



## NEFRC Planning and Growth Management Policy Committee

Thursday, July 12, 2007

### MINUTES

The NEFRC Planning and Growth Management Policy Committee meeting was held on Thursday, July 12, 2007 at 9:00 a.m., at Northeast Florida Regional Council, Jacksonville, Florida. Chairman Rutledge called the meeting to order with the following members:

#### PRESENT

Commissioner Boyle  
Vice Mayor Crichlow  
Ms. Dungey  
Commissioner Fletcher  
Ms. Franklin  
Commissioner Harris  
Vice-Mayor Lawson Brown  
Mayor Leeper  
Commissioner Manuel  
Mr. Spaeth  
Ms. Vallencourt  
Ms. Burnette (ex-officio)  
Mr. Parks (ex-officio)  
President Laibl  
Comm. Rutledge-Chair

#### ABSENT

Commissioner Holland  
Mr. Maxwell  
Mr. Strong

#### EXCUSED

Ms. Barber  
Councilman Bue  
Councilman Clark  
Mayor King  
Mr. Register  
Commissioner Stevenson

Others: Larry Tilton, Valerie Britt, Hermon Somers, Carl Dennard, Tony Robbins, Frank Matthews, Larry Sullivan, Wes Larson, Jim Thompson, Ellen Whitmer, Sarah Owen, Bonnie Barnes, Al Abbattello, Andrea Miller, Ken Bryan, Chris Ranung, Marilyn Wiles, David Wiles, Peter Kessler, and others.

Staff Present: Brian Teeple, Ed Lehman, Kathy Dennis, Charles McCool, Michael Hill, Sheron Forde, and others.

#### \*Approval of Minutes

**Chairman Rutledge called for a motion to approve the June 7, 2007, meeting minutes; Commissioner Boyle made the motion, it was seconded by Commissioner Harris; motion carried.**

#### Old Business

There was no old business to discuss.

#### New Business

#### Comprehensive Plan Amendment Review

Mr. Lehman stated there were six (6) comprehensive plan amendments reviewed during the month of June. Two (2) adopted amendments are brought before the Committee and Board for review.

City of St. Augustine Beach Adopted Amendment (07-1) – Mr. Lehman provided a summary of the adopted amendment, which consists of text changes to the CIE to address financial feasibility and proportionate share requirements. The transmitted form of this amendment was reviewed at the April 2007 meeting and the Committee and Council approved staff's recommendation of no comments or concerns, DCA did not review this amendment and no changes to the amendment are included in this packet.

**Chairman Rutledge called for a motion to approve the City of St. Augustine Beach Adopted Amendment 07-1, Commissioner Fletcher made the motion, it was seconded by Vice Mayor Lawson-Brown; motion carried.**

Mr. Lehman stated that due to the interrelationship of the Putnam County Adopted Amendment 07-D1 and the Mariposa Development Order, staff recommends that the Committee hear both items prior to entertaining a motion. Hearing no objections, Mr. Lehman proceeded as follows:

Putnam County Adopted Amendment (07-D1) and Mariposa DRI Development Order Review – Mr. Lehman stated that the Putnam County Adopted Amendment pertains to the Mariposa DRI and that the Committee and Board approved the DRI recommendation report and the Council's comments on the transmitted comprehensive plan amendment at the March meeting. Mr. Lehman stated that staff's concerns with the comp plan amendment are with the capital improvements element in that the proposed project access road is not sufficient as a regional roadway to mitigate the impacts for Mariposa. Mr. Lehman went on to provide a summary of the Mariposa Development Order (D.O.), which was approved by Putnam County on June 12, 2007. Staff's review of the D.O. has found it to be generally consistent with the recommendation report as it pertains to the following conditions: Vegetation and Wildlife, Wetlands, Water Supply, Floodplains, Wastewater Management, Stormwater Management and Solid Waste. Mr. Lehman stated that staff finds the Transportation condition not consistent with the recommendation report approved by the Committee and Board at the March, 2007 meeting. He provided a comparison of the adopted D.O. as presented by the County and the recommendation report.

President Laibl commented on DCA's Transportation Rule 9J-2.045 and inquired if staff crafted their requirements parallel with the rule. Mr. Lehman stated that he believes the recommendation crafted by staff is consistent with the Transportation Rule. President Laibl stated that he believes it does not address small rural counties on the same playing field as the larger counties and asked to read this into the record. He stated that while the item addressed above is not absolutely consistent with all the provisions of DCA Transportation Rule 9J-2.045, it is still consistent with the intent of the rule as whole. Rule 9J-2.045 states, "However, nothing in this rule shall require the Department to undertake an appeal of the development order simply because it fails to comply with the provisions of this rule." The rule further states, "The Department will take into consideration the balancing of this rule's provisions with the protection of property rights, the encouragement of economic development, the promotion of other state planning goals by the development, the utilization of alternative innovative solutions in a development order to provide equal or better protection than the rule, and the degree of harm created by the non-compliance with this rule's mitigation criteria and standards." President Liabl stated that denying this development proposal does more harm to Putnam County than good.

Commissioner Manuel stated that St. Johns County continues to have serious concerns about the Mariposa project and would like to defer his presentation to the full Board.

Mr. Frank Matthews, Attorney with Hopping, Green and Sams, Tallahassee, Florida, representing the applicant, addressed the Committee. He stated their opposition to staff's recommendation and disagreement with staff's findings relative to regional benefits associated with the D.O. He further suggested that the Committee defer to the analysis that was developed by their experts initially and in consultation with the County and FDOT. He stated that the D.O. addresses the immediate and construction related consequences of Mariposa and sets the stage for future analysis that may be warranted.

Mr. Tony Robbins summarized their position relative to the transportation improvement. Mr. Robbins mentioned that based on consultations with NEFRC staff and FDOT, the improvement meets the definition of regional significant road improvement and the proportionate share mitigation numbers are agreed upon. He mentioned that the north/south road extension southward essentially had no bearing on the impact of Mariposa; it had a greater regional benefit, but it was not as a result of the Mariposa project. It is his belief that the mitigation plan that is within the project and proposed and adopted by Putnam County sufficiently mitigates the impacts of the Mariposa DRI.

Chairman Rutledge stated that due to timing and the number of speakers wishing to speak on this topic, he recommends that this item be deferred to the full Council so as to not have to revisit it again at the full board and asked for comments and suggestions from the Committee. A brief discussion followed.

**Chairman Rutledge called for a motion to defer the discussion of Putnam County Adopted Amendment (07-D1) and Mariposa DRI Development Order Review to the full Board, Ms. Vallencourt made the motion, it was seconded by President Laibl; motion carried.**

A brief discussion followed regarding a vote on the D.O. elements, excluding transportation.

**Vice Mayor Crichlow made a motion for a vote on everything excluding the transportation conditions, it was seconded by Commissioner Fletcher; motioned carried with Commissioner Manuel dissenting.**

**Chairman Rutledge called for a motion to move the items with the exception of transportation; Mr. Spaeth made the motion, it was seconded by Commissioner Harris; motioned carried with Commissioner Manuel dissenting.**

#### Development of Regional Impact (DRI)

Mr. Lehman stated that this item is for information only, no action required.

City of Jacksonville Adopted Amendment (07-1) – Mr. Lehman stated that this is for information only. DCA Notice of Intent to find this amendment not in compliance. No action required.

#### Intergovernmental Coordination and Review Report (IC&R) Report

Mr. Lehman stated that this item is for information only, no action required.

#### Public Comment

There were no public comments at this time.

#### Next Meeting Date

The next meeting will be held Thursday, August 2, 2007, at 9:00 a.m. at Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

#### Adjournment

The meeting adjourned at 9:30 a.m.