

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

DECEMBER 15, 2005

The Lake County Local Planning Agency met on THURSDAY, DECEMBER 15, 2005 at 9:00 a.m. in Room 233, 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
Anne 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:

Kevin McBride, Assistant County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Barbara Lehman, Director, Finance Department, Clerk of Courts
Regina Frazer, Director, Budget Office
Blanche Hardy, Director, Environmental Services
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Shannon Suffron, 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.

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MOTION by Michael Carey, SECONDED by Nadine Foley to approve the minutes from August 3, 2005 as submitted.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick

AGAINST: None

MOTION CARRIED: 9-0

MOTION by Nadine Foley, SECONDED by Michael Carey to approve the minutes from September 19, 2005 as corrected.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan, Elswick

AGAINST: None

MOTION CARRIED: 9-0

Capital Improvement Element

Alfredo Massa, Senior Planner, introduced Barbara Lehman, Director, Budget Office, Clerk of Court and Regina Frazier, Director, Budget Department. He said discussion would begin with the Data, Inventory and Analysis (DIA), which described sources of funding for the County.

Ms. Lehman said this information was based primarily on the Comprehensive Annual Report, which will be published early in 2006 for the past fiscal year.

Mr. Massa said Policy 1.1-6 was added recently and that there were no changes to the Level of Service (LOS) charts. He said suggestions from the consultants would be discussed at a future date.

Sean Parks asked if environmental lands would be included in the LOS for Parks and Recreation. Nadine Foley explained some capital improvements would be needed on the lands purchased by the Public Lands Acquisition and Advisory Council (PLAAC). Richard Dunkel was concerned that including the PLAAC lands in the LOS could reduce the impact fees for parks and he did not believe those lands should be included in that LOS. In response to questions from Keith Schue and Sean Parks, Mr. Massa said the LOS is a factor in determining impact fee rates and that LOS was required for concurrency. Ms. Foley said she thought the section under discussion was focused on capital improvements and it would not affect LOS. In response to a question from Mr. Schue, Mr. Massa said public facilities referred to improvements, not to the land. After some discussion, it was decided the acreage per person was part of the LOS and was part of public facilities. Mr. Carey referred to Policy 1.1-1 Public Facilities Defined and asked if environmentally sensitive lands would be included in "land design". Ms. King said that was a policy decision for the Local Planning Agency (LPA). Mr. Dunkel said the term 'open space' in Category A (Concurrency) was a reference to land not buildings. He repeated that he did not want environmental lands used to meet the County's LOS. Ms. King said a LOS was required for Recreation and Open Space. Ann Dupee asked about lands set aside inside developments and asked about developers buying into environmentally sensitive lands. Ms. King said that would be a policy decision for the LPA. Mr. Schue thought environmentally sensitive lands were passive recreation lands. Chairman Newman asked if there was a consensus and there were no further comments

In response to a question from Mr. Parks regarding fire and other related issues being included in Category C (Non-Mandatory), Mr. Massa said Category A referred only to concurrency requirements which are required by statute. Ms. King said staff will be working on a Public Safety Element in 2006 and there had been an earlier decision by the LPA to submit that element after the Comprehensive Plan.

Mr. Dunkel repeated some of his concerns about PLAAC lands and the LOS. The funding for PLAAC lands is set by law and he wanted to be sure the program was not adversely affected by including those lands in the LOS. Ms. Foley thought the LPA had just decided not to include environmentally sensitive lands in the LOS. Mr. Schue said

his comments referenced the inclusion of Parks, Recreation and Open Space in the definition of Public Facilities and Passive Parks, in Table CAP 1. There was discussion about excluding PLAAC lands from the LOS. Ms. King summarized the earlier discussion that PLAAC lands were not to be included in the LOS. Ann Dupee suggested deducting land in the floodplains because they were not usable. Mr. Parks said there are sensitive uplands and he did not want to include the PLAAC lands in the LOS. Ms. Dupee thought “useable” land should be counted in the LOS.

The Chairman said a consensus should be reached. Mr. Parks said to exclude PLAAC lands from the LOS. In response to a question from Ms. Dupee, Ms. Foley said the PLAAC is purchasing lands with environmental value; however, they may be used for passive recreation. She added that the funding of public facilities with PLAAC money was necessary because in some instances public access will have to be addressed along with other issues to facilitate public use.

MOTION by Sean Parks, SECONDED by Richard Dunkel that within the revision of the Goals, Objectives and Policies (GOPS) for the Level of Service (LOS) for Parks and Recreation shall not include passive recreation lands or lands purchased by Public Lands Acquisition and Advisory Council (PLAAC) lands.

During discussion on the motion, Ms. King suggested using the term “County purchased environmental lands”, Mr. Parks and Mr. Dunkel agreed with that suggestion. Mr. Schue said that might include other lands. Ms. King said it would be attributed to the environmental lands bond referendum. Ms. Dupee suggested including a percentage of those lands or the uplands in the calculations of the LOS.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Jordan, Elswick

AGAINST: Dupee

MOTION CARRIED: 8-1

After some discussion by Mr. Jordan and Ms. Lehman on Appendix J, Mr. Massa suggested a footnote to identify additional sources of revenue. Ms. Foley suggested a description of funding sources in the introduction to the Public Safety Element. The LPA agreed with Ms. King’s recommendation of a footnote and that more detail could be included in the Public Safety Element.

Ms. Lehman said there was no ad valorem tax included for the PLAAC. She said the recently received funds are in a separate account. Mr. Massa asked if the LPA would like to have a forecast of the funds included. Regina Frazier explained two variables, one was that this year’ assessed value would have to be used. The second variable was the actual amount assessed by the BCC, they can assess up to 1/3 of a mil. Mr. Jordan thought the decision by the BCC would be made in time to be included in the Comprehensive Plan. Chairman Newman asked if it could automatically be included. Mr. Massa said the

Capital Improvement Plan is reviewed annually and that information could be added then. Ms. King said a reference to the PLAAC program could be included with the revenue funds.

In response to a question from Mr. Parks, Mr. Massa said Policy 1.1-6 showed the impact fee calculation currently being used and that would also be included in the Recreation Element. Mr. Massa said these ratios would determine how to adjust impact fees if the LOS was not met.

Mr. Parks asked about using future population projections to facilitate maintenance of LOS. Mr. Massa said the Parks Master Plan should address that issue and changes to these calculations would need to be addressed in the Master Parks Plan. Mr. Dunkel said the BCC has said they would like to have a LOS of 10 acres per 1000 persons and asked if this policy could be adjusted to reflect that LOS. There was a consensus of the LPA with Ms. King's suggestion to move this policy into the Data, Inventory and Analysis (DIA).

Ms. King said the LPA could recommend a different LOS to the BCC. She said the LOS in the Master Parks is at four acres per thousand. Mr. Schue said he had no difficulty with moving the chart into the DIA. However, he was concerned about the possible use of PLAAC funds in place of impact fees for recreation. Ms. Foley said the only exception in the PLAAC procedures would be if lands they purchased were "degraded in some way". But the PLAAC money is for environmentally sensitive lands that are to be used only for passive recreation. Ms. Foley thought impact fees were intended for active recreation.

Ms. Dupee said there is a deficit of facilities for active recreation; she thought the Park Impact fees were too low and she questioned the distribution of funds. Ms. Frazier said the County has three park impact fee districts and the money collected within each district is to be spent in that district. Mr. Dunkel thought the use of PLAAC funds for trails was legitimate and parks fees could be used for capital improvements. Mr. Parks said impact fees can not be used to address the existing LOS deficit. In response to a comment from Ms. Dupee, Ms. King said the consensus was not to include the PLAAC lands in the LOS and that bond money is not to be used in lieu of impact fees. There was a consensus to include passive and active recreation in the LPA's statement about not using the PLAAC bond money to address any deficiency in current LOS for Parks. The table will be moved into the DIA and the policy remains.

There was discussion by the LPA on the LOS they would like to see adopted and cost. Ms. Foley favored keeping the LOS at four because that is the LOS in the Parks Master Plan. Mr. Dunkel said because the current LOS was an increase from 2.5, he was satisfied it was going in the right direction. There was consensus by LPA to leave the LOS at four acres per 1000 people.

In Policy 1.1-7, paragraph "b", Mr. Parks suggested staff review the stormwater runoff numbers to be sure they are correct. When Ms. Dupee asked about stormwater runoff on

lakeshore properties, there was discussion that the Stormwater Element included policy on that issue. There was a consensus by the LPA to have staff review the Stormwater Element and make any necessary adjustments.

Mr. Schue said the same tables appear in different places in the Comprehensive Plan. Ms. King said that was a LPA decision. She added that some duplication could make the Comprehensive Plan easier to read and understand. Mr. Schue's concern was that information might be changed in one area but not another. Ms. King suggested that tables in elements such as this, that are adjusted annually, that the table could be removed. Ms. Foley thought leaving in an annually updated element was a good idea. Mr. Parks agreed with leaving it in. After some discussion, there was a consensus by the LPA to leave it in and to ensure tables are updated consistently. There was consensus by the LPA to include Mr. Parks suggestion to add "Lake County shall additionally require as a minimum LOS that the design of the Stormwater Management Systems ensure that post development recharge volume and conditions approximate pre-development recharge conditions within protected recharge areas pursuant to the aquifer recharge sub-element".

Mr. Dunkel asked about paragraph "e" because he was concerned that pristine lakes could be degraded to a certain level set by the State. Mr. Parks thought the intention was to maintain the current levels of water quality in the lakes. Mr. Dunkel asked for staff review of that issue in the Stormwater Element.

Mr. Carey was concerned that stormwater management systems are not inspected. He said the Water Management District (WMD) accepts a letter from the project engineer stating the system was installed as permitted. He thought inspections should be done before the developer completes the project. Ms. King explained that staff was investigating the possibility of the County having zoning inspectors to address that issue and others.

Ms. Dupee said everyone should be contributing to stormwater management. However, in some areas she thought that was not true. Ms. King said the Total Maximum Daily Loads (TMDL) program would be taking a regional approach to stormwater. Mr. Parks said the Lake County Water Authority (LCWA) has been giving grants for stormwater management.

There was a consensus by the LPA with Mr. Schue's suggestion to include "support future growth consistent with the FLUE" in Objectives 1.1 and 1.2.

Mr. Schue asked if the list in Policy 2.1-4 was a prioritized list. Ms. King suggested the addition of "in no particular order".

Mr. Schue asked if the phrase "several years" in Policy 2.1-9 should be more specific. Mr. Jordan thought it referred to the time frame of this plan. Ms. Frazier said in common practice it is 3-5 years; however, a specific time frame could be included. There was a consensus by the LPA to eliminate "for the next several years".

There was a five-minute break.

After Mr. Massa read Objective 2.2, Mr. Schue suggested removing the absolute in Policy 2.2-1 and he suggested the addition of “while ensuring quality results”. Mr. Jordan said Florida Statutes strictly regulate public financing, this just means that government would be fiscally responsible. He said the “result” in this policy was just obtaining money at the least cost. Mr. Schue said he had been referring to the project not the financing.

Ms. Foley referred to Policy 2.2-5 and asked if this policy could exclude the issuance of debt for the PLAAC lands. Ms. Frazier said because PLAAC lands were purchased as a result of a voter referendum, it would not be affected by this policy. Mr. Schue suggested editing the sentence to remove the parenthesis. Mr. Massa said staff could work on revising the sentence but they did not want to preclude an unforeseen capital improvement. There was consensus by the LPA to remove the parenthesis and eliminate “more specifically”.

In response to Mr. Schue’s comment on Policy 2.2-2, Ms. Frazier said if the users’ fees could not cover the debt and the cost of a particular operation, this policy would not preclude financing that debt from other means. Ms. King suggested removing the word “solely”. There was an agreement by a majority of the LPA to leave this policy as it is worded.

Mr. Schue asked about the meaning of the last sentence in Policy 2.2-14. Ms. Frazier said it meant that payment amounts would be stable regardless of the interest.

In Objective 2.3, Mr. Parks suggested including LCWA as a joint funding source for stormwater management. Ms. Frazier suggested the addition of “local funding sources” with state and federal funding. There was a consensus by the LPA to include that phrase.

There was discussion on how the “user pays” philosophy would be applied in Policy 2.3-2. Mr. Schue was concerned because he thought everyone should contribute to education for children. Ms. King said that issue could be addressed during the school concurrency meetings and in the Education Element. Mr. Dunkel said exempting age-restricted communities from school impact fees was court imposed. Kevin McDonald, Assistant County Attorney, said that decision only related to deed restricted communities where everyone must be over the age of 55. Mr. Carey said the State of Florida is not meeting their obligation to fund schools. Ms. King said that issue could be addressed at an upcoming meeting of elected officials.

There was further discussion on the appropriateness of that impact fee exclusion. Ms. King said schools were used as hurricane shelters for all the citizens including those over 55. Ms. Elswick said that as more co-location of school facilities was instituted, an increasing number of citizens of all ages would be using those facilities. There was discussion about school funding and the trend in Lake County for more age-restricted

communities. Mr. Carey repeated his conviction that the state should be funding schools. Mr. McDonald said the assumption of the Courts is that age-restricted communities have no impact on schools and therefore shouldn't have to pay those fees. Mr. Jordan said overcrowded schools are caused by people with children moving into the county. He added that age restricted communities in reality provide a source of funds for the County. Mr. Schue said he had received comments from people over 55 who didn't believe they should be exempted from school impact fees. Ms. Dupee thought co-location of uses would add weight to the imposition of school impact fees on all new home owners.

On Policy 2.3-9, Mr. Dunkel asked if this policy meant that any citizen could use the facilities located in a Community Development District (CDD). Ms. King said that depended on how the CDD was written. Mr. Dunkel thought it should be defined and asked if that could affect concurrency. Ms. Elswick said some schools are funded along with other facilities through CDDs. She said there are Educational Facilities Benefit Districts (EFBD), which are similar to CDDs except they are limited to funding schools. There was discussion on Community Redevelopment Areas (CRAs). Mr. Schue thought the last sentence should be reviewed by staff. Ms. King said Policy 2.3-9 would be re-examined and additional information on CDDs could be presented at a later meeting.

In Policy 2.3-7, there was consensus with Mr. Schue's suggestion to end that sentence after the word "impacts".

In response to Mr. Jordan's comments on 2.4-4, Ms. King said the phrase "urban land use series" should have been used in this sentence. He said that developing property at less than the maximum density could contribute to sprawl. There was discussion about County parks that are not in urban areas. Mr. Massa said the policy did not preclude facilities in rural areas. He said that "promote" should be changed to "direct".

There was agreement by the LPA to delete Policy 2.5-3.

In Objective 2.5, there was agreement with Mr. Jordan's suggestion to substitute "addressed" in place of "assessed".

In Objective 1.1-5, on LOS Ms. Frazier said without defining the type of acreage and placing a value on that acreage, the County could possibly meet the LOS with all wetlands. Ms. Frazier said if the table was moved, she thought an approximate value per person should be included in 1.1-5.

Ms. Foley said the table supports the Parks Master Plan and it should remain. Mr. Massa suggested including the total value per person into Policy 1.1-6. Mr. Parks still had concerns about basing that table on 2002 data and he thought the County should be focused on the LOS they want to have in 2025. Ms. King said staff could investigate the ratio for bicycle trails used by other counties. Mr. Schue thought the policy should be enhanced and the table moved into the DIA. Mr. Jordan agreed with Mr. Schue that the verbiage explained how the LOS was calculated. Ms. King said her understanding of the consensus was that the money bonded for environmental lands would not be used in lieu

of impact fees for active or passive recreation. She said Policy 1.1-6 sets a value on the LOS and that is a factor in the impact fees calculations. Ms. King said the table would be moved into the DIA. Mr. Jordan pointed out that the LOS ratio would remain the same unlike the cost and compilation calculations.

PUBLIC COMMENTS

Damian Winterburn, Heritage Green Development discussed the impact of the decisions made by the LPA. He thought the LPA was taking a “micro approach” as opposed to “macro-approach”. He was concerned that changes being proposed by the LPA would have effects beyond what they had thought. He added that litigation could be the final result.

Rob Kelly, Citizens Coalition of Lake County, thought the current Comprehensive Plan did not have enough detail. He said he had looked at other comprehensive plans with more detail than was being considered for this plan.

Rich Dunkel left the meeting at 11:35.

Ms. King and Shannon Suffron, Senior Planner, addressed the LPA on an issue that had arisen during the Mt. Plymouth-Sorrento Planning Advisory Committee meetings. Ms. King said that the non-Wekiva Urban Compact Node had been included in Wekiva River Protection Area and the LPA had agreed not to change those policies.

Ms. Suffron said the current Comprehensive Plan placed a 2-acre limitation on commercial development at each intersection. She said that size was too small for the town center they wanted to have in their community. She said the Mt. Plymouth-Sorrento Planning Advisory Committee was asking for more flexibility but only in non-Wekiva areas.

Mr. Schue agreed with Ms. Suffron and said he supported the request for more flexibility in the Non-Wekiva River Protection Area part of the UCN.

There was a consensus of the LPA to support the request made by the Mt. Plymouth-Sorrento Planning Advisory Committee.

Concurrency

Mr. Massa explained that staff was coordinating regional meetings on concurrency management.

Mr. Parks asked if it would be possible to have a demonstration on how the concurrency policy will work or for more detail. Ms. King said Chapter 380 Florida Statutes includes an equation under Developments of Regional Impact (DRIs) for proportionate share. She said staff would provide additional information.

Ms. Foley said this element is very similar to the one in the current Comprehensive Plan. She said not all of the references had been corrected to reflect the new numbers. Mr. Massa said the concurrency plan is a good one but has not really been implemented. Ms. Foley asked how the concurrency management program could be implemented. Ms. King said internal changes were underway to implement a good concurrency program.

Mr. Schue was concerned about the period of time between approval of the Comprehensive Plan and the new LDRs, Ms. King said staff is working to make that time frame as short as possible.

Mr. Schue said a new set of Transportation Model Policies by DCA was being developed and he asked if it would be part of these policies. Ms. King said staff was working closely with both Public Works and the LSMPO.

Mr. Schue asked if the deadline for LPA comments to staff on the FLUE could be extended. There was some discussion on this issue and the LPA agreed to continue discussion on the FLUE policies during the January meetings.

Ms. Elswick said she would be interested in learning more about vested developments. She said it is difficult to plan not knowing when these properties will be developed. Ms. King said staff is compiling an inventory of vested properties. She said vesting can't be taken away, and she cautioned against "getting hung up" on the vested lots. Ms. King emphasized that concurrency will require that the LOS be maintained. She said the recently enacted requirements for "Pay as You Grow" and proportionate share would help to maintain LOS. Ms. Elswick commented on Policy 1.1-3, which gives priority funding to improving deficient facilities caused by vested developments and the need for a timeline showing when vested properties will be developed. Mr. Massa said there is not a mechanism to accomplish that.

In Policy 1.2-2 number 5, Mr. Schue commented that Reservation of Capacity (ROC) could actually add impetus to developing those vested developments and he thought capacity should be reserved for those vested properties. Ms. Dupee said as she read the last sentence, capacity would not be reserved, new developments would be given preference and the vested properties would be denied. Mr. Massa thought there was a problem with reserving capacity indefinitely, and this goal would be to try to find a way to give higher priority to developments that are moving forward. Mr. Schue said completed new projects could cause vested developments to move forward. Mr. Massa said there was not a good answer to that situation.

Mr. Jordan said if capacity was denied for new developments that could cause development of vested properties, which could adversely affect the County's plan and contribute to sprawl. Ms. Dupee said she would like to know if any of the vested properties were located close enough together to create a substantial student population. Ms. King said staff was working on two projects. The first is to determine the number of Lots of Record or antiquated plats; the second is to compile data on approved PUDs.

Gregg Welstead, Deputy County Manager, said it was important to balance the amount of detail in the Comprehensive Plan.

Ms. Elswick suggested that perhaps the capacity on the vested properties could be utilized similar to the Transfer of Development Rights program. Mr. Massa said that might move development forward, which may not be in the County's best interest.

Mr. Welstead and Mr. Schue left the meeting.

Ms. Foley thought the policy was clear that development should be continuing on the vested properties for capacity to be reserved. She asked if Senate Bill 360 had addressed the ROC issues. Ms. King said that legislation was actually complicating the situation. Capacity included in the Capital Improvement plan is available to developers who pay their proportionate share. Then they are allowed to develop even if the capacity does not exist. In addition, Ms. King said that only projects in the Capital Improvement Plan could be improved. County governments must now be very selective when they list projects in the Capital Improvement Plan.

Ms. King said staff would like the opinion of the LPA on ROC and vested properties. Ms. Foley agreed with the last sentence in the second paragraph of 1.2-2, 5, b and she emphasized the phrase "do continue development in good faith". Ms. King enumerated the challenges in determining the amount of vested development in the County. She said there are upcoming DRIs plus the antiquated lots. One difficult task will be determining how many lots are developable. There are, also, the previously approved but not yet developed PUDs. Ms. King said the vested properties and the upcoming DRIs have enough projected population between both of them to exceed the population projections for 2020 without any other developments being approved.

There was consensus of the LPA with Ms. King's suggestion to review this element again after the inventory is completed.

Mr. Jordan voiced some concern about broad comments from the public regarding possible lawsuits arising out of the new Comprehensive Plan and the suggestion that some group hasn't been heard. He said the members of the LPA had been appointed by the BCC because they have a "pulse on the public". Mr. Jordan did not think that possible lawsuits should distract the LPA from carrying out the will of the residents of Lake County.

Mr. Parks agreed that the LPA was a very expert board and he thought the LPA was maintaining balance between details and the larger picture.

Chairman Newman agreed with Mr. Park's assessment on the expertise of the LPA members.

PUBLIC COMMENTS

Mr. Winterburn said he didn't mean to imply the LPA wasn't knowledgeable. He said he was concerned because he thought the Comprehensive Plan should be "driven" from a planner's perspective or if the LPA is directing staff. He thought that getting input from the developer's perspective might be useful.

Mr. Carey said the LPA members acknowledge the expertise of staff and other members.

Mr. Parks said they were looking forward to hearing from developers and the business community in the future.

Ms. King explained how staff has been reaching out to landowners and other sections of the County's residents.

MOTION by Michael Carey, SECONDED by Sean Parks to cancel the meeting scheduled for Monday, December 19, 2005.

FOR: Newman, Foley, Carey, Parks, Dunkel, Dupee, Jordan, Elswick

ABSENT: Schue

AGAINST: None

MOTION CARRIED: 8-0

The Chair adjourned the meeting at 1:00 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary