



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Emily Schemper, Sr. Director of Planning and Environmental Resources

From: Tiffany Stankiewicz, Development Administrator

Date: February 8, 2019

Subject: Residential Dwelling Unit Evaluation Report for Quarter 2, Year 27
(October 13, 2018 through January 14, 2019)

Meeting Date: February 27, 2019

This report has been prepared pursuant to the 2030 Comprehensive Plan Policy 101.6.4 and Section 138-28 of the Land Development Code (LDC). The proposed residential dwelling unit rankings attached to this report are for the second quarter of year twenty-seven which covers the period October 13, 2018 through January 14, 2019.

I) BACKGROUND INFORMATION:

On June 23, 1992, the Monroe County Board of County Commissioners (BOCC) adopted Ordinance #016-92, implementing the Residential Dwelling Unit Allocation System. The Ordinance became effective on July 13, 1992, and has been amended periodically.

On March 15, 2006, the BOCC adopted Ordinance 009-2006 to implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary, Department of Community Affairs signed the final order deciding the challenge on September 26, 2007 (amended Final Order issued January 2, 2008). The Rate of Growth Ordinance (ROGO) utilizing the Tier System and overlays, made changes such as subarea boundary districts for allocation distribution, basis of scoring applications, and administrative relief.

On September 22, 2005, the Monroe County Board of Commissioners adopted Ordinance 025-2005 which revised the ROGO to utilize the Tier overlay as the basis for the competitive point system. The ordinance became effective on February 5, 2006.

On September 21, 2012, the BOCC adopted Ordinance #021-2012, revising the ROGO allocation scoring system regarding land dedications and Tier III properties containing wetlands adjacent to Tier I properties. The ordinance became effective on December 31, 2012.

On April 13, 2016, the BOCC adopted Ordinance #005-2016, Monroe County Year 2030 Comprehensive Plan. The ordinance became effective on June 20, 2016. The updated Comprehensive Plan in part revises ROGO. The new Comprehensive Plan provides for additional and revised scoring criteria which have been implemented as of July 13, 2016. Additionally, changes include making all Affordable Housing allocations available and establishing no more than one Tier I allocation every two years in the Big Pine Key and No Name Key Subarea.

On November 22, 2016, the BOCC adopted Ordinance #030-2016, to satisfy a Stipulated Settlement Agreement regarding BOCC Ordinance 006-2016, which amended the Monroe County Land Development Code to be consistent with the Monroe County Year 2030 Comprehensive Plan. The ordinance and LDC became effective on February 3, 2017.

The following background information regarding applications reviewed this quarter is divided into subarea districts: A) Lower Keys Subarea and Upper Keys Subarea and B) Big Pine Key and No Name Key Subarea.

A. Applications reviewed this quarter for Lower & Upper Keys Subareas:

	Market Rate	Affordable Housing
*Lower Keys	13	0
** Lower Keys (Adm. Relief)	0	0
***Upper Keys	21	0
****Upper Keys (Adm. Relief)	0	0
TOTAL	34	0

- * 0 application rollovers or reapplications from previous quarters.
- ** 0 applications are rollovers or reapplications from previous quarters.
- *** 9 application rollovers or reapplications from previous quarters.
- **** 0 applications are rollovers or reapplications from previous quarters.

B. Big Pine Key and No Name Key Subarea:

- 1) In 1998, the Florida Department of Transportation, Monroe County, the Florida Department of Community Affairs, the U.S. Fish and Wildlife Service, and the Florida Fish and Wildlife Conservation Commission signed a Memorandum of Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and other protected species in the project area.
- 2) The Livable Communikeys Program (LCP), Master Plan for Future Development of Big Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004. The LCP envisioned the issuance of 200 residential dwelling units over a 20-year period at a rate of approximately 10 units per year. A minimum of twenty percent of the 10 units per year are to be set aside for

affordable housing development. Below is a table tracking LCP allocations remaining at the conclusion of Quarter 1 Year 27.

Liveable Communikeys Master Plan (LCP) 2003-2023						
	Beginning Balance	Allocated through Quarter 4 Year 26	Expired Allocations	BOCC Reservation	Balance of LCP Allocations *	Balance including Allocations
Market Rate Allocations	160	135	2	0	27	27
Affordable Housing Allocations	40	38	4	6	0	0
Totals	200	173	6	6	27	27

* Means the total adjusted to account for expired allocation, reserved allocations and re-use of allocations.

- 1) The LCP Master Plan Action Item 3.2.6 limits allocation awards in Tier 1 to no more than five percent of all residential units permitted over the 20-year planning period (*i.e.*, a maximum of 10 units) or a total of $H = 0.022$ (two percent of the total H), whichever results in the lower H. Development in Tier 1 is tracked from December 27, 2004, the effective date of the Liveable CommuniKeys Plan that established the Tier System for Big Pine Key and No Name Key. (Ordinance 020-2009).
- 2) On June 9, 2006, the U.S. Fish and Wildlife Service issued a Threatened and Endangered Species Incidental Take Permit (ITP) to Monroe County (Growth Management Division), The Florida Department of Transportation, and The Florida Department of Community Affairs. The ITP allows the issuance of 200 new residential units through the year 2023.
- 3) The ITP (Federal ITP #TE083411-0) requires the Permittees (Monroe County, Growth Management Division, the Florida Department of Transportation, and the Florida Department of Community Affairs) to ensure that the take of the covered species is minimized and mitigated. The permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP.
- 4) The ITP provides specific development limitations on Big Pine Key and No Name Key, including, but not limited to:
 - The total impact of commercial, institutional (including public projects such as wastewater and roads), and residential development over the 20-year life of the HCP shall not exceed $H=1.1$.
 - For each H value unit of development, 3 H units of conservation lands shall be acquired, restored, and protected in perpetuity. Over the term of this permit, lands with a cumulative H value of 3.3 shall be acquired.
 - New residential development will be limited to a maximum of 200 dwelling units over the 20 year life of the HCP.
 - New residential development in Tier 1 areas will be limited to no more than 5% of all residential units permitted over the 20 year life of the HCP (no more than 10 units) or $H=0.022$ whichever results in a lower H.
 - No new development other than single-family residential and accessory uses will be permitted in Tier I areas.

As of December 31, 2017 the County has used 0.5533 H of the total 1.1 ‘H’ allowed, while 98% (3.2480 ‘H’) of the total 3.3 ‘H’ mitigation required by the HCP and ITP has been acquired

As noted above, the ITP allows development of 10 dwelling units or 0.022 H impact, whichever results in a lower H in Tier I areas on Big Pine Key and No Name Key. ROGO allocations and subsequent building permits for 4 dwelling units totaling 0.0074 H have been issued to date.

- 5) The 2030 Comprehensive Plan Policy 101.6.2 limits the annual maximum number of residential permit allocation that may be awarded in Tier 1 to no more than one every two years in the Big Pine Key/No Name Key Subarea.
- 6) **Applications reviewed this quarter for the Big Pine Key and No Name Key Subarea:**

	Market Rate	Affordable Housing
*Big Pine Key and No Name Key	28	16

- * 27 Market Rate applications are rollovers or reapplications from previous quarters.
- * 16 Affordable Housing applications (moderate category) are rollovers or reapplications from previous quarters.

II) ALLOCATION FACTORS:

- A. Pursuant to Policy 101.3.2 the number of annual market rate allocations available is 126.
- B. Policy 101.3.2 make all affordable housing allocations available.
- C. Section 138-24(c) allows any unused portion of affordable housing allocations to be retained and rolled over into the next dwelling unit allocation year.
- D. Section 138-24(a)(3) allows the Planning Commission to amend the affordable housing proportions within income groups during any ROGO quarter.
- E. Section 138-27(h) limits administrative relief allocations per quarter. The number of allocations that may be awarded under administrative relief in any subarea quarter shall be no more than fifty percent (50%) of the total available market rate allocations.
- F. Section 138-24(a)(5) limits the number of allocation awards in Tier I. The annual number of allocation awards in Tier I shall be limited to no more than three (3) in the Upper Keys Subarea and no more than three (3) in the Lower Keys Subarea. The ITP limits Big Pine Key and No Name Key Subarea to ten (10) allocations over a twenty year period or H =0.0220 whichever is lower. Additionally, the 2030 Comprehensive Plan Policy 101.6.2 and Section 138-24(a)(5) limits the annual maximum number of residential permit allocation that may be awarded in Tier 1 shall be no more than one

every two years in the Big Pine Key/No Name Key Subarea. Below is a table tracking the Tier 1 allocations by Quarter/Year.

Tier 1 Award limits	Key (Island)	Permit Number	Allocation type	Quarter, Year	Real Estate Number	H-value	Permit Issue Date	Certificate of Occupancy (C/O) Date	Current Status	Tier 1 Allocations Update	
Limited to a maximum 10 or H= .022 whichever is lower over the life of the ITP. 2030 Comprehensive Plan Policy 101.6.2 limits allocation award to no more than one every two years.	Big Pine	95101813	Market Rate	Q3Y4 (1996)	00285550.000000	0.0028	6/1/2005	9/4/2012	C/O Issued	Big Pine/No Name Keys Subarea: Used 4 not including expirys (since 1996) out of a maximum potential of 10 or less depending on H allowance whichever comes first. Based on permits issued to properties in Tier 1 and pending permits with allocation awards the H total is .0074 (since Dec. 27, 2004).	
	Big Pine	96101622	Market Rate	Q2Y6 (1998)	00289510.000000	0.0022	5/1/2006	3/6/2008	C/O Issued		
	Big Pine	03102303	Adm. Relief	Q2Y16 (2008)	00289710.000000	0.0013	4/29/2008	8/4/2010	C/O Issued		
	Big Pine	97101361	Market Rate	Q1Y17 (2008)	00296820.000000	0.0011	12/16/2009	3/29/2012	C/O Issued		
	No Name	96101472 (Not used)	Market Rate	Q2Y19 (2011)	00319494.001300				Not Issued		Expired
	No Name	96101470	Market Rate	Q2Y20 (2012)	00319494.001000				Not Issued		Expired (7/22/2015)
	No Name	96101469	Market Rate	Q2Y20 (2012)	00319494.000900				Not Issued		Expired (7/22/2015)
	No Name	96101464	Market Rate	Q3Y20 (2012)	00319494.000500				Not Issued		Expired (7/22/2015)
	No Name	96101463	Market Rate	Q4Y20 (2012)	00319494.000400				Not Issued		Expired (7/22/2015)
	No Name	96101473	Market Rate	Q4Y20 (2012)	00319494.001400				Not Issued		Expired (7/22/2015)
	No Name	96101462	Market Rate	Q4Y21 (2013)	00319494.000300				Not Issued		Expired (1/30/2016)
	No Name	96101461	Market Rate	Q2Y22 (2014)	00319494.000200				Not Issued		Expired (1/30/2016)
	No Name	96101460	Market Rate	Q2Y22 (2014)	00319494.000100				Not Issued		Expired (1/30/2016)
	No Name	96101465	Market Rate	Q3Y22 (2014)	00319494.000600				Not Issued		Expired (1/30/2016)
	No Name	96101467	Market Rate	Q2Y24 (2016)	00319494.000700				Not Issued		Expired (9/5/2016)
No Name	96101468	Market Rate	Q2Y24 (2016)	00319494.000800				Not Issued	Expired (9/5/2016)		
No Name	96101471	Market Rate	Q2Y24 (2016)	00319494.001100				Not Issued	Expired (9/5/2016)		
						0.0074					
Subarea Lower: Begin July 13, 2018-July 12, 2019 (Year 27)											
Lower Keys maximum annual allocations in Tier 1 is limited to 3.										Lower Keys: Used 0 out of the 3 allowed in Year 27.	
Subarea Upper: Begin July 13, 2018-July 12, 2019 (Year 27)											
Upper Keys maximum annual allocations in Tier 1 is limited to 3.										Upper Keys: Used 0 out of the 3 allowed in Year 27.	

Based on the Code, Comprehensive Plan, Livable CommuniKeys, Habitat Conservation Plan, and the Incidental Take Permit:

- 1) Within the Big Pine Key and No Name Key Subarea, new residential development in Tier 1 is limited to no more than five percent of all residential units permitted over the twenty year planning period (*i.e.*, a maximum of 10 units) or H=0.0220, whichever results in a lower H over the life of the ITP (2003-2023) and no more than one allocation awarded every two years in Tier 1. A review of the H-impacts used to date (.0074), shows 0.0146 H remains available for Tier 1 (H limit of 0.0220 - 0.0074 H used = 0.0146).
- 2) Big Pine Key and No Name Key Subarea has one Tier 1 allocation available. No Tier 1 ROGO applications have received awards in the past 2 years.
- 3) Lower Keys Subarea has three Tier 1 allocations available in Year 27; and
- 4) Upper Keys Subarea has three Tier 1 allocations available in Year 27.

G. Item G5 in the ITP specifies, “New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas is limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (*i.e.*, a maximum of 10 units) or a total H-0.0220, whichever results in a lower H.”

- H. LCP, Action Item 3.2.6: Limits allocation awards in Tier I to no more than five percent of all residential units permitted over the twenty year planning period (i.e., a maximum of 10 units) or a total H-0.0220 (two percent of the total H), whichever results in a lower H.
- I. Monroe County Code Section 138-24(a)(4) Big Pine Key and No Name Key states: All allocation awards on Big Pine Key and No Name Key are subject to the provisions of the Incidental Take Permit and the Habitat Conservation Plan for the Florida Key Deer and other covered species, which may affect ROGO allocations under this article.
- J. Monroe County Code Section 138-25(h) Expiration of allocation award: Except as provided for in this division, an allocation award shall expire when its corresponding building permit is not picked up after sixty (60) days of notification by certified mail of the award or, after issuance of the building permit, upon expiration of the permit or after failure of the applicant to submit required plan revisions by the required date set for in subsection (j).
- K. The 2030 Comprehensive Plan allows a total of 126 Market Rate allocations per year and makes all Affordable Housing Allocations available.

Year 27 Allocation Allotment Breakdown by Quarter (July 13, 2018 –July 12, 2019)

Market Rate:	MCC allotment by subarea	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Lower Keys	57	14	14	14	15
Big Pine Key and No Name Key	8	2	2	2	2
Upper Keys	61	15	15	15	16
Total:	126	31	31	31	33
Affordable Housing***:					
Big Pine/No Name Keys	0*				
Lower/Upper Keys	337**				

Beginning balances

*Big Pine Key and No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1) very low, low, & median income (0 allocations) and 2) moderate income (0 allocations); and

**unincorporated Monroe County excluding the Big Pine and No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1) very low income, low income and median income (112) allocations and 2) moderate (225) allocations.

*** The BOCC adopted the Monroe County 2030 Comprehensive Plan and Land Development Code which modified the availability of Affordable Housing Allocations. All Affordable Housing allocations are available now.

Table below shows accounting of Affordable Housing Allocations reserved and rescinded for the balances reflected above:

Total Allocations Available beginning Year 27 (July 13, 2018-July 12, 2019)	0	(VL, L, Med 40) & (Moderate 0)	565	(VL, L, Med 212) & (Moderate 353)
BOCC July 18, 2018 approved the transfer of 18 AFH allocation to the City of Marathon for St. Columba Episcopal Church project. RE: 00326650-000000; N 100' of the W 1/2 of Lot 21 & N 100' of Lot 22, B 1, Parrish Subdivision, Marathon, Key Vaca. Interlocal Agreement signed July 31, 2018. (BOCC Minutes 7/31/2018 & 8/15/2018 2nd corrected interlocal agreement)			18	Conditioned that 18 Mkt Rate ROGO allocations harvested from site only can be used in the unincorporated are of the County. Per Emily 18 AFH out of the (VL, L, Med. category)
BOCC October 17, 2018 Reservation for 57 units (26 Low and 31 Moderate) 00122081-000300, 00122081-000400, 00122070-000100, 00121980-000500, 00121980-000600 , 00122070-000103, 00122070-000109, 00122040-000100, 00122081-000500, 00122080-000500, and 00122040-000000. Development to be proposed on RE: 00121980-000000. Quarry Phase 3.			57	BOCC Approved Oct. 17, 2018. BOCC Resoluton 345-2018 reserved to Sept 18, 2020: Total 57: (26 Low and 31 Moderate) Permits to be obtained by September 18, 2020. Applicants applying for Low Income Tax Credit Housing) pursuant to Monroe County Code Section 138-24(b)(2)
BOCC October 17, 2018 City of Marathon. Reservation 64. Interlocal Agreement for loan of AFH . Seaview Commons.			64	Total 64 Moderate Income
Parcel 00166976-011400: 28 units of affordable housing (Low Income)			28	November 20,2018 BOCC. BOCC Resolution 411-2018 reserved to Nov. 20, 2019. 28 units of affordable housing (Low Income
Parcel 00166976-011300: 60 units of affordable housing (27 Low Income and 33 Moderate)			60	November 20,2018 BOCC. BOCC Resolution 410-2018 reserved to Nov. 20, 2019. 60 units of affordable housing (27 Low Income and 33 Moderate)
Allocated Qrt 1 Y 27: Oct 12, 2018	0		1	
Balance as of November 2018	0	(VL, L, Med 0) & (Moderate 0)	337	(VL, L, Med 112) & (Moderate 225)

- L. Monroe County Code Section 138-26 allows the adjustment of residential ROGO allocations at the end of each quarterly allocation period of additions or subtractions to the basic allocation available by subarea such as the number of dwelling unit allocation awards that expired prior to the issuance of a corresponding building permit.

Market Rate Allocations ROGO Year 27 Quarter 2			
Sub-Area	Market Rate Allocations Un-used Quarter 1	Regular Allocations Quarter 2	Total Allocations Available for Quarter 2
Lower Keys	6	14	20
Big Pine Key and No Name Key	0	2	2
Upper Keys	0	15	15
Total	6	31	37

- M. The 2030 Comprehensive Plan Policy 101.3.2 states: “The number of permits issued for residential dwelling units under the Rate of Growth Ordinance shall not exceed a total of 1,970 new allocations for the time period of July 13, 2013 through July 12, 2023, plus any available unused ROGO allocations from a previous ROGO year. A ROGO year means the twelve-month period beginning on July 13. Market rate allocations shall not to

exceed 126 residential units per year. Unused allocations for market rate shall be available for Administrative Relief”.

Table shows Total Market Rate Allocations Unused ROGO Years 19-26 available for Administrative Relief									
Sub-Area	Unused Market Rate from Yr 19	Unused Market Rate from Yr 20	Unused Market Rate from Yr 21	Unused Market Rate from Yr 22	Unused Market Rate from Yr 23	Unused Market Rate from Yr 24	Unused Market Rate from Yr 25	Unused Market Rate from Yr 26	Total Unused Market Rate Allocations
Lower Keys	11	44	14	20	6	0	0	0	95
Big Pine/No Name Key	0	0	0	0	0	0	0	0	0
Upper Keys	0	0	0	15	15	2	0	0	32
Total Allocations	11	44	14	35	21	2	0	0	127

Note: This table does not include all expired market allocations and may be revised to include expired allocation awards.

III) EVALUATION AND RANKING:

The evaluation of the allocation applications was performed by the Planning & Environmental Resources Department pursuant to Monroe County Code and Comprehensive Plan. Positive and negative points were granted in compliance with the evaluation criteria contained in Comprehensive Plan Policy 101.6.4 and Section 138-28 of the LDC for the Lower, Upper Keys, and Big Pine Key and No Name Key Subarea. An evaluation report has been provided in accordance with Monroe County Code Section 138-26.

Based on the total points scored, each allocation was ranked by subarea. If applications received identical scores, they were first ranked by date and time. Please note that any excess allocations approved must be deducted from the next quarterly allocation period pursuant to Monroe County Code Section 138-26(e).

IV) RECOMMENDATIONS:

A. Market Rate Allocations Quarter 2, Year 27:

The number of applications in the Lower Keys, Big Pine Key and No Name Keys, and Upper Keys Subareas was greater than the quarterly allocation awards available. Per Section 138-26(b)(7) of the code, the rankings indicate which applications are within the quarterly allocation, and those applications whose rankings puts them outside the quarterly allocation. An additional page is attached which identifies the location of each proposed allocation by island and subdivision.

The Market Rate applications recommended for Quarter 2, Year 27 approval that are within the quarterly allocations are as follows:

Lower Keys: Applicants ranked 1 through 13.

Lower Keys Administrative Relief: No Applicants.

Big Pine Key/No Name Key: Applicant ranked 1 through 2 is recommended for allocation award subject to mitigation availability at the time of permitting.

Upper Keys: Applicants ranked 1 through 15.

Upper Keys Administrative Relief: No Applicants.

B. Affordable Housing Allocations for the Lower & Upper Keys Quarter 2, Year 27:

There are two affordable housing allocation categories: 1) very low, low, & median income and 2) moderate income. A total of 337 affordable housing allocations are available in the two categories 1) very low income, low income and median income (112 allocations) and 2) moderate income (225 allocations). The Planning Commission may amend the ratio proportions for affordable housing during any ROGO quarter pursuant to Section 138-24(a)(3).

There were zero (0) affordable housing applications submitted this quarter in the moderate income category and there were zero (0) affordable housing applications submitted this quarter in the very low, low & median income category.

C. Affordable Housing Allocations for the Big Pine Key and No Name Key Quarter 2, Year 27:

There are two affordable housing allocation categories: 1) very low, low, & median income and 2) moderate income. At this time affordable housing allocations are not available in the two categories 1) very low income, low income and median income and 2) moderate income. The Planning Commission may amend the ratio proportions for affordable housing during any ROGO quarter pursuant to Section 138-24(a)(3).