MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE STRUCTURES IN EASEMENTS
SUBCOMMITEE

Naples, Florida, December 17, 2019

LET IT BE REMEMBERED, the Collier County Development Services Advisory
Committee Structures in Easements Subcommittee in and for the County of Collier,
having conducted business herein, met on this date at 10:00 AM in a REGULAR
SESSION at the Growth Management Department Building, Room 609/610 2800 N.
Horseshoe Drive, Naples, FL with the following persons present:

Chairman:   Blair Foley
           John English
           Chris Mitchell
           Jeff Curl
           Mark McLean

ALSO PRESENT: Matt McLean, Director, Development Review
               Sally Ashkar, Assistant County Attorney
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 Division – Planning and Regulation Building – Contact Mr. Evy Ybaceta at 239-252-2400.

1. Call to order
   Mr. Foley called the meeting to order at 10:00 a.m.

2. Approve agenda
   Mr. Curl moved to approve the Agenda. Second by Mr. English. Carried unanimously 5 – 0.

3. Approval of Minutes – November 22, 2019
   Mr. Curl moved to approve the minutes of the November 22, 2019 meeting as presented. Second by Mr. English. Carried unanimously 5 – 0.

4. Old Business
   a. Structures in Easements - Policy and Procedure easement.
      Matt McLean, Director, Development Review provided the Executive Summary “Recommendation to establish policy and a standard template for an Easement Use Agreement associated with minor encroachments in utility, drainage or similar easements on behalf of the Board of County Commissioners” and “Easement Use Agreement” for consideration. He noted:
         • The Subcommittee previously reviewed the proposed policy on November 22nd and staff subsequently met to review possible changes based on the input from this meeting and the December Development Services Advisory Committee meeting.
         • The Executive Summary provides clarification on the proposed policy, which addresses single-family residences on fee simple owned property.
         • Multi-family and commercial uses will be addressed independent of the policy through the Site Development Plan application process and the requirements will not apply to common area tracts of land.
         • Roof overhangs and landscaping will be exempted from the policy and are allowed in the areas in question with associated letters of no objection.
         • The list of allowed uses includes fences, A/C pads, pool equipment, generators, sidewalks and other minor structures as determined by Collier County Growth Management Staff.
         • The allowed uses do not include masonry concrete walls for screening mechanical equipment (or other uses).
         • The item is scheduled to be heard by the Board of County Commissioners on January 14, 2020 on the Consent Agenda.

   During Subcommittee discussion, the following was noted:
         • Concern on excluding concrete masonry walls from the allowed uses given their sound attenuation and non-combustible properties – Matt McLean reported the equipment may be placed outside of an easement area and staff does not support use of concrete walls in these areas.
         • The policy is not part of the Land Development Code, but will be implemented at the direction of the County Manager/Board of County Commissioners.
• Air conditioner equipment and pool equipment pads will be added to the list of allowed uses.
• The language in Section 5 of the Use Agreement was discussed at the DSAC meeting with concern expressed on indemnifying the County from any liability - staff noted they reviewed the language in the agreement and it is standard wording contained in similar County documents.
• The DSAC delegated authority to the Subcommittee to provide a recommendation if the item is to be heard before the next DSAC meeting in February and action should be taken so staff has input from the Committee.

Mr. Foley amended the motion for the Subcommittee, as delegated by the Development Services Advisory Committee, recommend the Board of County Commissioners approve the policy as proposed by staff subject to staff clarifying the language air conditioner equipment and pool equipment pads are included in the allowed uses and supports it as written with the additional requirement allowing of concrete masonry walls for screening. The Subcommittee is silent on the “Easement Use Agreement” but recognizes the language is consistent with other County documents of this nature. Second by Mr. Curl.

It was noted the recommendation of approval should not be contingent upon allowing construction of masonry screening walls, but consideration be given to include them in the list of exemptions.

Speaker
Kathy Curatolo, Collier Building Industry Association suggested the recommendation outline any concerns raised so the BCC is aware of the issue.

Mr. Foley amended the motion for the Subcommittee, as delegated by the Development Services Advisory Committee, recommend the Board of County Commissioners approve the policy as proposed by staff subject to staff clarifying the language air conditioner equipment and pool pads are included in the allowed uses. They suggest consideration be given to include concrete masonry walls as an allowed use due to their ability to aid in sound attenuation and resistance to heat amelioration from the devices they screen. The Subcommittee is silent on the requirements of Section 5 of the “Easement Use Agreement” but recognizes the language is consistent with other County documents of this nature. Second by Mr. Curl.

The following was noted during Staff and Subcommittee discussions:
• The item will be on the Consent Agenda and concern the BCC will not consider the use of masonry walls for screening but recognized this is the process in place for such items.
• The policy may be changed if new issues arise, or further consideration is requested on allowing concrete walls, however staff will not support this change if requested.
• The main benefit for allowing masonry walls is they are non-combustible and also act as sound barriers for the noise created by the equipment.

Motion carried unanimously 5 – 0.
b. Removal Use Agreement Concept
   See discussion in Item 4.a.

5. Public comments
   None

6. Adjourn
   There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 10:40 A.M.

These Minutes were approved by the Committee on 5 Feb 20, as presented ________, or as amended ________.