MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

JUNE 12, 2006

The Lake County Local Planning Agency met on MONDAY, JUNE 12, 2006 at 9:00 a.m. in the Trillium building, 28334 Churchill Smith Lane, Mt. Dora, 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
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

Members Absent:

Richard Dunkel	District 4

Staff Present:

Melanie Marsh, Assistant County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Brian Sheahan, Chief Planner, Comprehensive Planning
Anita Greiner, Senior Planner, Customer Services
Walter Wood, Senior Hydrogeologist, Environmental Services
Bill Gearing, Community Enhancement Coordinator, Community Services
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Francis Franco, Senior GIS Analyst, 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.

FUTURE LAND USE ELEMENT (FLUE)

OBJECTIVE 3.0 PROTECT RESIDENTIAL NEIGHBORHOODS
Amye King, Deputy Director, Growth Management, said the consultant had suggested moving the first policy on Roadway Compatibility to the Transportation Element. Keith Schue said some of that policy related to development. Ms. King said it could be repeated in the Transportation Element. Nadine Foley referred to policy "enforce regulatory standards" that was in the March draft but not this one. Sean Parks suggested stating that the Land Development Regulations (LDRs) shall incorporate professionally recognized practices from a transit oriented design manual.

MOTION by David Jordan, SECONDED by Sean Parks, to keep "Ensure Roadway Compatibility" in the Future Land Use Element (FLUE), to re-insert Policy titled "Enforce Regulatory Standards to All Transportation Corridors" and to include a reference that the Land Development Regulations (LDRs) shall incorporate professionally recognized practices from a transit oriented design manual.

Michael Carey and Ms. Foley agreed that policy "Enforce Regulatory" should be separate from the policy to "Ensure Roadway Compatibility". Mr. Schue suggested the following: "LDRs shall incorporate professionally recognized practices related to transit oriented design," which would eliminate the manual reference.

FOR:	**Newman, Foley, Jordan, Schue, Carey, Parks, Dupee, Elswick**
ABSENT:	**Dunkel**
AGAINST:	**None**
MOTION ADOPTED:	**8-0**

Neighborhood Commercial Uses
Mr. Parks suggested including policy to encourage the location of higher density (urban land use series) and age-restricted housing in close proximity to commercial centers, bus transit routes and community facilities in this policy.

OBJECTIVE 4.0 PROTECT RURAL LIFESTYLES

MOTION by Keith Schue, SECONDED by David Jordan to include the following as policy for the recognition of rural areas, "The County shall, through comprehensive planning policies and LDRs, recognize those parts of the County within the rural land use series, the Wekiva River Protection Area (WRPA) and the Green Swamp Area of Critical State Concern (GSACSC) as areas with specific rural character where established rural development patterns shall be retained. These areas require special protection from the intrusion of urban uses, densities and intensities. It shall be the policy of the County that properties within these areas require approaches to land use intensity, density, rural roadway protection, provision of services, environmental protection and LDRs enforcement consistent with the rural character of such areas."

There was discussion that the intention of this policy was to place equal value on both rural and urban planning.

FOR:	**Newman, Foley, Jordan, Schue, Carey, Parks, Dupee, Elswick**
ABSENT:	**Dunkel**
AGAINST:	**None**
MOTION ADOPTED:	**8-0**

In Policy 4.8, Community Based Planning Approach to Rural Areas, there was discussion about different terms such as "community based planning", "rural areas" and "historic villages" being used interchangeably. Ms. King said "community based planning" has been used synonymously with "rural areas overlay." She suggested "The County shall implement a community based planning approach through rural areas as mapped on the Future Land Use Map (FLUM)."

There was discussion about preserving and protecting the viability of agriculture.

During discussion on conservation easements, Mr. Schue suggested deleting "short term" easements. He thought more detail should be included regarding Transfer of Development Rights (TDRs), including definitions of the sending and receiving areas. Ms. King incorporated those suggestions and included the TDR policy elsewhere in the Comprehensive Plan.

Mr. Carey said although many clustering proposals had been presented to the Zoning Board during the time he served and he didn't believe that any of them were approved. He thought that although the LPA endorses clustering, it is difficult to implement because those proposals bring out a lot of opposition. He thought densities of one dwelling unit per five-acres to one dwelling unit per ten-acres would be more realistic outside urban areas.

There was consensus with Ms. King's suggestion to delete the two policies under 4.8 regarding "20 residential units" and "Planned Unit development (PUD)."

There was discussion regarding TDRs and possible transfers within Joint Planning Areas (JPAs). There was agreement with Ms. King's suggestion to have policies in the Comprehensive Plan to allow innovative techniques through LDRs or through binding agreements between the cities and the County.

PUBLIC COMMENT

Nancy Fullerton asked how the water supply plan would be addressed in the Comprehensive Plan. Ms. King said the County is not a utility provider, however, the intergovernmental coordination policies would address water providers, including the cities.

Rob Kelly, Citizen's Coalition of Lake County (CCLC), thought it was important to address annexation issues in rural areas and to coordinate with the cities on annexations.

MOTION by Keith Schue, SECONDED by Sean Parks, to include an annexation policy as follows "The County shall coordinate with its municipalities to the greatest extent possible to maintain the integrity of rural area through joint planning and to ensure consistent standards for compatibility of proposed development adjacent to rural lands. If a municipality annexes property located within the rural land use series the WRPA or the GSACSC and takes action to amend the future land use, rezone or otherwise change the allowable uses on the subject property in a manner that is inconsistent with the protection of rural density and character, then the County shall retain the right to object to said action."

Mr. Parks said those issues could be addressed in the JPAs.

Mr. Carey asked for the opinion of the County Attorney's Office. Ms. Marsh said once property was annexed, it was subject to the Comprehensive Plan of the annexing municipality.

Mr. Jordan and Mr. Schue thought the County had "standing" as an adjacent property owner.

There was consensus by the LPA to include this policy. (Note: There was no vote on the motion.)

PUBLIC COMMENT
Ben Champion, Eustis landowner, referred to specific property on Britt Road and said the land use requested by the City of Mt. Dora would be inconsistent.

Mr. Schue clarified that the policy was only intended to recognize that an issue may exist and did not bind the County to object to a land use change by the city.

OBJECTIVE 5 COORDINATE LAND USE WITH ENVIRONMENTAL PROTECTION

There was consensus by the LPA to retain the wetlands and conservation easement policy (Require Conservation Easements) under this objective.

After discussion regarding construction in floodplains, Ms. King suggested the following: "The County shall protect floodplains as identified on the national flood insurance map or until best available data by the County is available." Mr. Schue was in favor of stricter language. Brian Sheahan, Chief Planner, suggested limiting the specific uses and type of construction in floodplains. He said floodplains could be addressed generally in the Comprehensive Plan with more specific rules written into the LDRs. There was consensus that this would provide an adequate basis for LDRs.

PUBLIC COMMENT
Bob Curry suggested the Consistency policy include, "and impacts to surrounding or adjacent conservation and public lands" be added after "karst features." Mr. Schue agreed. Ms. King said public lands could include any property owned by the County. Mr. Schue suggested any environmentally sensitive lands, not just those in public ownership. There was agreement to include conservation and environmentally sensitive land. Ms. King said staff could continue to work on this language because the term "environmentally sensitive" is not defined.

Nancy Fullerton, Alliance to Protect Water Resources, said that organization was concerned about permits being issued to allow floodwaters to be pumped directly into the lakes without any treatment to remove pollutants.

There was a five-minute break.

Ms. King said the ten-year water supply plan would be included in the Comprehensive Plan and that environmentally sensitive had been defined and incorporated into the plan.

Goal 2 – Wekiva-Ocala Area
Ms. King stated that the Wekiva River Protection Area text would be replaced by the revised Wekiva ordinance as transmitted by the Board of County Commissioners.

Mr. Jordan was concerned that the Open Space definition in this draft was different from that agreed upon by the LPA at an earlier meeting.

MOTION by Keith Schue, that the definition of Open Space be adopted within the Future Land Use Element in addition to the Wekiva as a stand-alone policy.
There was no second to the motion.

Ms. King said that particular open space definition would prohibit two of the proposed land uses. Mr. Carey thought the definition was too restrictive. After some discussion there was agreement that this section will be replaced by the definition adopted by the BCC. Mr. Jordan said their recommendation was what was sent to the Board. He wanted it on the record that the correct open space definition was included in the Wekiva draft ordinance.

Goal 3 – Green Swamp
Ms. King said other than correcting terminology or agency names that this policy is consistent with the current Plan. The only exception is the removal of timeliness in the transitional category.

Ms. Foley said the sentence in "Development Within the GSACSC" is "garbled."

Mr. Schue identified a sentence within the parenthesis to be deleted and he suggested removing the word "Convenience" from the title. Under Transitional Land Uses, the second item should be corrected to read "1 DU/5 AC of uplands", and some agency

names were also corrected.

New Road Construction in the Core/Conservation Area
Ms. Foley commented on a change in language regarding road construction and suggested including the current Comprehensive Plan language. Ms. King said this policy had been written because an extension of 17-92 had been under consideration at one time. Mr. Carey said he was comfortable with this language. Ms. Marsh said this policy only restricts the County from building new roads, not other agencies. There was consensus to include the language from the current Comprehensive Plan.

PUBLIC COMMENT

Rob Kelly, CCLC, thought this was important because it is possible to have developer built roads.

Nancy Fullerton was concerned with the term "primary recharge" in the paragraph under Goal 3. Mr. Schue suggested removing "primary" in front of recharge.

Goal 4 Emeralda Marsh
Mr. Schue said he would like to have the deleted text from the current plan restored. He discussed proposed overlay districts, shown on a map that he presented, in the "Emeralda Marsh Protection Area (EMPA)." Ms. King said those district boundaries have not been analyzed. It is staff's recommendation to designate this a rural area and include a date certain requiring the County to compile data that supports the land uses in this area. Ms. King said staff supports the objective, however, no data had yet been collected to support those planning districts. Mr. Carey agreed with Ms. King's suggestion.

MOTION by David Jordan, SECONDED by Michael Carey, to follow the recommendation of staff to designate this a rural area and include a date certain to require the County to compile data to support planning districts within the Emeralda Marsh Protection Area.

Mr. Parks suggested a date certain of mid-2007.

Mr. Jordan agreed to include June 2007 as a date certain for this policy.

FOR:	**Newman, Foley, Jordan, Carey, Parks, Dupee, Elswick**
ABSENT:	**Dunkel**
AGAINST:	**Schue**
MOTION ADOPTED:	**8-1**

Infrastructure Planning
There was agreement with Becky Elswick's suggested language as follows: "in order to limit the impacts of surface and groundwater pollution, provisions for central water and sewer in the transition areas to be defined by June 2007 shall be adopted."

OBJECTIVE 9 REDUCE NONCONFORMING USES AND ANTIQUATED PLATS
Ms. King said staff would like to include the current LDRs as policy or include a recommendation from the County Attorney's Office. Mr. Jordan suggested referencing the purchase date to limit speculation on these lots. Ms. King said using the 1993 date from the LDRs would address that issue.

Ms. Elswick was concerned about these lots affecting population projections. Ms. King said the only way to make accurate projections would require reviewing each lot. Ms. Elswick said she would like the highest potential population generation used for school concurrency. Ms. Foley said the aggregation of lots would decrease the potential population.

Becky Eswick left the meeting at 11:36

OBJECTIVE 10
No comment

OBJECTIVE 11 OVERLAY DISTRICT
Ms. Foley asked about including an overlay for the EMPA. Ms. King said staff had recommended a Rural Area overlay.

Mr. Parks suggested changing the title to "Rural Areas Overlay Districts" and include language that addressed a community based planning approach. He suggested listing all of the Census Designated Places (CDPs). Ms. King said some CDPs no longer exist, and other areas that should be included are not CDPs. She said the County Attorney's Office had recommended language that referred to Historic Villages but to establish those areas in the LDRs, so policies can be specific to each community. Mr. Schue thought some parts of the Comprehensive Plan should be reviewed annually. He said the Historic Villages should be listed with specific policies in this Objective and then updated annually if necessary. Ms. King said the unintended consequence of that would be to would make it more difficult for historic villages to institute design guidelines, because it is easier to amend LDRs.

MOTION by David Jordan, SECONDED by Michael Carey to adopt staff's recommendation to include language referring to Historic Villages but to establish those areas within the Land Development Regulations.

Mr. Jordan said the staff recommendation would allow more areas to become Historic Villages without having to go through a Comprehensive Plan Amendment process. Mr. Schue was concerned because variances can be granted to policies in the LDRs. Ms.

King repeated that the consequence would be to block the unlisted communities. She said language could be included to encourage all Historic Villages to adopt Goals, Objectives and Policies (GOPs) specifically addressing their communities. Mr. Parks thought including a list would encourage other communities to seek Historic Village designation.

Mr. Jordan amended the motion, seconded by Sean Parks to include language that will encourage Historic Villages to design Goals, Objectives and Polices within the Comprehensive Plan to protect the unique character of those existing, historic communities.

Mr. Parks suggested listing the villages and adding "but not limited to." Mr. Schue was concerned about the Sunshine Law and potential Historic Village citizen's groups. Ms. King said a Historic Village concept could be proposed by any group of citizens and each one could have different objectives.

Mr. Jordan called the question. Vote to call the question.

FOR:	**Newman, Foley, Jordan, Carey, Dupee**
ABSENT:	**Dunkel, Elswick**
AGAINST:	**Schue, Parks**
MOTION ADOPTED:	**5-2**

Vote on the amendment to the motion

FOR:	**Newman, Foley, Jordan, Carey, Dupee, Elswick**
ABSENT:	**Dunkel, Elswick**
AGAINST:	**Schue, Parks**
MOTION ADOPTED:	**5-2**

Rural Areas Overlay Districts
There was consensus to add "and intensities" after "decrease in densities" and to delete the reference "five acres."

Green Mountain Scenic Byway Overlay District
There was agreement to change the date to January 1, 2008.

Gateway Overlay District
There was agreement to make the corridor size consistent with the Green Mountain Scenic Byway Overlay District.

Community Enhancement Area Overlays
There was agreement to delete "found in the same document" under the Designation Process.

PUBLIC COMMENT

In response to a question from Susan Brooks, the LPA said the policies presented by the Mt. Plymouth Sorrento Planning Advisory Committee would be included in the 2025 Comprehensive Plan.

OBJECTIVE 12 DEVELOPMENT OF REGIONAL IMPACT (DRI)
Mr. Jordan suggested under "Location of DRI" that "encourage" be replaced by "guide," to delete "presumed" and delete the last sentence beginning with "The burden of proof." The County Attorney's Office will review that deletion. Mr. Parks suggested adding a non-decisional meeting into the DRI policy.

There was discussion on "integration of the DRI process" language from a previous draft. Ms. King said it had been removed because the DRI process is defined by state law. If the LPA is going to review more than the proposed FLUM changes, the ordinance defining the LPA would have to be amended. There was discussion about the LPA receiving earlier notification of pending DRIs.

Chairman Newman voiced a concern about extending the meeting past the time announced at the beginning of the meeting and proceeding without the County Attorney.

MOTION by Sean Parks, SECONDED by Nadine Foley to include (the sentence from the 3-10 draft). The LPA as a body shall be updated on activities involving county staff, state agencies and the regional planning council with respect to proposed FLU amendments (pre-application checklist) associated with DRIs, and the County will request appropriate input from the LPA during these processes.

There was discussion regarding "proposed" as opposed to "anticipated" FLU amendments and when information should be presented to the LPA.

Mr. Parks suggested using the DRI pre-application checklist as a "trigger" for notification to the LPA. Ms. King said the Comprehensive Plan doesn't have jurisdiction over state agencies.

Ms. Dupee discussed the regional impacts of DRIs.

Ms. Foley wanted the record to reflect her request to have the language from the March 10th draft restored. Mr. Schue thought placing the second term in parenthesis creates ambiguity. He suggested changing "proposed" to "anticipated."

FOR:	**Newman, Foley, Schue, Parks, Carey**
ABSENT:	**Dunkel, Elswick**
AGAINST:	**Dupee, Jordan**
MOTION ADOPTED:	**5-2**

Mr. Schue said the "feedback" part of the motion is what makes it worthwhile.
There was discussion regarding rules of order and confusion regarding the previous

motions. Mr. Carey said the motion meant material would come before the LPA if the DRI included a land use amendment. Mr. Parks said it was important to have DRI information to review well before it comes before the LPA for a vote. Mr. Jordan said the DRI process is already integrated with comprehensive planning. Ms. King added that proposals are frequently changed, revised and renamed before the DRI application is filed. She said in reality, DRIs are being considered for wherever large tracts of land are available for development. Mr. Parks said the DRI process could be improved and referred to comments from the public on that issue.

During discussion on DRI charettes, Mr. Carey said members could attend any charette they chose. Mr. Parks suggested requiring staff to notify the LPA about DRIs and to advertise those charettes so multiple LPA members can attend. Ms. King said she was concerned about ex-parte and individual fact-finding. She suggested asking the County Attorney's office for their opinion and discussing it at the next meeting.

This motion was tabled at the request of staff.

PUBLIC COMMENT

Nancy Fullerton described a situation where prior staff knew about a specific proposed DRI, and yet at that time, the BCC had no knowledge of that potential development. She strongly believed that the LPA should be involved in these large projects.

Rob Kelly, CCLC, described some of the pending and potential DRIs in the County. He thought that DRI information should be made available to the LPA, and they should be discussed in a public forum.

Ms. King said the State prescribed the DRI process. She acknowledged that communication between the agencies can be flawed and said she would see if this could be resolved through improved communication with the Regional Planning Council (RPC).

Mr. Schue said he would like the LPA to be able to give "feedback" on DRIs to the BCC and the developers. Mr. Parks said the issue was having sufficient time for the LPA to review DRIs before making decisions.

The Chair adjourned the meeting at 1:15 p.m.

Donna R. Bohrer	Keith Schue
Office Associate III	Secretary