

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, January 5, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3:00 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian
Vice Chairman: Blair Foley
David Dunnavant
James E. Boughton (excused)*
Clay Brooker (excused)*
Chris Mitchell (excused)*
Robert Mulhere
Mario Valle
Norman Gentry
Marco Espinar (excused)
Laura Spurgeon-DeJohn
Jeremy Sterk
Jeff Curl (excused)*
John English
Mark McLean

(*Appointment delayed by BCC; unable to participate)

ALSO PRESENT: Michael Ossorio, Director, Code Enforcement
Eric Fey, Senior Project Manager, Public Utilities
Ken Kovensky, Director, Operations & Regulatory Management
Mike Bosi, Director, Planning & Zoning
Jay Ahmad, Transportation Engineering Director
Rich Long, Building Director
Christopher Mason, FEMA Floodplain Coordinator
Jaime Cook, Director, Development Review
Patricia Mill, Operations Analyst/Staff Liaison

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department.

1. Call to Order - Chairman

Chairman Varian called the meeting to order at 3:04 p.m. A quorum consisting of nine members was convened. (A 10th member arrived late.)

2. Approval of Agenda

Vice Chair Foley moved to approve the agenda, with the addition of nominations for chair and vice chair, and under New Business, Online Meeting Platform Issues - Skype. Second by Mr. Valle. Carried unanimously, 9-0.

3. Approval of Minutes

a. DSAC Meeting – Dec. 1, 2021

Vice Chair Foley moved to approve the minutes of the Dec. 1, 2021, meeting. Second by Mr. Valle. Carried unanimously, 9-0.

4. Public Speakers

None

5. Nominations for Chair and Vice Chair.

- a. Mr. Mulhere nominated Chairman Varian as chair for another term. Second by Vice Chair Foley. Carried unanimously, 8-0; Chairman Varian abstained.**
- b. Mr. Mulhere moved to nominate Vice Chair Foley for another term. Second by Mr. McClean. Carried unanimously, 8-0; Vice Chair Foley abstained.**

(Mr. Sterk joined at 3:12 p.m.)

6. Staff Announcements/Updates

a. Development Review Division – [Jaime Cook, Director]

Ms. Cook provided several updates:

- An environmental specialist was promoted to senior environmental specialist.
- A planner position was filled, but there's still a vacancy for senior planner, which has been posted.
- An inspection position is vacant and posted.
- When coming to the end of projects, when getting approval and COs, staff often finds that the DEP permit hasn't been filed. We want to make a change to require them to come in for approval prior to pre-construction.

A discussion ensued and the following points were made:

- FDEP approval prior to pre-construction gives developers more time to get a permit.
- The issue was discovered after construction was completed, when projects were seeking final acceptance and they lacked a DEP permit.
- It doesn't appear to be a few bad apples, but more of a random problem and ultimately involves engineers.
- The DEP is taking much longer to approve permits.

- The DEP contacted Ms. Cook to inquire about the problem in Collier County.
- The problem has occurred two or three times in the past month.
- Another alternative for DEP permit approval could be during pre-construction, when the Utilities Division is onsite, and those projects should not be allowed to move forward until a DEP permit is received. That would be a month or two later.
- Ms. Cook said staff has been looking at all alternatives and she'll return next month with an update.

b. Code Enforcement Division – [Mike Ossorio, Director]

Mr. Ossorio provided a report, "Code Enforcement Division Monthly Report: Nov. 22–Dec. 21, 2021, Highlights." for informational purposes. He reported that:

- Work was slow due to the holidays, which is common.
- Numbers are down to 600-620 cases per month; staffing issues prevent them from being higher.
- The outreach program is starting again. Task force meetings will start again for Golden Gate City, the City of Naples, and monthly for Immokalee.
- The Operations Division handled most of the vacation rentals work and no complaints have been received. The website is up and working.

c. Public Utilities Department – [Eric Fey, Senior Project Manager]

Mr. Fey discussed the DEP permit problem and outlined the process:

- He wasn't aware of the DEP permit problem and called it troubling.
- The DEP construction permit application form is a submittal requirement for the initial development permit application.
- Development Review conducts a cursory review of applications to make sure they're complete, and at least in a state that can be reviewed by Public Utilities.
- They will then email them to us. It used to be handled by SIRE workflow, which is now dead, we don't have it. The process is working by email now and could be improved if we had an actual workflow system.
- If you look at response time charts, they've been going down. In most cases, the delay is not due to a delay by our division.
- We're relying on Stantec, our vendor, to do FDEP permit reviews. There has been a change in the forms and we're waiting on our Stantec consultant, Larry Alewine, to complete the new templates and checklists, which will make it smoother in the future.
- Once Mr. Alewine completes his review and provides comments, often months will go by before those are revised and returned to us. A lot of the consultants are forgetting that they have comments that need to be addressed and we get to the end of a permit where utilities engineering is approved and we get requests from permit coordinators, who ask where the permit is. We remind them that we sent comments five months ago. That happens often and puts us in a bind, when they're ready to go to construction and the county is waiting for a permit that's not ready to be signed.
- When the permit is signed, the county does not release FDEP construction permits to the permittee. Under the ordinance, that's the responsibility of Development Review, which typically releases them to the applicant once the engineering review is complete.
- He'll follow up on the DEP issues, but said he had not been contacted by DEP.

Mr. Fey provided his monthly report on response times, "Letters of Availability, Utility Deviations and FDEP Permits," for informational purposes, and stated:

- Response time availability letter requests ticked up in November by volume, but response time is typically less than 30 days.
- We'd like to get these numbers down, but until we're fully staffed, that's not possible.
- Utility deviations volumes came way down over the past four or five months.
- There was a spike in response times compared with the prior period, but it's still relatively low, three days for sufficiency review, two days for substantive review, a total of five days. It's still reasonable, but we're not meeting our stated goals due to loss of workflow and the impact of the Thanksgiving holiday.
- DEP permit response times are tracking along with the work-load and both are down.

Mr. Fey provided an update on staffing issues:

- Six candidates were referred for the project manager position.
- He interviewed one and that candidate is worthy. Three more were referred to him over the holiday. Interviews are being scheduled with one or more candidates.
- Tom Chmelik, director of the Engineering and Project Management Division, resigned as of Jan. 14 after more than 14 years to join his wife's design business. An interim director has yet to be identified. He will be sorely missed.

Mr. Fey reported on website changes:

- A hot button provides access to the Resources Page at the bottom of the Utilities Department page. The ordinances are posted there.
- The division page is hard to find; he's dissatisfied with the sudden website changes.
- If you click on the left-hand menu pull-down box for Water-Sewer District, the Resources Page also is there.
- The Utility Standards Manual was posted, along with individual sections.
- Section 3 Utilities Details Drawings has all PDFs together, with hyperlinks.
- A front-page index allows a hyperlink to individual details, although some are a page or two off.
- All appendices, including the utilities deviation form and final waiver of liens, utilities conveyance checklist, county approved product list, etc., are posted.
- New to the Resources Page is the 10-year Water Supply Facilities Work Plan from February 2019 and a link to the 2019 AUIR; the 2021 plan is on the Zoning site, which we will link to.
- Service area maps are posted for potable water, wastewater and IQ water.
- Utility providers are posted, showing which are City of Naples or Immokalee districts.
- Zoning info is under construction.
- All FDEP permit application materials are posted.
- There's a link for requesting utility information, with hyperlinked email contact addresses.
- We received many requests from restaurants for DBPR forms, so information on those forms is provided, such as water, sewer service, or grease trap inspections.
- Request for Service Connections: there's a link to the Capital Project Planning Impact Fees and Program Management website, which shows which impact fees have been paid and guides you through the process.
- These are issues I get a lot of calls and emails about so it's good to have them on the website.

d. Growth Management Dept. Transportation or Engineering Division – [Jay Ahmad, director]

Mr. Ahmad provided several updates:

- Construction of Goodland Drive: It was completed and there will be a ribbon-cutting ceremony across from Stan’s (Idle Hour Seafood Restaurant) at 11 a.m. Jan. 12.
- The Whippoorwill-Marbella Lake Connection: The \$4.7 million project has been in the design phase of the design build. Groundbreaking should begin in February or March.
- Veteran’s Memorial Boulevard: From Livingston west to Old U.S. 41, but Phase 1 goes to the schools. It’s well ahead of schedule. It will be a four-lane roadway from Livingston to Old U.S. 41 and eventually, to U.S. 41. They’re building the section from the existing two-lane section. Now they are proceeding east to the intersection of Livingston and there’s a quarter-mile of work east of Livingston. The contract says they will finish by May 2023, so it probably will be done well ahead of schedule.
- Bridges: Construction started with four contracts east of County Road 29 on 11 bridges. They’re in bad shape. Very low traffic on Immokalee Road, Countyline Road and Oilwell Road. Five are under construction now. Once they finish certain stages, the same contractor will move to the next bridges.
- Vanderbilt Beach Road Extension: We have finished design and condemned all the property that’s needed and the right of way. It should take a short time to get FDEP permits, but it’s taken over a year. We thought that it would be six months. They’re non-responsive. We called, emailed and tried to meet with them. We don’t have the permit but the project will move to procurement and, hopefully, the permit will come in.

e. Collier County Fire Review – [Shar Beddow or Shawn Hanson, Assistant Chief, Fire Marshall]
(None)

f. North Collier Fire Review – [Chief Sean Lintz or Deputy Director Daniel Zunzunegui]
(None - excused)

g. Operations & Regulatory Management Division – [Ken Kovensky, Director]

Mr. Kovensky presented a report, “*December 2021 Statistics*,” which outlined building plan and development review activities. He noted the following:

- Numbers for December dropped by a couple hundred from the previous month but are almost identical to December 2020.
- Inspections were greater than 26,500, which just missed an all-time high by about 100.
- The intake team has kept up and is now working on yesterday’s permits.
- There’s been an uptick in volume and it’s very heavy.
- The Call Center volume is still maintaining about 5,000 calls per month.

Mr. Kovensky also provided an update on staff changes and project updates:

- A new planning technician on the intake team started today.
- There are two vacancies. One was vacated by Jessica Molloy, who was promoted to a zoning planner in the front lobby. The other left to work for the City of Naples, which has hired some county employees.
- There’s been an overhaul of the finance staff. We lost our senior budget analyst, whose last day is today. We replaced her with Ashley Lang, who came from another department and used to be a senior budget analyst here.

- Two new budget analysts will be starting. One is a cashier who is being promoted from fiscal technician and starts next Monday; the cashier vacancy must be filled. Another budget analyst is coming from northern Florida and he starts the week of Jan. 17.
- We have a new senior programmer analyst that's filling the position that Jason Badge vacated when he took the CityView manager job within our group. Badge's job will be filled by Rich Dawson, an IT employee who already worked in the GMD building.
- Two key resignations: Records Room Supervisor Kathy VanSickle is retiring after more than 15 years. Her last day is Jan. 18. Lemay Perez, one of three permitting supervisors, is leaving in a couple weeks after seven years here. Their institutional knowledge will be missed.
- The two projects presented to you over the last six to eight months, self-issuing permits and Apps to Permits Phase 1, which will change the look and feel of the portal when you apply for permits, will go live on Jan. 24. That will be implemented Jan. 22-23, when the portal will be taken down for processing.

A discussion ensued:

Mr. Dunnivant inquired what incentive the City of Naples provides to lure county employees.

Mr. Kovensky said the city offers more money, especially since the city just announced a 4% retroactive raise to Oct. 1 and another 5 percent raise next year. Collier County is not close to that.

h. Zoning Division – [Mike Bosi, Director]

Mr. Bosi reported that:

- The BCC in December adopted new redistricting maps, with about 75,000 persons per district, which will require everyone to recheck their voting districts. The BCC arrived at a consensus on Map 2. The maps were posted on the zoning webpage.
- The BCC denied the Growth Management Plan and conditional use for a small neighborhood church at 8th and 22nd streets. It was a close vote, but not enough public benefit to amend the GMP, the Golden Gate Area Master Plan.
- The BCC approved a transmittal hearing for the Collier Boulevard Community Subdistrict, near Lord's Way, for 360 additional units. The set-aside now is 10% of affordable housing of 80-120%, but they let the applicant know they expect more robust participation within the affordable housing project.
- The BCC has been consistent if applicants ask for additional density and goes through a GMP amendment, they're going to require a set-aside for affordable housing.
- The property rights element in the GMP on the BCC summary agenda was a state-mandated issue. If we hadn't adopted that property rights element, the county wouldn't be able to process any new GMP amendments after July 1, so we did it well ahead of time.
- The Green Tower conditional use and variance was pulled from the summary agenda, but was ultimately approved.
- The BCC also tabled the Rural Fringe Mixed-Use District. That restudy was the first required by the BCC in 2015. This is the last of the four and completion has been slow. The BCC asked for a workshop. They're going to discuss a lineup of workshops they expect to have from February through April. After the workshops, we expect it to be approved.
- On Jan. 20, the Planning Commission will hear the Golden Gate Golf Course Conversion Project, which will set a template. There will be some difficult conversion projects after that, Riviera and Lakewood. A much larger public contingent will be dissatisfied with the end result. With the BCC publicly purchasing the Golden Gate Golf Course and retaining 12 of the 18 holes, it was like a mini conversion and most people were satisfied. I doubt the BCC

will decide to purchase the two other properties and satisfy the open space requirements. Satisfaction with the existing property owners will be a tough sell.

- On Jan. 25, a highly contentious Benton Road Communication Tower mixed-use project comes back before the BCC.
- Also on Jan. 25, St. Matthew's House wants to expand its homeless shelter. There has been no public opposition, except for the apartment complex behind it. They've treated this public hearing process like contract zoning between two people. At the second Planning Commission meeting, Attorney Tony Pires, who represents The Point at Naples apartments, requested that St. Matthew's House assist them in fixing their front entry gate. We didn't know what the nexus was for that request. He expects a fight between attorneys at the meeting. We thought they'd come to an agreement, but they haven't.

7. New Business

a. Update on the House Bill and Denied Status Implementation [Rich Long, Building Director]

- On Oct. 1, when the House Bill went into effect, the Building Department placed the information on its webpage and created a waiver.
- The CBIA and the industry has indicated it was very confusing and they weren't sure what it was all about.
- In the agenda packet, the blue language is added language, to try to explain how the House Bill affects permitting and what the waiver is for.
- The House Bill says the permit holder has 10 business days to provide the county with a correction. The county has 30 days to grant a permit or provide correction comments. Once that happens, the customer has 10 business days to respond to the county's correction comments. If they don't respond, the statute says the county must deny the permit. We don't want to do that. We'd rather have the permit provider give written permission to extend the review period, the waiver.
- The language in the statute says: "unless the applicant agrees to a longer period in writing." That's the only "out" in the statute language that allows the county to continue the review process. Otherwise, the permit must be denied, the county keeps the applicant's money and the applicant starts over again.
- When legislators wrote it, they thought it allowed us to get out of reviewing it in a timely manner and avoid financial penalties associated with the statute, but it's really not that.
- There have been 15 permits since Oct. 1 that haven't provided a waiver. It's a very manual, clunky process for the county to keep track of the 10-day period. On Feb. 1, we will close those permits and they're done.
- If we send out a corrections notice, it must contain the statute language. It provides correction comments and says the permit-holder must do this in 10 business days or upload the waiver with their correction comments.
- We also added an "Agree" button on the application process. If you agree initially, it's moot. If you disagree, you must respond in 10 business days. We'll still give them another chance. If their corrections don't come back in 10 business days, we're sending out another letter telling them that if they want the permit to continue the review process, they must upload the waiver form. Then we give them 10 more days to upload that.
- It's been five months and we're going to close those permits next month. It's a very small number.
- He will provide this information to CBIA next week.

A discussion ensued and the following points were made:

- Once the permit holder hits the “agree” button, this 10-day process is moot.
- When a correction is received, it goes into the queue and is handled in 10 business days.
- Angel Tarpley pulls a report every morning to check on the queue. There aren’t that many to look at.
- Plans are to automate the process after it’s implemented in CityView.

b. Floodplain Management Ordinance changes [Christopher Mason, Floodplain Coordinator]
Mr. Mason provided a PowerPoint presentation on Manufactured Home Replacement Elevation Requirements for Existing (Pre-FIRM) Manufactured Home Parks and Elevation & Permitting Requirements for Accessory Structures:

- Two changes to the Floodplain Management Ordinance will go before the BCC, probably in February.
- Any mobile home park developed before Sept. 14, 1979, is a pre-FIRM mobile home park.
- A pending FEMA-mandated elevation requirement change is directly rated to the Community Ratings System. Collier County is high-level, Class 5, which offers a 25% discount to flood insurance policies.
- There are more than 60,000 flood insurance policies enforced here, which translates to \$8.2 million that stays in the community based on Class 5 savings.
- Dating back to 1976, Title 44, Code of Federal Regulations, PreFIRM Mobile Home Parks were not required to go by FEMA standards, such as elevating to BFE or local standards, which is BFE plus 1 foot in Collier County, when they wanted to move to another site or put in another mobile home. FEMA allowed them to be 36 inches above grade.
- The 36-inch requirement, which is a provision in the Collier County ordinance, must be removed to be considered a Class 8 community or better. If it’s not removed, Collier County will be retrograded to a Class 9 community. That’s a \$8.2 million in savings versus \$1.7 million in savings if it’s not removed.
- During his five years here, there have only been three permits that came in for siting that used the 36-inch provision. One was in Goodland and two were in the Walkerbilt Road area.

A discussion ensued:

Mr. Mulhere said there would be a minimal impact if there were only three applications over the past five years, but he believed there may be some older mobile homes that might be preFIRM in Immokalee, Goodland and a few other places. The allowance to not have to meet the FIRM elevation requirements and just meet 36 feet above grade still exists, so he asked what the problem would be if Collier keeps it in its ordinance.

Mr. Mason said it’s a measure toward extended resilience. For example, at the Drop Anchor Mobile Home Park in Goodland, the ground elevation is about 4, the base flood elevation is 8 and the county is allowing them to come in at 7. However, the actual building code requires it to be 9, one foot above base-flood elevation. This is a push toward higher resilience standards.

Mr. Mulhere asked if the applicants make an argument if federal requirements allow them to do otherwise.

Mr. Mason said the county would be sacrificing savings if the change isn’t made. Maybe at some point that requirement will be removed.

Ms. Spurgeon-DeJohn asked if he’d reached out to the affected communities.

Mr. Mason said there was a bit of a gray area involving mobile park classification. There are 118 mobile home parks in Collier County, 80 pre-FIRM, 36 post-FIRM, but there's a gray area regarding what's defined as a mobile home park, so numbers are slightly off. He noted Immokalee has mobile homes, but no established mobile home parks. County outreach efforts have shown that removing that provision won't have a large impact. More outreach efforts can be done and this information will be on the Floodplain website.

Chairman Varian noted that the only time it will kick in is if a permit is required.

Mr. Mason said it would kick in when siting a mobile home for replacement and it's only occurred three times in the past five years.

Mr. Mason continued his PowerPoint presentation on the second Floodplain Management Ordinance change, Elevation & Permitting Requirements for Accessory Structures:

- Dating back to Title 44 of the Federal Code of Regulations, FEMA required that accessory structures be elevated to base elevation or above, with the minimum being base flood elevation. Local provisions could require higher.
- Since 1976, when this was enacted, communities nationwide never required the elevation to be base flood or above and allowed structures to be wet floodproofed, meaning they used flood vents. Federal regulations say you must get a variance to wet floodproof, but this has been going on for 46 years. Last February, the federal government said this must stop and is instituting controls.
- Collier County is working with the state on this nationwide mandate involving accessory structures and all Florida communities are complying.
- FEMA said if you have a structure larger than a two-car garage, which the state defines as about 600 square feet, and you want to wet floodproof it, a variance is required. That process is through a hearing examiner. Collier County told the state and FEMA that would be cumbersome and expensive for someone who wants to wet floodproof a structure larger than 600 square feet.
- If it's less than 600 square feet, a variance isn't required to wet floodproof it.
- If it's larger than 600 square feet, but below 1,200 square feet, a variance is needed, but won't require a hearing examiner. It will be an administrative variance, most likely issued through Floodplain Management staff. A template will be used and there's no cost involved.
- Anything over 1,200 square feet will require a variance before a hearing examiner, or by default, the Planning Commission. An analysis of the past three years to determine how many structures would be affected showed permits were applied for on 1,277 accessory structures. Of those, 154 measured 1,200 square feet or larger. Of the 1,277 structures, only five that were 1,200 square feet or more used the wet floodproof option. Probably two were done after the fact because they weren't set at the right height. Their slabs were poured too low.
- A very small number will be over 1,200 square feet. The analysis showed that most opted to elevate to base-flood elevation or above.
- A benefit is that elevation certificates won't be required anymore. The certificate was just a document to record elevation requirements. It's only going to be used for something that will be elevated to, or above, base-flood elevation.
- The only thing that will be required from Floodplain Management, outside the plans, would be the product guide for the flood vent.
- It's a nice way to relieve some monetary burden on applicants.

A discussion ensued and the following points were made:

- An access structure is defined as detached garages, toolsheds, Amazon sheds, sheds from Home Depot or Lowe's, etc., and shipping containers.

- The changes are expected to go before the BCC in early February.
- The 36-inch rule must be codified by May because there's a FEMA verification visit and Collier County could lose \$8.2 million in savings.

c. Online Meeting Platform Issues - Skype [Mr. Mulhere]

Mr. Mulhere said that virtual meetings that began during COVID are convenient and should continue. However, the county is using Skype to facilitate remote pre-application meetings and there are issues, such as people not being able to get on, audio with no visual and other problems. He asked why Collier County doesn't use Zoom, which is easy to use and many in the building trades already use it for meetings.

Mr. Kovensky said he didn't believe it was a licensing issue. He was not aware of the Skype problems and said he'd look into it.

8. Old Business

(None)

9. Committee Member Comments

(None)

10. Adjourn

Future Meeting Dates:

Feb. 2, 2022, 3 p.m.

March 2, 2022, 3 p.m.

April 6, 2022, 3 p.m.

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:05 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



Chairman, William Varian

These minutes were approved by the Board/Chairman on 2/2/22, as presented , or as amended ____.