

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
OCTOBER 19, 2007**

Chairman Christensen called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner Wheeler Commissioner O'Bryan Councilmember Abell Councilmember Neglia
St. Lucie County:	Mayor Christensen Commissioner Lewis, Alternate
Martin County:	Commissioner Valliere Commissioner Smith Commissioner Bausch
Palm Beach County:	Commissioner McCarty, Alternate Commissioner Koons Commissioner Kanjian Commissioner Greene Councilmember Brinkman Mayor Ferreri Councilmember Dr. Priore Mayor Jacobson Councilor Gottlieb, Alternate
Gubernatorial Appointees:	Herman Baine Kevin Foley Susan Hershey Richard Hurley Susan Caron
Ex-Officios:	Lois Bush, Alternate, FDOT
Council Staff:	Marlene Brunot Michael Busha Zachary Davis Anthea Gianniotis Sandy Gippert Elizabeth Gulick Wynsum Hatton Stephanie Heidt Trayce Jones Peter G. Merritt

Council Attorney: Roger Saberson

Guest: Jo-Ann Golden, City of Lake Worth

The Director announced a quorum was present.

AGENDA AND CONSENT AGENDA

Chairman Christensen reported it was requested Consent Agenda Items 4D, Boca Raton Comprehensive Plan Amendments; 4F, Port St. Lucie Comprehensive Plan Amendments; and 4H, Stuart Comprehensive Plan Amendments be removed for separate discussion and consideration. Commissioner O'Bryan moved approval of the Agenda and amended Consent Agenda. Councilmember Hershey seconded the motion, which carried unanimously.

Motion

Remaining items on the Consent Agenda were: 4A, Financial Report – August 31, 2007; 4B, Minutes – September 21, 2007; 4C, Fiscal Year 2007 State Homeland Security Grant Program Contract Agreement; 4E, Boynton Beach Comprehensive Plan Amendments DCA Ref# 07-2; 4G, St. Lucie County Comprehensive Plan Amendments DCA Ref# 07-2; and 4I, Intergovernmental Coordination and Review Log.

BOCA RATON COMPREHENSIVE PLAN AMENDMENTS DCA REF# 07-1

Staff reported the City is proposing amendments to the Transportation, Future Land Use and Housing Elements. The Transportation Element amendments are related to the decision the City made to pursue alternate strategies to address transportation challenges and resist further road widening in favor of maintaining a vibrant community. The City is currently considering establishing a Multi Modal Transportation District, the purpose of which is to elevate the priority of the pedestrian, cyclist, and transit rider within the transportation network. Staff provided Council with an addendum document with changes to the original report reflecting additional information and conversations with the City and other local governments. The changes addressed in the addendum are related to the proposed amendments to the Future Land Use and Housing Elements. Staff stated the proposed amendments to the Future Land Use and Housing Elements are to support the establishment of a workforce housing program that will require the developer to construct workforce housing on-site, off-site or elect to contribute to a workforce housing trust fund. Staff noted the program will allow density bonuses for building beyond the maximum density, provided the units are workforce units or a payment in lieu is provided to the fund. It also provides for floor area ratio conversions on parcels of land that are designated commercial or industrial, for the purpose of building either residential or mixed use development with workforce housing as a component. Staff commended the City for its effort to establish a workforce housing program and the parallel effort to establish a Multi Modal Transportation District. However, staff expressed some concerns with respect to the policies being proposed. Staff noted there is no guarantee the workforce units will be built. Developers will typically choose the payment in lieu of fund. Additionally, there are no guarantees the workforce units will be built in proximity to jobs or transit corridors. Also, there is no innate relationship between the policies proposed with the Multi Modal Transportation District effort and the policy that allows for conversion of industrial and commercial lands. This may have the unintended

consequence of allowing single use residential development on lands previously identified as appropriate for industrial or commercial use.

Staff noted the following specific changes to the draft report as new recommendations: the need for a general policy that clearly defines the income ranges used for defining workforce housing eligibility; the addition of a policy establishing the workforce housing trust fund and its purpose; the addition of a policy designed to provide greater incentive to build workforce housing when development is beyond the maximum intensity and density allowed; the addition of a policy that allows for the conversion of commercial and industrial lands to residential or mixed use development to ensure consistency with the Strategic Regional Policy Plan, which calls for housing opportunities in close proximity to work and jobs; the recommendation that the City should identify specific locations for these conversions based on existing employment centers; and the recommendation to amend the language that calls for a portion of the bonus units to clearly identify what the percentage should be. Staff concluded that if the City made the suggested recommendations, the Council should find the proposed amendments to be consistent with the Strategic Regional Policy Plan.

Commissioner O'Bryan concurred with staff that there needed to be specific recommendations to ensure houses are actually put on the ground and the developer does not opt to contribute to the fund. He also expressed concern that with inflation and rising costs that the money contributed to the fund will not have the same value in two to three years. He asked staff to strengthen the language in the recommendations to state only a percentage of the units can be paid through a fund, and the rest need to be units on the ground.

Commissioner McCarty stated her concern stemmed from an economic summit last year in Palm Beach County wherein the number one priority was to preserve the small amount of industrial land left in the County. She stated what the City is proposing will allow the developer to convert industrial land to residential, buy out the workforce housing portion and never be subject to regional review. She stated the City intends to use land development regulations to address needs, which will not require comment from other jurisdictions or the state. She suggested that unless it is specifically identified in the amendment, any property being converted from industrial to residential will require a regional review. Staff stated a recommendation could be added to state any conversion of industrial lands under this program would be subject to the land use change process unless it is identified in this amendment.

With respect to Commissioner O'Bryan's request to ensure actual units built by the developer, staff suggested the report could recommend the City consider requiring a percentage of the density bonus be constructed on-site, or at a location in close proximity to transportation corridors. Commissioner Wheeler asked if the recommendation would include both the building and payment in lieu of options. Commissioner O'Bryan stated he wants the recommendation to ensure some housing is built and not allow the developer to opt out with a 100 percent pay off.

Mayor Ferreri concurred with Commissioner O'Bryan that the units need to be built but stated his concern that this requirement may result in units being built in the wrong location and not near jobs or transportation corridors. Staff noted the recommendation would include having a location specifically identified near transportation corridors.

Commissioner Kanjian stated with all the fees involved with building a home, there is nothing affordable about building a new home today. He stated in order to get the units on the ground, it must be commercially feasible. He stated if there is going to be the requirement to provide workforce housing units, then there needs to be a fund that will allow more units to be built, and clustered into an area that will provide a better return on the investment. He stated that to say the housing needs to be on-site is problematic.

Commissioner Koons offered his support to the City with respect to their transit strategy efforts, and stated his opinion that this is a good chance to provide some infill development. He noted an industrial/commercial lands study being conducted by the County in conjunction with the cities and noted that although the implication of conversion in the region is dramatic, there should be some mechanism to create entitlement and to be able to put houses on transportation corridors. He noted he would be in favor of the units being created and being able to migrate to a transportation corridor.

Mayor Jacobson asked if the transportation being discussed referred to public transit. Commissioner Koons stated it was both public and private transit. Mayor Jacobson stated if there is to be workforce development in any sense, then public transit needs to be provided. Staff noted understanding of the amendment is that as part of the Multi Modal Transportation District, the City will enhance corridors so that travel east/west as well as north/south will be improved.

Councilmember Caron suggested it might be feasible to include the creation of receiving sites to utilize the workforce housing fund and ensure units will actually be built. Staff noted that was included in recommendations to have the City identify locations where the homes could be built, or if there is another site later identified, then the City could use the comprehensive plan amendment process.

Carmen Annunziato, Planning and Zoning Director of the City of Boca Raton, stated the City is on the cusp of a significant policy change in the way they do business and the workforce housing program is one of the more complex and significant policy programs. He thanked Council for the comments which he stated will be considered for inclusion to the proposed amendment and noted the City did need to better connect the program with the Multi Modal Transportation District. He noted there are over 120,000 individuals employed in the City that is currently being served by Tri-Rail, I-95, the Turnpike and four to five east/west roads. The City recognizes the need to have better public transit. He noted the City has hired a consultant to analyze the City and its programs and problems and make recommendations. He stated the Multi Modal Transportation District being proposed will establish 5 sub-districts in the City, each of which would be served by an activity center and transportation routes with more intensive development opportunity at the activity centers and along the transit routes. He stated the City has begun the process to request removal from the County-wide traffic performance standards ordinance in order to implement the Multi Modal Transportation District. He stated the City has conditioned several developers within the City to provide, contribute and assist in funding public transit and continues to seek financial feasibility through other mechanisms. He stated the City's plan is to adopt land development regulations in conjunction with the comprehensive plan amendments that will implement these programs. He stated there is time to consider inclusion of Council comments to come together with a plan that is acceptable to everyone.

Commissioner McCarty restated her concern that the framework the City has put forward removes the state and the regional review process and reduces it to the land development regulations of the City which can be easily changed.

Commissioner Bausch asked if it would be possible with the fund for the City to build a higher density than ten to fifteen percent requirement of the developer. Mr. Annunziato stated that in workforce housing programs there is an inclusionary side with incentives and then there are incentive based programs. He reiterated Commissioner Kanjian's concern there needs to be sensitivity to how the market operates. He stated that within the land development regulations value is created based on size, efficiency and so forth, then the developer can either pay the value, or build the homes. He listed the various ways the money would be used and stated it was not just the cost of the units, but funding the mechanisms to ensure the units will still be workforce units thirty years from now. Commissioner Bausch stated his question was whether or not the City could actually build the homes at a higher density. Mr. Annunziato stated local governments building workforce housing is certainly an option, but it is very complicated, and he did not believe the City would want to become developers.

Commissioner O'Bryan noted his understanding of the administrative programs and costs, but stated that unless there are actual homes built, then the program will not be successful. He stated the developer should be able to afford to build the homes with the given bonus densities. He reiterated his preference to have a requirement for actual homes being built, and not just a payment option, as part of the density bonuses.

Commissioner Kanjian noted that a bonus generally means one can do better than they would under a regular plan. He stated the problem with these kinds of plan, including the inclusionary zoning ordinance in Palm Beach County, is it does not give a better bonus to the developer. He stated it is a transfer of wealth from the individuals who buy the new homes to those who qualify for the workforce housing program, so it is not the developer who will carry the burden of the cost, but the consumers who buy the new homes in the neighborhoods. He stated that if the cost of program pushes the cost of the units too high, no one will buy. He stated building the homes in a location close to transportation rather than locating the affordable units within the neighborhoods will affect the value of the more expensive homes. He stated this needs to be addressed in all workforce housing programs in all municipalities and better policies be developed to make it easier for individuals to get workforce housing, and not rely on the developer to fix the problem.

Commissioner Smith stated if there is a transit system, which should be regional, being created that defines long range goals and receiving areas, then there should be language to limit the distance units can be transferred, not just a policy that allows for open-ended transfer. Mr. Annunziato asked if the Commissioner was saying this is a regional issue. Commissioner Smith responded it is regional only from the standpoint that if you have a transit network, it should eventually interlink with other systems. Mr. Annunziato noted that no other local government has attempted to prepare a policy framework that considers workforce housing a regional issue. Commissioner Smith noted Martin County had a no net loss program with marinas and commercial waterfront lands in that if there was to be redevelopment of commercial waterfront, the capacity must be within a certain range of the existing program so as to not completely lose the product in the region.

Mr. Annunziato stated the City's first choice would be to have workforce housing located within the activity centers along transit routes. He stated that although it is an option, he was not prepared to endorse off-site units in another community.

Commissioner Wheeler stated if a unit could be built for less in a receiving area, then it would be beneficial if there is a fund. Another option he suggested is the developer builds the home in the receiving area, or hires a general contractor to build the workforce units. This would allow for the homes to actually be built, and not just money contributed to a fund that will depreciate.

Mr. Annunziato stated this is a good idea, but noted you cannot have mandatory programs and bonus programs that do not provide for the pay out function to meet certain legal standards, but moving or exchanging the density to less expensive property and building less expensive, smaller units would work. He stated the City has a consultant under contract and they will be rendering recommendations to the City Council with respect to workforce housing needs and the most likely locations.

Councilmember Foley stated that with the creation of the CWHIP program, which awards \$5 million to developers who pledge to build fifty units, there is no indication of what it would cost to build a workforce unit. He noted prototypical projects on workforce housing that build smaller, less sophisticated homes imbedded within the project. He stated that over time the value of these units rose and were fairly commensurate with all the other homes and were no longer considered workforce units.

Mr. Annunziato stated the City is also doing a nexus study to better understand the issues. The City has found that building costs range up to \$240 per square foot. He noted land cost per unit in many places in Palm Beach County is well in excess of \$100,000 per unit, so one way to offset the cost would be to build smaller units with lower cost finishes to possibly make the cost closer to \$200 per square foot.

Commissioner McCarty noted the City has determined their workforce housing need to be 500 units. She stated these units did not necessarily have to be new units, but could also be rental apartments or existing homes. Part of the requirement could be for the developer to buy existing units and then donate the units to the City to be put into an inventory used for workforce housing. She suggested the City needed to put together a plan to not necessarily get new units, but meet the workforce housing goal of 500 units and secure their affordability. This will ensure there is an affordable place to live in the City for the workers to rent or buy. Mr. Annunziato stated this would be consistent with the program, but noted there would then be the issue of management which he believes should be addressed regionally.

Kevin Johns, Director of Economic Development for Palm Beach County, addressed the tax issue. He stated that everything discussed had financial implications. He noted Palm Beach County's newly approved strategic economic plan which included a request for \$12 million of federal funding with respect to a major industrial district and a number of other projects. He stated that when the plan was put together three major areas were identified as important to assure financial sustainability: things that left the community extremely wealthy; things that were beautiful; and after five years those ideas that are still legal. He stated that the plan calls for the development of an additional net new billion dollars in taxes over the next 20 years, with a major source of that revenue being generated by industrial lands. He stated that there is only 1.5

percent of Palm Beach County’s current land that is industrial and the goal is to generate new tax dollars through the expansion of industrial space. He urged Council to work with the City to expand the industrial tax base.

Alexandria Larson, a resident of Loxahatchee, stated that when it comes to workforce housing, the real estate market is tanking. She stated she did not approve of transferring development rights to other municipalities.

Commissioner McCarty made a motion to approve the staff recommendations with the suggested amendments to the report. She asked staff to list the recommended changes. Staff noted that Council has requested to include a recommendation that if there are conversions of industrial land to residential, the location be identified in this amendment or be subject to the land use amendment process; and a second recommendation that workforce housing that is bonused be built on-site and located in close proximity to transit corridors, or donated by the developer from existing available housing stock toward the City’s targeted workforce housing inventory.

Motion

Staff noted a third recommendation of an option to build the bonused units in another municipality. Commissioner McCarty stated she would not include the third recommendation in her motion. Mayor Jacobson seconded the motion.

Commissioner O’Bryan stated he would like to amend the second recommendation to include language that a certain percentage of the workforce housing must be contributed to the City’s workforce housing target.

Commissioner McCarty stated she would agree with Commissioner O’Bryan’s amended language. Mayor Jacobson seconded the amended language. Chairman Christensen called for discussion of the motion.

**Amended
Motion**

Councilmember Dr. Priore asked if the workforce housing will be for the entry-level workers, or low income individuals and if Council is possibly asking the developer to provide workforce housing at a price when the workforce could possibly afford more. He expressed concern that there should be a dollar defined. Staff stated the City was asked to define workforce housing, which they did in the background and analysis. Mr. Annunziato stated the City looked at the existing, well-defined description of workforce housing target income range which means households whose income range is established at 80-140 percent of the Area Median Income for the West Palm Beach, Boca Raton, Boynton Beach Florida Metropolitan division of Miami, Fort Lauderdale, Pompano Beach, Florida Metropolitan statistical areas published annually by US HUD. This number is \$52,000-96,000 a year for a family of four, which would purchase a home in the \$183,000–330,000 range.

Chairman Christensen called for a vote on the amended motion, which carried unanimously.

**PORT ST. LUCIE COMPREHENSIVE PLAN AMENDMENTS
DCA REF#07-D1**

Staff made a presentation with respect to the proposed land use amendment to change the current land use designation of 52 acres from Low Density Residential, Light Industrial, and Open Space Residential to Heavy Industrial/Light Industrial/Commercial Service, and Open Space

Residential. Staff noted the City has two future land use categories for Industrial, however, only one zoning designation. Staff reported concerns expressed by citizens in the adjacent neighborhoods are that the area which is subject to the amendment is directly adjacent to existing single family homes. Staff recommendations contained in the draft report are that the City should ensure there is additional buffering from any new industrial uses to the north and a recommendation to designate adjacent properties to the lower intensity proposed land uses of Light Industrial or Office for the property bordering the existing neighborhoods. Additionally, the report contains recommendations related to the DRI Settlement Agreement with respect to transportation concerns and upland habitat protection. Staff noted the recommendation that the City not adopt any changes unless the concerns and issues raised in Council's letter dated May 2, 2007 are adequately addressed.

Steven Ball, with Land Planning Systems and representing the applicant, Reserve Homes, made a brief presentation to Council. He noted that contrary to comments in letters from citizens that state there is no such land use as being proposed, there are actually three separate land uses applied to the subject property, and the City has a long standing history of allowing multiple land use designations on properties, in particular for DRIs. He stated the uses have been reviewed and approved by the City and the regional planning council and have been found to be compliant with the growth management rules of Florida. He provided graphics illustrating existing as well as proposed buffering areas. He noted of particular importance was that the zoning on the property is already industrial. He stated that previously the property was zoned industrial and heavy commercial, but changed to accommodate a planned baseball facility that allowed residential development. The zoning was never changed to match the new land use designation. Mr. Ball stated the land is zoned industrial, platted for industrial and currently contains several businesses. He noted the traffic issues are not related to the land use change, but to a DRI review that is under way for a bridge issue.

Commissioner Wheeler asked if the zoning change to accommodate the ballpark was prior to the residential development. Mr. Ball answered that the land use was changed after the homes were developed.

Chairman Christensen opened the floor to public comment.

Dr. Bobbie Conti asked that the property owners' attorney be allowed to speak in her place.

Howard Heims, from the law firm of Littman, Sherlock and Heims spoke on behalf of the property owners of the Reserve. He stated the land use change would dramatically impact the residents. He stated it was his understanding the property was originally designated as commercial general, not industrial, as reflected in the staff report. He stated that there are problems due to the lack of upland habitat actually provided. He stated the proposed amendment would allow for three different land use designations on one parcel with different standards and criteria for each which essentially creates a new land use designation with no real policies to implement the new land use designation. He stated this is bad planning with no way to predict what will occur on the property, especially when you have an existing residential community adjacent to heavy industrial. He asked Council to remove the item from the agenda to allow the developer and the residents time to reach an agreement. He stated that in lieu of removing the item, he would suggest there be a transitional zone from the residential. He stated the property owners would be agreeable to having office on the southern properties, and would suggest that

office be allowed on Lots 4, 8, 9 10 and 11, then transition to Light Industrial and then Heavy Industrial. He concluded by asking Council to reject the proposed amendments.

Pamela Hammer, President of the Property Owners of the Reserve and Advocacy Organization in the Reserve and newly elected to the Master Board, Property Owners Association, voiced her objections to the amendments. She stated her first objection is having three different land uses on one piece of property. She noted the area designated as Lot 4 was designated as residential light when the owners purchased their homes. She stated when the other residents became aware of this, they realized there would be problems having homes in the City of Port St. Lucie and homes in the unincorporated County with one master association responsible for managing the entire development. She stated she did not oppose taking away the residential light and can support the office in that area, but objects to the proposed change of 8 acres from RL to HI/LI/CS. She noted the proposed amendments do not include the two-acre open space park for children which was agreed to in the settlement agreement. She suggested having office designations on the bottom lots, and then transition up to the light and heavy industrial uses. She noted concern that the City is considering waiving some of the open space on parcels less than ten acres, which is the case with each of these parcels. She suggested Council remove the item from the agenda to allow time for the developer and residents to work out the issues and not force the residents to have to fund an administrative hearing.

Councilmember Foley asked Ms. Hammer if she was a resident of St. Lucie County. Ms. Hammer answered that although her property is not adjacent to the subject properties, she does live in the Reserve Development and anything impactin g the neighborhood impacts everyone.

Commissioner Wheeler asked staff if there was any way to accommodate the request to remove the item from the agenda. Staff stated Council has an obligation to provide recommendations to the Department of Community Affairs within 30 days. Staff noted comments contained in the report are consistent with what is being requested as well as a recommendation to the City to resolve any issues with respect to the settlement agreement prior to adoption. Staff noted Council's report will be forwarded to the Department of Community Affairs who then has to provide an Objections, Recommendations and Comments Report to the City within 60 days. The City will then have 60 days to address comments and then adopt as a final plan amendment to their City comprehensive plan. Staff suggested a comment could be included to encourage the developer and the City to address the concerns, but Council was obligated to provide a report to the Department and could not stop the process.

Ms. Hammer again asked for Council to delay sending the report to the Department of Community Affairs.

Chairman Christensen noted that the City agrees with Council's recommendations and has informed the residents of this as well as the City requiring a larger buffer and have light industrial on the properties bordering the buffer.

Staff noted if Council's recommendations are held for another 30 days, then the Department will not consider them when drafting their report. Staff stated there will be a 60 day time period from the issuance of the Department's report and when the City must adopt the amendment and recommended that this is the appropriate time for the residents, developer and City to work on the issues.

Commissioner Dr. Priore asked if the recommendation of consistency is contingent upon the City following the recommendations included in the report. Staff answered yes.

Ms. Hammer asked if the developer would be able to proceed with building prior to an administrative hearing if this is passed by the City. Staff replied they would do so at their own risk.

Horace Webb, a member of the Board of Directors of the Property Owners of the Reserve and President of the Sable Creek Home Owners Association within the Reserve, read from a letter provided to the Department of Community Affairs from the property owners' attorney. Points contained in the letter included statements that the amendment violates the Reserve Homes Comprehensive Plan goal to provide an appropriate list of land uses and to integrate mixes into neighborhoods and that it is contrary to the desired community character of the Reserve, especially the adjacent residential communities of the Pines and Maidstone. He stated his son and family bought property adjacent to the proposed amendment four years earlier and now the developer is attempting to create an area of businesses and industrial uses that will ruin the character of the pristine area. He noted that with respect to the traffic, he believes the proposed industrial area will have an affect on the area as there will be an increase in heavy trucks and vehicles doing business in the area. He urged Council to consider these issues as part of the residents' objections.

Carol Anderson, President of the Maidstone neighborhood in PGA Village and member-elect of the overall board for 2008, stated that over the last three years the residents were told there would be a second neighborhood quite like theirs built in the proposed area to the north. She stated the first change was the decision to not build the planned homes. Office development was planned for the area, and now there is a request for additional land use designations of industrial. She stated she is not unhappy with the recommendations of Council, but would like the maps to demonstrate accurately the things that have been promised to date. She stated the buffer zones are not properly mapped and the Florida Power & Light easement is not shown. She expressed concern that the property has been labeled an easement, an upland habitat and now a buffer zone and thought there should be only one use.

Daniel Holbrook, Planning Director for the City of Port St. Lucie, stated that with respect to the multiple land use issue, the City has historically used multiple land use designations on properties, initially with the DRIs and then throughout the City, and these have been found acceptable by the Department of Community Affairs. He pointed out to Council which areas are in the City and which are in the unincorporated areas. He also noted the settlement agreement is not with the City, but between the County, the developer and the Department of Community Affairs. He stated the initial land uses going back to 1997 on the subject property were Light Industrial, General Commercial, Residential, Office or Institutional. So you had the spectrum of land use possibilities on that property.

Commissioner Koons stated that he understood the need to retrofit and the long standing policy to have multiple land uses on certain properties to allow for the most flexible development of parameters and restricted uses, but noted once people are settled into a geographic area, then there needs to be more certainty of what the residents can expect. Mr. Holbrook stated the application request was by the developer. He noted that the City made recommendations and

this is now in the process of a large scale amendment. He also noted there is currently a Notice of Proposed Change to the DRI in process which will go to the same public hearing at this comprehensive plan amendment.

Councilmember Foley asked how long the existing platted lots had been zoned Industrial. Chairman Christensen stated that to the best of her knowledge this was done in the late 1980s. Councilmember Foley asked if it was zoned before the residential was built. Chairman Christensen indicated that it was.

Councilmember Foley asked if the developer has dramatically changed what was in existence before the residents purchased their homes. Mr. Holbrook replied he believes the changes requested have been a result of the developer's program as well as the market shifting.

Councilmember Foley asked if the intensity of the Industrial use has changed from a light industrial use to a heavier industrial use. Mr. Holbrook indicated it would be difficult to answer this as the Industrial zoning is allowed in both of the land use categories.

Commissioner O'Bryan asked if the current land use for this parcel was Residential Low. Mr. Holbrook indicated that it was. Commissioner O'Bryan asked if the City allowed Industrial zoning on a residential land use. Mr. Holbrook indicated it was not a compatible zoning district with that land use, but noted the zoning was done prior to the change of land use to Low Density Residential. Commissioner O'Bryan stated that unless the underlying land use is changed, the existing zoning has to be changed concurrently to match up with the land use change. Mr. Holbrook stated that was not a requirement unless development was pursued. Commissioner O'Bryan stated that if the underlying land use which the developer must have applied for back in 1997 was residential, then the only compatible zoning would be that which is allowed under your Residential Low, which would be residential. He stated that the property is platted industrial does not apply, unless the underlying land use is changed. The land use now is residential, and the fact that the property was platted Industrial in the past is irrelevant. Mr. Holbrook indicated that is why the developer is requesting a change.

Councilmember Brinkman asked if recommendation two is strictly referencing habitat preservation, and not taking the park indicated in the settlement agreement into consideration. Staff indicated that the recommendation is to assure that the upland habitat protection conditions of the development order are followed. Staff also noted the recommendation in the report that indicates before the City adopts the amendment, all issues need to be settled in the Notice of Proposed Change in the DRI that will be included in the adoption of the settlement agreement.

Councilmember Baine asked if the Department of Community Affairs had the ability to stop the process. Staff indicated the Department cannot stop the process unless the City withdraws the application. Absent that, the Department is required to submit their Objections, Recommendations and Comments Report to the City by November 9. The City then has to consider those recommendations and comments and has sixty days, or longer if they choose, to take action on the amendment.

Commissioner Koons made a motion to approve the staff recommendations. Councilmember Dr. Priore seconded the motion, which carried unanimously.

Motion

**STUART COMPREHENSIVE PLAN AMENDMENTS
DCA REF#07-2**

Commissioner O'Bryan noted recommendations in the staff report which indicate there is a fairly limited amount of industrial land available in Martin County and sufficient commercially zoned land that would be more acceptable and could easily accommodate the proposed shopping center. He concurred with these recommendations, but asked for the report to either say the change is inappropriate, or provide more definitive language to indicate the City and County should closely monitor changes such as this in the future.

Commissioner Koons indicated his agreement to strengthen the recommendation. He stated his appreciation to Martin County for doing an Industrial Lands Inventory, but suggested that would have been more comprehensive if it had been done with the City. Commissioner Kanjian concurred that coordination will prevent future conflicts between local governments.

Commissioner O'Bryan suggested instead of monitoring, the City and County should implement a plan to ensure there is adequate industrial land. Commissioner Smith stated there are those in Martin County that believe there is currently too much industrial land.

Commissioner O'Bryan made a motion to amend the recommendation to discourage this change, but indicate that if the change is approved, that the City and the County should develop a plan to ensure adequate industrial land inventory. Commissioner Smith seconded the motion.

Motion

Commissioner Bausch stated that as discussed in the previous item, residents do not want to live close to industrial. Staff noted the subject property is part of an industrial park with no adjoining residential.

Chairman Christensen called for a vote on the motion, which carried unanimously.

ANNOUNCEMENTS

Staff noted that the United States Environmental Protection Agency awarded Council a \$400,000 grant for funding Brownfields redevelopment. The funding supports the Brownfields Program administered by Council that provides assistance for local governments and investors who are interested in redeveloping Brownfields. The grant is in addition to the \$1.5 million already available.

**PROACTIVE APPROACH TO WILDLIFE CONSERVATION
THROUGH LAND USE PLANNING ACTIVITIES PRESENTATION**

Dr. Joseph Walsh, Environmental Coordinator with the Vero Beach office of the Florida Fish and Wildlife Conservation Commission, presented to Council a new proactive approach to wildlife conservation within land use planning and development activities.

Dr. Walsh reported that the Commission:

- predicts that public land acquisition programs alone cannot achieve sustainability of Florida's wildlife;

- recognizes the conservation potential of private lands;
- has set priority to foster stewardship by private landowners and partner governments; and
- has begun several major initiatives to meet that priority.

He noted that the Commission has been more of a reactive rather than proactive agency, often addressing conservation issues through permitting rather than conservation planning. He stated there have been many missed opportunities, especially in the area of land planning and thousands of small projects that have had enormous cumulative effects.

New proactive activities he identified include a comprehensive wildlife conservation strategy, improvement of technical information, and an online query engine. He stated the challenges for a proactive environment are:

- to improve quality and consistency of consultations by implementing a more science-based approach to technical assistance delivery;
- facilitate collaborative reviews and consultations by FWC on emerging issues; and
- gain earlier access to local planning which will encourage the attitude that wildlife resources are an economic advantage to communities and reduce regulatory surprises that drive negative attitudes towards wildlife conservation.

He stated there will be a two-pronged, proactive approach which will include self serve products such as a Wildlife Conservation Planning Manual, Wildlife Surveyor Certification, and Web-Based Query Engine. Additionally, there will be services for higher level land planning processes for regional multi-county visioning initiatives and County comprehensive planning such as reviewing Evaluation and Appraisal Reports, Rural Land Stewardship Programs, and Sector Plans.

Dr. Walsh stated there is a work plan to improve inter-relationships that includes:

- a Florida Comprehensive Wildlife Conservation Strategy; a State Wildlife Legacy Initiative;
- a Conservation Blueprint; and
- Century Commission activities.

He also noted landowner technical assistance programs for voluntary, funded landowner stewardships; conservation focal areas and informal development consultations. With respect to state and local government entities, the plan will address habitat conservation planning and Rural Land Stewardship Programs as well as watershed and corridor planning. In conclusion, he provided examples of partnerships currently in the works with the United States Department of Agriculture, United States Department of Environmental Protection, Florida Department of Community Affairs, Florida Department of Transportation, Florida Department of Agriculture and Consumer Services, Florida Natural Areas Inventory, Water Management Districts, private landowners, and many non-governmental organizations.

Commissioner Bausch complimented Dr. Walsh for his work and noted that as a member of the tourist board in Martin County, he recognizes the economic impact of wildlife to the area.

Dr. Walsh stated that when he began analyzing ecotourism, he was surprised to learn that half the tourist dollars are for activities other than Orlando tourist attractions and encouraged everyone to consider this when working on economic development plans.

Chairman Christensen informed Council that public comment would be held after the next presentation to allow board members who must leave for prior commitments a chance to hear the presentation.

FLORIDA HOMETOWN DEMOCRACY AMENDMENT PRESENTATION

Mr. Rich Unger, President of the Florida Chapter of the American Planning Association, made a presentation to Council. He stated that the proposed amendment is a reaction to rapid, statewide growth and a loss of trust in local government. He stated it will:

- impede implementation of community visions and good planning;
- over-simplify complex land use planning issues; and
- could result in the inability of a local government to provide essential community services.

He stated that the Florida Chapter of the American Planning Association's position is that:

- the approval of comprehensive plans by referenda will not produce better land use decisions;
- is not an effective growth management tool;
- is the wrong approach to solving existing public involvement concerns; and
- that the "Hometown Democracy" message is misleading.

He provided in-depth information on the following list of concerns:

- Hometown Democracy will not lead to better land use decisions;
- local officials will not be held more accountable;
- Hometown Democracy will not protect natural resources, wetlands, and beaches;
- Hometown Democracy will not protect existing neighborhoods;
- existing comprehensive plans will need amending;
- the amendment will impact the ability to provide essential services and facilities;
- decisions by referenda will not necessarily reflect the wishes of the entire community;
- Hometown Democracy will not reduce the influence of special interests; and
- Hometown Democracy will affect all development projects, large and small.

Mr. Unger provided the following as alternatives to the Hometown Democracy Amendment:

- strengthening of the public involvement processes through legislation;
- adequate funding of the administration of Florida's growth management system;
- development of minimum public participation requirements and best practices by the Governor's Citizen Committee;
- creation of a model neighborhood or citizens' bill of rights by the Department of Community Affairs;

- public participation training to local governments by the Department of Community Affairs;
- the use of new technologies for citizens to easily obtain information and provide input in multiple ways;
- notification to neighborhood associations and community groups that amendments have been filed;
- the requirement of neighborhood meetings before amendments go to hearings; and
- mandates to elected official accountability such as justification/audit of land use decisions that are contrary to publicly documented professional staff recommendations.

In conclusion, Mr. Unger recommended:

- not signing the Hometown Democracy Petition and voting NO on the Constitutional Amendment;
- informing community organizations and neighborhood associations of the unintended consequences of Hometown Democracy;
- encouraging major employers to advise their employees; and
- establishing better, stronger, more effective public participation processes.

Commissioner Wheeler stated that although at this time he did not agree with the Hometown Democracy Amendment and did not intend to vote for it, he certainly understands why it exists with the recent problems involving elected officials. He said he felt that in an effort to get an amendment passed, the voters have an advantage of being able to reach more individuals on a billboard than to try to convince a majority on a board. He commented that he felt low voter turnout was a good thing, because with the low voter turnout in primaries people are generally better informed than when they vote in a presidential election and are not educated with respect to other issues they are voting for and against. He noted there is a lack of trust that he believes exists because of a very negative media, not only community-wide but nation-wide. He stated he felt it was inappropriate to have a presentation such as this without both sides being present to debate and answer questions to give individuals a chance to form their own opinions with respect to the proposed amendment. Staff noted this was not Mr. Unger's fault and there were several unsuccessful attempts to have representation of the pro side. Mr. Unger stated this was a concern of his as well. He noted that this is the third presentation he has given and has yet to find someone to do what the Commissioner is asking.

Commissioner Kanjian thanked staff for putting the item on the agenda. He noted he too has made several unsuccessful attempts to engage Ms. Blackner in a discussion on the amendment. He commended Mr. Unger on his attempt to give both sides of the issue. He stated that with Hometown Democracy there would always be a 90-10 vote for a land use amendment, because if, for example, a land use change would provide a high tax dollar industrial center with jobs, then everyone but those who are directly adjacent to the proposed change would approve it. He stated that with elected officials, they have accountability to all citizens within the jurisdiction.

Commissioner Bausch stated that the whole issue centers on the loss of trust by the electorate in the planning process, which includes planners. He expressed his opinion that the solutions Mr. Unger presented were not the panacea the people are looking for and that although the proposed amendment may be couched as overreactions, he felt if there was an alternative, citizens would embrace that.

PUBLIC COMMENT

Chairman Christensen opened the floor for public comment and asked individuals who were signed up for multiple items to address all items at the same time.

Rosa Durando, a Lake Worth resident, expressed her resentment of the Hometown Democracy Amendment presentation. She said the implication was that the people who bear the monetary support for public government do not have a brain in their head. She said that in her opinion, many of the people who vote, whether it is a board for water management district or a board for county commission, or a board for an incorporated area, do not have the expertise to even cast a vote and their accountability was not guaranteed. She said the three minutes given to citizens to speak at meetings was insufficient to give an in depth look at some of the topics. She noted she has been to several meetings where the elected officials have not only overridden their staff, but embarrassed them and voted against their recommendations. She stated Hometown Democracy was born out of desperation because there has been no orderly development and the urban service areas being pushed where they should not be. She stated there was a good land plan adopted in 1991 that has been viciously attacked and changed with no reason except to subsidize more sprawling development. She noted that a few years ago the County Commission voted to do a carrying capacity study of the land in Palm Beach County, which was never done. She expressed her concern at a recent meeting with respect to vacant land on the State Road 7 Corridor. She stated that there is no vacant land on this corridor and that every piece of land is being used or protected as a watershed, cemetery, refuge or it is the Ag Reserve, or more prominently the Everglades Agricultural Area. She reiterated her belief that the citizens who do support Hometown Democracy have probably a better, more comprehensive education than a lot of the commissioners that are going to vote to destroy that land and make the cost of living in the County much greater.

Alexandria Larson, a Loxahatchee Resident, informed Council that the Evaluation and Appraisal report for Palm Beach County was sent to the Department of Community Affairs last year and not identified as such. She stated that the Sector Plan and subsequent law suit was made moot the previous day. She noted her efforts to stop projects such as Scripps. She stated that not having faith in the elected officials is not the fault of the citizens. She expressed her displeasure that there was not a debate of the issue presented and stated anyone present in the room could have done that. She stated that the Department of Community Affairs is currently considering retrofitting the 110 square miles of the Acreage with water and sewer which will bankrupt the residents. She stated that the Department of Community Affairs and the regional planning need the public to keep them informed on the issues. She expressed her support of Hometown Democracy as the public deserves more say in the public process

Drew Martin, representing the Sierra Club, stated the problem with this whole argument is the only thing the people who oppose Hometown Democracy are interested in doing is slandering the people who are representing Hometown Democracy. He stated his disbelief that no one could be located to represent Hometown Democracy. He stated the process of planning is broken and the people in Florida are unhappy and arguing that somehow allowing people to vote on a comprehensive plan amendment is going to be the end of the world is ridiculous. He also stated that if the citizens are qualified enough to vote for elected officials then they are qualified to vote on all the different issues. He expressed his frustration that when trying to work with a planner they represent the developer. He stated that it is unfortunate that the developers drive the

planning process as they can afford the lawyers and lobbyists to create a project that is so onerous that it requires citizens showing up with pitchforks to get attention.

Mr. Martin stated that the Sierra Club is very concerned about wildlife in Florida and noted the organization receives several calls a week from residents reporting taking of wildlife by property clearing on adjacent properties. He stated people came to live in Florida because they wanted to be near wildlife and the Everglades and cautioned that if the development does not stop, then Florida will be one big parking lot. He noted that our microclimate is being changed so that ultimately we are probably going to be underwater. He expressed a need for change in the comprehensive planning process to provide adequate protection for and assign more significance to wildlife. With respect to beach development, Mr. Martin asked for a moratorium to be placed on building near the sea and on sea walls and go back to protecting our beaches the natural way and let them be natural beaches.

Panagioti Tsolkas, Co-chair of the Palm Beach County Environmental Coalition, commended Dr. Walsh on his presentation and the effort of the Fish and Wildlife Conservation Commission. He was particularly impressed with the Commission being one of the first agencies of their type, possibly in the Country, to pass a resolution recognizing climate change as real and having an impact on ecology and the economy and our state. Mr. Tsolkas expressed his displeasure at the title of the Hometown Democracy Amendment presentation, "Don't be Fooled." He stated that there is a lot to be presented on the issue and thought it was a disservice to miss the chance to discuss something practical, concrete and real. He stated the message of Hometown Democracy is a clear, simple and hard to deny message that we need to slow down development and the process of elections and allow more discussion and presentation to happen. He stated that it is about regaining the lost trust in the elected officials. He stated he was insulted by the presentation as he works hard to educate himself and others on the issues and feels the public is capable of making the decisions the amendment will allow.

Mr. Tsolkas stated he wanted to discuss the West County Energy Center. He noted Council staff attended the administrative hearing one year ago that questioned the need for a fossil fuel power plant in the region, but did not express any sort of stance with any substance. Mr. Tsolkas said the people were left to defend themselves by fighting the issue and doing the research with respect to this project. He stated that the plant is currently under construction without permits for wastewater or the pipelines needed for gas and questioned why the regional planning council is not addressing this project. He provided documentation which gives a point-by-point dialog by Florida Power and Light, a local resident and community activists working on the issue to Council. He asked that this documentation be distributed to members not present and encouraged Council to attend a November 29th meeting. With respect to climate change, Mr. Tsolkas stated his belief that this is clearly one of the biggest issue we are facing and believes that growth management is one of the most crucial aspects of preparing for climate change.

Commissioner Kanjian expressed his appreciation for the public comments, but reiterated his desire to hear from the individuals from Hometown Democracy. Staff stated the individuals would be recontacted.

Nicolle Tolleson, a member of the board of the Palm Beach County Sierra Club, spoke out in support of the Hometown Democracy Amendment. She stated that the Sierra Club also opposes the West County Energy Center and distributed flyers to Council. She stated she believes if the

Hometown Democracy amendment is passed, it will increase voter turnout and participation and allow for the people to have a voice in decisions that will directly affect them. With respect to the Fish and Wildlife presentation, she stated her support and made a suggestion to read Professor Daniel Weisskoff's book *The Economics of Everglades Restoration*, which talks about the intrinsic services that ecosystems provide such as flood control, wildlife habitat, water storage, and recreation, all of which contribute to our quality of life.

Joe Florio, a resident of Jensen Beach and Treasurer of the Martin County Conservation Alliance, stated that the Alliance as well as Audubon Society of Martin County are in favor of the Hometown Democracy Amendment. He relayed to Council an incident where residents spoke out about an apartment complex being built in their neighborhood but the local government refused to listen. It was determined that the apartments should not have been built in the location and were removed at a cost of \$3.1 million to the developer. He stated that people do not have trust in their elected officials. Mr. Florio encouraged Council to go to the Hometown Democracy website to get a better understanding of the amendment and its faith in people who care about the place they live. He stated that the Florida Hometown Democracy Amendment seeks to make the current land use system more accountable by giving power over certain land use changes and comprehensive plan amendments over to the voters. He stated property owners should only have the right to use their property in accordance with the comprehensive plan designation and the citizens in the community have the right to demand that their quality of life not be harmed by endless construction. He stated that comprehensive plan amendments which typically allow for more density or intensity of development on particular parcels are political decisions and should not be granted unless our elected officials make a determination that the well-being of the community will not be harmed. He stated that Florida Hometown Democracy is not against growth, they want the present comprehensive plan to work without the density increase amendments.

COUNCIL MEMBER INFORMATION EXCHANGE

None

STAFF COMMENT

Staff reminded Council the November and December meetings are being combined to the new date of December 14th.

CHAIRMAN'S COMMENT

None

ADJOURNMENT

There being no further business, Chairman Christensen adjourned the meeting at 1:15 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the October 19, 2007, meeting of the Treasure Coast Regional Planning Council.

Date

Signature