



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

October 29, 2010

The Honorable Sylvia Murphy
Mayor, Monroe County
102050 Overseas Highway, Suite 234
Key Largo, Florida 33037

Re: Letter of Understanding for the Monroe County Evaluation and Appraisal Report

Dear Mayor Murphy:

The Department has reviewed your letter outlining the scope of work for the preparation of the County's Evaluation and Appraisal Report (EAR). The Department agrees with the summary of the issues set forth in the attached document. This letter serves as confirmation of our understanding. However, we have the following recommendations concerning the proposed Scope of Work.

- The County's major issues list includes the compatibility with military installations. In addressing compatibility, the Department recommends that the County carefully consider the requirements of Chapter 163, Florida Statutes, as they were amended by the 2010 Florida Legislature and evaluate the need for sound attenuation standards and other techniques to ensure the compatibility of development proximate to military installations.
- The County has included "Continued Public Waterfront Access; Protect and Expand Water Dependent/Water Related Uses" as a major issue. The Department recommends the inclusion of criteria that encourages the preservation of recreational and commercial working waterfronts.
- Economic Sustainability is listed as a major issue. The County will be examining the goals, objectives and policies in the comprehensive plan to evaluate numerous aspects of economic sustainability. As part of the evaluation, the Department encourages an evaluation of the need to establish a commercial land use designation.
- Included in the major issue, "Natural Resource Protection," is an evaluation of the effectiveness of the Tier system. The Department recommends delaying the evaluation of the Tier system until the next evaluation of the comprehensive plan. This would provide additional time to implement and observe changes resulting from the tier designation challenge that will not be fully implemented prior to 2011.

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Sylvia Murphy, Mayor
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- The EAR is an opportunity to compare the content of the comprehensive plan with current statutory requirements to ensure that the plan is up to date. The Department recommends that the County evaluate changes made to Section 380.0552(7)(j), Florida Statutes, which requires that growth be directed to areas served by central wastewater treatment facilities. In so doing, the County should also evaluate the need to establish a minimum score for applications for non-residential development in order to guide development away from environmentally sensitive areas when there is a lack of competition for the non residential building allocation.
- The EAR will also need to address all of the remaining applicable requirements set forth under Section 163.3191(2), Florida Statutes.

We appreciate the effort you and your staff have shown in developing the EAR scoping issues for Monroe County. We look forward to continuing to work with you as you prepare your EAR. If you or your staff have any questions or need additional assistance, please contact Rebecca Jetton, Area of Critical State Concern Program Manager, at (850) 922-1766.

Sincerely,



Charles Gauthier, AICP, Director
Division of Community Planning

Enclosure

CG/rj

cc: Ms. Christine Hurley, AICP, Growth Management Director
Ms. Carolyn A. Dekle Executive Director, South Florida Regional Planning Council



MONROE COUNTY EVALUATION AND APPRAISAL REPORT DRAFT ISSUE COMPILATION REPORT

Pursuant to Florida Statutes, the Monroe County EAR will present an evaluation and assessment of the Comprehensive Plan related to the following topics:

Introduction

1. Purpose of the EAR
2. County Profile
3. Overview of the Report

Chapter 1: Public Involvement Process

1. A summary of the public participation program and activities undertaken by the County in preparing the report [163.3191(2)(j)]

Chapter 2: Community-Wide Assessment

1. Population Analysis: Trends and Projections [163.3191(2)(a)]

- a. Population Growth Trends
- b. Population of Municipalities and Unincorporated Area
- c. Population Growth in Surrounding Counties
- d. Population Projections for Monroe County

2. Land Use Inventory

- a. Land Area in Existing Plan
- b. Current Existing Land Use Area
- c. Reasons for change: [163.3191(2)(a)]
 - i. City of Marathon
 - ii. Village of Islamorada
 - iii. Mainland Monroe County
- d. Impact of Change in Land Area
- e. Amount of Vacant and Developable Land [163.3191(2)(b)]
 - i. Characteristics
 - ii. Adjacent Uses



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- iii. "Off the Market" parcels (those not available for development, e.g., conservation - FDEP, Land Authority)
- iv. Existing Land Use Map
- v. Future Land Use Map
- vi. Existing to Future Land Use Comparative Analysis [163.3191(2)(d)]
- vii. Future Land Use Map Amendments (2004-2010)
- f. Location Analysis

Chapter 3: Assessment of Comprehensive Plan Elements [163.3191(2)(h)]

1. Introduction
2. Future Land Use
3. Conservation and Coastal Management
4. Traffic Circulation
5. Mass Transit
6. Ports, Aviation and Related Facilities
7. Housing
8. Potable Water
9. Solid Waste
10. Sanitary Sewer
11. Drainage
12. Natural Groundwater Aquifer Recharge
13. Recreation and Open Space
14. Intergovernmental Coordination
15. Capital Improvements
16. Cultural Resources

Chapter 4: Major Issues Analysis

1. Statement of Issue

- a. Brief background of each major issue.
 - i. What is it?
 - ii. Can it be quantified?
 - iii. Compare the Past and the Present
 - 1) What was the situation at the time of the Plan development?
 - 2) What is the situation today?
 - 3) If the issue can be quantified, compare the quantities in the adopted plan with the current quantities.



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- b. An analysis of each major issue for its potential social, economic, and environmental impacts of these issues. *[163.3191(2)(e)]*
 - i. Why is it an issue?
 - ii. What events have occurred to cause the issue, (e.g. active hurricane season)?
 - iii. What does this mean?
 - iv. Does the issue represent an opportunity not previously identified?
 - v. Why was it unanticipated?

2. Policy Framework *[163.3191(2)(g)]*

- a. The identification of plan objectives related to each major issue.
- b. Evaluation of the extent to which the objectives have been achieved.
- c. Relevant Variables: A discussion on any unforeseen and unanticipated changes and circumstances which have resulted in problems and opportunities with respect to major issues in each element, including applicable legislative changes.
- d. Identification of goals, objectives and policies which no longer apply.

3. Strategies to Address Issue *[163.3191(2)(i)]*

- a. The identification of any actions or corrective measures, as appropriate:
 - i. Any land use map amendments anticipated to address the identified major issues.
 - ii. An updated Capital Improvements Element.
 - iii. Any new and revised goals objectives and policies for major issues identified within each element.



Chapter 5: Special Topics

1. School Concurrency [163.3191(2)(k)]

- a. An assessment of the success or failure of the coordination of the future land use map and associated residential development with public schools and their capacities.
 - i. Map Location of Schools and Community Facilities (Existing land Use Map)
 - ii. Future Land Use Categories where schools are allowed
 - iii. Land Capacity
 - iv. School Capacities
 - v. School Busing Information
 - vi. Timing: Capacity vs. Enrollment
 - vii. Exemption
- b. An assessment of the joint decision making processes engaged in by the County and the School Board in regard to establishing appropriate population projections and the planning and siting of public school facilities.
 - i. Coordinating Mechanisms between the County and the School Board
 - ii. Co-Location/Shared Use of Facilities
 - iii. Comprehensive Policy Effectiveness Review
 - iv. Population Projection Methodologies

2. Water Supply Planning [163.3191(2)(l)]

- a. An assessment of whether the County has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in 373.0361(2)(a) F.S., within the County's jurisdiction.
- b. Assess the degree to which the County has implemented the water supply work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the Potable Water Element as necessary to serve existing and new development.
- c. The assessments will explore the following:
 - i. How does the Plan (future, infrastructure, and conservation, ICE, and CIE elements) ensure water to support future development, including Miami-Dade County?
 - ii. What actions were taken?
 - iii. What degree has the Water Supply planning objectives been achieved?



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- iv. How should the Plan be updated?
- v. Effectiveness in implementing the capital improvements called for in the 10 year work plan.
- vi. Water Management District Plan
- vii. Water Supply Facilities
- viii. Florida Keys Aqueduct Authority (FKAA) Water Supply Plan
- ix. Capacity/Demand
- x. Existing and Future Population
- xi. Fire Suppression
- xii. Funding
- xiii. Consistency with the Lower East Coast Regional Water Supply Plan

3. Coastal High-Hazard Area (CHHA) [163.3191(2)(m)]

- a. An evaluation of whether any past reduction in land use density within the coastal high-hazard area impairs the property rights of current residents when redevelopment occurs including, but not limited to, redevelopment following a natural disaster
- b. Identify strategies to address redevelopment and the property rights of affected residents balanced against public safety considerations
- c. The evaluation will explore the following:
 - i. Evaluate Redevelopment Feasibility and Property Rights in Coastal High-Hazard Areas.
 - ii. Map Coastal High Hazard Area.
 - iii. Evaluate Impact of Redevelopment (e.g. Reduction of Existing Density).
 - iv. Evaluate Feasibility of Allowing Re-establishment of All Affected Dwelling Units.
 - 1) Hurricane Evacuation Requirements.
 - 2) Private Property Rights.
 - v. Explore Potential Strategies for Redevelopment:
 - 1) Allow nonconformities to continue until redevelopment.
 - 2) Allow re-establishment of nonconforming use/density after a natural disaster.
 - 3) Purchase of excess rights; acquired rights eliminated.
 - 4) Purchase of repetitive loss structures (HMGP).
 - 5) Transfer of Development Rights: Excess property rights would be transferred to parcels outside the CHHA.



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- 6) Change Future Land Use Map to match the nonconformity. (Only allowed if no increase in overall density and within hurricane evacuation clearance times)

4. Compatibility with Military Installations

[163.3175 and 163.3177(6)(a), F.S.]

- a. Evaluate the effectiveness of the County's coordination process for land uses adjacent or closely proximate to NAS-Key West and other military activities within Monroe County.
- b. Evaluate the need for sound attenuation standards and other techniques proximate to military installations.

5. Transportation Concurrency

- a. An assessment of the extent to which a concurrency exception area designated pursuant to 163.3180(5) F.S., or a multimodal transportation district designated pursuant to 163.3180(15) F.S., has achieved the purpose for which it was created and otherwise complies with the provisions of 163.3180 F.S. [163.3191(2)(o)]

NOTE: Not applicable, there are no concurrency exception areas or multimodal transportation districts within the County.

- b. An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing a concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to 163.3180(10) F.S. [163.3191(2)(p)]
 - i. US1 Task Force
 - ii. Existing Methodology
 - iii. Miami-Dade County

Chapter 6: Assessment of Changes to Florida Statutes, Administrative Rules, State and Regional Plans [163.3191(2) (f)]



EAR MAJOR ISSUES

A. PUBLIC PARTICIPATION

Public participation was initiated through a website created for the update of the County's Comprehensive Plan and the EAR process (<http://www.keyscompplan.com>). The site contains a brief overview of the EAR process, information about public workshops and meetings, and links to other EAR related documents. The following meetings and public hearings were held in order to identify the major local issues on which the County will focus its EAR:

- February 12, 2010: A meeting with the County's Division Directors was conducted. The purpose of the meeting was to introduce staff to the Comprehensive Plan update process and to obtain preliminary comments regarding potential EAR major issues.
- February 24, 2010: The Planning Commission meeting was held at the Marathon Government Center. The purpose of the meeting was to provide a briefing regarding the Comprehensive Plan update process and to survey the commissioners regarding the major issues upon which the EAR should focus.
- February 24 – 26, 2010: One-on-one interviews were conducted with the Board of County Commissioners. The purpose of these meetings was to provide a briefing regarding the Comprehensive Plan update process and to survey the commissioners regarding the major issues upon which the EAR should focus.
- March 10, 2010: Monroe County Division Directors and other key personnel were surveyed on the major issues upon which the EAR should focus.
- April 9 – 11, 2010: A series of public workshops were conducted in the lower, middle and upper keys to survey the participants regarding the major issues of importance upon which the EAR should focus.
- April 21, 2010: A public workshop was held on Sugarloaf Key. The purpose of the meeting was to survey the participants regarding the major issues of importance for the EAR.
- May 13, 2010: At the Scoping Meeting, agencies, adjacent cities and municipalities met with County staff for the purpose of ensuring that all important EAR issues are identified; agency/municipality concerns are



addressed; and to assist the County in developing strategies to address issues that are within their jurisdiction or expertise.

- July 14, 2010: A public workshop was conducted for the purpose of confirming the final draft list of major issues.
- September 15, 2010: At this hearing, the BOCC approved the Compilation Report of issues upon which the EAR should focus, with the addition of expanding the evaluation of coordination process for land uses regarding Special Topic 4, "Compatibility with Military Installations" to include "other military activities" and under Major Issue I, "County-wide Visioning and Planning" to add evaluation of maximum net density provisions; and approved the transmittal of a Letter of Understanding and the Compilation Report to the DCA requesting concurrence.

B. LIST OF MAJOR ISSUES

I. County-wide Visioning and Planning

Capitalize upon and protect the uniqueness (sense of place) of the various communities within the planning areas; implement the recommendations within the existing visioning plans.

- a. Do the County's policies recognize and preserve the unique development/redevelopment patterns and community character within each Planning Area?
 1. Building Scale and Massing
 2. Architectural standards
 3. Existing Land Uses (especially water dependent uses)
 4. Habitat and Species Protection
 5. Infrastructure
 - i. Wastewater
 - ii. Stormwater
 - iii. Roads/bridges
 6. Encouraging redevelopment of sites that are currently developed vs. vacant land (NROGO constraints on redevelopment)
 7. Evaluate floor area ratio maximums in each of the Future Land Use categories for compatibility.
 8. Evaluate opportunities for discouraging density increases, including requiring any Future Land Use Map amendment to transfer allocated or maximum net density.
 9. Evaluate the issues relating to maximum net density.



- b. Do the County's policies reflect the recommendations of the existing community visioning plans?
 1. Stock Island Livable CommuniKeys Plan
 2. Key Largo Livable CommuniKeys Plan
 3. Tavernier Livable CommuniKeys Plan
 4. Draft Lower Keys Livable CommuniKeys Plan
 5. Scenic Highway and Overseas Heritage Trail Master Plans
- c. Do the Comprehensive Plan policies need to address outside jurisdictional constraints?
 1. FEMA injunction or processes that need to be amended related to the FWS biological opinion relative to the FEMA injunction.

II. Economic Sustainability

Promote economic sustainability, in a manner consistent with environmental stewardship, with a special focus upon existing businesses.

- a. Designate economic business development locations on the Future Land Use Map.
- b. Do the County's policies enhance and promote the economic strength of the County in a sustainable manner that protects natural resources?
- c. Do the County's land use categories and maps provide sufficient land, at appropriate intensities, within Tier 3 (adjacent to existing services) to adequately provide for non-residential development?
 1. The analysis will be based upon the results of the Economic Analysis.
- d. Do the County's existing policies promote job diversification, creation, retention?
- e. Do the County's policies encourage existing business redevelopment?
- f. How successful is the County in promoting business opportunities to designated areas?
- g. Is the County successful in working with the various Chambers of Commerce in attracting economic development opportunities?
- h. Do the County's policies promote effective coordination with the Tourist Development Council to attract visitors who value and appreciate the natural resources and environmental sustainability of the Florida Keys, e.g., eco-tourism?
- i. How successful is the County in promoting business opportunities to designated areas?
- j. Evaluate the need to establish a commercial land use designation.
- k. Is there a need for a separate Economic Development Element of the Comprehensive Plan?



III. Land Use/Mobility

Promote Attractive, Well-Planned Development Adjacent to Services, and Existing Commercial "Hubs", with an Emphasis on Redevelopment.

- a. Do the County's policies relating to the ROGO system promote well-planned development in appropriate areas?
- b. Do the County's policies relating to the NROGO system promote well-planned development in appropriate areas?
 1. Does the commercial square foot per new unit of housing limit, established in Policy 101.3, provide the appropriate framework for redevelopment or for adequate community needs?
 2. Should the County undertake a market demand analysis to determine the future non-residential needs of the community?
- c. Do the County's policies relating to the Tier system promote well-planned development in appropriate areas?
- d. Do the County's policies effectively address the issues related to Mainland Monroe County?
- e. Do the County's policies adequately address growth management issues within the Mainland Planning Area?
- f. Do the County's policies promote well-planned redevelopment projects?
- g. Do the County's policies adequately reflect the conclusions of the County's Future Land Use Needs Analysis?
- h. Do the County's policies and vesting determination process effectively protect lawfully existing uses, densities and intensities?
- i. Identify appropriate locations for fire stations on the Future Land Use Map.
- j. Evaluate changes made to Section 380.0552(7)(j), Florida Statutes, which requires that growth be directed to areas served by central wastewater treatment facilities.
- k. Evaluate the need to establish a minimum score for applications for non-residential development in order to guide development away from environmentally sensitive areas when there is a lack of competition for the non residential building allocation.

The County Should Meet or Exceed Hurricane Evacuation Requirements as required by 9J-5 F.A.C.

- a. Do the County's policies effectively balance the need for evacuation clearance with growth?



- b. Does the current hurricane evacuation model use adequate assumptions and will the model reflect any successful policy changes implemented since the first 2001 Model?

Support Historic Preservation.

- a. Do the County's policies effectively promote preservation of historic sites and structures?
- b. Should the County include policies that offer incentives or promote cultural attractions?

Assure Continued Public Waterfront Access; Protect and Expand Water Dependent/Water Related Uses.

- a. Do the County's land use policies effectively promote the preservation and expansion of public water front access strategies (hotels, motels, restaurants, marinas, public open/green space)?
- b. Does the Comprehensive Plan include criteria and regulatory incentives that encourage the preservation of recreational and commercial waterfronts, as required under Chapter 163, F.S.; how effective have those criteria and incentives been?
- c. Based upon the evaluation noted above, include criteria, as may be necessary, to encourage the preservation of recreational and commercial working waterfronts.

Increase Availability and Use of Alternative Modes Transportation.

- a. Do the County's policies promote the use and development of alternative modes of transportation, e.g., pedestrian/bicyclist trails; mass transit?
- b. Has the County provided pedestrian and bicycle paths and other alternate forms of transportation?
- c. How successful is the County in coordinating its *Livable CommuniKeys* plans with FDOT's work plans?
- d. How successful is the County in implementing mass transit for its elderly and less fortunate population?
- e. Has the County addressed mass transit opportunities?

IV. Natural Resource Protection

Preserve and protect natural resources, including water, habitat and species.

- a. Do the County's policies protect potable water supply?



- b. How has the County protected Threatened, Endangered and Special Status Species and their habitats?
- c. How has the County protected wetland areas, benthic resources and environmentally sensitive lands?
- d. Evaluate the effectiveness of the following initiatives:
 1. Land Acquisition
 2. Habitat Conservation Plan for Big Pine and No-Name Keys (Incidental Take Permit)
- e. How has the Comprehensive Plan addressed water quality and what protection measures are in place?
- f. Has the County addressed the Nutrient Reduction Criteria?
- g. How has the County conserved water resources; are enforcement efforts effective?
- h. Is the County's solid waste collection and disposal system adequate?
- i. Are the County's policies and practices adequate to protect native species and habitat from invasive animals (feral cats/raccoons/snakes/goats)?

Complete Wastewater and Drainage Upgrades.

- a. How successful is the County in providing sewer and drainage improvements through the Key Largo Wastewater Treatment District and FCAA?
- b. Do the comprehensive plan policies incorporate the most recent State and Federal regulatory requirements relative to waste water and stormwater treatment standards?
- c. How do the County's fiscal constraints impact the implementation of the *Waste Water Master Plan*?
- d. Should funding alternatives for *Stormwater Management Master Plan* implementation be explored?

V. Climate Change/Hazard Mitigation

Monroe County should support and promote "green" initiatives; address climate change; and develop and implement hazard mitigation/adaptation best practices.

- a. Do the County's polices promote energy conservation and provide strategies geared to reduction of green house gas emissions?



- b. Do the policies of the County include appropriate mitigation/adaptation strategies?
 1. Local Mitigation Strategy
 2. Post-NFIP Below Flood Enclosures
 3. Repetitive Loss Structures
 4. Vulnerable Infrastructure
 - i. Water
 - ii. Wastewater
 - iii. Transportation
 - iv. Culverts
 5. Evaluate the Impact of Sea Level Rise:
 - i. Government Buildings
 - ii. Roadways
 - iii. Land Use Strategies
 - iv. Saltwater Intrusion
 - 1) People
 - 2) Environment
 - 3) Land values
 - 4) NEPA Adaptation/Mitigation Requirements
- c. Is there a need for a separate Energy and/or Climate Change Element?

VI. Financial Feasibility

Assure adequate capital funding to complete necessary improvements or purchase lands for conservation or affordable housing purposes.

- a. Does the County have adequate Capital Project Funding Capacity?
 1. Wastewater
 2. Land Acquisition
 - i. Conservation
 - ii. Affordable Housing
 - iii. Stormwater
 - iv. Roads/Transportation Facilities/Bridges
 - v. Parks and Recreation
 - vi. Solid Waste
- b. Has the County investigated creative funding sources to assist in paying for its capacity related public facilities and services, which may include adopting new revenue sources, increasing impact fees, and promoting business throughout the County?



- c. Have developer funded improvements been successful in helping the County meet financial feasibility?
- d. Do the County's policies reflect an adequate land acquisition policy related to habitat preservation and a prioritization of land acquisition based on risk to the County related to takings cases?
- e. Are there other methods the County could use to create additional funding for land acquisition?
- f. Will the County's CIE be able to meet statutory requirements related to the financial feasibility by December, 2011?
- g. Evaluate the adequacy of the County's existing Impact Fee Program.

VII. Affordable Housing

Promote the development of affordable, attainable and senior living housing that is well-planned, attractive and energy efficient.

- a. Do the County's policies effectively promote affordable, workforce and senior-living housing?
- b. Do the County's policies promote energy efficient building design?
- c. How do the County's policies impact the implementation and cost of housing?
- d. Should affordable housing policy incentives be focused more on rental or homeownership?
- e. Has the County identified or planned redevelopment areas that are suitable for affordable/workforce housing?

VIII. Public Involvement/Information

Promote robust public involvement and information sharing regarding land use issues throughout the planning and development process.

- a. Do the County's policies effectively promote public involvement within the planning process?
- b. What strategies are used by the County to inform the public of upcoming planning issues?
- c. Do the County's public outreach strategies reach out to a broad-range of citizens and property owners?



IX. Intergovernmental Coordination

Provide effective and efficient intergovernmental, interdepartmental and interagency coordination.

- a. Do the County's land use policies, community plans, practices, and capital improvement project schedule effectively coordinate with the plans and activities of other municipalities and agencies, e.g. hurricane evacuation staging, and planning, FDOT roadway widening?
- b. Do the County's policies encourage effective and efficient interdepartmental data sharing and review?
- c. Evaluate the issues relating to the FKAA providing adequate water pressure for fire service?
- d. Identify the appropriate portions of the FKCCS Study and Model to be used by the County for development review analysis.
- e. Evaluate the County's coordination activities with the South Florida Regional Planning Council for the use of the Carrying Capacity/Impact Assessment Model and Routine Planning Tool.