MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
June 4, 2007

The Lake County Local Planning Agency met on June 4, 2007 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 and the Land Development Regulations.

Members Present:

Rob Kelly	District 2
Michael F. Carey	District 3
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative

Members Absent:

David Jordan, Vice-Chairman	District 1
Peggy Belflower	District 4
Sean Parks	At-Large Representative

Staff Present:

LeChea Parsons, Assistant County Attorney
Brian Sheahan, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, 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.

TABLE OF CONTENTS

AGENDA DESCRIPTION	**PAGE NO.**
Ferndale Policy	3
Future Land Use Element	8
Rural Future Land Use Element	9

Brian Sheahan, AICP, Chief Planner, said there were no changes to the agenda.

Keith Schue said he had suggested changes to the structural format of the Plan. Mr. Sheahan suggested he meet with staff to save the LPA's time. Mr. Schue thought some of his suggestions were substantive.

The LPA discussed edits to the letter to the City of Mt. Dora regarding the Wekiva legislation and future land use issues. Mr. Sheahan said it would be mailed that day.

FERNDALE POLICIES

Mr. Sheahan said there were no other policies similar to Policy 1.5.6, Community Participation and it should be in the Land Development Regulations (LDRs). Because the County could identify and notify only property owners, there was consensus to change "residents" to "property owners". Mr. Sheahan said this was a development review issue and this amount of detail, which included community meetings, individual notice, posting and newspaper notice, should be in the LDRs. There was discussion that making any changes or adding other communities would require a Comprehensive Plan amendment. Mr. Schue suggested writing the Policy to encourage public participation and thought the County website would make these policies feasible. Mr. Sheahan said that had been his suggestion and he said the first paragraph contained too much detail. Fred Cranmer said there were about 300 addresses in Ferndale that would receive public notice.

Chairman Foley was concerned about the amount of detail in the Future Land Use Element (FLUE) regarding special areas and thought they needed to decide where to put these policies in the Comprehensive Plan.

Mr. Schue suggested retaining the first paragraph of Policy 1.5.6 as edited and placing the second paragraph in a common area of the Plan. Mr. Sheahan said it could be very difficult for staff if different communities wanted different notifications and suggested the common policies, such as community meetings, apply to the County.

Fred Cranmer thought this detail was appropriate because Ferndale had special needs and challenges. He discussed the special notices mailed to the residents of Ferndale.

MOTION by Keith Schue, SECONDED Cindy Barrow to change the word "residents" to "property owners" ; move the third paragraph to a common area in the Comprehensive Plan and making the remainder one paragraph, as shown on the screen.

Michael Carey was concerned about creating administrative and public notice problems for the County. He thought a liaison from Ferndale could accomplish the same thing and be more efficient. Mr. Sheahan said that was also staff's concern. There was discussion about the liaison suggestion. Chairman Foley thought notice was possible through the County's website and said ultimately responsibility rested with the community.

FOR:	**Foley, Schue, Barrow, Kelly, Zaneis**
ABSENT:	**Parks, Belflower, Jordan**
AGAINST:	**Carey**
MOTION PASSED:	**5-1**

MOTION by Rob Kelly, SECONDED by Vicki Zaneis to have staff develop the second paragraph into a community participation policy, to be placed in an appropriate area of the Future Land Use Element.

FOR:	**Foley, Schue, Carey, Barrow, Kelly, Zaneis**
ABSENT:	**Parks, Belflower, Jordan**
AGAINST:	**None**
MOTION PASSED:	**6-0**

Mr. Carey noted that his vote on this motion was to have consistency.

In Policy 1.5.7, Mr. Schue was concerned about the scale of permitted agricultural uses in a residential area. In Item 2, he discussed the problems with using perpetual agricultural easements as open space and suggested specific language. When Mr. Cranmer asked if agriculture uses could be resumed after they were halted, it was pointed out that conservation easements were perpetual and the land could not revert to agriculture. The LPA discussed types of agriculture, compatibility with the concept of open space and that subdivision conservation easements were generally held by the home owners association (HOA) or a land trust. Mr. Schue said agriculture easements were more complicated because they are mixed with private enterprise. There was discussion about the relative strengths of these easements. Chairman Foley thought this was too much detail because the management plan would cover the eventualities and the community would watch over the easement. Mr. Kelly thought the Planned Unit Development (PUD) concept could be helpful. Mr. Carey said the uses could only be agriculture or conservation and he didn't understand worrying about potential residential. Mr. Cranmer said 2500 acres out of about 3000 is currently in agriculture use and discussed the importance of farmers being able to adapt to market changes.

Mr. Schue was concerned about some agricultural practices such as those under plastic or glass. Mr. Cranmer wanted to encourage agriculture but retain the open spaces. Mr. Carey suggested defining allowable agricultural uses and Chairman Foley suggested removing the agriculture reference because the terms of the conservation easement would control the allowable uses. Mr. Sheahan said in his professional opinion, that they had no authority to dictate a bona fide agriculture use under the Florida Statutes. Additionally, he said agricultural easements would be unlikely when land was platted for development because subdivisions do not generally include agriculture. He suggested using conservation and/or open space easements.

In response to Mr. Cranmer's question, Mr. Schue said agriculture uses in easements could be linked to the conservation value of the easement. He agreed that a farmer would likely exclude agriculture lands from development. Mr. Sheahan said easements put restrictions on property and there are many types of easements. He said conservation

easements are defined and conditioned by Florida Statutes.

The meeting reconvened at 10:50 a.m. after a short break during which Mr. Sheahan and Mr. Schue conferred.

MOTION by Michael Carey, SECONDED by Cindy Barrow to accept the language shown on the screen for Policy 1.5.7 Rural Conservation Subdivisions in the Ferndale Community, requiring Planned Unit Development Zoning.

MOTION AMENDED by Michael Carey, SECONDED by Cindy Barrow to add language to encourage equestrian and similar uses.
FOR: Foley, Schue, Carey, Barrow, Kelly, Zaneis
ABSENT: Parks, Belflower, Jordan
AGAINST: None
MOTION PASSED: 6-0

There was consensus with Policy 1.5.8 as shown on the screen.

There was discussion regarding entry gates, fences, walls and preserving a sense of openness. Mr. Cranmer said maintaining a sense of community was important to Ferndale. There was consensus on the language revisions shown on the screen for Policy 1.5.9.

In Policy 1.5.10, there was consensus to add "within 12 months of the effective date."

PUBLIC COMMENT
Charles Fuller said there were some feedlots in Central Florida and some were on only five and ten acre lots.

In Policy 1.5.11, Agriculture there was consensus with the edited language shown on the screen, adding references to sustainable agriculture, Best Management Practices and discouraging feedlots.

There was discussion on Policy 1.5.12 and consensus to add "pursue" to the language shown on the screen.

PUBLIC COMMENT
Bob Curry said although the term viewshed was in common usage, it was incorrect and he suggested substituting the term viewscape in Policy 1.5.14.

There was consensus to use the term viewscape instead of viewshed within the entire Comprehensive Plan.

Vicki Zaneis commented that three story houses could help preserve viewscapes and open space.

Mr. Cranmer said the community wanted to avoid topographic cuts and fills.

The meeting reconvened at 1:04 p.m. Peggy Belflower was present for the afternoon portion of the meeting, Cindy Barrow returned at 1:35 p.m.

There was consensus to limit building height to "habitable stories."

PUBLIC COMMENT
Charles LaLone asked about the cut and fill policy and said the community did not want berms interfering with the viewscape.

There was discussion regarding cut and fill, Mr. Sheahan said the LDRs can be more restrictive and cautioned that variances can't be granted on Comprehensive Plan policies.

There was consensus to edit Policy 1.5.14 Viewscapes referencing a time frame for LDR adoption regarding cut and fill; limiting building height to three habitable stories; making the sentence regarding communication towers a paragraph; adding a sentence suggested by Mr. Kelly and to accept the language as shown on the screen.

There was discussion on Policy 1.5.15 and consensus with the language shown on the screen.

The issue of tree maintenance by utility providers was discussed during review of Policy 1.5.16 Preservation of Tree Canopy. There was consensus to remove "hardwood," to add "native" and to include language regarding adherence to National Tree Care Industry Association Standards.

There was consensus to encourage the installation of underground utilities wherever possible in Policy 1.5.17.

There was consensus to edit Policy 1.5.18, Protection of Dark Skies to encourage Ferndale's participation in developing lighting regulations consistent with the Conservation Element. Duplicate policies and including a time certain were discussed.

MOTION by Keith Schue, SECONDED by Rob Kelly to have staff look at Policy 5.4.2 in the Conservation Element in order to add a time certain date of 12 months from the effective date of the Plan and to have staff communicate that to the BCC.
FOR: Foley, Schue, Carey, Barrow, Belflower, Kelly, Zaneis
ABSENT: Parks, Jordan
AGAINST: None
MOTION PASSED: 7-0

Mr. Carey asked about a financial analysis being done before the Plan was submitted. Mr. Sheahan said a financial analysis had to be done. Mr. Schue asked if Mr. Sheahan was suggesting the policy be struck. Mr. Sheahan responded that the policy is already in another place. When Mr. Carey asked how much time the financial analysis would take,

Mr. Sheahan said staff was uncertain how much time would be needed. Mr. Kelly and Mr. Sheahan discussed that the Ferndale policies could be more restrictive than those in other areas of the County and staff's suggestion that it was appropriate for the LDRs. Chairman Foley felt the FOF would prefer to retain the policy even if it was redundant. Mr. Sheahan said when the County drafted a new lighting ordinance, the FOF would be able to address their specific needs, including stricter regulations than those in other areas of the County. He said a separate ordinance for lighting in Ferndale might have to be adopted. Mr. Cranmer said the FOF wanted lighting regulations to help preserve their village feel. He thought including the Dark Skies language in the Ferndale policies made it clearer than relying on policy located somewhere else in the Comprehensive Plan. Chairman Foley suggested policy language stating what Ferndale will do. Mr. Schue said other policies state what the County would do and he thought the County must be the subject of the policy.

There was consensus with staff's suggestion to have policy stating the County shall encourage the Ferndale Community to participate in development of Dark Sky regulations for Ferndale. The date certain will be included in the Conservation Element.

During discussion on Policy 1.5.19, Signage and Advertisement, staff said similar regulations already exist and noted this was a very complex legal issue because it must be content neutral and these details belong in the LDRs. Ms. Parsons agreed with staff and suggested removing the last sentence.

There was agreement with edits to Policy 1.5.20 Fencing, including the prohibition of solid fences and walls.

In Policy 1.5.21, staff said Public Works had not reviewed the suitability of designating Rt. 561A as a local scenic highway, nor has staff received direction from the BCC. Mr. Sheahan said no analysis had been done and noted that two Developments of Regional Impact (DRIs) are pending close to this area. Mr. Carey thought it had been decided earlier to use a formal analysis when designating local scenic roadways. Mr. Schue didn't believe this designation would significantly impact transportation. Chairman Foley and Mr. Carey suggested putting a process in place to achieve what they wanted. Mr. Cranmer and Mr. Schue discussed the Green Mountain Scenic Byway restrictions. Peggy Belflower suggested adding language stating the County would pursue local scenic road designation for 561A in Ferndale. Mr. Kelly and Mr. Schue believed developers could impede that process. Mr. Sheahan said Public Works had said the County paves shoulders not bike lanes, this draft obligates the County and it might be not financially feasible. There was agreement to add "If financially feasible…" to the last sentence. There was consensus to accept the language revisions as shown on the screen.

The meeting reconvened after a short break at 3:00 p.m.

There were no comments on Policies, 1.5.22, 1.5.23 and 1.5.24.

Mr. Cranmer suggested referencing specific funding mechanisms such as Community

Redevelopment Area (CRA) to support grant requests by Ferndale. Staff included language reflecting those comments.

MOTION by Michael Carey, SECONDED by Peggy Belflower to accept Objective 1.5, Ferndale Community as written and shown on the screen for inclusion in the Future Land Use Element.
FOR: Foley, Schue, Carey, Barrow, Belflower, Kelly, Zaneis
ABSENT: Parks, Jordan
AGAINST: None
MOTION PASSED: 7-0

FUTURE LAND USE ELEMENT

Mr. Schue and Mr. Sheahan said they would like to address where to locate policies for Special Areas within the Future Land Use Element (FLUE). Mr. Schue submitted a revised FLUE outline, which showed Goal 2, as Special Communities and included language.

MOTION by Keith Schue, SECONDED Michael Carey to accept the language shown to create a goal titled Special Communities, with three Objectives.
FOR: Foley, Schue, Carey, Barrow, Belflower, Kelly, Zaneis
ABSENT: Parks, Jordan
AGAINST: None
MOTION PASSED: 7-0

The LPA discussed a proposed Objective for Public Benefit Land Use Series which would include uses such as Conservation, Recreation and Public/Quasi-Public (PQP). In addition, Mr. Schue suggested changing PQP to Public Facilities and Infrastructure to include uses such as fire stations, libraries. Mr. Sheahan thought it was too stringent to require a Conditional Use Permit (CUP) for any public building. He suggested some restrictions on public buildings and described the public involvement in those processes. There was discussion on public utilities and Mr. Schue suggested requiring a CUP for landfills.

PUBLIC COMMENT
Bob Curry suggested adding Service to the policy title.

There was agreement to add Public Benefit Future Land Uses to the Rural and Urban Land use series, which would include Conservation, Recreation and Public Facilities and Infrastructure land uses. There was agreement to title the policy Public Service Facilities and Infrastructure (PSFI). Mr. Sheahan noted that LDRs can be more restrictive than the Comprehensive Plan policies and said it was unusual to have specifically defined conditional uses in the FLUE. Mr. Schue suggested having a list of those land uses that would require a CUP and to include landfills within that list.

There was discussion about reorganizing the FLUE, Mr. Sheahan said with the exception

of the Rural Land Use series he would like to "accept the changes" suggested by the LPA and produce a clean copy of the element. Mr. Schue discussed the intention of the Implementation Goal and Chairman Foley suggested moving Policies beginning with 1.7 under Goal 7 Implementation.

Mr. Kelly said he would like to discuss including Protect Rural Lifestyles as a Goal. Mr. Schue thought if that became a Goal then each of the Rural Protection Areas would have to have its own Objective which would require some re-organization. There was general agreement to leave the RPA structure as it is with possible discussion in the future.

RURAL LAND USE SERIES

Chairman Foley asked where the LPA would like to begin discussion because they have been over this area several times.

MOTION by Keith Schue, SECONDED by Peggy Belflower to delete the two paragraphs shown in black text under Objective 1.3.

FOR:	**Foley, Schue, Carey, Barrow, Belflower, Kelly, Zaneis**
ABSENT:	**Parks, Jordan**
AGAINST:	**None**
MOTION PASSED:	**7-0**

Mr. Schue submitted his written proposed language for the Rural Future Land Uses Category policies for the LPA's consideration.

The meeting reconvened at 4:00 p.m. after a short break.

The clerk briefly left the meeting to copy the proposed policies and the LPA read policies. Mr. Schue discussed his draft policies and there was agreement to add a third bullet to the uses under Rural Transition to reflect the third density option within this future land use.

There was discussion that a copy of these policies would be included with the letter to Mt. Dora.

There was agreement to re-title Policy 1.3.3 to Purposes of the Rural Land Use Series, followed by "The Rural Future Land Use Series is intended to…" Mr. Sheahan noted that "intensity" has not been defined and suggested addressing that at this time.

Mr. Carey left the meeting.

PUBLIC COMMENT

Bob Curry raised an issue of inconsistencies regarding schools in the future rural land use categories.

There was discussion regarding where Mr. Curry had found inconsistencies. Ms. Zaneis thought perhaps consideration should be given to some sort of regulations regarding size

of schools. Ms. Barrow suggested the size be 60 acres or less. There was discussion on the amount of usable or net build-able acres and it was decided it be 60 net build-able acres.

There was discussion about the size of country clubs and there was agreement to include country clubs as a conditional use.

MOTION by Rob Kelly, SECONDED by Cindy Barrow to have staff incorporate the changes in structure submitted by Mr. Schue for the Rural Future Land Use categories, the Open Space within Rural Conservation Subdivision policy, include the Purposes of the Rural Land Use Policy, and to remove the strike-through formatting for the next meeting on the 15th.

FOR:	**Foley, Schue, Barrow, Belflower, Kelly, Zaneis**
ABSENT:	**Parks, Jordan, Carey**
AGAINST:	**None**
MOTION PASSED:	**6-0**

There was discussion about enclosing the second page of the Rural Future Land Use category with the edits regarding school size and country clubs as a CUP. There was agreement to address policy at the next meeting. There was brief discussion regarding recent legislation requiring County governments to inventory lands available for affordable housing.

The Chair adjourned the meeting at 4:55 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary