

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
OCTOBER 16, 2009**

Chairman Wheeler called the meeting to order at 9:35 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner Wheeler Commissioner Solari Vice Mayor Hill Mayor Abell (Alternate)
St. Lucie County:	Commissioner Coward Commissioner Craft (Alternate)
Martin County:	Commissioner Hayes Commissioner Smith
Palm Beach County:	Commissioner Abrams Commissioner Vana Mayor Golonka Councilman Pinto (Alternate) Councilman Lowe (Alternate) Councilwoman Webster (Alternate)
Gubernatorial Appointees:	Eduardo Balbis Susan Caron Laurence Davenport Michael Davis Richard Oujevolk
Ex-Officios:	Lois Bush, FDOT Ann Benedetti, SJRWMD Mary Murphy, FDEP Jim Carnes, SFWMD Ron Bunch, Enterprise Florida
Council Staff:	Marlene Brunot Kate Boer Michael Busha Kim DeLaney Sandy Gippert Liz Gulick Stephanie Heidt Terry Hess Dana Little Peter Merritt

Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### **PUBLIC COMMENT**

None

### **AGENDA AND CONSENT AGENDA**

Commissioner Smith moved approval of the Revised Agenda with the addition of Item 8A; and the Consent Agenda with the removal of Item 5E, Jupiter Comprehensive Plan Amendments DCA Ref# 09-1. Councilman Pinto seconded the motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 5A, Financial Report – August 31, 2009; 5B, Minutes – September 18, 2009; 5C, Boynton Beach Comprehensive Plan Amendments DCA Ref# 09RWSP1; 5D, Haverhill Comprehensive Plan Amendments DCA Ref# 09-2; and 5F, Intergovernmental Coordination and Review Log.

### **JUPITER COMPREHENSIVE PLAN AMENDMENTS DCA REF#09-1**

Staff gave an overview of the staff report on the proposed amendments and provided Council a letter from Palm Beach County opposing an amendment to add a policy to the Town's Transportation Element with respect to Constrained Roadways at a Lower Level of Service (CRALLS). Staff recommended changes to the report for Council consideration.

David Kemp, with the Town of Jupiter Planning and Zoning, stated the intent of the proposed Transportation Policy was to ensure coordination between the Town and the County regarding the designation of CRALLS for properties located within the Town. He noted the Town's Existing and Future Roadway Conditions Tables in the Town's comprehensive plan that shows roadway segments and intersections along Indiantown Road that are over capacity for daily traffic, yet the County continues to approve projects that will have significant impacts on these already overcapacity roadways. He stated the Town is concerned with the methodologies and standards in the County's traffic performance standards. He stated the Town should have an active role in decisions that effect the residents of the Town. He stated the County's letter will be included in the Town's transmittal to the Department of Community Affairs, and the Town is willing to work with the County to modify the language to achieve the Town's purpose in proposing this amendment.

Commissioner Abrams asked if Mr. Kemp agreed with the recommended changes by Council staff. Mr. Kemp stated he had not reviewed the proposed change before the meeting, but the Town is willing to work with the County to achieve the intent of the policy.

Councilwoman Webster moved to approve the staff report as amended. Commissioner Vana seconded the motion.

**Motion**

Mayor Golonka stated she did not see a problem with staff's recommended changes, as it will promote intergovernmental coordination. She stated the intent was to have language that would

state the CRALLS designation should be initiated by the Town and not a landowner or developer. This would prevent problems should an applicant request a few million square feet of use that the Town does not feel is appropriate.

Commissioner Abrams indicated County staff would like to comment on the item. Khurshid Mohyuddin, with the Palm Beach County Planning Department, stated the County has the sole authority to establish a level of service and this proposed policy by the Town will violate the County's charter authority.

Commissioner Abrams asked if the proposed amendments to the report were accepted by Council would that be a statement that neither position is fully accepted and the County and Town should continue discussions. Staff indicated that would be the case.

Councilmember Davenport asked if the County has sole authority why should there be continued discussion. Council staff asked County staff if it would be required for the Town to amend their comprehensive plan when the County issues a CRALLS designation. Mr. Mohyuddin indicated once the County issues the concurrency certification for the CRALLS designation, then the Town could potentially hold up the development, not recognizing the concurrency certification, pending the adoption of that CRALLS in Town's comprehensive plan. He stated the proposed policy would add an extra layer a large project would have to go through. Mayor Golonka stated that if there is agreement on the CRALLS designation, then there would not be a problem. She noted a recent CRALLS proposal the Town supported that would have allowed more bioscience on a specific property, but the County staff recommended against it.

Chairman Wheeler noted discussions indicate the authority does lie with the County, but both the Town and County are willing to work together. Mr. Mohyuddin indicated the County has always involved the municipalities in all applications for a CRALLS designation. Councilman Pinto expressed his concern that the real issue is the municipalities are not happy with the CRALLS standards, as well as other related issues, and how they are being handled at the County level.

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

## ANNOUNCEMENTS

Staff asked for Council approval to combine the November and December meetings. Commissioner Solari so moved. Councilman Pinto seconded the motion, which carried unanimously.

**Motion**

With respect to membership of the Gubernatorial Appointees, staff stated if a member's term has expired they should contact the Governor's office to indicate continued interest in serving on the Council. Staff stated that if a member's term has expired they should continue to serve until notified otherwise by the Governor's office. Appointees were instructed to contact staff with any questions or concerns.

Staff gave an update of the pending project to reintroduce Amtrak passenger service on the FEC Corridor between Jacksonville and West Palm Beach and the interconnection with existing service that would run from West Palm Beach south to Miami. Staff indicated that although there is a lot of competition for the federal funding, this application appears to be one that is very highly in demand and receiving a lot of attention. Staff encouraged Councilmembers to contact members of the Office of the President, the Federal Railroad Administration, and their congressional delegation to

communicate the need for the project. Commissioner Smith asked if there were any public hearings that would take place. Staff stated there had been no indication of public review, but would check with the Florida Department of Transportation. Commissioner Smith asked if there was a deadline for the announcement of funding. Staff indicated no firm date had been set, but the indirect message was the decision will be made in December or January.

Councilmember Balbis noted a recent trip to Washington stating Senator Nelson's strong support for the project. He concurred with staff regarding the need for Councilmembers to communicate wherever possible the importance of this project.

Staff provided an update on what has developed from the West Palm Beach Transit-Oriented Development Charrette done by Council in 2005. Staff noted Palm Beach County Staff, at the suggestion and initiation of the Florida Department of Transportation, is doing a traffic analysis to determine whether or not the roadway network can accommodate all the traffic demand that will be generated at build out. Staff also indicated the Department of Transportation will be issuing a request for proposal to develop a "mesoscopic" transit analysis. Councilmember Balbis asked why this project warranted such a lengthy new traffic analysis that could delay the project. Staff indicated this analysis is being done to assure the County and State that the roadway network can accommodate all phases identified in Transit-Oriented Development. Ms. Lois Bush, representing the Department of Transportation, noted the development of this traffic analysis is to determine how traffic moves in and out of traffic ways, driveways, and how pedestrian and bicycle travel, and transit travel over a period of time will be handled. She stated the intent of the tool is to ultimately save time. Councilmember Balbis asked for the schedule of the analyses. Staff indicated the initial results are scheduled to be available in November.

#### **MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENTS DCA REF#09-2ER**

Staff made a presentation to Council on the proposed amendments which included text amendments related to the adoption of the Evaluation and Appraisal Report as well as other text amendments and Future Land Use Map amendments.

For the record, Commissioner Smith asked if staff had any concerns with the Evaluation and Appraisal Report amendments or how the County conducted the Evaluation and Appraisal process. Staff indicated there were no concerns.

With respect to the land use amendments in the Cove Road Corridor, Commissioner Smith expressed his agreement with the staff recommendations. He noted this is a special corridor with tremendous potential. He stated with the current economy it is unlikely any new studies will be undertaken for the area, but he noted there is a framework of a study that can assist in guiding the development of this area.

Councilwoman Webster asked if the land use west of Kanner Highway, and not subject to the amendments, will remain Agricultural. Commissioner Smith indicated the area generally contains five to ten acre lots that were previously designated Rural Heritage. Councilwoman Webster stated that the County had a right to have the uniqueness of these types of transitional property sizes, not needing to conform to other Counties in the region, and this type of designation was appropriate for this land.

Commissioner Hayes stated he also envisioned the area west of Kanner Highway as a transition space between the more urbanized and the more rural on the other side of I-95. He agreed with the staff comments that there needs to be more comprehensive planning in the Cove Road Corridor. He stated that if more density is going to be allowed in the area, then he would like to see more low income or affordable housing being required. Additionally, he said he would like to see more protection for the agricultural and aquatic facilities.

Mayor Golonka stated there needs to be better connectivity for the area surrounding the Cove Road Corridor. She asked staff if all the public comment received regarding the Evaluation and Appraisal Report amendments had been reviewed and there were no concerns with how the amendments related to the Strategic Regional Policy Plan. Staff indicated that many of the public comments expressed that the County had gone too far with the Evaluation and Appraisal Report by doing more than was specifically called for in the EAR. Staff indicated that this was not the case, and that although they did make modification to make the language clearer, remove duplicity, and reorganize some of the policies, the County amendments were straight forward. Staff also noted that much of the public comment appeared to confuse the amendments with those of the previously approved Land Protection amendments which allowed clustering in the agricultural areas in the western part of the County.

With respect to the density issues regarding the Cove Road Corridor amendments, Councilmember Davis noted a study his firm did for Miami-Dade County regarding the impacts of sprawl. He stated the study involved very detailed water quality modeling, traffic modeling, economic modeling, and natural resources assessments. The study found that with sprawl, and less density, there is a 300 to 400 percent increase in water pollutants, substantially higher traffic impacts and increased infrastructure costs for the local government.

Commissioner Smith moved approval of the staff report. Councilwoman Webster seconded the motion, which carried unanimously. **Motion**

Staff asked Councilmember Davis to make a presentation at a future meeting with respect to the Miami-Dade County study. Councilmember Davis agreed.

**RESOLUTION REGARDING A DEDICATED FUNDING SOURCE FOR THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**

Staff noted this item is for Council's continued support for a dedicated funding source to be established for the South Florida Regional Transportation Authority. Specifically, this will assist in getting this issue addressed at the pending special session of the Florida Legislature.

Commissioner Vana motioned to approve staff recommendation. Mayor Abell seconded the motion, which carried unanimously. **Motion**

**SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR PROFESSIONAL SERVICES RELATING TO TRANSIT-ORIENTED DEVELOPMENT AND GROWTH MANAGEMENT FIELD GUIDE, MODEL CODES, AND TRAINING**

Staff noted this item is at the request of the Florida Department of Community Affairs and Florida Department of Transportation to obtain Council's assistance in developing Transit-Oriented Development documents and programs on a statewide basis. This effort will build on previous work

in which Council assisted the Department of Transportation and developed some concepts related to transit oriented development and how that would exist for different types of land uses. The project will develop a resource manual for local governments with model codes and drawings as to how stations would look and function, and develop a statewide training program for local governments.

Councilmember Balbis asked if this project would delay any current or planned Transit-Oriented Developments. Staff indicated this would facilitate them by moving discussions forward.

Commissioner Smith moved approval of staff recommendation. Mayor Golonka seconded the motion, which carried unanimously.

**Motion**

Chairman Wheeler reordered the agenda to move Item 11, the Update on Water Supply Facility Planning, forward in the Agenda.

### **UPDATE ON WATER SUPPLY FACILITY PLANNING**

As requested previously by Council, staff gave an update on the Water Supply Facility Planning in the Region.

#### **TRANSPORTATION MOBILITY FEES IN FLORIDA – PRESENTATION BY CHARLIE GAUTHIER, DIRECTOR, DIVISION OF COMMUNITY PLANNING, FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS**

Mr. Gauthier gave an update to Council on the mobility studies being conducted by the Florida Departments of Community Affairs and Transportation. In 2008, the Department of Community Affairs hired the Center for Urban Transportation Research at the University of South Florida to assist in a two-phased study: first evaluating use of mobility fees around the country and then developing a working concept and field testing it in Alachua County. Mr. Gauthier noted that the legislature made findings that transportation concurrency has not been effective, predictable, equitable, and is too complex and lacks uniformity. The Legislature stated the mobility fee should be designed to accomplish four major purposes; provide for mobility needs; ensure that development provides mitigation in approximate proportionality to its impacts; fairly distribute fee among governmental entities responsible of the transportation facilities; and promote compact, mixed use development. The Legislature gave the Department a deadline of December 1, 2009 to complete its study. He noted all the study materials can be found on the Department of Community Affairs website.

Commissioner Smith asked how the mobility fees will relate to transit and transit dollars. Mr. Gauthier stated two basic concepts are the modified impact fee concept and the transportation utility district concept. The impact fee concept relates more to new development and how it relates to capital improvements. With respect to the operational needs, the best thought right now is the transportation utility district approach, but this could be a problem as it is an assessment on property, which is extremely sensitive. He stated the mobility fee will not solve everything, it is only one piece of the pie. He stated a modified impact fee for capital improvements may be an option for local governments and the utility district for the operational costs.

Commissioner Coward thanked Mr. Gauthier and the Department for the leadership on Senate Bill 360. He expressed his support of impact fees and having development pay its fair share, but noted his frustration with the lack of sophistication of that process, not taking into consideration the geographical context, which this analysis shifting from trips to vehicles miles traveled achieves. He

noted that impact fees only deal with the up front cost and do not address the operational cost. He asked Mr. Gauthier to elaborate on abilities local governments currently have to do modified impact fees. Mr. Gauthier indicated that under existing law local governments do have the ability to prepare and adopt impact fees based on vehicle miles traveled.

Commissioner Smith asked if a local government adopted this type of fee, but the region did not recognize the overall strategy, would this work. Mr. Gauthier stated it is essential to have the modified impact fee approach on at least a county-wide basis. He stated local governments will need to coordinate transportation planning through interlocal agreements.

Staff asked if the Legislature will make it mandatory for local governments to have mobility fees. Mr. Gauthier indicated this was not known. Chairman Wheeler asked if this will be mandatory statewide, or will the decisions for what type of approach to impact fees will be left to the local governments. Mr. Gauthier indicated this has not been decided as of yet. Chairman Wheeler asked how the impact fees will be distributed. Mr. Gauthier indicated the idea is that local governments within the county with their coordinated land use and transportation planning would put into place this mobility fee. The mobility fee would be charged against the overall mobility improvements within that county as a whole. The fee would be collected by individual local governments at the time of development, but then would, in concept, go into the pot and pay for overall countywide mobility planning. So it might very well be that a community is doing a development in one city, but the actual dollars end up in the next city, that is actually being impacted by the development. The money would go into a pot that would be fairly distributed among the entities responsible for maintaining the roadways. He noted in the past impact fees go to improving the local roadways only, and nothing is provided for the state roadways.

Chairman Wheeler expressed his concern on who would be making the decision for the distribution of the funds. He stated that if the state were collecting the funds and then redistributing them, it is not always done equitably and this would take away home rule.

Commissioner Coward agreed that typically when a development occurs, the contribution towards the state road system does not occur unless it is a larger development like a development of regional impact. He asked if there were any local governments that take into consideration the state road systems so that as they approve development at the local level on a smaller scale, there is some contribution going towards the state road system as well. Mr. Gauthier indicated he could not give a comprehensive answer to this. Commissioner Coward asked if legally it could be done. Mr. Gauthier stated impact fees are based on impacts on roads, whether they are state roads or local roads, but when the fees are spent, it is usually on the local roadway system. Commissioner Coward stated that if the issues were to be comprehensively addressed, then local governments should not just be thinking about local roads, but about the impacts on the state road system as well, which effects the local community.

## **ORIENTATION SERIES THE DISTRICT AND CORRIDOR: CENTERS AND EDGES**

Staff gave a presentation entitled *The District and Corridor: Centers and Edges*.

Mayor Golonka expressed her dislike of how the sound barriers on Military Trail that were illustrated in the presentation effect the fabric of the community. Commissioner Abrams stated these were not really for sound, but because the residents of the neighborhoods want to be enclosed. Staff noted decisions to have these types of barriers take away potential revenues that could be

generated for the local government if the corridor was properly developed and made into a vibrant place. Staff also noted that by having these types of barriers vehicle miles traveled increases because of the one-way street system that forces residents to drive long distances just to get in and out of their community.

Chairman Wheeler noted that this has always been a problem for the Commission in Indian River County. Although the Commission has repeatedly said there needs to be interconnectivity between the neighborhoods, when a new development is proposed the residents of the existing neighborhoods complain they do not want to have the new traffic through their existing neighborhoods. Thus the new neighborhood is separated and there is no connectivity. Commissioner Solari stated this could be addressed through the mobility fees.

**COUNCIL MEMBER INFORMATION EXCHANGE**

Commissioner Smith noted the recent selection of local artist Cristina de la Vega as the Latino Artist of the Year. Ms. de la Vega's work will be displayed in the Capital and at the Governor's mansion.

**STAFF COMMENT**

None

**CHAIRMAN'S COMMENT**

None

**ADJOURNMENT**

There being no further business, Chairman Wheeler adjourned the meeting at 11:45 am. 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 16, 2009 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature