

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

AUGUST 3, 2005

The Lake County Local Planning Agency met on WEDNESDAY, AUGUST 3, 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:

David Jordan	District 1
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

Members Absent:

Michael F. Carey	District 3
Anne Dupee	District 2

Staff Present:

Gregg Welstead, Deputy County Manager; Interim Director, Growth Management Department
Kevin McBride, Assistant County Attorney
Amye King, AICP, Planning Manager, Comprehensive Planning Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division
Kitty Cooper, Director, Geographic Information Services Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Shannon Suffron, Senior Planner, Comprehensive Planning Division
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 9:02 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

<u>AGENDA ITEM:</u>	<u>AGENDA DESCRIPTION</u>	<u>PAGE NO.</u>
1	Aquifer Recharge Sub-Element of Public Facilities Element	3
2	Solid Waste Sub-Element of Public Facilities Element	5
3	Stormwater Sub-Element of Public Facilities Element	6
b	Discussion of Concepts: Potable Water and Sanitary Sewer Sub-Elements of the Public Facilities Element	7
c	Discussion of Concepts: Future Land Use Element	8
a	Continued Discussion of Comprehensive Plan Goals, Objectives and Policies: Housing, Economic, Conservation, Intergovernmental Coordination, Recreation, Transportation Elements	11

Amye King, AICP, Planning Manager said the Public Facilities Element would be discussed first.

Chairman Newman complimented staff on the good impression they had projected at the public meetings.

Aquifer Recharge Element

Shannon Suffron, Senior Planner, explained staff had been working closely with Environmental Services staff on this element.

Ms. Suffron explained the changes made in the first goal including the replacement of “adopted” or “high” aquifer recharge with the word “significant”.

She said there was a new policy on golf courses. Another addition was the definitions of “significant aquifer recharge” and “most vulnerable” in Policy 1.1-12.

Ms. Suffron said policies 1.6-1 through 1.7 were new. She said some policies referencing specific areas had been changed and the language now refers to environmentally sensitive lands.

In response to a comment from Ms. Foley, Ms. Suffron said language referring to the Green Swamp, the Wekiva and other environmentally sensitive lands was included in the general statement at the beginning of the sub-elements.

Mr. Schue said there were statutory requirements for Comprehensive Plan policies for the Green Swamp and Wekiva River Protection Area and the Wekiva Springshed Area. He said the Department of Community Affairs (DCA) would be looking for specifics on these areas. He suggested including a general statement such as “for the purpose of this section environmentally sensitive land shall include but not be limited to the Wekiva Study Area, the Wekiva River Protection Area and the Green Swamp”.

Ms. King said the Green Swamp Area of Critical State Concern (GSACSC) and the Wekiva River Protection Area are specifically mentioned in the Future Land Use Element (FLUE). Ms. King said Aquifer Recharge information could be included in both the elements and the FLUE, or there could be a generalized statement at the beginning of each sub-element because the policy is included in the FLUE.

In an effort to streamline things, Ms. Foley thought a generalized statement at the beginning of the sub-element would be sufficient with the cross-reference in the FLUE. Sean Parks agreed with Ms. Foley.

Richard Dunkel said springsheds, drainage basins and stormwater projects can fall within two or more political boundaries. He was concerned that a city policy could negate a County policy. He would like to include language encouraging intergovernmental coordination.

Mr. Schue said the reference in Policy 1.1-1 was no longer part of the Florida Statutes. He also thought terms such as “significant recharge” were open to different interpretations. He thought different degrees of recharge should be recognized and suggested the terms used by the State such as “very high recharge” and “high recharge”.

Ms. Foley agreed and there was a consensus by the LPA to use high and very high recharge standards.

Mr. Schue thought the inclusion of the Florida Aquifer Value Assessment (FAVA) information was a good idea. He suggested working closely with the Water Management District (WMD) and Department of Environmental Protection (DEP) to obtain information on primary and secondary spring shed zones.

When Mr. Parks asked if Policy 1.1.6-4 relating to Audubon International Signature Program for golf courses should also be included in 1.1-6 as well, Ms. King thought identifying the program would be sufficient.

Mr. Schue thought the language in Policy 1.4 should be narrowed down because there wouldn't be science to back the policy.

Ms. Shannon listed the spring shed Goals, Objectives and Policies (GOPs).

Mr. Parks said he would like to see “pre-development water quality” run off and “post-development water quality” run off in the springshed protection zones be either equal or at least 95%. Although those policies were in the Stormwater Element, Mr. Parks thought they should be included in the springshed policies. Ms. King suggested policy could be written specifically for the Aquifer Recharge Sub-Element that relates to pre and post storm water run-off in springshed areas.

Mr. Dunkel said because of the interrelationship between stormwater, aquifer recharge, water quality, wastewater treatment those issues should be looked at holistically. Mr. Welstead suggested including language similar to the following “encourage innovative designs to ecologically integrate”.

Mr. Schue said he would provide staff with language on protection zones that was being written by the Regional Planning Council (RPC). In Policy 2.1-2 he thought zoning changes should be included with Future Land Use changes.

In Springshed High Recharge Areas Policy 2-2.1 Mr. Schue suggested this language “employ active street sweeping to collect lawn and landscape waste before entering storm water drainage systems”.

Solid Waste

Shannon Suffron, Senior Planner said policies 1.2-9 Landfill Monitoring and 1.2-10 State

Regulations Compliance had been added. She explained some policies had been reorganized.

In response to Sean Parks, Ms. Suffron said there was policy to address littering.

When David Jordan asked about specifically addressing electrical waste, Ms. Suffron said policy would be written to address that issue.

Keith Schue said not all the original policies had been included, such as hazardous waste and he asked about the waste reduction system program. Ms. King said Hazardous Materials will be addressed in the Public Safety Element. He thought it was valuable to cite policies on battery collection and disposal programs.

Mr. Schue was concerned about items sent to the incinerator. Nadine Foley said the County monitors the ash from the incinerator and she thought that policy should be continued. She added that there are procedures in place to search items before they are incinerated.

Mr. Jordan thought the location of transfer stations throughout the County should be evaluated.

Storm Water Element

Ms. Suffron said Public Works had provided assistance with this element. She outlined the new policies; explained where language had been added, changed or re-organized.

Ms. Suffron said the second goal covered springshed protection and the third goal addressed land uses defined by springshed areas and karst areas.

Ms. Foley said she would follow up with staff later on some items. She also had a question on retention areas, Ms. Suffron said she would get clarification from Ms. Hardy.

Duane Booth, Engineer with Farner-Barley and Associates Engineering, explained some of the differences between detention and retention and how soil quality affects the treatment of water. He said in some circumstances the soil quality can contribute greatly to the removal of contaminants. Ms. Foley said basically the “with filtration” refers to the natural ground and Mr. Booth agreed.

Mr. Schue suggested linking soil types to appropriate water retention.

Ms. Foley asked if the phrase “and prohibit drainage wells” in Objective 1.4-1 could be eliminated because it was included in the following material.

Sean Parks said he was concerned with the “pre” and “post” water quality issues and he would have comments for staff at a later date.

Mr. Schue suggested strengthening Policy 1-8.1 Reuse Water Irrigation Programs by adding the word “encourage”. He didn’t want to inhibit recharge by the use of wet retention where soils have adequate percolation rates. He was also concerned that excavation into the surficial groundwater table could cause storm water and aquifer water to be mixed and that could have an adverse affect on wetlands. Mr. Parks suggested treating water before it was allowed into those particular retention areas.

There was a consensus by the LPA for staff to further study that issue.

Mr. Schue said the third bullet in 3.1-3 should be changed to read 3 inches.

Mr. Booth said the WMD has encouraged lined retention as a means to capture water for re-use. There was discussion on some issues regarding retention areas.

Ms. King said staff would meet again with the engineers on these issues.

Ms. Suffron discussed the temporary wastewater criteria and the mandatory connection ordinance. She said language was added to prohibit the provision of sanitary sewer as the sole justification for Land Use Amendments. This is similar to language in the Transportation Element.

Ms. Foley asked about distance requirements for mandatory sewer hook up. Ms. King said sewer hookups would be mandatory only in the urban series map areas. In the rural map series mandatory hook ups would only be encouraged in environmentally sensitive areas.

In response to Mr. Dunkel’s comments there was discussion regarding the lack of time limitations on temporary treatment facilities. There was some discussion with Blanche Hardy, Director of Environmental Services regarding re-use water issues.

Mr. Schue said he was not in favor of temporary treatment facilities being used indefinitely or contributing to sprawl. Ms. King said density requirements would be more logical than distance. There was discussion if the minimum threshold should be 1 acre for septic tanks. The question was raised if there was enough science to support the County having stricter regulations than the State. Mr. Schue said the new septic technology could allow septic systems at higher densities, but suggested that 1 acre be an upper limit.

Mr. Booth said the design standards are the same for both temporary and permanent sewer treatment plants. He does have concerns about some of the older package plants that are still in operation. He said he would provide additional technical information to the LPA.

In response to comments from Mr. Parks, there was discussion by the LPA of establishing a limit of one house per acre for septic. There was discussion about having the Land Use Plan to guide utilities and roads, not the reverse.

There were questions regarding treatment plant size and reuse water capability. Ms. Hardy explained that any utility with a Consumptive Use Permit (CUP) will be required by the State to have reuse water capability. Mr. Dunkel was concerned that encouraging density for reuse water wouldn't be compatible with the public comment supporting more open space and larger lots. There was more discussion on the importance of utilities not guiding land use.

There was a 5-minute break.

Public Facilities - Potable Water

Ms. Suffron described the additional objectives said this element has several issues in common with the Sanitary Sewer Element. She asked for comments on the criteria for temporary water potable service.

Ms. Foley thought it should be related to the land use.

Mr. Schue was concerned that the relationship between reuse water and density is misleading since reuse water can be supplemented with potable water.

Blanche Hardy, Director Environmental Services explained some of the issues surrounding surficial wells. There was discussion about the environmental affects of drawing water from different levels of the aquifer and limiting surficial aquifer wells to private use. They discussed writing a definition of "private" specific to this policy.

Future Land Use Element

Ms. King said staff is proposing 2 different land use series in the FLUE, urban and rural. She said in general the municipalities had agreed with those land uses.

In response to a question from Mr. Jordan, Ms. King explained that the number of lots in the County is not the same as the number of buildable lots. He said he would like to have a "benchmark figure" to use for comparison purposes. Ms. King said the current FLUM would allow 1.2 million people; the population projection for 2025 is 470,000. In order to make the FLUM consistent with the projections density has to be moved to appropriate areas. Staff will not be recommending a net increase in population.

Mr. Schue discussed different methods of calculating density based on the FLUM and the densities in the JPAs. Ms. King said JPAs should be limited to areas the municipalities plan to annex, and that they are intended to be urban areas. Mr. Schue commented that Groveland's JPA encroached on the Green Swamp where urban densities would not be allowed.

Rob Kelly, Citizens Coalition of Lake County, thought JPA areas cover too much of the county, he suggested developing land uses unique to each municipality.

Mr. Parks thought densities of 1 dwelling per acre should be allowed in the JPAs.

Becky Elswick said she would like clarification on locating schools and the public land uses designation. Ms. King said schools could be located within all future land use categories except for environmental areas. However, schools would not be exempt from the zoning process. She said policies could be written to facilitate locating schools in areas with supporting infrastructure.

In response to a question from Ms. Elswick, Sanford Minkoff, County Attorney said Bill 360 requires interlocal agreements between schools, county and the cities. School location criteria is to be included in those interlocal agreements. He said Bill 360 seems to require schools to negotiate with the cities and counties for school sites. He said the interlocal agreements will cover size and location of schools. The intent is to locate schools close to population centers and not in rural areas.

In response to Ms. Foley's question regarding development on clay roads. Mr. Minkoff said the LDRs recognize when lots are buildable; but there is no requirements for paved roads. He added that lot splits on dirt roads are generally restricted to larger lots such as 40 acres.

Ms. King said staff has been working with some landowners as directed, including the FLUM amendment applicants from earlier this year. She said there would be 3 different ways to address the FLUM. The first will show densities proposed by the cities within their JPAs, which are almost all urban densities. The second will be the FLUM if all the requests staff has received are granted. The third will be staff's recommendation, which generally is in agreement with the cities.

It was agreed that rural land uses can be applicable to the JPAs. Ms. Foley also thought lower densities should be available within certain areas of the cities.

Mr. Schue thought the JPAs should contain language specific to each municipality and each municipality should identify areas they would like to have as economic centers. Ms. King said that specific language would be in the FLUE but could also be included in the JPAs.

Ms. King asked for the LPA's opinion on the Rural Village Land Use Designation. Mr. Schue recommended language stating that this category should be used only to recognize historically established compact communities, which may have urban densities in rural areas. There was consensus from the LPA. There was discussion of the policy statement "In order to discourage Urban Sprawl the County shall not expand or create new rural villages within the unincorporated area of the County". There was some discussion about the Mt. Plymouth/Sorrento area and the urban density associated with it. Ms. King said the Community Enhancement Working Group has now identified thirty (30) distinctive communities that although very small have higher densities. She asked if some of these communities should be allowed to become Rural Villages. She added that the Census

Designated Places boundaries do not necessarily correspond with how the residents see their community. Ms. King explained staff would like to coordinate the rural villages with the community enhancement project. There was discussion that in the past the rural village had been used as a future land use category which allowed urban densities in previously designated rural areas.

Mr. Parks asked if consideration had been given to incentive based planning that could target a specific industry for transfer of development rights in JPAs. Ms. King said the high intensity development district and the mixed use are intended for that, although issues remain to be worked out. Ms. King said that economic development areas should be identified on the FLUM.

David Jordan left the meeting.

The next topic for discussion was clustering. Ms. King said when houses were clustered within the 1 to 1 areas with utilities, houses would probably be clustered close to the road and the open space located in the back. After she read a brief definition of open space written by Mr. Schue, there was some discussion about clustering. Mr. Dunkel thought clustering could be done at distance from the road and still be economically feasible. Ms. King said in general the public does not support clustering because they see it as higher densities. Ms. King asked if the LPA thought clustering should be required within the 1:1 areas. Mr. Dunkel suggested it be allowed. Mr. Parks suggested offering incentives to cluster, then Ms. Foley asked if the incentive would be increased densities. Mr. Minkoff explained that the Lake County Code does not have a minimum lot size. He said 100 acres at one to one would still have 100 houses on it after allowances were made for roads, storm water and other requirements. Mr. Dunkel asked if there was a tax incentive for clustering, Mr. Minkoff explained that open spaces deeded to homeowner associations are not taxed. There was discussion about possible future development of land held by a homeowners association and the advantages of conservation easements.

In response to a question from Ms. King, there was a consensus by the LPA to include two policies in the one to one FLUE densities; one with clustering and one without.

Ms. King said staff has received requests to have areas currently designated Suburban to be changed to 1 to 1. And she asked if the LPA thought the rural map series should include densities of 1 to 3, 1 to 5 etc. When Ms. King asked if 1 to 1 was Rural, Mr. Parks suggested it be a transitional land use because the change of 1 to 5 up to 1 to 1 was a big difference.

Mr. Dunkel thought clustering should be allowed for all land uses to help preserve open space. Ms. King said that was the intent.

Ms. Elswick asked if clustering would be allowed close to areas of lower densities. Ms. King said she hoped open space would be a buffer. Mr. Schue thought the purpose for clustering was to protect the environment, not to keep development close to roads. Ms. King said the cost of utilities would be a factor in clustered developments. Mr. Dunkel

thought the cost of central utilities could be offset by the money saved by eliminating individual wells and septic systems.

Rob Kelly did not think the driving force behind clustering should be the cost of utilities. Ms. King said she wanted to be sure policies were written to benefit the County.

Beverly Tisdale spoke about the advantages of using land trusts to protect land.

Robert Curry said septic systems could become more expensive under potential new State requirements, which would make central utilities more cost effective. Mr. Schue explained the new septic tank technology is not going to increase cost very much.

Kitty Cooper, Director of Geographical Information Services (GIS) explained that the County has a lake GIS coverage and a wetlands coverage done in 1998, which was a high water time. Ms. Cooper said a decision has to be made regarding which coverage to use for the FLUM. Staff is recommending the 1998 map. Mr. Parks thought that information should be updated regularly. Ms. King said staff is recommending use of the lakes '98 layer, and that the wetlands layer is going to be an overlay. Ms. Cooper said soils and literal zones were used to create the map.

The consensus of the LPA was to use the 1998 map as recommended by staff, with periodic updates in the future.

Amelyn Regis, Senior Planner showed a brief presentation on Traditional Neighborhood Design (TND). Mr. Parks said he would like to see more TNDs in Lake County and he thought a portion of those TNDs should be homes that are more affordable.

There was consensus from the LPA to continue working on a land use category for TNDs.

In response to questions from Rob Kelly, Ms. King said that the lower density land uses are located in the Green Swamp and the Wekiva River Protection Area.

Ms. King said the JPA boundaries are in general the same as the municipal utility boundaries.

Ms. King explained that clustering would be mandatory only on the overlay areas.

The video presentation for the second series of public meetings was shown.

Ms. King updated the LPA on the status of several of the draft elements.

Housing

Alfredo Massa, Senior Planner reviewed a few items from the Housing Element.

There was consensus by a majority on the LPA to include the “low and moderate income housing” wording in 1.1-3 Policy, Parcel Location Assistance, and to include the word “infill” (“locating appropriate infill parcels...”).

Mr. Schue suggested allocation reviews for the Economic Element and the Housing Element should be done the same number of times per year.

Next was discussion on Objective 2.1, Housing Implementation and if it should contain language “addressing financing on an ongoing basis”.

Mr. Schue was concerned that additional county funds not be used to subsidize housing.

Chairman Newman thought the majority consensus had been to leave that wording in the objective. Ms. Foley said she doubted that the development community would support inclusionary housing.

Mr. Schue thought funding should be directed to renewal projects for low income families.

Mr. Massa said he would provide additional information on affordable housing.

Ms. King said she thought the LPA’s position was that infill was appropriate for affordable housing and that they supported the existing programs.

Ms. Foley said she understood Mr. Schue’s concerns. However, she would like the County to be able to pursue other initiatives for affordable housing.

Mr. Welstead suggested language similar to “where appropriate and necessary” or “shall consider”. Mr. Schue said he objected to the obligatory language.

Ms. King suggested for today’s purpose “shall consider” would be included for a land bank and trust fund.

Mr. Schue said he did not want to bank land for developers. Ms. King explained a land bank would be an option for developers to contribute towards affordable housing ‘offsite’ from their development. There was some discussion regarding a land bank. Mr. Dunkel said defining a ‘land bank’ might resolve this issue. Mr. Schue asked if this could be brought before the LPA again. Ms. King said this concept would have to be developed in the Land Development Regulations. (LDRs). Ms. King said this just means the County would consider a land bank in the LDRs. She suggested rewording the sentence.

Old Business

In response to Mr. Parks, Ms. King said comments had not been received from Clermont on the South Lake Design Standards.

When Bob Curry asked if the consultants would make sure the Comprehensive Plan was consistent with the Wild and Scenic Rivers Act, Ms. King said they would.

Mr. Schue said there had been public comments that public participation occurred too late in the DRI process. It was suggested that DRI information be included on the County's website. Mr. Schue had concerns about when the LPA would be involved in the DRI process.

Terry Bowley, Miller, Sellen, Connor and Walsh, said the Treasure Coast Regional Planning Council publishes information on the pre-application meetings more widely than the local Regional Planning Council (RPC). And that may help to keep the public informed.

The Chair adjourned the meeting at 1:20 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary