

January 6, 2010

MINUTES OF THE MEETING OF THE COLLIER COUNTY
ENVIRONMENTAL ADVISORY COUNCIL

Naples, Florida, January 6, 2010

LET IT BE REMEMBERED, that the Collier County Environmental Advisory Council in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Collier County Community Development Services Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Dr. Judith Hushon
VICE CHAIRMAN: Andrew Dickman
Noah Standridge
Michael V. Sorrell
Patrick Peck

ALSO PRESENT: Steve Williams, Assistant County Attorney
Summer Araque, Sr. Environmentalist Specialist
Stephen Lenberger, Sr. Environmental Specialist
David Weeks, Planning Manager
Carolina Valera, Principal Planner
Jeff Wright, Assistant County Attorney
Laura Roys, Sr. Environmental Specialist
Susan Mason, Principal Environmental Specialist

**COLLIER COUNTY ENVIRONMENTAL ADVISORY COUNCIL AGENDA
January 6, 2010 at 9:00 A.M.**

COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ROOM 609/610
2800 N. Horseshoe Drive, Naples, FL 34104

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of December 2, 2009 meeting minutes
- V. Upcoming Environmental Advisory Council Absences
- VI. Land Use Petitions
 - A. Marsilea Villas Planned Unit Development Rezone
PUDZ-2007-AR-11381
Section 13, Township 48 South, Range 25 East
- VII. New Business
 - A. LDC Amendments
 - 1. LDC sub-section 10.02.02 A: Environmental Impact Statements
 - B. GMP Amendments
 - 1. Immokalee Area Master Plan Amendment - GMPA petition CP-2008-5
- VIII. Old Business
 - A. Update members on projects
- IX. Subcommittee Reports
- X. Council Member Comments
- XI. Staff Comments
- XII. Public Comments
- XIII. Adjournment

Council Members: Please notify Summer Araque, Environmental Services Senior Environmental Specialist no later than 5:00 p.m. on December 30, 2009 if you cannot attend this meeting or if you have a conflict and will abstain from voting on a petition (252-6290).

General Public: Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto; and therefore may need to ensure that a verbatim record of proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

I. Call to Order

Chairman Hushon called the meeting to order at 9:01 A.M.

II. Roll Call

Roll call was taken and a quorum was established.

III. Approval of Agenda

Mr. Sorrell moved to approve the Agenda. Second by Mr. Standridge. Carried unanimously 4-0.

Mr. Peck arrived at 9:03 am

IV. Approval of the December 2, 2009 meeting minutes

Mr. Dickman moved to approve the minutes of the December 2, 2009 meeting subject to the following change:

Page 3, paragraph 2, bullet point #2 - from "The 87,000 cubic yards (cy) of waste Melaleuca was reduced to 1700 cy by burning onsite in incinerators" to "The 87,000 cubic yards (cy) of waste Melaleuca *were* reduced to 1700 cy by *burning in onsite incinerators.*"

Second by Mr. Standridge. Carried unanimously 5-0.

V. Upcoming Environmental Advisory Council Absences

None

VI. Land Use Petitions

A. Marsilea Villas Planned Unit Development Rezone

PUDZ-2007-AR-11381

Section 13, Township 48 South, Range 25 East

The presenters were sworn in

Tim Hancock of Davidson Engineer submitted the document "*EAC Hearing for Marsilea Villas RPUD Rezone, presented by Davidson Engineering*" (a hard copy of the Slideshow presentation). The following is a brief overview of the Petition:

- The parcel is 10.25 acres in size and located ½ mile west of Livingston Road and 1.5 miles north of Immokalee Road and currently zoned Agriculture, bounded on the North, East and West by a Royal Palm International Academy PUD and on the South by Imperial Golf Estates.
- The property will be accessed via an existing curb cut on Livingston Road.
- The applicant proposes to develop 27 single family lots and related improvements.
- The Preserve areas are located on the northerly side of the site and currently comprised of "poor quality wetlands."
- According to County regulations, .75 acres of Preserve Area are required.
- The project proposes a total of 1.89 acres of Preserve in two locations

- The .66 acre Preserve Area located in the northwest corner of the site will provide connectivity to the Royal Palm PUD Preserve area and be cleared of exotics and replanted with native trees. The concept is to allow the understory vegetation to re-grow naturally.
- The 1.23 acre Preserve Area located in the northeasterly corner of the site was a requirement of the South Florida Water Management District (SFWMD). It is proposed to be restored via removal of the exotics and minimal re-planting.
- It was the original intent of the applicant to locate the total Preserve Area along the westerly property line, contiguous to the Preserve area of the Royal Palm Academy PUD.
- During review of the Environmental Resource Permit (ERP) by the SFWMD, the "District" required a Preserve Area to be located in the northeasterly corner of the property. The area was determined to be the "highest quality wetland" on site.
- The first year PUD Monitoring Report submitted to Staff will provide evidence, including photographs, to determine if the Preserve understory is regenerating naturally, or if additional re-vegetation measures are required.

Discussion occurred on the reasoning for SFWMD requiring the Preserve to be located in the area proposed, as opposed to creating continuity with the adjacent preserve.

Alicia Lewis, Boylan Environmental Consultants noted the main priority of the SFWMD is preservation of "higher quality wetlands" as opposed to "connectivity" of Preserves. The SFWMD determined the proposed location of the 1.23 acre Preserve in the northeast corner of the site was most adequate to meet these priorities.

Summer Araque, Sr. Environmental Specialist stated Staff recommends approval of the Petition.

Mr. Sorrell moved to approve the Petition (Marsilea Villas Planned Unit Development Rezone PUDZ-2007-AR-11381 Section 13, Township 48 South, Range 25 East) subject to the following condition:

- 1. After 1 year of clearing of exotics in the Preserves, the PUD Monitoring Report submitted to County Staff will provide evidence, including photographs, to determine if the Preserves re-vegetation is occurring naturally, or if additional re-vegetation measures are required.***

Second by Mr. Dickman. Carried unanimously 5-0.

Tim Hancock stated, in addition to the annual County PUD monitoring reports, the applicant will be required to complete 3 and 5 year monitoring reports in accordance with the SFWMD, ERP permit for the 1.23 acre Preserve.

VII. New Business

A. LDC Amendments

1. LDC sub-section 10.02.02 - Environmental Impact Statements

Stephen Lenberger, Sr Environmental Specialist presented the proposed Amendment.

LDC PAGE: LDC10:6 – LDC10:14

LDC SECTION(S): 10.02.02 Submittal Requirements for All Applications

CHANGE: Replace the requirement for an Environmental Impact Statement (EIS) with submission of environmental data in which to review projects.

REASON: The need for having a separate EIS document and separate EIS approval process had been questioned that the environmental information already provided for applications is sufficient in which to review applications for compliance with applicable LDC and GMP provisions. Removing the requirement for an EIS and identifying environmental data submittal requirements is warranted and would streamline the permitting process while insuring the necessary information is provided in which to review projects.

Discussion occurred noting one function of the Environmental Advisory Council is to review formal Environmental Impact Statements. If a formal EIS is not required, how will Staff determine which applications will require review by the EAC.

Stephen Lenberger submitted a separate proposed LDC amendment which would "*Amend the type of Development Orders to be reviewed by the EAC,*" and referred to Section 8.06.03.O.1-5, which outlined the proposed scope of Development Orders to be reviewed by the EAC.

The Council recommended the following be added to the Section 8.06.03.0

- Applications with sites of potential environmental contamination.
- Applications proposing stormwater discharges into Preserves.
- Applications with lands containing Federally listed species including the Bald Eagle.

Council discussion occurred noting the EIS is a standard document providing a consistent review format for the Council. The Council expressed concern the proposed Amendment may create different formats of environmental data submitted to the EAC for review.

Stephen Lenberger noted the applicant will still be required to supply all necessary environmental data as required by the Growth Management Plan and Land Development Code to assist Staff in completing a thorough review of an application.

The Council recommended the following additions to the proposed LDC Amendment 10.02.02.

- Page 12 – item b.ii (Listed or protected species) addition of listed plant species.
- Require the applicant to provide topographic maps to a level of 6 inch contours.
- Determination of which portions of an EIS data will be required for a proper environmental review of applications.

In order to make an informed decision on the proposed Amendment, the Council determined more information is required. This includes clarification on which type of proposed environmental data will be required for the individual applications and which Development Orders the EAC will be required to review.

Mr. Dickman moved to continue the item. Second by Mr. Peck. Carried unanimously 5-0.

Break: 10:15am

Reconvened: 10:25am

B. GMP Amendments

1. Immokalee Area Master Plan Amendment - GMPA petition CP-2008-5

The following documents were submitted for review:

- Immokalee Area Master Plan (IAMP) Comprehensive Plan Amendment CP-2008-5, dated November 20, 2009.
- Letter from RWA, Assoc., Inc, dated January 4, 2010 to Carolina Valera, Principal Planner and Laura Gibson, Sr. Environmental Specialist, from Robert Mulhere, RWA Consulting, Inc. - *Re: Response to Staff Recommendations Re: CP-2008-05 Immokalee Area Master Plan (IAMP) and comments or concerns raised by EAC Chair Judy Hushon in a meeting with Bob Mulhere and Pat Vanasse held on Wednesday December 30, 2009.*
- EAC Staff Report "*Re: Petition CP-2008-5, Immokalee Area Master Plan Growth Management Plan, Amendment (Transmittal Hearing)*" dated January 6, 2010.

Penny Phillipi, Executive Director of the Immokalee Area Community Re-Development Agency introduced the item outlinin the membership of the Immokalee Master Plan and Visioning Committee and Immokalee Area Community Redevelopment Agency. She noted the Immokalee Vision: *"Those of us, who live and work in Immokalee, envision a great future for our town. We see new businesses and job opportunities in International trade and distribution, agri-business, ecotourism, recreation and entertainment and the construction industry. We see Immokalee as an attractive clean community with affordable workforce housing, neighborhood parks and outstanding schools – a place where people walk and bicycle to do their errands, and*

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where parents are returning to the classrooms to finish their education and master new job skills. Main Street will have a Latin flavor – plazas, outdoor cafes, shops, and entertainment – attracting both the local community and the tourist who come to explore our unique ecology or gamble at the Casino."

Fred Thomas, Chairman of the Immokalee Master Plan and Visioning Committee addressed the Council noting the area has the potential to be the heart of a "Mega-region" and the goal is to make it happen soon by expediting the development process. He is a wildlife photographer with a great appreciation for the environment.

Robert Mulhere and Patrick Vanasse of RWA Consulting, Inc., (developers of the IAMP at the direction of the Immokalee Master Plan and Visioning Committee) provided a Slideshow presentation "*EAC Hearing 01-06-10, Immokalee Area Master Plan*" which outlined the history of Immokalee, identified the scope of parameters utilized in developing the IAMP and addressed the comments on the IAMP provided by Staff and EAC Chairman Dr. Judith Hushon. A hard copy of the presentation was provided for the record.

Following the presentation, discussion occurred regarding possible impacts on the approved wellfields in the area, and how they may be impacted by the future development proposed in the IAMP (future aquifer drawdowns impacting existing or proposed wells, regulation of potential contamination sources, etc.)

Break: 12:15 AM

Reconvened: 12:55 AM

Speakers

Nicole Ryan, Conservancy of Southwest Florida noted she met with Penny Phillipi and the Consultants who prepared the IAMP on January 5, 2010 and the parties are in conceptual agreement on revisions suggested below. The Conservancy is in favor of the IAMP as it will aid in protecting the environment while expediting the permit process. She recommended the following revisions to the IAMP:

1. Page 46 B.3 - Lake Trafford Camp Keais Strand System (LTCKSS) Overlay – provide for any high quality wetland within the area to qualify for per acre density transfers to a Stewardship Receiving Area (even after restoration.)
2. Page 49, Section C.1 paragraph 2 – recommended language change from "The additional wetland protection measure do not apply to properties within the Overlay that are developed as of the adoption of this master plan." to "*The additional wetland protecton measures do not apply to properties within the Overlay that were developed prior to the adoption of*

the applicable CCME policies, but will apply to all new development subsequent to the adoption of these policies and all redevelopment."

3. Page 34 - Policy 4.1.1 - Concern on referencing a TDR program without identifying the parameters of the Program.
4. Page 34 - Policy 4.1.2 – language change from "Recognizing the importance of Lake Trafford to potential ecotourism..." to "*Recognizing the importance of Lake Trafford and the surrounding wetlands and natural habitat to the ecosystem, economy and ecotourism...*"
5. Page 34 Policy 4.1.3 -- language change Collier County will continue to cooperate with agencies on remediation efforts at Lake Trafford..." to "*Collier County will continue to cooperate with agencies on remediation, restoration and continuing long term management efforts at Lake Trafford...*"
6. Providing a Conservation Designation to the Immokalee Urban Area as appropriate.
7. Page 24 Policy 1.1.3 - Clarifying the language on the requirements for mitigation banking for public entities vs. private entities.
8. Page 31-32 - Policy 3.2.3 and 3.2.4 – Remove reference to the 175 bypass.

Paul Midney, Immokalee Resident noted the Immokalee residents are concerned with both environmental protection and economic development. He recommended:

- Creating consistent terminology when identifying the Lake Trafford Camp Keais Strand System (LTCKSS) throughout the IAMP.
- Clarifying the native vegetation requirements, cluster development, buffering zones, etc. within the LTCKSS.
- Amending the Policy which currently restricts density shifting to those landowners who straddle the Immokalee Urban Area and the Rural Land Stewardship Area (RLSA).
- Reviewing the concept where a portion of the LTCKSS contains a zoning overlay which provides for high density residential and/or density increases.

Mr. Dickman noted he is in favor of the Plan, especially the Policies providing for incentives. In addition, recognized the cooperation shown between the Consultants, Staff and the Conservancy of Southwest Florida.

Mr. Dickman left the meeting at 1:45 PM

Carolina Valera, Principal Planner and Laura Roys, Sr. Environmental Specialist addressed the EAC Staff Report *Re: Petition CP-2008-5, Immokalee Area Master Plan Growth Management Plan, Amendment (Transmittal Hearing)* dated January 6, 2010 and noted Staff recommends transmittal of the IAMP to the Department of Community Affairs subject to the 10 Staff recommendations provided on page 10 and 11 of the Report. The following was highlighted:

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- The consultants favorably addressed recommendations #1-9, and provided a prompt response as requested in recommendation #10.
- Recommendation #2 erroneously referenced the LTCKSS Overlay.
- Requested clarification on Policy 1.1.3 with regard to Collier County native vegetation preservation requirements.
- There are current regulations in place for the wellfield designations discussed following the Slideshow presentation.
- Regarding the letter from RWA Consultants, Inc. to Randall J. Cohen, Comprehensive Planning Department Director, dated November 20, 2009, examples #1-4 did not originate from the Environmental Services Department.

Mr. Peck noted it is favorable that all involved are on the "same page" in developing the IAMP.

Robert Mulhere noted he would clarify the language in Policy 1.1.3 regarding Collier County off-site mitigation requirements.

Mr. Peck left the meeting at 2:00 PM

Chairman Hushon moved to forward the Immokalee Area Master Plan (Comprehensive Plan Amendment CP-2008-5) to the Board of County Commissioners subject to the following recommendations: (Final version of said IAMP Plan revisions to be reviewed by the Environmental Advisory Council)

1. Standardize the Lake Trafford Camp Keais Strand System (LTCKSS) Overlay terminology throughout the document.
2. Allow any lands within the LTCKSS Overlay to qualify for density intensity blending.
3. Prohibit density increases within the LTCKSS Overlay.
4. Allow wetlands within the LTCKSS Overlay restored to high quality wetlands to qualify for density intensity blending.
5. Prohibit retroactive LTCKSS Overlay development applications.
6. Remove the Greenfield Designation.
7. Policy 4.1.1 - Postpone the TDR adoption process for a period of 2 years to determine its feasibility and if a Growth Management Plan amendment is required.
8. Clarify Policies on how lands will be designated for "Conservation."
9. Separate the Mitigation Bank Policy into Public and Private Designations.
10. Policy 6.1.7 to read – "Within two (2) years of adoption of the Policy, Collier County shall amend the Land Development Code to provide for a deviation process from the current native vegetation retention standards set forth in the CCME Policy 6.1.1 for developments within

the Immokalee Urban Area. This deviation process shall be consistent with provisions set forth in CCME Policy 6.1.1(10)."

11. Goal #4 - expands language to include listed species protection for upland and scrub jay habitat within the Immokalee Urban Area.
12. Provide a data analysis on how the Immokalee Water and Sewer District intends to meet the demands of future development.
13. Policy 4.1.2 line 1 – from "Recognizing the importance of Lake Trafford to potential ecotourism..." To "*Recognizing the importance of Lake Trafford and the surrounding wetlands and natural habitat to the ecosystem, economy and ecotourism...*"
Policy 4.1.2 - line 4-5 - from - "Within 2 years of the adoption of the Policy, the County in conjunction with the Immokalee Community Redevelopment Agency will amend the ..." to "*Within 2 years of the adoption of this Policy, the County in conjunction with the Immokalee Community Redevelopment Agency and any applicable State or Federal Agencies will amend the ...*"
14. Policy 4.1.3 line 1 - from "Collier County will continue to cooperate with agencies on remediation efforts at Lake Trafford..." to "*Collier County will continue to cooperate with agencies on remediation, restoration and continuing long term management efforts at Lake Trafford...*"

Second by Mr. Standridge. Carried unanimously 3-0.

Robert Mulhere stated he will consult with Collier County Staff and Nicole Ryan of the Conservancy of Southwest Florida to address the items in the motion and the Staff recommendations outlined in the EAC Staff Report and re-distribute the IAMP with revisions to the EAC for final review.

- VIII. Old Business**
 - A. Update members on projects**
 - None

- IX. Subcommittee Reports**
 - None


- X. Council Member Comments**

- XI. Public Comments**
 - None

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 2:25 PM.

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**COLLIER COUNTY ENVIRONMENTAL
ADVISORY COUNCIL**



Chairman, Dr. Judith Hushon

These Minutes were approved by the Board/Chairman on 2/3/10,
as presented _____, or as amended .

