

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
OCTOBER 16, 2008**

The Lake County Local Planning Agency met on OCTOBER 16, 2008 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:**

Vacant	District 1
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Terry Godts	At-Large Representative

**Members Absent:**

Rob Kelly	District 2
Cindy Barrow	School Board Representative

**Staff Present:**

Melanie Marsh, Deputy County Attorney  
Brian T. Sheahan, AICP, Planning & Community Design Director  
Walter Wood, Senior Hydrogeologist, Environmental Utilities  
Sherie Ross, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:12 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

**TABLE OF CONTENTS**

<b>AGENDA DESCRIPTION</b>	<b>PAGE NO.</b>
Review of Action List Items	3
Mining Definitions	5

Brian T. Sheahan, AICP, Planning & Community Design Director, briefly discussed minor agenda changes and said copies of the “Public & Private Conservation Lands” map for the Future Land Use Element (FLUE) had been provided for the LPA’s review and approval at the next meeting.

### **REVIEW OF ACTION LIST ITEMS**

**MOTION by Keith Schue, SECONDED by Vicki Zaneis to list religious institutions and group homes as permitted uses in the Future Land Use Categories.**

**FOR: Foley, Carey, Schue, Belflower, Godts, Zaneis**

**ABSENT: Barrow, Kelly**

**AGAINST: None**

**MOTION PASSED: 6-0**

After some discussion regarding how to define “group home,” Mr. Sheahan said staff would draft a definition and noted that group home is statutorily defined. Melanie Marsh, Deputy County Attorney, said she would research Federal and State laws for a definition of religious institutions. There was discussion about whether the boarding and lodging houses should be defined in the Comprehensive Plan or in the Land Development Regulations (LDRs). Mr. Sheahan said those definitions should be in the LDRs and noted that the Florida Statutes definitions are used for terms not defined in the Comprehensive Plan, unless the County intends to be more restrictive. He added that group homes are exempt from additional restrictions and said defining religious institutions was a constitutional landmine. The LPA discussed referencing the definitions from the Florida Statutes in the 2025 Plan. Mr. Sheahan said the specifics of the definitions should be in the LDRs in order to avoid prohibiting a use that met the intent of the Plan.

### **PUBLIC COMMENT**

Jon Pospisil said the County should be cautious regarding specific definitions in the Comprehensive Plan because in the future, Plan amendments may have to be approved by the general public.

**MOTION by Keith Schue, SECONDED by Peggy Belflower to reference the definition of boarding houses from the Florida Statutes.**

**FOR: Schue, Belflower**

**ABSENT: Barrow, Kelly**

**AGAINST: Foley, Carey, Godts, Zaneis**

**MOTION FAILED: 2-4**

The meeting reconvened after a short break.

The LPA reviewed Policy 6.3.7, Lake Apopka Basin Water and Wastewater Standards. They discussed the importance of protecting this area and supporting the Lake Apopka Design Standards. Mr. Sheahan noted that these draft policies were based on the LDRs and said setting additional design standards for septic tanks or wastewater treatment

systems would require additional County staff or expenditures for consultants. He suggested policy requiring enhanced regulations in areas where it was likely nutrients would reach Lake Apopka or a contributing waterway. There was discussion regarding how to have viable protective regulations regarding wastewater treatment in the Lake Apopka Basin and the need for supporting data. Mr. Sheahan said staff would support policy stating the County would consider adopting design standards for this area. There was discussion regarding the amount of data supporting enhanced wastewater treatment but that there may not be enough data to justify Advanced Wastewater Treatment (AWT) for the entire Lake Apopka Basin.

**MOTION by Terry Godts, SECONDED by Keith Schue to adopt draft language for Policy 6.3.7 stating the County shall consider adoption of Land Development Regulations (LDRs) for wastewater design standards for the Lake Apopka Basin as shown on the screen and to make the title consistent with the previous policies.**

**FOR: Foley, Carey, Schue, Belflower, Godts, Zaneis**

**ABSENT: Barrow, Kelly**

**AGAINST: None**

**MOTION PASSED: 6-0**

The LPA discussed the issue of high school sites in rural areas and if those sites should be subject to the Conditional Use Permit (CUP) process for high schools. Mr. Sheahan discussed the amount of review that school sites are subject to, the School Board's desire to locate schools close to students and transportation issues related to schools. There was discussion that school location could be a factor in pushing development into rural areas. Ms. Marsh said schools are generally exempt from zoning regulations and she did not know if a CUP could be required for high schools.

#### **PUBLIC COMMENT**

Bob Curry said CUPs are intended for those particular uses with conditions requiring the County to continually monitor performance and he did not think it would be appropriate for schools.

Some members thought school sites should be subject to an up or down vote. There was agreement to reserve decision on this item until Cindy Barrow is present. Ms. Marsh said she wanted additional time to review the applicable statutes regarding school sites.

The LPA discussed Affordable Housing Policy 1.7.4 and agreed to substitute "affordable" in place of "low income" in the first paragraph and to remove affordable housing from the list of definitions. After some discussion regarding various tiers of housing needs; the state regulations regarding Strategic Housing Initiatives Program (SHIP), and other definitions, the LPA agreed to use the Florida Statutes definition of affordable housing.

The meeting reconvened at 1:20 p.m. after a break for lunch.

After a brief review of Policy 7.2.7, Protection of Natural Resources, the LPA agreed with the draft language as shown.

In Policy 7.3.3, Protect Floodplains, Ms. Zaneis suggested considering additional policies regarding land disturbance, citing examples of inappropriate filling and concerns regarding impacts to the environment. The LPA discussed protection of groundwater and other related policies in the Plan, such as the Conservation Element. The LPA agreed to add a bullet item regarding land disturbance activities to Policy 1.1.8, Adopt Land Development Regulations. There was agreement to draft polices regarding groundwater, wildlife and habitat.

The LPA discussed Policy 7.3.4, Protect Wetlands and Implement Wetlands Classification System and concerns about “less significant” wetlands. The LPA agreed these issues were addressed in the Conservation Element policy referred to by Chairman Foley.

There was discussion regarding the second bullet under Policy 7.5.1, Reduce Nonconforming Uses and Antiquated Plats and concerns that existing commercial uses could become nonconforming through encroaching development or annexation. Mr. Sheahan noted there was a high burden of proof associated with “consistency with community character.” The LPA agreed to change the “and” to an “or” and to remove “that do not conform...commercial Centers or Corridors” in Policy 7.5.1.

The LPA reviewed Policy 7.10.1, Action Plan Guiding Principles regarding community enhancement groups and agreed to remove “with partnerships” in the third bulleted item.

The LPA agreed in Policy 7.11, Intergovernmental Coordination to change “facilitate” to “encourage.”

The LPA discussed Low Impact Development (LID) principles and noted that Policy 7.2.7, Protection of Natural Resources references “low impact development techniques.” There was discussion regarding the similarities between Rural Conservation Subdivision and LID. The LPA agreed to add a bullet item in Policy 1.1.8, Adopt Land Development Regulations regarding LID techniques. The LPA agreed to include a LID definition within the Definition List as shown on the screen. The LPA agreed to add a bullet item to Policy 1.4.1.2, Guiding Principles of Traditional Neighborhood Development referencing LID, deleting protection of open space, substituting “land disturbance” in place of “cut and fill” and add “and natural amenities.”

The meeting reconvened after a short break.

### **MINING DEFINITIONS**

Walter Wood, Senior Hydrogeologist, Environmental Utilities, said the proposed definitions for “Mining” and “Mining Activities” were taken from the LDRs. There was discussion regarding exemptions listed in the LDRs and Mr. Wood said those exemptions applied to the mining review process, it did not mean those activities were exempt from

other regulations. There was concern that referencing the definition of mining in the LDRs would give the LDRs primacy over the Comprehensive Plan. Ms. Marsh said she understood that concern but cautioned against defining mining as the removal of natural deposit from the earth because that could be construed to prohibit activities such as swimming pools or wells. She said it might not be necessary to define mining activities, mine and mining. The LPA agreed to eliminate the definition of “mining” and to retain the other two definitions.

There was discussion regarding the possible impacts of the definitions of borrow activities and borrow pit in the Wekiva River Protection Area (WRPA). The LPA agreed to define borrow activities as mining activities with no onsite processing and borrow pit as the site of borrow activities, structuring these definitions similar to mining.

The LPA also discussed mining issues related to the Green Swamp Area of Critical State Concern (GSACSC). Mr. Sheahan noted the current Plan stated mining is prohibited and listed sand mines as an exemption. There was discussion regarding mining issues, including a possible future legislative action, which would preclude Counties from the regulation of mining. Mr. Sheahan suggested the LPA vote on the definitions and then discuss the issue of mining in the GSACSC. He said staff would not recommend prohibiting mining in the GSACSC.

The LPA agreed with the definitions of Borrow Activities, Borrow Pits, Mine, Mining Activities, Excavation and the deletion of Extraction as shown on the screen.

The LPA reviewed staff’s draft language for Ground Water Protection. There was consensus with the language as edited and shown on the screen and to insert this policy following Policy 7.3.5.

The LPA reviewed staff’s draft language for Preservation of Wildlife and Habitat. There was discussion regarding redundancies in Policy 7.3.2, Consistency and the Conservation Element. There was consensus of the LPA with the draft policy as edited and shown on the screen and to insert this policy following the previous policy.

The LPA discussed Policy 3.3.6, Development Design Standards and Policy 7.2.3, Conservation Subdivision Design during consideration of staff’s draft definition of Conservation Subdivision.

#### **PUBLIC COMMENT**

Jon Pospisil suggested defining Conservation Subdivision by referencing the design elements in Policy 7.2.3. He thought this language would be more general without the reference to unique features.

Mr. Sheahan said the definition of Rural Conservation Subdivision could be written into the LDRs. There was discussion regarding the detail necessary for this definition; what characteristics should be in the Comprehensive Plan and keeping the definition as clear as possible.

The LPA agreed to include the Rural Conservation Subdivision definition as shown on the screen in the definition list.

Mr. Carey noted that as FLUCs were reassigned to the areas formerly designated rural medium density and urban low density that the transition areas between urban and rural uses had become, in some instances, very narrow. He said he did not want to revisit those decisions; however, he was concerned that those narrower border areas could be exploited as a basis for residential development.

There was general discussion regarding the suggestion to make the Rural Protection Areas (RPAs) a goal and each of the specific areas an objective.

The Chair adjourned the meeting at 5:00 p.m.

---

Donna R. Bohrer  
Public Hearing Coordinator

---

Keith Schue  
Secretary