

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION

Naples, Florida

May 26, 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 people present:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Christopher T. Vernon
Paul Shea
Joseph Schmitt
Robert L. Klucik, Jr.
Tom Eastman, Collier County School Board Representative

ABSENT

Karl Fry, Secretary

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

PROCEEDINGS

CHAIRMAN FRYER: Good morning, everyone. Welcome to the May 26th, 2021 special meeting of the Collier County Planning Commission. Will everyone, please, rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRMAN FRYER: Are there any commissioners wishing to participate remotely that we know of, Mr. Youngblood? No? Okay. Thank you. Well, we have a -- visually I see we have a quorum, but in the absence of the secretary, I will call the role. Mr. Eastman?

COMMISSIONER EASTMAN: Here.

CHAIRMAN FRYER: Mr. Shea?

COMMISSIONER SHEA: Present.

CHAIRMAN FRYER: Secretary Fry?

COMMISSIONER FRY: (No response.)

CHAIRMAN FRYER: I'm here. Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: (No response.)

CHAIRMAN FRYER: Mr. Vernon?

COMMISSIONER VERNON: Here.

CHAIRMAN FRYER: Mr. Klucik?

COMMISSIONER KLUCIK: (No response.)

CHAIRMAN FRYER: We have a quorum of four, of whom four are physically present, and the absent members and the late member have all excused absences and late absences.

Commissioner Klucik was uncertain about the meeting time and day, and so his is excused, and Secretary Fry's and Commissioner Schmitt's -- Secretary Fry's absence and Commissioner Schmitt's anticipated lateness are both excused.

Okay, addenda to the agenda, Mr. Bellows?

MR. BELLOWS: I have no changes to the agenda.

CHAIRMAN FRYER: Okay. Planning Commission absences. Our next meeting is on June 3rd, and this will be actually two meetings. The first one will begin at 9 a.m., and then the second one at 5:05 p.m., and we're going to talk about this 9 a.m. start in a moment. Does anyone know if he or she will not be able to attend both installments of that meeting on June 3rd?

(No response.)

CHAIRMAN FRYER: Okay. The same question for our second regular June meeting, which is June 17, that's a 9 a.m. start meeting. Anyone know if he or she will be absent at that time?

COMMISSIONER VERNON: That was June 18th?

CHAIRMAN FRYER: June 19th -- June 17th. Excuse me.

COMMISSIONER VERNON: June 17th.

CHAIRMAN FRYER: Yes, sir. All right. Sounds good on that. Why don't we -- why don't we talk now about the time for our June 3rd meeting, and there may be an issue about notifications that would preclude us from changing the start time.

We've got -- let me see what we've got here. We've got two of the five agenda items coming up at night, and three coming up in the daytime, and as near as staff can tell, those three do not appear to be controversial at this time, and so logic would dictate that we consider starting later, but we might be constrained.

I'm sorry, County Attorney, catching you with your mouth full, but do we have any flexibility on the start time for June 3rd?

MR. KLATZKOW: Has it been advertised?

MR. BELLOWS: Yes.

MR. KLATZKOW: What time is it advertised for?

MR. BELLOWS: 9:00.

MR. KLATZKOW: What time do you want to do it?

CHAIRMAN FRYER: I think we could do it at 2:00 or 3:00, if the law permitted.

MR. KLATZKOW: Yeah, we can put up a sign for anybody that shows up at nine. You know, that's your problem, people showing up here and there's an empty room. It's more of -- it's not a legal issue, just more of a courtesy issue.

CHAIRMAN FRYER: I see. What's the wish of the Planning Commission?

COMMISSIONER VERNON: I'd say 1:30 start time, but I am flexible, whatever the rest of you want to do.

CHAIRMAN FRYER: Okay. Vice Chair?

COMMISSIONER HOMIAK: It would be better to start later and not come back but...

CHAIRMAN FRYER: Yeah, my concern is if we start at 1:30, we will have to come back. I think there's potential we will have to come back. If we start at two or three, I think we can flow right in.

COMMISSIONER VERNON: That's fine with me.

COMMISSIONER SHEA: I like the later start, but I want to make sure that we don't misinform other people that might want to attend the morning session. I don't want to preclude them coming.

CHAIRMAN FRYER: Absolutely, and as the County Attorney said, it's a courtesy issue, and we want to be sensitive to the needs of the public.

MR. BELLOWS: For the record --

CHAIRMAN FRYER: Yes, go ahead.

MR. BELLOWS: -- we had something similar in the past where we posted signs on the door and said that the meeting was going to be pushed back later in the day.

COMMISSIONER SHEA: If we decided that today, you would update the web page to the new date; right?

MR. BELLOWS: Correct.

COMMISSIONER SHEA: So they have a period of time where they, if they check the web page, they'd see it?

MR. BELLOWS: Correct, and we would notify the applicant, and the team, and anybody who's asked to be notified.

CHAIRMAN FRYER: Okay.

MR. KLATZKOW: Ray, what items are we hearing?

CHAIRMAN FRYER: Let me go over that and when I do, this is -- I mean, the way we get the look-ahead from Mr. Bellows is it's the best estimate, it's not a certainty, but it's as near as we can tell. In the morning we would hear three LDC's.

MR. KLATZKOW: Nobody cares about that. I barely care about that.

CHAIRMAN FRYER: And then in the evening we've got the Goodland and the Chokoloskee, which are private matters, and there may be -- potentially could be some opposition.

COMMISSIONER VERNON: But that would be after five?

CHAIRMAN FRYER: Yes.

MR. KLATZKOW: I don't think there's a great chance people are showing up for LDC amendments.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: There is at some point the Goodland LDC will be followed-up with a conditional use request, but that is where I would anticipate a larger crowd showing up.

CHAIRMAN FRYER: Okay. And so that would also be in the evening?

MR. BELLOWS: No, during the day, when it comes as a conditional use.

CHAIRMAN FRYER: Oh, oh, I see. Okay. All right.

COMMISSIONER HOMIAK: But there are no petitions, just LDC amendments?

CHAIRMAN FRYER: LDC amendments in the daytime, and then petitions in the evening.

COMMISSIONER HOMIAK: No, LDC would be at night.

MR. BELLOWS: Yeah.

CHAIRMAN FRYER: Well, can Ms. Jenkins come help us here? My understanding is that the Goodland and the Chokoloskee were the night items?

COMMISSIONER SHEA: I think it was the other way around.

CHAIRMAN FRYER: Okay. Let's clarify it.

MS. JENKINS: Sure. Good morning, Anita Jenkins, the Zoning Director. The two nighttime meetings are LDC amendments, but they're privately initiated LDC amendments for specific changes to the LDC to allow additional or different uses in that district.

CHAIRMAN FRYER: Okay.

MR. BELLOWS: That's the Goodland one?

MS. JENKINS: Yes, Goodland and Chokoloskee is how they're titled.

CHAIRMAN FRYER: Okay, everybody --

MR. HENDERLONG: Excuse me, Mr. Chairman, Rich Henderlong, principal planner and coordinator for both of the LDC amendments, private initiative. The one in Chokoloskee is a conditional use for the BR District and water-related uses, and it's a recreational space camp, cabin camp, that staff has worked up.

It will be applied -- it's uniform to all four different BR Districts, okay? The difference with the other private initiative amendment is for an oyster distribution and processing center that will be a specified water dependent, water-related use, isolated to the Goodland overlay zoning district.

We've had one person call for an objection about that, so if there's any public participation, it would be that item in particular. Otherwise, we don't anticipate objections to any of the other items.

CHAIRMAN FRYER: Thank you, Mr. Henderlong. So since those are both at night with a start time that has been advertised already, it shouldn't be a problem.

MS. JENKINS: Okay.

CHAIRMAN FRYER: Okay. I would suggest a 2:30 start time. What do others think?

COMMISSIONER SHEA: Works for me.

COMMISSIONER HOMIAK: Fine.

CHAIRMAN FRYER: For the 3rd, all right, then by consensus, unless someone wants to have a formal vote on it, let's just say by consensus four to nothing that we've decided we're going to start the daytime meeting at 2:30 on June 3rd, and, of course, the evening meeting will start at 5:05 p.m.

And everyone, please, keep in mind that these are -- this is not etched in stone when we get these look-aheads, it's always subject to change. This is the best view that we can put to it at this time. All right.

Let's see, approval of minutes. We have none before us today for action. BCC report recaps, Mr. Bellows?

MR. BELLOWS: Yes, sir. Yesterday the Board of County Commissioners, they heard the SRA for the Villages of Longwater and Bellmar and the town framework agreement. They went through the applicant's presentation, the staff's presentation, and through all the public comment, but they deferred the vote to the next board meeting to allow all of the commissioners to vote on the item.

CHAIRMAN FRYER: Thank you. Chairman's report, none today. Consent agenda, none today. Which takes us to public hearings, and we have two companion items this morning under advertised public hearings and they are PL20200001865 and PL2020000 -- I don't have the second number correctly. Does anyone have the companion date -- the number to 1865?

COMMISSIONER SHEA: 2161.

CHAIRMAN FRYER: 2161? Thank you, 2161. These are both the Florida Power & Light Immokalee Solar Farm Conditional Use and Variance respectfully. Without objection, as always they'll be heard together and voted on separately.

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

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

THE COURT REPORTER: All right. Thank you.

CHAIRMAN FRYER: Thank you. Ex parte disclosures, beginning with Mr. Eastman?

COMMISSIONER EASTMAN: None, other than the materials that are in the public record.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER VERNON: Vernon has no disclosures.

CHAIRMAN FRYER: Thank you. For me it's materials of public record and communications with staff and the applicant.

COMMISSIONER HOMIAK: I spoke briefly to Mr. Davies, and Ms. Crespo, and Mr. Scoville.

CHAIRMAN FRYER: Thank you very much. Without further ado, we'll begin with the applicant's presentation. The Chair recognize Mr. Davies.

MR. DAVIES: Thank you, Mr. Chairman. Good morning, Commissioners. For the record, Noel Davies with the Law Firm of Davies, Duke.

I'm here this morning on behalf of Florida Power & Light Company with respect to their applications for a solar energy facility which would be located in the eastern portion of the county at the east side of the intersection of State Road 29 and State Road 82. With your indulgence, Mr. Chairman, I will make my introductory remarks and hand it off to my client representative, Mr. Scoville, and then our professional planner, Ms. Crespo.

The subject property is 578 acres and we do have two pending applications before you this morning. The first is a conditional use application for the subject solar facility use, and the second is a buffer variance application with respect to supplementary native plantings along portions of State Road 29.

I have several members of the team with me today. Scott Scoville, as I mentioned, Brandon Stankiewicz, Sean Miller, John Renfranz, Scott Goreland and Jeff Conti are all here from Florida Power & Light this morning.

Alexis Crespo, as I mentioned, is our professional planner, Waldrop Engineering, David Scott is our professional engineer with Jacobs Engineering, and Brady Walker is our environmental consultant with Kimley-Horn.

This is a real opportunity, Commissioners, for the county to partner with FPL on a very forward-thinking, clean energy project. FPL is doing these facilities all over the state. It's going to be a huge benefit to our Collier County residents by providing additional solar power to the overall power grid, and, thereby reducing the cost of power for all customers without generating any toxic emissions.

We have had no criticism or opposition to this project, no attendees at our neighborhood information meeting. Your staff is recommending approval with certain conditions, and my client is in agreement on all proposed conditions.

With that, if I may, Mr. Chairman, I would like to introduce Scott Scoville, Senior Project Manager with Florida Power & Light. Thank you.

CHAIRMAN FRYER: Thank you.

MR. SCOVILLE: Thank you, Mr. Chairman, and good morning, Planning Commissioners. My name is Scott Scoville. I am a Senior Project Manager with Florida Power & Light, and I am responsible for the development of the Immokalee Solar Energy Center.

We are very excited to bring you our first solar project here to Collier County, and before I get started, I'd like to personally thank all the staff's assistance in getting us here today, so thank you. I'd like to briefly talk about the NextEra Energy, our parent company. It's comprised of three entities, Florida Power & Light, you'll see on the right there, with a service territory on the east coast of Florida, and then a portion of the west coast here in Collier County. We also have Gulf Power, which is up in the western Panhandle of Florida, and then on the left we have NextEra Energy Resources.

NextEra Energy Resources develops and owns and operates solar and wind and battery projects in 48 states and Canada. So when you combine the wind and solar assets from NextEra Energy Resources, FPL, and Gulf Power, it makes NextEra Energy the world's largest producer of renewable energy, and more importantly, it's combination of companies gives NextEra Energy a great depth of experience in

designing, constructing and operating electrical generating products across a diverse geography and technologies.

Florida Power & Light -- FPL and Gulf represent -- we have 5.6 million customers in Florida in 43 counties, and we service customers from Miami to Pensacola. Over the past two decades the NextEra/FPL leadership has made some very forward-thinking decisions and investments to make Florida a leader in clean energy and sustainability. We've eliminated coal from our power plant with more fuel efficient natural gas.

These modernizations save our customers over \$11 billion, and last year we were very excited to announce our 30 by 30 Plan. It's our goal to install 30 million panels in Florida by 2030.

There will be approximately 100 new solar projects across the State of Florida. The Immokalee Solar Center is one of those projects. Today we currently have 38 solar sites and operations in the State of Florida. These numbers change daily.

The stars on the map, the gold ones are the ones in operation, and the white ones are ones that are under construction. Like I said, these numbers change pro-daily for us, so we're very proud of that.

Due to the passive nature of solar energy sites, we make great neighbors and we are highly compatible with the surrounding residential and agricultural land uses.

A solar project is virtually silent. The solar panels sit low to the ground. The panels are approximately two feet off the ground at the lower end, and six and a half feet high at the highest point. The solar site has no nighttime lighting, and just to be clear, we do have safety lighting at our substations and only illuminated at night, if and when we ever have to go to that solar facility after daylight hours. We also have lighting at the entrance to the site off of State Road 29, as per the County's development codes.

All of our sites are monitored remotely from Juno Beach, and following construction there is minimal to -- minimal -- minimal increased traffic to the area. We might visit the site once or twice a month for routine maintenance or vegetation management, and there's, more importantly, there is no fuel or water used to generate renewable energy.

CHAIRMAN FRYER: If I may, I apologize for interrupting, but a message to Mr. Troy Miller, at least three of us up here do not have the screen feed that is on the projection. So if that could be fixed, I think it would be appreciated. Sorry to interrupt.

MR. SCOVILLE: Okay. You want me to pause?

CHAIRMAN FRYER: No, please, go ahead.

COMMISSIONER HOMIAK: And every other one.

COMMISSIONER VERNON: Go ahead.

CHAIRMAN FRYER: Yes, please, go ahead.

MR. SCOVILLE: Here are a couple of photographs in one of our facilities. The one in the top left shows a pile, which serves as a primary support system for our racking system.

It's driven into the ground approximately six to ten feet. The actual depth of the pile that is driven into the ground is determined by the wind loading requirements for the area and slope conditions.

The construction of the racking system and the installation of panels is all done by hand, which contributes to the large number of workers that are needed to construct these solar projects.

Each one of the sites is designed to avoid impact to the environmentally-sensitive areas, and they are constructed in a way that allows the grass to grow under the panels and stabilize the soil.

Additionally, all of our products are designed to withstand substantial winds that are -- and are built to the relevant building codes and wind-loading requirements. These panels are securely fastened to the support system and wind damages is typically not a concern.

In fact, Hurricane Irma in 2017 passed directly over three of our projects here in Southeast Florida. Our panels withstood the storm event, and we -- the storm passed over approximately a million panels, and of those million panels, 50 received some minor damage to them. So these products are designed to withstand events of that nature.

Here's a few photos from a typical solar project. You can see the ground cover is restored as we

build these projects. As they're building, they're planting seeds to get the soil back to stabilization.

The middle picture on the top right is an inverter. That is what takes the DC voltage from about 600 volts DC and converts it to 34,500 volts. The picture on the bottom left-hand corner is one of our favorites. It's a colleague of ours. He is 6'5" and he is as tall as the panels are high.

Here's a picture on the left, is the location of the site. It's located, like we said, at the intersection of State Road 29 and 82. It is 74 point -- as with all of our projects, it's 74.5 megawatts. It's on a 570-acre site that we purchased on March 31st from Barron Collier Enterprises. The Florida DEP issued our permit on May 7th and we are seeking to start --

CHAIRMAN FRYER: Excuse me, sir. I need to interrupt you for a moment. Commissioner Klucik is online, and so we need to take a vote to allow him to participate remotely. May I have a motion?

COMMISSIONER HOMIAK: I'll make a motion to allow him.

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: It's been moved and seconded. Any further discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Welcome, Commissioner Klucik.

MR. SCOVILLE: Assuming Collier County approves the project, we anticipate construction would be complete --

COMMISSIONER KLUCIK: Yes, Commissioner -- or Mr. Chairman, what was that?

CHAIRMAN FRYER: Welcome. We voted to allow you to participate remotely, and while we have you, do you have any ex parte disclosures, sir?

COMMISSIONER KLUCIK: None.

CHAIRMAN FRYER: Thank you. Sorry, again, for the interruption, sir.

MR. SCOVILLE: All right. Thank you.

COMMISSIONER SHEA: Did you say you purchased the land?

MR. SCOVILLE: Yes.

COMMISSIONER SHEA: So you're the land owner?

MR. SCOVILLE: Yeah, we submitted the application, and we were under option and we closed on it March 31st of this year.

Assuming the County approves the project, we anticipate construction would be complete and in service by the first quarter of 2022. Here is an artistic rendering of what the site will look like when it is completed, along with the service roads, the panels, the inverters, and how it's going to be orientated next to State Road 29.

This project will have approximately \$300,000 panels, depending on the technology employed, but that's the typical size of our project. With our county outreach this project, as we said, it has no negative comments from the community. No one was in attendance online or in person at our neighborhood information meeting, and there is one resident near the project here, down on State Road 29, that I have spoke to directly, and he was okay. He was okay with our project. Once again, thank you for your time, and turn it over to Ms. Crespo.

CHAIRMAN FRYER: Any questions for the gentleman before he stands down? Thank you.

COMMISSIONER SHEA: The only question -- I did have a question quick. What's the capacity in terms of kilowatts of the facility?

MR. SCOVILLE: It's 74.5 megawatts or 74,500 kilowatts.

COMMISSIONER VERNON: Can you translate that for us?

COMMISSIONER SHEA: A lot.

MR. SCOVILLE: Excuse me?

COMMISSIONER VERNON: What does that mean? I know it's a difficult question to answer, but just simplify. What percentage of the energy is being produced by solar output, so just kind of speak to that generally.

MR. SCOVILLE: A project of this size will service about 15,000 homes, and the other stack we have on the deck was it takes the equivalent of the emissions of 14,000 cars annually off the road. With the daylight hours it operates at about mid 20 percent factor, so the big number for us is 15,000 homes.

COMMISSIONER VERNON: Does it provide it to nearby, or go to a central location and doesn't matter?

MR. SCOVILLE: It's injected into our transmission system, and it's distributed to our customers. So it's more just generation for our overall transmission system.

CHAIRMAN FRYER: Any other questions or comments? Thank you, Mr. Scoville. Ms. Crespo?

MS. CRESPO: Good morning, Alexis Crespo representing the applicant. Scott covered kind of the fun details of the application details. I'm going to give you more technical aspects of the staff report.

You're familiar with where the property is located, east of State Road 29. From a land use standpoint, the site is within the rural land stewardship area on the future land use map. It is designated open, as part of that overlay district; that means it's not receiving. It's not sending. It's not within the flow way or habitat stewardship areas.

It's simply an open area that can opt into those programs or can be conducted as agricultural activities in accordance with the Land Development Code. From a zoning standpoint, the site is agricultural mobile home overlay rural land stewardship area overlay.

As Scott has noted and it's clearly indicated on the aerial location map, the site has been historically used for agricultural purposes, citrus crops.

There is an impoundment system consisting of wetlands and water management features immediately to the east of the property, as well as the north, and that does create somewhat of a regular boundary for the property, which directly relays into our buffer variance request that I will go over a little bit later, and I noted not within any habitat stewardship areas, flow way area, and there's just one sole point of access to the property from State Road 29.

So the first request is to allow for the solar energy plant to be operated within the Agricultural Zoning District. This would fall under essential services, and the energy generating plant category -- use category under that zoning district, which does require the conditional use approval.

We certainly submit that due to the very low impact nature of this, it's very different than your typical electric or gas-generating plant that you have, subject to a similar conditional use, and it's very low intensity, as Scott has outlined.

It will be unmanned. We did receive a traffic waiver and we submitted some data into the record indicating that there will be a nominal number of trips per month, just for maintenance purposes.

The only vertical structures is one control house, and then the six and a half foot tall solar panels throughout the site.

Scott has shown you the rendered version of the land plan. The access is at the southern point of the property. You can see the solar field are accessed by the pathway system through the site. We are not impacting any wetlands. Those that are located within the property will be preserved, and the majority of those wetlands you can see on the screen are actually outside the boundary of the property.

In terms of environmental considerations, we are proposing wildlife-friendly fencing around the property, which would consist of four-foot-tall fencing to the north, south and eastern boundaries, and then six-foot-tall fencing along State Road 29, and we did submit details of those fence designs to staff as part of the process to ensure that the wildlife was addressed through the application.

Also, because this is unmanned there will not be trash containers or things that would generate incentives for animals to come to the site from a human being disturbance standpoint.

I won't belabor the conditional use criteria. There are five criterias in the code. We qualify as a conditional use as written. The compatibility criteria has been met, based on the low impact nature of the

proposal, and we're in agreement with staff on our consistency with the criteria in the Land Development Code guiding us under this approval process. They have included four conditions in the staff report. The applicant has reviewed those conditions, and is in agreement with all of those conditions.

CHAIRMAN FRYER: Thank you, ma'am. I'm going to interrupt for a moment to acknowledge the arrival of Commissioner Schmitt. Commissioner, do you have any disclosures ex parte on this matter?

COMMISSIONER SCHMITT: No, not on this matter. Thank you.

CHAIRMAN FRYER: Thank you. Continue, please.

MS. CRESPO: I will hit on the buffer variance. Because this is deemed public use, there is a requirement for 10-foot buffers along the north, south and eastern property lines, and along the public roadway or the State Road 29 fringe, a 20-foot wide landscape buffer. So there's very significant buffering for a use that will not be readily visible from the road, due to the height of the panels.

This would be nine miles of buffer that we have to surround the property, and intended for more intensive public use, per our interpretation of the code, and we do meet the intent through the existing site conditions, as well as the supplemental plantings that have been conditioned by staff.

In terms of those existing conditions, this is a northern view of the site. You can see there's significant existing vegetation along the western boundary along State Road 29. There's also a farm road and berm, and then the site where the solar panel will be located is significantly lower than the State Road 29 grade, as well as the berm area and the vegetation along our western boundary.

So the point being, because of those existing conditions the panels will not be readily visible; therefore, negating the need for a formalized Type B buffer along the roadway.

Additionally, along the north, south and east, we abut either agricultural uses or wetlands in that impoundment area, and there will be no negative view impacts to our surrounding neighbors on any sides of the property.

This slide just shows an aerial view, and the arrows point to some of those areas. You can clearly see the existing stretch of native vegetation, or vegetation along the roadway. We did work with staff. They did have some concerns there were areas where the vegetation may be sparse, so we worked on a supplemental planting plan, which was included and attached to the staff report, and that would be hedgerows consisting of native shrubs species that would be stabilized by being watered in, and would eliminate the need for costly irrigation and would be a nice compromise.

We are providing additional screening in certain locations to address the intent of the code to screen the shed from the public roadway. So those areas are shown in the green on this slide.

We meet the variance criteria as outlined in our application materials attached to your package, as well as outlined in the staff report. The ecological boundary does represent a hardship. There's also an easement along our western property line that would preclude planting, so we've outlined those various criteria within the application materials, and are in agreement with staff.

They have submitted four conditions of approval relating to that supplemental planting plan, and watering-in and fertilizing and site preparation in order to make sure those shrubs do survive, and we are in agreement with all of those conditions.

So to summarize, the conditional use will simply allow for the solar energy plant to be located on the subject property because it is agriculturally zoned. The buffer variance is appropriate due to those existing conditions not created by the applicant.

As outlined in our materials and the staff report, the request is entirely consistent with your Growth Management Plan, as well as the Land Development Code, and we're in 100 percent agreement with staff on all conditions. And I'm happy to answer any questions you may have.

COMMISSIONER FRYER: Thank you. Any Planning Commissioners have questions or comments for Ms. Crespo?

COMMISSIONER VERNON: I have a couple. I'm not sure who they would be for, but how many trees do you have to take out to build this solar farm, or whatever we're calling it? I don't need a specific, but I assume there is a bunch of trees on there that have to be taken out?

MR. SCOVILLE: There is no native species. We're not going to impact any natives species, but we will have to take out the existing citrus groves.

COMMISSIONER VERNON: Okay, so there's not a lot of trees like oaks and stuff like that?

MR. SCOVILLE: No, sir, we carved out the uplands, so we have the uplands on the site --

COMMISSIONER VERNON: I saw that in two -- inside the parcel, there's two areas.

MR. SCOVILLE: Yeah, so we're not going to impact any native species, just the existing citrus trees have to come out.

COMMISSIONER VERNON: Okay. I guess the hardest question is, you know, it looks like FPL has a good reputation, looks like a great project, presented well, everything, I read it, but today's solution, tomorrow's problems. As credibly as you can tell me, what's the biggest downside of this?

MR. SCOVILLE: (No response.)

COMMISSIONER VERNON: I know you're betting against yourself here, but, I mean, there's no such thing as a perfect anything.

MR. SCOVILLE: We haven't seen a downside to it; that's just it. It's a compatible use of the land. We don't use water. We don't -- you know, every step of the way this is a positive project for the community and the surrounding land, and we've kind of done our homework over time of 38 of these projects, and we haven't seen that.

We're a regulated utility in the State of Florida, so the maintenance and the upkeep of the project, we'll continue to maintain and upkeep them, but I don't see a downside to a project like this.

COMMISSIONER VERNON: Okay. Thank you.

MR. SCOVILLE: Thank you.

CHAIRMAN FRYER: Any other questions or comments from the dais?

COMMISSIONER SHEA: Quick question?

CHAIRMAN FRYER: Yes. Go ahead.

COMMISSIONER SHEA: Kind of a dumb question. As we -- this is part of the open land and it's zoned agricultural, is it appropriate that they could apply for TDR rights for this?

CHAIRMAN FRYER: Well, right now it's neutral land.

COMMISSIONER SHEA: This is RLSA?

CHAIRMAN FRYER: Yeah, it's RLSA.

COMMISSIONER SHEA: It's open land?

CHAIRMAN FRYER: Yeah, open.

COMMISSIONER SHEA: But on the new amendments you could get ag on open land.

CHAIRMAN FRYER: You could. It could be converted to sending lands.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah, the only question I have is environmental, and I know you noted that it is in the area of the Bonneted Bat, which typically in this part of Florida is covered by U.S. Fish and Wildlife and their, I guess, regional study.

There is no impact on panthers, and we've heard a lot of panther issues with development? How -- how do the panther react to this type of structure being built in a receiving area?

We've heard so much about panthers, and the impact of panthers. I don't see anybody here from the Conservancy, Wildlife Confederation or others who made issues about the townships being built, but this is a pretty significant.

Are PHUs going to be impacted by this? Are there going to be -- will they have to pay PHUs for this? I've noted that there's -- still has to go through consultations through the Fish and Wildlife and the Florida Wildlife Commission -- Conservation Commission.

MR. RENFRANZ: Good morning, Commissioner. I'm John Renfranz with FPL Environmental Services. Thank you for your question. With regard to the panther, we've looked extensively at the site, and the project is not anticipated to have any take on the panther.

We looked at publicly available telemetry points for the panther, and none have occurred on this

site, and with us using panther-friendly fencing, you know, that's four foot tall farm fence, that allows panther and their prey to move onto the site, if they wish to do so, and the PHU score for solar projects is actually a little bit better compared to citrus groves. So there's no PHU deficit for this.

COMMISSIONER SCHMITT: For my colleagues, PHU is Panther Habitat Units, that's an impact they pay. Go ahead.

MR. RENFRANZ: That's correct, sir. So like I said, panther and their prey will be able to move onto the site if they wish to do so. There will be forage for their prey. So we anticipate that the project will not have any effect on the panther.

COMMISSIONER SCHMITT: So eco-friendly environment for the panther?

MR. RENFRANZ: That's correct.

COMMISSIONER SCHMITT: Nice, shaded canopy so the panther can lay down beneath the solar panels?

MR. RENFRANZ: Correct. And with regard to your comment about the Bonneted Bat --

COMMISSIONER SCHMITT: Yes?

MR. RENFRANZ: -- we coordinated with the U.S. Fish and Wildlife Service on the bat, and because we are not removing any canopy, any native trees on the project, we did not have to do any acoustical surveys or surveys for the bat, and the determination there was that we would also have no effect on the Bonneted Bat.

COMMISSIONER SCHMITT: Okay. Thanks.

MR. RENFRANZ: Thank you.

CHAIRMAN FRYER: Thank you. Commissioner Shea?

COMMISSIONER SHEA: Probably just a technical informational question. I notice on one of the drawings you had multiple pump stations. I'm assuming because the area is low-lying, you're collecting any storm water and pumping it into the wetlands area there? I mean, there were four or five of those pump stations shown.

MR. SCOVILLE: Yeah, those are the pumps for the existing irrigation and draining system. We still have to have the ability to discharge off the property, so there will be the discharge pumps available to us.

COMMISSIONER SHEA: So they exist, you're not putting -- you're not adding them?

MR. SCOVILLE: They're existing. It's an existing ag operation, so we'll keep the existing pumps for discharge.

CHAIRMAN FRYER: Any other questions or comments? Anything else, Mr. Davies?

MR. DAVIES: Nothing further. That concludes the applicant's presentation.

CHAIRMAN FRYER: Thank you, sir. Staff?

MR. BELLOWS: Yes. For the record, Ray Bellows. I'm presenting this petition today. Based on the applicant's PowerPoint presentation I won't go into the one staff prepared. We are recommending approval subject to the conditions outlined in both the conditional use and in the variance application, and if you have any questions, we do have our landscape staff here and environmental staff.

CHAIRMAN FRYER: Thank you. And there were a total of eight conditions, four in the CU and four in the variance, and Mr. Davies confirmed with me on the phone yesterday, and today again publicly, that the applicant is satisfied with and willing to meet all eight conditions. Thank you. Anything from up here for staff, please?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: If not, thank you very much. Mr. Youngblood, do we have any members of the public who wish to be heard?

MR. YOUNGBLOOD: Mr. Chairman, we have no registered speakers for this item.

CHAIRMAN FRYER: All right. Any persons in the room who have not registered but wish to be heard on this matter? Now would be the time.

(No response.)

CHAIRMAN FRYER: Seeing none, and without objection, we will close the public comment

portion of this hearing, and we will begin our deliberation. Who would like to start?

COMMISSIONER SHEA: I can. I mean, I think it's a great project. I think it fits in nice with the area and I -- I support it wholeheartedly.

CHAIRMAN FRYER: Any other comments?

COMMISSIONER SCHMITT: I do as well. I think it's a great project, pretty significant, large size, but I think it's a great step forward, and we hope it does what it's advertised to do.

CHAIRMAN FRYER: Indeed.

COMMISSIONER HOMIAK: I think it's great; about time.

CHAIRMAN FRYER: Yeah, I don't think -- I can't see anything wrong with it at all. So my sincere thanks to FPL and the applicant's representatives for your presentation, and at this point I'd entertain a motion.

COMMISSIONER VERNON: Vernon moves.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER HOMIAK: There is two separate --

CHAIRMAN FRYER: We'll do the CU first.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN FRYER: Is there a second on the CU?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously 6-0. Now on the variance, is there a motion?

COMMISSIONER VERNON: Vernon moves.

CHAIRMAN FRYER: Second? Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you, FPL. Thank you, applicant.

MR. DAVIES: Thank you, Mr. Chairman. Thank you, Commissioners. Have a good day.

CHAIRMAN FRYER: You too. Folks, that is all we have by way of an advertised agenda, and is there any old business?

(No response.)

CHAIRMAN FRYER: Any new business?

(No response.)

CHAIRMAN FRYER: Any public comment on a matter not on our agenda?

(No response.)

CHAIRMAN FRYER: If not, without objection --

COMMISSIONER SCHMITT: I have one.

CHAIRMAN FRYER: Please.

COMMISSIONER SCHMITT: I will not be at the next meeting. I, unfortunately, had a death in the family and I have to travel to Harrisburg.

CHAIRMAN FRYER: We understand that. Our sympathies, and your absence is excused.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Any further comments?

(No response.)

CHAIRMAN FRYER: If not, without objection, we stand adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 9:41 a.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC.,
BY JANICE R. MALINE, COURT REPORTER AND NOTARY PUBLIC.