



STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION

EVALUATION AND APPRAISAL REPORT (EAR) – BASED
GROWTH MANAGEMENT PLAN AMENDMENTS

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: COMPREHENSIVE PLANNING SECTION, LAND DEVELOPMENT SERVICES DEPARTMENT, GROWTH MANAGEMENT DIVISION/PLANNING AND REGULATION

HEARING DATE: JANUARY 26, 2012

SUBJECT: REVIEW OF PROPOSED COLLIER COUNTY GROWTH MANAGEMENT PLAN AMENDMENTS BASED ON THE 2011 EVALUATION & APPRAISAL REPORT, SPECIFICALLY, AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT; TRANSPORTATION ELEMENT; SANITARY SEWER SUB-ELEMENT, POTABLE WATER SUB-ELEMENT, DRAINAGE SUB-ELEMENT, SOLID WASTE SUB-ELEMENT, AND NATURAL GROUNDWATER AQUIFER RECHARGE SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT; HOUSING ELEMENT; RECREATION AND OPEN SPACE ELEMENT; CONSERVATION AND COASTAL MANAGEMENT ELEMENT; INTERGOVERNMENTAL COORDINATION ELEMENT; FUTURE LAND USE ELEMENT; GOLDEN GATE AREA MASTER PLAN; ECONOMIC ELEMENT; AND, PUBLIC SCHOOLS FACILITIES ELEMENT; AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THESE AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. [**TRANSMITTAL HEARING**]

INTRODUCTION

The contents of the accompanying binder comprise the proposed Growth Management Plan amendments based on the 2011 Evaluation & Appraisal Report (EAR) for Planning Commission (CCPC) consideration and recommendation to carry forward to the Board of County Commissioners (BCC).

BACKGROUND

Florida Statutes require all local governments within the State to maintain comprehensive planning programs based on an adopted local government comprehensive plan. As part of this planning requirement, local governments must monitor changing conditions and use this information to guide periodic amendments to their local comprehensive plans. Within Collier County the local comprehensive plan is the Growth Management Plan (GMP), originally adopted by Ordinance No. 89-05.

The periodic amendment process, which occurs once every seven years, as described in Chapter 163.3191, F.S., is a two-phase process. The first phase is preparation and adoption of the Evaluation & Appraisal Report (EAR). The EAR evaluates the performance of the various elements of the local government comprehensive plan since the previous EAR-based amendment process. The EAR also

assesses the Goals, Objectives, and Policies included within the GMP for their successes and shortcomings and provides recommendations for necessary changes. Additionally, the EAR is the primary means by which the local plan can respond to changes in federal, state or regional planning requirements.

Recommendations contained in the EAR have become the basis of proposed amendments to the local government comprehensive plan, the second – and present -- phase of the process. These EAR-based amendments, as reviewed by the EAC and the CCPC, subsequently adopted by the BCC and found in compliance with Chapter 163, F.S., become part of the Goals, Objectives and Policies of the GMP.

As noted, the proposed amendments inside the binder are based on the direction provided within the EAR as adopted by the BCC on January 31, 2011. Following the BCC adoption of the EAR, the DCA conducted a sufficiency review and determined that the EAR was sufficient, as defined in Subsection 163.191(2) Florida Statutes, and that the County may proceed with the adoption of EAR-based amendments. Additionally, with the passage of HB 7207 in 2011 – which drastically overhauled the process and requirements of local government comprehensive plans – the CCPC is being asked to provide recommendations on policy and objective changes that had been proposed with the adopted EAR, but no longer are required by the State. An example of this situation is the abandonment of green house gas reduction and energy efficiency requirements *previously mandated through HB 697 in 2008*. Notwithstanding this changing regulatory environment, Staff has prepared the directed EAR-based amendments.

The amendments proposed herein are based on the adopted 2011 EAR; and as such, the EAR is the data and analysis in support of the amendments.

Not included in proposed EAR-based amendments is the Immokalee Area Master Plan (IAMP), which will be processed as a separate GMP-amendment, the timing of which is being determined by the Immokalee Community Redevelopment Agency (CRA). Additionally, the Rural Lands Stewardship Area (RLSA) amendments, generated at the conclusion of the RLSA 5-year review and designated within the EAR as the Overlay's assessment, are not included in these EAR-based amendments. The RLSA amendments were directed by the BCC at their December 13, 2011 Public Hearing to be processed in a cycle separate from the EAR-based amendments.

STAFF ANALYSIS

These amendments are limited in scope to those recommended in the EAR. Though not necessarily recommended by specific reference in the EAR, general updating and word-smithing (“housecleaning”) amendments are allowed as part of this amendment process; these include the wholesale removal of references to Rule 9J-5 of Florida Administrative Code (F.A.C.) made necessary by the State’s adoption of HB 7207, properly referencing applicable sections of Chapter 163 of Florida Statute, updating ordinance numbers, revising/correcting government agency names, reformatting, etc. [Sidenote: with the adoption of HB 7207, the “R” in the “EAR” process now stands for “Review” rather than “Report”.]

Within each Element provided in the binder, all Goals and Objectives of the respective Element appear, whether or not they are recommended for change. The Goals and Objectives provide context where changes *have been* directed for subsequent policies. Where a Goal or Objective itself is recommended for change, it is accompanied by a [bracketed notation] indicating the *nature of such change* and its *present page location in the Element* for reference. As noted, additional detail related to the proposed modifications may be found in the adopted EAR Assessment and Recommendations report included for each Element in this binder. Where a Goal or Objective *is not* recommended for change, it is accompanied by a [bracketed notation] simply to provide context for the subsequent policies that *are* recommended for change.

A notable difference of the presently proposed EAR-based amendments from the amendments recommended within the EAR is found in the Golden Gate Area Master Plan (GGAMP). During the EAR transmittal and adoption hearings, a number of initially recommended changes were withdrawn from consideration, with the suggestion that they be deferred until taken up again under a comprehensive re-study of the GGAMP. These initially recommended changes will remain unaddressed in the short term, until the BCC directs staff to initiate the re-study. It should be noted that at the January 25, 2011 BCC public hearing, the BCC directed staff to delay the re-study and reconsider the question at a later date.

One additional difference of the presently proposed EAR-based amendments from the amendments recommended within the EAR surrounds the County's Master Mobility Plan (MMP). The proposed MMP and the potential policy and objective recommendations have not been adopted along a timeline initially anticipated by the EAR, and remain under review. All GMP amendments generated by the MMP will be processed in a stand-alone GMP amendment cycle.

These EAR-based GMP amendments, as noted, are affected by the adoption of HB 7207, which took place *after* the January 2011 BCC adoption of the EAR, but *prior* to the preparation of these materials. Most notable of these effects will be the wholesale removal of references to Rule 9J-5 of the Florida Administrative Code (F.A.C.) from the Elements and Sub-Elements of the GMP. HB 7207 repealed all of Rule 9J-5 and moved approximately one-quarter of its provisions into [Chapter 163 of] Florida Statutes (F.S.), or incorporated into other regulation. Not every reference to the newly legislated locations for these comprehensive planning provisions is currently understood, given the adoption of HB 7207. Remnants of Rule 9J-5 will continue to be used for technical assistance and the County may choose to incorporate certain parts of the defunct Rule into the GMP.

These EAR-based GMP amendments are not affected, however, by the recent adoption of HB 7207 insofar as the State agencies' amendment review process and timetable. Plan amendments based on an Evaluation and Appraisal Report (EAR) have not been expedited by the new legislation, as have some other processes subject to State review and oversight. These EAR-based GMP amendments will continue to follow the traditional review process, including the full review and assessment period given to the Division of Community Planning (DCP) in the Florida Department of Economic Opportunity (DEO) that its predecessor, the Department of Community Affairs, enjoyed.

As noted, the adoption of HB 7207 has affected the requirements of the earlier-adopted HB 697, regarding greenhouse gas emissions, and energy efficiency and conservation. While no longer statutorily required, the Policies and Objectives within the EAR being proposed for change are retained. Their promotion is essential to encourage energy efficient land use patterns and discourage urban sprawl through transportation and conservation strategies, particularly the reduction in greenhouse gas emissions from the transportation sector. These strategies associated with transportation, land use and conservation are still relevant to the County and should be strongly contemplated to remain.

Organization of Proposed EAR-based Amendments

The proposed 2011 EAR-based amendments are organized into a single-bound report containing 3 main parts:

- ❖ The Summary of Changes to EAR-based GMP Amendments. This Summary identifies those amendments confirmed in the CCPC Workshop and recommended by the EAC for consideration by the CCPC to approve for Transmittal;
- ❖ Each of the GMP Elements with the proposed strike through and underlined modifications to the appropriate Policies and Objectives, updated per the CCPC Workshop and the EAC Transmittal Hearing; and,

- ❖ The adopted EAR Assessment of Successes & Shortcomings and Recommendations report corresponding with each Element. The adopted EAR Assessment report for each Element is included to provide the original guidance for the proposed amendments within the Element.

As described above, the structure of the EAR-based GMP amendments inter-relates all of the chapters contained in the report.

STAFF RECOMMENDATION

That the CCPC forward these EAR-based GMP amendments to the Board of County Commissioners with a recommendation to approve for Transmittal to the Florida Department of Economic Opportunity.

PREPARED BY:



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LAND DEVELOPMENT SERVICES DEPARTMENT

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APPROVED BY:



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