

TRANSCRIPT OF THE, E.A.R., MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
October 30, 2012

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 9:00 a.m. in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Melissa Ahern, Chairwoman
Phillip Brougham
Diane Ebert
Karen Homiak
Barry Klein
Paul Midney
Bill Vonier

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

CHAIRWOMAN KEENE: Good morning, everyone, and welcome to the special meeting of the Collier County Planning Commission.

If everyone would rise for the Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRWOMAN KEENE: Roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Midney is absent.

I don't know if Mr. Rankin is supposed to be here, or does he start another day?

MR. BOSI: The 1st.

COMMISSIONER HOMIAK: Oh, he starts on the 1st? Then he's not absent.

Mr. Vonier?

COMMISSIONER VONIER: Present.

COMMISSIONER HOMIAK: Ms. Keene, is that your name now?

CHAIRWOMAN KEENE: Yes.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRWOMAN KEENE: Does anyone know if they will not be at Thursday's meeting?

(No response.)

CHAIRWOMAN KEENE: And I understand Mr. Rankin will be here as well, so we will have a quorum.

And at this point we'll move on to the EAR. I understand we have someone from, I apologize, AHAC that wants to make presentation?

MR. BOSI: Yes, we have the chair of the Affordable Housing Advisory Committee. He's going to describe a little bit.

One of the policy changes that we have within the housing element relates to our previous policy that indicated a fixed number of affordable housing was going to be added by the county on a yearly basis, and a lot of discussion about how that number was arrived upon and whether there was legitimacy and how we had confidence within that specific number.

We've since modified that approach and introduced the concept of developing an indexing methodology to have a better barometer for the need of affordable housing. And the chair of Affordable Housing Advisory Committee will be able to make that presentation to talk a little bit more about, you know, the underpinnings of how that approach is going to happen.

I have a very short introduction presentation for the EAR and then we can transition that way or we can go straight to that -- the housing presentation.

CHAIRWOMAN KEENE: If you want to go ahead, that's fine.

MR. BOSI: Okay. My name's Mike Bosi, Interim Director of Planning and Zoning.

We're here to adopt or make a recommendation on the adoption of the EAR-based amendments. The EAR-based amendments are based upon the evaluation and appraisal report that is required by Florida Statutes 163.3191, and requires each jurisdiction in the state to perform an evaluation of your Growth Management Plan.

It evaluates the performance of the elements of the GMP, your elements of -- your future element, your economic element, your transportation element, your public utility element, various elements that deal with all the components that general purpose county government provide.

It tries to assess the successes and the shortcomings and provides the opportunity for the local plan to respond to changes in federal, state or regional planning requirements. And it's a two-part process.

And happy to say, we are at the end of the second part of this process. And it's a pretty lengthy -- I'm just going to touch base, just a reminder to the Planning Commission of the work that we performed to get to this state.

The first part of the process was the adoption of the EAR report. That was adopted by the Board of County Commissioners in January 31st of 2011. And the second part is actually the implementation of the adopted EAR report, implementing the amendments that were implicated within that report.

We are at the adoption stage of those GMP EAR-based amendments. And we have -- so we're at the final stages for the Planning Commission.

Where have we been? Actually, this process started back in August of 2009. We met with the Regional Planning Council and discussed the county's approach to the EAR, had intergovernmental meetings with all the various local governments, municipalities within Southwest Florida. Within December of 2009, the Board of County Commissioners established a letter of understanding with the former state planning agency, that's the Department of Community Affairs, in terms of what the EAR was going to cover. From that we started a series of public meetings going out to various locations, geographic areas in the county, inviting the public to come and provide comments and feedback on some of the concepts within the Growth Management Plan and what they would like to see within that regulatory fabric.

The first meeting was in January at the North Regional Park. In February of 2010 we were out at the agricultural extension, IFAS center. And in March of 2010 we were at this very room. That was the beginning part, talking to the community, finding out what their preferences were and what their perspective was relating to some of the growth policies within our Growth Management Plan.

From April through July of 2010 staff went through and made the individual assessments of each individual elements, goals, objectives and policies. Staff made the assessment based upon practical knowledge and expertise within our area of subject matter, but also incorporated some of the comments from the public within those overall assessments.

Then we conducted a workshop with the Environmental Advisory Council, and then a workshop with the Planning Commission back in the late summer of 2010. Sent a copy of our draft EAR report to the Department of Community Affairs. Department of Community Affairs made some comments back in October of 2010, and then we started the adoption process for that EAR report.

That EAR report was recommended for adoption back in November of 2010 by the EAC. The Planning Commission, their EAR adoption was December of 2010. And as I mentioned, the Board of County Commissioners adopted the EAR in 2011, January 31st.

It was accepted by the Department of Community Affairs and that completed our first phase. That was part one. We were done, wrapped it up. All right, now the actually dues start. The EAR report says here's all the things that we need to change based upon our assessment within the EAR report.

The second part is actually making those changes. And that started with a workshop with the Planning Commission back in October of 20 -- a year ago today, or a year ago this month.

In December we had our transmittal hearing for the actual Growth Management Plan amendments that were environmentally based with the EAC, and they made a recommendation to the Planning Commission and also to the Board of County Commissioners.

The Planning Commission had three public hearings on the transmittal of the EAR-based amendments. January 26th, February 16th and March 16th we spent an extraordinary amount of time scrutinizing the proposed amendments contained within the transmittal package, made the recommendation -- made those recommendations, modifications as the Planning Commission desired to the Board of County Commissioners. The Board of County Commissioners made a recommendation or made a motion to adopt as recommended by the Planning Commission, and we sent that off to the Department of Economic Opportunity. The new -- the new title for the state planning agency.

On July 6th we received the ORC report from the DEO regarding our proposed EAR-based amendments. Not only the DEO, but the state reviewing agencies like the Department of Environmental Protection, the Department of Transportation.

In September of this year, last month, we were before the EAC, and for the adoption hearing with the EAC. And they made a recommendation to the Board of County Commissioners regarding the changes that

were initiated from when we transmitted towards what was being proposed for adoption. And those changes are being based upon -- they're based upon that ORC report that we received back in July.

Where we're going? Obviously we're here today on the -- December 7th, the -- that actually -- that actually, that slide is incorrect. We're going to the Board of County Commissioners -- I was a little delayed on my slide. We're going to the Board of County Commissioners on December 11th. So the recommendation that's going to be made from the Planning Commission will be at the board's regular hearing on the 11th. And we're anticipating by January 31st of 2013 we can complete the majority of the EAR-based amendments.

Just a heads up, there's one other component that was allocated within the EAR report that is going to be part of the EAR-based amendments, but they're in a cycle that is lagging, the majority of them. And those are the rural land stewardship five-year report. Just had a meeting at the Board of County Commissioners' last public hearing, they provided some clarification for how we're moving forward. The Planning Commission is -- we're going to start with the Planning Commission. Early of 2013 we're going to start with a workshop. We understand that those amendments are very significant, somewhat complicated.

Instead of just throwing a transmittal hearing at you, we're going to have a workshop to get you familiar with the concepts, with the processes, how these amendments were arrived upon, so they'll be a better backdrop so when the Planning Commission does receive those RLSA amendments there will be much more of a concept of understanding of where the motivation and how these amendments were arrived upon.

But that's for another meeting. And that will be something we'll provide you a little bit more of a definitive road map as we develop that and the project management plans for that.

What are we here for today? Today we're really to talk about the changes that were in -- that are in your packet that were based upon the ORC report from the Department of Economic Opportunity. We're not going to go back and review every single amendment that was transmitted at your transmittal staining. What we're going to focus upon is what's different. You already said from three public hearings back at the beginning of this year you're comfortable, you agree with the language that was being transmitted. So today's meeting really focuses on let's change from what was recommended for transmittal by the Planning Commission towards what's within your adoption package. And what you're going to see is there's not a prolific amount of areas where there's a divergence from what the Planning Commission had recommended.

But I wanted to provide is just a context of an understanding for the Planning Commission and for the general public to understand that this has been a very long, it's been a very public inclusive process, and there's been a tremendous amount of deliberation in hours of time that's been spent from the Planning Commission on these items. And this is that final step.

The majority of the rest of the meeting we're going to -- I'm going to turn it over to Mr. Schmidt, who is the project manager and has done an excellent job of coordinated -- a tremendous amount of information from a number of different sources. It was a difficult task but he's proven to be up to the challenge. And with that, I'll turn it over to Mr. Schmitt.

CHAIRWOMAN KEENE: Thanks, Mike.

MR. SCHMIDT: And I know you're not waiting for me with bated breath. You do have a speaker this morning who wanted to address you on a topic, and I'll let him speak first.

CHAIRWOMAN KEENE: Thank you.

MR. RUBY: Good morning. For the record, my name is Steven Ruby. I am the chair of AHAC. I've been chair of AHAC for five years.

For those of you who don't know me, I'll give you a 30-second background. By profession I'm an architect and urban planner. For the past 30 years my specialty has been affordable and work force housing. I am a housing consultant. I have practiced for the past 30 years in the eastern half of the United States primarily doing strategic planning and policy, developing and implementing policy for municipal governments and housing agencies in the eastern half of the United States. In Washington DC, Baltimore, St. Louis, some of the largest housing agencies in the country.

I got involved with AHAC because I thought I had some expertise and understanding of best practices around the country and I thought I'd like to bring them home to my home. So that's why I'm here.

What I'd like to do is very focused today. I'd like to talk about objective one of your housing element.

There has been some questions that is a rather drastic change from what we have done before. Now if I can figure out how to operate your machinery.

We've edited this rather extensively over the past year that. We had a subcommittee, formed a subcommittee to review this and several other strategies for affordable and workforce housing in the county and looking at the Land Development Code and how it relates to these things.

Our position on objective one is fairly simple. We believe it was an objective based on very strict static fixed gap. The metrics were frozen -- a snapshot in time. It was at a time when there was great demand and great cries over affordable housing. We had high housing costs. Very difficult to afford housing. Either rental or homeownership. So it was done under a crisis situation.

We believe that those numbers at that time were frozen and they were very aggressive. And we've never achieved them. Consequently, there's been a lot of pushback both from the County Commissioners, from the industry, from the housing industry, from the public about them really being a good metric, those numbers that were frozen in that objective. Because they were never achieved.

Was there that kind of demand and were we overkilling here? We believe that that was probably true. And it wasn't representative. And it didn't do us any justice in the long haul to promote affordable workforce housing.

The objective that we're proposing is a process base, not a metric base. We feel that this strategy needs to be responsive to market changes. It needs to be driven by the market and how the market is changing, trends in the market. It needs to be monitored frequently, almost on a quarterly basis, just to see where those changes are. It needs to be flexible with regard to the changes in the market. So those numbers need to move around and the methodologies and the type of housing you are incentivizing and promoting needs to change in response to market conditions.

And we believe that it is the basis for actions that Board of County Commissioners and yourself would take in order to solve any problems or any changes in the market.

Okay, so what are we proposing in this objective? It really consists of three elements. The first one is a method to monitor the market trends and their impact on the housing affordability. It is what we call the gross index. It's a way of determining both homeownership and rental markets and changes.

We believe that this -- we need to use very respectable, reliable and easily attainable data. It shouldn't be a burden for any of the staff. It needs to be something out there, data that is out there that we can rely on, it is proven, it's easily accessible and it's updated frequently.

It really is a function of cost of housing and the family income. Those two need to balance each other. And that's what affordability is. If income isn't going up proportionate to housing, it ceases to be affordable. So you need to monitor both family income and housing.

And we think quarterly is probably an adequate way of doing this monitoring.

So that first element is an indexing methodology that will tell us when market conditions are changing and when we need to take action and when we don't need to take action.

Then we need a method of determining the extent of the need. We determined there is a need. What is that need? And that's really a serious of data mining. We need to develop a methodology for data mining. Again, it isn't a burden on the staff. There are statistics that are produced by agencies in the federal and state government that have all this data. It's a matter of forming a methodology to capture it and evaluate it very quickly with algorithms that will evaluate it very quickly.

The two things we really want to look for is the quantity of housing and the tenure of housing. Where is the need? Is the need in rental? What is the magnitude of it? Are we talking about 1,000 units, 500 units a year, 200 units a year? We haven't really been able to put our arms around that since I've been on the AHAC. It's always been very fuzzy as to what the real demand and need is. It's based on a lot of urban legend more than anything else.

The last component is a readily available bank of tools and incentives for that housing production. And we've bantered about for the past five years a whole bunch of incentives, modifications for Land Development Code, to your -- to housing density bonuses, all kinds of things. We don't know what they all are and what's appropriate, but they need to be a package that the Board of County Commissioners can easily trigger based on what -- this analysis of item one and item two, it determines how many units do we need and

are they rental units, are they homeownership units and what do we need to do in that market condition to incentivize the public sector and to perform public private partnerships to be able to incentivize the production of it. And where should it be during that time?

So those are the kind of three major elements that we believe should be that objective one.

I want to show you something that we have been toying with with staff. This is a very preliminary methodology for determining affordability of a homeownership. We haven't done the rental yet.

This chart's a little bit complicated. Up the side are numbers from zero to 450. Across the bottom are the corridors that start from 1991 and run to 2011. The blue line is the median sales price of housing in Collier County between '91 and 2011. And you can see where we picked from where the bubble was.

The red line is what we call housing opportunity index. And that's read in percentage, not in dollars. The blue line is in dollars, the red line is in percentage. And then the green line is your median income in dollars. As you can see, the median is pretty much flatlined all the way along, even though the housing index price has gone up and down.

That red line is a piece of data that I can get you in five minutes. Every quarter it's updated by the National Association of Homebuilders in partnership with Wells Fargo, and they have all on criteria that they monitor on a county by county, district by district basis all over the country, and they will tell you how affordable housing is in that previous quarter.

As you can see, that percentage was consistently between '91 and 2001, you know, in the 70's, low 70's, which we felt was probably realistic. It wasn't at that -- what happened in 2001 was interesting. It dropped. It started dropping in the third quarter of 2001.

What's interesting is if you look at when we began to put into place methodologies and incentives to handle the housing market, handle the affordable housing market and when we started making amendments to the Land Development Code was in 2005, a full four years after you could have figured out that it was starting to drop.

Our position is we need a methodology -- and I'm not saying this is going to be our final methodology. We need some indexing method like this that you can begin to see a drop. That doesn't tell me how many houses I need to build or what kind, but it tells me we have a problem and it tells County Commissioners we need to put this on our radar screen and begin to do something with it. And the staff needs to start ratcheting it up to determine the need at that time, the type of housing and which of those incentives that we already put in place need to be triggered to solve that problem.

So that's what that housing index is. We're going to develop one on rental housing as well.

Okay, so what are the next steps? We need to develop those three elements in the overall strategy: The market trend indicator, which I've given you a sample of; the demand analysis methodology, which data mines so we know what type of housing we need. And develop the tools to incentivize production when we need those tools.

Our time frame. We say we're working with staff between now and 2014 is the time frame. So we have about 18, 20 months before this gets off. And it's going to require a coordination of various departments in the county and various advisory boards.

And I know we -- AHAC has one member from the planning commission that used to sit on our board, in case there's a tie, but we like to develop a greater cooperation between the two boards with regards to the development of these elements.

So that's an explanation of objective one, why we propose such a drastic change to objective one.

If you have any questions, I'd be glad to entertain them.

CHAIRWOMAN KEENE: Does anyone have any questions?

COMMISSIONER VONIER: Your curves, in constant dollars?

MR. RUBY: Yes.

CHAIRWOMAN KEENE: Thank you.

MR. RUBY: Okay, you're welcome.

MR. SCHMIDT: And Madam Chairman, because the housing element is not one of those that are addressed in your ORC response, you do have a speaker, so I suggest you take her at this time.

CHAIRWOMAN KEENE: Marjorie?

STUDENT:

MS. STUDENT-STIRLING: Thank you, Madam Chair, members of the Planning Commission. I just want to take this opportunity. As you know, we had some concerns about what's now Policy 110, and the specificity of the language. However, Habitat's decided that we want to work with staff in the future to see how that flushes out in implementation of the provision of the comp. plan, and so we just want to take this opportunity to thank the Planning Commission and staff for working with us, and thank you.

CHAIRWOMAN KEENE: Thank you.

MR. SCHMIDT: All right then.

CHAIRWOMAN KEENE: You're up.

MR. SCHMIDT: If you could direct yourselves to the ORC response document. At your pleasure, page by page or element by element. It's broken down into four categories. And on that first page, we tried to simply introduce them. The first section or category were those changes in direct response to comments made by the Department of Economic Opportunity.

And there are other state agencies and regional agencies that are given the opportunity to respond as well to our transmittal of the proposed EAR-based amendments.

The second section addresses those comments.

The third grouping are those changes made to extension of other comments, staff observations and so forth that add to the response document so that we can show it to you and to the Department of Economic Opportunity.

And finally there's a small number of elements like the housing element that had no changes proposed for any of those reasons to respond to comments or otherwise. So at your pleasure, we'll start and simply go into the first.

CHAIRWOMAN KEENE: Okay.

MR. SCHMIDT: The Future Land Use Element then with a comment directly from DEO talked about a number of listings and a planning horizon regarding portions of the Future Land Use Element, including maps. And I believe if you have questions about it, it's rather minor, but if you have questions about it, Mr. Weeks is here to address that.

CHAIRWOMAN KEENE: Does anyone have any questions?

COMMISSIONER HOMIAK: Just the draft of the map just in the upper left-hand corner, the date will change to 2012-2025, or --

MR. WEEKS: For the record, David Weeks, Comprehensive Planning Staff.

That's correct. The only change to the future land use map regarding this comments is simply the time period as you stated.

COMMISSIONER HOMIAK: It wasn't on there, but this will be -- that's it. That will be the only change.

MR. WEEKS: Correct. The present time period is --

COMMISSIONER HOMIAK: 2006 to 20 --

MR. WEEKS: Right. So we're just moving the years out.

COMMISSIONER VONIER: David, I talked to Mike this week and I asked the question, why don't we show Ave Maria on the land use map. It's obviously a land use and it's there and it's a reality. And it has so much impact on our county and yet you look at the land use map and it looks like they aren't even in existence.

MR. WEEKS: Well, it's not one of the land use categories. And I will tell you that as part of the future land use map series, because that's the county-wide future land use map and then we have a whole series of maps that show particular areas, on the rural land stewardship area we do show Ave Maria, as we would show additional SRA's, if they are approved in the future.

COMMISSIONER VONIER: All right.

MR. SCHMIDT: All right, under the same category from the same comments from the department, changes are being made to text in the transportation element, as well as changes to their mapping.

COMMISSIONER VONIER: I have one question on that, Corby. Are those dollars 2012 dollars or are they 2035 dollars? The needs in dollars that's indicated, are they current dollars or have they been

indexed?

MR. SCHMIDT: See the figures you're referring to. I would answer that they're in --

COMMISSIONER VONIER: In numbers.

MR. SCHMIDT: -- current dollars with real numbers.

COMMISSIONER VONIER: It's not chump change.

MR. SCHMIDT: Not at all. And if I'm speaking in error on that, Reed Jarvi is here. If he nods on that, I'm good on that.

CHAIRWOMAN KEENE: You're good.

COMMISSIONER VONIER: So what do you say they are?

MR. SCHMIDT: They're current dollars.

Extending further from same comments, you have text references to that same mapping to talk about other items in the AUIR, changes and references to statute and so forth. Again, fairly straightforward.

That takes us to comment two from the department. And here it was as a matter of looking at references to Rule 9J-5, which is found in a number of places, as you see. The specific reference here was pointed out and there are pages and pages of other references to it. And if I go immediately to that, for instance drainage sub-element Policy 6.3, but begin to see where we're referring to other sections of code. Here not 9J-5 necessarily, but another one they ask about being specific in changing. Then the Future Land Use Element -- and I'll stop there for the moment with Policy 2.4. Because the transportation element text is a bit different.

All right. With Policy 5.8 there was language being referred to that again with change in statute and House Bill 7207, that the language would also need to be changed if we were to maintain concurrency for transportation projects. And there is a policy there in transportation element 5.8 with a quick reference to the proper terminology, and then again in a subsection where 9J-5 is referenced.

All right? Now, additional pages of other locations throughout the Growth Management Plan. A number of elements including a capital improvement element, FLU -- I'm sorry, the Future Land Use Element, the Golden Gate Area Master Plan. And I'm looking at -- still flipping pages. Until we get to Policy 5.4 of the transportation element. Those are other locations staff was able to locate where Rule 9J-5 was an alternative reference, and with the assistance of the County Attorney's Office finding the correct references to state there now. Okay?

COMMISSIONER BROUGHAM: Seems like, Corby, that most of these to date anyway are or this morning are mostly editing in response to changes in -- from the state. I mean, it's going through and correcting references to be current with --

MR. SCHMIDT: I think that speaks to the success of the transmittal documents. When you reviewed them, they were approved by the county commissioners and all the staff that worked on them. The thoroughness that we were able to receive, just comments back from the state and those other agencies, and almost all, as you see, are minor edits, technical changes that we may have missed in some cases, or as with these last few pages extensions of a larger comment. So I think they -- the majority of them are like that.

COMMISSIONER BROUGHAM: You'll point out where they were not -- or where they went beyond editing and substantive changes being made that we sent to them.

MR. SCHMIDT: I think the next one is one of those. I believe I'm up on Page 10 with comments number three regarding the transportation element. If I have my page right. I'm working from another version. Thank you.

But the comments from the state talking again about results of House Bill 7207 and the loosening of the requirements for concurrency management and the county has chosen to maintain concurrency management for transportation projects and transportation planning. And if we were to do so, the language in the transportation element, as well as the -- another location would need to be revised. Because of the amount of changes involved there, not just a small edit for a few of them, some actual authoring, some creation of language to use, and reference to the statute itself where we would draw up some of that language from.

The state gives us the opportunity to make those changes not just now but also in the next year so we have time to do so, and probably an opportune time to tell you that our next year is not seven years away but

two years away. In the jumbled up schedule from the Department of Economic Opportunity, they give us till the first date of 2014 to complete the next year. And as Mr. Bosi spoke earlier, that's telling ourselves the changes we will make. And then during 2014 we'll make those changes. So in about two years we'll be back in front of you again instead of about seven years, and that gives us the opportunity to address this one in particular, the transportation element where concurrency and proportionate share language would be properly written, as well as a few others that we've noted that we'll be seeing.

So we know from the comment already from the Department of Economic Opportunity with their allowance for us to do so next time and that quick turnaround that gives next time some meaning, they're okay with that. So our proposal should be all right.

COMMISSIONER BROUGHAM: Just a further question.

On our Page 9, anyway, under comment three, it says during the interim the county must apply the new statutory provisions to any amendments or development orders, particularly the new proportionate share provisions. Can you, in 25 words or less, describe the impact of that on our current practice or past practices?

MR. SCHMIDT: I would need more words, but Mr. Jarvi's here to answer that question. I know that the changes are not insignificant.

COMMISSIONER BROUGHAM: I don't want to open up a --

MR. SCHMIDT: That's fine. The county is very close to what the state has adopted. But it's the small portion of it that are different. Like some other counties who have either dropped concurrency for transportation or will, our changes are not significant. He may or -- I think it's best that he take a few moments to explain.

COMMISSIONER BROUGHAM: The reason I ask is concurrency, you know, has been -- we have heard about concurrency for years and years here in the county, and it's because it's become ingrained in our understanding of our evaluation of certain petitions that come up.

And if now is not the appropriate time for full explanation, whatever, but this seems like the state saying you will do something that perhaps we have never done before or agreed to do before.

MR. JARVEY: Reed Jarvi, the Collier County Transportation Manager.

I won't be getting into the overall thing like you said. Basically the state said we didn't have to do concurrency like we have done. We decided to continue doing it. There are some changes to how you do proportionate share, but it's not drastically changed by the way we do it. So I'd rather not get too much into it.

COMMISSIONER BROUGHAM: So there's no major --

MR. JARVEY: We're going to continue the way we've been doing it, but we do have to address this -- I thought it was more than two years, but now I know it's two years, or starting two years, I guess, getting into this. And that could be a relatively major change, because they basically said you don't need to do concurrency anymore.

COMMISSIONER EBERT: Am I correct the BCC and our group before said we will continue it?

MR. JARVEY: I was not part of them, but I was told that our answer was yes, we will continue doing it as we have done it. At least for the near term. Thank you.

MR. SCHMIDT: All right, that takes the final comment from the department, and this is simply an observation that a new legislative effort requires the comprehensive planning document of a county to reference those compatibility issues with the airports or public airports in your county.

Although we have those provisions in place in the LDC, we did not previously reference them in the comp. plan. So what you see from that response at the top of Page 10 on your version is our indication that yes, we do, we always have and we're saying so in the correct document.

All right?

CHAIRWOMAN KEENE: Any questions?

(No response.)

MR. SCHMIDT: Well, those are the major ones. And you can see how small or minor they truly are.

Those comments from outside or external review agencies are even less impacting of the document, but I'll go through them just one by one, if you'd like.

There's a number of places where the South Florida Water Management District asked us to look at

different provisions and look at statements already made in the document in the capital improvement element. We had some, I believe this is not South Florida Water Management District but transportation. FDOT in the first instance looked at some statements in the CIE that simply reference one kind of the -- one kind of highway system, which has been discontinued and has been replaced by another. Both are in place today. But one's being eliminated. And so that language is simply being changed to reflect that.

The next one for conservation coastal element, I have an update there.

COMMISSIONER VONIER: Are you looking at 2.2.5?

MR. SCHMIDT: No, 2.1.

COMMISSIONER VONIER: Okay.

MR. SCHMIDT: I believe I'm there. Let me work with this.

COMMISSIONER VONIER: Page 12.

MR. SCHMIDT: Again, an outside agency talked about a reference to a certain document to be updated. In the version in the center of the page is what you have in your book with a document yet to be named. We would place that document name in the provision and make that update by the time this reaches county board.

But with a recent contact from South Florida Water Management District personnel we find that the state is having working sessions on that new rule before they adopt that new book, and that's not expected to take place until March or April of next year.

So what you see at the bottom of the page on the imagizer (sic) and not on your book is what we propose at this time for Objective 2.A, to keep the title of the document as it is now, a document with the South Florida Water Management District, simply update it to its most recent version for 2012, and indicate although we know what the successor document will be, a state-wide document which all water management districts will adopt and be incorporated into law, we simply say at this time its successor and indicate it that way.

So for this change, my recommendation would be to use the version on screen.

CHAIRWOMAN KEENE: So it's still going to be the district, it's just going to change as for the south Florida part.

MR. SCHMIDT: It is. When we get into the next EAR, which is sooner and not later, we'll -- by that time we'll know that state document. It will be also noted in state law and will make all those references changed one more time. So this is rather temporary. Okay?

CHAIRWOMAN KEENE: Okay.

MR. SCHMIDT: I'm looking now at the 2.2.5. Unless there are questions, I'm going to move through these rather quickly.

COMMISSIONER VONIER: I would like -- what is the purpose of the change of 2.2.5? Because the change takes all the bite out of the -- I mean, you use words like periodically and if feasible and appropriate, professional. Nothing is defined.

MR. SCHMIDT: I can address portions of that.

The Water Management District themselves responded. For some of the assistance or partnership that's indicated in the original language for 2.2.5 it either didn't or doesn't now properly reflect the amount of assistance given by the district to localities. So when working on our own when the county can do these items, not certainly by a date no longer able to be met but on a more flexible schedule, periodically do these things, and the appropriate person to do those things without being specific about what that licensing or who those people are, they would be recognized at that time.

COMMISSIONER VONIER: Well, it's all pretty vague. It seems to me you put a period after the word plan and leave everything else out. You aren't -- my point is you're not saying much. You're saying if somebody has the time they'll do something, but they don't have to if they don't feel like it.

MR. SCHMIDT: Note from the person working on that. This is -- I'm finding out, rather temporary language as well. It's rather vague purposely, because in the next EAR you'll see the strengthened language with more specificity.

COMMISSIONER VONIER: If you want vague, you've accomplished what you wanted to do.

COMMISSIONER BROUGHAM: Just to follow up on that, why did you want to make it vague?

Why not leave it the way it is or was, until such time we have what we want as language?

COMMISSIONER HOMIAK: That is pretty much what we saw last time, except for the technical assistance part. It's exactly the same wording.

COMMISSIONER BROUGHAM: No quarrel with that, same question.

MR. SCHMIDT: I think some of that vagueness or looseness of the language came with this group, that you didn't want to be too indicative of what might be until you knew what that did entail. So that language will be strengthened and you'll have that next time.

Jerry?

MR. KURTZ: Good morning. Jerry Kurtz with Stormwater Planning.

I think we're talking about the original kind of suggestion of mandated annual inspections of water management systems; is that the item, Corby?

MR. SCHMIDT: It was.

MR. KURTZ: It's discussed every year between the county and the Water Management District, as well as DEP.

I think currently there is no effort to impose a mandate of annual inspections, but all the agencies are working with the permittees to make it not a requirement but strongly suggested. And I think the previous language was dated and it was back in the era where a mandate was perceived to be come -- a strong mandate was perceived to be coming. So I believe the gist of the change is to know a mandate to require annual inspections by certified engineers not coming, but the item is constantly discussed as to how some sort of annual inspection program can be done effectively and coordinated across the board with all the agencies. Does that help at all?

COMMISSIONER BROUGHAM: Yeah, Jerry, correct me if I'm wrong, but didn't some of this start to get controversial or a lot of feedback happen in conjunction with the proposed stormwater damage prevention ordinance several years ago?

MR. KURTZ: Yes.

COMMISSIONER BROUGHAM: That was in there in one of the drafts and many, many of the communities around the county got up in arms because they felt that they were going to be forced to hire a professional engineer, et cetera, et cetera. Is that --

MR. KURTZ: Yes, that's exactly the same issue. And the issue of whether or not the mandate would have or would include that it had to be done by a professional engineer. Right there you're automatically raising the price by an order of magnitude. So it got real controversial.

There was discussion about using certified inspectors to keep the cost low. But ultimately there was no advancement of any mandate coming. But it's an issue we want all systems regularly inspected. All the agencies do. All the counties do. We know, you know, maintenance is an issue. So we're working on the awareness trying to keep the language away from a mandate.

COMMISSIONER BROUGHAM: Now I understand why it was begged down. Thank you.

CHAIRWOMAN KEENE: Any other questions on this item?

COMMISSIONER EBERT: It's a controversy, that's all I remember.

CHAIRWOMAN KEENE: Thank you.

MR. KURTZ: You're welcome.

MR. SCHMIDT: All right. Next one simply has us correctly reference a certain policy in the capital improvement element. Because we moved all the levels of service out, the individual elements out into the CIE, and we make that change in the transportation element to reference the other.

That takes us to the change, looks like almost top of Page 13, to the Future Land Use Element. Based on some boundary changes to the coastal high hazard area. Here it was a matter of explanation to the state or to the -- in this response document. And the Future Land Use Element simply making references to instead of the traffic congestion area, which that boundary once indicated, to the coastal high hazard area, which it's been replaced by. And you can see a lot of that provision has been struck through and replaced with defining that new area and reference to its map.

Okay. Then there were some comments that were made, not by any of the formal responses from either the state, Department of Economic Opportunity, FDOT or Water Management District, but informal

comments from either those agencies or someone else.

The first one in capital improvement element looking at those levels of service in the CIE and making the change, moving it over to the -- from its previous location. And then properly referencing I believe it's in the 1.5C-1. All the other places where those water standards, water quality standards are found. There was an incomplete list previously. Nothing else there really has changed.

Next one looking at the drainage sub-element. Here is the other example. And I've got it on the overhead again.

COMMISSIONER EBERT: We can't see it, Corby.

COMMISSIONER BROUGHAM: Turn it over.

MR. SCHMIDT: I'm new to this. Thank you very much.

All right, better.

All right. Similar change here coming since the distribution of the books to you. Where we found out that that state document would not be adopted by the time we reached county board now. So the lowest entry is the one staff recommends at this time. Policy 6.2, referencing again the existing basis of review for permit applications, indicating it's the latest version or its successor and leaving it at that until the next year.

That takes us into the groundwater aquifer recharge sub-element. And it looks to be a simple change as you see it there on my page. Numbering is wrong, but that Policy 2.4.

All right. And I know we're reaching the closing remarks here for this section. Because we've seen Policy 2.4 is a change, and then it's followed by what was some mapping to be updated instead no longer exists and would simply be removed or deleted.

And with the CCME, here is a change to indicate now you can see some double underlining where changes have been made to the previous version of what you saw so that we're indicating a proper time frame and an indication of who does what.

So prior to the commencement of development, the applicant development project shall obtain the necessary site and federal environmental permits.

There's a statement of notification previously.

Next one, 2.3.6, same sub-element. Again, the small editorial change talking about the timing of when that should take place. And this is part of a series of changes in that same sub-element. Same change to 6.2.4. You'll see it there where it's a matter of when things take place.

6.2.7, same idea.

I believe that brings us to the end of the section in your version. I have two to add at this time that came up again since the books went out, but presented or worked through from staff.

In the transportation element, not part of the changes in front of you now, but part of what was previously before you, in the transportation element there was Policy 3.5 which told us, and you can see the single strike-through there when you have worked on it previously, that within a year of the amendment the county would do something instructing ourselves to perform something by a certain date. That statement did not accurately reflect what was going on in the county. The preparation of the land development regulations and the adoption of the ordinance certainly didn't take place within that time frame, and the considerations are a bit different. And the terminology being double underlined there is to simply indicate that the county is still considering the viability of thoroughfare corridor protection planning and leaving it at that for now.

CHAIRWOMAN KEENE: Just real quick everyone, it's Page 2 of the transportation element, if you want to see what is in the -- the way it is currently written.

MR. SCHMIDT: That's correct. That's where that -- it wasn't proposed for change in this step, but you had seen it previously for transmittal.

CHAIRWOMAN KEENE: We're just removing the implementing the steps.

MR. SCHMIDT: That's the change. So in that case, that would be the recommendation for that policy from staff.

And one final change. This is very recent. Every year, and I believe it was just two weeks ago, you saw the annual update and inventory, along with the changes to the capital improvement element, that a company that each year with the five-year schedule of capital improvements for these next five years. And then a second schedule of capital improvements for the following five years.

CHAIRWOMAN KEENE: And this isn't in here at all, correct?

MR. SCHMIDT: That's correct, it's only on screen at this time. I'm sorry, it's on screen and not part of your paperwork.

Because some specific changes from -- resulting from House Bill 7207 allowed the changes to the capital improvement element, schedule of capital improvement improvements only to be done by ordinance and not necessarily any longer by both management plan amendments, the amendment portion of it that you see in front of you, you see it every year, must be done outside the AUIR this year. It's still an amendment, but we're not changing the schedule any longer itself by amendments, simply by ordinance. A small technical difference. These are the date changes that simply reference the capital improvement work program and the schedule for the school district. You make those changes every year. We're just doing it this year and from now on, or until law changes once again, outside the AUIR.

And here because of timing we have the opportunity to do it now. So we're adding it here because of the two-week lag. A matter of convenience.

CHAIRWOMAN KEENE: Would that still timing-wise going on board be a part of the AUIR, it will just be separate?

MR. SCHMIDT: It will stay separate, yes.

I'm seeing a late edit. And property settlement.

So with that edit of an edit, that's our staff recommendation.

That really brings me to the end. The final category is those elements that you've seen previously that had no further changes. With that --

CHAIRWOMAN KEENE: Based on the number of changes, you guys did a great job.

COMMISSIONER EBERT: Yeah.

CHAIRWOMAN KEENE: Does anyone have any questions on anything that we have reviewed?

(No response.)

COMMISSIONER HOMIAK: I just have one. On the ordinance for the Golden Gate amendment to the Golden Gate Area Master Plan, the ordinance says there's maps. Are there maps that we don't see here, or is it --

MR. SCHMIDT: I'm sorry, can you give me a page number where you're seeing that?

COMMISSIONER HOMIAK: It's in the ordinances, and there really isn't a page.

It's closer to the end.

MR. SCHMIDT: It's almost to the end?

MR. WEEKS: Two pages from the end of the ordinance.

MR. SCHMIDT: All right, I'm on that page.

COMMISSIONER HOMIAK: Then it says Exhibit A. It was attached -- Exhibit A is attached but we don't have any maps. But it references maps with the amendments. I don't know.

MR. SCHMIDT: I'm looking at the exhibit in the back of the book. Since none of those were for adoption since transmittal, I'm looking for that reference here.

MS. ASHTON-CICKO: Looks like the question is about the maps change. So if they're not changing --

MR. SCHMIDT: I'm looking for that. But I'm not seeing them. But I'll answer we'll verify, and if not, we'll revise the ordinance to reflect that.

COMMISSIONER HOMIAK: That is all right?

MS. ASHTON-CICKO: Well, that's okay with me. It's just that if they later say there are maps, then that would be an incorrect statement.

MR. SCHMIDT: We certainly have time to review carefully and verify and make that change.

CHAIRWOMAN KEENE: Just advise us if it does change.

MR. SCHMIDT: Yes, certainly.

COMMISSIONER HOMIAK: Okay, thank you.

CHAIRWOMAN KEENE: Heidi, how do we need to approve the changes?

MS. ASHTON-CICKO: I think you can take one vote for all of them. Unless you have some changes you want to make to any of the elements.

CHAIRWOMAN KEENE: Are there any changes anyone has or would like to recommend?

COMMISSIONER HOMIAK: No.

CHAIRWOMAN KEENE: Okay, then do I have a motion to approve all of the changes presented before us today?

COMMISSIONER KLEIN: So moved.

COMMISSIONER VONIER: Second.

CHAIRWOMAN KEENE: All in favor?

COMMISSIONER KLEIN: Aye.

CHAIRWOMAN KEENE:

COMMISSIONER VONIER: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRWOMAN KEENE: Any opposed?

(No response.)

CHAIRWOMAN KEENE: Motion passes 6-0.

MR. SCHMIDT: All right, thank you.

CHAIRWOMAN KEENE: Thank you.

MR. SCHMIDT: One more thing to mention.

COMMISSIONER EBERT: Sure, after we approved it, Corby.

MR. SCHMIDT: I almost lost it. I've been working with preparing for the next EAR as quickly as we're finishing up this one, and I had indicated some of those changes that we'd see, and Jerry Kurtz with stormwater had one more to add to those lists. We'll have those transportation changes dealing with concurrency, the correct state document name.

CHAIRWOMAN KEENE: The district.

MR. SCHMIDT: The district's document. We'll also have hopefully -- because if the schedule does still work together, those indexing specifics from housing. And we'll get into that housing element again.

So again, it doesn't pose any kind of problem except for timing for those things that we couldn't take time to do now we are given the opportunity to do almost immediately. So we'll be back in front of you within a few months to begin the next process. Because we'll complete that by the end of 2013, and the actual amendments themselves during the following year.

CHAIRWOMAN KEENE: David?

MR. WEEKS: Yes. Not relevant to today's meeting, but Thursday Michele of staff passed out just prior to the meeting two documents. One is a revised agenda for Thursday's meeting, November 1st. The only -- the revision is to make the Hussey settlement agreement discussion a time certain item at 9:00. So it would be the very first item on your agenda to be discussed.

The second document is a revised -- excuse me, is an ordinance, a scrivener's error ordinance pertaining to a past rezoning of the Greenway -- Gordon River Greenway Park. And that correlates to a comprehensive plan amendment on your agenda Thursday. I think it's Item 9.B. 9.A or B. It's CP2012-1. You have an amendment to change the future land use map designation of that Gordon River Greenway Park site. And that scrivener's error ordinance correlates to that comprehensive plan amendment.

CHAIRWOMAN KEENE: Okay.

MR. WEEKS: We'll discuss that briefly on Thursday.

CHAIRWOMAN KEENE: Okay. Great.

MR. WEEKS: That's it.

CHAIRWOMAN KEENE: Corby, anything else?

MR. SCHMIDT: Nothing else.

CHAIRWOMAN KEENE: Do we have a motion to adjourn?

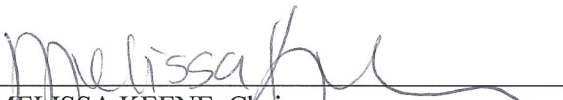
COMMISSIONER VONIER: So moved.

COMMISSIONER EBERT: I make a motion to adjourn.

CHAIRWOMAN KEENE: We're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:10 a.m.

COLLIER COUNTY PLANNING COMMISSION


MELISSA KEENE, Chairwoman

These minutes approved by the board on 12/6/2012 as presented or as corrected .

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.