

**Summary of Discussion  
Broward County Charter Review Commission  
Land Use Subcommittee Meeting No. 2  
Friday, April 20, 2007- 8:00 AM - 10:00 AM  
115 S. Andrews Avenue, Room 430  
Fort Lauderdale, FL 33301**

**Members Present:**

Richard Weiss, Chair  
Commissioner Hayward Benson, Vice Chair  
Mark Ketcham  
Joseph Maus  
Hazelle Rogers, CRC - Vice Chair

**Members Absent:**

Patricia Good  
Robert Penezic, Esq.  
Dr. Irv Rosenbaum

**Others Attending:**

Elliot Auerhahn, Director, Broward County Urban Planning & Redevelopment  
Shelley Eichner, Vice President of Calvin, Giordano & Associates, Inc.  
Chedley Etienne, Administrative Assistant, CRC  
Ellen Feld, Attorney  
Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
Gloria Katz, Smart Growth Partnership  
Phyllis A. King, Transcriber, PKING Consulting  
Henry Sniezek, Director Broward County Planning Council  
Patricia G. West, Executive Director

(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, April 20, 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 8:08 a.m. The Chair requested the roll call by Phyllis A. King, PKING Consulting, Inc. Upon completion of the roll call, the Chair recognized the presence of a quorum for the record.

## **II Approval of Summary of Discussion for Meeting of March 23, 2007**

The Chair requested a **motion for approval** of the March 23<sup>rd</sup> Land Use Subcommittee Summary of Discussion.

**A motion was made by Mr. Benson; seconded by Mr. Maus. The motion was approved unanimously.**

The Chair then welcomed Ms. Shelley Eichner to today's meeting as guest presenter and explained the open forum format of the meeting, then gave the floor to Ms. Eichner asking her to provide the dais with background on herself.

## **III Presentation by Shelley Eichner, Planner, Calvin Giordano & Associates**

Ms. Eichner advised everyone that she is the Vice President of Calvin Giordano & Associates which is a local Engineering Planning and surveying firm. She explained that they do private sector and municipal work, and in many cases serve as the City Planners and Engineers for a lot of the Cities in Broward County. Ms. Eichner advised that over the years her experience has allowed her to see both sides. She added that when she first graduated from FAU, her first job was with the School Board in the Boundary Office, from there she moved to the County and worked for over 13 years with the Development Management Division/Land Development Code and Impact Fees and is currently with Calvin Giordano. She stated that she most recently served on the MESC, Chairing the Growth Management Subcommittee. Ms. Eichner referenced recommendations from the MESC.

The Chair requested distribution of the MESC Growth Management Subcommittee Report. Ms. West advised that it will be provided.

Ms. Eichner stated that the Growth Management Subcommittee made several recommendations dealing with the Planning Process in Broward County and ways in which it

could be streamlined. Two of which were to study the very issue of the Charter and Land Use authority in addition to Platting Requirements, and how the CRC could potentially make recommendations. She stated that several years ago, the County's Evaluation and Appraisal Report (EAR) was adopted.

Mr. Weiss asked Ms. Eichner to explain what an EAR is.

Ms. Eichner explained that every government has a Comprehensive Plan that must be updated every 7 years, the results of which is the Evaluation Appraisal Report (EAR). She stated that the next step is to go through and amend the Comprehensive Plan; which contains issues such as Transportation and Affordable Housing and how to establish goals, objectives, and policies relative to those issues. She advised that as discussions were progressing, there was the sense amongst the Cities that the County was getting heavy-handed in some of their policies and in dictating to the Cities how the County Plan would evolve. She asked the dais to keep in mind that the City Plans need to be consistent with the County Plan.

Mr. Maus asked if the thought of heavy-handedness came from the EAR and who created it.

Ms. Eichner replied that part of the major issue with the EAR was Transportation related issues and Affordable Housing. She advised that the County does the EAR as it relates to the County's Comprehensive Plan; each municipality has their own local Comprehensive Plan.

Mr. Ketcham asked if they are on the same timetable.

Ms. Eichner replied no, explaining that the County's EAR and the subsequent EAR Based Amendments were required to be adopted prior to many of the Cities. She stated that it was a long term evolving process at the time when the County was adopting policies and taking actions with Land Use Plan Amendments that weren't quite what the Cities wanted.

The Chair provided further clarification explaining that the Comprehensive Plan contains several Elements including Land Use, Public Housing, Infrastructure, Transportation, Parks and Open Space, etc. therefore, when speaking of amending the plan, it is the Land Use element within the Comprehensive Plan.

Ms. Eichner stated that there was discord between the Cities and the County, which revolved around the issue of home rule.

Mr. Maus asked the year this took place.

Ms. Eichner replied 2003 / 2004 and the issues that came into play were timing issues and development policies related to densities. She stated that these normal timing and development issues were going on at the same time the County was trying to amend their goals and policies in the EAR. Ms. Eichner explained that one key issue was Affordable Housing, and the idea of the County setting policies within their plan relative to Affordable Housing, was imposing their goals and objectives on the Cities.

The Chair explained that in the Comprehensive Plan there is a map and text, which is divided into goals, objectives, and policies. He stated that the goals are a required element of the Comprehensive Plan. The Chair asked Ms. Eichner to cover two areas very basically, the area of timing and the other being procedural/substantive.

Ms. Eichner advised that in the planning process, the big governing document is a Comprehensive Plan then it evolves into the Land Use, Zoning, and development procedures (plants and site plans). She added that because of the County Charter, the County has the Land Use control, which is a Land Use and Platting issue.

Mr. Maus asked, "What would need a Land Use or Plat?"

The Chair asked, "What is a Plat?"

Ms. Eichner explained that a Plat is a piece of property recorded in the public records that defines the boundaries of that property (i.e. Plat Book, Page).

The Chair expanded the definition to include, that a Plat is a piece of paper that shows what the lots are; the roads are the most basic division of a parcel of land.

Mr. Maus asked what requires someone who is developing a piece of property to have to do another plat or Land Use Plan.

Ms. Eichner replied that in the case of platting, there are rules in the County of when platting is required. She advised if the property was never plated (vacant land), it has to be plated. If you have a big piece of property plated prior to the County Charter and prior to 1953, if subdivided

you must re-plat. She added there is a list of rules in the County as to when a plat is required, it then it goes through a dual process at the City level and County.

The Chair asked Ms. Eichner what the difference is between platting and Land Use changes.

Ms. Eichner replied that the Land Use is the actual uses that can go on a piece of property in the Land Use sense; zoning deals with the lay of the land. She advised that the Land Use is a generalized plan and different categories of Residential, State, Office and Commercial and mixed Land Use. She added that there are a lot of new Land Use categories dealing with Transit that are supportive of Transportation and Transit that encourage higher densities and intensities along Transportation corridors.

The Chair advised that zoning must be consistent with what is in the Comprehensive Plan, they can be less or up to, but cannot be any more intense.

Ms. Eichner explained that the County has a County-wide Land Use Plan that designates permitted uses on various properties throughout the County. And that the Cities Land Use Plan has to be consistent with that. Ms. Eichner advised that the Land Use changes go through similar processes but at two different levels.

The Chair asked for an example of the entire process to amend or change a Land Use Plan.

Ms. Eichner advised that the process has recently changed, but first explained the original process. To begin in your City, get your first reading of the ordinance, which is called a Transmittal Hearing. She stated that before beginning with the County, there is approximately six months of backup work to get out of the City, which is a timing issue. Ms. Eichner explained that the Planning Council made an administrative rule change, which currently enables the filing of a local Plan Amendment and a County Plan Amendment simultaneously.

Mr. Maus asked for clarification as to why the Cities would have an issue with timing and are they the ones who control that issue.

Ms. Eichner explained that she believes the Planning Council took a huge step, to at least have the two filed together; she advised that this change allows a dual/concurrent process. She stated that this process has been in place for 20 years now. She added that on a Large Scale Plan Amendment which are the big ones that you can file twice a year. She advised that the

County's filing deadlines are October and March. She explained that the way it use to be was, if you had to file by Oct 1<sup>st</sup> at the County, you needed to be sure that you have had your first reading/and level of approval from your City prior to Oct 1<sup>st</sup> . Ms. Eichner explained that the process varies, but you submit it, staff reviews it, then there might be a few development review meetings, it goes to the local planning agency, which is typically a planning, and zoning board, then it goes to a City Commission for 1<sup>st</sup> reading. She stated that anywhere in that time frame, there could be a change to the Plan Amendment or a different type of development. Ms. Eichner explained that as a developer, you need to give yourself that buffer time, sooner or later you will get into the issue of 'Time is Money'. The longer it takes to get that development done, the cost goes up, it is more expensive to build, and the product becomes more difficult to build. She advised that the market changes if you are delayed a year. Ms. Eichner stated that the sooner you get a project built, the sooner it goes on the tax roll, but there are other ways to go through the process. She added that on the Land Use side, it is a long process and became an issue between the League of Cities and the County. Ms. Eichner stated that some Cities are Pro Development and are more controlled at the local level, which was viewed as an obstacle. Then came the idea to get rid of the County altogether and every City can do their own thing, and not worry about the County's review. This gave a rise to negotiations between the League of Cities and the County, and the format that was set up was that the County Staff would bring their issues to the Mayor and the Vice Mayor, and the Local City Planners with the Elected Officials from the League to voice their issues on the City side. She advised that this led to many meetings where there were the City Staff, County Staff, Mayor and Vice Mayor of the County, President and Vice President of the League all working through a lot of these issues, because in the back of their mind was an idea to approach Tallahassee to change the Charter, and possibly slip legislation in to get rid of the County altogether. Ms. Eichner advised that she does not believe that this is what everyone really wanted, but it was the impetus to bring the two sides to the table; and determine how to work it out to give cities their home rule authority; and also, allow the County to review regional issues.

***8:25 am – Ms. Rogers joined the Meeting***

Ms. Eichner stated that at a point, timing issues were moving forward, such as the change in process with Land Use Plan Amendment at the County.

The Chair asked if the League of Cities made a decision or has taken a position regarding the issues. He added that it would be important for the subcommittee to know if the issue has been

resolved from the Leagues' point of view, or if there are still issues of the procedure on the substantive side, and would like to know if there is an official position. The Chair asked Mr. Benson if he knew the answer.

Mr. Benson replied that he did not know, but suggested that the same question be posed to the County; because they should be able to answer as to whether there has been an agreement between the League of Cities and the County.

The Chair agreed with Mr. Benson and welcomed CRC Vice-Chair, Commissioner Hazelle Rogers to the meeting.

Mr. Maus asked if the League feels that the timing issue has been resolved, and stated that he does not know if there will be an agreement.

Mr. Benson stated that he feels that either side should be able to answer the question.

The Chair advised Ms. Rogers of the meeting's open forum format and offered her to chime in at her leisure.

Ms. Rogers advised as a former President of the League of Cities, that this issue was truly a hot topic under her administration and she agrees that the subcommittee needs to hear from both sides as to where they are on this issue.

The Chair remarked that he is not looking for controversy.

Mr. Maus asked whom Ms. Eichner is representing at today's meeting.

The Chair stated that he called the League of Cities and asked them to send a representative to speak to this committee.

Mr. Maus asked Ms. Eichner if there is something that would speed up this process as it relates to the interactions between the Cities and the County.

Ms. Eichner stated that she does not think that by taking the County away all together, the time would be significantly reduced. She added that the changes that were just done will speed it up as much as it can be; and that she thinks it has probably been increased as much as it should be on the Land Use timing, because the issues are different from what they use to be.

Mr. Maus asked Ms. Eichner if the County involvement were eliminated completely how much would it speed up the process.

Ms. Eichner replied that she does not believe it would do much.

The Chair asked Ms. Eichner if she identifies this issue as more of a substantive issue as opposed to a timing/procedural issue.

Ms. Eichner replied yes on the Land Use side. The platting side still requires a little fixing, because it goes through a dual process.

The Chair advised Ms. Eichner that he wanted to take the Platting topic as its own separate issue.

Mr. Benson asked what the situations are that might trigger (post agreement between Cities and County) State involvement concerning Land Use.

Ms. Eichner replied yes, Local and County Plan Amendments are reviewed at the State Level – FDOT, Fish and Wildlife, State Environmental Protection and then they issue a report as to the consistency of the Plan Amendments with both the State and Regional plan.

Mr. Benson asked what is the intention of this report..

Ms. Eichner advised that the State reviews to determine if the County and local Plan Amendments are consistent with the State and Regional Plan.

Mr. Benson asked to what extent the State trumps what the County and Cities submit for review.

Ms. Eichner advised that the County will do a review, and then the State will do their review for many of the same issues. If it is found to be inconsistent by the State on a more global/regional level, then it is sent back to the County and City for readjustment before it is adopted and sent back to the State for its final blessing.

Mr. Benson asked if Ms. Eichner knew how long of a time frame it would be.

Ms. Eichner explained that the state has 60 days on the transmittal and 30 days after adoption. She added that recertification (post adoption) process has been shortened in terms of timing. Ms. Eichner advised that the negotiations between the League and the County where policies are, now as a group, everyone is okay.

The Chair asked the dais if they understood the procedures and asked for a timeline.

Ms. West advised that a timeline document could be found in the Committee folders.

Mr. Henry Sniezek, Executive Director of Broward County Planning Council advised that there is a chart that shows the amendment process for a regular group amendment. He advised that they would add information on timeframes.

Ms. Eichner advised that as the subcommittee looks at the timeframe, it is important to look at the City / County side vs. the State side, recognizing that the State timeframes will not change.

Mr. Maus questioned, if before Land Use change process they would meet with their local Commissioners and County Commissioners to see if they can support the plan sooner or later. He added that if you meet all criteria for Land Use change, can a governing body vote it down because they just do not want it.

Ms. Eichner replied that it has happened.

Ms. Eichner advised that when the issue of Land Use is more subjective because of policy and adequacies of public facilities,, there is a little more wiggle room with how the applicant will be mitigated the need for those public facilities. She added that there is very little that she thinks the governing body can deny with a Site Plan. She advised in terms of Land Use, the applicant can come forward with mitigation strategies, but the governing body can request revisions.

Mr. Maus asked if they could be sued.

The Chair advised that he believes the question Mr. Maus poses is for CRC Counsel, and asked Ms. West to request someone be present from Mr. Goren's office at the next meeting.

Ms. West asked if he wanted a report/research, or to come to the meeting. Mr. Weiss stated it could be in memo form if necessary. Ms. West requested clarification of the question.

Mr. Maus asked when they can offer mitigation if plan is consistent, would they still have to mitigate.

Ms. Eichner replied, for example, if there were no sufficient student stations at a given school; that is when mitigation would come in to bring forth a strategy to require more classrooms, to mitigate students coming from their development, which now, they would be consistent in having adequate public facilities.

Mr. Maus asked what if it comes through and everything is consistent and does not affect schools or roadways.

Ms. Eichner replied that it has never been seen; and that she believes that is how things were back in the mid 80s, where it was easy to build roads, schools, etc.

The Chair asked what if there was a situation where it is a different Land Use residential, and you wanted to change into a Commercial development, the impact on schools would be positive; there is no impact, because it is a change. The Chair asked, assuming all technical items are met and/or mitigated, what is the discretion of the elected body of turning something down.

Mr. Sniezek advised that in a Land Use Plan Amendment, the City and County have much more discretion. An amendment can meet the entire checklist items in your Comprehensive Plan and a City can still deny it, but they would have to come up with something reasonable to say. Mr. Sniezek advised that once you get to the Platting or Zoning stage, it is much more of a serious issue and it is harder to deny something.

The Chair advised if all criteria are met in the subdivision regulations for a plat, there are virtually no discretions.

Mr. Maus asked if platting is changing roadway boundaries.

The Chair asked if someone has land and you wanted to develop it and on one side of it you have the Land Use issues, and on the other side it needs to be zoned, what would be some of the things that will be dealt with in that process.

Ms. Eichner explained that as a part of the platting process you will deal with things like the opening to the site. The property owner may have to dedicate land so you would have sufficient right of way along that corridor. She advised that the environmental group may have to look at it, and Utility companies may have to put some utilities around the perimeter, etc.

Ms. Rogers asked Ms. Eichner which process is first.

Ms. Eichner replied that the Land Use is first.

Mr. Ketcham asked if County staff would actually go out and look at the property.

The Chair asked if someone could bring the subcommittee a plat next meeting.

Ms. Eichner stated that when a Land Use is amended at the local level at the city, they do typically talk to the County; that if it is the developer, the property owner should talk to the City, and County before they begin. Ms. Eichner stated that the City may want the Land Use amendment, but when it gets to the County and the County Commission, they might not be as supportive.

Mr. Benson stated that he feels that this is the critical issue, he asked how to reconcile the issue.

Ms. Eichner explained that the Elected Officials could not agree amongst themselves, she advised that elected officials are varying and even on the dais at City level as to whether they like having the County involved. She stated that many residents do not trust their City Commission, so they go to the County.

The Chair stated that it depends upon the particular development whether people feel if it is a good or bad thing.

The Chair advised that both he and Ms. Eichner represent Weston.

Ms. Eichner advised that 4 Town Commissioners wanted a Land Use change for 2M square feet in Davie; some Davie residents were supportive of it and the District Town Commissioner was non-supportive. She stated that at the County level that one who did not, can now lobby to get the County Commission not to approve it. Ms. Eichner explained that if the County does not adopt changes to their plan, Davie could not change theirs.

Mr. Benson asked Ms. Eichner in her opinion, how the Charter could be amended to minimize this kind of conflict.

Ms. Eichner replied if they take away the Land Use authority of the County, that would minimize it. She stated that this has been the issue over the years; and that every City feels differently.

Mr. Benson asked if there is a procedural concept that would cause another entity to come and resolve this issue other than the Courts.

The Chair stated, if the County was out of it.

Mr. Benson replied, if they were in or out.

The Chair asked what role the South Florida Regional Planning Council (SFRPC) has in this.

Mr. Sniezek responded that the SFRPC is a part of the State Review Process, whereas if the County or the City transmits an amendment for review to the State, the SFRPC reviews it against the regional policy plan, then they submit their comments to the State Department of Community Affairs.

Mr. Benson asked if the SFRPC is made up of some Elected Officials and others.

Mr. Sniezek replied Miami- Dade, Monroe, and Broward.

Mr. Benson asked if there are elected officials here that still have an opportunity to be involved.

Ms. Eichner stated that if you have a local Plan Amendment that was adopted at the transmittal stage by a City and not approved by the County, the plan ends, so it never gets to the Regional Planning Council.

Mr. Maus stated that he was not familiar with the Davie and Weston situation, but asked if Weston was brought into Davie's decision anywhere along the way.

The Chair advised that Weston was a member of the public, and showed up with half of the people from their Counsel and made a whole case there about traffic and public safety.

Ms. Eichner stated that the County sent letters to surrounding Cities for their opinions. She advised that Weston is preparing a report to the County, and the County is pulling together info from all sides.

Ms. Rogers stated that it makes no difference, about any changes to a property; the same process should apply to the City making a change to neighboring communities.

Ms. Rogers stated that these are the kind of comments that should be addressed when talking about taking away an oversight.

The Chair advised that this is the same thing they had in the Davie Commons situation.

Ms. Eichner stated that if it were the Land Use Plan, the process would begin and end strictly in the Town. She explained that the Town of Davie will get the tax revenue and Weston believes they will have all the impacts of the traffic.

Ms. Rogers stated that when they were approving the permit for Wal-Mart, they agreed that every City felt they would have an impact if Lauderdale Lakes went to Tallahassee and supported a revenue sharing plan.

Ms. Eichner referenced Hollywood/Dania for an example.

The Chair stated that 1 issue is inter-jurisdictional (provided example), does it have a tremendous impact on anyone outside of the City. He added that the question is whether the County Commission should have the ability to come in and say we do not like it for whatever reason.

Ms. Eichner stated that Land Use Plan Amendments have come to the Planning Council and the County Commission. The vast majority of the people who tend to object are the residents of the City in which the amendment is. She stated that this is a local City issue and this is where the discord between the Cities and the County came in.

The Chair advised that when he was on the Planning Council there was a development, which was a transportation corridor issue.

Mr. Sniezek advised that it was Coral Springs; they had a traffic ways Plan Amendment. The conflict was between the City and the FDOT. The City was proposing to do a mixed-use Town

Center at University and Sample, they wanted to narrow the street 200 feet Corridor was only 200 wide, and the City wanted to narrow it to 150 feet. In order to change it, the Planning Council had to approve it, so they let Broward County Traffic Engineering and the State look at it. He advised that the State was against narrowing the road at all, they wanted to retain that ride of way and were not very sympathetic to a allowing bus and pedestrian type of environment. Mr. Sniezek explained that there was a big fight between the City and FDOT and the Planning Council was the Mediator. He advised that in the end, the Planning Council sided with the City and there was a Land Use Plan Amendment that came to change that area to a local Activity Center, which was approved by the County without any controversy.

The Chair asked Ms. Eichner to address other elements of the Comprehensive Plan where issues were between Broward County and municipalities.

Ms. Eichner advised that the County had some dropped polices that would mandate provision of Affordable Housing. She stated that every Plan Amendment that came in, must set aside 15% of units for Affordable Housing; that is not necessarily practical. Ms. Eichner explained that the City of Lauderhill had more than enough Affordable Housing; she added that as our residents become more economically advantaged, we would want to stay in the City, so there is a dichotomy at all ends. Ms. Eichner advised that the Southwest Ranches attempted to sell their Affordable Housing requirement to Pembroke Park. She stated that in Southwest Ranches there is no real employment in that area, and some of the elected officials felt that Affordable Housing should be in areas where we have transportation, etc.

The Chair asked what was the context of this requirement, where was it, where was it put, was it implemented.

Ms. Eichner replied that it was a part of the EAR based amendments and how the County was going to amend its Housing Elements.

The Chair asked if these were issues that were discussed as part of the County Comprehensive Plan.

Ms. Eichner replied yes. She explained that the Planning Council took the lead as the municipal advisory group to the County Commission and established an Affordable Housing subcommittee to develop policies that could be in place when these different projects came in at

the Land Use stage, and the provisions of Affordable Housing at the local level, to be consistent with the Plans.

Mr. Maus asked if they were going to be inserted by goals and objectives.

The Chair advised that this would be a change in the Affordable Housing Element of the Broward County Comprehensive Plan under goals and objectives.

Mr. Benson advised that each municipality was supposed to submit a plan to the County by December of 2006.

The Chair asked if they were adopted.

Ms. Eichner advised that the Affordable Housing Policy was adopted; and added that each municipality *shall* implement one or more of the following... She stated that it was an expansive list. "The A La Carte Choice". She advised that the Cities must demonstrate to the County for every Plan Amendment that comes in what their programs and polices are. Ms. Eichner explained that some Cities are doing more and some Cities are doing less. Now it is at a point where there is a list of options and all they need to do is demonstrate to the County that when a Plan Amendment comes in, the City tells the County which programs it has chosen from the list, to comply with the policy. She advised that it was something to make every City look in its own back yard with respect to Affordable Housing and it was not for the County to judge the satisfaction/fulfillment of the policy.

Mr. Maus asked if it is still a problem.

Ms. Eichner replied generally no, but there are still people who feel it should be more specific. Some County Commissioners want a mandatory 15% set aside. Ms. Eichner advised that when this issue went to the League of Cities it became a heated discussion to the point of members walking out.

The Chair stated that he wanted the subcommittee to understand that the issue is not just limited to Land Use decisions, that there are other parts and potential for this conflict to exist. He added that this issue is broader than the Land Use Issue and there could be a conflict in other Elements such as Parks, Open Space, Infrastructure, and other areas.

Ms. Eichner explained that the County is looking at amending some of its policies and rules with respect to golf courses; she added that the redevelopment to golf courses and the impact it has on diminution of open space. In her opinion, it will become the next issue between Cities and the County (Open / Green Space in the County).

Mr. Maus stated that he sees Land Use as it relates to the Charter, but he cannot see how something with respect to Affordable Housing can be incorporated to impose upon the Cities.

The Chair replied that because the City's Comprehensive Plan must be consistent with the County's Comprehensive Plans.

Ms. Eichner stated that Affordable Housing policy is actually in the Land Use element.

Mr. Maus stated that he thinks it could be unconstitutional and drastic for the County to stay in our Land Use Plan since 15% has to be set aside.

Ms. Eichner stated that the County has its level of service standards for roadways; she added that the County might have an adopted level of service way to have more development, but that might degrade the County Transportation system.

The Chair advised that the Comprehensive Plan over the years, have been to allow County mandates, that anything that comes within the plan can be included and mandated upon the Cities. He explained an example of Dade County Charter and the way they use it to deal with Environmental issues.

Mr. Auerhahn stated that anytime the County wants to do something that comes within that area. (Ex. Gun Control), did not succeed, he added that the housing issue the County Commission decided that the only way to influence that was to the Land Use Plan.

Mr. Ketcham asked was that a close vote.

Mr. Auerhahn replied that it was all around.

Mr. Maus asked can the County impose it unilaterally, he also asked does it have to go to referendum.

Mr. Auerhahn replied that there are two places that the State has to be consistent with the County and the ability for County challenges.

Mr. Maus asked if there is a way to identify specifically within the Charter what is contained under the umbrella of Land Use.

Mr. Sniezek stated that he believes the City and County Attorneys would give raise to the issue, he added that the Affordable Housing is narrow and about Land Use if Affordable Housing is being addressed.

The Chair stated that some people would say that Affordable Housing is a social policy issue.

Mr. Auerhahn advised that this conflict is a result of the fact that they have run out of land and there is still growth to come. He added that the EAR process is the future population of Broward County; he stated that the conflict is placing things next to people and they feel crowded.

Mr. Benson stated that the line has been drawn in terms of the Westward movement at certain points where the Everglades begins; he asked has there been a discussion to cross over that line.

Ms. Eichner replied she has never heard of any discussion about that issue.

Mr. Sniezek advised that they have had a couple of calls from landowners out there, but it has never gotten beyond that.

Mr. Benson advised that this is happening in Dade County.

Mr. Auerhahn replied that Dade County has land that is physically available that can be drawn; he added that we have a conservation area in Broward County.

Mr. Benson stated that the Sawgrass Expressway is the Western Boundary.

Mr. Auerhahn stated that this is not local decision to go beyond.

Ms. Eichner replied that everybody is looking eastward.

Mr. Benson stated that everything goes back to procedural activity and what are we going to do and how we are going to process the procedural issue.

Mr. Auerhahn stated that it wouldn't be long before we are talking about running out of water and this won't be such a big issue.

Mr. Maus advised that it is obviously a complicated issue and how you deal with the issue and how you deal with the Land Use issues, he stated that there are studies as to how different areas have dealt with this issue and asked if there is information on it.

The Chair advised that he tried to get someone from the State to come down who has dealt with this issue Statewide and it would be good information to find out how other places have dealt with this issue.

Mr. Maus asked if staff could check with the National League of Cities (NLC) to see if studies have been done.

Mr. Benson advised that the NLC does have information.

Mr. Ketcham asked whether an elected body had discretion to deny a land use plan amendment if the amendment met all of the criteria.

The Chair directed Ms. West to request a legal opinion from Sam Goren's Office related to Mr. Ketcham's question "If all criteria are met for a land use plan amendment, what discretion does an elected body/governmental entity have to deny or approve.

The Chair asked the dais to help identify someone who can come in help the subcommittee with how they deal with these kinds of issues.

Mr. Auerhahn advised that Pinellas County is closest to build out like Broward County.

Ms. Eichner advised that Pinellas does not have nearly as many Cities as we do here in Broward.

Mr. Ketcham asked if they took the County out the Davie Commons project would the State of Florida oversee it.

Ms. Eichner advised that one of the key issues is transportation and access to the site. She stated that the only access they are proposing is off I-75, which is a State Road, and once that amendment gets to the State level, the Florida Department of Transportation would be reviewing it. Ms. Eichner stated that the other issue that will come up is Emergency Management Evacuation and the State always reviews the amendment.

Mr. Auerhahn advised that the State does not hold public hearings.

The Chair asked Ms. West to invite someone from the Regional Planning Council; he added that Mr. Sam Goren is their Lawyer. He then requested that Ms. Carolyn Dekel from the South Florida Regional Planning Council be the invitee. The Chair then asked Mr. Sniezek to return via coordination with Ms. West.

Mr. Sniezek asked if he should invite Planning Council Members.

The Chair advised that whatever Mr. Sniezek decides to present the dais is available to hear. The Chair requested Mr. Auerhahn and Ms. Eichner to try to attend those meetings as well.

#### **IV Preliminary Categorization of Issues (for discussion and re-evaluation)**

The Chair advised that the subcommittee would address the issue of grouping in the next meeting schedule.

#### **V Other Business**

The Chair advised that the next subcommittee meeting is on May 4<sup>th</sup>.

#### **VI Public Comment**

Ms. Gloria Katz (Smart Growth Partnership) suggested that Lancaster County, PA Land Use Plan on the internet will give the TSC an idea of how to pull all of the issues together into a plan that not only addresses rural concerns (Weston / Davie) but also Urban concerns and how they dealt with it. She advised that they have 67 Cities in their County. The Chair requested Ms. West obtain a copy for the dais.

#### **VII ADJOURNMENT**

There being no further discussion and no public comment the meeting was adjourned at 9:47am.

The minutes of this meeting are recorded on CRC-LUSC CD # 4.20.07 (BCGV CTR)