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**STAFF REPORT**  
**COLLIER COUNTY PLANNING COMMISSION**

**FROM:** COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION, COMPREHENSIVE PLANNING DEPARTMENT

**HEARING DATE:** AUGUST 29, 2008

**SUBJECT:** PETITION CPSP-2007-7, SCHOOL CONCURRENCY GROWTH MANAGEMENT PLAN AMENDMENTS, NEW PUBLIC SCHOOL FACILITIES ELEMENT AND SUPPORT DOCUMENT, AND PUBLIC SCHOOL FACILITY PLANNING AND SCHOOL CONCURRENCY INTERLOCAL AGREEMENT TO ESTABLISH AND IMPLEMENT A SCHOOL CONCURRENCY PROGRAM WITHIN COLLIER COUNTY (*ADOPTION HEARING*)

**ELEMENTS:** INTERGOVERNMENTAL COORDINATION ELEMENT (ICE); CAPITAL IMPROVEMENT ELEMENT (CIE); FUTURE LAND USE ELEMENT (FLUE) AND FUTURE LAND USE MAP SERIES; GOLDEN GATE AREA MASTER PLAN (GGAMP) ELEMENT; IMMOKALEE AREA MASTER PLAN (IAMP) ELEMENT; AND NEW PUBLIC SCHOOL FACILITIES ELEMENT (PSFE) AND PUBLIC SCHOOL FACILITIES MAP SERIES

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Transmittal hearings on the school concurrency amendments, new Public School Facilities Element (PSFE) and support document, and the Public School Facility Planning and School Concurrency Interlocal Agreement (ILA) were held on October 18 and November 1, 2007 (CCPC), and on December 4, 2007 (BCC). The respective Transmittal recommendations/actions are presented below, following each Element and the Interlocal Agreement.

The *CCPC staff report from the Transmittal hearings*, which provides staff's general analysis of the petition and statutory requirements for school concurrency, is located behind the **tab** labeled, ***Transmittal Staff Report***.

**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ORC REPORT:**

After review of the transmitted school concurrency documents, the Florida Department of Community Affairs (DCA) renders an Objections, Recommendations and Comments (ORC) Report. Only Objections can form the basis of a non-compliance determination, unless the adopted amendments vary significantly from those transmitted. If an Objection is not adequately addressed when adopted, then the DCA may (presumably will) find the amendment to be "Not in Compliance" with Florida Statutes, and issue a Notice of Intent (NOI) to indicate such noncompliance. The County may respond to the ORC Report in one of three ways at Adoption (not to adopt isn't an option – State law mandates local governments adopt a PSFE, an Interlocal Agreement, and amendments to the Growth Management Plan to establish and implement a school concurrency program):

1. *not modify the amendment/new element/support document/ILA*, but provide additional explanation of what the amendment/document is about, its purpose, what it will achieve [appropriate if we believe DCA simply does not understand/has misunderstood the amendment] and/or provide additional data and analysis to support the amendment/new Element; or
2. *modify the amendment/new element/support document/ILA*, so as to address the ORC issue; or,
3. *modify the amendment/new element/support document/ILA*, and provide additional explanation and/or provide additional data and analysis.

In their February 18, 2008 ORC Report for the County's School Concurrency submittal, the DCA offers seven Objections; four pertain to the Public School Facilities Element and one of the four also pertains to the Public School Concurrency Interlocal Agreement, two pertain to the Capital Improvement Element, and one pertains the Public School Facilities Data and Analysis Report. Additionally, there are six Comments in the ORC Report; two pertain to the Capital Improvement Element, and four pertain to the Public School Concurrency Interlocal Agreement. These Objections and Comments are contained in the **attached** document entitled "**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal,**" along with the District/County responses, followed by a separate School District response, where consensus has not been reached on an Objection/Comment or other provision of the school concurrency program. The entire ORC Report, which includes comments from other state and regional review agencies, is included in the CCPC binder. Additionally, for ease of review of the proposed revisions to the school concurrency documents since transmittal, staff has provided all revised documents in double ~~strike-through~~ and double underline format behind the **tab** labeled "**Adoption Documents.**"

#### **SCHOOL CONCURRENCY DOCUMENTS AND MAPS LINKED TO SCHOOL BOARD REVIEW ILA – Outstanding Issue:**

There are two significant related outstanding issues remaining between the staffs of the School District and County, which pertain to the existing locational criteria adopted for educational and ancillary facility siting, and provisions for site review for supporting infrastructure, compatibility, etc., for both **mapped** and unmapped educational and ancillary facility sites approved under the School Board Review (SBR) Interlocal Agreement (ILA), adopted by the School Board and Board of County Commissioners in 2003.

The locational criteria for educational and ancillary facility siting throughout the County and a process to defer the site/facility's compatibility review and the assessment of off-site supporting infrastructure impacts, etc. until time of site development plan submittal were established by the SBR ILA. As a result, the Growth Management Plan (FLUE, GGAMP, and IAMP) was subsequently amended to include the SBR ILA locational criteria with the express understanding by both the District and County that the assessment for off-site supporting infrastructure, compatibility review, etc. would be addressed at time of site development plan submittal for *all* sites approved under the SBR ILA.

The school concurrency amendments/new element include maps and new provisions to address future school sites approved under the SBR ILA. The SBR ILA will expire in May 2009, leaving in place locational criteria for school facility siting in the GMP without

the adopted process to assess infrastructure impacts or review for compatibility, etc., for those same sites approved under the SBR ILA, as originally authorized by both the School District and Board of County Commissioners.

County staff is proposing amendments to the FLUE, GGAMP, and IAMP, and adding notes to various maps as part of this amendment package to maintain the District's previous commitment to abide by the SBR ILA, as amended, or comply with the County's Land Development Code at time of site development submittal for all "mapped" sites and any other future site approved under the SBR ILA. Staff has also added a provision in the proposed school concurrency ILA to address future revisions to the locational criteria for facility siting in the GMP in the event the SBR ILA expires. However, the School District staff rejected County staff's proposed map notes and proposed addition to the school concurrency ILA.

County staff strongly urges the CCPC to recommend staff's proposed amendments to the Collier County Board of County Commissioners, as these amendments are in the best interests of the residents of Collier County, are based on sound planning practices and principles, and are necessary in order to insure ongoing financial feasibility of the County's Capital Improvement Element.

**SCHOOL CONCURRENCY GROWTH MANAGEMENT PLAN AMENDMENTS, PUBLIC SCHOOL FACILITIES ELEMENT AND SUPPORT DOCUMENT, AND INTERLOCAL AGREEMENT:**

**A. Intergovernmental Coordination Element (ICE)**

**TRANSMITTAL HEARING**

STAFF RECOMMENDATION: Transmit to the DCA. Refer to the Transmittal Staff Report located in the CCPC binder, and the ICE as recommended by staff for Transmittal, located behind the **tab** labeled "**Transmittal Documents – CCPC.**"

CCPC RECOMMENDATION and COMMENTS: Transmit to the DCA; no changes proposed.

BCC ACTION: Transmit to DCA, as recommended by the CCPC.

**ADOPTION HEARING**

STAFF RECOMMENDATION: That the CCPC forward the ICE to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all revisions reflected in the **attached** document entitled "**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**"– and to transmit to the Florida Department of Community Affairs.

**B. Capital Improvement Element (CIE)**

**TRANSMITTAL HEARING**

STAFF RECOMMENDATION: Transmit to the DCA. Refer to the Transmittal Staff Report located in the CCPC binder, and the CIE as recommended by staff for Transmittal, located behind the **tab** labeled "**Transmittal Documents – CCPC.**"

**CCPC RECOMMENDATION and COMMENTS:** Transmit to the DCA, subject to revisions reflected in the **attached** document entitled **“Collier County Planning Commission Recommendations - Transmittal.”**

**BCC ACTION:** Transmit to the DCA, subject to the CCPC’s recommendations, except retain reference to School “EEE” in the District’s Capital Improvement Plan adopted by reference into the CIE. (School “EEE” is located on future Vanderbilt Beach Road Extension.)

**ADOPTION HEARING**

**STAFF RECOMMENDATION:** That the CCPC forward the CIE to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all revisions reflected in the **attached** document entitled **“2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal”** – and to transmit to the Florida Department of Community Affairs.

**C. Public School Facilities Element (PSFE) and Map Series**

**TRANSMITTAL HEARING**

**STAFF RECOMMENDATION:** Transmit to the DCA. Refer to the Transmittal Staff Report located in the CCPC binder, and the PSFE as recommended by staff for Transmittal, located behind the **tab** labeled **“Transmittal Documents – CCPC”**.

**CCPC RECOMMENDATION and COMMENTS:** Transmit to the DCA, subject to revisions reflected in the **attached** document entitled **“Collier County Planning Commission Recommendations - Transmittal.”**

**BCC ACTION:** Transmit to the DCA, as recommended by the CCPC, except retain reference to School “EEE” on the PSFE “Future Schools and Ancillary Facilities Map.

**ADOPTION HEARING**

**STAFF RECOMMENDATION:** That the CCPC forward the PSFE and Map Series to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all revisions reflected in the **attached** document entitled **“2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal”** – and to transmit to the Florida Department of Community Affairs.

**D. Public School Facilities Element - Data and Analysis Report**

**TRANSMITTAL HEARING**

**STAFF RECOMMENDATION:** Transmit to the DCA. Refer to the Transmittal Staff Report located in the CCPC binder.

**CCPC RECOMMENDATION and COMMENTS:** The CCPC did not make any recommendations on the Data and Analysis Report.

**BCC ACTION:** Transmit to the DCA.

**ADOPTION HEARING**

STAFF RECOMMENDATION: That the CCPC forward the PSFE Data and Analysis Report to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all revisions reflected in the **attached** document entitled “**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**” – and to transmit to the Florida Department of Community Affairs.

**E. Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA)**

**TRANSMITTAL HEARING**

STAFF RECOMMENDATION: Transmit to the DCA. Refer to the Transmittal Staff Report located in the CCPC binder, and the PSFE as recommended by staff for Transmittal, located behind the **tab** labeled “**Transmittal Documents – CCPC**”.

CCPC RECOMMENDATION and COMMENTS: Transmit to the DCA, subject to revisions reflected in the **attached** document entitled “**Collier County Planning Commission Recommendations - Transmittal.**”

BCC ACTION: Transmit to the DCA, subject to the CCPC’s recommendations, except retain the staff/School District recommendation in Section 12.3 b which states, “Alternatively, if (i) the County and the School District are unable to agree on another SBR Interlocal Agreement, (ii) the SBR Interlocal Agreement expires, and (iii) the County and the School District disagree over the review of a school site plan, then the County and the School District hereby agree that the School District shall file an action in the Circuit Court of Collier County seeking a declaratory judgment to resolve the dispute.”

**ADOPTION HEARING**

STAFF RECOMMENDATION: That the CCPC forward the ILA to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all revisions reflected in the **attached** document entitled “**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**” – and to transmit to the Florida Department of Community Affairs.

**F. Future Land Use Element (FLUE) and Map Series**

**TRANSMITTAL HEARING**

No changes were proposed to the FLUE at Transmittal hearings.

**ADOPTION HEARING**

ADOPTION EXPLANATION: FLUE Policy 5.14 must be revised to delete the existing, and include the new, reference to the Interlocal Agreement for Public School Facility Planning and School Concurrency (general ILA), consistent with revisions made to the ICE at Transmittal hearings; include provisions to address existing (mapped) sites for future educational plants and ancillary plants *approved* by the adoption of the School Board Review Interlocal Agreement by the School Board in May 2003 and the Board of County Commissioners in July 2003, when the SBR ILA expires in May 2009; and, repeal the maps entitled “Existing Sites for Future Public Educational Plants and Ancillary Plants” and “Existing Public Educational Plants (Schools) and Ancillary Plants

(Support Facilities)” and adopt into the Future Land Use Map Series the map series contained in the PSFE, consistent with PSFE Policy 1.4.2., which requires the PSFE Map Series be consistent with the FLUE Map Series.

STAFF RECOMMENDATION: That the CCPC forward the FLUE and Map revisions to the BCC with a recommendation to adopt as proposed by staff in the **attached** document entitled “**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**” – and to transmit to the Florida Department of Community Affairs.

## **G. Golden Gate Area Master Plan (GGAMP) Element**

### **TRANSMITTAL HEARING**

No changes were proposed to the GGAMP Element at Transmittal hearings.

### **ADOPTION HEARING**

ADOPTION EXPLANATION: GGAMP Policy 1.1.8 must be revised to delete the existing, and include the new, reference to the Interlocal Agreement for Public School Facility Planning and School Concurrency (general ILA), consistent with revisions made to the ICE at Transmittal hearings; and, include provisions to address existing (mapped) sites for future educational plants and ancillary plants *approved* by the adoption of the School Board Review Interlocal Agreement by the School Board in May 2003 and the Board of County Commissioners in July 2003, in the event the SBR ILA expires in May 2009.

STAFF RECOMMENDATION: That the CCPC forward the GGAMP revisions to the BCC with a recommendation to adopt as proposed by staff in the **attached** document entitled “**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**” – and to transmit to the Florida Department of Community Affairs.

## **H. Immokalee Area Master Plan (IAMP) Element**

### **TRANSMITTAL HEARING**

No changes were proposed to the IAMP Element at Transmittal hearings.


### **ADOPTION HEARING**

ADOPTION EXPLANATION: IAMP Policy 1.1.7 must be revised to delete the existing, and include the new, reference to the Interlocal Agreement for Public School Facility Planning and School Concurrency (general ILA), consistent with revisions made to the ICE at Transmittal hearings; and, include provisions to address existing (mapped) sites for future educational plants and ancillary plants *approved* by the adoption of the School Board Review Interlocal Agreement by the School Board in May 2003 and the Board of County Commissioners in July 2003, in the event the SBR ILA expires in May 2009.

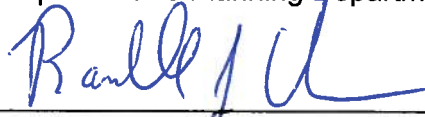
STAFF RECOMMENDATION: That the CCPC forward the IAMP revisions to the BCC with a recommendation to adopt as proposed by staff in the **attached** document entitled “**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**”– and to transmit to the Florida Department of Community Affairs.


**STAFF RECOMMENDATION OVERALL:**

That the CCPC forward Petition CPSP-2007-7 to the BCC with a recommendation to adopt as transmitted by the County to the Florida Department of Community Affairs, subject to all staff revisions reflected in the **attached** document entitled "**2/18/08 Objections, Recommendations and Comments (ORC) Report Response; and Non-ORC Report Related Changes Since Transmittal**" – and to transmit to the Florida Department of Community Affairs.

Prepared By:  Date: 8-18-08  
Michele Mosca, AICP, Principal Planner  
Comprehensive Planning Department

Reviewed By:  Date: 8-18-08  
David Weeks, AICP, Planning Manager  
Comprehensive Planning Department

Reviewed By:  Date: 8-18-08  
Randall Cohen, AICP, Director  
Comprehensive Planning Department

Reviewed By:  Date: 8-18-08  
Marjorie Student-Stirling, Assistant County Attorney  
County Attorney Office

Approved By:  Date: 8/18/08  
Joseph K. Schmitt, Administrator  
Community Development and Environmental Services Division

**COLLIER COUNTY PLANNING COMMISSION:**

**MR. MARK STRAIN, CHAIRMAN**

**Staff Report for August 29, 2008 CCPC hearing.**

NOTE: This petition has been scheduled for the October 14, 2008 BCC hearing.