

SUMMARY OF CHANGES
RECOMMENDED AT CCPC WORKSHOP
AND
EAC TRANSMITTAL HEARING
TO
EAR-BASED GMP AMENDMENTS

Potential Policy Issues

A small number of recommendations from the EAC do not relate directly with the adopted Evaluation and Appraisal Report (EAR). Certain entries appearing under the Drainage Sub-Element and Conservation & Coastal Management Element below are listed separately from those recommendations with a clear relationship with the adopted EAR, and can be identified by their less-formal font style and an identifying “(staff-assigned reference number)” immediately following each entry. These entries present potential policy issues for consideration at a later date, unless the relationship between these entries can be established with the adopted EAR. If so established, then these changes could be considered for Transmittal as part of the EAR-based amendments.

1. Capital Improvement Element (CIE)

CCPC (& staff) changes to the CIE as recommended at the October 14, 2011 workshop:

- Policy 1.5.F: Confirmed modifications are necessary edits to maintain consistency with the AUIR.

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]:

- Policy 5.1.C: Reference to HB 7207. Post workshop: The additional reference to HB 7207 is not necessary or desired, and is removed. The reference to Section 163.3220 in this Policy *is* affected by the adoption of HB 7207 however, and specific modifications are made accordingly. Another Policy refers to Section 163.3220 – Policy 5.2.C – so this entry is also modified accordingly.

2. Transportation Element (TE)

CCPC (& staff) changes to the TE as recommended at the October 14, 2011 workshop:

- Policy 5.1: In addition to the proposed language to the policy, add the requirement for absorption schedules for all applications. Post workshop: Policy modified accordingly.
- Policy 6.5: Modify the first sentence to add the word, “potential” before the word, “critical” and add the phrase, “in the vicinity of” before “I-75/Everglades Interchange”. Post workshop: Policy modified accordingly.
- Policy 6.6: Clarify in the language as to whether the policy is applied to a project or a road. Post workshop: After carefully considering the CCPC’s concerns related to the ambiguity of the term “temporary access facilities”, staff believes that this draft policy does not need to be in the GMP in order for the County to encourage temporary facilities to be available for use during an emergency. The one example of such a potential use is located at the I-75/Everglades Boulevard overpass, at which a temporary construction access was approved for use in the Picayune Strand restoration project. That location could be of significant value during an emergency to provide both ingress

and egress to motor vehicles. Emergency use authorization (in this case to access the limited access interstate highway) to access a public roadway from a temporary location can be granted by the appropriate transportation agency having maintenance responsibility over the facility, e.g., FDOT or Collier County. The emergency use of any temporary access, e.g., a construction access, should only be done with caution and only when proper safety precautions are in place. Staff believes should be done on a case by case basis when such emergency use is requested, and that no GMP policy is needed. Based upon that assessment, staff has removed the proposed policy.

- Policy 7.3: Clarify the term Zoning Ordinance, if it's not a specific document then needs clarification. Post workshop: Policy modified, Zoning Ordinance removed from Policy.
- Policy 7.5: Remove the phrase, "continue to" in the first sentence of the paragraph. Post workshop: Policy modified accordingly.
- Policy 9.3: Go back to the original wording if development of conditions which mandates interconnection is not developed by the time of Transmittal Public Hearing. Post workshop: The Deputy Administrator for Growth Management clarified that the conditions which mandates interconnection are already codified in the Land Development Code (LDC) in 4.04.02. The criterion is currently applicable to future development in mixed-use activity centers. Based upon this recognition, Transportation staff proposed modifications to Policy.

3. **Public Facilities Element**

a. **Sanitary Sewer Sub-Element (SS)**

CCPC (& staff) changes to the Sanitary Sewer Sub-Element as recommended at the October 14, 2011 workshop: None

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]:

- Objective 1: Change CDES to what it needs to be: "Planning and Regulation – Land Development Services Department". Post workshop: Objective modified accordingly. Policy 1.1 also modified accordingly.
- Policy 1.5: First paragraph, last word should be removed "system" (it's shown twice). Post workshop: Policy modified accordingly.
- Policy 4.6: Change policy to be consistent with changes in the Florida Statutes introducing alternative language to Xeriscaping with Florida Friendly practices and policies. Post workshop: Policy modified accordingly.

b. **Potable Water Sub-Element (PW)**

CCPC (& staff) changes to the Potable Water Sub-Element as recommended at the October 14, 2011 workshop: None

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]:

- Policy 4.6: change policy to be consistent with changes in the Florida Statutes introducing alternative language to Xeriscaping with Florida Friendly practices and policies. Post workshop: Policy modified accordingly.

c. Drainage Sub-Element (D)

CCPC (& staff) changes to the Drainage Sub-Element as recommended at the October 14, 2011 workshop: The CCPC did not recommend changes to this Sub-Element beyond those adopted with the EAR.

EAC's recommended changes made at their December 7, 2011 Transmittal hearing not directly related with the adopted Evaluation and Appraisal Report:

- Provide alternative direction in or after Policy 1.3 for identifying properties [*such as Pepper Ranch and the Caracara property*] where Conservation Collier or other comparable public entity could apply, or bank, wetland mitigation and panther habitat mitigation credits for County projects; this would be accomplished with revising 1.3 or with a new Policy stating, "Municipal entities may use Conservation Collier lands, such as but not limited to, Pepper Ranch, Caracara Prairie and other properties as acquired, for wetland and wildlife mitigation". (1)
- Provide direction in or after Policy 6.3 for reducing discharge rates to pre-development levels, as found in the Watershed Management Plan; as a return to compliance. A new Goal after Policy 6.3 may be needed to introduce a new subsequent Policy. (2)

d. Solid Waste Sub-Element (SW)

CCPC (& staff) changes to the Solid Waste Sub-Element as recommended at the October 14, 2011 workshop: None

Staff changes approved by the CCPC [*Items inadvertently overlooked by staff during document preparation.*]:

- Policy 3.4: Change policy to be consistent with changes in the Florida Statutes introducing alternative language to Xeriscaping with Florida Friendly practices and policies. Post workshop: Policy modified accordingly.

e. Natural Groundwater Aquifer Recharge Sub-Element (NGWAR)

CCPC (& staff) changes to the NGWAR Sub-Element as recommended at the October 14, 2011 workshop:

- Policy 1.2: Retain Policy as written [*This Policy describes an activity conducted Countywide. Additional language to emphasize a specific geographical area is unnecessary. The CCPC EAR recommendation to provide for this specificity is withdrawn, and this Policy would not change.*]
- Policy 3.3: Retain Policy as written [*This Policy describes an activity conducted Countywide. Additional language to emphasize a specific geographical area is not necessary. The CCPC EAR recommendation to provide for this specificity is withdrawn, and this Policy would not change.*]
- Policy 3.5: Revise Policy as recommended without additional statement [*This Policy describes an activity conducted Countywide. Additional language to emphasize a specific geographical area is not necessary. The CCPC EAR recommendation to provide for this specificity is withdrawn.*]

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]:

- Objective 4: Revise the phrase, “but are limited to” to read, “but are not limited to”

EAC (& staff) changes to the NGWAR Sub-Element as recommended at the December 7, 2011 transmittal hearing: None

4. Housing Element (HE)

CCPC changes to the Housing Element as recommended at the October 14, 2011 workshop:

- Objective 1: PENDING Housing Dept. staff/AHAC input
- Policy 1.5 (renumbered): Revised to reflect statutory text
- Objective 2: PENDING Housing Dept. staff/AHAC input
- Policy 2.10: Delete the word, “operate” and insert the word, “administer” *[The Housing Dept. “administers” rather than “operates” programs.]*
- Objective 8: PENDING Housing Dept. staff/AHAC input

Staff changes approved by the CCPC at the October 14, 2011 workshop:

- Policy 8.4: Delete the phrase, “within the Immokalee Urban and Rural Lands Stewardship Areas will” and insert the word, “shall” *[Provisions for awarding funds to rehabilitate residential units is intended to be competitive, not restricted to certain geographies within the County.]*

5. Recreation & Open Space Element (ROSE)

CCPC (& staff) changes to the ROSE as recommended at the October 14, 2011 workshop:

- Objective 2.1: Add the word, “Master” between the words, “Park” and “Plan” in the first sentence. Post Workshop: Objective modified accordingly.
- Policy 2.1.8: Replace the word, “require” to, “promote” in the first sentence. Post Workshop: Policy modified accordingly.
- Objective 1: Replace the words, “the most” with “an”. Post workshop: Objective modified accordingly.
- Policy 3.8: Add the phrase, “but not limited to” between the words, “build on” and “the traditional” in the first sentence. Post Workshop: Policy modified accordingly.
- Objective 4: Add the term, “where appropriate” between the words, “County” and “will” in the first sentence. Post Workshop: Objective modified accordingly.
- Policy 4.1: Add the term, “where appropriate” between the words, “support” and “the economic” in the first sentence. Post Workshop: Policy modified accordingly.

6. Conservation & Coastal Management Element (CCME)

CCPC changes to the CCME as recommended at the October 14, 2011 Workshop:

- Policy 2.1.6: Retain Policy *[Premature to remove Policy prior to the adoption of the Watershed Management Plans by the BCC.]*

- Policy 2.2.5: Insert the phrase, “if feasible” after the phrase, “stormwater management systems be inspected and,” *[Requirement for stormwater management system inspections by a licensed Florida professional engineer is problematic and costly for HOAs, etc.]*
- Policy 6.2.1: Delete the word, “project” and insert the phrase, “Environmental Resource Permitting” within the last sentence *[Clarification by CCPC]*

Staff changes approved by the CCPC at the October 14, 2011 Workshop *[Staff items inadvertently overlooked during document preparation.]*:

- Objective 3.2: Delete the phrase, “Implement a” and insert the phrase, “Continue the”
- Objective 9.4: Delete the phrase, “Continue to implement” and insert the phrase, “Maintain the County’s”
- Policy 10.1.6 (renumbered): In the second sentence, insert the word, “marine” before the word, “wetlands”
- Objective 10.5: Insert the phrase, “For undeveloped shorelines” at the beginning of the sentence

EAC changes to the CCME as recommended at the December 7, 2011 Transmittal hearing:

- Objective 1.2: Insert the following text within the Objective, “collect the highest practical quality data with data quality indicators” *[Staff’s alternative recommendation is to insert the statutory text provision, which references “best available data.”]*
- Objective 2.1 c.: Revise FEMA Map references after acceptance *[Map acceptance will likely occur during the adoption phase of the EAR-based amendments.]*
- Policy 2.1.7: Delete the phrase, “rely upon” and replace with “include in their review”
- Policy 3.1.4: Revise the word, “Aquifer” to read, “aquifers” (lowercase and plural)
- Objective 4.1: Remove the qualifier, “more” from Objective text
- Policy 10.1.2: Insert same Policy text within the FLUE to ensure consistency
- Policy 10.1.7 (renumbered): Retain the phrase, “public benefit” within the provision *[Recommendation by staff to delete “public benefit” reference, as a fiscal analysis cannot be performed to demonstrate “public benefit.”]*
- Objective 10.5: Insert the term “wetland systems” after the word, “dunes” within the second sentence *[Staff recommends not including this term, as this has the potential to create inconsistencies within Obj. 10.5 and related policies that address dunes and coastal barriers only; wetlands are addressed within other CCME provisions.]*
- Replace the terms, “water-shed” and “ground water” with, “watershed” and “groundwater” throughout the document.

Staff’s recommended changes to the CCME subsequent to the CCPC’s October 14, 2011 Workshop and the EAC’s December 7, 2011 Transmittal hearing:

- Policy 2.2.5: Revise Policy text to read, “The County, in coordination with the South Florida Water Management District and the Florida Department of Environmental Protection, shall develop and implement a plan to encourage ~~By December 31, 2008, and no less than every three years,~~ stormwater management systems shall be periodically inspected and, ~~if feasible, certified by an~~ licensed Florida appropriate professional engineer for compliance with their approved design, and any deficiencies shall be corrected.” *[Proposed revision is an alternative to the CCPC’s recommended change, intended to provide greater flexibility for the application of this Policy.]*

- Policies 6.1.2 and 6.2.5: Revise policies to reference/include preservation standards for the Lake Trafford/Camp Keais Strand – native vegetation retention of 60 percent (not to exceed 45 percent of the site). *[Retention requirement originally proposed as a component of the Immokalee Area Master Plan amendments.]*

EAC’s recommended changes made at their December 7, 2011 Transmittal hearing not directly related with the adopted Evaluation and Appraisal Report:

- Policy 4.1.3: Revise Policy to require the “determination” of actual, as opposed to permitted, agricultural pumpage; and, add the phrase “if and when available”. Policy to read as follows, “The County in coordination with the South Florida Water management District shall work with the agricultural community to devise a method for determining actual agricultural pumpage, when and if available.” (3)
- Objective 7.1 and/or Policy 7.1.2: Consideration should be given to assuming more of the responsibilities for listing endangered and protected species, and issuing “take” permits, rather than deferring to the Florida Wildlife Service or Wildlife Conservation Corp; this would be accomplished with revising Objective 7.1. and/or Policy 7.1.2 to add #4 that may read, “Within a year the County shall reassess taking control of the process of take permits for listed species, currently done by the Florida Wildlife Service and/or Wildlife Conservation Corp.” (4)
- Add a new policy or revise an existing policy to address low impact development (LID) practices and policies; this would be accomplished with the following text, “Within two years from the adoption of this policy, the County shall publish a Low Impact Development (LID) Manual, and enact LID land development code regulation to reduce stormwater runoff from all private and public developments and redevelopments.” (5)

7. Intergovernmental Cooperation Element (ICE)

CCPC (& staff) changes to the ICE as recommended at the October 14, 2011 workshop: The CCPC did not recommend changes to this Element beyond those adopted with the EAR.

8. Future Land Use Element (FLUE)

CCPC (& staff) changes to the FLUE as recommended at the October 14, 2011 workshop:

- Policy 7.3: Add reference to Transportation Element Policy 9.3. Staff believes it appropriate to reference, but not mirror, TE Policy 9.3 as the two are related but not identical in scope. Only local street interconnections are addressed in TE Policy 9.3 whereas FLUE Policy 7.3 also addresses interconnection points, e.g. parking lot connections. Further, the context of Policy 7.3 is different as its genesis is the Community Character Plan, as identified in Objective 7. *[At the workshop, staff noted this policy needed revision to correlate with Transportation Element Policy 9.3; CCPC discussed TE Policy 9.3 at length.]*
- Density Rating System/Density Reduction/Coastal High Hazard Area: (1) Add clarification that the CHHA boundary is generally depicted on the Future Land Use Map and more precisely identified in the Future Land Use Map series. (2) Retain text as proposed to apply the density reduction factor to all lands subject to the density rating system, including those presently not subject to the traffic congestion area reduction. The affected area is approximately the west half of Section 1, Township 50 South, Range 26 east. In that area, many of the parcels are non-residentially zoned (e.g. C-5 and I-Industrial); and, all residentially zoned parcels are within

platted subdivisions where almost all lots are developed and most are zoned for ≥ 4 dwelling units per acre. Staff estimates < 100 acres are zoned E-Estates, thus reasonably eligible for rezone to higher density; however, almost all of those E-zoned parcels are developed. Staff believes the likelihood of requested up-zoning for these parcels beyond the proposed allowable 3 dwelling units per acre to be minimal. *[(1) At the workshop, staff noted this change was needed. (2) CCPC expressed concern about infringement upon property rights due to lessening the eligible density available via rezoning.]*

- Mixed Use Activity Center Subdistrict/Master Planned Activity Center provision: Retain text allowing usage of Master Planned Activity Center provision if 51% or more of a quadrant is under unified control (remove proposed text requiring an entire quadrant to be under unified control); proposed clean-up changes remain. *[CCPC expressed concern about infringement upon property rights under the proposed “entire quadrant” change.]*
- Overlays and Special Features/Coastal High Hazard Area: Add clarification that the CHHA boundary is more precisely identified in the Future Land Use Map series. *[At the workshop, staff may or may not have noted this change was needed, but it correlates to the CHHA Density Reduction change above.]*
- Future Land Use Map and Map Series/Map FLUE-14, one of the Properties Consistent by Policy (5.9, 5.10, 5.11, and 5.12) Maps, applicable to the Immokalee area: Retain the map. *[As noted in the CCPC workshop FLUE document, deletion of this map was contingent upon adoption of changes to the Immokalee Area Master Plan (petition CP-2008-5) which included its own such map and corresponding policy; that petition was not adopted.]*

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]: None

9. Golden Gate Area Master Plan (GGAMP)

CCPC (& staff) changes to the GGAMP as recommended at the October 14, 2011 workshop: None

Staff changes approved by the CCPC [Items inadvertently overlooked by staff during document preparation.]:

- Policy 1.4.0.1: Adjust to delete “Land Development Code” cite and other specific cites, and replace with the less-specific phrase referencing “applicable codes and laws”. Revise regulatory references to minimum standards that do not “enhance” the quality of life. Post Workshop: Policy modified accordingly. Staff additionally introduced changes to preceding Objective 1.4 and following Policy 1.4.1, which contain similar unnecessary specificity.

10. Economic Element (EE)

CCPC (& staff) changes to the EE as recommended at the October 14, 2011 workshop:

- Objective 1: Replace the words, “the most” with “an”. Post Workshop: Objective modified accordingly.
- Policy 3.8: Add the phrase, “but not limited” to between the words, “build on” and “the traditional” in the first sentence. Post Workshop: Policy modified accordingly.
- Objective 4: Add the term, “where appropriate” between the words, “County” and “will” in the first sentence. Post Workshop: Objective modified accordingly.

- Policy 4.1: Add the term “where appropriate” between the words, “support” and “the economic” in the first sentence. Post Workshop: Policy modified accordingly.

11. Public Schools Facilities Element (PSFE)

The CCPC did not recommend changes to this Element beyond those adopted with the EAR.