

Summary of Discussion
Broward County Charter Review Commission
Land Use Subcommittee Meeting No. 1
Friday, March 23, 2007- 8:00 AM - 10:00 AM
115 S. Andrews Avenue, Room 430
Fort Lauderdale, FL 33301

Members Present:

Commissioner Hayward J. Benson, Jr., Vice Chair
Ms. Patricia Good
Mark Ketcham
Joseph Maus, Esq.
Dr. Irv Rosenbaum
Richard Weiss, Esq., Chair

Members Absent:

Robert Penezic, Esq.

Others Attending:

Elliot Auerhahn, Director, Permitting, Broward County Urban Planning & Redevelopment Department
Barbara Blake Boy, Assistant Director, Broward County Planning Council
Bud Bentley, Assistant to the Broward County Administrator
Cynthia Chambers, Director, Broward County Urban Planning & Redevelopment Department
Chedley Etienne, Administrative Assistant, CRC
Ellen Feld, Esq
Yolanda Grooms, Administrative Specialist, CRC
Maria Gross, Assistant Director, CRC
Phyllis A. King, Transcriber, PKING Consulting
Pamela Landi, Senior Legislative Coordinator, Broward County Office of Public & Government Relations
Peter Ross, Deputy Director, Broward County Urban Planning & Redevelopment Department

Others Absent:

Patricia G. West, Executive Director CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this Committee Meeting.)

A meeting of the Broward County Charter Review Land Use Subcommittee ("Committee," "Subcommittee," or "LUSC," was held at 8:00 a.m. on Friday, March 23, 2007 at the Broward County Governmental Center, Room 430, Fort Lauderdale, FL.

I Call to Order/Roll Call

Chair Richard Weiss called the meeting to order at 8:03 a.m. The Chair then requested the roll call by Phyllis A. King, PKING Consulting, Inc.

II Confirmation of Meeting Dates, Time, and Location

The Chair informed the Committee that Commissioner Rogers is expected but might not attend. He then opened the floor for discussion of the designated times and days of the Land Use Subcommittee meetings. A general discussion ensued and all agreed to keep the meetings at 8:00 am. The Chair also offered the use of his office.

General Discussion – Committee Action Plan

The Chair stated that he sees the Committee's work in three parts the first being Education of the Committee. He explained his reasons why he believes this is important. The Chair inquired as to the dais' level of expertise with regard to Land Use issues. He advised that he is aware of Ms. Good and Dr. Rosenbaum's backgrounds but then inquired of Mr. Maus' and Mr. Ketcham's backgrounds. Mr. Maus explained that he was on the Planning Council for a period of 3 years. Mr. Ketcham stated that he has no background.

The Chair informed everyone that he contacted the Mayor, The County Administrator, the President of the League of Cities, and the Chairman of the Planning Council to request a presentation. Cynthia Chambers of the Broward County Urban Planning & Redevelopment Department responded first and was invited to speak..

The Chair informed the dais that he wants today's meeting to be an open discussion with members asking questions during the presentations. The Chair then stated that the dais should feel free to make suggestions for speakers

Mr. Benson inquired if it is appropriate to have a presentation by the South Florida Regional Planning Council (SFRPC). The Chair and others responded that this is a good idea and recognized Ms. Barbara Blake Boy from the Broward County Planning Council who stated that she believes that the Broward County Planning Council is planning to make a presentation.

III Prioritization of Tasks (See attached list of Issues Assigned to CRC-LUSC)

The Chair stated that he is absolutely sure that it is impossible to address all the issues listed below:

1. Planning Council
2. Permitting/development review process / impact fees
3. Building and Construction
4. County authority-Shifting land use authority to municipalities
5. Platting process/administrative approval (MESC)
6. Land
7. Water
8. County authority over special districts (coordination) / Dependent and independent districts

Mr. Benson inquired as to whether Land and Water could be covered.

The members began to prioritize the above issues with indicating that the 1st issue- **Planning Council** and 4th – **County authority-Shifting land use authority to municipalities** should be linked together because they are really the same topic. Ms. Chambers confirmed and stated that Peter Ross, Deputy Director, Broward County Urban Planning and Redevelopment Department, will provide an overview for the Committee. In addition, that Henry Sniezek could speak with the Committee about the Planning Council's processes. She advised that the history and the politics are entwined on the issue between the City/County relationships.

.The Chair repeated his desire for openness during the meetings.

A discussion ensued regarding the Land and Water issues, i.e. what specifically the Committee had in mind. The Chair asked CRC staff to pull the minutes on these two issues from the

facilitated session. The Chair informed the members that this issue was dealt with during the last CRC term.

Dr. Rosenbaum stressed the importance of looking into the water issue and informed the Commission that the Management and Efficiency Study Committee's (MESC) Recommendations about improving the processes are something that he believes should be discussed. Dr. Rosenbaum added that he believes the larger issues are issues that we have elected officials to address and he does not feel they really belong on the list unless there is some specific item needing to be addressed with regard to controlling them.

The Chair responded that he was thinking that the Committee should go back and look at some of those issues to see if there was a specific item discussed. The discussion continued with Ms. Good, Dr. Rosenbaum, Ms. Chambers discuss ,**Building and Construction** in the context of the Board of Rules and Appeals and **Permitting / development review process / impact fees** in terms of concurrency then that is a Land Use issue. She suggested that she would group numbers 2, 4, and 5 together, which are:

2. Permitting/development review process / impact fees
4. County authority-Shifting land use authority to municipalities
5. Platting process/administrative approval (MESC)

Ms. Chambers explained that #2 is handled by the Development Management Division of Broward County, the Platting process and a lot of the administrative issues that were in MESC are also within the County's Planning Department and she stated that her Department can also speak with the LUSC and address and talk about the shifting Land Use Authority issues.

The Chair advised that he was putting #4 and #1 together because this is where the County authority is:

1. Planning Council
4. County authority-Shifting land use authority to municipalities

Ms. Chambers agreed. She then stated that she would group #2 & #5 and #1 & #4 together:

2. Permitting/development review process / impact fees; 5. Platting process/administrative approval (MESC) and 1. Planning Council and 4. County authority-Shifting land use authority to municipalities

She stated that she does believe that #3 is a Board of Rules and Appeals Issue, therefore she would not group it with the others.

The Chair requested that CRC staff go back and pull the minutes of the January 10th Meeting of the Committee for the Subcommittees.

He then suggested the following **Topic groups** unless objected to: 1. Planning Council; 4. County authority-Shifting land use authority to municipalities and 2. Permitting/development review process / impact fees and 5. Platting process/administrative approval (MESC)

He then requested the notes / minutes from the remaining items be included in the next Agenda for review.

3. Building and Construction

6. Land

7. Water

8. County authority over special districts (coordination) / Dependent and independent districts

Mr. Ketcham requested that the Chair neutrally tell him what the controversy might be with regard to the issues. The Chair proceeded to explain about the Broward County Planning Council 's authority over Local Comprehensive Land Use Plans. The Chair explained item nos. 1 and 4 and #2.

Mr. Benson replied that the only issue he was familiar with is municipalities being concerned about the ability to control their land. The Chair pointed out that this is the first issue. Mr. Benson stated that others are procedural issues and if you can reduce the time to get things done.

The Chair stated that he suggests that the LUSC deal with the following:

No. 1

1. Planning Council
4. County authority-Shifting land use authority to municipalities

No. 2

2. Permitting/development review process / impact fees

And the rest can be adjusted later when minutes are reviewed.

Mr. Benson asked if the 8 areas could be separated into three groups. Group 1 = Getting a handle on; Group 2 = Equally Concerned but not As Concerned as Group 1 and Group 3 would be of lesser concern; he asked which of the 8 would be in Group 1.

Ms. Good replied Group 1 would be 1 & 4; Group 2 would be 2 & 5.

The Chair informed Mr. Benson that he does not feel that he knows enough about what prompted the permitting development review process item to be placed on the list to know whether it is a Group 1 or Group 2 issue. He stated that he does not really know enough about it,--why it was place on the list.

Mr. Benson asked for the identification of Group 3.

Ms. Good stated that she believes that once the Committee knows a little more about what was discussed at the Committee for the Subcommittees session held in January; although Water and others are important; she agrees with Dr. Rosenbaum, the Committee may not really have a lot of authority. She stated that people might have just said it because they thought it was important but the Committee may not have the ability to deal with it. She added that it might be helpful to prioritize them at the next meeting when the Committee has a little more information.

The Chair suggested that Mr. Benson's 3 Groups be added as a topic on the next Agenda.

The Chair and Mr. Benson discussed the efficacy of proceeding further without adequate information.

He then requested staff add to the next Agenda, Mr. Benson's three Issue Groupings, and Minutes.

IV Presentation – Broward County Urban Planning & Redevelopment Department

Ms. Chambers introduced **Mr. Elliot Auerhahn** who has been with the County 25 years who has been an expert on land use, platting, and permitting. The Chair then turned the floor over to **Mr. Peter Ross, Deputy Director of Broward County Department of Urban Planning & Redevelopment**. The Chair requested they begin discussing the Planning Council and municipalities and if there is time, other issues can be addressed.

Mr. Ross provided a brief background on himself and passed out two documents which he advised are still in draft form: **Draft Pending Residential Building Permits/Broward County, by Permitted Number of Units; and Draft Residential certificates of Occupancy, Broward County – July, 1984 through December, 2006**

Mr. Ross explained the historical perspective on Development Permits in the County

The Chair politely asked Mr. Ross if he would be willing to start over and explain to the LUSC as though they don't know anything. Mr. Ross gave a detailed explanation of the Planning Council and its

The Chair asked Mr. Ross to explain the difference between Land Use and Zoning. Mr. Ross advised that Land Use is more general and gave examples..

Mr. Ketcham asked if municipalities do the Zoning and the County the Land Use. Mr. Ross responded that this is not exactly right and he will get to that.

Mr. Ross continued his explanation of the Planning, Land Use Plan, and interrelationship with the County Commission.

Ms. Chambers added that from a historical perspective her understanding was that one of the reasons that the whole Land Use Planning Process was set up with the Planning Council was that at the time when the Charter was created it was intended to give the County a lot of Countywide authority. She advised that many of the Cities were concerned about that. She continued giving details on the interrelationship between the cities and the County Commission.

The conversation continued with Dr. Rosenbaum, Mr. Benson, and Ms. Chambers discussing Metropolitan Government and Creeping Metroism.

The Chair added that the compromise was to have the Planning Council, which recommends to the County Commission. Ms. Chambers replied that this was correct and the whole idea that the Planning Council be created and has significant membership from the Cities both elected and lay members was an opportunity for the County Commission to say, “we are not taking your authority away you will still be a significant player in the Land Use Planning process.”

Mr. Ross stated that another very significant aspect of the plan, which has a lot to do with current and recent debates about the authority between the County and the Cities, was the idea of flexibility. He explained this in context of the Land Use Plan

Ms. Good asked if all Land Use Amendments from municipalities go to the Planning Council or if there is a threshold. Mr. Ross explained that this notion of flexibility which is that there are ranges of land use changes that the Cities can make that the County Commission does not review. He explained that the only review that takes place there is that the Planning Council certifies that those changes are in fact consistent with the various rules that exist within the County-wide Land Use Plan which are called the *Flexibility Rules*. Mr. Ross advised that Flexibility Rules stated that the Land Use changes are consistent therefore no County Commission approval is required. Mr. Ross gave an example and a discussion ensued with Mr. Ross and the Chair interacting. Mr. Ross gave more information on what goes to the city and what changes do not have to go to the County Commission. The Chair asked Ms. Chambers or Henry Sniezek from the Planning Council to provide some information to the Commission. Ms. Chambers provided some information but suggested that the Chair not feel that there is a problem.

The Chair stated that he would like to see at least the General Rules. He advised that he would like to see something that would give the LUSC some sort of guidelines.

Mr. Benson asked if it was possible to have a matrix provided by the DUPR and in dealing with the matrix provide the thresholds by which certain things have to meet before they must be applied for through the Planning Council or the County Commission.

Ms. Good requested something, which would provide a general understanding of the 150 Flexibility Zones, which were discussed; she added that this is a huge number and a general understanding of what a Flexibility Zone is and where they are located would be helpful.

Ms. Chambers stated that they would work with Henry to put something together for the Committee.

The Chair added that it doesn't have to be every single detail just the general rules.

Ms. Chambers offered to explain the layers and she began by stating that the Committee should think about the County as a jigsaw puzzle with Broward County Board of County Commissioners responsible for the Broward County Land Use Plan which is part of a State mandated Comprehensive Plan. She informed the Commission about the cities' land use plans and the requirements of these plans in relation to the County Land Use Plan.

Ms. Good and Ms. Chambers entered into a dialogue regarding the application process and whether the Planning Council was an Advisory Board to the Commission.

The Chair, Mr. Ross, Ms. Good and Mr. Ketcham entered into a discussion about the Traffic Ways Plan which is the layout of the chief road network for the County that basically identifies all of the corridors and what the right-of-way widths would be and the Planning Council and County Commission's involvement with it.

Mr. Good again stated that she is trying to understand why this is an issue that was brought forward. She then asked why the Planning Council would tell a City that their plan is not certifiable. Mr. Ross stated that this would happen if a Land Use that was proposed in their plan was not consistent with the County's Land Use Plan.

Ms. Chambers gave an example regarding an area with residential 10 units per acre

Mr. Benson asked if there is an appeals process. Mr. Ross asked Ms. Blake Boy to respond. Ms. Blake Boy advised that there is an appeals process that goes right to the County Commission. Ms. Blake Boy advised that the Planning Council works very closely with the Cities to make sure that this does not happen and offered that the Planning Council works with the city to ensure that the plan is in compliance. The discussion continued regarding why there are conflicts if it works so well.

Ms. Chambers explained that they will get there but she wanted to get through her layering because it will help to Committee in the future. Ms. Chambers continued with her explanation that there is the County-wide Land Use Plan that generally sets up all of the Land Use parameters and she provided details about each city's Land Use Plan that can be up to but not exceeding what the County Plan is. She also discussed the Zoning Map which is the regulations that help implement the Land Use Plan which regulates how deep your front and side yards should be, what landscaping requirements look like etc. She stated that the County *does not* have County-wide zoning only Cities have zoning and they deal with the zoning to implement their local Plan. Ms. Chambers also explained that underneath the zoning there is the Land Development Regulations (LDRs) which is what Mr. Auerhahn has dealt with over the last 20 years.

The Chair clarified that the County does have zoning in the unincorporated areas. He then asked if the discussion is limited; he stated that Ms. Chambers advised that there are many different **Elements** in the Comprehensive Plan including transportation, open space, schools etc. The Chair asked if the issue/friction that people have alluded to between Cities and the County is limited to the Land Use element; or is the friction occurring in other elements.

Ms. Chambers replied that the only way she believes it would deal with the other elements would be in terms of certain regulations, fees, and now schools is an issue but that is not where the food fight is between the Cities and the County. She stated that there are other issues that relate to the Comprehensive Planning Process that create conflicts. She advised that these issues would have to be gone through at a future date.

Ms. Good asked what the Regional Planning Council's involvement is in Land Use changes in the County. Mr. Ross responded that the Regional Planning Council has a Regional Plan which is a much broader based Plan than the County Plan. He stated that it is more of a Policy Plan consisting of big picture policies for Transportation, Land Use, what the broad future of the County should look like. He explained that they have a role in the State review process which reflects another layer in addition to the municipal and County there are also State Planning requirements that must be met. He advised that the Regional Planning Council reviews all of the Plan Amendments as well. Ms. Good fielded some questions to Mr. Ross and he responded with these answers. Mr. Ross stated that the Regional Planning Council reviews all Plan Amendments to all elements not just Land Use and if it is a Land Use Plan the order is

Municipality, Planning Council, County Commission then to the State Review Process in which the Regional Planning Council is one of the review agencies.

Ms. Chambers added that the Broward County Urban Planning & Redevelopment Department ships it to the State and they in turn distribute it to their various reviewers. Mr. Ross advised that this has changed and they are now distributed directly to the various State Review Agencies.

Mr. Benson asked what triggers a DRI. Ms. Chambers and Mr. Ross advised that there are a whole lot of rules, which causes this. The Chair informed Mr. Benson that in the Statutes there has to be certain types of venues, like major sports venues, certain number of rooms, parking spaces, square footage etc. Mr. Ross added retail square footage, densities.

The Chair noted that the Broward County Process is unique. He asked Mr. Ross how we arrived at this unique process. The Chair explained that he does not want to over generalize, but in most other Counties in the State this situation does not exist. Mr. Ketcham asked then if it would go from municipality to State. The Chair replied yes. Mr. Ross replied in other places yes.

The Chair replied to be fair that there are bunches of hybrids in between and he is trying to get speakers to speak to the LUSC about it; however, the general way that it is set up, the County is not involved.

Ms. Good stated that maybe it would be helpful to understand even neighboring Counties (Dade or West Palm). She stated that in Dade County, municipalities go straight to the State and Regional but not the County.

The Chair explained that he is trying to get a good speaker from DCA. And he asked Mr. Ross if he knew why in general the County is not involved in the process. Mr. Ross advised that this was done before he was involved. Dr. Rosenbaum responded that it is a political reason,, which was that Broward County became populated in a big condo boom and then the residential boom occurred. He provided more details about the history and the process and informed the members about Lex Hester's involvement.

Ms. Chambers stated that the other thing is that the first Comprehensive Planning Act at the State level was adopted in 1975 – the Land Use Planning Act. Ms. Chambers, the Chair, Mr.

Ross, Mr. Auerhahn and Dr. Rosenbaum discussed how it came about that Broward County was so unique and Mr. Auerhahn stated that it was a result of the rapid growth of the County.

Ms. Good asked for an update of where the County is now as far as available land for growth. She stated that this might have been the case back in the 70s. Mr. Ross referred the Committee to his two Draft maps, which he distributed to the Committee upon his arrival and advised that it will be discussed a little later.

Ms. Chambers informed the Committee about the tremendous land boom and development, that each city had its own zoning and development review process and there was no Land Use Planning going on and everything was done through zoning and development review and this thing called **Platting**, which will be discussed. Ms. Chambers explained about the political climate and the cities' request for some overarching control, but on a limited basis.

Ms. Chambers continued mentioning the County-wide Land Use Planning Process, Lex Hester, and the Annexation Plan for Broward County in 1976.

Dr. Rosenbaum stated that it took another 25 years to get where Mr. Hester was. Ms. Chambers agreed and advised about the political power being wielded in the Land Use Process track then with development.

Dr. Rosenbaum informed the Committee about the harmful development by one city on the borders of the other cities in the mid-70s.

Mr. Maus stated that this still goes on to a certain extent. He raised the question: "If regional oversight through the County is only done in Broward County for the most part statewide, then how do other Counties referee between the municipalities to ensure that one project on a city border does not adversely impact the city right next to it?"

Mr. Auerhahn replied that there is a range of powers and mentioned the different Charter Counties that possess different powers around the State. He stated that everyone has tried a different way of handling it, all with mixed results.

The Chair also replied stating that he was trying to answer the question as neutrally as he can, and advised that if there was someone here advocating that the County does not need this kind of control but they would say that the South Florida Regional Planning Council is there to view

this kind of issue. He stated that the questions should be put aside and asked when an expert on this subject is present.

Mr. Ketcham asked if the State could say no.

The Chair began to explain about the Regional Planning Council being a body of the State and that they deal with Regional Planning issues, but he suggested tabling the question for now

Ms. Good mentioned the Regional Planning Council has a mixture of members from Broward, Dade, and Monroe etc. The discussion continued with Mr. Ross, Ms. Chambers, Ms. Good and the Chair providing input on issues regarding Dade County's constitutional authority to do land use, the Western Urban Service Boundary, unincorporated Dade County and annexation of a specific municipality in Dade County and its control over the Land Use regulations on certain areas.

The Chair stated that the Committee should get a better answer to the question because it is a very good question.

Mr. Maus asked if someone could provide the Committee with the current makeup of the South Florida Regional Planning Council ("SFRPC") in terms of who is on it and where they are from. The Chair requested Staff provide the information.

The Chair informed Mr. Maus that the SFRPC contains County Commissioners from each of the Counties and others. Ms. Good added School Board Members. Mr. Auerhahn stated that there are citizen appointments, too, made by the Governor.

The Chair added that Mr. Maus' question is a critical question:

How are intercity disputes dealt with in places where the County is not there to act as an arbitrator?

Ms. Good added that another good question would be: ***How is the Department of Community Affairs involved?*** The Chair explained that the State of Florida, Department of Community Affairs and Regional Planning Council are all the same regulatory entity (the State).

Ms. Chambers and Mr. Ross informed about the authority of the SFRPC, with questions raised by members regarding its reviewing authority in the areas of Land Use and Transportation

issues. Mr. Ross advised that the SRRPC has advisory authority only and reviews all changes to local Comprehensive Plans for consistency with the State. The Chair asked Mr. Ross if Department of Community Affairs has to approve amendments to the Comprehensive Plans. Mr. Ross informed the Chair that the SFRPC advises the DCA. The Chair asked if his understanding that the State has to approve the Comprehensive Plans is correct. Ms. Blake Boy informed the Chair that they issue an objection and a recommendation. The Chair asked if the Plan could be amended if the State says no.

Ms. Good asked if the State would first issue an objection before they say no.

Ms. Chambers said yes and informed the Committee that the State of Florida and Department of Community Affairs are the same entity. She advised that they are an administrative body and within them, there is a Planning Department of Staff who are the County's counterparts at the State level. She advised that they review what the Cities and the Counties send to them. She added that there are various times when the County sends them information and various times that the Cities send them information. Ms. Chambers stated as far as the process that there is a Land Use Plan Amendment, which goes to the State; the State of Florida DCA has a Planning Department, which reviews the Amendments for consistency with the State Plan. She also informed the Committee that, in addition, there is a Regional Policy Plan and the SFRPC and its staff is responsible for reviewing certain Comprehensive Plan Land Use issues as they relate to that Regional Policy Plan. She explained that they are then reviewing in a bigger and broader policy area. She stated that they then submit their comments to the State, who bundles the Department of Transportation, the Department of Environmental Protection, Fish and Wildlife and all other State agencies. Ms. Chambers explained that all of those agencies get to review as does the SFRPC; it gets shipped to the Department of Community Affairs ("DCA") where their Planning Department puts it all together and issues what is called an **ORC Report (Objections, Recommendations and Comments Report)**. She explained that if there is an objection then the local government, be it the County or the City has to respond within a certain amount of time as to what they think they need to do relative to that objection. Ms. Chambers stated that in the past the County has provided reasons why it has not agreed or has made revisions because of the objection.

Ms. Chambers explained that the SFRPC has a very specific review process as it relates to the Regional Policy Plan. She advised that it is not the same as the Planning Department at the

State level explaining that they are just another entity that reviews and provides comments to the State.

Ms. Chambers and Ms. Blake Boy in response to Ms. Good's question, explained the SFRPC's review process and what happens if the state/DCA cites objections Ms. Blake Boy explained that they would finish the process with the County or municipal government and if it is adopted then the State would accept the response to the objection or if they do not, then it would get stuck in the administrative process so they can make the determination that the issue is not being addressed.

The Chair asked what the process is if the State says that, the objections have not been answered. Ms. Blake Boy advised that there is an appeal period and an administrative process with the State of Florida that the County or municipality can go through. The Chair asked if the amendment gets made if the State ultimately says no. Ms. Blake Boy replied that she believes it goes to an Administrative Judge and there is a court...

The Chair explained that in general if the State does not approve it either, they may be forced to approve it by a judge. or because they don't approve it, then it does not get approved. Mr. Ross responded that the Chair is correct. Mr. Benson stated then there is an appellate process.

Mr. Ketcham inquired about the timeframe. Multiple responses from the dais – it could be forever, years...The Chair interjected it can take approximately 36 separate public hearings. He stated that he cannot verify this but it is something that he has been told. He then suggested that someone from the County confirm this via county (i.e. LPA [Local Planning Agency], City Commission, Planning Council, County Commission etc.) He advised that he does not know where the number came from but it is a lot. Ms. Chambers stated that this sounds correct.

Ms. Blake Boy replied that there are about 8 hearings required by the State Statute and referred to Chapter 163 and that there is only one LPA hearing at the City. She then explained that there are two government body hearings required so there could be as few as 7 or 8 public hearings and there are 4 at the County level.

Ms. Good asked if when speaking of LPA it is within that municipality and they have their own Local Planning. Ms. Blake Boy responded that every municipality has their own LPA, which could be the Commission or could be appointments.

Mr. Benson asked if it is the intent of the LUSC to recommend a Charter change that would affect this process. A discussion ensued regarding whether the LUSC would be recommending a change in the process and the Chair stated that it is too soon to determine this answer. Mr. Benson explained his reason for the query.

The Chair stated that the Committee might not want to change things at all because they are perfectly happy with it. He stated that what he was suggesting is a three-step process to get there. That process being as follows:

1. Hosting several **Educational Meetings** so that the Committee understands the process.
2. A **Real Discussion** among the Committee trying to understand.
3. Determination of whether someone wishes to make a **Motion to Change or Remain the Same**.

The Chair informed Mr. Benson that his question is the bottom line question for the Committee.

Dr. Rosenbaum stated that he believes that as long as the Committee has people present explaining the system “as-we-go,” then the Committee can come up with concepts for the system that may or may not need change. He further stated that he thinks that as long as the open discussion continues and the process is looked at, that it is important to discuss the history. Dr. Rosenbaum then reminded everyone of the history and explained that we now have a process that needs to be redeveloped and there are 30 places which need to redevelop yet they are going through a process that was meant to regulate developers.

Ms. Good stated that here is urban development.

Mr. Benson, Ms. Chambers, entered into a discussion about where the municipalities are now, whether a change in the process is viable because of the growth of the area, the planning process, flexibility for the cities, the historical perspective, cities and the County butting heads on land use issues, and how complicated and complex the rules have become.

The Chair cautioned those present about entering into a debate before everyone has a complete understanding. Ms. Chambers stated that her Department’s presentation today was to speak about the conflicts today as a result of the shifting growth.

Ms. Good asked about the friction between the cities and the County, i.e.,; if a Cities element meets all the criteria is the friction because they are being denied on certain basis that the cities don't agree with, or is the criteria the problem. Mr. Ross advised that there is a little background required in order to respond to Ms. Good's question.

The Chair informed Mr. Ross that the Committee now understands from his point-of-view at least how the system was developed. He asked if during the land boom the process worked okay.

Mr. Ross provided additional historical information about the several land booms that took place from 1977 to the 1980's and the expansion west, i.e., , Pembroke Pines, Parkland, Sunrise etc. who proposed big changes in the Western portion of the County which really undid a big part of the Land Use Plan. Mr. Ross referred the Committee to the Draft Residential Certificates of Occupancy, Broward County – July, 1984 through December, 2006 map he provided and explained that the yellows and light-green are what he reviewed for the first 5 or 8 years and made recommendations to the County Commission. He stated that for the most part, they were all approved and this really set the stage for growth in the 90s up until the present. Mr. Ross stated that this was a time when there was pretty much harmony between the County Commission and the Cities' he explained that they were of like minds as far as development goes and as long as it was well-planned development which is what the Land Development Code was all about. The developers obtained their fair share in terms of impact fees. He explained that there were some issues, such as shopping centers in Southwest Ranches, protecting the County's well fields and environmental lands, and several big bond issues to purchase those environmentally sensitive lands. He stated that during the late 90s or so when the brown dots on the map where development had shifted back to the East, especially to the Barrier Island, is where the Land Use conflicts and differences of opinions between the Cities and the County began regarding land use issues.

Dr. Rosenbaum stated that it is not only the East but it is all the cities who want to have a downtown. He advised that everyone has a different vision of development and gave an example of Margate, Lauderhill or Lauderdale Lakes wanting to build and the conflict regarding the time it takes to get it out of the ground. The Chair reminded Dr. Rosenbaum that the debate should not begin at this time.

Mr. Maus and the Chair requested that CRC staff obtain a Planning Process Flow in order to determine if there is any overlap in the process. The Chair suggested that staff speak with Sam Goren's office with regard to the requested information. Ms. Gross responded that she would request it for the Committee.

Mr. Ross discussed the change in Commission politics in the 80's and the 90s; single-member Districts and 2000, the Commissioners more global Countywide perspective; Commissioners responding to issues from their constituents, and conflicts with re-development. Mr. Ross explained that re-development creates concern among constituents and the ramifications of re-development. Therefore, the Commission calls for more oversight rather Ross stated that they do begin to stretch out a little.

The Chair asked if the Commission's request for more oversight was a result of the fact that the Commission did not think that the Cities were doing a good job?

Mr. Ross explained, some Commissioners felt that some Cities were not doing a very good job, and some were responding to their constituents and what they were hearing from their constituents. Mr. Ross provided an example of a Pompano Beach proposal to put a Regional Activity Center on the Barrier Island and there was a Save Our Beach Group created which was in opposition to their own City Council and they would bring those concerns to their County Commissioner who was responding to that. Mr. Ross explained that the County Commission did stretch their authority and through the institution of the Compatibility Review which was particularly onerous to municipalities which said that the County was flexible and the Cities had the ability to do these Land Use changes on their own without coming to the County Commission. Mr. Ross stated that the County Commission instituted a process where they were going to look at those and that is what we call this Land Use Compatibility Review.

Mr. Ketcham asked if that was passed by a vote of the County Commission. Mr. Ross advised that it was done through an Amendment to the County-wide Land Use Plan which went to the Planning Council and then to the County Commission in 1997.

The Chair explained that it added, as opposed to just Planning Council review, the requirement of County Commission approval of the flexibility standards.

Mr. Ross explained that this too was particularly onerous. Mr. Ross continued to provide information regarding flexibility, which included an ordinance the County Commission, adopted

that contained additional restrictions on development on the Barrier Island. Several Cities brought suit against the County, including Hallandale, Miramar, and maybe others. And it took 3 or 4 years to get resolved. Mr. Ross attributes this incident to one of the flash points for the friction.

Ms. Good asked for clarification as to why the County had implemented additional ordinances; what they were trying to further. The Chair recapped for Ms. Good that the County Commission didn't need to approve applicability of the flex units. The Chair stated that in 1997 the County Commission amended a Comprehensive Plan to require County Commission approval of the use of flex units and also an amendment that restricted the use of flex units if it resulted in an increase of density over 25 units per acre on the Barrier Islands.

Mr. Ross explained that the cities oppose the County Commission's role and the movement in 2003 and 2004 by the cities to change the state statutes to remove the County's Charter authority over land use. From this, the parties formed the Leadership Group comprised of the League of Cities and the County Commission to resolve issues regarding compatibility review.

The Chair stated that he missed the details of the Compatibility Review and asked what exactly the review is. Mr. Ross stated that a Compatibility Review is a very simple review consisting of one meeting in front of the County Commission where the Commission is making a ruling on whether or not the proposed use flex is compatible. The Chair stated that is another way the County Commission talks about and reviews the flex units.

Ms. Good, Ms. Chambers, the Chair and Mr. Ross discussed the implications of the Compatibility Review, its scaling back, the frequency of its use and the present state of its existence.

The Chair confirmed that as it currently stands there is a Compatibility Review. He asked if the Compatibility Review is still limited to 25 units on Barrier Island. Mr. Ross advised that it is still limited to the 25 units. The Chair inquired whether it also applies to Borders, Environmental Sensitive Land and County Parks. Mr. Ross confirmed.

The Chair explained that the Cities no longer go to the County Commission but they still need to go to the Planning Council to get their approval for the use of the flex units. Mr. Ross responded that was correct, for certification for the use of the flex and both sides agreed on 25 units per acre limitation on the use of flex on the Barrier Island.

A conversation ensued regarding the number of municipalities, which municipalities, the involvement of the Leadership Group and its composition, whether it is a formalized group or ad hoc, , Mr. Ross mentioned the Leadership Group recently discussed Affordable Housing Commissioners Lieberman and Jacobs are part of the Leadership Group. The discussion continued regarding the leader of the Leadership Group, its effectiveness, its advisory status, and who from the cities was on the Leadership Group.

Ms. Good asked if they can provide commentary to the League and the County Commission. Mr. Ross replied yes, but they were a little more than that; they would authorize and negotiate for both parties, and when they brought things back, they carried a lot of weight. The Chair stated that he thought it was a dispute resolution process.

Ms. Chambers expressed her understanding of why the Leadership Group was formed and the positive effect the Group had on Tallahassee. Ms. Good confirmed that on this Leadership Group there were just the 4 people the Mayor, Vice Mayor, President and Vice President.

Mr. Benson expressed concern about whether there was any continuing stress

Mr. Ross stated that the Compatibility Review was one issue that they discussed but there were actually about 10 issues and they went through each one. Mr. Ross provided details on what the issues were, e.g., mixed use categories: Transit Oriented Corridor, Local Activity Center, the downtown Hollywood, downtown Fort Lauderdale, portions of 441, Coral Springs, Davie, and other categories, Miramar all of our hot spots for development with exception of the Barrier Island.

Mr. Benson and Mr. Ross discussed the push for the local municipalities to support the State initiative from the State League of Cities. Mr. Benson added that there was stress between the local League and the County Commission. He asked Mr. Ross if he knows the current status of this. Mr. Ross provided background information to Mr. Benson. Mr. Benson asked if there is somewhere to frame a statement that says that this Conflict Resolution Committee should be established in Broward County and make it a part of the Charter to bifurcate the County from the State problem.

Mr. Auerhahn stated that the League of Cities doesn't exist under the Charter and cautioned about the implications of proceeding with what Mr. Benson is suggesting. Mr. Benson, Ms. Chambers, and the Chair continued discussing this topic

The Chair informed everyone that Ms. Good had to leave and asked if she had any other questions. Ms. Good began a discussion with Ms. Chambers, Mr. Auerhahn and Mr. Benson contributing about the County Commission having the ability to pass ordinances, etc. and the impact it has on local municipality issues; Ms. Good used as an example Affordable Housing . Mr. Auerhahn mentioned the two areas that the County has authority County-wide, the first being Environmental Regulation and the other being Land Use Ms. Chambers explained how the Charter is involved in this process.

Mr. Benson stated that a report was due in December of 2006 with regard to Housing Affordability. He stated that somewhere in the midst, the conflict problem will need to be addressed.

The Chair asked, aside from the overall process issue, what the issues are that are thought to be creating the friction. Mr. Ross stated they revolve around the fact that we are just about out of vacant land in the County and the developers are out there scouting for opportunities wherever they might be. Mr. Ross gave as examples the Golf courses, the hotels on the Barrier Island and the Condo Hotels is also a related issue.

Ms. Chambers explained that this is why the Land Use Plan becomes the flash point.

Mr. Benson mentioned the impact it might have on his city. Ms. Chambers stated that the Cities may be happy for the County to weigh in on something like that as it takes the pressure off the City.

Mr. Auerhahn explained his reasoning for this situation, which included the different interested parties' participation over the last 10 years , e.g., developers, the City, the County and more recently neighborhood concerns, and competing business interests.

The Chair added that the basis of all of this is how you view the County government and whether the LUSC / Charter feels that the power that is in the Charter of the County government to have County-wide control over Land Use should stay where it is, should be modified, or eliminated. The Chair gave an example of city border disputes.

Dr. Rosenbaum stated that he partially disagrees with that because this is about a system that needs to be balanced and when circumstances change you need to recalibrate the system. Dr. Rosenbaum stated that he think that over all the system has worked fine during the growth era

to a certain degree. He stated that when the County saw the changes in the 1990s then they made it a different system. Dr. Rosenbaum asked the DPUD staff, given that they work with the system every day and understand the system how it can be modified, if necessary, to meet the needs of an era focusing more on redevelopment and transportation corridor.

Ms. Chambers stated the County Commission will attempt to respond to the issues, through the Land Use Plan because that is where they have County-wide authority; she gave examples of areas where they might respond

Ms. Chambers explained her department's role, the Redevelopment Department, is trying to work through the Land Use and Transportation issues and focus development in areas where it will cause the least amount of harm to the neighborhoods and utilize Transportation and housing orientation and mixed-use development in a way that would be least harmful to the communities

The Chair asked Ms. Chambers why she feels that the County has to protect the neighborhoods and why she feels that the Cities won't protect their neighborhoods other than the border issues or the issues that are more regional issues and why the County should be the entity that protects cities from intrusion. Ms. Chambers responded that there is a regional infrastructure that the County is responsible for including roads, transportation and water supply that is significantly affected by population. She stated that the County Commission provides the regional infrastructure and they need to address the State's concerns for quality of life and growth. She advised that there is an expectation that policies and regulations will be instituted that allow the County to regulate that growth so that it does not exceed the ability of the carrying capacity of the land or the infrastructure to handle it.

Mr. Maus explained that during his tenure on the Planning Council, there were situations that presented problems, for example, building a new development on a road with no one overseeing whether or not it should be done, or no one looking at what it is going to do on a regional basis. Ms. Chambers, the Chair and Mr. Auerhahn continued the conversation by citing other examples, such as Plantation, Sunrise, and the McMansion housing. Ms. Chambers stated that she would say that the County shouldn't be involved in the McMansion housing. Mr. Auerhahn stated that the County looks at regional issues and the Cities look at local issues and the more we can define the differences between those two the less conflict there is.

Mr. Benson asked Ms. Chambers to distinguish if there is a difference between growth and a shift or gentrification of an area in terms of redevelopment. Mr. Ross replied that in terms of at least the County authority that gentrification isn't necessarily a land use issue because if there is no additional densities being created, that's not something the County would be involved in. He advised that the only time the County would get involved into a land use plan is if you were knocking down all the houses and putting up bigger buildings, making a change in the nature of the neighborhood or the McMansion housing or even some lesser density changes. Mr. Ross explained that at this point in time that is not a County issue.

Mr. Benson asked if the movement of the CO's coming back from the East has no impact on land use. Mr. Ross replied only to the extent that some of those projects are so large that they are triggering Land Use Plan amendments which they are, for example, the Gulf Stream Project in Hallandale which was a hot issue for a while.

The Chair mentioned the Davie Commons, the Davie TOC Proposal on the 441 Corridor.

The Chair asked if anyone has ever taken a shot at delineating the issue that Mr. Auerhahn was talking about which was to try to separate the regional issues vs. the local issues. Mr. Ross stated that this has been the ongoing thing ever since 1977; the whole idea of the flex and Flexibility Zones over the years has evolved and this is where the tension is.

The Chair provided an analogy stating that the idea of the flexibility zones was basically "spreading peanut butter" that was the concept and the County Commission said as long as you are not adding anything from the jar or spreading it over the bread it is fine. It can stay in one area or spread it within the borders of the bread.

Mr. Maus asked if the County oversight is limited to certain areas. Ms. Chambers stated that when the County Commission decides there is a policy issue they will look at us the Planning Department and say figure out how we can deal with this issues then we sit back and look at the Charter and say what do we have County-wide authority to do.

The Chair reiterated that the County has authority in two areas as far as he knows: Environmental and Land Use and whenever they want to do anything, they are doing it through the County Land Use Plan. The Chair mentioned that Dade-County possesses its broad County-wide authority through the Florida. Broward County's authority is very limited list and is

of a different type. Ms. Chambers stated that this is why what she does for a living is very political and very contentious.

The Chair thanked Mr. Ross for his historical presentation.

V Establishing Agenda for Next Meeting

The Chair stated that Ms. Shelly Eichner who is a planner with Calvin & Giordano will be presenting at the next LUSC Meeting. He explained that the President of the League of Cities has designated Ms. Eichner to make a presentation.

The Chair stated that next Land Use Subcommittee meeting will be on April 20th and Ms. Eichner can be guest at the following meeting.

Mr. Benson requested confirmation that the next Agenda will contain an item to identify some of the groups who will be invited for presentation, including the South Florida Regional Planning Council (SFRPC). The Chair confirmed. The Chair responded that the Committee will first hear from Ms. Eichner and then if the Committee feels that someone from the Planning Council should present, then it can be arranged. But he stated that the SFRPC will not present at the next meeting because it would be too much and he does not want to rush.

Mr. Benson reiterated it was his understanding that the SFRPC would present at the next meeting. The Chair stated that it is on the list, and after hearing from Ms. Eichner, then someone from the SFRPC and if the Committee feels like someone needs to be invited from the Broward County Planning Council, it will be arranged.

The Chair asked the Committee if there were any materials that anyone would like to read. Mr. Ketcham requested submissions of things that the Committee should review to be emailed ahead of time.

VI Other Business

The Chair asked Ms. Gross what she had on her list to be provided before the next meeting.

Ms. Gross advised:

1. The 1, 2, 3 groupings

2. Shelley Eichner
3. Matrix with regard to Planning Department
4. Minutes from the Committee for Subcommittees meeting
5. Process Flow / Flow Chart of how the Process goes
6. Scope of the Review Process dates, timeframes and what is happening at each date.
7. Makeup of the SFRPC

The Chair asked if anyone from the public wished to speak to the Committee.

VII ADJOURNMENT

There being no further discussion and no public comment the meeting was adjourned at 10:00AM

The minutes of this meeting are recorded on CRC-LUSC CD # 3.23.07 (BCGV CTR)