

March 10, 2010

TRANSCRIPT OF THE MEETING OF THE
LAND DEVELOPMENT CODE
COLLIER COUNTY PLANNING COMMISSION

Naples, Florida
March 10, 2010

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 1:00 p.m. in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Donna Reed-Caron
Karen Homiak
Tor Kolflat
Paul Midney (absent)
Bob Murray
Brad Schiffer
Robert Vigliotti (absent)
David J. Wolfley

ALSO PRESENT:

Jeffrey Klatzkow, County Attorney
Nick Casalanguida, Interim Director for CDES
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Good afternoon. Welcome to the March 10th meeting of the Collier County Planning Commission. This is a continuation of the Land Development Code amendments. We'll go to 4:50 today, a little before 5:00 is when we'll continue to.

With that, everybody please rise for Pledge of Allegiance.
(Pledge of Allegiance was recited in unison.)

Item #2

ROLL CALL BY SECRETARY

CHAIRMAN STRAIN: Thank you.

We have a couple of housekeeping -- first of all, roll call by the secretary, who's not here.

Ms. Caron, would you mind?

COMMISSIONER CARON: Sure.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER CARON: Mr. Kolflat?

COMMISSIONER KOLFLAT: Here.

COMMISSIONER CARON: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER CARON: Mr. Midney is not here.

Ms. Caron is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER CARON: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER CARON: Mr. Wolfley?

COMMISSIONER WOLFLEY: Here.

COMMISSIONER CARON: And Mr. Vigliotti is not here.

CHAIRMAN STRAIN: Did you say Mr. Kolflat?

COMMISSIONER CARON: I did.

CHAIRMAN STRAIN: Oh, okay. I heard you say Paul wasn't, but I didn't know if you got Tor. He's moved his position.

Item #3

PLANNING COMMISSION ABSENCES

CHAIRMAN STRAIN: Okay, Planning Commission absences. More than likely -- well, definitely we're not going to finish today. So the next meeting date will most likely be our regular meeting on the 18th. On that day we have a couple items in the morning. One is a variance and one is a boat dock extension.

Ray, are those both still on the agenda?

MR. BELLOWS: Yes, they are.

CHAIRMAN STRAIN: Okay. It would be -- after those we would close our regular meeting, then reopen the continuation of the LDC meeting, probably around midmorning on that day. So at the end of today's meeting, we need to continue to that time.

Does everybody here -- anybody here know if they're not going to make it on the 18th?

(No response.)

Item #4A

LAND DEVELOPMENT CODE (LDC) AMENDMENTS

CHAIRMAN STRAIN: Okay. The next item up and the only item up for today are Land Development Code amendments.

In regards to those, there are three of them that will not be heard today. One is the C-5 commercial surgical manufacturing, that's been continued again.

Another one is the Immokalee overlay. As we discussed last time, that's going to take a few weeks to come back to us. Maybe in May. That's the second one on today's agenda -- or on the top of today's agenda.

And the third one on the top of today's agenda is the MPP shoreline calculations. That one has been continued to another date. I don't know what date yet, but we'll have to keep watching the agendas as they come out to see when the issues are resolved with those and when they're reposted.

COMMISSIONER KOLFLAT: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER KOLFLAT: Just back on the agenda, our agenda today lists three future meeting dates coming up on the back page of the sheet. No time is given for those. I believe the 1:00 is a Wednesday meeting; is that correct?

CHAIRMAN STRAIN: Well, the first one on March 18th is 8:30 in the morning. That's our regular meeting.

COMMISSIONER KOLFLAT: Right.

CHAIRMAN STRAIN: The one on March 24th I believe is 1:00 to 4:00; is that correct, Ray?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. And the next one after that again is a regular meeting, so that's at 8:30.

COMMISSIONER KOLFLAT: Right. It's just the times were missing.

CHAIRMAN STRAIN: Okay.

Okay, with that, we'll move into the -- basically they're consent items. And I remember from times past that we have to cull out each one individually, ask for a motion and a vote, discussion and then vote on that.

So I'll go through these. Those were ones we went over during the very first meeting when we weren't able to take a vote. They're on today's agenda to clean them up and get done with them.

First one is the 3.06.06.C, regulated wellfields in Golden Gate. Is there a motion for approval or denial?

COMMISSIONER SCHIFFER: Move to approve.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made by Commissioner Schiffer, seconded by Commissioner Homiak. Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

The next one is 30.60.6.E. Again, it's regulated wellfields.

Is there a motion to approve or deny?

COMMISSIONER SCHIFFER: Move motion, recommendation of approval.

CHAIRMAN STRAIN: Motion made by Commissioner Schiffer, seconded by --

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Commissioner Homiak. Discussion?

Mr. Kolflat?

COMMISSIONER KOLFLAT: Mark, could you identify the page number when you announce each one?

CHAIRMAN STRAIN: Sure. The one that we're talking about now is on Page 3. It would be the Page 3 of the very first packet that we did several weeks ago.

COMMISSIONER KOLFLAT: Thank you.

CHAIRMAN STRAIN: All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Next one is 3.06.06.F. Again, it's regulated wellfields. It's on Page 5. Is there a motion to approve?

Mr. Schiffer?

COMMISSIONER SCHIFFER: Move a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded, same motion makers.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Next one is 3.06.06.H, regulated wellfields, Page 7.

COMMISSIONER SCHIFFER: Move a recommendation of approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Okay, motion made by the same motion maker and second for approval.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Next one is 3.06.06.H again. It's the Ave Maria. This one is on Page 9.

COMMISSIONER SCHIFFER: Move a recommendation of approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded. Same motion makers.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

We've got two more. Next one is 10.02.07.C, submittal requirements for COAs. This was in our first packet on Page 11.

Is there a motion for recommendation or denial?

COMMISSIONER SCHIFFER: I move for recommendation of approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded. Same motion makers.

Discussion?

(No response.)

CHAIRMAN STRAIN: All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

The last consent item is 2.03.07.D.4, early entry TDR bonus extension. It's on Page 99 of our original packet.

Is there a motion?

COMMISSIONER SCHIFFER: So move a recommendation of approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Same motion maker, same motion for approval.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. Thank you.

Now we'll move into our regular agenda. And the first one up is the Sections 1.08.02 and 2.05.01 on Page 29 of packet three. That's the packet we recently received. This particular issue is density standards and housing types.

It's a private petition by Mr. Duane and Mr. Yovanovich.

MS. ISTENES: Would you like a brief summary, Mr. Chairman, of the changes?

CHAIRMAN STRAIN: Sure.

MS. ISTENES: Susan Istenes for the record.

If you look on Page 29 under the word change, all of the changes that were provided -- or that are being made as a result of this amendment are outlined.

I won't go through them all, but if you have any questions about that, I'd be happy to answer them.

One of the highlights, if you turn the page to Page 30, is the old definitions for timeshare estate, timeshare estate facility and timeshare unit are being added back in. They are then being struck, and then they're being changed per our discussion at the first hearing.

So I hope that didn't confuse anybody. But in order to keep the record straight, we needed to add them, take them out and then change them.

On Page 31, under the RT designation on the left-hand side of the column, the superscript 17 was added as a reference point for those items. And if you turn the page to 32, that also was added under VBRTO. And the superscript 17, which is on Page 34, references the lock-off units that we discussed.

And so if you'll flip real quick to Page 34, you'll see at the top of the page highlighted, it says superscript 17 and then lock-off unit, and then you have the definition of lock-off unit. So that was added.

As well on Page 31 the reference to 17 is at the top of the page on the right-hand corner under maximum density, because the lock-off units talk about the calculation of density.

On Page 32, if you see on the bottom -- or the second half on the right-hand side, the units were added for the VBRTO overlay to clarify that this amendment does not change the units for the VBRT overlay and they would remain at 16 for timeshare and multi-family and townhouses and 26 for hotels and motels, which they are currently.

And that was referenced also on Page 29 in the list of changes. So the VBRTO will remain as it is with respect to the densities for RT.

If you go to Page 33, under number three, it was requested that we add some language to ensure clarification that the standard is to meet the floor area requirements. So that was added there.

And same with under number four, there's two references there that meet the floor area requirements twice. And then of the RT district, if you see that highlighted there, that was added as well per our discussion.

And then that brings us to Page 34, which I already talked about, the lock-off units.

I believe that covers all the changes that we discussed.

CHAIRMAN STRAIN: Before we go through page at a time, does the applicant have any comments they want to make?

MR. YOVANOVICH: Only that I believe that -- I've worked with Susan since the last meeting, and these I understand are the changes that was originally requested by the Planning Commission, and we're comfortable with those changes.

CHAIRMAN STRAIN: Okay. At the last meeting there were some people here from the Vanderbilt Beach overlay area because they had an issue on the agenda. When they heard this was on the agenda, they wanted to have some discussion about it. Did you have any discussions with any of them?

MR. YOVANOVICH: I talked briefly with them, and then the approach was to specifically exclude this amendment from applying to the VBRTO. So I didn't pursue it any further.

CHAIRMAN STRAIN: Okay, I just wanted to make sure their concerns were addressed and if there were no concerns because of its exclusion, then that may solve the problem.

Okay, Susan?

MS. ISTENES: One additional thing. We had a kind of lengthy discussion about whether or not it was appropriate to regulate by form of ownership, that being listing time share as a permitted or conditional use.

After our meeting, I really batted that around and did some research and basically came to the conclusion that although that may not technically be the correct way to do it, it's not incorrect in that I think it makes it very clear to people where timeshare are and are not.

And we to my recollection haven't had any issues trying to figure out where time shares are and are not because it's very clear in the code. If it's listed as a permitted use, then that's the district in which it's permitted in.

So I did not make any changes relative to the wording of time shares or anything like that. So we continue to

regulate by form of ownership, but in talking with Rich about that as well, we just kind of came to the conclusion that at least people understand it and they know how to apply it.

CHAIRMAN STRAIN: Well, the more we can help people understand this code, the better off we are. I don't know if that -- the code's difficult enough.

Okay, are there any -- let's start with Page 29. Are there any questions on Page 29 from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: I have one, and it talks -- this is where -- getting into the changes. Has this -- is it my understanding that they're trying to make this basically equivalent to hotels and motels?

I don't care who answers.

MR. YOVANOVICH: That was the purpose -- the purpose of this amendment was to have time shares that operate as a hotel get the density that's allowed for hotel. And the timeshares that operate as a multi-family unit would have the density that's allowed for a multi-family unit.

CHAIRMAN STRAIN: The reason I bring it up is a recent issue that's come up. Hotels and motels have accessory uses that are commercial in nature. And I'm not sure if time shares are envisioned to contain the same allowable accessory uses to a timeshare that we have in hotels and motels. Because typically in hotels and motels we have restaurants, we have concessionaires.

I mean, look at the Marco Marriott. I know it's no longer in Collier County but it was at one time, and it's got a lot of nice concessions. Nothing's wrong with it. I want to make sure, though, that the understanding to everyone is that when we say timeshare from now on based on this change, we are actually going to mean a full hotel operation with its concession issues.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And right now there's an issue with the jet skis on the beach up in Vanderbilt because they're being used with a timeshare, I believe. And there's a concern that that was never meant to be, it was meant to be with a hotel-motel operation.

This language seems to now make those the same, which would make that question almost moot.

Mr. Wolfley?

COMMISSIONER WOLFLEY: Yeah, mine had to do with the differentiation of the zoning, whether they had kitchens or not. The difference between a hotel room and a --

MR. YOVANOVICH: Hotels are allowed to have kitchens.

COMMISSIONER WOLFLEY: Well, I -- well.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: Under the code you can have cooking facilities in the hotel.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So that's never been the distinguishing factor between whether you're a multi-family versus -- I don't think that's me -- versus -- that's never been the distinguishing factor between a hotel and a multi-family unit.

COMMISSIONER WOLFLEY: Okay, good, thanks.

CHAIRMAN STRAIN: Susan, back to my point of my question, do you see then the timeshare issue allowing all the commercial issues that hotels and motels use? Is that part of what is being acknowledged as acceptable here?

Or do you want time to think about it?

MS. ISTENES: I'd like a little time to think about it.

MR. YOVANOVICH: Can I put my two cents in?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: For what it's worth.

CHAIRMAN STRAIN: You always do.

MR. YOVANOVICH: We're slipping back into the discussion about ownership again. Remember, distinguish between a timeshare hotel, which is what we're asking for, we're going to operate like a hotel, but the rooms will be owned in a timeshare format versus a timeshare condominium, if you will.

The timeshare condominium would not be allowed to have those accessory uses because it's not a hotel. If

it's a hotel, you can have those accessory uses, if it's a condominium, if those are not normal accessory uses for a condominium project, you wouldn't be allowed to have those.

Timeshare is a form of ownership, it's not a use. So -- and remember, this is the RT district where it's a mixture of -- you're allowed to have commercial and residential within the same zoning district anyway. And it doesn't apply to Vanderbilt Beach where I believe the issue about -- that you're raising regarding the types of uses with whether it's really a timeshare multi-family project versus a timeshare hotel is not really being addressed through this change.

CHAIRMAN STRAIN: Well, a couple of points. It does apply to Vanderbilt Beach, just changes the density in Vanderbilt Beach. So in essence, the way I'm reading this, the density in Vanderbilt Beach for the timeshare would be 16. But it doesn't say that for all the other elements of the relationships of hotels and motels, the timeshare aren't changed.

MR. YOYANOVICH: What I read this as, it says timeshares will be basically considered. If you look at number -- I think it's under Page 32, and it's under maximum density?

CHAIRMAN STRAIN: Right.

MR. YOYANOVICH: When you look -- you look at that column, the density is for timeshares, it's a timeshare, they're still calling it a use. For a multi-family and for townhouses, you're allowed 16 units per acre. And then 26 units for hotels and motels.

CHAIRMAN STRAIN: Right.

MR. YOYANOVICH: So in Vanderbilt Beach you're still distinguishing between a timeshare as a use versus not being a use.

CHAIRMAN STRAIN: Okay. So you're telling me then that on Vanderbilt Beach because of the way it's written, you believe that 16 is referring to 16 timeshares in the form of a condominium versus 16 timeshares in the form of a hotel operation.

MR. YOYANOVICH: They're not giving you 26 units for -- you can always have a hotel of less than 26 units.

CHAIRMAN STRAIN: I know. And that's where I'm going, Richard. You just made my point.

MR. YOYANOVICH: Okay.

CHAIRMAN STRAIN: If this is 16 timeshares in the form of hotels, my original question was then can that timeshare operate with the same concessions and standards as hotels do?

MR. YOYANOVICH: But they always have been able to, Commissioner Strain. This regulation's not changing that.

CHAIRMAN STRAIN: Okay. But there is a question about the accessory usage applicable to timeshares. And if we make timeshares equivalent to hotels, I'm not sure how that all fits.

Brad?

COMMISSIONER SCHIFFER: Rich, aren't they limited by the size of the unit? In other words, if you have a unit that exceeds the hotel -- essentially if you took an apartment building, a condo unit and said now it's a timeshare, it doesn't get all the goodie accessory uses --

MR. YOYANOVICH: It does. Remember, because we added that language clearly to say that the units had to meet the unit size for hotels, which I believe is roughly 400 square feet. Three to five --

CHAIRMAN STRAIN: Unless it's a kitchen unit. And I think you can have so many percentages --

MR. YOYANOVICH: I think you can have a percentage that are suites that can be a little bigger. But it's not a large percent. I think it it's around 10. I could be --

CHAIRMAN STRAIN: It is. I was going to get to that language.

MR. YOYANOVICH: Right. So I think you're covered by that, Mr. Strain, because I doubt that you're going to have a lower density, smaller unit project try to be a timeshare multi-family that is trying to get around those regulations.

CHAIRMAN STRAIN: I never thought I'd see a multi-family building called a single-family unit either. But that happened, if you remember, in Summit Place when you brought forward the 22-foot wide units that were in a four-unit building. They now are not a four-unit building, they're single-families attached. That's an anomaly too, so I --

MR. YOYANOVICH: That's the code. That's not -- it depends on whether you're buying the ground below

or not.

CHAIRMAN STRAIN: I just want to make sure we always move forward knowing what we're talking about.

Ray, did you and Susan come to a conclusion?

MR. BELLOWS: Yes. In regards to this particular amendment, it is for the purposes of adding that clarification to hotels-motels as a timeshare facility.

(Audio interruption.)

MR. BELLOWS: That's me, maybe.

CHAIRMAN STRAIN: Oh.

COMMISSIONER WOLFLEY: That didn't sound --

CHAIRMAN STRAIN: I hope it wasn't a taxpayer's phone, Ray.

MR. BELLOWS: Okay, where was I?

CHAIRMAN STRAIN: Throwing your phone against the wall, but we don't want to talk about that.

COMMISSIONER WOLFLEY: Gosh, that's my phone. Sorry, Ray.

CHAIRMAN STRAIN: I was concerned about the accessory uses that are normally applicable to hotel-motels. Does this mean anything that is now considered a timeshare would be able to have those uses, or would they be limited to the timeshare units that are -- timeshare facilities where all the units are of a size equal to or smaller than a hotel-motel?

I guess that would be the caveat.

MR. BELLOWS: Yeah. The RT district allows all of those size rooms. And I don't see a problem with a timeshare if a hotel was at some point being converted to that purpose as long as, you know, they met those minimum size requirements.

CHAIRMAN STRAIN: We're going in different directions.

(Audio interruption.)

MR. BELLOWS: That's not me this time.

CHAIRMAN STRAIN: That's not your phone. You can salvage your phone now. I don't know who that is. It can't be mine.

Okay, I don't mean to belabor the point, but this could be a point of contention down the road. So if you have a timeshare hotel-motel and you qualify for the room size, I would then expect you would be able to then have the same concessions in the hotel-motel that any hotel-motel is used to.

But if you have a timeshare that is not hotel-motel, it's a standard above because of square footage, say it's a timeshare condominium, my question was, does that timeshare then have the same rights as the concessions of a hotel-motel even though the square footage per unit is beyond the hotel-motel capability?

MR. BELLOWS: Yeah, and I thank you for the clarification of the question. And I still think it's a form of transient lodging where those things would be normally expected, especially if they're hotel-motel timeshares.

CHAIRMAN STRAIN: Okay, so are you saying then a hotel condominium would probably regulate the amount of rental rates or time periods that you could have? Most of the condominiums, it's got to be, I think it's 30 days, no more than three times a year. I'm not sure how often a timeshare, maybe a timeshare can go down to weekly.

So you're saying a condominium then can have the concessions that a hotel-motel has?

MR. BELLOWS: Well, that's a form of transient lodging. And that was one of the concerns I first had when I read this amendment. I said what do you do with a condominium transient lodging?

And in regards to something like a jet ski, as long as the condominium timeshare facility provided an office, there's nothing preventing them from obtaining a permit to have a concession on the beach. That's kind of a permit issued by Parks and Rec.

In regards to the other things, such as hotels and motels, I think we probably need to look at that a little bit more. That is still a concern of mine.

CHAIRMAN STRAIN: Okay, I want to -- almost what you said is we're opening up any place for a commercial operation, which I'm not sure you really meant that. Because if a condominium has an office, they can have a commercial operation allowed on the beach in front of them?

MS. ISTENES: No, hotels and transient lodging are defined -- not transient lodging, timeshares are defined

specifically. So I don't think you could have a condominium and then have commercial uses associated with that. It's either going to be a hotel or it's going to be a timeshare as a transient lodging facility. You see what I'm saying? That's --

CHAIRMAN STRAIN: It's either going to be a timeshare as a hotel or a timeshare as a condominium; is that what you meant to say?

MS. ISTENES: Yes.

CHAIRMAN STRAIN: Okay. Because if you meant to say that and you're telling me now that condominiums would not be subject to the same commercial accessory uses as hotel-motels, that makes -- I understand that and it makes sense. Is that where you're going?

MS. ISTENES: I don't want to split hairs over words, but --

CHAIRMAN STRAIN: Well, somebody will.

MS. ISTENES: Condominium is a form of ownership, timeshare is a form of ownership. And they're different. Do you agree, Rich? I mean, this is your amendment, so chime in.

And I think where you can lump timeshare and hotel more closely than you can lump condominium and timeshare, or condominium and hotel. And so the question is can timeshare share in some of the -- a timeshare use share in some of the uses that you may commonly see at a hotel such as meeting rooms, a restaurant, a bar, whatever.

CHAIRMAN STRAIN: In any zoning district that you may have a timeshare in. That's what I'm trying to find out.

MR. YOVANOVICH: In an attempt not to confuse the issue, but I probably will, the old Registry Resort was a condominium hotel. Nobody had any problems with that. The rooms were owned as individual condominium units. It didn't convert it to a multi-family project. It looked like, it smelled like and it walked like a hotel.

If the timeshare does the same as far as ownership, looks like, operates like a hotel, it can have the typical accessory uses that a hotel can have.

If the timeshare looks like and operates like a multi -- typical multi-family project, it could only have the accessory uses that the multi-family project can have.

That's what the code I think would allow. Forget about the form of ownership, look at how it operates. Because condo is a form of ownership, timeshare is a form of ownership. It shouldn't even be part of the discussion but it is because it's being treated as a use.

CHAIRMAN STRAIN: Okay. And I am trying to get the answer you just said out of staff.

I know you'll give me an answer most certainly. But I would like to have staff -- like to know how staff's going to look at it. Because they're the ones that's going to have to interpret what you submit in the future if you do submit something along those lines. And that's why I started asking the question of uses.

MS. ISTENES: No, I appreciate that. And I think honestly, I mean, just kind of based on our discussion, I think we all have a little different ideas. Although I agree, I agree fundamentally with what Rich is saying. But maybe -- my recommendation would be maybe you all forward a recommendation to the board that says this needs to be clarified.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Let's not leave here till it's clarified. Because we might have three opinions and one might be ours.

When you gave your little explanation of walks like and talks like a thing, what distinguishes between the condo version and the hotel version?

MR. YOVANOVICH: Well, one is going to be unit size --

COMMISSIONER SCHIFFER: The square footage --

MR. YOVANOVICH: If you get bigger units, you're no longer within the definition of a hotel or a motel unit.

COMMISSIONER SCHIFFER: If you're a little duck, you're a hotel. A big duck, you're a unit --

MR. YOVANOVICH: It's got to be transient use.

COMMISSIONER SCHIFFER: Meaning less than 30 days occupancy --

MR. YOVANOVICH: Typically -- yeah, I don't know how the county defines it. I think Susan and I have talked before about 30 days is probably a pretty good measure.

COMMISSIONER SCHIFFER: Well, that's how the state -- that's how the building code defines it.

MR. YOVANOVICH: Okay. So, you know, it's got to be a transient use, it's got to have the smaller units. Some hotels and motels have restaurants, some don't. Some have -- you know, if they're waterfront some of them have concessions, some don't. I think those are things you would typically find with a hotel on the waterfront.

Then you look at if you're talking about a multi-family building, you're probably talking about bigger units. You probably don't have a desk, a front desk taking reservations and things like that.

COMMISSIONER SCHIFFER: It could be concierge and all that on a family unit. But you wouldn't normally find a residential -- a restaurant certainly in a condo, would you?

So what happens -- here's the problem I'm worried about. When does it become halfway between? In other words, I have a condo. I start to divide them, they start sizing out to be more like motel units. Can a building have a mixed use?

Can a building have timeshares in it yet also have condos in it? Or could the developer take certain floors that become, by remodeling the size, they become timeshare hotel and the rest of the building is condo?

In other words, how could that split or what could happen if someone starts doing that? The building can have mixed uses in it.

CHAIRMAN STRAIN: We can't have a mixed use building in a zoning district that it doesn't qualify for all the mixed uses, though.

COMMISSIONER SCHIFFER: Right. But let's take Vanderbilt Beach where they do. In other words, there's a condo there that could -- I have nothing in mind, but a condo there could start subdividing some of its floors, essentially creating timeshare hotel on some of its floors. What is it then?

And could they now start to bring those uses in?

CHAIRMAN STRAIN: I think that's directed at staff.

MS. ISTENES: The -- I think it's theoretically possible. They obviously have to meet the density requirements. And the use has to be allowed in the district. So, an example, in RT, you have multi-family and -- I keep wanting to say transient lodging -- timeshare. Timeshare permitted.

So yeah, theoretically somebody could do it if they met all the district regulations. I don't know if that's possible.

COMMISSIONER SCHIFFER: So this condo starts -- let's say there's no percentage or anything so essentially they could take one floor, make six timeshare hotel type units and then now they can have all the commercial amenities that would go with it; is that right?

Or where would you start to say, you know --

MS. ISTENES: I think that's where the code breaks down a little bit. And Rich gave a good example, it was individual ownerships in a hotel with typical hotel facilities.

In this case like -- let's just take a typical timeshare that looks -- from the outside looks like a condominium type of multi-family building but it's operating on a transient basis. You're talking about weekly turnover essentially of rooms. I call that transient. That's certainly under 30 days like we discussed. So then the gray area becomes what is allowed under that.

And we have an example of in the county that's been operating that way. But we --

COMMISSIONER SCHIFFER: What is the size of -- the Registry I assume are hotel size rooms. In other words, wouldn't the difference be that if you have a condo that's renting itself out weekly, essentially pure transient, it's not a hotel-motel yet. It certainly doesn't get the rights of a hotel-motel because it's still the size of a condo. Back to his walks like analogy, it's a duck. It's a big duck, not the little duck.

MS. ISTENES: Well, then the issue is -- and this is again where I think the code falls short is placing time limits on rentals. I mean, we're assuming -- a timeshare, as Rich defined, is going to meet all the Florida statutes. And it has to do with form of ownership.

A condominium is not a timeshare unless it complies with all those statutes. So if somebody's renting out their condominium for less than 30 days at a time, I'm not sure the code addresses that. But in a twisted sort of way somebody could look at it possibly as a transient lodging facility, be it a timeshare or hotel.

COMMISSIONER SCHIFFER: I think transient is less than 30 days. It could be a single-family house rented --

MS. ISTENES: Correct.

COMMISSIONER SCHIFFER: -- for less than 30 days, that's a transient house. I mean, building code,

everybody accepts that.

Here we're saying things like that's where the code falls short. How can we let this thing out the gate until we patch that?

CHAIRMAN STRAIN: Let me make a suggestion. Why don't we address this issue in relationship to the concerns of the concessions -- or the accessory uses by something similar to this, and I know you'll massage it: Timeshares that do not meet the hotel-motel standards shall not be afforded the hotel-motel accessory uses and cannot be mixed with other zoning uses on the same parcel of property or in the same building.

But I think there's where our concerns are. Mixing multi-family timeshare with multi-family -- with timeshare condo -- hotel-motel, and the accessory uses afforded with one or the other. If we put those limitations into this, we're not infringing the right of a timeshare as a means of ownership, we're simply clarifying when that particular use is -- or when that particular operation is at hand, it has different limitations based on the size it decides to go in under.

Is that something that is reasonable to put in the code to clarify the problems that we may be seeing?

MS. ISTENES: I think so. But I only got the first half.

CHAIRMAN STRAIN: Timeshares that do not meet hotel-motel standards are not afforded the hotel-motel accessory uses and cannot be modified with other zoning -- I don't know if you want to call them categories, uses or -- I'm referring to Brad's concern over the mix of multi-family on one floor and hotel on the other. I'm sure you can think about and come up with language that fits that. But I think that would cure the problem.

And does that have any problems from the applicant's viewpoint?

Are you cooking up something that isn't -- you want to tell us straight up what you're cooking up?

Maybe that would be the -- because you've got something planned. You wouldn't waste somebody's money coming in here without something planned.

MR. YOVANOVICH: I'm not cooking up anything. But Mr. Schiffer brought up an interesting question, because -- I mean, I've seen -- I haven't seen it here, but I've seen it in New York where you have very tall buildings and the first several floors are condo and then -- or vice versa, condo on the first several floors and hotel above it or vice versa. Usually put the condos up for the view and hotel on the lower view. So you do have mixed use buildings.

And we do have mixed use buildings in Collier County. Mercato is a good example and others where you do have uses that -- I don't know the answer to the question of when -- maybe it should be a function of percentage of the building where you -- so you can't have one hotel unit in a building to convert it to now all of a sudden it gets all the commercial standards or accessory uses.

So to answer your question is someone may say, you know what, Rich, I'd like to have some units of condo in the same building as where I have some hotel units, and we need to address that very concern you raise about now having this really residential building masquerade, if you will, as a hotel so you can have these other uses.

So I'm not prepared to give you a total answer today on how to address that. I know it needs to be addressed, I just don't know how.

CHAIRMAN STRAIN: Okay. Well, that's something that we can have fixed by the next time this comes back.

Brad, and then Donna.

COMMISSIONER SCHIFFER: And then the other thing, Rich, is we don't want to deny a situation where you do build a timeshare hotel and Howard Hughes wants to live on the top penthouse and that's a big unit and that would disqualify it, so --

MR. YOVANOVICH: Right. So I think we need to -- there probably needs to be something related to percentages of the building to address the limitation you're trying to impose, Mr. Strain.

COMMISSIONER SCHIFFER: And when you do do that for the density, do come up with a thing like we do in the building code where you would put the number of timeshares over the allowable, the number of condos over the allowable, and that can't be greater than one. And then you could ration your density out.

MR. YOVANOVICH: You're going to trust me with math?

COMMISSIONER SCHIFFER: Well, somebody will figure that out in your office.

MR. YOVANOVICH: That and directions.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, I'm a little concerned that we are changing our Land Development Code for someone, we don't know who that someone is, and we are just going to wholesale change our code to serve some

purpose that no one is willing to actually tell us about. And I don't think that that's the way we should be changing our code.

MR. YOVANOVICH: That's not fair. I told you right from the get-go that I'm representing Sunstream who has a parcel in Port of the Islands. And that's exactly what this -- that's who I'm representing right now.

Now, you have a general code provision --

CHAIRMAN STRAIN: I don't think a lot of us may have picked that up. You've originally said --

MR. YOVANOVICH: Okay. Because I was asked that at the very beginning, who does this apply to.

COMMISSIONER SCHIFFER: I remember that.

MR. YOVANOVICH: And I said that. And that's where this is coming from. Unfortunately it's a general code provision that incorrectly calls timeshare a use versus a form of ownership that we're just trying to fix for that particular project.

CHAIRMAN STRAIN: And I think fixing the code is the right thing to do. I just want to make sure in the fix we don't forget to address something that should be addressed. And that's the point of this whole discussion here today.

MR. YOVANOVICH: I appreciate that. I just didn't want --

CHAIRMAN STRAIN: Anybody else have any questions on Page 29 before we go to the other pages?

(No response.)

CHAIRMAN STRAIN: How about Page 30, any questions on Page 30?

(No response.)

CHAIRMAN STRAIN: And Page 31? Let's go to 31, 32, they're all the same chart. Any questions on those?

(No response.)

CHAIRMAN STRAIN: Okay, Page 33?

(No response.)

CHAIRMAN STRAIN: Susan, in the footnotes where you made the change, it says including timeshare units that meet the floor area requirements. Does that mean does not exceed the floor area requirements?

MS. ISTENES: We could write it that way. Yeah, I think that's probably a little more --

CHAIRMAN STRAIN: That's clearer, yeah. Because this isn't all -- once you exceed those, you're going to flip into something else. So why don't we state it that way.

MS. ISTENES: Do not exceed the floor area requirements.

CHAIRMAN STRAIN: Right, for hotels and motels.

Anything else on Page 33?

(No response.)

CHAIRMAN STRAIN: If not, Page 34?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: And it's the definition of lock-off. And Heidi, I guess this is really to you, to make sure that that -- obviously the intent is that if they have lock-off units, each of the little units become a dwelling unit in the count.

So my suggestion is you see where it says such lock-off accommodations? I would feel a little bit better if it said each lock-off accommodation, rather than such. Because you're defining a unit that has a subset and then you're going back and saying that unit counts as one, when I think the word each would make it really clear that -- do you see what I'm saying?

MS. ASHTON-CICKO: Yes, I agree. I think that clarifies the language.

COMMISSIONER SCHIFFER: All right, thank you.

CHAIRMAN STRAIN: Okay, well, I have another issue with that, not Brad's so much as the lock-off reference.

On Page 30 we refer to Florida Statutes for definition of a timeshare unit, Section 7.21.05(41). Well, I pulled that Florida statute. In reading it, it addresses lock-off units. And it says, timeshare unit means an accommodation of a timeshare plan which is divided into timeshare periods. Any timeshare unit in which a door or doors connecting two or more separate rooms are capable of being locked to create two or more private dwellings shall only constitute one

timeshare unit for purposes of this chapter.

Now, my concern is if -- the definition we have chosen to use is the statute's definition, and it's saying there that basically a lock-off unit constitutes one timeshare unit for the way you look at a unit. Does our reference of lock-off unit and the way we're trying to add it as a separate unit for density calculations run into any conflict with the definition in the statute?

And I don't know if anybody's had time to research it, but I think it needs to be looked at.

MS. ASHTON-CICKO: We can take a look at that and report at the next meeting.

CHAIRMAN STRAIN: Okay, that would be fine.

MS. ISTENES: I think that that's kind of the danger of trying to reference another sta -- somebody else's law. Because they change it and it could change or be in conflict with yours, so --

CHAIRMAN STRAIN: And I know we brought this up last time, but we've gone through so many hours of these meetings I can't remember the response. Why are we not just stating the definition in our code instead of referring to a statute?

Because I remember bringing it up, I can't remember the answer.

MS. ISTENES: Rich will have to answer that. That was his suggestion.

MR. YOVANOVICH: And I believe your County Attorney agreed with that, is that you're really talking about a statutory regulatory scheme. And that is what's applicable to the definitions of timeshare.

If you believe that there's a change you need to make to that particular definition -- because keep in mind, it's how you operate the timeshare, whether it's multi-family or a hotel-motel. So you can regulate a use, hotel-motel use, you can't regulate the form of ownership.

So if you want to define hotel and motel units as separate units, I think you can do that and create an exception under 721, I think you said 0541 is where you found that, Mr. Strain?

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: I think you can go ahead and make that change. But other than that, I think you ought to just rely on the state statutes that are really not -- because that's a strict -- you don't go in and restate all the condominium definitions because, you know, there's some risk of conflict there. And then I think in that one where you noted a conflict, I think we should address that.

CHAIRMAN STRAIN: Okay. But at the same time, in the statutes, the definitions there are for that document, which by us moving them into our document we're saying in the same attitude that the statutes effectively use that definition in which they say for the purposes of this chapter, they're talking about the chapter of the Florida Statutes.

We've now taken their purpose, which they intended for it, stuck it in our code and say it applies unilaterally across our code in the same manner. I'm not sure that's the right way to do things, nor do I like the idea we're subject to changes without actually having to go through and think it out in our code and see if we have options to those our changes, just like you're suggesting right now.

MR. YOVANOVICH: Again, you have to understand, and it's in my memo, that section of the statute prohibits the county from regulating timeshares as a form of use. Just like there's a similar statute in the condominium, it says you can't regulate condominiums as a use, it's a form of ownership.

So that's why I came and I said, you know, we ought to just live with the statutes. If there's an issue -- and we don't -- we understand on our particular project that if you're going to have a lock-off unit and it's going to be a separate unit, it should count for purposes against the 26. We don't have an objection to that.

If that's a problem for the county, let's amend that. But when you start getting too far where you now have inconsistencies with what the state says a timeshare ought to be and what the county says a timeshare ought to be, you could be running into some regulatory issues with the state that I'd rather see not happen.

CHAIRMAN STRAIN: Well, I think you're really aware of the issue for the people you're working for right now and you're on record for that. But you or some other attorney in the future may come forward to us -- forward and say, you know, the statute says this and all of a sudden we have a conflict that we knew about and we didn't resolve in the process we got in front of us today.

MR. YOVANOVICH: Which you're suggesting we resolve.

CHAIRMAN STRAIN: Right. But I think in the resolution it's obvious then that we can state a definition in our code. And I certainly am going to go back to that.

Our code is way too complicated. By now using our code to refer to other codes and statutes makes it even more so. Someone going to Municode can't look up and see what timeshare status is, they're going to have to go now to the Florida statutes section of the state and find out what it means there after they go through, and that's a massive section.

So I still think we ought to be putting a definition in here. If we want to parenthetical it, you know, see section of the code, state statute or something like that. But I think we ought to make sure that our code tells us what it is, rather than referring to other codes.

What's staff's base line position on that?

I haven't seen us refer to other codes for things. Normally we refer to other sections of our code. But our code usually has everything, and then from there we refer to other sections of it.

MS. ISTENES: Historically we've just proffered our own definitions and our own codes. That doesn't mean you can't. I think in this case we're somewhat trying to fit a round peg into a square hole.

But the inherent danger is codes -- other codes that you reference change and you have no control or no knowledge of it even until it's too late or you have an issue or a conflict. Our preference is to write our own, but --

CHAIRMAN STRAIN: And then how would we have knowledge of it by the reference to the Florida statute? We still wouldn't have any knowledge. As it's written here in front of us today, the timeshare status simply says see section of the Florida Statute.

So you go to that statute today and it's whatever it is. It could change six months from now or a year from now. We wouldn't know it. Ours still says refer to that section. So we're no better off.

At least if we have it in our code and if statute changes and we have to change our code, we all have the opportunity to discuss it and look at ways that we can maybe modify the way we interpret it or the way we use it, just like we have in the lock-off units that you're suggesting we change now.

So that could be an advantage to the county on a whole. Anyway, that's my thoughts on it.

Anybody else have anything up to that point that we want to talk about?

(No response.)

CHAIRMAN STRAIN: And from my perspective to staff, I would suggest we put a definition in our code and see where it goes.

MR. YOVANOVICH: For all three, Mr. Strain?

CHAIRMAN STRAIN: Yes, all three. Only because we've got to get away way from the reference to the statute --

MR. YOVANOVICH: I know we were only talking about units, so I just wanted to make sure you were referring to all these three of those.

CHAIRMAN STRAIN: Yes, sir.

MR. YOVANOVICH: It's not worth the argument from our perspective, you know. If it makes you all the more comfortable, that's fine.

CHAIRMAN STRAIN: You're so agreeable, Richard, now I got to -- we have find something here. Go ahead, Brad.

COMMISSIONER SCHIFFER: Richard, from an attorney's standpoint, if there's a conflict between the two definitions, which one would prevail?

MR. YOVANOVICH: Well, I'm going to tell you the state will prevail but, you know, you're probably going to make me take you to court to prove that.

CHAIRMAN STRAIN: Or we negotiate a settlement that's more compromising for everybody.

MR. YOVANOVICH: I'm just asking (sic). The legal answer is state wins. But the practical answer is different.

COMMISSIONER SCHIFFER: So what is the problem, Ray, of just referencing it in our definition? Just to make sure somebody is aware of that and checks it, and if it's changed they're aware of that. And get Municode to hyperlink to it. Wouldn't that be nice?

MR. BELLOWS: For the record, Ray Bellows.

I think the concern is if there is something changed in the -- by the state, and we're not aware of that change and a project comes in and turns out it has some issues at the local level, we wouldn't be able to address it. If the definition was set by the county, then any development comes in, we would have a better grasp of knowing what

exactly we're approving when a permit or application comes in.

If there is at some point a difference between the two, the applicant can always discuss amendment to the LDC to change the definition.

CHAIRMAN STRAIN: Donna?

COMMISSIONER CARON: Just as with this lock-off language that we want to put in our code, it can certainly be stricter than what the state code is. And we have every right to do that.

So putting whatever definition we want for all of these things into our code is the smart thing to do. Then we can change it as we desire. Obviously we can't be less than what the state has, but we can be greater than, so -- and we can have a stricter standard here in Collier County than anywhere else in the world.

MR. BELLOWS: I agree. And in many cases we do.

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: Okay, we left off on Page 34. We're on the last two pages, 35 and 36. Does anybody have any questions?

(No response.)

CHAIRMAN STRAIN: On Page 35 in the center of the page is a definition for accommodations. And in the end there's a parenthetical that says, emphasis applied. Do you know where the emphasis is? Because the sheet I have has no emphasis on it.

MR. YOVANOVICH: I believe my original document probably underlined hotel and motel. But I'd have to reread this. You know, I --

CHAIRMAN STRAIN: Okay, I because pulled the same definition from Florida Statutes. There is no change between the two, including the quotation marks around the word accommodations, so I couldn't figure out what emphasis you were --

MR. YOVANOVICH: I believe I must have underlined hotel and motel room to emphasize that it is considered a timeshare, that a timeshare can be a hotel and motel room.

CHAIRMAN STRAIN: Okay --

MR. YOVANOVICH: I'd have to look --

CHAIRMAN STRAIN: -- it isn't there any more, but that's what you had done maybe originally on.

Page 36, I just want to make sure everybody understands the section referenced, 721.25. The zoning and building sentence that's there is in the statute. The second paragraph I believe is not.

MR. YOVANOVICH: That's my analysis of that previous paragraph. It should have been indented or moved over.

CHAIRMAN STRAIN: Okay -- I just wanted -- that is not a -- the last paragraph on Page 36 is not a Florida statute, that's just a legal opinion by one attorney, maybe two, maybe three, who knows.

MR. YOVANOVICH: Shared by colleagues, yes.

CHAIRMAN STRAIN: Okay, are there any other questions through Page 36?

(No response.)

CHAIRMAN STRAIN: If not, I think there's direction to both staff and maybe the county attorney for the research that's going to have to come back again.

Are we on the same page on that?

COMMISSIONER SCHIFFER: Mark, before we move on, can I ask a question of staff?

CHAIRMAN STRAIN: Oh, of course.

COMMISSIONER SCHIFFER: Ray, in the conversation you mentioned something that if a condominium is using -- maybe I got it wrong, has short-term rentals, that they get access to the commercial uses that a hotel would have?

Did I hear that wrong?

MR. BELLOWS: Not commercial uses, but it's my understanding how the jet ski permitting operation works, the Parks and Recreation issues a permit to allow the vending of jet skis as long as the property -- it's associated with a property that can provide office space. And I believe that has been done in the past where those are kind of a condo timeshare.

COMMISSIONER SCHIFFER: Okay, but let me -- here's the thing is -- okay, so -- and we do have a situation. So that building is a condo timeshare. In other words, it's not the people that live -- that own the condo that

are renting it out, it's an office that is managing the rentals of those units.

MR. BELLOWS: That's my understanding.

COMMISSIONER SCHIFFER: And they're units that are larger than what would be considered a hotel-motel. And because of that, they can have a use like a jet ski rental then. And that jet ski rental is available to who?

MR. BELLOWS: My understanding would be the -- primarily the customers of the timeshare facility. But I don't see how you could stop people walking on the beach from also becoming customers.

COMMISSIONER SCHIFFER: Well, yeah. I mean, so in the permit for that, wouldn't you have that conversation as to how you're going to stop people from walking up that are not -- in other words, I could understand if you're on an island and you have a -- this situation that you want to offer amenities to the guests of that building. But essentially there's no control over who has access to that amenity then.

MR. BELLOWS: I would say it would be the same for a hotel offering that same service.

COMMISSIONER SCHIFFER: But this isn't a hotel. I'm with you on the hotel. I'm not with you here.

CHAIRMAN STRAIN: You know the bigger picture though is how does Parks and Rec get to offer commercial uses on a residential piece of property? Where did that come from?

MR. BELLOWS: RT zoning.

CHAIRMAN STRAIN: Doesn't matter.

MS. ISTENES: There is a separate ordinance. I was going to suggest maybe we at least bring back that ordinance or have you all -- if I could e-mail it to you and you all maybe look at --

COMMISSIONER CARON: Please do.

CHAIRMAN STRAIN: Yeah, please e-mail it.

MS. ISTENES: That may answer --

CHAIRMAN STRAIN: Ray, to let Parks and Rec decide if something's in the right zoning district or not is a huge mistake. That's what your department's for.

MR. BELLOWS: I don't believe the timeshares are allowed in standard residential districts.

COMMISSIONER SCHIFFER: But Ray, let me --

MR. YOVANOVICH: Let's not talk about that again, please. Can we --

CHAIRMAN STRAIN: Yeah, you want to back away from that one.

COMMISSIONER SCHIFFER: Let me keep the floor a second.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: What is the limit? What if the guests all want hot dogs? So are they allowed a hot dog stand on the beach because they have an -- I mean, do they go to Parks and Recs and get a hot dog vendor license?

What if they want drinks served --

MR. BELLOWS: We'll get the ordinance. I'm not familiar with all the ins and outs of the ordinance. And I'm just recalling from months ago from this other issue.

COMMISSIONER SCHIFFER: And they get a business license from Parks and Rec.

MR. BELLOWS: Not a business license from Parks and Rec. They're only licensed to be able to have a permit to be on the beach. And there's certain criteria they have to meet.

COMMISSIONER SCHIFFER: And it sounds like it's recreational.

MR. BELLOWS: Yes.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: It's the hot dog catching game. That would be the next thing they have.

COMMISSIONER SCHIFFER: You find a recreational activity around it and then you can get it. Okay.

CHAIRMAN STRAIN: I think, Ray, that it would be -- I know you guys need time to think about it. And I apologize for putting you on the spot on that issue today, it just seemed to be spontaneous.

But if you could bring whatever information that would help clarify it to us.

MR. BELLOWS: Definitely.

CHAIRMAN STRAIN: It's a sidebar issue, but it is one relevant to the Planning Commission. Since we do a lot of zoning issues, it would be helpful for us to understand it.

MS. ISTENES: Is it okay if we just e-mail it to you so you --

CHAIRMAN STRAIN: Sure, that would be just as fine.

Anybody else have any questions before we let Mr. Yovanovich go?

(No response.)

MR. YOVANOVICH: When are we coming back?

MS. ISTENES: The 24th of March.

MR. YOVANOVICH: Of March, okay.

MS. ISTENES: So I'll need your changes by Friday.

MR. YOVANOVICH: I have changes? What am I changing?

MS. ISTENES: Your amendment.

MR. YOVANOVICH: I thought you wanted staff to put in the definitions from the statute. Is that something you want me to provide now?

CHAIRMAN STRAIN: Are you guys going to split hairs over --

MS. ISTENES: I'll work --

MR. YOVANOVICH: No, I just wanted to make -- it's okay, I just don't want to be the cause of not making the timeline if -- that's why I asked. If I need to do --

MS. ISTENES: I'm sorry, I misspoke. I'll go ahead and make the changes based on my understanding. I'll need your --

MR. YOVANOVICH: I'll be happy to --

MS. ISTENES: -- approval by Friday.

MR. YOVANOVICH: Sure, absolutely. Absolutely.

MS. ISTENES: How's that?

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: Don't forget that mixed use issue. I mean, that's -- who's going to write that?

CHAIRMAN STRAIN: Susan.

MS. ISTENES: We will.

MR. YOVANOVICH: I will talk to my client about the mixed use question that was raised and then I'll make a proposal to Susan on what I think ought to be an appropriate standard on that.

And then if she'll put in the definitions from the statute and I'll coordinate with her so we're done by Friday so we don't delay anything. Is that okay?

CHAIRMAN STRAIN: That's great.

Let's move on. The next item on the agenda is Section 1.08.02, definitions, dwelling, multi-family. Now, we're back on Page 1 of Book 3.

And Cherie', are we doing okay today?

THE COURT REPORTER: If you could speak a little slower.

CHAIRMAN STRAIN: Okay, I will do so. Thank you.

Okay, so we're on Page 1 of our Book 3.

Susan, you want to make an introduction to it?

MS. ISTENES: Sure. Actually, I just made the changes you suggested. However, there is a typo. I guess my trigger finger was a little fast.

On the first page under the definition of dwelling, multi-family, in that first sentence, it will be Line 39 I struck out "is". And I believe that should stay in.

So it would read, for purposes of determining whether a lot is for multi-family dwelling use. So I just needed to make that correction.

Right above that we removed the word "conventional". I'm not sure if that was your direction or DSAC, but it was removed.

Page 2, B, line one, "servants" was changed to "employee".

And we had a discussion about C and D, and we opted to leave this in. And I believe this discussion kind of tied back to the item we just heard from Mr. Yovanovich. But my notes say to look at this and decide if there was a conflict between what he was proposing and what this language was proposing. And my conclusion was there was no conflict, and therefore it was left in.

CHAIRMAN STRAIN: Okay. Well, we may have a couple more questions to refresh our memory.

Page 1, anybody have any questions on Page 1?

(No response.)

CHAIRMAN STRAIN: Under dwelling, multi-family, a group of three or more dwelling units within a single building.

I don't remember, I probably asked the question, I need you to refresh me a little bit. How did we address it in the condition of these now multi attached single families in a single row?

Because it -- a group of three or more dwellings within a single building, we have -- and where it all started I think was that project called Summit Place where they had multiple 22-foot wide units in a row. They classified them and sold them as fee simple, qualifying them as single-family. But they would be in a multi-family, possibly according to this definition.

MS. ISTENES: Yes. And I'll throw in my recollection of that whole thing and then Ray can add to it if I leave something out.

They are still considered multi-family per the definition. It just has to do with ownership. And I don't know if we had put an attached single-family definition in or not. That kind of is coming to my mind, and I'll look that up here shortly.

But I think the main issue there at the time, at least with regard to Summit Place, was how we reviewed that project per the requirements of the code. Because the thought was having both a plat review and a site development plan review, because the site development plan review was required because it is multi-family, was overkill.

And so the change we made was I would call it somewhat of a hybrid process where we didn't make them go through a review of two separate types of development orders, that being a plat and a site plan, we combined them into one process where we could review the plat and the site plan simultaneously for those very specific type of structures, those being townhouses.

CHAIRMAN STRAIN: See, here's my concern. The condominium laws, because of the foreclosures and the crisis in the banking and financial world have changed. And I believe that is causing a lot of restructuring in the way developers now are planning their units.

So the example that started as Summit Place with a series of units together as single-family with the parting walls being a common property lines, that now is going becoming more relevant. It's going to be coming through the county a lot more often and we're going to see it in a lot more projects.

If you qualify that building as a multi-family but yet it's platted as a single-family, how do you determine the levels of services? Because the level of services for multi-family are different than single-family, roads being one of them. So how would you qualify -- and for impact fees? How do you sort that all out?

I mean, these are questions I know --

MR. BELLOWS: For the record, I can answer the traffic impact statement, makes the distinction between multi-family and single-family and these types of townhome type things. So there is a traffic category for townhomes.

You have a good question about the impact fees. We'll have to look into that.

In regards to this particular amendment, I just wanted to make it clear that we're just restoring the definition that was inadvertently left out with recodification.

And there's other parts of this definition I think we should address with a future amendment. And one is you can have a multi-family situation with three or more independent buildings on one lot, which ends up being like three separate buildings on a lot with one unit in each building, like three single-family homes on one lot, which would constitute a multi-family. And we would require a site development plan to be issued instead of trying to plat something like that.

CHAIRMAN STRAIN: And I know you're bringing this definition forward, but that code that you're bringing it forward from ceased in the early 2000's. This whole idea of Summit Place came in after we had -- I mean, it wasn't even visioned, I don't believe, in that early code.

So this definition being brought forward from that '91 code really may not take into consideration the issue that we're now talking about --

MR. BELLOWS: I agree --

CHAIRMAN STRAIN: -- this new hybrid that we've got for a use.

MR. BELLOWS: And I agree. And I think the purpose of what I was trying to say is that this amendment really doesn't address those issues. It really is just to restore the missing language.

But I think we should look at a future amendment to look at the townhome issue plus all the other issues what concerns multi-family housing, such as three independent buildings or homes or dwellings on a lot, which is also a multi-family situation. And the definitions don't address that.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Mark, I don't think I'd worry about it too much. In the building code we have an Attorney General's thing that we use that three or more units are multi-family. Even townhouses are multi-family. And obviously the battleground there in the past has been whether you sprinkler or not.

But it's pretty clear that what Summit Place does does not exist, at least in the building code, unless they build four-hour walls to isolate their units. And remember, we discussed go see the building department because you're going to have a problem.

So I like this because it essentially matches, you know, the Attorney General's thing.

Heidi, if you want, I'll try to find that. I know it's even in part of the building code, to make sure that people don't get confused as to what's single-family, what's multi.

So in the building code Summit Place is a multi-family unit. Even townhouses are multi-family.

MS. ISTENES: That's not unusual.

CHAIRMAN STRAIN: No, and I'm not saying it's wrong, I'm just curious how we address it. I'm curious how we address impact fees. Do we have --

MS. ISTENES: I can't say definitively, but I would be very surprised if it didn't cull them out as townhomes or the like. But I'm happy to look that up for you and --

CHAIRMAN STRAIN: That's something you can e-mail me when you get time.

COMMISSIONER SCHIFFER: But they're still multi-family. You know, even townhouse is a multi-family building.

MS. ISTENES: Yes.

CHAIRMAN STRAIN: Page 2, does anybody have any --

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Last time I was pretending I was a rich guy on B. Let me pretend I'm Frank Lloyd Wright. Could I -- does this allow me to build a bunch of cottages and have apprentices live on the grounds with me and -- since one of the regulations of a home occupation license is you can't have people come in, this would work perfect, because now they're living there, they're employees.

And could I build a Taliesin Naples via this clause?

MS. ISTENES: I guess -- I mean, the intent here is not for multiple servants quarters. I mean, and I don't know how Frank -- but --

COMMISSIONER SCHIFFER: We have guesthouses, plural, and employee quarters, plural. So I think I can build quite an empire.

MS. ISTENES: I don't -- if you're asking me if there's a specific regulation that precludes that, I'm not aware of one, unless Ray is --

MR. BELLOWS: For guesthouses?

MS. ISTENES: For guesthouses, yeah, and employee quarters. I mean, there's a regulation I think that says you can only have one per unit unless -- do you know of any, Ray? I'm just -- off the top of my head.

But, I mean, I think if a plan comes in and it's showing, you know, 10 guest units, that's not the intent.

COMMISSIONER SCHIFFER: But is it in black and white in the code? That's all.

MS. ISTENES: No.

COMMISSIONER SCHIFFER: So --

MR. BELLOWS: For the record, what is black and white is there's a provision for guest homes, and that regulates the size of the unit and the number of the units.

Now, the employee quarters for a condo type of situation is different. And I don't believe there's any real specific criteria on that. We'll have to look at it a little bit more.

COMMISSIONER SCHIFFER: I mean, it would be nice.

The second one is C is why do we choose a week versus the infamous transient 30 days or --

MS. ISTENES: It's just been in there that way for a while. I can't answer that.

Do you know historically?

MR. BELLOWS: No.

MS. ISTENES: It's been that way as long as I've been here.

COMMISSIONER SCHIFFER: I'm done, thank you.

CHAIRMAN STRAIN: That kind of --

MS. ISTENES: Ties back to --

CHAIRMAN STRAIN: Well, it dovetails to my question that I'm going to have on B.

If someone -- say you're in a 50-unit building and there's some couple guest units on the ground floor, first of all -- and I heard your statement earlier, it wasn't intended to mean you can have a bunch of guest units. I think you said 10 in the example. Why don't we look at the guest units in a percentage of the overall allowable countable units, guesthouses and employees' quarters not to exceed 10 percent of the total units in the building or something like that? And that way we know where there's a not to exceed number.

And what about guesthouses that are -- you've got left for a length of time with the same guest. If someone is a guest and stays there for a year, is that still a guesthouse?

And if they're operating it that way or if it's always occupied by even short-term guests, even though it's in a multi-family it wouldn't be considered transient, but it still would be a usable unit and it would have an impact both from the road impacts, sewer, water and all the other things.

By not considering it a unit or a quarter, wouldn't we then not get impact fees from it or anything else?

MS. ISTENES: Well, I believe guesthouses have their -- and servants quarters probably have their own impact fees as well. That's my recollection.

So yeah, you just can't build a guesthouse free and clear, so to speak.

And don't forget also guesthouses -- and Ray, chime in -- you guys are really quizzing us today. I should have brought my photographic memory.

MR. BELLOWS: I'm trying to look it up on the LDC here.

MS. ISTENES: Guesthouses in the Estates are a little bit different than guesthouses here. We're working within the context of multi-family dwelling units, so there are separate -- guesthouses in the Estates are regulated a little bit differently.

CHAIRMAN STRAIN: Right. And my question --

MS. ISTENES: So I don't want to -- yeah.

CHAIRMAN STRAIN: My question was intended as a multi-family operation.

MS. ISTENES: Yeah. And I think the answer is right now it's just not regulated. And your suggestion of doing a percentage is an option. There may be different ways to do it, depending on what your concerns are.

CHAIRMAN STRAIN: Would you look at a way -- well, I've got the same concern you expressed, is that it wasn't intended to have a slew of --

MS. ISTENES: Understand.

CHAIRMAN STRAIN: -- these units.

So would you look at a way of tightening that up so that we don't get that unintended consequence? Because I can just see someone finding a flexible loop in our system and end up using it to say well, I've got 40 of these guesthouses out there, but guess what, they're not units, you can't count them.

MS. ISTENES: Well, I mean, the difficulty comes in as somebody submits a plan, let's say, for a single-family home and they have five guesthouses. And then we're left with saying I don't really think that's a true single-family and they're saying prove it, and we've got a conflict.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And Susan, the way they prove it is they say that you define what's a multi-family zoning, this excludes these buildings I'm building as part of multi-family zoning, therefore even though I have one big house and all these little cottages for employees in the back, I'm still single-family.

MS. ISTENES: Yeah, I mean, there's -- it's amazing. So we can certainly look at that.

CHAIRMAN STRAIN: Sorry to be quizzing you harder today. It's the 1:00 start time that allowed that to happen.

COMMISSIONER SCHIFFER: And then what do we want to do about the 30 days? Do we want to change that?

I mean, if you don't know why it says one week, shouldn't we know why we pick a time frame?

MS. ISTENES: I honestly don't disagree with you, but it's one of those things I think was never really addressed as far as the breakdown between what's transient and what's not transient. And why this one week is in here, I don't know, but to me, Commissioner, it opens up a really big issue.

And the reason I say that is because I've seen it in other communities where the municipality attempts to regulate the amount of time somebody can rent out their dwelling unit, and there's a huge conflict.

We don't have that so much here. And so I guess I'm just cautioning you, if you want to go down that road, and if I'm making sense, then I think it's a bigger issue than just --

COMMISSIONER SCHIFFER: Well, here's where the issue is if we work it backwards. What this phrase is saying is that if you have a multi-family dwelling and you're renting it, you're describing -- if you're saying if you rent it for less than one week, then you've got to go out and play with the hotel boys in zoning.

MS. ISTENES: Correct.

COMMISSIONER SCHIFFER: But what if I rent it for two weeks? Now I don't have to go out and play with the hotel. So essentially I can rent eight-day rentals so I am not in the hotel, or I don't have defined any of these zoning necessary for that, so --

MS. ISTENES: You're correct.

COMMISSIONER SCHIFFER: So I could build a -- easily build essentially a hotel with eight-day rentals minimum and I can build it in conventional multi-family zoning.

CHAIRMAN STRAIN: I don't think you can because the minimum size you would need to qualify for multi-family is greater than that for hotel rental, wouldn't you?

COMMISSIONER SCHIFFER: You know, Brad's Suites, or Frank Lloyd Wright's Suites, now that I have that big estate going.

MS. ISTENES: Yeah, I mean, I think somebody could probably do it, but it would be hard. I don't know. I'm not explaining it very well, but --

COMMISSIONER SCHIFFER: But I think when you see how it can be abused, don't read what it says, read what it's not saying. In other words, go out of that time frame and think of what can happen.

MS. ISTENES: No, I understand. And that's why I'm saying this code has a shortcoming in it and that is it takes a stab at regulating the time frame upon which somebody can rent a dwelling unit --

COMMISSIONER SCHIFFER: Remember, it was pulled out --

MS. ISTENES: -- whether it's multi-family or single-family.

COMMISSIONER SCHIFFER: You're trying to bring something back in, and maybe there's a good reason it was pulled out, that it was a trouble clause to begin with.

MS. ISTENES: No, it was left out on the recodification.

COMMISSIONER SCHIFFER: Well, the recodification people were thinking at the time.

MS. ISTENES: No, I don't think so.

COMMISSIONER SCHIFFER: They weren't?

Well, I was at some meetings where they were pretending they were thinking.

CHAIRMAN STRAIN: Well, you've got to be looking at B over again. And we talked a little bit on the front. When you come back with this, could you give C some thought, and if you have a better solution, suggest this to us at that time and we'll hash it up and see what we can do with it.

Does that work, Brad?

COMMISSIONER SCHIFFER: Yeah.

MS. ISTENES: Okay.

CHAIRMAN STRAIN: Okay, let's move on to Page 3. Now, three's a really difficult one. It's one page. And we're taking out a definition that apparently is not needed anymore.

MS. ISTENES: Yeah, at your first hearing you requested that we expand upon the reason. So if you have re-read the reason, that is the expanded version from Mr. Holdorth (phonetic), and I --

CHAIRMAN STRAIN: Anybody have any now issues with Page 3?

(No response.)

MS. ISTENES: Can you take a vote on that one?

CHAIRMAN STRAIN: Oh, yeah, we're going to. We're cleaning these up as we go along.

Okay, is there a motion to recommend approval, I'm assuming, or denial of 1.08.02?

MS. ISTENES: And also a finding of consistency, if you would, please.

CHAIRMAN STRAIN: Yes, finding of consistency --

COMMISSIONER SCHIFFER: I will move that we forward this with a recommendation of approval with the consistency that it matches the Growth Management Plan.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

And by the way, Heidi, I guess for the record, I certainly missed it, but when the motion makers, which were Brad and Ms. Homiak on the first seven items on our consent agenda, did your motion for each one of those include the fact they were found to be consistent with the Growth Management Plan?

COMMISSIONER SCHIFFER: Yes, sir.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. Does that suffice, Heidi?

MS. ASHTON-CICKO: Yes, thank you.

CHAIRMAN STRAIN: Thank you, Brad. Because you just reminded me we had to do that by adding it to this one.

Okay, next swipe is Page 5. That goes on for a couple pages. Take the whole thing at once. Go ahead.

MS. ISTENES: I'm sorry, you ready? Okay.

This, if you look at the change and the reason on Page 5, the explanations were expanded.

Again, this is one that was left out when the LDC was recodified. We are modifying them a little bit and referencing different figures to help explain them a little bit better, hopefully. That's the intent. And so they were added back in and then amended as shown.

Really, the big change, which isn't that big, is -- I'm now on the top of Page 6, is in the middle of the page you'll see interior lot line 24 is a reference to a figure 9-C, and that's the new part of that.

And then if you go down on Line 37 for through lot, is a reference to figure 9-C as well. However, I do have a request in reviewing that this morning on Page 38. I would like to change in the middle of that line may be referred to as to the words is considered a.

CHAIRMAN STRAIN: Whereabouts are you now?

MS. ISTENES: I'm sorry, I'm on Page 6, Line 38.

CHAIRMAN STRAIN: Okay, I thought you said 30 A.

MS. ISTENES: I'm sorry, 38.

CHAIRMAN STRAIN: Thirty-eight, okay. Let's start over again. Where is that now, what change did you want to make?

MS. ISTENES: If you go to the middle of the sentence where may be referred to as. I would like to modify that to say is considered a, or something more definitive.

I can't see any reason to leave it open. May means may or may not be. And I can't think of any reason why a

through lot would not be as defined.

CHAIRMAN STRAIN: Well, I think that your change then would be through lots abutting two streets is considered -- are considered double frontage lots.

MS. ISTENES: Yes.

And then you can -- I'll leave you to contemplate that. But then the pictures or the illustrations on seven and eight are referenced in the document. And I apologize, I had intended to put the 9-C and the figures, and I didn't figure that.

CHAIRMAN STRAIN: Mr. Wolfley, you have a --

COMMISSIONER WOLFLEY: I'm sorry, I thought it was me --

CHAIRMAN STRAIN: You've got to be on record when you speak. So just --

COMMISSIONER WOLFLEY: For the record, Dave Wolfley.

On Page 7, is that 9-A?

MS. ISTENES: Yes.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: We are recommending that if you're going to put these definitions back into the LDC that you stick with the original definitions and not make the modification that's listed in your lines 11 through 14, as this relates to some pending litigation.

CHAIRMAN STRAIN: I was going to make that point when we got to it. It's kind of like the other one, I don't know why we're messing with this at this time.

I certainly understood the lot corner in the old code that was still in effect, and -- it's clear to me, and I'm not sure why we want to change it. So at this point I'm not sure it's needed.

Well, let's take questions on Pages 5 through 8.

Mr. Schiffer?

COMMISSIONER SCHIFFER: First of all, Susan, there's two definitions. Is that -- you're adding for both of these, is that we get to choose or is that legislative stutter?

MS. ISTENES: I like that, legislative stutter. Yes, it was the only way I could think of on my own to make the record clear when something is missing. Because of the way the recodification was handled, if there's something missing, it's still in effect. And so in order to change it, we put it in, remove it and then change it. Hopefully that's clear. That was the intent.

COMMISSIONER SCHIFFER: And one of the things, Collier County, not all communities have any street frontage or any lot line that's on the street is considered frontage, setbacks and everything else, correct? I mean, I know there's some tiny exception and we delineate that.

Why are these necessary then? What are we gaining from this? Because any time I'm up against a street right-of-way I have to consider that a front setback.

And again, other communities where you do have corner lots where you'll choose one to be the frontage and the other one to be a side street lot, I could see these definitions are necessary. But in our town where everything on the street is frontage, why do we really need these definitions?

MS. ISTENES: Are you asking why do we need the definitions or why do we need a regulation that requires anything that borders a street to have a front setback?

COMMISSIONER SCHIFFER: The regulation exists and we live with that. I'm saying why do we need these definitions? In other words, like a corner lot definition would be important in a community that you would determine which lot has frontage and which side is a side street. In our town that's a moot point. So why do we need these definitions?

MS. ISTENES: I guess I'm not understanding the question. It's -- I mean --

COMMISSIONER SCHIFFER: Well, you're changing -- you think we need these definitions? Why do we need them?

MS. ISTENES: Yeah. You have to be able to distinguish -- the definitions all have different regular -- the type of lot would set forth in some cases the type of regulations you would apply, mostly for setbacks. But you have minimum standards such as width, lot width, and then you have to have points at which to measure that, and that's related to frontage in some cases.

So I guess I'm -- it's more -- I'm not thinking of any other reason other than for us to be able to apply the

development standards that are related to frontage and side and rear.

COMMISSIONER SCHIFFER: And Stan's here, he can actually help. Is it the answer that in the subdivision requirements these are terms that you use to establish requirements in the subdivision ordinance, or --

MS. ISTENES: No, in the Land Development Code. The Land Development Code sets forth the minimum lot standards. You have PUDs that do the same thing. A PUD's part of your land development code.

COMMISSIONER SCHIFFER: So in our code it states that the minimum width on a interior lot is such and such. The minimum lot width on a corner lot is such and such. I mean, does it use these terms? That's what --

MS. ISTENES: Yes. Yes, there's distinctions between various lots and they're regulated differently.

COMMISSIONER SCHIFFER: Okay. And then on 9-C, the sketch 9-C, the lot that you determine is not a corner lot, is that a double frontage lot then?

MS. ISTENES: Yes.

COMMISSIONER SCHIFFER: Okay.

MS. ISTENES: I guess you could call it that. I mean, we may -- you would look at it as one continuous frontage. So whether you call it double or not, it just is one continuous frontage.

COMMISSIONER SCHIFFER: But by your definition it's a double frontage. I mean, I think -- if you think it is, I would add double frontage lot, not a corner lot would be good. I mean you're --

MS. ISTENES: I understand what you're saying.

COMMISSIONER SCHIFFER: Because it is two streets that it's on. Thank you.

MS. ISTENES: No, I understand what you're saying, yeah.

CHAIRMAN STRAIN: Tor?

COMMISSIONER KOLFLAT: Yes, on Page 80 on Packet 2.1, I think we discuss this same issue, don't we?

CHAIRMAN STRAIN: Page 80 of Packet 1.

COMMISSIONER KOLFLAT: Page 80 of Packet 1. The summary says definition of lots, corner, interior and through. I don't understand why we're addressing this twice.

COMMISSIONER WOLFLEY: How the heck do you remember that?

CHAIRMAN STRAIN: We were talking about changes last time, and staff's come back and made some changes, I believe.

MS. ISTENES: Yes. Yes. That's -- the notes I had was -- were that under the reason section it implied that we were putting back the old code and we weren't needing to clean this up is what my thing said.

But I said make sure the changes are clear. So that's why I rewrote the reason section.

COMMISSIONER KOLFLAT: Well, I suppose I then should repeat my recusals from discussing the issue or voting on it, which I did at the beginning of this session on the LDC.

CHAIRMAN STRAIN: Well, that was the -- there was another one that was -- what was --

MS. ISTENES: There were two that were withdrawn. That is the cord methodology and lot line adjustments.

CHAIRMAN STRAIN: Right, the lot line adjustment you recused yourself on. This one I didn't know -- if you want to, that's fine.

COMMISSIONER SCHIFFER: Except we'll lose a quorum.

CHAIRMAN STRAIN: No, we've got six, we only need five.

COMMISSIONER KOLFLAT: Well, I recuse myself from all three.

CHAIRMAN STRAIN: Okay. Then let's go forward with any other questions then on Pages 5 through 8.

Now, first of all, the suggestion was made, and I think it was well founded, that we not change the lot corner definition that's up on top. That definition's clear, we continue using it.

We change the lot interior and the lot through. The lot through has a verbiage change to be -- that Susan articulated two streets are considered double frontage lots instead of two streets may be referred to as.

I'd also like to ask you, Susan, on lot interior refers to figure 9-C. Don't you mean 9-A?

MS. ISTENES: Yes.

CHAIRMAN STRAIN: Okay.

MS. ISTENES: Thank you.

CHAIRMAN STRAIN: So is everybody in agreement with that discussion? Everybody but Mr. Kolflat. We're going to leave the lot corner as it is on the top of the page. Lot interior will be the same with the

exception the reference will be 9-A instead of 9-C for the figure. And lot through will have the minor verbiage change we discussed.

Ms. Caron?

COMMISSIONER CARON: So we're going to ignore the County Attorney's suggestion that we don't do -- make any changes?

CHAIRMAN STRAIN: No, the one on top does not have any changes. The one on top is the one brought forward from the old code. If I'm not mistaken, that's how I remember it. Is that --

COMMISSIONER CARON: Is it just that one, Heidi?

MS. ASHTON-CICKO: Yes, that's correct. Line 1 through 4 on Page 6 is the language that was in the prior code.

COMMISSIONER CARON: Okay, I just wanted to make sure it didn't go down further than --

MS. ASHTON-CICKO: No. It goes one through four. And then from six through nine you've got the strike three of that. And then the 11 through 14 is the new proposed language.

CHAIRMAN STRAIN: Okay. So with those recommendations -- go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: Discussion. I never understood the old definition of corner lot. So Ray, to vote on it, could you draw that on the overhead what that means?

Especially the one -- the first sentence I understand.

MS. ISTENES: Stan needs to draw it. Stan, did you bring your pictures? Here, I've got the --

CHAIRMAN STRAIN: The first one you understand?

COMMISSIONER SCHIFFER: The first part of -- I know what a lot located on the intersection of two or more streets means.

It's the second one, a lot abutting a curved street or streets shall be considered a corner lot if a straight line drawn from the foremost points -- Stan, walk through it as you're drawing it.

MR. CHRZANOWSKI: Any chance I could get something turned on?

Oh, that easy. Fantastic.

CHAIRMAN STRAIN: Electronic age, Stan. We're stuck with it.

MR. CHRZANOWSKI: Okay, I'm going to feel like Mr. Wizard here, or John Nagy or something.

The problem that we had with the lot that caused all the problems was that the main lot was -- or the main road was here. A road came off it. And any time you have a road coming off at an angle, it comes off at tangent, 90-degree angle. And it was a cul-de-sac. And that's the centerline of the road. Well, the road is 60 feet wide. We're still there, good.

And when it came around like this, it did that. And of course this other road is 60 feet wide, too.

Okay, this corner here, there was a lot. And the lot came to here, and something like this. And the definition -- it's located at the intersection of two streets -- where are we here?

MS. ISTENES: Top.

MR. CHRZANOWSKI: Okay. If the straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees --

COMMISSIONER SCHIFFER: Stan, do me a favor. I'm not sure we should talk about this. But also could you show me on a simple lot, not on the most complicated situation you could come up with?

In other words, show me on a curve, on a road. You know, draw a curve and pretend that it's an interior lot. Or I don't know, just show me what it means, not on a cull-de-sac, because I don't want to get into the conversations of why -- why you're on a cul-de-sac.

MR. CHRZANOWSKI: Okay, simple enough. You're getting a 90-degree lot. Simple as I can get. That is, this is centerline of one road, this is -- I was going to use a straight edge, but why bother. This is centerline of the other road. This is your lot, your corner lot.

Now, what they're saying is, is if you draw a line from -- this is always a circle. It's always a perfect circle. Point of tangency, point of curvature. Point of tangency. If you want to draw a line to the foremost point of the lot, you have to start at the back corner.

COMMISSIONER SCHIFFER: Of the side lot lines, go ahead.

MR. CHRZANOWSKI: You have to start at the back corner. If the lot looks like this, this is the back corner. This is the radius point of the circle. To get to your foremost point for this lot, your foremost point -- I'm

sorry, I missed that. Your foremost point is here.

For this lot here, your foremost point is here, okay? So based on the shape of the lot, you have two different foremost points.

Then if you go from here, this corner, and on this lot it's to here, and to here, that has to be less than 135 degrees. And on this corner, on this lot, you'd have to go from here to here to here. And that would have to be less than 135 degrees.

Now I can widen that up a little, but that's the basic premise behind it. It's complex in that you have to do coordinate geometry to get from the back corner through the radius point of the curve to the foremost point of the lot. It's extremely difficult to do for a person sitting at the front desk with nothing to work with.

COMMISSIONER SCHIFFER: Well, I don't get it yet.

MR. CHRZANOWSKI: I know.

COMMISSIONER SCHIFFER: I mean, I have no idea what -- you know, I've tried to draw that off of this definition, and I never came up with anything that looked like that, so --

MR. CHRZANOWSKI: And neither did any of the surveyors either. But they do that for a living.

COMMISSIONER SCHIFFER: Yeah.

MR. CHRZANOWSKI: Which is why we want to change it.

COMMISSIONER SCHIFFER: So Heidi, why do have to --

MS. ASHTON-CICKO: If I may make a suggestion. Why don't we reevaluate these definitions and bring it back and look at where these definitions are in the code.

MR. CHRZANOWSKI: Can I second that?

COMMISSIONER SCHIFFER: I don't think we need them at all. And I think, so -- but Stan, that's crazy. How do you come up with the -- foremost points, is that a concern --

MR. CHRZANOWSKI: It was not written by an engineer, I'm sorry.

CHAIRMAN STRAIN: I think the recommendation from the County Attorney's office was to look at these again and come back with a re -- why don't we stick with that for this meeting.

MS. ISTENES: With all due respect, I'm not going to have time to do this in the time we have. This has been missing since '04.

CHAIRMAN STRAIN: Then if it needs to come back to another LDC amendment, that's fine too.

MS. ISTENES: No problem.

COMMISSIONER SCHIFFER: Can I make a motion that we throw it out of this cycle --

CHAIRMAN STRAIN: I think the staff's going to withdraw it, if I'm not mistaken.

MS. ISTENES: I have no reason to withdraw it, but you guys seem to want to, so I'm not going to --

CHAIRMAN STRAIN: Go ahead, Brad, what motion do you want to make?

COMMISSIONER SCHIFFER: I'd like to make a motion that because of the complexity of the situation and the definitions, that we withdraw it from this cycle and put it in a future cycle.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER WOLFLEY: I'll second it.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: I will not support the motion because I don't see this as a complex issue. I think the definitions that were in the code were self-explanatory, were readily understood, and so I would like to see it denied, but not for the reason of complexity.

It's just I think it needs -- if staff wants to come back and provide a different clarification to Mr. Schiffer, then that can be done at a different time. But right now I can't see it going forward like this.

MS. ISTENES: Well, the other thing to consider is we still have to operate under these definitions, so it doesn't change anything except it just makes things more complicated for people that can't find them in the code and don't know what to apply.

And that's -- I mean, we were trying to just simplify them a little bit so it was a little bit easier to understand how to do the 135 thing. And that was really the intent of the drawings and the couple minor word changes. So I'm not sure what it will accomplish, other than if you want to revise them then, you know, we would do that. But we still have to operate with them.

COMMISSIONER SCHIFFER: Let me ask Susan a question.

CHAIRMAN STRAIN: Just let me get Heidi's input first.

MS. ASHTON-CICKO: If you don't have the definitions in the code and you're not going back to the 1991 ordinance, then common sense is what would apply.

CHAIRMAN STRAIN: Okay, but right now we are going to back to the '91 ordinance. So those '91 --

COMMISSIONER SCHIFFER: Well, let me ask.

CHAIRMAN STRAIN: -- which is what we've been using.

Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: Susan, the illustration you have, 9-C, shows the calculation of those angles, correct?

Is the outcome of the definition that was removed from the code, essentially the one Stan worked on just now, supposed to have the same outcome? Would it have the same outcome on that lot?

MS. ISTENES: Yes.

COMMISSIONER SCHIFFER: How would you ever get that to a situation?

MS. ISTENES: The --

COMMISSIONER SCHIFFER: Then why don't you draw it for us.

CHAIRMAN STRAIN: Well, wait a minute. I think the recommendation was to table it until we can let staff have more time with it.

MS. ASHTON-CICKO: Yeah, actually I was suggesting that the County Attorney's Office will look at it and see where it's defined in the LDC and make a recommendation.

COMMISSIONER SCHIFFER: I withdraw my motion.

CHAIRMAN STRAIN: Okay. Would the second --

COMMISSIONER WOLFLEY: (Nodding head.)

CHAIRMAN STRAIN: Okay. So at this point the recommendation -- there's no recommendation because the County Attorney is going to spend some time and come back to us with it. And I'm sure that will be done in discussions with your office as well, Susan.

MS. ISTENES: Okay, is that in this cycle or not? Because we're trying to --

CHAIRMAN STRAIN: I don't know yet. We'll see what happens. I think it needs to be resolved legally and then through your office, and we'll see what happens with it.

So let's move on to Page -- Cherie', I bet you'd like a break for about 15 minutes right now. Okay, let's come back at 2:50 and resume.

(Recess.)

(Mr. Eastman is not present for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from break. And just so as we get later in the day, especially on these land development codes, we'll probably take another break in an hour for about 10 minutes, just to give everybody a little breather, including Cherie', our court reporter.

So with that let's move on to Page 9. This is an item that goes on for several pages.

Any introduction, Susan?

MS. ISTENES: Sure. This was -- the Board of County Commissioners directed a temporary use permit to allow youth residing in the Estates to raise hogs on a temporary basis for presentation at the Collier County Fair.

And when we last discussed this, you had some suggested changes. And I believe all of those appear on Page 11.

And if you're looking on Page 11 under line -- at Line 20, you had suggested adding the term bona fide related to 4-H youth development programs.

So what we did was we added bona fide, that's the first word in the sentence, so it reads bona fide 4-H youth development programs. And then it would be period. And then the regulation would talk about for those bona fide 4-H youth development programs, you could have a non-renewable 16-week permit for the keeping of up to two hogs. None of that changed. You had looked at that previously. So we added bona fide.

And then if you look down on C, we added once removed for showing and/or sale. So the /or was added to the word and. And you had requested that as well. And those were the only changes my records show you had requested.

CHAIRMAN STRAIN: Okay, does anybody have any questions on that entire section?

(No response.)

CHAIRMAN STRAIN: I hate to ask you a question because it's the second time around, but it doesn't mean we've got to change anything.

The 16-week temporary use length, how was the time frame decided on? Because in the documentation for back-up, they talked about up to six months in age for final weigh-in. Sixteen weeks, is that what everybody felt comfortable with that you got this approach from?

MS. ISTENES: Gosh, that was such a long time ago. Four months. That's four months. Trying to think if there's any other regulation pursuant to that. I can't answer that, Commissioner.

I think that was just determined to be an adequate amount of time. And this -- honestly, this amendment's kind of been floating around, and it's -- with these --

CHAIRMAN STRAIN: I just want to make sure we're not -- it's really for a 4-H program, it's a good thing, it's not a problem. I just want to make sure that --

MS. ISTENES: I'm sorry, John had confirmed that we had discussed it with the 4-H people and that they felt that was adequate.

CHAIRMAN STRAIN: Okay. Ms. Caron?

COMMISSIONER CARON: Yes, on Page 11, starting at Line 1, there is an underlined paragraph that just seems to be hanging out. Is -- should there be some stars above that so that I know there's other language? It doesn't seem to follow from B, accessory uses, over to A.

MS. ISTENES: That is a very good question. Maybe I could have John look at that too.

John, if you look at the top of Page 11-A, if you could confirm where that goes.

CHAIRMAN STRAIN: Shouldn't that have been a single little i, because it would have been B.4, little i. Because you have it under four, keeping --

MS. ISTENES: Accessory --

CHAIRMAN STRAIN: -- and livestock except for hogs. And then you get into the defi -- of what hogs can happen.

MS. ISTENES: Yes. That would make more sense. Well, hold on a second. If I look on 11 -- yes, I believe so. Let me have John confirm that.

CHAIRMAN STRAIN: Or it could even be a five.

COMMISSIONER CARON: Just make it five.

MS. ISTENES: Five, okay.

CHAIRMAN STRAIN: Mr. Wolfley?

COMMISSIONER WOLFLEY: While we're on that paragraph, could we come up with a spelling for bona fide? Is it bona fide or is it bonafide?

MS. ISTENES: We'll fix it. I see what you're saying. It's separated in A and not separated in D.1. I'll look in the dictionary and see. I think it's actually two words, but I'll double check. It may be either way is acceptable, but I'll make them consistent.

CHAIRMAN STRAIN: Okay, the only thing we're waiting on is to find out about the indentation -- I think that just needs to get corrected, whatever the correction is needed that would work.

Are there any -- Mr. Schiffer?

COMMISSIONER SCHIFFER: I'll make a motion.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER SCHIFFER: I move that we find this amendment to be consistent with the Growth Management Plan and forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made by Mr. Schiffer, seconded by Ms. Homiak.

Discussion?

(No response.)

CHAIRMAN STRAIN: It's going to be subject to obviously the clarification of that paragraph A. All in favor of the motion, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you. Okay, move on to Page 21.

MS. ISTENES: Yes. And Jeff Wright will be up to discuss this with you.

MR. WRIGHT: Good afternoon, Mr. Chairman.

MS. ASHTON-CICKO: While Mr. Wright is coming up, do you want to clarify your prior motion like you did on your previous ones that this is consistent -- you find this consistent with the GMP?

I'm sorry, it was --

CHAIRMAN STRAIN: We did, yeah, with the rest of them. That's how Mr. Schiffer saying that reminded me we hadn't done that in the first ones. So that's --

MS. ASHTON-CICKO: Okay, I didn't hear it as the part of this motion that was just made.

COMMISSIONER SCHIFFER: It was the first part, I said that --

MS. ASHTON-CICKO: Oh, you said that first --

COMMISSIONER SCHIFFER: -- consistent with the GMP and recommend approval.

MS. ASHTON-CICKO: Thank you.

MR. WRIGHT: Good afternoon, Mr. Chairman, Commissioners.

I'm here reporting back. Last time you heard this item was on January 28th. And during that hearing I gave a brief presentation. There was some discussion.

And I'm summarizing here, but we were requested to look into limiting excavation to the extent that the excavated material is necessary for construction of the above-ground facility. And due to the timing of the packets going out, we didn't get that language in there.

But we have on the overhead here in highlighted the language that we've added in addition to what you see in your packet. So this would be -- this appears on Page 22 and 24 of your packets. And again, that highlighted language would be added to the end.

We came up with that language after hearing your suggestion. I think it was aimed at limiting infringement on private property rights and rights that are provided under Florida Statute.

CHAIRMAN STRAIN: Okay, questions?

(No response.)

CHAIRMAN STRAIN: Jeff, trying to figure out the best way to phrase this. This would seem to cover a facility, for example, they wanted to have a -- they had to have water management areas or something like that for any pervious they may have on the site. Then they would be able to provide this excavation. But what I'm concerned about is the reference to above-ground facilities.

I had envisioned -- first of all, if someone goes out -- the whole purpose was to try to not allow this to be an excuse to have a commercial excavation going on under the premise of farming. If we limit this to above-ground facilities, we're still not accomplishing any savings to the environmental native position that the property was in because the above-ground facilities would destroy all the vegetation.

Wouldn't we have an advantage then to let them excavate enough material and go down in the ground far enough so that the material they needed on-site was what they use to support the above -- the remaining facilities that were above ground?

So in essence the shallow area they dig may be two or three feet to create enough sloping and fill to go around the outside to support whatever constructed walls they have would be equal to that amount they would need. But then the facilities themselves wouldn't all be above ground anymore, they would be actually below ground partially.

How do you fit that?

MR. WRIGHT: Well, I think, and I kind of went through the same process in my head, because when you do draw a line between above ground and below ground -- I went online and there's tons of aquaculture configurations, and a lot of them are the standard sieve net where you drag it along. And that is underground.

So I think that in response to your concern, we could, and with your recommendation to the board, we could word it beginning with the term excavation. Start with that highlighted area that you see, excavation for aquaculture shall be limited in quantity to the amount necessary for construction of the facilities.

CHAIRMAN STRAIN: I would agree, that would make it a lot better. But now, would someone take that, though, as the facilities being primarily all the way down to whatever depth they needed and then they would excavate the whole thing out we would be back in the process we have now.

MR. WRIGHT: It's a bit of a Catch-22, because they could point to a state best management practice and say under the state law I am allowed to dig -- in other words, the amount necessary for construction of my facility is a huge pit's worth, and that's what they could say. So it's a little bit of a Catch-22.

Again, this is board-directed and we did want to make an effort to come up with something to limit the use of aquaculture as maybe a guise for digging dirt.

CHAIRMAN STRAIN: Well, I don't think this puts us in any worse position. I'm not sure it really accomplishes what we wanted to get, and I'm not sure that the limitation by saying above-ground facilities doesn't hamper aquaculture. Because in essence if you dig the dirt out, you can't put the facility in it, even if it's shallow and was only intended for the support of the structure. And I think that would be a hindrance to someone wanting to economically do aquaculture.

I would prefer we just take the words above ground out and leave it construction of the facilities. And I know that doesn't help us a lot, but maybe that's -- I don't know, anybody else have any suggestions?

Heidi?

MS. ASHTON-CICKO: Do you want to add to that and on-site improvements? Because it sounds like you're trying to expand what you're referring to as facilities. And I don't know that that would be interpreted to be other facilities other than just the above-ground facilities the way it's written.

So I think if you want more, you ought to try to clarify it a little bit more. And --

CHAIRMAN STRAIN: Well, from my perspective, and anybody else that wants to weigh in on it, please do. Most -- a lot of us sat here during the aquaculture case that came before us and we were very concerned because of the different things that weren't known, that the applicant could just use the fill and leave a hole. And that's what I think the genesis of this was, was to avoid that.

But at the same time, I don't think we ought to be hindering true aquaculture, because it's a very positive thing.

This isn't -- this could be a hindrance the way it's written because you're limiting them to above-ground facilities even when they acknowledge -- when you acknowledge they may need some excavation to support those facilities. Well, the excavation to support them would be in the location most likely they're going in so it's semi-recessed. That wouldn't be a bad way to do it.

And maybe we ought to say that, for the construction of the above-ground or semi-recessed facilities.

MS. ASHTON-CICKO: Uh-huh.

CHAIRMAN STRAIN: And that semi-recessed puts a limitation there, understanding it's vague, but it's better than none at all.

What do you think, Jeff?

MR. WRIGHT: I think that's great. My biggest concern is as you pointed out, Mr. Chairman, last time, Florida Statutes do -- there's a chapter in the Florida Statutes, Chapter 597, that basically says the state is in charge of licensing aquaculture. And within that regulatory authority they have best management practices and a whole regulatory scheme to govern that. So that's what we have to look out for here.

I didn't want to neglect Commissioner Schiffer's comment last time about standard trench width. I tried to cover that in my introductory remarks that it's hard to pin down a specific width, given the variety of operations.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Why don't we just state that no fill can be removed from the site. No fill from the excavation can be removed from the site. So if the guy wants to dig a big hole, let him, but he's got a big mountain that goes with it.

I think what we're preventing is somebody doing aquaculture which is essentially a borrow pit in aquaculture disguise.

CHAIRMAN STRAIN: Well, then I think then we need to strike the above ground and leave it the facilities, and then add something, some language to the effect that this does not allow any fill to be removed from the site, or something to that effect.

Is that what you're getting at, Brad?

COMMISSIONER SCHIFFER: And that's straight to the point.

CHAIRMAN STRAIN: Donna?

COMMISSIONER CARON: Yeah, I was just going to say, I think that's getting to the point. And I think we should be as clear as possible. And it was a specific thing we were trying to prevent happening, and that was people just going out and digging pits and hauling the dirt away and making a lot of money on the dirt and we're left with a hole and we've spoiled environmentally sensitive lands in the process. So --

COMMISSIONER SCHIFFER: But here is the danger. I mean, I could buy a piece of land, dig a nice big lake, use the fill to elevate my houses around the lake, and in the name of aquaculture I dug a lake and built a subdivision.

MR. WRIGHT: I have also heard the concern -- I'm not a soils scientist, but I have heard that once the dirt is removed from the ground and put in a pile, the leachates from that dirt might be different than they otherwise would be.

So I don't want to get too detailed because it's not my area of expertise, but that was a concern that I heard, in fact, when I talked to Stan Chrzanowski about that, piling it up on-site.

COMMISSIONER SCHIFFER: What if we noted that the fill can't be removed and the fill could only be used for the construction of the aquaculture ponds?

Essentially what, Mark, I thought you were getting at last time is you might want to half dig in the ground and half put on the ground, and you have a nice --

CHAIRMAN STRAIN: To me that would be an economical way to approach a holding area for aquaculture activity. Plus it would be really much easier to maintain and operate. So I wouldn't want to see that prohibited.

I'm not sure, though, limiting the use of the material to strictly that facility is all -- because you're going to have a driveway, you're going to have working areas, you're going to have operation areas, you are going to have minor buildings, maybe, for pump houses. So I don't know if you want to do that.

Jeff, I think your first sentence is probably in error because you're limiting it to above-ground facilities only. But that the -- we ought to figure out some way to limit the excavation for remaining on-site and I think -- and if there's a way, to encourage semi-recessed facilities so that we keep away from this fully excavated facility.

I don't know how to get there, but I don't think this language that's proposed here gets to it, so --

MR. WRIGHT: If the commission is amenable to this, what I would suggest, based on your comments, would be to begin the sentence with the word excavation. And that would be excavation for such facilities shall be limited to the amount necessary for construction of the facilities. In addition, no fill can be removed from the site and can only be used for construction of the facilities.

I put in brackets semi-recessed because I guess I can't think quickly enough to incorporate that into the suggested language. But I could capture that first sentence, the concept that no fill can be removed from the site and that fill can only be used for construction of the facilities, and bring that back next time.

COMMISSIONER SCHIFFER: Because one of the concerns is they could pile it and damage, you know the condition of the site. So make sure they don't do that.

CHAIRMAN STRAIN: I think your mic needs to be a little closer to you too, Brad.

COMMISSIONER SCHIFFER: Anyway, the concern is they could pile it on the site, and we don't want a guy having a nice fishing operation with a big pile of dirt in the back of it. It took up twice the land as needed to in that case.

CHAIRMAN STRAIN: I think it needs more work, Jeff, if you don't mind coming back again.

MR. WRIGHT: Not at all. And we'll get the changes into the next packet. I think it should be for the 24th that you'll see this language up --

CHAIRMAN STRAIN: Okay. We are coming back on the 18th -- well, I'm assuming we're going to come back on the 18th. I'll talk to Susan. If need be, we can -- we also might be here next week as well. We will be for a

regular hearing. And if we haven't finished the regular agenda, I guess the 24th will be a good day for cleanup, so it doesn't matter.

MR. WRIGHT: Either way, I'll hustle the amendment over to John.

CHAIRMAN STRAIN: Okay. That item takes us through to Page 28. Were there any other questions?

(No response.)

CHAIRMAN STRAIN: If not, then we will move on to Page -- this one's interesting -- 229. Okay, that's in a different packet. That's in the -- yeah, that's in Packet 1. It's on Page 229.

Steve, good morning -- afternoon, I'm sorry.

MR. LENBERGER: Good afternoon. For the record, Steven Lenberger, Department of Engineering, Environmental, Comprehensive Planning and Zoning Services. That was easy to say.

This amendment, which is the vehicle on the beach permits amendment, had no revisions from the last time we met. There was just a question regarding violations and if there would be a problem suspending permits.

We looked at the language in the amendment. We don't see any problems with enforcing violations. Violations normally proceed with a Notice of Violation. And if the activity continues, they issue citations.

We also took a look at the language here regarding the enforcement section, and it talked about suspension of permitted activities for 70 days or the balance of sea turtle nesting season. So having a one-time vehicle registration should not affect that.

CHAIRMAN STRAIN: Okay, does anybody have any questions on any of the pages? It goes through Page 236.

Brad?

COMMISSIONER SCHIFFER: I don't.

CHAIRMAN STRAIN: Okay, anybody?

(No response.)

CHAIRMAN STRAIN: On Page 231, just a grammatical question. On line 13 it says beach nourishment. I notice in other places we use the word renourishment. Do you want -- should that read renourishment or is beach nourishment fine? Does that cover everything?

MR. LENBERGER: I think beach nourishment covers it.

CHAIRMAN STRAIN: Okay, I just wanted to make sure. I've seen both used.

Any other questions?

(No response.)

CHAIRMAN STRAIN: Okay, is there a motion?

COMMISSIONER SCHIFFER: I'll do one.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: I move that we find this to be consistent with the Growth Management Plan and that we move it forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second made by Ms. Homiak.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. Thank you.

The next one is on Page 37. Now, is that of our -- I can't remember, is it packet -- what packet?

COMMISSIONER SCHIFFER: Three.

CHAIRMAN STRAIN: Three?

COMMISSIONER CARON: Three.

CHAIRMAN STRAIN: Page 37, back to Packet 3.

MR. LENBERGER: There were a few revisions. I can tell you where they are. I'll give you a second to find it.

CHAIRMAN STRAIN: Okay, go ahead, sir.

MR. LENBERGER: The first revision was on Page 43, under references. And we reworded it to say management guidelines contained in publications, and then we used the words utilized by the Florida Fish & Wildlife Conservation Commission and the U.S. Fish & Wildlife Service as their technical assistance. And then it continues, shall be used for developing required management plans.

The next change is on Page 47, line 16. You wanted clarification that these areas would only have to be identified in areas where gopher tortoise were going to be relocated from.

So I added in the beginning of the sentence there, in areas where relocation of gopher tortoises is required. And then it continues, location of these thickets shall be identified in the protection/management plan and any gopher tortoises within these areas shall also be relocated.

CHAIRMAN STRAIN: Okay.

MR. LENBERGER: I don't think there are any more changes. No, there were no more changes to that amendment.

CHAIRMAN STRAIN: Okay, there's quite a few pages to this amendment. And we have talked about it before, but that doesn't mean we don't have questions again.

So with that in mind, I'll just ask for the whole section, and it goes from Page 37 all the way to Page 54. Do we have any additional questions on the bulk of that document?

COMMISSIONER SCHIFFER: Just --

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: True or false, on single-family plotted lots, the only management that they have to do is that which was defined in the subdivision or the platting of the lots, correct?

MR. LENBERGER: That's correct.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

MR. LENBERGER: There was one also thing too, is the only section that it applies to single-family other than when it's part of the subdivision is beach lighting compliance, for those houses abutting the beach.

CHAIRMAN STRAIN: Steve, when you drafted this, I know it came to us a long time ago the first time, and we sent it back, I believe, for stakeholders' meetings and group meetings. And you've had a lot of those being carried out over the course of what, a year or so?

MR. LENBERGER: Over a year.

CHAIRMAN STRAIN: I know you copied me with the massive e-mail list. Everybody that I can think of in the county that could have been involved in this seems to be on that list. Has this document now more or less been reviewed -- have you got any input on this document or just everybody ignore your e-mail? Were you getting feedback?

Because we're talking going into whole new territory. We're going from listed species now to listed plants. And your list of plants, while it may not be that large, it still opens up another cost and another associated study and everything else. I just want to make sure -- because I don't see anybody -- I don't know if -- unless Bruce is going to talk on this, and he's shaking his head no, nobody from the industry is here again.

And I just want to make sure we've vetted this, because I hate to see them come back in later and say oh, my God, how could we do this.

So can you just explain to us the process you went through to get here and the kind of feedback you got?

MR. LENBERGER: Sure. After the LDC cycle last year we started initiating stakeholders' meetings.

I also coordinated with a lot of these amendments different members of the environmental consultant community to try to draw on their knowledge, because they do a lot of the permitting and I needed to see what a lot of

processes they take.

We've had a lot of meetings.

This particular amendment went through a lot of review. I included changes in the beginning, and a lot of those were to address the stakeholders' concerns.

As you wanted to see in the Environmental Advisory Council, the stakeholders also wanted to see a lot of sections revised and brought up to date.

The listed plants was a concern. Once we did the evaluation, there was a lot less of a concern. Plants fall in two categories, basically: Really rare plants and plants which are less rare, but to only move if you didn't have them in the preserve that you were going to create.

Epiphytic plants was a concern initially that you have to go way in the canopy to grab these plants. That's why we decided on the eight-foot maximum level. If they're within eight foot, it's easy to move these plants. And that seemed to address their concerns.

Other concerns from last year were not to have -- well, no, pretty much it. So anyway, this has been thoroughly vetted.

COMMISSIONER CARON: I was just going to comment that there was an 11-0 from the DSAC, so I think they vetted it.

CHAIRMAN STRAIN: Just want to make sure, because I'm surprised there aren't people here talking about it.

Anybody else have any questions on this particular item? It's the second time we've seen it.

Brad?

COMMISSIONER SCHIFFER: I do not.

CHAIRMAN STRAIN: No, I figured you were going to make a motion.

COMMISSIONER SCHIFFER: I'll make a motion that we forward this to -- and with a finding that it is consistent with the Growth Management Plan and a recommendation of approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Okay, motion made by Commissioner Schiffer, seconded by Commissioner Homiak.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you, Steve, for your efforts with that.

Now we're getting into the more exciting ones.

MR. LENBERGER: The next amendment under new items is recreational uses in preserves.

CHAIRMAN STRAIN: It's on Page 55 of our Packet 3.

Okay.

MR. LENBERGER: This went through quite an extensive review as well.

I did a little research. As you can see in the beginning, it's quite lengthy, a little analysis. You had asked me to take a look at existing structures in preserves. I also consulted with various staff regarding some of the regulations that they use, and basically put it all together in the amendment you have before you. If you wish to go by it page by page?

CHAIRMAN STRAIN: Yep, we'll do that.

I know Brad isn't here, but he'll catch up when we get here then.

On Pages 55 and 56, anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Fifty-seven?

(No response.)

CHAIRMAN STRAIN: Okay, 58, 59?

(No response.)

CHAIRMAN STRAIN: Sixty to 61?

(No response.)

CHAIRMAN STRAIN: Anybody watching, this is mostly the explanation of the language and how it got to where it's at. And the language itself we haven't even got to yet.

Language starts on Page 62. We'll take 62 and 63 at one time. Anybody have any issues?

(No response.)

CHAIRMAN STRAIN: Steve, on Page 62, item -- on line 44, actually, the sentence starts on line 42, it says loss of function to the reserve includes unacceptable changes in vegetation within the preserve or harming any listed species present in the preserve.

The next sentence talks about what is unacceptable. Where do we understand what is harming?

MR. LENBERGER: We're talking about listed species, harming listed species?

CHAIRMAN STRAIN: Yes.

MR. LENBERGER: That would be determined by the agencies. On Page 60 -- let me -- 63.V.i. That will be determined by the agencies during permitting.

The environmental consultant community came up to me regarding listed species, and they said why don't we just permit structures through the agencies and make them make the determination whether it's harming them or not, since the Florida Fish & Wildlife Conservation Commission and the U.S. Fish & Wildlife Service are the agencies with the knowledge to do that.

CHAIRMAN STRAIN: Well, the only thing I'd like to suggest then is where the word harming is, after it refer to the section that you just referred us to so it's clear, that everybody understands what you mean by that. Is that something you can easily do?

MR. LENBERGER: So you just want to make a reference --

CHAIRMAN STRAIN: To V.i.

MR. LENBERGER: To V.i.?

CHAIRMAN STRAIN: I think you're going to have to say H.1 -- yeah, or H -- yeah, H.1.J.V.i, I think that's -- H.1.A.V.i. Something of that nature. Just so that when you're talking about harming, that's the way in which you're referring to it.

MR. LENBERGER: I will do that.

CHAIRMAN STRAIN: Okay. Pages 64 and 65, are there any questions on 64 and 65?

(No response.)

CHAIRMAN STRAIN: Okay, I am generally not carrying the flag for land use attorneys and development interests, but I know that Richard Yovanovich had been sitting here all day for one of these three items. I'm not sure which one it was.

And out of fairness for the fact that he had been here, I think we at least ought to give him the opportunity to comment on it, if that's what he was waiting for.

Does anybody know what --

MS. ISTENES: I'll go ask. I saw him out --

MR. LENBERGER: I think he's still here. I had spoken to Rich earlier. He was interested in the vesting language. Vesting language was included in this amendment.

He was more interested in the stormwater amendment because nothing was included there.

Here he is.

CHAIRMAN STRAIN: And I'll probably never get returned the favor, but at least I was trying to be fair to Richard in this regard.

Richard, with that introduction, did you have any issues that you were waiting for to discuss on the recreational uses in preserves?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. Well, that's what we're on. And I know when you asked me I didn't know if we'd even get to it today, and we got to it quicker than I thought.

MR. YOVANOVICH: Thank you. I will of course repay the favor, if you'll tell me what page we're on.

CHAIRMAN STRAIN: We're on Page -- well, it starts on --

COMMISSIONER CARON: Sixty-three.

CHAIRMAN STRAIN: Sixty-two is where the language starts. We're talking about through Page -- we're actually finished our discussion on the whole thing. So if you have any comments, you're more than welcome to make them.

MR. YOVANOVICH: Yes. And I -- what I would like to see, and I don't know what Steve said. I went to -- originally when this was going through the process, I attended the very first meeting. And I represent the Pelican Bay Foundation, and the Pelican Bay Foundation has a lot of existing facilities that go through preserves.

Instead of going through and worrying about whether they met the new code requirements, I had asked for an exemption for all existing facilities for not only for the repair or maintenance but also the replacement of those facilities, as long as they're within the same footprint that is out there today.

So I'm requesting that there be an exception for all existing facilities that are in preserves, so they can be repaired, they can be maintained and they can be replaced if necessary. And it probably benefits the county as well. I mean, the boardwalk that goes to Clam Pass Park, I don't know if it meets the width requirements or not. But let's just say it ends up a little bit wider. It should probably have an exception so you can replace it should you need to in the future.

And that's all I'm asking for is a general exemption for those types of facilities so we don't have to go through the expense to figure out if they meet the current code.

CHAIRMAN STRAIN: Steve, I think then what we would -- did you explore that exemption or that exception to this language?

MR. LENBERGER: For the vesting language I turned to the County Attorney's Office. They had provided language regarding the trails.

As an aside, I did do a little research on Pelican Bay. I put the conservation area on the visualizer. The Pelican Bay residents north and south beach facilities were carved out of the conservation area. They're not included. So the facility that's in there now would be the Clam Pass Park facility.

CHAIRMAN STRAIN: And the tram going out to the beach, I would assume, and the bridge and all the other parts.

MR. LENBERGER: Right, so that the trail's out there. Language was added in the amendment vesting the trails.

I did look at the Pelican Bay ordinance. I do have portions of it in front of me. It was pretty interesting when I looked at it. I noticed that the park facility was carved out a little differently than the main preserve.

The main preserve is 530 acres, but the other portion, the 36-acre park facility where the Clam Pass Park is located was supposed to be to the citizens of Collier County, and I believe it was for a beach access. But I can put this on the visualizer, if you'd like.

CHAIRMAN STRAIN: Well, you're focusing mostly on Pelican Bay, and that really isn't the issue. The issue is shouldn't existing facilities, both their repair and replacement be exempted, so long as they retain the existing footprints.

Let's just talk about that. Let's not focus on Pelican Bay or any particular project.

MR. LENBERGER: Okay. I thought you wanted me to answer Pelican Bay.

CHAIRMAN STRAIN: No, he brought it up as the example as why he's here. But it applies to more than just Pelican Bay, it's across the board.

MR. LENBERGER: I looked to the County Attorney's Office regarding this. I had spoken to some of the stakeholders. Their intent was not to bring permitted projects in compliance with this, requiring them to go to the upgraded standards if they wanted to be repaired. That's what they conveyed to me, the ones I spoke to.

I looked to the County Attorney's Office for this exemption language, so I still have to look to them to address this.

CHAIRMAN STRAIN: Heidi, is that something you can come forward with by the -- say, by the 24th when

we meet again?

MR. YOVANOVICH: I had some prepared language, if that will help.

CHAIRMAN STRAIN: We still -- yes. I mean, it would help if you want to air it right now, we'll talk about it, but I still want the County Attorney's Office to look it over and come back with it.

MR. YOVANOVICH: Sure, sure.

CHAIRMAN STRAIN: Go ahead. What language do you have?

MR. YOVANOVICH: It's actually on Page 64. And you have started an exemption. It's Roman numeral VIII. I would simply add to the end of that -- because what it talks about, I would add the following: Existing pathways may be repaired or replaced, provided such replacement is within the footprint of the existing pathway.

And that way you're -- if you end up -- and Pelican Bay, and not that this is just -- it's just by way of example, there are boardwalks that run through the preserve area to the restaurants for the residents of Pelican Bay.

So there -- if they need to replace that boardwalk, if they keep it within the same footprint, why shouldn't they be allowed to replace it? That's why that language. So if I need to read it again, Mr. Wolfley?

CHAIRMAN STRAIN: You can read it again, but I want to ask you something about it. You're still sticking to pathways. There are viewing platforms, there are seating alcoves, there are issues like that that I want to make sure all permitted existing facilities are covered.

MR. YOVANOVICH: I agree with that. And I mentioned that to Steve. They seem to be parts of the boardwalk, if you will. Is that correct, Mr. Strain? I don't know if everything out there --

CHAIRMAN STRAIN: They may be in Pelican Bay. And I would agree with you, they are. But that is not where they occur everywhere. Besides, in addition to the boardwalk in Pelican Bay you've got a bridge that you may not consider a boardwalk. It's a functioning bridge, although it rarely functions. It's the one leading from outer Clam Bay to the mouth of the pass.

MR. YOVANOVICH: The way they define pathway, I think it includes that boardwalk, which includes the bridge on that boardwalk. But we can tinker with that and make sure it's all encompassing.

But you're right, there are other communities that have improvements besides pathways and boardwalks that probably should be allowed to continue and be replaced.

CHAIRMAN STRAIN: I think that needs to be all inclusive. If someone's legally permitted this should not infringe on that legal permitting.

MR. YOVANOVICH: That was my intent.

CHAIRMAN STRAIN: Heidi, is that something that you could work on to a more inclusive language so we've got people covered who are out there reasonably permitted now?

MS. ASHTON-CICKO: Yes, we'll review the language proposed by Mr. Yovanovich and work with Steve and Rich to come up with a final product.

CHAIRMAN STRAIN: Okay, because his language isn't comprehensive enough.

Mr. Wolfley?

COMMISSIONER WOLFLEY: I was just going to say, let's remember that we want it for all the structures.

MS. ASHTON-CICKO: Okay.

MR. YOVANOVICH: Just not pathways. I hear you.

COMMISSIONER WOLFLEY: Only.

CHAIRMAN STRAIN: Any other questions?

(No response.)

CHAIRMAN STRAIN: And this is the second time this has come back. We're talking about tweaking the vesting language.

Go ahead, Nicole.

MS. RYAN: For the record, Nicole Ryan, Conservancy of Southwest Florida.

And I did -- we support the language, the concept that Rich is proposing. We never intended for this to be retroactive to existing preserves. So we're fine with that.

I did want to point out, and I can't recall if this was something that I had mentioned to you before or not. But on the bottom of Page 62 under the new little h, the last sentence where it says unacceptable changes in vegetation within preserves, including replacement of indigenous vegetation with non-native or weedy species.

And I have a real problem with the term weedy species. What is a weed? The Weed Society of North

America defines a weed as anything that is growing in a place that you don't want to it grow.

In a preserve, if it's native then it really does belong there. So I think that we capture what we need to capture by simply saying replacement of indigenous vegetation with non-native species, because it's a preserve, you don't want those non-native.

Weedy opens up the -- again, the Weed Society of America, they have about 3,600 species they define as weeds, including live oak and laurel oak. We don't mean that. So let's not put this language in there because it could be open for misinterpretation in the future.

Thank you.

CHAIRMAN STRAIN: I've got to ask you for -- there is a Weed Society of America?

MS. RYAN: There is. There is.

CHAIRMAN STRAIN: Wow.

MS. RYAN: And I have to say that a PUD that has in their conservation easement that they can remove weeds has used this list of 3,600 species to say it's a weed, we should be able to remove all of them.

So let's not do that in our LDC. It's messy.

CHAIRMAN STRAIN: I agree with you. It's just the little bits and pieces of information we learn at some of these meetings. I had never imagined there would be a weed society. I hope the wrong law enforcement agencies aren't watching that.

COMMISSIONER WOLFLEY: I was going to say, what kind of weeds are you talking about --

COMMISSIONER CARON: They meet every other Thursday with the lawyers.

CHAIRMAN STRAIN: Okay, Steve, do you have any problem with that suggested change?

MR. LENBERGER: I'm looking through the language now. I would suggest just deleting it. Because changes and -- it goes on and talks about changes in vegetative composition which are inconsistent with target communities. That would cover it.

If something was native and was invasive, like a vine or something, it would still be covered, so I would suggest we just delete weed.

CHAIRMAN STRAIN: I'm sorry, let's look at the sentence. Because if you -- you've got to delete more than I think one word to make it work.

MR. LENBERGER: It says unacceptable changes in vegetation within preserves includes replacement of indigenous vegetation with non-native species.

CHAIRMAN STRAIN: Okay, so or weedy comes out.

MR. LENBERGER: Correct.

CHAIRMAN STRAIN: Okay, that's a good catch.

Anything else?

(No response.)

CHAIRMAN STRAIN: If not, we'll hear this when we come back on the 18th or 24th.

Okay, next one up is on Page 67. It's 3.05.07.H.1.h.ii.

Steve?

MR. LENBERGER: This is the stormwater in preserves amendment. This went through a lot of review by stakeholders, and finally the stakeholders decided to write it themselves, which they did.

There was -- of course some of the -- for one of the modeling criteria, which is in here, I had sent you an e-mail. And I sent that on the behalf of stakeholders. But I -- they are going to talk about that. There are a couple -- well, I know Nicole is going to talk about it, additional modeling. And I'll put it on the visualizer.

CHAIRMAN STRAIN: Okay.

MR. LENBERGER: Other than that, I'm prepared to go through it page by page. There are stakeholders here. You may want to have them speak first. I think you did that last time.

CHAIRMAN STRAIN: That may expedite our questions. So certainly, I think that's a good idea, if that's okay with the rest of the board.

I guess, Bruce, you must be here for this one?

MR. LEHMANN: I'm here for answering questions. I don't have anything specific to say.

CHAIRMAN STRAIN: Thank you.

And Richard's coming up, so we have two speakers so far.

MS. RYAN: Again, Nicole Ryan, here on behalf of The Conservancy of Southwest Florida.

And as Steven mentioned, this really has been a very long-term collaborative effort that you directed the stakeholders to essentially sit down and talk it out until we could get something that everyone could agree upon. And the language that is before you is that consensus document.

We spent a lot of time in trying to figure out what would be that good middle ground. As you'll recall, initially The Conservancy believed that stormwater should not be allowed into any preserves. So we've really discussed through and compromised from that.

There are four key elements to the proposed language in front of you from The Conservancy's perspective.

The first is that it protects the really high and dry communities, those xeric upland communities, from receiving any stormwater into those systems. That is under provision -- let's see on Page -- whoops, the wrong one. I don't have your pages, actually, I have my copy, which is just Pages 1 through 5.

But it protects the xeric uplands from receiving any stormwater, which we felt was very, very important. It references several vegetative community types. It's under E --

MR. LENBERGER: It would be under Page 70.

MS. RYAN: Page 70, E, little 3.

MR. LENBERGER: Line seven.

MR. RYAN: Where stormwater can't be directly discharged into those three land use codes.

So we felt that that was something that was very important.

Secondly is the issue of water quality and ensuring that any stormwater that is allowed into the preserves meets all of their Water Management District basis of review water quality treatment outside of the preserve. In other words, the preserve can't be used to actually treat the stormwater. So treatment is done outside.

And then if there is pop-over during storm events, then that water can go into the preserves. So that was another thing that we felt was very, very important. And that is contained in little b.

MR. LENBERGER: That's on Page 68, line 47.

MS. RYAN: The third component is the water quantity component. Because too much water in a preserve, even if it's a wetland preserve, is going to be damaging that system. So that was really the sticking point that we discussed for a very long time with the consultants. And the language that we came up with is under E, little ii.

And I am certainly not an engineer, so if you have specific questions on that language and especially the new language that is proposed, I can say that our hydrologist discussed the language with Bruce Lehmann and we came to a consensus agreement. And I'll have him -- if you have questions specifically on how this works, I will have him answer that.

And the fourth component that we felt was key was the idea of monitoring and remediation, that if you're going to be inputting additional stormwater into a preserve area, you're going to have to make sure that it isn't doing damage. And if it is doing damage, then you're going to have to mitigate for that, remediate for that and make sure that vegetation is replanted.

So those were the four key things that The Conservancy felt they needed to see in this language. We believe that it's there and we're comfortable and support this as it moves forward.

CHAIRMAN STRAIN: Okay, any questions?

Mr. Wolfley?

COMMISSIONER WOLFLEY: Nicole, who is going to monitor all of these locations?

MS. RYAN: It will be up to the developer, the landowner, whoever owns the land to monitor that. So developer or the homeowners association at some point in the future when that's turned over.

COMMISSIONER WOLFLEY: They would do that at the same time they would remove any new exotics that --

MS. RYAN: Yes.

COMMISSIONER WOLFLEY: Thank you.

CHAIRMAN STRAIN: Okay. Thank you, Nicole -- I'm sorry, is this of Nicole before we go to -- we have more public speakers. I thought we'd get through them all and get their questions.

COMMISSIONER WOLFLEY: I have one more little --

COMMISSIONER CARON: I have a question.

CHAIRMAN STRAIN: Go ahead. Of Nicole?

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CARON: The original premise here was to add criteria for when treated stormwater is allowed in preserves. Most of this document now takes the word treated out. Are you comfortable everywhere it's been taken out?

MS. RYAN: We are. Because with little b, untreated stormwater will not be allowed in the preserves. So the treated stormwater component is taken care of in little b. So we're comfortable with it.

CHAIRMAN STRAIN: Mr. Wolfley?

COMMISSIONER WOLFLEY: We are not taking away little e, subsection I or 1.I are we?

Because on your overhead, it shows that as I. You meant double I there? I just wanted to make sure we're not eliminating --

MR. LENBERGER: That's correct. I apologize, that is double I.

COMMISSIONER WOLFLEY: No need for an apology, I just want to make sure we didn't eliminate the little i.

Thank you.

CHAIRMAN STRAIN: Rich, do you want to have anything to say?

Thank you, Nicole.

MR. YOVANOVICH: Similar to the previous item, I would like to see an exemption for projects that have water management systems that do discharge into preserves be allowed to continue to do that.

And again, Pelican Bay Foundation has facilities that -- they have a backbone system, it discharges into the preserve. I don't know if it's consistent with these requirements or not. But not just Pelican Bay, but there are probably other permits out there that have been issued by the Water Management District and/or the county that does allow discharges into preserves that are probably not consistent with these, and we should have an exemption for those permits as well.

CHAIRMAN STRAIN: I think that would be a good idea. I do think the Pelican Bay system discharges on the west of the berm road after it's water treated on the east of the berm road. So I think that's covered, but may not always --

MR. YOVANOVICH: We're not sure. We always figure it's probably safer to have the exemption in there than have to figure out if you have a problem.

CHAIRMAN STRAIN: Okay. And I would ask that you get together with County Attorney's office to get language similar to what we've talked about in the recreation in preserves one as well, and then that will cover it.

Any questions of Richard?

(No response.)

CHAIRMAN STRAIN: Okay, well, let's go back to our regular format and start with the first page on Page 67.

Does anybody have any questions on Page 67?

(No response.)

CHAIRMAN STRAIN: Steve, I've got a couple. And on line 31 and line 42 you again refer to harming listed species. I would just like there to be a reference there as to what the word harming is intended to mean.

MR. LENBERGER: Okay. That was line 31? And what's the other line?

CHAIRMAN STRAIN: Forty-two.

MR. LENBERGER: Forty-two.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: I was just going to comment that that's not in the code, that's just the explanation.

CHAIRMAN STRAIN: Oh, I'm sorry.

MR. LENBERGER: That's the GMP language.

CHAIRMAN STRAIN: Okay.

MR. LENBERGER: Just quoting the GMP language.

CHAIRMAN STRAIN: Gotcha. Okay, move on to pages two at a time, 68 and 69. Brad?

COMMISSIONER SCHIFFER: My question would go here, it's not really on a particular point.

Steve, are the adjoining landowners protected from this? Because the preserve essentially could be owned by or connected to multiple properties. Hopefully it is, right? Or is this something that's solely on one site?

MR. LENBERGER: Permitting for discharge of water. Well, permitting the water management system will be the responsibility of the Water Management District. The county just has these criteria in place to ensure that it won't negatively affect the preserve. But the Water Management District will be the entity permitting it.

COMMISSIONER SCHIFFER: That would protect people that also have part of that preserve on their property?

MR. LENBERGER: Well, the preserve would be under unified ownership. And some preserves obviously have -- are not completely bermed off, I should say, and flow onto other properties, as they do today. And that permitting is done by the Water Management District.

This is to ensure that upland areas and also treatment of water prior to that discharge is achieved according to the standards we're proposing here.

COMMISSIONER SCHIFFER: Okay. I mean, so you're comfortable that the other agency will protect other people that share the -- you know, the wetland area that the preserves has.

MR. LENBERGER: Well, no, this language here is to protect the preserves. This language is worked out by the stakeholders. This is to ensure we're not going to have adverse impacts to the preserve.

As far as connectivity of preserves to other properties, that is permitted by the Water Management District. They determine the flows off-site.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Okay, we're on Pages then 70 to 71. Any questions on pages 70 to 71?

COMMISSIONER SCHIFFER: Just to --

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: To save Nicole a trip, weedy shows up on G again, so --

MR. LENBERGER: Where was that on --

CHAIRMAN STRAIN: Line 33. So we'd cross out or weedy.

MR. LENBERGER: Delete weedy, okay.

CHAIRMAN STRAIN: Anything else on 70 and 71?

(No response.)

CHAIRMAN STRAIN: Go ahead, Ms. Homiak.

COMMISSIONER HOMIAK: Line 27, after vegetative, should it also -- should there be the word composition or is it taken out?

CHAIRMAN STRAIN: I think it's vegetation.

MR. LENBERGER: Yeah, it's vegetation. I had caught that on the master already. But yeah, I apologize for that. Yeah, that should be vegetation.

COMMISSIONER HOMIAK: Thank you.

CHAIRMAN STRAIN: Anything else on 70 or 71?

(No response.)

CHAIRMAN STRAIN: Steve, H, isn't that already part of our code? I mean, if you want to know what to do in the RLSA --

MR. LENBERGER: Right, it's already --

CHAIRMAN STRAIN: -- especially the WRA, it's in very elaborate detail in the RLSA section of our code. So why would we want to minimize that here as a referral? Wouldn't we just -- if they're in the RLSA they're going to the RLSA section of the code.

It's a redundancy. I'm just wondering, do we need it?

MR. LENBERGER: It's a cross-reference, you know. And I don't think it's harming by having it in there. And someone's permitting stormwater, that's an easy reference, oh, the RLSA, I go to this section, you know.

Obviously the consultants who work in this area are very familiar with that. But that doesn't mean an outside consultant might be as familiar with it. It's a good cross-reference, I think. But either way, it could be deleted if you wanted.

CHAIRMAN STRAIN: No, I just didn't want -- I wanted to make -- if it's not hurting anything, I don't

disagree with you. But redundancy in our code has been a problem, so -- it's small enough, I'm not too concerned.

Up in F, talks about discharges in preserves and then the creation of berms, swales and outfall structures. And I can think of one example. I drive by a lot on Pine Ridge Road where it extends into the Estates. I think it's the -- there's a church along there. And they had this preserve area and then had to go and cut up the preserve area to put a berm in. And the berm provided water, I guess it allowed something not to go onto the property next door, which was all more trees like their preserve.

So even if we require a berm in those instances, because -- and I don't see the necessity for that berm. I didn't quite understand why we're requiring native areas to be destroyed by more berms if they're up against native areas already. They're not allowed to count that destroyed area as part of the area they had to preserve?

MR. LENBERGER: That's correct. Whether -- the decision whether the berm -- a preserve off from another preserve, that's going to be made by the Water Management District. We're not going to make that choice.

But yes, it does not count toward the native vegetation requirement.

CHAIRMAN STRAIN: Does it become part of the conservation easement that would override the preserve, or would they have to disallow it from being within the easement area?

MR. LENBERGER: Well, it says they could be located within the preserve.

CHAIRMAN STRAIN: Okay. So it would be within the preserve but it wouldn't be counted as part of the preserve.

MR. LENBERGER: Wouldn't be counted as part of the native vegetation requirement.

CHAIRMAN STRAIN: Gotcha.

Any other questions through Page 72?

(No response.)

CHAIRMAN STRAIN: And I think the only thing this has to come back for, basically a couple small cleanup things, but mostly the vesting language that you're going to create in conjunction with the County Attorney's Office and just bring that back. Does that work for you?

MR. LENBERGER: That works for me.

CHAIRMAN STRAIN: Okay. The next item we can -- Cherie', how are you doing?

THE COURT REPORTER: Good, thank you.

CHAIRMAN STRAIN: Okay, we'll probably finish up then with the next item.

It starts on Page 73. It's Section 10.02.02.A, it's the Environmental Impact Statement. It's a long one.

MR. LENBERGER: It's a long one. There's a lot of cross-out language.

CHAIRMAN STRAIN: Right.

MR. LENBERGER: There was one error I noticed -- when I was going through code, the drafts here, somehow the computer messed up language, and I did catch one of them here. It's on Page 88 under F. That would be line 20 on Page 88.

See where it says additional data? It says information necessary to evaluate the project's compliance with LDC and GMP requirements. It's missing the first part of the sentence. The computer -- it was on the master form, but it didn't go through on your copy.

It should read the county manager or designee may require additional data or. And then it continues with the language, information necessary, et cetera.

That was a computer glitch. It is on the master, but when it got printed on a number version, it didn't print.

CHAIRMAN STRAIN: Okay. There's a -- this is a rather long lead-in. Then there's a lot of crossed out pages. Let's just go through all that first. That will take us all the way through Page 83.

Are there any questions through Page 83? Which is all your background data and crossed out sections of this proposed changes.

(No response.)

CHAIRMAN STRAIN: And Steve, my assumption is, is this all went through all the same stakeholders' exercise that the others did.

MR. LENBERGER: That's correct.

CHAIRMAN STRAIN: Okay, if there's no questions through Page 83, then let's start on the new active language, two pages at a time, 84 and 85. Are there any questions on Pages 84 and 85?

(No response.)

CHAIRMAN STRAIN: How about 86 and 87?
Brad?

COMMISSIONER SCHIFFER: Eighty-seven.

The triple iii down on 24, what is your intent there, that if the sea level rises six inches -- how does somebody deal with that, just out of -- and you can make a 25 words or less answer.

MR. LENBERGER: I wish I could.

This discussion came up at the DSAC meeting. This is currently language that's in the Growth Management Plan. And I still have to discuss this further with staff. And we haven't got an answer yet fully right now. And it's left in here.

It was crossed out. We put it back in this section because it is a GMP requirement. But I have not got an answer for you on it.

COMMISSIONER SCHIFFER: Well -- okay.

CHAIRMAN STRAIN: You're going to come back with an answer?

MR. LENBERGER: I brought it up to management and to discuss, and they told me to leave it in for now and they were going to look at it. I have discussed it with them, and they have not gotten back with me on this.

CHAIRMAN STRAIN: So I guess then we'll just -- this one, after we get done with our discussion, whether we have other issues or not, this one is going to be holding it until we get a clarification.

MR. LENBERGER: Fine.

CHAIRMAN STRAIN: Okay. We're back on 86 and 87. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Page 86, Item D, little i, you start out with for sites with known environmental contamination. How do you know they've got environmental contamination? Known to who and how? I'm just curious.

MR. LENBERGER: Well, for the environmental assessment, most projects will have an environmental audit of a property when they purchase it.

CHAIRMAN STRAIN: And those are confidential. I mean, I know they're confidential because I have a lot of them done. And part of the whole deal is you don't tell anybody unless you want them to know. And it's usually done as part of a due diligence where you work with the owner of the property and it becomes part of that discussion. So how is anybody going to know it outside that group of people?

MR. LENBERGER: I had this discussion with the County Attorney's Office, and I can let them respond, if they'd like. I was told that we could request that information.

MS. ASHTON-CICKO: I don't recall that I was the person that you spoke to.

MR. LENBERGER: It was Steve Williams.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Well, Heidi, you're going to come back with things. This one's going to come back anyway. Could you take a look at that language? I just don't know how we can quantify some of the verbiage.

I'm going to have others too. Line 38, up the site or encapsulate the contamination. I think you mean remediate. Because that's usually what they require is that you remediate it through digging it up, filtering it out, running water through it, doing all kinds of -- I'm not sure encapsulating it is the only solution.

Remediation I believe, through DEP's process covers everything, so maybe that's a better word to use.

MR. LENBERGER: Well, they also do allow encapsulating contamination as well. I've seen that personally on products I've permitted, so --

CHAIRMAN STRAIN: Right. But that's not the only solution. You could remediate.

MR. LENBERGER: Not the only solution. I'll look at that.

CHAIRMAN STRAIN: Okay. Double I, soil and/or groundwater sampling shall be required --

MR. LENBERGER: Chairman, I'm sorry to interrupt you. What line was that for the remediation?

CHAIRMAN STRAIN: That was on line 38. It occurs again on Page 87, line 14.

MR. LENBERGER: Okay, line 14, and what was it, 38?

CHAIRMAN STRAIN: Thirty-eight, yes.

MR. LENBERGER: Thank you.

CHAIRMAN STRAIN: By double I we're making the assumption that all farm fields are contaminated?

Because they're requiring sampling of all farm fields.

I mean, is that just standard policy?

MR. LENBERGER: This had come up last year. And that's why we put in the parentheses, field crops, cattle dipping ponds, chemical mixing areas, trying to pinpoint that.

We can say farm fields which were used for crop fields, had cattle dipping ponds or chemical mixing areas. We can spell it out more. But that was in response to your comments last year. We included those parentheses.

CHAIRMAN STRAIN: Okay. So if it's a grazing field, it wouldn't be -- if someone's using a pasture for grazing, you wouldn't require that.

MR. LENBERGER: That's correct.

CHAIRMAN STRAIN: Okay. You're talking the next one where there's hazardous products exceeding certain gallonages and pounds. And then you say on line 47, excess of 220 pounds per month or 110 gallons at any point in time when generated or stored.

How would someone go back to any point in time and know that answer?

I mean, DEP keeps historical locations of underground storage tanks and things like that, but this goes beyond that. And I'm just wondering, how do you think you're going to know that?

Is there a data base that provides that? Let's put it that way. Do you know of one?

MR. LENBERGER: I don't know, I'd have to contact our pollution control people. That was language for those amounts and per month are all right out of the code. And I could put that up for you right now if you'd like to see it.

CHAIRMAN STRAIN: No, I don't -- I'm not questioning that. This is up for opportunity for discussion, I'm just wondering how we handle it. Who in the county knows that? When some applicant comes in and says, well, this has not been done, how do we dispute something like that? Do we have a data base that we use that gives you that information?

And I don't know of one. If there is, I'd sure like to know it. Maybe you could tell us that when you come back. If not, that's fine, but I'd --

MR. LENBERGER: We'll have to consult with them.

CHAIRMAN STRAIN: Those data base -- it would be nice to know of those data bases' existence.

Okay, we'll move to Page 88 and 89. Any questions?

(No response.)

CHAIRMAN STRAIN: Anybody? On your number four on Page 88, it looks like you're going to require a single EIS prior to the public hearings, but after all staff reviews. What does -- how do you see that working? Because you would want the EIS before the staff reviewed it in order to make sure that the layout in the site plan and everything else fits, right?

MR. LENBERGER: No, the whole idea here is to eliminate the separate process of an EIS review. Staff would still get the environmental data.

Number four was in response to discussions I had with the Environmental Advisory Council. Staff did not propose that initially. It was to just be able to package the environmental data so the EAC and this board, if you wish, would have it all consolidated and organized. So when you reviewed a project you wouldn't have lots of pieces of information, you would just have it all in a binder.

So as a result of their concern regarding that, I put together this language in order to do away with a review of a separate document. What we're saying is after we're all done reviewing all this information, we ironed out everything, just put it all together right before public hearing so we can give it to you guys and you have it all in one consolidated package. That's what this is.

CHAIRMAN STRAIN: And does that mean someone on staff would then review that package again to make sure it's the one that you all reviewed the first time?

MR. LENBERGER: No, you have to get away from the idea of reviewing a package, okay. We're just reviewing the data. We would -- it would require more work on staff, because we'd have to get all the data in and we'd have to compare it to what we reviewed. So yes, it would involve an additional step. I did bring that out to the EAC members.

CHAIRMAN STRAIN: I'm trying to think of how it's going to function. Let's say the applicant comes in with a PUD or rezone or whatever and they submit the package to staff. Normally we've gotten a copy of the

package. So now we're going to get the package but it's going to be tied together differently?

MR. LENBERGER: No, actually it will probably just appear the same as the EIS you're getting now, only in this format. It will appear the same. It's just how staff's going to review it. We're not going to review a separate EIS document and we're not going to go through a separate approval process for an EIS document.

What we're saying is we're just going to get the environmental data to review the project, and once we review the project, if it's a conditional use or rezone, we're going to get all that pieces of information, put it in this order here for you to review so it would help you with your review.

And the EAC had a concern because they didn't want lots of pieces, they wanted to have a package. They felt the EIS was a worthwhile document in that respect. So that's why we included this language, that it would just be consolidated when the project was completed with review and then given to you.

CHAIRMAN STRAIN: And did the stakeholders have any problem with it?

MR. LENBERGER: We don't go back to stakeholders after the public hearing, okay. Some of the stakeholders, I know Bruce was there, he was one of them. He said what does that mean? Basically what I just told you. He didn't have a problem with it.

CHAIRMAN STRAIN: Okay.

MR. LENBERGER: I guess I would have to ask you, would you want to see a consolidated package given to you of this material?

CHAIRMAN STRAIN: It doesn't matter to me. I read it whether it's consolidated or in a thousand pieces. I'm not sure what the value is having it all bound together, but if no one's objecting to it, I'm fine with it. I just --

MR. LENBERGER: This was in response to the EAC's request, but I mean --

CHAIRMAN STRAIN: Well, I still don't -- if that's the way they've got to read something, that's up to them. I don't -- myself, it doesn't matter, I'll still read it whether it's in 100 pieces or one big piece.

If somebody has a problem, we'll just keep going forward.

Five B, single-family or duplex uses on a single lot or parcel. Duplexes usually have a common property line and they split down the middle. This is a -- so you have two lots. You have a fee simple on each side. So if it was done that way -- or they shouldn't usually have, I said they can have. That's what I meant.

So if it was done that way, this wouldn't apply. The exemption wouldn't apply. So if you have a duplex on two lots with a common wall down the middle, then they wouldn't be exempted from the EIS; is that correct?

MR. LENBERGER: Okay, well, first, we're not going to have an EIS for just this -- okay, this is environmental data. So we could -- and I'm not an expert on zoning, and I would turn to Ray here. But if that is indeed the case, then we'll just say single-family use on a single lot and we can do duplex use on a single lot or two lots, depending on whether it's split or not. I'm just -- I would have to turn to Ray to that.

CHAIRMAN STRAIN: Maybe if it's single-family or duplex uses on a lot or parcel, then that just covers it. And just take out the --

MR. LENBERGER: On a lot or parcel?

CHAIRMAN STRAIN: Yeah, a lot or parcel. Your intention is not to require single-family or duplexes, correct? So who cares what they're built on. Is there an issue there?

MR. BELLOWS: I like the way you phrase it. I think that would cover it.

MR. LENBERGER: So we'll just cross out single?

CHAIRMAN STRAIN: Yeah.

MR. LENBERGER: Okay, that's fine. Thank you.

CHAIRMAN STRAIN: Then --

COMMISSIONER SCHIFFER: Wait a minute.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: Isn't the intent that it's to prevent somebody who has a large lot with multiple duplexes on it? I mean, is that what -- first of all, a duplex to me wouldn't have a common property line within it. That would be two single-families with zero setback, essentially.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: So it wouldn't be -- but I mean, if you do that, what I think you don't want is I take a piece of property, large piece of property and put multiple duplexes or stuff, would that still --

CHAIRMAN STRAIN: What is the intention here, does anybody know?

MR. BELLOWS: I don't know what the intention was, but --

MR. LENBERGER: I guess our perspective on it, we don't do zoning single-family -- and my understand is zoning handles duplex uses as a single-family. When you start having three, you have site development plans. That was my understanding.

MR. BELLOWS: That's correct.

MR. LENBERGER: So it's to exempt duplex use or single-family. Whether a lot is two lots or one lot, you know, whether they could be sold separately, I would have to look to zoning to give me an answer on that.

If this could be worded better, I'm open to suggestions.

CHAIRMAN STRAIN: I think the problem comes in because of the hybrid uses we're now finding because of the changes in the laws. And I think you might want to be real careful how this is worded versus what you're intending.

Brad's point is right, if you've got a big parcel, say a five-acre parcel, and you have four duplexes on it, was your intention to exempt all those duplex -- that entire parcel? Isn't that where you're --

COMMISSIONER SCHIFFER: Right. That's exactly right. And that's what the problem we had earlier when we talked about multi-family units, they were giving the example of multiple small buildings to avoid the multi-family unit thing.

So they have to solve it there first and then that might help us here.

CHAIRMAN STRAIN: I think if you work that area with Ray and this office and come back with something that fits more to what you're trying to get to so it doesn't give us something with unintended consequences, that would be helpful.

MR. BELLOWS: Yeah, we'll work with them. I believe there's some adequate language in the code that if you're dealing with more than three units on a lot anyways, it's going to be deemed multi-family, even if they're three separate structures.

But we'll review the language with Steve and make sure we're clear on that definition.

CHAIRMAN STRAIN: It would be good to verify it, Ray.

Okay, and that takes us through Page 89. Anything on the last two pages, 90 and 91?

(No response.)

CHAIRMAN STRAIN: Okay, well, you're going to come back with some cleanup on a couple of them, Steve.

And now I guess the next question, because that takes us to the end of our agenda items, for Cherie's benefit. We won't take another break, we'll just finish up.

Ray, do you know how soon we can schedule the next LDC meeting? Because we do have time on the 18th, but I don't want to schedule it if it's not productive and we can wait till the 24th and do it all at once. What's staff's position?

MR. BELLOWS: Advertising for the 24th would be almost past that, I believe, it looks like.

CHAIRMAN STRAIN: Well, it's a regular -- it's been a scheduled LDC meeting, so it would be 1:00 to 4:00 -- we have four hours on the 24th if we want to use it. We have a regular meeting on the 18th, in which we probably will have two or three hours there we could use. And we have a regular meet on Thursday, April 1st. April Fools Day, that ought to be a good meeting.

Is anybody scheduled for that day?

MR. BELLOWS: On the 1st?

CHAIRMAN STRAIN: Yes.

MR. BELLOWS: Currently the chart shows we have five items.

CHAIRMAN STRAIN: That will be a full day. So we basically have the 18th and the 24th. I don't know if you want to use the 18th, but we have to continue this meeting to some point. Why don't we continue it to the 18th to the extent you need it. If we get to the 18th and we don't need it, we're going to be here anyway and we can just continue it again to the 24th.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay. So is there a motion to continue today's Land Development Code amendment hearing until March 18th? And let's just set a time at no sooner than 10:30 in the morning because that will give us time to clean up our regular agenda items and take a break.

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MR. BELLOWS: That will work.
COMMISSIONER SCHIFFER: So moved.
COMMISSIONER KOLFLAT: So moved.
CHAIRMAN STRAIN: Motion made by Commissioner Kolflat, seconded by Commissioner Schiffer.
All in favor, signify by saying aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER KOLFLAT: Aye.
COMMISSIONER WOLFLEY: Aye.
COMMISSIONER CARON: Aye.
CHAIRMAN STRAIN: Aye.
Motion carries. We are continued until the 18th at 10:30.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:08 p.m.

COLLIER COUNTY
PLANNING COMMISSION


MARK P. STRAIN, Chairman

These minutes approved by the Board on 4-1-10, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC. BY CHERIE' NOTTINGHAM