comments were not provided early enough then those issues were continued which slows the process. Ms. Foley thought it was important to have a point at which the LPA can just review the work of staff. Ms. King explained staff wanted to be sure that first the goals were done, then objectives and policies so the Comprehensive Plan matches the goals and vision of the citizens. She explained that 'finalized' versions of the elements are sent to the consultants to ensure they are consistent. Ms. King said the process for the FLUE would be easier, although it would be more challenging philosophically.

Sanford Minkoff, County Attorney arrived at 2:35 p.m.

Mr. Jordan acknowledged that although each member has specific expertise they should strive to keep balance and remain focused on the entire Comprehensive Plan. He has heard comments that the LPA had been "hi-jacked" and it had been taken over by one person's view. He said they must speak as one voice and not contribute to a perception that the LPA is not working together.

Mr. Schue thought a process was needed so each person could make whatever input they

wanted on a particular issue. He thought there should be a mechanism to communicate with staff and generate meaningful discussion in the LPA. He said he has made an effort to adjust the way that he has been presenting his comments. He wanted to be sure there was an opportunity to discuss changes to each element.

Ms. King said staff has been discussing integrating the LPA comments and consensus within one week of the meeting so it could be reviewed before the next meeting. Ms. King explained the County staff from several departments are involved in the Comprehensive Plan and many of those staff members have made comments on the drafts. When a LPA member disagrees with material provided by staff, it can become difficult to integrate information provided by other staff members with different areas of expertise.

Richard Dunkel wanted to be sure that the Comprehensive Plan is economically feasible. Ms. King said staff was working with the Budget Office and the Clerk of Courts to make sure the proposals in the Comprehensive Plan are economically feasible. Mr. Dunkel was concerned about compatibility between the Comprehensive Plan, the municipalities' regulations and the FLUM. Ms. King said the majority of the municipalities' staff have made recommendations or have provided input on the FLUM areas adjacent to those cities. However, she has not had discussions with the elected officials. Mr. Dunkel said perhaps joint meetings with the LPA and those elected officials would be in order. Ms. King asked if some of the municipalities that were present would like to address this issue. Mr. Welstead added that updates on the Comprehensive Plan have been provided at the League of Cities meetings.

Ms. Elswick said staff should include the comments they felt were pertinent in the meeting packets and that including those comments made them public record. There was some discussion on this issue. Ms. King saw no difference between sending comments out in meeting packets and posting them on the website.

The LPA reached a consensus to have "an understanding" of the draft elements returned to them within one week of the meeting. Mr. Carey repeated that it was his understanding staff was not obligated to bring the comments they received to the LPA. He said staff should just present their recommendations. Mr. Schue said it was not possible for one member to dictate what goes into the Comprehensive Plan.

Mr. Jordan stated that this is exactly the problem, the amount of detail and the lengthy meetings. He thought members should bring their comments to the meeting and be able to discuss it concisely. Ms. Elswick thought staff should have adequate time to prepare. Mr. Jordan said staff wouldn't be able to prepare for verbal comments. He did not believe it was necessary for members to write out everything in detail. He said if a member's idea is supported by a majority of the LPA then it goes forward; but not just because one individual thinks their ideas should be included. Chairman Newman was concerned members could become complacent if one person's view dominates and then the LPA would lose its balance. Mr. Schue repeated that his most recent comments were substantive and more than a quick sentence is needed to explain them. He said he had

provided written comments to the LPA as a courtesy. When Mr. Schue asked how members should communicate, Mr. Jordan said they should communicate publicly. Mr. Schue thought providing comments in writing was the most efficient way. Chairman Newman suggested that in the future comments could be reviewed one at a time. The comments that staff was not comfortable with incorporating could be continued to the next meeting. She did not want to continue the entire document.

Ms. Foley thought they were close to agreeing that staff would provide the most current copies to the LPA as far in advance of the meetings as possible. She said she had read all of Mr. Schue's comments. However, she thought the review needed to be done now because the closer it gets to the final draft the more time consuming it will be. Ms. Foley thought their workshop meetings had worked well. Ms. King said that would address situations where there are disagreements and staff would continue to post e-mailed comments on the website before the meeting.

Mr. Jordan said if the LPA agreed collectively that members not send written comments to staff prior to the public meetings and if someone did that they would be out of order. Chairman Newman said a procedure needed to be set up that everyone understood and followed. Mr. Schue did not want a process where LPA members were only allowed to have discussions with staff at the public meeting. Mr. Jordan thought the public meetings were the proper place to introduce comment and he suggested that lengthy comments could be written. He thought this process would keep order, and that not providing written comments to staff prior to the meeting would prevent the perception that one person is writing the Comprehensive Plan. Mr. Schue asked what the procedure should be for verbal discussion. Mr. Jordan said staff should be able to set boundaries. Chairman Newman reiterated that as many questions as possible should be asked before the meeting. The concern was the perception that any particular member would be directing staff. And she was concerned that staff be allowed to do their work.

Public Comment

Rob Kelly thought that the Comprehensive Plan needed to be reviewed in detail, and asked if the LPA doesn't take a very close look then who would. He said if information was not posted on the web site then staff would receive phone calls requesting that information be provided to them. He said it was important to have information available to the public. Chairman Newman noted that comments of members are generally not included in meeting packets and it is the member comments that cause Sunshine concerns.

Bernie Yokel thought written comments were a very powerful way for a citizen to communicate. However, that doesn't mean those comments have to be treated differently.

T.J. Fish, Executive Director Metropolitan Planning Organization (MPO) said their staff was a resource for county staff. He cautioned the LPA not to get so involved in writing a perfect Comprehensive Plan, because then the process gets stalled.

In response to a question from Ms. King there was a consensus to have some evening meetings scheduled as needed. There was also a consensus that written comments from LPA members would be placed on line after the public meeting. Mr. Schue said some of the comments received from members might still need to be continued for further review. The LPA agreed that was part of the normal meeting process.

There was discussion on the working relationship between LPA members and staff. Ms. Elswick said members should be able to have questions answered by staff. In addition, she thought members should be able to communicate with staff regarding any serious disagreement with staff in advance of the public meeting. Mr. Jordan wanted staff to be comfortable enough with the LPA members to state their opinions freely. There was a consensus that comments from citizens, municipalities and consultants can be posted when they are received.

Ms. King said clarification was needed on making comparisons to the current Comprehensive Plan. Mr. Schue thought it would be helpful to make it easy to understand the difference between the old Comprehensive Plan and the new. He thought that comparison was valuable. Ms. King explained the current Comprehensive Plan is based on Data, Inventory and Analysis (DIA), which in turn is based on the 1980 census data. Even if the policies are good they still might not be compatible with the data upon which the new plan should be written. If old policies are used then the old data should be used as well. Ms. King said that the current Comprehensive Plan is being used as a source. In addition staff is reviewing the EAR to show where each concern in the EAR is addressed in the new Comprehensive Plan.

Mr. Jordan thought draft copies could be identified by the date and eliminate the colors and strike-through formatting.

There was a 5 minute break.

Mr. Carey thought the LPA had become involved in zoning issues and they needed to stay focused on the appropriateness of the Future Land Use request. He thought imposing special conditions could result in a less desirable outcome.

Mr. Dunkel referred to a recent request that the LPA had voted to recommend denial. He said the applicant made changes in their proposal based on the LPA comments. The project was approved by the Board of County Commissioners (BCC) and the County will now have a trail head located on that site.

Mr. Carey said the LPA should be consistent.

Mr. Jordan said the LPA was a recommending board not a 'quasi judicial' board.

Nadine Foley explained she voted against that motion although she agreed with the future land use change. She thought the LPA's motions on future land use changes should be

structured for either approval or denial. She said recommendations could be attached and sent to the Board of County Commissioners (BCC).

Mr. Schue said the potential uses under each of the future land use designations should be considered during FLUM changes. He thought if those uses were unacceptable, that the LPA should vote against the application.

Mr. Carey said when an applicant has to be willing to compromise in order to get the future land use change approved, then the applicant is being asked to negotiate in order to get his application approved. Mr. Jordan thought they were looking out for the benefit of the citizens. He said if it was the consensus of the board, then he agreed to attach comments to their yes or no recommendations.

Ms. King said the uses in new future land use categories will be very specific and there are only a few mixed districts in the new FLUE.

Mr. Carey asked if it might be best for the LPA to hear all comments on FLUM amendments before they asked their questions. There was discussion about how to schedule public comment. Mr. Carey suggested staff make their comments, then the applicants, followed by the public and then the LPA would have an opportunity to ask their questions. The applicant will still have their right to rebuttal. Ms. Foley preferred to ask questions of staff after their presentation. Chairman Newman thought the public might prefer to have the LPA ask their questions first. It was agreed to think about making those changes.

There was discussion about structuring public input on the Comprehensive Plan and balancing that with the need to move forward. Mr. Jordan suggested getting public input at the end of each element. Mr. Schue was concerned about the LPA reaching a consensus on a policy or element and then asking for public input after the LPA had already taken action. Ms. King replied that consensus was not approval and new comments were placed on the website every day. She discussed the importance of having structure to gather information at future public forums especially those on the FLUM. Mr. Schue suggested taking the public input first on the FLUE and FLUM before the LPA comes to a consensus. There was discussion regarding the appropriate timing for public input, and it was agreed that the LPA should try accepting public input before making its recommendation. There was agreement about the importance of being flexible depending on circumstances.

Future Land Use Map

Ms. King reviewed the methodology of the FLUM. She pointed out areas of the County that will not need to have a Future Land Use decision associated with them. The Wekiva River Protection Area and the Green Swamp areas will remain unchanged. Staff has met with each municipality on the Future Land Uses in the areas surrounding their boundaries.

James Hitt, Planning Manager, City of Clermont, explained he had been communicating with county staff on the land uses surrounding Clermont, including parcels that needed to have their future land use changed. He said they were very close to agreement and he complimented county staff.

Alton Roane, City of Eustis said they have an excellent working relationship with county staff and there doesn't appear to be significant disagreements.

Mark Reggintin, Planning Director, City of Mt. Dora said their future land uses were based on their JPA. One question had been the issue of rural land uses within urban service areas.

In response to Mr. Schue, Ms. King said she would recommend meeting with the cities so they could explain the land uses in their JPAs. Mr. Schue was concerned about the relationship between population projections and the densities allocated by the Future Land Uses. He thought it important to track the overall allocations for the County. Ms. King explained the different FLUMs the LPA would be receiving. One map will have the cities allocations on it, another will show the development recommendations that they have received and another the DRIs. Mr. Dunkel commented that it would be necessary to have a good idea of what the cities envision. Mr. Schue voiced concern over areas in the county outside of any JPA with population growth such as the Four Corners Area. In response to Ms. King's question regarding the map preferences it was suggested the map layers correlate with the population projections. She added that the persons per household varies in different areas of the county and that would make it difficult to map population projections.

Mr. Carey was concerned about the political issues involved in these decisions. He pointed out that the percentage of work force population in the County was decreasing and some of the County policies were contributing to that decline. Mr. Hitt said school capacity issues were creating more age-restricted communities.

The Chair adjourned the meeting at 4:00 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary