

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE  
MEETING

May 4, 2011  
Naples, Florida

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 3:00 PM in REGULAR SESSION in Conference Room #610, Collier County Growth Management Division/Planning & Regulation, 2800 N. Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: William Varian  
Vice Chair: David Dunnivant  
Ray Allain (Excused)  
James Boughton (Excused)  
Clay Brooker  
Laura Spurgeon DeJohn  
Dalas Disney Excused)  
Marco Espinar  
Blair Foley  
Reagan Henry  
George Hermanson (Excused)  
David Hurst (Excused)  
Reed Jarvi  
Robert Mulhere  
Mario Valle (Excused)

ALSO PRESENT: Nick Casalanguida, Deputy Administrator, GMD Planning & Regulation  
Judy Puig, Operations Analyst – Staff Liaison  
Jamie French, Director – Operations & Regulatory Management  
Jay Ahmad, P.E., Director – Transportation Engineering (Absent)  
Ed Riley, Fire Code Official – Fire Code Office  
Nathan Beals, Project Manager – Public Utilities

**I. Call to Order:**

**Chairman William Varian** called the meeting to order at 3:03 PM and read the procedures to be observed during the meeting.

**II. Approval of Agenda:**

*Changes:*

- Under Item V, “*Staff Announcements/Updates*” –  
**D. Growth Management Division/Planning & Regulation Update** will be heard first.

*Blair Foley moved to approve the Agenda as amended. Second by Marco Espinar. Carried unanimously, 9 – 0.*

**III. Approval of Minutes – April 6, 2011 Meeting:**

*Robert Mulhere moved to approve the Minutes for the April 6, 2011 meeting as submitted. Second by Reed Jarvi. Carried unanimously, 9 – 0.*

**IV. Public Speaker:**

**Richard D. Yovanovich, Esq.**

**V. Growth Management Division – Staff Announcements/Updates:**

**D. Planning and Regulation: Nick Casalanguida, Deputy Administrator – GMD**

- Mr. Casalanguida introduced Attorney Richard Yovanovich of Coleman, Yovanovich & Koester, P.A.
- Topic: A letter sent to County Manager Leo Ochs by Mr. Yovanovich and copied to the Board of County Commissioners concerning an alternative method of collecting and tracking Impact Fees

***Richard Yovanovich:***

- Regarding the payment schedule for Impact Fees – originally 50% was due at the time a Plat or SDP was submitted and the remaining 50% was due three years later.
- The format was revised and the second payout period was extended due to the economy from three to five years.
- The BCC offered a different option: the first year payment would be 20% with a 20% Letter of Credit, and additional payments of 20% to be made over the following four years.
- He noted if the second year payment of 20% was not made, Staff could attach the Letter of Credit and his clients could lose their vesting.
- *Proposal:* first payment of 33% to be due at application and the balance paid when the building permit was pulled

***Nick Casalanguida:***

- Staff supports the proposal
- He asked DSAC for their recommendation

*(David Hurst arrived at 3:09 PM)*

***Reed Jarvi moved to approve the proposal and forward the recommendation to the Board of County Commissioners. Second by Blair Foley.***

**Nick Casalanguida** clarified the entire project would be vested when the first payment of 33% was made and vesting would not be lost. The Certificate of Public Facility Adequacy (“COA”) would run with the land. The payment schedule will be reviewed and revised if economic conditions improve.

***Motion carried, 10 – 0.***

**A. Public Utilities Division: Nathan Beals, Project Manager – Public Utilities**

- No updates to announce
- There were no questions

**B. Fire Review: Ed Riley, Fire Code Official – Fire Code Office**

- Monthly Activity Report for March was submitted.
- Reviews conducted: 808

In response to a question, Mr. Riley noted the application for the Certificate of Occupancy has been made for the new Fire Office building. Move-in would occur in three to four weeks after the C/O is issued.

**C. Transportation Planning Division: Jay Ahmad, P.E., Director – Transportation Engineering (Absent)**

- No report

**D. Planning and Regulation: Jamie French, Director – Operations & Regulatory Management**

- An increase noted in the number of Building Permits issued during April
  - Primarily remodeling permits (re-roof, installation of shutters, installation of A/C units)
  - An increase in new home starts within established communities (GL Homes, Stock Development, Lennar)
- There has been an increase in the number of inspections requested in both residential and commercial
  - Inspections were usually conducted within 24 hours after call-in

**Q.** How is staff time paid for the Flood Plain Management Committee? Which fund is used?

**A.** No one from Fund 113 participates on the Committee. He was not sure of the Cost Center – it could be from either Fund 101 or 111.

**Chairman Varian** stated he applied for a building permit for a clubhouse renovation which consisted of remodeling two bathrooms. He was told to supply a copy of the SDP because it was noted on the checklist. He questioned why an SDP cover sheet

was necessary since the work to be performed consisted of painting, changing toilets, sinks, and tiles. He stated he was charged a \$125.00 Zoning Fee which he did not understand.

**Jamie French** stated he would investigate and asked for the Permit number.

**Mr. French** noted Claudine Auclair's Kaizen committee has been examining the permitting process to determine where redundancy exists and will implement new policy within the next month. Digital submission options will reduce the required number of copies and plans. He stated if a project's plan is scheduled for three or four reviews, at least five copies will be needed.

**Re:** "CityView"

- The "go live" date has been changed to May 15<sup>th</sup>
- New taxes and fees necessitated recalculation and revisions to system
- C-D Plus will work in tandem with CityView for the next six months

**New Topic:** RPZ Motion (See: April 6, 2011 Minutes)

**David Dunnivant** directed the Committee's attention to Page 7 of the Minutes.

[**David Dunnivant** moved as follows:

*The Board of County Commissioners asked DSAC to review the RPZ adoption by Utilities as a back-flow prevention standard for Collier County. After exhaustive study and review, DSAC has determined that there is not an inherent danger in the current Double Detector Check Assembly Valve system. Although an enhancement would be provided by the installation of RPZs, the cost and nominal benefit of the enhancement does not warrant implementation and the additional expense to the County's citizens.*

*The final recommendation is that the Board of County Commissioners repeal the currently adopted Utilities Ordinance which implements RPZs as the only accepted back-flow device and return to the original Double Detector Check Assembly Valve ("DDCA") system that has been in place for year.*

*Second by Chairman Varian. Carried unanimously, 13 – 0."*]

He suggested changing the word "year" to "years."

**Chairman Varian** asked the Committee to review a draft of the letter to be submitted to the Board of County Commissioners containing DSAC's recommendation. He suggested the letter should be jointly signed by David Dunnivant as Chairman of the Subcommittee as well as himself.

**Nathan Beals** noted he will supply the correct number to Judy Puig to identify the Resolution to the Ordinance.

**David Dunnivant** stated he inadvertently omitted referencing the pressure loss caused by the installation of RPZs. It is an additional issue that supports DSAC's recommendation to the Board to repeal the Resolution.

He proposed adding the following language at the end of the third sentence of the first paragraph:

*“Additionally, implementation of RPZs would create an increased friction loss to the system, in comparison to the Double Detector Check Assembly Valve, which would alter fire sprinkler design in future buildings that would require this new back flow device.”*

**Reed Jarvi** suggested placing the sentence at the conclusion of the second sentence in the paragraph.

**Robert Mulhere** suggested the issue is the “*significant cost versus* the nominal benefit” since it is a cost/benefit analysis.

**David Dunnivant** suggested that he confer with Chairman Dunnivant to review and revise the recommendation letter.

Suggestion:

- David Dunnivant and Chairman Varian will independently review the letter and email their changes to Judy Puig to incorporate into a final version.
- At the June DSAC meeting, Mr. Dunnivant will withdraw the Motion made during the April 6<sup>th</sup> meeting and substitute the new language as his motion.
- The recommendation letter will be presented to the Committee at the June meeting for approval.

**Consensus:** An item entitled “Reconsideration of Previous Motion (April 6, 2011)” will be added to the June Agenda.

**VI. Old Business:**

**A. Watershed Management Plan Projects and Alternatives – Mac Hatcher**

- Robert Mulhere stated he is a consultant on the project and he recused himself from voting on the issue to avoid the appearance of conflict of interest.
- He further stated he may participate in the presentation as appropriate.

A Power Point presentation was given by Moris Cabezas and Peter DeGolian of Adkins/DHI.

*(A copy of the presentation was emailed to the Committee.)*

*Topics included:*

- Current Stormwater Management Approach
- County Growth Projections
- Water Quality and Pollution Load Issues
- Current Canal Capacity (limited)

- Objective:
  - Implement a sustainable Stormwater Management Program through the implementation of Low Impact Development (“LID”) techniques
    - Promote effective site planning
    - Promote preservations of the natural system
    - Reduce development costs
    - Reduce costs of future drainage system improvements

**Issue:** *How to provide water quality credits for new developments?*

It is not feasible under the current State regulations.

Collier County requires that new development or redevelopment projects meet 150% of the State’s water qualify requirements.

**Problem:** By making ponds 50% larger, there is no gain in efficiency to treat pollutants.

**Recommendations:**

- Modify the Land Development Code to require treatment by LID and create incentives for implementation of LID techniques
  - Allow 18-foot width on local roads using cluster development standards
  - Allow design of swales on local roads
  - Allow in-ground percolation type retention systems
- Changes to Parking Design Standards
  - Reduce length of aisles
- Changes to Landscaping Requirements for vehicular use areas and Rights-of-Way

It was noted Sarasota County developed a Stormwater Manual of LID techniques which could be utilized as a reference to create standards for Collier County.

- Change focus of Stormwater Utility from dependence on Ad Valorem taxes to a fee structure, based on discharged run-off volume
- Encourage developers to market areas with lower assessments

With reference to Golden Gate Estates, **Robert Mulhere** summarized:

- Certain lands with high ecological value have been identified while other lands have relatively low development activity
  - Identified lands (“Horse Pen Strand”) have significant hydrologic potential for re-charge and an ecological value, i.e., habitat
- Proposal: Create an Oversight Committee to evaluate and analyze the TDR (“Transfer of Development Rights”) Program
  - Process is estimated to take one-year

**Q.** Why would a new TDR Program work any better than the current program which doesn’t work?

- A. (*Robert Mulhere*) It has to be designed to work. There was some significant activity in the eastern portion of the Estates, but it stopped due to the economic downturn. There were purchases – arms’ length transactions – but there were no actual developments. There were two or three potential developments that were beginning to work through the system.

He suggested part of the focus should be to minimize the additional extractions that might occur if someone wanted to use TDRs in a project, which was one of the reasons why some of the projects stopped.

He continued the value of the TDR in an urban area should be explored, especially in a re-development or in-fill opportunity.

**Mr. Mulhere** agreed the existing Rural Fringe Mixed-Use (“RFMU”) District has not worked as intended. The proposed TDR Oversight Committee could consider why it hasn’t worked and what changes could be made to the RFMU District.

Other reasons why RFMU has not worked:

- A minimum purchase price was established which was not fair to the market place
- The land was too highly valued in the early part of the Program – five acre tracts (or less) were selling at approximately \$80,000 to \$100,000 per acre which exceeded the value of the TDRs
- The number of TDRs that could be generated from the land was changed but then the economic downturn occurred

It was noted the Low Impact Development Program would be County-wide, but only certain areas would be included in the TDR Programs. The TDRs could be transferred into one or more of the identified Receiving Areas to incentivize – a compact, rural village could be developed.

**Robert Mulhere** mentioned there are multiple TDR Programs in the Code which are rarely used. The new TDR Program may or may not have a connection to the RFMU District.

**Moris Cabezas** stated another goal was to provide mitigation opportunities within each of the functional watersheds that have been identified. He stated technical memos were available outlining how the watersheds would be set up. Additional protection areas were recommended based on analysis of the vegetation and habitat versus what is currently protected.

**Robert Mulhere** added some examples of Comprehensive Plan Amendments and Land Development Code Amendments have been provided. The details for the incentive based regulations have not been developed yet.

Discussion continued concerning costs. It was noted the 150% requirement (extra volume) has accomplished very little – “diminishing return of benefit.”

**Blair Foley** noted there are deficiencies and a plan is needed. Opportunities to incorporate LID techniques are possible in the redevelopment projects.

**Robert Mulhere** said the point was to look at what could be done and incentivize the options. It would be too costly to try to retrofit existing facilities.

**Marco Espinar** noted a comprehensive look at the entire Development Code, including Landscaping and the Architectural Standards, is necessary.

**David Dunnivant** questioned the motivation – is there an existing problem to be worked through or to deal with future problems?

**Moris Cabezas** stated the way things are being done must be changed and alternative, long-term solutions developed. For example, the canals are failing and flooding will become a serious problem.

There was further discussion concerning the 150% rule and the Southwest Florida Water Management District.

**Robert Mulhere** stated the Comprehensive Stormwater Rule that was promoted by the DEP (“Department of Environmental Protection”) is not moving forward due to the involvement of other Federal agencies.

**Moris Cabezas** clarified the new Stormwater rule would give credit to developers for LID applications. That was the main change. It was supposed to be approved in July but probably will not happen.

**Clay Brooker** noted one statement from the memo, “Land not used for construction of treatment facilities, i.e., the additional 50% retention pond area, can be turned into home sites.” He was not sure the statement was true especially when considering the other factors that determine the number of homes that can be placed on a certain amount of property, i.e., open space requirements, density limitations, preserve requirements, etc.

**He continued** the Future Land Use Element of the Growth Management Plan allows for density bonuses.

**Robert Mulhere** stated the controlling factor is what the market will bear at the time.

**David Hurst** noted there is a difference between how the Code reads and how the professional community solves the problem, i.e., a retention pond is not increased by 50% in circumference -- it is dug 2 to 3 inches deeper. He stated Staff needs to be made aware.

Discussion continued concerning whether holding the water longer on the land would increase its quality and the effect of green space on it.

**Q.** What is needed from DSAC?

**Mac Hatcher** stated the purpose of the presentation was to obtain support from DSAC for the concept of moving forward with investigation of whether or not the LID concepts can be developed, together with incentives, to create a functional plan to improve water quality, increase water retention, and is economically feasible for developers to implement.

**Q.** What is a realistic time frame to accomplish these goals?

**Bob Mulhere** stated it would be at least a year before LDC Amendments were drafted.

**Q.** Would the TDR program be mandatory or voluntary?

**Bob Mulhere** confirmed the Plan is designed and intended to be voluntary.



**David Dunnivant** suggested breaking the fiscal impact into components, i.e., public sector and private section in order of magnitude.

**Bob Mulhere** stated a more detailed analysis of each phase is needed. He further stated DSAC could recommend accepting the concepts with the condition that the LDRs and Comprehensive Planning Amendments will be brought before it prior to submission to the Board of County Commissioners.

**David Dunnivant** questioned how much should DSAC recommend is to be spent on time and effort for a voluntary program.

**Bob Mulhere** noted someone would have to monitor it and the RLSA is a voluntary program. The geographic area encompassed approximately 100,000 acres. He stated the BCC would make the final decision.

**Peter DeGolian** estimated the land was approximately 30 square miles.

**David Dunnivant** stated he could not support the concepts without a better understanding.

**Reed Jarvi** stated the Subcommittee understood the concepts but did not have any figures on costs. He was involved with LED on a project in the past and questioned the viability of the costs then. He noted the project was not completed.

**He recommended** obtaining more information on the actual costs of each phase and how the incentive program would work, i.e., one rain garden in a shopping center will not work but 50 might.

**He continued** the number was large because each item was relatively small in scope. Therefore a number was needed on a scale larger than a demonstration project, and the estimated true time line is closer to four years before actual implementation.

**Bob Mulhere** reiterated the BCC directed the creation and establishment of the Watershed Management plan. There are a number of stakeholders who expect to see the plan developed.

**Chairman Varian** asked if a regulatory agency involved, such as the EPA, was involved and threatening to impose sanctions.

**Moris Cabezas** stated there is indirect involvement currently, but it is a regulatory program and something has to be done or penalties will be assessed.

**Chairman Varian** noted it was aimed at new development but would not affect older, established developments.

**Reed Jarvi** stated a retrofit of existing canal system was possible. He continued some filter marshes were proposed to address the current issues. The easier answer as far as cost is concerned is to fix it at the source now rather than waiting.

**Mac Hatcher** noted eventually restrictions would be placed on NPDES (“National Pollution Discharge Elimination System”) Permits.

**He continued** negotiations are just beginning on the Gordon River Extension and there is a huge project at Lake Trafford but the amount of credits is not known for what the State has dredged out of the Lake.

**He stated** the State is asking, “What is the County going to do?” regarding various projects. The next assessment cycle is 2012 and most of the bodies of water currently designated as impaired will be set up for DEP (“Design for the Environment Program”) audits.

**Marco Espinar** questioned whether the EPA was forcing new quality standards for nutrient criteria and would this program meet the criteria.

**Mac Hatcher** stated standards for South Florida have not been disclosed by the EPA, but the TND (“Traditional Neighborhood Design”) Element that has been determined for the Gordon River Extension will probably become the benchmark against which other projects will be judged.

**He further** stated it will be a while before the Nutrient Criteria is resolved. He noted numerous court cases have been filed against the EPA for criteria set for the Panhandle and for Peninsula, Florida. The Department of Environmental Protection has petitioned the EPA to have the program returned. It will be several years before the issues are resolved.

**Laura Spurgeon DeJohn** requested clarification of exactly what DSAC was being asked to endorse -- the Memo itself or the summarized points.

**Mac Hatcher** replied the summarized points. DSAC was being asked to endorse the concepts contained -- a physical plan document is in development.

**Clay Brooker** stated while the goals are laudable, some middle steps were missing, i.e. how will this be funded, before Staff can be asked to draft LDRs.

**David Dunnivant** asked:

- How much time will it take in manpower and cost? How long will it take?
- What are the end-result benefits that the County will achieve?

**Robert Mulhere** stated it seemed as if a specific implementation strategy with steps and funding was being requested. The BCC may also want to see a more detailed strategy for implementation.

**He suggested** a recommendation could state that DSAC was generally supportive of the concepts but had concerns regarding specifics/details, and expected to review a final implementation plan in the future.

**Chairman Varian** summarized it appeared the concept was acceptable but there were too many issues to be resolved before a formal vote could be taken.

*Clay Brooker moved to recommend to the Board of County Commissioners that DSAC is generally in support of the ideas and concepts of improving water quality and quantity but before a directive to Staff to draft LDRs or Comprehensive Plan Amendments was given, DSAC would prefer to review a detailed implementation strategy including, but not limited to, the issues of timing and funding. Second by David Hurst.*

**David Dunnivant** asked Mr. Brooker if his motion could be amended to include proposed benefits.

**Clay Brooker** agreed to add “*proposed benefits*” to the Motion as follows:

*.... recommend to the Board of County Commissioners that DSAC is generally in support of the ideas and concepts of improving water quality and quantity but before a directive to Staff to draft LDRs or Comprehensive Plan Amendments was given, DSAC would prefer to review a detailed implementation strategy including, but not limited to, the issues of timing, funding, and proposed benefits.*

*Motion carried, 9 – “Yes”/1 – “Abstention” by Robert Mulhere.*

**VII. New Business:**  
*(None)*

**VIII. Committee Member Comments:**

- Chairman Varian was wished a “Happy Birthday.”

**Next Meeting Dates:** *(Meetings will commence at 3:00 PM unless noted below.)*

**June 1, 2011**

**July 6, 2011**

**August 3, 2011**

**September 7, 2011**

**There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 4:40 PM.**

**DEVELOPMENT SERVICES  
ADVISORY COMMITTEE**



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**William Varian, Chairman**

The Minutes were approved by the Board/Committee on 6/1, 2011,  
“as submitted”  **OR** “as amended” .