



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

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

HEARING DATE: OCTOBER 30, 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; IMMOKALEE AREA MASTER PLAN; ECONOMIC ELEMENT; AND, PUBLIC SCHOOLS FACILITIES ELEMENT; AND FURTHERMORE RECOMMENDING TRANSMITTAL OF THESE AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.
[ADOPTION HEARING]

BACKGROUND:

Chapter 163, Part II, *Florida Statutes*, also known as the "Community Planning Act" (prev., the "Local Government Comprehensive Planning Act"), requires all local governments within the State of Florida to maintain comprehensive planning programs based upon an adopted local government comprehensive plan. As part of this process, the local government must provide amendments to the local comprehensive plan a/k/a Growth Management Plan (GMP) guided by Evaluation & Appraisal Report (EAR) recommendations.

The periodic amendment process, which occurs once every seven years, as described in Chapter 163.3191, F.S., is a two-phase process. It began with the preparation, by the local government, of an Evaluation & Appraisal Report (EAR). The EAR evaluated the performance of the various Elements of the local government comprehensive plan since the previous EAR-based amendment process. It assessed the successes and failures of the various Goals, Objectives, Policies, and programs included within the local comprehensive plan, and provided 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. The recommendations contained in the EAR became the basis of proposed amendments to the local government comprehensive plan, the second phase in the amendment process.

Collier County's first EAR was adopted by the Board of County Commissioners on July 16, 1996. The subsequent EAR-based amendments were adopted on October 18, 1997. The second EAR, which reviewed the performance of Collier County's Growth Management Plan (GMP) from October 1997 to July 1, 2003, was adopted on July 27, 2004. The Florida Department of Economic Opportunity (DEO), which has oversight for comprehensive plans, amendments, and EARs for all local governments, found the 2004 EAR sufficient on November 15, 2004. The third EAR, which reviewed the performance of the

GMP from July 2004 through 2010, was adopted by the BCC on January 31, 2011. The then Florida Department of Community Affairs (DCA), which had oversight for comprehensive plans, amendments, and EARs for local governments, found the 2011 EAR sufficient on April 12, 2011.

The amendments that are the subject of this Staff Report are limited in scope primarily to those recommended in the EAR. Though not necessarily recommended by specific reference in the EAR, general updating and “housecleaning” amendments are allowed as part of this amendment process; these include updating Ordinance numbers, revising/correcting government agency names, word-smithing, reformatting, re-arranging the order of Districts/Subdistricts, and so forth.

Transmittal hearings on these amendments were held on December 7, 2011 (EAC); January 26, February 16, March 1 and 6, 2012 (CCPC), and on April 24, 2012 (BCC).

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY ORC REPORT/STAFF RESPONSE:

After review of Transmitted GMP amendments, the Florida Department of Economic Opportunity (DEO) rendered 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. In their July 6, 2012 ORC Report, the DEO summarized,

“[t]he Agency does not identify any objections. However, the... Report outlines a number of technical assistance comments consistent with Section 163.3168(3), F.S. The Agency’s technical assistance comments will not form the basis of a challenge.”

A significant portion of changes made in response to DEO and external agency Comments serve to technically improve GMP elements. Due to the technical nature of many of the changes, additional data and analysis is not deemed necessary to support them. In the few instances where support documentation is decidedly needed, it is identified in the County Response to the ORC Report and attached thereto.

The DEO’s entire ORC Report is attached to this Staff Report. Agencies who provided comments in addition to those from the DEO are the South Florida Water Management District (SFWMD) and the State of Florida Department of Transportation (FDOT). The full Collier County Response to the ORC Report is also attached to this Staff Report. In the ORC Response document, where a Policy, Objective or other provision is changed in response to a Comment, the proposed revision is provided – using underline/ strike through format. With the exception of the one minor non-ORC Report related amendment noted below, the focus of this Staff Report and hearing is only on the County responses - and Element revisions, where appropriate - to the ORC Report.

The ORC Report contained only Comments pertaining to the following Elements/Sub-Elements: Capital Improvement Element, FLUE, Transportation Element, and Stormwater Management (Drainage) Sub-Element.

ELEMENTS WITH NO ADDITIONAL CHANGES:

No additional changes were made since the April 24, 2012 BCC Transmittal hearing on EAR-based amendments to the following GMP Elements: Economic Element; Sanitary Sewer Sub-Element; Potable Water Sub-Element; Solid Waste Sub-Element; Housing Element; Public Schools Facilities Element; and, Immokalee Area Master Plan Future Land Use Map.

ELEMENTS WITH ADDITIONAL CHANGES:

Additional changes made since the April 24, 2012 BCC Transmittal hearing on EAR-based amendments to the following GMP Elements are limited to DEO directed revisions throughout the GMP to reflect the repeal of Florida Administrative Code 9J-5 and associated changes: Golden Gate Area Master Plan Element; Intergovernmental Coordination Element; and, Recreation and Open Space Element. These Elements, along with those previously affected by EAR-based amendments, comprise the additional changes to the amendments that the DEO did not specifically, previously review. And though not

specifically reviewed by the DEO, these additional changes relate to general direction provided by the DEO in their ORC Report. These entries are found under the Collier County Response to the ORC Report heading, Other Instances of References to Rule 9J-5, F.A.C., to be Revised.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC held Adoption hearings on the Conservation and Coastal Management Element, Natural Groundwater Aquifer Recharge Sub-Element, and Stormwater Management Sub-Element on September 5, 2012. By a unanimous vote, the EAC recommended that the CCPC and BCC adopt the proposed 2011 EAR-based amendments, with Drainage Sub-Element Policies 6.2 and 6.3, and CCME Objective 2.1.a modified further to better reflect the County's stormwater management practices.

STAFF RECOMMENDATION:

That the CCPC forward the EAR-based GMP amendments to the BCC with a recommendation to adopt - with modifications forwarded since Transmittal hearings, as noted in the accompanying Collier County Response to the ORC Report - and to transmit to the Florida Department of Economic Opportunity.

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Approved By: Nick Casalanguida Date: 10-5-12
Nick Casalanguida, Administrator
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COLLIER COUNTY PLANNING COMMISSION:

MELISSA AHERN, VICE CHAIRMAN

GMP amendments based upon 2011 EAR – Adoption Hearing
Staff Report for October 30, 2012 CCPC Hearing

NOTE: This petition has been scheduled for the December 11, 2012 BCC hearing.

DEO No. 12-1ER [EAR-based]

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