

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
April 1, 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)  
Tom Eastman, Collier County School Board Representative

ABSENT:

Christopher T. Vernon

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Jeffrey Klatzkow, County Attorney  
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Good morning, everyone, and welcome to the April 1st, 2021, meeting of the Collier County Planning Commission.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison, and the proceedings continued as follows:)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

(No response.)

CHAIRMAN FRYER: Mr. Shea?

COMMISSIONER SHEA: Here.

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?

(No response.)

CHAIRMAN FRYER: Mr. Klucik?

COMMISSIONER KLUCIK: Here.

CHAIRMAN FRYER: All right. Well, we need to vote, then, on Mr. Klucik. I wasn't aware that he would be calling in remotely. Mr. Vernon has an excused absence, so the record will show that that's excused.

MR. BELLOWS: For the record, Ray Bellows. Yes, Mr. Vernon has an excused absence, and Mr. Klucik did send an email. And I apologize if it didn't get forwarded to you that he's --

CHAIRMAN FRYER: No harm done. We will take the action that we usually take. Is there a motion?

COMMISSIONER HOMIAK: I'll make a motion that he attend virtually.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: 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 HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Welcome, Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you.

COMMISSIONER FRY: Mr. Chairman, we have a quorum of six.

CHAIRMAN FRYER: Thank you, Secretary.

Addenda to the agenda. First of all, I note that we have six advertised public hearings on

our agenda today, and staff is recommending that we continue four of them to the April 15 meeting.

First thing I'd like to do, respectfully, of course, is to ask staff in the future that when this material is written up before the Planning Commission meeting in question, it's probably more accurate to say that staff is recommending continuance of this item to whatever date rather than this item is continued, because that action doesn't happen until the Planning Commission acts on it. So I think just -- you know, barring extraordinary situations, we will, obviously, follow staff's recommendation.

MR. BELLOWS: Understood, and we'll --

MR. KLATZKOW: I think technically you're correct, but doing it this way, people don't show up. So when we tell people that it's being continued, they won't show up here for the hearing. If we wait until the hearing to tell people it's going to be continued, they may have made a wasted trip. That's the reason it's done this way.

CHAIRMAN FRYER: Okay. Well, I mean, that makes sense and it's -- as you observed, County Attorney, it's not exactly correct, but it has a practical argument in its favor, so without objection, we'll continue to what we're doing.

(Mr. Eastman is now present in the boardroom.)

MR. KLATZKOW: And what I would recommend is that Ray get with you prior to the meeting to go over the potential continuations so at least, you know, you have the input as to whether or not it should be continued.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER FRY: Mr. Chairman, I'll point out that our school board representative, Mr. Tom Eastman, has arrived.

CHAIRMAN FRYER: Welcome, Mr. Eastman.

MR. EASTMAN: Thank you.

CHAIRMAN FRYER: All right. Then Item 4 of at least, perhaps, an earlier draft of the agenda had NC Square's FLUE amendment as an item to be continued. I understand that there may be a later draft of that agenda that's out there that does not have NC Squared on there but, of course, we completed NC Squared at our meeting of the 18th and unanimously voted three times, the GMPA, the MPUD, and the EAC so, of course, that does not need to be continued.

But there -- so my question to Mr. Bellows is, is that it seems to me that one of the items that probably needs to be continued that was not mentioned was this companion -- it really wasn't a companion, but they're two similar applications from BCHD1 Partners, one of them having to do with the Fourth Street Northeast and then another one. Did those both need to be continued today?

MR. BELLOWS: The agenda items that I have are Agenda Items No. 3, which is the Randall Boulevard Growth Management Plan amendment. That is PL20190002355. That is to be continued to April 15th.

Then we have another Growth Management Plan amendment. This one is -- deals with the property that Shy Wolf is going off of Wilson that, and is PL20190002353. That is also being continued to April 15th.

Then we have a Rural Lands Stewardship overlay Growth Management Plan amendment, that's PL20190002292, being continued to the 15th as well.

And then last item is Item No. 6 on the agenda, and that's PL20200002234, and that's another Growth Management Plan amendment.

CHAIRMAN FRYER: Okay. And there actually is yet another item being continued, and that's the town aggregation matter. And that, I think, is proposed to be continued to our May 6th meeting. Isn't that correct?

MR. BELLOWS: Let's see. This item --

COMMISSIONER SHEA: Yep.

COMMISSIONER HOMIAK: Yes.

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Okay. And it's my understanding that -- first of all, I guess, two things. First of all, that the town aggregation matter being continued will be first on the agenda of May 6th, correct?

MR. BELLOWS: Yes, if that's the wish of the Planning Commission.

CHAIRMAN FRYER: Yeah. And that's -- well, that's what we decided, I think, last time --

MR. BELLOWS: Yes.

CHAIRMAN FRYER: -- that it would be heard first. And, second, am I correct that the Board of County Commissioners will not be hearing this town aggregation issue until later in May?

MR. BELLOWS: I'd like to seek clarification. I'm not 100 percent sure on that. We can have that by the end of the meeting, though.

CHAIRMAN FRYER: All right. Because it -- I mean, continuing this to a time before the Board of County Commissioners meeting is our objective.

MR. BELLOWS: Yeah.

CHAIRMAN FRYER: And as long as it's fixed at the late May meeting for the BCC, this will work fine.

MR. BELLOWS: I just won't have an answer at this point.

CHAIRMAN FRYER: Okay. Well, let me know if there's any change to that because we want to, I think, revisit this.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes, sir. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Okay. So that's on our agenda as an information meeting, not as a -- we're not actually taking action on it; is that correct?

CHAIRMAN FRYER: Not necessarily, Commissioner. That will be a decision for us to make. It's been proposed as an information item, and it may remain as an information item, but I certainly think that the public should be heard at that time, and public input will be solicited in the same manner as would be solicited for an application or a rezone on a GMPA. And if we decide that we want to take some action, that's within our purview and prerogative. If we decide not to, that's the same.

COMMISSIONER KLUCIK: Okay. So then what -- as a Planning Commission, what sort of action could we take on something that hasn't been presented before us as a -- as a petitioner as an action item? So if someone comes to us to present information that another body is doing and that we're -- and that it's premature for us to take action on under -- procedurally, obviously, we can, sua sponte, on our own, our own accord, our Board can do what we think we can do as long as it's legal, you know, and authorized.

What is it that you're thinking that we can do? What is -- what is under our, you know, authority to do on that action when it's presented? What's the realm?

CHAIRMAN FRYER: Yeah. It would be recommendatory only to the Board of County Commissioners. The way I see it, it would follow a presentation by staff and comments by the public, if any, and discussion and questions and comments from up here, and at that point, if the Planning Commission believes it's appropriate to take action, the Planning Commission would take action. If not, the Planning Commission wouldn't take action. But it's -- I wouldn't say it's premature, because this is really going to be our last clear chance to hear it, the town aggregation matter.

COMMISSIONER KLUCIK: Well, I thought, Mr. Chairman, that in our prior discussion of this, that -- and this is where -- you know, I'm not saying I know, but this is what I thought I heard, you know, in our discussions is that the commissioners are going to -- you know, are

planning to enter into an agreement. They would be doing that, and then once that agreement has been entered into, it would cycle through the Planning Commission process, and then we would actually hear it and then make a recommendation. I'm just trying to figure out -- that's why I say it's premature, because it's -- when the county commissioners decide to take action on something and they haven't invited our -- you know, our input, and it's not procedurally, you know, normal that we would hear it, I'm just trying to figure out what our procedure is. And if we're -- you know -- and how does it get noticed? Would it be properly noticed for us to vote on something that impacts, you know, something that someone who will be a petitioner is doing? Do they have a -- if we're going to hear from the public and we're going to take action on it, you know, is there some notice requirement as well?

CHAIRMAN FRYER: Well, first of all, there's nothing -- there is no normal procedure associated with what is proposed. This is completely new and different. And if one wants to characterize it as unusual, which I believe it is, the main thing that's unusual about it is that the Board of County Commissioners would later be asked to approve these villages independently and then reconsider them as a town.

And here's, from my perspective, the reason why it's very important for us to have a say on this before the Board of County Commissioners is asked to vote on it, is that in its present form, or at least the form that I'm familiar with -- maybe there -- maybe it's changed and there are further drafts, but what I've seen changes fundamentally the basic RLSA rules that we and the Board of County Commissioners would be asked to apply in vetting the town proposal which might come to us 12 months from now.

And so if we don't want to be heard on those fundamental RLSA rules, if we don't think that's necessary for us in respect of our role as the -- as the principle planning agency for this county, then we don't need to do it. But in my personal opinion, since those fundamental rules are being asked to be changed in a significant way, it is incumbent upon us in the exercise of our responsibilities as the Planning Commission of this county to at least be heard on it.

And after we hear from the applicant, from staff, and from the public, if we, for whatever reason, decide in our infinite wisdom that we don't want to take a vote on it, that's the proper time for us to decide we don't want to take a vote on it. But for now, it is premature to try to foreclose how we're going to react to something that we haven't heard yet.

COMMISSIONER KLUCIK: Well, right. And what I'm trying to do is I'm trying to make sure, procedurally, I understand what we're doing. And I guess I'd ask the County Attorney to weigh in and explain, you know, what he thinks is the appropriate method for us to hear this and possibly take action on it.

CHAIRMAN FRYER: County Attorney.

MR. KLATZKOW: It's going to be listed on your agenda; that takes care of the notice issue. My understanding is that staff will be making a presentation to the Board explaining what the developer agreement is. The Board will have the opportunity to question staff about that. If the Board wishes to make a recommendation, they can make a recommendation. If the Board wishes not to do that, the Board can do that. You're the local planning agency, so you're hearing this, and you'll take whatever action you deem appropriate.

CHAIRMAN FRYER: Thank you. Any further questions, Commissioner Klucik?

COMMISSIONER KLUCIK: No. Thank you. I appreciate that.

CHAIRMAN FRYER: Thank you.

MR. BELLOWS: Mr. Chairman, I do have an update.

CHAIRMAN FRYER: Yes. Please go ahead.

MR. BELLOWS: The presentation on March [sic] 6th will be before the item goes to the Board of County Commissioners.

CHAIRMAN FRYER: May 6th?

MR. BELLOWS: Yes. Will be before the presentation to the Board and discussion of that item.

CHAIRMAN FRYER: We don't know how much before?

MR. BELLOWS: Well, it will follow the -- be on the same agenda with the villages when they're presented to the Board.

CHAIRMAN FRYER: Oh, okay. All right. Thanks. Thanks for giving us that information. And that, for my purposes, is suitable. Anybody else have anything to say on this?  
(No response.)

CHAIRMAN FRYER: So we've got, I think, six items to be continued, five of them -- well, maybe -- well, five to the 15th and the sixth to May 6th; is that -- am I counting correctly, Mr. Bellows?

MR. BELLOWS: Four will go to the April 15th, and the last one under new business, that is going to May 6th.

CHAIRMAN FRYER: I'm going to ask you to just identify them by number again so that we make a clear record.

MR. BELLOWS: So agenda items 9A3, 9A4, 9A5, and 9A6 are going to April --

CHAIRMAN FRYER: Excuse me. I'm sorry. Since there are two versions of the agenda out there, will you identify them by PL number.

MR. BELLOWS: Sure. PL No. 20190002355, PL20190002353, PL20190002292, and PL20200002234 are all going to the April 15th Planning Commission meeting. And then under new business, that's No. 11 on the agenda, that is going to the May 6th.

CHAIRMAN FRYER: Very good. Thank you.

Is there a motion to that effect for those continuances, please?

COMMISSIONER HOMIAK: I'll make a motion.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of those continuances to those dates, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

Planning Commission absences --

Oh, Mr. Bellows, you don't have further agenda changes, I take it?

MR. BELLOWS: No other changes.

CHAIRMAN FRYER: Planning Commission absences. Our next meeting is April 15, 2021. I know that Commissioner Schmitt will be absent on that date. Does anyone else know if he or she will not be able to be in attendance at that time?

(No response.)

CHAIRMAN FRYER: All right. Approval of minutes. We have before us action on our meeting of March 4, 2021. Are there any corrections, changes, or additions to those minutes?

(No response.)

CHAIRMAN FRYER: I actually have one. A speaker at that meeting, at the March 4 meeting, desires to change our record in order to reflect that she misspoke on a particular matter. Staff inserted a handwritten attachment at the end of these minutes.

Now, we can give full effect to the speaker's desire to correct her statement without correcting our official record of what was actually said. To that end, I would entertain two motions. First to approve the March 4 minutes without the handwritten attachment. And if that passes, I would then entertain a motion to accept the speaker's correction of her statement, and that action will become a part of the official minutes of today's meeting, and in that way we preserve the integrity of our March 4 minutes as an accurate portrayal of what the speaker actually said, and we also at the same time allow her to make her retraction on our official records.

So is there a motion to approve the March 4 minutes as submitted without the handwritten?

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Do you wish to be heard on this?

MR. YOVANOVICH: If you don't mind.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: Does that have to do with the village that was discussed?

CHAIRMAN FRYER: It has to do with the Wildlife Foundation, and I'm going to --

MR. YOVANOVICH: Did it have to do with the hearing that was on the rural village that was Rural Lands Stewardship village, the Longwater Village petition?

CHAIRMAN FRYER: No, I don't believe so.

MR. YOVANOVICH: If it did, I just --

CHAIRMAN FRYER: No, that wasn't before us. This was during public comment. I'll identify it in a moment.

MR. YOVANOVICH: Okay. I was just hoping you'd read it into the record.

CHAIRMAN FRYER: I will.

MR. YOVANOVICH: That's all I'm asking.

CHAIRMAN FRYER: Okay. It's been moved and seconded that we approve those March 4 minutes with the deletion of the handwritten attachment. 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 HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Now I'd like to have a motion to acknowledge that the speaker, this is a Mrs. Forkan, has retracted her March 4 statement about the Florida Wildlife Foundation receiving money from Collier Enterprises. Is there a motion to that effect?

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER HOMIAK: Are we just leaving the attachment, her letter?

CHAIRMAN FRYER: Well, we can't leave it on March 4 because it didn't happen on March 4, but we're making it official by dealing with her -- I mean, she wants a retraction. I want to give her a retraction. We're going to do it -- I'm proposing we're going to do it attached to these minutes. We can't rewrite what happened and what was said at the last meeting.

COMMISSIONER HOMIAK: Right, I wouldn't want to.

CHAIRMAN FRYER: Right. Okay.

COMMISSIONER HOMIAK: I mean, what was said was said.

CHAIRMAN FRYER: Exactly.

COMMISSIONER FRY: She's going on the record to retract her statement that the Florida Wildlife Foundation received funding from the applicant, so I guess the question is whether we allow that.

CHAIRMAN FRYER: Yeah. Did you want to be heard on this, Mr. Yovanovich?

MR. YOVANOVICH: I did.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: That actually was during the hearing. It was the Longwater Village petition, so I'm asking you --

CHAIRMAN FRYER: I thought you were talking about the RLSA matter.

MR. YOVANOVICH: No, no. It was -- I asked if it had to do with the Longwater Village.

CHAIRMAN FRYER: I don't think you said that, but it doesn't matter. What do you want -- what do you want to say?

MR. YOVANOVICH: I just want to make sure -- I just want to make sure it's clearly on the record for the Longwater Village petition that she now wants to change her testimony. That's all I want on the record.

CHAIRMAN FRYER: Well, it's already been done. Thank you.

Any further discussion on this second motion?

Yes, Commissioner Schmitt.

COMMISSIONER SCHMITT: I believe we did, or did we not? I think I saw an email come in to that effect with the revised statement, so that's what you're posting?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: And this is -- yeah. She wants to retract, and I want to facilitate that retraction. It was a statement made on the previous minutes. We can't change the minutes, but we can have the retraction reflected in these minutes, which is what this motion is all about.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: I would just like to, you know, commend Ms. Forkan for -- you know, for wanting to clarify something that I believe, you know, is saying that she said in error or she misspoke, and I think that's -- it pretty important. Obviously it was said, and I think it's good, you know, that she gets a chance to go ahead and -- I don't want to say apologize, but we recognize that there was something said that she now realizes came out wrong or was incorrect.

CHAIRMAN FRYER: Right. Thank you, Commissioner.

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 HOMIAK: Aye.



COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Motion carries unanimously.

BCC report and recaps, Mr. Bellows?

MR. BELLOWS: Yes. On March 23rd, the Board of County Commissioners heard the Growth Management Plan amendment for the Immokalee Road Rural Village. That was -- that's a zoning overlay, or an overlay. That is -- that was approved 5-0 by the Board. Then the amendment for Ave Maria, the SRA amendment, was approved 4-1 by the Board with Commissioner Taylor opposed. Then on the summary agenda, the Board approved the Golden Gate PUD amendment that was -- the one that was increasing the intensity of the sports complex by adding 10,000 square feet for medical office and its companion DOA amendment. That was approved on their summary agenda.

CHAIRMAN FRYER: Thank you, Mr. Bellows.

Chairman's report, none today. Consent agenda, none today.

\*\*\*Public hearings, advertised, the first one, first matter, is a continuation of PL20190001836, Longwater Village SRA.

All persons wishing to testify in this matter, please rise and 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 beginning with Mr. Eastman.

MR. EASTMAN: Extensive communications and meetings with the developer regarding the negotiation of a developer commitment for future school sites in exchange for impact fees.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Staff materials, county emails.

CHAIRMAN FRYER: Thank you. The only new things for me are more publicly available materials as well as communications with staff and members of the public.

COMMISSIONER HOMIAK: Nothing new for me.

COMMISSIONER SCHMITT: My additions since the last time we brought this up, I did speak to Mr. Yovanovich, and I did talk to staff about specific issues regarding the petitions.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik?

COMMISSIONER KLUCIK: Subsequent to our last meeting and the disclosures then, I would add that I had further discussion with staff and with members of the public, and I also spoke with Commissioner McDaniel.

CHAIRMAN FRYER: Thank you, sir.

All right. I believe we left off before staff was able to complete its report. So that's where we'll pick up. And I see Ms. Patterson, so the Chair recognizes Ms. Patterson.

MS. PATTERSON: Good morning. Amy Patterson, for the record. I'm the director of Capital Project Planning, Impact Fees, and Program Management.

We're going to talk today about the economic assessment and fiscal neutrality. In a little while I'm going to be joined by Joe Bellone who's going to dive into some of the utilities issues relevant to this conversation.

I'm going to go a little off of my presentation here for a minute. Just some observations as we have been moving through this process regarding impact fees and the economic assessment and

fiscal neutrality.

This is really not an impact fee discussion. Now, impact fees are a large part of this analysis, but this isn't a question about how we administer our impact fee program or what the appropriate levels of impact fees are. That's a policy decision by the Board.

Another thing that I want to quickly cover is, as the County Attorney alluded to in his comments at the prior meeting, impact fees are not adopted at 100 percent because legally they can't be. All of these impact fees -- and I'm going to limit my comments specifically to the general governmental side of the house. Utilities impact fees are a little bit different, and Joe and I are going to talk about that as we get further into this.

But there are a series of credits and other offsets that are required to be considered as part of an impact fee because you have to, in all cases, avoid double charging new development. You can't require them to pay for more than their fair share.

So there's no suggestion that these impacts fees can pay for 100 percent of growth. They never can. They never have on the general governmental side of the house, as it would be unfair and illegal.

This is an analysis of demand created by new development and the funding sources that are available and paid by the new development to meet that demand to achieve neutrality. That also occurs on the operating side of the house.

So I have some specific comments as to some of the presentations. I'm going to hold those and go through this more generally, but before we move into the presentation, I just want to talk about Ave Maria a little bit. So there's been a whole lot of conversation about Ave Maria, which is really -- I find interesting. I've been involved with Ave Maria pretty much from the start in different roles.

But just kind of to put some awareness to this, Ave Maria did go through a fiscal -- an economic assessment and fiscal neutrality review as part of their town. They were required partway -- five years in then to do a five-year review. Now, that's not required under the current scenario, but that was something required of them.

And, interestingly enough, when that was going on, Ave Maria endured extensive criticism about their rate of production, that they weren't meeting their schedules. Well, coincidentally, we were also in a global recession at that time, so this is an example of why this horizon period is incredibly important, because these short-term changes don't necessarily mean that a project's not viable or that it won't ultimately meet those fiscal neutrality requirements, but it just means that we have to be nibble enough to allow that development occur with the rises and falls of the economy.

So we heard things like, roads were built specifically for the development, that this was a bad deal for the taxpayers, Ave Maria and the Ave Maria developer agreement, when, in fact, that developer agreement was structured to benefit both the county and Ave Maria as development agreements do. So I actually appeared in front of this board and the Board of County Commissioners to discuss the deal points of the Ave Maria DCA and to explain why it wasn't a bad deal.

Fast forward, today we are looking at Ave Maria as an example of good planning, and sort of it's being compared against these petitions. I find it interesting -- I jotted down -- it's funny. I don't bring a lot of notes, but I have this piece of paper from when I have driving in my car about Ave Maria as I was thinking about it and how it's an evolving situation which -- which it should be.

But things in Ave Maria have continued to evolve. They've put an innovation zone in place. That didn't happen right away. They have entered into economic development agreements with major employers, and there's a major job center out there creating jobs, and now we're in the process of looking at internal capture again in Ave Maria.

So I guess the point of my comments is, is this is an evolution. This is something that is intended to -- we are intended to look at over a long period of time. And this -- these two petitions

that we're looking at now, Longwater and Bellmar, we're taking that same approach.

So with that, I'm going to go into my presentation. We're going to talk at a high level about what we did and how we did it, and then we can drill down into the details, if that's the pleasure of the Planning Commission.

I just got myself back to the beginning. Technical difficulties. I'll just go through the slides to get to where I need to be. Just bear with me one second. Sorry. I got myself started over.

CHAIRMAN FRYER: No problem.

MS. PATTERSON: This is why they shouldn't let me run this podium. They had it all teed up for me, and I messed it up.

COMMISSIONER SCHMITT: Very good. Thank you for your presentation.

MS. PATTERSON: I'm done. Okay. See you later.

I just wanted to give everybody a review of what we've done before.

MS. GUNDLACH: Amy, I think it's Slide 82.

MS. PATTERSON: Okay. Well, I'd have to be able to actually, like, get there, too. I think I'm almost there. Sorry, I'll go faster.

CHAIRMAN FRYER: Don't worry. We're doing fine. Take your time.

MS. PATTERSON: Here we are. Yay.

Okay. So economic assessment and fiscal neutrality. We're going to talk about how we pay for growth through the -- and this is a couple of different breakdowns in this presentation. We'll talk about the economic assessment process, about fiscal neutrality, how we conduct the staff review, and then we'll move on to specifically the water/sewer district.

So as everyone knows, the economic assessment is required by the Land Development Code. It's used to demonstrate fiscal neutrality and/or identify deficiencies. It is intended to show that new development is not going to burden existing taxpayers.

Currently, it is using a static model. This methodology must be accepted by the county. So the applicant and their consultant will bring this methodology forward to be reviewed by the county before we ever get started in this process. It's looked at and either accepted or denied by the county. So in this case, the methodology being used for these villages was accepted by the county.

It is an interactive process. This is something I think we haven't touched on enough. When the consultant on behalf of the applicant is looking at doing this analysis, they aren't just doing it in a vacuum. They're meeting with facility managers, they're talking to them about their current and future needs. They're really doing in-depth analysis and conversations with the people that know our infrastructure the very best. That may be EMS, transportation, public utilities. The list is long. And that is -- it is a -- it is a very detailed process.

Another important fact is that this relies on adopted data. So this is data that's been accepted by the county by way of our AUIR and CIE, by way of our impact fee studies, by way of the budget. So this is not data that they're going and getting from someplace other than us. Anything outside of that generally relies on adopted national datasets which we also rely on. Again, this is all vetted by the staff as we move through this process.

And we're taking an additional step with this by hiring an outside peer reviewer. That's putting a third set of eyes on what's going on. So not only do you have your staff looking at this assessment, but we have an outside financial reviewer looking at it as well.

So let's drop down to fiscal neutrality. So it's required to demonstrate that the development is fiscally neutral or positive to the tax base. The framework and assumptions should be consistent with county fiscal policy, meaning they don't have the authority to go and assume that there's going to be different revenue types that don't exist or to say that the impact fee rates are going to be at a different level than they are or that there will be millage rate changes. This is all

based on our existing framework.

So it integrates analysis of funding sources as well as level of service. I think this is another thing that we maybe haven't explained well enough. This isn't just us figuring out how much money is going to be paid. It's figuring out what the demand created is and if those funding sources are adequate to address that demand, and that's by way of your adopted levels of service through the AUIR and CIE.

So there's not just a straight fiscal -- straight-line analysis done to calculate the money. There's a population-driven in some cases -- depending on which facility we're talking about, but there are level-of-service analysis that run first to then be able to look at how that layers in with the money, with the fiscal analysis.

It provides strategies to address deficiencies created specifically by proposed developments. So should we find that there is a deficiency created by the development that's specific to the development -- and we'll talk about that in a second -- there are specific ways that that can be addressed either by contributions of cash, land. There's all different types of strategies to cure.

Now, that does not mean that a developer is required to cure an existing deficiency. So if we're walking into this analysis with a deficiency in a facility, what we have to determine is if that development is going to make it worse or if it will stay appreciably the same, and that is where our starting place is on deficiencies. It's very important to understand that difference. We can never ask development to cure a deficiency without there being other steps that have to be taken. Should they choose to provide something to help us work towards a deficiency, then there's a whole system of credits then that have to be implemented. So there's always that check and balance to ensure that we're not double charging or overcharging new development.

So we hear a lot "growth pays for growth." And, again, I like to tack on something else. Growth pays for growth to the extent allowed by law. We cannot require growth to pay for more than its fair share. So when you'll hear people talk about -- even a presentation that was made at Commissioner Taylor's town hall, the attempt was to explain that we're charging developers and new people into the market for their bite of capacity and the cost of that to the extent that the law permits minus any other offsets or credits that we have to provide.

For example, the newly adopted infrastructure sales tax, everywhere where those dollars are being used for the same purpose as impact fees, there's a credit that has to be calculated into those fees. It's simply a basket of funding sources that create that balance to be able to provide the infrastructure. So developers cannot be required to pay impact fees above and beyond the costs reasonably attributable to the demand that they create. It seems pretty simple; we can't overcharge.

So -- and those limiting factors -- I've touched on a few of these. There's credits and offsets. I just gave you an example. The infrastructure sales tax, grants, sometimes if they're -- you know, they're long term. We also have General Fund credits, gas tax; depending on the facility will depend on the types of credits that are looked at. Some impact fees have a lot of credits that have to be factored in. Some have less. But, again, it gets to the point that an impact fee -- keeping utilities out of this. The general governmental side, these impact fees are adopted at what we call the maximum legal limit. That doesn't mean it's 100 percent fee. It simply means that's the most that's allowed to be charged.

Some other limiting factors, that's supplemental funding sources. We discussed the infrastructure sales tax. Policy decisions. This is not something that happens often here, but from time to time your elected officials may choose to adopt fees at a rate that's lower than what the maximum legal limit is. That's a policy decision by the Board with the understanding that that differential will be made up by another funding source.

Level of service factors in. So if we have -- in the cases where we're exceeding level of

service, that has to be factored into the impact fee calculation. Again, to avoid that double charge.

There is a prohibition on exactions. Trinity touched on this in her presentation. We can't just go tell a developer they have to give us something and say, we're not giving you anything for it. There are impact fee credits that are required for all of those types of dedications or contributions.

And then the amount of growth is the primary limiter on impact fees. If you have no growth, you have no impact fees. So it was really interesting during the recession when you had jurisdictions that were limiting their impact fee for programs where they weren't collecting any of the impact fees anyway. It is truly the most self-limiting funding source that we have, because if you don't have people building, you don't have impact fees.

CHAIRMAN FRYER: Ms. Patterson, pardon me for interrupting, but just on behalf of the court reporter, I'd ask you to slow down just a little bit. You have all the time you need.

MS. PATTERSON: Absolutely. Sorry.

CHAIRMAN FRYER: Thank you. That's all right.

MS. PATTERSON: You-all have seen this slide before, but we're going to talk just a little bit about population. There was maybe a misconception about how things will work in the RLSA and the potential for a massive funding shortfall. So we've run these numbers against ideas of persons per household -- we're going to talk about this in a minute. Persons per household versus persons-per-housing unit.

So based on Planning Commission discussions, we've run some numbers to look at some of the assumptions made in that Smart Growth America 2018 study to look at what are we really looking at as revenue shortfalls out in the RLSA. Even with the persons per household number and even with a very, very conservative calculation of impact fees, there is no suggestion that at our current -- at our current adopted funding levels, which we anticipate will increase in the future based on growth, that the infrastructure is not going to be paid for to the extent that impact fees are permissible to be used. So I just wanted to touch on that. We need to talk about the persons per household versus persons-per-housing unit, and we're going to get into that in just a second on this neutrality review.

So what goes into the review of an economic assessment and a finding of fiscal neutrality. So, first of all, there has to be a detailed review of the funding sources and calculations. The person doing the review has to know what they're looking at and what it means and be able to follow those calculations through to ensure the accuracy.

There's to be knowledge of the application and calculation of level-of-service standards. This is not -- you know, this is not easy stuff, but that application of the level-of-service to the population then generates a need, and how that need is paid for then becomes the financial piece of this. So there's a calculation that's done for every single category being reviewed to look at it against the adopted level-of-service standard.

Again, an understanding of existing level-of-service deficiencies. So how -- what are we allowed to do versus what are we not allowed to do because of existing deficiencies.

Knowledge of the difference between exactions, contributions, and other financial tools available to fund infrastructure. We've talked about that. Knowing what you can and can't do as far as requests from the developer.

You have to understand case law, statutes, and other limiting factors on your funding sources. And population projections and datasets, this is where we have to know what we're looking at, because each thing is different, and a simple move where you mix datasets can mean disaster for the review of your economic assessment. You cannot swap datasets.

Just the change -- and we'll talk about in a minute -- between persons-per-housing unit and persons per household can greatly change the way that calculation turns out.

Impact fee methodology, and then planning versus construction. We're going to get into

that a little bit more when we get into utilities and why it appears that what's going on out with the utility expansion seems to not make sense perhaps on the face but, in fact, as part of a much larger plan that's extremely well thought out both the planning side and then as it transitions into construction.

So let's talk about some common misconceptions or mistakes when we're here talking about the funding of capital infrastructure and why this is confusing. So often we'll find that we want to apply a straight-line fiscal analysis to an engineering issue on how plants or infrastructure are planned and constructed, including phasing.

This is very specific, this point, to the analysis done -- the outside analysis done on the utility expansion and the assumption that all of the capacity was going to be consumed by just a few developments. And, in fact, that is one phase of multi -- a multi-phased construction project to provide a lot of capacity to a very large area in a regional system.

So that's where you're taking a very small window and assuming that's all there is. That 5 MGD and 4 MGD water and wastewater is just the first phase and so, yes, that will serve the first people in, but that's not the end. They're not going to consume all the capacity and then we say, well, I guess we made a mistake, and now we've got to go build another plant. That's not what's happening out there, and Joe's going to talk about that a little bit.

Overestimation of costs attributable to new development. Again, this is back to what are the reasonable costs? Not what we want it to be; not what we think it would be if it was nice if we could charge them for everything that we feel's appropriate, but actually that legal amount that can be attributable to new development.

Overestimation of population projections by not considering vacancies, seasonal population, and other factors. So we've heard the MPO numbers thrown around a lot, but what Trinity touched on and what I'll say again is, if you take the number from the MPO, what's not being acknowledged in the outside analysis is that there's factors that are then applied to the numbers being used in the MPO to essentially bring us back to accommodate those vacancies and other factors, the transient nature of some types of development. So all of those factors come in, ultimately.

So there's more than one way this can be done. It can be done using a persons-per-housing unit type of number with factors or, when we get to -- or persons per household or the persons-per-housing unit where the factors are already included. And in the end, when we're done factoring and considering all of those different inputs, we should end up reasonably in the same place, which is something that you probably haven't heard before but we'll tell you.

As an example, if we were to take the persons per household number, the one -- the higher number and we were to apply it to Collier County today, it would say that we have over 500,000 people living in Collier County right now. We know that's not true. So there's where the factors come in. So you could -- you could apply that calculation, and then you could factor it down, and you would end up with your population base that, as we know, is accurate.

So there's not a right or a wrong way. It's simply understanding what your dataset means and then being able to use it appropriately. That's where we say, is that you're skewing the population numbers by mixing the persons-per-housing unit or the other types, or mixing datasets creates confusion in this analysis. It is very clear when we're talking about this analysis what datasets we're using and that those datasets are carried out through the entire calculation.

And then utilizing data for a purpose other than its intended use or basis for collection. Again, you can't pull a dataset from someplace and pop it into a calculation and then say, see, look, this causes trouble. We have to understand what was the intended use, what are all the factors considered in that dataset, and is it appropriate for use in this calculation?

Okay. A few more things to be considered specifically before we get to Joe is that decisions on utility boundary expansions and service areas and private utilities are all business

decisions of the utility. They've been vetted up through the Board of County Commissioners, and there are methodical and sound reasoning behind why we decide to build utilities or why we don't. And so this is a long-standing practice. As you've seen, the utility has acquired various private utilities as well as now have embarked on this expansion that's been truly underway in the planning sense since the early 2000s.

Considerations on this is the cost to acquire and retrofit private utilities in the future versus the cost to expand the utility to accommodate future and -- current and future growth. So, again, that's the business decision of the utility.

Do we want to allow people to build private utilities to know that ultimately at some point those will become an asset to the utility and ours to retrofit and to bring into service, or does it make business sense to expand the utility to serve both current and future residents?

We have talked about that exactions are not authorized under Florida law without equal credit being granted. There's a specific reference there about a point of contact -- or point of connection and pipe upsizing that we can't place onto the developer but is a way that we can negotiate. So that's not an impact fee issue without the use of credits.

Collier County has 12 individual impact fees that are regularly updated, so they're on a cycle. We probably have the most updated impact fees in the state of Florida, if not in the country. Our update schedule is aggressive, and even in our current state where we're holding on because of an affordable housing study that's being conducted before we update any of our fees, even the 2016 EMS study that's been kicked around a little bit is still a very updated fee in comparison to some of the other impact fee programs in the state and in the country.

Utilities impact fees were just updated in 2020 and will continue to be updated on a regular schedule in accordance with our local and state requirements so that we can accurately reflect the growth eligible cost throughout the utility.

The utility is a closed system, and it makes this impact fee a little bit different than all of the other ones. Joe will talk some more about this. But it doesn't have other funding sources that come in. It's a forward-looking fee. That means that there is the best ability to capture the cost of growth that is legally allowed to be charged to new development in the utilities impact fees. Most of our other impact fees have a backward look, which does create somewhat of a lag, but utilities in the closed system and utilities with the forward-looking impact fee does an excellent job at capturing the cost to provide that service.

There have been multiple inconsistencies that have been identified in some of the outside analysis. We do have point by point in detail on those. I'm not sure that that's the, you know, desire of this commission to go through those specifically, but if you have questions, we are more than happy to address them. Most importantly, this is generating a perception that certain developments will have a negative impact on the tax base which is not supported by the economic assessment, the staff analysis, or the outside peer review.

And we welcome the opportunity to answer your questions. At this point we're going to turn it over to Mr. Bellone, and then he and I will be available to answer your specific questions at the end.

COMMISSIONER SHEA: Can we do questions on what she said, or do we have to wait?

CHAIRMAN FRYER: Do you mind if we ask?

MS. PATTERSON: I don't mind, no.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER SHEA: So you referred to vacant. What is -- does that mean a property that's not sold, or a property that has been sold but they're up north for the season? What I worry about is we seem to be using the vacant -- I mean, the infrastructure costs are related to the facility. Whether somebody's in it or not, the costs are the same. So I get confused when you say "vacant." I mean, how do you count vacant into the capital assessment portion of it?

MS. PATTERSON: So that's actually a really great point, because impact fees are assessed on units whether they are vacant or occupied. Actually, it's -- that's a really -- that's a really interesting point.

COMMISSIONER SHEA: What's the point of the discussion on population?

MS. PATTERSON: The point of --

COMMISSIONER SHEA: Other than the number that you put in the newspaper and say, these houses are going to generate so many people if everything's done on a building unit?

MS. PATTERSON: Right. So for population, what -- really where that factors in is into level of service. And not to say that it doesn't translate then, ultimately, into the impact fee calculation, but when we're using the number as the multiplier for the -- so say it's -- for parks it's acres per thousand population. You have to understand the nature of that population number which is then calculated by the level-of-service standard, and then there's a value assigned to come up with that cost.

We're trying to be very consistent in the way that that population is approached through our impact fees -- that was the decision that was made in this methodology -- and then translate that all the way through our analysis in the review of the level-of-service standard and then, ultimately, to the cost that's assigned for that bite of infrastructure for these developments.

This could be done either way. It doesn't -- this is the thing is that the -- the focus on persons-per-housing unit versus persons per household is simply, for ease of application, we have used the -- and acceptable standards as far as the impact fees go doing this calculation. But we've run these numbers differently using the persons per household, figuring out the factor, and then applying it to the level of service, and we end up in the same place.

Why we're standing up here telling you that we understand it looks funny when you have a lower number and a higher number, but there's mathematical reasons for that that make sense and have a basis and are carried through those calculations. If we want in the future to do that differently because of the appearance of it or the comfort level with it, we're going to do the same thing. We're going to apply some additional factors, and we're going to end up in the same place.

COMMISSIONER SHEA: One other -- this is just to help me as you go forward. You referred several times to another funding source. We can apply up to the legal limit, which doesn't necessarily mean that you're recovering all your costs, and then you go another funding source. Is that another funding source that isn't something that's taking away from the existing population?

MS. PATTERSON: Correct, because it's another funding source that's paid by the new development.

COMMISSIONER SHEA: Okay. So it's related to the developers paying it?

MS. PATTERSON: It's related to the people that will ultimately pay it. So, for example, Trinity talked a lot about gas tax and impact fees, the two primary funding sources for transportation improvements. Impact fees will pay for a portion up to their maximum legal limit. Gas taxes also come in to pay certain things. Sometimes they're dual funding sources. Sometimes they're singular fund sources. All of that is --

COMMISSIONER SHEA: You might want to clarify that for people like me --

MS. PATTERSON: Sure.

COMMISSIONER SHEA: -- that say it's funding sources related and provided by the new net development, not by the existing taxpayers.

MS. PATTERSON: Right. When I made my comment about not -- this not being -- we focused a lot on impact fees through this whole conversation, which I love, right? I love impact fees. That's really good. But, you know -- you know, but there are -- this is not just about -- about impact fees. This is about looking at the new development and the demand that's going to be created and all of the ways it's going to be paid for.

The reason this is done is to ensure all the ways they're going to pay for this infrastructure



and services does not burden the taxpayers. But there's already the assumption in our fiscal model and in our current situation that says we expect people to pay these things. We pay taxes. The new development's going to pay taxes. We pay gas tax. The new development's going to pay gas tax.

Where the trouble would occur is if there was some sort deficiency where the funding sources wouldn't cover; that the demand that was generated by the new development was so high that all of your basket of funding sources couldn't satisfy it, and that's when there's provisions that say, okay, if there's a deficiency identified, you have to address it this way or this way or this way.

So it's pretty balanced. But, again, it's not just about what impact fees we generate, because what if we didn't have impact fees? All this stuff's going to get paid for somehow, and that new development's going to contribute. Are they contributing enough? That's the question.

CHAIRMAN FRYER: Thank you.

Commissioner Fry?

COMMISSIONER FRY: Amy, I just want to try to bring this all together for my simple mind, I guess.

So growth can pay for growth, but impact fees on their own do not pay for growth. As you've said, you can't charge enough to pay for growth, but there are other funding sources which Commissioner Shea is asking about.

So what I'm looking for is just a concise list. You mentioned impact fees, gas taxes, and then other taxes. I'm assuming that you're talking about property tax that we pay for schools and just our property taxes. So you factor that in. For the people that will move into the development, they're going to be paying taxes. That all goes into this basket of funding sources that ultimately is what allows us to reach fiscal neutrality. Is that an accurate statement?

MS. PATTERSON: That's accurate, absolutely. And sometimes we get new funding sources, and we have to figure -- so that infrastructure sales tax. Then we had to figure out not only how that went into the basket but how it affected the other things in the basket. Do we have to provide credits? Does it offset one? Does it replace one? These are all financial policies of the Board. And there's no right answer. Every jurisdiction does it a little bit differently. Some places have franchise fees, some places have tolls, and they put them in the basket, and they figure out what they do with them. They have purposes for growth, and then they have purposes for our everyday operations and the things that the government has to do to keep people safe and to keep the government running.

COMMISSIONER FRY: And I think the other half of the equation is that you've got fixed infrastructure costs, and you have variable infrastructure costs, and you have to blend the two.

Commissioner Shea was talking about infrastructure, and you seem to be talking about consumption, meaning if people are not living here, if they're up north, they're not using the park, they're not driving on the road. You know, they're not using water and sewage, those kinds of things.

So you've got the basic cost to pay for the infrastructure that's permanent and then the variable cost of maintaining it. So that's all part of this complex calculation that you use for fiscal neutrality.

MS. PATTERSON: That's correct.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: I have some questions, unless another planning commissioner does before I go.

First of all, Ms. Patterson, at the beginning you said we can't require a developer to pay more than its fair share of the costs of -- cost resulting from the development. I certainly agree with that. My question is is that may we, though, require the developer pay its fair share?

MS. PATTERSON: When I say "fair share," so let's make sure that we're just talking about me using the term "fair share" generally and not for the -- any term of art for transportation.

CHAIRMAN FRYER: I'm not talking about transportation.

MS. PATTERSON: Okay, good; perfect. I just -- you know, Trinity will be very upset with me if I jump into the fair share.

So we do. That's the whole purpose of this analysis is to consider all of the ways that we are going to pay for the things that are needed to support that new development.

CHAIRMAN FRYER: Okay. So it's perfectly legitimate if not really required on our part for us to require the developer to pay its fair share. No more, no less.

MS. PATTERSON: Correct.

CHAIRMAN FRYER: Okay. Good; good.

You mentioned Ave Maria rather extensively in your presentation, which I found informative and appreciate that.

I'd like to look at some other developments as well and ask for your take on this, and it has to do with occupants, individual residential occupants; whether we call them persons per household, persons-per-housing unit. And I've been schooled now, and I believe I understand the difference between the two.

Certainly, the most recent numbers that I believe are credible and are entitled to be relied upon by disinterested parties would be the census and BEBR, which is the Bureau of Economic and Business Research out of the University of Florida, the MPO 2045 study, and then -- of course, that's our own Metropolitan Planning Organization, then our own AUIR.

The persons per household number that they use comes in approximately an average of, let's say, 2.45. Now, to me that is a -- and I accept your argument, staff's argument that that's just a beginning point; that you got to -- you've got to put factors into that, and I get that, and I appreciate it, and I agree with it.

But I think the issue is, is we have to be able to provable evidence, if you will, or credible evidence that the persons-per-housing unit reduction is a fair reduction to persons per household; that it's a calculated fair reduction based upon assumptions that can be debated perhaps based upon mathematical calculations, observations, various other things that consultants and experts use in determining estimates, and that's really all they are.

So I looked -- I looked back and actually forward, a couple of matters that we've heard and matters that are on our agenda, one of which we continued today to the 15th, and the base points here is this particular development is arguing in the case of attached or multifamily dwelling units -- villas or multifamily dwelling units persons-per-housing unit, 1.05. That's repeated many times in the analysis.

So let's take, again, that the concept is valid; that the persons per household of 2.45 should be reduced by some number in order to capture things like vacancies, and I -- correct me if I'm wrong, but were you also implying that it needs to capture potential additive factors like seasonal population or just the potential subtractors?

MS. PATTERSON: No. I think that all the factors have to be considered.

CHAIRMAN FRYER: Okay. Okay, good. I agree with that.

So to get from 2.45 down to 1.05 in the case of attached multifamily villas -- multifamily and villas, I'm wanting to hear some evidence about, you know, how those calculations were arrived at. And I note that other experts in other matters -- again, we talked about Ave Maria for comparison. Let's take a look at the Barron Collier's Immokalee Road Estates commercial subdistrict that we heard two weeks ago. In their case, they -- this was heavily tilted toward commercial development. And, of course, in the case of commercial development, you would expect an advocate to want to argue for more persons per household because that means more people to consume the commercial supply output.

And in that case, indeed, the firm of ESRI -- this is the Immokalee Road Estates commercial district we've already heard. They came in at 2.76 PPH, and I don't know if that was -- if that was to take a count of vacancies in seasonal or not, but that's what they argued that we should rely upon when we try to assess whether there is sufficient demand for these greater commercial uses. So that's a pretty high number, 2.76.

Then we look at the Immokalee Road Fourth Street Northeast mixed-use district which was continued from today to April 15. They've got a consultant, REEI. And if I understand that development correctly, it's, I think, more of an evenly balanced split between commercial and residential.

And so what they're arguing for PPH -- again, I don't know whether there is PPH or HU, but they're arguing to us that the proper number is 2.29.

So it strikes me that maybe they're a little bit closer to reality, but I don't know. What I've got is three different quite variable PPH numbers. And when you put that in the context of the burden of proof, are we to sit up here and have this developer prove to us that the proper PPH in this case for the detached and multifamily is -- attached, rather, and multifamily is 1.05 and then another expert comes in and says it's 2.76 and another one comes in and says it's 2.29, are we supposed to put blinders on and just assume that, you know, we haven't heard any of these other numbers before?

MR. KLATZKOW: Let me just -- one, I don't know where you're getting -- you're going to, and I don't know why it's relevant.

From staff's perspective, the numbers that we're generating, Amy, I mean, we have Tindale Oliver coming up with numbers, and we use those numbers to generate our impact fees. Those are vetted and approved by the Board.

MS. PATTERSON: Correct.

MR. KLATZKOW: I don't know how you change the numbers after that. It is just -- it's the foundation to all the planning that the county's doing.

Now, development to development, obviously, it's going to change and, oh, by the way, over the years they change. You get a new development; they're flush with kids. Kids get older, they leave the household; it's now more of a senior community. I bought a house someplace like that. I mean, once upon a time, it was just nothing but kids running around. And now it's different.

So even communities change over time. But we have as a foundation to everything we do here, okay, certain studies, and those studies have been approved by the Board of County Commissioners. And I really don't know what you're getting at after that. If you want to attack our own studies and attack our own impact fees, I don't know what the profit is at the end of the day.

I mean, we have to pick a number. We rely on outside consultants to give us that number, and we base our planning off of that number. And if you're going to say, well, the number's wrong and you've been doing planning wrong for the last 20 years, I don't know what to tell you, but I can't unscramble that egg at this point in time.

COMMISSIONER KLUCIK: County Attorney?

CHAIRMAN FRYER: Let me respond first, and then you may say something.

What I'm getting at is in the concept -- in the context of us determining whether a burden of proof is met, we've got right now three developments that have been in front of us, are in front of us now, or are coming in front of us that have wide variations in persons per household. And what I'm asking for is some kind of proof that the number that reduces from the 2.45 average that these other studies that I think are disinterested and credible, I'd like to hear why we get down to 1.05 in this case, and when we come to the other ones I'm going to ask why we get down to 2.29 and it's -- I know about the 2.76. And we -- when we voted on that, we made accommodations which I

think were to deal with the fact that that seemed a high number. At least that's what my vote was all about.

MS. PATTERSON: So if I can correct the number, though, on that 1.05, that's permanent population. So that just brings a whole 'nother level of confusion into this.

CHAIRMAN FRYER: I agree.

MS. PATTERSON: But that's not -- that's not the numbers being used for this analysis. So they do have a split between -- and I don't have the numbers in front of me. There was a split between single-family and multifamily that's used by the DPFG analysis that's tied back to the specific population work that was done under the EMS study in 2016.

Now, there was a 1.05 number that was moved around in some of the information that was released in some of the analysis, and this is -- this is back to my comments of how confusing this is. And as soon as we start to swap in and out numbers, it erodes the entire analysis, or it gives that discomfort because now we're looking at this dataset and this dataset and against this dataset.

I would say I wouldn't compare a commercial justification against the village because there's different purposes for their analysis. That would be my first comment. Second is that we would -- I didn't review those petitions, so I would have to look at them and look at whether or not -- how or if they factored them and what would be appropriate. The other thing I didn't discuss that runs behind the scenes here to get to the commercial side and how that works into this is there's a functional population analysis that is essentially a review of what people are where, when. So that brings the commercial into the calculation as well.

We run those functional population calculations in parallel to all of this other analysis just to be sure that the analysis provided by the applicant can be verified by us, by the county, based on all of our data and all of our knowledge. But to Jeff's point, these are the adopted impact fee studies. They have been reviewed by not only the industry but outside counsel and have been adopted by the Board of County Commissioners.

MR. KLATZKOW: But it's more than that. We've been using Tindale Oliver for how many years?

MS. PATTERSON: Probably 30 years --

MR. KLATZKOW: So we have a history as to what their numbers are, and we have a history as to how accurate those numbers are.

MS. PATTERSON: Yes.

MR. KLATZKOW: And so for 30 years they've been giving us numbers which we feel to be accurate.

MS. PATTERSON: Correct.

MR. KLATZKOW: I don't know what else to say.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik and then Mr. Eastman.

COMMISSIONER KLUCIK: What I would suggest then is -- you know, obviously, we're planning commissioners. We're the Planning Commission. And, you know, we've been asked to weigh in on -- you know, on everything that's planning -- you know, that our planning staff does. We're basically supposed to be supervising that and making recommendations, and I agree with that.

And if there's a -- you know, we can vote on a particular petition and we can vote yea or nay, however, you know, people decide, and we can go ahead and process our vote with, you know, I think that the county has been using the wrong standards and continues to use the wrong standards, and they should change. And then the commissioners can decide, you know, if they want to go ahead and take action and change the standards.

But we have standards, and I don't understand why we're going to invest time at this point, during a petition, to try to discount the standards, to undermine them, undermine our staff,

undermine the work of the County Commissioners themselves in their adoption of these standards, and 30 years of history, and I don't understand why we would be, during this petition, taking that on.

I think that's a thing for us to consider. I don't think during this petition that it's a good thing to take on, because I don't think it's fair to the petitioner. I don't think it's -- you know, to all of a sudden say, well, we know we have a standard but you don't -- and we changed it. We didn't tell anybody, but we're going to change it now or we want to change it now. And that's -- I just don't think that it's appropriate at this point to belabor the concerns that you have, because I think that's just changing the system, but what's before us is not the system. What's before us is the petition.

CHAIRMAN FRYER: Thank you. We're going to have -- we're going to hear from Mr. Eastman and then Commissioner Shea, then Commissioner Schmitt.

COMMISSIONER KLUCIK: Well, Mr. Fryer, would you care to respond to that?

CHAIRMAN FRYER: I will.

COMMISSIONER KLUCIK: And I'd also like to hear, you know, from any other Commissioners who'd like to respond to that or weigh in.

CHAIRMAN FRYER: I'll respond to it. I'm calling the roll right now, and we'll get back to me.

Mr. Eastman.

MR. EASTMAN: I've worked with Amy and others at the county with this impact fee situation for years, and Tindale Oliver is like the gold standard not only for the state, but I believe they go nationally. From the school district's perspective, we're called to give actual data to determine the cost per student station, and then we use projections to determine what the development will create in terms of demand for student stations.

So I'm really confident in these numbers, and there has to be a legal nexus and a legally defensible analysis that goes on before they're leveled. And from our perspective at the school district, we're very confident in the numbers.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: You said there's 12 impact fees from -- how much of that is based on population and how much -- and just impact fees? I realize the usage is something different, but on the impact fee side, are we just beating a dead horse on the impact fees not being that population sensitive? I don't know.

MS. PATTERSON: So population's a factor in all of the impact fees. The extent to which it is is the question.

COMMISSIONER SHEA: Okay.

MS. PATTERSON: So it's a -- and, again, it's -- this isn't really an impact fee conversation. This is a level-of-service conversation. We're talking about the multiplier times the level-of-service to get to the demand.

MR. KLATZKOW: So parks is how many people per?

MS. PATTERSON: It's one acre per thousand population for --

MR. KLATZKOW: Okay. And for EMS we do?

MS. PATTERSON: EMS has three levels of service.

MR. KLATZKOW: So as you --

COMMISSIONER SHEA: So they are population --  
(Simultaneous crosstalk.)

MR. KLATZKOW: This is population based, yes.

COMMISSIONER SHEA: That was a question. I'm not looking -- the other question, I would say, if we have a standard, why is Commissioner Fryer pointing out three different numbers?

If we have a standard, why aren't they all the same?

MS. PATTERSON: The purpose -- the number that's used is based on the application and the purpose by which they're trying to achieve an outcome. We're not dictating how those applicants -- there's rules. I'm sure as to -- and, again, I didn't review these petitions. There's rules as to how they have to produce these assessments or what have you. But in this case this -- for the villages; let's stay with that for a second because, again, we're mixing apples and oranges by pulling in commercial assessments and other things outside of the RLSA.

What they have to do for what they're doing is those rules, and what we're doing here are these rules. These rules say, we have to do an economic -- the applicant has to do an economic assessment, and by way of that economic assessment, they have to prove their fiscal neutrality or that fiscally positive, or they have to cure.

So they have to come to the county, and they say, well -- applicant says, this is how I want to prove it. And the county -- because we don't have an adopted model, meaning a financial model that we plug the information into. We had one in the past. We do not have one now.

So it's the applicant's right to come forward and say, here's how I want to go about doing my economic assessment. We sit down, and we say, that makes sense to us and you may use that, or we could say, no, that doesn't make sense to us; you need to change that. And we would come to an agreement, and they would proceed with the economic assessment. That's what's happening here.

By way of the methodology that we accepted, we are now relying -- we, the applicant, and we, the county, together as we, are now relying on the underlying financial data that they are using to run this assessment. That's the impact fee studies. That's the AUIR. That's our budget. All of that. But those are all board-adopted documents and board-adopted information that is now the backbone of this assessment.

CHAIRMAN FRYER: Before I call on you, Commissioner Schmitt, I just want to say one thing, if I may, please, sir, and that is, if I understood correctly, Ms. Patterson, you said that in these other matters the estimate for persons per household depends upon the purpose for which it has been offered. Did you not say that?

MS. PATTERSON: I should not -- I should kick that to Ray, really, because, again, I've had zero involvement in any other type of review or assessment that you're referring to. So how they go about it, what data they're allowed to use, that all falls under the purview of the planning group, and they would be the appropriate ones to answer that question.

CHAIRMAN FRYER: Okay. That's fair. And Ray can certainly weigh in.

But my point is this; that whether this is a developer that is highly leveraged on the commercial uses side or highly leveraged on the residential uses side shouldn't matter when it comes to persons per household. That factor -- and, you know, if you want to start with a number and then reduce it or change it to deal with other factors, that's fine. I'm all about that. But I'd like to hear some proof. And the fact that it's been going on for 30 years and it, therefore, should be accepted personally doesn't get me very far, even if you had to come in here, you know, each time 30 years and offer some proof why in this case 1.05 persons-per-housing unit is the proper number for attached and multiple family, I'd like to hear that. I just think it's a matter of proof.

MS. PATTERSON: Again, I have to reiterate that, first of all, all of these units and all of this commercial in these villages are going to pay impact fees. So this conversation is very -- it is integral to this analysis and how we arrived here, but in the end no one's getting a free ride. They're going to pay their adopted impact fees and probably at a much higher level than is even contemplated in this analysis. Because, again, this analysis is so conservative it assumes no increase in impact fees over the entire duration of this development. That is highly unlikely.

Even in a scenario where you go into some sort of recessionary period, there's a recovery, and those impact fees will continue on. There's -- unless we're preempted by the legislature or as a

policy decision made by the Board of County Commissioners to eliminate the impact fee program, that funding source is in place and will be there. If anything -- I have to state again, if anything, the financials in this analysis are understated. So even with these population conversations, even with all of that, this is extremely conservative on the fiscal side.

And, again, we could replace the persons-per-housing unit to a persons per household, and we could factor, and we're going to end up exactly in the same place where we are. And the 1.05 is not the number being used in the analysis. Again, that's a permanent population number that was used in an outside analysis and pulled into this calculation by way of others' opinions of how this works. So to continue to refer to the 1.05, it's not a number that exists in the -- in Lucy's DPFG analysis, the applicant's analysis, 1.05 is not a number in there.

CHAIRMAN FRYER: I respectfully disagree with you, but the document will speak for itself. But Commissioner Schmitt, then Commissioner Shea.

COMMISSIONER SCHMITT: Yeah. I just want to reiterate what Tom said about Tindale Oliver. You know, impact fees -- I'll go back to my time in the county. Impact fees are always a major significant emotional event. They have been in this county for at least 30 -- 25 to 30 years. They're thoroughly vetted. They go through Development Services Advisory Committee who thoroughly reviews. Typically it will go through the finance committees and then through the Planning Commission just from an understanding, but to the Board of County Commissioners.

I don't understand, other than we're going to debate the number of persons per household, where we're going, because we're -- after 30 years we're now criticizing impact fees. Our impact fees are the highest in the state, and I don't understand where we're going with this line of questioning. I really am confused.

Because are we going to -- and then are we debating now persons per household? Is there an issue there; is that what you're driving at? Because I'm just trying to get clarity on what it is we're trying to -- are we debating the fact that the impact -- or the financial analysis that was provided is flawed or the staff's analysis is flawed? I don't know.

CHAIRMAN FRYER: Should I answer your question?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Okay. My concern is this, that -- for a number of factors. EMS is one. Law enforcement. Sheriff is another. The more people you have in an area, in this case a village, the more there's going to be a draw upon infrastructure operating type services. And to try to identify, you know, whether it's going to be fiscally neutral or not -- I'm not talking about impact fees. I'm talking about fiscal neutrality and fair share, however you might get to it.

So if the difference -- if 1.05 is less than half of the number used, approximation or an average of these other outside studies that are more current than the EMS number, to me it means that you're going to have twice as many people consuming these services, which is bound to increase the cost. That's -- that's the point I'm trying to make.

MR. EASTMAN: Chair?

CHAIRMAN FRYER: Okay, thanks.

Commissioner Shea.

COMMISSIONER SHEA: Again, I'm -- thanks, Amy. You're very helpful, and it sounds like we're ganging up on you, but we're not. I'm trying to gather knowledge, because this is a constant issue at every board meeting, and every time you speak I get a little more knowledge.

But you just said something about impact fees, that they -- they pay them at the time the house is sold.

MS. PATTERSON: CO.

COMMISSIONER SHEA: So is that impact fee -- if the house is sold seven years later from when the development was approved, they're paying the impact fees of seven years later or

the impact fees of when the development was approved?

MS. PATTERSON: That's a super -- that's a great question. So impact fee rates are established -- the impact rates that are going to be assessed on a building permit are established at building permit application. There is no lock-in for a development being approved and saying, okay, now everything's going to pay this rate. It is at the time of application for building permit, and those fees are actually paid at certificate of occupancy.

And I do -- I can provide some clarification again on this 1.05 if anybody's interested as to how that -- where this confusion's coming from being the permanent population number. But if we're good on that --

COMMISSIONER SHEA: It sounds like you're saying it's not really used anywhere in any of your calculations.

MS. PATTERSON: It's only used as the basis of permanent population, which is then factored up for seasonal. So it's not the number that's driving anything that we're doing in this assessment.

And also, understand that persons per household, we need to talk about the fact that in this analysis it's split between residential types. So there's a different number for multifamily than there is for single-family. The single-family number is higher.

But there are permanent population numbers that are then factored to be able to make sure we're getting that seasonal piece in. And so the higher numbers are what are all woven through this calculation, not the lower number. The 1.05 is only the starting point to which it's factored up to use on the number.

Now, that number is still different than the persons per household. No one is arguing that. That's an even higher number. But, again, then we have to talk about -- so we talk about factoring up, and we talk about factoring down.

So depending on how you're using -- and this is back to depending on how you're using the number depends on then how it's woven through the calculation. But I have to keep saying that this 1.05, I understand that appears to be a very alarming number compared to a much higher persons per housing -- person per household number. Number one, they're two different datasets but, secondly, that number is a permanent population number that is not the basis of this assessment.

CHAIRMAN FRYER: The DPFPG study refers to it either explicitly or implicitly.

MS. PATTERSON: I have it here. I can put it on the visualizer so you can see --

CHAIRMAN FRYER: Well, it's 47 pages.

MS. PATTERSON: Yeah. No, but this is a page that's -- so you can see the 1.05, and then the factor and the number that actually drives the population in the Longwater assessment.

CHAIRMAN FRYER: Put whatever you want on, of course, but my point is this: That when looking at EMS and looking at law enforcement, DPFPG made assumptions based -- well, they made a calculation based upon the 1.05 and how many people are going to be living there.

MS. PATTERSON: But they based -- no, they did not make an assumption based on the 1.05. The 1.05 is the permanent population that has to be factored in order to get to the number that appears in the calculation that then, ultimately, identifies the infrastructure cost.

And also, speaking specifically about law enforcement and EMS, those facility managers were involved in all of these conversations with DPFPG to talk about their needs both on the operating side as well as on the capital side to identify potential needs, sites, equipment, all of those things. So they were intimately involved in these discussions to ensure that if they needed a site for an EMS station, if they needed a growth ambulance, that could be accommodated.

It doesn't mean that necessarily the development would have to bear that full burden, but it was part of the conversation to figure out how to make those infrastructure accommodations by the people that know it the best. Our facility managers know this infrastructure the best. They know



where their pain points are. They know where their response times need improvement. They know where they're going to need infrastructure in the future; that's why they're involved. That's why they're involved in the conversation. This isn't just me doing calculations on a piece of paper and saying, well, the math works. This is a real-time discussion with the people that have to operate these systems.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Since she's up, can I just ask three follow-up questions before your break?

CHAIRMAN FRYER: Yes, you may.

MR. YOVANOVICH: Thank you.

You actually answered most of my questions with your last few statements, but I just want to get clear on the record, the county staff did, in fact, approve the methodology that was utilized by Lucy Gallo, correct?

MS. PATTERSON: Yes.

MR. YOVANOVICH: And that is required under the Land Development Code that the county approve the methodology?

MS. PATTERSON: That's correct.

MR. YOVANOVICH: And has this methodology been used for other villages?

MS. PATTERSON: Yes. It was used for Hyde Park, and it was used for Rivergrass, and it's being used for other ones that are under review.

MR. YOVANOVICH: And the County Commission, in fact, approved those villages with this methodology, correct?

MS. PATTERSON: That's correct.

MR. YOVANOVICH: Now, I want to get clear on the record, is it your professional expert opinion that as a whole Longwater Village will be fiscally neutral or positive to the Collier County tax base?

MS. PATTERSON: Yes, by the horizon year, as required by the rules.

MR. YOVANOVICH: That's all I have.

CHAIRMAN FRYER: Thank you. It's 10:23 -- 10:24. Let's take a 15-minute break or a 16-minute break to quarter of 11:00, please. Stand in recess.

COMMISSIONER FRY: 10:40.

CHAIRMAN FRYER: Did I do my math wrong? 10:40. Until 10:40. We're in recess until 10:40.

(A brief recess was had from 10:23 a.m. to 10:40 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return to session, please. It's 10:40.

MR. BELLONE: Good morning. For the record, I'm Joe Bellone, the utilities finance director for the Public Utilities Department. My first, really, go-round in front of this commission.

Other than Commissioner Schmitt, most of you don't know me. I've been in the finance area for about 45 years. A major in economics from NYC and an MBA from Suffolk University in Boston. I've been in finance my entire career; Fortune 100 companies like General Electric in the '70s and '80s, and Staples before coming to Collier County, and I've worked in various financial positions within -- coming to Public Utilities in 2003, and I've been the finance director since 2012.

So today, following Amy's presentation, I want to kind of put on the record three topics I want to cover today. First is really the legislative intent that the Florida Legislature had in establishing the water/sewer district. I think it's important to understand that in this context. We'll talk a little bit about the capacity expansion timeline for this expansion, and then move to the northeast capacity plan specifically, because serving this area in the northeast is fiscally feasible. We don't serve in areas where it is not physically feasible, and a great example of that is Golden Gate Estates; just not physically feasible.

But first let's talk about -- do a brief review of the legislative intent that the state legislature had in forming the water/sewer district. The words say to protect the public water supply and prevent the proliferation of package treatment plants, and it's very easy for us to understand because other developers have done so without adhering to Collier County Water/Sewer District utilities standards. And Amy referred to utilities that the utility acquired recently, Orangetree and Golden Gate, the Golden Gate Utility System, which did not meet our standards and have their own sets of issues for us.

All of this legislative intent really is the driving force behind the Board's decision to expand the water/sewer district service area into and include the RLSA. It's been mentioned that perhaps we should charge different rates, but the special act forbids the water/sewer district from charging different rates to customers. And as we all know, the Board sets all these rates at publicly advertised hearings; that would be all users rates and impact fee rates.

So I think what we want to take away from this is that the water/sewer district really is not -- people use the word "county" and the "water/sewer district" interchangeably, but the water/sewer district is not the county. The Board serves as ex officio of the governing board of the water/sewer district and, therefore, has those powers.

A little bit about the expansion timeline. You'll see from this chart that this started a while back. It's been in the Utilities plans for almost 20 years. The Utility purchased the northeast utility side in 2003 so that it could site both a regional water treatment plant and a wastewater reclamation facility on the same place. There are some economies to being able to do that.

The interconnectivity with the rest of the regional utility system reached substantial completion back in 2008 with the construction of the water and wastewater transmission mains along Immokalee Road while that road was being widened.

So capacity expansion was anticipated to begin prior to 2010, but based on the slowdown of development activity, it was put on hold and went into hibernation due to the Great Recession, as Amy referred to, but following the end of that recession, the water/sewer district reactivated its capacity expansion plans as envisioned back in the early 2000s.

So all of this activity was approved by the Board of County Commissioners at advertised public hearings, and I don't recall any opposition to any of the expansion at that point.

More recently now, in the last two or three years, further expansion activity was approved by the Board. Again, advertised public hearings. Back in 2010 the water/sewer district presented an impact fee rate study that reduced water and sewer impact fees by approximately 30 percent because those expansion expenditures moved out of the planning timeline horizon, but then back in, as Amy mentioned, 2020, the new water and sewer impact fee rate study increased those water and sewer impact fees by about 27.2 percent overall to accommodate the anticipated expansion expenditures.

I think it's also important to note that impact fees in this -- anywhere on the system can be paid and used anywhere in the system. So Minto gets a CO in the Isles of Collier Preserve, those impact fees can be used to expand Golden Gate system, the northeast system, anywhere else.

A little bit about the northeast service area expansion. With regards to that in particular -- and this is really important when this comes to the bond rating agencies. These kinds of issues are really important. A growing utility ensures a steady future stream of user fee revenues that will use -- that will be used to rehabilitate aging infrastructure anywhere in the system, and most likely that's going to incur -- that's going to occur in the older western urban service area. So a growing utility has that benefit and, in fact, the water/sewer district back in 2016 was awarded a triple A bond rating by Fitch.

Amy -- I think Amy mentioned that impact fee studies are updated regularly. It's at least once every three years, but we do it more often if that becomes necessary. We don't charge different developments different fees, nor can we charge a substantial portion of the initial

expansion costs, which are always the highest, to the developments that are first in.

I think we've heard in some testimony that Longwater and Bellmar at buildout consumes a substantial portion of the northeast plant capacity when, in fact, those plants are being constructed in phases; Amy referred to that. Three phases, actually. The first phase is a 4 MGD wastewater plant and 5 MGD water plant. And we'll get a little bit into that in the -- in one of the next slides.

This just gives you an idea of the service area. And we will serve those areas that are fiscally feasible. As I mentioned, we won't serve areas that are not fiscally feasible.

Finally, I think it's important to kind of put on the record -- I did this, again, in my simple finance mind. I'm not an engineer. It tries to demonstrate the Longwater capacity buildout units and adjust that to the anticipated phased capacity of the potable water and wastewater reclamation facilities from Phase 1 to Phase 3.

At the very top you'll see average daily flow. That is what the plants expect to receive on any average given day, and those are really consumer driven. We don't -- the utility doesn't set that up. We look at history. We look at the flows day to day, and these are calculated from history.

The max three-day, as I think was referred to in some of the -- some of the studies, it really is a -- it's a historical extreme event. It's occurred in the past. It may occur, it may not occur in the future. But it's driven by Mother Nature, not by consumer behavior or consumer demand.

The Corollo (phonetic) design engineer's Technical Memorandum No. 1 recommended that we build capacity in phases, and the timing of those really is based on development and demand.

At buildout, as you can see from this slide, the water plant will have the ability to produce 15 million gallons a day, and the wastewater reclamation facility will have a 12-million-gallon-per-day capacity at buildout.

So what this chart does, at least for me, and I hope for those who are looking at it, is if you look at the average daily flow, let's say for water, 9.29 -- and these are the engineering estimates of demand that we're using for our phasing, at Phase 1 that will consume 18.6. And that daily flow, by the way, is residential and commercial combined. Phase 1, a little over 18 percent of the capacity. By the time you get to an MGD, that will be 9.3 percent of the capacity, and Phase 3 it reduces to 6.2 percent of the capacity.

If we look at the building --

COMMISSIONER SHEA: Is plant capacity based on the average daily flow or the maximum three-day flow?

MR. BELLOWS: We will have to -- Florida Department of Environmental Protection requires that we have capacity to meet the demand at max daily flow -- at max three-day so that --

COMMISSIONER SHEA: So when you're calculating the percentages, you have a 5 MGD plant. Am I looking at the .9 or 1.2 as the contribution for Longwater?

MR. BELLONE: You're looking at the .9 -- .929.

COMMISSIONER SHEA: The average daily.

MR. BELLONE: The average daily. That's what we expect these -- this particular development to use every day. It's the requirement by the DEP that we're required as a utility to have sufficient capacity should we have this particular historical event.

COMMISSIONER SHEA: No. I was just questioning on the design capacity. Some states tell you design capacity is based on some kind of a peak and some are based on average daily. So I wanted to understand your numbers.

MR. BELLONE: And in engineering speak, there are -- and Eric can actually address that if you ever get to that. But, yeah, we do use peaks. We do use peaks to do that.

So what this really says is if I look at the residential units of 2,600 for Longwater, at the current impact fee rate -- and Amy said those can change as the Board of County Commissioners deems. But at today's rate, that would generate close to \$8.8 million in revenue, and if I apply that

6.2 percent capacity use to the costs of the northeast utility for water only, approximately \$142 million, the buildout share, fair share would be about 8.8 million. So they're really, really close.

On the wastewater side, I did exactly the same thing and generated the residential revenue only of 8.6 million, and the buildout share of 5.5 percent or roughly 7.8 million. So it looks like they are paying their fair share of at least this capacity expansion at buildout.

And so with that, I'll answer any questions you may have, or we can move to Nancy for any further information.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Joe, I'm sure you're familiar -- or are you -- I'm going to ask the question. Are you familiar with the paper that I received in February? I think it's dated February 18th, 2021, analysis of Longwater and Bellmar wastewater persons per household and traffic impacts. In that paper provided by the Conservancy, there was -- there are several figures, most of which were provided by, I believe, their consultant. Have you gone through that paper and --

MR. BELLONE: I have these.

COMMISSIONER SCHMITT: Yes.

MR. BELLONE: I have; most of them.

COMMISSIONER SCHMITT: And from the data and the funding, can I get an overall assessment of your evaluation or at least assessment of the facts that were presented in that paper? And I'm not going to go through and ask for each one but, basically, they conclude that it's not paying for -- Longwater and Bellmar are not paying for its fair share and, therefore, the costs are being passed off to the county. So what is your position?

MR. BELLONE: A couple of things, you know, Mr. Schmitt, that we really have to look at is, this regional utility is going to serve multiple developments. So if you look at it for just Longwater or just Bellmar -- it's going to serve Hyde Park. It's going to serve Rivergrass. It's going to serve any other RLSA developments coming in line. It's going to serve Immokalee Road Rural Village. And, in fact, it can serve anything as far west -- as far west as Twin Eagles and any development along Immokalee Road.

So I think point number one is to look at -- to look at that -- the cost of that utility, the cost of those -- expansion on that site to serve just those -- those developments will not alone and in themselves pay for that, which is why we are -- we're building this in phases.

So my assessment of this is that if you look at this as a microcosm, you can't do that with a regional utility. In fact, think about it. The regional utility system today without the northeast is serving water to the northeast. It's serving everything that is along Immokalee Road and everything to the east of Immokalee Road where it turns north. It's doing Valencia Lakes, Valencia Golf and Country Club. So anything that's out there is already being served by a regional system. This is just additional capacity to support that demand for -- from a regional system.

COMMISSIONER SCHMITT: Now, the decision to expand the water/wastewater, what do you call it, area was made by the Board of County Commissioners, correct?

MR. BELLONE: Yes, it was, back in 2018.

COMMISSIONER SCHMITT: 2018. But planning was long before that.

MR. BELLONE: Planning started -- you remember Jim DeLony? Planning started back in the early 2000s. A matter of fact, it came to a crisis head on Easter weekend of 2000 when we had to dial back demand because we had no capacity. And at that point it was pretty evident that we needed capacity.

COMMISSIONER SCHMITT: So if, in fact, Longwater and Bellmar or any other rural villages were not planned and, which they could do, build one unit per five acres, the thought was still to provide water/sewer to any type of development out there, at least my recollection, to

preclude any homes going out there having to build septic. It was basically to expand the water/sewer district to provide a service; is that correct?

MR. BELLONE: That is, Joe. And again, I think the Board's decision is rooted in the special act which says we want to prevent that sort of situation like we have in Golden Gate City right now is you've got drinking water wells coincidentally sited next to septic systems. It's just not acceptable. And they did not want to see that as you moved further out into the rest of the county.

COMMISSIONER SCHMITT: That's my recollection.

My last question: I know the media -- several of the media here in the county ran with the numbers that were given to them by the Conservancy. Had anybody in the media contacted you to discuss that information that was given by the Conservancy of all the data to basically support their position that it -- that the development should not go forward? Did anybody contact you -- or I'm going to ask Amy as well. Did anybody contact the staff in regards to any of the information given to get another side of the story, to get the staff's assessment, or was that strictly just information that went out? And I'm going to use the word "one-sided information."

MR. BELLONE: The short answer to that is no.

COMMISSIONER SCHMITT: Nobody contacted you?

MR. BELLONE: I didn't see it until I actually got an email from Amy saying, here, you really need to look at this.

The longer answer is some of that information -- and they have a lot of cites in their report of where the information came from, and when you're planning in a utility, things change from time to time. They may have pulled a lot of information from the AUIR, but from a utility perspective, that is a concurrency document; it's not a planning document for the utility. So a lot of the cites in that, which are AUIR, are the result of -- some of it's in the 2019 AUIR. And as you know, a utility is pretty quick in adapting to current business conditions. So the answer is no.

COMMISSIONER SCHMITT: Did the consultant contact you --

MR. BELLONE: No, sir.

COMMISSIONER SCHMITT: -- to discuss any of the analysis that they had done?

MR. BELLONE: No.

COMMISSIONER SCHMITT: No.

MR. BELLONE: No.

COMMISSIONER SCHMITT: So they basically did the analysis without conferring with -- Amy, could I ask you the same question? Because this is detailed in your analysis as well. Had anybody contacted you in any of the information that was presented in past meetings either by the consultant or the media that seemed to pretty much run with the story and created this sense that the taxpayer is on the hook for everything that's going to happen out there?

MS. PATTERSON: Nobody.

COMMISSIONER SCHMITT: Nobody.

MS. PATTERSON: Nobody contacted me.

COMMISSIONER SCHMITT: That's interesting.

MS. PATTERSON: We do have -- as I testified earlier, we do have multiple bullet points detailing where we view the flaws in the analysis from that information, but we only did that once it was provided to us. So we have not spoken -- I have not spoken to any media or consultants about it.

COMMISSIONER SCHMITT: None of them followed up at all?

MS. PATTERSON: No, uh-uh.

COMMISSIONER SCHMITT: Well, I'm not going to bore the rest of the Commission here, but I would certainly -- could you send me your analysis? Because I'm very interested in the -- your position based on this paper.

MS. PATTERSON: Absolutely.

COMMISSIONER SCHMITT: Thank you.

MS. PATTERSON: You're welcome.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Just something that a speaker said I want to clarify. The county was planning to provide public water and sewer service to five-acre lots out in the RLSA area as a backup?

MR. BELLONE: They were planning to build additional regional capacity on this site. At that point --

COMMISSIONER SHEA: Serve five-acre lots and put a collection and distribution system in for five-acre lots?

MR. BELLONE: Five-acre lots? No.

COMMISSIONER SHEA: That's what you just said -- Joe just said.

COMMISSIONER SCHMITT: Well, it would be one unit per five acres. It doesn't mean it would be a five-acre lot, but the development that currently could take place out there is one unit per five acres.

COMMISSIONER SHEA: Yeah. So you'd have to have this sprawl collection and distribution system. You weren't actually thinking of doing that financially, were you?

MR. BELLONE: No. And, again, I mentioned that the --

COMMISSIONER SCHMITT: You still cluster at one unit per five acres. It's still one-unit-per-five-acre development out there.

COMMISSIONER SHEA: That's what I'm saying is it's still usually not economically feasible at one unit per five acres. That's all I'm wondering.

MR. BELLONE: Yeah. You know, I look at, again, in my -- again, in my simple mind, I think about it as the more people you put on an airplane, the greater the revenue for that particular flight. The more connection we can have per mile of pipe, the more fiscally feasible it becomes for the utility to provide that service.

(Simultaneous crosstalk.)

MR. BELLONE: That's a great example of why we don't serve Golden Gate Estates.

COMMISSIONER SHEA: Why don't we serve -- that was my next question: Is there a plan to --

MR. BELLONE: No. The East of 951 Study that was done years ago -- I mean, Mr. Schmitt may remember that -- said it would cost in excess of \$100,000 per connection to provide service in Golden Gate Estates, and at that point it was -- became really moot that --

MR. KLATZKOW: The Estates aren't clustered. They're pre-platted lots. So everything is all around. What Commissioner Schmitt was trying to say was that they would cluster the developments and so at least you'd just have the one pipe going there. The Estates, the pipes are going to have to go everywhere.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So am I to understand that we have a written report/scientific analysis from the Conservancy, and you have prepared some bullets, I would say, countering the assessment they have made, but those have not been made available to us as of this point?

My question really, Amy, is if in absence of those specific bullets -- I understand it's probably a lot of scientific data -- can you summarize for us where the fault lied in their analysis just at a high level.

MS. PATTERSON: Sure. So we -- we tried to capture the spirit of these bullet points in our PowerPoints to give you the flavor of where we feel some of the weaknesses are. But, specifically, as Joe referred to, I think the first place where the analysis perhaps took a wrong turn

was the fundamental lack of understanding that this is a multi-phased utility expansion.

And with that, if you only look at the first phase and the costs attributable and say that is all, then, attributable to these few developments, that's where there is an issue, because the in-ground infrastructure to support a larger utility expansion is costs that are going to be spread amongst many, many, many users. But if you try to say, but all that cost we're just going to place onto, say, these several villages, the cost goes way up when, in fact, it should spread amongst a more -- a more regional system. That's the first problem. So you took a 4 and 5 MGD first phase and all of the costs that are going to support future phases and say, that's all attributable to a couple of developments.

COMMISSIONER FRY: So not to interrupt you, but I can see how if it was 25 percent of Phase 1 but only 8 or 9 percent of the buildout --

MS. PATTERSON: Right.

COMMISSIONER FRY: -- if you applied 25 percent of the cost to the total cost, that would be way higher --

MS. PATTERSON: Uh-huh, right.

COMMISSIONER FRY: -- than a fair-share calculation of 8 or 9 percent.

MS. PATTERSON: That's right. So that's what Joe did in that slide that he showed you kind of where he was laying out the costs to show that you have to look at the bigger picture. And this is where we say that it's an understanding not only of the Capital Project Planning process but also the capital construction. Understanding why we do what we do and how we do it and how we've thought this out and how we're going to bring the service online methodically to serve.

MR. KLATZKOW: And just for clarification because, you know, the staff has an opinion, Conservancy has an opinion. We have a triple A bonding rating from Fitch & Moody's. That includes the expansion. So the people that are giving us 100-million-plus dollars have reviewed this, and they like what they see.

COMMISSIONER FRY: They have reviewed the financial contributions of the developer?

MR. KLATZKOW: They have reviewed the expansion, our current customer base, everything, all right, and we're triple A bonded, all right. So if the Planning Commission has any concern whether or not this is a good idea, this expansion, I am telling you Wall Street says this is a great idea.

MS. PATTERSON: I'm happy to share our information with any of the planning commissioners that are interested. Again, this is detailed information that didn't make sense to add into a higher level presentation, but I'm happy to provide these. If that's something that's of interest to any of you, I'm happy to send you them, and you can have a look. Joe and I worked on these bullet points together.

COMMISSIONER FRY: I mean, I think we're looking at making a decision today, so I don't know that there's the time for us to adequately review that --

MS. PATTERSON: Understood.

COMMISSIONER FRY: -- but my assessment after this is, you know, we have to rely on staff to a degree. I guess we have to decide to what extent we can rely on staff. And so I sit up here, and I look for just evidence that -- you have trained professionals on staff that know how to look at these things. Joe, your background in finance; obviously, a finance guy. And, Amy, you've made a very concise statement.

So I -- you know, I think in the -- with the lack of evidence otherwise that there is a severe deficiency in how staff has reviewed these or the methodology that's been used or we've deviated from something that's been approved by the County Commission, then I tend to, you know, support staff in your analysis on these things in the absence of evidence otherwise. So I don't see that evidence currently.

MS. PATTERSON: Understood. The Capital Project Planning process is very difficult, and these topics are difficult, level of service. None of it is easy, and it can be very, very easy to have data issues or to send something in a different direction simply by rearranging the data. We try to be very careful with that and very consistent to ensure that that integrity remains through our analysis and that we're not just shopping for an answer.

COMMISSIONER FRY: Now, we do have a couple of engineers on the Board, and we have a plethora of attorneys, so they may feel more qualified to reengineer these things on the fly than I do, but thank you.

MS. PATTERSON: Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Amy, I -- I don't know if it's you or Joe, but I just want to, for the record -- in the presentation that was given to us back in February, Slide 13 said, total cost to provide water to Longwater and Bellmar, 35,475,000; is that correct?

MS. PATTERSON: No. Again, that's the problem with the -- there was a misunderstanding about the phasing. So they've basically -- under that analysis, first in pays most. That's essentially what they're -- what's happening there, because of not acknowledging that there were future phases of capacity expansion where that underlying infrastructure's going to support it, you have to spread the costs across a larger group versus trying to press it all into that first phase.

COMMISSIONER SCHMITT: Then the second piece of that said wastewater would be 43,460,000.

MS. PATTERSON: Same problem.

COMMISSIONER SCHMITT: For a total of 78,935,000. And then they talk about the impact fees, and then they slide down, county deficit to provide Longwater Village and Bellmar water/wastewater, \$43,111,400.

MS. PATTERSON: And that's back to Joe's slide. I'll let him come up, but this is why -- that's the purpose of that analysis he did was to show that this is only one piece of a much larger expansion and, therefore, the way that you analyze it has to take that into consideration.

COMMISSIONER SCHMITT: Well, I guess to be kind, though the numbers may have some validity, they're looking through a different lens, so to speak, or is it just basically -- it's like statistics. You know, what do you want me to say, and what do you want the statistic to come out, and I'll give you the answer.

MS. PATTERSON: They did not recognize the total picture of the utility expansion nor how it was planned or how it will be constructed and, therefore, how that impacts the cost.

COMMISSIONER SCHMITT: Okay. And the costs are across the entire utility, not just focused on Longwater and Bellmar?

MR. BELLONE: Yes. And you've heard me say regional plants, and that's why I keep using that word is because this is interconnected, and water will flow where water will flow. So when I turn my tap on in East Naples, I could be drinking water from anywhere in the regional system.

COMMISSIONER SCHMITT: Yeah.

MR. BELLONE: So the fact that it's interconnected and the fact that flows can go anywhere, it's just -- it just happens to be in the northeast because we have the land, and it's economically good to have two plants coexist in one site.

COMMISSIONER SCHMITT: All right. Well, I guess it's just a matter of, we were given this information, and it's somewhat disingenuous from the standpoint of that it was not run through the staff for validity. It was just basically information. And I know I read this. And you -- I sent staff an email saying I would like point-by-point analysis. Of course, that was back in February.

So, all right. Thank you.



MR. BELLONE: Sure. Thanks.

CHAIRMAN FRYER: Thank you.

Ms. Patterson, I have a few questions for you. First of all, for what it's worth, I am satisfied with the presentation of staff on potable water and wastewater. I understand the concept of an investment being made, and I have no reason to challenge, no ability to challenge your projection that, in the long run, it will pay for itself. And so that -- that is not an issue on the table for me.

But I'll tell you what remains a big issue on the table for me, and it gets back to persons per household. And I want to ask you some questions about what DPFPG found, and Mr. Yovanovich can cross-examine or bring Ms. Gallo back when his turn comes. But I want to raise some questions and find out what staff's take on this is.

And I'm looking at -- on Page 36 of 77 of the DPFPG. There's an Appendix Table 2, Page 36, and it lays out an assumption about persons per household but then finds its way into several other calculations of fiscal neutrality the DPFPG -- that DPFPG made. And the assumptions here are, first of all, total condo, duplex, single-family attached permanent population of 1.05 PPH, then total single-family dwelling of greater than 4,000 square feet, 2.21 persons per household.

My first question -- and I've got a series to go from this. My first question is, do you accept those numbers?

MS. PATTERSON: For permanent population?

CHAIRMAN FRYER: Yeah.

MS. PATTERSON: Well, if they're in the report, I accept they're in the report, but I'm not -- I'll wait till your questions to qualify that.

CHAIRMAN FRYER: Okay. But they -- they're saying permanent population per unit, 1.05 and 2.21. And I was just wondering if that's something that you -- that staff concurs with.

MS. PATTERSON: Permanent pop -- it's a baseline permanent population number.

CHAIRMAN FRYER: Yeah. Permanent population per unit.

MS. PATTERSON: Yep.

CHAIRMAN FRYER: That's -- staff concurs?

MS. PATTERSON: I concur it's in the report.

CHAIRMAN FRYER: Okay. All right. Thank you.

Then it's indicated on Appendix Table 3 that there would -- out of the 2,600 units being constructed, only 1,097 would be total condo, duplex, single-family attached, and a full 1,503 would be single-family detached greater than 4,000 square feet.

Did you rely in any respect upon those proportions of the total 2,600?

MS. PATTERSON: It is less than 4,000 square feet, if I'm reading the -- I'm bad with that, but --

CHAIRMAN FRYER: You're right. It is, you're right. Of course.

MS. PATTERSON: That would be the standard size home. Typically, in Collier County, we don't get --

CHAIRMAN FRYER: Yeah, my mistake. Okay. Thank you.

So they come up with, based upon those calculations, a peak seasonal population of 5,373.

MS. PATTERSON: Correct.

CHAIRMAN FRYER: A permanent population of 4,477.

MS. PATTERSON: Correct.

CHAIRMAN FRYER: Okay. In this number, 5,373, which computes to less than 2 persons per household, when you figure it against 2,600, something less, if use the 4,477, I've done that, and it's 1.72, and it's higher than that if you use the 5,373, of course, but it still doesn't come up to two persons per household. Do you agree with me so far?

MS. PATTERSON: No, I don't because you're, again, splitting between multifamily. So

they've distributed the units into the categories that they believe will be what's constructed as of now, and then they've assigned -- they've used those population numbers to then calculate the population out.

So mixing them, blending them, trying to get to an average still is not the purpose of this calculation, because we're assigning, then, values to these for the impact fee calculations in order to calculate what the impacts of these are as well as the revenue implications. So you can average them, but it doesn't -- it's not meaningful.

We're running these population numbers based on those two categories, those two populations with the seasonal factor on it to get to the 5,373, which then is multiplied by the level of service in most of the categories, keeping transportation and utilities out of this. But parks, EMS, law enforcement, general governmental, we take the 5,373 times the level-of-service standard to then come up with a demand created by the facility, and then they do the mathematics behind it to figure out the financials.

CHAIRMAN FRYER: There's no way, though, that you -- that you can get to anything approaching two persons per household, though, is there?

MS. PATTERSON: Well, you're approaching more -- you're over two persons per household in single-family, and you're below two persons per household in multifamily. It's a unit-type issue.

CHAIRMAN FRYER: So let's say roughly two. Two persons per household?

MS. PATTERSON: But I guess I'm not understanding the nature of your question because, again, this is demand specific. So when we're -- when we're looking -- so -- and I hate to keep gravitating back to the impact fees, but there's a difference between single -- the demand created by single-family and the demand created by multifamily.

So, again, we're blending a level-of-service issue with a financial issue with a factor issue with a population issue and trying to say this doesn't make sense because it doesn't come out to this number when, in fact, each thing needs to be looked at individually for its appropriateness.

CHAIRMAN FRYER: I'm not sure whether that answered my question, but let me state it again; try to.

If you've got 2,600 housing units and DPFPG says that's going to generate 5,373 occupants -- 5,373 occupants -- then they take that number and they determine fiscal neutrality -- I'm not talking about impact fees. I'm just talking about fiscal neutrality -- in the case of libraries, parks, EMS, and the Sheriff -- and you see these calculations on Pages 17 and then 20 through 23 of their study -- there is -- there is no evidence that I have seen that this is based upon a plausible or correct persons per household. And even if it's been done this way for 30 years, this matter is before us today and now, and I'd like to see the evidence how this -- how this is pulled out.

MS. PATTERSON: So I have to respectfully disagree, because this is based on an adopted impact fee study that was set forth specifically to address the population. This is the approach that was used on the persons-per-housing unit, which is based on national datasets, as well as the requirement for these numbers to have localized factors per statute.

So all of this is embedded. And I understand we're not talking impact fees but, unfortunately, these numbers are embedded in an impact fee study that are now being pulled out and being used for this purpose because they're the best available and most consistent numbers to be used for this purpose.

And I've run these numbers differently. I've run them with -- when Chairman Strain was on the Board, we ran them with his numbers. We've run them every which way. I ran a functional population calculation. I've run them I can't even tell you how many different ways looking at this analysis. Each of us approached it differently, the peer reviewer, the staff, and DPFPG, and have all arrived at the same conclusion.

CHAIRMAN FRYER: That may well be, but I remain unpersuaded by the evidence that has been presented.

MS. PATTERSON: I understand.

MR. KLATZKOW: But there's no evidence to the contrary. And what we're telling you is that this man plans schools and, based on our approach, their planning systems has been spot on, and we've been planning parks and fire stations and everything else, and the same system for 30 years, we've been spot on with it. And to say now that, well, I don't believe the numbers, that's fine, but there's nothing to the contrary. There's just nothing to the contrary here.

CHAIRMAN FRYER: Except the other two developments that I mentioned.

MR. KLATZKOW: But these developers are going to develop the same way as every other development. I mean, I just don't know what else to tell you. It's not even like somebody's taking Ave Maria and saying, well, Ave Maria's very different from everybody else; therefore, these shall be substantially similar to Ave Maria.

It's just these numbers have been working for 30 years, year in year out like a clock, tick, tock, tick, tock. We've been planning with them for 30 years, and we haven't had any hiccups.

If we had hiccups over it, we would have adjusted the numbers. And to suddenly say that, you know, these developments are different, that's fine, Commissioner, but there's nothing to support that.

CHAIRMAN FRYER: It seems to me that there ought to be some scientific way of identifying how many persons per household or housing unit there are.

MR. KLATZKOW: But science is theory -- science you take a theory, and then you test that theory time and time again, and our theory are these numbers, and we've been testing them year after year after year for over 30 years, and it works. So if you're asking for science, that's your science. The theory are the numbers, and 30 years of data and analysis shows that these numbers are accurate. I just don't know what else to say.

MR. YOVANOVICH: I'll wait my turn.

MR. EASTMAN: Along with millions and millions and millions of dollars collected and no legal adverse ramifications.

CHAIRMAN FRYER: Okay. Thank you.

Anyone else want to comment on this or ask questions? Ms. Patterson, I'm -- finished with mine.

Mr. Yovanovich.

MR. YOVANOVICH: Just a couple, and then probably one for Joe.

I just want to reemphasize: The same methodology was utilized for Hyde Park Village, correct?

MS. PATTERSON: Yes.

MR. YOVANOVICH: And that's a Rural Lands Stewardship Area village, correct?

MS. PATTERSON: Yes.

MR. YOVANOVICH: The same -- and that was approved by the Board?

MS. PATTERSON: Yes.

MR. YOVANOVICH: The methodology was approved by the Board of County Commissioners?

MS. PATTERSON: Yes. The village was approved by the Board of County Commissioners.

MR. YOVANOVICH: Same question for Rivergrass. It's a Rural Lands Stewardship Area village, correct?

MS. PATTERSON: Correct.

MR. YOVANOVICH: And you reviewed both of those analyses?

MS. PATTERSON: I did.

MR. YOVANOVICH: So the two most recent villages that have gone through the process -- and I believe they were approved in -- the pandemic's got me a little off -- I think 2020 was for both of them.

MS. PATTERSON: Correct.

MR. YOVANOVICH: So that's about a year ago.

MS. PATTERSON: Yes.

MR. YOVANOVICH: This methodology was approved by the Board of County Commissioners about a year ago?

MS. PATTERSON: Those villages were approved by the Board of County Commissioners about a year ago, including the economic assessment and the fiscal neutrality finding.

MR. YOVANOVICH: Now, for Mr. Bellone, I saw it on the screen in one of your slides, but I'm not sure you mentioned it in your testimony. My understanding is that you don't equate ratepayers with the tax base, correct?

MR. BELLONE: Absolutely correct.

MR. YOVANOVICH: So taxpayers -- the tax base is in no way affected by the utilities being provided to Longwater Village, correct?

MR. BELLONE: No. The utility has two sources and two sources of income only. It's user fees and impact fees. We have never ever had an infusion of funds from the general fund for taxpayers money.

MR. YOVANOVICH: So just to bring it down to a little bit more personal level, I live in the Pine Ridge division. Collier County does not serve most of the Pine Ridge subdivision with water and sewer, correct?

MR. BELLOWS: Correct, uh-huh.

MR. YOVANOVICH: I'm not going to see anything on my tax bill asking me to subsidize the water and sewer service that's being provided to the residents of Longwater, correct?

MR. KLATZKOW: That would be unlawful.

MR. YOVANOVICH: Correct.

MR. BELLOWS: Correct.

MR. YOVANOVICH: So the tax base is in no way affected.

MR. BELLOWS: No, absolutely not.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Mr. Chairman, I simply am asking for a checkpoint. Where are we at in the staff's presentation? I have no questions for Amy or Joe. Is there more, because I --

CHAIRMAN FRYER: Ms. Gundlach.

COMMISSIONER FRY: -- have some questions. I'm just not sure at the proper point to interject them.

CHAIRMAN FRYER: The chair will recognize Ms. Gundlach.

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm a principal planner with the Zoning Division, and it's my pleasure this morning, Commissioners, to wrap up our presentation. And I'm going to be recapping our recommendations of approval, and if you have additional questions it would be our pleasure to answer them.

So here we go. All right. The first recommendation of approval that we presented to you was a housing -- an affordable housing commitment and, if you'd like, I can read through them again.

Longwater Village shall commit that at least 10 percent of the units, that's 260 units, are sold at purchase prices near the moderate and gap affordability ranges, and these product types

include town home, Villa 1, coach and Villa 2 or, as alternative, land or units in or proximal to the SRAs shall be reserved for the development of housing that is affordable. Land reserved for housing that is affordable shall be identified within 48 months of SRA approval and be equivalent to 2.5 percent of the gross acreage of the SRA.

CHAIRMAN FRYER: May I ask a question or two on these points? With respect to the 10 percent, and as we discussed in our staff meeting last Tuesday, it's -- Mr. Giblin, it's frequently referred to alongside the parenthetical of 260 units, but it won't be 260 units unless there's full buildout, correct?

MS. GUNDLACH: I have Cormac Giblin here. He's our subject matter expert for affordable housing.

CHAIRMAN FRYER: Okay.

MR. GIBLIN: Sure. For the record, Cormac Giblin, planning manager, Development Review Services.

Yes, the recommendation is that it be a percentage base. So, obviously, if they were to build less than the maximum of 2,600 units, they would build 10 percent of whatever they actually build as affordable.

CHAIRMAN FRYER: As between the two options that staff is recommending, do you have a professional preference or a professional opinion over which would be the better option for Collier County?

MR. GIBLIN: They both are very good options for the county. Option A where -- you're speaking Option A would be the developer including the units on their own.

CHAIRMAN FRYER: I'm saying the 10 percent or the 2.5 percent. Those are the two options; 10 percent of the total units or 2.5 percent of the gross acreage.

MR. GIBLIN: Correct. So Option A would be the developer on their own include 10 percent of their overall units as affordable units. Option B is in lieu of doing that, they set aside 2.5 percent of the gross acreage, and someone else comes in and builds those. They both have advantages for the county. I can't say if one is better than the other. They both get you to the same place.

CHAIRMAN FRYER: I must have misunderstood, then, on Tuesday. I thought you had said that you thought that the 2.5 percent was a better option.

MR. GIBLIN: I think on Tuesday your question was which one would allow us to target lower incomes rather than the gap and moderate, and, obviously, if they set aside the land instead of providing gap and moderate units, then it would be up to the developer of those units to target whatever incomes they choose to.

CHAIRMAN FRYER: Do you think that the county's objectives with respect to affordable housing will be adequately served by targeting only moderate and gap affordability versus low and very low as well?

MR. GIBLIN: We have affordability gaps along the entire income spectrum going from homeless up to the gap income. So to put any one development in charge of solving all of the affordable housing problems with the county probably puts an undue burden on any one development, so that's why we have a multitude of programs that come in and attack the problem from different ways.

So, for example, if this development serves those -- because there is need, as I said, across the entire income spectrum. So they would be providing a portion of the need while other developments would provide for another portion of that need.

CHAIRMAN FRYER: Okay. With respect to the --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: On that point, the issue is is let the petitioner/developer of

this project decide, and they're going to do 10 percent of their build to moderate. The alternative is 2-and-a-half percent set aside, and we really don't know who's going to do it, right? That's what we're talking about? It's going to be some -- some unknown builder is going to build these at some point in the future on 2.5 percent acres to do it?

CHAIRMAN FRYER: I was going to pursue that next, but you certainly can, Commissioner.

COMMISSIONER KLUCIK: Yeah. So the issue is is what do we know about who might be doing that you know, what would be their incentives be? Is there any increased likelihood that it would be somebody targeting, you know, the low income? You know, because, you know, I agree, especially -- I have seven children and, you know, they're reaching the age now where they're -- you know, they're needing housing, and they actually like this area. And, you know, I just see right now, particularly with the spike in -- you know, in housing prices -- even in Ave Maria we have a huge spike recently -- that, you know, I start to worry about, you know, who can live here.

It's a beautiful place to live. You've got communities, families here. And so I'm just trying to figure out, is -- would the 2.5 percent get us, you know, some lower -- any guarantee of that, or is it just some hope that maybe someone will target the even lower incomes?

CHAIRMAN FRYER: Mr. Giblin.

MR. GIBLIN: I think there's a higher likelihood that in the 2.5 percent option that the developer that comes in may target lower incomes than moderate or gap. When we look at putting together an affordable housing project or deal, the missing ingredient usually is always the land, and that's what this proposal gets us. It gets us the land. It sets it aside. It sets it aside at a predetermined rate and, more importantly, perhaps, a predetermined location.

And you-all are well aware that when we talk about affordable housing petitions, it's usually the location that is a deal breaker, particularly for the neighbors, the community, the surrounding area. And this proposal would set up a professional affordable housing developer with a predetermined site that is ready to go to build their product that they build around the state and around the nation, and they do that --

COMMISSIONER KLUCIK: You're talking about the 2-and-a-half percent version?

MR. GIBLIN: Correct. And they do that by bringing in funding sources, attractive loan programs, grants at the state and federal level specifically targeted towards that level of housing.

COMMISSIONER KLUCIK: Okay. And then if you -- if you're going in that direction, then, we have these two options. As this -- can the petitioner put in as two options, or is this something that you're recommending as staff we ought to consider these two proposals? I'm sorry. I just don't have that information handy. I've looked at a lot of this stuff, but I just don't recall what the proposal is.

CHAIRMAN FRYER: If I'm not mistaken, the developer has agreed to this.

MR. GIBLIN: Correct.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: And so, when we put it forward, is it -- it's going to be either/or -- you know, that's what the petitioner can claim is it's going to be either/or, and then the developer can decide as they move down the road?

MR. GIBLIN: Yes. They will either include 10 percent of their units as affordable housing, or they will set aside the 2.5 percent of the gross area as a housing location.

CHAIRMAN FRYER: Now, when you say "set aside," that would be basically selling the land to the county?

MR. GIBLIN: Not necessarily the county; to --

CHAIRMAN FRYER: But they'd sell the land to somebody?

MR. GIBLIN: Correct.

CHAIRMAN FRYER: I see. And so if the -- if the county were the purchaser of the land, would the county, then, be expecting to recoup from the developer of the affordable housing?

MR. GIBLIN: That would be up to the Board of County Commissioners. The county sometimes has purchased land. For example, the Golden Gate Golf Course, the county purchased that land. The County Commission has decided to include an affordable housing development on that site and is essentially donating the land to help the affordability of those units.

CHAIRMAN FRYER: And the purchase price for the 2.5 percent, has that been established?

MR. GIBLIN: It would be the same as the purchase price for transportation right-of-way, the predetermined price.

CHAIRMAN FRYER: That 22,500?

MR. GIBLIN: (No verbal response.)

CHAIRMAN FRYER: Thank you.

Okay. Commissioner Fry.

COMMISSIONER FRY: Cormac, one piggyback question on all of this is that obviously the staff came up with this, and you think that either one is a win for the county. I have noticed over time that when affordable housing comes up, it is most often targeted to moderate and gap, the higher income levels within that spectrum.

If Option 1 is the one that is pursued ultimately on this project, how much of a strain does that put? It seems like we're kind of kicking the can down the road for the lower incomes within that spectrum. Do you foresee that creating more of a challenge down the road for the lower incomes in the range if Option 1 is ultimately pursued?

MR. GIBLIN: I don't see that if Option 1 is taken that it makes it worse for the lower incomes. I think, as I mentioned earlier, there is need across the entire income spectrum. There are specific entities, non-profit entities, for-profit entities programs that target the need across the entire spectrum.

If Option 1 is taken and there are 260 gap and moderate units included within the village itself, I think that would be a great win for Collier County. Let's not forget, the reason we have targets towards moderate and gap income units is there that are needs there for our semiprofessional or dual-income service-industry type households. You know, the teacher and sheriff's deputy that live together, they are in that moderate and gap income range.

So it doesn't necessarily make it worse -- any worse for those at the low end. This gives us flexibility, and that's, again, one of the tenets of the RLSA program is innovation and flexibility. This brings that to the table.

One thing I did forget to mention in my opening remarks here was that this mirrors the proposed RLSA amendments that are going to be coming forward later this summer, and through the White Paper restudy -- study group, this proposal is what is included in that as a proposal.

COMMISSIONER FRY: Two-and-a-half years ago when I joined this board, affordable housing was never written into the developments. It came up in an 11th-hour discussion, ad hoc in this board, and then also at the County Commission, and now they seem to be -- it seems to be a formal component of each application. Has your -- I guess, your optimism that we can address and solve our affording housing issues, has that grown over time with the evolution of how affordable housing is being treated?

MR. GIBLIN: I think that it has. And if you remember about four years ago, the County Commission adopted the Community Housing Plan which really brought the issue front and center and created a holistic plan to attack the issue from many different aspects: Planning and zoning, grants, other issues. And by having that cohesive list of community-accepted recommendations and now that those -- now a few years later as we see those become implemented throughout the Growth Management Plan and the Land Development Code and then into -- eventually into the

development level, that's why we're seeing a lot more activity on this.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. Other questions or comments on No. 1?

(No response.)

CHAIRMAN FRYER: Sorry, Ms. Gundlach. Let's go to No. 2.

MS. GUNDLACH: Prior to the issuance of the first SDP and/or PPL, a listed species management plan must be provided for review with approval from FWCC and/or USFWS for management of the Florida panther. Okay. Puma concolor coryi and all other listed species.

CHAIRMAN FRYER: Thank you. Anyone want to ask questions or make comments about this item?

(No response.)

CHAIRMAN FRYER: No one has lit up their deliberator, so I take it that's the case. So let's go to No. 3.

MS. GUNDLACH: SSA 17 shall be approved prior to or as a companion item to the Longwater Village SRA.

CHAIRMAN FRYER: Any questions or comments on that one?

(No response.)

CHAIRMAN FRYER: I have one. And I don't have the notes that I would need in front of me to ask this with the precision that I wish I could, but you've got SRA 17. Is that the total source for Longwater?

MS. GUNDLACH: It is.

CHAIRMAN FRYER: SSA, I mean.

MS. GUNDLACH: Yes.

CHAIRMAN FRYER: Was 14 not in there as well?

COMMISSIONER SCHMITT: Fourteen and 17.

CHAIRMAN FRYER: Yeah, that's what I thought.

MS. GUNDLACH: Let me bring up the subject-matter expert.

COMMISSIONER SCHMITT: Fourteen is in there.

CHAIRMAN FRYER: Okay. Here comes the subject-matter expert.

MS. COOK: Good morning, Commissioners, Jaime Cook, principal environmental specialist with the Development Review Division.

SSAs 14 and 17 are being utilized to generate credits for Longwater.

CHAIRMAN FRYER: Thank you. My question is: With respect to both of those SSAs, how many additional villages could be constructed based upon those credits over and above Longwater and Bellmar?

MS. COOK: Right now, as SSA 14 is approved with 2,515 credits and SSA 17 has approximately 4,500 credits, after Longwater utilizes their credits, there's going to be a little less than 400 credits left between those SSAs.

CHAIRMAN FRYER: I see. So there will be no more villages that could be constructed from 14 and 17 if these two are --

MS. COOK: Not as they are currently approved, not as 14's currently approved, and 17 is pending.

CHAIRMAN FRYER: Okay. All right. That's interesting. Thank you. Anybody else have questions on that?

(No response.)

CHAIRMAN FRYER: If not, please proceed, Ms. Gundlach.

MS. GUNDLACH: The agreement to provide potable water, wastewater, and irrigation water utility services shall be adopted concurrently with the Longwater Village SRA resolution.

CHAIRMAN FRYER: Any questions or comments on this one?



(No response.)

CHAIRMAN FRYER: Apparently not.

MS. GUNDLACH: Within 90 days of the approval of the first development order, SDP, or PPL, the applicant must pay \$622,000 to fulfill their fair-share mitigation for operational impacts as supported by the applicant's Traffic Impact Statement.

CHAIRMAN FRYER: Now, am I correct that this focuses on intersections only?

MS. GUNDLACH: I'm going to invite up Trinity Scott or Mike Sawyer.

CHAIRMAN FRYER: All right.

MS. SCOTT: For the record, Trinity Scott, transportation planning manager. And Karl exited just as I was making my entrance.

CHAIRMAN FRYER: He can hear you.

MS. SCOTT: Yeah.

CHAIRMAN FRYER: There's a speaker in there.

MS. SCOTT: For the record, yes --

COMMISSIONER FRY: Do it again.

MS. SCOTT: He came back. Yes, for intersection improvements.

CHAIRMAN FRYER: Only?

MS. SCOTT: Yes.

CHAIRMAN FRYER: Okay. Thank you.

Anybody else have a question on this?

COMMISSIONER SHEA: Well, I'm wondering, while --

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER SHEA: I still -- it sounds like I'm jumping back on the agenda, but we never hit an item again where we could talk about transportation neutrality.

CHAIRMAN FRYER: You may.

COMMISSIONER SHEA: And that's still a question for me.

CHAIRMAN FRYER: You may talk about it right now if you wish.

COMMISSIONER SHEA: Oh, okay. I was trying to assimilate all the notes and understand how you do your review. And correct me if I'm wrong, if you have a deficient section of highway, you analyze Longwater, and you can't penalize -- I'm saying Longwater in this case because that's who we're looking at. You can't penalize them because the road is deficient, so you charge them impact fees, but there's no real fair-share --

MS. SCOTT: So the --

COMMISSIONER SHEA: -- calculation other than intersections maybe?

MS. SCOTT: The -- no. We calculated a proportionate fair share based upon the state guidelines. State guidelines require that if a roadway is going to be deficient based on background traffic, that that cannot be included into the proportionate fair share for traffic calculations. The applicant is required to pay the higher of either their calculated proportionate share for capacity improvements or their impact fees, whichever is higher.

COMMISSIONER SHEA: So -- and you do that for each, in this case the three developments that are -- not Hyde Park, but the three Collier -- CEM developments individually?

MS. SCOTT: We calculated it -- based on my presentation, we calculated it cumulatively as well as individually.

COMMISSIONER SHEA: And when you did the cumulative, it was --

MS. SCOTT: Less than the amount of impact fees that we anticipate that they would pay.

COMMISSIONER SHEA: I thought you said that. I just wanted to hear it again.

Thank you.

CHAIRMAN FRYER: Any other questions on this point? If not, next one.

MS. GUNDLACH: The developer shall be required to improve 18th Avenue Northeast

from the project entrance to DeSoto Boulevard to a minimum two-lane undivided rural roadway consistent with the Florida Green Book Construction Standards. These improvements are not eligible for road impact fee credits.

CHAIRMAN FRYER: Questions or comments on that one?

(No response.)

CHAIRMAN FRYER: Please continue.

MS. GUNDLACH: School sites have not been evaluated for transportation impacts as part of this request. Evaluation of the sites will require standard Traffic Impact Statement and operational review at the time of the school board review.

CHAIRMAN FRYER: Please continue.

MS. GUNDLACH: It is noted in the commitment that the Collier County Public Schools shall be responsible for the roadway improvements necessary for both school sites.

CHAIRMAN FRYER: Thank you. I guess I have a question for Mr. Eastman on that one. Of what would that consist?

MR. EASTMAN: It would consist of building a road to our school sites and connecting it to a public right-of-way.

CHAIRMAN FRYER: And then maintaining that road?

MR. EASTMAN: That would all be negotiated.

CHAIRMAN FRYER: So --

MR. EASTMAN: For example, currently we're building a -- we have plans to build a new high school, and we made an interlocal agreement which is approved by the school board and the Board of County Commissioners related to the extension of Veterans Memorial Boulevard to that school site.

CHAIRMAN FRYER: Okay. Thank you.

Please continue.

MS. GUNDLACH: And that concludes our presentation, and it would be our pleasure to answer any questions you might have.

CHAIRMAN FRYER: All right. Anybody have any further questions or comments? Commissioner Fry.

COMMISSIONER FRY: Nancy, my concerns on this development are pretty similar to Rivergrass, and it goes back to the purpose of the RLSA, and the execution of that within these villages and the town plan all together and future villages.

As I understand, the RLSA had objectives and then it had development standards, and early in staff's presentation you mentioned that you have reviewed and the village meets all the minimum requirements. These are number of units. It was commercial space, civic space, percentage of this, percentage of that, those types of things. And I -- you know, I think it's obvious that they have met those numbers.

So my questions really have to do with the objectives of the RLSA, and I'd like to just ask you one by one these and then you give me your assessment of whether the village meets these objectives. And I'm not sure who the appropriate person or people are to answer these questions. But I think it's fundamental, and I think this has evolved in my mind partly from understanding, and I think we need to clarify the difference in role between the staff and us sitting up here as the Planning Commission.

Your job is, as I understand it, to review the details of the GMP and the LDC and to make sure these developments meet those -- dot the I's and cross the T's of those. Ours is a larger role -- and I'm trying to bring in the whole board into this, because I think this is pivotal in not only this village but all the rest of the RLSA which can affect our county for 40, 50, 60, 80 years in how we build out this county.

So our job is as the essentially planning responsible -- board responsible for planning of

this county. I feel like we've got a great responsibility here that these -- every one of these developments meets the vision of the RLSA.

Now, as I understand the objectives, the planners of this, we're looking for a different style of development on the east than we have in the urban area. And so I'm going to ask you just about a few of these objectives. And I guess if these are not relevant, then I need to know that, but these are things that are weighing on my mind.

Is this a compact development? And I think that depends partly on how you define compact development. But would you define this as a compact development?

MS. GUNDLACH: I would.

COMMISSIONER SHEA: Why?

COMMISSIONER FRY: Yeah, why? What is a compact development and how does this meet those?

MR. BELLOWS: Well, for the record, Ray Bellows.

The staff report indicates staff's position on all of these items, and we have found it consistent with the purpose and intent of the district.

COMMISSIONER FRY: Okay. But I'm responsible for casting at least my own vote.

MR. BELLOWS: Yeah. And the Planning Commission can come to a different conclusion than staff, and we'll note that in the executive summary that's presented to the Board; that the Planning Commission has this opinion of whether it's consistent or not.

COMMISSIONER FRY: So I'm asking for a concise summary from staff in terms of how this development meets these objectives, so that's what I'm specifically asking for, a verbal presentation for the benefit of ourselves and everybody that's out here.

So, I guess, how does this -- and I'm not saying it doesn't. I'm just asking for your response. How does this meet the definition of a compact development?

MR. BELLOWS: Again, for the record, Ray Bellows.

The RLSA is -- the overlay is basically part of a compact development of agriculture. The agricultural zoning district is one dwelling unit per five acres, so by the creation of this zoning overlay, you compact that into these rural villages.

COMMISSIONER FRY: Okay. Thank you.

COMMISSIONER SHEA: But that was always the intent.

MR. BELLOWS: Correct.

COMMISSIONER SHEA: And that's -- that was the intent. And so now answer the question, with that idea of you've compacted it, you densified it. But now how do you make it compact within itself, is what you're asking?

COMMISSIONER FRY: Well, I think that it's a matter of interpretation. You can say that by focusing the development on a smaller piece of land rather than spreading it out, it is a compact development, and I believe that's what you were saying?

MR. BELLOWS: Yeah. And that's the purpose and intent of the RLSA that's being accomplished through that process.

COMMISSIONER FRY: So by that definition anything that's proposed as a village or a town where they are, you know, conglomerating a large number of units in a smaller area is compact. So I'm going to move on.

CHAIRMAN FRYER: May I, if I may, so that we don't have to --

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Because that was exactly the question I was going to ask, too, and we can perhaps dispose of this, and I'll go right back to you.

COMMISSIONER FRY: Sure.

CHAIRMAN FRYER: I just want to be sure that I'm in possession of the facts. Is it the case that there are about three-and-a-half miles distance from the so-called village center to the

northeastern portions of the village?

MS. GUNDLACH: I'd have to double-check that for you.

CHAIRMAN FRYER: Okay. Would you --

MS. GUNDLACH: Just a moment. I'm going to bring up the staff presentation.

CHAIRMAN FRYER: Okay.

MS. GUNDLACH: And I'm going to invite Comprehensive Planning to come up and participate in this. James Sabo.

MR. SABO: Hi, everybody.

COMMISSIONER SHEA: He's like Superman coming out of the telephone booth.

COMMISSIONER FRY: Is that Trinity?

CHAIRMAN FRYER: Mr. Sabo.

MR. SABO: For the record, James Sabo, Comprehensive Planning manager.

We'd have to scale this out, but if your question is, Commissioner, whether the village center, in terms of distance from the northwest corner of the development, is that essentially what your question is?

CHAIRMAN FRYER: I believe I was asking about the northeast corner.

MR. SABO: Oh pardon me. Northeast. Yeah. So if you give me a few minutes, I can scale that out for you.

CHAIRMAN FRYER: Okay. All right. And, generally speaking, what I'd like to hear is staff's interpretation of such concepts as walkability, pedestrian friendliness, bikeability, and the like. Given the -- what I would have to characterize as a serpentine shape of this long, thin development, how does that square with compactness? I realize it's contiguous, but it's -- again, relying on plain understanding, plain meaning of words, when I look at that, it's hard for me to come to the conclusion it could reasonably be interpreted as compact.

COMMISSIONER SHEA: While they're doing that, can I ask her a question?

CHAIRMAN FRYER: Yes, of course.

COMMISSIONER SHEA: Are these gated? Is this going to be gated at the two entrances to the spine road?

CHAIRMAN FRYER: I think the answer is yes, but if I'm wrong --

COMMISSIONER SHEA: Do you know where the gate is proposed?

CHAIRMAN FRYER: Well, let's have Mr. Yovanovich fill that in, if he can.

MR. YOVANOVICH: Can I -- since you have me up here, do you mind if I also address the bikeability since -- and those other issues?

CHAIRMAN FRYER: Well, I'd really rather you do that during rebuttal, if you don't mind. We've asked you a question.

MR. YOVANOVICH: Well, it's related to the gates because, yes, there are gates. There are two gates.

COMMISSIONER SHEA: One at each entrance?

MR. YOVANOVICH: Correct. But there is interconnection of the project itself to the village center that you don't have to go out on the roadway system. I just want to make sure that's also on -- neither does the public have to go through our gates to get to the -- so people in Golden Gate Estates, so I wanted to address that.

CHAIRMAN FRYER: That's fair enough. Thank you. That's fair.

MR. YOVANOVICH: I have more to say on --

CHAIRMAN FRYER: I know.

MR. YOVANOVICH: -- bikeability, but I'll let Mr. Mulhere deal with that.

CHAIRMAN FRYER: You'll have all kinds of time for that.

I'm sorry. Commissioner Fry, you had the floor.

COMMISSIONER FRY: Well, I'm waiting to hear what is about to happen.

MR. YOVANOVICH: Can I ask her a question about compactness at the right time, or do you want me to do that --

CHAIRMAN FRYER: I'd really rather you wait until -- I mean, you're going to have the floor, and you'll have command of the proceedings more or less during rebuttal.

COMMISSIONER FRY: Are you researching the answer of the distance, Commissioner Fryer's --

Let me lay out my -- I guess, my fundamental underlying question is that I read the objectives to mean that they wanted a different type of development in the east part of the county. Innovative design, interconnected, bicycle and pedestrian friendly. To me that means something different than gated PUDs like we have on every corner in the urban area. I look at -- are we looking for Grey Oaks and Saturnia Lake, a proliferation of those type developments in the east, or are we looking for something closer to what the Town of Rural Lands West represented, what the Town of Ave Maria represents, where there are multiple ways in and out, the public can actually travel through to take traffic off the main thoroughfares?

I look at this as a large 1,000-acre gated PUD that's cul-de-sac centric. So the question is, is that interconnected? Does interconnection mean they can drive from inside their development to the village center without hitting a main road, or does interconnected mean there are multiple ways in and out, and you can travel through this to keep some traffic off of main roads?

MR. SABO: Commissioner, the -- we reviewed this project against the standards in the code, so it does meet the standards. I understand your comments and I understand your question.

Walkable is -- it is walkable based on its design. It does meet the standard for a village center. Village center is at the edge of this development, obviously, but there is not a locational requirement for the village center to be at the center such that, you know, everybody is in a certain distance from the village center. So it does -- it does meet these standards.

COMMISSIONER SHEA: It sounds like you meet the quantitative standards, but you don't have any ability to really look at the subjective standards like Commissioner Fryer's talking about.

COMMISSIONER FRY: Well, I think that is the difference between our roles is that you are bound, I think, by the objective, quantifiable standards, and we are -- we are not. We are -- we are challenged with the subjective valuation of these projects.

So this is where -- and I'm bringing this up because I know that Mr. Yovanovich will address it in his rebuttal, but these are the kind of concerns.

My -- another question is: When it comes to interconnectedness, my view of interconnectedness would not be a gated community where you -- where you have this beautiful spine road -- I think of the Vineyards. The Vineyards is not a RLSA village. It's a -- it's basically a gated PUD, but they have this spine road that runs through one edge of it. It's open to the public. People bike and walk. If you want to talk about bicycle and pedestrian friendly, it's bicycle and pedestrian friendly not only to the residents who live there but also residents that live near there that want to take advantage of it.

You have this spine road through Longwater that connects Oil Well Road and the future Big Cypress Parkway. I cannot see myself being supportive of that being gated. I see that as a -- something that ought to be open to the public, travel-able by the public.

Fiddler's Creek came up at one point where they have gates but anybody can drive up to the gate and they'll just check you. But nobody knows that you can actually drive around in Fiddler's Creek because there's a gate there.

So why would we not want this to be a spine road that is a great interconnection between these two major roads, take some traffic off, has a bike path along it? Why not have something like the Vineyards where they can have gated PUDs off to the side, you know, off of the spine road, multiple entrances? That, to me, is interconnected. So I guess you're looking at the

quantifiable standards but not so much subjective assessment of what interconnected means, right?

MR. SABO: Our task --

MR. KLATZKOW: Hold on, James. Your role is to oversee the Comprehensive Plan. They're interpreting it a certain way. You're saying that's not how I see it, okay.

So what you can do is make a proposal to the Board of County Commissioners, for example, there should not be any gated communities here; that it does not meet the intent of the Comp Plan. You can make a recommendation to the Board of County Commissioners that by compactness we mean something other than this, okay.

Staff is operating on the current Land Development Code, and the current Comp Plan is -- their interpreting it. But your role as a local planning agency for Collier County is to oversee the Comp Plan, and if you don't think it's being implemented appropriately, then you've got the ability to just ask that it be clarified through the LDC.

COMMISSIONER FRY: Thank you, Jeff. And I don't want to appear to be putting staff on the spot or back in the corner. I have great respect for how you -- everything you guys do. It's more me trying to make sense of the methodology used to evaluate this in terms of the objectives of it, not only dotting the I's and crossing the T's. So I'm hoping to learn something from this. That's why I'm asking these questions.

MR. SABO: I understand. So the code allows a mix of uses; this village has a mix of uses. The code allows cul-de-sacs; this village has cul-de-sacs. The code allows gates; the village has gates.

So we -- as Mr. Klatzkow mentioned, the code says what it says, and if they meet the code requirements, then it is consistent in our eyes. We have to review to the code.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Commissioner Klucik.

COMMISSIONER KLUCIK: I'm looking at, you know, the question, you know, that was presented, and I think it's a good one. And I'm not sure that I understand or if it was offered, but do you have the actual written-down meaning of "compact" and the -- can you give us a reference? When you're saying, oh, this is compact or you're saying, you know, this is walkable, what does that mean? How is -- are those even -- as a resident in Ave Maria, I had concerns about what was happening in my community.

And I wanted -- you know, in my thought was that Ave Maria's SRA -- and that's not what we're evaluating right now. Ave Maria's SRA had brochure language in it, and the brochure language was very vague and very enticing, compelling. And what happened is, in my view, the brochure -- is someone overtalking me?

CHAIRMAN FRYER: Yeah. I'm going to have to ask staff to please refrain from speaking because it's a distraction. Sorry. Thank you.

COMMISSIONER KLUCIK: Sure. Yes. So what I thought was that, you know, it was more or less we had adopted -- the county adopted brochure language into the SRA for Ave Maria, which then, you know, makes it very hard for anyone who's trying to figure out what it actually requires.

And so in this regard, I'm not really looking at the SRA. I'm looking at the RLSA requirement or other version -- other portions of the LDC that actually -- the Commission has to comply with. What are the things that we're asking you? You know, as commissioners we're asking you, why is it compact? Why is it walkable? Where are those definitions? And are they in a format where we can give an objective evaluation? Are there criteria, or is it, you know, something else? I think that's part of our problem.

MR. SABO: Commissioner, is that question to me, James Sabo?

COMMISSIONER KLUCIK: Well, yes, it's to you. It's also to whoever in the planning staff might be able to answer it. I actually think -- I want to see in black and white what is --

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

I think what you're requesting, we can pull up those definitions and provide them at some point during this meeting; however, you know, our staff reports do go into great detail and the presentation of how these criteria are responded to. But if you're just wanting to see the definitions again, we can work on that and get it so it can be displayed on the teleprompter.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Okay. And I do -- certainly, as I've been working with you, I've certainly come to have a lot of respect for your staff, and I certainly don't mean to indicate that you didn't do this analysis. I'm just saying that it's still not clear to me.

Obviously, we have so many pages and pages and pages, you know, that come before us, and to the extent I haven't -- you know, I haven't remembered where you did that, I apologize.

But, yeah, I think that would help us. Maybe, Mr. Chairman, after we break for lunch, we could see that -- I'm not sure what your plan is on that, but...

CHAIRMAN FRYER: Well, that's a good question to be raised. It's 11:59. Let's try to -- how would people feel about going to 12:30 before lunch? Anybody object to that?

(No response.)

CHAIRMAN FRYER: Then we will go till 12:30 for our lunch.

And then I, too, would like to see any definitions that could be brought forward with respect to compactness. So I'd ask staff if they could do that over lunch.

COMMISSIONER FRY: And innovative design. That's another policy. I guess my question is, what is innovative? What aspect of this development are -- represent innovative design?

MR. SABO: Well, I can answer that, Commissioner Fry. The RLSA itself, according to Florida Statute 163, is an innovative approach. So the state statute says using an RLSA is an innovative approach. So we have an RLSA. It was presented to us. It meets the standards in that -- in that code. So by that definition, it is innovative.

COMMISSIONER SHEA: That's going way up the food chain. That's not the -- the intent was that the village design would be innovative, not the -- I mean, the RSLA [sic] is already fixed. You're grasping at straws, I'm feeling.

MR. BELLOWS: For the record, again, the village wouldn't be allowed unless we had the RLSA. So the RLSA is the framework, but the village is the substantive result of that.

COMMISSIONER SHEA: The intent -- and I don't know this for a fact, but I bet if I read it, the innovative part is in relation to the design of the village, not the RLSA program. The villages shall be innovative.

COMMISSIONER HOMIAK: No.

COMMISSIONER SHEA: No?

COMMISSIONER SCHMITT: Not correct.

COMMISSIONER SHEA: Wow.

COMMISSIONER FRY: That's the question.

COMMISSIONER SCHMITT: That's part of the interpretation, and that's -- when people throw words around, smart growth, innovative design, those are all terms of art. And also the Community Character Plan, those kind of things where a lot of information and words are being used, but the innovative design was the actual implementation of the RLSA to preclude urban sprawl and to prevent the one-unit-per-five-acre growth that could be allowed or is allowed currently right now as exists in that part of the county.

COMMISSIONER FRY: So staff's view is that by nature of the fact that it's a village within the RLSA program is the -- is the measure for innovative design, not at the village level like Paul's asking and I'm inquiring about?

MR. SABO: That is correct. And I mean no disrespect when I say this, but the statute

says what it says. They're -- it is at a high level and, yes, an RLSA is an innovative approach to the land use.

COMMISSIONER SHEA: I don't question that, but I'd love to see in writing where it says the village isn't supposed to be innovative.

CHAIRMAN FRYER: I happen to agree with your concern, and I think that -- I think if you look at the statutes and the ordinances, innovation is required in the design of a village.

COMMISSIONER SCHMITT: Can I --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: I'm going to -- I think Bob Mulhere could probably clarify this. Bob was unfortunate. He's the unfortunate one who was here and part of the organization that actually created the language. And, Bob, you have that language, do you not? I don't know if you have --

MR. MULHERE: May I?

CHAIRMAN FRYER: Yes. Please, go ahead.

MR. MULHERE: I actually have a whole rebuttal, but I'll just --

CHAIRMAN FRYER: Focus on --

MR. MULHERE: I'll just do a piece on this.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: So -- actually, I think Mr. Sabo is 100 percent correct. This is a highly innovative program by state statute and adopted, and then there are standards in the LDC to be consistent with the GMP policies. Those standards, if you follow them, you meet that definition, without question.

Now, I'll just read from --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: You're right. So that was my thought is we have a -- we have the RLSA program which has been deemed, if it is followed, then whatever -- whatever results from, if you comply with it, will be innovative. And so the standard for innovation is built into whatever other standards the RLSA had.

So when we say a village is -- is or is not innovative, the issue is, it will be innovative pursuant to the legal definition of the brochure definition that maybe all of us, you know, conjure up in our head. It is compliant. That's -- and I think that's what I'm hearing from staff.

MR. MULHERE: So I just wanted to add, this is the LDC. This is Section 4.08.07, the SRA designation. Section C is entitled, forms of development -- forms of developments. SRA -- and it reads as follows: SRA developments are a compact form of development. It doesn't say may be. It doesn't say should be. It doesn't say will be. It says they are. That is a legislative decision that's already been made. They are compact. Now, I can go on, but let me go catch my breath.

MR. BELLOWS: And I'd just like to add for the record, we're not rehearing the SRA district, and I don't want us to stray from the purpose of hearing this village and how it meets the criteria. We outlined in the staff report in our presentation how we think it meets the criteria.

I don't want to go down a philosophical course of what is the SRA intent or the Rural Lands Stewardship Area. We're not changing that with this petition.

CHAIRMAN FRYER: I'm going to ask Mr. Sabo to return to the microphone for a moment. There's a question pending about 3.5 miles from the village center to the northeast corner. Have you got a number on that?

MR. SABO: For the record, James Sabo, Comp Planning manager. I was actually busy answering your other question, so I need a little more time.

CHAIRMAN FRYER: Okay. That's fine.



MR. BELLOWS: And just if I may also, there is no locational criteria in the Land Development Code about the location of village centers. So it's not like we can compare it to language in the LDC that it has to be a certain location.

CHAIRMAN FRYER: Yeah, it's just the plain meaning of the word "center," that's all.

MR. BELLOWS: Yeah, exactly.

CHAIRMAN FRYER: Okay. With respect to 4.08.07 of the LDC, they do say -- the word "innovative" may not be used but, certainly, there is a requirement with respect to design: The villages have to include a mixed-use village center, that it has to be compact, pedestrian friendly, and that it has to be progressive rural-to-urban continuum. Those are requirements.

Now, to me they are the equivalent of innovation, but we don't need to go there if we don't want to.

So I'll be interested in hearing the answer about the 3.5 miles. And while we're waiting for that, let me make a point about the progressive rural-to-urban continuum, which is required not only in 4.08.07 but also the FLUE Policy 4.11.

It says that villages shall be developed in a progressive rural-to-urban continuum with the greatest density, intensity, and diversity occurring within the village center to the least density, intensity, and diversity occurring within the neighborhood edge.

Now, I think that comes pretty close to requiring the village center to be in the geographical center. And, for instance, if you have the village center that is directly abutting the edge such as it would be with respect to the west side along Big Cypress Parkway, you can't -- there's no room for a continuum of higher density, lower density, because you're abutting the edge itself.

So I don't see how 4.08.07 with respect to the continuum has been met and would like to know staff's point of view on that.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: Well, I would just say on that, you know, I don't think this requires FDOT [sic], you know. This -- and this is someone who's lived in -- you know, in a community that's, you know, underneath the type of, you know, requirement in the RLSA in Ave Maria, and I had all these concerns as a resident and -- you know, watching things happen around me, and I did sort of think the colloquial idea or the informal idea that would be natural. When we think center, we think that it's in the middle of concentric circle, you know. I mean, that's a reasonable first impression.

But I have come to see that that's not really what is required, even if that's what it seems like when you first read it, because I realize now that things that are located conveniently and make things walkable and practical, you know, they might be on the edge rather than the center. And they've reworked things, they've moved things from, you know, some areas to others within Ave Maria, as -- you know, as things changed and they realized there were patterns, you know, that were developing or that there were -- you know, there might be a more beneficial way to use the land and where the centers are.

So having a center on the edge, I mean, we've held out Ave Maria as an example, as a good example. I think even you have, Mr. Chairman. And Ave Maria definitely has centers. We have town centers on the edge, on the geographical edge of Ave Maria.

And so I would just say that I think that sort of -- I'm not sure you're going to criticize Ave Maria now (inaudible) saying that it's not really complying. You know, I think we can use that as an example where having it on the edge actually works and does comply.

CHAIRMAN FRYER: Well, in the case of Ave Maria, there are multiple village centers, and I think it's an easier argument to make that they -- that they comply certainly with the substance of and the intention of the ordinances in the statutes. But when you've just got one

village center and you've got this requirement of progressive rural-to-urban continuum running from the village center to the neighborhood edge and you've got the village center, the only one on this development right there on the edge, how do you fulfill that progressive continuum requirement?

MR. BELLOWS: For the record, Ray Bellows --

COMMISSIONER KLUCIK: Well, you go from -- you go from dense to less dense. And if you do that, you have a continuum, whether -- you don't necessarily have to go less dense, more dense, really dense, less dense, really, really less dense. You know, I mean, you don't have to have a hump, you know, of density.

I mean, I understand what you're saying. Logically that would be a -- that would certainly be a way to think about it but, as we all know, you know, legislation, slash, you know, code actually has legal interpretation that's really important, you know, often far more than a logical or a, you know, first-glance-impression interpretation of what it is. And that's why -- I'm just saying that because I had all of these same concerns as a resident who is very involved in the community, and I've come to accept that, you know, that center, town center, village center doesn't mean it's, you know, it's in the middle of a -- you know, that you have radial -- you know, less and less dense in a radial fashion.

MR. EASTMAN: You have the continuum going in three directions instead of four.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Well, Robb, since you're a resident of Ave Maria, I have a question for you, which I think is relevant to my concerns here.

How would you feel if Ave Maria, which is about 4,000 acres, I believe, when you compare that to Rivergrass, Longwater, and Bellmar, and then this backing into this town plan -- you're at 3,500 acres, I think, not too different a size. How would you feel if Ave Maria was three large gated communities and a strip center of village center instead of what you have now?

COMMISSIONER KLUCIK: Yeah, no, no. What we have now is we actually do -- we have Del Webb, which is gated --

COMMISSIONER FRY: Okay.

COMMISSIONER KLUCIK: -- in Ave Maria, and we have a new community, this National Golf Course, which is going to be gated, but it's going to have these same kind of gates where they're there just as a -- you know, anyone can enter, but it will be gated. That's my understanding.

And we do have an area along Ave Maria Boulevard that sort of has a -- you know, I don't know how -- a strip mall. But it's very nice. That's where the new firehouse is and that's, you know, where -- it's sort of centrally located but it's -- you know, we also have Arthrex on the very edge, and that's where the hospital supposedly will be and some other commercial will be.

And then we have -- on the far edge, as you head towards Immokalee, we have an area where there's going to be some more commercial. And then we have the town center, of course, which is where the beautiful church is and everything, and that's really centrally located. And the campus is, you know, on -- opposite on the other side of the street.

What I would say is, it's a very different vision what's going on in Longwater. Ave Maria is very unique. I, having experienced, you know, my community, I have gotten used to the idea that, you know -- technically, if you look at the plan for Ave Maria, the SRA, we would have -- we would have -- in my neighborhood, we would have a shop. In my little -- you know, you could have a shop. That's really how it's all described.

That would be the ideal walkability innovation. There would be a little corner store or a little bookstore right next to my house. Well, that's never going to happen. No one does it that

way. You know, I kind of envisioned maybe it was going to be different like that, but that maybe is innovation that we can't expect right now.

CHAIRMAN FRYER: Commissioner Klucik, may I ask you a question, sir?

COMMISSIONER KLUCIK: Sure.

CHAIRMAN FRYER: And I've been to Ave Maria maybe half a dozen times. So, you know, I'm going to rely on you to correct me if I'm wrong. But it's my recollection that although there may be multiple villages, there's sort of a main village center, and it's pretty much -- you know, it runs around like a circle; does it not?

COMMISSIONER KLUCIK: Well, there's different -- there's different developments. Right in the center you have a big church, but it's kind of the landmark. And then you have, you know, some -- the building I'm sitting in right now. You have condominiums, and then one of the buildings is an office building. You have a bank and a Publix. And then, yes, if you go down one street, you have a development, and at the end of that street you actually are going to -- you have two developments now.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: And if you go in another direction, you'll encounter a development, and if you go in another direction. So it radiates on three sides, and then on the opposite side of the main boulevard and the church is the campus.

But, yes, I mean, we have -- we definitely have something that's more like you would think. You have a very concentrated, dense core where there's condominiums and the church and shopping, commercial, and then you do radiate out to the neighborhoods where you have the single-family homes.

COMMISSIONER FRY: And are there multiple ways in and out as you can navigate around Ave Maria?

COMMISSIONER KLUCIK: Oh, yeah -- yes, there's a lot of -- a lot of interconnectivity.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah. Just for the record -- and, of course, I was again -- I go back to my days in the staff. I was around when the first was conceived, and I can -- even the vision that Tom Monahan had. But it's clear Ave Maria is different, because part of Ave Maria, the whole concept was a town, but it was also a university, and the university, as you drive into the main drag -- as was just stated, you have the town center, but right across the street is the university. It's a public campus. It's a private school, but it's a public campus. And it is accessible to the public to come in and go to the town center, go to the cathedral, and go to the campus. It is, frankly, different. It's --

COMMISSIONER FRY: But, Joe, they proposed -- and, listen, I mean, I had a meeting with the developer a long time -- months ago --

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER FRY: -- and the first thing we looked at was the town that they had proposed of Rural Lands West.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER FRY: Which sat a lot on the same space as Rivergrass, Longwater, and Bellmar. They found a way in that town design to have more of a city central. They had an interconnected network of roads. They had, you know, just more along the lines of what we're asking about in terms of the objectives of the RLSA.

Why is that not possible with multiple villages and then back into a town versus just three gated PUDs and a strip center commercial?

COMMISSIONER SCHMITT: I think that question would have to go to the County Manager's because they drove a stake in the heart of the entire process, and that's all I'm going to say about that. So you'd have to defer that to the County Manager's Office.

CHAIRMAN FRYER: That's provocative.

COMMISSIONER SCHMITT: Yeah. That's exactly right. I mean, so there's a long history there. And the fact of the matter is now it's coming in with villages instead of one town, which is what it should have been, but it's not, and we're dealing with a village now. That's all --

COMMISSIONER FRY: The question is what the village should be.

CHAIRMAN FRYER: Mr. Sabo?

COMMISSIONER KLUCIK: I would say, Mr. Chairman, the question is what the village -- whether the village complied as proposed -- complies, you know, with the standard, not what we think it should be, because there's a lot of things I think, you know, should happen, but, you know, it's not up to me even as a commissioner to impose that. I do think we have some say as to whether or not, you know, we feel that it's in compliance or that it's -- whether it's in compliance technically, you know, whether it's -- credentially we think that it's something that is a direction that it's good to go in.

CHAIRMAN FRYER: If my memory serves, there is no definition in either the statute or the ordinance that either requires the village center to be in the center or says that it doesn't have to be in the village center. I'm just relying on the plain meaning of the word "center."

Mr. Sabo?

MR. SABO: Mr. Chairman, James Sabo, for the record. The distance -- we calculated out the distance from the village center for Longwater to the northeast portion. It's about two-and-a-half miles back out to Oil Well.

CHAIRMAN FRYER: Okay. Thank you very much.

Commissioner Schmitt, or were you finished?

COMMISSIONER SCHMITT: I'm done.

CHAIRMAN FRYER: Okay, sorry.

Anyone else have questions or comments at this time?

(No response.)

CHAIRMAN FRYER: Ms. Gundlach, do you have anything further?

MS. GUNDLACH: I don't have anything further.

CHAIRMAN FRYER: Okay. All right. Where is Mr. Yovanovich? Oh, there he is.

MR. YOVANOVICH: I was hiding in the back.

CHAIRMAN FRYER: Okay. Do you want to start now, or should we take our -- with rebuttal, or should we take our lunch now and come back in an hour?

MR. YOVANOVICH: Well, in fear of having Terri upset with me, I think we should take a break, have lunch. Let us organize our rebuttal based upon the questions you've just asked. We already had that in the rebuttal. But I do want to, before we leave, say that it's important that we don't cherry-pick different portions of the Land Development Code when we're making broad statements like the village center has to be in the center because the word "center" is in the word. We're going to go through that and explain to you exactly what the definitions are, and the definitions are what you have to apply. So I will leave it with that as we take our break.

CHAIRMAN FRYER: All right.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir, Commissioner Klucik.

COMMISSIONER KLUCIK: I would just like to reply to Mr. Yovanovich simply that -- and I know he wasn't the one that created the Ave Maria RLSA, but what I would say is, when you put brochure language in things and other provisions -- and I know that's my derogatory term -- in these things that become code and you sell them that way, it makes your job, then -- someone in your position, it makes it a lot more difficult, because we do have a reasonable expectation to just look at the words and -- you know, and reach a normal conclusion, and I think that's -- right now we're just experiencing the downside of getting things passed by using, you

know, persuasive language that --

MR. YOVANOVICH: No. Mr. Klucik, I agree, but we spent a whole lot of time comparing a town to a village. And we're not a town application; we're a village application. And you may want it to be a town, you may want it to function like a town, but you have to apply the village criteria right now to these applications. So it was frustrating to me --

COMMISSIONER KLUCIK: I certainly agree with you on that.

MR. YOVANOVICH: It was frustrating to me to sit here and have all these questions asked about, how would you like this village to be like the Town of Ave Maria? I don't think that's the right criteria.

COMMISSIONER KLUCIK: Well, I would say --

MR. YOVANOVICH: We'll get into that in our rebuttal.

COMMISSIONER FRY: It's not an accurate representation of the questions.

MR. YOVANOVICH: Well, it came across with a whole lot of, how would you feel if the Town of Ave Maria was designed like this? And I took it as you were comparing our village to the Town of Ave Maria, and if that's not what you intended, Mr. Fry, I apologize.

COMMISSIONER FRY: Well, we can clarify it during the rebuttal.

CHAIRMAN FRYER: Common characteristic of towns and villages is that they both need to have a village center.

MR. MULHERE: A town center in the village.

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Yeah, the center.

MR. YOVANOVICH: And as staff pointed out, they're context zones. They're not locations.

CHAIRMAN FRYER: All right. It's 12:22.

Mr. Yovanovich, do you need a little more than an hour, or do you want to go to 1:30?

MR. YOVANOVICH: I don't need an hour. We probably can do it in 30 minutes.

CHAIRMAN FRYER: Well, we're not going to do that. All right. Well, we'll -- what's the --

COMMISSIONER FRY: We can take a short --

CHAIRMAN FRYER: Short? Okay. Then we will come back at 12:20 -- excuse me, 1:20. So that will be 55 minutes from now. We're in recess until 1:20.

(A luncheon recess was had from 12:22 p.m. to 1:20 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return to session.

MR. KLATZKOW: Have you got a quorum?

CHAIRMAN FRYER: I'm sorry?

MR. KLATZKOW: Have you got a quorum?

CHAIRMAN FRYER: Noted that we do not have a quorum.

COMMISSIONER HOMIAK: What if --

CHAIRMAN FRYER: We'll remain in recess and turn the mic back off.

(A brief recess was had from 1:20 p.m. to 1:23 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return. We now have a quorum.

And I believe it's time for the applicant's rebuttal.

Mr. Yovanovich.

MR. YOVANOVICH: If it is okay with the Planning Commission, I'd like to do this in two phases. I'd like to give some general comments, have Bob come up and address some planning concepts.

If you're going to bring other speakers up to ask them questions, I'd like to hold my final comments until all the public or staff comments are made so they don't have to come back up again and ask for permission to provide some additional comments, if that is acceptable to the Planning

Commission.

CHAIRMAN FRYER: Without objection, it's acceptable.

MR. YOVANOVICH: All right. I want to -- I want to -- it's been a while since we were here. We spoke to you about a month ago. We did a two-hour presentation, and since then there have been much longer presentations than our initial presentation.

But I just want to go back over a few basic concepts, and then I'm going to have Bob come up here and get into some more detailed comments regarding some of your planning-related comments and questions.

First of all, the Growth Management Plan, the provisions that apply in the Future Land Use Element are the Rural Lands Stewardship District provisions within the Growth Management Plan. You had some testimony for Mr. Minicozzi about walkability and other concepts that are not within that section of the Future Land Use Element. He went to these general provisions in the Growth Management Plan where words like "shall encourage" were used by the Growth Management Plan. That language does not apply to the future land-use designation for Rural Lands Stewardship districts -- for Rural Lands Stewardship districts.

So you have to look at the specific language -- and Bob will get this in a little bit greater detail -- when you're talking about the concept of pedestrians, and it's specifically addressed in Section 4.7.2 -- Policy 4.7.2 of your Growth Management Plan where it says, villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. That's the standard you have to meet under the Growth Management Plan, and that very same language was incorporated into the Land Development Code.

And Bob will show you on the master plan how all of your streets have sidewalks, our main spine road has a pathway system, and how the cul-de-sacs in the residential neighborhoods actually connect to the main spine road. We went through all that. But I want to put that in the context of how we address the Comprehensive Plan requirements regarding pedestrians and bicycles. We do address that.

Where Mr. Minicozzi came up with his quarter-mile walkability standard, I don't know. It's not in your Comp Plan. It's not in your Land Development Code. Bob will address that in greater detail.

Villages are primarily residential communities with a diversity of housing types. I think that's been addressed through the conversations with Cormac. We are primarily a residential community.

The village center is not required to be in the center. What a village center is is where it serves as the focal point for the community's support services and facilities. So that -- what does that mean? It means that's where we put the retail, and we put specific uses in one location to serve as the focal point. It doesn't say it has to be the red dot on the dart board to be the bull's eye. That's a fallacy. It doesn't exist anywhere in this code. Nancy and others have addressed that.

I don't know where the concept came that it was never intended that you would have PUDs out in the Rural Lands Stewardship Area. I don't know where that concept came from, because it certainly isn't in the Comprehensive Plan or the Land Development Code. And I'm sure you're all aware that PUDs are, in fact, innovative zoning. Why are they innovative zoning? Because they allow a mixture of different residential types.

What we basically have is PUDs with additional requirements. That's what your code says. The additional requirements are that we have a mixed-use village center, because we have to provide retail, office, and civic as part of the development needs to occur. You have very specific design standards as far as block lengths and all of those other criteria that are in 4.08.07 of the Land Development Code.

That's how you measure innovation. That's how you measure compactness. That's how

you measure whether we comply with the Land Development Code. Bob's going to take you through all of that in greater detail. But I think we have to get back to the framework and I think some misconceptions that we were never supposed to have PUDs out east. In fact, you were supposed to have PUDs with additional planning criteria attached to those because you wanted to discourage people from traveling back west to get these services. So I don't know where this criteria of we're not allowed to have urban-like development in the eastern lands.

I will stop here in a second, but I think what -- I think your staff did an excellent job in their presentations from planning to environmental to diversity of housing to transportation and to fiscal neutrality. We're not going to spend a lot of time on that or any time on fiscal neutrality, transportation, in our rebuttal, but we're available to answer any questions you may have regarding those.

But I want Bob to come up and talk about the very important planning concepts that were raised on the break, and if you have any other questions, we're happy to answer them.

I do want to make sure we're clear that you can't apply town concepts to a village. They're totally different. You'll have an opportunity, hopefully, to look at a town plan in the future, but right now you have to apply the village criteria, and those criteria are very defined in your Land Development Code. And based upon the competent substantial evidence in the record so far, I believe we have proven we meet each one of those criteria, but I'll bring Bob up here to go back over a few of the concepts, and then we'll -- if you're going to bring up people from the public, great. If not, then I'll come back and give you the rest of my comments.

CHAIRMAN FRYER: Thank you. With apologies to the applicant, I had intended to have a brief discussion about how our day is going to unfold. Let us, if you don't mind, have that right now and see what our expectations are, our limitations, if any, about how we're going to go forward.

We've got another matter scheduled. The question is whether we will get to it. And I -- having spoken with Ms. Jenkins, she and I agree that we -- that if there's sufficient time to start a new matter, that we need to start a new matter, but the question is is how much is sufficient time.

So what is the -- what is the will of the Planning Commission how late we should or could go to today? Commissioner Schmitt?

COMMISSIONER SCHMITT: Well, regarding the second commission [sic], we've already heard from the public related to both petitions, and I thought when we first did that, that that was pretty much -- almost all the presentations and most of what we heard from the public covered both villages. So are we going to open -- the question is again, are we going to open the door for public comment for Bellmar, which is pretty much what we already heard for Longwater?

The second point is, if not, then I think, because most of what we heard is -- I think would be repetitive, but I think from a -- statutorily -- and maybe that's the County Attorney, but we may have to allow for public opinion because it is a separately advertised item. But I believe it would go -- it would tend to, I believe, go much quicker than what this one is because almost everything we're dealing with now is related to both petitions. And I think we could probably get to the point where we could vote on the second one -- and I'm willing to stay as long as we need to and vote on both of them.

CHAIRMAN FRYER: County Attorney?

MR. KLATZKOW: It's like *deja vu* all over again. I mean, technically, Mr. Schmitt's right, these are two separately advertised proceedings. I would ask if anybody would insist on speaking for Bellmar; otherwise -- and if they want to, that's their prerogative. But good God, we heard this in Rivergrass, and we heard this in Long -- and now we're going to just hear it in Bellmar. But it is their prerogative if they wish to speak. I would note that -- to the Chair, though, that it doesn't have to be half-hour presentations. I mean, you know, five minutes would be typical.

CHAIRMAN FRYER: Let me hear from some other planning commissioners, and then I'll hear from you.

MR. YOVANOVICH: Sure.

COMMISSIONER SHEA: I agree with Joe. I'd like to try and get through both of them and I think, for the same reasons, we might be able to do it.

COMMISSIONER HOMIAK: Me, too.

COMMISSIONER FRY: There's a chance I might have to leave at 3:00, but I certainly believe that we should move forward as much as possible.

CHAIRMAN FRYER: All right.

MR. YOVANOVICH: We had anticipated -- if I may give input.

CHAIRMAN FRYER: Yes, please do.

MR. YOVANOVICH: Was -- it was very clear to me that the Conservancy, League of Women Voters, and the other speakers addressed both petitions. In fact, I believe the Chairman said you would let -- that their experts didn't need to come back. And all I asked was let them put on the record the specifics to Bellmar versus Longwater. And we indulged with their being able to make extended presentations on both.

I think they've had their opportunity. They certainly can incorporate into the record -- and I'd ask you -- Mr. Chairman, you said you agreed, we'll just bring forward that the testimony that was specific to those items, bring them forward.

We anticipate doing a much more scaled-back presentation. We don't need two hours. We're going to go -- you know, we're going to hit the highlights, because you heard a lot of the history of the RLSA program. I don't know how long staff's presentation's going to be. But I'm -- I think that we should at this point stay, if we can, as long as you need to get Bellmar done. If you want to have public speakers, well, then let's just stay longer to hear the public speakers, and let's just get it done, and then that way you can come back on the 6th and hear the town -- the informational meeting -- informational item regarding the town. But I think it's fair to us to have this done and, frankly, fair to the other petitions that are getting bumped to the 15th to not have to get bumped again to May 6th. So that's what we would like to see happen, and we certainly can stay as long as you need to stay.

CHAIRMAN FRYER: County Attorney, are you wanting to speak?

MR. KLATZKOW: Yeah, I'm just saying, keeping in mind that staff may have needs, like, I don't know, childcare, what have you. So 5:00 is fine. After that you might want to ask staff if it's okay.

CHAIRMAN FRYER: Okay. I have a proposal here. See what people think. First of all, it sounds as though there would be no objection to our incorporating all of the public testimony from Longwater into Bellmar without having to repeat it.

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. We do have some people here today who are representative of groups and possibly individuals, and I would encourage them not to be repetitive if that can be avoided, but I would also want them to feel like they're having their say and, particularly, if new matters come through, perhaps more time would be spent on a new topic.

But I -- having -- apparently there is no objection, then, to incorporating the full public part of the transcript into Bellmar. And so with that, I would just ask the members of the public and the representatives of the groups to keep that in mind and be mindful of the fact that we remember all those things but, certainly, if there's something you want to emphasize or something new you want to say, we'll hear it.

Does anybody object to that approach?

MR. YOVANOVICH: I do.

CHAIRMAN FRYER: You do? I thought it was your idea.



MR. YOVANOVICH: No. I object to the idea that they get to come back up, because they were given quite a bit of freedom in addressing Bellmar concerns in the Longwater presentation, and that was, I believe, as an accommodation to them so they wouldn't have to come here twice. I don't object to incorporating it into the record. I object to them getting a second bite at the apple.

MR. KLATZKOW: Rich, I'm already in litigation over Rivergrass. I have no intention of being in litigation over your other villages. If I could avoid the litigation by having somebody spend 15 minutes, I will do so.

MR. YOVANOVICH: I don't mind 15 minutes, but I don't want another seven hours.

MR. KLATZKOW: But it's not yours to mind. The public has a right to speak.

CHAIRMAN FRYER: Thank you.

All right. Anything else from the Planning Commission on our agenda going forward, how we propose it?

And 5:00 sounds like the right time for me as well.

All right. Mr. Mulhere, sorry to have interrupted.

MR. MULHERE: That's all right. Thank you, Mr. Chairman.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Mr. Klucik.

COMMISSIONER KLUCIK: I will be leaving shortly before 5:00 due to it being Holy Thursday. So I'll be leaving for mass at 5:00.

CHAIRMAN FRYER: Okay, sir. Thank you for telling us. And just let us know when that happens.

COMMISSIONER KLUCIK: All right.

CHAIRMAN FRYER: Mr. Mulhere.

MR. MULHERE: Thank you. For the record, Bob Mulhere here on behalf of the applicant.

I wanted to just provide some comments specifically -- for the most part specifically related to Minicozzi's presentation at -- I don't know, it seems like several months ago, but at our last hearing, which I do recall specifically that there was a request that he be permitted to speak both on Longwater and Bellmar, and he did address both in his presentation.

COMMISSIONER HOMIAK: Yup.

MR. MULHERE: So let me go to the visualizer.

MR. YOVANOVICH: I was supposed to click the zoom button, and I forgot to.

MR. MULHERE: I'm sorry. I think I want this. There we go.

So we've said this before, but I just want to reiterate -- and Rich indicated the same thing -- there are very specific requirements in the RLSA, both very specific goals, objectives, and policies that are specific to the RLSA, specific to towns and villages, and then a whole section in the LDC that provides for 25 pages of standards and specific -- and including very specific design standards.

I looked up the PUD section in the LDC while Rich was speaking, and it clearly says PUDs are innovative and imaginary -- and use imagination and use innovation. And typically in a mixed-use type of project but not necessarily. You have just commercial PUDs. You have industrial PUDs. You do have mixed-use PUDs.

But in the urban area, there is no requirement based on a formula of 25 square feet per dwelling unit in any PUD to provide neighborhood commercial to serve the residents of that PUD. There isn't any requirement in a PUD in the urban area to provide 10 square feet of civic, institutional, and governmental uses to serve the residents and the surrounding area of that PUD. And I could go on.

My point is there are very specific requirements in an SRA that differ between a town and

a village but very specific requirements. This is not just another PUD shifted out into the urban area. This is what I hear. This is some sort of reinventing history.

These are different. SRAs are different. The standards are different. They're very different. They're very specific, and that's clear.

There are actually two sections of the code that deal specifically with those standards. I'm not going to spend a lot of time. I'm not going to go over all those standards, but I would like to, at least for the record, cite those sections. Under 4.08.07.G, entitled --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: I would just ask Mr. Mulhere, if you could, since you've talked about, you know, a wide gap difference, if you could just list maybe three concrete examples --

MR. MULHERE: Sure.

COMMISSIONER KLUCIK: -- where you see -- I think that's what you're -- you're talking about --

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: -- or it seems like that's where you're headed, but it would be helpful.

MR. MULHERE: Yes. And the first example I did mention, which is significant, which is the absolute requirement using a formula. This doesn't exist anywhere else for neighborhood commercial uses to be located within a village center. That doesn't exist in any PUD --

COMMISSIONER KLUCIK: Right, and I appreciate that very much. That was a very, very good point that it isn't just a PUD, and I appreciate that.

MR. MULHERE: That's one. I will go over some other ones, Commissioner Klucik, as well as I go through this.

The 4.08.07.G entitled "master plan" has Section 1, master plan requirements, and it lists those requirements. It's very specific. If your master plan has those requirements, you meet those requirements.

And then H is entitled "development document." And Paragraph 2 of H tells you what the development document shall identify, locate, and quantify. And that's got about 25 or 26 different specific requirements. I raise those issues because it was alleged by Mr. Minicozzi that there were certain things that were not properly included or properly addressed in the master plan, and I'll go over those specifically. But not only did we include them but, look, the staff reviewed it and agrees that we included them. So I can go over each one of those, but I don't think that's an effective use of your time.

So, you know, this is just an overview here. You have this checklist. It's very, very simple. A village is between 100 and 1,000 acres.

MR. BELLOWS: Zoom in or out?

MR. MULHERE: You can zoom in a little bit to this area right in here. That's all right. I can move it, because I think that's more or less what I want to show. Maybe if I could just get this to move a little bit. There we go.

So what's zoomed in there, just to orient you, this is the stewardship overlay map, and the pink area is what's referred to as open. I think you've all heard this. And the open areas are areas that may be developed if you can acquire stewardship credits at eight units per acre with some exceptions -- eight credits per acre, soon to be 10 under the new amendments proposed, but eight now -- you can entitle a village, a town, or a compact mixed-use development, so -- or rural development.

So if you look right here, that's Hyde Park, that square that kind of juts out. And if you look right here, this is Oil Well. So right here moving north and south is Rivergrass, and then

Longwater is right here, and Bellmar is down here. And if you look at that map, you can see that the geometry of what we proposed in the Longwater SRA runs very close to the boundaries that are shown on this exhibit as open lands. Same for Rivergrass. Same for Bellmar.

There are these WRAs that surround the property. And the reason I bring that to your attention is it's not so simple as to just say, well, just make it square because someone feels like that's a more appropriate geometry for that SRA. And, again, because one point of the SRA is 2.5 miles to the north of the village center, it may be less walkable than something that's right at the village center, but that's really the choice of the buyer.

COMMISSIONER KLUCIK: Your point, sir, is that the preserve areas, the Water Retention Areas, the WRAs, make it so that you can just have this radiating concept of dense to less dense?

MR. MULHERE: Well, that's correct. But also you can't -- your boundaries are somewhat dictated by those because you can't affect those. You're not developing those WRAs. So you just can't go in. There you're limited to the --

COMMISSIONER KLUCIK: Well, it seems to me what -- it seems to me that as a practical matter, looking at the map, it's unreasonable to think you could actually even accomplish it. If it was your stated goal, it would be very difficult to accomplish it.

MR. MULHERE: It would be. It would be, yes, I agree. So I just wanted to point that out. Hopefully this --

COMMISSIONER KLUCIK: Mr. Chairman? Mr. Chairman, I will ask for permission in the future. I apologize.

CHAIRMAN FRYER: Thank you. Thank you.

MR. MULHERE: So anyway, I just -- the point of this slide was that there's a -- there's a whole range of requirements. Again, you know, just using the size of a village real quickly, 100 to 1,000 acres. You know, I looked at an exercise because I heard this concept of, you know, that this village is too far north and south and it's not as walkable as it could be. You know, I did a square, a thousand-acre square with the village directly in the center, and based on what I prepared, 73 percent of the units were further than a quarter mile from the village center; 73 percent.

So you do the best with what you have, and the requirement Rich read doesn't talk about a quarter mile, doesn't talk about a directness factor, any of the things that Mr. Minicozzi suggested. Those may be great standards, but if the county wanted to adopt those standards, they would have adopted them, or they may at some point. They don't apply now.

This is your Future Land Use Map for Collier County. And I put that up here just to show you that the yellow area is the urban area, and in the urban area -- why is this thing not on? Does anybody know? In case I wanted to use my skills here. I don't know. Maybe Troy can come and assist us.

So the yellow is the urban area, and that's where you've heard this reference of this is just an urban area PUD out in the eastern part, which it isn't, not by any stretch of the imagination. But, again, in that yellow -- and the red squares that you see are activity centers where the higher intensity uses are directed to the intersection of arterial roadways for a reason, and then you have the yellow area where you would have most of your PUDs. I don't know how many PUDs there are; more than 400. An awful lot of people seem to be pretty happy living in these terrible urban PUDs.

And, again, we've gone a lot further than that in the SRA because of their location in the rural area. You forget, you know, you're preserving somewhere between four and five times the land you're impacting by entitling an SRA. It's not anywhere near the same as an urban PUD.

Also, I don't know if you've seen these recent advertisements by the Conservancy, which at least suggests that the approval of these SRAs will result in something akin to East Coasting the West Coast -- or West Coasting -- yeah, East Coasting the West Coast.

The exhibit on your visualizer was not prepared by me but was prepared by the former chairman of the Planning Commission, Mark Strain, I think about two years ago. So let's talk about the facts as opposed to some crazy insinuations that aren't even factual.

The total county size is 1.475 million acres. It's the largest land mass county in the state. Palm Beach County is larger but has a significant portion of Lake Okeechobee in it.

At the time this was prepared, there was 77.44 percent of Collier County in conservation and preservation. That's all that green; light and dark green. There was 13.36 percent of the county entitled, zoned, developed, entitled lands, and 9.2 percent undeveloped.

So I don't think there's another county in the state of Florida besides maybe Monroe which has a significantly large Area of Critical State Concern. It's really just developed on the smaller islands. I don't think there's another county in the state that has -- is approaching 80 percent of its land mass in conservation and preservation.

So let's put things in perspective. This puts things in perspective. This is why we won't ever be like Miami. And that number, that 77.5 percent is only going to increase as you increase the amount of Stewardship Sending Areas that are approved to entitle these Stewardship Receiving Areas, just as the program was intended to work; exactly as the program was intended to work.

Mr. Minicozzi talked about walkability, and I mentioned that he had a directness -- look, I mean, I looked at his credentials, and he's very well educated and probably very well experienced. I don't know if he's been working on the RLSA for over 20 years as I have, and I'm not sure if he understood what was actually required or what wasn't. And these are objective standards. They're not subjective standards, the ones that we're talking about. These are subjective standards: Directness, proximity to schools. There is no proximity requirement.

The developer is required to enter into a discussion with the school board and presumably make an agreement with the school board, which he's done. I don't think you can have every elementary school within a quarter mile of every single dwelling unit. You'd have to have about 13 elementary schools, and the same for middle schools and high schools. I'm sorry. Did you want to say something?

MR. EASTMAN: You're correct.

MR. MULHERE: There's no economy or no efficiency, and it doesn't make any sense. Sure, it's great if you can get a home that's within walking distance to an elementary school, but you're still going to have to transport some students to those.

So the standard is very, very clear: Villages shall be designed to encourage pedestrian and bicycle circulation. How? How do we do that? We do that by including an interconnected sidewalk and pathway system serving all residential neighborhoods. If you look at the exhibit on your visualizer, these yellow circles here are pedestrian connections. So you have the spine road that runs this way and connects into Rivergrass right here, and these -- all of these yellow circles are pedestrian connections to various elements and to this spine road which serves as a linear -- a linear park with bike lanes and sidewalks. And so then the yellow circles are roadway [sic] connections to future Big Cypress, to Rivergrass here, to Oil Well here, and to the village center here.

COMMISSIONER SCHMITT: Bob, none of those are showing up on our screen, so...

MR. MULHERE: They're not showing up?

COMMISSIONER HOMIAK: You're pointing at things, but --

MR. MULHERE: But do you see yellow circles? You don't have any --

COMMISSIONER HOMIAK: Yeah, we see yellow circles.

MR. MULHERE: Okay. All right. I gotcha. Thank you.

COMMISSIONER SCHMITT: I know you were pointing on the screen.

MR. MULHERE: Pedestrian connections. I thought that's what I said.

MR. BELLOWS: You said roadway, but that's all right.

MR. MULHERE: The red are roadway connections. The yellow are pedestrian connections. So if I said something else, I apologize.

COMMISSIONER HOMIAK: You did.

MR. MULHERE: Okay. Thank you. That's three people. Anybody else?

Okay. So the next slide these are -- this is not required, but it goes towards connectivity and walkability. And these are half-mile concentric circles. And you can see that there is a destination in either the village center, an amenity, a park. Every single unit is within a half a mile. Now, that's not a standard, neither is a quarter mile. But we think that's a reasonable demonstration of connectivity and pedestrian-friendly design.

Mr. Minicozzi talked about block perimeter and somehow made the conclusion that if we made the lakes smaller, the blocks could be smaller and that the block -- that the lakes are uses and that they were somehow restricted. And the lakes on the land-use table in the RLSA fall under open space. They're not a use that's measured by intensity or density, obviously, and they're not restricted as to size.

And if you have a block length that exceeds the maximum of 3,500 foot of perimeter, if there's a lake and other elements within that block, you are allowed to exceed that perimeter. The staff reviewed this. We're consistent with the requirements.

I've already talked about school boards.

I wanted to just reiterate Rich's point on the village center. The LDC says that villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point of the community's support services and facilities. It's not inferring that it has to be geographically in the center of the project. It's not stating that. It's not inferring it. In fact, this term "focal point" means the center of interest and activity. By having your commercial, your civic, and all of those, the majority of them located within your village center, it becomes the focal point.

And as far as the continuum of higher density and intensity to lower density and intensity, it's not required to meet that, that you put the village center in the center. As was indicated, the village center abuts a future six-lane arterial roadway, future Big Cypress, and a four-lane arterial roadway, Oil Well, and beyond that is Golden Gate Estates.

So there's no requirement to have a continuum from a six-lane arterial roadway or four-lane arterial roadway. You're certainly required to do that from that village center in every other direction where you are moving with development, residential development. And we achieve that. We require that the multifamily be developed within a half mile of the village center or the other commercial -- three-acre commercial node on Oil Well. So there is a continuum from most intense and dense to intense and dense.

There was also a comment about, that we used the wrong cross-section and that it -- by having 11-foot-wide local travel lanes, we were diminishing the safety for pedestrians or the walkable nature. To the contrary, the LDC allows an applicant to request deviations in 4.08.07.H.1 and, more specifically, under the right-of-way section, typical cross-sections, which are provided by the county, it says that the transportation services may approve additional cross-sections as needed to meet the design objectives. Deviations from cross-sections may be requested in the SRA document, or an amendment to the SRA document.

So we asked for a deviation, the staff reviewed it, they concurred it was appropriate, and they approved it. Very consistent with the requirements.

And I've already talked about the lake size. I really didn't quite understand what he was getting at. This is a -- on the screen is an excerpt right from the -- right here, from the land-use table, and under recreation and open space you can see that lakes are right there.

You know, you have a minimum 35 percent of an SRA that must be in the form of open space, and to incentivize additional open space beyond that -- and we do in Longwater provide

significant open space beyond the 35 percent. And this is another -- Mr. Klucik, another example of something that doesn't happen in the urban area PUDs is you don't have to entitle those with stewardship credits, and you don't have this open-space requirement that -- you can reach the minimum, but once you go above the minimum, you're not required to provide additional stewardship credits. So that's an incentive to enhance and increase open space which, by the way, does result in a more compact development.

Let me see if I had anything else here. I think that covers my rebuttal on Mr. Minicozzi. I'll just ask Rich if he felt like I -- no. Okay. Thank you very much. Unless you have any questions...

CHAIRMAN FRYER: Any questions for Mr. Mulhere?

COMMISSIONER FRY: One question.

CHAIRMAN FRYER: Commissioner Fry.

MR. MULHERE: Yes.

COMMISSIONER FRY: Bob, do you have the verbiage from the objectives and policies of the RLSA regarding interconnectedness?

MR. MULHERE: It reads exactly the same way, but --

MR. YOVANOVICH: In the RLSA program?

COMMISSIONER FRY: Yeah.

MR. YOVANOVICH: It's just -- there is no requirement for interconnectedness. It's only with the pedestrian. The interconnectedness provisions are in the general FLUE element, but we do have interconnectedness, if you'll recall -- Bob.

MR. MULHERE: I'll bring that up.

MR. YOVANOVICH: Yeah, real quick.

We do have -- if you remember, we have interconnection between -- I didn't mean to touch the button but -- I mean the screen. This interconnection right here is the interconnection between Rivergrass Village and Longwater Village, because we wanted to avoid having people from Longwater Village having to get onto Oil Well Road to get over to the village center at Rivergrass where it's anticipated you'll have the grocery store. So we do have interconnectedness in our plan, but those general provisions about interconnectedness are in the smart growth policies that are not within the Rural Lands Stewardship Area standards.

COMMISSIONER FRY: Okay. So in your --

MR. YOVANOVICH: We meet it, although we're not required to. We have interconnectedness with our village, with Rivergrass Village.

COMMISSIONER FRY: So no requirement for interconnectedness of a village or town, for that matter, with surrounding roads, ability to be able to -- multiple ways in and out as we defined as -- as had been explained to me in the urban areas in terms of a criteria for all new developments to be interconnected so that we don't have our traffic only on main roads.

MR. YOVANOVICH: Right. And I -- going back, originally the Collier County Long-Range Transportation Plan had Randall going east through these areas and connecting to Oil Well Road. The county went through the restudy and decided that it preferred to have Big Cypress Parkway and eliminated that continued connection. They preferred to have traffic deal with -- if they wanted to go south, go to the intersection of the future Big Cypress Parkway, go south, and then onto Randall.

So the county's transportation plan was changed to address that situation. So the traffic circulated -- never was intended that there would be a bypass road through, you know, Longwater Village to avoid going to that intersection of the future Big Cypress Parkway. And, in fact, we gave additional right-of-way so Big Cypress Parkway could be six-laned, or we set aside additional right-of-way so Big Cypress Parkway could be in a bigger footprint to address traffic circulation out east.

COMMISSIONER FRY: Okay. Bob, did you want to --

MR. MULHERE: I did just want to add -- and just keep in mind, again, look at this exhibit here. There's really no -- there's no opportunity --

COMMISSIONER FRY: Other than the spine road.

MR. MULHERE: Yeah, there's no opportunity here for interconnect. There is nothing to the east. There's no roads --

COMMISSIONER FRY: The spine road is the --

MR. MULHERE: There's no roads. And there's WRAs and SSAs and agricultural activity to the east. Now, over here you do have the Estates but, as Rich just described, there was an alternative plan for that. So there is the ability for these folks to get to -- and that's why it is here -- to the village center or to this commercial tract up here.

COMMISSIONER FRY: I think the spine road is what I look at as being the major opportunity for interconnection between Oil Well and Big Cypress. So my question is: The term PUD, does it, by definition, mean gated PUD?

MR. YOVANOVICH: PUDs can be in any form. They can be gated. They can be ungated. Historically in Collier County, people like gates. That's why we have the commercial outside of the gates so people who don't live within the community will have access to the commercial.

There is nothing in the Land Development Code that prohibits villages from being gated. If there was a requirement that they not be gated or that there would be a requirement that they had to have a public connecting road, it would have been in those provisions. The reason I know that is in the Rural Fringe Mixed-Use District villages, which you'll hear in greater detail for Immokalee Rural Village, it does have that requirement. It requires a public access road through a Rural Fringe Mixed-Use District village. So if that requirement had been intended for a Rural Lands Stewardship Area village, it would have been in the Land Development Code.

COMMISSIONER FRY: Ray, I guess on behalf of staff, so there is no requirement in the RLSA -- I guess my question is staff's interpretation of the term "interconnected" with relation to villages and towns in the RLSA, is there a vision that there are -- it's not a purely closed-off gated community; there are connections through the village or the town?

MR. BELLOWS: For the record, Ray Bellows.

If I understand the question, you're saying, are the villages required to interconnect to other villages, or are you saying within the village?

COMMISSIONER FRY: I'm saying, as I understand, I mean, one of the goals of Collier County's traffic policy is to get away from everything being closed to traffic and forcing all the traffic to always be on our main roads, and that that was part of the vision of the RLSA was that as they look forward for developments now is for interconnectedness where people have more than one way in and out, people can have multiple ways to get from Point A to Point B, not just on the main roads.

MR. BELLOWS: Yeah. There -- the Land Development Code and the SRA provisions of the code don't require -- or don't regulate or prohibit gated communities. There is -- the interconnecting type language is not requiring us to hook up these villages to other villages, and I think that's one of the reasons, I think, the town, if that does come about, that will provide more linkages to these villages.

MR. YOVANOVICH: And I'm sure Trinity could address that, because we -- I'm sure if there was a requirement that we can't be gated --

COMMISSIONER FRY: If only she could come in now.

MR. YOVANOVICH: If she comes bolting through.

COMMISSIONER FRY: If only Trinity could come in now.

MR. YOVANOVICH: Here she comes. Someone lock that door.

MS. SCOTT: You're asking easy questions.

COMMISSIONER FRY: It really -- Trinity, really, it's just in general, I'm trying to decide how to look at this from a standpoint of what interconnected means and to what extent it is a requirement.

I'm looking at that spine road wondering why it has to be closed off to public travel, because it would be a great pressure relief valve for Oil Well Road and Big Cypress and a great public benefit -- it's a linear park, as they describe it -- to have it publicly accessible. And I -- frankly, in my interpretation of the objectives of the RLSA, that is what I would -- that's what my vision of meeting the objectives would look like.

MS. SCOTT: Well, I'm going to defer to our Comprehensive Planning staff and our staff and Planning and Zoning staff, but to my knowledge there's nothing in the Land Development Code or the Comprehensive Plan that would require that that not be gated. And I see Ray is going to --

MR. BELLOWS: Yeah. That's what I thought I said earlier, but that's correct.

COMMISSIONER FRY: It is, but -- yeah, so you're saying this meets any definition of interconnectedness?

MR. KLATZKOW: You're talking two different things, okay. The first issue is, do we have any requirement that you can't be gated? No, we've got gates all over this community. It's worse than a medieval town.

The core issue is interconnectivity, okay. If we were to require interconnectivity then, obviously, there couldn't be any gates blocking it. At that point in time, you're talking about a county road there, and I'm presuming this is going to be a private road. And you're talking about as a condition of approval that that be a county road and open to the public.

Now, you can make that as part of your recommendation. I'm sure the applicant will jump up and down and yell and do other things. But if you believe interconnectivity's a necessary, then you can make a recommendation that it -- for the approval that that road be open to the public. But it will be --

MR. BELLOWS: In addition, if I may, you could look at interconnectivity as a term as a way of measuring block parameters within the village, too. That's one way you're interconnecting various areas within an SRA boundary, by having those areas connected, those context zones connected by the local roads.

MR. YOVANOVICH: And if I just -- I want to make sure you -- and I probably said this, but right here (indicating), that's the interconnection between the villages. Rivergrass Village and Longwater Village are interconnected. You will not have to go onto a county road to -- if you live in Longwater to get to the Publix that will be on the corner of Oil Well Road and the future Big Cypress.

So we are interconnected, and we are meeting the goal of keeping the villages interconnected to stop using the county roads to go to services. That was a primary issue we had with Rivergrass and ultimately worked through that.

That interconnection point is not an inexpensive connection point, and it also is going to include a crossing underneath that road for -- I think it's a panther crossing. So that's going to -- that's included. If you'll go back to our original presentation, there's a panther crossing there, there's another one here, and another one -- I forget exactly where on Oil Well Road, but we have three of them as part of this commitment we've made -- is Meredith still and -- Meredith Budd and Brad Cornell. We've made those commitments.

So there's interconnectivity between the villages. There's also interconnectivity within the village. So I think we've met the definition of interconnectivity even with there being gates.

And, again, they changed -- we changed -- the Comprehensive -- I'm sorry. The Long-Range Transportation Plan was changed to eliminate what was an extension of Randall to



this new configuration of the future Big Cypress Parkway.

COMMISSIONER FRY: I may be guilty of a misinterpretation of what I've looked at or my understanding of Ave Maria as a town. I understand these are villages, okay.

MR. YOVANOVICH: Right.

COMMISSIONER FRY: So just bear with me at this point.

MR. YOVANOVICH: I'm with you.

COMMISSIONER FRY: I'm trying to work through this issue where there are a number of public streets that interconnect where you can get from here to there going multiple different directions on roads that are publicly accessible.

In looking at what I thought was the master plan for Rural Lands West which, as I understand, is no longer around, am I -- there is an interconnected network of internal roads -- the town center is in the middle, by the way, of that, the town core is in the center, and there is a -- there are loops and interconnected --

MR. YOVANOVICH: You're talking about Ave Maria now?

COMMISSIONER FRY: I'm talking about Rural Lands West, the town, which is basically on a lot of the same land. But am I incorrect that a lot of those roads were actually publicly accessible, or was that all gated off so that you really could only travel on the main roads even in the town concept?

MR. YOVANOVICH: The answer was, is Rural Lands West was gated off. We did have -- we did have a town core that was -- and town center up at, basically, the corner of Oil Well and what is now Big Cypress Parkway. That was accessible to the general community as well as our community, but the residential neighborhoods and the main spine roads to those -- serving those were, in fact, gated off.

COMMISSIONER FRY: So it really wasn't that different?

MR. YOVANOVICH: Not that different from what we're proposing today.

COMMISSIONER FRY: I'm looking at that plan now and --

MR. YOVANOVICH: Right. And but there's -- obviously, it was a million square feet of additional retail and office, but it was still a gated community.

COMMISSIONER FRY: So the vision for -- even for Rural Lands West, was never that it was public roads going through neighborhoods with smaller gated communities on the sides.

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: It was large gated PUDs even back in the day.

MR. YOVANOVICH: Correct, with the much larger town core or town center concepts.

COMMISSIONER FRY: Right. Okay. Thank you.

CHAIRMAN FRYER: Any other questions or comments? Go ahead, Commissioner.

COMMISSIONER SCHMITT: Karl, I'm just concerned about this interchange of the term PUD. A PUD is a Planned Unit Development. It's a specific zoning designation, and we sort of are using it as almost like gated community designs.

A PUD can be -- as Mr. Yovanovich noted, could be a commercial center. We use PUDs basically for nothing more than to exceed or to amend the current code to allow for specific design standards for that designated area. So it's sort of mixing apples and oranges.

COMMISSIONER FRY: Well, I understand the concept. And my point really had to do with the fact that you have a spine road that would be an excellent public interconnection and a great pressure relief valve, which I thought was part of our traffic vision for the county, and that I wanted to explore the possibility.

I'm getting from you, Rich, that having that as a public road is really not in the -- it's not in the vision of the developer. It's not something that you would -- that you would consider.

MR. YOVANOVICH: That's a -- that's a fair statement. And in fairness, you -- I know a lot of communities that have these types of cut-through roads that either became gated

afterwards -- Foxfire, Countryside, those were cut-through roads -- that people realized that really made life miserable for those communities. And I know some other communities that, you know, don't want interconnection to occur in their community either because they don't want people who don't live in that area to be using that road as a bypass road.

So I think you have the best of all the worlds in this scenario because you have the interconnection between the villages, and now you have the ability to build Big Cypress Parkway somewhat -- sometime in the future to address circulation issues for people further east to both someday go north, someday go south to find their way west if they need to and not have to rely totally on Oil Well Road.

COMMISSIONER FRY: This has been very educational. I do understand what a PUD is.

MR. YOVANOVICH: I know you do.

COMMISSIONER FRY: But the -- I think what I was maybe suffering from is a misconception that it was really an active part of the RLSA vision that there be public -- an interconnection. I mean, like, Ave Maria has a lot of public roads in it. It has some gate communities, but there's a lot of different public roads you can travel around, a network of public roads, and I thought that was part of the RLSA vision.

I don't know -- I mean, what I'm hearing and what Jeff has said is that we can propose anything and it's got to fly through the County Commission, of course, and -- but there isn't a lot of justification. There's not a mandate in the plan for that to be a public road. I'd like to see it a public road --

MR. YOVANOVICH: I understand.

COMMISSIONER FRY: -- because as an alternative example, I'll cite the Vineyards. That spine road is a fantastic public service not only for traffic if you don't want to get on 75, but also for biking -- biking and walking along the big sidewalk that goes across -- goes next to it. There's a park similar to how you'll have a park in the middle of this, so --

MR. YOVANOVICH: But we won't -- there's differences. Now, Vineyards has a community park within the community.

COMMISSIONER FRY: Right.

MR. YOVANOVICH: It also has a law school within the community. I don't think -- I can't remember if you can get to the elementary school from the spine road or not.

COMMISSIONER FRY: You can. There's a back --

MR. YOVANOVICH: There are a lot of other things that are within the Vineyards -- yeah, the hospital.

COMMISSIONER FRY: There's commercial at the other end.

MR. YOVANOVICH: Right. But those are -- that's different than -- that's different than where we are today. And, look, where you live, you've got -- you don't want people going up and down Oakes Boulevard as the bypass road. I mean --

COMMISSIONER FRY: We welcome them.

MR. YOVANOVICH: Yeah, well, not really. You know and I know that, so -- but, you know -- and, you know, it doesn't always -- there's not a destination really other than for our own village people to come to our commercial. Things may change a little bit with the town plan when it comes forward, but right now the villages are not at the same scale of having a hospital, having a school, having a park, community park. You know, it's a different -- it's a different scale.

COMMISSIONER FRY: Points well taken. I mean, I also just point to what the County Attorney said that we do have, over time, the ability to mold this program into I'll just say maybe a more progressive version because I -- my opinion is, after reading about the RLSA, I was excited about a different version of development than what we have in the urban areas with just gated PUDs and major roads, and I'm hearing that's really not the vision. I'm disappointed to hear that.

MR. YOVANOVICH: Well, there's -- I don't think it's -- I don't think it's as bad as you're stating it. Remember, the original vision of the rural area was one unit per five acres, okay, and that's where the battle started in the late 1990s about was -- and we had a community called Twin Eagles that found a way to develop at one unit per five acres, and that's when people said, Vineyards is -- I'm sorry. Twin Eagles is one unit per five acres. You go look at a plat. Look at those lots.

COMMISSIONER FRY: I was there the other day. Big lots.

MR. YOVANOVICH: You have -- yeah, the huge lots with huge --

COMMISSIONER FRY: They're not five acres.

MR. YOVANOVICH: Yeah, they are. They have golf course easements all over them. When you go look at that plat, there was a way to get around the one-unit-per-five-acre concept, and we said, hold on. We don't want that. So we came up with this program that said, how do we respect people's private property rights at one unit per five acre to develop and come up with a program where the environment can get protected and we cannot use 13,000 acres to support 2,600 homes.

So the program became what you have right now -- this is part of my close -- a program that is going to be -- the compactness and the innovation -- and I know there was kind of a visceral groan when staff said, the program's the innovation. It really was the innovation to scale down and force the development on the less sensitive areas and to have these development standards that look a lot like a PUD. It's not a PUD, but it looks a lot like a PUD when you look at the development standards. And that was intentional because you want the -- you didn't want these big five-acre ranchettes out east, and that's how we came up with this program.

So we're not that far off from the vision. You know, Ave Maria is a great community. I'm sure Mr. Klucik loves it. But not every community should be Ave Maria. There should be diversity of community types. And so I think the program is being implemented; slower than people had hoped.

MR. KLATZKOW: And if I can shortcut this. I just asked Trinity. She doesn't want the road.

COMMISSIONER FRY: Thank you. We could have cut a lot of time out.

MR. KLATZKOW: I thought it was a great idea, between you and me, but the expert says she doesn't want it.

COMMISSIONER FRY: Well, there she is.

MS. SCOTT: If I could go a little bit further into that. In my presentation, I talked about the Alternative 2-plus, which was the network that the Board adopted. The Board adopted that network. One of our study areas was actually something that was similar to this roadway which would take Randall Boulevard all the way out and connect it up to Oil Well Road, and that was not the option that was chosen by the Board of County Commissioners.

So that was -- part of our Alternative 2-plus, we came up with a larger network within the area. We are trying to maintain a majority of the roadways within rural Golden Gate Estates as four-lane roadways and have opted for a possible six-lane Big Cypress Parkway in the future. So that was -- that alignment, give or take a little, was studied in-depth by county staff.

COMMISSIONER FRY: Trinity, if the RLSA resulted in a string of more villages that are similar to these three and hopefully an occasional town, that would be perfectly acceptable to you in terms of traffic if they were just gated PUDs and traffic was really only on the main roads with an interconnection between the villages and that type of thing? That would be -- that would fulfill the county's traffic vision?

MS. SCOTT: What I would say is we will look at each on their own merits as they come forward. There may be other reasons why they can't interconnect. This particular village is surrounded by a WRA which has extensive permitting requirements to be able to connect those

villages. So it's a balance, and we would look at each on their own individual merits as they come forward.

COMMISSIONER FRY: I will let it go at that. Thank you.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: We don't have anything further subject to public speakers or --

CHAIRMAN FRYER: Okay. I have a couple of things I'd like to ask of you, sir. When staff made its presentation, they identified I don't know if it was eight or nine conditions of approval. Are they all acceptable to you?

MR. YOVANOVICH: Yeah. We had agreed to them at the first meeting.

CHAIRMAN FRYER: Okay. Now, with respect to the affordable housing where there's an Option A and an Option B, would the applicant agree to utilize Option B which is the 2.5 percent gross acreage?

MR. YOVANOVICH: I think we would prefer to have the option. That's basically what's being proposed in the revisions to the RLSA program. We may choose to do it within the project, or we may choose to do the 2.5 acres [sic]. So we would prefer to keep both options on the table. We agreed to that condition, and I think that, you know, we'll obviously be having discussions with staff as we move forward.

CHAIRMAN FRYER: My strong preference would be that Option B, 2.5 percent, because it would create an opportunity for not just moderate and gap but also low and very low to get really more diversity of income ranges and housing types. But I take it you're unwilling to make that commitment?

MR. YOVANOVICH: I'm not willing to commit to it today. I mean, you'll -- there -- I think there'll be further discussions about that. Right now we've got to look at the villages on their own. We're committing to your proposed changes to the RL -- GMP provisions to the RLSA to either do it on site or do it off site. We're committing to those conditions even though we don't technically have to under the current provisions. So we'd like to have those -- that flexibility.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: Ned, I want to --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER FRY: -- just ask one question about the town plan which, of course, is not part of this, but it is potentially a very positive thing where we back into having the allocation of lands and uses from a town.

So just for everybody's benefit, just quickly summarize the process by which that will become part of this equation, the town plan.

MR. YOVANOVICH: Well, not to steal Mr. Cohen's thunder, but briefly --

COMMISSIONER FRY: Cliffs notes.

MR. YOVANOVICH: Cliffs notes version is assuming the two villages get approved, we would come back within 12 months and bring forward -- submit a town plan, and then it would go through the normal review process, and you guys will review and be able to raise any issues or questions you have regarding that town plan, with the town.

COMMISSIONER FRY: The commitment is that you will within 12 months --

MR. YOVANOVICH: Absolutely.

COMMISSIONER FRY: -- come back. It may not be the exact one we're seeing now --

MR. YOVANOVICH: Right. That's the --

COMMISSIONER FRY: -- but it will bring it up to standards of all the town ratios and uses?

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: Thank you. It's important to have that on the record.

MR. YOVANOVICH: It's important that you know that you're not being --

COMMISSIONER FRY: Played.

MR. YOVANOVICH: -- shut out of the process for reviewing the town.

CHAIRMAN FRYER: Well, I want to emphasize that, because I think that's a key point, that whatever this town aggregation plan is going to come forward with, it's going to have all the requirements that would have applied to a town had we started off with one; is that correct?

MR. YOVANOVICH: Yes. The new version of your requirements, not your old version, because, remember, your old version by -- the answer to your question is is that there are certain things that don't apply to towns today but we are committing to do. One of them is the affordable housing. Our town plan agrees to the affordable housing, okay.

So what I'm saying -- I don't want you to say what you would get today, because you're actually getting more than you would get today.

CHAIRMAN FRYER: Well --

MR. YOVANOVICH: Okay? I mean, we've assumed certain RLSA provisions are going to get adopted.

CHAIRMAN FRYER: Okay. And assuming that they do because they're going to be coming back for adoption, that the aggregation -- the town aggregation plan will fulfill all of the requirements as if you had started off with a town under the new RLSA rules under both the -- under both the Growth Management Plan and the Land Development Code?

MR. YOVANOVICH: I just want to make sure we're clear on two things. The town plan has absolutely nothing to do with what we're doing right now. So I'm nervous about getting into that level of detail.

I'm happy -- if you want to talk about that item, we can talk about that item in greater detail on May 6th. And I think it's in fairness to Mr. Cohen. It's his item. Staff should tell you -- tell you those answers. But you've read your staff report already, the informational item, and I think it's a very, very good concept that will be brought forward in greater detail on May 6th. I don't -- there's no -- I don't want -- I don't want there -- I think we're getting -- we're mixing too many different topics of discussion by focusing right now on the town plan.

CHAIRMAN FRYER: Well -- but you mentioned the report that we have in front of us, and the hearing, of course, on that has been continued to the 5th. My read of the proposed agreement, at that time, and the plan itself would be a substantial relaxation of several requirements in the RLSA and the LDC.

MR. YOVANOVICH: You're misreading it.

CHAIRMAN FRYER: Okay. So you're --

MR. YOVANOVICH: You are totally misreading that.

CHAIRMAN FRYER: Well, come back to me here now. Wait a minute.

MR. YOVANOVICH: You're totally misreading it.

CHAIRMAN FRYER: So, therefore, the -- what will be brought forward will be in compliance and will not be a relaxation of any of the requirements for a town under the new RLSA if it's adopted?

MR. YOVANOVICH: We are not asking you to relax any of the current town standards, and we are -- let's leave it at that. I don't know where you got the idea that we were somehow asking to be exempted from the town standards as they're finding their way through the process.

CHAIRMAN FRYER: Well, just my reading of the proposed --

MR. YOVANOVICH: Well, how about we go off-line, and then you call me, like we always talk. If we -- why don't you call me and say, Rich, this language says this, this is what's making me nervous, and we can talk through that.

CHAIRMAN FRYER: Well, I -- this is -- this has been helpful. Thank you.

COMMISSIONER FRY: I believe one of the things that you're offering in the town plan is to utilize 10 credits per acre instead of eight as is required currently; isn't that accurate?

MR. YOVANOVICH: Yeah.

COMMISSIONER FRY: So it's actually a bit of a bonus in that area.

MR. YOVANOVICH: You're -- I'm telling you --

COMMISSIONER FRY: I'm trying to help you, Rich.

MR. YOVANOVICH: You are. I don't want to mix apples and oranges. I'm telling you that what we -- Mr. Cohen has done a phenomenal job of working to come up with a plan that is a win-win. And I don't know where -- I don't know where we got this perception that somehow we were somehow not meeting code.

COMMISSIONER FRY: No, I asked the question because we're voting on villages where, to be honest with you, the prospect of a town plan is a factor to me. I can't speak for others. But the fact that we can back into some of the benefits of the town and the additional services is a benefit to me. So you have solidified that you've made the commitment to come back with a plan that will meet the town requirement for all three villages combined within a year, and that's what -- that's what I'm --

MR. MULHERE: If we get approved.

COMMISSIONER FRY: A simple "yes" will do, Rich.

MR. YOVANOVICH: Well, you know, I wish a simple answer -- it's never that simple.

Let's -- can we just wait until May 6th, and we can get into the finer points of what acreage is going to be considered the town; how we address traffic. I think you'll be pleased.

COMMISSIONER FRY: I will accept that. Thank you.

CHAIRMAN FRYER: Okay. Anything else from Planning Commission for the applicant or, for that matter, for staff?

(No response.)

CHAIRMAN FRYER: Now, it's been mentioned public comment, and I'd like to test this out on the Planning Commission and find out what our desire is. A lot of people in organizations have had a chance to speak already. I'd like to just know if there's anybody here or on the phone who has not yet spoken.

MR. YOVANOVICH: Hold on. We -- Commissioner Fryer, you closed that.

CHAIRMAN FRYER: Well, what were you talking about when you said --

MR. YOVANOVICH: I was talking about for Bellmar. For Bellmar, I didn't want Bellmar to be people getting up who already spoke on Bellmar speaking again.

CHAIRMAN FRYER: Oh, I'm sorry. I misunderstood.

MR. YOVANOVICH: I never advocated opening up this public hearing again. If I gave that impression, I apologize.

CHAIRMAN FRYER: You did give the impression, and that's why I was going to poll the Planning Commission, but I understand your point now.

MR. YOVANOVICH: Okay, okay.

CHAIRMAN FRYER: Thank you. All right. So anything further from anyone?

COMMISSIONER SCHMITT: Are we closing the public hearing?

CHAIRMAN FRYER: It's already closed.

COMMISSIONER SCHMITT: For deliberation then?

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: All right. I'd like to --

CHAIRMAN FRYER: Go ahead, Commissioner Schmitt.

COMMISSIONER SCHMITT: -- make a statement.

CHAIRMAN FRYER: Please do.

COMMISSIONER SCHMITT: You know, I'm just going to kind of speak from the heart on this, because it's been a difficult issue. We started this trek over six weeks ago. We heard opinions from numerous public speakers, numerous points and concerns to consider in our

deliberation.

And I want to thank the staff, the League of Women Voters, the Conservancy, the Florida Wildlife Federation, the National Audubon -- and the National Audubon Society for their input in detailed preservations.

Clearly, there are -- each of these organizations are passionate in their views and in their conclusions. That said, we are not here today to establish new rules or to apply new rules to the RLSA.

My position is that I'm compelled to follow both the GMP and the LDC, and I believe that's what we're compelled to do.

In review, Longwater -- and I'm going to just cite both since both were brought up by the public. Longwater, we're preserving 4,800 acres from -- in SSA 14 and 17. In Bellmar, we're preserving 2,200 acres from SSA 18.

I just want to continue. During the public comment, I repeatedly heard references to 2006 scientific article titled, "How much is enough?" by Ran Kautz. That's K-a-u-t-z. He was an author. Then him and several authors wrote the article. Those giving testimony cited why Primary Panther Habitat should be protected. Not doing so certainly, in their position, would lead to the panthers' extinction.

But I do, I question those touting the article and ask that they read the entire article in its entirety and take a good look at Google Earth in Eastern Collier County. The open lands cited as Primary Panther Habitat by several of the petitioners -- or several of the public comments, most of which are farmlands in uplands, and those 20 years ago were designated as SRAs. And what does an SRA mean? Stewardship Receiving Area.

I sort of heard the public statements seem to conflict -- or conflate Primary Panther Habitat with the SRA and being one and the same. And I've heard different testimony saying about Primary Panther Habitat in open lands is probably the least desirable. So there's that question.

But I do note that the article that was cited used 1995 aerial photography and -- but it was published in 2006, and the author used the same land stat that the staff used back in '99 and 2000 to develop and identify the areas in both the RLSA and the RMFMUD [sic].

Since the data 1981 to 2001 was used, again, compiled before the RLSA was even adopted. So there's a debate on the whole issue of the panther and the panther protection. But the RLSA was definitely developed with that in mind.

The article concludes with the plea that was -- always seemed to be overlooked, that the author stated an ambitious comprehensive strategy for working with private landowners -- and I stress private landowners -- to protect, enhance, and restore panther habitat with primary dispersal and secondary zones is essential. That's what the RLSA does.

The strategy was to protect panther habitat. The dispersal zone solely -- dispersal zone, as I understand, is solely in Hendry, but I'm not an expert. The RLSA was developed in two years of meetings and hearings to develop the program. Yes, there were concerned groups that did not get all they wanted, but the program was formulated on compromises that resulted at the time in a win-win for all parties. Three hundred square miles of the county; 193,000 acres; 182,000 acres of private property. So approximately 94 percent of the RLSA is private property. I heard from speakers. I've gotten emails saying that we have to protect this land, but it's not county land. It's private property.

Certainly -- any of the agencies that want to protect this land certainly have the right and the privilege, and if they can raise the funds, they can certainly attempt to buy the land and put it in preservation. I'm faced with the alternative, and that is to apply the rules and regulations. Ninety-three thousand acres total SSAs was identified and preserving over 55,000 acres at no cost to the taxpayer.

The goals of the county were to protect agricultural activities to prevent premature

conversion of agricultural land to nonagricultural uses, to direct incompatible uses away from wetlands and upland habitat, to enable the conservation of rural land to other uses and appropriate locations, and to discourage urban sprawl.

I believe that the rules that were created -- and we debated the RLSA, but this, as staff has come in and stated clearly, and they've concluded, that this petition meets all of those requirements. I still cannot question that it does not.

I just want to highlight as well that this development still has to undergo federal permitting. I believe it's almost five years now they've been under a study from a Habitat Conservation Plan, an HCP, that you all -- so you all know and understand is being worked through the U.S. Fish and Wildlife, and it is a very laborious process. They still have to go under reviews for Section 404 and Section 401 of the Clean Water Act and are still entitled -- or required to follow the Endangered Species Act. So there's no waiver of any of these requirements based on this approval.

Clearly, I'm in favor of clean water and clear air, as we all are, but there are strict review processes through the U.S. Army Corp of Engineers, through the U.S. Fish and Wildlife, and for the South Florida Water Management District. Each have a specific area.

And, again, Section 404, there's a debate on the -- whether that should be with the U.S. Corps of Engineers or with the State. That decision is made. It's being debated. But the fact of the matter is, they still have to comply with the federal law, and that's the Clean Water Act and Section 404 of the water-quality certification through the South Florida Water Management District.

And I'll lastly -- because I received email on this as well. And this was a while ago, but we all received a letter from the Department of Interior. And there was several news articles citing how the Department of Interior asked for a pause of this program. This request was not -- this request was on letterhead from the Department of Interior, but it was from the refuge manager of the Florida Panther Wildlife Preserve, and it was not from the U.S. Fish and Wildlife, and it was not staffed through either the U.S. Fish and Wildlife or through the Department of Interior.

I believe that in my almost 30 years in the federal government U.S. Army Corps of Engineers, as a commander of the U.S. Corps of Engineers in Savannah, if that kind of letter ever went out of my organization, I'd probably be discussing that with the employee, because they took quite umbrage to the fact of representing a federal agency with no authority to do so.

U.S. Fish and Wildlife has been involved in this program since its inception. Since we were -- we, the county, were told to do this in the late '90s to comply with the Governor's order, and I believe that the program that was developed was in full concert and coordination with all the federal agencies.

So, again, that was a lot of media about that, and I think it was, sadly, misinformation that was promoted that really was a disservice both to the service and to the Department of Interior.

So with that -- those are my positions. I'm going to recommend approval subject to the staff as proposed. I would only ask one thing of the petitioner, that between now and when they meet with the Board of County Commissioners, that they do confer with the Florida Wildlife Federation in regards to the size of the panther crossing where they interconnect to make sure that that panther crossing will be sized to allow for adequate passing of panthers between the two areas.

I have no idea what that requires as far as how large or what kind of panther crossing that should be. But I would recommend that they discuss that and possibly both the petitioner and the Florida Wildlife Federation, as we heard from Brad, basically look at that and maybe can reach an agreeable conclusion.

So with that, I yield to my fellow commissioners.

CHAIRMAN FRYER: Thank you. Anyone else wish to make a statement at this time? I'm going to make one as well, but I want to wait.



COMMISSIONER SHEA: Well, I'm going to -- I'd make one. I think it's -- I came here kind of with a feeling, being on the fence. Some of my concerns were what we were trying to stimulate in terms of what the development looks like.

We've talked about compactness that -- I was challenged with the fiscal neutrality, some of those -- it's a very complex topic, and it probably can't be simplified as it has been in some cases. I was very pleased with the presentations that addressed a lot of those issues that I've had.

And, quite frankly, the most compelling -- and I saw this before Mr. Mulhere showed this, basically, what else could you do with that -- you can't meet a lot of what we -- me probably believe this village should look like because the geography constrains it. And I see, in looking at it from that perspective, that's a pretty good effort at trying to follow the rules in what we're trying to do with the RLSA.

So from my standpoint, I went from probably leaning the other way to leaning, as Joe would say, for the project.

(Jeff Klatzkow left the boardroom and is absent for the remainder of the meeting.)

CHAIRMAN FRYER: Thank you. Commissioner Fry.

COMMISSIONER FRY: Well, I came in believing that I was not going to be able to vote for this, and it really resolved -- revolved mostly around my vision of what interconnected means and what I thought it meant within the RLSA.

I have to say, you know, I don't know how many of us grew up in gated PUDs here, but I grew up in a town where we had none. I'm profoundly disappointed, I think, in just what I'm hearing here is the future of Collier County is going to be just a continuation of gated PUDs like we have here in the urban area, and I thought that the eastern county would be different.

So if we have the opportunity to take a bite at the apple in amending the vision of this, I really would like to see more. You know, what's wrong with a neighborhood every now and then?

And so the only observation I would make -- or the main observation I would make has to do with the environmental groups out there. And, I mean, I have great respect for all of them that presented. You have the Florida Wildlife Federation and Audubon, who seem to have come in with, I'll say, a stance of it preserves land, which is good. It's preserving the right land.

I thought the NRI discussion was compelling in terms of, well, why this land, because there certainly is panther telemetry on this farmland. But when you look at it compared to the lands that had a higher NRI score and therefore are in the SSAs, it seems to me to be as good -- in an imperfect world, the best place that you can build. I think the NRI system seems to make sense and had been well thought out and that we're picking the least harmful places to build, so I kind of thought that point was well made.

But you've got -- and then you also -- FWF and Audubon seem to report that you've had negotiations with the applicant, who I have great respect, and I would point out that they spent millions of dollars to come forward with a town plan previously. And while I brought it up repeatedly, because I still have heartache that it didn't go through, I think they've demonstrated a dedication to the quality of Collier County, and so nothing I've -- no comments I've made in any way impugn the -- you know, my thought about the respect for the developer.

But the Conservancy and League of Women Voters have taken a different approach, and this is where I find the kind of the major conflict in my mind is everybody seems to have the same objective in mind, but you've got the Conservancy, which I think -- and League of Women Voters asking for more of a redo, more studies, and this is just all -- you know, it just needs to be started from the beginning.

I haven't heard a lot of traction. I haven't heard that gain a lot of traction. It seems to be a bit of a zero-sum game. And I know when I first got involved with my neighborhood 15, 17 years ago a lot of my neighbors had -- came in with a -- zero-sum game meaning there's a winner and there's a loser, and there's no in between. And it just occurred to me back then that, at least in

terms of our neighborhood, there were battles -- when you do that, you either -- you either win or you lose, and you lose 100 percent or you win 100 percent, and we just took a different tact which was when we thought we could stop something, we stopped it. If we didn't feel we could, we just negotiated the best we could, and that seems to be the approach that Florida Wildlife and Audubon have taken, but Conservancy has drawn a harder stance.

I sure would love -- because you guys are all united, I think, in concern for Collier County and preservation of wildlife and the panther and all that. I don't think anybody disagrees, but you've gotten really radically different approaches to how to get there.

And so that's confusing for us up here. I think it somewhat -- in some ways when you've got two groups that seem to be united on the same mission and they are totally, for the most part, satisfied with something, and then you have other groups that seem to have the same mission but are totally against it, one dilutes the other. I mean, it's impossible for us to, like, weigh both and choose both sides.

So it sure would be nice if the environmental groups came in in lockstep. I mean, it would just be -- and I think -- and you also would be more effective as a negotiator with applicants as well.

So that's a sidenote, and it may or may not ever happen. But I certainly respect all the groups, and everybody's invested a lot in this, so it's an honor just to be part of the conversation.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Karl, I'd just make a comment. And I bypassed, because I wanted to say Meredith as well, Meredith Budd, because it was her recommendation as well for the crossing, so I wanted to make sure.

But to answer your question about my recollection when this came to the county 20 years -- and I'm talking, again, about the rules, and we went -- we, as a panel, had already gone through the restudy, there was agreement in unison. There was some disagreement, but it was sort of a win-win. Both the Conservancy, League of Women Voters, the Wildlife Federation, and Audubon all, in some way, were -- there was losses and there were gains.

But the fact -- the issue here was, they are resulting in lands that will be preserved, private lands that will be preserved, and this is not public land. And we've heard -- and I've gotten mails. You have to protect the land, but it's not our land. It's private land. And this program was voluntary, and it was recognized that not everybody would get everything. But the fact is, there's a significant amount of land that's going to be put into preservation.

COMMISSIONER FRY: I think you said a mouthful, Joe, when you said we're not here to change the rules.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER FRY: We have to apply the rules that are in place now and the standards that are in place and the scientific basis for evaluating the lands. And so I think that's fundamental. If there are things that need to be changed, they need to be changed, but it isn't going to happen here in the Planning Commission.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Well, I -- my three colleagues, I really appreciate what you said, and I generally agree, and I -- you know, I too, you know, don't like it when -- you know, when I see people on the same -- you know, wanting -- I think everybody wants to conserve the environment, you know, to help the panther, to protect wildlife, you know, to do our best.

And my understanding was always -- and I still believe it's true -- that the RLSA program, it's an attempt to ensure that's not a zero-sum game, and that's the program we have. And that now is the law, so to speak. Those are the rules that -- you know, that we're here to evaluate this application under. I don't think any applications are perfect. This one seems to meet the -- you

know, the requirements, and so that's why I don't think I have a choice but to vote to approve it.

What I would say is throughout all this process -- and I know, you know, our chairman has -- you know, clearly wants to include this in the discussion, and I totally understand why. It's so unfortunate that, you know, this -- that we're not looking, you know, at a town; that this -- you know, this was parceled up, and everybody realizes that, I think.

And I think we're -- you know, there's some commitment to try to move beyond that. But what I can say is, to the concern that was expressed, I grew up on 30 acres, the end -- you know, the last school bus stop on a dirt road, you know, and the road was closed in the winter. You know, that's how I grew up. And, you know, I had all kinds of animals, you know, not all at the same time, but, you know, I grew up on a farm.

So I love -- you know, I love nature, and I certainly didn't even know what a PUD or a gated community was until I moved to Ave Maria.

And I live here and I love it, you know. And the only reason I bring it up, it's come up, it's in the RLSA. It's a (unintelligible). It's a town.

And I hope that -- you know, that we see that there's a huge benefit, you know, to having a town and that that works out, because when we put impediments, you know, to making something that's more comprehensive, which is, you know, apparently what happened, you know, with Rural Lands West, then we don't get something like Ave Maria where most of it is not gated, and it is -- it is a community. You know, the feel that I think you were indicating, you know, about it being a town and, you know -- and a neighborhood. That's what I love about Ave Maria. It is a neighborhood, and it's particularly because its RLSA program, you know, guided or kind of, what do I want to say, funneled or, you know, helped the developer realize that that was a really good way to use this land.

And I will just say one more thing that -- because my friends tell me I can be loquacious, so I realize I've got to wrap it up.

But I agree that the -- you know, the more we can, you know, work together and try to make it clear what these things mean, you know, these terms mean -- there was a lot of confusion -- the better we can be, and maybe that's one of the things that we can look at is trying to clarify some of these definitions down the road when we look at the RLSA program.

COMMISSIONER FRY: Robb, it's Karl Fry. Just a quick question for you. You live -- there are lots of different communities within Ave Maria. I think you helped me put a hand on what I was struggling for was the sense of identity, like you're part of something bigger, and so I see people in Longwater being -- feeling like they're part of Longwater, just like somebody in Grey Oaks or another gated PUD feels like they're part of that, but they're not necessarily part of something bigger, Naples in general. But do the people that are in the different communities within Ave Maria all feel like they have an identity as far as being part of Ave Maria?

COMMISSIONER KLUCIK: Yes, I think really nice because people do belong to their neighborhood, but then people also feel like they belong to a town or the community, and that is one of the very special aspects of Ave Maria is if you go out there, you know, there's a place where -- you know, there is a town center in the way that you would think about it without looking at a legal definition. There's a place in the center of town where people come and socialize and gather, and there's a sense that, yes, I might belong, you know, to Maple Ridge or Hampton Village or whatever, but I actually feel a kinship as somebody who lives in Ave Maria with all the other people who may live in other neighborhoods. And that's definitely -- that's, you know, something that maybe will benefit if we turn this into -- you know, if eventually these villages become a town, that can be one of the things that's fostered is that sense of, you know, identity, you know, to a larger, you know, community.

I know it sounds corny. It's -- you know, I talked about brochure language and now I'm, you know, talking about brochure language, you know, as if I'm an advocate of it. It's not that

I -- you know, it's that I love, you know, the brochure language. Like everybody else, I'd like to see that become a reality. And, you know -- and when -- you know, when there's impediments to that, you know, it's frustrating.

And, obviously, some of the things I've been frustrated with. Like everything, you know, Ave Maria's not perfect, but it's a great place, and, you know -- and there's so much that's good, and part of that is because of this larger town. So I'm just hopeful that -- I went on and on.

My main point is I'm voting for this, and I'm hoping that eventually that, you know, that this town-concept conversion does go through, because I just think there are so many benefits to it.

So that's all I have to say.

CHAIRMAN FRYER: Thank you.

Vice Chair.

COMMISSIONER HOMIAK: Yeah. Well, there's a motion on the floor, and I'm going to second it.

MR. EASTMAN: Nice.

COMMISSIONER HOMIAK: I agree with everything Joe said. I've got all my little notes here. But he's pretty much said it all.

For me, it's important to remember this is a voluntary program with private landowners working with all these other agencies and working everything out. This has been going on for a long time. For me it's important that land is preserved and, in this case, it's almost 1,000 -- about 1,000 acres is going to be developed with about 4,800 acres in preservation and, to me, that's huge. Whatever it takes to get there, I think we've gotten there so far.

COMMISSIONER SCHMITT: Six thousand acres counting both.

COMMISSIONER HOMIAK: But I'm just talking about this one.

COMMISSIONER SCHMITT: Yeah, 4,800. Yeah.

COMMISSIONER HOMIAK: That's huge to me. That's it.

CHAIRMAN FRYER: Thank you. I've got some comments to make. But what I'm going to ask for your indulgence on is my need for a restroom break, so -- and probably the court reporter's, possibly, as well. Maybe others. So it's 2:58. We'll be back at 10 after 3:00, and I'll make my comments and we'll have a vote. In recess.

(A brief recess was had from 2:58 p.m. to 3:09 p.m., and Tom Eastman left the boardroom and is absent for the remainder of the meeting.)

CHAIRMAN FRYER: Ladies and gentlemen, let's return, please.

I'm going to make some comments about Longwater, but first I want to offer at least my perception of history that differs somewhat than had been mentioned along the way, first of all, in a question that Commissioner Fry asked about what the original rules were back in 2002 with respect to how much acreage could be developed and then also Commissioner Schmitt has provided us with some very useful insight as to the early days.

I have looked at the historical materials rather carefully, and I come to a different point of view than perhaps others, and I'd like to explain that to you. In 2002 the RLSA overlay was adopted. Throughout the two-and-a-half-year public process leading up to the adoption of the program, the public was told that the maximum development potential for SRAs, including towns, villages, hamlets, compact rural developments, was 16,800 acres or 9 percent of the total area. The rest of the lands, or 91 percent, would be set aside as conservation and agriculture.

Now, after the program was adopted and during the first review, which I believe took place between 2007 and 2009, it became very clear --

COMMISSIONER KLUCIK: Could you just repeat that, just because I want to make sure I have the numbers right.

CHAIRMAN FRYER: Sure. That leading up to the BCC's adoption, it was the understanding of at least some of the constituents and associations who were participating in that

discussion that 16,800 acres, or 9 percent of the total area, would be developable, and the rest would be set aside as conservation and agriculture.

So after the program was adopted and during the period of time between 2007 and 2009, I believe, it became clear that the program actually had much greater capacity for development than 16,800 acres, and during that review it was discovered that the program created capacity for developing approximately 43,300 acres, which was about a 250 percent greater capacity for SRA development than at least had been represented in 2002.

Now, we ask ourselves, what happened? How did we get to that place? Well, according to the records as I reviewed them, and including minutes of the Planning Commission back then, only a few days prior to the adoption of the plan policies 1.21 and 3.11 were amended, increasing the number of stewardship credits in the system.

The workshops and the RLSA committee meetings had ended, so the public and most individuals involved in the making of the RLSA program were not aware that these policies had been added nor had they been informed of the extent to which they would increase the capacity of the program.

In fact, Mark Strain, planning commissioner at the time, asked during the Collier County Planning Commission's RLSA adoption hearing on October 17 of 2002 whether or not the added policies had been publicly disclosed. Now, keep in mind the Planning Commission adoption hearing was just five days before the RLSA program was actually adopted.

Then Mr. Strain asked, and I quote, anybody that can answer this is fine with me. The policies and this whole process that you are presenting to us today, did that go back to the committee, and has the committee approved all of this? Has it had all the public input in that regard?

And the county's outside legal counsel, a lady by the name of Martie Tumbler [sic], replied, quote, no. In fact, that was the same. That didn't happen in the fringe either. Um, there was some discussion. We wish we had the time to do that. I mean, as you are all, I'm sure, very well aware, we were under a very quick block in order to comply with the final order here. In a perfect world, it would have been nice to do that, but we had to deal with the constraints that we got. And so it was really -- closed quote.

And so it was really not until 2008 that the Winston [sic] Miller firm, I believe, the landowners' consultants, who had been in charge of creating the program for Collier County, provided these calculations that showed a vast increase in the potential for developable acreage, far greater, I think, than any of the interest groups or constituencies or associations who had been part of the planning process had anticipated.

So I think that that's a worthwhile perspective from which to view where we are today. It's not as though organizations like the Conservancy or the League of Women Voters were going along with something and now have changed their mind. They went along with something that appeared to them to be one thing, and it turned out as a result of an 11th-hour change that was not publicly vetted to be another thing.

So having said that, I'm now going to turn to my comments that are specific to Longwater Village. Bear with me one second here.

COMMISSIONER SCHMITT: Mr. Chairman, before you do, can I ask a question on your comment?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER SCHMITT: And I -- no argument. I agree, and I recall vividly what happened, but we are -- we are where we are, and I hate to use that term, but the rules -- that argument came up during the restudy, and we wanted the restudy -- we, being Collier County -- 10 years ago, and we just didn't get it till just recently. So I'm -- your point is correct, but the rules are the rules. That's -- so I can't -- I can't take a ball-peen hammer and kind of pound something

we wish we would have done around something that the Board has already codified.

CHAIRMAN FRYER: You're correct, Commissioner Schmitt, and the only reason I brought this up is because you had brought it up.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: And I'm glad you did, because we appreciate your personal recollections. They're very valuable to us. And also Commissioner Fry had asked a question about, is it the case that what was approved back in 2002 is still the very same thing? And Mr. Yovanovich said, yes, it was. Well, that may be technically true, but I thought it was important to set this record straight.

COMMISSIONER SCHMITT: Oh, that's good. Thank you.

CHAIRMAN FRYER: Thank you.

Okay. As you, perhaps, would expect, from the comments I've made, my vote today will be to recommend disapproval of the Longwater SRA petition in its present form, and my reasons are somewhat numerous but, for the sake of brevity and clarity, I'm going to limit my comments to just three subjects: Fiscal neutrality, housing diversity, and smart growth.

Fiscal neutrality. Our county law, and specifically 4.18 of our Growth Management Plan's FLUE as well as Section 4.08.07 of the LDC, both require that the applicant approve fiscal neutrality at buildout. Its burden of proof is by competent substantial evidence. Our ordinances also require that such burden of proof must be met at the time the application is submitted, which means now. Now, this application, in my opinion, has failed to meet that burden of proof with respect to fiscal neutrality.

Now, with respect to the difference between persons per household and persons-per-housing unit -- I'm not sure that would have been the best terminology to use but, nonetheless, I accept and understand the distinction that staff has drawn, and I also believe that it is important to start with a persons-per-household number and then edit it or alter it based upon provable factors such as vacancies, such as in-season peaks. That's -- those are relevant factors that should be taken into account when we look at the actual number of people who are going to be demanding these infrastructure services.

However, someone needed to come forward and demonstrate that these numbers which have been reduced for vacancy and possibly increased for peak season, those numbers have a basis in fact, and I did not hear that. Instead, I heard references to, well, there's an organization out here that's been doing it for 30 years. Well, you know, time is important; I get that. But here we are sitting listening to the evidence on this particular matter, and I believe we're entitled to have the proof brought forward that the significant reduction from the average of 2.45 persons per household that is roughly the average of the U.S. Census and BEBR and MPO 2045 and our own AUIR, that the reductions -- the reduction in those numbers is somehow grounded in provable fact, and that's what I did not hear.

What, instead, we heard is that for many years a lower number has been used and, therefore, it should be accepted as evidence in this matter. And, of course, the EMS number that was used by DPFPG is not only rather elderly at this point, but it's also based on the entirety of the county, the whole county, including both more and less affluent areas.

Longwater, if approved, would be a gated, newly-constructed village. I find it hard to believe that the vacancy numbers that are being offered for us to accept and rely upon are accurate for this newly-constructed gated community. In fact, I don't believe that burden of proof has been met. And why is it important to be met? Because the persons per household, the lower it is, the lower the fiscal impact will be and, therefore, it's easier to achieve fiscal neutrality.

Another word about PPH. As I pointed out at our March 18 meeting, to me, at least, it's interesting that when paid advocates such as those that supported the Barron Collier Immokalee Road Estates Commercial Subdistrict that was at our hearing two weeks ago used a much higher

PPH number. Now, those experts wanted to justify allowing for more commercial uses, and using a higher PPH, of course, reduces or -- excuse me -- produces a picture of greater demand for commercial uses.

Now, in its work for that developer, the firm of ESRI actually projected a PPH of 2.76 for the very same or almost the same area of Eastern Collier County.

Then look at the expert analysis that we're going to be offered in April 15 or whenever the Immokalee Road Fourth Street Northeast Mixed-Use District comes before us. In that case, and I'm referring to Table 22 of their expert's analysis, in the year 2020 for roughly the same segment of Eastern Collier County, they're projecting 2.29 persons per household. And so the advocates of commercial uses argue for higher PPH, and those of primarily residential uses argue for lower ones. Advocates of roughly even mix come to somewhere in between.

Different experts out there are trying to meet their applicant's burden of proving sufficient demand for commercial uses on the one hand and fiscal neutrality for residential uses on the other, but they're arguing using way different estimates of persons per household. And this shouldn't be a moving target. Persons per household should be what it is.

Now, there may be small variations depending upon how the experts calculate it, but residential persons per household in a particular area roughly 300 miles of Eastern -- square miles of Eastern Collier County, we should be a lot closer to agreement than ranging between 2.76 and right around 2, because those differences which have been argued and advanced on the high side for commercial and on the low side for residential fiscal neutrality, leave us at a point where we're being asked to divine what the real number is, and that's not our role. Our role is to have an accurate number proven to us by competent substantial evidence.

So I think I want to thank Ms. Sue Faulkner of staff at our last meeting because she acknowledged my observation that these numbers seem to come from consultants who are arguing commercial, the numbers are higher; residential, the numbers are lower; and maybe evenly divided between commercial and residential. The PPH that we're being asked to accept is somewhere in between.

So I want to keep in mind two overriding facts on this. First, whether a developer is building mostly commercial, mostly residential, or somewhere in between, that should have no effect on residential occupancy, how many persons per household there are in this segment of Eastern Collier County. That number for any particular point in time should be roughly a constant. It is what it is, and we don't have competent substantial evidence as to what that number is in this case.

The second overriding fact is that each applicant before us must prove all aspects of its case by competent substantial evidence. Again, as I said, it's not our job to try to divine the correct PPH number. The applicant has the burden of proof. We need to hear evidence. We need to take away from that evidence a level of confidence that we can rely on when we cast our vote.

So what is the result of undercounting PPH? You're going to see under -- you're going to see lower levels of -- excuse me -- higher levels of cost and lower levels of financing coverage for fire, EMS, law enforcement, roadway infrastructure, and schools, just to name a few. Those are variables that all depend upon persons per household. The more people you have, the more individuals that are going to be in a neighborhood who are demanding those services. Therefore, it's going to be harder to hit a target of fiscal neutrality.

So I'm concerned, and I have been concerned since day one, on behalf of the taxpayers of this county. And I'm going to speak out for them, and I'm going to continue to speak out for them, and I do not believe that the proof has been adequate that they will not end up subsidizing to some degree or another this development.

Now, turning to housing diversity. Again, our county laws, the FLUE Policy 4.7.2 and Section 4.08.07 of the LDC, require that the SRA offer a range of housing types and price levels to

accommodate diverse age and incomes.

Now, I'm glad that staff and the applicant were able to reach an accord that offered Options A and B, the 10 percent occupancy -- 10 percent housing units or the 2.5 percent of the gross acreage. But I asked the applicant if they would agree to the 2.5 percent this afternoon, and they said they could not. They wanted to keep their option open and, therefore, it's quite possible that this particular array of affordable housing would be limited to people in moderate and gap levels of wealth, and so I don't think that that adequately fulfills the obligation to offer a range of housing diversity.

So I would have been able to remove this objection from my three if we could have gotten an agreement at 2.5 percent gross acreage, but we weren't able to get there.

Now, smart growth. And I realize we've all spent a great deal of time trying to decide what smart growth means and we all, perhaps, have different interpretations of it. I have my view, and it has to do, I think, with a number of factors, including innovative design.

And as I look at 4.08.07 and the Growth Management Plan Future Land Use Element, the Group 4 policies require fulfillment of certain standards that many experts call smart growth. The Growth Management Plan requires compliance with the density and intensity provisions of the LDC.

So what is smart growth? Well, let me quote three provisions from 4.08.07 to provide three examples that are relevant to this application. First of all, villages should include a mixed-use district village center to serve as a focal point for the community support services and facilities. And, as I mentioned, in this application, the village center is nowhere near the center of the village. Instead, it is spotted down at the extreme southwest corner of the village along the big -- the future Big Cypress Parkway to be part of a long strip mall composed of its sibling so-called village centers, all designed primarily to attract customers from drive-by traffic.

Second, villages shall be designed in a compact, pedestrian-friendly form. In this application, there is approximately 2.5 miles of distance from the so-called village center to the northeastern portion of the village. Hardly what I would call walking distance, hardly compact as required by FLUE 4.2 and FLUE 1.2. More accurately described, in my opinion at least, as long and serpentine. Pedestrian unfriendly.

Three, villages shall be developed in a progressive rural-to-urban continuum with the greatest density, intensity, and diversity occurring within the village center to the least density, intensity, and diversity occurring within the neighborhood edge. Aside from the plain meaning of the word "center," I submit to you that the requirement of progressive continuum -- and it doesn't say in just three directions or just one direction. I think the clear indication is in all directions that there needs to be a progressive continuum going from the greatest to the least density and intensity and diversity, and you don't find that here when the village center, so-called center, actually physically butts up to the neighborhood edge. It's just not there.

So that pretty much concludes the remarks I wanted to make. There are additional factors that I think could have been made, but you may not think that my report was brief, but it could have been considerably longer, but I think I've gone on long enough. The only thing I would do at this point is to ask respectfully that staff include the reasons for my vote verbatim in the BCC agenda packet, and I think since the other Planning Commissioners have all taken the time to articulate their reasons, they should also be included verbatim in the BCC agenda packet.

And with that, I will call for any further discussion.

(No response.)

CHAIRMAN FRYER: Seeing none, there's a -- it's been moved, I think, by Commissioner Schmitt; is that correct?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: And seconded by the Vice Chair. Do you want to restate your



motion, Commissioner?

COMMISSIONER SCHMITT: My recommendation was to approve the petition as proposed subject to the amendments, and I can't recall any of them, really. Subject to the conditions that were cited by the staff. I don't believe there are any amendments. And the only thing I asked was between now and the Board of County Commissioners that they work with the Wildlife Federation and I believe it was Audubon Society, but it was more the Florida Wildlife Federation, Meredith Budd, in regards to the crossing. There was an issue about the size of the crossing. I have no idea of the specifics on that, but that may be some accommodation that could be made. But that was not a stipulation. It was more of a request between now and when they meet with the Board.

CHAIRMAN FRYER: Thank you, Commissioner Schmitt.

Commissioner Klucik, are you still with us, sir?

COMMISSIONER KLUCIK: I am.

CHAIRMAN FRYER: Okay. Good. All those in favor of the motion, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Those opposed? Nay.

It passes 6-1. Thank you.

COMMISSIONER FRY: 5-1.

MR. YOVANOVICH: 5-1.

CHAIRMAN FRYER: 5-1. Excuse me. Thank you.

All right.

\*\*\*All right. The second and final matter to come before us is PL20190001837, the Bellmar Village SRA.

All persons 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. And is Commissioner [sic] Eastman still here? If not, start with Commissioner Shea.

COMMISSIONER SHEA: Staff materials.

(Commissioner Fry left the boardroom and is absent for the remainder of the meeting.)

CHAIRMAN FRYER: Okay. And Commissioner Fry has to leave at this point, so thank you, sir.

For my part, publicly available materials, communications with staff, communications with the applicant and with members of the public.

Vice Chair.

COMMISSIONER HOMIAK: Oh, sorry. I spoke to Mr. Yovanovich and Mr. Utter.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. I spoke to Mr. Yovanovich and Mr. Mulhere, and I think that was probably almost six weeks ago when we talked both projects, it may have been. I would -- it had to have been that long. I haven't talked to anyone since regarding this -- the specifics on this project.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik?

COMMISSIONER KLUCIK: Yes. I have nothing to disclose other than the same things as before, the staff.

CHAIRMAN FRYER: Okay. Now, we'll begin with the applicant's presentation. Mr. Yovanovich, you may proceed.

MR. YOVANOVICH: I'm going to -- thank you. For the record, Rich Yovanovich. It's the same team that we had at Longwater, so I'm not going to introduce everybody.

What we're going to do is have primarily Bob Mulhere give the planning perspective, have our environmental consultant give a brief summary. You've all been provided an education on how you calculate the different scores for the environmental. Norm Trebilcock's here to address any transportation questions you may have.

We're going to rely mainly on the documents that are a part of the record to support by competent substantial evidence that we have, in fact, met the burden as evidenced by your staff recommending approval.

And I would just want to note for the record that competent substantial evidence is testimony from people who have particular levels of expertise to provide that level of testimony. By way of example, Amy Patterson and Joe Bellone and Lucy Gallo have the requisite expertise to support their fiscal analysis.

And you are the judge, and as the judge you are to listen to that competent substantial evidence, and unless there's contrary competent substantial evidence, you are to accept that in determining a fact that requires expertise. Like transportation, fiscal neutrality, planning, those all require levels of expertise. It's not based on your feelings or your opinions when making a determination.

The Bellmar PUD -- I'm sorry -- SRA is on your screen. Mr. Mulhere will go into greater detail. Bellmar, like Longwater, is not an easy piece of property. It's not a perfect square. It requires certain development standards that are in our SRA document.

It's a little under 1,000 acres. We're using SSA 15 to entitle it. Similar to Longwater, Bellmar has a commitment to 10 percent of the units being multifamily, 10 percent of the units being single-family attached, and 10 percent of the units being single-family detached which, in fact, is diversity of product types and housing types. We meet the requirements for commercial and civic, and you've seen a similar slide to Longwater.

We are in agreement with all of staff's recommendations for approval for this project, and they are in -- they will be incorporated into the SRA document, which includes the similar affordable housing commitment that was in Longwater.

With that, I'll turn it over to Bob. We're available to answer any questions even though we're doing a more abbreviated presentation. If you have any questions regarding any of the submittal documents, we're happy to answer them.

And with that, I'll turn it over to Mr. Mulhere.

MR. MULHERE: Thank you. So Bob Mulhere, for the record.

I think Rich indicated the size; just under 1,000 acres. There aren't any -- unlike Longwater, there aren't any acreage -- there isn't any acreage within Bellmar that scores higher than a 1.2 on the Natural Resource Index.

There are no -- zero acres of ACSC lands. Those really occur further east in the RLSA and south. There aren't any FSA or HSA acres, and there are no acres designated WRA within the SRA.

To the north, east, and south, the lands are zoned ag with a mobile home overlay, and also SSA 15 -- proposed SSA 15 designation.

To the west, again, the property abuts the future Big Cypress Parkway. And all of the lands, again, within the proposed Bellmar Village SRA have been in active agricultural productions for years, for many years, and you can see that the shape of this parcel does mirror the -- in this area the open area on the pink map that I showed you previously. And so you can see that, you know, this -- this follows that kind of shape.

As you know by now, there are a minimum of two context zones required for an SRA, and you could do three, but you're only required to do two. Those two are both neighborhood general and village center. Villages are primarily residential communities. This one is.

The request is for a maximum of 2,750 dwelling units, 2.7 units per acre, a minimum of 275 of the units will be multifamily, three units or more per building, and a minimum of 40 units will be within the village context center zone, which is required to be mixed use. All of the multifamily is required to be within one-half mile of the village center, which is a requirement that we agreed to in order to ensure a continuum of intensity and density from the most intense and dense to least intense and dense.

We do have a variety of housing styles. A minimum of 10 percent single-family detached, 10 percent single-family attached, and 10 percent multifamily, which is defined as three or more attached dwelling units.

The village center is required to be the focal point of the community's goods and services, and using the formula that's required, we would be required and are required to have a minimum of 68,750 square feet and a maximum -- we're asking for a maximum of 85,000 square feet of neighborhood scaled retail and office uses. It gives us a range, but we meet the minimum.

Same thing with civic. At 10 square feet per dwelling unit, we're required to have 27,500.

The village center is located right here. And I guess I would say that it's -- you should all be very familiar with the term "shopping center." We have many shopping centers in urban Collier County, none of which, also using the term "center," are required to be in the center of whatever development they're built in. They're all built on the edge on the external roadway system, and those are shopping centers.

Master utilities will be served by Collier County Water and Sewer. We are required to provide 35 percent open space, which on this just under 1,000 acres translates to 349.91 acres. We're providing 506.9. That's actually 50.7 percent in open space. And, again, as I said previously, the more open space you provide, the more that goes to a compact form of development.

We are required to provide a minimum, every village is, of 1 percent in the form of parks. We're providing minimum of 13.45 acres, including some 3.44 acres of existing wetlands.

Let's see. We have the -- use the same concept of an innovative lake system around the perimeter both as a stormwater function but also as an impediment to wildlife for entering into the village. We have a trip cap of 2,189 weekday p.m. peak hour total two-way trips. We've submitted a fiscal neutrality analysis. It's been deemed to be fiscally neutral by both Collier County staff and by a third-party consultant, and we do have a trigger, a condition that we build 30,000 square feet and a minimum of 20 multifamily dwelling units prior to being able to be issued a certificate of occupancy for the 1,926th certificate of occupancy.

We've mentioned to you previously that SRAs are innovative by their very nature, by the very unique style of development within the SRA and what's required, and they are, but there are a number of other unique innovative elements that are included in this, so in addition to compliance with the requirements, which results in innovation, this is a compact development when compared to the nearly 14,000 acres of land that would have to be developed under the baseline standards.

And providing goods and services not only for the residents but for the remaining neighborhood in Eastern Collier County that right now doesn't have a place to go for goods and services in this neighborhood or for civic uses or for institutional uses or for employment opportunities.

We have a spine road that has bike lanes on both sides and a 10-foot multi-use pathway on one side, and that is right here. We have located the highest intensity and density within a half a mile of the village center and then, as we move out to the edges, it is a reduced density.

There's a system of neighborhood parks in addition to the linear park system along the

spine road. There is a system of neighborhood parks. We will be providing education to residents regarding living with wildlife and potential use of prescribed burns on nearby conservation lands. This will be significantly reduced water use when compared to the agricultural consumption of water.

Providing central water and sewer as -- and a customer base for water and sewer as was discussed earlier for Collier County Utilities.

And this village is designed to encourage bicycle circulation with an interconnected street and bike path system on the spine road and a network of sidewalks on all of the roads. The spine road has a 10-foot multiuse path on one side and a 6-foot sidewalk on the other side. So, again, it does function as something rather unique in terms of providing access to interests along the way but also for exercise and recreation.

All the amenity centers are accessed from the spine road, which are here and here. This exhibit is similar to the one I showed you before for Longwater, which shows the attractions and -- such as the park and amenity center or a commercial area, and then provides a concentric circle to show that really all the units within Bellmar are located within a half-mile walking distance of some attraction. And so it really is very walkable. Its design is a little bit more geometric than the other villages.

This is the -- a summary table on the SSA credits, SSA 15, which is 5,253 acres, which has a total of 20,653 credits, and then the credits consumed is in the table below, which is right here for Bellmar and Rivergrass, and the total is 12,940.

So this map shows you both the Collier Enterprises SSAs along with the villages and then the other SSAs and identifies this significant flowway. There are two very significant flowways in Eastern Collier that are at the heart of the RLSA program. One is the Okaloacoochee Slough, and the other one is this one, the Camp Keais Strand, which you can see is right here.

And so SSA preserves 5,253 acres at no cost to taxpayers. If you want to compare that to Conservation Collier -- and this is by no means a knock on Conservation Collier, but it's fair to compare the 104 million spent on 4,400 acres of taxpayers' money for conservation purposes.

This enhanced preservation and wildlife corridor is far more effective than the checkerboard type of preservation that you get under the baseline standards, which is very detrimental to the benefits of having a connected wildlife corridor and system.

About 800 -- in addition. Now, this is in addition, about \$870,000 in funding was generated to protect panthers and enhance wildlife through the Marinelli Fund, which is a voluntary fund created by Paul Marinelli, which Collier Enterprises participates in. And we already mentioned the other two, the preservation of the flowway and reduction of water.

I'm not going to spend time on this because you're very familiar with this chart. It's just the list of the basic requirements in the village, and you can see the green checkmarks. I'd use one of Rich's lines and say, will you take my word for it? We comply with all of those standards.

This is just a copy of the interlocal agreement with Collier County Water and Sewer District. Did somebody have a question? No, okay.

And a commitment, which you can see here shown in blue, to convey another 2.3 miles of right-of-way along the future Big Cypress Parkway, which I'll just show it to you. It's a little bit -- maybe a little bit hard to see, but right here.

With that, I'm going to ask Passarella to briefly -- I think briefly go through the NRI. I tried to be as brief as I could. Thank you.

CHAIRMAN FRYER: Anyone want to ask Mr. Mulhere a question before he -- we'll have another chance to do so.

MS. SAMBORSKI: Hello. Heather Samborski, senior ecologist with Passarella & Associates. And do you need me to spell my last name? Okay.

All right. So I'm going to try and go over this as briefly as possible. It's a very similar

presentation to what we did for Longwater. So rather than rehash a lot of the details all over again, I'll try and keep it brief.

So within the Rural Lands Stewardship Area, we have areas designated as flowway stewardship areas, or FSA; Habitat Stewardship Area, HSA; Water Retention Area, or WRA. And these are the most environmentally sensitive and higher ecological values.

And in addition to that, we have areas designated as open, which are shown as beige on this map, and those are the areas where Stewardship Receiving Areas or are meant to occur whereas the FSA, HSA, and WRA areas are intended for SSAs.

And both SRAs and SSA applications requires an NRI Assessment, or Natural Resource Index assessment, be provided in support of that application.

So the NRI Assessment is a Geographic Information System analysis in which one-acre grid cells are laid over the entire study area with each of the six Natural Resource Index factors being assessed for each of the one-acre grid cells.

So for Bellmar we provided an updated Natural Resource Index assessment that further refines the NRI values that were assigned during the original Collier County Rural Lands Stewardship Area assessment study.

This slide here is the stewardship credit worksheet. And you'll see the area in the green box outlines the rubric, if you will, for the NRI Assessment in each of the Natural Resource Index factors.

The first is the stewardship overlay designation. The data source that is used for this layer of the model is the Collier County stewardship areas. Each one-acre cell is assessed to determine if it contains an FSA, HSA, WRA, or area of critical concern.

For Bellmar, none of the SRA contains these areas; therefore, it received -- the entire area received a score of 0. Again, for this presentation I've included a one-acre example cell to demonstrate how the final model score is calculated.

The next index factor is the proximity indices. This also uses the Collier County stewardship areas as the data source for the model. This considers if the one-acre cells are enclosed by an FSA, HSA, WRAs or if they are within 300 feet of an FSA or HSA or a public or private preserve land.

For Bellmar, the majority of the site is not enclosed by an FSA, HSA, or a WRA or within 300 feet, receiving a score of 0. The exception being along the eastern boundary there are some cells you can see in the dark blue color here on the image that are within the 300 feet of an FSA or HSA, and those areas received a score of .3.

The next is the listed species habitat index factor. There are several data sources used for this. This includes a habitat mapping, in this case FLUCFCS mapping, which is Florida Land Use Cover Forms and Classification System mapping. That was updated by Passarella. We did ground truth site visits to update the mapping back in 2019. We also conducted listed species surveys of the area. These were done in 2007 originally and then updated again in March and April of 2019.

These surveys have been reviewed by county staff, FWC, and the U.S. Fish and Wildlife Service. In addition, we've incorporated results from species-specific surveys that have been conducted on the property, including surveys for the Southeastern American kestrel, Everglades mink, crested caracara, and Red-cockaded woodpecker.

We also incorporate documented occurrences of listed species as reported by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service, and this includes panther telemetry data.

For the scoring, we look at each of the one-acre cells and determine if it includes panther-occupied habitat including another listed species in which it would receive a score of .8; if it is only panther-occupied habitat, it receives a SCORE of .5; and occupied habitat by another

listed species receives a score of .4. One-acre cells with none of these conditions receives a score of 0.

It's important to note that the LDC states that index values are based on the 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 for that species. Again, this means that the observation of listed species alone is not significant to generate a score. It needs to also be within habitat types that have been considered preferred or tolerated.

And the LDC has specific FLUCFCS codes that they have identified as preferred or tolerated for panthers. Those are included here on this slide.

So for Bellmar, the majority of this site did receive a score of 0. That's mostly due to the fact that the majority of the site is row crops and not considered preferred or tolerated for the majority of species. There are some areas on the southern portion of the site and a couple in that isolated wetland on the northeast portion of the site that did receive a score of .4 in that southern area. That's a pasture land that had an observation of crested caracara, and the wetland area in the northeast included observations of listed plant species.

CHAIRMAN FRYER: I'm going to ask Commissioner Schmitt to ask his question.

COMMISSIONER SCHMITT: I'll wait till she's done.

CHAIRMAN FRYER: You'll wait. Okay.

COMMISSIONER SCHMITT: I have a question when she's done.

CHAIRMAN FRYER: Okay. I need to ask Troy Miller to bring in the charger, please, for the deliberator.

COMMISSIONER SCHMITT: Because she may get to my question. So it has to do with listed species. But I'll wait --

CHAIRMAN FRYER: Okay. Please continue.

MS. SAMBORSKI: Okay. The next index factor is soils and surface water.

COMMISSIONER SCHMITT: Well, before then, you're going to get into soil and surface water, I'll ask my listed species question.

MS. SAMBORSKI: Sure. Yeah, sure.

COMMISSIONER SCHMITT: I'm citing a letter we received -- all of the commissioners received from the Conservancy, and it was dated February 16th. And in that letter it notes that 100 percent of the Bellmar site is in the proposed critical habitat for the Florida bonneted bat. I clearly understand the requirements. The U.S. Fish and Wildlife has an area identified. I believe this is in the area of concern for the Florida bonneted bat.

Did you have any sightings or any concerns or identify issues with the Florida bonneted bat for the listed species?

MS. SAMBORSKI: There are surveys that are conducted on the site, acoustic surveys to document whether or not those bats are present. We have conducted those surveys. We do have some recorded acoustic calls within the range. All that will be submitted and provided to the U.S. Fish and Wildlife Service and will be part of our coordination with them.

COMMISSIONER SCHMITT: That will be part of your permit process?

MS. SAMBORSKI: Correct, yep.

COMMISSIONER SCHMITT: The only other question, I believe this area is part of the comprehensive --

MS. SAMBORSKI: HCP?

COMMISSIONER SCHMITT: -- plan, the HCP that U.S. Fish and Wildlife is putting together for the entire area of South Florida, which will encompass this area. So it will not involve a separate HCP for you, but it will be part of the entire plan. Is that correct? I thought -- probably almost two years ago I thought the service started on an HCP specifically for the Florida bonneted bat.

MS. SAMBORSKI: I don't know about specifically for the Florida bonneted bat, but this site is within the eastern -- the boundary of the Eastern Collier HCP.

COMMISSIONER SCHMITT: So you'll deal with that at permitting process?

MS. SAMBORSKI: Correct.

COMMISSIONER SCHMITT: Okay. Thank you.

MS. SAMBORSKI: Yep.

Okay. For soils and surface water, the data source we used is from the U.S. Department of Agriculture Natural Resource Conservation Service, their soil data. And it -- the scoring looks at the values assigned based upon soil types classified using the natural soils landscape position or NSLP categories, and those are open-water and muck depression soils, sand-depression soils, flat or transitional soils, and non-hydric soils.

So within Bellmar, we do have a mix of sand-depression soils, flats transitional soils, and it says on here flatwood soils, which would be a non-hydric soil type.

So we have a mix of scores ranging from 0 to .3, and in our one-acre cell has a score of 0.

The next is restoration potential, and restoration potential is assigned during the SSA designation process, and as -- since this is for an SRA, the restoration potential was not further assessed.

And the final layer in the Natural Resource Index factor is the land-use land cover indices. Again, this used FLUCFCS mapping that was updated by Passarella in 2019. Our FLUCFCS mapping has been reviewed in the field by county staff and is also reviewed by the Water Management District and the Army Corps of Engineers. At this point this application's actually with the DEP, so it will be reviewed by them as well.

There is a range of groups for the scoring. Group 1 generally consists of native wetlands; Group 2 includes native uplands; Group 3 is agricultural codes; and Group 4 is other.

Again, the LDC has specific codes that they've included within each of these groups. I've included those on the slide. So any of the FLUCFCS codes that were not specifically identified within a certain group within the LDC is included in Group 4, the "other" category.

So the majority of the Bellmar site received a score of .2. These areas are FLUCFCS code 214 for row crops. And we do have a pasture area to the south of that. That did receive a score of 0, as the FLUCFCS code for this area is 210, which was not designated in one of Groups 1, 2, or 3 under the LDC.

We do have a couple areas that did receive a score of .4 where there are some remnant wetlands located within the SRA boundary.

So the final NRI score is determined by summing the scores for each of the six Natural Resource Index factors. In the case of the one-acre example cell that's been carried through the presentation, the only Natural Resource Index factor that generated a score in this example was under the land-use land cover index in which it received a score of .2, so the final calculation for that cell is .2.

And the majority of the site has a Natural Resource Index value between 0 and .7. There are a few areas that received a score of .8 and 1.1 but, as you can see, none of the SRA boundary lands include lands with a score above 1.2.

And here's that information in a table format as well. And that concludes my presentation.

CHAIRMAN FRYER: Thank you. I have a question, unless somebody else wants to go first.

The SSA 18, which is right in the center of Bellmar, it has a vehicular crossing and then something called a potential boardwalk. In your judgment, would either of these or them together in the aggregate impair or impede in any respect whatsoever the sending lands' ability to host species?

MS. SAMBORSKI: No. The way that this wetland is already configured with farm

fields around it, that already is having an impact on listed -- on species as it is. This area also has a high amount of exotic plant species in there as well. So those wetlands located within the center are already of a degraded quality currently.

CHAIRMAN FRYER: Okay. What percentage would you think, roughly, is agricultural in that center sliver?

MS. SAMBORSKI: In this center wetland, none of that is. That's entirely wetland, and there's some upland habitats within there.

CHAIRMAN FRYER: Okay. So is it fair to say that there are going to be panthers in there?

MS. SAMBORSKI: It's possible that there could be, but this would not be an area that I would anticipate panthers using heavily due to its small size and the presence of -- the strong presence of exotics in there would -- also I would anticipate would present a barrier as well.

CHAIRMAN FRYER: Any other protected species that would have greater likelihood of wanting to be there?

MS. SAMBORSKI: There are listed plants.

CHAIRMAN FRYER: Species.

MS. SAMBORSKI: Okay.

CHAIRMAN FRYER: Animal species.

MS. SAMBORSKI: Okay. There is also -- I'm assuming what you might be alluding to is one of the letters that mentions that there was a caracara nest within this -- within this area in SSA 18. So nesting bird species are always a possibility.

CHAIRMAN FRYER: I see. Okay. Thank you.

MS. SAMBORSKI: Yep.

CHAIRMAN FRYER: Anybody else have questions or comments for this witness? If not, thank you.

MR. MULHERE: So we're going to go to Lucy's part of the presentation -- or Norm. Okay.

MS. GALLO: Bob, I'm on whenever you need me.

MR. MULHERE: Okay. Let me see if I can find -- here we go.

MR. YOVANOVICH: I was wrong. Glad I didn't say "trust me."

MR. MULHERE: So I think, Lucy, you must be after Norm. So Norm's coming up now.

MR. TREBILCOCK: Good afternoon. Norman Trebilcock, professional engineer, certified planner. We prepared the traffic analysis for the project. And I'll look to review that as quickly as I can, okay.

The traffic study was done consistent with the prior Longwater in terms of following Collier County standards for the analysis using ITE trip generation for the trip generation for the project, AUIR work product, and background information from county sources as well consistently.

In terms of looking at the land uses, we looked at the single-family, multifamily. When we look at the multifamily, it does include attached villas, apartments, townhomes, and condominiums from a traffic analysis standpoint. So we look at it from that perspective in terms of for trip generation. That's how it's characterized.

From that, in our traffic analysis, we look at the various uses, internal capture, pass-by traffic, and we come up with a net external traffic, which becomes a trip cap number that you can see in the lower right-hand corner, and that becomes a trip cap for the project based on the development parameters that are estimated for the project.

In terms of the trip distribution, we worked with staff in part of the methodology on the trip distribution. We did have some comments on some additional western segments which we did add to look, and those were not of significance, and we provided that information to staff as well to



verify.

And then it turns into our trip p.m. peak hour, and that's really what gets analyzed in the link analysis that we do as part of the traffic study.

Really, when we -- so when we look at the traffic impacts, the project is a significant trip generator for many of the segments in the area. There's some that will fail in background and then some that we would call we adversely impact, so we did look at those segments that we adversely impact, and that's what we've evaluated here in the buildout horizon of 2034 for the project, and that's Randall Boulevard from Everglades to DeSoto, Vanderbilt Beach Road from Logan to Collier, Golden Gate Boulevard from Everglades to DeSoto.

And so the total project fair share of construction improvement is 3.9 million in terms of our proportionate share. And impacts fees that will be collected from the project is \$18.8 million for that.

So the project is also subject to concurrency as plats and Site Development Plans are approved. So we relook at that to make sure that the project is concurrent. This is a consistency review is what we've done here at this point.

In terms of access points for the project, two main access points would be the northern -- as Bob had mentioned, it was kind of a horseshoe shape design for the roadwork within the project, but we connect to Golden Gate Boulevard at the northern section, and then down at the south is Sixth Avenue Southeast there as well. And we follow the Collier County Access Management Plans for that.

We did an operational analysis, did actual counts at numerous intersections, and we evaluated it at various conditions. You know, the conditions at the time when we collected the data was in 2019, and we looked in the future at the buildout conditions without the project, with some improvement in place without the project, and then non-project improvements in place, and then improvements that we need to make in terms of getting -- operationally things still work well as well.

So in that, in future improvements there's some committed improvements at intersections. And then in terms of for our project in the future, we would look at us improving a number of intersections as well. And for our fair share that we analyze for the number of intersections that we need to improve is \$2.9 million of improvements that we would need to make, and that is what we need to do is what we call a fair-share mitigation. We would have to pay that to make those improvements there.

Now, in addition, we're responsible for 100 percent of any project improvements as we connect to the road network as well.

As was mentioned a bit earlier, a key part of what we're looking at is the county's board adoption of the two-plus future network, and this project will help implement that vision that the Board has in terms of making provisions for Big Cypress Parkway.

And, again, planning for the future, as you see, our project -- this Bellmar in terms of what it would help accommodate is the accommodation of about 3.1 miles of the future Big Cypress Parkway and that really, again, establishes a continuance section of Big Cypress Parkway from the southern end of our project, really, all the way up to Immokalee Road, a distance of about 13 miles.

And so in your own perspective, if you think about it, Livingston Road is about 12 miles in Collier County from Radio Road to the county line. So this is a significant arterial collector roadway segment that we're providing right-of-way of 200-foot of width for in addition to accommodate the future water management for this road segment as well.

So in conclusion, in the project, the -- we are a significant traffic generator for the roadway network at this location. We looked at the AUIR data. We looked at future improvement of roadways in the area as well and evaluated our impacts. We've established a trip cap for the project, and that's established as part of the project documents.

We propose fair-share intersection improvements with mitigation at the value of \$2.9 million, also accommodating future Big Cypress Parkway. This part is also -- the prior landowner agreement was accommodating portions of Oil Well Road, Immokalee Road, and those were at no cost to the county. And then, again, we'll provide additional information for the project as COs are actually approved for the project of -- estimated at 18.8 million at current impact fee levels.

So with that, that's just a summary of the transportation, and I'll turn things over to Lucy for the financial aspect, unless you have questions.

CHAIRMAN FRYER: There may be a question or two.

MR. TREBILCOCK: Okay. Thank you.

CHAIRMAN FRYER: Anything for Mr. Trebilcock?

(No response.)

CHAIRMAN FRYER: I have one. We've talked about this before. Correct me if I'm wrong, but it's my understanding that when you -- when you look at traffic volumes in relation to uses, you follow the ITE guidelines rather than persons per household; is that correct?

MR. TREBILCOCK: Correct.

CHAIRMAN FRYER: Okay. Somehow, are persons per household subsumed or built into the ITE numbers? Because it seems to me, logically, that you really have to know how many people are going to be residing in a household before you can determine how much traffic to be expected.

MR. TREBILCOCK: Well, the ITE, the Institute of Transportation Engineers, is a national standard for traffic trip generation in the United States, and so we look at those land uses. And so baked in there is likely a persons per household for certain uses. So that's why we do, to your point, look at defined different uses; that a single-family residence is different than a multifamily. And so I would anticipate that being the case; however, it's strictly based on per units is how traffic analysis is done and not on persons per household. We look at what we call the land-use code for Institute of Transportation's trip generation. Same with the commercial; we'll use a shopping center which, again, is a national standard that we'll use.

CHAIRMAN FRYER: I'd be interested in knowing what exactly those assumptions were made by ITE when they assigned volume additurs to adjacent roads, but I'm guessing you don't have that in your --

MR. TREBILCOCK: It's based on -- again, it's based on the land use. It's a single-family land use. There's a dataset of empirical data that we use for trip generation. So it's based on the single-family land uses and its trip generation characteristics that then gets converted, because we'll have a large dataset that will then be converted into an equation to help predict what that trip generation is for a.m., p.m., and then daily volumes.

CHAIRMAN FRYER: So let's take a multifamily dwelling unit of some kind. Is there a chart or a table that would show what assumptions had been made with respect to how many people dwelled in that particular dwelling unit?

MR. TREBILCOCK: Well, there again, from the -- there's data samples that ITE uses for various land uses that they have and that then are put together to establish what the trip generation characteristics are of that land use. So in the case of, like, multifamily, it's a certain amount of stories of the multifamily. So there will be a number of data points that are used for that analysis, and then we just -- we use that information for the trip generation characteristics.

CHAIRMAN FRYER: And so that information is on a national scale rather than localized in any respect?

MR. TREBILCOCK: Correct, correct; yes, sir.

CHAIRMAN FRYER: Thank you. Anybody else have questions for Mr. Trebilcock?

(No response.)

CHAIRMAN FRYER: Thank you, sir.

MR. TREBILCOCK: Thank you.

MR. YOVANOVICH: All right, Lucy. We're up.

MS. GALLO: Okie-doke.

Good afternoon. Lucy Gallo. I'm a principal with Development Planning and Financing Group. I prepared the economic assessment for Bellmar. And I can't see the slides, but --

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

MS. GALLO: Okay. So just reviewing the requirements in the LDC section regarding the fact that Bellmar used an alternative fiscal model that was approved by the county.

Next slide, please.

The economic assessment approach, both collaborative and transparent, county-approved methodology, rigorous third-party peer review was performed by the county's consultant.

Next slide, please.

The economic assessment conclusions that the required categories were either neutral or fiscally positive, so the project as a whole is in compliance.

Next slide, please.

Presented this slide for Longwater as well just to remind everyone that Chief Eloy Ricardo and Chief Tabatha Butcher are very closely involved in all the economic assessments. We will have a new EMS station that will serve Bellmar that is being fully funded by the new one-cent surtax, so that they were actually in a very unusual situation of having impact fee revenues generated by Bellmar can serve other needs because the station itself is being funded by surtax funds and that the North Collier Fire will be serving Bellmar at a collocated facility at the new EMS station.

So the only other thing I wanted to touch on briefly, again, to continue this discussion about population projections. My Longwater presentation included a whole series of slides detailing the population calculations used by Tindale Oliver and impact fee studies that rely on population. Just keep in mind that the county's highest impact fees, transportation, schools, and utilities, don't rely on the transportation factors.

The road impact fee relies on trips; the school impact fee, as Mr. Eastman described, relies on school district specific geo coded student data; and water and wastewater utility fees rely on usage.

So going back to the population factors that Tindale Oliver used -- again, all of this was detailed in the Longwater slides -- Tindale Oliver uses the American Community Survey to derive the Collier County specific population and housing unit counts according to residential product type and to calculate persons-per-housing unit. The American Community Survey is a demographic survey program conducted annually by the U.S. Census. Tindale Oliver then applies the county's seasonality factor to convert the American Community Survey permanent population per housing unit factors to peak seasonal population per housing unit factors.

And keep in mind that future impact fee studies will capture any changes in seasonality and other vacancy-related factors and any changes associated with expanding or contracting household size. Impact fees are likely to be updated several times over the buildout of the villages, and the fees will be enacted at rates enacted at the date of permit.

As Amy Patterson indicated in her testimony, all capital costs are based on peak population except for water, wastewater, transportation, and schools, which use different factors.

There are a handful of miscellaneous operating revenue and expenditures that use permanent population. For example, the county's portion of state-shared revenues is based on permanent population because revenue projections would be overstated if a peak-population factor was used, as the state distribution formula is based on a proportionate permanent population.

So I just wanted to go on record that the credible source that is the most common source

used by impact fee consultants, again, as used by Tindale Oliver, and their methodology is used by not only Tindale but other impact fee consultants across the country.

So I'd be happy to answer any questions, but just wanted to repeat some of what was already on record in the Longwater presentation.

CHAIRMAN FRYER: Thank you. No one is signaling a desire to speak. I'd like to try to find a way not to have to prolong this. I spent a considerable amount of time with this witness at Longwater, and although the numbers are slightly different here, the concepts, I believe, are the same, and my conclusions and my objections are also the same, even with the different numbers. Would it be acceptable to the applicant if we incorporated those previous comments, the Longwater comments, into Bellmar so that I don't need to go through that again?

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: Thank you. Anybody else have questions or comments?

(No response.)

CHAIRMAN FRYER: All right. Thank you. That's it.

MR. YOVANOVICH: Just real briefly, as part of Longwater, we had also agreed to -- I think Bob touched on this -- use bear-proof trash cans, use Dark Sky lighting criteria for residential and commercial uses. When we come back later with the town conversion, we will increase the credits used from eight to 10 per acre. And then we had talked about the panther corridor with regard to Longwater.

But I also wanted to put on the record that we have drafted and will have residents sign a notice of prescriptive burnings, burns that will occur not only within the adjacent SSAs but also at the panther refuge.

And with that, I already mentioned we agree with all the staff conditions. And your staff found the project consistent with the Growth Management Plan and the Land Development Code. We believe we have met our burden by providing competent substantial evidence on every one of the criteria within the Land Development Code and the Growth Management Plan, and we are requesting that the Planning Commission recommend approval of the Bellmar Village SRA to the Board of County Commissioners.

With that, we will make ourselves available for questions you may have or if you're going to go to public or if you're going to go to staff. I'm not sure what your process is going to be.

CHAIRMAN FRYER: Okay. Anybody else have --

COMMISSIONER SHEA: Just a quick question. There's no interconnectability between Bellmar and Longwater like there was between --

MR. YOVANOVICH: No.

COMMISSIONER SHEA: -- Longwater and Rivergrass? It looks like it's impossible to do --

MR. YOVANOVICH: I could put the pink map back up for you, but you've got it; there's no ability to interconnect.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Any other questions at this time?

(No response.)

CHAIRMAN FRYER: I have a few that I'd like to ask. First of all, there's a reference to, I think it's called a potential boardwalk. You know what I'm referring to, Mr. Yovanovich?

MR. YOVANOVICH: Let me get my master plan out.

CHAIRMAN FRYER: Okay. See where it says "potential boardwalk"?

MR. YOVANOVICH: I'll circle it for you, just to show Bob he's not the only one. Although that's not the beautiful Bob Mulhere work.

CHAIRMAN FRYER: So my question, first of all, is with respect to the roadway that's to the east of there going over SSA 18, is that -- is that a certainty? That's going to be done for sure?

MR. YOVANOVICH: The one on the east?

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay. Then the boardwalk on the west, is that a certainty or not?

MR. YOVANOVICH: We're planning on doing that for pedestrians, but, you know, are we guaranteed we're going to do it? We've got to permit it.

CHAIRMAN FRYER: Okay. So that's a commitment you'd make?

MR. YOVANOVICH: That we're trying to permit it? Absolutely, subject to permitting.

CHAIRMAN FRYER: Oh, you don't have the permit yet?

MR. YOVANOVICH: We don't have the permit yet.

CHAIRMAN FRYER: Okay. But subject to permitting, you'd commit to do it?

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay. Thank you. Let's see what else I have.

MR. YOVANOVICH: Will that make me fiscally neutral?

CHAIRMAN FRYER: I'm sorry?

(No response.)

CHAIRMAN FRYER: All right. So with respect to affordable housing -- and I know at the beginning of Longwater you made a commitment to accept the staff request of having 10 percent or 2.5 percent. Is that -- do those numbers still apply here? Is that part of the commitment you're making?

MR. YOVANOVICH: Yeah, we had -- I had mentioned that one of, like, the very first commitments. We had agreed to those commitments. And Cormac's out in the hall, I think. But remember, we added within 48 months we would identify which way we're going to go.

CHAIRMAN FRYER: Okay. Okay. On uses, permitted uses, you have -- and I found this on Pages 1239 to 1240, I believe that was in the March 18 agenda packet. But Permitted Use No. 21 is general merchandise stores 5331 through 5399.

MR. YOVANOVICH: Did you bring your SIC code book?

CHAIRMAN FRYER: One of the uses in 5399 -- and I'm always concerned about these ones ending in 99 because it's -- they get very vague and general. One of them is salvage stores. Is that something that you feel the need to have?

MR. YOVANOVICH: I'm sure we can add "except for salvage stores."

CHAIRMAN FRYER: Okay. Thank you. Then under Permitted Use No. 24, health services, offices and clinics, you have 8011, 8049, 8071, 8082, 8092, and 8099. My question is, with respect to 8099, the following uses are covered under 8099 and would be permitted if they weren't excepted: Blood donor stations, plasmapheresis centers, and sperm banks. Would you be willing to have those prohibited?

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: We can still have blood drives, right?

CHAIRMAN FRYER: Well --

MR. YOVANOVICH: I mean --

CHAIRMAN FRYER: That's exactly the question that -- the concern is if you're drawing blood, there's a potential for a class of people who need the money from drawing the blood if it's paid. If it's volunteer, that's different.

MR. YOVANOVICH: Okay. I mean, this was the village center. We'll give blood donor, but I mean, I would hate to think that we couldn't coordinate with Naples Community Hospital to have their blood mobile out there to have people donate blood.

CHAIRMAN FRYER: Donate is fine. I just want to be sure that it's not a paid operation for either blood or plasmapheresis.

MR. YOVANOVICH: That's fine.

CHAIRMAN FRYER: Okay. Then in village center development and design standards -- and this I found on Page 1240 of 1450 of the 18 March agenda packet. And I'm just spotting this so that it can be corrected when this goes to the Board of County Commissioners.

In this -- in this 5.2.2.A village center development and design standards, you've got two Footnote 4s, and I think the second Footnote 4 referring to the lake setback is really Footnote 5, so that's, I think, just a typo that needs to be corrected.

MR. YOVANOVICH: Okay. In the table itself --

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: -- the footnote?

CHAIRMAN FRYER: Yeah. You've got -- okay.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: And on --

MR. YOVANOVICH: I think it's actually Footnote No. 3.

CHAIRMAN FRYER: Okay. Well, it's --

MR. YOVANOVICH: We'll coordinate that.

CHAIRMAN FRYER: All right. I don't have a problem with the concept --

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: -- or content, I just -- you know, so that we don't have two Footnote 4s.

MR. YOVANOVICH: That's fine.

CHAIRMAN FRYER: Then on Page 1246, again, of the March 18, in Section 8.6, these were developer commitments, and this one appeared under "other." And it says, street trees will be provided throughout the village, and I was hoping that we could say street trees will be provided on every street throughout the village. Would you object to that language being added?

MR. YOVANOVICH: On every street?

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: That's fine.

CHAIRMAN FRYER: You'd add that?

MR. MULHERE: Well, it says within the village center context shown street trees shall be spaced 40 feet. Within the neighborhood general zone, street trees shall be spaced 60 feet. So it's really required by that language, but if you need further clarification --

CHAIRMAN FRYER: I'd like further clarification. I'd like it to say on every street. And this came up, really, I think in Ave Maria.

I think my last point here is -- has to do with Section 8.3 of the developer commitments, which was transportation, subsection C of that. And I'm not sure why it is under transportation rather than other, but it says no more than 1,925 dwelling units will be issued certificates of occupancy until a minimum of 30,000 square feet of the neighborhood retail and office uses and a minimum of 20 multifamily dwelling units have been developed in the village center and issued certificates of occupancy. My question is, how were those numbers arrived at?

MR. YOVANOVICH: We coordinated with your staff as to what they thought would be an appropriate number of units for -- to be in place before we would start seeing certain benefits from transportation and internal capture and making sure that it was an appropriate number of units that would remain for future development to better phase in the commercial obligation.

CHAIRMAN FRYER: Okay. So this was not something that you requested; this was something that staff requested?

MR. MULHERE: Yes.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay. Thank you. Those are all the questions that I have.

MR. YOVANOVICH: All righty.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER HOMIAK: Did you --

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER HOMIAK: The footnotes --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Regarding the street trees.

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Unfortunately, I was distracted, and I just wanted to -- so your concern was the -- have them on every street, and I'm trying to figure out, what was the response of Mr. Yovanovich or --

MR. YOVANOVICH: We said yes.

CHAIRMAN FRYER: They're going to put that in on every street.

COMMISSIONER KLUCIK: Here's what I will say is in Ave Maria we've actually had the plans went in with the right number of street trees showing up on the plan -- and then -- I realize it's far removed from, you know, what you're doing today, Mr. Yovanovich, but I do have the floor, and it is related to planning. And the trees, half the trees just didn't go up, and now the HOA is having to deal with the fact that half the trees aren't there.

I know it seems like it's, like, you know, just one of many number of things, but it's actually very important to the character and nature of neighborhoods where people live. And I am bringing it up because I can clang that bell, and I'm clanging it.

And, you know, in Ave Maria, we've had a big problem with the street trees actually appearing as they should. I hope we won't have that in Bellmar.

CHAIRMAN FRYER: Commissioner Klucik, it was your comments when we were talking last about Ave Maria that brought me to the belief that we needed to add the words "on every street." I think that fixes it, and the applicant has agreed to it. Are you satisfied that that fixes it, Commissioner?

COMMISSIONER KLUCIK: Yes, because it's a provision in the SRA in particular to Ave Maria that creates an exception, and so that exception would not -- would not seem to apply here unless -- you know, unless what's being proposed actually will have that language in it for the exception.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Yes, sir. No one else has signaled, so --

MR. YOVANOVICH: I just --

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: Ms. Homiak pointed out to me when I was talking to her that in the development table for the Naples neighborhood general, there's also a footnote error where under the minimum floor area for ALFs we need to correct the reference there to No. 7. I think that was -- I need to get that on the record, too, because the minimum floor area for ALFs is less.

COMMISSIONER HOMIAK: Yeah. There's a couple of sevens in the wrong place.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: So that will be corrected --

MR. YOVANOVICH: Yes, we'll correct that.

CHAIRMAN FRYER: -- before it goes on to the Board?

Any other questions or comments for the applicant at this time?

(No response.)

CHAIRMAN FRYER: If not, sir, do you have anything further?

MR. YOVANOVICH: No. I'll just wait to see what we do next.

CHAIRMAN FRYER: Okay. Next, we're going to hear from staff, unless it be --

MR. YOVANOVICH: I think you did public last time and then staff.

CHAIRMAN FRYER: Well, let's talk about that. We've got people who've been sitting here all day, and it does seem fair that we should let the public go first before we hear from staff, but what's the wish of the --

COMMISSIONER HOMIAK: That's fine.

CHAIRMAN FRYER: Okay. That seems to be the wish of the Planning Commission. So we'll go to the public now and hear from them.

MR. YOVANOVICH: How are you -- did we ever resolve how we're going to do that? If you spoke earlier, are you getting to speak again?

CHAIRMAN FRYER: Well, these are two different matters, and I think the County Attorney was pretty clear on that, that we need to treat them separately.

All right. So what do we have by way of people in person, Mr. Youngblood, and people who are on the phone?

MR. YOUNGBLOOD: Mr. Chairman, I have four speakers here in person. Online I have six. Our first speaker is going to be April Olson. April has a partner online, Norman Marshall, who I will make a panelist. Norman, I believe, is not going to speak; rather just be available for any rebuttal comments.

I do have a list of folks who have yielded -- or, I'm sorry, ceded their time to April. If those individuals are present with us, just raise your hand to be acknowledged by -- I have Charlotte Mackin --

CHAIRMAN FRYER: All right.

MR. YOUNGBLOOD: She's right there.

MS. NYCHLEMOE: (Raises hand.)

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: Ric Phillips.

MR. PHILLIPS: (Raises hand.)

CHAIRMAN FRYER: Thank you.

MR. YOUNGBLOOD: Nancy Anthony.  
Kelly McNab.

CHAIRMAN FRYER: I don't think I saw Nancy Anthony.

MS. OLSON: Can I make a request anyway?

CHAIRMAN FRYER: Okay.

MS. OLSON: There were -- I just wondered if it was possible if I made my comments either -- after some of the other speakers because I don't -- we're ending at 5:00, right?

CHAIRMAN FRYER: Yes.

MS. OLSON: Okay. Because after some of the speakers, the next go-round, because there was a -- maybe about three hours of testimony rebutting what the Conservancy said, and we'd like to have an opportunity because for Bellmar, as it applies to Bellmar, to be able to respond to those issues, and so if we could speak a little bit later.

CHAIRMAN FRYER: Without objection from the Planning Commission, yes.

MS. OLSON: Okay. Thank you so much.

CHAIRMAN FRYER: You bet. So who is the next speaker?

MR. YOUNGBLOOD: Our next speaker is Judith Hushon.

CHAIRMAN FRYER: Ms. Hushon. And I believe she's going to be speaking on behalf of the League of Women Voters. Correct me, though, if I'm wrong, ma'am.

MS. HUSHON: Yes, that's correct. Congratulations for hanging in there. It was a long day.



As you know, Bellmar is one of three developments located within the Old Cypress Stewardship District. This is only one of two privately owned special stewardship districts in Collier County authorized by the State of Florida. The other one's the Ave Maria Stewardship District.

Big Cypress Stewardship District Act has distinct purposes and requirements. It's to provide the landowner, Collier Enterprise, with the ability to fund basic infrastructure and services required for the developments within the district through, for example, the issuance of revenue bonds to be repaid solely by the land and property owners in the district or, two, to ensure that Collier County and its general taxpayers are not burdened with the infrastructure costs and services of those private developments. These are actual statements that are in that act that sets that up.

CHAIRMAN FRYER: Gentlemen in the back, please. Sorry.

MS. HUSHON: Okay. As was required of Barron Collier in the development of Ave Maria Stewardship District, Collier Enterprises should also pay for all infrastructure within its Big Cypress Stewardship District without expecting one cent from Collier County or its taxpayers.

When Barron Collier developed Ave Maria, it independently arranged for funding, maintenance, and operation of all infrastructure improvements including public roadways, water, and wastewater facilities, parks, schools, et cetera, at an estimated cost of over 650 million through the issuance of revenue bonds which did not in any way impact Collier County or its general taxpayers.

In fact, the only aspect of the development of Ave Maria which impacted Collier County taxpayers and for which the county's impact fee methodology was employed was in connection with the widening of a regional road, Oil Well Road. The cost to the county was 20 million for which, over the past 20 years, Ave Maria Stewardship District has repaid 7- through impact fees payable to the county as homes were occupied within Ave Maria.

The landowner infrastructure funding requirement that applied to the Ave Maria Stewardship District and, frankly, to all other privately owned and managed stewardship districts in the state of Florida should also apply to Collier Enterprises and its development Bellmar, as well as its developments within the Big Cypress Stewardship District.

In 2004, Big Cypress sought and was granted permission at its sole cost and expense to install and oversee infrastructure for water, wastewater, stormwater within its borders, in addition to other functions. And until August of 2018, plans were underway to install wells, et cetera.

Then as a result of negotiations between Collier Enterprises and the Collier County Water and Sewer District, things changed, and the county expanded its service territory into the rural undeveloped areas of the county to construct the approximately \$76 million northeast utility facility required to serve the new customer growth in these proposed new villages and some other villages in the area.

We need to keep things in focus. Ave Maria also has a state-approved stewardship district. The landowners, at their sole cost and expense, installed wells, treatment plants, piping, internal roads, et cetera, and they financed it by floating 651 million in bonds.

Neither Collier Enterprises nor the Commissioners have a right to ignore the requirement of state law and burden the county and its taxpayers with Collier Enterprises' infrastructure funding obligations within the boundaries of its own stewardship district. We are letting Collier Enterprises off the hook. They should have similar debt obligations.

The county is relying on impact fees to pay back county's utility investments. Mark Isackson stated at a February 24th public meeting that impact fees do not and are not intended to pay for growth. The General Fund must loan the impact fee fund hundreds of millions to cover the impact fee fund debt. This is especially true for development in rural areas, not for landfill.

For the northeast utility facility, for example, 66 percent of the water will go to the three Collier Enterprises villages, but the amount paid in impact fees falls short of costs by about

43 million. There are other expenses associated with piping from the NUF to the developments, which the developer is not picking up.

The county's impact fee formulas are not and were never intended to be applied to rural areas where there is no existing infrastructure. The county should not be relying on impact fees to cover development in areas without some existing infrastructure. These are three de novo communities.

Lucy Gallo, whom you just heard from, the creator of Collier Enterprises' own economic impact assessment for Bellmar, was part of an impact fee assessment team in Sarasota County that concluded impact fees do not cover development in rural areas and that two different types of impact fee calculations are required when determining the true impact of a development in urban infill versus rural areas.

The Growth Management Plan Section 4.08.07.L.2, states that: If a negative fiscal impact to the project to a unit of local government is identified, the landowner will exceed [sic] to a special assessment on his property to offset such a shortfall or, in the alternative, make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall.

The rules of the county are clear and state that when there's a shortfall, the developer is responsible for paying the difference. In this case, the Collier County Planning Commission should request the Board of County Commissioners to request this payment. You should also request the BCC to require a more open and verifiable model for calculating fiscal neutrality with separate options for infill and rural development. In other words, we should have two options.

The rural has no -- has very little existing infrastructure. When you're doing -- the impact fee methodology, you take -- you look at what infrastructure you have and then you go ahead and decide what more you need to add. Well, in this case, it's kind of all of it.

In addition to the impact fees not covering development, the impact fee calculations are biased to the low side for population and transportation, which benefits the developer. This all means that a developer's contribution of less than 180 million is required in addition to the impact fees for these developments. This is 60 million for Bellmar; 60 million.

This developer's contribution needs to be calculated and assessed before construction and must consider the NUF and the fact that development is not fiscally neutral. Taxpayers should not be required to cover this. What's happening -- going to happen right now is that the charges for the NUF will be paid by that whole water and sewer district, people who live there. And it comes to about \$6,000 per person. That's a lot.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yeah. First I'm going to have Commissioner Schmitt and then Commissioner Klucik.

COMMISSIONER KLUCIK: Mr. Chairman? I'm sorry I have to interrupt. I'm going to be departing now. I just wanted to let you know.

CHAIRMAN FRYER: Thank you, Commissioner. And thanks for your service.

Commissioner Schmitt, did you want to go now?

COMMISSIONER SCHMITT: Yeah, Judy, of course this is all debatable now because of what you heard today from Amy, and I -- and, again, from Joe Bellone. I'm sort of confused.

MS. HUSHON: Well, I have some other concerns, too, because the model is the Tindale Oliver model, right? It's a model that has formulas and equations in it, and the county is given a set of blanks to fill in with data to put into the model --

COMMISSIONER SCHMITT: Yes.

MS. HUSHON: -- which is Amy's job. Tindale Oliver then runs the model. And all that Jacobs does is to say, if I have that list of numbers and the model ran this, yeah, it came out with the right answer. That's Jacobs' job. So, I mean, I'm trying to lay the jobs out. Our problem is garbage in and garbage out.

We have a problem in our model with it taking too low numbers, and we're feeding them too low numbers. They are not realistic. We should be using numbers that are verifiable and legal. The law in the state of Florida says that you should be using a population number that checked and verified and is local if you have one. Local, we do have, because of the MTO. When we did the MTO, we used what are called TAZs, and they calculate for small areas. The population in this area on the MTO map is 3.0 to 3.75, not 1.05. Even if you round up 1.05, you don't get anywhere near. We're cut off by half. So we should be using the legal number. We're making a mistake as a county in not using that number in our calculations.

COMMISSIONER SCHMITT: Okay. But, again, that's -- you're debating an issue that is really at the Board of County Commissioners level.

MS. HUSHON: I am, but what I'm asking is that you bring it to the Board of County Commissioners.

COMMISSIONER SCHMITT: Let me ask you another question. You make a statement, the county impact -- well, before that we talked about the water/sewer district, and Joe made it -- Joe Bellone made it very clear, the water/sewer district has one rate for the entire district.

MS. HUSHON: Yep.

COMMISSIONER SCHMITT: We don't -- as you well know, there's impact fees --

MS. HUSHON: No, I understand that.

COMMISSIONER SCHMITT: -- for transportation. There's area.

MS. HUSHON: Right.

COMMISSIONER SCHMITT: But water is countywide.

MS. HUSHON: But if you look at the AUIR and you look at the debts that were incurred for building the NUF --

COMMISSIONER SCHMITT: Yes.

MS. HUSHON: -- when you go to the AUIR and other similar documents, you can see how much is shortfall from the impact statements. When they -- the fiscal neutrality isn't there. When they are paying their impact fees, there's a number lined. It says it costs this much, impact fee is paying this much, and here's the delta.

COMMISSIONER SCHMITT: Yes.

MS. HUSHON: Well, that delta gets made up from the general revenue somehow.

COMMISSIONER SCHMITT: Okay. Is --

MS. HUSHON: And that's what we're not -- that's what we are not recouping right now.

COMMISSIONER SCHMITT: You make another statement, then. The county impact fee formulas are not and were never intended to be applied to rural areas.

MS. HUSHON: Right. You know, when we develop --

COMMISSIONER SCHMITT: Where does that statement come from? I mean, that's a statement, but is it fact or is that your opinion?

MS. HUSHON: Well, Tindale Oliver -- Tindale Oliver -- well, it's partially my opinion, but it's partially also based on the testimony that was given in Sarasota. When you have these kinds of fees -- and we've been using the same basic structure of computations for, what, 20 years.

COMMISSIONER SCHMITT: At least 25 years.

MS. HUSHON: When we first starting use it, we're talking about developments like Grey Oaks. We're talking about developments that are closer in where there is a fire station or -- maybe we need another one, but okay, fine. But there is a hospital. We could get somebody to a hospital. All of these things are not there in a rural situation. When we adopted those methodologies as a county, we didn't have the RLSA. We didn't even -- you know, the RLSA was kind of pie in the sky. I mean, 2002, okay?

COMMISSIONER SCHMITT: But it was still identified as development at one unit per five acres, and it was still identified for growth.

MS. HUSHON: One unit per five acres, yeah.

COMMISSIONER SCHMITT: Correct.

MS. HUSHON: You know, and it was a ranchette-type development or something.

COMMISSIONER SCHMITT: Sure.

MS. HUSHON: But we were not looking at giving them as much infrastructure as it's required for a village or a town. A village or a town, by its very nature and by the density of population, has a lot more requirements.

COMMISSIONER SCHMITT: Okay. So last question then. On impact fees, I mean, we go through the dual rational nexus, and the whole process of validating through the cost of any of the improvements whatever we're looking at, libraries, parks, roads, whatever, and -- but you're categorically -- your statement is what we're doing now is totally inadequate and not appropriate.

MS. HUSHON: For rural areas.

COMMISSIONER SCHMITT: For rural areas. Even though -- even though the Board has already extended and approved the expansion of the water/sewer district?

MS. HUSHON: Yes.

COMMISSIONER SCHMITT: Okay.

MS. HUSHON: Yep.

COMMISSIONER SCHMITT: I respect your opinion, but I have to --

MS. HUSHON: I'm asking you-all to carry this up a level --

COMMISSIONER SCHMITT: All right.

MS. HUSHON: -- to raise it with the BCC the fact that we're -- you know, these discussions we're having are pointing to the fact that we really need to do this. We also need to be having a way of -- we also need to be basing it on reasonable population numbers.

COMMISSIONER SCHMITT: So I said it was the last, but one more. What you're asking for, then, is okay, these are -- let's put all new rules in place now? You want us to develop new rules?

MS. HUSHON: For new developments.

COMMISSIONER SCHMITT: The applicant has already gone through everything and applied based on the current rules, but now you're saying wipe the slate clean and let's start all over again with new rules.

MS. HUSHON: There's a methodology that I read you, and it's at the bottom of the papers you were handed --

COMMISSIONER SCHMITT: Okay.

MS. HUSHON: -- that one can do a calculation, and the county can do that calculation, and it can say that you've come up short.

COMMISSIONER SCHMITT: Okay.

MS. HUSHON: And you can ask the developer to put money in the pot to make it -- to make the county whole. So there is a way out of it. What I'm saying is that in the future there will be more villages. You know that.

COMMISSIONER SCHMITT: Yeah.

MS. HUSHON: We were looking at 10 at one point in the RLSA. I don't know what we're looking at now. But we ought to be coming up with a better way of doing it, and Sarasota faced the same problem, and they decided that they needed two methodologies depending on whether it was rural or infill. So that's what I'm bringing up.

Thank you.

CHAIRMAN FRYER: Did you wish to --

MR. YOYANOVICH: Yeah, just a couple questions.

CHAIRMAN FRYER: Yeah. I'm going to ask counsel, though, to --

MR. YOYANOVICH: I'll make it quick.

CHAIRMAN FRYER: Not only make it quick, but I don't want this to turn into a cross-examination of an expert paid advocate.

MR. YOVANOVICH: Well, then I'm fine if you disregard the entirety of what she said, because she gave statements, and she's not qualified to make the statements.

CHAIRMAN FRYER: Go ahead, then.

MR. YOVANOVICH: Okay. Were you -- you would agree that the county staff reviewed the economic assessment and determined that no monies were due for any deficits, correct?

MS. HUSHON: Using their calculation methodology and their low population number.

MR. YOVANOVICH: Using the county --

MS. HUSHON: I can make any equation come out the way I want to if I put the numbers in to make it come out that way.

MR. YOVANOVICH: I just want to make sure I've got this clear. Are you accusing county staff of using inappropriate numbers to review the --

MS. HUSHON: Correct.

MR. YOVANOVICH: -- Bellmar --

MS. HUSHON: Correct.

MR. YOVANOVICH: You're accusing county staff of using incorrect numbers?

THE COURT REPORTER: I'm sorry. I can't --

CHAIRMAN FRYER: Yeah. I'm going to ask both speakers to not walk on top of the other speaker.

MR. YOVANOVICH: I'm sorry.

MS. HUSHON: Sorry.

THE COURT REPORTER: Can you ask that last question again.

MR. YOVANOVICH: My last question is, so you're accusing staff of using the incorrect numbers in doing their job?

MS. HUSHON: And I said yes, they, by law, are supposed to be using the most accurate local number, which they are not doing.

MR. YOVANOVICH: And I've known you a long time, but I don't think you're a lawyer, correct?

MS. HUSHON: No. I'm a scientist, however. I know how to read numbers. I know how to read tables. I know how to read laws. I do know how to read laws, actually. I've done a lot of environmental law.

MR. YOVANOVICH: Are you an economist?

MS. HUSHON: On occasion I have been an economist.

MR. YOVANOVICH: Okay. Are you a trained economist?

MS. HUSHON: Not a trained economist.

MR. YOVANOVICH: Thank you.

MS. HUSHON: No.

MR. YOVANOVICH: Did you write that letter, or did somebody else write the letter?

MS. HUSHON: I wrote this letter.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you, ma'am. Unless there are any other questions. Apparently not. Thank you, Ms. Hushon.

MS. HUSHON: Thank you-all.

CHAIRMAN FRYER: So we're coming up on 5:00. What's the -- what is the preference for this Commission? I, honestly, don't think we're going to get through all of this today. We haven't even heard from staff yet. I'm willing to go somewhat beyond 5:00, but not much.

COMMISSIONER HOMIAK: I'm good. Stay.

COMMISSIONER SHEA: Is there a chance we can get through the individual speakers and maybe hold off, say, April who might be a little longer, until the beginning of the next?

CHAIRMAN FRYER: Well, we can try. Shall we see how we are going till 5:15 and reassess?

Okay. Next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Gary Kluckhuhn. My apologies if I mispronounced that. Gary, are you with us?

(No response.)

CHAIRMAN FRYER: Apparently not.

MR. YOUNGBLOOD: No Gary. Our next in-person is Meredith Budd.

CHAIRMAN FRYER: Ms. Budd.

MR. YOUNGBLOOD: And Meredith will be our last in-person speaker until we get to the online speakers.

CHAIRMAN FRYER: Ms. Budd, I take it you're representing FWF, whatever the official --

MS. BUDD: Yes, that's correct, sir.

CHAIRMAN FRYER: Yeah. Thank you.

MS. BUDD: Good afternoon, Commissioners. Meredith Budd on behalf of the Florida Wildlife Federation.

This village footprint for Bellmar is located only a mile north of the Florida Panther National Wildlife Refuge. This is a 20 -- nearly 27,000 acres Conservation Collier area, and the Federation has consistently expressed to the applicant, to the federal agencies, and to the county, for that matter, that this SRA designation is really not the best spot for development as compared to the other villages we've seen come through in the RLSA, both approved and pending.

But this concern was also noted throughout the creation of the RLSA program, and it was largely due to this concern and other concerns through Camp Keais Strand, lack of upland buffers through that area and, of course, the proximity to the refuge here that between -- and those buffers are between receiving areas and natural areas.

And so it is because of that that HSAs were actually added into the program, and that includes those farm fields that you see in brown on the map up on your screen. That was added to help increase the buffer between the SRA footprint and the panther refuge and, of course, again those buffers -- additional buffers were added in Camp Keais Strand with the same intent, and that was throughout the RLSA process.

It is not ideal. This location is not ideal, and, quite frankly, it's not preferred from the Federation's perspective, but it is a part of the RLSA program, and the Federation is in support of the RLSA program as it effectuates landscape-scale conservation for our county and for the region.

So as a part of the program, Bellmar will be entitled through SSA 18. As I understand it, SSA 18 is still in process of getting approved. So in the documentation right now through the county portal it looks like it's not being entitled by SSA 18, but I have received commitments from the applicant that SSA 18 is being used, in fact, to entitle this development.

That is setting aside 2,200 acres as, Commissioner Schmitt, you mentioned earlier, in preservation. That's west of Camp Keais Strand and north of the Florida Panther National Wildlife Refuge.

This SSA is removing residential, general, conditional, earth mining, recreational, Ag 1 and Ag 2 uses from nearly 2,000 acres. The remaining 200 acres will retain some additional land uses, but those most intense land uses will be removed.

Through negotiations between the Federation, Audubon, and Defenders of Wildlife and the applicant, we have come to agreement on some additional measures that the applicant would be willing to do in order to ease some of our concerns in terms of wildlife conflict and compatibility

with that neighboring Florida Panther National Wildlife Refuge and also through conversations that you had seen publicly between the refuge staff and their concerns with this village in terms of burning and management. That has also been addressed, as far as I understand it.

The applicant has agreed to incorporate smoke easements that will be a part of closing documents for the sale of homes and any sort of development in the village, and this, of course, came from major concerns from that neighboring conservation area, the Florida Panther National Wildlife Refuge, that will help ensure that their burning management can proceed. It also helps ensure that the burning management that would be done on any adjacent conservation lands that includes other Stewardship Sending Areas can be maintained and done properly.

The other measures that have been committed include Dark Skies. So the Florida Panther National Wildlife Refuge is going through the process currently to become an international Dark Sky. And so the applicant has committed to being compatible and implementing Dark Skies in this village to be compatible with their neighbor.

Another commitment, which we've mentioned in the other village application, is the bear-proof trash cans. So bear-proof trash cans is not an obligation. It is not a requirement here in Collier County, and the applicant has committed to implementing bear-proof trash cans throughout the residential and commercial areas of this village and, from what I understand, if the town concept does move forward, it would be throughout the entire town that this applicant would be proposing.

And with that, I thank you for your time and your service. It's a very long day. So thank you so much.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Meredith, one question. Of course, you stated not the most desirable, but it is ag land. It is zoned for many of the activities you had already listed. So in conclusion, you're in support of it with reservation, of course, being the location, but you're in support of the overall proposal based on the give and take -- the benefits versus the impact?

MS. BUDD: Based on the environmental benefit of getting the 2,200 acres of SSA 18, which is located south of this village, as I mentioned, it's just to the west of Camp Keais Strand and to the north of the refuge, I think that provides a lot of value, so yes.

COMMISSIONER SCHMITT: You're speaking on behalf of the Florida Wildlife Federation?

MS. BUDD: That is correct, yes.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just a quick question. I don't know -- you're probably -- I don't know if you're the right one to answer it, but you say that they've committed to a series of things. Where does that get documented? Where does that enter the documentation process, all these commitments?

CHAIRMAN FRYER: That would be for us to request in an ordinance by way of a motion.

COMMISSIONER SHEA: So what Meredith is saying, those three or four items that they've agreed to, we need to make sure is in whatever we vote on?

MR. YOVANOVICH: Yeah.

COMMISSIONER SCHMITT: I believe they're already in there.

COMMISSIONER SHEA: I don't know.

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: They'll be part of our SRA document.

COMMISSIONER SCHMITT: They'll be part of the SRA document.

COMMISSIONER SHEA: So they'll get documented there, okay.

CHAIRMAN FRYER: Thank you.

I have a question. You said, to quote, this is not the best spot for an SRA, not ideal, not preferred, and then you mentioned three concessions; smoke easements, Dark Skies, bear-proof trash cans. Does that -- does that make this a better spot? Does it make it ideal? Does it make it preferred?

MS. BUDD: No, and you also -- if I can add, I also included the addition of those HSAs that were done as a part of the program creation because of concern raised by environmental groups with a lack of buffering between the SRA footprint and the adjacent conservation land. So that was another, you know, concession done through the process of creating the RLSA.

Again, this is not an area that we deem to be as appropriate as when we were looking at Longwater earlier last month and even when Rivergrass was here or even Hyde Park; for that matter, any village in the RLSA. But, again, this is part of the program, and the Federation is supportive of the Rural Lands Stewardship Program for the environmental benefits that it will effectuate.

CHAIRMAN FRYER: Okay. So if you were to rate under the category of desirability, I guess, Rivergrass and Hyde Park and Longwater and Bellmar, Bellmar would be No. 4?

MS. BUDD: That is correct.

CHAIRMAN FRYER: Okay. Thank you. Are you finished?

MR. YOVANOVICH: Can I ask her one question?

CHAIRMAN FRYER: Yes. Go ahead.

MR. YOVANOVICH: But you would agree that Bellmar is 100 percent consistent with the RLSA program?

MS. BUDD: Correct, which is why I mentioned that we are supportive of the program, and it is part of the program.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you.

All right. Thank you.

MS. BUDD: Thank you.

CHAIRMAN FRYER: Next speaker, please.

MR. YOUNGBLOOD: We move to our online speakers. Our first one is going to be Lynn Martin followed by Bradley Cornell.

Lynn, you may unmute yourself. Are you with us, Lynn?

MS. MARTIN: Yes, I am. Thank you.

CHAIRMAN FRYER: Please proceed. Ma'am, are you representing a group or speaking as an individual?

MS. MARTIN: I'm speaking as an individual.

CHAIRMAN FRYER: All right. You have three minutes, please.

MS. MARTIN: Thank you.

Thank you, Commissioners. In looking at the economic assessment for Bellmar, I question whether this development will actually be fiscally neutral.

Like Rivergrass and Longwater, the SRA application shows a commitment of 90 percent single-family homes and 10 percent multifamily while the economic assessment shows 58 percent single-family and 42 percent multifamily. As we discussed, the multifamily assumes 1.05 permanent residents, and single-family assumes 2.21 permanent residents. If the applicant instead builds 90 percent single-family instead of the 58 percent in the economic assessment, there will be over 1,000 additional permanent residents.

The persons per household is inconsistent with the Collier County average as has been discussed. And as Ms. Hushon mentioned, the Florida impact fee statute requires the use of the



most recent and localized data which is the Long-Range Transportation Plan which uses TAZ data of between 3.0 and 3.75. So even with a 40 percent vacancy rate, which had been used by Lucy Gallo, the numbers don't work.

By assuming a greater percentage of multifamily homes and not using recent and localized data, the total number of residents and the number of children is undercounted in the economic assessment. Six hundred sixty-nine students in a community of 2,750 homes doesn't make sense, and this understatement impacts all the costs of providing services required to support the community; water, wastewater, schools, law enforcement, traffic, et cetera.

With more people than planned using the infrastructure, additional costs will be incurred to add infrastructure to maintain the required county level of service. The village will use more of a capacity of the new water and wastewater treatment plant than projected, and the level of service for water and wastewater was already lowered by the county in 2020 to provide capacity for more growth. Will it decline again?

The county level of service for regional parks is 2.70 acres per thousand peak population. Staff has already allowed Bellmar an adjustment to this mandated level of service and reduced it to 1.82 acres per thousand people for Bellmar. Additionally, population --

CHAIRMAN FRYER: Thirty minutes, ma'am -- excuse me -- 30 seconds.

MS. MARTIN: Thank you. The economic assessment must use the most recent localized population data to make sure the developer is paying their fair share of the costs. With a discrepancy in population, Bellmar will not be able to achieve fiscal neutrality.

Thank you.

CHAIRMAN FRYER: Thank you, Ms. Martin.

Next speaker, please.

MR. YOUNGBLOOD: All right. Bradley Cornell has left us, so we are going to move on to Susan Calkins.

CHAIRMAN FRYER: Ms. Calkins, are you there?

MS. CALKINS: Yes, I am.

CHAIRMAN FRYER: Please proceed. Are you speaking as an individual?

MS. CALKINS: Yes, I am; yes, I am.

CHAIRMAN FRYER: Okay. Please complete your comments in three minutes.

MS. CALKINS: I will.

CHAIRMAN FRYER: Thank you.

MS. CALKINS: I'd like to just note that listening to these proceedings, I've been rather concerned with what I hear as a tendency to conflate a village with a whole RLSA program.

Bellmar is just one of many village developments which can be built in the 185,000-acre RLSA region, but it should be built only if it adheres to RLSA overlay policies, and if it does not, it should be denied.

I don't -- to deny Bellmar is not to deny or disparage or disagree with the RLSA program. To deny Bellmar is not to say that there will be no lands preserved. It just means the village is not consistent with RLSA policies. And it's county staff's responsibility to assess whether a proposed development is consistent.

I found it quite interesting that in the 2020 staff's consistency assessment, they state the Bellmar Village SRA does not fully meet the intent of the policies in the RLSAO pertaining to innovative design, compactness, housing diversity, mix of uses, et cetera, and it goes on to say -- and these are quotes -- in staff's view, this SRA is, with some exceptions, a suburban development plan typical of that in the coastal urban area placed in the RLSA and is contrary to what is intended in the RLSAO.

So I find it really disturbing that that statement has disappeared from the latest staff consistency report while nothing substantive has really changed in that.

And there is Policy 1.16 which notes that each SRA is to be innovative. Just being located within the RLSA overlay does not make the development innovative nor walkable or anything else and, I add, it certainly doesn't make it protective of wildlife.

The fact that this village is located less than a mile-and-a-half -- I actually think it's a mile and a quarter -- from the Florida National Wildlife Panther Refuge is, alone, enough to make this village inconsistent with the RLSA.

I'm not sure why the county feels compelled to approve the Bellmar project, and I hope that you do not feel compelled to approve it. Thank you.

CHAIRMAN FRYER: Thank you, ma'am. One more time, would you please state your name. I didn't get it at first.

MS. CALKINS: Yes, I'm sorry. Susan Calkins.

CHAIRMAN FRYER: Calkins. Thank you very much, Ms. Calkins.

MS. CALKINS: Yeah.

CHAIRMAN FRYER: All right. The next speaker, please.

MR. YOUNGBLOOD: Our next speaker is Gaylene Vasaturo, followed by -- Matthew Schwartz will be our final speaker on this topic.

CHAIRMAN FRYER: All right. Before we start with the next speaker, then, it seems to me that there's no way we're going to finish this this afternoon, at least within a reasonable time frame. So what I'm suggesting is that we hear from the remaining speakers, and then we will recess and try to -- finish it up on the 15th of April, without objection.

Mrs. Vasaturo?

MS. VASATURO: Yes, I'm here. Good afternoon, Gaylene Vasaturo for myself as an individual.

How can Bellmar be considered fiscally neutral when it fails to provide a transportation network to support the proposed development? The county and taxpayers will be paying for the needed new and expand roads.

For example, Big Cypress Parkway is a required transportation facility for Bellmar, Longwater, and Rivergrass. That's essentially what the Deputy County Manager said in a 2018 letter to Collier Enterprises.

These three villages will consume 86 percent of Big Cypress Parkway, according to the Conservancy's transportation expert, Mr. Marshall. Further, the applicant's Traffic Impact Statement relies on a significant amount of internal capture among the villages to show less of an impact on county roads.

The parkway will connect these villages and is essential for this internal capture. Despite all this, Collier Enterprises is shifting the entire cost of this major roadway to the county.

In 2018, Collier Enterprise paid for an amendment to the 2040 Long-Range Transportation Plan to add Big Cypress Parkway as a needed roadway. Shortly after that, the county entered a developer's agreement with Collier Enterprises to acquire the right-of-way for the parkway in return for impact fee credits. By placing Big Cypress Parkway on the Long-Range Transportation Plan, Collier Enterprises got the county to take complete responsibility for the road. So Bellmar is not paying any of the costs for this major road that will serve its residents.

Besides Big Cypress Parkway, the Traffic Impact Statement shows that Bellmar traffic will significantly impact many roadways projected to be deficient and cause some roads to become deficient. Again, the applicant will not pay any portion of the costs for addressing the deficiencies; the county will pay.

Impact fees, well, county staff has acknowledged that impact fees do not cover the costs of infrastructure, and that's even more true here because the impact fee methodology being used is not appropriate for rural areas where there is no infrastructure. Ask Lucy Gallo about that. Beyond that, Collier Enterprises will get a substantial amount of impact fee credits for conveying the

right-of-way to the -- for Big Cypress Parkway to the county.

Collier Enterprises could get enough credits to almost eliminate the road impact fees they're supposed to be paying for these three villages. As a result, the county may have to take on substantial debt for the parkway and other road segments that will be deficient with Bellmar's traffic. Taxpayers pay a service this debt and also to address shortfalls in the impact fee fund. Who is protecting the taxpayers here? That's my question.

CHAIRMAN FRYER: Thank you.

MS. VASATURO: Thank you.

CHAIRMAN FRYER: Thank you, Ms. Vasaturo.

Next speaker.

MR. YOUNGBLOOD: Our final speaker on this topic will be Matthew Schwartz.

CHAIRMAN FRYER: Mr. Schwartz, are you on, sir?

MR. SCHWARTZ: I believe I'm on. Can you hear me?

CHAIRMAN FRYER: Yes. You have three minutes.

MR. SCHWARTZ: Okay, great. Well, first of all, I am representing an organization. I am the director of the South Florida Wildlands Association. I will try to finish up in three minutes, but if I go a little bit longer, I would like an extra minute or so.

CHAIRMAN FRYER: You may have that.

MR. SCHWARTZ: Thank you so much, and I'm also representing an organization that has a petition out which has gotten 160,000 signers. Now, that petition relates to the underlying Habitat Conservation Plan that includes Bellmar, Longwater, et cetera. It basically allows 45,000 acres of development in the area we're discussing.

I agree with some of the speakers who spoke before me who really singled out Bellmar in a number of ways. And I think that the consultant who spoke could have provided a bigger area, a bigger view of the Bellmar development to show its context in a network of public lands.

I was criticized at one point speaking to this commission saying, well, when I opposed the project -- and I do oppose this development, and I'll talk about that in a minute, saying, well, I wasn't considering all the years of work that went into the creation of the RLSA and various projects that have gone on putting in panther crossings, et cetera.

But I think what the Planning Commission/County Commission's really not considering in these discussions are the decades of work that went into assembling the constellation of public lands that protect the Florida panther, that protect all the wildlife in this area, and I was really kind of surprised to hear that they actually have acoustic evidence of Florida bonneted bats foraging on this area, at least foraging, possibly nesting or roosting.

But when you look at this project, I'm not sure Collier County -- I think it hasn't ever approved such a dense development adjacent -- you know, essentially adjacent to such an important wildlife area like the Florida Panther National Wildlife Refuge. But this area also connects to the Picayune Strand, to the Fakahatchee, to the Big Cypress National Preserve, especially when we talk about the panthers. It's one population of panthers in Southwest Florida moving through the area.

And it goes back to Big Cypress was founded in '74, the refuge in '89, the Fakahatchee in '74. So we're talking decades and decades of hard work by federal/state agencies and citizens to create this constellation, and now we're plunking dense development in the middle of it.

Not only could she have shown the public lands surrounding this area but also the telemetry of panthers. Now, the telemetry only represents a small percentage of the panthers that are actually collared in any given year. There are many, many more panthers that are not collared, and that shows up when we have a panther road kill. Most of the panthers that are killed are un-collared. So most of the panthers out there are un-collared.

This area is teeming with panther telemetry. All the green areas surrounding Bellmar are filled with panther telemetry, and there's no disconnect between those green areas and the panther

refuge. When you look at the area as a whole, completely erroneous, completely uninhabited.

So one issue that you folks should be discussing, it's not only the impacts to listed wildlife, federal wildlife, but listed -- but impacts to the residents. There's no way -- and I know that area is dense, not only in Florida panthers but also in Florida black bears. There's no way you're not going to have Florida black bears crawling through -- I mean, basically moving regularly through the Bellmar development. Barbecues, garbage, bird feeders, everything is going to bring the bears in. Are all these bears going to become nuisance bears and the panthers that are coming through the area feeding on Fido and Fefe?

And that's going to happen. These things are going to happen. Bears are known to attack people. They're out -- if they're out looking for food, somebody's walking their dog, it happens. It's happened before. It could happen here. You guys have some responsibility to talk about that issue and how to prevent it. It's not just living with bears. It's got to be -- really, it should be separation.

I don't want to take up too much of your time, but obviously this is your -- this is the county deliberations. This is the Planning Commission of the county. This is still sitting -- the Habitat Conservation Plan is still sitting with the Fish and Wildlife Service. It's been sitting there -- I think they were taking public comment in 2018. It went back long before that. So it's been with the Fish and Wildlife Service for years.

There's a new sheriff in town in terms of who runs that department. Ed Holland has replaced David Bernhardt, former oil lobbyist, who is running the Department of Interior. President Biden, when he came in -- a week after he came in he signed a directive on best -- using best available science. Best available science is that you don't develop the primary habitat.

And I need to say something about what the primary habitat is. It's a mosaic of habitats. It's not just the forested areas where panther telemetry shows up when they fly their planes over during the day and panthers are at rest. It's the entire habitat. The panther sub team which created the primary habitat discussed, should we draw a line and draw the primary habitat just around the forested area? No. They included the agricultural lands.

And this area is very much in the primary habitat. It's going to impact the refuge. It's going to impact all of these public lands, the listed species, and the residents. And it's a recipe for disaster.

I like what some of the people said today that, you know, without even -- we don't have to destroy the RLSA to excerpt this particular development. What we're talking right now, what you guys are going to vote for and say, this is not appropriate. You're not going to vote on it today, but you'll vote on it -- and say this one is too much. It's just too much development next to habitat that's just too important.

So I'll leave the comments there, and I appreciate you guys listening to us.

CHAIRMAN FRYER: Thank you, Mr. Schwartz.

I'm assuming, and correct me if I'm wrong, that there's no old business, new business, or public comment not related to a matter on our agenda today. And so without objection, we're adjourned.

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April 1, 2021

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:25 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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