

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida,  
March 4, 2021

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 REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman  
Karen Homiak, Vice Chair  
Karl Fry  
Joe Schmitt  
Paul Shea  
Robert L. Klucik, Jr. (participating remotely)  
Christopher T. Vernon

ABSENT:

Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager

Jeffrey Klatzkow, County Attorney

Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Good morning to all, and welcome to the March 4, 2021, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before I ask the secretary to call the roll, we have Commissioner Klucik who has requested to participate remotely. May I have a motion?

COMMISSIONER HOMIAK: Make a motion to allow him to participant remotely.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER KLUCIK: I'll just weigh in, Commissioner.

CHAIRMAN FRYER: I'm sorry?

COMMISSIONER KLUCIK: Just to say hello.

CHAIRMAN FRYER: Okay. Thank you, Commissioner Klucik, and welcome. Okay. Now, the secretary would please call the roll.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman.

(No response.)

CHAIRMAN FRYER: Mr. Shea?

COMMISSIONER SHEA: Present.

COMMISSIONER FRY: I'm here.

Chairman Fryer.

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Klucik remote?

COMMISSIONER KLUCIK: Present.

COMMISSIONER FRY: Mr. Chairman, we have a quorum of seven, one remote.

CHAIRMAN FRYER: Thank you very much.

And Mr. Eastman contacted me, had a business conflict that he was unable to reschedule, so we'll proceed without him.

Addenda to the agenda. Mr. Bellows?

MR. BELLOWS: Staff has no changes to the agenda.

CHAIRMAN FRYER: Okay. Thank you.

I had received an email from counsel for NC Square expressing his client's concern that his project will potentially be continued to 3/18 in light of the continuances, potentially, of other projects from prior Planning Commission meetings. In my meeting with staff on Tuesday, I was informed that we have two items there are running up against statutory deadlines and must be heard before their time runs out.

So when the time comes on March 18, unless the Planning Commission wants to do it another way, I would be asking that we set a time-certain for these matters that otherwise are going to run out of time at the end of the day so that we can complete them and not have to start notification and other things over again.

I don't see Ms. Jenkins here. But I believe there were two of them. And so that might need to be provided for in the case of both. So that's just for informational purposes for the Planning Commission at this time.

Second thing I want to mention under addenda to agenda is we received what I think would be fair to characterize as a highly unusual request from the Department of Interior Fish and Wildlife Service asking us to delay our hearing of the Longwater and Bellmar applications until after completion of certain reviews by the federal and county governments.

I'd like to ask our County Attorney to advise us of what options or responsibilities we have with respect to that, sir.

MR. KLATZKOW: Well, until directed by the Board of County Commissioners to the contrary, we're going to proceed under our normal course of business. We have our process, the states have their process, the feds have their process. I mean, if the states or the feds aren't happy with what's going on there, they've certainly got their regulatory abilities. They don't need to come down and ask us to do their dirty work and, you know, at the end of the day, we're going to proceed.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I'd like to just make a correction. I know that's on the department letterhead U.S. Fish and -- and Department of Interior, U.S. Fish and Wildlife, but it was actually from the Florida Panther National Wildlife Refuge, and it was signed by the director of the refuge. So it did not go through the normal staffing process through U.S. Fish and Wildlife or the regional director or anybody else. And I took that letter as simply nothing more than an official position of the refuge and nothing more.

And just for the record, since we're talking about this, certainly, the U.S. Fish and Wildlife under Section 7 of the Endangered Species Act and 404 of the Clean Water Act, the federal government will respond during the federal permitting process, and they have every right to. So I was very puzzled by this letter by simply making a reference that they wanted to wait until the -- what they indicated of the Habitat Conservation Plan was completed, a plan which they've probably had in their hands for over five years. So it was just very puzzling to me.

MR. BELLOWS: For the record, Ray Bellows with Zoning.

I also put on the visualizer a Florida Statute as it pertains to development permits filed with the county after July 1st, 2012, where the county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval

from any state or federal agency unless that agency has final agency action. So we're really constrained with that as well.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Yeah. The applicant, regardless, is still going to go through the permitting process. And there was some discussion of whether even the 404 permit, which is your compliance under the Clean Water Act, whether it's going to go through the state or the federal, wherever that ends up in the court in regards to the transfer of authority. It's still -- the federal -- or the U.S. Fish and Wildlife still will make comment, still has the right to make comment through the federal permitting process.

MR. KLATZKOW: And as an aside, the State rammed this down our throat 20 years ago.

COMMISSIONER SCHMITT: Correct.

MR. KLATZKOW: Okay. So let me get this straight. You rammed this down our throat 20 years ago, you've had 20 years to figure it out, and now that we're actually developing out there, you're telling us to stop.

COMMISSIONER SCHMITT: Correct.

MR. KLATZKOW: So you know what? This is on them, okay. I mean, they created this process, I'm not saying it's a good process or a bad process, but this is the process that they've forced us -- forced upon us, and now that we're going through it, you know, I'm seeing letters from them? I just find it to be curious, that's all.

CHAIRMAN FRYER: Thank you. I take it, then, it's the sentiment of the Planning Commission that we will proceed as scheduled.

COMMISSIONER SCHMITT: Yes, absolutely. My recommendation or my -- if we want to put a vote on it, I would make a recommendation that we -- or propose that we continue as advertised.

CHAIRMAN FRYER: Without objection, that's what we'll do.

The only other thing I want to mention is I was informed that if we or one of the parties desires to hear from Kevin Godsea, he's available by Zoom today between 9:00 and 12:00.

COMMISSIONER SCHMITT: That's fine.

CHAIRMAN FRYER: With that, we'll go to Planning Commission absences. Our next meeting is March 18. Does anyone know if he or she will not be able to attend? (No response.)

CHAIRMAN FRYER: Thank you very much.

Approval of the minutes. We have one set of minutes before us today for action. They are our minutes of February 4, 2021. Any corrections, changes, or additions to those minutes?

(No response.)

CHAIRMAN FRYER: If not, is there a motion to approve?

COMMISSIONER SCHMITT: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Further discussion? If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.  
COMMISSIONER VERNON: Aye.  
COMMISSIONER HOMIAK: Aye.  
COMMISSIONER SCHMITT: Aye.  
COMMISSIONER KLUCIK: Aye.  
CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It carries unanimously. Thank you.  
BCC report and recaps, Mr. Bellows.

MR. BELLOWS: Yes. On February 23rd the Board of County Commissioners heard the Golden Gate professional office. I believe that was a zoning overlay, and that was approved 5-0, and that was the first reading. It will go back to them on March 9th.

And then on March 1st, the Board heard One Naples PUD rezone. That was approved by a vote of 4-1 with Commissioner Taylor in opposition. And there were several changes, and I think maybe we can provide that -- there were a lot of changes, and we can provide you a summary of that. But one of the key parts was the building height was reduced to 10 stories.

CHAIRMAN FRYER: Ten over two?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Thank you. Very good. Thank you very much.

I don't have a report this morning, and we don't have a consent agenda, so we can proceed right into public hearings. We have two advertised public hearings.

\*\*\*The first item on our agenda today is PL20190001836. It's the Longwater Village SRA.

All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN FRYER: Thank you.

Ex parte disclosures from the Planning Commission starting with Commissioner Shea, please.

COMMISSIONER SHEA: Staff materials and site visit.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Staff materials, public record, Zoom call with the applicant's attorney and the applicant, also email exchange with Florida Wildlife Federation and Audubon.

CHAIRMAN FRYER: Thank you, sir.

In my case, materials that are of public record, meetings and communication with staff, emails and meetings with representatives of the applicant, and many emails from members of the public. Also, I visited the site.

Vice Chair.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich and Mr. Utter.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: I spoke with Mr. Yovanovich and Mr. Utter, of course, the petitioner's attorney and the petitioner, and I spoke with representatives from the Florida Wildlife Federation as well.

CHAIRMAN FRYER: Thank you.  
Commissioner Vernon.

COMMISSIONER VERNON: Staff, but also I want to just let everybody know who's here, I briefly -- it took me a while to get access to my computer, and I briefly had access, looked at all the emails, and now I don't have access again. I'm virtually certain it's user error. So it's me. It's not the county. So I'm not blaming the county. I'm blaming myself. I just want people to know in this room if they tried to reach out to me to schedule anything, I was not ignoring them. I just didn't get the email. So I just wanted everybody to know that.

CHAIRMAN FRYER: Thank you.  
Commissioner Klucik?

(No response.)

CHAIRMAN FRYER: Commissioner Klucik?

(No response.)

CHAIRMAN FRYER: Are we having a technical problem, I wonder?

Well, what we'll do, we'll -- as soon as he reconnects, we'll interrupt what we're doing and get his disclosures. I think it's -- I think as long as these disclosures are provided before we vote, we're okay. Is that not correct, County Attorney?

MR. KLATZKOW: I think we're fine.

CHAIRMAN FRYER: Okay. Thank you.

Please proceed, Mr. Yovanovich.

COMMISSIONER KLUCIK: Rich, do.

MR. KLATZKOW: I mean, you want to cross-examine any of the Planning Commissioners on the ex parte?

MR. YOVANOVICH: Not yet. Just teasing.

MR. KLATZKOW: Because if the answer is no, then we're fine.

COMMISSIONER VERNON: See how they vote first.

MR. YOVANOVICH: I trust you all. Are we ready?

CHAIRMAN FRYER: Yes, sir. Please proceed.

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich on behalf of the petitioner. You have two items on the agenda today. One is the Longwater Village SRA, which is approximately 999 acres for 2,600 units, and the second one is the Bellmar Village SRA which is 999 acres for 2,750 residential units. The presentation outline for both of the projects is going to be the same.

I will introduce the team and the project. We'll introduce the petition and staff recommendations. For the first one I'm going to discuss the Rural Lands Stewardship Program, then we'll get into -- Bob will get into the specifics of the Longwater Stewardship SRA document.

Heather Samborski from Passarella will go through the NRA scoring for the lands; Norm Trebilcock will address transportation; Lucy Gallo, who will be participating by Zoom, will address fiscal neutrality; then I'll do a brief summary and hopefully -- as always, ask questions whenever you want, but hopefully in our presentation we'll answer most of your questions. But if not, feel free to interrupt at any time.

CHAIRMAN FRYER: Mr. Yovanovich, may I ask for a little clarity?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Are you going to be presenting both at once? No.

MR. YOVANOVICH: No. We're going to do them separately. But I'm going to do an overview of the Rural Lands Stewardship Program for those commissioners who weren't here for the first village that went through the process. I don't think I need to do that twice as part of the Bellmar presentation. So just know that when I'm talking about the Rural Lands Stewardship Program itself, it applies to both petitions, the Longwater Village as well as the Bellmar Village.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Okay. I guess my audio's back. That's all.

CHAIRMAN FRYER: Okay. We need your disclosures, sir, please.

COMMISSIONER KLUCIK: My disclosures were staff.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: All right. The Longwater Village applicant is Collier Enterprises Management, Inc.

Pat Utter and Valerie Pike are here, and Christian Spilker also is part of the team.

Our consultant team is myself; Mr. Mulhere. Dominic Amico is here; he's our engineer. He's here to answer questions if you have any. Ken Passarella and Heather Samborski are environmental consultants; Norm Trebilcock is our transportation consultant; and Lucy Gallo is our fiscal neutrality consultant.

The Longwater Village is one of three village applications. The first one -- hopefully you can see it. This was Rivergrass that was approved earlier in 2020. Longwater is before you today, it's these two parcels, and then later on on the agenda is Bellmar.

So those are -- those are all within the Big Cypress Stewardship District, which is independent district that was established by the State to address all the lands that you can see outlined in yellow. That's all within the Big Cypress Stewardship District, and the three villages that are within that district.

The Rural Lands Stewardship Program is unique, and it's actually the first one in the state, and I'll get into it in a little bit more detail. But the base zoning out in the Rural Lands Stewardship Area is one unit per five acres if you want to develop under the baseline standards, or you could come through this voluntary process to have lands designated as an SRA, and there are different types of SRAs ranging in size.

There's a compact rural development, which nobody's done yet; there's a hamlet; then there's villages; and then the largest form of a Stewardship Receiving Area is a town. We have elected to go forward with villages within the Rural Lands Stewardship Program.

And why I say it's a designation, we're not here to rezone the property. The property is already properly zoned. We just go through a process, which is a designation process, to identify the parameters of the Stewardship Receiving Area that we're asking for. We have to meet certain criteria for that designation to occur, and we're going to go through and explain to you all how we have met all of those designation criteria.

Your staff has reviewed our application. They agree we have met the designation criteria. But it's different than a rezone in that we already have -- the rezone allowed uses are already on the property, but we can't utilize them until we designate the property through this process.

Longwater Village, as I've put on the visualizer, is a -- actually on the screen, is a

little under a thousand acres. We will be utilizing what are called Stewardship Sending Areas to get the credits we need to develop for a Stewardship Receiving Area. We will be using SSA 14, which is approved and being held in escrow, and we're hopeful to have SSA 17 approved by the Board of County Commissioners at the same time that we have the village considered and approved, which would add additional lands to the Stewardship Sending Area program.

The program -- the project is 2,600 units. It's a gross density of 2.6 units per acre. The density allowed in the rural land area -- Rural Lands Stewardship Area is four units per acre.

We have a diversity of housing types: 10 percent of our units are required to be multifamily; 10 percent of our units are required to be detached single-family; and at least 10 percent of our units are required to be attached, basically, villa product. So we have at least three different types of housing types in our project, and that's important when Bob takes you through the specific criteria.

We'll have a minimum of 65,000 square feet and a maximum of 80,000 square feet of commercial within the village, and that will happen in two areas. We have the village center. The village center will be a mixed-use commercial. It will have our commercial, it will have our civic, and it will have at least 40 multifamily units within it.

And then we have a couple-acre parcel that's up on Oil Well Road that is also to provide commercial in the neighborhood general portion of the project. That will also provide for additional commercial to serve the residents.

Examples of those types of uses are office, restaurants, a pharmacy. We'll have civic and government offices. We could have church -- churches out there. We can have a hardware store. We can have a convenience store with gas. We could have any -- a long range of neighborhood -- neighborhood uses. They're all outlined for you in the SRA document. I can't tell you today what those uses are going to be. Obviously, that will be determined by the market and, ultimately, what the residents would like to see happen out in that area will dictate what we're doing.

Your staff report recommends approval with seven conditions, and we have agreed to all seven of those conditions. I won't go into great detail, but I want to highlight a couple of them. We have agreed to -- Norm Trebilcock will take you through our proportionate-share analysis for impacts to intersections. We will be making a payment of \$622,000 within 90 days of approval of the Site Development Plan of our traffic impacts. We'll have to improve a couple of -- or, yeah, a couple of -- we'll have to improve a road to bring it up to county standards; we've agreed to do that.

We've agreed to provide -- although it's not within the SRA boundaries, we agreed to provide a couple of school sites that are needed by Mr. Eastman and his entity.

We have agreed to -- under No. 7, we've agreed that we'll commit at least --

COMMISSIONER KLUCIK: Mr. Yovanovich?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: Mr. Chairman, do you mind if I ask a question?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Very specific to the point about the schools. That is not in the SRA. That is external just on land that the petitioner owns?

MR. YOVANOVICH: Correct. It's a commitment within the SRA to provide those lands, but those lands are not within the SRA boundaries.



COMMISSIONER KLUCIK: Thank you.

MR. YOVANOVICH: And then Commitment No. 7, we've committed to either providing at least 10 percent of the units to be sold at or near the moderate and gap affordability ranges or, in the alternative, provide a site near the SRA to be developed for housing that is affordable.

The history of the RLSA -- I think Mr. Klatzkow brought this up -- it was a -- it's probably been 20, 22 years since we started this. In 1999 there were challenges to the then adopted Growth Management Plan that resulted in an administrative hearing process where the Governor issued an order in 2000 basically declaring a moratorium in Collier County eastern lands. And last week, or the last meeting, I'm sorry, you heard the Immokalee Road Rural Village. That dealt with the Rural Fringe Mixed-Use District portion of the eastern lands, and then there was another segment of the eastern lands called the Rural Lands Stewardship Area. All of those lands were divided into two different development areas and development options as part of this moratorium. And the purpose of the moratorium was to do a collaborative assessment of what should be the proper regulations out east in the eastern rural lands.

And it had three primary purposes. One was to identify and propose measures to protect prime agricultural areas. Another was to direct incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as to protect the listed animal species and their habitats, and the third goal or requirement was to assess the growth potential of the area by assessing the potential conversion of rural lands to other uses in appropriate locations while discouraging urban sprawl, directing incompatible land uses away from crucial habitat, and encouraging development that utilizes creative land-use planning techniques. That was the purpose of the moratorium.

There were several meetings over a two-year period that included citizens, landowners, county staff, land planners, and environmental groups; all worked together to come up with what is now the Rural Lands Stewardship Program. It impacts roughly 195,000 acres and 300 square miles of Collier County.

So after a two-year collaborative meetings citizen outreach, ultimately, the first Rural Lands Stewardship Program in Florida was adopted here in Collier County and has become part of the land-use development scheme for Florida. And the program was supported by all stakeholders. To name a few at the bottom are the Conservancy of Southwest Florida supported the program, Audubon of Western Everglades supported the program, and the Florida Wildlife Federation supported the program.

Nancy Payton, who was Florida Wildlife at the time -- Meredith Budd has taken her place -- discussed that -- you know, she says, we appreciate the willingness and the responsiveness of the county representatives and the Eastern Collier property owners to address our concerns.

And, basically, she recites the process. It was a three-year process, and it was a program that she and her organization endorsed.

Brad Cornell, who you've heard from before, also spoke and endorsed the program at the adoption hearing.

And, finally, the Conservancy spoke and endorsed the program. And I think I'm going to read all of what the Conservancy said, because Mr. Davis, who was there at the time, didn't want to be outshined by the other organizations that spoke. He was the last

person to speak. And he said, I can't let my colleagues be the only ones to support this. And he goes on to say, no, I'll be brief, because I did meet with a couple of you last week and shared some concerns that we still had, and I wanted to make it clear that those concerns have been worked out, and we now feel that we can fully support the plan as it's come to you today. It's a dramatic improvement from what we saw back at transmittal time through the efforts of the DCA and through the efforts of the various parties who have been negotiating this over the last week.

We did some hard work together -- I'm sorry. We did some hard work to get where we are today. And as Brad said, not everybody got what they wanted, but I think we're in good support of this plan as it's coming forward, and we urge you to adopt it today.

The plan that is our Growth Management Plan was fully endorsed by the Conservancy, Florida Wildlife, as well as Collier Audubon at the time.

CHAIRMAN FRYER: Commissioner Fry has a question.

MR. YOVANOVICH: Yes, sir.

COMMISSIONER FRY: I'm sorry. You were rolling.

MR. YOVANOVICH: I was.

COMMISSIONER FRY: What exactly was approved in 2002? Was it the 16,000-and-some acres, or was it the 45,000 acres?

MR. YOVANOVICH: It was the entire program that's in the Growth Management Plan today.

COMMISSIONER FRY: Okay. With the 45,000 acres?

MR. YOVANOVICH: The words that you have in front of you today was the program that was approved.

COMMISSIONER FRY: Very good. Thank you.

MR. YOVANOVICH: So how does the program work? The pink area is the area where you can come in and ask for a Stewardship Receiving Area. The pink area is the less environmentally sensitive areas out in the rural lands, and the pink area is what we're talking about today. You can see where we've highlighted where Longwater Village is.

And this is going to be Bellmar that we talk about a little bit later. I should have used a little bit finer line, but you'll see that both of these projects are within the pink area, and we are going through the voluntary process to designate these areas as SRAs.

As I mentioned, the purpose of the program is to put lands into Stewardship Sending Areas to preserve them and transfer the development. You get credits through process, and you take those credits and you exchange them at eight credits per acre for the development in the rural -- in an SRA, and that's the process we're going through.

Now, you have to ground truth the property as you go through the process, and Heather will take you through the ground truthing to show that we meet -- the lands that we're designating meet the criteria to be designated as an SRA.

This project will require 6,697.76 credits to be approved, and those credits will come from SSA 14 and SSA 17, as I mentioned.

Your Growth Management Plan has the development standards attached in Attachment C to the Growth Management Plan. As you can see, villages are between 100 and 1,000 acres. I know there are some changes to that that have been transmitted, but these are the current rules and regulations that apply. It's one to four units per acre.

I'm not going to take you through every one of these, but Bob will take you

through, and he will show you how we meet each of those criteria. That's what you're to review the SRA against for consistency with the Comprehensive Plan.

You then have the Land Development Code, which implements the Growth Management Plan, and you have some criteria you have to meet as well as part of that process. Bob is going to take you through how we meet each of those criteria. But those are the rules of the game when we're going through this process today. You review for consistency with Attachment C and with your Land Development Code.

We're not here to discuss whether the program's a good program or not a good program, if there should be some tweaks to the program. You had that discussion, you know, in the legislative process when you -- several months ago. Today you're applying the current rules to this piece of property.

And I submit to you that we have met every one of those criteria through this process. And you don't have to trust me. You can trust your staff. They've reviewed it as well, and there has been a third-party review as well for some of the -- some of the materials we present as part of the application.

So where are we today in the Rural Lands Stewardship Area? You have the Town of Ave Maria that's been approved, you have the Rivergrass Village that's been approved, and you have the Hyde Park Village that's been approved so far. And now you have two more villages for your consideration: The Longwater Village and the Bellmar Village. Assuming we get these approved, there will be a total of 8,677 acres, and 20,650 units approved on those 8,677 acres. And so far approved is 50,425 acres of lands to be held in Stewardship Sending Areas.

That's how the program was intended to work. Those SRA lands go into protection areas, and they're protected not at the taxpayers' expense but at the property owner's expense.

So with that, I'm going to -- unless you have questions about the history of the program, how the program works, I'll turn it over to Mr. Mulhere.

But do you have some questions, Mr. Fry?

COMMISSIONER FRY: With the Chairman's approval, yes.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER FRY: That's -- because you're on that slide, I think a very timely question is, it shows 50,425 acres of approved SSAs, 8,677 acres potentially approved development.

MR. YOVANOVICH: Potentially.

COMMISSIONER FRY: How many -- are those SSAs fully utilized by those 8,677 acres? If not, how many more acres can be developed with those based on credits from those SSAs that are already approved?

MR. YOVANOVICH: Well, those SSAs that are approved and held in escrow, I have not done the calculation of the total credits that have been generated from all of those SSAs, so I don't know the answer to that question. I just know that if the Stewardship Sending Areas don't get approved, and then the SSAs don't become final, and then you don't have the approved restoration or the limitation of land uses that you see here today that get to the goal of addressing what the Governor dictated in his order, which was to have a program that directs land uses away from wildlife habitat, from flowways.

So without -- without actually approving SRAs, you don't have the benefit of the SSAs.

COMMISSIONER FRY: Right. And as I understand it, for clarification, overall the program is about 185,000 acres, and about 45,000 acres will be able to be developed; is that correct? So it's about three -- three acres preserved for every acre that is --

MR. YOVANOVICH: I think --

COMMISSIONER FRY: -- developed?

MR. YOVANOVICH: -- you're correct, Mr. Fry. I didn't specifically do the math on the 45,000 acres, but --

COMMISSIONER FRY: So we're not correct --

MR. YOVANOVICH: I think there's revisions to the program that are going to create those limitations. Am I right on that? It's -- what you just transmitted will, I think, impose that 45,000.

COMMISSIONER FRY: Okay. I'm just making sure if we -- this almost -- it suggests -- and I think it's not -- it's not what it means to suggest, but it is not accurate to say that we're preserving 50,000 acres and only developing 8,600?

MR. YOVANOVICH: No.

COMMISSIONER FRY: There'll be more acres developed based on the credits from those SSAs and it, ultimately, will be about a three-to-one preservation ratio.

MR. YOVANOVICH: Three-to-one, four-to-one, somewhere in that range.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: And that's a very good question that I think is appropriate to be asked when staff is up here as well, because there is information that has been submitted to us in writing by various groups that have weighed in that would indicate that more than five additional villages could be generated from these sending areas. Please continue.

MR. YOVANOVICH: Okay. Well, I was ready to turn it over to Mr. Mulhere, but if there are any more questions about the program before I turn it over to --

COMMISSIONER FRY: One more question. What vote do you need at the County Commission for approval of the villages under the RLSA?

MR. YOVANOVICH: Because this is not a rezone, it's a designation, it's a simple majority.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: Thank you. Mr. Mulhere.

MR. YOVANOVICH: Mr. Mulhere. I'm trying to lose my mask.

CHAIRMAN FRYER: While we're waiting for the cleanup, I will underscore for the benefit of staff that we will be coming back to that question of how many more villages could be adopted as a result of these sending areas. So just so that staff has a heads-up of what we're going to want information on. Go ahead, Mr. Mulhere.

MR. MULHERE: Thank you. I'm just trying to -- for the record, Bob Mulhere with Hole Montes here this morning on behalf of the applicant. I'm a certified professional planner with somewhere in the neighborhood of 32 years of experience.

I'll go through more of the particulars than Rich did. There may be some repetition, but that's probably okay, just to underscore certain items. The slide you have before you right now is an aerial of the subject property. Again, it's not -- it's just under a thousand acres.

There are four acres within that proposed SRA that score greater than 1.2, and under the program, if you have any land that scores greater than 1.2 on the Natural

Resource Index, then you are to preserve those, which we are doing.

The proposed SRA does not contain any areas of critical state concern, the ACSC, which is quite a bit further east. It does not contain any acres that are designated as Flowway Stewardship Areas, that's the FSA, or HSA, which is Habitat Stewardship Areas. Those were pre-designated as part of the process.

This SRA does not contain any of those. It also does not contain any areas designated as Watership [sic] Retention Areas, WRA -- excuse me, Water Retention Areas, WRA. All of the lands to the north, east, and south are zoned similarly to the subject property. The underlying zoning, as Rich indicated is ag, does have a mobile home overlay and also has the RLSA overlay, as well, some of the lands are adjacent to the proposed Stewardship Sending Area designation for SSA No. 17.

To the west we abut the future Big Cypress Parkway and some ag zoned land and as well, again, the proposed SSA 17.

All of the lands other than those that we are protecting, those four acres that exceed the 1.2, all of the other lands have been in active agricultural production for years. So, basically, 995, almost 996 acres.

This is general information regarding the proposed SRA. The stewardship -- the RLSA requires that you provide a minimum of two context zones. You can provide a third, but you have to provide a minimum of two, and they are specifically designated as neighborhood general and village center. The LDC site is there. This proposed SRA provides both a village center and neighborhood general context zones.

The RLSA requires that villages be primarily residential communities, as this one is. It does provide a range of density. This proposed density of 2,600 total units and 2.6 units per acre is within that range. As was indicated previously, based on the percentages, we've agreed to a minimum of 260 units will be multifamily. And, again, just to remind you, the statutory definition as well as the Collier County definition from a zoning perspective of multifamily is three or more attached units. A duplex, a two-family attached, a villa is not multifamily.

CHAIRMAN FRYER: Mr. Mulhere, may I ask a question of you, sir?

MR. MULHERE: Sure.

CHAIRMAN FRYER: The language, as I understand it in the proposed resolution for the Board of County Commissioners, talks about a maximum of 2,600 dwelling units. Are you saying that you're going to build 260 multifamily units no matter whether you hit that maximum or not?

MR. MULHERE: No, 10 percent, 10 percent, but if we build all that, it would be 260.

CHAIRMAN FRYER: And that's an important --

MR. MULHERE: Well, that was a good question, yes. Thank you.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: Yep. The way I spoke, you could perceive that, and I appreciate that clarification.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: But at 10 percent, assuming we meet that, we would provide that 260 multifamily, 260 single-family attached, again, villa product, for example, and the same number of multifamily, three or more attached units.

The village center is to be the focal point for the community's goods and services.

And in this case, we are requesting -- we are required to provide a minimum of 65,000 square feet of neighborhood goods and services, and we are requesting a minimum of that number and a maximum of 88,000. Again, that's neighborhood scale retail and office uses. We're required to provide 26,000 square feet of civic uses, governmental uses, and/or institutional uses. Eighty-five thousand? Eight. So that's a typo. And I apologize. We didn't pick it up. The maximum is 80,000 square feet, not 88-. I'm sure you would have pointed that out, Ms. Homiak.

COMMISSIONER KLUCIK: Mr. Chairman?

MR. MULHERE: Thank you. Neighborhood goods and services.

COMMISSIONER KLUCIK: Can you hear me?

MR. MULHERE: Yes. There was a little three-acre --

COMMISSIONER KLUCIK: Can you hear me?

MR. MULHERE: Oh, I'm sorry.

CHAIRMAN FRYER: Commissioner Klucik. Please, go ahead.

COMMISSIONER KLUCIK: Yeah. I'm sorry. My connection -- my audio on the computer doesn't seem to be working, so I connected by phone.

I did have a question; it goes back to the schools. And so when you just talked about civic uses, in addition to that, what was the amount for civic use?

MR. MULHERE: Twenty-six thousand square feet.

COMMISSIONER KLUCIK: All right. And in addition to that, there are going to be public schools adjacent to this SRA providing civic services. Is there anything else outside of this SRA that would be providing civic, you know, that's adjacent that's kind of, again -- you know, as Mr. Yovanovich was indicating, this was a -- this is -- that was included for the schools and a commitment, but it's not part of the SRA. So can you just talk about any outside external civic uses that would be similar to the schools?

MR. MULHERE: Mr. Klucik, there are no other -- not as part of this village. There are no other civic uses that we would include and that -- and just to be clear, the schools are not necessarily adjacent but near by, the school sites that we've agreed to with Collier County School District.

But the 26,000 -- the 26,000 square feet is within the village, so it does not -- we don't meet that through the schools in terms of adhering to --

COMMISSIONER KLUCIK: No, that's why I'm pointing that out is because I think if the schools were included in it, then I don't know if that would be defined as civic use but, I mean, I can't recall if it is, but --

MR. MULHERE: It is.

COMMISSIONER KLUCIK: But you already have that covered. So there won't be a need -- I guess I would say the 26,000 wouldn't -- they'll be -- public schools will be provided without having to use any of that 26,000 --

MR. MULHERE: That's correct.

COMMISSIONER KLUCIK: -- is that a fair statement?

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: Okay. So I wanted to point out there is a 3-acre goods and services area in the neighborhood general that Rich Yovanovich mentioned. It's right here. It's not working. Let's try one more time, and then I'll give up. Okay. That's not working. Anyway, it's right along Oil Well Road.

Continuing with general information, master utilities will be served by the Collier

County Water and Sewer District under an agreement with the Collier County Water and Sewer District.

The SRA is required to provide three hundred -- 35 percent open space, which is -- equates to 349.93 acres. We're providing 512.52 acres, so that's 51.2 percent. That includes lakes, lake maintenance areas, buffers, and other green space. The lakes, lake maintenance areas, and buffers is 380.27 of that total of 512.52.

The SRA -- excuse me. The RLSA requires in the village 1 percent of the total acreage to be in the form of parks. We're providing a minimum of 21 acres, 9.5 acres of existing wetlands. Along the eastern boundary there is an existing WRA complemented with an innovative perimeter lake system which is designed for both stormwater management and for -- as a deterrent to wildlife.

We have a trip cap of 2,078 weekday p.m. peak hour total two-way trips based on Norm Trebilcock's traffic analysis.

The project has been deemed fiscally neutral utilizing a methodology verified by county staff and a third-party reviewer. Both Norm and Lucy will provide more detail on that.

There will be 30,000 square feet of the required neighborhood retail and office and a minimum of 20 multifamily dwelling units developed in the village center prior to us -- any CO beyond 1,820 residential units. So that is the trigger that the staff asked us to do so that they can be assured that there is some commercial neighborhood -- neighborhood commercial developed as well as multifamily within the village center.

COMMISSIONER FRY: So, Bob, you can build 1,820 homes before any commercial goes in?

MR. MULHERE: Yes, yes.

So there was mention -- Rich mentioned that the RLSA -- part of the final order from the Governor and Cabinet was that the RLSA program utilize innovative planning, and these are some of the examples. Of course, the program itself was highly innovative and award-winning.

So compliance with the RLSA requirements for a village, in general, is innovative planning. Compact development, we have 2,600 units on just under a thousand acres. If the area was developed under the baseline zoning of one per five, that would consume 13,000 acres, no requirement for neighborhood goods and services. And this project does provide those neighborhood goods and services in two locations; a smaller location along Oil Well, the village center along Big Cypress Parkway, and those were always intended to also provide services to the surrounding community; Golden Gate Estates primarily.

The highest intensity will be in the village context zone with reduced density along the edge of the village. There is a requirement that there be the highest intensity in the village, and then that intensity begins to lessen as you move towards the edges of the village.

As I mentioned, we do have the perimeter water system.

COMMISSIONER KLUCIK: Excuse me.

MR. MULHERE: Yes.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Mr. Chairman -- okay. Thank you.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: On that last point, I have seen -- I have seen that as aspirational in Ave Maria, which is an SRA, and I've seen it change. And I'm just trying to figure out, you know, what is -- and the point was that transitions from more dense to less dense, I guess, is how you'd put it. Is that kind of what you just said?

MR. MULHERE: Yes, sir, that's correct.

COMMISSIONER KLUCIK: Right. And I guess my concern is, what's the obligation to do that? Because what I've seen is that was abandoned based on market conditions, you know, in Ave Maria in certain areas.

And I don't say that as necessarily -- that what happened was a bad thing but, you know, if we're approving something and you're making that assertion -- and I'm not saying that you're not -- that your assertion is inaccurate. But if it's something that can change, then I think we need to know the parameters under which it could change or what the -- how much -- to what extent it's obligatory what you just explained. Is that aspirational or obligatory?

MR. MULHERE: It is obligatory, and it's a good question. And it has come up; it came up in the previous SRAs as well. There is an obligation -- we have an obligation in the SRA document to construct the multifamily units within a half-mile of either the village center or the neighborhood general three-acre neighborhood goods and services parcel up on Oil Well Road.

So by virtue of that, what that leaves is either single-family detached or single-family attached product for the remainder as you move out to the edges of the SRA.

I'm not sure if you had any follow-up questions. I'll move on.

CHAIRMAN FRYER: Excuse me. What was the --

COMMISSIONER KLUCIK: I appreciate it.

CHAIRMAN FRYER: What was the number of multi-families that will be either in the village center or the other --

MR. MULHERE: With 20 in the village center. There won't be -- I'm sorry, 40 total; 20 by the trigger. Thank you. I'm sorry. There won't be any in the smaller.

CHAIRMAN FRYER: Forty total.

MR. MULHERE: I mean, there could be, but I don't think there will be.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: So moving on. The spine road --

CHAIRMAN FRYER: I'm sorry. I need to clarify again.

MR. MULHERE: Go ahead.

CHAIRMAN FRYER: A moment ago or a little while ago we talked about the percentage versus the absolute numbers. Is the 40 total an absolute number, or is that assuming full buildout?

MR. MULHERE: That's the minimum commitment in the village center.

CHAIRMAN FRYER: Okay. So even if you only built 1,600 instead of 2,600, there are going to be 40?

MR. MULHERE: Yes.

CHAIRMAN FRYER: Thank you very much.

MR. MULHERE: Yep. So let's see. I was on -- the spine road is unloaded. There are no -- which means that there --

COMMISSIONER KLUCIK: Can you hear me?

MR. MULHERE: Yes.



CHAIRMAN FRYER: We can now, sir. Go ahead.

COMMISSIONER KLUCIK: All right. So --

CHAIRMAN FRYER: I think we've lost you, Commissioner Klucik. We can't hear you.

COMMISSIONER KLUCIK: Can you hear now?

CHAIRMAN FRYER: Now we can.

COMMISSIONER KLUCIK: Okay. Great. Those 40 units again, can just reexplain what that is?

MR. MULHERE: Yes. We have a commitment -- a village center is required to be mixed-use, and in order to ensure that the village center will be mixed-use, we have a minimum commitment of 40 dwelling units within the village center.

CHAIRMAN FRYER: Forty multifamily.

MR. MULHERE: Multifamily.

COMMISSIONER KLUCIK: And that wasn't -- right. And that had nothing to do with income or anything like that?

MR. MULHERE: No.

COMMISSIONER KLUCIK: It's just -- if there's going to be housing in that area, it's mixed-use, okay.

MR. MULHERE: That's correct.

COMMISSIONER KLUCIK: Okay. Another question, and it goes back to what you said earlier. I didn't want to interrupt, but since I already have interrupted, I'll go ahead and ask it.

The 1,800 units, you know, that you can -- you can build 1,800 units before you -- I think that's what it was -- before you start to do the commercial; is that accurate what you said?

MR. MULHERE: That's correct.

COMMISSIONER KLUCIK: Okay. Now, is that something that's in this application, or is that something that is just generally under the RLSA rules that's how it works, or is that specific to what you're asking for?

MR. MULHERE: That is specific to what we're asking for. So the staff typically requests a trigger so that they are ensured that there will be some neighborhood commercial built at a reasonable point within the development of the project. And as everyone can appreciate, you need to have some dwelling units to support commercial. And so each of the villages that have been approved have had a trigger mechanism based on the number of dwelling units that they've requested. So in this case it's specific to the number of dwelling units requested here.

COMMISSIONER KLUCIK: So you're going to do more than two-thirds of your construction before you -- you know, before you are obligated to put any commercial up?

MR. MULHERE: Well, I haven't done the math, 1,800 by 2,600. I'll -- but if you say that's two-thirds, yes.

COMMISSIONER KLUCIK: Yeah. I had to do summer school my freshman year in college for math, but I can do that math. I can do that math.

COMMISSIONER FRYER: I think that's third grade math.

COMMISSIONER KLUCIK: The only reason I say that is, again, is having experienced living in an SRA, you know, it's remote by definition, RLSA, the R being the rural, you know, it's asking a lot -- it seems kind of unreasonable -- I realize people are free

to buy wherever they want to buy but, you know, I guess what I would say is, in my mind, you know, and thinking, that's the obligation. That doesn't mean that you're not going -- that your plan isn't to do it sooner than the 1,800 and, obviously, for instance, in Ave Maria, they -- before any homes were built, they had the whole town center constructed.

But I guess, you know, what is the developer's plan? Not that that necessarily is obligatory; you know, they can change their plan. But can you elucidate us on that?

MR. MULHERE: Well, again, in Ave Maria, that was the developer's choice. There was no requirement to do that, and we would have the same choice in terms of timing. It is not our -- we did not suggest a trigger. It was suggested by the staff, and we agreed to the trigger. So it is a --

COMMISSIONER KLUCIK: Got it.

MR. MULHERE: So it is a fail-safe, I would say, a fail-safe that requires, at a certain amount, 1,800 dwelling units, that there be -- that, you know, 20,000 square feet of neighborhood goods and services.

COMMISSIONER KLUCIK: Great. Okay. And so you're -- you would -- you would incrementally, you know, likely build up to that. You wouldn't just all of a sudden -- you know, that would be, I guess, the normal progression. I'm just trying to think about it, you know, what's going to be happening out there if you just meet the minimum requirement and, obviously, if you -- if you're going to meet the 1,800, you would be wanting -- or needing to have your commercial meet that target, you know, at the point that you were at 1,800. So I guess it's going to also come in gradually.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: Okay. Thank you.

MR. MULHERE: You're welcome.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just a point of clarification. When you refer to spine road, you're talking about the main road that connects on DeSoto, runs through the site, and dumps back out -- connects on Oil Well, right?

MR. MULHERE: That's correct.

COMMISSIONER SHEA: Okay. I wanted to make sure.

MR. MULHERE: It's kind of a term that is used in design that is the road that is the main -- the main access road to the rest of the development.

So I don't have my tools at my disposal since this isn't working, but I'll -- I think you can see where the spine road is in this exhibit that's on your screen there. "Unloaded" means exactly what it says, what it implies; no residential dwelling units have direct access which, obviously, makes sense from a traffic-flow perspective and from a connectivity for pedestrian activity and so on and so forth.

So the highest intensity will be in the village center context zone -- we mentioned this -- and then reduced as the density moves to the edge of the village. I'm trying to see -- I don't know if I -- neighborhood parks.

Again, as I mentioned, neighborhood parks in over 51 percent of open space and miles and miles of pedestrian-friendly sidewalks within the project. I have an exhibit that shows that in a little more detail momentarily.

COMMISSIONER SHEA: When you talk about open space, though, you are talking about not the SI -- the Sending Area 17 that surrounds it. You're talking about

within the footprint that we see here?

MR. MULHERE: That's correct.

COMMISSIONER SHEA: Okay.

COMMISSIONER FRY: Bob?

MR. MULHERE: Yes.

COMMISSIONER FRY: Up to the point where you're required to build commercial, where would the first potentially 1,800 homes go -- have to go to buy groceries, hardware, those types of things?

MR. MULHERE: Well, I guess that kind of depends on whether or not, for example, Hyde Park is constructed, their percentage of neighborhood commercial, or Rivergrass has constructed their, you know, percentage of neighborhood commercial within those two projects, which are close by to this. If those are constructed, obviously, that's where they would go for neighborhood goods and services. Other than that, it's either Ave Maria or west.

COMMISSIONER FRY: So, I mean, as, you know, one of the main planks of the RLSA is to try to minimize or reduce the traffic of people traveling into the urban area to buy services. So I guess the premise is that the commercial will purely be driven and naturally driven by the market. When there's enough demand for grocery store, et cetera, it will go in. That's the leap of faith that we're being asked to make here?

MR. MULHERE: Well, two things. One, that's why there is a minimum. So that leap of faith is reduced because you know you're going to get that minimum that's identified in that trigger. And we are required to build the other minimum. You know, 65,000 square feet. So there is enough teeth in the program to ensure that those get developed.

But, you know, there is a reasonable -- there is a certain amount of demand for the goods and services that has to occur for those to be viable and functioning.

And so, again, you know, that trigger -- I don't know when the developer will build all of the required commercial, but it could happen all at once, or it could be just the first phase that's required. The market will dictate that activity.

COMMISSIONER FRY: Thank you.

MR. MULHERE: Let's see. Where was I? We have committed to education for residents regarding living with wildlife, the wildlife human interface.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: I just want to address that last point. I just had a -- I was trying to figure out how to phrase my question. So let's say market conditions are such that the -- you know, the developer of the project just decides, well, we're only going to do 1,700 homes, and that's it. What is the minimum commercial, then, and when would that be required to go in?

MR. MULHERE: The minimum commercial is still 65,000 square feet, and they can't --

COMMISSIONER KLUCIK: Right. So at what point -- at some point is that triggered as being necessary to actually exist?

MR. KLATZKOW: This is --

COMMISSIONER KLUCIK: You know, obviously, we have a trigger. So, obviously, this is, you know, worst-case scenario kind of thing. So for whatever reason

you don't meet the -- you're not forced to have the 20,000 at 1,800 because you don't ever get 1,800. So what -- the reason it's an important question is because it's a concrete example of fleshing out what is the actual requirement.

CHAIRMAN FRYER: County Attorney?

COMMISSIONER KLUCIK: That's a problem with a lot of this stuff is it's very -- it seems to say something and then, you know, later on we looked at it and it doesn't say exactly what it seemed to say. And not anyone's fault, but this is our chance to flesh out what the seeming is and what the reality, you know, is under certain circumstances.

CHAIRMAN FRYER: Mr. Klatzkow?

MR. KLATZKOW: At the end of the day, this project's going to evolve over time. I have no doubt that they're going to be coming back in the decades to come to tweak this plan. The reality is that commercial will not go in there until there's enough residential to support it. The county has very little mechanisms to force the commercial in. I suppose we could stop issuing COs until the commercial was put in.

But to your point that, what if not enough homes sell? Well, you don't even have that. So that -- I would view this as just the initial stages of what this developer's going to look at -- look like, understanding that, Bob, what do you think, 30 years for buildout, more or less?

MR. MULHERE: No, less than that, I think. Based on the current market absorption, we estimate a 10- to 12-year buildout.

MR. KLATZKOW: Ten to 12 years. All right. So assuming no major recession again.

MR. MULHERE: Yeah.

MR. KLATZKOW: You know, ten to 12 years buildout. I have little doubt that the world's going to be different. And you've got a bunch of other developments going in; each and every one of them's going to affect the other. And I have no doubt they're going to be coming back and tweaking this as time goes on.

This is just the initial approval -- the initial vision of what this is going to look like, and how it ultimately develops is probably going to be just a little bit different.

CHAIRMAN FRYER: Mr. Mulhere.

MR. MULHERE: Okay. Thank you. It was user error. I've got this working. It was user error. So, again, just to show you the --

COMMISSIONER KLUCIK: I guess -- I'm sorry. I'm sorry. I don't -- I don't know as my question was answered.

I guess it was. What you're saying is the county doesn't have much of a mechanism of enforcement. You know, that's what the attorney has told us.

MR. KLATZKOW: No. What I'm saying is that -- what you're saying is that this is going to be cast in stone, and what happens if things don't develop as they are? What I'm telling you, this is not cast in stone. This is just the initial development approval. And my experience is that these things, from time to time, get revised. I cannot begin to tell you how many PUD --

COMMISSIONER KLUCIK: Right.

MR. KLATZKOW: I cannot begin to tell you how many PUD amendments I've sat through before this board over the years. It's just conditions change -- conditions change, and then we amend them.

COMMISSIONER KLUCIK: Right. And so the circumstance would be, you

know, in the scenario that I, you know, suggested, then that would be, hey, we're back. We're petitioning again. We have, you know, circumstances we didn't expect. You know, we're going to have 1,700 homes. We want to go ahead and change this maximum -- or minimum required commercial to, you know, whatever, whatever the number is, and that would be the process by which that would get addressed?

MR. MULHERE: That's correct. That would get addressed on behalf of the landowner through that process. But remember -- and I think someone mentioned it, or maybe you did, Mr. Klucik, there is a -- you know, these are requirements, so the county does have an enforcement mechanism to cause the requirements to be met, or at that point you say, well, we're not going to develop as many as we thought. We're going to come in and amend that and reduce that requirement. So one of those could occur, yes.

COMMISSIONER KLUCIK: I appreciate it. I realize I'm kind of asking theoretical questions but, like I said, I think, you know, based on what I've seen, it's better to think through these things now so that we know what we're approving and what we're not approving, and that's the genesis of, you know, why I'm asking.

MR. MULHERE: And I don't mind answering any questions. I appreciate it. Thank you.

COMMISSIONER FRY: Wouldn't it be safe to say that at some point residents, before they buy in these areas, which are very rural now, will -- it will be a factor in their buying decision whether they have proximity to goods and services that they need? So there will be natural market pressure to put in the commercial in order to support the sales? Am I --

MR. MULHERE: Well, I generally agree with that statement. Sales -- commercial amenities, those are things that buyers are attracted to, yes.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Just to that point, I will say in Ave Maria, for example, we had no grocery store for, you know, more than a year, and the master developer actually went in and they -- they -- you know, I don't know the details of it, but they actually subsidized Publix for years. They -- you know, they brought Publix in and they actually subsidized because they knew they wouldn't have the revenue for that exact reason, that people, you know, weren't interested in buying homes without some basic services such as groceries.

So I agree with you. I do think it, you know, generally will be an issue where the market, you know, dictates. The whole point of it is, though, that if you have -- if we're saying there's a minimum that you have to do is 60,000 and then the market conditions don't support the 60,000, then we have a dilemma where we have, you know, a project that we've approved that isn't meeting the requirement and, you know, you could say, well, let's enforce it, and that doesn't make sense or you could say, let's -- you know, the petitioner -- you know, they could come in with a petition to change it. And I just think it's worth thinking that through. And I -- and I think we are. I think we've thought it through, and I'm happy with, you know, the answers that I'm hearing.

MR. MULHERE: Thank you.

I did neglect to mention when I discussed the spine road that that's designed to be a -- really a linear park connecting amenities and open space and including a -- it has bike lanes on both sides of the road and a 10-foot multiuse pathway on one side. So that's

intended to function as a linear park -- a linear park.

I think I had said education for residents regarding living with wildlife and related to prescribed burns on the public lands that are proximate to us.

There's a significant reduction in water use when compared to the agricultural use on this property. Again, project will be served by central water and sewer, and that brings central water and sewer into -- partially into Eastern Collier County. And as I indicated, it's a mixed-use project, including the commercial, the civic, and a diversity of housing types.

This slide addresses connectivity, bikeability, and walkability. Villages are encouraged -- are designed to encourage that bike circulation through an interconnected street system with bike paths. There are bike paths on the spine road and a network of sidewalks on all of the roads. The darker lines here, you know, indicate all of the locations of sidewalks, and the yellow circles indicate pedestrian connections from the residential pods to the spine road. So everywhere that you see one of these yellow circles there is a connection.

The roadway connections are here and here and here, and there's a connection to the village center here and another connection to future Big Cypress there. So there are multiple connections to the external arterial roadways and interconnection to the village center.

COMMISSIONER FRY: Why no pedestrian connections in the upper section of the village?

MR. MULHERE: There are. You're talking these are all --

COMMISSIONER FRY: Well, there are no yellow circles in the upper --

MR. MULHERE: Yeah. I didn't mention. Those are for cul-de-sacs, yes. I apologize I wasn't clear on that.

So the cul-de-sacs, they allow pedestrian connection to that spine road. There will be a pedestrian connection to the spine road in all those locations. All of the amenity centers are accessed from the spine road.

This exhibit shows that all residents -- all residents are within a half a mile to a park and amenity center or a commercial center. There was a lot of discussion on walkability in previous projects, and this exhibit showing the concentric circles with the stars, those stars indicate the village center, the neighborhood general, goods and services commercial up off of Oil Well Road, as well as parks and amenities. And there is a pathway system connecting to all of those. So every single dwelling unit will be within a half a mile of one of those areas that someone will want to walk to or bike to.

We briefly went over this. The Stewardship Sending Areas, 14 and 17, presently those total 4,825 acres with a total base credit of 6,989.9 as well as an early-entry bonus that you can see on the screen. The total number of credits combined is 7,652.8. The diagram shows the location of the two Stewardship Sending Areas in proximity to Longwater.

And the required amount -- I think this was mentioned, before the required amount of -- in a Stewardship Receiving Area, presently you're required to consume eight credits per acre excluding any open space exceeds 35 percent and excluding other types of particular public benefit uses. We don't have any of those public benefit uses that would qualify for that acreage being excluded. We simply have excluded the open space above 35 percent as the SRA prescribes. So you've got 837 acres times eight; the villages

consumes 6,697 credits.

The RLSA in general and the Longwater Village in particular are good for the environment. As we've mentioned, there will be 4,825 acres preserved at no cost to the taxpayers. Juxtaposed, for example, by the Conservation Collier expenditures to date of 104 million on 4,400 acres, which is taxpayer money.

There is a creation and preservation of a wildlife corridor, which is very significant. This is Camp Keais Strand. It has multiple benefits in terms of wildlife but also in terms of a flowway, historic flowway, that allows water to move from north to south.

COMMISSIONER SCHMITT: Bob, for clarification?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: That is all flowway that was part of the original amendment -- Rural Lands Stewardship amendments, correct?

MR. MULHERE: Identified -- identified. So the way that the stewardship credits -- that you can generate stewardship credits is you are incentivized to protect lands in and adjacent to that flowway for both wildlife corridor benefit and for stormwater or rain flow -- water flow in its historic pattern. In these, there were two flowways; Okaloacoochee Slough and Camp Keais Strand.

COMMISSIONER SCHMITT: How many acres does that represent; do you know?

MR. MULHERE: Guess?

COMMISSIONER SCHMITT: Approximately.

MR. MULHERE: The answer appears to be a lot.

COMMISSIONER SCHMITT: A lot.

MR. MULHERE: Twelve acres? Twelve thousand? Yeah, no. I got that, yeah. It's thousands of acres.

COMMISSIONER SCHMITT: Okay.

MR. MULHERE: Let's see. There will also be approximately \$870,000 in funding generated to protect panthers and enhance wildlife habitat through the Florida Panther Protection Marinelli Fund. If you want details on that, you know, you can direct those questions to Passarella when they come up, but there was a program established by Paul Marinelli that Collier Enterprise participates in, and the estimate in terms of the contribution there is 870,000.

COMMISSIONER SCHMITT: And that is -- would be in addition to any PHUs that you would have to pay in regards to a federal review or --

MR. MULHERE: Yes, sir, that's above and beyond.

COMMISSIONER SCHMITT: Yeah, Panther Habitat Units, for those --

MR. MULHERE: The last two bullets I already mentioned, the preservation of the historic flowway, but it does warrant underscoring how important that is, and then the reduced water use, which, of course, is important.

COMMISSIONER SHEA: When you say "reduced water use," you're saying that the farm use, if they continued farming, would be in excess of the water consumed by the residents?

MR. MULHERE: Significantly in excess.

CHAIRMAN FRYER: I'm going to ask, respectfully, my colleagues, those of you who have signaling devices, please do use them. Thank you.

MR. MULHERE: Yes. The agricultural activities have consumptive-use permits

for water, consumptive-use permits that are issued by the Water Management District, and agricultural activities consume considerably more on a per-acre basis than residential. I'd have to let Dominic speak to the specifics of it because, you know, I don't know that, but I do know over years of practice that it's considerable.

MR. YOVANOVICH: About two-thirds less water.

MR. MULHERE: About two-thirds less water consumption. Thank you.

This is a slide that shows the RLSA village requirements and then the Longwater -- how it meets those requirements. I'll just go over them briefly. You can obviously see there's a green check next to each one. So, you know, the point is that we meet them, and I won't spend a lot of time. The size for villages is between 100 and 1,000 acres. This one is just under a thousand. It meets that requirement.

Density is 1 to 4. This is 2.6. Requires a diversity of housing types, and we have already put into the record that we are providing a diversity of housing: Types, styles, and lot sizes, at least three different housing styles/types.

There is a floor-area-ratio cap on retail and office in the village center. We'll be consistent with that. There is a floor area ratio -- if you don't know -- just for information. A floor area ratio is another way of limiting intensity of uses. So the .6 is multiplied times the number of acres, and that's a further limitation on how much building area you can place within either the village center or the other commercial parcels along Oil Well Road.

We've already discussed the minimum and maximum amounts of neighborhood goods and services and the civic uses. We've discussed the fact that there will be a -- you have to have utilities to serve an SRA. They can be private utilities or they can be public utilities, and in this case there has been an agreement entered into for Collier County to serve utilities.

We have committed to 21 acres at a minimum of parks and community green space. The requirement's 1 percent. That's about double that, a little more than double that, and that's a minimum.

We have over 200 acres of lakes. We exceed the open space considerably. The minimum would be 350. We have 512.5, which further drives the compactness of a village.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Bob, the utilities, the Board of County Commissioners, have they already approved the expansion of the water/sewer district?

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: And this will be -- you will also be connected to reuse water, then, from the --

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: So --

MR. MULHERE: I'm going to go over that. There is a requirement. The developer -- the landowner will require future developers to install the IQ water system, yeah.

COMMISSIONER KLUCIK: Can I -- Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. To just look at the item regarding the minimum 65 -- or 25 square feet in the village center --

MR. MULHERE: Yes.



COMMISSIONER KLUCIK: -- per dwelling.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: I think that kind of answers how it would all work out in the scenario that I was, you know, suggesting. You would use that number because that's -- that's the RLSA requirement that -- you know, the baseline that you have to meet.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: And then you would come back with a petition to say, well, we overshot, and now we're coming back, and whatever you came back with would have to have a minimum of 25 square feet.

MR. MULHERE: That's correct. There's no -- the only way to change those numbers, the minimum number of neighborhood goods and services and the minimum amount of civic, institutional, or government would be through an amendment process to the entire RLSA program, because those are required, as you pointed out, yes.

COMMISSIONER KLUCIK: Right, right.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: Okay. The horse is dead. I'm sorry. Carry on.

MR. MULHERE: That's okay.

Let's see. I'm just looking. Moderate range of civic services when compared to a town, for example. That's why the term "moderate" is used.

And an interconnected system of collector and local roads, which I've pointed out to you already, and an interconnected system of -- and sidewalks and pathways, bike lanes, which I've also pointed out.

I'm sorry, this is the -- this shows the example of the -- and this is, I think, the question partly that Mr. Schmitt was asking, the interlocal agreement with Collier County Water and Sewer District. They're going to provide water, sewer, and irrigation services to an agreed-upon delivery point, and then the district, the Big Cypress Stewardship District, will construct those water, wastewater, and irrigation lines between -- into Longwater and between Longwater and Rivergrass, and they will re -- the district will reimburse the landowners for the cost of upsizing those lines within Rivergrass and Longwater. And the landowner will require -- this is what I mentioned -- all developers to install IQ systems in -- for residential units within the village center.

The landowner will prepay water and sewer impact fees. The number is 350 ERCs. This is all part of that agreement. And the landowner will convey a five-acre utility site in exchange for impact credits if the Collier County Water and Sewer District requests that. That utility site replaces the location in Rivergrass that we had discussed then, so...

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: So, Bob, any -- all the irrigation will be -- all the irrigation water will be supplied by Collier County?

MR. MULHERE: Yes, initially. Yes, it will be supplied and -- yes.

COMMISSIONER SCHMITT: So there will be -- you're not going to have a private system consumptive-use permit and using --

MR. MULHERE: No.

COMMISSIONER SCHMITT: -- on-site irrigation?

MR. MULHERE: I'm checking with Pat so I don't say anything that's wrong, but no.

MR. KLATZKOW: You're not using the lake system for irrigation?

MR. MULHERE: No.

COMMISSIONER KLUCIK: Mr. Chairman? Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Can I ask you to go back to your previous slide?

MR. MULHERE: Sure.

COMMISSIONER KLUCIK: Just regarding the public parks -- or the parks and public green space. Now, is that -- who's going to be owning and operating that, and what is the actual definition of that?

MR. MULHERE: So those are not public parks. Those are the landowner -- those will be owned by the landowner.

COMMISSIONER KLUCIK: Well, public green space, what does that mean?

MR. MULHERE: It means accessible to the residents of the village.

COMMISSIONER KLUCIK: Okay. So privately owned but parklike environment?

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: Got it.

MR. MULHERE: There are -- there are other requirements in the SRA. They don't apply to the village. And those, I think, will probably be discussed later, Mr. Klucik, in the -- on the agenda.

COMMISSIONER KLUCIK: Okay. Thank you.

MR. MULHERE: Yep. I think the last thing I was on was that the landowner has the responsibility to build the water, sewer, and irrigation facilities within Longwater at their expense, and then, ultimately, those will be inspected and turned over to county standards to the water and sewer district.

There is a commitment for a further extension as part of Longwater, for further extension of the Big Cypress Parkway, and that's shown in purple. That's 1.86 miles of right-of-way which is to be conveyed within 180 days of approval of the Longwater SRA. You can see the pink that was part of a condition of Rivergrass, and then the purple just below it.

Rivergrass -- excuse me. Longwater is required to provide a connection between Longwater and Rivergrass, and that is shown on the exhibit in this location.

And that concludes my presentation. If you have any further questions, I'll answer them, and then --

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Question on that connection. Will that be some kind of an overpass over the flowway or --

MR. MULHERE: No. I don't know if I'd call it an overpass, but elevated.

COMMISSIONER SCHMITT: Elevated.

MR. MULHERE: It will be a wildlife crossing.

COMMISSIONER SCHMITT: That's a wildlife crossing as well. Okay. Thank you.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Fry, then Commissioner Klucik.

COMMISSIONER FRY: Bob, what will be the purpose of this interconnection? Who will have access to it, and what will the purpose be?

MR. MULHERE: Yeah. That's to provide interconnection between Longwater and Rivergrass that was discussed during the Rivergrass hearing, and the commitment was made. So it's for the residents to move between the two villages.

COMMISSIONER FRY: And what would a resident of --

MR. MULHERE: Village center.

COMMISSIONER FRY: Just to access the village center of the other development?

MR. MULHERE: Yes. Yes.

Let me just minimize this and bring up Passarella's presentation.

CHAIRMAN FRYER: We're going to take a break before we --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner. I'm sorry.

COMMISSIONER KLUCIK: Yes. So back to the road. So the road -- that particular road, that connector, and in general, which of the roads are going to be, you know, bond funded, you know, and end up as public roads -- publicly owned roads, I guess I should say?

MR. YOVANOVICH: Mr. Klucik, this is Rich Yovanovich. I don't think we've decided yet how we're going to fund the roads, so I can't answer you right now what will be bond funded or what will be developer funded at this time.

COMMISSIONER KLUCIK: Okay. So, I mean, it could be nothing, it could be everything? It's just -- you guys are working -- you guys are going -- the developer is ultimately going to decide, and that really doesn't matter. The petition --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: -- one way or the other?

MR. YOVANOVICH: Correct, correct. The financing is not an SRA decision.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Due to the -- do you want to quick --

COMMISSIONER FRY: Quick question. I was under the impression from our discussions at these that this was a gated PUD, so only accessible to the residents. So I guess that last question, wouldn't it -- wouldn't that dictate that these roads would be privately --

MR. MULHERE: Yes, yes.

COMMISSIONER FRY: -- owned, and not bond funded and not --

MR. MULHERE: Well, I don't know bond funding, but they're not open to the public.

MR. YOVANOVICH: Mr. Fry, that's a -- that's a complicated question as to the financing of the roads and the accessibility of the roads. I'll give you an example, Mr. Schmitt. Fiddler's Creek, I understand, may have used CDD bond financing for the construction of their roads, but they have gates. So they use that to check people's IDs and other things, but they cannot prohibit you from going and using those roads if you wanted to. So they could be financed through bonds but still have a gate on them.

COMMISSIONER FRY: But if they were financed through bonds, I, as a person living outside the community, could go to the gate --

MR. YOVANOVICH: Say "let me in."

COMMISSIONER FRY: -- and go through and drive around within?

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: It's 26 minutes after 10:00. We will stand in recess until 10:40.

(A brief recess was had from 10:26 a.m. to 10:40 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please. Turn that back to the applicant, please.

MS. SAMBORSKI: Hello. For the record, Heather Samborski, senior ecologist with Passarella & Associates. And for my presentation I'm going to give an overview of the Natural Resource Index assessment methodology and the specific assessment that we provided in support of the Longwater SRA.

CHAIRMAN FRYER: Ma'am, may I ask you to spell your name, please, your last name.

MS. SAMBORSKI: My last name, sure. S-a, m as in Michael, b-o-r-s-k-i.

CHAIRMAN FRYER: Thank you very much.

MS. SAMBORSKI: Yeah, no problem.

CHAIRMAN FRYER: Please proceed when ready.

MS. SAMBORSKI: All right. So the Rural Lands Stewardship Area is comprised of areas designated as open which, in the graphic here, are the areas in beige; areas designated as Flowway Stewardship Areas, or FSAs, and those are natural wetland areas that are located within Camp Keais Strand in the Okaloacoochee Slough that convey water through the Rural Lands Stewardship Area, and those are shown in blue here on this image; and Habitat Stewardship Areas, or SSAs -- or HSAs, I'm sorry, which are natural areas that have been identified to support listed species; and Water Retention Areas, or WRAs, which are areas that have been permitted by the Water Management District to serve agricultural uses as reservoirs and retention areas.

And within the Rural Lands Stewardship Area there are areas to be designated as Stewardship Receiving Areas, or SRAs, which is what the application before you today is, and those are to be designated within the open areas, and then Stewardship Sending Areas, or SSAs, are to be designated within the FSA, HSA, and WRA areas, and those generate credits to entitle the development of SRAs.

And for both an SSA and an SRA application, a Natural Resource Index assessment needs to be prepared and submitted in support of that application. The NRI assessment includes documentation that refines the NRI values that were assigned during the original Collier County Rural Lands Stewardship Area assessment study, and this assessment is a Geographic Information System or GIS analysis where resource values are calculated for every acre in the study area using what's called a Raster model. And these Raster models use one-acre grid cells that are overlaid across the entire site, and there is a score generated for each of these one-acre cells for each of the six Natural Resource Index factors.

For SRAs, lands greater than one acre with an NRI score above a 1.2 shall be retained in a natural state, and the NRI assessment methodology is outlined specifically in the LDC and has already been used to establish the Ave Maria SRA and 16 Stewardship Sending Areas with others also under review.

This slide here is Attachment A from the Growth Management Plan. The top

portion of this slide on the table is for the credit generation of SSAs; however, the area in the green box outlines each of the six Natural Resource Index factors and provides the scoring rubric, if you will, for the NRI assessment.

So the first Natural Resource Index factor is the stewardship overlay designation. The data source that is used for this layer is the Collier County stewardship areas. That is the layer that includes the FSA, HSAs, and WRA areas.

And so for the scoring for this layer of the Natural Resource Index assessment, each one-acre cell is analyzed and determined if it is within -- or contains an FSA, in which case it would generate a score of .7, an HSA or a WRA generates a score of .6, areas of critical concern generate a score of .4, and areas that have none of the above generate a zero score of 0.

So for the case of Longwater, the entire site does not contain any FSA, HSA, WRA, or areas of critical concern.

And for this presentation, we've included an example cell right there, and I'll carry that through the model so you can see and demonstrate how the final score is calculated.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Would it be fair to say that the reason that what you just said is true regarding that none of those areas are in Longwater is because it's incentivized, and so in this case the RLSA scheme, the good meaning of the word "scheme," the framework, actually accomplished something good by incentivizing the selection of the site so it wouldn't have these areas, those designations?

MS. SAMBORSKI: Yes, that's correct. And the reason this is included is because the same methodology is used for both an SRA or an SSA. So regardless, it's scored either way for either Natural Resource Index assessment. But that is correct. That's why the entire site receives a score of zero for this layer of the model.

COMMISSIONER KLUCIK: Thank you.

MS. SAMBORSKI: Yeah.

So the next Natural Resource Index factor is the proximity index. This also uses the Collier County stewardship areas as the data source. And for this layer, we look at each one-acre cell and determine if it's enclosed by an FSA, HSA, or WRA, in which case it would generate a score of .4, within 300 feet of FSA or HSA generates a score of .3, and within 300 feet of a public or private preserve land generates a score of .2; cells with none of these conditions generates a score of zero.

So for Longwater, the majority of the site receives a score of zero. You can see up on the top, the northeast corner there, there are some cells that generated a score of .3. Those are areas that are located adjacent to SSA 15 and contain FSA and HSA. So those areas generated a score of .3, and the one-acre example cell generated a score of zero.

The Natural Resource Index factor is a listed species habitat index. And there are multiple data sources that are incorporated into this layer of the model.

For Longwater, we incorporated habitat mapping, in this case, FLUCCS mapping, which stands for Florida Land Use Cover Forms and Classification System. We use our FLUCCS mapping that we went onto the site and ground truthed and verified. The original model used aerial interpreted mapping. So the mapping we've provided for Longwater is more accurate and updated from the original model.

And this FLUCCS mapping has been reviewed by county staff. They have been in

the field. They have seen and verified our FLUCCS mapping. We also included the results of our listed species surveys. We have surveyed this location and areas around it many times over the years including, from March to November of 2007, May through June of 2014, October 2016, and August and November of 2019.

And the listed species survey reports that we generated are also reviewed by county staff as well as the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

In addition to the general listed species surveys, we've also conducted species specific services on this property for species such as the Red-cockaded woodpecker, crested caracara, Everglades mink, and Southeastern American Kestrel, and the results from those surveys are also included into this assessment.

We also include documented occurrences that are recorded by FWC and U.S. Fish and Wildlife Service, and that includes updated panther telemetry data, which we included new and updated data that's current through 2019.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So in your efforts to ground truth your numbers, what exactly did you do? And I'm -- with specific attention to panthers, because that's an area of controversy in this project, and the crested caracara where there was a report of a nest observed and some restrictions on what you can do within a certain perimeter of that nest.

MS. SAMBORSKI: Right. So for the listed species surveys, we have a specific methodology that's been approved by FWC. We have ecologists out there who walk transects along the site and look for signs of any listed species or direct observations of listed species.

COMMISSIONER FRY: During the day?

MS. SAMBORSKI: Yes. During the day, yep. And same thing for the crested caracara; there is a specific methodology that's been approved by the U.S. Fish and Wildlife Service. So we follow their protocol. And for that specific survey, we conduct that -- about a half hour before sunrise is when we start that survey in accordance to their methodology.

COMMISSIONER FRY: Thank you.

MS. SAMBORSKI: Yep. So the scoring for this Natural Resource Index factor looks at each of the one-acre cells and determines if it's within panther occupied habitat plus another listed species, which generates a score of .8, panther-occupied habitat alone without another species generates a score of .5, and occupied habitat by another listed species generates a score of .4. None of the above generates a score of zero.

Now, it's important to note that the LDC has specific language about what occupied habitat means, and it says that index values are based on documentation of occupied habitat as established by the intersect of documented and verifiable observations of listed species with land cover identified as preferred or tolerated habitat for that species.

So what this means is just the observation of a listed species is not enough to generate a score. It also has to fall within a FLUCCS code that has already been determined to be a preferred or tolerated habitat for that specific species.

And for the case of the Florida panther, the LDC actually goes so far as to specifically call out which FLUCCS codes are considered preferred or tolerated habitat, and those are listed here on the screen for you.

So for Longwater, the majority of the site did receive a score of zero, and that is

because the majority of the site is designated as row crops, which is not considered preferred or tolerated habitat for a majority of species. You can see where that -- our one-acre cell is. That falls within an area that generated a score of .4. That is because there was an observation of a crested caracara in that location that fell within habitat designated as pasture land, which is considered preferred or tolerated for the caracara.

The next Natural Resource Index factor is the soils and surface water index. The data source used for this comes from the U.S. Department of Agriculture's Natural Resource Conservation Service, or NRCS soils. And the values are assigned based upon soil types classified using the Natural Soils Landscape Positions, or NSLP categories.

And those categories are listed here going from the wettest condition to the driest condition, so starting with open water in muck depression soils which generate a score of .4; sand depression soils generate a score of .3; flats transitional soils generate a score of .2; and non-hydric soils generate a score of zero.

So for Longwater, we have a mix of non-hydric transitional soils and depressional soils.

So the scores for this particular index factor range from 0 to .3, and in the case of the one-acre example cell, it generated a score of .2.

The next index factor is the restoration potential indice. The LDC states that the restoration potential index is assigned during the SSA designation process if appropriate, and credit adjustments are made at that time. Since this NRI assessment was for an SRA, there were no credit adjustments made for this particular Natural Resource Index factor.

And the final Natural Resource Index factor is the land use, land cover indice. Again, the data source used for this index factor is the FLUCCS mapping that was conducted by Passarella & Associates. And the scoring groups the habitat types into different groupings. So Group 1 generally consists of native wetlands and generates a score of .4, Group 2 consist of native uplands and generates a score of .3, Group 3 is -- consists of agricultural habitat types and generates a score of .2, and all other habitat types fall within Group 4 and generate a score of zero.

Again, the LDC has very specific FLUCCS codes that has listed within each of these groups any FLUCCS codes that weren't specifically called out in the LDC as belonging to Groups 1, 2, or 3 are included into Group 4.

So the majority of the Longwater SRA boundary received a score of .2, as the majority of the site contains agricultural codes. The case of the one-acre example cell there, that is a -- that's the pasture land which has a FLUCCS code of 210, which is not specifically included into Group 3; therefore, it was included into Group 4 and received a score of zero.

So the final Natural Resource Index score is determined by summing the scores for each of these Natural Resource Index factors with the outcome of the final model showing the overall weighted sum.

So in the case of the one-acre example cell, we have the -- the scores that were generated were a zero for the stewardship overlay designation, a zero for proximity indices, a .4 for the listed species habitat indices, a .2 for soils and surface water, and a 0 for the land use land cover, giving a final NRI score for that cell of .6.

So this map illustrates the total distribution of the NRI scores for Longwater. It is a little bit difficult on the screen to sometimes tell the difference between those darker shades of blue. So we've included some additional labels for clarification.

So you can see the majority of the site does receive a score of .7 or less, but there are four cells that do score above a 1.2, and those are located on the southern portion of the site. Right there. And this table shows the distribution of the NRI values and the cell counts and total acreages and, again, we have one cell or one acre that generated a score of 1.4 and three that generated a score of 1.5.

So these four NRI cells scored above a 1.2 and are comprised of a remnant cypress wetland that's surrounded by pasture land.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I'm curious. We talk about the NRI score in the SRA. What's a typical range of NRI scores in the protected areas, the WSAs [sic], the HSAs, FSAs? Are they all above 1.2 or --

MS. SAMBORSKI: Generally -- generally speaking.

COMMISSIONER FRY: Generally they are. So we've drawn a line that says, above 1.2 is an environmentally valuable piece of property, and below 1.2 is less so?

MS. SAMBORSKI: Correct, yes.

CHAIRMAN FRYER: I'd like to follow up on that, if I could, ma'am. SSA 17, which goes around and about the periphery of a large part of this development, how much of that is currently being used as agricultural?

MS. SAMBORSKI: To my knowledge, the entire area of 17 currently serves as an agricultural reservoir right now.

CHAIRMAN FRYER: I see, okay. And it's fair to say, then, that in the case of panthers, they're less inclined to want to be in agricultural areas; is that also a fair statement?

MS. SAMBORSKI: That is what the literature indicates is that panthers are less likely to use farm fields and agricultural areas.

CHAIRMAN FRYER: Okay. Thank you.

MS. SAMBORSKI: So for these four cells that generated a score above 1.2, they generated a score above zero for three of the six Natural Resource Index factors. That includes the land use land cover index. This area is within FLUCCS Code 621. It's a cypress wetland, so it falls within Group 1 and receives a score of .4. Under the soils and surface water index, we have a combination of both transitional and depressional soils in this location. So the one cell that received a score of 1.4 had transitional soils and received a score of .2, and the three cells with a score of 1.5 had depressional soils and received a score .3 for that index factor.

Under the listed species habitat index, this is a location with a documented occurrence of panther within a preferred or tolerated habitat type as well as the documentation of another listed species. So all four of these cells generated a score of .8.

So you can see the calculation falls out as .4 plus .2 or .3, plus .8, gives you the 1.4 or the 1.5 NRI score for these areas.

And the LDC states that lands within an SRA greater than one acre with an index value above 1.2 shall be retained as open space and maintained in a predominantly natural state. And as Bob had already indicated, that is the intention for this location within the SRA.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So you are protecting four acres, you're preserving four acres, and part of the reason for that is that listed species were found on part of that but yet



it becomes an island completely surrounded by development. So what -- what does that do? Doesn't that effectively eradicate the potential for that listed species to remain there?

MS. SAMBORSKI: That -- that's true. It would be unlikely that a panther would continue to be using that remnant cypress wetland once the development is around it, but the NRI assessment looking at the value as it currently is today and makes that determination rather than what it would look like after development occurs.

COMMISSIONER FRY: Is there any buffer being left around those four acres to -- you know, as a perimeter, as transitional area between this cypress wetland and the development? Or is that probably not a question for you?

MS. SAMBORSKI: That I'm not sure.

COMMISSIONER FRY: It's not urgent. I'll just maybe speak to it later.

MS. SAMBORSKI: Yeah. We'll look into that.

COMMISSIONER FRY: Thank you.

MS. SAMBORSKI: And while I'm up here, I just wanted to touch on a couple items related to how the RLSA is beneficial and touch on some of the comments that were within the letter that you received from the refuge.

So there was a suggestion that there was no longer going to be any hydrologic restoration proposed in association with these villages. Actually, SSA 14 and SSA 15 both have restoration plans that have been established and reviewed by county staff which include hydrologic restoration through the removal of an old farm road as well as farm field restoration, which will include grading and planting of wetland vegetation. And those are significant, as these areas are part of Camp Keais Strand and feed into Camp Keais Strand, so it will improve hydrology in that area.

The other item that I wanted to touch on is the applicant has already committed to including language in the HOA documents that explain that prescribed burning is a mechanism that will be used in the region and explain the benefits that prescribed burning does provide. So that's it.

CHAIRMAN FRYER: Thank you, Ms. Samborski.

MR. TREBILCOCK: Good morning. For the record, Norman Trebilcock, professional engineer. I'm a certified planner, and my firm prepared the Traffic Impact Statement and traffic analysis for the project SRA, and I plan to review that, the traffic analysis overview in terms of following the county's standards, the trip generation distribution, level-of-service impacts to the road network, intersection operational analysis we performed, planning for the future, and then conclusions for that.

The distribution, internal capture was agreed upon with staff as part of our methodology coordinated using the 2019 AUIR. Our traffic analysis was completed in August of last year, as well as in terms of the traffic product.

The ITE trip generation is used, latest addition, to generate the traffic, background traffic from the AUIR, using the 2 percent minimum growth trip bank, whichever is greater for the level-of-service analysis as well, using the five-year work program, also used the 2040 to look at levels -- improvements beyond, up to the buildout period that we looked at. In terms of the planning horizon we used was 2030 for the project, improvements that would exist in the background at that time. And we also looked at the one-cent sales tax improvement projects as well as agreed upon with staff.

So the impacts to the roadway links and intersections are evaluated based on applying our project traffic on the individual road network links in the future.

In terms of the traffic analysis and how we look at things from a traffic standpoint, we have 1,503 single-family units, and in terms of the multifamily from a traffic standpoint, an attached villa, apartments and townhomes and condominium are looked at as multifamily from a trip generation standpoint, and then we looked at the institutional and the commercial as well.

So that -- we used that, the trip generation. We look at the internal capture, pass-by traffic, and come out with the net external traffic of 2,078 at buildout, and that's the number you see in the lower-hand corner there.

CHAIRMAN FRYER: Peak p.m.?

MR. TREBILCOCK: Yes, that's p.m. We also had -- we also provide, for informational purposes, daily and a.m. trips. But peak p.m. per the AUIR is the peak period to look at. So we're looking at what we'd call the worst-case scenario in terms of trip generation.

So we also did our trip generation and distribution around the county. Also, I have added a couple links to the west, just west of Logan. There was commentary and concern about making sure we look at areas of -- where significance has dropped off, and that -- that was affirmed, and that was confirmed when we were looking at the methodology as well in terms of the extent of the areas we look at.

CHAIRMAN FRYER: Mr. Trebilcock?

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Does the concept of persons per household enter into your calculations?

MR. TREBILCOCK: No, sir. The analysis is based on using the ITE trip generation of single-family homes have a typical trip generation, and it's not based on specifically the occupancy. It's just based on the land use.

CHAIRMAN FRYER: Thank you.

MR. TREBILCOCK: Yes, sir. Then we translate that distribution map of percentages into p.m. peak hour, and for the project here we did distinguish between commercial and residential traffic as well in the analysis.

In terms of the traffic impacts, the roadway segments, in the 2030 analysis in terms of roads adversely [sic] solely by the Longwater project, Randall Boulevard from Everglades to DeSoto, and so the project fair share for that from a construction cost estimate was .7 million. Roadway impact fees collected by the project is 17.7 million.

This is a consistency analysis that we do for the SRA. What will happen is as the project is subject to concurrency as plats and Site Development Plans are approved -- so as we develop, concurrency is checked to make sure that there's adequate and sufficient capacity of the system. So specifically for the adversely impacted, the mitigation is specifically the payment of the impact fees for the project that would cover that.

In terms of site access that has been discussed and mentioned, we would have main access off Oil Well Road. That would be a full median opening. We also have an interconnect to Rivergrass as well. And then we would have a couple access points -- well, we'd have an access directly down to the south there, and then also a secondary one for the commercial for -- to Big Cypress Parkway as well.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Quick question on the impact fees, the 17 million.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SHEA: When is that paid?

MR. TREBILCOCK: Okay. That's paid as building permits are issued for the project.

COMMISSIONER SHEA: So if they don't build out, they don't -- we don't get \$17 million.

MR. TREBILCOCK: Right. You --

COMMISSIONER SHEA: That's all supposing that they meet their plan.

MR. TREBILCOCK: Yes, sir. And -- but you do get for what is being built as far as that goes. So in other words, if I build a home, I'm paying for that home in terms of impact fees, yes.

COMMISSIONER SHEA: Correct. But my point is, we build the infrastructure in anticipation, and if it doesn't happen, the taxpayers end up footing the bill for the unused infrastructure?

MR. TREBILCOCK: Well --

COMMISSIONER SHEA: Yes.

MR. TREBILCOCK: -- staff could probably speak well to that. I mean, the staff does have a plan and a concurrency plan, and this does help fund those improvements, yes.

All access is managed by the access management spacing criteria. That's what we follow when we have that.

In the intersection operational analysis, we did look at eight different intersections, and we looked at the conditions. The existing conditions at the time was in 2019 we did actual counts. We looked at 2030 without the project, 2030 without the project but with committed improvements that the county is planning in place, and then we also looked at with the project -- with the project without any improvement, and then we look at improvements that we needed to make to make sure we had satisfactory conditions.

And so in our intersection improvements, we looked at some -- as I said, the future committed improvements the county's looking at doing, and then also that we need to address as well, and that's identified.

Ultimately, in terms of these improvements, we're looking in terms of as a fair share about \$620,000 of improvements that we would commit to, and those actually get paid within a time frame of things. So that gets paid up front in terms of those improvements.

This is just one of the improvements that the county is planning there at Randall and Immokalee. Also, you know, in looking at the future, and a key point is the network out there and what we're looking at, and the significance of the Big Cypress Parkway and what that means in terms of underpinning and establishing somewhat what I call an arterial type grid network that's important for the area as well, and that's been identified, and the Board had approved that plan and concept.

In terms of planning --

CHAIRMAN FRYER: To what degree, Mr. Trebilcock --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: -- is this developer absorbing the cost of new traffic on the roadways in addition to intersections?

MR. TREBILCOCK: So the impact fees is a key area that we would plan to pay for improvements of traffic for our project. In addition -- and I was going to get into it here in terms of planning for future as well that I believe helps.

CHAIRMAN FRYER: Impact fees are calculated not based upon persons per household, are they?

MR. TREBILCOCK: No, sir. It's based on traffic. It's based on traffic analysis as based -- and, again, staff can probably help explain that.

CHAIRMAN FRYER: Yeah. But traffic is not based on persons per household either.

MR. TREBILCOCK: Traffic -- traffic analysis and trip generation is based on -- we use the ITE trip generation criteria, which can vary, but for residential it would be based on a single-family home or different types of multifamily homes, and then it takes the commercial. It's based on square footages, so...

CHAIRMAN FRYER: Big Cypress Parkway, to what extent, if any is, the developer contributing toward the cost of that?

MR. YOVANOVICH: To the extent that impact fee dollars will be utilized to construct Big Cypress Parkway, our impact fees dollars will go to paying that. We're not relying on Big Cypress Parkway for access to our villages. It's not necessary for our villages to function. The transportation analysis didn't assume any of that Big Cypress Parkway for the villages to be able to go forward; however, our impact fee dollars will go to all of the necessary roads. I don't think that I could say that \$6 of the impact fees goes this road, \$200 goes that road. But there's an overall impact fee assessed to our project based upon our impact on the transportation network.

CHAIRMAN FRYER: Back in November, November 1 of 2018, the Deputy County Manager wrote a letter to Collier Enterprises that stated, quote, the SRA is responsible for providing roadways that connect and serve the areas development pods. In basic terms, the Big Cypress Parkway is a required facility for the RLW. Now, that's back when it was part of a town. But since it's now three contiguous villages, is that -- would that be different under these circumstances?

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Why so?

MR. YOVANOVICH: Well, you could see our access points. We access Oil Well Road for Longwater -- and I always mess this one up. I think it's 18th --

MR. TREBILCOCK: Yes.

MR. YOVANOVICH: -- am I right? Eighteenth is our other access point that takes us to the west. Those are our access points for the village, for Longwater.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: We're not relying on -- we're not relying on Big Cypress whatsoever for access to Longwater.

CHAIRMAN FRYER: Okay. Thank you.

MR. TREBILCOCK: Thank you.

In terms of planning for the future, though, what this project does is it really establishes an efficient framework for Big Cypress Parkway to be developed, providing a right-of-way reservation and ability to acquire that right-of-way, and it's -- this segment of Longwater brings it down to 1.9 miles.

And so what that would establish, though -- it would give us connectivity in combination with the Rivergrass from Vanderbilt Beach Road to Immokalee Road, nearly 10 miles, which really helps establish an arterial grid.

And as a comparison in terms of thinking about a similar type road, what it does, is

Airport Road is about 10 miles from U.S. 41 up to Immokalee Road. So that's -- that can be significant in terms of establishing right-of-way for the community.

So the project also will provide the right-of-way and the stormwater management treatment for the future Big Cypress Parkway along the west boundary of the project, and it will be developed as either a four- or six-lane facility, but that's --

CHAIRMAN FRYER: So the developer is selling the right-of-way to the county?

MR. TREBILCOCK: Yes, sir. At an agreed upon -- really kind of pre-zoning type price. Very similar to other developments that we've had in the past. You know, Pelican Marsh would be a good example where Vanderbilt Beach Road right-of-way was provided by the developer, and the county purchased that at a pre-zoning price. But the key is is you establish that right-of-way, you also establish -- the key is you're establishing a roadway that has access management control that's significant versus when you look at some of these other adjacent roads that are going to need to be expanded, you have all these individual driveways that don't meet access management or anything. So this is -- this is key in terms of looking at the long future for the county to establish this. You know, very similar to the access management controls we have on Livingston Road versus other roads that are much more congested with driveways. So it's significant.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Norm --

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRY: -- Rivergrass, I think, offered a similar program to sell the right-of-way to the county at an agreed-upon price.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRY: There was a significant amount of roadway north of Rivergrass that wasn't part of that plan to get to Immokalee Road, correct?

MR. TREBILCOCK: Yes.

COMMISSIONER FRY: I understand that's covered in this overall plan somehow, but can you please clarify that.

MR. TREBILCOCK: So -- yes, that's -- and the agreement -- the agreement does cover that, and those areas --

COMMISSIONER FRY: The Longwater agreement?

MR. TREBILCOCK: No, the Rivergrass agreement.

COMMISSIONER FRY: Did cover --

MR. YOVANOVICH: There's -- there was a companion item to the Rivergrass Village, it was a landowner agreement, and that landowner agreement contemplated the three villages. If the three villages were approved, you would essentially have Big Cypress Parkway from Immokalee Road all the way south, the right-of-way, set aside, as well as accommodating water management all the way south to the --

MR. TREBILCOCK: You have Randall at --

MR. YOVANOVICH: Sixth, to 6th, okay. Which would allow for interconnection with Golden Gate Boulevard and future Vanderbilt Beach Road.

So there is an extensive commitment from the developer to set aside that right-of-way for the county to acquire for Big Cypress Parkway, which one of the benefits of that was reduce the need to expand the width of Everglades and DeSoto Boulevards, which have extensive number of driveways connecting to those roads. So this was a far better alternative for moving people in that area as part of that program. So there's a

landowner agreement that addresses that, and this is -- this is implementing part of that landowner agreement.

COMMISSIONER FRY: Is the vision that Big Cypress would someday go even further south, perhaps all the way down to I-75 or --

MR. YOVANOVICH: I have no idea what people's future visions are or prognostication. Who knows -- who knows where that ultimately will be? And I think that probably depends on who you are and whose vision it is.

COMMISSIONER FRY: The developer agreement is signed, has been approved?

MR. YOVANOVICH: It's signed and recorded.

COMMISSIONER FRY: Thank you.

MR. TREBILCOCK: In conclusion, based on the results, the project is -- it is a significant traffic generator for the roadway network at this location. The data shows where we have an adverse impact, and the project is subject to concurrency as plats and Site Development Plans are approved as well.

Planned county funding will address some significant facilities as well in the area, Vanderbilt Beach Road, Oil Well Road widening, and Randall Boulevard improvements, too.

On access points for the community, those would be improvements that we make as part of what we call site improvements, and that's 100 percent on us to make any of those improvements as part of that. We do have the trip cap, as was mentioned as well.

And then we take care of the intersection improvements as part of mitigation, and that gets paid as an early-on item, too. There's a specific time that has to be paid.

And then, again, for Big Cypress Parkway, we mentioned that. And also, the impact fees is the key thing in terms of \$17.7 million that's estimated from the project when it's completed.

So with that, I'm available to answer questions, or we move to our next speaker as well. Rich.

CHAIRMAN FRYER: Mr. Trebilcock, did you -- you also created peak p.m. for Rivergrass and for Bellmar, correct?

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Would you refresh my recollection and tell me what those numbers are.

MR. TREBILCOCK: Well, I was probably smarter then than I am now. I don't have those right off the top of my head.

CHAIRMAN FRYER: They were roughly the same, were they not, around 2,000?

MR. TREBILCOCK: I think -- let me see. Rivergrass, I thought it was -- I'm thinking 1,978, but somewhere in the 2,000 range, and then I have Bellmar, but it's a few seats back there, so --

CHAIRMAN FRYER: Right.

MR. TREBILCOCK: -- it's over 2,000, yes.

CHAIRMAN FRYER: So these three projects have got buildout dates of approximately the same time, and they will produce an additional, roughly, 6,000 peak p.m. trips; is that a fair statement?

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

MR. TREBILCOCK: Yes, sir.

MR. YOVANOVICH: If there are no further questions for Mr. -- you do?

CHAIRMAN FRYER: No, we have got two. Commissioner Shea.

COMMISSIONER SHEA: Just along the lines of where you're going, where I think we were heading is, so when you did your analysis, you didn't superimpose what's happening with Hyde Park, Rivergrass, Bellmar in terms of the -- they weren't considered in your analysis because they're not, I guess, at the stage that they're recorded.

MR. TREBILCOCK: Right. For our -- so for consistency, the way it's presented is consistent with the methodology with the county. We did provide some accumulation information that staff has evaluated, and I guess they can present and talk about that, but --

COMMISSIONER SHEA: So staff would be the ones looking at the cumulative impact of the developments?

MR. TREBILCOCK: Yes.

CHAIRMAN FRYER: Commissioner Fry?

MR. YOVANOVICH: And if I may, Mr. Shea, just -- there's a difference between consistency and concurrency. When we get to the concurrency level, that's when you're going to -- you're going to evaluate what are the real impacts of what's on the road system as things are actually getting built, and at that point, if something shows up as an issue during concurrency, it has to be addressed. Consistency you don't go to that level of detail. Concurrency you do. Because then you have projects that are actually generating the traffic and impacting the transportation system. So there's multiple reviews throughout the process for transportation impacts.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So your internal -- you had some internal capture ratio in there.

MR. TREBILCOCK: Yes.

COMMISSIONER FRY: But as we discussed earlier, there really -- that number is really zero for a period of time until commercial is built, correct? The internal capture is because of losing the necessity of travel outside for commercial services?

MR. TREBILCOCK: Correct. In our -- if you look at just the residential component of the development, if that built out without any commercial, it would be under the trip cap as well, but the idea is to have some internal capture. We're pretty conservative in terms of the amount of internal capture. I believe -- in my opinion and belief, it's on the lower side. Quite frankly, the interconnection between the two communities, we didn't discount further that [sic] we really could.

So I believe from a trip generation standpoint, the numbers that we're projecting are higher than, in fact, what's going to occur. And we're not -- again, we're not also subtracting -- you know, when this -- everything does get built in terms of when you think about the mono development of residential of the Estates having VMT benefits of this, and that was always understood in terms of reduce vehicles miles traveled, because they're going to come to this commercial area; that's important. And then the synergy that gets created between the different commercial areas that you become -- you know, you create these areas of attraction to then reduce trips. I mean, that's the whole concept behind this really, a big part of it.

COMMISSIONER FRY: And you've reminded me that your trip counts include the commercial --

MR. TREBILCOCK: Yes.

COMMISSIONER FRY: -- even -- and I'm talking about a scenario where there is no commercial, but the commercial generates more traffic than the residential on average, correct?

MR. TREBILCOCK: Correct. It tends to be what we call an attractor, as opposed -- you know, as opposed to a generator. I mean, a home, you generate trips from your house. As a commercial, you're hoping to attract folks to come to your business, and ideally what you like to do is attract those residences maybe in the Estates area that are going way into town. Let's have them come to our village commercial. And, again, that's part of the reason of the location of it like that, to be more attractive to folks as well. So it's in the planning as well.

COMMISSIONER FRY: But you're -- I think you've answered my question --

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRY: -- which is, would we be creating an overload situation if we built all those homes without the commercial, but the answer really is no.

MR. TREBILCOCK: No.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: When you look at the impact of each of these villages on existing traffic, background traffic, what do you consider to be background traffic?

MR. TREBILCOCK: So the background traffic is the traffic that is provided by the county in the AUIR in terms of the traffic that exists there on the road network that's monitored. And then the county monitors that every year. So that's the key with the concurrency issue, because you look at how things truly evolve versus what we're just stating in the study, so that way you apply it specifically each year.

CHAIRMAN FRYER: When you look at the impact of, say, Longwater, would you consider the impact of Rivergrass as part of the background?

MR. TREBILCOCK: We use the background traffic that's provided to us in the AUIR.

CHAIRMAN FRYER: Well, help me, though. Is Rivergrass part of the background traffic when you look at Longwater?

MR. TREBILCOCK: It's probably better to have that from staff, because they're the ones that actually create the AUIR document that creates the background. That's all.

CHAIRMAN FRYER: So you don't know?

MR. TREBILCOCK: No.

CHAIRMAN FRYER: Okay. That's fair enough. I mean, if you don't know, you don't know.

Okay. Other questions?

(No response.)

CHAIRMAN FRYER: Okay. Thank you, Mr. Yovanovich.

MR. YOVANOVICH: Ms. Gallo is going to do the fiscal neutrality, but I'm going to control her slides, so she's going to tell me when to -- because she's on Zoom, I hope.

Lucy, are you there?

MS. GALLO: I am.

CHAIRMAN FRYER: Okay.

MS. GALLO: Good morning. Lucy Gallo, for the record. I'm a principal with Development Planning & Financing Group. We're a national real estate consulting firm. Rich, can you pull up the first slide?



MR. YOVANOVICH: There you go.

MS. GALLO: And I apologize, I -- from Zoom, I cannot see the slide, so...

MR. YOVANOVICH: It's the GMP slide for Policy 4.1.

MS. GALLO: Right. Gotcha. Sorry. We're going to be flying blind here. I apologize for that.

Just to review the requirements, the GMP requires that the SRA will be planned and designed to be fiscally neutral or positive to Collier at the horizon year.

Next slide, please.

MR. YOVANOVICH: It's the LDC section, Lucy.

MS. GALLO: Yep. And the demonstration of fiscal neutrality: Each SRA must demonstrate its development, as a whole, will be fiscally neutral or positive to the Collier County tax base. DPMFG was engaged to prepare an alternate fiscal impact model because the county does not have a fiscal impact model, and the fiscal impact model has been approved by Collier County.

Next slide, please.

The economic assessment approach has been designed from the beginning of DPMFG's involvement in economic assessments with the county to be both collaborative and transparent, obviously based on county-approved methodology and subject to a rigorous county third-party peer review.

Next slide on economic assessment conclusions. Oh, great. I can see -- I can see the slide now. County staffs and the third-party peer reviewers have affirmed that Longwater is fiscally neutral in all of the required categories.

Next slide, please.

I wanted to clear up any confusion, because there has been, I think, some misunderstanding about this whole persons per housing unit, persons per household factor, so I thought it would be a good idea if I explained that to you, and I'm sure Amy Patterson will as well.

At the onset of the development of the methodology, the determination was made to use the county's most recent impact fee study using people and employment as a demand base for a number of reasons. It's best practice to use demographic factors that are actually prepared and adopted by the local jurisdiction. That way there is no discretion by fiscal analysis -- by the fiscal analyst. The impact fee methodologies are -- and population employment factors are updated on a regular basis and are directly linked to capital needs. The impact fee studies are accessible to everyone and provides across-the-board consistency for all fiscal preparers. Again, because there is no discretion required by the fiscal analysts, if a number of different fiscal preparers were preparing the economic assessment, everyone would be using the same factors.

CHAIRMAN FRYER: Ms. Gallo, excuse me.

MS. GALLO: Yes.

CHAIRMAN FRYER: Edwin Fryer. Did -- you used two terms. You used the term "persons per household" and then "persons per housing unit." Is there a difference?

MS. GALLO: Yes, sir. I have several slides coming that I'll be glad to walk you through. So if you'll hold on just a second, I'll get there.

CHAIRMAN FRYER: All right.

MS. GALLO: I did also want to emphasize that new development will be charged impact fees at rates enacted at that time. So rates in the future are going to be based on

methodologies and assumptions approved by the county and their impact fee consultants. So you see a number of housing product types and nonresidential land uses that apply to 12 different impact fee programs of the county and, over time, those future studies are going to be based on updated information, and it may change over time. And, remember, impact fee studies are designed to calculate the maximum legally defensible impact fees.

So that's the basis for an -- and as part of the submission in November 2019, the methodology meeting with the county established that we would be using persons per housing -- persons per housing unit from the county's 2016 Emergency Medical Services Impact Fee study.

Next slide.

CHAIRMAN FRYER: And this is -- this is with full knowledge of the fact that there are more recent studies, the U.S. Census, BEBR, the MPO 2045 study, our own AUIR, all have more recent persons-per-household numbers; you're aware of that?

MS. GALLO: We don't -- I'm aware of that, but we don't use persons per household. We use persons per housing unit. And, Rich, if you'll go back a slide.

CHAIRMAN FRYER: Well, let me follow up with you on that.

MS. GALLO: If you'll excuse me just a second, I wanted to make a point on this slide so we can catch up to the next slide. The county's impact consultants -- and I'm sorry if the images are blurry -- they determine persons per housing unit for all of the housing unit types that you see in the left-hand column and square feet per employee for -- and this is just a snapshot of a subsection --

CHAIRMAN FRYER: I'm sorry to keep interrupting, Ms. Gallo. But I need to get some basic questions answered before you continue or else I won't have the appropriate understanding of what you're trying to say, and --

MS. GALLO: Okay. So the impact --

CHAIRMAN FRYER: So just bear with me. No, no. Ma'am, let me speak, please, if you don't mind, with all due respect. I'll ask a question, and then we'll see if we can get clarification. And once I understand what the numbers are and what you're using, what your assumptions are, I'll have a better understanding of what you want to tell us, and you'll have every opportunity to tell us whatever it is you want to.

So if I understand, correctly -- and I was educated somewhat last Tuesday in my meeting with staff -- this concept of persons per household versus persons per housing unit, it's my understanding that persons per household, which is the -- which is the standard that is used by the U.S. Census and by BEBR, which is the Bureau of Business and Economic Research of the University of Florida, which does county-by-county studies that I know this county relies heavily upon for various things, and our own AUIR and then our own Collier County MPO, Metropolitan Planning Organization, had a study predicting traffic and patterns and the like in 2045, and they all use persons per household.

And I was informed by staff -- and I just want to find out if this is -- this the same track you're on, Ms. Gallo, that staff uses the term "persons per housing unit," and by that staff means factoring in vacancy. And so persons per housing unit would presumably be lower than persons per household because of a vacancy percentage or a vacancy factor. Am I right so far, Ms. Gallo?

MS. GALLO: Rich, if you will advance to the next slide, and if you all will bear with me.

CHAIRMAN FRYER: No, ma'am. I'm sorry. I apologize sincerely, but I need

to get these questions answered. You will have a full opportunity to cover all your slides.

MR. YOVANOVICH: She's trying to answer that, Mr. Fryer. Just let her answer it.

MS. GALLO: I'm trying to answer your question. I have slides specifically that will answer your question that I think it will make the exchange much clearer for everyone if you can just let me walk you through.

CHAIRMAN FRYER: Well, try it your way.

MS. GALLO: Okay. So the county's impact fee consultants -- and I'm showing you a snapshot of how the persons per household versus persons per housing units calculations are performed. Again, this is the county's impact fee consultants.

So you'll see, using American Community Survey five-year estimates, which are part of the U.S. Census Bureau, it's the estimate -- ACS performs population estimates on an annual basis and then also produces five-year estimates. So these are based on U.S. Census -- calculates persons -- there's a persons-per-household calculation here. So you can -- you can see that is -- calculation is based on dividing population in occupied units by occupied housing units, versus persons per housing unit a lesser number is calculated by considering that some portion of those housing units will be vacant because, in Collier County, a large portion are seasonal, and then others will be for sale or for rent or other reasons for housing vacancy.

So persons per household is a different calculation and is based only on occupied housing units versus persons per housing unit is calculated based on looking at the total inventory of housing units.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Okay. Let me see if I can give that back to you and be sure I understand what you've been saying.

In other words, the number that you based your study on was from a 2016 EMS -- Collier County EMS study, which apparently is persons per housing unit, and it shows -- in the case of attached or multifamily units, which I think are the vast majority of what was going to be built, would be coming in at around 1.05 persons per housing unit; whereas, the numbers for the U.S. Census and BEBR and our own AUIR and the MPO 2045 all seem to come in between 2.3 and, say, 2.5 persons per household.

And it's your point that the difference between 1.05 and, say, 2.4 would be reflective of vacancies. And my -- here's my essential question that I'd like to have your answer to. That's a difference of over -- that's over twice a difference between persons per household and persons per housing unit.

And here we're talking about a brand-new development, brand-new housing coming in. And the persons per housing unit number that are calculated for all of unincorporated county focused on the entirety of the county and not just either -- a less affluent or a more affluent area, and what we're dealing with here is a much greater affluent area and, certainly, the incidence of vacancy is going to be considerably less, I would assume, than Collier County at large.

And so I challenge your use of 1.05 for these brand-new developments when you are basing it on a 2016 EMS study that is calculated not only in a dated fashion but also for the entire county at large, including more and certainly less affluent areas than what's being constructed here.

Could you comment on that, ma'am?

MS. GALLO: Sure. So persons -- if we use persons per housing unit, the population projections would be overstated if the factor was applied. So as I mentioned, persons per housing unit does consider units that are for sale, for rent, or used seasonally.

So if you'll go to the next slide.

CHAIRMAN FRYER: Well, I accept the importance of factoring in all relevant circumstances, including vacancies. That's an acceptable factor. What I am challenging is the wide spread between 1.05 and 2.4 for this particular area of the county. That's what I'm looking for justification from you for, ma'am.

MS. GALLO: Right. So I'm hoping this slide will help.

CHAIRMAN FRYER: Okay.

MS. GALLO: Because this is directly from your -- Tindale Oliver, your impact fee consultant, that is the source of the permanent population per housing unit of 2.21 and 1.05 for the multifamily and the peak seasonal population factor of 2.65 and 1.26.

So the total housing units are taken into account for each product type, and the overall countywide persons per household unit isn't considering the housing types that are weighted specifically towards Longwater. So that's why it's very important to use what your impact fee consultants have determined for any of the nonresidential categories as well as the residential categories to make sure we're on target.

The seasonal index, that 1.2, is a county-adopted standard that convert the permanent persons per housing unit, which does not consider the large number of seasonal units having any occupancy, to project what the peak seasonal population is. And the county's approved methodology applies peak seasonal population factors to 85 percent of the allocable General Fund operating expenditures.

So the very appropriate -- this is consistent methodology applied across the country for determining what is the appropriateness for population in fiscal impact studies. That's why your Tindale Oliver prepares your impact fee studies this way. If used -- if you simply used a persons-per-household factor, then, again, that would be assuming that none of these units were ever -- at the horizon year, none of them were for sale, none of them were used seasonally at all, which would certainly be a big mistake. And that's -- this is the most appropriate.

Now, I'll be happy to walk you through, if we'll go to the next slide, understanding about the way the 2045 LRTP data has been misunderstood in terms of trying to equate the persons per household as being the factor that should be applied, which it should not.

So I just wanted to walk you through some definitions in the LRTP. Again, their household -- when they refer to a household size in the 2045 LRTP, it's the same as the census. An average household is based on residents and only in the occupied housing units.

And if you'll see at the bottom, vacant units are considered just like they are in the census as its separate category, so you would need to add occupied units plus vacant units to get the total of total units.

Next slide, please.

So I know you-all have seen some data published that again attempts to equate an average household size from the 2045 to the permanent and seasonal population factors that Tindale Oliver, the county's impact fee consultants, have used. And, again, the LRTP defines average household size as only for -- applying to occupied dwellings, which is the same definitions that I showed you earlier that the persons per household versus persons

per housing unit, there's a distinction. Same distinction here.

Next slide, please.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: I'm sorry. I'm still having audio problems. Can I just ask a question --

CHAIRMAN FRYER: Of course.

COMMISSIONER KLUCIK: -- based on, you know, hearing this colloquy?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Okay. So you're applying the same -- this factor that you're using is the factor that the county applies, so the staff; you're just using the same standards that staff uses?

MS. GALLO: Yes, you're absolutely correct. The same standard that is applied in your legally defensible and adopted impact fees. That's correct.

COMMISSIONER KLUCIK: All right. And is that standard something that our staff just kind of chooses, or is that something that -- you know, that has been dictated that is the standard you'll use? I mean, obviously, maybe you can't speak to that, but that's a question I would have for staff. Because -- the only reason I say that is because then, you know, this discussion, it certainly, you know, informs all of us, and then the issue would be maybe we need to, you know, impose a different standard on the -- you know, on our staff. But if you're just using this -- you know, it would seem odd for you to use a different standard than the one that the staff is using for the same analysis.

MS. GALLO: We are using --

COMMISSIONER KLUCIK: I would ask the Chairman as well if that point makes sense. You know, I'm trying to figure out what our role is, and if our staff is using the same standard, I don't know why we would ask the applicant to use a different standard.

CHAIRMAN FRYER: Let me -- let me see if I can respond to that. It's my understanding from my meeting with staff on Tuesday that this is a standard of long standing that has been used by staff; however, the issue that I have, once again, is to measure what we're being told with what strikes me, at least, as, frankly, common sense.

And it's not -- it's not that vacancies should be ignored. Vacancies are a factor that should be looked at. The question is, is this swing between 1.05 and 2.41, is this the correct amount of discounting or reduction that should be given for vacancies in this affluent gated community that's being planned? And I submit that it's not, and when you -- and when you undercount -- whether it's for -- to take a count of vacancies or something else, when you undercount population you're going to be underestimating infrastructure costs, which then overloads the resultant burden on the taxpayer, and that's really where my concern is.

I agree with staff and I agree with Ms. Gallo that vacancies need to be factored in. Where I have a difference of opinion is the very wide differential that has shown up in this study.

MR. YOVANOVICH: And if I can, not to throw the law into this, but feel like I need to, what the Land Development Code says is you can either use the county's adopted fiscal impact model, which when we started this presentation with the county doesn't have one, or an alternative fiscal impact model that's been adopted with a methodology

approved by the county.

This is the third village that is using this methodology. The county has adopted this methodology for Rural Lands Stewardship Area villages by applying it to Hyde Park and applying it to Rivergrass. So it's been a county-adopted methodology that's been reviewed by your staff, independently reviewed by Jacobs, and approved by the Board of County Commissioners. So I think what we've done is we're following the Land Development Code in applying an adopted methodology.

You can certainly note that maybe the county should relook at that, but at this point I think you're bound to apply the methodology because it's been adopted by the Board of County Commissioners.

CHAIRMAN FRYER: I don't think that the Board of County Commissioners would be in agreement that this wide spread that has been produced between the definition of persons per household and persons per housing unit if, in fact, any member of the Board of County Commissioners appreciate the nuanced difference in those definitions --

MR. YOVANOVICH: I'm not going to guess what the County Commissioners knew or didn't know. I can only tell you that the very same methodology was used for Hyde Park, and it was used for Rivergrass. These -- those projects are near by. There's a -- if you look at the proposed price points for these different projects, they're probably not that far different, and the -- I think it's unfair to say the Board of County Commissioners didn't know what they were doing.

CHAIRMAN FRYER: That's not what I said, Mr. Yovanovich, and I would never say that. I'm just saying that there was so much material that was presented to them, to then charge back and say that they knew that part of everything that had been approved by them included a differential between 1.05 and 2.4 persons per household, persons per housing unit, I think it would be unfair to assume that any person in this situation who didn't take hours and hours and hours to study it and drill down to it would understand it.

MR. YOVANOVICH: But they relied on their staff, and they relied on their independent analysis to determine that the methodology that was utilized for both Hyde Park and for Rivergrass was an appropriate and accepted methodology.

You can continue to point out where you think that maybe staff got it wrong, but I think we should let Lucy finish her presentation, and then we'll go on, because I don't think we're ever going to agree on that fact.

CHAIRMAN FRYER: Well, I will say this: That I do accept that this is a standard of long standing that staff has used. What I don't accept is that it is fair to the taxpayers. And I think if it is looked under the microscope a little more carefully by policymakers, it will seem -- it will be seen as offensive not to staff's practices, but to the ordinances, the ordinances that require fiscal neutrality and require proportionate-share payments. And that's what I'm focusing on.

And to answer Commissioner Klucik's question, I think that that's an essential and appropriate role for the Collier County Planning Commission to play if it wishes to.

COMMISSIONER KLUCIK: Sure. Okay. Mr. Chairman, then I am right -- and I appreciate that, all of that. I think these are all good points.

My question for us, I guess, if we -- when we're dealing with this factor, whether it's Factor A or Factor B or, you know, the methodology, ultimately, we're looking to roads; is that really what we're looking at?

CHAIRMAN FRYER: It's more than that. It's -- it is all the infrastructure. It's

EMS, it's fire, it's parks. It's --

COMMISSIONER KLUCIK: For this application, though -- am I right that for this application it's more to transportation, or am I --

CHAIRMAN FRYER: No. I think --

MR. YOVANOVICH: It's everything.

CHAIRMAN FRYER: Yeah. I think it's really all of these things, and they're all detailed in the DPFGE economic analysis. The problem I have is most of them are tied to this, I think, unrealistically low number of persons, call it per housing unit or per household, and that's the issue that I have, and the result of using too low a number is going to be a layoff way too much cost on all the other taxpayers in the county.

COMMISSIONER KLUCIK: So what we have now is a systemic problem within our planning division, not really -- the applicant hasn't created this issue?

CHAIRMAN FRYER: Oh, I absolutely accept that.

MR. KLATZKOW: No, no. There's no systemic problem with our planning people. I disagree. I understand, Commissioner, your view, but our planning people, they work hard, and they're using national standards on this. This is -- it's unfair to paint a bad brush on staff on this.

COMMISSIONER KLUCIK: Well, right. And I will say, Mr. Attorney, I was making a rhetorical point that, you know, if we're going to say there's a problem, we can't pin it on the applicant. The applicant is using the standard that's been used and that the staff has applied, and I think the staff certainly has justification. We'll hear from them, I'm assuming, about that.

And so -- just so the staff that I'm actually coming to really appreciate very much, just so they know and the public knows, I certainly wasn't meaning to besmirch the staff. I'm saying systemically the county has a standard that we're using, and if we're throwing that standard out there or, you know, putting it out there and then asking applicants to meet that standard and then during the hearing for their application we're saying, oh, that standard is pathetic. Look what it leaves out, which is -- you know, I mean, I get it. It's a huge difference, you know, and so we have to come to terms with that. But the burden of proof falls, then, on the county to fix, I guess, or address the standard that we're asking people to use.

Right now it seems as though the applicant has used the standard that the staff has told them to use. And I just -- I don't really know legally -- I certainly think we ought to have it on our plate to, you know, discuss, but, you know, at this date, is that due process to change the standard during the hearing? And I guess I would ask the attorney to opine on that.

MR. KLATZKOW: Look, this is a good discussion we're having but, you know, at the end of the day, we're going to be moving forward with the studies that we have because staff studies are not any different than the applicant's studies on this. And unless somebody wants to come up with a third study, I don't know where we're going with this.

MR. YOVANOVICH: And all I would add, Mr. Klucik -- this is Rich Yovanovich -- I think you're going a big loop to assume that staff is getting it wrong. I think staff's gotten it right, and they've gotten it right in Collier County for many, many, many, many, many years. I've been here 30 years, and I started as an assistant county attorney doing impact fees. So I know how the county goes about figuring out how to calculate the impact on its infrastructure.

And your staff does a thorough job, and they make sure it's a legally defensive methodology. And I disagree that they've gotten it wrong. And I think that -- that's fine if someone wants to challenge that, but the county staff has gotten it right. We've used their methodology, and the third-party independent reviewer, Jacobs Group, has said the assumptions in the analysis are correct. So I don't go with the assumption that somehow staff got it wrong so this is not a correct analysis.

CHAIRMAN FRYER: That's actually not what Jacobs said. Jacobs said that the -- that the numbers conform to staff's practices, not that they got it correct or that it conforms to the ordinances, and I did a lot of word searching in both Jacobs and the DPFG to try to identify. And Jacobs was very careful at caveating what it's opining on, and it was opining that, in its view, DPFG got it right in relation to the rules that have been prescribed by staff but not necessarily by the underlying substantive ordinances.

MR. KLATZKOW: I would like to note that Collier County impact fees --

COMMISSIONER KLUCIK: Mr. Chairman?

MR. KLATZKOW: I would like to just note that Collier County's impact fees is among the highest in the state, so if we're arguing that we need more and more impact fees, it really goes against what everybody else is doing.

CHAIRMAN FRYER: Commissioner Klucik, then Commissioner Fry.

COMMISSIONER KLUCIK: Sure. Okay. So I guess what I would say is, you know, just to reiterate, Mr. Yovanovich, I kind of think I see it like you, but I'm just saying, if we're making that an issue, then I don't think it's an issue that -- you know, that the applicant in this case would -- you know, we would be -- you know, it shouldn't fall on their shoulders for us to address that issue. But I agree, you know, it's certainly now in question, but I agree with you that I -- you know, because I actually pressed the staff on this about -- you know, that there's -- you know, people are, you know, stating that, you know, that we're using the wrong methodology. You know, can you talk to me about that? And I was very satisfied with, you know, the staff's answers to me.

I will take issue, though, with you, Mr. Yovanovich, I'm a little disappointed. In your opening presentation, you talked about there being no hamlet in the RLSA, and I have to tell you that Ave Maria University Shakespeare program has actually had Hamlets in the RLSA.

MR. YOVANOVICH: Well, Mr. Klucik, I apologize for my incorrect --

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER KLUCIK: Thank you. Thank you.

MR. YOVANOVICH: So Lucy was talking, but...

COMMISSIONER FRY: One question, you know, I asked back when we -- when we looked -- when we're asked to look at traffic counts that are projected for a development, I've asked, you know, have there ever been post-mortems done after a development went in to compare with what the traffic counts that were projected were, right? And I would ask the same question when it comes to impact fees. Have there been studies of large developments after they've gone in to analyze whether the county was left holding the bag? Which Chairman Fryer has raised the question that other entities have submitted documents raising the question saying that this is not actually fiscally neutral and that county taxpayers will be left holding the bag. But do we have any studies, any anecdotal evidence of studies done on actual versus projected impact fees?

MR. KLATZKOW: That is an appropriate question to our staff.



COMMISSIONER SCHMITT: I think we have to ask --

MR. YOVANOVICH: I have no idea.

COMMISSIONER FRY: I'd rather hear Rich answer that question. I'm kidding.

MR. KLATZKOW: Yeah, but he's not necessarily unbiased.

(Simultaneous crosstalk.)

MR. YOVANOVICH: Totally unbiased.

COMMISSIONER FRY: Then I will stage that question for staff.

CHAIRMAN FRYER: Let me -- let me jump in here. It's a minute after 12:00.

Ordinarily we would be breaking for lunch. I'm going to ask the applicant and the applicant's consultant what the forecast would be from Ms. Gallo's presentation, and then I'm going to have some more questions for her. When would you say would be a good time for us to break?

MR. YOVANOVICH: Well, if you'd let her get through all of her slides --

CHAIRMAN FRYER: How many of them are there?

MR. YOVANOVICH: Lucy, how many more slides do you have?

MS. GALLO: I think I just have three.

MR. YOVANOVICH: So we can commit that she at least tries to finish her presentation and then either take a break or finish your questions of her and then --

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: I think it would be helpful if we let her finish.

CHAIRMAN FRYER: Okay. Well -- no, I agree with that. Ms. Gallo, how long do you think you'll need to go over your three slides?

MS. GALLO: Oh, gosh. Maybe five minutes at the most.

CHAIRMAN FRYER: Okay. Perfect. And I'll hold my questions until after lunch and ask others to do so as well. So please continue, Ms. Gallo.

MR. YOVANOVICH: So, Lucy, you've got the vacancy rate slide. Am I at the right place?

MS. GALLO: Yeah, and you can just leave that on for now. But I know this topic is confusing, the persons per household versus persons per housing unit notion, but I do want to go back to this comparison. I keep hearing 1.05 persons per housing unit for non-single-family detached compared to a 2.4 persons per household, and that is not an apples-to-apples comparison, because the 2.4 is heavily skewed with single-family detached units. So you're really making -- you can't compare 1.05 to 2.4, because 1.05 is non-single-family detached. So just -- everyone keep that in mind, because that's not an appropriate comparison.

So I was just trying to point out that in the Long-Range Transportation Plan there's a separate analysis done on vacant units, just like there is from the U.S. Census, the American Community Survey, which we talked about earlier, so those vacancy rates are calculated separately.

So if we just want to go to the next slide.

And that's why using only the persons per household in the Long-Range Transportation Plan would yield an overstatement of projected population, again, because it would assume that all housing units are occupied 100 percent, 365 days in the year, and that will not be the case. That does not represent reality.

We can go to the next slide.

I thought it would be helpful to just go over the fire and EMS services plans for

Longwater because, obviously, public safety facilities are extremely important, and I wanted to emphasize that in addition to participating in comprehensive interviews, Chief Eloy Ricardo and Chief Tabatha Butcher personally review and approve fire and EMS sections of every economic assessment prior to issuance.

For Collier County Emergency Medical Services, Longwater and Bellmar will be served by the EMS Station 74, Golden Gate Estates, to be located at DeSoto and Golden Gate Boulevard East. One-cent surtax funds for the new \$2.5 million facility were validated in September 2020. The project completion is scheduled for late 2022, so the project -- the facility is going to be built whether a Longwater will be approved or not.

The cost of a new ambulance has been allocated in both the Longwater and the Bellmar economic assessments. There is not going to be an initial cost for an ambulance for EMS 74 as it was -- an ambulance was actually purchased in 2014 and will be moved to the new station when it is opened.

The EMS 74 is being constructed with additional capacity to house two ambulances, so that's why the economic assessment has provided for an additional ambulance, if needed, to serve Bellmar and Longwater.

For the North Collier Fire and Rescue District, Longwater will be served by a new facility that's being planned at 22nd Avenue and DeSoto. The site is owned by the district and is -- is ready for vertical development, and Bellmar will be served by a different facility. And I did want to go on the record that in prior economic assessment reports prepared by DPFG, we have described the new fire and EMS facilities that will serve proposed villages. Thus far there are -- they will require new facilities. And DPFG has never indicated that Engine House 11 will provide service to a village. I just wanted to go on record and to clarify any misunderstanding that that has been the case.

So that is my last slide, so I'll be happy to answer any questions.

CHAIRMAN FRYER: We will take a break for lunch, and we'll go all the way to 1:00 p.m., without objection, and we'll return at that time.

Thank you.

(A luncheon recess was had from 12:07 p.m. to 1:05 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene the afternoon session of the March 4 meeting.

Mr. Yovanovich.

MR. YOVANOVICH: I think -- I think -- I hope Lucy's back on. Lucy, are you there?

MS. GALLO: I'm here. I'm here.

MR. YOVANOVICH: I think we were at Q&A for Ms. Gallo. And tell me what slides you need me to pull up if you need me to, Lucy.

MS. GALLO: All righty.

CHAIRMAN FRYER: Okay. I'm going to open this up, first of all, to those planning commissioners who are here, since I've kind of monopolized the inquiry so far of Ms. Gallo. Anybody have any questions or comments that they would like to lead off with?

(No response.)

CHAIRMAN FRYER: Okay. Then I will.

Ms. Gallo, I'll just begin by saying that I have nothing but the utmost respect for you and your company. We happen to have some significant differences on the issues,

but please don't take it personally. It's not meant that way.

Silence.

MS. GALLO: Oh, I'm sorry. I have utmost respect for you also, Commissioner.

CHAIRMAN FRYER: Well, thank you very much. And we can disagree without being disagreeable, and I just -- I wanted to say that because, you know, it's fair game for people to disagree and to disagree vehemently, but they can still be respectful of one another, and I will make every effort to always do that with you and anybody else who comes through.

Now, Ms. Gallo -- and, again, I -- I was surprised, but I want to keep my mind open here and have you explain to me why this is logical and acceptable. I counted -- and your two -- your two economic analyses were pretty close to being identical. The numbers are different, of course, but the format's pretty much the same.

I went through and counted on one of them, and I don't remember which it was, 59 times in 51 pages where DPFPG is citing itself, and that's not necessarily bad, but it strikes me as highly unusual as a practicing lawyer, or was one who wrote briefs for many, many years. It's not something that I was able to get away with. Could you -- could you give me some clarity on what it is -- what it means when you cite your own company for these graphs and tables?

MS. GALLO: Sure. This is standard practice for professional consultants. When I was with Economics Research Associates, when I was a vice principal with AECOM, it's typical when you have a table in a report that you cite your sources, and in some tables, one of the DPFPG -- if DPFPG prepared calculations that help produce that table, then DPFPG would be cited as a source. On some tables the information would come directly from a third-party source so that there wouldn't be a need to reference DPFPG. But that's standard protocol with any fiscal organization I've been associated with.

CHAIRMAN FRYER: What strikes me is -- and I thank you for that answer. What strikes me, though, as somewhat unusual is that you say explicitly in your reporting that you're transparent, that your company's transparent, and I'm sure in many, many ways you are, but when I want to find a source of authority for one of your tables and I look down and it says DPFPG, it kind of becomes a dead-end, and I -- there's no place further I can go, but I guess that's -- what you're saying is is that's common practice for consultants, and this is as far as we're going to get; is that a fair statement?

MS. GALLO: I would have been more than happy to meet with you, walk you through any tables that you felt like was -- you felt were unclear. I've had multiple conversations with Amy Patterson and her staff as well as Jacobs during their detailed review of the model. We do everything possible we can to make sure, on the surface, its transparent, but there's always follow-up questions, and we're always here to help.

So I apologize that you felt like you ran into a couple of dead-ends. It's a complicated model. It's been noted as being complicated. This is a big decision, and it's a complicated decision. So we try to do the best we can to distill the results of the model into a readable report.

CHAIRMAN FRYER: Well, it is very complicated, and it's controversial, and those factors would invite someone who wants to inquire seriously into the sources of authority to want to know a little more. I'm not sure that that is something that a planning commissioner should do, but thank you for the invitation.

How about Jacobs? When they peer reviewed you, did they go beyond your 59

self-citations and ask for a deeper citation?

MS. GALLO: If -- within the Jacobs report you'll see in the appendix where they did reverifications of data sources that -- maybe kind of a bigger picture to explain our data sources for everyone, the vast majority of inputs in the model are directly from the county, the county's budget, each of the county's 12 impact fee studies and the methodologies, the school district budgets, the North Collier Fire District budget. So virtually everything on the cost side is from -- directly from the county information.

So they're -- and we just discussed from the population input. So part of all of that was by design because that ensures that there's very little discretion at the -- from fiscal analysts to -- regarding those inputs.

So just to put in perspective that DPF is involved because we created the model and we perform calculations, but in terms of sources of information, the vast majority come from the county itself.

CHAIRMAN FRYER: Well, you're -- certainly I'll grant you this much; you're not the sole source on a lot of these, but you are at least a source on 59 of them out of 51 pages. And I just happen to have Table 6 in front of me on your Page 11, and that's an example of a sole source.

So -- well, I don't know. I wanted to make the point because it seemed rather unusual. It's certainly not consistent with what I was used to seeing in my former world as a practicing lawyer, but so be it.

MS. GALLO: Well, I'll explain to you on Table 6, that's merely a salary table from the model itself. So I -- you know, from, again, my professional experience for other firms and competitors, if we listed every single source to Table 6 that went into the model that ended up generating the net fiscal impact it would probably take up half the page. So that's not to say there are tons of sources going into the model, but that is merely a summary table.

CHAIRMAN FRYER: Okay. So -- but it's fair to say then, to some degree at least, you've withheld some sourcing for competitive purposes?

MS. GALLO: No, I have not withheld any sources for competitive purposes.

CHAIRMAN FRYER: I'm sorry. I misunderstood. I thought you said that it was related to your competitors.

MS. GALLO: No. We -- both myself and my competitors present tables similarly. We -- in terms of our sourcing, I don't source my tables any differently than my competitors do.

CHAIRMAN FRYER: Okay.

MS. GALLO: We try to balance between providing a clear and comprehensive trail and readability. And, again, always available if there's any question regarding a source.

CHAIRMAN FRYER: Okay. Thank you. I'll move on.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: I guess, you know, I just wanted to chime in that, you know, I've seen a lot of tables in presentations, and they generally don't have much in the way of citation other than, you know, listing data in table format. So I guess what I would say is I just -- I don't think this is unusual, and I certainly -- it seems as though, you know, that we're holding, you know, this particular applicant to a standard that, you know,

that really doesn't seem to exist, you know, in our prior reviews of applications.

I just -- I don't understand why we're going on and on about this as if there's something sinister or something untoward or something, you know, that's a little, you know, less than -- lacking integrity or -- you know, I mean, I think the applicant has followed the rules. The rules are well established, they're following the rules, and it just seems like we keep, you know, picking at the applicant as if they've done something wrong.

CHAIRMAN FRYER: Thank you.

I'm looking at Table 8, and this is, I think, an example of how the numbers that are used for persons per household will have a significant impact on county expenditures, infrastructure expenditures, and I've just highlighted a few of them going down the line.

The sheriff, \$1,674,000. I mean, that's going to be very dependent upon -- upon the number of people that are being added to the mix as a result of any development. The Bureau of Emergency Services, 29,000, same thing. Community and Human Services, 45,000. I think that's very dependent upon the number of people being served. Library, 98,000, same thing. Parks and Recreation, 120,000.

Then you get into transfers to other funds, and I take it that these -- they look to me as though they are related to funds -- or services that run generally in the negative. They run at a loss like EMS, and so there have to be transfers out of the general operating fund in order to pick up the difference. For instance, the growth management transportation cap of 76,000, transportation of 179,000, EMS 158,000. All of these -- and the point I'm just trying to make here is that if you miss on PPH, the result is going to find its way into many, many cost items that will eventually add up and be significant.

So I just wanted to make that point.

MS. GALLO: Commissioner Fryer, I don't want to interrupt, but I just --

CHAIRMAN FRYER: Please, go right ahead.

MS. GALLO: I just want to make sure -- I know you know this, but for everyone that may be listening, that Table 8 involves operating expenditures. You had mentioned infrastructure, so I just wanted to make sure everyone is clear that these relate to operating expenditures, not capital.

CHAIRMAN FRYER: Well, I take your point. Yeah, I guess I had a slightly different meaning for the word. I think of the Sheriff's Office as infrastructure, but it may not -- it may be more appropriate to call it something else. But these services are obviously heavily dependent upon human encounters, service provider to service consumer encounters. They're people intensive. And if they're people intensive, the estimates that are used for numbers of people potentially to be served will drive those numbers significantly, I think. But I understand your point, and I stand corrected.

The -- I go to Table 9 on Page 14, and this has to do with the North Collier Fire and Rescue. And I realize that North Collier is largely, if not exclusively, the taxing authority for fire and rescue for where this village is going to be or these villages. But I think it's important to keep in mind that when there is a response, for instance, an emergency response for a structural fire, it's not just going to be the suppression apparatuses of North Collier Fire responding to that. It's going to be mutual aid as well. And the problem with mutual aid is that -- for instance, Greater Naples comes in on mutual aid a lot for areas in the Estates. They don't have taxing authority over the North Collier area, and so they -- you know, as a result of mutual aid agreements, they can wind up, you know, losing

money that they can't recoup.

I wonder if you, Ms. Gallo, took a count of mutual-aid calls when you estimate your costs.

MS. GALLO: In terms of operating costs, they're based on the entire budget cost for all services provided. So there would not -- I'm not sure I understand your question for any additional costs to allocate regarding mutual aid. They're -- we know that the EMS Station 74 is going to be collocated with EMS, Greater Naples, and North Collier Fire, and it's being designed to be able to enhance mutual-aid service.

CHAIRMAN FRYER: Sure. That is -- that points out an important difference. EMS is furnished by the county at large, and so being within a particular fire district's taxing authority or being outside of it in another fire district's authority, mutual aid isn't going to be affected on the EMS side, but on the fire side it is because, for instance, Greater Naples would not have a way of recouping increases in mutual-aid calls because it doesn't have taxing authority in North Collier. That --

MS. GALLO: I think -- I'm sorry.

CHAIRMAN FRYER: I'd just ask you to comment on that.

MS. GALLO: Oh, sure. I think I have a better way to explain the situation to you.

North Collier Fire is going to build and has been planning to build a station at 22nd and DeSoto for a number of years. They want to go soon. They need water. So there will be a station there.

Because the three villages and Hyde Park Villages -- and Hyde Park Village are all within the North Collier Fire District, North Collier Fire will be collocating at EMS Station 74. So if there -- so that EMS 74 where North Collier is located will be able to provide mutual-aid service to its own 22nd and DeSoto and vice versa.

So I haven't heard any concerns from Greater Naples that they would be involved. And, in fact, the -- if you look at the North Collier -- well, we'll talk about it later today, but the North Collier Fire District impact for Bellmar, the reason that there will be a collocated facility at EMA [sic] Station 74 for North Collier Fire is specifically because of Bellmar, because Greater Naples would not be able to provide their direct service.

So I think we're all covered in terms of any impacts on future aid.

CHAIRMAN FRYER: The engine house being numbered 74, that's a Greater Naples number, not a North Collier number.

MS. GALLO: That is -- the new EMS station, Golden Gate Estates is EMS Station 74, so when I'm referring to EMS Station 74, it's the new EMS station planned. It's called EMS 74/Golden Gate Estates that was just validated by the sales surtax committee.

CHAIRMAN FRYER: The one-cent surtax that will pay for a lot of service providing for this new area was paid for -- is being paid for by county taxpayers at large, and so whatever benefit is received by a particular new village is going to really be, I think, thanks to the monies being paid by all the taxpayers of Collier County. Wouldn't you agree with that?

MS. GALLO: I think it's -- it's an opportunity, because there is an existing need now. The new EMS station at Golden Gate Estates will be completed in late 2022, according to Chief Butcher; it's right on schedule. It's needed now. It was approved, and construction is proceeding regardless of if Longwater or Bellmar are approved. I think it's

very fortunate planning that there is -- the station is being sited. So if these villages are approved, the only need would be equipment and that there would actually be a situation with EMS where there would be excess impact fees that could be used for other EMS needs which is -- as I know EMS is near and dear to your heart and everybody else, that's not usually the case. So I think it has to do with the siting of facilities that can serve both existing development and new development, which is smart planning.

CHAIRMAN FRYER: Thank you. On Page 19 of your study, you say the EMS level of service in the county's AUIR is approximately one unit per 16,400 population.

Would you tell me how that was calculated?

MS. GALLO: That is -- that is directly from the AUIR in terms of stating one unit per 16,400 population.

CHAIRMAN FRYER: And so that would be, perhaps, an older AUIR?

MS. GALLO: It was certainly -- the AUIR that was used in this report was the Fiscal Year 2018 AUIR, the draft. I reviewed the draft 2019 AUIR, because the final 2019 AUIR had not been published. I'm not aware that the AUIR for EMS services has changed in terms of the one to 16,400.

CHAIRMAN FRYER: Well, what's happened over the last -- well, certainly two years ago there were 25 ambulances on the street 24/7, and that is still the case, the number 25 has been a constant, but the population has increased, and right now, according to census numbers and other estimates, Collier County population is approximately 384,902 which, if you do the division, you find that that's about one ambulance per 15,400 people.

Would you -- would you disagree with that?

MS. GALLO: I don't know. I don't have those figures in front of me. I just know that Chief Butcher worked directly with me on this entire narrative and analysis and review and approved it and, through a case study approach, we identified that the need for both Longwater and Bellmar would only be a new ambulance at the new EMS facility called the Golden Gate Estates.

CHAIRMAN FRYER: Okay. Your general limiting conditions -- and we've had conversation about this before. And I notice that comparing -- and this is on Page 51. I don't know if it was Hyde Park or Rivergrass, but maybe both. At one point, you had included language saying that you were -- your firm was not giving expert opinions, and I'm glad to say that -- glad to see that you have taken that out, which I think is a good thing because, of course, that's what you are being paid to give is an expert opinion. But I still have some concerns about the disclaimers that remain.

For instance, on Page 51, in the penultimate paragraph it says, nor is any third party entitled to rely upon this report. Now, I understand the genesis of language like that, and it usually is appropriate in public offerings, financial transactions, and the like. But I'm not accustomed to seeing it in opinions that are given in connection with municipal actions and decisions that are made by municipal bodies and, certainly, the Jacobs report has nothing like that in there.

So my question is actually to call into question that language as well as the language that goes on to say, any use of the study not specifically prescribed under agreement between the parties, which, of course, would be DPF and your client, shall be at the sole risk of the party making such use. Could you comment on your view of the ramifications of those disclaimers on the use that we can make of this material?

MS. GALLO: I'll be happy to. The report is being used for the purpose that it

was intended.

CHAIRMAN FRYER: That's it?

MS. GALLO: Correct.

MR. YOVANOVICH: It is a fiscal-neutrality analysis, correct, Lucy?

MS. GALLO: That's correct. The economic assessment is being prepared for use for which it is intended, so all notice has been properly obtained from the client, and we're -- I have no concerns regarding third-party reliance on the study, that this paragraph -- and I'm not an attorney, obviously -- but that this attorney -- that this paragraph was intended to protect. So we're good as far as the disclaimer and who -- how the report is being used.

CHAIRMAN FRYER: May the county rely on it?

MS. GALLO: Their report is being used for the use for which it was intended, yes.

CHAIRMAN FRYER: Okay. Well, that -- I mean, that's a pretty clear answer basically is no.

MR. YOVANOVICH: Well, I think she said this is part of our analysis that we've provided to you to determine fiscally neutrality, and you're allowed to use that for purposes of determining fiscal neutrality. Correct, Lucy?

MS. GALLO: Correct.

CHAIRMAN FRYER: May the county rely on it?

MS. GALLO: Yes.

MR. YOVANOVICH: When I meant you, I meant you, the county.

CHAIRMAN FRYER: We may rely on it?

MR. YOVANOVICH: She just said yes.

MS. GALLO: Yes.

CHAIRMAN FRYER: Okay. But yet the language says, nor is any third party entitled to rely upon this report.

MR. YOVANOVICH: And you just clarified on the record that you can rely on the report.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So if there's any -- if there's any question, you can rely on the report.

CHAIRMAN FRYER: Okay. Thank you.

MS. GALLO: Because we have given consent.

CHAIRMAN FRYER: So this language is not operative for the purposes of -- that I outlined for the county to -- the county may rely on it, and this language --

MS. GALLO: The county may rely because both Collier Enterprises and DPCG have given consent.

CHAIRMAN FRYER: And so is DPCG, okay. Thank you. That's what I wanted to know.

That's all I have for now from this witness.

Anybody else want to ask -- Commissioner Shea.

COMMISSIONER SHEA: I have questions on the fiscal neutrality, but I'd prefer to -- I think the staff might be the better ones to address my questions. So I'll wait until then.

CHAIRMAN FRYER: Fair enough. Any other Planning Commissioner have



questions of this witness?

(No response.)

CHAIRMAN FRYER: Okay. Thank you, Mr. Yovanovich.

MS. GALLO: Thank you.

MR. YOVANOVICH: I think we're close to wrapping it up from our presentation.

I just wanted to let you know that there are some additional environmental concerns that were raised that we've agreed to address if we need to, and we will add this to the SRA document, that we will use bear-proof trash cans in the residential and commercial areas. That was a concern raised.

We are committing to panther crossings. And let me try to do the location of those panther crossings -- oh, they're on here. But it would be right here, underneath Oil Well Road, under here, which is our internal connector road between Longwater and Rivergrass and, again, here, another panther crossing. So we have committed to that as part of this SRA application.

And I hesitate to even bring this up, but as part of the hopefully future town application, we are agreeing that instead of using eight credits per that we would use 10 credits per acre for this village when we come back through. So it will utilize more credits than the eight that is currently in the Growth Management Plan.

We've worked closely with Audubon of Western Everglades, Defenders of Wildlife, and Florida Wildlife for these additional conditions that would be part of our project.

CHAIRMAN FRYER: Since you did bring it up, are there any other updates to be had on the draft of that town agreement that we saw?

MR. YOVANOVICH: We will talk about that when that town agreement is brought by Mr. Cohen, who I think is in the back of the room, for informational purposes, but not as part of this application.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: I already went through the conditions of the approval. We're in agreement with the conditions that your staff included in their staff report. Staff has found our project to be consistent with the Growth Management Plan and the Land Development Code. We've agreed to all of the conditions.

As you all know, this is a quasi-judicial hearing, and as a quasi-judicial hearing, you're to make your determination based on competent substantial evidence. Our experts are competent substantial evidence. Staff is competent substantial evidence, so we're asking you -- at the end of this hearing, I'll get back up here, I'm sure, and say we'll request that you follow your staff's recommendation and recommend to the Board of County Commissioners that you approve the Longwater Village SRA subject to those conditions. And with that, we are -- if you have more questions, we're happy to answer them, or we'll rest, if you will, and allow staff to go next. Whatever's the pleasure of the Planning Commission.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, questions. Staff report Page 16 of 30, so it's -- that's at least on my document, Packet Number Page 103, but it's 15 of 30 of staff report.

MR. YOVANOVICH: Fifteen, one, five?

COMMISSIONER SCHMITT: It cites the Longwater Village shall commit at

least 10 percent of the units, 260 units, are to be sold at purchase price near the moderate and gap affordable ranges, and it says product types. Is there a timeline for any of those products? Are you committed to any timeline, or did staff --

MR. YOVANOVICH: Staff didn't say by a certain date. We will just provide verification that 10 percent of the units -- and we used 260 because the request is 2,600 units. We'll provide verification if we choose that option. But remember, the staff recommendation was an either/or.

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: Provide houses priced at those price points or provide an alternative site.

COMMISSIONER SCHMITT: My only concern is I don't -- I think there ought to be some time frame for some of this to be done if you choose to go down that path, because I don't want to see something 30 years from now and then say, okay, now we're going to provide the housing. I would ask staff --

MR. YOVANOVICH: With the horizon year is the important, so it would be, you know, obviously, at buildout. We'll have to provide verification.

COMMISSIONER SCHMITT: The -- going down further. I discussed with you on the phone about the one Deviation 3, the 6-foot-wide planting area. My concern are the root balls at the six foot versus five foot. You stated that you were going to use root barriers and other methods. My concern in the long-term, a 5-foot is more prone to create upheaval in curbs and sidewalks 20 years from now than a 6-foot planting area. Go ahead, Bob. That's --

MR. MULHERE: I think, Commissioner Schmitt, your point is well taken, and part of what will have to be reviewed is the type of plantings, trees particularly, that will be put within a 5-foot with root barriers versus 6-foot without root barriers. We did have the staff landscape architect review it, Mark Templeton, and he supported this. And there likely will be -- for example, if you remember the trouble that we had with, I think, live oaks in the right-of-way during Irma. And so, you know, the type of species that we plant in there will be considered as part of the landscape plan.

COMMISSIONER SCHMITT: Sorry.

Deviation No. 9 -- I'll accept that answer. Deviation No. 9 talks about the potable water system. I've already asked this question. I just want to make sure that that deviation notes that if, in fact, the township was going to take water from the lakes or consumptive-use permit or other means rather than reuse water, that the township would be responsible for that infrastructure, not the county.

MR. MULHERE: Yes. But the plan is for the --

COMMISSIONER SCHMITT: 100 percent. On the record then, 100 percent. I had one more question.

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: Stand by. Go back. It had to do with -- it wasn't a stipulation on the cost for affordable housing. Where did that go?

MR. YOVANOVICH: Mr. Schmitt, is it No. 7 on this list where it says we'll commit at least 10 percent of the units?

COMMISSIONER SCHMITT: No. Cost amount. Stand by. I'll find it here. I would have been -- I did highlight it. I just didn't earmark it or tag it.

MR. YOVANOVICH: Well, moderate and gap are defined in the code, and I

know Cormac's here, so he can give us the ranges. But I want to say it's, like, somewhere between 80 and 140 is probably the range. Am I close, Cormac? 80 percent to 140 percent includes moderate through gap?

COMMISSIONER SCHMITT: This was under staff stipulations. There were certain things you're agreeing to, and that's what I'm looking for.

MR. YOVANOVICH: I hope I have them up accurately on the screen.

COMMISSIONER SCHMITT: It is recommended that Longwater Village also consider donation of residential parcel to the county. Is that going to happen? It's recommended. It's in the staff report to the Affordable Housing Land Trust or the county's designee.

MR. YOVANOVICH: This is the actual language that's from your staff report right here, and this is what we've agreed to do.

COMMISSIONER SCHMITT: Okay. And the staff report on Page 16 of 30, of course, it said the 10 percent. It is also -- it is recommended that Longwater Village also consider the donation of a residential parcel to the county to an affordable housing land trust or to a county designee in order to address the housing needs of households at the low and very-low-income levels. A contribution to the Collier County Local Housing Trust Fund may also serve to mitigate for units unable to make available on site. So they're asking basically for you to consider a donation of land.

MR. YOVANOVICH: I think they're giving us an option. Provide it ourselves or, as an alternative, provide another site for either the county to do it or someone in the county, you know, recruits to do it. If you'll recall, what you transmitted to the state for -- basically, the developer makes a parcel of land available, assigns density to it if they choose to do it that way, or they could do it off site, to address the affordability, and then the county would acquire that site and either do it themselves or recruit a developer -- an affordable housing developer to do it.

COMMISSIONER SCHMITT: Correct. The way this is worded, it is soft, but it comes across almost like an exaction. We want you to do this, and this way you'll get your zoning. I really read this and saying, okay, we recommend you give up a parcel of land, but that has not yet happened? It is a consideration, I guess, is what I'm asking.

MR. YOVANOVICH: We have agreed to that request.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: We've agreed to the Staff Condition No. 7.

COMMISSIONER SCHMITT: Condition No. 7.

UNIDENTIFIED SPEAKER: Yes.

CHAIRMAN FRYER: I'm going to be asking for more clarity on this as well, Commissioner Schmitt, because of the conversation I had with staff.

MR. YOVANOVICH: Okay.

COMMISSIONER SCHMITT: I mean, I'm not hammering you just -- the staff report comes across as we would like you to do this, and if you really don't do it, then you really --

MR. YOVANOVICH: Oh, I know what it was. I'm sorry. I confused myself. The asterisk is there was confusion -- at one point -- it's a 10 percent -- this number -- what I have right here is exactly what we're agreeing to, okay. The reference to see the staff, the body of the report, initially they had 24 percent or 260. When you really do the math, 260 is 10 percent. So that was a note to myself to say, the body of the staff report said

24 percent, but the real -- the real commitment is a 10 percent commitment. And I think we've confirmed that with staff that they didn't mean 24 percent; they meant 10 percent. Sorry for the confusion. That was me. It was to remind me why I had 10 percent there and not the 24 percent that's in the staff report.

COMMISSIONER SCHMITT: But on the staff report, and I'll maybe ask Nancy this, but you're on the stand right now, so I'm going to ask you. Page 16 infers that we would like you to donate land, but then it has the Stipulation No. 7 about the 10 percent of the units. You've agreed to 10 percent of the units.

MR. YOVANOVICH: No. We have agreed to choose one of the two.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: We haven't decided which one yet.

COMMISSIONER SCHMITT: Got it. So it's one or the other?

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: That's where we're at.

MR. YOVANOVICH: At our option.

COMMISSIONER SCHMITT: At your option. Okay. That's fine with me. I understand now. Thank you.

MR. YOVANOVICH: Sorry for the confusion.

CHAIRMAN FRYER: That, I think, clears it up for me, too. So Condition No. 7, as written -- and this is in the February 24, 2021 -- on Page 30 of 30 of the staff report, that is acceptable to the applicant?

MR. YOVANOVICH: With the revision from 24 percent to 10 percent.

CHAIRMAN FRYER: Yeah, well, it doesn't -- No. 7 doesn't go into the 24 percent. It just is -- it's Option A. It's the 10 percent.

MR. YOVANOVICH: No.

COMMISSIONER SCHMITT: I'm looking at the --

MR. YOVANOVICH: Can we put the visualizer on so I don't confuse myself anymore?

CHAIRMAN FRYER: Well, while we're doing that, when I met with staff on Tuesday, staff told me that there was agreement for affordable housing.

MR. YOVANOVICH: Correct. The staff recommendation -- and I believe this is Page 30 of 30.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: Number 7.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: That's my handwriting. It says, Longwater shall commit at least -- they had 24 percent of the units, 260, which is really a 10 percent, to be sold at those prices or, as an alternative, land or units proximal to the SRA shall be reserved for development of housing that is affordable. It's an "or," right? Am I --

CHAIRMAN FRYER: Okay. I don't know where that is.

COMMISSIONER SCHMITT: I got it on my page --

MR. YOVANOVICH: It's 30 of 30.

COMMISSIONER SCHMITT: The most recent report I have. I don't know if it's the last one Nancy sent. But it's correct at 10 percent.

CHAIRMAN FRYER: Okay. Well, 10 percent I understand, and I realize that was reduced from 24, but there -- I did not see any redlines showing changes from the

material when this was put on for today's agenda, so I assumed that there had been no changes, and I just continued to refer back to the February 24 version. But you're saying that the dealer's choice, the option is in 7, and staff's okay with it and you're okay with it?

MR. YOVANOVICH: Yes. I know we're okay with it. I'm assuming staff's still okay with it.

COMMISSIONER VERNON: Yeah. Mr. Chairman, because I thought I was crystal clear on this, and now I'm not sure I am.

CHAIRMAN FRYER: Please. Go right ahead.

COMMISSIONER SCHMITT: I'm glad I got you confused.

COMMISSIONER VERNON: You did. You succeeded. The "or" is an accommodation to the applicant?

CHAIRMAN FRYER: Yes, indeed.

MR. YOVANOVICH: The reality is, we don't have to do any of this under the current regulations. We don't have to provide any affordable housing. We have agreed to this condition as requested by staff.

COMMISSIONER VERNON: Right. I'm just saying, the first part of the sentence is perfect, and the add-on sentence is -- gives you a choice.

MR. YOVANOVICH: Right.

COMMISSIONER VERNON: It doesn't -- it's not an exaction or something like that.

MR. YOVANOVICH: It's not an "and." I can pick.

COMMISSIONER VERNON: It's your choice.

MR. YOVANOVICH: My choice.

CHAIRMAN FRYER: Yeah. All understood.

COMMISSIONER SCHMITT: Understood. Thank you.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Anything else? I'm sorry.

CHAIRMAN FRYER: Any other questions, comments for the applicant?

(No response.)

CHAIRMAN FRYER: All right, sir. Anything else from you? No?

MR. YOVANOVICH: Not at this moment.

CHAIRMAN FRYER: All right.

MR. BELLOWS: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead, please.

MR. BELLOWS: For the record, Ray Bellows. The review staff -- the county review staff would like to offer that the public go first before our review team, because there are a lot of people here, and maybe we can get through a bulk of those before we get to staff.

CHAIRMAN FRYER: I think that's a very wise suggestion. What does the rest of the Planning Commission --

COMMISSIONER SCHMITT: I agree, because I think staff will be able to clarify points raised by the public.

COMMISSIONER VERNON: I agree. I think it's a great idea.

CHAIRMAN FRYER: Perfect. That's exactly what we'll do. Thank you, Mr. Bellows.

So we're letting the public know -- and I know there's some members of the public

who are outside this room -- that we are going to change the order of things so that we're going to hear from the public now, and we'll start by hearing from members of the public who are in the room, and then we'll go to members of public who are in the Zoom.

And I believe that Mr. Frantz when last was queried about this said that there were, what, 30 here and 30 online?

MR. FRANTZ: We have 35 people registered online, but I'm looking in Zoom right now, and only 19 people are there.

CHAIRMAN FRYER: Okay. All right. So let's begin with the people who are in the room. And we're going to give -- we're going to give more time to organizational representatives, but we're going to try to avoid unnecessary repetition.

MR. FRANTZ: Your first speaker here in the room is Dr. Karen Dwyer.

CHAIRMAN FRYER: Dr. Karen Dwyer. Here comes Dr. Dwyer.

MR. FRANTZ: I have another slip from John Dwyer that's indicating they're giving time to Karen.

CHAIRMAN FRYER: All right.

DR. DWYER: Just to clarify. I was speaking for the Stone Crab Alliance.

CHAIRMAN FRYER: Uh-huh.

DR. DWYER: And just in case you didn't have time for groups today he was going to yield his time, but it's just 10 minutes.

CHAIRMAN FRYER: Understood. Okay. Well, he's yielded his time anyway. So go ahead, please.

DR. DWYER: Thank you for voting to deny Rivergrass in 2020. Please do the same today. Deny Longwater and Bellmar because, like Rivergrass, they fail to meet RLSA design requirements of a village. They fail to provide connectivity, accessibility, walkability, innovativeness, housing diversity and affordability, fiscal neutrality, and more.

In short, they are not villages. County staff agrees.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Just for the record, ma'am, could you just clarify, your title of "doctor," just, is it relevant to what we're discussing today?

DR. DWYER: No, it's not.

COMMISSIONER KLUCIK: I just -- no, I was just wondering if you were, like, an environmental scientist or something like that. But I just was curious. Sorry.

DR. DWYER: No.

COMMISSIONER KLUCIK: Thank you.

DR. DWYER: Will I get my time back?

CHAIRMAN FRYER: Yeah. We'll give you a little more time.

DR. DWYER: Okay.

MR. KLATZKOW: I'm not timing anything.

DR. DWYER: County staff agrees. In comments cited in your packet, they conclude that Longwater and Bellmar still do not fully meet RLSA policies regarding innovative design, compactness, housing diversity, walkability, mix of uses, interconnectedness, et cetera.

In staff's view, what you have before you are, quote, suburban development plans typical of that in urban areas and is contrary to what is intended in the RLSA. In short, they are not villages.

Staff goes on to provide the solution. There are no known constraints that preclude a more compact development designed with a majority of dwellings near the village center, including some affordable housing with the village center located in the interior rather than on the edge, connected with a grid street system rather than with the proposed non-village-like spine road.

So why did the applicant, Collier Enterprises, fail to make the necessary changes, and why did county staff fail to secure the necessary changes before withdrawing these comments, and why did the applications move forward with all these crippling deficiencies? The greatest design deficiency is the lack of connectivity within the villages caused by locating the village center on the edge, not in the center. This is not an oversight. Three times now the applicant has placed the commercial center along a major thoroughfare to take advantage of drive-by traffic instead of designing the village as required to provide its residents with easy, walkable, bicycle access to goods and services.

This is urban sprawl with a strip mall masquerading as a village, all in sensitive stewardship lands we agreed to protect from just such irresponsible growth.

The solution is simple. Collier Enterprises must be required to revise these sprawling developments into compact walkable villages. They must look, walk, bike, and function like villages as defined in the overlay. This is not optional. This is required.

After having enjoyed all the benefits of the RLSA program since 2002, Collier must now pay the cost of following its design rules. Their refusal to do so must not be acceptable to this Planning Commission or county. Worse yet, Longwater and Bellmar will not be fiscally neutral because their impact fees only reimburse the county for a portion of the new water and wastewater facilities that must be built to serve the new villages.

According to the RLSA overlay, growth must pay for growth.

COMMISSIONER KLUCIK: Mr. Chairman? Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

We'll give you more time, ma'am.

Go ahead, Commissioner.

COMMISSIONER KLUCIK: It seems like you've transitioned, so I just wanted to ask a question about what seemed to be your first point.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: And so you're saying that the requirements for development in the RLSA are not being met by this applicant, and you were specific to things like walkability and, you know, the type of -- I don't know. The type of development in different areas. I'm just trying to figure out -- I want to know what it is that you're saying specifically is not in compliance.

DR. DWYER: Yes.

COMMISSIONER KLUCIK: So if you could elaborate.

DR. DWYER: I'm saying I'm not alone; that the county -- I used the county's words to describe how it's not walkable, how it's not bikeable. One of the major problems is that you've got the town center on the edge. Literally, it's designed to serve and to capture business from driver-bys.

But the town center is meant to be in the center. It's going to be the hub for the village, just like in Ave Maria, so that you don't even see the town center from Ave Maria, because you're not supposed --

COMMISSIONER KLUCIK: Right. So you're saying -- so that's a noncompliance because it's not --

DR. DWYER: No. It's the design requirement of a village is that it's designed --

COMMISSIONER KLUCIK: Right.

DR. DWYER: Literally, they tell you to have a village center in the center so that then you can have that grid type roadway. You don't have to have the spine running through the middle.

COMMISSIONER KLUCIK: Right. So the commercial area or the town center being located on the edge --

DR. DWYER: Right.

COMMISSIONER KLUCIK: -- that in and of itself brings into question compliance because the walkability and everything else is just -- it's not what was envisioned for the goal of the RLSA plan?

DR. DWYER: Exactly. These are design flaws in the applicant's --

COMMISSIONER KLUCIK: Okay.

DR. DWYER: -- application.

COMMISSIONER KLUCIK: Okay. I wanted to make sure I understood what point you were asserting.

DR. DWYER: Yeah. And the one thing that you could do is just like staff recommended, putting the commercial center actually in the center of the village. The village center in the center. That would solve a lot of the problems, but not all of it. But it would make it more compact; therefore, you'd be protecting agricultural lands better, which is the major goal of the RLSA, but also it would just change everything, if you literally would put that town center in the center, the village center.

COMMISSIONER KLUCIK: Okay. Thank you for answering that.

DR. DWYER: You're welcome.

According to the RLSA overlay, growth must pay for growth. This means that the cost associated with the new development must be paid for by the developer and not passed on to existing residents.

For reasons that remain unclear, the county has agreed to finance the cost of a brand-new potable water plant and a brand-new wastewater treatment plant to service these developments. The total cost to the county, over 216 million. In return, the county has required no special fees from the applicant. Rather, they will pay impact fees at the same rates as any other development. The result is that the rest of the county, specifically you and I and tens of thousands of taxpayers who live in the Collier County Water/Sewer District, will be stuck paying for services to these new developments.

This is not fiscal neutrality and, according to the law firm Arnold & Porter, this is not legally permissible under the Growth Management Plan. The Colliers, one of the wealthiest landowners in the nation, must pay their fair share instead of robbing taxpayers.

Again, the solution is simple. Collier Enterprises, like other developers, must be required to pay for the services associated with its developments, including water, wastewater, traffic mitigation, and so on. Their refusal should not be acceptable to the Planning Commission or the county. Ave Maria paid for its own water and sewer. These developments must too.

As for the fate of the critically endangered Florida panther, it has a right to live a life undisturbed by further development --



CHAIRMAN FRYER: I'm going to ask you to wrap it up, if you can, ma'am.

DR. DWYER: -- especially on Primary Panther Habitat. Reduced to only 5 percent of its historic range with just one breeding population, it needs all of its remaining habitat to survive. We must protect it. We know the regulatory agencies won't. They're understaffed, overworked, and underpaid. So underpaid, as an investigative article in *The Interceptor* reveals, Collier Enterprises paid the U.S. Fish and Wildlife Services \$292,000 to cover the cost of reviewing its plans to see if they would jeopardize the panther's future. If paying for staff positions at the agency that will decide the fate of the applicant's plan for Eastern Collier County seems unethical and immoral if not pure bribe, you are not alone. It certainly looks like the applicant is buying a favorable ruling.

And a federal investigation has been called. Sadly, few doubt the agency will call a jeopardy and save our panther. As one panther expert said, they could announce that they're going to build a nuclear weapons test site in the middle of panther habitat, and the Fish and Wildlife Service would find some way to approve it. Since the federal agencies won't protect the panther, we must. Collier County is where this panther is making its last stand. It is our most imperiled resident.

The solution is simple. Collier Enterprises must be required to relocate the developments outside Primary Panther Habitat to meet the fundamental RLSA goal of protecting listed species habitat. Their refusal should not be acceptable to the Planning Commission or county. The Colliers have vast land holdings and the resources to make this right as well as a reputation to uphold as a panther advocate.

To sum up, deny Longwater and Bellmar because they would create rather than curb urban sprawl and habitat fragmentation. Deny them because they lack housing diversity with 90 percent single-family and only 10 percent multifamily. Deny them because they've failed to move from greater urban density to lower rural density. Deny them because they refuse to even address affordability. Deny them because they destroy Primary Panther Habitat. Deny them because they would create new roads leading to more traffic and more roadkills. Deny them because they would replace farm fields with urban development thereby taking away jobs from Immokalee farm workers; 97 percent of this site is cropland. Deny them because they do not pay for themselves but will cost current taxpayers tens of millions of dollars. Deny them --

CHAIRMAN FRYER: Dr. Dwyer, I'm going to interrupt you because we've given you lots of time, and also Commissioner Schmitt has a question.

Go ahead, Commissioner.

COMMISSIONER SCHMITT: Doctor, I just have one question. You mentioned the town square, and with 2,600 units, would you expect some type of major grocery chain to be in the town square to support a unit -- a size community of 2,600 units?

DR. DWYER: We have a Publix at Ave Maria. I think that the specific design requirements would be up to whoever's living in the villages but -- so I don't know how to answer your question. I don't have any idea about what should go in the center except that the commercial center should be geographically located in the center.

COMMISSIONER SCHMITT: Just bringing up the fact of the capture rate that a major grocery chain would need to build in the middle of a town of only 2,600 units, but you've answered my question. I have no other questions. Thank you.

CHAIRMAN FRYER: Thank you, Commissioner.

And thank you, Dr. Dwyer.

Our next speaker, please?

MR. FRANTZ: Your next speaker is Patricia Forkan.

CHAIRMAN FRYER: Ms. Forkan.

MR. FRANTZ: Patricia will be followed by April Olson.

MR. BELLOWS: April, you can use this podium, too.

CHAIRMAN FRYER: You can go back and forth.

While we're waiting, would you spell your name, please, ma'am?

MS. FORKAN: Yes. It's Patricia. It's F-o-r-k-a-n, Forkan.

CHAIRMAN FRYER: Thank you.

MS. FORKAN: Well, good afternoon. I was thinking I was going to see you this morning.

But in any event, I'll try not to be so ponderous as the morning was. And I am going to have a lot of the same things to say as our previous speaker, so I will try to limit that as well.

But I'm Patricia Forkan, and I'm here on behalf of the Collier County League of Women Voters. I serve on the board of directors, and I'm the chair of the Environmental Committee. We are here to present reasons why we should not approve the applications as proposed for the construction of over 5,000 homes to be located in these two villages. We've already submitted detailed reports on why you should oppose these massive developments.

In our submissions, we show they will be built in the middle of panther habitat. By the way, one of the things I found out during all of this is that on the Collier land, I've been told they have not allowed scientists to go on and collar the panthers. So the panthers on the Collier land might be a little bit undercounted. I'm just saying that's what I've been -- that's what I've heard.

It will -- these villages will also adversely impact traffic, pollution, wetlands, and water retention. When we talk about farmlands, farmlands serve as water retention. Bricks and paved -- pavements and homes do not. So even though we're moving away from farmland to make -- to build these homes, you don't have the water retention that you would have normally.

And the other thing is that panthers are found to be using farmland. This is -- this is something that, again, doesn't seem to have been incorporated in the discussions of, where are the endangered species and when do they use the land?

I want to talk about sound environmental policies and wise management of natural resources. In the public interest, our job is to promote -- is to promote public understanding and participation in all levels of political government decision-making.

We're a nonpartisan political organization. Our mission it to empower and inform voters to influence public policy through education and advocacy. So I'm here as an advocate on behalf of many people watching today through the miracles of television.

Here in Collier County we've been engaged in opposing bad planning and more sprawl but not growth itself. Indeed, we support smart, responsible growth. Our concerns in those two -- of the two amended submissions before you right on the heels of the approval of Rivergrass, which this group did not approve, and approval of yet another nearby rural village of 3,000 more homes as pending down the road.

We wonder if the county's Growth Management Department is adequately

representing the public interests in all of these concerns. We also have found that there has been a lot of moving the goalpost. We know this XYZ is what's come in, and then suddenly we hear LMSOV is here and then something else. So there's a constant churning of what we're actually supposed to be referring -- looking at and responding to, and that's very difficult for a non-profit. We can't hire endless numbers of consultants.

One of the things, for example -- I'll give you an example. Initial concerns by staff at the proposed location of Longwater's commercial area, quote, cannot be considered as a village center. Fine. We can support that; however, that finding was dropped from subsequent consistency reviews. Why? The public is becoming much more aware of the threat of posed -- proposed runaway and unnecessary growth, and it's looking to its elected and appointed leaders to get serious about the county's future.

While Rural Lands Stewardship Area's not in the public's immediate view, not like Naples One, the decisions made now will impact all county residents if you do not require more stringent development of rules for the RLSA as originally agreed to by the Eastern Landowners. We seem to be dying by a thousand cuts. There's suddenly this change and that change, and --

COMMISSIONER KLUCIK: Excuse me, Mr. Chairman.

MS. FORKAN: -- the lawyer was absolutely right. They will be back.

CHAIRMAN FRYER: Commissioner Klucik has a question, ma'am, and we'll give you time.

Go ahead, Commissioner.

COMMISSIONER KLUCIK: I'm just trying to figure out, I mean, there -- this RLSA mechanism or this -- you know, the plan and the scheme to -- you know, to use this land in an environmentally friendly way.

MS. FORKAN: Yes.

COMMISSIONER KLUCIK: Excuse me -- that was well developed with all sorts of input from the public, and that's what's being implemented. And, you know, we saw how -- you know, contrary to what the prior speaker said, we saw how the actual -- you know, the program itself incentivizes using the least environmentally sensitive areas.

And I'm trying to figure out, I mean, there is -- there's a ball game and a ball field, and you mentioned, you know, people wanting to change the rules. I think the rules are well established, and the applicant, you know, has tried to follow them, and the staff has determined that they've followed them. And I'm just trying to figure out what -- why are you -- you know, what is the basis for saying that the rules aren't being followed or that they're being changed? Because I don't see that. I see that there's a lot of people who got concessions. You know, there were -- based on a whole RLSA scheme was about a bunch of concessions to people concerned about the environment and now that those concessions --

MS. FORKAN: Yes, and we don't agree --

COMMISSIONER KLUCIK: Excuse me, excuse me, excuse me. And now that those concessions are in place, because that's what everyone agreed would be -- you know, lead to good environmental stewardship, now we're saying, oh, but we need more. And I'm just trying to figure out when will it be enough, or will it never be enough? Because if it will never be enough, then that's fine. We'll just, you know, kind of not really pay much attention because you would get up and say something no matter what was proposed because you just don't want development. But I'm assuming that's not your position, and

so I want you to be real specific. Because you've made wild allegations here about -- you know, that this not being in compliance with a program that was directly geared towards trying to make sure that we're good stewards of the environment.

CHAIRMAN FRYER: Ms. Forkan?

MS. FORKAN: Yes, I agree that that was what was intended, and there were years of discussions of all of those things.

I participated for about two years in the restudy where we sat month after month in workshops. And we had our ideas up there, and developers, I might say, stood in the back and laughed at us.

And at the end of that process, one of the developers did a show, a slide show, a PowerPoint talking about what they were going to do. And I asked the questions, well, why were we there for a year and a half if you're not going to change anything? And that's essentially what happened.

There was no input from the public. The only public you've had input from that I'm aware of are the Audubon and Florida Wildlife Federation. They both have monetary reasons to be in this.

So I really think that the initial ideas and how good this program should be -- we're not opposing the original idea. We support growth, smart growth, but we don't approve of or don't support moving -- I hate to use Miami, but we just drove over there, and we're driving towards Palm Beach, right next to the Everglades there are walls and gated communities for miles and miles and miles and miles.

We don't want that to happen here. We think that there's a number of reasons having to do with water -- there's reports that the Corkscrew Swamp is not getting enough water. We sat in one of our things --

COMMISSIONER KLUCIK: So, ma'am? Ma'am?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: This is Commissioner Klucik.

MS. FORKAN: What?

COMMISSIONER KLUCIK: So what you're saying is is that you disagree with the RLSA program and you don't -- you don't think that the RLSA program is satisfactorily addressing environmental concerns?

MS. FORKAN: What I'm saying is the original idea and the original things that we thought were the RLSA are no longer in play.

COMMISSIONER KLUCIK: Okay. So your argument isn't really that it's not in compliance with the RLSA; it's that you don't like the RLSA?

MS. FORKAN: No, no, no. I didn't say that at all. We like the RLSA. We like the idea that there is going to be protection of endangered species. We like the idea that certain lands will be protected and they will then not be used as developers, but --

COMMISSIONER KLUCIK: But that's what we saw with the petition. You see the corridors; the most sensitive corridors are protected, and the land that's being used has the ratings that are the least sensitive, environmentally sensitive. And when I asked -- when I asked about it, you know, it was because of the incentives that the RLSA program puts in place so that the developers will actually use the least-sensitive land.

And so I'm trying to ask you to be very specific. You're coming up and you're -- you don't like this. I get that. I want you to know -- I want to know from you, under the law, why is this -- why is this not a lawful thing? Because we're hearing this

quasi-judicially. What -- so the commissioners -- I can't just decide on this based on my feelings. I have to look at the rules that are in place and whether the applicant -- what are you looking at, ma'am? I'm just trying to figure out -- can you not hear me?

MS. FORKAN: Yes, I can hear you.

COMMISSIONER KLUCIK: Oh, okay. So the commissioners, we can't just decide this on our feelings. We have to have a legal basis under the rules that the applicant has not -- their application does not meet the legal requirements. That's the requirement that we have before us as commissioners.

MS. FORKAN: I will refer you to the application --

COMMISSIONER KLUCIK: And -- excuse me. And so I'm trying to figure out what are -- what do you think is a specific violation of -- you know, of the RLSA requirements? Because our staff has all, you know, determined that it's all in compliance. So I want you to be specific, if you can be. If you can't be, I understand you're passionately against this, and I totally understand that there are people who are passionately against this. We all -- you know, the commissioners definitely are well aware of that because we've seen, you know, lots of communication about it.

CHAIRMAN FRYER: Go ahead, Ms. Forkan.

MS. FORKAN: Yes. Well, let me try. The process has been one where there seems to be the -- we don't seem to have any input at all as a stakeholder; that is public interest. We cannot -- we have not met with any of the folks that develop all these things. We've met occasionally with Thaddeus Cohen but have gotten very little satisfaction with that. So we are faced with things that come out at the last minute, and we aren't really sure why.

One of those I suggested earlier was the town center -- the town center as discussed in the earlier recommendation from the staff wasn't suitable. So we're saying, why did that happen? Who made that change? I don't know.

But it seems to me that those of us who are not part of the inner circle have no place at the table to have our thoughts known. We tried it through the workshop process. It was a bust. So I don't even know why we went through the workshops, because nothing was really adopted or changed or made any difference.

So I don't know what to tell you. We have other experts who will be testifying who have a much deeper -- they've done much deeper dives into things such as the panther habitat and some of the other problems with the staff recommendations that don't seem to ever happen.

So I don't know what to say to you. I don't like being threatened with it being a quasi-legal procedure.

COMMISSIONER KLUCIK: Ma'am? Ma'am? Ma'am? Hold on a second.

MS. FORKAN: I'm going to refer you to my lawyer.

COMMISSIONER KLUCIK: I'm going to go ahead and -- I'm sorry. I'm going to clarify that for you. The process by which we evaluate the application that's before us, not you, the process by which the commission, the Planning Commission, evaluates this application, we have to apply a quasi-judicial standard meaning we can't vote on the application based on whether we personally like it or think it's a good idea.

MS. FORKAN: I understand that. I worked for --

COMMISSIONER KLUCIK: No, but you just made a snide, insulting comment to me as if I was threatening you, and I didn't threaten you, and so I actually am clarifying

that.

And I'll also, you know, for the other people who are thinking -- you know, who are planning to testify to us, if you're coming up to tell us that you don't like the idea of what's going on, that's useful information to the extent we know you're against it, but we have to base our voting, our recommendation on a quasi-judicial standard which is whether or not the application meets the legal requirements.

MS. FORKAN: I don't appreciate your condescending tone. I understand exactly what you're saying. I have been testifying for years in Congress. I have negotiated treaties. I don't know what else we can say except that they are not abiding by the original RLSA standards. That's what we want are the original RLSA standards, and they don't exist anymore.

CHAIRMAN FRYER: I'm going to interrupt here, because we're verging on disorder. And I'm not -- I'm not calling anybody out at this point. But right now my main interest is allowing this witness to finish whatever --

MS. FORKAN: I'm finished.

CHAIRMAN FRYER: You are? Okay.

MS. FORKAN: I'm finished.

CHAIRMAN FRYER: Well, all right. Thank you. And certainly, as far as we on the Commission side is concerned, we liberally exercise our rights to interrupt and to ask questions, and I'm not trying to dissuade anyone from doing that, but I think -- I think it's in everyone's best interest if we try to be -- exercise our discretion about interrupting, and if something can wait until the witness is finished, that might be a little bit better, so...

COMMISSIONER KLUCIK: Mr. Chairman?

MS. FORKAN: Let me just say, I'd like to refer the speaker to the various and numerous papers that we have submitted to the staff over the past couple of years as to our position on the legality and what it is we're concerned about.

CHAIRMAN FRYER: Thank you. And, Ms. Forkan, you've gotten all your points made?

MS. FORKAN: I certainly have.

CHAIRMAN FRYER: Thank you very much.

Commissioner Klucik, did you want to say something?

COMMISSIONER KLUCIK: Yeah, only if we could either -- if you or if the County Attorney could just clarify the quasi-judicial nature of -- you know, of our evaluation, and just -- because, obviously, there was some misunderstanding, apparently, the way I explained that. And I certainly don't want anyone to misunderstand what that means.

MR. KLATZKOW: This is a quasi-judicial proceeding which, at the end of the day, means you have to make your rulings based on the criteria that we have in the ordinance and competent substantial evidence.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: I believe the witness did state clearly her objections to the application which I believe will also be restated somewhat by the Conservancy which were the neighborhood center should be in the center, that the spirit and the intent of the RLSA was not met by the application. And she listed specific things, which I'll reiterate. This is for your benefit, Robb, and just for -- this is kind of my interpretation of what she

said.

Neighborhood centers should be in the center. You should have a continuum of density -- higher density near the neighborhood center getting less dense as you move outward. It should be interconnected which would indicate, as she said, more of a grid system rather than a cul-de-sac system.

Also, that the -- call into question that even though the RLSA program, you know, calls for these farmlands as being less environmentally sensitive, that it really is Primary Panther Habitat or it's a very important part of panther habitat. So that's what I took away is concrete things that I think I want to just investigate and follow through with additional witnesses.

CHAIRMAN FRYER: Thank you, Commissioner.

COMMISSIONER KLUCIK: Thank you for -- thank you for that summary. That's helpful.

CHAIRMAN FRYER: Thank you.

Next witness, Mr. Frantz?

MR. FRANTZ: Your next speaker is April Olson with the Conservancy, who -- the Conservancy has submitted several slips. The next speaker with the Conservancy after April will be Norman Marshall.

CHAIRMAN FRYER: Thank you very much.

Ms. Olson, do you -- well, please proceed.

MS. OLSON: Okay. Good afternoon, Commissioners. For the record, April Olson here on behalf of the Conservancy of Southwest Florida and our over 6,400 supporting families.

As a courtesy, before the previously scheduled Longwater hearing, we provided you with presentation slides that we were to go over during our comments. Because you already had an opportunity to review those slides over the past two weeks, there's no need to go over them today. However, our concerns regarding Longwater and Bellmar still stand, and we hope that you will recommend denial of both projects.

To summarize, our main concerns include the following:

Number 1, both projects are proposed entirely within Primary Panther Habitat in a location the U.S. Fish and Wildlife Service considers crucial for the panther's recovery and survival. The Primary Panther Habitat was specifically delineated to include agricultural lands such as those contained on these sites. The best available science and panther recovery plan states that these areas need to be maintained. Furthermore, the location of the projects within habitat of an endangered species is in direct contradiction to the RLSA's goal.

Number 2, the designs of both projects are merely typical suburban style developments. They are not villages which, according to the RLSA, must be walkable, innovative, compact, self-sufficient, and provide a continuum. Bellmar and Longwater fail to conform to any of these RLSA requirements.

Number 3, there will be an economic shortfall of over \$43 million to provide projects with water and wastewater. This number is very conservative, as it does not even include costs for the interim plant and financing costs, and we use the applicant's demand numbers, which were lower than what staff provided in their consistency review memos. Ave Maria paid their own costs to provide water and wastewater. So, too, should Bellmar and Longwater.

And, No. 4, millions of dollars in costs for road impacts caused by Longwater and Bellmar will be passed on to Collier County taxpayers because the applicant ignores background traffic, and they're cherry-picking which road segments to analyze. Unfortunately, Collier County staff are allowing this to happen.

Number 5, because DPFPG provides lower persons-per-household numbers than what is provided in many other county documents, the total population of the villages are underestimated. In turn, this underestimates the cost required to provide services to the villages such as EMS, fire, sheriff, school busing -- and school busing. Instead, these costs will fall on the shoulders of Collier County and its taxpayers.

Now, our economic and traffic experts are here today virtually, and they have signed up to talk to further explain some of the issues that we just summarized. The Conservancy didn't just hire any expert to analyze Longwater and Bellmar. We hired individuals with decades of experience and who are highly regarded in their field, not just in Florida, but across the United States.

So I would like to take a moment to go over their credentials before they speak.

CHAIRMAN FRYER: Before you do that, I'm going to ask Commissioner Schmitt if he has a question.

COMMISSIONER SCHMITT: I'll wait till April's done, because I just want to put a couple things on the record.

MS. OLSON: Okay. Sure.

CHAIRMAN FRYER: Go ahead.

MS. OLSON: Our economics expert is Joe Minicozzi. Mr. Minicozzi is an AICP-certified urban planner and the principal of Urban3, a planning firm focused on land value economics, property, and retail analysis and community design. Mr. Minicozzi has served as the executive director of the Asheville, North Carolina, downtown association and was previously the primary administrator of the form-based code in downtown West Palm Beach, Florida.

He received his Bachelor of Architecture from the University of Miami and his Master's in Architecture and Design from Harvard University. In 2017, Mr. Minicozzi was recognized as one of the hundred most influential urbanists of all time.

Our traffic expert is Norman Marshall. Mr. Marshall is a travel-demand modeler with over 30 years of experience analyzing the relationship between the built environment and travel behavior. He currently acts as president of Smart Mobility, Inc., and has worked across the country on planning projects related to the regional transportation modeling, municipal planning, and road corridor planning. Mr. Marshall received his Bachelor of Science in Mathematics from Worcester Polytechnical Institute and his Master's of Science in Engineering from Dartmouth College.

And we wanted to start first with Mr. Marshall, who will speak for about 10 minutes, and Mr. Minicozzi afterward for about 15 minutes.

CHAIRMAN FRYER: Thank you. Are they online?

MS. OLSON: They're online. I have their presentations, and I can advance them for them.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I just want to bring up a point here.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER SCHMITT: And I know based on all the information that you



provided us, there's a significant dispute on the cost and the -- the costs that are being borne by the -- by Collier County. And I think rather -- for us on the panel here, rather than get into a debate on the value or the true assessment of those costs, we owe it to staff to give their presentation as well, because I specifically asked staff to address every one of the issues you raised.

And I think it's to our best interest to hear what staff says as well in regards to the various issues that you raise concerning the cost of the water, sewer, and other infrastructure.

MS. OLSON: Sure.

CHAIRMAN FRYER: Commissioner, I think when you were on your business matter --

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: -- staff asked if they could let the public go first.

COMMISSIONER SCHMITT: Oh, no, I was here for that.

CHAIRMAN FRYER: Oh, you were here.

COMMISSIONER SCHMITT: So I want to make sure we did --

CHAIRMAN FRYER: Oh, we're going to absolutely do that.

MS. OLSON: And just so you know, Mr. Minicozzi and Mr. Marshall are also going to go over those so you have a better understanding.

CHAIRMAN FRYER: But before we proceed --

COMMISSIONER SCHMITT: I have a second issue that I want to ask then.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: You mentioned just the term "primary habitat," and, of course, you know and understand the RLSA was designed to protect the primary habitat. But so is it your position now that this -- what's being proposed is not protecting what was deemed to be primary habitat?

MS. OLSON: Yes, that is definitely our position. I have a map here of the Primary Panther Zone --

COMMISSIONER SCHMITT: Yes.

MS. OLSON: -- if I could show it to you.

COMMISSIONER SCHMITT: I understand the Primary Zone.

MS. OLSON: Okay.

COMMISSIONER SCHMITT: I certainly understand that.

MS. OLSON: Sure.

COMMISSIONER SCHMITT: But, of course, when the RLSA was codified, it looked at all of the data at that time. I know we can dispute that the data then is not the same as today. There may be more or -- I would say more factual data now, but the dilemma I'm facing is I have to review this based on what has been approved by the Board of County Commissioners and what is deemed to be both the receiving land and sending land.

So I guess from your perspective, you're saying that the receiving land really should not be receiving land?

MS. OLSON: Correct, correct. When the program was adopted in 2002 in the Immokalee area study, it said that the RLSA would be updated with best available science --

COMMISSIONER SCHMITT: Yes.

MS. OLSON: -- and, unfortunately, that never happened. And so the FLUCCS codes that staff is using that are deemed preferred and tolerated do not include the FLUCCS codes that actually protect the panther, which include those important agricultural areas and cropland areas.

COMMISSIONER SCHMITT: I understand your position.

MS. OLSON: Sure.

COMMISSIONER SCHMITT: I'm certainly not going to debate that. The fact is --

MS. OLSON: Okay.

COMMISSIONER SCHMITT: -- though, I'm up here, have to evaluate it based on the current documents, the current code, and the current evaluation criteria. I can't simply just say, well, I know there's no data out there and now I have to enforce that on, essentially, private landowners. This is private property.

MS. OLSON: Sure.

COMMISSIONER SCHMITT: So you're -- are you now asking us to basically disregard what was approved 20 years ago when all this went through the various public hearings and to now -- to implement a new plan based on data that you think we should use? That's, I guess, what I'm asking.

CHAIRMAN FRYER: With apologies to Ms. Olson and the Conservancy, I hate to interrupt people's presentations, but we are at a point where we really do need to take a break, and that will give Ms. Olson a chance to formulate her response.

MS. OLSON: I've got it right here, but --

CHAIRMAN FRYER: Okay, good. Well, we'll return at 2:45.

MS. OLSON: Sounds good. Thank you.

(A brief recess was had from 2:31 p.m. to 2:45 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, it's 2:45. Let's go back in session. And before I turn it back over to Ms. Olson, I want us to talk about how late in the afternoon we're prepared to go today. Does anyone want to weigh in on that, any planning commissioner?

(No response.)

CHAIRMAN FRYER: The only -- what I feel committed to is letting people who are in the room have an opportunity to speak. People who are on Zoom have not been as inconvenienced quite as much so as those who are here. So I want to be sure that we do that.

I'll just throw a time out, 4:45, as a stopping point. Does that sound right to people?

COMMISSIONER VERNON: Yes.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Okay. Good. Then that's what we're going to do.

Ms. Olson, please continue.

MS. OLSON: Okay. So, Commissioner Schmitt, I thank you for your question. And I believe, if I'm summarizing it correctly, you wanted to understand how the RLSA -- well, maybe I'll let you answer [sic] the question. I'm sorry.

COMMISSIONER SCHMITT: Well, my question really is, we all know the history of the RLSA, and we know what happened. We should have had the restudy 10 years ago. We're still in the midst of the restudy now, which is coming back to us in LDC

amendments.

My real problem -- and you have a map up here showing panther telemetry. My real problem is, is I sense that you're asking us to apply criteria that I'm having difficulty trying to justify that I could apply, because it is not part of the LDC or it's not part of the current existing codes that were codified by the BCC.

So -- and the applicant submits an application based on the rules and regulations that exist. And I know your agency is now asking us, well, we know that's what they applied for, but we now want you to apply this criteria because it's more up to date, we have a scientific basis to back up our position, but at the same time, it's not criteria that the applicant had to design their application. So I'm struggling with -- I know what you're -- because I read all your data and you're basically -- and I know your speakers are going to convince us that this is what we ought to do, but what we ought to do has to have some underpinnings or some basis of law that we can grab onto and say, okay, this is now criteria that you should use, but that has yet to be codified by the Board of County Commissioners.

MS. OLSON: Okay. It's a fair question. Thank you for bringing it forward. We believe that Collier County can protect the panther habitat, Primary Zone Panther Habitat. And the language is clearly stated in the very goal of the RLSA, which says that incompatibility uses should be directed away from habitats, habitats of listed species. So it's in the very goal.

So we believe you have the power to deny these projects based on the goal of the RLSA that says that incompatible uses, which are roads, houses, businesses, should be directed away from these areas.

And, clearly, you can see on this map the Primary Zone areas, and these are data files by the U.S. Fish and Wildlife Service who considers the Primary Zone to be the best available science, and this is what they make their decisions on. All of Longwater, all of Bellmar are squarely within the Primary Panther Zone, and these are the lands -- I want to show you this, if you don't mind.

COMMISSIONER SCHMITT: The data -- can you give me the time frames of when that data was collected? I see 2020 on there, but how many -- is that a year or --

MS. OLSON: The Primary Zone -- this is from the Panther Recovery Plan from 2008, so that's -- the Primary Zone was delineated, I believe, with -- the U.S. Fish and Wildlife Service adopted in 2008, am I correct? Yes.

COMMISSIONER SCHMITT: How many animals are we talking about then, 240 --

MS. OLSON: There's, I believe, about 120 to 230. And if you don't mind me putting this up here, it explains it a little bit further.

One other thing I wanted to mention that we know that -- I believe it's Longwater and Bellmar are about 97, 98 percent agricultural lands, and those, as you saw in that map that I showed up -- I mean that I showed you, those pink areas are Primary Zone. And these Primary Zone areas was -- they were delineated by 11 panther scientists in the Kouts, et al, study, and they all agree that agricultural lands, croplands, are very important, critical to the panther.

But this is a statement by the U.S. Fish and Wildlife Service about the Primary Zone, which is that pink area that I just showed you. And it says, quote -- and this is from Page 89 -- the Primary Zone supports the only breeding panther population. To prevent

further loss of population viability, habitat conservation efforts should focus on maintaining the total available area, quality, and spatial extent of habitat within the Primary Zone.

The continued loss of habitat functionality, through fragmentation and loss of spatial extent, poses serious threats to the conservation and recovery of the panther.

And so the RLSA goal straight up says, avoid incompatible uses in habitat. And, unfortunately, these projects are sited directly in panther habitat.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: You're up third, Commissioner Klucik. We've got Karl Fry and Paul Shea ahead of you.

Go ahead, Commissioner Schmitt. I'm sorry.

COMMISSIONER SCHMITT: But the current documents still show the areas that they're going to develop in as receiving land, does it not?

MS. OLSON: It does, but it still -- it conflicts with the goal -- very goal of the program.

COMMISSIONER SCHMITT: I understand. Thank you.

MS. OLSON: Yeah.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Hi, April.

MS. OLSON: Hi.

COMMISSIONER FRY: Would you mind putting up the Primary Panther Habitat exhibit again.

MS. OLSON: Sure.

COMMISSIONER FRY: So I just want to dig into that a little bit more. And if we could zoom in on the left side of it so we can see the pink to the left of the villages and the town roll-up. There we go. I see a lot of pink covering a huge area well beyond these developments. I think the yellow are telemetry points, correct?

MS. OLSON: Correct.

COMMISSIONER FRY: So I see -- isn't Golden Gate Estates to the left of these developments?

MS. OLSON: Yes.

COMMISSIONER FRY: So that's Primary Panther Habitat. There are already homes there. If I look at this and I'm looking for -- I see the RLSA being a plan to -- a practical plan to absorb the growth we know is going to happen by protecting the most environmentally and habitat sensitive lands and building in the areas that are less so.

And when I look even at your telemetry points, it looks to me like Longwater, Bellmar are -- have many fewer telemetry points than the others. And so now with the discussion turns to farm fields.

And, listen, I think we're all united. We would love to -- we'd like to preserve the Florida panther, and I believe that's part of the whole point of this plan is that that occur. But if I'm looking at we've got these -- people are going to come here, where do you build? Do you build in the lesser of evils, I guess? Because it looks like it's all evil when it comes to the panther. You know, what better than a farm field that's already -- it's already disturbed; why not preserve the lands that are not disturbed, which seems to be what the SSAs are? Aren't -- SSAs 14 and 17, which are the ones being preserved for this development, aren't they better panther habitat that these farm fields?

MS. OLSON: They are within the Primary Zone as well as the lands within Longwater and Bellmar. And you had a couple questions in that question, and I'm glad you brought all of them up, Commissioner Fry. Thank you very much.

COMMISSIONER FRY: I laid it all out for you.

MS. OLSON: You laid it all out for us. So the telemetry data tells part of the story. And, first of all, the telemetry data, most of these are taken during the daytime when the panthers are in the forested areas, and they'll come out at night, because the planes will go up, and they will, during the day, track the panthers, okay. But at nighttime they're hunkered down in the forest.

They go out to these farmlands, and that's where they get the deer and the wild hog. And so these farmlands provide important habitat connections. And home -- they're part of the home range.

In fact, here's a statement by Kouts, et al, study which, again, was 11 scientists that U.S. Fish and Wildlife Service says is the best available science. And if you don't mind, I'm going to put this up here and just kind of -- the circled area, it says -- regarding why agricultural and nonagricultural lands are included in the Primary Zone, it says, other natural and nonurban disturbed land cover types between forest patches served as landscape connections, accommodate panther home range and dispersal movements.

So they have -- there's natural and then there's other disturbed areas, croplands, that are part of their habitat. And like I say, they get their prey in those areas.

You also mentioned, Commissioner, that there's a lot of pink in the -- in our map that we showed you, and where could they build; again, another excellent question.

Would you mind zooming out on that a little bit. Thank you.

So we have -- this map we had created -- it's been around for, what, for 10 years, Nicole? Probably at least.

This is our RLSA vision map, and we've provided this to staff on numerous occasions. It's been in our 65-page RLSA report. And the yellow areas that you see on the map, those are Primary Zone areas that should be avoided. Development -- according to the scientists, these areas should be avoided.

The pink areas are outside of the Primary Zone. Those areas are more acceptable to development, and those areas combined are about 30 -- almost 37,000 acres of pink areas. And if you direct development to those pink areas, you -- they're closer to Ave Maria. All of the developed areas, Golden Gate Estates, Ave Maria, and Immokalee. And so, therefore, you build -- you need a much smaller road network thereby saving taxpayer dollars. There's a lot of less fatalities for panther and other listed species because the road network is more condensed.

COMMISSIONER KLUCIK: Will you please put the graphic up just so I can look at it while you're speaking. Thank you.

MS. OLSON: Sure. Hold it up? Can you not see it?

COMMISSIONER KLUCIK: No, no, no. It wasn't on my screen. So thank you. It's on my screen now. Thank you. Carry on. Sorry.

MS. OLSON: Okay. So our vision map saves 47,000 acres of Primary Panther Habitat, 41,000 acres of agricultural land, which is also part of the RLSA goal, and 6,100 acres of wetlands.

And the panther, because it's a wide-ranging species, is an umbrella species -- and there are, I believe, 16 endangered and threatened species in the RLSA and three more that

are under review, if I'm getting my numbers correct. It may have been modified a little bit. But by protecting that -- by protecting panther habitat you're also protecting habitat of numerous other species as well, and it's economically a better plan for Collier County. Did I answer your question?

COMMISSIONER FRY: I can certainly take more time, but I'm going to let --

COMMISSIONER SHEA: Well, actually, I was going down the same the path you were going down is trying to understand where could they develop. What percentage of what -- in the base RLSA program we have now that's considered pink or open space or developable -- goes away when you overlay your pink Primary Panther Habitat area and take this out of the available open space. How much of it goes away?

MS. OLSON: Well, that's another good question. There is about 90-, 93,000 acres of open lands but, according to the credit analysis and staff, there's about 43,000 acres that could be built, enough credits to build about 43,000 acres. Now, we disagree. There's probably more, but they're saying there's 43,000. The RLSA amendments would cap that at 45,000 acres. So you've got about 43- to 45,000 acres within that envelope.

COMMISSIONER SHEA: Will --

MS. OLSON: So we're -- this, our plan, proposes 37,000 acres.

COMMISSIONER SHEA: But in different areas?

MS. OLSON: In different areas. The program was established, part of it, to protect listed species and their habitat; therefore, that's why you have the goal is to direct development away from listed species. So it may not be convenient for some landowners, but they can still partner with other landowners. They can earn credits on their lands and partner with other landowners if they don't have enough land within -- outside of Primary Panther Habitat. They have many different options.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you.

All right. So I'm assuming, then, that all of this information or all of, you know, this -- I guess, the restrictions that you'd like to add to the RLSA, you presented them and they weren't adopted when the RLSA was updated?

MS. OLSON: We presented them, yes, and, unfortunately, we've kind of received the same experience as the League of Women Voters have, and we've been -- unfortunately -- we have had some conversations with staff but, unfortunately, we have not had -- been allowed the level of input and consultation that other groups have given, unfortunately.

COMMISSIONER KLUCIK: Okay. So you have an RLSA -- I mean, you're trying -- I mean, what you're asserting is that the current RLSA actually requires -- or requires us to deny because it doesn't meet the goal of avoiding panther habitat. That's what I thought I heard you say.

MS. OLSON: That is correct.

COMMISSIONER KLUCIK: Okay. And I don't think that that's the consensus of staff or, you know, the Commissioners that voted, you know, on the RLSA, you know, as it now exists.

And I'm -- you know, so what -- that's a big ask. It's basically saying, we know you created this scheme to try to, you know, protect the panther habitat and other environmental concerns, water, et cetera, and we don't like it, and so we're going to keep

arguing to move development in other areas even though the people who own the land -- that's my thing -- the people who own the land, they know what the rules are. They've spent a lot of money, I'm sure. They invested a lot of money in, you know, influencing the current plan that we have, which is the RLSA, as did, you know, lots of, you know, other groups, including conservation groups, and we have guidelines now. We have rules that apply.

And you're asking us to ignore what's in place, I think, and -- or interpret it in a way that's -- you know, that doesn't seem to be fair or, you know, doesn't seem to be an accurate way to interpret it, to deny the petitions, and I guess the idea is that these petitioners could only give their land away as sending areas -- you know, sell their land as -- sell sending credits, and then whoever owns the pink land, you know, up -- in your scheme, whoever owns the pink land on your chart, on your overlay, would be the only ones who would get to actually move forward with their own development. Is that really what you're saying?

Really, if you own land that's not -- you know, if you own land that's not pink, then you can't do -- you can't do anything because you're going to be violating panther habitat.

MS. OLSON: Well, if you own that -- you can always earn credits and work with other landowners to build, but there's been, you know, a -- the public, since two thousand --

COMMISSIONER KLUCIK: But -- all right. Okay. You answered my question. And so what you're saying is, we want to impose a new standard because we think our pink is better than the existing requirements, and that's a big ask of -- you know, for us as planning commissioners, because I don't think that's our purview is to change the RLSA based on -- you know, during this process of evaluating an application that's before us.

MS. OLSON: We are asking that the RLSA goal is met. And there has been numerous speakers throughout, I know, the five-year review, through this restudy process, that have been saying the same exact thing. The public overwhelmingly has said we don't want development in Primary Panther Habitat. We want this program to meet the goal of the RLSA. And then, of course, there's the developers' side who have -- who, you know, want to move forward with their plan.

But all along we have said, meet the goal of the RLSA. Direct incompatible uses away from habitat. We're just asking that the goal is met.

CHAIRMAN FRYER: Ms. Olson, Mr. Yovanovich has signaled his desire to cross-examine you.

COMMISSIONER VERNON: Can I jump in?

CHAIRMAN FRYER: Yes, please. Go ahead.

COMMISSIONER VERNON: So I've got my listening hat on, April, and, you know, really listening, and it's helpful. It's a good presentation, and listening very careful to my fellow commissioners who've got great points.

But when I put on my sort of judicial hat, I go, okay, so -- and kind of comes to mind that government moves too slow. But we're talking about something that you say is 20 years old that we're relying on, a 20-year-old RLSA plan.

But then you said that what I'm looking at right now is 10 years old, and the slide you had up before is 12 years old, from 2008. So I'm a little -- I'm struggling with the slippery slope. You know, why is 20-year-old information bad and 10- and 12-year-old information good? And it may not have changed. But that -- as an evidentiary point, that

concerns me.

MS. OLSON: The point is -- and the program has not been updated with best available science, and that is a flaw with -- you know, this should have been done; however, this still does not relieve the county from meeting the goal, and this was one of the main reasons why the program was created, was to protect natural resources, including endangered species.

CHAIRMAN FRYER: Mr. Yovanovich, cross-examine.

MR. YOVANOVICH: Would you mind putting this on the visualizer.

Ms. Olson, the map you showed has not been adopted by Collier County, correct? The map you showed has not been adopted by Collier County?

MS. OLSON: No. And I have stated that, yeah.

MR. YOVANOVICH: Okay. So I'd like to actually focus on the map that has been adopted by Collier County. This is -- are you aware that we are this is the -- the overlay map for the Rural Lands Stewardship Area that is currently in the Collier County Growth Management Plan?

MS. OLSON: It looks like it.

MR. YOVANOVICH: Okay. So let's talk about the goals. The RLSA program is broken down into how many groups?

MS. OLSON: Oh, are you asking me?

MR. YOVANOVICH: Yeah.

MS. OLSON: Oh. Five.

MR. YOVANOVICH: Five groups, okay. And Group 3 are the policies that relate to the natural resource protection, correct?

MS. OLSON: Uh-huh.

MR. YOVANOVICH: Okay. That was a yes?

MS. OLSON: Yes.

MR. YOVANOVICH: Okay. So let me read to you the Group 3 lead-in policy. It says, policies to protect water quality and quantity and maintain the natural water regime as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flowway Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas where lands are voluntarily included in the Rural Lands Stewardship Area program.

Are you familiar with that language from the Growth Management Plan?

MS. OLSON: Yes, I am.

MR. YOVANOVICH: Okay. And under Policy 3.2, it says, listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas as SSAs within the Rural Lands Stewardship Area Overlay.

Are you familiar with that policy?

MS. OLSON: Uh-huh.

MR. YOVANOVICH: Isn't it true that Longwater is not within a Habitat Stewardship Area?

MS. OLSON: According to the plan, yes.

MR. YOVANOVICH: Okay. So the policy says the way the county protects animals and plant species is through the establishment of Habitat Stewardship Areas, correct?

MS. OLSON: That's what the policy -- that particular policy says.



MR. YOVANOVICH: Okay. And the Group 3 policies are the policies that deal with environmental protections under the goal you cited, correct?

MS. OLSON: That's what that particular policy says.

MR. YOVANOVICH: Okay. But that's the policy that addresses the protection of animals and plants, correct?

MS. OLSON: The goal does not say -- if I could read the goal, that would be -- do you mind?

MR. YOVANOVICH: No. I'm going to ask the questions --

MS. OLSON: Okay.

MR. YOVANOVICH: -- because the goal starts out with establishing the program, and the goal talks about establishing groups to address that that -- the goal, correct? You said you established the policies, correct, based upon that goal? Correct?

MS. OLSON: Well, I'm reading the goal as literal. The goal literally says, if you don't mind me saying --

MR. YOVANOVICH: Go ahead. Go ahead.

MS. OLSON: -- to address long-term needs of residents and property owners within the Immokalee area study boundary of the Collier County rural and agricultural area assessment by protecting agricultural activities, preventing the premature conversion of agricultural land to nonagricultural uses, directing incompatible uses away from wetlands and upland habitat, and enabling the conversion of rural land and other uses in appropriate locations, and it goes on. But it does not say by creating -- after that it stops. Directing incompatible uses away from wetlands and upland habits.

MR. YOVANOVICH: Okay.

MS. OLSON: And we believe that they can vote denial because it's not directing development away from habitats.

MR. YOVANOVICH: But the program then -- then establishes an objective, correct, to implement the goal, correct?

MS. OLSON: Correct.

MR. YOVANOVICH: And underneath the objective it says you will establish policies to implement the goal, correct?

MS. OLSON: We believe that they can deny this -- these projects because it's not directing -- it's not directing incompatible uses away from listed species and their habitat.

MR. YOVANOVICH: I just want to -- so you want them to ignore the objective that's underneath the goal, correct?

MS. OLSON: I want them to abide by the goal. That's what we're asking. The main goal.

MR. YOVANOVICH: And you want --

MR. BELLOWS: Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Mr. Bellows.

MR. BELLOWS: It seems like the discussion is going towards the rural lands amendments, and I think we should be focusing on the --

MR. YOVANOVICH: And that's my point. We should be focusing on the written word that exists today, not like you would like to see it written. That's a legislative process, and we're not in that process.

COMMISSIONER SCHMITT: And that was --

MR. YOVANOVICH: And that's all I was trying to get to by pulling you to the

actual words that exist in the Growth Management Plan and the map, and I'm going to steal back my document.

COMMISSIONER SCHMITT: And that was my point as well is I have to stick with the rules as they're written now, not what we think they should be. And I'm stuck with that position.

COMMISSIONER KLUCIK: And I will chime in that I agree with Commissioner Schmitt on that particular point.

MR. YOVANOVICH: I don't have any more questions of Ms. Olson.

CHAIRMAN FRYER: Okay. Thank you, Ms. Olson. Were you -- where are you in your presentation?

MS. OLSON: Okay. So Norman Marshall is going to speak, and I've got to pull up his slides. I'm going to advance, if that's okay, since he's virtual.

MR. FRANTZ: Chair, Normal Marshall has been ceded time by Nicole Johnson.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER SCHMITT: And Mr. Marshall was under contract by the --

MS. OLSON: Yeah.

COMMISSIONER SCHMITT: -- by the Conservancy?

MS. OLSON: Yes.

COMMISSIONER SCHMITT: Okay.

MR. KLATZKOW: Just for classification, is this testimony both for Longwater and Bellmar?

MS. OLSON: Yes.

MR. KLATZKOW: So we don't have to go through this twice?

MS. OLSON: Correct. Unless you want to, Jeff.

MR. KLATZKOW: I get paid either way. I'm just -- I got volunteers up here, though.

COMMISSIONER SHEA: Thank you.

COMMISSIONER SCHMITT: He gets paid. We don't.

MR. YOVANOVICH: Just so I -- just for purposes of keeping the record clean, I think he has to say, my comments right now are based on Longwater, and then he can segue into these are my comments on Bellmar so he only testifies once. But I don't want to try to guess which comments apply to Longwater and which comments apply to Bellmar. So if he can be that explicit in his presentation, I would appreciate it. And that way you only have to have him once.

CHAIRMAN FRYER: I think that's reasonable. What I will say, though, we're not going to get to Bellmar today. But when we do, I think it would be appropriate -- these experts don't have to come back. They've already said what they're going to say, but if someone wants to stand up and summarize the points they made during the Bellmar presentation, I think that would be appropriate.

MS. OLSON: Norm, are you there?

MR. MARSHALL: I am here, yes. Can you hear me?

CHAIRMAN FRYER: Yes, sir. What's your last name again?

MR. MARSHALL: Norman Marshall. Actually with two Ls. But here I am.

CHAIRMAN FRYER: You may proceed, sir.

MR. MARSHALL: Thank you. So I'm waiting to see the slide advance. Thank you.

So this is really dense, and I come back to it at the end. But the point I'm going to make really has to do with the impact fees not covering the costs. And we can see here in discussing Longwater at the moment, the Longwater column shows a number of roadway improvements that are in the Collier County Long-Range Transportation Plan, and the estimates in the LRTP are on the right in the "total" column.

I have allocated these numbers to the different villages and the residual to the county, and I'm going to talk about how that was done coming up on the next couple slides.

But if we go down to the bottom to Longwater, I came up with an allocated cost of 67 million, and then they promise 600,000, and then a preliminary estimate of impact fees it 18.7 million. So there's a shortfall of 48.4 million.

Go ahead and advance it to the next one. Oh, could you back up. There was one other point I remembered I wanted to make.

This morning the applicant presented that their project in no way relies on the Big Cypress Parkway, but if you look at the Traffic Impact Statements for the three villages, you find that if you don't build the Big Cypress Parkway, that DeSoto Boulevard becomes incredibly overcongested.

So we could think about the Big Cypress Parkway as being a DeSoto Boulevard bypass. And so if you don't build a Big Cypress Parkway, it would probably cost at least as much to widen DeSoto Boulevard. And as was mentioned by Mr. Trebilcock, that that has -- that's probably less desirable because of the driveways and so forth.

Go ahead to the next one.

MS. OLSON: Norm, can you mention Bellmar? I think you only talked about Longwater.

MR. MARSHALL: Yeah, I did that on purpose because I thought I'd pick up Bellmar at the end because the applicant's attorney asked me to focus on one or the other.

MS. OLSON: Okay. No problem.

CHAIRMAN FRYER: Mr. Marshall, I assume you're not going to be available at the Bellmar.

MR. MARSHALL: That would be up to my client.

CHAIRMAN FRYER: All right. Well, if you are, that's one thing. If you're not, I think it would be fair to allow the Conservancy to summarize from your slides so that we make an appropriate record for both villages.

MR. MARSHALL: Certainly, I'd be very comfortable with that.

CHAIRMAN FRYER: Okay. Thank you. Ms. Olson.

MR. MARSHALL: I think I'll still pick it up at the end.

CHAIRMAN FRYER: Okay.

MR. MARSHALL: So the impact fees are not covering the cost of roadway expansion, and you know that in Collier County. This was how the Collier County one-cent sales tax was sold. It said -- this is on the website. It said, impact fees are being used but the collection of these fees is not keeping pace with the need. And then they talked about the shortfall of \$114 million.

And so the public is being asked to hold two completely contradictory ideas at once. One is that the impact fees cover the cost of development, and the other is they don't and, therefore, we have to raise maximum monies from the general public.

Next slide, please.

And the impact fees particularly underestimate the cost of serving these projects

because -- and I think this was kind of alluded to that it may show up in other aspects of the impact fee calculations as well. The fees are based on average conditions today in Collier County, which has an average trip length of 5.88 miles, but the average trip length to this area is going to be considered a little longer.

The fee formula assumes that 40 percent of the travel will be on state roads and interstates, but there aren't any convenient state roads and interstates to serve -- that serve this area, and the combination of these two factors, it's complicated, but I think it probably means that if you really did an impact fees ordinance and it was really based on this area, you come up with a total about twice what the fee actually is based on the average.

Next slide, please.

COMMISSIONER KLUCIK: Sir?

MR. MARSHALL: Yes.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Mr. Chairman, thank you.

So if you could go back to that last slide. I'm trying to figure out, so you're asserting that the cost isn't accurately captured by the formula that's now being used by the county?

MR. MARSHALL: I'm saying if you estimate it based on county averages today, which involve a lot of more urban areas next to the interstate highway, you get different numbers than you would get if you actually tried to estimate them for this area.

COMMISSIONER KLUCIK: Okay. But I guess this is what I'm trying to clarify. My understanding is that the applicant is using the same methodology that the -- our planning staff is using.

MR. MARSHALL: Yes.

COMMISSIONER KLUCIK: And what I'm trying to figure out is, is your assertion that -- that the planning staff needs to change what its standards are?

MR. MARSHALL: This is the adopted impact fee ordinance, and I think somebody mentioned it's higher than some of the other ones in Florida. I'm just saying it isn't covering your costs.

COMMISSIONER KLUCIK: Right. No. I think -- I guess I'm trying to be clear. You're saying that the formula that we have does not do a good job of capturing the actual cost and so, therefore, the taxpayers aren't actually being protected because the formula is faulty?

MR. MARSHALL: That's what I'm saying. I'm not saying that the -- anything about the proposal is, you know, contrary to the ordinance or anything.

COMMISSIONER KLUCIK: Right, right. All right. And then, again, you kind of see where our dilemma is, you know, in our role as commissioners is we're supposed to look at the current regulations, you know -- and you know, obviously, we can mention this as an issue. I'm not exactly sure how we would, you know, resolve the fact that we're not using -- you know, the standards that we're using don't seem to be, you know, doing, you know, a service -- the job that we would like them to do, which is different than saying this application shouldn't go forward. And I'm not sure, you know, what the resolution is.

But, again, we have a standard. We have, you know, how that standard has been applied, and the applicant is simply, you know, submitting a proposal that actually does comport with the -- you know, the current calculation methodology.

And so that's what I'm scratching my head on is, you know, even if I agreed with

you, what would be the right way to go forward that also, you know, affords due process and justice to the landowner?

MR. MARSHALL: Sure. Well, this isn't all I have to say, so we'll go on and we'll see --

CHAIRMAN FRYER: Ms. Olson?

MS. OLSON: Can I answer his question?

CHAIRMAN FRYER: Please go ahead.

MS. OLSON: Commissioner, according to the RLSA programs, all projects have to be -- all SRAs have to be fiscally neutral. So this is -- that's -- I believe it's Policy 4.18, but there is a specific policy that says they have to be fiscally neutral, so that's how this all ties in.

COMMISSIONER KLUCIK: No. I'm aware of that. And the method that the county professional -- the county staff is currently using, you know, is asserting that it is. You know, that's the problem is is, you know, your -- you or whoever -- you know, there are people who are asserting that the methodology needs to be changed. But the methodology is not one that the -- that the applicant created, I don't think. I think the methodology is one that the staff agreed is the appropriate methodology.

MS. OLSON: We're asserting that the projects are not fiscally neutral and meeting that policy. Sorry.

MR. MARSHALL: Yes. Next slide, please.

Okay. Now I'm going to help try to explain how I got the numbers in that table before we come back to the table.

So I'm going to look at this first segment on the table, which is Randall Boulevard between 8th Street Northeast and Everglades Boulevard. So the long-range plan, this section is programmed from widening from two to four lanes at a cost of \$51.57 million, and that's in 2019 dollars. So they have a higher number for year-of-expenditure dollars.

And if we look at just the trends here, we can see, well, yeah, it's this capacity which is a Level of Service D capacity. It looks like it might be exceeded. There hasn't been -- you know, we're kind of near capacity.

Next slide, please.

But then we start adding these villages, and we see, well, with Rivergrass, you know -- and this is -- this is the peak hour/peak direction traffic from the Traffic Impact Statement for Rivergrass. And another little comment I'll just make that's just on the side, there was a discussion this morning about whether adding in the commercial development would make traffic worse. In these analyses, it's all about the peak hour/peak direction, which is toward the villages in the afternoon peak hour. So commercial traffic tends to be in the reverse direction. It has less of an impact on these roads in these studies because there's more residential --

Next slide.

(Interruption by the stenographer for clarification.)

CHAIRMAN FRYER: The court reporter's having difficulty hearing you. You're trailing off at the end, sir. So I'll ask you to try not to do that.

MR. MARSHALL: Okay. Thank you. I think that's something I do sometimes, particularly on these virtual things.

CHAIRMAN FRYER: Yeah, it's difficult. Please continue, though. Thank you.

MR. MARSHALL: Yeah. So in this case I've added in Longwater which has the

most impact on this particular roadway section.

Next slide, please.

And then Bellmar. So we see that adding in these three villages really makes a compelling case for this widening being needed, and this is why it's in the Long-Range Transportation Plan, not so much because of what would be going on otherwise.

Next slide, please.

Now, how would we calculate proportionate share if we were looking at this roadway segment? And this is the way the concurrency statute works. You look at the number of trips from the proposed development, and then you divide by the change in capacity. That's what the maximum service volume is.

Next slide, please.

Oh, and Collier County calls proportionate share "fair share" in some of its documents. So what we have here is if we look at this roadway segment and we look at the Traffic Impact Statement for the three villages, that we get Rivergrass, 60 trips; Longwater, 174 trips; and Bellmar, 132 trips. And the increase in capacity is from 900 to 2,000 by going from one lane in each direction to two lanes in each direction.

And so that's -- Rivergrass would use 5 percent of the capacity, Longwater would be 16 percent of the capacity, and Bellmar 12 percent of the capacity. So those three add up to a third of the new capacity being used, which is significant. But using the concurrency statute, you could only charge a third of the cost, and the other two-thirds would still have to be borne by the county, or they would have to find somebody else to pay it. So that leaves a lot of money. And that's -- that's one reason I said that you can never really expect these impact fees to cover all the costs, because you don't add a third of the lane. You have to add a whole lane.

Next slide, please.

So there's several ways that the applicant lowballs the costs to show that they are paying for themselves. One of the ones that's most common is you assume the capacity will be exceeded with or without the project, and that's the case here. So there's no responsibility even though the villages would be using much more of the increased capacity than any background traffic. Another is that you assume the capacity will be constructed with or without the project.

Now, the way the long-range plan is developed is they assume these villages are going to be constructed and then figure out what sorts of roadway widening would be needed and then to put it in the plan. So, for example, with Oil Well Road, they show even though traffic volume is way below capacity today and not growing rapidly, that they're showing widening from two lanes to six lanes in this decade to support primarily Rivergrass, and, of course, there's no responsibility, because it's in the plan.

And then in a third case -- I'm not going to get into the details, but there's also a way of just doing the calculation inconsistently with what I presented from the concurrency statute, and that leads to lower numbers as well.

Next slide.

This was mentioned this morning, this lawyer from -- this letter from the Deputy County Manager in 2018 saying that Big Cypress Parkway should be paid for by the development. As I mentioned in the beginning, if you don't put in Big Cypress Parkway, then you need to spend probably even more money widening DeSoto Boulevard.

Next slide, please.

CHAIRMAN FRYER: Message for Mr. Miller. I need the power supply for the deliberator.

Please continue, sir.

MR. MARSHALL: So the AUIR also, I think, for a number of years -- I've seen this in multiple years -- is by stressing that there's a long-term problem funding operations and maintenance. As you keep expanding the roadway system, you know, into these more rural areas, there's -- it's sort of like you're building a life-cycle-cost issue into what you're doing, and there's no way to use the impact fees for that.

Next.

And also I've been very concerned about Immokalee Road. I started working -- looking at Rivergrass over the summer and wrote a report about that in September, and that was one of the things I really noticed based on my experience throughout the country. Once you get a road sort of to its full width of six or even eight lanes, an arterial, it gets very, very expensive and difficult to do anything more with it. And the AUIR is forecasting deficiencies in a number of areas on Immokalee Road, as shown on this slide, and some of them, the Collier to Wilson Boulevard in the '20 AUIR, is showing a deficiency in 2021.

The LRTP includes some intersection improvements here but not enough to address these deficiencies. I think it's human nature that it's easier to look at building roads in these green field areas, where you're not very constrained and you can get the right-of-way you need and so forth. It's much harder to deal with a problem like Immokalee Road. And I don't think it's adequately been addressed. And these villages are showing what is categorized as significant impacts to this road, each of the villages.

CHAIRMAN FRYER: Commissioner Schmitt has a question.

COMMISSIONER SCHMITT: I'll wait till he's done.

CHAIRMAN FRYER: Thank you. Continue, sir.

MR. MARSHALL: The best practice is to prevent the deficiencies, if you can, because they're very difficult to solve after the fact. And I don't think there's an adequate plan at this point for addressing this.

Next.

And then Policy 5.1 of the Transportation Element of the Growth Management Plan says, the County Commission shall not approve any petition or application that significantly impacts the roadway segment that is currently operating and/or is projected to operate below an adopted level-of-service standard within the five-year AUIR planning period unless specific mitigating stipulations are also approved. I believe I showed on a previous slide that this is an issue with Immokalee Road.

Next slide.

So we come back to this slide, and so for Longwater I show -- these calculations have been done with that same proportionate method. I showed the example of Randall Boulevard. Oil Well Road's done the same way. In that case, the biggest cost is for Rivergrass, because that's where it -- you know, the biggest traffic increase.

I put in the VBR extension to 16th Street Northeast, which is under development now. The majority of that money's coming from the sales tax, which is just an example of what I was talking about earlier, that the sales tax was done because we didn't have enough money to build the roads that are planned.

When this case -- you know, I really do consider this a way to serve these

developments, and then it needs to be extended again. I had to come up with the 30 million from the next line because that seemed to have fallen between the cracks in the long-range plan. They had the current one as committed, and they had the extension beyond Everglades in the plan, but they didn't have a little gap in between.

And then I put in the Big Cypress Parkway, just Oil Well to VBR extension, but I put in 100 percent cost of that. And then there's some major projects on Everglades Boulevard in the long-range plan, even though that was mentioned earlier that somehow the Big Cypress Parkway is helping with that. There's also some intersection improvements. And as I mentioned, we come down here and get a deficit of \$48 million for Longwater and another \$43 million for Bellmar.

And that's the end of my presentation. I'll take questions.

CHAIRMAN FRYER: Thank you. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Mr. Marshall, did you take into consideration any growth or escalation impact fees, say, year over year?

MR. MARSHALL: No, I didn't, but all the costs are also in 2019 dollars. The long-range plan --

COMMISSIONER SCHMITT: But you do understand that the Board -- and I can't recall if it's every -- about every other year they review impact fees, and then the Board makes a decision. They get a -- they get from the consultant what they could charge, and then it's a political decision in regards to what the Board decides they will charge. And, oftentimes, in my experience when I was with staff, we very rarely would assess an impact fee at what the consultant recommended.

So that's a political decision, and that's a decision made by our elected officials. But you didn't consider any of that. You just basically looked at the numbers and didn't consider any escalation in fees due to impact fee studies; is that correct?

MR. MARSHALL: Yes, but what I was going to say was that the -- when you look at the long-range plan numbers, they're also escalated in the future. So when I said \$51.6 million for Randall Boulevard, it's actually, I think, 60-some million in year of construction. So I am assuming that the impact fees would escalate roughly in terms with the -- in the same way that the road construction costs would escalate.

COMMISSIONER SCHMITT: All right. Well, I want to hang onto this, at least for the fellow commissioners, that we have staff address this slide as well. Not now, but I would certainly like to have staff address the -- this study and to validate whether this is in the board of reality, or is it speculation?

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I'm assuming a certain portion of the county's tax revenue that we collect each year goes towards transportation. Now, maybe I'm wrong. But have we considered the fact that if that's the case, then we're collecting additional revenues from the homes that are being built out there? Has that been considered in this analysis?

COMMISSIONER SCHMITT: The Board funds through, yes, the General Fund through ad valorem taxes. They also fund for roads through gas tax, and those are all political decisions. They make those decisions based on projections of revenue collected in all three aspects of either impact fees, General Fund taxes, or through gas tax. And those are decisions that are made politically. They are not --



COMMISSIONER SHEA: To me, when you collect additional money, you're not -- it's fiscally neutral because you're not collecting it from the taxpayer.

COMMISSIONER SCHMITT: Correct.

COMMISSIONER SHEA: You're generating more revenue from the new homes.

COMMISSIONER SCHMITT: And this county, typically, if they fund a road project, will float bonds, and I would have to say --

COMMISSIONER SHEA: Exactly.

COMMISSIONER SCHMITT: And I'm -- I would have to believe that our bond rating is pretty high, so -- and I'm sure we're going to hear from staff on that. Okay.

CHAIRMAN FRYER: Thank you. Ms. Olson?

MS. OLSON: Okay. And we're going to Joe Minicozzi.

CHAIRMAN FRYER: I'm sorry.

COMMISSIONER VERNON: I had a question, too.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER VERNON: Can you go back to the slide that says applicant lowballs the cost. It's a couple before. Yeah, there you go. And, Mr. Marshall, just going from the bottom up, Lowball Strategy 3, I think you indicated that's not going on here?

MR. MARSHALL: It is. It's -- you know, we have to get down in the weeds. So the proportionate-share calculation, you look at only the increase in traffic. So, for example, on the Randall Boulevard, when you go from 900 vehicles per hour to 2,000 vehicles per hour, that's an 1,100 increase. Often in these Traffic Impact Statement for the three villages, they don't take the increase. They take the total traffic. So, basically, they're getting a little bit of free lunch for -- you know, they're assigning all the current traffic also. I mean, it's kind of hard to talk about the math on the video thing here but, yes, they do do that.

COMMISSIONER VERNON: Yeah, I'm with you. Just -- I'm trying to figure out. I must have misunderstood you. I thought you were saying maybe with respect to this one project that we're looking at, or these two if you want to talk about the two, that they're really -- I thought you said really not doing No. 3, suggesting more they're doing No. 1.

So, really, I want to -- just, very primarily, are you saying they're engaging in all three of these strategies, two of these strategies, one of these strategies, or none?

MR. MARSHALL: One and 2 are the big-ticket items, but I think they're also doing 3 when they get into the intersection analysis.

COMMISSIONER VERNON: Okay. On No. 1 you say -- or your slide says, assume capacity will be exceeded. Do you -- have you looked at whether or not capacity will be exceeded without the project, or you're just saying you think they're drawing an assumption? Do you have any evidence that maybe there really is -- capacity will be exceeded?

MR. MARSHALL: Yeah, what happens here in many cases is that -- we'd have to look at segment by segment. But what happened in many cases is the assumption that there's going to be growth in traffic with or without development, and it's based on history. But when you think about what's really causing the growth, it is development. So --

COMMISSIONER VERNON: No, I'm with you. I'm with you.

MR. MARSHALL: Yeah.

COMMISSIONER VERNON: And maybe this is just you're throwing out concepts, but I'm trying to get away from "in many cases" or anything that has anything to do other than the evidence on this one single project or these two projects. And with respect to Strategy 1, do you have any evidence that capacity will not be exceeded without this project, or did you do any analysis on that?

MR. MARSHALL: Let's go back to Slide 4.

MS. OLSON: Let me know when to stop. This one?

MR. MARSHALL: I guess it's 5 now because you added a cover slide for me.

Thank you.

So this does look like capacity might be exceeded. I mean, it's a little bit hard to know because we've been going up and down, and this is one of the road segments where the Traffic Impact Statements say, yes, there is no responsibility.

But now go ahead three more slides, you know, show the three villages.

So, yes, this would be a case where capacity would be exceeded with or without according to the Traffic Impact Statement. That may be true. But look how much -- but look how much traffic --

COMMISSIONER VERNON: No, I understand. Believe me, I was paying close attention. I'm just saying it sounds like capacity will be exceeded even without this project or these two projects.

MR. MARSHALL: Right. I think that's not the case in all of these, though, but I'd have to go back and look segment by segment.

COMMISSIONER VERNON: Let me just ask it again. I'm not -- do you have any evidence that it will not be exceeded if we don't go forward with this project or these two projects?

MR. MARSHALL: I think it's unknown, you know. We're that close to -- you know, it hasn't been growing that much, and we're close to capacity. We don't know.

COMMISSIONER VERNON: You don't have any evidence of that?

MR. MARSHALL: No.

COMMISSIONER VERNON: And same thing with No. 2, assuming capacity will be constructed with or without the project. Do you have any evidence that these roads will not be constructed without the project or projects, if you want to count them, both projects?

MR. MARSHALL: Could we go to that slide for me?

COMMISSIONER SCHMITT: Chris, without the -- without the -- they could still build one unit per five acres.

COMMISSIONER VERNON: Right.

COMMISSIONER SCHMITT: Current zoning allows one unit per five acres.

MS. OLSON: Which slide?

COMMISSIONER VERNON: I'm going back to that --

MR. MARSHALL: Eleven.

COMMISSIONER VERNON: -- one slide, applicant lowballs the cost.

MR. MARSHALL: Okay. So the good example there would be Oil Well Road. I mean, this is more of a Rivendale [sic] issue right now. Oil Well Road is -- I think it's, like, 2- or 300 vehicles per hour now, and the capacity is 8- or 900. And it's not bad. It hasn't been growing much. But the plan is to widen this from two lanes to six lanes this decade, and so -- but then they can say it's in the long-range plan and, therefore, it's not our

responsibility. There would be no reason to widen it without the villages. No reason at all.

COMMISSIONER VERNON: So you're stating you think the capacity -- there won't be this construction without these projects; is that what you're saying?

MR. MARSHALL: Well, they put the project in the long-range plan.

COMMISSIONER VERNON: No, I heard you -- I definitely heard you say that. So I understand. I'm just wondering what evidence you have -- let's say you're the expert. You're pulling these projects. Do you believe there will be no need for any further road capacity without these one, two, or three projects?

MR. MARSHALL: Yes. I would say if you didn't build any of these villages, including Rivergrass which has been approved, then they -- I assume the Board would get together and vote an amendment and take this out.

COMMISSIONER VERNON: No. I think we're talking about road capacity, right?

MR. MARSHALL: Yeah. I mean, take -- I'm saying take out -- the widening of Oil Well Road come out of the long-range plan if they knew that none of the villages would be built.

COMMISSIONER VERNON: Do your additional costs just include Oil Well Road?

MR. MARSHALL: No, that's one of the lines here.

COMMISSIONER VERNON: I'm saying, is it -- is it your suggestion that none of these costs will be incurred without these projects?

MR. MARSHALL: Let's go to the end here again; last slide.

So, obviously, they're building the VBR extension now, or it's at least in engineering. You know, I think that that's planned to serve these developments.

COMMISSIONER VERNON: I'm sorry. I didn't hear the last thing you said.

MR. MARSHALL: I think the VBR extension is being planned to serve these developments, and it's already under development, so I don't know -- you know, as a lot of people have been saying things are political decisions, so this also is a political decision whether -- how to spend the sales tax money and your other revenues. But in this case the sales tax money is being spent to serve development to the east.

COMMISSIONER VERNON: With respect to all these projects on the slide we're looking at now?

MR. MARSHALL: In general, yes. I mean, you know, again, we'd have to kind of do a detailed dive into each one of these lines. But yes. In general, yes.

COMMISSIONER VERNON: Okay. So -- okay. So your testimony is that none of these projects will be -- or these roads will be expanded or done without Rivergrass, Longwater, and Bellmar?

MR. MARSHALL: No. I mean, they're in the long-range plan. I'm not saying they won't -- what I've been trying to say is, are they needed if you're not doing this development? And I'm not sure any of them are.

COMMISSIONER VERNON: Well, I keep hearing you're not sure. I'm just asking if you have any evidence that they're not needed. That's what I'm trying to ask.

MR. MARSHALL: Well, we'd have to analyze each one separately.

COMMISSIONER VERNON: Well, that's the question. Did you analyze each one separately or them collectively in terms of what I just asked you?

MR. MARSHALL: Not in detail, no.

COMMISSIONER VERNON: How about in general?

MR. MARSHALL: Well, in general, yeah, I can see, you know -- you know, we showed the example on Randall Boulevard. We're not sure that that's going to really be necessary. So, in general, yes, I looked at them and said, this -- I don't think that would be a priority, you know, just -- so I would say that one would not be in the long-range plan today without this growth assumed.

COMMISSIONER VERNON: Okay. That's all I have.

CHAIRMAN FRYER: Mr. Yovanovich.

MR. YOVANOVICH: Mr. Marshall, I just want to follow up on some of the questions by Commissioner Vernon, because I know Ms. Scott is going to ask you some questions, and I know she's going to provide some actual testimony as to what Collier County's Long-Range Transportation Plan is and why there are certain improvements.

I just want to make -- I just want to make sure I heard you correctly. You don't really know whether these roads were going to get increased in size regardless of whether or not Rivergrass, Longwater, or Bellmar went forward, correct?

MR. MARSHALL: Well, what I can say is there was an amendment to the 2040 Long-Range Transportation Plan done in 2018 which explicitly started looking at growth in this area and how to respond to it, where a lot of these roads started appearing in the plan, and then many of those roads got moved into this 2045 plan --

MR. YOVANOVICH: If you wouldn't mind, I really would like you to answer the question I posed to you. And the question I posed to you is, do you know whether or not these roads were going to get improved regardless of the Longwater petition before the Planning Commission today?

MR. MARSHALL: No.

MR. YOVANOVICH: Do you know whether or not these roads were going to get improved regardless of whether or not the Bellmar petition that's being considered by the Planning Commission today?

MR. MARSHALL: No.

MR. YOVANOVICH: So none of the roads on Exhibit 16 -- you have no expert testimony regarding when these -- when or why these roads are being improved, correct?

MR. MARSHALL: Well, as I was saying --

MR. YOVANOVICH: No, no, no. My question is -- my question to you was, do you have any basis for knowing why these roads are being improved and, specifically, are they being improved to address the Longwater petition you today -- before the Planning Commission today?

MR. MARSHALL: Yes, I do, because the 2018 LRTP amendment expressly looked at land use in this area as a reason to expand road capacity in this area, and the 2045 LRTP that was just approved did intensive land-use allocation that includes large amounts of development in this area, and that's what the roads are based to serve. I mean, that's the whole predicate for the whole study.

MR. YOVANOVICH: Would you agree with me that Trinity Scott is the expert on the county's transportation plan?

MR. MARSHALL: I have no reason not to think so. I mean, that's her job. Yes.

MR. YOVANOVICH: So she would probably be more familiar with the county's transportation plan and why we're building roads than you?

MR. MARSHALL: Sure. I mean, I don't know -- I mean, I read what I read, right? The plans have been developed to serve these developments. It's clear from the documents themselves.

MR. YOVANOVICH: But you would agree that Trinity Scott's the real expert in this category, correct?

MR. MARSHALL: Sure.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: I'm going to have to have it explained to me what's happening now, Ms. Scott. Are you testifying as a member of the public, or what are you doing?

MS. SCOTT: No. For the record, Trinity Scott, Transportation Planning. It's my understanding that if there's an expert, that county staff has the opportunity to also ask questions.

CHAIRMAN FRYER: That's fine. I just wanted to clarify what your role was. Go ahead.

MS. SCOTT: No. You'll hear my testimony later on.

CHAIRMAN FRYER: Go ahead.

MS. SCOTT: Mr. Marshall, hi. How are you?

MR. MARSHALL: Very good. Thank you.

MS. SCOTT: Thanks. Would you agree that the fee formula with regard to trip length for the impact fees is a policy decision of the Board of County Commissioners?

MR. MARSHALL: Yes.

MS. SCOTT: And are you aware that this is provided to the Board with each road impact fee adoption, and the Board approves that as a policy decision each time that road impact fee is adopted?

MR. MARSHALL: Yes.

MS. SCOTT: Would you agree using that methodology that you're advocating and insinuating that the villages are not paying their fair share, wouldn't road impact fees be significantly increased to new homes built in Golden Gate Estates and Immokalee based on their trip lengths and their lack of use of state roads and interstates; that it would not just be for these villages?

MR. MARSHALL: I think if you were actually going to try to collect enough impact fees to pay for the development and not have to go to the public for sales tax, that that would have been appropriate, yes.

MS. SCOTT: Okay. On your Slide No. 5 it states that impact fees never cover 100 percent. Presuming that you use the 2045 LRTP with regard to the Everglades Boulevard project, do you know what funds were assumed to -- in the cost feasible plan to build those -- that roadway?

MR. MARSHALL: I didn't look at allocations for specific roadways, no.

MS. SCOTT: Did you look at the revenue estimates to determine if there are any ad valorem shown for capacity-adding projects in the 2045 Long-Range Transportation Plan?

MR. MARSHALL: I did see there were a mixture of funding sources, but I didn't remember seeing that in particular, no.

MS. SCOTT: Would you believe me if I told you that it was only impact fees and gas taxes with regard to capacity-adding roadway projects in the 2045 adopted

Long-Range Transportation Plan?

MR. MARSHALL: I guess I would believe you. One thing I did mean to say that I forgot to say is that not all those projects are funded completely by 2045. For example, Big Cypress Parkway is not in the funded by 2045.

MS. SCOTT: The revenue estimates that are included in the adopted 2045 Long-Range Transportation Plan, do they only include the impact fees that would be anticipated for the growth with these three villages?

MR. MARSHALL: No.

MS. SCOTT: Are you familiar with Florida Statute 163.3180 that specifically discusses the calculation of proportionate share?

MR. MARSHALL: Yes.

MS. SCOTT: Would you agree that the statute states that the cost to correct the deficiency shall be removed from the project's proportionate-share calculation and that the maintaining entity is responsible to cure the deficiency?

MR. MARSHALL: Yes, I understand the statute, and I quoted from it in my presentation.

MS. SCOTT: Okay. Would you agree that 163.3180 defines a deficiency meaning a facility to which the adopted level-of-service standard is exceeded by the existing committed and vested trips plus additional background trips from any source other than the development project under the review?

MR. MARSHALL: Yes. I'm not really trying to litigate the ordinance. What I'm suggesting is that the project isn't -- these villages are not paying for themselves as been asserted.

MS. SCOTT: Okay. Per your example that you used, Randall Boulevard, I presume that that was 8th to Everglades. Are you aware that that segment is deficient without the project traffic?

MR. MARSHALL: I think it -- yeah, that is deficient in the future without the project. It's in the AUIR, yes.

MS. SCOTT: Okay. Were you aware that the Florida Department of Transportation prepared a report titled "Proportionate-Share Calculation Report" dated December 15th, 2011, that provides background about proportionate-share changes and findings related to the calculation of proportionate share?

MR. MARSHALL: Yes, I am familiar with that document.

MS. SCOTT: Okay. Were you aware that in that report it states, based on the language in 163.3180 that this affect -- that when there's a deficiency and the maintaining entity is responsible for curing this deficiency, that this -- and I'm going to quote, that this effectively precludes local government from charging developers for new trips added --  
(Background noise on Zoom.)

MS. SCOTT: Sorry, Mr. Marshall.

And I'll go back. It quotes, this effectively precludes local governments from charging developers for new trips added to deficient facilities and pooling contributions from multiple developments impacting the deficient facility to help finance the needed transportation improvements?

MR. MARSHALL: Yeah. I'm familiar with the document. I think these are legal issues that I'm not the best person to answer.

MS. SCOTT: Does your table include facilities that would be deficient without

the project traffic?

MR. MARSHALL: The one you just mentioned, yes.

MS. SCOTT: Okay. Are there others?

MR. MARSHALL: It does seem possible. Well, it seems -- yeah, I guess maybe -- with the growth. I think none of them were deficient today, but with the growth, that's assumed. And as I mentioned, the growth thing is kind of funny, because we extrapolate growth, which comes from development, and then if there's growth from development because it's extrapolating the trend, that makes it deficient and, therefore, the development doesn't pay for it. I think --

MS. SCOTT: But, sir, you --

MR. MARSHALL: My point, again, was I'm not trying to litigate concurrency. What I'm trying to say is that these projects do not pay for themselves. The villages do not pay for themselves, which I think is --

MS. SCOTT: I understand what you're saying, but we have a state -- we have a state statute that you agreed said that we have to take into consideration the background traffic.

Does your analysis include roadways that were not fully funded in the 2045 adopted Long-Range Transportation Cost Feasible Plan? I think you had already answered that, but...

MR. MARSHALL: Yes, for example, Big Cypress Parkway.

MS. SCOTT: Okay. Does your analysis regarding Randall Boulevard from 8th to Everglades include a committed parallel facility, which is Vanderbilt Beach Road extension, that's slated to be under construction within the next five years and take into consideration the relief that would be provided to Randall Boulevard as a parallel facility?

MR. MARSHALL: I took the numbers from the Traffic Impact Statements.

MS. SCOTT: Okay. Does your 20 --

MR. MARSHALL: And they assume different things about the VBR extension when it would be constructed.

MS. SCOTT: Does the 2020 AUIR and the anticipated date of deficiency take into consideration new parallel reliever facilities such as Vanderbilt Beach Road extension?

MR. MARSHALL: You mean with Immokalee in particular?

MS. SCOTT: Yes.

MR. MARSHALL: I think it doesn't.

MS. SCOTT: And are the villages relying on the capacity from Big Cypress Parkway in their analysis?

MR. MARSHALL: They said this morning that they are not, but as I just said a little while ago, if you don't do that, then they should be showing deficiencies on DeSoto, which they're not showing because they analyzed the three villages independently. If they showed them together, they would be showing deficiencies on DeSoto.

MS. SCOTT: Are you aware that in Section 2 of the Traffic Impact Statement that there's a cumulative impact analysis for all three villages?

MR. MARSHALL: Yeah, but they're not -- they're not showing it as a deficiency that they're addressing, and DeSoto widening is not in the adopted long-range plan. So what my point was, if you don't do Big Cypress Parkway, you need to widen DeSoto.

MS. SCOTT: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Commissioner Fry.

COMMISSIONER FRY: Trinity, while you're there, I get the impression that you don't agree with Mr. Marshall's findings?

MS. SCOTT: Why would I want to steal my thunder from my presentation?

COMMISSIONER FRY: I'm kidding. Did you write those questions while he was speaking? You seemed like you were either in an attorney by training or you stayed in a Holiday Inn Express last night.

MS. SCOTT: Maybe in my earlier life, that's really what I wanted to be, and transportation, you know, person came around instead.

COMMISSIONER FRY: Let me ask you a simple question. I'm trying to make sense of this all. We've said that the projects have to pay for themselves, fiscal neutrality, and then we've said impact fees do not cover the full costs of the transportation improvements needed. How do we reconcile those conflicting concepts?

MS. SCOTT: So in the Long-Range Transportation Plan, the only -- we do not rely solely on impact fees to widen the roadway. We also rely on gas taxes, which are user fees of people who are utilizing the roadway. So that's No. 1.

We are also very good at getting grants which, while they're not attributed in the long-range plan because we're very conservative with our revenues so that we're not overprojecting things, when you look at the AUIR, my staff brings in a lot of grants to be able to help with that. So we're bringing in other state funding to be able to offset some of those costs as well. In the five years we also have the infrastructure sales surtax, which you'll note in the long-range plan we did not carry forward because that provision expires within a certain amount of time.

With regard to whether or not these villages are paying, I will get into that in depth in my analysis, but they are paying the legally defensible proportionate -- they have calculated the legally defensible proportionate share and compared that to the impact fees, and their impact fees exceed that amount, so they will pay impact fees -- road impact fees to fulfill their requirements.

COMMISSIONER FRY: So my main takeaway is that fiscal neutrality involves a lot more than just the developer's contribution through impact fees; gas taxes; sales tax surcharge. It's a combination of sources both from the developer, from the people within their upcoming development, the taxes they might pay, plus other sources of funding that add up to fiscally balance the cost of the infrastructure for that project; is that correct?

MS. SCOTT: I'm going to defer this with -- Amy Patterson's going to do a whole thing about the fiscal neutrality as well and really dive in deep with that, okay?

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: One more question, Trinity. Do you also account for the additional households or additional homes that have been built, the additional ad valorem taxes collected? Does that take -- come into effect as far as fiscal neutrality? Because now you've got 1,200 new homes out there, 1,200 new homeowners that are paying ad valorem taxes.

MS. SCOTT: From a capacity-adding roadway standpoint, no, we do not.

COMMISSIONER SCHMITT: Okay. So don't look at ad valorem at all?

MS. SCOTT: No. And Amy will get into that with regard to the fiscal neutrality.

COMMISSIONER SCHMITT: Good. Thank you.



MS. SCOTT: Thank you.

MS. OLSON: Norm, are you there?

MR. MARSHALL: Yes, I'm still here.

MS. OLSON: I have one more question. Ms. Scott and Mr. Yovanovich asked you a lot of questions. Does any of these questions they asked change your opinion on your presentation, if you don't mind?

MR. MARSHALL: No, no. And I think my presentation was about fiscal neutrality, not about, as I said, litigating concurrency and so forth.

MS. OLSON: Okay. And SRAs are supposed to be fiscally neutral at buildout, correct?

MR. MARSHALL: Yes.

MS. OLSON: Right. And they have to show that, you know, at the hearing during the application process, correct?

MR. MARSHALL: Yes.

MS. OLSON: Thank you.

Okay. Joe Minicozzi's our next speaker.

MR. YOVANOVICH: Can I ask one more question?

CHAIRMAN FRYER: Yes. Go ahead, Mr. Yovanovich. Question of whom?

MR. YOVANOVICH: Is his name Mr. Marshall?

CHAIRMAN FRYER: Mr. Marshall, you still there, sir?

MR. MARSHALL: Yes.

CHAIRMAN FRYER: Okay. Go ahead.

MR. YOVANOVICH: You went through a series of slides, correct?

MR. MARSHALL: Yes.

MR. YOVANOVICH: And your slides all dealt with road transportation issues?

MR. MARSHALL: Yes.

MR. YOVANOVICH: Okay. Thank you. You didn't -- I didn't hear any other fiscal neutrality analysis other than roads, correct?

MR. MARSHALL: That's correct. I just focused on roads.

MR. YOVANOVICH: Okay. Thank you.

CHAIRMAN FRYER: Mr. Minicozzi?

MS. OLSON: Okay.

MR. FRANTZ: While she's pulling that up, I'm just going to read off a few names here. Mr. Minicozzi's been ceded time by Ellen Murray, Nancy Anthony, and Linda Penniman. I don't know if all of those people are here in the room or not.

CHAIRMAN FRYER: Thank you.

MR. MINICOZZI: Can you hear me? Mic check. Test?

MS. OLSON: We can hear you, Joe.

MR. MINICOZZI: Great, thanks.

While we're loading up the images -- I speak with pictures -- I'd like to add a couple of items to my credentials.

I have past experience in private sector city planning as a designer. I've also worked at John Hancock Real Estate Investment Group in Boston in real estate finance and for two real estate developers, Atlantic Gulf based in Miami, and Public Interest Projects, which is a for-profit real estate developer here in Asheville prior to starting Urban3. And, finally, at West Palm Beach, I did administer a planning commission as well as a zoning

commission, and as a resident here in Asheville I served a term as a planning commissioner as a volunteer. So I just -- I'd like to add that to my credentials before we start.

CHAIRMAN FRYER: Thank you. My condolences.

MR. MINICOZZI: It was fine. Notice I said one term.

So with starting this presentation, I want to start with maybe a big picture. We can go to the next slide. Actually, you can go down to -- one more. This is just a -- this is the totality of what you're considering, just gluing all of these projects together along with some real estate along the Big Cypress Parkway. And I just went ahead -- and hit the next slide -- this is just floating that area over Naples just so you can see the totality of what all of these things add up to. It's essentially from Gordon Pass all the way to -- I can't read this slide there. Let me get my slide up.

CHAIRMAN FRYER: Seagate.

COMMISSIONER FRY: Neapolitan.

MR. MINICOZZI: Neapolitan Way, so it's effectively the land area -- or the north/south dimension of Naples. This is a lot of real estate you're talking about.

Next slide.

So with regard to fiscal neutrality, I've measured a couple of pieces in the -- mostly of pipes. I'll focus on that for this.

So next slide.

What's important about this is Policy 4.18 where SRAs will be planned and designed to be fiscally neutral or positive. And this section of the SRA policy also gives you remedy for when you find that it is not fiscally neutral in this same document where you can add a community development district or you, essentially, meet the gap for what's not being paid for when you find that there's a deficiency.

So not only does it have to be fiscally neutral, but if you find that it's [sic] fiscally neutral, then you have to remediate. So if the policies that may have been adopted basically undercharge for the -- for the infrastructure and they may be approved to undercharge, you still have to meet fiscal neutrality at the end.

So next slide.

We'll start with wastewater. I find that it's not fiscally neutral, and I'll show you how.

So next slide.

This is a chart -- I'll walk you through the whole thing and how the math works. But I have DPG's submission and table on the left and a blowup of the 2,700 units right next to it. And then running the Bellmar consumption, basically it's going to be a max rate of -- and you see the little note beneath that, .83 million gallon -- just below the table, sorry -- to the left. There you go. Just the text that's floating at the bottom there.

So I've calculated it at .83 million gallons per day, the max rate. On the right is the county's Longwater FLUE memo where they talk about the cost of the water reclamation facility at 106 million. So it's a \$4 million -- a four-million-gallon-a-day facility. So I did the math on the bottom there. If you divide 106 million by four million gallons, it's about 26 million gallons -- 26.5 million gallons per million gallon -- \$26.5 million per million gallon of service.

So if you divide -- if you multiple .83 times 26.5, you end up with 21.9, and you see that's in the chart. What they're paying in impact fees is what I've calculated to

be -- and this is actually more than what DPFPG came up with, is about \$9.1 million. So even though they are providing what I would find more impact fees than what the economic analysis shows, it's still a deficit of \$12.8 million, and that's just the wastewater in Bellmar.

Next slide.

Doing the same thing for the wastewater in Longwater, you find another deficit. This is now 13.6 million. Again, same math, same process, same results.

So this is what's happening with the wastewater on the cost of providing that service and then what's being paid in.

Next slide.

On to water and doing the same analysis. Again, on the left or in the center, you see the table pulled from the DPFPG report, the units of 2,750 dwelling units. The max gallons per day is about 1.07. And on the right and to No. 2, you have the facility cost, the plant. Treatment plant is listed as \$82.5 million for the -- on the staff memo. So \$82.5 million divided by this facility is five million gallons of service, equals about 16.5 million is the result per million gallons of service.

So 16 times 1.07 yields 17.7 million is the cost. So that's the cost of delivering the service to the site. The fees that they're paying is about \$9.3 million. That's a shortfall of 8.4 million as a gap. Again, that's a deficit that needs to be compensated for.

Next slide.

Doing the same for Longwater, we find a deficit of 8.4 million with the 17 -- sorry about that -- 7.9 million. I read the wrong slide -- with a service delivery of 16.7 and an impact fee of 8.8 million.

That's just going through those -- the pipes, and on to just a chart to show you, this is -- I made a pie chart of, if you could look at the whole facility as a pie, this is the consumption of -- I added Rivergrass in. So for these three villages, they're consuming about 65 percent of the facility that's been in the area.

Next slide.

They're -- what they're paying in is about 25 percent of the facility. So you can see in the hatched area, that's the deficit of \$40 million for the wastewater system.

Next slide would be to go in through the -- this is just a bar chart. Some people like bar charts. Some people like pie charts. But this demonstrates the same information. On the left is the capacity and what's being consumed. The bar chart to the -- the second series, if you will.

MS. OLSON: Next slide?

MR. MINICOZZI: No, no, stay there. The first bar is just stacking up everybody's cost, what they're consuming. Rivergrass is in red; Bellmar is in green; Longwater is in blue.

That's what they're costing or consuming, and on the right is what they're paying in, or the middle there, and then on the right is a bar chart just basically showing the deficit in the system at \$40.1 million. So just two different ways to show the same information, but I wanted to make the point clear.

Next slide.

So this is the -- that was the wastewater. Now we're onto the water system. Again, this is the capacity of the water system. They're consuming about 65 percent of the water system; Rivergrass, Bellmar, and Longwater in blue.

Next slide is what they're contributing in. So you're consuming 65 percent of the system. You're contributing 32 percent of the system. That yields a deficit of \$21 million in the hatched area.

And then onto the next slide is, again, showing the bars again with the capacity consumption on the left and then the cost of the service and then what they're paying in and then, finally, what the deficit is there. And we'll have all of these as a file that we can give you all as well.

So there's additional costs that are being added into the system.

Next slide.

The deviations or the interlocal agreement says that the district is agreeing to reimburse the developer for the cost of upsizing Rivergrass Village as a pipe in black that's going through Rivergrass as well as upsizing a pipe in the Longwater property noted in black. Those two together will be about 1.9 million. Additionally, they're covering -- compensating the developers 700,000 for the pipe to connect those two pipes. So that yields, at the bottom you can see that number, \$2.7 million of additional costs that the district is agreeing to reimburse the developer.

Next slide.

This is the table that lists it all. In the document you can see the bottom, \$2.7 million.

So go to the next slide.

Again, I want to reiterate that when you find these deficits, this explains to you there are options for remediation. You go just do a straight-up contribution if you want. There's many different options, but you have to achieve fiscal neutrality is the overall goal.

So the next slide is just stacking it all up to show the full deficit. It's about \$63.8 million when you stack them all up. That's a tremendous sum of money that needs to be covered in this to achieve fiscal neutrality. So that's the neutrality aspects of it.

Just -- next slide is just the Longwater and Bellmar deficit removing Rivergrass from that stack, just so you're aware of that number.

And onto the next slide, there are design issues.

Next slide.

So, first of all, there's the integration and the mix uses.

Next slide.

There's a reason why you want to do that. You want to integrate uses and particularly bring in the commercial uses so you can minimize the trip distance of where someone lives and where they go to work. The bars on the right -- on the left, sorry, are from the --

COMMISSIONER SHEA: Excuse me. Do we want to ask questions? He's just jumped from one area to another. Do you want to wait -- this is me, Ned.

CHAIRMAN FRYER: Oh, I'm sorry.

COMMISSIONER SHEA: Yeah, I beat the light but -- I wanted to ask a question on the --

CHAIRMAN FRYER: Yeah, I saw that. Go right ahead. I'm sorry.

COMMISSIONER SHEA: -- fiscal neutrality that he just did on the wastewater side, but he just jumped. Do you want to wait till the end, or do you want to --

MS. OLSON: Joe? It doesn't matter to me or us.

MR. MINICOZZI: Oh, it doesn't matter to me.

CHAIRMAN FRYER: Go ahead, Commissioner Shea.

(Simultaneous crosstalk.)

MS. OLSON: Do you want me to go back to a slide, Commissioner Shea?

COMMISSIONER SHEA: Well, it's a simple question. You talk about a big capital deficit. And the way most communities fund that is through -- basically through mortgage, debt service, bonds, whatever you want to call it.

When you did your analysis, they're collecting additional revenue from the new customers for the plant. Does that additional revenue cover the costs of the debt service and the O&M which, to me, would mean it's fiscally neutral if it does that? Did you consider that in your analysis?

MS. OLSON: Joe.

MR. MINICOZZI: Go back to the table of the cost of the -- and you can just pick any one of them.

MS. OLSON: Which table? I'm sorry.

MR. MINICOZZI: Keep going back. Let's go to page -- let's go to Slide 12 -- or where you are is fine. That's fine. Which slide are you on? I can't read that from here.

MS. OLSON: I'm on 12.

MR. MINICOZZI: You're on 12, okay.

So, you know, the cost of the object is the cost of the object. If it's costing in the right -- let's say I take out a bond for No. 12. That bond needs to be paid. There will be debt service or interest on that bond. This doesn't assume that because this is assuming that's the facility cost of \$82.5 million.

Let's say I have cash in a drawer to pay that \$82 million right now. Even just taking that, that's 82.5 million. Again, you divide that by five. That's 16.5 million. You multiply that times 1.1 -- 1.01. It's -- their cost for the service in this location is 16.7 million. This doesn't take into account that -- if there's interest on a bond to get to that first number. This is just taking that -- the value that the staff is using for the cost of that facility.

COMMISSIONER SHEA: So if the county chooses --

MR. MINICOZZI: It would be more if you bonded it.

COMMISSIONER SHEA: It would be less, right? All I'm saying is if they bonded it, which is what they'll probably do, they're going to have a debt service, which is principal and interest, and they're going to have an annual operating component. And if what they collect from the additional residences in their -- and their monthly water bills covers that cost, it's fiscally neutral to me.

CHAIRMAN FRYER: I would agree, but I think that's a big if, because if it's -- if the collections do not equal the debit service, then the taxpayer's going to have to pay for it.

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: Yeah, okay.

COMMISSIONER FRY: That's my point. And that's what I asked him, if his -- to me, that would be the analysis I would look at.

COMMISSIONER SCHMITT: Or an increase in rates to all the --

COMMISSIONER SHEA: But if the rates go up, then you're impacting the other residents.

COMMISSIONER SCHMITT: Right.

COMMISSIONER SHEA: If you can do it without increasing the rates --

MR. MINICOZZI: Exactly.

COMMISSIONER SHEA: -- it's fiscally neutral.

COMMISSIONER SCHMITT: Correct.

MR. MINICOZZI: Yes.

COMMISSIONER SHEA: And I haven't heard anybody say we can do that. I mean, being 40 million short on capital doesn't mean it's not fiscally neutral.

MR. KLATZKOW: You will have a staff presentation.

COMMISSIONER SHEA: Okay. Thank you.

MR. MINICOZZI: All right. Where were we?

CHAIRMAN FRYER: You had the floor, sir.

MR. MINICOZZI: Sorry. I'm just trying to -- I think I was at Slide 27.

MS. OLSON: Right here.

MR. MINICOZZI: Okay. On the left, this is from the mobility master plan. Those first two bars that are on the left called forecast, that's showing a 1 to 1.7 ratio of jobs to residents. So that's the balance that you-all have approved that you're shooting for in the RLSA area of what you'd like to have as an optimum mix of jobs to residents.

The bar series on the right is Bellmar, and with -- being proposed for residents versus jobs and then what the deficit is. It's about a 95 percent shortfall from achieving the goal of 19 jobs for the 32 -- per 32 residents that are being produced. Right now you're at 32-residents-per-one-job ratio.

So it's a significant shortfall. There's no agreement that the commercial will be built. There's an ask that you could have -- and I think the testimony earlier today was 70 percent of the residential built before you even see a square foot of commercial. Those residents will have to go somewhere for employment, for groceries, for a piece of pizza. That's going to be additional trips in the system by design and by how this is being laid out. That's significant.

That's -- this is Bellmar. The next one is -- go to the next slide, please. This is Longwater and, again, you see the deficit. This is a one job per 27 residents, which is a 94 percent deficit. And, again, this all adds up, stacks. When you stack these two with Rivergrass, you get the next slide, which is a 94 percent shortfall when you add all three of these projects together.

Again, you're going to be -- you're going to be dealing with these effects in this decision when you have this deficiency, and it doesn't meet an adopted county goal on the left in your forecast of 1 to 1.7. Again, this is part of the design issues.

Next slide is walkability.

Next slide. This is the distance just running the route of who's the furthest resident in each of these projects to the village center. It's about two miles for everybody in Longwater, Rivergrass, and Bellmar.

Next slide.

This is blasting the system from a walkability standpoint to say, can somebody walk within a quarter-mile walk radius to get to the -- which would be a half-mile circle to get to the village center.

The majority of these projects, particularly Bellmar, are not walkable. And this is to get to that village center. Now, if you could go -- if you want to walk a mile or something -- sorry. This -- go back one slide. Sorry about this.

If you could walk the mile, but that's certainly generally not accepted as a -- increasing walkability.

Next slide is just a quick little blast as the crow flies. And the applicant actually presented a great graphic to show this, that thing could be -- all of these could be very walkable if the design was laid out in a different pattern and there was more directness or more direct path to get to that commercial product, but it's designed in a circuitous route that doesn't really achieve that.

Next slide.

This is just taking -- assuming the elementary school down by Bellmar. Bellmar would be the only one where you could really have -- kids could walk to school, and the other two, Longwater and Rivergrass, not.

Next slide.

This is to the amenity centers. This achieves better walkability to the amenity centers because they're more centrally located in and around the residential, so they're capturing more people, which is a point about centrality within the neighborhood rather than at the edge.

Next slide.

And then this is -- the reason why this is a problem is your block perimeters are exceptionally large. So this is just showing the scale of blocks that are just exceptionally large, and where that comes from is the next slide. The block structure and size is distorting what's going on in the residential areas. And if you go to the next slide, this is just taking Bellmar. On the left are the LDC code items that talk about block structure within the neighborhood general areas when you have nonresidential uses.

Nonresidential uses are commercial uses. They're also parks, schools, amenity centers, whatever -- what have you.

If you look at item -- it's hard to read all of this all together, but let's go with the one, two, three -- the third one down on the left. It states that the maximum square footage per use shall be 3,000 square feet and, per location, 15,000 square feet. So you could have a 3,000-square-foot lake sitting inside a 15,000-square-foot area of park, let's say. This could be more accurately written, but I just wanted to give you the scale of the size of that.

So right where -- right where April has the cursor, just above that there's a little red square that has a blue square within it. The red square is 15,000 square feet. The blue square is 3,000 square feet. That shows you how small those are.

And I went ahead and just dropped those on top of all the lakes to show you how big those lakes are in comparison to that. Now, where April has the cursor just to the right of that is what the applicant is asking for in a deviation. They're asking to go from 15,000 to 30,000 for the amenity center. That square that's in front of that is a 30,000-square-foot area. I just went ahead and dropped that on the amenity center to show you the scale of how big that is inside the amenity.

Just go north a little bit of that, April. Right there, yeah.

It's probably, like, 10 times the size of what they're asking for. So the drawings are giving you wrong inputs of data and information just by how they're rendered, if you will. But also this scale doesn't meet the LDC requirement.

Next slide is the same thing on Longwater, and you see the same results. And I'm sorry for those of you that are looking from far away, but none of the lakes are within the

limits of the LDC.

And you may say, well, Joe, where did you get this? So that's the next slide. This is the use table from the villages, and they have -- what's on the top circle you see there is where it says "required uses," and then as you scan vertically down it says, single-family retail and office, village center, parks and public greens; lakes is the second red square -- red circle. So it's clearly defined lakes is a use that should be measured, and you don't live in a lake unless you're, I don't know, a Loch Ness monster or something. Just -- a lake is nonresidential.

Next slide.

So by driving the size of the lakes up, it's driving the scales of these blocks up, which is making it large and unwalkable.

Next slide.

One other thing. You're required to have a listing of the retail and office on this site. I know that there's talk about these commercial properties. I didn't see them anywhere. I didn't see them drawn on the drawing, which is an issue, because you can't measure it.

Next slide.

Street sections are inadequate.

Next slide.

This is what's been listed. In the sections on the right is what's in the LDC is the local, what's called Figure No. 9. And I did actually measure that buffer area between the sidewalk and the street. It's actually eight feet. I think staff listed it as six feet. In defense of staff, it's not all that clear in the rendering. They should fix it. But I used a scale and measured it off the sidewalks, and that should be an 8-foot buffer between the sidewalk and the street. The applicant is deviating it down to five feet, which is a 37 percent reduction.

That's going to put the pedestrian closer to moving traffic. Additionally, the road is about 24 feet of inside curb edge to inside curb edge. They're measuring to the end of the F stop curb but not the curb edge. If you look at the drawing on the right, they're measuring curb edge to curb edge. Narrower lanes make slower traffic. And when you widen the lanes, it makes faster traffic, which is an impediment to and danger to pedestrians. These are both the street sections used for Longwater and Bellmar and also Rivergrass.

Next slide.

So the justification is that they're moving the -- they're constricting the road down because of driveways for the houses, and as a designer particularly designing walkable communities, that's not a sufficient reason, particularly when you're trying to be innovative or creative to enhance the pedestrian environment. It's actually -- it's restricting the pedestrian environment, and you're moving them closer to the sidewalk [sic]. So just from a design standpoint I have -- I have a problem with that.

Next slide is a real simple diagram I wanted to put together of all the street sections. The column on the left is the street sections that are required in the village center. You have to choose one of those. In the neighborhood general is the second column. There has to be a street section from one of those in the neighborhood general. But what's being given to you-all is one from the neighborhood edge, which is the third set, and they're using that one and then deviating from that. So you're not even getting the



minimum requirement of one from the village center and one from the neighborhood general. And what's being offered as a deviation is something from what should be at the edge of the community, not in the center of the community. And I just want to make that point clear.

Next slide.

So just to close on the inadequacies of the drawings, if you go to the next slide, on the left are the actual master plan requirements, and I'll just read a couple of these. The drawing is supposed to contain -- if you look at Item 2E -- identification of all proposed tracts or increments but not limited to residential, commercial, industrial, conservation, lakes, et cetera. The location and function of the areas proposed for the dedication of your reserve for the community and/or public and open space and recreational uses.

It is saying all the stuff needs to be on the drawing. Additionally, under Item D, all existing roadways and adjacent roadways. So there needs to be some roadways drawn in that village center, but also it should be more clear for you-all to review these documents to see the adjacent roads. And they're not sufficient -- I would argue that they're not sufficiently drawn on the drawing that you could see all the possible connections to increase interconnectivity in the area.

And then, finally, if you look under I, all arterial, collector, and local streets. So all of these streets should be here on the drawings for you to make this appropriate decision and measure the increments of where the multifamily is versus the single-family, and none of that is diagrammed on this master plan, and I would find that insufficient for proper review.

Next slide.

So just for one example, in Bellmar, I don't know if you're aware of this, but they actually flip a canal on the other side of Big Cypress Parkway, which is going to disable the ability of future integration. For individuals to even walk to the village center is going to be hampered by that canal location or how the design is actually being suggested for Big Cypress Parkway. Additionally, there's -- what is there, one, two, three, four different opportunities for east/west connectivity, and only two are being made. But, again, it's hard to tell from the drawings because of the way that they're rendered.

Next slide.

Same is true for Longwater. And, again, I will just leave these drawings for you. Same issues. Same lack of clarity in the village center. And, finally, let's just get to the reason why on the drawings.

Next slide.

When I first saw the drawings, it was -- something was just kind of bugging me about the rendering style of it and the ability to see what's actually happening.

Next slide.

This is Longwater with its village center. And a way that I think of it is if I talk to you about dogs, and let's say we have a Boxer and a Samoyed. We know that they're about the same size dog. But if I were to say to you, what about a Great Dane and a chihuahua; we generally know those are two different size dogs. We know that a Great Dane is bigger than a chihuahua because we have a reference point of knowing these dogs.

Next slide.

But what if I were to draw them like this and say, this is a Great Dane, and that's a chihuahua. If you had never seen a Great Dane before, you would just take my drawing at

rit [sic]. You would just say, okay, whatever. But if you know that a Great Dane is big, you would treat it differently if I were to show you this rendering.

So next slide.

When you see these drawings and then -- next slide -- and the scale of the downtown -- back one. I just -- back one.

MS. OLSON: Oh, back. Okay.

MR. MINICOZZI: Yeah, sorry. I just dropped the downtown of Longwater over the downtown of Naples, and it's about four to six blocks of downtown Naples. There's no reason why that rendering couldn't have had more detail, even with a grocery store in it, whatever, but you have to have those street sections, some block structure. The way that it's rendered exceeds the block maximum for a village center, but you won't know because you don't see it that way.

Next slide.

And then when you render the area over -- next slide -- over Naples, you can see just how large and how much of Naples you're actually deciding with just this one project. This is a tremendous amount of area all by itself, not considering the totality of all of these projects together. But, again, the rendering suggests that these are just chihuahuas that you're looking at, but they're really Great Danes.

Next slide.

And the same is true for Bellmar -- next -- and how much of Naples Bellmar would consume.

So, again, these are big decisions. It's hard to see these drawings in context and understand the scale when they're rendered in a way that it doesn't give you an idea of the meaning of how big these blocks are and why they're exceptionally large, which increases -- or decreases the ability to have walkability.

Next slide is everybody together. And that's it.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Question. Ray, for staff, in the -- of course, you heard the comments on the master plan. What are the requirements in the Rurals Land Stewardship? I do not recall. Are we supposed to get a detailed rendering, or this is nothing more than a concept drawing? We typically don't get into the review process on the details; is that correct?

MR. BELLOWS: That's correct. For the record, Ray Bellows. The SRA master plans are conceptual in nature, and the applicant has met the county requirements for Longwater.

COMMISSIONER SCHMITT: And if anybody wants to come in and review after approval and they begin to get into the site -- preliminary plat, Site Development Plan or whatever, certainly the public is eligible to review those plans; is that correct?

MR. BELLOWS: That's correct. They're public records at that time. When an application is submitted, it's a public record, and they can be made available, site plans and plats, to the public.

COMMISSIONER SCHMITT: Okay. A question then -- is it Joe, his name?

MS. OLSON: Yes.

MR. MINICOZZI: Yes, sir.

COMMISSIONER SCHMITT: Joe, interesting, I really do like your concept of

scale. But did you apply the same scale -- I'm looking at Longwater, which is, what, 1,200 units, basically?

MS. OLSON: 2,600.

COMMISSIONER SCHMITT: Say again.

MS. OLSON: 2,600.

COMMISSIONER SCHMITT: 2,600. All right. Now, would you -- how would that be placed over a community the size of Lely, which is zoned for 9,000 units? Fiddler's Creek, which is zoned for 6,000 units? I think -- I know what you're trying to say, but the fact of the matter is, they are keeping a ratio of units per acre. But when you look at other -- let's say Fiddler's Creek, 6,000 units, that's 4,000 acres. This is how many acres on --

CHAIRMAN FRYER: Nine ninety-nine.

COMMISSIONER SCHMITT: Yeah. So I understand what you're saying, but what's the relevance of all of your comparison? Because we have communities throughout the urban area, large communities, large PUDs, that are down well below one or two units an acre, and I just named two of them. I mean, I can't say Grey Oaks. I can talk about other communities. Had you looked at any of the comparison of those communities compared to the way you presented this in your drawing?

MR. MINICOZZI: Well, first, Commissioner, you've just mentioned two PUDs and the intent -- the intent of the RLSA policy was to not do PUDs --

COMMISSIONER SCHMITT: Correct.

MR. MINICOZZI: -- in the conventional way of doing them. So Policy 5.5 talks about being creative and cost effective with Policy 5.8 suggesting clustering and innovation. So you don't need to take up, end to end, all of the parcel to have the same number of units. You can achieve a cluster development and compact the development together and do all of the development in less space. That would save more of the territory at the edges for more relaxed areas. That's why they have a center, the general, and an edge district. The edge district is where things get looser.

You could have -- as was talked about earlier, there could be a -- it would be innovative to -- if you have findings of a panther habitat in that cypress hammock area, that could have been connected to the broader ecosystem by design. But the fact that they chose to circle around that area and grow around that area constricts and shooks [sic] that off. These are design issues.

COMMISSIONER SCHMITT: I appreciate your professional opinion, and I'm certainly not going to debate it. But I'm just pointing out, but if they did take -- they could actually put a lot more development in the space provided based on the current documents and the current rules in the RLSA that allows for receiving areas. They could even have a more dense community than what they're proposing right now; is that correct?

MR. MINICOZZI: Possibly, yeah.

COMMISSIONER SCHMITT: Yeah, I think it is. Yeah, so I -- again, I like your concept of scale, and it is very interesting. But I kind of put it in the point of -- I then say, so what? I don't understand what you're trying to get at other than, yes, it is a large piece of land. We all know that. But the RLSA was a large piece of land when it was developed 20 years ago.

MR. MINICOZZI: Certainly, and they have --

COMMISSIONER SCHMITT: And, of course, we're dealing with private

property owners. This is private property that a developer has the right to develop based -- as long as they're within the confines of the rules and regulations that have been codified by the Board of County Commissioners.

So, again, I'm kind of looking at this and saying, this is fascinating, but it just puts me into the question again of, so what?

MR. MINICOZZI: Well, again, I would go back to those same rules that were codified and adopted by the County Commission that this is supposed to be fiscally neutral, it's supposed to be innovative, it's supposed to be creative, and it's supposed to have compact and clustering design. They have chosen to go down this path, and this path clearly states not to do conventional sprawl. These designs are no different from Rivergrass' design that the staff has even admitted in that staff document was conventional sprawling.

COMMISSIONER SCHMITT: Okay. Well, I think -- but we have an opinion from staff that -- and I'm sure we're going to hear it -- that you discuss fiscal neutrality, and we've heard, at least in the staff report, that indicates it is fiscally neutral. So, again, we have a point of debate between your opinion and staff opinion. So, again, I'm at the position of who do we believe and what do we believe.

COMMISSIONER KLUCIK: Mr. Chairman?

COMMISSIONER SCHMITT: So thank you for your time. That was just a point of -- I don't need to -- you don't need to answer that. Thank you.

CHAIRMAN FRYER: Mr. Klucik, was that you, sir?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

So, sir, I can't recall your last name.

MR. MINICOZZI: Minicozzi.

COMMISSIONER KLUCIK: Minicozzi, that's right. All right. So, Mr. Minicozzi, you mentioned the streetscapes, and I just wanted to ask staff to be prepared to discuss the streetscapes and those cross-sections in some detail because I do have some questions about that. Not now, but when whoever it is that -- who would be the appropriate person, Mr. Bellows, to discuss that?

MR. BELLOWS: If you're referring to the general street cross-sections or the cross-sections of --

COMMISSIONER KLUCIK: The cross-sections that Mr. Minicozzi was referencing he had some concerns. And I -- I would like to clear up, you know, that issue of -- you know, of the deviations and what's the basis for the deviation. And, you know, I'm not really sure exactly what the application is including and the specificity, but I would like someone to speak to that from staff.

MR. BELLOWS: Yeah. We'll be prepared when the staff gives its presentation. We have a nice PowerPoint presentation, and everyone will be there, and we can go into those cross-sections.

COMMISSIONER SCHMITT: Ray, it gets into, again, the point I brought up about the deviation, or the five foot versus -- or the reduction in --

MR. BELLOWS: Yeah.

COMMISSIONER SCHMITT: So it's the same question I asked Bob Mulhere --

COMMISSIONER KLUCIK: Who would be -- who would be the staff member

that would take that on?

MR. BELLOWS: Well, our lead would be Nancy, but she might call on some of her experts as well.

COMMISSIONER KLUCIK: Thank you. Sorry, Mr. Schmitt.

MR. KLATZKOW: No. Is the intent to finish with the speakers in the audience?

COMMISSIONER SCHMITT: Yeah. We'll wait for Nancy till --

CHAIRMAN FRYER: Yeah, let's do it that way.

COMMISSIONER KLUCIK: Oh, yeah. I did not want that now. I just wanted it whenever the staff presents. That's all.

CHAIRMAN FRYER: Thank you. Point of information for me, Mr. Frantz, how many more people in the room do we have who have not yet spoken?

MR. FRANTZ: I have eight more slips.

CHAIRMAN FRYER: Okay. I propose that we try to get through those, if possible, by 5:00. Does anybody have an objection to that?

(No response.)

CHAIRMAN FRYER: Okay. Good.

Ms. Olson, were you finished?

MS. OLSON: Yes. Thank you very much.

CHAIRMAN FRYER: Thank you.

Next speaker, please.

MR. FRANTZ: Your next speaker is Marcela Zurita.

CHAIRMAN FRYER: Marcela Zurita, please.

MR. FRANTZ: Ma'am, I'm going to ask you, unless you're an organizational representative, to limit yourself to three minutes.

MS. ZURITA: Okay.

CHAIRMAN FRYER: Thank you.

MS. ZURITA: Good afternoon, Commissioners. My name is Marcella Zurita, and I'm a resident of Golden Gate Estates, District 5. And I'm here to voice out my concerns and ask you commissioners to deny the approval Longwater and Bellmar Village, as they're the opposite of the whole spirit of the RLSA.

I want you to take a second and just pretend, okay, you're one of the Florida panthers, or you can consider you're one living in my district who's going to be affected. You have your home with an entrance to get in and out to cross over your neighbors on the other side of the road. Imagine me as a developer and I come in with my project bringing thousands of new cars zooming by your home every day and night.

Would you say you can safely cross the road with this amount of cars right in front of your home? I don't think so. Most likely, you will get hit by a car, and that's exactly what's going to happen to the Florida panther and other wildlife.

And whose fault would you say it is? The person driving or all of those entities who approved the disruption of your home? To start, I would say in my opinion it would be my fault as the developer.

There is a saying, if you build it, they will come. This is all about, you know, greed, selfishness [sic]. All they care is to maximum profit, minimize everything else, and not be held responsible. Even farther, pass on the bill -- for my bill -- I mean, for my projects to the taxpayers and only pay impact fees as I sell the properties. Would you think that is fair to you? Probably not.

These large landowners have done much to get these areas approved for development for many years. For example, one went as far as to be commissioner of the Florida Fish and Wildlife Conservation Commission back in 2015 while being a commissioner of this agency that was created to protect the species such as the panther. He was seeking for a permit that will give her and other landowners legal protection if they were to kill or harass endangered animals by development. Now, that permit is under review at the local U.S. Fish and Wildlife Service.

It gets even more disturbing to find out that recently Southwest Florida landowners have been paying the salaries of the U.S. Fish and Wildlife Service staff. The same office reviewing the landowners' development plans to build in the Florida panther last remaining habitat.

I don't know, but to me it seems they are trying to buy a favorable ruling. The ECPO plan, in my opinion, is worth nothing. I hope the agency knows that everyone is watching their upcoming decision this April and should deny the permit.

I find it very intriguing that these proposed villages will be going to the Board of County Commissioners for approval, and the agreement of a possibility of converting these villages into a town in April. It is lining up everything for development in these areas. That is so important for -- that is important for the survival of the Florida panther.

These are not just agricultural lands right now, but they are also pathways for animals to move from place to place for mating, hunting, or migration.

These landowners are getting paid from the federal government, our tax money, to use their lands for the panthers. They're also seeking permits to fit wetlands in the Big Cypress. I don't know, but if approved, it will -- will all the noise from the equipment scare the panthers, and the panthers will end up in the villages? Of course, evasive [sic] by crossing the roads.

When is it going to be enough? Who's asking for more every time; the landowners or the taxpayers?

When I hear comments of how advocates continue to ask for more and they're tired of hearing it, well, I have to say that we are tired, too, from all of their attempts to build in primary habitat and in our back yards.

I get it, property owners have the right to develop, but they do not have the right to tell how our community should look like by imposing these mega-projects in our backyards. To have the current residents to pay for the infrastructures that is required for these villages is not accessible. In fact, the water portal is going to be backyard on my street.

CHAIRMAN FRYER: I'm going to ask you to wrap it up, ma'am, if you would, please.

MS. ZURITA: Okay. The manager [sic] of the people, even they save [sic] rural Collier County live out here to be surrounded by nature, away from congestion in the city. I don't want to be the last generation to see a wild Florida panther. I think that the other generation stepped out for me to be able to see them today. And I'm asking you, I think it is the duty, my duty, Floridians, to protect our state animal, and I ask you, Commissioners, to take into consideration the people, the Florida panthers, and other species, our water quality, and the future, which would be affected by your decision you are going to make.

Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I just want to put on for the record, this is the second speaker that brought up the issue about U.S. Fish and Wildlife being paid to review an application, and as the former administrator of Community Development, everything that I did in community development was paid for by -- applications for fees, whether it was building permits, land reviews, applications to review Site Development Plans, it was all an enterprise fund, and it was -- applicants paid for.

So to imply that somehow staff is being persuaded because they're being -- they're paying -- the applicant is paying the fee is somewhat disingenuous.

And with that regard, I'll put on my federal hat as a former commander for the Army Corps of Engineers in Savannah; again, it's disingenuous. The U.S. Fish and Wildlife is composed of -- comprised of professionals, and it is not unheard of for the U.S. Fish and Wildlife to receive money to pay for a review of a very complex and difficult project.

What was under review -- and there was an article that was cited that was noted in *The Intercept* [sic] woefully void of some facts in that article, but that -- it was not a permit. It's the Habitat Conservation Plan that's being -- is being -- that the applicant is paying some of the staff to review. And it's not unheard of in the federal government. It's not unheard of in the U.S. Fish and Wildlife.

And I just want to make sure that's on the record. It's certainly -- if the folks feel that you're somewhat paying off a federal official, that they can be compromised, then, I guess, that's their feeling, but I have to believe the U.S. Fish and Wildlife are professionals enough to review an applicant based on the current and existing rules of both the Endangered Species Act and the Clean Water Act, and I just want to put that on the record. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea?

MS. ZURITA: If I may, give me one minute.

COMMISSIONER SHEA: I have a question for her.

CHAIRMAN FRYER: Commissioner Shea's got a question for you, so you'll have another bite at the apple. Come on up to the mic.

COMMISSIONER SHEA: I'll give you another shot at it.

MS. ZURITA: I just didn't finish my whole presentation.

CHAIRMAN FRYER: I know you didn't.

MS. ZURITA: I want to point out the fact -- I mean, the reason why I'm bring up -- the reason why I brought up the U.S. Fish and Wildlife is because you cannot just leave it to the state, federal, the Department of Environment because we all know that the only thing that they -- the only thing that they regulate is just the amount of harm. I mean, yes, they will pay the impact but, I mean, that's all they do. I mean, they don't really stop projects, and that's a fact.

I mean, Immokalee Rural, yeah, is going to go there, but, I mean, that's -- that's my whole thing. I mean, I really lost -- and I think many people lost their respect for these government agencies because that's all they do. They have not stopped one project; they just regulate the impact, the harm that is going to -- and they're just going to pay. So that's why I'm asking you, don't just leave it to the local and the state government, but it's also your duty as well, as the local government, to protect our best interests, our natural

resources and Florida panther, which this is the last habitat.

CHAIRMAN FRYER: Commissioner Shea.

MS. ZURITA: Thank you.

COMMISSIONER SHEA: Did you see the panther habitat map that the Conservancy put up and it had a pink area?

MS. ZURITA: Yes, I have.

COMMISSIONER SHEA: Are you in the pink area on Golden Gate Estates?

MS. ZURITA: No. I'm actually on the other side. I'm on the north side.

COMMISSIONER SHEA: But there's a lot of homes that are developed in Golden Gate that are in that same pink area.

MS. ZURITA: Low density, yes, they are.

CHAIRMAN FRYER: Thank you.

Thank you, ma'am.

Next speaker.

MS. ZURITA: Thank you.

MR. FRANTZ: Your next speaker is Pam Brown. Pam will be followed by Rae Ann Burton. We can use both podiums, too.

CHAIRMAN FRYER: Okay. Three minutes each, please, ladies.

MS. BROWN: Good afternoon, Commissioners. I've lived in Immokalee my entire life, and I've served on several boards: The Water and Sewer District in Immokalee, the fire board, and several committees in the area over the last 30 years. I would like to share some of my concerns regarding the development of Longwater/Bellmar villages.

Excuse me. I am encouraging you not to accept the application that is being presented today. I have been serving on the CAC for the MPO for five years. Our responsibilities have been to review road maintenance, infrastructure improvements, and the Long-Range Transportation Plan.

It is very frustrating to see critical road projects with a Level of Service C, D, or F -- I'm sorry. I've been here all day. I'm tired -- be removed from the list and may be brought back up or may not be, yet the taxpayers of the county are burdened with the new growth.

The 2021/'25 [sic] TIF funding is 488 million, a decrease of six million when compared to the Fiscal Year 2025 TIF budget. A draft to fund the budget program for Fiscal Year 2021 is 60. But in the fiscal year '24/'25, funding is 135 million as anticipated. Where is the additional funding coming from?

Immokalee's had a population of approximately 27,000 people. In over a hundred years, an established community, we have never merited a four-lane road into Immokalee. We're the working-class community of the area. The services here are maintenance, golf courses, the hotel industry.

And we were talking about Chief Butcher with EMS saying there is only going to be one ambulance per development. We have one ambulance in Immokalee for 27,000 people, and Ave has one ambulance also.

And some of my questions are: What will the fire services need for operating cost? Will they need new fire trucks? Are there medical facilities or hospitals included in the plan? Are -- the gas taxes that we're talking about here, are they being shared proportionally through the whole county, because we have less gas stations in Immokalee



than a lot of other areas do have, and they've been downsized over the years.

Will the developer be donating the land for the schools, the EMS services, the hospitals, and the other facilities?

Like I said, I was on the water/sewer district board, and I know the effluent costs a lot of money to process. It costs twice the amount of money as it does for the water district -- for the water processing. So have we -- have any calculations on the amount of money that's going to cost for everyone?

County law says that growth pays for growth. And sadly, the tax burden's going to be falling on the taxpayers of Collier County again.

I appreciate your time. And with all due respect, if we always are agreeing with staff here, then what are we doing here with public input?

Thank you.

CHAIRMAN FRYER: Thank you, Ms. Brown.

Ms. Burton?

MR. FRANTZ: After Rae Ann Burton is Gaylene Vasaturo.

CHAIRMAN FRYER: Okay.

MS. BURTON: Hello. My name is Rae Ann Burton. I was here last time. I'm really confused of what to talk about. Everybody's covered all my points.

The concern is the villages. My concern is they're a ploy to build their town without paying the infrastructure.

I want to say to this board you have a tough job of juggling what the developers want to do with their land that's disrupting the lifestyle chosen by Golden Gate Estates residents. This area was chosen because it was not city, not even urban, and not -- but it is rural. Stories of seeing in your backward wildlife many only dream of seeing, have to go to a state zoo or park, which I have to do to see my black bears.

The state [sic] is what one might call the last area that makes Naples unique. Tourists come to Naples for things that are here and nowhere else. But there's also those that only come here to make a profit off the area, build high-rises, dense communities or villages, sell them at a price the local people can only dream of owning. They are sold to people that only want vacation homes or businesses, place to entertain clients or house employees while here.

Check out where the developers, even some of the landowners, where do they live? Where's their office?

The taxpayers, the state and county residents, moved here to enjoy a piece of paradise, smell fresh air, hear the birds and wind through the trees, to feel the warmth of the sun on their faces while they tend their gardens and farm, hear laughter of their children or grandchildren playing in green spaces, take a walk along the canal or streets without congested traffic, look out of their windows to see trees, birds, and sunset and sunrises, and at night count the stars overhead.

We, I know -- I moved here to do just those things, but if this dense building of cheaper villages combining into even more dense towns with high-rises, no more sunsets or sunrises will we see because the view will be blocked by these communities. Even the stars will be gone, because the light from these communities will make night as bright as day.

So I'm asking, no, I'm praying, that the Board thinks hard about the decisions made here. I'm glad I don't have your job. It is for the good of all or only for the few. I do

realize that when the decision is no and the County Commissioners approve against your thoughts, are your thoughts like mine? Why do I even bother to get up at 6:00 and come in?

I've written a PS to this. If the villages are approved, I will take a black band and put it on my arm to mourn the loss of Golden Gate Estates' unique quality of life because our concerns, our wishes, are being ignored. If they're not in the panther territory, why are they building panther corridors? There's not bears in that area. Why are they providing bear-proof trash bins?

This is a bad project. It will disrupt our way of life. We have right as the same -- we are property owners as same as they are. We moved here first, or we may not be here first, but we have rights to live our life the way we choose to live it and not be under the thumb of developers' whims.

Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Ms. Vasaturo?

MR. FRANTZ: After Ms. Vasaturo is Susan Calkins.

CHAIRMAN FRYER: You have three minutes, ma'am.

MS. VASATURO: But I have five minutes.

CHAIRMAN FRYER: I'm sorry?

MS. VASATURO: But I have five minutes.

CHAIRMAN FRYER: Are you speaking on behalf of the League of Women Voters?

MS. VASATURO: No, I'm not.

CHAIRMAN FRYER: Okay. Let's keep it to three, please, if you can.

MS. VASATURO: For the record, Gaylene Vasaturo.

You know, Longwater and Bellmar will be built on 2,000 acres of the Primary Panther Zone. The applicant will also destroy a Primary Zone Habitat in the SSAs surrounding these villages by constructing stormwater management, lake tracts, and making large areas inaccessible to panthers. These villages, in particular, are detrimental because they will be so very close to the panther refuge.

A 2006 study by 11 panther experts specifically delineated the Primary Panther Zone. I'll call this the Primary Zone study. U.S. Fish and Wildlife Service incorporated this study's findings and the Primary Zone -- let me -- into the regulatory framework and the -- into its regulatory framework and the 2008 panther recovery plan.

So how can Collier Enterprises propose to develop these areas? Collier Enterprises determined that its land has little to no value as panther habitat by ignoring the Primary Zone study and documented occurrences of panthers.

As part the application project -- process, Collier Enterprises is required to update the NRI scores for its land. Part of the NRI score is the panther habitat value, and that value is based on whether, one, the land is preferred or tolerated panther habitat and, two, there are occurrences of panthers on the land.

Collier Enterprises identified preferred habitat for panthers based on land cover codes in a 2002 LDC provision. That says these codes are, quote, deemed to be preferred or tolerated panther habitat.

Collier Enterprises argues that that's the only codes that may be used to determine preferred panther habitat, but that's not what the provision says. It does not limit or

require the use of those land cover codes. And, more importantly, this provision is 18 years old and represents what was believed to be preferred panther habitat in 2002.

The 2002 RLSA noted that there was ongoing panther studies and said that information on panther habitat would be updated.

Scientists now deem additional land cover types as habitat preferred or tolerated by the panther. In 2008, county environmental staff pointed this out to the five-year RLSA review committee saying that what is considered to be habitat used by the panther has changed since 2002.

And U.S. Fish and Wildlife Service assigns a panther value to additional habitat types that are not included in the current LDC. So in its NRI assessment, Collier Enterprises did not use the best available data. That is, it didn't include the Primary Zone study and, as a result, it did not correctly identify preferred or tolerated habitat.

This map on the screen, to the extent I have any time left, Longwater is in pink. Bellmar's in yellow. The orange area is SSA 17. The brown dots is GPS telemetry data from radio-collared panthers mostly the -- recorded mostly at night when panthers are active. The green dots are the other telemetry data mostly recorded from daylight aerial tracking.

Although there are limited number of collared panthers and telemetry data has a daytime bias, these datas show where panthers go and the landscape they use. You can see that the entire area where Longwater will be built is used by panthers. In its assessment, Collier Enterprises discarded all panther occurrences on the perimeter of Longwater as, quote, not within SRA boundaries, and it discarded other observations because the panther was reported on Longwater land that Collier Enterprises didn't consider preferred habitat -- panther habitat. But all these panther occurrences are on Primary Zone Habitat.

The county's role is to make sure that SRAs are consistent with the RLSA goal to direct development away from listed species habitat. Collier Enterprises should be required to revise its NRI assessment using the Primary Zone study.

Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Next speaker?

MR. FRANTZ: Next speaker is Susan Calkins followed by Meredith Budd.

CHAIRMAN FRYER: Thank you. Ms. Calkins?

MR. FRANTZ: Unless Susan's coming in the hallway, we can move on to Meredith Budd.

CHAIRMAN FRYER: Okay. Ms. Calkins?

(No response.)

CHAIRMAN FRYER: Okay. Ms. Budd, we'll go to you.

MS. BUDD: Good afternoon, Commissioners. Meredith Budd on behalf of the Florida Wildlife Federation.

I'm here today with the Florida Wildlife Federation. We're a wildlife organization. We're conservation based. We're statewide. I have an office here in Naples which focuses on habitat conservation primarily focusing on the Florida panther as a guiding species. That's because it's an umbrella species. So, typically, what's good for the panther is going to be good for most native wildlife.

Florida panther's wide-ranging and public lands, you know, state, federally-owned

lands, those are insufficient for a growing panther population.

So biologists have long recognized the need to work with private landowners in the region to help protect panther habitat. Collier County's not immune to population growth, and of the land surrounding Immokalee, 90 percent of it is privately held. The Federation also recognizes and understands that these landowners have vested rights across this region.

Since growth and development will continue in Southwest Florida, the future of the panther is dependent on our land-use decisions that we make today, and that's why the Federation is supportive of the Rural Lands Stewardship Area.

So despite a national policy on no net loss of wetlands, permits don't actually achieve this, and we see that happening continually draining Golden Gate Estates and a sprawling growth pattern.

In fact, NOAA, they have a statistic that Lee and Collier Counties have lost over 30,000 acres of wetlands since 1996, and that's with the Clean Water Act.

So it's evident that, even with our federal regulations, there's been a gross loss of wetlands and habitat here in Collier County. So with that understanding, federal regulations -- the county, rather, should not rely solely on the federal regulations to protect our natural resources. Again, why the RLSA is so critical.

There has been a lot of discussion about primary panther habitat, and I do want to speak on that. This is referencing Kouts scientific article, "How much is enough?" which provides a fantastic high-level guide for landscape conservation, but the concluding section, it's Section 5 of this paper, outlines the need for functional panther habitat and, unfortunately, this notion is not really mentioned many times when speaking about the Kouts article.

Kouts notes here that the panther use of an area as a home range, breeding access, resting and denning sites, stalking cover, and the support of that land for a prey base are all critical aspects of a functioning landscape for panthers.

So this is an acknowledgement in that article that highly impacted areas, like mines or intensively farmed fields, do not really meet the needs for panthers despite being designated as Primary Panther Habitat.

The U.S. Fish and Wildlife Service Panther Recovery Plan -- you saw it quoted earlier about primary habitat and what that means for panthers. But if you continue to read onto Page 90, it also talks about what secondary habitat is, and that includes high-intensity agriculture and that, and I quote, restoration would need to occur in order to allow the area to contribute meaningfully to panther recovery. This doesn't mean that farm fields don't have value to panthers and other wildlife, and I want to say that on the record. They do. And that's, in fact, why the Federation was so enthusiastically supportive of the amendments that included farm field -- retention of those farm fields.

But cleared farm fields do have a less environmental value than a forested natural area. And even if the cleared farm fields are designated as Primary Panther Habitat through the Kouts model, they're simply not functioning as panther habitat and, without restoration, they're not serving the intent of the Primary Zone as described by Kouts.

So with that, I do want to just touch on Longwater, of course. Longwater, the footprint is an impacted farm field. In exchange for the development of about 1,000 acres, the applicant is preserving 4,800 acres of land as a part of SSA 14 and 17. The northern part of Camp Keais Strand is located within the boundary of SSA 14. The State of Florida

has long targeted this land as essential lands remaining in the Florida Forever Corkscrew Regional Ecosystem Watershed Project.

SSA 17 is comprised primarily of shaggy cypress swamp north of Oil Well Road east of Golden Gate and just west of the strand, and that's part of the critical flowway.

So even so, with all of that preservation, the Federation did remain concerned about wildlife movement through that area. And understanding those concerns, we met with the applicant, and they worked with the Federation along with other conservation colleagues to address this issue.

So since working with them, the Federation -- excuse me. The applicant has presented plans to widen the corridor. They've removed portions of the retention ponds that were in a part of their original master plan, and they are providing three wildlife crossings: One on the main Oil Well Road, and one on each of those internal roads, which is a direct result of conversations that myself and our conservation colleagues have had with the applicant.

Now, we do have concerns over the size of the crossings that were presented by the applicant, and we're really looking forward to continuing that dialogue to make sure that they're appropriate sizes for panther moving under the widened Oil Well Road.

But overall, their proposed modifications to the master plan will help wildlife move safely through this preserve region and is a result of conversations between the applicant and the groups.

While I do want to address the issue I think, Commissioner Fry, you had brought up about the amount of credits being generated versus how many development -- developments can be made created from it. So while the development ratio between development and preservation area in the long-term is more modest than the current ratio that we're seeing, the environmental benefits are generally front loaded, and that's actually what the Federation and I think a lot of my conservation colleagues like Audubon were aiming for. We want to see these lands have those land-use layers stripped off, the most intensive land-use layers stripped off early so that we don't -- we ensure that those lands can't be developed ever and that they are set in preservation in some form. That has the greatest landscape conservation benefit up front.

The development cap that is part of the amendment process, along with the commitment that I think Rich had already noted to about that 10-credit-per-acre commitment, to use that ratio as opposed to the required eight-credit-per-acre ratio helps to alleviate, I think, some of the concerns that you had brought up about too many developments coming out of the credits.

And then the last thing I wanted to note, if I could, I wanted to clear up something for the record. Someone mentioned earlier that the Florida Wildlife Federation, my organization, gets financial gain for my position here today on the RLSA on the villages. I take umbrage with that comment, and it is by no means accurate. I take the positions that I take here on the RLSA on the villages because I'm committed to obtaining the best environmental outcome for the region and for the landscape. The RLSA achieves that. So I wanted to formally correct the accusatory statement that was made on the record.

And with that, I am happy to answer questions. So thank you so very much.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Thanks, Meredith. Just two quick questions. One is,

it sounds like from a practical standpoint, although farm fields do have a function for panthers, they're by far not the most critical habitat for panthers, not the most high value. So this is a good -- this is a reasonable tradeoff in your opinion?

MS. BUDD: Yes. I believe -- I agree with that statement. If they are restored back to their natural state, perhaps they have more value to wildlife and panthers for movement, but in the current state, that is correct.

COMMISSIONER FRY: Ms. Vasaturo mentioned -- she called it the Panther Zone study from 2007 or 2008. She said it was presented as input to the RLSA restudy, and I don't know how long you've been involved in the process, but do you have any insight as to why -- oh, no?

CHAIRMAN FRYER: Ma'am, we can't do it that way. I'm sorry. Sorry, Ms. Vasaturo.

COMMISSIONER FRY: Maybe I need to withdraw the question if it's not -- if it's not accurate. I was just wondering, that map does not seem to have ever been incorporated into revisions to the RLSA map, and I wondered if you have any insight on that.

MS. BUDD: Kouts -- the Kouts paper was created after the establishment of the RLSA. So the way that -- from my understanding, the way the RLSA was formed did not consider the Kouts model, but when the lands are reviewed by county, they are doing today's best -- today's landscape. They're looking at today's landscape, and the U.S. Fish and Wildlife Service certainly reviews the applications based on today's best science, and they do use Kouts along with other models as well.

COMMISSIONER FRY: But for whenever reason, the Kouts model was never implemented into -- we just didn't -- we just passed some revisions to the amendments to the RLSA, but there were no amendments to the map itself in terms of what's an HSA, what's an FSA, et cetera.

MS. BUDD: That is correct -- that's my understanding, and I would defer to staff. But that would -- that would rely on going back and essentially starting from scratch with the program and redoing the whole NRI scoring is my understanding. But that is correct, that Kouts was created after the RLSA was established.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Before I ask Commissioner Schmitt to speak, I'd check with Mr. Frantz. How many more speakers do we have in the room?

MR. FRANTZ: We've two more.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Meredith, thank you for the very concise letter you sent to all of us in regards to the positions. So just for the record, and state clear, the Longwater Village, it is a give and take. It's development that we know is going to take place because it was allowed under the RLSA, but Florida Wildlife Federation is looking at the overall impacts and the benefits that are going to come of it, especially with the restorations in SSA 17. So, fundamentally, you are in support of it except for the one area you discussed about the width of the crossing?

MS. BUDD: The size of the crossing. We're still -- I feel like we can still have that conversation with the applicant in terms of the appropriateness of the size of the crossing on Oil Well Road. But, yes, the RLSA is a compromise. That's what that

program is, and so without entitling development, SSAs are not preserved. So even though they're created or in their process of being created, they're in what's called escrow, and they actually have no binding entity to preserve that land until they entitle development. So, yes, it's a compromise. We're supportive of the environmental benefits that come out of this program. And in order to get those environmental benefits, the development's got to go somewhere.

COMMISSIONER SCHMITT: And I would agree. I think for the petitioner, I would encourage them to look at that crossing, so when -- I know we're not going to make a decision today, so maybe between now and when they come back, they may have a little bit more adjustment.

I was in conversation by email with Nancy Payton, and we all know Nancy's been a -- certainly, well respected in the community. But she did cite a quote, and I think it's relevant here, and it was from the -- is it Kruts study? How do you pronounce it?

MS. BUDD: Kouts.

COMMISSIONER SCHMITT: Kouts. And it says that there should be an ambitious comprehensive strategy for working with private landowners to protect, enhance, and restore panther habitat within the primary dispersal and secondary zones, which is essential. I believe that was the intent of the RLSA. And I know there's been a lot of dispute on the findings, but his overall conclusion was there needs to be cooperation with the private landowner. And I believe, at least I think it's been demonstrated, that that is, in fact, happening; is that correct?

MS. BUDD: Yes, I would agree with that.

COMMISSIONER SCHMITT: And my compliments to Nancy as well, who is a dear friend. I can say that now.

MS. BUDD: Yes. Thank you, yes.

CHAIRMAN FRYER: Thank you, Commissioner.

We've got two more speakers. We're going to give them each three minutes, and then after that we're going to take a hard break, and the remainder of our agenda for today will be carried over to our next meeting.

Who's our next speaker, please?

MR. FRANTZ: Your last two speakers are Fritz Darius and Susan Novotny. And I just want to also state that we do also have one registered speaker under public comments.

CHAIRMAN FRYER: Oh, all right.

Mr. Darius. Here's Mr. Darius. Who was the last one then?

MR. FRANTZ: The last speaker is Susan Novotny.

MR. DARIUS: Afternoon.

CHAIRMAN FRYER: Good afternoon, sir.

MR. DARIUS: I'm Fritz Darius.

The problem that I'm having is like this, okay, I don't have any problem with people like -- like I said last time, progress is great. Some of them are good; some of them are bad. Let's put it this way, yes, they've got animal crossing and need to be respected. Nobody seems to care about whether the -- the animal can't speak. Let's put it this way: We the voice of the animals.

Now, for example, they want to build their village. Fine, build your village. But at the same time, with respectable. You say they have to be a good neighbor. So far they

have not been a good neighbor in the sense that you have to respect the animals.

And also to -- everybody keep forgetting one thing. Yes, me -- to me, I feel like it's still going to keep creating problems. We do not have the infrastructure for the road and everything.

God forbid -- we still talk about that last time. I said, like, something happened again. Like, Irma, the last -- the very last one that happened was Irma. I don't want a bandage, a little quick fix. I want a fix that's permanent, not something like you could say, okay, whatever -- I'm not with that.

I need the road. Like everybody want to connect to DeSoto. DeSoto is going to be more compacted like the way it is now, not come -- what is that -- Monday I got pulled over by a police. He said that I was speeding. Couldn't care less. Give me my ticket. I go about my way.

But now they're using a tactic of oppression, like, to make it seem like something bad is going on around that way. Hey, if there's something that I'm doing and you feel like it's not normal, fine. But at the same time, too, the animals need their space.

Now, one thing I want to know, what if one day those animals get out of line and attack somebody from their village? So are they going to blame the animals for attacking, for actually protecting the area?

I was in Canada for five months. This is the reason why I love Naples. I was in Canada for five months in Fort McMurray. I didn't see a bear, not once.

When I came to Naples, five days in, I seen a bear, the mother and the cub. So it was funny to me because it was in my yard, and I could see the bear -- I could hear noise. I seen a big bear in front of me as I'm pulling out of my gate.

So I'm looking at the bear. I'm like, oh. Five days in we met. Hi. And then I hear noise, and I look up. There's a cub next to me. So I'm like, awe, this is not my -- this is -- I need to get in my car, go to work, and let you guys do your thing, and that's exactly what I did. And as I'm doing that, the mother bear find its way -- her way into my yard and standing looking at me. I say, I see you guys later.

Again, I respect the animal because I know they were there before me. I have to respect them. But with everything that's saying, like, you know, they're going to be roadkills.

And I remember when I was here, they issued the hunting license, a permit for a day, and there was a lot of bear killed, including mother bear -- it stated that they couldn't kill no mother bears or the cubs. People couldn't care less. They kill everything.

CHAIRMAN FRYER: Sir, you're at three minutes, so I'm going to ask you to wind it up.

MR. DARIUS: What I'm saying is like this: I really don't care what anybody say, but respect for the animals and everybody around, because at the volume, we're going to have problems. It doesn't matter, we're going to have problems. Whether they build this stuff or not, it's already a problem already with traffic, and it's going to be more problems. No matter what you said, how you say it, how you view it, there's going to be a problem. And they need to address the situation at hand. Don't just ignore it. Just put it where it belongs, and make it right for all of us.

That's all I have to say.

CHAIRMAN FRYER: Thank you, sir. And Mr. or Ms. Novotny. There we go. That one's clean.



MS. NOVOTNY: Susan Novotny, 20-year Collier County resident and wildlife rehabilitator, so I've had a lot of personal experience with the effects of human encroachment upon our wonderful wildlife.

Car strikes have been the number-one killer of panthers in the last years since we've been counting it, up to 30 a year, and somehow they've been able to keep their numbers at about, like they were saying, 150 to 200. When I moved here, I guess, before it was down to about 30 panthers. When I came here, it was up to 50 and now somehow, with a lot of help, we've been trying to keep the numbers at 150 to 200, as they said now.

But this feels like the beginning of the end for our state mammal, the endangered Florida panther, and all the many other animals that are affected by losing this essential protected habitat for this umbrella species. By having this land, so many other animals are also protected around them that we love and are also endangered, too, some of them.

We love the natural environment of this beautiful part that Florida provides. It's one of the main reasons people choose to live in Southwest Florida, that we still have this nature around us. If we don't think ahead now as how these sprawling developments will forever change our environment, there will be no going back to wish we had been better stewards of our land.

The \$43 million deficit, as we were looking at for water and sewer alone, has to be paid for by existing Collier County residents who are already dealing with current traffic and failing roads infrastructure.

The cost of essential services for -- they have estimated are under the estimations, the developer's economic assessments. And, again, that cost for these essential services, fire and ambulances, police, it's going to be on all the rest of us to provide that instead of helping what we should be focusing on now that we already need in some of our areas, especially in the Golden Gate area. They need some more help there, too.

Also, I understand that right now they're planning to conglomerate these villages into a town, and there are some talks going on right now. This may bypass the normal public process in order to speak about the villages being so close as to somehow make it into, as we saw, a Great Dane, not a chihuahua.

They get the benefits and we, as the Collier County citizens, have to take all the risks for this -- these new developments. These projects are not designed accordingly in these stages right now to the RLSA's rules.

My only hope is that we consider all the aspects of allowing major development in this fragile wildlife homeland.

Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

And our registered speaker under public comment, Mr. Frantz?

MR. FRANTZ: Rae Ann Burton.

MS. BURTON: I gave it.

CHAIRMAN FRYER: Okay. All right. So thank you.

That will conclude our meeting today, and remaining matters -- matters remaining on our agenda will be carried forward to our next meeting. Without objection, we're adjourned.

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March 4, 2021

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:23 p.m.

COLLIER COUNTY PLANNING COMMISSION

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EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on \_\_\_\_\_, as presented \_\_\_\_\_ or as corrected \_\_\_\_\_.

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