

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

February 24, 2005

The Lake County Local Planning Agency met on Thursday, February 24 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
Michael F. Carey	District 3
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	Acting School Board Representative

Members Absent:

Dan Matthys	District 2
Richard Dunkel	District 4

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
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
Karen Mitchell, Public Hearing Coordinator
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 9:04 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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Wetlands

Sean Parks introduced Mellini Sloan stating that she has a Masters degree in Environmental Engineering and is working on a doctorate in Urban and Regional Planning at Florida State University.

Ms. Sloan provided additional information on her education and professional background. She had reviewed the information gathered at the public meeting and she said it seemed that Lake County citizens really care about the County's resources.

Ms. Sloan said there are several ways the Comprehensive Plan can help to preserve, conserve and expand protection of wetlands. One option is land acquisition in partnership with nonprofits or other governmental entities. Another option is easements to restrict the intensity of development. Wetlands can also be preserved through the establishment of buffers, mitigation programs, policies on land use and the subdivision of property

Ms. Sloan compared measures undertaken by Lake County and that of other counties. Many counties have no wetland buffer requirements in their comprehensive plans. Although the State requires the integrity of waters be protected; there is no requirement to buffer wetlands. Buffers generally help to protect the value of wetlands, their habitats, along with the quality and quantity of water. Wetlands are defined in several ways. Some designations give particular systems special protection, such as Outstanding Florida Waterways or any other locally designated categories.

Ms. Sloan discussed the wetland buffer regulations in the Lake County Comprehensive Plan. Isolated wetlands have a 15-foot minimum setback. Although development can occur adjacent to a buffer, development within the buffer is prohibited. Only a limited number of activities are allowed in wetland buffer areas such as access to docks.

Ms. Sloan said the adequacy of a wetland buffer is to a certain extent dependent on topography of the area, rather than just buffer size. Those differences contribute to variations in buffer size from county to county. Some larger buffer zones have been the subject of litigation. However, in order to fully protect all wetland values, the University of Florida recommends a minimum 300-foot buffer. Some counties including Lake have variable buffers. In addition Lake County allows the calculation of an average buffer.

In Lake County non-isolated wetlands have a minimum buffer of 25 feet, and the buffer for rivers and streams is 50 feet. Ms. Sloan briefly compared the buffer requirements of the Lake County to some of the municipalities located with the county.

Ms. Sloan said the City of Orlando has a more complicated system. Their buffer size is dependent on the "category" of wetlands and wetland mitigation areas. Some wetlands receive additional protection. For example, if native upland vegetation is present then the buffer size is increased because the system is intact. In some areas the City requires that native upland communities be planted or restored. Ms. Sloan thought this type of regulation might be considered for Lake County because it increases the value of upland

habitat areas.

Alachua County recently approved a 75-foot minimum buffer and a 300-foot buffer where listed plants or animals are present. This precipitated a lawsuit that resulted in a negotiated settlement that reduced buffer size. Alachua County has complicated regulations to protect wetlands. Some decisions must be site specific and include off site impacts. Natural communities, hydrology, buffer area characteristics and the presence of listed species are some of the factors taken into consideration.

St. Johns County has stricter wetland buffer regulations for specific watersheds. Ms. Sloan thought the Wekiva Protection Area and the Green Swamp might be considered for more specific regulations. She added that municipalities with areas subject to these more stringent regulations might feel that they are being treated unfairly.

Alachua County does not allow density to be increased on parcels included in or adjacent to conservation/preservation areas. They also prohibit the creation of lots that lack adequate buildable land to meet the setback requirements and other regulations. Developments within conservation areas are subject to additional regulations. Alachua County also allows only specific activities to occur within buffer areas.

Leon County has site-specific protection zones around their lakes. Development is clustered outside conservation areas and there are on-site density incentives. Projects with more than 40% of their land in preservation or conservation overlay districts are required to go through site plan review.

Keith Schue asked Ms. Sloan to talk about some of the water management overlays that include buffers particularly in the Wekiva Area. He also asked if there are similar overlays in the Green Swamp area. Ms. Sloan deferred that question to Sean Parks. Mr. Parks said the Wekiva Area was subject to specific water management regulations, however he didn't believe the Green Swamp was similarly protected. Ms. Sloan added that the State mandated density restrictions for lands in the Green Swamp and other Areas of Critical State Concern. She suggested that some of the State regulations affecting the Wekiva River Protection Area and the Green Swamp be incorporated into the Comprehensive Plan. She felt it is important to reference the stricter regulations of the State in the Comprehensive Plan. Ms. Sloan discussed the potential challenges involved in creating stricter wetlands buffer restrictions.

Mr. Schue spoke about the possibility of counties having stricter regulations than those of the State. Ms. Sloan said that the "over-riding public interest" could be involved in either side of a development issue. Mr. Schue thought it would be informative to see what other counties were doing. He said Orange County has a wetlands classification system that he feels would be useful. She said the only other similar system she was aware of was the City of Orlando. The Department of Environmental Protection (DEP) has developed the Unified Wetlands Assessment Methodology. This system assesses the quality of the habitat to determine the mitigation ratio. She recommended including a reference to those regulations, if not actual incorporation into the Comprehensive Plan. DEP's

regulations would be defense-able, although not everyone would be in agreement with the methodology or priorities.

Nadine Foley thought the current Comprehensive Plan has pretty specific Green Swamp regulations. However annexation by municipalities removes land from the County's regulations. Ms. Foley asked if the Conservation Areas in Alachua County were specifically designated areas. Ms. Sloan said Conservation Area was a specific land use category with restrictive densities, similar to the Green Swamp regulations. Ms. Foley commented that it was a conservation overlay of their land use map.

Ms. Sloan commented that the Joint Planning Area (JPA) effort in Lake County could help to ensure that actions by the municipalities would not subvert the goals and intentions of the County.

David Jordan commented that the issues of density and rural character had come up frequently in public forums and in other public comments. He said those concerns were closely related to wetland concerns as well. He asked what Ms. Sloan thought the bedrock reasons would be for including these policies, (beyond eco-tourism, and financial). He would like the best-desired outcome with the least possible resistance. She replied that when developing policy the more justification there is, the more difficult it is to over turn. This would include having similar regulations as adjacent government entities, making the best possible use of the public comment to set priorities, also point out reasons for policy i.e. protect wetlands to ensure future drinking water supplies, quality of life/rural character; the more definition given to citizens comment the better. She did not feel that the DCA would ever find that policies were too protective. The more specific the criteria the less litigious things will be. She spoke about the difficulty of using averaged setbacks, difficulty in defining wetlands to the extent that those boundaries can't be "gerrymandered". She suggested referencing documents in the Comp plan and being as specific as possible and supported by the public and is logical.

Mr. Jordan asked if it was possible to inventory wetlands by parcel. Ms. King said the technology is available, however the footprints of the buildings are not yet available. The existing land use currently shows the percentage of wetlands.

Sean Parks suggested the "Green Industries Manual" be referenced in the Comprehensive Plan. He also emphasized the importance of wetlands and lakes. He pointed out that Orange County has a whole department to enforce wetland regulations and it will cost money to increase the protection of wetlands.

Michael Carey commented that controlling undesirable growth is costly, and an investment would have to be made to curtail that growth.

Mr. Schue said that not controlling growth could be even more costly. He asked about permitted activities within buffer zones and the wisdom of including wetlands in homeowners' plats. Ms. Sloan suggested that it might be best to not allow the developers to retain ownership; easements for the buffers and wetlands could be dedicated to the

County. Then there can be concerns over liability for those properties. She suggested having specific definitions of what is restricted. She suggested that wetlands less than half an acre under the control of the county would be difficult. Specific regulations regarding activities and what level of clearing can be allowed. She referred the LPA to the Florida Yards and Neighborhoods program.

Sean Parks repeated that businesses want to locate in communities that preserve the natural environment. Without getting to specific, siting criteria and require that wetland delineations be drawn by qualified professionals according to the State 62340 guidelines. He thinks that there is place for those specifics in the Conservation Element.

Present Results of Community Planning Forums

Amye King, Planning Manager, Comprehensive Planning, responded to Mr. Jordan's earlier question with additional information about wetland buffers. Because the mapping available at this time doesn't categorize wetlands anything assembled at this time will be just an overall look. Mr. Jordan pointed out that the Property Appraiser codes certain lands because of its decreased value. Ms. King thought the present wetlands overlay was based on the 1998 layer from the district.

Below is a prioritized list of the results of the public participation meetings held to date present by Ms. King:

1. the overwhelming concern was preservation of wildlife, recharge areas, protection of wetlands, and open space
2. parks and recreation, sidewalks and bike paths – active recreation was a close second
3. better subdivision design standards, which included items such as curtailing urban sprawl to providing for equestrian communities to clustering within subdivisions
4. roads and transportation improvements
5. schools, including concurrency, the Martinez approach and better connectivity between schools and neighborhoods
6. economic development, including commercial development and clean industry
7. central utility issues including availability, location, connecting to and the better use of consumptive use permits
8. water surface quality including storm water
9. intergovernmental coordination between citizens, county and city, including more of a public participation effort
10. mass transit and commuter rail
11. annexation control
12. cultural affairs, cultural centers, comments regarding culture
13. solid waste, police, fire, safety
14. lots of comments on either no more golf courses or better designed golf courses

15. libraries
16. taxes
17. affordable housing

There were other issues mentioned less frequently. An analysis will be done after the final public forum meeting.

There were many positive comments about the value of the public meetings, the degree of public participation and the professionalism of all involved. David Jordan thought it was interesting that without prompting people were e-mailing in their comments. He thought it would be beneficial to let people know that particular avenue was available. He suggested a “virtual forum” be created.

Ms. King explained that Public Works was inviting the LPA to a meeting on March 15, in Minneola City Hall on the South Lake/Minneola Area Transportation Plan.

New Business

Ms. King said that the Notice of Intent from the Department of Community Affairs had been received and copies would be mailed out.

Old Business

Ms. King explained the color-coding used in the most recent Comprehensive Plan update. She said that Alfredo Massa was the author of the Growing Together monthly newsletter.

In response to Ms. Foley, Gregg Welstead said Sustainability Day would be held on April 22, 2005.

Robert Taylor suggested to the LPA that they might want to compare the results of the Planning Forums with that of the Lake County Tomorrow initiative done several years ago.

Becky Elswick left the meeting at 10:35 a.m.

Mr. Schue said he had learned in order for economic growth to be sustainable, there should be balance between land uses that were net revenue generating and those that were not. He said that in Lake County there is 80% residential, which does not pay for itself, compared with 20% commercial and industrial. He asked if it would be possible to tabulate the land uses that are revenue generators and those that are the reverse. That information could be useful in future planning.

Gregg Welstead, Director of Growth Management, said that issue was being addressed by the County’s Budget Director, Regina Frazier. He agreed that these issues should be addressed; when that information was available it would be provided to the LPA.

Mr. Schue further commented he had been surprised to discover during the Public Meetings the amount equestrian activities in Lake County and the size of it’s economic

impact.

Mr. Parks asked if the study by the Budget office would take into consideration the density of different residential uses. He said different densities would have different economic impacts.

The Chair adjourned the meeting at 10:42 a.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary