

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

JANUARY 14, 2005

The Lake County Local Planning Agency met on Friday, January 14, 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:

Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Barbara Newman, Chairman	At-Large Representative
Sean Parks	At-Large Representative
Becky Elswick	Acting School Board Representative

Members Absent:

David Jordan	District 1
Dan Matthys	District 2
Michael F. Carey	District 3
Keith Schue, Secretary	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
Amelyn Regis, Senior Planner, Comprehensive Planning Division
Francis Franco, Senior GIS Analyst, 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 there was not a quorum 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. She said the agenda had been changed, the Public Safety Element presentation would be heard first.

TABLE OF CONTENTS

<u>AGENDA ITEM:</u>	<u>AGENDA DESCRIPTION</u>	<u>PAGE NO.</u>
ii	Safety Element: Presentation by Gary Kaiser	3
iii	Cultural Element: Presentation by Greg Mihalic	4
iv	Economic Element: Presentation by Greg Mihalic	6
i	Education Element: Presentation by Angela Usher, Palm Beach County, Dennis Foltz, Orange County Discussion of Comprehensive Plan Update	7 9

Safety Element: Presentation by Gary Kaiser

Gary Kaiser, Director of Lake County Public Safety, said sometimes the public is concerned that a Public Safety element will lead to uncontrolled costs. However, his experience has been contrary to that assumption. A Public Safety element is “number driven” and it limits service to what has been committed to in the plan. The Public Safety element includes impact fee statistics and Equivalent Residential Use (ERUs) numbers. Because this is a “numbers driven” system, the politics and the emotions are taken out of Public Safety planning. And this avoids the possible construction of fire stations in areas where they are not necessary. Service thresholds are what dictate the placement of response units and fire stations.

Public Service Elements make it possible to have an accurate estimate of anticipated costs, including the replacement of vehicles and equipment. This methodology helps to control costs; sets impact fees and determine the Level of Service (LOS) standard. Currently the goal for response times in Lake County is 0-5 minutes in urban areas and 5-10 minutes in rural areas. Data is being accumulated during the year and will be used to determine if response time goals are being met or not. Mr. Kaiser said their current system could be written into the element. If the Public Safety department were not able to meet the LOS standards then the Board of County Commissioners (BCC) would be able to adjust those figures.

Richard Dunkel asked how many municipalities are provided emergency services by the County and for a comparison between the response times of the cities and the county. After some discussion Sanford Minkoff, County Attorney, said Lake County provides service to half of Lady Lake, Astatula and Minneola, which it intends to withdraw. Mr. Kaiser added that they have contracts to provide service to Groveland and Mascotte. He explained that the County’s response time compares favorably to the Cities in those service areas that are more urban. The response times in rural areas are higher.

Nadine Foley asked how long the informal LOS had been in place, and if Mr. Kaiser would feel comfortable with officially incorporating that LOS into the Comprehensive Plan. He replied it had been adopted August 19, 2003. Figures since that date show they are coming very close to their LOS. In rural areas the response times are outside their goals. In those areas they anticipate building more fire stations. The County Geographic Information Systems (GIS) is being used to look at roads and to project actual response times. Ms. Foley asked if he would recommend phasing in LOS numbers. He said he did not believe that would be necessary. The current response times are already very close to those levels.

Sean Parks asked if the 5-10 minutes response time was comparable to Orange and Seminole Counties. Mr. Kaiser said Seminole’s average response time was 5 minutes. Lake County is aiming at 7.5 minutes, and that would be lower in the future. Mr. Kaiser said it is not feasible to compare response times in rural areas to those in higher density areas. Mr. Parks asked if there was an actual facility plan. Mr. Kaiser said yes and part of their plan targets the areas where response times could be improved the most.

Sanford Minkoff, County Attorney, explained that the cost of improvements needed to meet LOS goals would be included in the Capital Improvements Element.

Mr. Dunkel asked what response levels were needed to lower insurance premiums for residents. Mr. Kaiser said they were expecting a new schedule, however, insurance companies do not have to recognize those numbers. The greatest benefit will be in urban areas. Although some rural areas may also benefit as a result of the County's tanker shuttle programs and other improvements they have made. Mr. Dunkel asked if there would be an impact fee assessment to pay for this. Mr. Kaiser replied that there is currently an impact fee, which is discounted because of the perceived lack of supporting data. The department is now accumulating supporting data. Eventually maintenance of the LOS will mean funding will be converted from being totally based on impact fees to a combination of impact fees and an Ad Valorem tax. Mr. Dunkel asked if the Homeland Security Program had affected the Public Safety Department. Mr. Kaiser said the Federal funding had not yet materialized. He added that most fire departments are already equipped to handle many types of emergencies.

Ms. Foley asked what "maintaining a local mitigation strategy," meant. Mr. Kaiser explained that it was a federally mandated plan that outlines how the local departments will handle various types of emergencies that could occur in the community. He said that the strategy was a "work in progress". When Ms. Foley asked if he thought this should be included in the comprehensive plan, he said it was already required.

Mr. Kaiser said part of the significance of a Public Safety Element is the ability to develop relationships with surrounding jurisdictions. No single department has the ability to meet all possible emergencies; so programs are set up to take advantage of each department's resources. In closing he said he believed that a Public Safety Element was crucial because it is a large expense and should be planned for.

There was no public comment.

Cultural Element: Presentation by Greg Mihalic

Greg Mihalic, Director of Economic Development and Tourism, said that a Cultural Element is not number driven but rather it has a softer feeling for what a community should be. In 1996 the Board of County Commissioners (BCC) formed the Cultural Affairs Committee and they wrote the Cultural Plan for the Community. This plan and its objectives have not been adopted as part of the Comprehensive Plan. Mr. Mihalic said Cultural Elements are found in 30% of counties in Florida; however, they really are focused more on Eco-tourism and Cultural Heritage. They were enacted almost universally as a response to a threat to their architectural or archeological preservation. He said arts development is not mandated by the State and it must come from within the communities. He feels the County is moving in this direction but these elements must begin with the municipalities. He voiced a concern about having a State mandate for culture through the Comprehensive Plan.

Ms. Foley said she thought that much of what would be included in a Cultural Element is currently included in the Economic Element. Mr. Mihalic responded that he would prefer to call it an Ecological-Tourism Element. Ms. Foley asked if perhaps visual and performing art additions could be made to the Economic Element. Mr. Mihalic agreed but thought the scope of the element should be broader and include sports facilities, trails, ecological lands, and historic preservation, including those within the cities. He felt the Comprehensive Plan focused on unincorporated areas, but these particular goals should include the municipalities. He thought the County would function best in partnership with other groups in the County. In response to a question from Ms. Foley, Mr. Mihalic said he thought the Economic Element could include the cultural goals.

Mr. Parks said he believed that an Economic and Cultural Element should be included in the Comprehensive Plan. And he agreed with Mr. Mihalic about the importance of quality of life issues to the development of a good economic basis. He asked for an explanation of the Blueways Program and for information about using a “bottom up” approach to the Cultural issues. Mr. Mihalic said that Blueways are trails located on water. Lake County is in the process of identifying potential areas for canoeing and kayaking. The Blueways designation requires certification; initially the County will have canoeing and kayaking ways. These will be certified by the National Park Service as Blueways probably within 6 months.

Mr. Mihalic explained that the business decision to relocate in a particular area is driven largely by quality of life issues; this is especially important to the higher paying businesses. He said the assets of the cities should be included in an overall county plan. He did not think that a plan that excluded the cities would be successful.

Dorothy Vetter, Chairman of the Lake County Cultural Affairs Council, stressed the importance of quality of life for the whole spectrum of residents. She recognized that development of a cultural atmosphere is a long-range project. She outlined the history of the Council. She said an effort had been made to incorporate the arts into school curriculums, and an effort had been made to encourage the visual and performing arts as well. Ms. Vetter provided the Local Planning Agency (LPA) with printed information regarding the Cultural Affairs Council.

John Hawkins asked if the school system encouraged children to be aware of the culture in this area, and to be appreciative of the arts, so that the arts will continue to be appreciated in the future.

Dave Wheeler, Director of Performing Arts of Lake-Sumter (PALS), addressed the LPA. PALS is a group that advocates the construction of a multi-purpose center on the campus of Lake-Sumter Community College. Mr. Wheeler said that the State Department of Education mandates a series of skill sets for graduating students and several of those skills are arts related. He presented information from several sources regarding the importance of arts. He reiterated the importance of the arts to economic development. He said the educational system should be supported in every way possible so children

will be offered the type of education that will be needed in the changing world. He said Lake County had a strong creative segment in their economy. The economic benefit of the arts will grow along with the population.

Ms. Foley asked how Mr. Mihalic would recommend the Cultural and Economic issues be handled within the Comprehensive Plan. He said that he hadn't decided but believed as the review of the comprehensive plan continued everyone would have a better idea. He also said that if there is a separate element that the ecological, heritages, cultural and historic should be expanded on from what the original Cultural Plan.

Mr. Parks said he thought it would be interesting to investigate the experience other counties have had with their cultural elements. Mr. Mihalic said a survey could be done and they could also look into whether or not any counties had dropped their cultural element or if they had experienced any negative impacts.

Economic Element: Presentation by Greg Mihalic

Greg Mihalic, Director of Economic Development and Tourism, said that the current element seems to be working well with two exceptions. He said that in order to create industrial and commercial development, land should be designated in the Future Land Use Element to provide for employment centers. Residential growth will make it more difficult to set aside such areas. Without such provisions a disproportionate amount of the tax load will be borne by the residential tax base. In order to have a balanced economy it should be closer to a 50/50 split.

His second area of concern is the lack of moderate-income workforce housing. In Lake County the focus has been only on providing low and very low-income housing.

He discouraged the idea of implementing policies aimed toward specific types of industries. He said those issues are best decided by the market, and suggested that instead the policy should focus on the level of wages.

Mr. Parks asked how to ascertain the amount of moderate-income housing needed. He said that specific requirements might not be appropriate, but moderate-income housing should be considered. He added that a Developer's Agreement probably should be executed to make sure that the agreement is carried through.

Mr. Dunkel asked if teachers would be considered moderate income, Mr. Mihalic said yes and added that most households were dual income.

Mr. Parks asked how specific Goals, Objectives and Policies (GOPs) could be written to encourage a more balanced tax base. Mr. Mihalic said the best policy would be to have the quality of life that would attract the type of employee base that employers are looking for.

There was a 5-minute break at 10:10 a.m.

Education Element: Presentation by Angela Usher, Palm Beach County, Dennis Foltz, Orange County, Harry Fix, Lake County Schools

Angela Usher, AICP, Intergovernmental Relationship Manager for School District of Palm Beach County, explained that the County and the School Board worked together to put School Concurrency in place. She discussed their history and the statutory requirements for school concurrency. She talked about the issues relating to coordination of planning, regulatory review, and required 5-year capital improvement plan. Their plan is reviewed annually to ensure maintenance of the Level of Service (LOS) and the modernization of existing schools to maintain equability. The Palm Beach County is divided into concurrency zones. She discussed various mitigation options available to developers.

Ms. Usher explained to Mr. Parks that suspended school currency districts were a safeguard to prevent development from being unfairly held up, in the event the school board did not maintain their capital improvement program. A committee was also set up to oversee the process.

In response to Mr. Dunkel, Ms. Usher explained that sidewalks were required in areas within a 2-mile radius of the school.

Mr. Dunkel asked if any other communities had adopted this program. Ms. Usher replied to the best of her knowledge none had, although several have contacted Palm Beach County for information.

Harry Fix, Director of Growth Planning for the Lake County School Board, discussed how Osceola County had worked to resolve similar school over-crowding issues. Mr. Dunkel asked several questions involving Palm Beach's comprehensive plan and school funding. Becky Elswick explained that a residential tax base did not generate the same income as a tax base that has more industrial/commercial.

Ms. Foley asked if the development community in Palm Beach was happy with their plan. Ms. Usher replied that they were very happy because the school board is planning for their needs.

Dennis Foltz, AICP, Senior Director of Planning and Governmental Relations for Orange County School District, described some of the differences between Orange County and Palm Beach County. Orange County has a deficiency in school capacity to be overcome and older schools that need renovations. Orange County is also under a Federal Court desegregation order.

In response to the serious overcrowded schools in Orange County, then Chairman Martinez issued a memorandum, which has been called the "Martinez Doctrine". This memorandum asked that as land use and zoning plans were reviewed that if there is not school capacity available that denial be recommended. The County's policy was

challenged in court, and the courts upheld it. Mr. Foltz explained that Orange County had an Educational Element in their Comprehensive Plan and he felt that added strength to their position. The Martinez Plan has not been formalized by ordinance, but is simply a memorandum. Orange County and the municipalities have entered into interlocal agreements in support of this policy.

Becky Elswick left the meeting at 11:00 a.m.

Mr. Foltz explained that during the review of new development requests Orange County looks at the capacity of the specific schools that would be affected. Because almost all schools were at or exceeded capacity, a mitigation process had to be developed. Interlocal agreements were executed in 2003, and again in 2004 that better defined the policy and recognized the capacity enhancement process. By charter amendment it was agreed that municipalities adjacent to new developments with significant over capacity in their schools, would be required to hold a public hearing. Without their approval the project could not move forward. He added that this Charter amendment passed with a very high approval rating.

Mr. Foltz made it clear that the school system was not in the planning business; and that they were addressing only school issues. On occasion pre-application meetings are scheduled with developers to discuss school capacity.

Mr. Foltz said they have a fiscal analysis model that measures the impact of development against the income to be generated from that development. Because the differences between costs and revenues are particular to each development, voluntary fees paid by the developers can vary greatly. Mr. Foltz said he was a member of a committee that reviews proposed development projects. This committee develops possible solutions and then negotiates with developers. An appeal process is set up for those cases that can't be resolved at the staff level. He explained some details of their process including how they determine LOS, and school capacity. An increased impact fee would affect their fiscal model. The overall capacity process has generated a great amount of valuable information, and has had the effect of making their planning process far more efficient.

Mr. Parks asked how cooperation was with the municipalities before the Charter Amendment was passed. Mr. Foltz said it had been a "mixed bag" and they are still working to make the system work better. Some requirements have been set up in annexation agreements and Joint Planning Area agreements.

Mr. Dunkel asked how detailed an Educational Element should be. Ms. Usher said that theirs was very detailed because of the school concurrency. Mr. Foltz said their Education Element is data and policy based.

Mr. Minkoff explained that in order to implement a program similar to that in Orange County an Educational Element would not be necessary. The Comprehensive Plan would need to include language stating that developments not be approved unless infrastructure was available. He said some of that language already exists in our current plan. An

Educational Element is not a prerequisite to implement the “Martinez Plan”.

In response to a question from Ms. Foley, Mr. Foltz replied that the Martinez Plan applies to changes that increase densities, such as Land Use amendments and properties that are rezoned. Mr. Fixx explained that although Osceola County wrote an Education Element, those policies could be included in Intergovernmental Coordination and Future Land Use. If that was done then school capacity would be considered just like other infrastructure such as sewer or road capacity.

Mr. Parks asked when the Local Planning Agency would be making a decision on the optional elements. Amye King explained that whenever the LPA felt they had enough information they could make their recommendations to the BCC. Because of the school capacity issue in Lake County, there was discussion that the public would demand an educational element. Ms. King said that the Recreation and Open Space Element (ROSE) and the Economic Element were optional elements that are already included in the Lake County Comprehensive Plan.

The Chairman and the LPA thanked the presenters for their time and the valuable information that they had shared.

Amye King discussed the LPA calendar of events for January and February 2005. In addition she brought to their attention the meeting on January 21, 2005; all the BCC boards and committees have been invited. She discussed the public participation meetings scheduled in February 2005, the updated work schedule, and showed the posters for the public participation meetings. There was some discussion regarding different ways to notify the public of these meetings.

The Chair adjourned the meeting at 11:30 a.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary