

Mr. Strain responded they have a list of development standards and uses within the PUD and defines what they can and cannot do.

Mr. Fry has a problem with the petitioner asking for the change and not knowing why. He feels they are left in the dark and can't imagine the petitioner does not know what he is putting in that area.

Joe Schmitt commented that they are digressing from the responsibilities and authority of the Commission – they are not there to design or view what is going to be built but to discuss the rezoning. The applicant is under no obligation to present any plan whatsoever. Once rezoning is approved it is staff responsibility to review and make sure it complies with the standards that are set forth in the Land Development Code.

Mr. Abernathy stated not only can they not pin the applicant down to what he is building, they are not assured it is going to be residential. Fred stated the school board does review the PUD's and 99% get no comment.

Public Hearing was closed and opens for discussion and motion.

**Mr. Budd moved PUDZ-2001-AR-1639 be forwarded to the Board of County Commissioners with recommendation for approval. Seconded Mr. Strain. Carried. 6-2 – Mr. Adelstein and Mr. Fry voting “no”.**

**Mr. Budd moved DOA-2001-AR-1638 be forwarded to the Board of County Commissioners with recommendation for approval as described by the amending DRI Development Resolution and the follow-up traffic study is done pursuant to the recommendation. Seconded Ken Abernathy. Carried – 6-2 – Mr. Adelstein and Mr. Fry voting “no”.**

**Recess for Lunch – 12:10 PM**

**Reconvened – 1:15 PM**

Mr. Budd did not return.

**✗ I. Rural Eastern Lands Adoption Amendments to the Future Land Use Elements and related maps, The Conservation and Coastal Management Element, Immokalee Area Master Plan, Potable Water and Sanitary Sewer Sub-Elements of the public Utilities Element.**

**Presenter – Nancy Linnan – Carlton, Fields, Ward, Emmanuel, Smith & Cutler – on behalf of the County staff. Also Marti Chumbler.**

Nancy is letting the Commission know the significant changes that have been made in response to the comments, questions and concerns. A report was handed out to the Commissioners. Data for the study was collected by Wilson Miller, reviewed by a technical advisory committee made up of regional and state agencies. She worked with the committee that led to the County transmittal last June. Certain lands, 5,000 acres were added to the habitat stewardship areas. She referred to a map displayed on the visualizer.

She gave a brief overview of the process that is being proposed and the responses to the ORC Report. She stated this is still a work in progress, but all the interest groups seem to be in agreement. The groups are East Collier Property Owners Association, the Conservancy, the Florida Wildlife Federation, The Audubon, and the Dept. of Community Affairs. They needed to tweak the plan to make sure the language matches the original concept of those that came up with the plan.

She referred to "Base Line Rights".....

She discussed how they can do towns, villages, hamlets or CRD (Compact Rural Development). Each category has requirements, such as size, mix of uses and set out in the Exhibits that were displayed in the handout report. Bonus credits are given if you transfer your development rights off Habitat Stewardship areas in the first 5 years of the program.

Base Line Rights are 1 unit to 5 acres – and have to meet Habitat and Wetland protections in the fringe. She covered the restrictions. The process will be a County Resolution and language for public notice and public participation.

The Department raised 7 major issues:

- 1) Establishing a real town, village – where are they going and how to discourage sprawl.
- 2) No binding criteria for towns, village, and hamlets. It now provides 99% requirements for those areas.
- 3) Policy 4.6 which left development patterns open. Make sure there is a functional mix-so took language out.
- 4) 4.7 had a cap of 4 dwelling units per acre. Meant 4 units per gross acre. Language was added.
- 5) Raised the minimum size to 40 acres. Set criteria and put the proportionality in.
- 6) No percentage mix of uses in the receiving areas. Put per unit amount and a maximum ratio in – chart in the handout explains the above.
- 7) No intensity standards for receiving areas so put in language to correct it.

Second area raised –

Location of the Receiving Areas –

- 1) Show data assigned and how it was arrived at.
- 2) Concern was inappropriate to designate SRA's the Receiving Areas and the area of Critical Site Concern. Again referred to visualizer. Information on State Road 29 and Oil Well Road – the information has been explained but the Department has not seen it. It does not show evidence of a corridor. Not panther crossings.
- 3) Questioned a lack of infrastructure planning. Is there a capacity, will there be a capacity and who is going to pay for it. Do not have the capacity today.
- 4) Incompatible uses within the Habitat Stewardship areas. How can they allow golf courses and mining?
- 5) Need more data and analysis on getting a higher index value that on a water retention area.
- 6) Vagueness in language.
- 7) Lack of Wetlands.

Mr. Abernathy asked Nancy what she wanted of the Commission. Were all the people involved in the amendment process participants involved in the negotiations in Tallahassee?

Nancy responded – yes many of them were. This has been a 3 year process.

Mr. Richardson brought up Immokalee and Nancy said it was not included in the study area. She referred to the colors of the map from the report handed out. Mr. Richardson stated apparently he has not seen or no one has required the Immokalee Master Plan and an effort to come together. He thought she suggested the area could be a receiving area. He asked what the market value of a credit would be.

Bob Mulhere stated this is a different scenario than the Fringe. Once a process is established then a market value will be established. An upfront analysis was done to determine preliminarily what the market value would be. No one can tell anyone what the market value is today, it is something that will evolve over time.

**Al Reynolds – Wilson Miller** -answered the question of credits with the credit calibration being 8 credits per entitled acre.

Mr. Strain had questions:

- 1) If 195,000 acres is taken – divided them into 5 acre tracts there would be 39,000 units. If the SC Credits into the 16,800 acres and add to that the acreage the bonus credits will buy – come up with 80,000 units potential – how is this less of an impact than 39,000 homes.

Nancy explained the units with septic tanks, where the units are, sensitive areas, animals in areas, additional impacts and decided to have areas that are not sensitive environmentally and is a place for growth as long as compacted and a functional mixed use. Limited would be no sprawl.

- 2) Real towns, real villages were stated – he assumes when they are put in with residential they will have corresponding industrial and commercial uses to make them a “real” place. At what stage of the development are they required? Developer can put all the homes in and someday say they will have commercial there? Market will dictate. Someone can not build an intersection with commercial or a golf course by itself. Self-standing golf courses would not occur.

Nancy said theoretically if a “CRD” of over 100 acres it could. 100 acres would not support a golf course.

- 3) If there are a 150 acres - how do you choose if it is a “CRD” or a hamlet or village? Is there a requirement?

Mr. Reynolds – Wilson Miller -stated the difference between a “CRD” hamlets or village is it is a residential form of development that must be associated with a center level of support for the residents. A ‘CRD’ is not required to have permanent residential housing. He gave examples of hotels etc.

Discussion followed on the WRA’s, SRA’s, receiving areas, stewardship credits and the nontransfer of bonus credits.

**Marti Chumbler – one of Nancy’s partners and outside Council to the County** – She referred to the copy of the handout and the changes that have been made. She went page by page with the Commission under tab RLSA GOP. She covered the policy changes that were described to the EAC, made additional changes and the motion made by the EAC.

In referring to the handout Mr. Strain asked:

- About native vegetation and their classification.

- If the policies had gone back to the committee, been approved and public input? Marti answered “no” they have not had sufficient enough time and wished they would have.

- Policy 1.9 – asked if it had been “ground proofed” – answer was “yes-down to the acre”.
- Why Policy 2.5 & 2.6 is needed. To insure the preservation in Collier County and addressing the issue. Court issues were discussed.
- 5.3 #6 was taken out – ref. Federal Wildlife – it was placed back in under 5.5.
- 4.10 were discussed concerning stewardship credits. Golf courses will not need stewardship credits. He feels it widens up the amount of acres used.
- 5.1 – FSA – SSA’s were referred to and discussed.
- In conservation restoration natural resources included is oil and gas fuel development. Nancy answered it is something that never goes away and is subject to the requirements that are in the rest of the plan.

Mr. Fry asked about the questions the EAC had brought up concerning golf courses. Marti stated they felt it will all work and be a major success.

She covered the areas of the motion made by EAC.

**The motion from the EAC is as follows:**

**The EAC stated that they understood this document was a work in progress and supported moving the document forward, with substantive additions presented by staff at the meeting (Policies 1.21, 3.7, 4.3, 4.7, 4.7.3, 4.7.4, & 4.9) subject to the following areas of concerns being considered/addressed:**

- 1) **Delineate the Stewardship Receiving Areas (SRA’s).**
- 2) **Identify the incompatible uses in the Area of Critical State Concern (ACSC).**
- 3) **Provide a mechanism for re-evaluating the delineation of Hogan’s Island and the area west of Lake Trafford.**
- 4) **Increased level of detail for infrastructure needed.**
- 5) **Check countywide policies.**
- 6) **Assess the treatment of golf course as open space.**
- 7) **Remove golf courses from Compact Rural Developments (CRDs).**
- 8) **Further refine essential services and conditional uses in Habitat Stewardship Areas (HSAs)**

Mr. Strain asked about general conditional uses. It was noted they are not changing current conditional uses to permitted uses. Mr. Strain referred to Attachment “B” of the handout report. Mr. Strain commented that he had a concern about the amount of additional land needed – a list of things have been pulled out of SC Credits but being used by the towns created by them. WRA’s do not have to be in SRA’s, government essential services is out. Nancy interjected discussing specific attachments of the handout report. Mr. Strain talked about the different bonuses.

Mr. Midney feels looking at the map of the Eastern Lands, with Immokalee in the middle, that the development should be occurring in the Immokalee area. He doesn’t see an appropriate place for population centers in the Rural Lands.

Joe Schmitt stated they are bringing all this to the attention to the Board of County Commissioners. Mr. Midney feels that is more logical.

Bob Mulhere stated it had specifically excluded certain areas. This is a long term planning – 25 years plan – Immokalee requires more short term thinking.

Mr. Midney felt it would have been a good idea to transfer the credits into the areas that are low density residential now but appropriate for development within the large urban boundary.

**Break 3:10 PM**

**Meeting reconvened at 3:22 PM**

Mr. Reynolds commented about moving credits into the Immokalee area. New State Legislation that creates rural land stewardship prohibits from moving credits outside of the rural boundary. Under that Statute it can not be done. They are not strictly under the State Legislation but if there is some benefit that goes with being designated as an official stewardship area, possibly some grants, then they would want to have the option of turning it into a pilot program. A demand needs to be created. A lengthy discussion took place about the urban boundaries and the use of credits and entitlements.

Mr. Reynolds talked about the water retention areas, early entry bonuses, receiving areas, and the forms of development in the area and benefits.

Mr. Strain referred to the handout concerning Rural Land Stewardship – it was noted it should read Rural Stewardship Credit Programs. He talked about new permitted uses, earth mining and asked if it was a conditional use. The answer was “yes”. Mr. Strain referred to different pages and policy numbers in which his questions were answered.

**Bill Lorenz – Environmental Services Director** – He explained he left particular language in the handout until the challenge and will then go back to the fringe language.

**SPEAKERS:**

**Gary Davis – Conservancy Southwest Florida** - He is very pleased with the Department of Community Affairs and how they addressed the OREC Report with the many issues they faced when the plan came in for transmittal in June. He also appreciated the work all the groups did and in working together to resolve many of the issues. This process can work. Not everything was changed in the plan they wanted, but will wait for the final wording. They can support it and look forward to it going to the Board of County Commissions and look forward to working with the committee in the future.

**Nancy Payton – Florida Wildlife Federation** - She feels they are ending up with a good plan, innovative, new and feel it is going to work. They committed to working with all the other groups to address the ORC Report from DCA. Productive meetings were held with the many groups. A concern of essential services has been addressed and do not anticipate any problems. Communication towers were a concern of theirs with migrating birds but were worked out through site plans, construction design and County wide policies. County Road 846 with panthers was another concern but has been addressed with Wildlife Crossing. Will be working with Transportation Dept. She encouraged the Commission to endorse the plan and move it onto the BCC.

**Brad Cornell – Collier County Audubon Society** - He also supports the policies as amended and asks the commission to move it forward to the BCC. He looks forward in watching the plan being implemented.

Public Hearing is closed for discussion and motion.

Mr. Richardson complimented those involved in the policies and supports the amendment.

Mr. Strain asked about Item 4.10 stewardship credits – he feels it undermines some of the process and would support deleting that policy of exceeding 35% out of the stewardship applications.

-He wondered how the rest of the members felt about the HAS's and FSA's and wonder if it would be wise to create a buffer in the HSA's that are up against the FSA's. (1,000 feet)

-A minimum buffer is established before any permitted or conditional use is applied for.

-He wants to make sure he sees the language changes in 5.1-taking of the land is treated with the owner having voluntary use – or whatever language was spoken concerning the subject earlier in the meeting.

-He wants to make it clear there are no changes in the permitted or conditional uses for FSA's or HAS's.

Mr. Reynolds responded that his concerns have been addressed. Mr. Strain just wants to make sure they are not just verbal and will be in the policy changes. The 1,000 foot buffer was discussed.

Mr. Reynolds responded again with policy 3.12 addressing the buffer for flow ways and 4.13 in providing for adequate buffers for any receiving areas.

Mr. Abernathy felt he needed to know the pros and cons of the golf courses. George commented that CRD's are under 100 acres so golf courses do not fit. In villages and towns and CRD's over 100 acres with no SC requirements based on the open space exemption is the difference. The different policy numbers were discussed.

Mr. Strain doesn't feel the golf courses should be exempt from the SC process. Discussion followed on conditional use permits, open space, incentives and the credits addressing the issue.

Mr. Reynolds talked about the process

**Mr. Richardson moved to recommend adoption of the amendment, to include all the elements and readoption of the County wide policies and all language changes, to the Board of County Commissioners.**

**Seconded Mr. Midney.**

**Carried Unanimously 7-0.**

8. **OLD BUSINESS** - Mr. Richardson stated Mr. Abernathy had mentioned in a previous meeting, giving the Planning Commission Board a broader role, recommending staff work, for issues going back to the board having deliberation and consideration. He feels after today's meeting this should be a priority of staff. He also stated more thought should be given to the Immokalee area situation.

Joe Schmitt said some of the issues developed as a result of the impact fee workshop and public Forum conducted prior to the workshop dealing with the social and economic effects of the raising of impact fees. Several proposals were made to the Board. He has a document of which can be provided to the Planning Commission members.

Commissioner Coletta is working with representatives from Immokalee and working with Wilson Miller looking at a Master Plan and things that can be done for incentives in the community.

There is an issue to possibly create a separate Planning Commission for Immokalee and separate standards for architecture and landscaping. This Planning Commission may want to give ideas as to all of the above. Mr. Richardson felt we should be more effective.