

Q1: What do you think of the continued pre-emption of local rule – when locals know the needs?

Q2: Nothing makes me more upset than the State preventing the local governments from serving their citizens. Home rule is very important to the success of our communities, but the State has taken the position for years that they want one set of standards for every county and city in Florida. You probably agree that Manatee County is very different from Hendry County and Miami-Dade, which is why this is a bad idea.

Pre-emption is likely to continue as this legislation session is filled with an agenda to control local government.

Q2: Can you speak to potential of residential and multifamily adjacent to Lena Road Landfill?

A2: I'm not sure of the latest status, but there is the potential for residential and multi-family next to the landfill, based on the MU (Mixed Use) Future Land Use Category, lying west of the landfill. In fact, the county has approved allowing a height up to 200 ft for residential housing.

Q3: How does planning account for new needs like overpasses rather than just continuing to add new lanes of traffic?

A3: Most (and perhaps all) overpasses are FDOT (Florida Dept of Transportation) projects. The MPO (Metropolitan Planning Organization) and the FDOT coordinate on the expansion and replacement of these roadways, and that is based on the volume of trips and how they are spread on the network. There has been a discussion for a few years centered on building an overpass that would allow travelers moving from Pinellas/Hillsborough to the southern counties to by-pass Bradenton so to avoid adding to the congestion on our roadways. While it is controversial, I've heard it is moving forward.

Q4: What is the process by which the FDAB can be moved?

A4: Moving the FDAB would require a Comprehensive Plan Amendment.

The reality is the county's actions to allow urban development beyond the FDAB have made it irrelevant, which will ultimately cost the county significant revenue as they will be required to provide urban services that haven't been planned for or funded in a Capital Improvement Plan.

Q5: And a developer build beyond the FDAB?

A5: Generally, the FDAB is the "line in the sand" and development must be west of this line. However, there was a plan amendment recently approved that allows land that is east of the FDAB AND contiguous to development, that is expanding across the FDAB, to receive entitlements. The intention was to allow Lakewood Ranch to continue building their successful community on land that straddled both sides of the line.

When that change was being considered, another homebuilder lobbied the BOCC to allow other lands east of the FDAB to seek entitlements too, as long as the land -- was contiguous to land -- that was contiguous to land -- that was west of the FDAB. He claimed it was unfair to only allow Lakewood Ranch to have the benefit. The intention of allowing this change was for sequential development – one parcel at a time and all sequentially from west to east of the FDAB.

However, what is happening is leap-frog development – a terrible planning practice, mostly because it is expensive and difficult to serve the development with county services (utilities, parks, libraries, police, fire, roads, etc.). Recently the BOCC allowed a Comp Plan Map Amendment to be approved on a piece such as this, and the rezoning is going before the BOCC soon. The Planning Commission has recommended denial.

Q6: Could you walk us through an example of a big property currently zoned for Agriculture being rezoned and sold to a developer?

A6: I can think of three recent examples of large pieces of land that were zoned General Agriculture and rezoned to Planned Development – Taylor Ranch, Falkner, and the Gamble Creek out near the FPL Power Plant, but I don't believe they were being sold to a developer. It's my understanding that the owners will develop the land. As for the process, it's like any rezone – an application is submitted, which is reviewed for compliance against the Comp Plan and Land Development Code (LDC).

Q7: Who is responsible for zoning change and how is the value of land determined?

A7: An owner or an owner's agent files a rezone and the application is either approved or denied by the BOCC. The value of land is determined by a property appraiser. The value of the land cannot be considered in the approval or denial of a rezone.

Q8: What if a Commissioner is in a public hearing but does not admit to having conversations with interested parties (e.g., a developer)?

A8: The Chairman will ask the BOCC before each quasi-judicial item if there has been any ex parte communication. Ex parte communication means – any communication on the matter being considered by the BOCC outside of the public hearing. This includes visiting the site or watching the Planning Commission hearing. Each commissioner has an opportunity to disclose a conversation at that time. It's illegal if a Board member had this type of communication and did not disclose at the public hearing. This could result in a legal problem for the county if the land use case is litigated. The Board member could also be held liable for the misstep.

Q9: What is the legacy on regulations of Beruff sitting on SWFWMD?

A9: I can't speak to the details of Beruff's legacy while involved with the SWFWMD, but I do remember that he was credited with removing many layers of bureaucracy (regulations) during his time on the SWFWMD Board. He also was very proud of greatly reducing the staff, eliminating Basin Boards and local funding.

Q10: When a developer is initially supplying water, sewer, etc. to a development, how is what is needed to maintain it for the future considered?

A10: The Comprehensive Plan requires that utilities are planned in anticipation of population projections. Until recently, the FDAB line was the boundary where the County could expect to serve the public with utilities, so the county could count on this geographic limitation. Perhaps most importantly is that the water and wastewater treatment plants are also sized based on the expected population of this area.

As development is approved, it's the developer's responsibility to tie into existing utilities. Almost always, the developer then turns the utilities over to the county to maintain them and they are charged a "Facility Investment Fee" (FIF) to cover their fair share of the costs of the impacts to the utility system.

Utilities are another reason that prematurely moving the FDAB does not align with efficient planning. The cost of the County's utility system is proportionately shared by all who use it. Imagine if utilities are extended a mile east of the FDAB, but there are only a few hundred people who use it in that area. All county residents pay for the utility system, no matter if it is efficiently used. Therefore, it makes sense to have as many people as possible in a condensed area

paying for the county utilities. Simply put – fewer miles of pipe divided by more people = less expensive utilities. When we have urban sprawl, the utility bills are higher for everyone.

Trash collection is based on the same model. Imagine collecting trash in a subdivision developed at 3 du/acre compared to collecting trash along 10 miles of 5-acre tracts, and it's easy to understand the economies of scale.

One final thought – utility lines operate well when they are used at their capacity – in other words – if you don't have enough people serviced by an extended water line – there is less water running through the lines – which can result in reduced water quality, which is another problem of low-density development.

Q11: How can the BoCC dictate that AMI build a parking garage next to the beach?

A11: Representative Will Robinson and Senator Jim Boyd have a bill pending at the State level to force AMI to build a garage. See comments above on Home Rule. The Bill allows the County the right to build a parking garage on County owned land without need for permits from the local island city-it does not force the city to build a garage.

Q12: It seems like the FDAB is a joke - all a developer has to do is ask. Is that unfair characterization?

A12: The FDAB was always respected for the importance it provided to the County. Strictly my opinion is that Manatee County has lost so many long-time employees in the last 2 years, and with that has gone a ton of historical knowledge. That combined with the political climate we are experiencing has resulted in a lack of respect for this boundary. Some may proclaim this is "freedom", but the truth is that it results in less efficient services that are more expensive for everyone and a loss of valuable agricultural land. Additionally, it slows the redevelopment of the urban core, as it is much cheaper (and more profitable) to develop green lands than to have to retrofit a project in an area already developed. The biggest danger to allowing development beyond the FDAB and Urban Service Boundary is that there is No planning for services that could result in shortages and very expensive costs to taxpayers!

Q13: How does a person become a party to quasijudicial hearings especially when we are given only 3 minutes to speak which includes time for an expert and there is no opportunity for cross examination?

A13: The only way that a member of the public can have their comments become part of the record in a quasi-judicial matter is to speak at the hearing. Cross-examination is not a part of this process. A well-organized group can coordinate their presentation into 3-minute increments. A person representing 10 or more people, who has this in writing, can receive 10 minutes to speak at the hearing.

Q14: How much opportunity for notice and an opportunity to speak in the staff's administrative review?

A14: The LDC requires public hearings to be noticed 10-days in advance of the hearing. If I understand the question, you ask if there is an opportunity to speak with the staff on administrative items. The answer is, "yes", but it's important to remember that staff is applying the standards of the LDC – and theoretically – if it meets the standards, it is approved. This is why the most important time to be engaged is during legislative changes to the Comp Plan and LDC, and because these changes are legislative – your county commissioner can meet with you and discuss these changes before it goes before them for approval.

The staff work for the taxpayers and should make themselves available to meet with the public, if requested. I understand that previous county administrations informed staff that they didn't have to meet with the public because it was too time consuming and staff members were swamped doing their work. I call BS on that – if they can't get to their

work and serve the public, then they need more staff. This is an example of where your county commissioner can advocate for more staff to serve the public.

Q15: Can you explain quickly the purpose of stewardship districts and how they're currently used in Manatee County? And how new stewardship districts could get approved?

A15: Stewardship Districts are approved by the State of Florida, and they are a way of financing and maintaining infrastructure in a defined area. They are also considered special purpose governments and can tax their residents on top of city and county taxes.

Q16: Misty- when you were a commissioner you voted against (I believe was a transmittal) of rezone for Gamble Creek Village. The applicant included that it would be responsible for utilities... what was it about that request that you believed was not in keeping with the comp plan? Do you believe if other board members had voted with you and there was a court challenge of the commission's decision, the courts would find ground to have upheld the denial?

A16: I voted for denial of the transmittal and the adoption of the amendment. See my utility comments above for one of the main reasons. My opinion is that this project was clearly inconsistent with the Comp Plan and we did not have to change our Comp Plan just because someone asked to change it. The applicant had a great presentation and the agrihood concept sounded exciting – so that Board voted to approve it. There is no assurance that the owner will develop the vision he painted to the BOCC. They could sell off the property and a builder could come in and build cookie-cutter homes without all of the extra things the developer showed in his presentation, and the development would be consistent with the approval. It was too big of a risk for me. I'm happy to hear from the developer that they intend to build it as they described. It's a 30-year project, and I hope that vision doesn't change.

Q17: Why are hearings on comp plan amendments combined with development approval when Florida statutes require totally different procedures? For instance, amendments require wide distribution of evidence to the public before the hearing.

A17: The applicant wants to get through the process as quickly as possible and there are ways that both can legally be heard.

Q18: Is it the Comp Plan or the Land Use Development Plan that we need to influence?

A18: Both are very important and amendments to either are the most important way the public can comment on how our community develops. The Comp Plan is the broad vision for the community and the LDC executes the vision with detailed regulations. If there is a conflict between the two documents, the Comp Plan prevails. The Comprehensive Plan is a legislative document-the process to amend the Plan is NOT quasi-judicial and does not have the same legal standard of requiring expert testimony as a Rezone.

Q19: Is the Planning Task Force – a sub group of the BOCC? Or another entity?

A19: It's a task force of people who work within the county and they discuss ways to improve regulations and processes. The public is invited. The Planning Commission is required by state statute to serve as the Local Planning Agency-they are supposed to lead the county's efforts in Plan.

Additional Q&A Responses from Land Use, Planning, and Development Training held on 2/22/2023
Facilitators and Responses Written by: Misty Servia and Betsy Benac
Hosted by the League of Women Voters of Manatee County

Q20: What happened to the Planning Task Force initiative to make neighborhood meetings mandatory not suggested?

A20: I'm not sure if they are mandatory yet, but they are strongly suggested. As a commissioner, I always wanted to know if the applicant reached out to the neighborhood.

Q21: Is the Planning Task Force the same as the Planning Commission?

A21E: The Planning Commission is an advisory group that hears land use cases and makes a recommendation to the BOCC. I was always taught in school that the Planning Commission should be made up of regular citizens (cosmetologists, teachers, nurses, retirees, etc.) in the community so that you would have a broad base of representation. In Manatee County over the last 15-years there was a push to appoint people in the development business to the Planning Commission, and this is now codified in the LDC. Strictly my opinion – this makes for a lopsided review of land use matters. A good process is when we have a developer apply, the professional staff review – then the Planning Commission, who represents the community review - and then the BOCC, who are elected representatives. This is a balanced system that includes everyone.

Planning Commission information: <https://www.mymanatee.org/cms/One.aspx?portalId=7588390&pageId=11593509>

Q22: Why "get involved" when hundreds of community inputs are simply ignored? This just happened last Thursday Feb 16!

A22: We can't give up hope, and the community needs to hold their elected representatives accountable if they are not governing as the citizens expect. The power is at the ballot box. We need more people interested and engaged in their local government because money cannot win against an educated electorate who vote.

Read the Comp Plan and the LDC, then quote it at the hearings. Provide written comments. File appeals of Comp Plan Amendments. Don't be silent.

Q23: Would you do a Part II Training? Or come back to offer tips on making good presentations to the Commissioners?

A23: It would be my pleasure. Yes

Q24: Where do you go to find out about public hearings?

A23: You can visit the following county webpage:

https://www.mymanatee.org/government/board_of_county_commissioners/bcc_meetings_and_agendas/public_hearing_notices