MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

MARCH 16, 2006

The Lake County Local Planning Agency met on THURSDAY, MARCH 16, 2006 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
Ann Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
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	School Board Representative

Staff Present:

Melanie Marsh, Assistant County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Shannon Suffron, Senior Planner, Comprehensive Planning Division
Thomas Wheeler, Planner, Comprehensive Planning Division
Donna Bohrer, Office Associate III, Planning & Development Services Division

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

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	Continued Discussion of Comprehensive Plan Goals, Objectives and Policies	

MOTION by Michael Carey SECONDED by Nadine Foley to approve the minutes from the October 20, 2005 meeting as submitted.

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

MOTION by Michael Carey, SECONDED by Nadine Foley to approve the minutes from the October 31, 2005 meeting as submitted.

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

MOTION by Nadine Foley, SECONDED by Michael Carey to approve the minutes from the November 21, 2005 meeting as submitted.

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

John Shegas submitted a letter to the Local Planning Agency (LPA) explaining that he had invested in his property as retirement. He described the plans he had drawn up in 1989 and said he thought that the current Comprehensive Plan had changed how he could develop that land.

Ordinance amending s.13.04.02, Lake County Land Development Regulations, "Entitled Membership."

Amye King, Deputy Director Growth Management, read the staff summary, which explained that Florida Statute 163.3175 required the appointment of an ex officio, non-voting military representative to the LPA. Ms. King described the areas of the County that would be of interest to the Navy.

MOTION by Michael Carey SECONDED by Sean Parks to approve the Ordinance amending s.13.04.02, Lake County Land Development Regulations, "Entitled Membership."

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

Review & Discuss correction of Table 15.02.01A, Lot Size and Frontage Requirements Matrix, in the Lake County Land Development Regulations, Chapter XV.

Ms. King explained that Ordinance was to correct a scrivener's error in the Joint Land Development Regulations (LDRs) with Clermont. Specifically it will change the minimum lot size from 21,780 acres to 21,780 feet.

MOTION by Michael Carey SECONDED by Sean Parks to approve an ordinance correcting Table 15.02.01A, Lot Size and Frontage Requirements Matrix, in the Lake County Land Development Regulations, Chapter XV.

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

Ms. King said the Vice-Mayor from the City of Eustis had questions about the LPA's approach to defining open space because Eustis is looking at the same issue. One issue raised was: whether to include water bodies and wetlands as open space?

Michael Carey's preference was for a simpler definition of open space, such as requiring a percentage of open space, without excluding some areas.

Keith Schue said the real issue is the minimum amount of open space that will be required by the County during subdivision site plan review. He thought a portion of the buildable land should be set aside for open space. He didn't think credit should be given for areas that couldn't be built on.

Sean Parks agreed that water bodies should not be counted as open space.

Richard Dunkel agreed. He said wetlands should be excluded from open space because they could not be built upon without filling them in which would require mitigation. Mr. Dunkel didn't think open space should be negotiable based on a golf course.

David Jordan agreed that land, which couldn't be developed, should not be counted as open space because the object was to create more open space.

Ann Dupee commented that in some areas specific types of buildings accommodate different lifestyles, such as houseboats.

Ms. King read the LPA's proposed definition of open space: "Open Space shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Open Space excludes water bodies, wetlands, privately owned lots, streets, rights of way, parking lots, impervious surfaces and active recreation areas. No more than 50% of the pervious area occupied by a golf course may count towards the open space requirement. Open Space may include permeable storm water management areas, if enhanced as amenities utilizing native vegetation. Open Space shall be calculated over the net buildable area of a parcel exclusive of wetlands and water bodies. A transfer of density with wetlands is allowed at a rate of one unit per five acres, clustered on the uplands." Ms. King corrected her reading of the definition to be 50% of golf courses.

Mr. Schue said this definition relates to what other jurisdictions in the Wekiva Study Area are doing. Mr. Jordan and Mr. Schue discussed Department of Community Affairs (DCA) on comments.

Michael Carey said originally open space had to do with development, however, now it is being defined as sensitive land. He wanted to know if open space was now going to be unrelated to development and asked how this transition had occurred.

Ms. King said this is new approach to defining open space, and the difference is in the

words "exclude" and "include" as related to wetlands or open water bodies. She said staff has some concerns. She explained that depending on the ratio of water to land, it would be possible that no development would be allowed in spite of the density allowed. Ms. King suggested devising a threshold so property rights are not taken away. She said the discussion today related to golf courses, and the areas that are not subject to application of chemicals. She agreed that this is a new definition.

Mr. Schue said that the LPA definition addresses the issue because you deduct the un-buildable lands to determine the net buildable land and then take a percentage of that as the open space requirement. This always leaves a fixed percentage of buildable land left for development.

PUBLIC COMMENT

Robert Curry thought changing the value of particular types of property could result in unforeseen results. If wetlands and water bodies are included in open space, then an arbitrary development value has been given to that land. He agreed that non-buildable lands should be excluded before computing the amount of open space.

Elaine Renick agreed with Mr. Curry's comments and said it didn't make sense to count land that could not be built on when considering development densities. She suggested that evaluating golf courses individually might be preferable than a set percentage because some golf courses may have more non-active use areas.

Mr. Carey agreed that using the buildable acreage made sense, however, he thought the definition should be simplified without excluding areas because they are subject to things like application of chemicals.

Becky Adesso, on behalf of the North-East Chamber of Commerce, said they wanted to support the Nature Conservancy, Florida Chapter. She didn't think wetlands and water bodies should be included in the open space calculations. She said some parts of golf courses are "more developed" because the natural habitant had been removed and those areas are restricted to those who are playing golf. She said the areas with natural vegetation support wildlife.

Bernie Yokel said the changes in the definition of open space is a reaction to growth because people want to have a pleasant place, and part of that is how the buildable parts of the community are used. The use of those lands is what give a community its character. He said more intense development makes for a less pleasant place to live.

Chris Belflower wanted to support a definition of open space that excluded golf courses because they are not environmental habitats. He also thought that the definition of open space should exclude unbuildable areas.

Hugh Kent said he was a Eustis resident. He thought the definition that Eustis is working towards is close to that being considered by the LPA. He thought that giving credit for wetlands changes the value of buildable land. He said fairness is an issue because people

make assumptions about the value of land when it is purchased for development or farming. He said how water bodies and wetlands are defined and how those definitions are interpreted would be another issue.

Greg Beliveau, Land Plan Group (LPG) said historically there haven't been any major difficulties with the definitions of water bodies, wetlands or uplands. He said that wetlands on farms have a density value when farmers use their land as collateral for bank loans. He said if the density value of wetlands was eliminated then the value of property had been diminished. He said farmers have had a wetland value for a very long time, and he thought densities in rural areas should be very carefully considered. He said the devaluation of farmland could inadvertently trigger growth in rural areas.

Mr. Schue commented that the use of open space varies in different areas such as in Joint Planning Areas (JPAs). However, he thought the methodology to calculate the percentage of open space should be consistent although the percentage could vary.

In response to a question by Ms. King, there was consensus by the LPA that it would be appropriate to define golf course open space as the "rough" or 50% or whichever is greater.

Mr. Dunkel thought the definition of open space could be different in the Wekiva Area because of the State regulations.

Mr. Jordan thought using a percentage of golf courses as open space would be arbitrary. He thought counting the natural, undisturbed area of a golf course as open space would be more "definable."

Ms. Dupee said many people live on golf courses because they want that visual open space including the "rough" and the fairways.

Ms. King summarized the open space discussion. She said the goal of the definition is to increase that amount of open space in accordance with the wishes of the public and that un-buildable acreage should be excluded from the open space calculations.

Mr. Schue presented a definition of Open Space within the Wekiva Springshed Area for future discussion.

Mr. Parks thought that they should go along with the open space recommendations of the DCA particularly as it relates to golf courses. There was general agreement by the LPA with Mr. Parks' suggestion and to use that definition county-wide.

Ms. King asked if the LPA wanted to include specific Goals, Objectives and Policies (GOPs) for the Emeralda Marsh.

After some discussion, Ms. King said staff would gather data for a goal on the Emeralda Area.

Ms. King said there is no definition for the term "Florida Friendly" and she suggested using "drought tolerant" or "right place-right plant."

PUBLIC COMMENT
Richard Beeson said he was a professor with the University of Florida Research Station in Apopka. He said that the Institute of Food and Agricultural Science (IFAS) uses the term "right plant-right place."

Ms. King referred to comments made by Phil Gornicki, Florida Forestry Association representative, on Policy 5.1.21 Silviculture in Wekiva River protection Area. Mr. Schue thought the "crossed-out" content should remain with the addition of the exemption. Ms. Foley thought "A" through "D" should be retained and that Mr. Gornicki's suggestion be added as "E."

Mr. Schue said the word "ordinance" should be replaced with "provision." The LPA was in agreement with these suggestions.

Ms. King referred to the Green Swamp and said Mr. Schue had recommended some changes to those policies. She wanted to be clear that some changes are being made to the Green Swamp policies including the removal of timeliness plus some "housekeeping" matters. Mr. Schue said his suggestions consolidated the Green Swamp policies from various places in the Comprehensive Plan, and outside of timeliness, the policies had not been changed. Ms. King said she wanted it to be clear for the public.

A set of maps were distributed to the LPA members, and Ms. King said staff was recommending that maps for each planning area be discussed during the meetings in those areas. She added that these would be working LPA meetings.

PUBLIC COMMENT
Rob Kelly, representing the Citizen's Coalition of Lake County (CCLC), asked when the next draft would be available to the public.

Ms. King said the consultant's consistency review of the GOPs should be complete in approximately one week.

Mr. Kelly said the Rural Areas Plan map had not been included, and he asked if the plan would be discarded. Ms. King said those maps had already been provided to the LPA. Ms. Foley said the Rural Area Plan would be considered with everything else. There was discussion on whether or not to have a rural area land plan. Mr. Jordan thought they needed to remember that Mr. Kelly represents a citizens' group.

Ms. King said the draft elements had been sent to the consultants for consistency review. She said if comments made by the LPA have not been incorporated after that review, then will be the time to re-address those comments.

Robert Curry thought that a reference to the Federal Wild Scenic River designation for

the Wekiva River should be included in the Future Land Use Element (FLUE). Mr. Curry referred to draft Policy 6.1.28, Encourage Acquisition of Environmentally Sensitive Areas and Policy 6.1.33 Acquisition of Open Space and suggested that they be reviewed for consistency.

In response to a question from Mr. Dunkel, Ms. King's said that staff has proposed hiring consultants to assist with developing Land Development Regulations (LDRs) based on the new Comprehensive Plan. He suggested that the process should be now. Ms. King said staff is also concerned over the "gap" before the new LDRs are in place, however, until the new Comprehensive Plan is adopted, LDRs can't be written.

MOTION by Richard Dunkel, SECONDED by Sean Parks, to communicate by letter to the Board of County Commissioners their desire to have consultants hired to start the revision of the LDRs as soon as possible.

There was discussion that the intent was to move forward in whatever ways are possible. Ms. King explained that the LDRs for the Green Swamp and the Wekiva Area could be started first because those Comprehensive Plan Policies will be the unchanged from the current plan. Ms. Foley stated this motion would support staff's request for funding for consultants. Mr. Schue pointed out that only the Wekiva River Protection Area has adopted policies, the Wekiva Study Area (WSA) does not.

Ms. Foley suggested the letter be less specific and to state the LPA supports staff in the effort to hire consultants to proceed with the LDRs that will not be changed by policies in the new Comprehensive Plan.

Mr. Dunkel and Mr. Parks agreed to amend the motion to state: the LPA supports staff in the effort to hire consultants to proceed with any areas of the LDRs that will not be changed by the new Comprehensive Plan.

FOR:	**Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**None**
MOTION CARRIED:	**9-0**

There was a five-minute break.

Ms. King said it was her understanding that when calculating open space that no credit will be give for un-buildable land. Mr. Schue read a proposed open space definition for the Wekiva Study Area. Mr. Dunkel thought the term "chemical application" was open to different interpretations. It was explained that this language had been suggested by DCA as it relates to golf courses. Ms. King said staff would consult with DCA on these concerns. There was a majority consensus to accept this definition. Mr. Carey thought the definition could be simpler.

David Jordan made a motion, seconded by Sean Parks to adopt the definition of open space as read by Mr. Schue.

PUBLIC COMMENT
Carol Peters suggested adding the word "regular" in front of "chemical."

Ms. King said if the LPA agreed with this definition, there would be no need to consult with the DCA.

Ms. Foley clarified that the definition of open space would apply only to the Wekiva Study Area.

Ms. King said that earlier, the LPA had agreed to have a unified definition for open space that would apply to the entire county. She suggested adding the word "regular" in front of "chemical." David Jordan agreed to amend the motion. In response to concerns voiced by Mr. Schue, Ms. King explained this could be placed within the definition area of the Comprehensive Plan. Mr. Schue suggested including it also in the Wekiva Protection Area policies.

David Jordan restated the motion, seconded by Sean Parks to adopt the definition of "Open Space Requirement within the WSA" with the addition of the word "regular" before "chemical"; delete the words "Wekiva Study Area"; include this definition at the beginning of the Comprehensive Plan and again as a definition for the "Wekiva Study Area."

FOR:	**Newman, Foley, Schue, Parks, Dunkel, Jordan, Elswick**
ABSENT:	**None**
AGAINST:	**Dupee, Carey**
MOTION CARRIED:	**7-2**

WEKIVA

Ms. King explained the ordinance was not ready to be transmitted and said DCA is aware it will be transmitted in the near future. She discussed the courtesy review comments from DCA.

Ms. Suffron explained the map was included because DCA had requested a graphic or map in support of policy applying Wekiva Study Area policies to the Wekiva-Ocala Corridor.

Mr. Schue handed out copies containing his comments and said the double underlines were his comments. He said that the map shows the Wekiva River Protection Area, the Wekiva Study Area and the larger connection of the Wekiva/Ocala system.

There was some discussion regarding the materials provided by Mr. Schue. Ms. King suggested this issue be reviewed at the 31st meeting with the transmittal.

Mr. Carey thought the LPA had previously agreed that members should initially provide extensive comments to staff. Then if those comments are not incorporated, the LPA member could bring those comments up at a meeting for discussion.

Robert Curry wanted to be sure that the DCA transmittal packet would include the two maps that were sent previously. He referred to paragraph 6.2.5, Priority for Open Space within the WSA and said the open space definition in there was in conflict with the definition agreed upon earlier. He suggested replacing "open space" with "preservation" and in the first sentence remove "of open space."

Ms. King explained that Mr. Schue had discussed this proposed change with staff. She said changing the goal to the Wekiva/Ocala Area would extend those policies to the entire corridor. Mr. Dunkel commented that this would be consistent with the MyRegion.org map. Ms. Foley thought it would be best to give this some thought until the meeting on March 31, 2006.

Ms. King asked the LPA to give consideration to the issue of school sites in the Wekiva River Protection Area.

Mr. Jordan asked about setbacks from karst features, and Mr. Parks suggested they accept the recommendation from DCA.

There was consensus to have a de minimus threshold for Planned Unit Developments (PUDs). Ms. King commented that the average in the state was five lots. Ms. Dupee was concerned about any additional burden on staff and was hesitant to complicate the development review process. Mr. Schue asked if there was value in retaining the ten-acre minimum. There was a general consensus with staff's recommendation of five-lot de minimus threshold for PUDs.

Mr. Schue suggested retaining text proposed for deletion within policy 5.1.2 Vested Rights Determinations. Ms. Marsh said a time limitation had been placed on landowners to request a vested right determination. In that case, Mr. Schue suggested removing that policy completely if the time frame had expired. Ms. Marsh said the attorney's office would review that issue.

The Chair adjourned the meeting.

Donna R. Bohrer	Keith Schue
Office Associate III	Secretary