

Staff Summary of the Florida Senate Interim Report 2010-107, October 2009

Subsequent to preparation of the CCPC Staff Reports for the 2007/2008 combined cycles of Growth Management Plan amendment petitions, Collier County was provided the October 2009 Florida Senate Interim Report 2010-107 entitled "POPULATION NEED AS A CRITERIA FOR CHANGES TO A LOCAL GOVERNMENT'S FUTURE LAND USE MAP." In addition to the Interim Report, a draft rule to amend the Florida Administrative Code was provided.

The Interim Report identified a primary issue of a "Needs Assessment" in determining whether a comprehensive plan amendment as submitted by a local government provides more land than is needed to accommodate anticipated population growth. *Population growth is utilized in the context of projected population during the 5 and 10 year planning time horizons.*

The genesis for the Interim Report was a land use decision in Marion County where the Governor and Cabinet upheld a decision of an administrative law judge (ALJ) that a proposed comprehensive plan amendment would, if adopted, allow more than five times the residential units needed in Marion County's 10 year planning horizon. The finding of the ALJ was that the applicant's methodology was not professionally acceptable because it did not demonstrate the need within the adopted planning time horizon.

The Report identified several proposed comprehensive plan amendments that were found not in compliance based upon needs criteria, that is, because need was not demonstrated by the applicant. However, the Report also identifies some instances where comprehensive plan amendments were found in compliance despite failing to meet the needs assessment criteria; more about this later in this summary. One amendment highlighted in the Report not meeting the needs assessment involved the re-designation of land for industrial development in Putnam County; another such amendment was for the creation of the Clear Springs Sector Plan that re-designated 17,000+ acres to allow uses that included over 11,000 dwelling units, 6.8 million square feet of Research/Corporate Park /Commercial, and 21.8 million square feet of Industrial uses.

The needs analysis is a useful planning tool to ascertain whether a proposed plan amendment will result in a local government's over-allocation of land in a specific land use category. One of the biggest problems identified with the over-allocation of certain land uses is urban sprawl, which causes increased infrastructure costs, a depleted urban core, and the premature development of agricultural lands and natural areas:

The needs analysis explained in the Interim Report includes a market factor, planning time horizon, and population projections. As previously noted, the planning horizon for Collier County is presently out to 10 years (2020). The County utilizes medium range population projections as provided annually by the University of Florida's Bureau of Economic and Business Research. The market factor is a numerical tool used to determine the amount of land use supply needed to accommodate anticipated growth. The Florida Department of Community Affairs (DCA) uses a market factor of 1.25, or 25 percent greater than the anticipated need of land use supply necessary for the population projected in the [10 year] planning time horizon. The additional 25% is designed to allow for market flexibility.

Market factor is calculated by dividing the *supply* of land use by the *demand* for that land use. The *supply* could be dwelling unit capacity (all built units plus all units allowed based on existing zoning and future land use designation), commercial capacity (all built commercial square feet plus all