



MEMORANDUM

AGENDA ITEM #7c

DATE: MARCH 3, 2008

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MONROE COUNTY ADOPTED COMPREHENSIVE PLAN AMENDMENT

Introduction

On February 21, 2008, Council staff received adopted amendment package #08-1 to the Monroe County Year 2010 Comprehensive Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. The proposed amendment (previously #07-2) was reviewed at the November 5, 2007 Council Meeting and was found to be generally inconsistent with the SRPP. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

Monroe County, incorporated in 1824, is the southernmost county in the State of Florida. The County consists of a mainland portion (782 square miles) bordered by Collier County to the north and Miami-Dade County to the east, and an archipelago, known as the Florida Keys, extending from northeast to southwest for 120 miles (102 square miles), and separating the Gulf of Mexico from the Atlantic Ocean. The mainland portion is occupied by Everglades National Park and Big Cypress National Preserve and is virtually uninhabited. The unincorporated portion of Monroe County had a population of 35,749 in 2007, an approximately 1% decrease in the population since 2000. The economy of Monroe County is based on tourism, fishing, retirees, and the military.

Monroe County's growth is constrained by a number of characteristics. The vast majority of the County is environmentally sensitive, comprised of mangrove wetlands, tropical hardwood hammocks, and rare and endangered species habitats, with world-renowned coral reefs offshore. With one main highway serving the entire population, traffic is a concern, particularly during hurricane evacuations. Lack of adequate infrastructure for stormwater and wastewater magnifies the effects of population growth on nearshore coastal waters. The desirability of the County as a place to live and the limited amount of developable land have made land costs prohibitively expensive, leading to shortages of affordable housing. With infrastructure and the environment showing signs of stress and over 10,000 undeveloped platted lots, most of the Florida Keys has been designated an Area of Critical State Concern, under Chapter 380.05, Florida Statutes.

Additional information regarding the County or the region may be found on the Council's website, www.sfrpc.com.

Summary of Staff Analysis

Adopted amendment package #08-1 revises and/or adds 32 goals, objectives and polices to the Future Land Use and Conservation and Coastal Management Elements of the Monroe County Year 2010 Comprehensive Plan regarding recreational and commercial working waterfronts. The general location of the County is exhibited as Attachment 1.

Background

The purpose of the Monroe County Working Waterfronts Program is to implement the relevant provisions of Chapter 2005-157 and Chapter 2006-220 of the Laws of Florida. More specifically, the purpose is to protect and promote Monroe County's recreational and commercial working waterfronts; protect and improve commercial, recreational and public access to the shorelines and the waters of Monroe County; preserve, protect and enhance the cultural heritage and physical character of the area as a working waterfront community; and enhance the aesthetic character of the area by directing development in a manner that maintains the working waterfront identity of the County.

Monroe County is experiencing the loss of recreational and commercial working waterfronts and the loss of public access to the water due to the redevelopment of marine facilities, including, but not limited to marinas, boatyards, wet and dry storage, fish houses and commercial fishing vessel dockage, at an unprecedented rate. The County feels that it is important to preserve an acceptable level of working waterfront while still allowing an appropriate mix of water dependent and non-water dependent uses. Fundamental elements of working waterfronts should be preserved to ensure that the ongoing need for working waterfronts is not exacerbated by non-water dependent development or redevelopment of water dependent facilities currently provided in numerous land use districts and distributed throughout the County.

The County has been working on this issue for several years, first through the development and adoption of the Stock Island CommuniKeys Plan and then through the development of the broader Monroe County Working Waterfronts Preservation Master Plan and the Monroe county Marina Siting Plan, designed to cover the unincorporated areas of the County. All of these documents contained policy recommendations and strategies to help preserve and strengthen the working waterfront in Monroe County.

The intent of the amendment is to incorporate into the Monroe County Year 2010 Comprehensive Plan revised and/or new goals, objectives and policies in the Future Land Use and Conservation and Coastal Management Elements to address these issues. Council staff analysis of the adopted amendment package shows that the amendments adopted by the County in some instances reflect those recommendations and in other instances do not.

Summary of Proposed Amendment

The proposed amendment package was reviewed at the November 5, 2007 Council Meeting. It included 40 revised and/or new goals, objectives and policies in the Future Land Use and Conservation and Coastal Management Elements. The Council found that the proposed revised and/or new amendments were not clear, contained vague language, were not consistent with the cited documents to support the amendments ("Monroe County Working Waterfronts Preservation Master Plan" and the "Monroe County Marina Siting Plan") and additional supporting data and analysis had not been provided to support the amendments. The Council's recommendation was to revise the amendments to eliminate vague language, to be consistent with "Monroe County Working Waterfronts Preservation Master Plan" and the "Monroe County Marina Siting Plan," and to provide additional supporting data and analysis to support the amendments.

Summary of Adopted Amendment

In response to the objections and comments raised by the Council, the Florida Department of Community Affairs (DCA), and five other review agencies, numerous changes were made to the amendment package. The Council's objections were included in the Objections, Recommendations, and Comments (ORC) Report issued by DCA on December 7, 2007. In response to the ORC Report, the adopted plan amendment was modified from the proposed amendment in order to focus on the Maritime Industries District (which includes Safe Harbor on Stock Island), develop a strategy to protect the County's recreational and commercial working waterfronts, clarify plan provisions, and delete language to which DCA and others have objected. As a result, amendments to 24 objectives and policies were not adopted, 4 objectives and policies were adopted as proposed, amendments to 12 goals, objectives and policies included additional changes not previously reviewed, and 2 policies had number changes only (policy language did not change). The County's response to the ORC Report also includes an explanation of the amendments, including how the goals, objectives and policies are intended to further specific goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)*, additional supporting data and analysis, and supplemental data and analysis provided by Safe Harbor Property Owners. The adopted amendment package did not include a specific response to the issues raised by the Council. Attachment Two is a chart that summarizes the amendments to the goals, objectives and policies, and includes a brief summary of the objectives and policies not adopted.

Objection

Adopted Amendment Package #08-1 includes 18 new or revised goals, objectives and policies to the Future Land Use and Conservation and Coastal Management Elements of the Monroe County Year 2010 Comprehensive Plan. Ten objectives and policies are not clear, contain vague language, are not consistent with the cited documents ("Monroe County Working Waterfronts Preservation Master Plan" and the "Monroe County Marina Siting Plan"), and additional supporting data and analysis has not been provided to support the amendments. Specifically:

1. Objective 101.4 requires the County to regulate future development and redevelopment to maintain the character of the community and protect the natural resources. The objective is amended to maintain the character of the community, "strengthen and diversify economic resources" and protect the natural resources. No policies have been included to implement the objective and no data and analysis has been included to support the amendment.
2. It is not clear why in Policy 101.4.5 "permanent residential development", other than employee housing and commercial apartments, is being permitted. Data and analysis have not been included to support the amendment.
3. Policy 101.4.6 does not identify how the residential facilities would be compatible with the water dependent and water related uses permitted in the land use category or if adequate public facilities and services exist to support the residential uses.
4. Policy 101.4.7 does not specify how natural resources will be protected and areas suitable for water port uses, water-dependent support facilities, maritime uses, and other water dependent manufacturing and service uses would be conserved if residential (up to 18 dwelling units/25 rooms per acre) and commercial facilities, such as public lodging establishments, are permitted in the "Maritime Industries District." It is also not clear how the residential and commercial facilities would be compatible with the industrial and maritime uses permitted in the land use category. Data and analysis has not been included to determine if adequate public facilities and services exist to support the residential and commercial uses.

5. Policy 101.4.21 is not supported by data and analysis to determine if adequate public facilities and services exist to support the residential and commercial uses.
6. Policy 212.4.4 contains vague language and relies upon the Land Development regulations in part to implement the policy.
7. Policy 212.5.4 does not identify how natural resources will be protected if limited to structures built over or adjacent to canals, open water and state-owned submerged land. Data and analysis has not been included to support the amendment.
8. Policy 219.1.1 contains language that is lacking in commitment (such as "encourage", "support", and recognize") and it does not specify how the policy will be implemented through the land development regulations.
9. Policy 219.1.2 does not include a strategy to protect and enhance commercial and recreational waterfronts. The policy includes some criteria but also allows unspecified criteria to be utilized because the policy includes the phrase "not limited to."
10. Objective 219.2 (formerly proposed Objective 219.7) does not specify how the County will protect and increase the extent of publicly owned access to its shorelines and navigable waters. A policy to implement the objective has not been included.

Until these issues are resolved, the adopted amendment package is incompatible with the goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)*, particularly with the following goal and policies:

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| Goal 4 | Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services. |
| Policy 4.3 | Utilize the existing infrastructure capacity of regional facilities to the maximum extent consistent with applicable level of service (LOS) standards before encouraging the expansion of facilities or the development of new capacity. |
| Goal 11 | Encourage and support the implementation of development proposals that conserve the Region's natural resources, rural and agricultural lands, green infrastructure and: <ul style="list-style-type: none"> • utilize existing and planned infrastructure in urban areas; • enhance the utilization of regional transportation systems; • incorporate mixed-land use developments; • recycle existing developed sites; and • provide for the preservation of historic sites. |
| Policy 11.10 | Decisions regarding the location, rate, and intensity of proposed development shall be based on the existing or programmed capacity of infrastructure and support services or on capacity which will be programmed to serve that proposed development; in addition, consideration should be given to the impact of infrastructure and support services on natural resources. |
| GOAL 20 | Achieve long-term efficient and sustainable development patterns that protect natural resources and connect diverse housing, transportation, education, and employment opportunities. |
| Policy 20.2 | Guide new development and redevelopment within the Region to areas which are most intrinsically suited for development, including areas: <ol style="list-style-type: none"> a. which are least exposed to coastal storm surges; b. where negative impacts on the natural environment will be minimal; and |

- c. where public facilities and services already exist, are programmed or, on an aggregate basis, can be provided most economically.

Recommendation

Council staff recommends that the amendments to the Future Land Use and Conservation and Coastal Management Elements of the Monroe County Year 2010 Comprehensive Plan be revised to eliminate vague language, to be consistent with "Monroe County Working Waterfronts Preservation Master Plan" and the "Monroe County Marina Siting Plan" and that additional supporting data and analysis be provided to support the amendments.

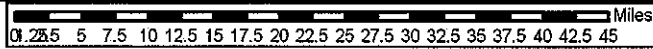
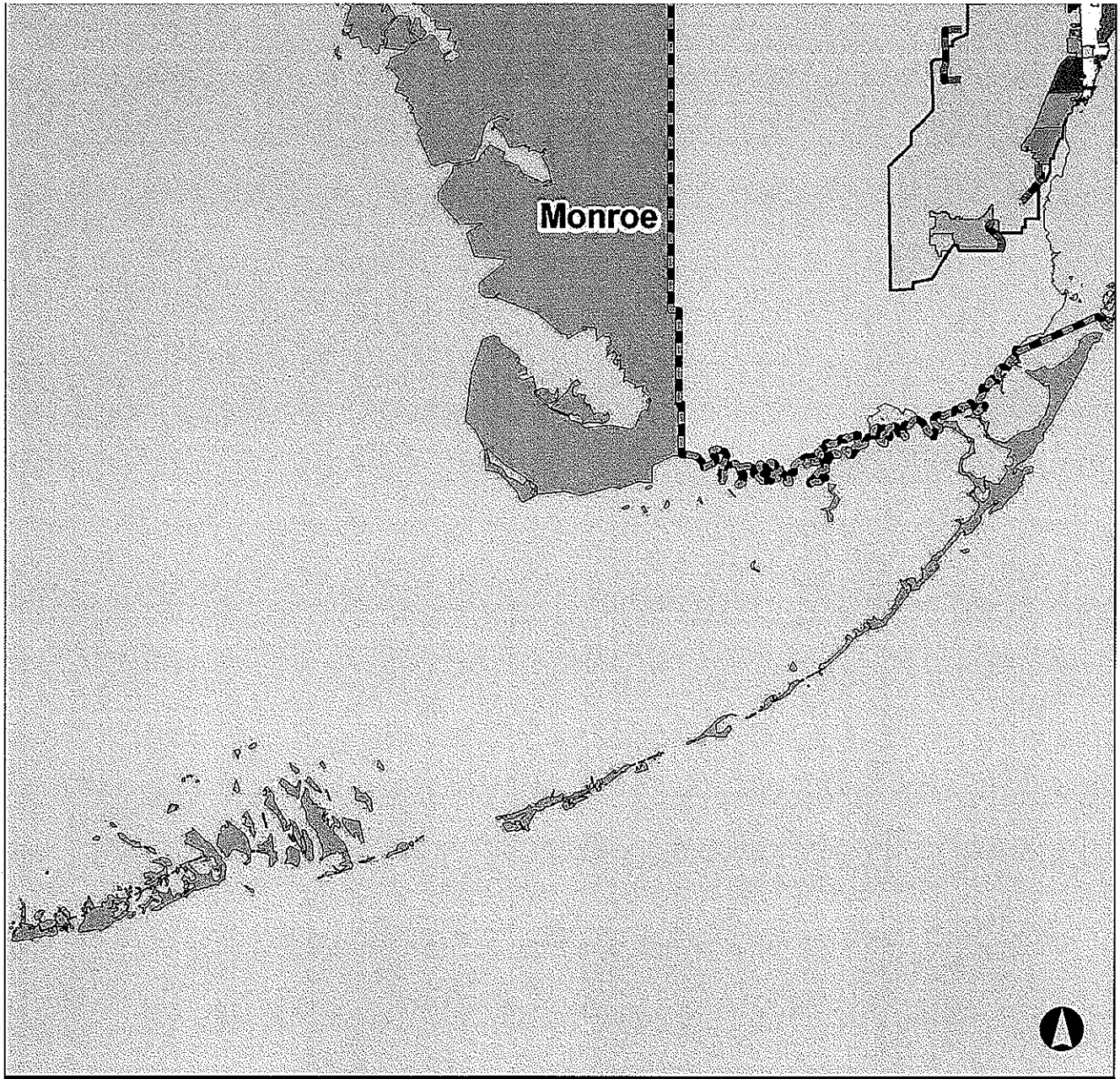
Staff will continue to work with the County staff throughout the amendment process.

The Monroe County Board of County Commissioners adopted the amendment by a vote of 3-2 at its February 4, 2008 County Commission meeting.

Recommendation

Find adopted amendment package #08-1 to the Monroe County Year 2010 Comprehensive Plan to be generally inconsistent with the *Strategic Regional Policy Plan for South Florida*, particularly with Goals 4, 11 and 20, and Policies 4.3, 11.10, and 20.2. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

General Location Map

Monroe County
Adopted Amendment #08-1

Sources: FDEP, SFWMD, Monroe County, SFRPC.

Note: For planning purposes only. All distances are approximate.

**ATTACHMENT TWO
SUMMARY OF AMENDMENTS TO GOALS, OBJECTIVES AND POLICIES**

Goal, Objective or Policy Number	Intent of Goal, Objective or Policy	Summary of Amendment	Consistency With SRPP
Objective 101.4	provides guidelines for the land use categories on the Plan's Future Land Use Map	adds language to "strengthen and diversify economic resources"	Not Consistent
Policy 101.4.5	defines and describes the Mixed Use/Commercial Land Use Category	adds language for "orderly and balanced growth" and maintenance and enhancement of "economically viable" uses; deletes limitation to uses that support the fishing industry; deletes 0 maximum net density	Not Consistent
Policy 101.4.6	defines and describes the Mixed Use/Commercial Fishing Land Use Category	adds reference to "water dependent and water related uses"; provides criteria for encouraging affordable and employee housing; deletes 0 max net density	Not Consistent
Policy 101.4.7	defines and describes the Industrial Land Use Category	adds definition of "port-related uses"; adds criteria for designating a Maritime Industries ("MI") District; modifies description of uses allowed in District; adds criteria for locating new permanent residential uses; deletes reference to LDRs	Not Consistent
Policy 101.4.21	establishes the density and intensity standards for the land use categories on the Plan's Future Land Use Map	adds language to define density and/or intensity of uses for the MI District	Not Consistent
Objective 212.4	requires an analysis of the need for additional marina facilities and to develop criteria for marina siting to meet or exceed state standards	proposed amendment not adopted and objective is maintained as is	consistency determination not applicable; no change to objective language
Policy 212.4.1	addresses new marina siting criteria	proposed amendment not adopted and policy is maintained as is	consistency determination not applicable; no change to policy language
Policy 212.4.2	requires the County to complete a survey of all existing residential and commercial marinas	proposed amendment not adopted and policy is maintained as is	consistency determination not applicable; no change to policy language

Goal, Objective or Policy Number	Intent of Goal, Objective or Policy	Summary of Amendment	Consistency With SRPP
Policy 212.4.3	requires County shall develop and adopt marina siting criteria	proposed amendment not adopted and policy is maintained as is	consistency determination not applicable; no change to policy language
Policy 212.4.4	provides for criteria for development of marinas with 3 or more slips, other than marinas in existing harbors located in the MI District	adds language to clarify exemption from marina and dock siting and adds criteria for marinas in MI District	Not Consistent
Policy 212.4.2	addresses docking facilities criteria	change to policy number only and policy language not changed	consistency determination not applicable; no change to policy language
Policy 212.4.6	addresses locational criteria for new mew marinas	proposed amendment not adopted and policy is maintained as is	consistency determination not applicable; no change to policy language
Policy 212.4.3	addresses new marinas must obtain all necessary federal and state permits before a county permit	change to policy number only and policy language not changed	consistency determination not applicable; no change to policy language
Policy 212.5.4	establishes restrictions for all structures built over or adjacent to canals, open water and state-owned submerged land	limits dock siting criteria to structures over or adjacent to canals, open water and state-owned submerged land	Not Consistent
Policy 213.1.2	requires the County to adopt Land Development Regulations for public access to beaches and the shoreline	amendment adopted as proposed and language is added to ensure adequate public access to public facilities	Consistent
Goal 219	provides for the County to preserve and enhance the working waterfront identity and character of the Keys and to promote the responsible and economically viable management of its coastal area	adds language to clarify goal	Consistent

Goal, Objective or Policy Number	Intent of Goal, Objective or Policy	Summary of Amendment	Consistency With SRPP
Objective 219.1	requires the implementation of a strategy to provide regulatory incentives and criteria for economically viable commercial working waterfronts	adds reference to "economically viable" uses	Consistent
Policy 219.1.1	requires the adoption of Land Development Regulations to encourage the maintenance and enhancement of community character and economically viable traditional uses on the waterfront	modifies description of boatyards (subsection #3); limits provision of public access and public spaces to "publicly-owned" marine facilities (subsection #6); and clarifies variances available and adds variance criteria (subsection #7)	Not Consistent
Policy 219.1.2	includes actions to be included in the strategy to protect an enhance recreational and commercial working waterfronts	eliminates "no net loss" of commercial marine services and public access is not reduced over time requirement	Not Consistent
Policy 219.1.3	requires the County not to vacate, diminish or impair publically-owned methods for the public to access the shorelines	amendment adopted as proposed	Consistent
Policy 219.1.4	requires the County to coordinate and collaborate with other governmental entities and agencies on issues affecting recreational and commercial waterfronts	amendment adopted as proposed	Consistent
Objective 219.2 and Policy 219.2.1	requires establishment of a comprehensive program to promote and protect working waterfronts	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.3 and Policy 219.3.1	establishes a Working Waterfronts Program Advisory Committee	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.4 and Policy 213.4.1	requires the development of strategies for public access to navigable waters	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted

Goal, Objective or Policy Number	Intent of Goal, Objective or Policy	Summary of Amendment	Consistency With SRPP
Objective 219.5 and Policy 219.5.1	provides for a "No Net Loss" Policy	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.6 and Policy 219.6.1	ensures adequate boating access to marine and coastal waters	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.2 (was Proposed Objective 219.7)	requires the County to protect and increase the extent of publically owned access to its shorelines and navigable waters	amendment adopted as proposed	Not Consistent
Policy 219.2.1 (was Proposed Policy 219.7.1)	addresses the County doing an inventory of to determine appropriate sites for public anchorages and mooring fields available to the public	corrects reference to municipal anchorages	Consistent
Objective 219.8 and Policy 219.8.1	provides for incentives for public access to working waterfronts	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.9 and Policy 219.9.1	requires the County to preserve and enhance the cultural heritage, identity and physical character of the County	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.10 and Policy 219.10.1	establishes a Waterfront Overlay District	proposed amendment not adopted	consistency determination not applicable; objective and policy not adopted
Objective 219.11 and Policies 219.11.1 and 219.11.2	protects and promotes visual access to shoreline	proposed amendment not adopted	consistency determination not applicable; objective and policies not adopted