

**Collier County Response  
to the**

**OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
PROPOSED COMPREHENSIVE PLAN AMENDMENT: 12-1ER [EAR-based]**

COLLIER COUNTY

CONSISTENCY WITH CHAPTER 163, FLORIDA STATUTES (F.S.)

The Collier County proposed comprehensive plan amendments address issues raised in the County's 2011 Evaluation and Appraisal Report, address statutory changes, and update the goals, objectives and policies and other parts of the Growth Management Plan.

Responses provided herein fall into one of the following response categories. The first three categories comprise the list of additional changes made in Elements of the Collier County Growth Management Plan that the Department of Economic Opportunity did not previously review.

- 1) Changes to Plan Elements made in response to DEO Comments
- 2) Changes to Plan Elements made in response to Comments received from external review agencies
- 3) Changes to Plan Elements made in response to comments received from review agencies outside the ORC Report
- 4) Plan Elements with no additional changes

Modifications to approved-for-Transmittal versions of Objectives and Policies, or related Element entries proposed by staff in response to the ORC Report or other review agency comments appear as edits [in underline/strike-through format].

**ELEMENT CHANGES MADE IN RESPONSE TO DEO COMMENTS**

➤ **Future Land Use Element (FLUE), Transportation Element (TE):**

**Comment 1:** The Department recommends that the County revise the Future Land Use Map to reflect the correct long-term planning timeframe, of at least 2022, and include the revised map with the adopted amendment. Also, the Department recommends that the County update its Transportation Map Series to include the projects in the Collier and Lee Counties MPO's 2035 Long Range Transportation Plan, and Florida Department of Transportation (FDOT) Work Program. The incorporation of these projects into the comprehensive plan helps the Department in its review for consistency of the comprehensive plan with proposed transportation projects being considered for federal and state monies. The projects are reviewed at the state level for the following acts: (1) the National Environmental Protection Act (NEPA), (2) the Florida Coastal Management Program Federal, and (3) the MPO's Transportation Improvement Program (TIP).

**COLLIER COUNTY RESPONSE:**

Acknowledged, and the Future Land Use Element and Transportation Element Policies are revised, as shown below. The 2011 EAR (Chapter 2, Sections 2.2 and 2.3) contains data and analysis regarding

land use inventories and future needs. This data indicates there is adequate land to support the projected population in the FLUM horizon year of 2025.

Future Land Use Element Maps as modified for Adoption: Updates to Countywide Future Land Use Map and addition of Coastal High Hazard Area Maps, as indicated below.

### **Future Land Use Map and Map Series**

- a. Amend Countywide Future Land Use Map (FLUM) to:
  1. Delete Traffic Congestion Area boundary (correlates to changes in Density Rating System)
  2. Revise Coastal High Hazard Area boundary (correlates to changes in Policy 12.2.5 of Conservation and Coastal Management Element and changes in Density Rating System)
  3. Revise planning horizon from 2006-2016 to 2012-2025.
- b. Create new Coastal High Hazard Area Map depicting revised Coastal High Hazard Area boundary – generalized boundary to correlate with that depicted on Countywide FLUM and more precise boundary (correlates to changes in Policy 12.2.5 of Conservation and Coastal Management Element, revised CHHA boundary on Countywide FLUM, and changes in Density Rating System)
- c. Create new Coastal High Hazard Area Comparison Map depicting revised Coastal High Hazard Area boundary – generalized boundary to correlate with that depicted on Countywide FLUM and more precise boundary – and the now existing (to become former) CHHA boundary for comparison purposes (correlates to changes in Policies 6.1.1 and 12.2.5 of Conservation and Coastal Management Element and revised CHHA boundary on Countywide FLUM)

*[The above revisions also affect the text entries in the Future Land Use Map Series listing appearing on Future Land Use Element page 1]*

Transportation Element text as modified for Adoption:

### **A. FUTURE SYSTEM NEEDS**

The Collier County Metropolitan Planning Organization (MPO) Long Range Transportation Plan's Financially Feasible Plan and Needs Plan as adopted on ~~March 23, 2004~~ December 10, 2010, are hereby incorporated to define the major roadway needs for Collier County. The 2025 2035 Financially Feasible Plan is presented as Map TR-1 and shows the needed roadway improvements that can be funded through the year 2025 2035. Map TR-2 shows the total projected roadway improvements needed by 2025 2035. Note that the Financially Feasible Plan does not include all needs identified through the Urban Area Transportation Study. It only includes the projects that can be funded from reasonably anticipated revenues. While the total 2025 2035 needs are estimated to require funding of approximately ~~4.7~~ 4.56 billion dollars, the cost feasible plan reflects funding of approximately ~~\$1.5 billion~~ 602 million dollars. ~~Based on recent efforts to treat transportation as a top priority, the Board of County Commissioners has committed to increase revenues so that future needs are fully met. As directed by the Board of County Commissioners, efforts are underway to develop measures to close the 0.2 billion dollar shortfall between the total needs plan and cost feasible plan through public/private partnerships such as reserving right of way and drainage.~~

Appendix A presents the 2025 2035 Long Range Transportation Plan resulting from the Urban Area Transportation Study prepared by the MPO as additional data and analysis.

Map TR-1 also serves as the Traffic Circulation Map that presents the number of lanes on Collier County Roadways in 2025 2035. Map TR-3 shows the functional classification of the roadways and Map TR-3A shows the future functional classifications in the eCounty. The refinement of these plans to incorporate updates to the MPO's Plan, development of a collector road system and results of

corridor specific studies, shall occur on a regular basis upon approval of the Collier County Board of County Commissioners (BCC).

\*\*\*      \*\*\*      \*\*\*      \*\*\*      \*\*\*      text break      \*\*\*      \*\*\*      \*\*\*      \*\*\*      \*\*\*

**3. Five-year Capital Facility Program 2002–2006**

~~Table 1 and Figure 1 present~~ The Collier County Transportation Work Program is reported annually in the Annual Update and Inventory Report (AUIR) for the FY 2002–FY 2006 time frame for future five-year planning periods. The improvements shown ~~on this table and figure in the AUIR~~ represent a sub-set of the needs identified in the Collier County 2025 2035 Needs Plan (Map TR–2) and are included in the current Capital Improvement Element (CIE) Schedule of Capital Improvements, as amended annually, for funding within the next five years.

**4. Future Traffic Circulation Map Series –  
Year 2025 2035 Future Traffic Circulation Map –Year 2020**

~~Rule 9J-5.007 Section 163.3177 (6)(b)(1), Florida Statutes~~ requires a map or map series showing the general location of the existing and proposed transportation system features. This map series ~~that~~ presents the following: number of lanes on each facility; roadway functional classification; and multi-modal facilities (ports, airports, and rail lines). Map TR–1 (The 2025 2035 Financially Feasible Transportation Plan) serves as the 2025 2035 Traffic Circulation Map showing the number of lanes on Collier County Roadways. Map TR–3 shows the 2025 roadway functional classification and the multi-modal facilities in the eCounty.

*[The above revisions also affect the entries in the List of Tables, Maps and Figures appearing on Transportation Element page 2]*

Transportation Element Maps as modified for Adoption: Updates to Map TR–1 and Map TR–2 as indicated by text modifications above.

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➤ **Future Land Use Element (FLUE), Public Facilities Element/Drainage Sub-Element (the Stormwater Management Sub-Element, upon adoption), Capital Improvement Element (CIE):**

**Comment 2:** House Bill (HB 7207) repealed Rule 9J-5, F.A.C., and incorporated certain definitions and provisions of the Rule into the Florida Statutes. It is recommended that the references to Rule 9J-5, F.A.C., be removed from FLUE Policy 2.4 and Transportation Element Policy 5.8. Also, any other references to Rule 9J-5, F.A.C., should be deleted from the County’s comprehensive plan. Additionally, the Department recommends that Drainage Sub-Element Policy 6.3.1 be updated to reference Section 403.814(12), F.S. The currently referenced Rule 40E-400.315, F.A.C., does not exempt projects from off-site discharge limitations, and this rule will be superseded on July 1, 2012 with the aforementioned Statute.

**COLLIER COUNTY RESPONSE:**

Acknowledged, and a number of Policies are revised, *[also addressing FDOT Comment no. 3 and SFWMD Comment no. 1]* as follows:

Public Facilities Element/Drainage Sub-Element (the Stormwater Management Sub-Element, upon adoption):

**Policy 6.3:**

Allowable off-site discharge rates shall be computed using a storm event of 3 day duration and 25 year return frequency. The allowable off-site discharge rates are as follows:

- |    |  |                |
|----|--|----------------|
| a. | Airport Road North Sub-Basin<br>(North of Vanderbilt Beach Road) | 0.04 cfs/acre  |
| b. | Airport Road South Sub-basin<br>(South of Vanderbilt Beach Road) | 0.06 cfs/acre  |
| c. | Cocohatchee Canal Basin  | 0.04 cfs/acre  |
| d. | Lely Canal Basin   | 0.06 cfs/acre  |
| e. | Harvey Basin   | 0.055 cfs/acre |
| f. | Wiggins Pass Basin   | 0.13 cfs/acre  |
| g. | All other areas  | 0.15 cfs/acre  |

The County may exempt projects from these allowable off-site discharge rates if any of the following applies:

- ~~1. The project is exempt from allowable off-site discharge limitations pursuant to Section 40E-400.315, FAC. 403.814(12), F.S.~~
1. (re-numbered only)
2. (re-numbered only)

Future Land Use Element text as modified for Adoption:

**Policy 2.4:**

Pursuant to ~~Rule 9J-5.0055(6)(a)3., Florida Administrative Code~~ Section 163.3180, Florida Statutes and the Urban Infill and Urban Redevelopment Strategy contained in this Element, development located within the South U.S. 41 Transportation Concurrency Exception Area (TCEA) (See Map TR-4) may be exempt from transportation concurrency requirements, so long as impacts to the transportation system are mitigated using the procedures set forth in Policy 5.5 of the Transportation Element.

Transportation Element text as modified for Adoption:

**Policy 5.8:**

Should the TIS for a proposed development reflect that it will impact either a constrained roadway link and/or a deficient roadway link within a TCMA as determined in the most current Annual Update and Inventory Report (AUIR), by more than a de minimis amount (more than 1% of the maximum service volume at the adopted LOS), yet continue to maintain the established percentage of lanes miles indicated in Policy 5.7 of this Element, a proportionate share congestion mitigation payment shall be required as follows:

- ~~Rule 9J-2.045(2)(h), Florida Administrative Code~~ Section 163.3180(5)(h), Florida Statutes. The facility cost for a constrained roadway link shall be established using a typical lane mile cost, as determined by the Collier County Transportation Administrator, of adding lanes to a similar area/facility type as the constrained facility.
- Congestion mitigation payments shall be utilized by Collier County to add trip capacity within the impacted TCMA, road segment(s) and/or to enhance mass transit or other non-automotive

transportation alternatives, which adds trip capacity within the impact fee district or adjoining impact fee district.

- c. Congestion mitigation payments under this Policy shall be determined subsequent to a finding of concurrency for a proposed project within a TCMA and shall not influence the concurrency determination process.
- d. No impact will be de minimis if it exceeds the adopted LOS standard of any affected designated hurricane evacuation routes within a TCMA. Hurricane routes in Collier County are shown on Map TR-7. Any impact to a hurricane evacuation route within a TCMA shall require a proportionate share congestion mitigation payment provided the remaining LOS requirements of the TCMA are maintained.

#### OTHER INSTANCES OF REFERENCES TO RULE 9J-5, F.A.C., TO BE REVISED:

##### CIE

INTRODUCTION section – page 1; plus legislation cites and quotations;

#### **I. INTRODUCTION**

In 1985 and 1986, the Florida Legislature significantly strengthened the requirements for county and city comprehensive plans. These growth management statutes were found in the “Local Government Comprehensive Planning and Land Development Regulation Act” until major changes were made by the 2011 Florida Legislature, most by HB 7207 (with minor amendments by HB 639), which is now Chapter 2011-139, Laws of Florida. Included with these changes was to re-name the Chapter 163 act from the “Local Government Comprehensive Planning and Land Development Regulation Act” to the “Community Planning Act”, giving new emphasis to the role of local government. One of the provisions of the ~~Local Government Comprehensive Planning and Land Development Regulation Act~~ Community Planning Act is the requirement that the comprehensive plan must contain a Capital Improvement Element "...to consider the need for and the location of public facilities..." (Section 163.3177(3), Florida Statutes).

The Capital Improvement Element (CIE) must identify public facilities that will be required during the next five years, including the cost of the facilities, and the sources of revenue that will be used to fund the facilities.

One of the specific requirements of the legislation states that the public facilities that are contained in the CIE must be based on "standards to ensure the availability of public facilities and the adequacy of those facilities including to meet established acceptable levels of service." The ~~administrative regulation that implements the statutes~~ defines the phrase "level of service" as "...an indicator of the extent or degree of service provided by ... a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility." (~~Section 9J-5.003 (62), Florida Administrative Code~~) (Section 163.3164(28), Florida Statutes).

##### CCME

Policy 6.2.1 – page 26;

#### **Policy 6.2.1:**

As required by ~~Florida Administrative Code 9J5-5.006(1)(b)~~ Section 163.3177(6)(a)(10)(c), Florida Statutes, wetlands identified by the 1994-95 SFWMD land use and land cover inventory are mapped on the Future Land Use Map series. These areas shall be verified by a jurisdictional field delineation,

subject to Policy 6.2.2 of this Element, at the time of project permitting to determine the exact location of jurisdictional wetland boundaries.

## FLUE

SUMMARY section – page 3;

The third section consists of Support Document: Land Use Data and Analysis. The information found there provides a basis for the Implementation Strategy and serves to meet the requirements of ~~Section 9J-5.006, Florida Administrative Code~~ Section 163.3177(6)(a), Florida Statutes, minimum requirements for the Future Land Use Element.

OVERVIEW, subsection B – page 4;

### **B. BASIS** *[reflects merger of Ordinance No. 2002-32 and 2002-54]*

This Element is based in large part on the Future Land Use Element adopted as part of the 1983 and 1989 Collier County Comprehensive Plans. The land use strategy put forth in those Plans have served Collier County well, therefore, a general continuation is provided. The best characteristics of the 1983 and 1989 Comprehensive Plans included the use of a binding Future Land Use Map with designated "Urban" areas and the confinement of intensive Zoning Districts, thus intensive land uses, to those areas. Moreover, this Element includes a strategy for the protection of natural resources and agri-business in the Rural Fringe Mixed Use District [and] Rural Lands Stewardship Area by employing various regulations and incentives to direct incompatible land uses away from such natural resources and to enhance the economic viability of agri-business.

In addition, this Element is based on the Support Document: Land Use Data and Analysis, and the summation of the detailed planning conducted for each of the other portions of the Comprehensive Plan. Data, analysis and implementation strategies from the various elements have contributed to the geographic framework through the configuration of the designations on the Future Land Use Map and the associated standards for use of land.

The State Comprehensive Plan and the Southwest Florida Regional Comprehensive Policy Plan form another basis for the Future Land Use Element. Chapter 163, Florida Statutes, the "~~Local Government Comprehensive Planning and Land Development Regulation~~ Community Planning Act" and ~~Chapter 9J-5, Florida Administrative Code, "Minimum Criteria for Review of Local Comprehensive Plans and Determination of Compliance,"~~ provides detailed requirements on the scope and content of the Element.

OVERLAYS AND SPECIAL FEATURES, Area of Critical State Concern Overlay, subsection A – pages 87 – 89;

### **A. Area of Critical State Concern Overlay**

The Big Cypress Area of Critical State Concern (ACSC) was established by the 1974 Florida Legislature. The Critical Area is displayed on the Future Land Use Map as an overlay area. The Critical Area encompasses lands designated Conservation, Agricultural/Rural, Estates and Urban (Port of the Islands, Plantation Island and Copeland). The ACSC regulations notwithstanding, there is an existing Development Agreement between Port of the Islands, Inc. and the [then] State of Florida Department of Community Affairs, approved in July 1985, which regulates land uses in the Port of the Islands Urban area; and, there is an Agreement between the Board of County Commissioners and the Florida Department of Community Affairs, approved in April 2005, pertaining to development in Plantation Island. Chokoloskee is excluded from the Big Cypress Area of Critical State Concern. All Development Orders within the Critical Area shall comply with Chapter 28-25,

Florida Administrative Code, "Boundary and Regulations for the Big Cypress Area of Critical State Concern". Those regulations include the following:

\*\*\* \*\* text break \*\*\* \*\*

All Development Orders issued for projects within the Big Cypress Area of Critical State Concern shall be rendered to the State of Florida Department of ~~Community Affairs~~ Economic Opportunity for review with the potential for appeal to the Administration Commission per Chapter ~~9J-4 73C-44~~, Florida Administrative Code, "Community Planning, Development Order Requirements for Areas of Critical State Concern".

RLSA Policy 1.16 – page 98;

**Policy 1.16:**

Stewardship Receiving Areas will accommodate uses that utilize creative land use planning techniques and Credits shall be used to facilitate the implementation of innovative and flexible development strategies described in ~~Chapter 163.3177(11), F.S. and 9J-5.006(5)(l)~~ Section 163.3168(2), Florida Statutes.

RLSA Policy 4.6 – page 105;

**Policy 4.6:**

SRA characteristics shall be based upon innovative planning and development strategies referenced in ~~Chapter 163.3177(11), F.S. and 9J-5.006(5)(l)~~ Section 163.3168(2), Florida Statutes. These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. Such development strategies are recognized as methods of discouraging urban sprawl.

GGAMP

OVERVIEW, subsection A – page 3;

**A. COUNTY-WIDE PLANNING PROCESS**

Pursuant to ~~Chapter 163, Florida Statutes, the "Local Government Comprehensive Planning and Land Development Regulation Act" and Chapter 9J-5, Florida Administrative Code, "Minimum Criteria for Review of Local Comprehensive Plans and Determination of Compliance"~~ Section 163.3177(6), Florida Statutes, the Collier County Growth Management Plan shall contain the following elements:

1. Future Land Use
2. Housing
3. Public Facilities
4. Conservation and Coastal Management (Coastal Counties only)
5. Intergovernmental Coordination
6. Capital Improvements
7. Transportation
8. Recreation and Open Space.

In addition to the above Elements, local government comprehensive plans in Florida may, by decision of the local legislative body, contain one or more optional elements. Optional elements are required to comply with certain general criteria under ~~Rule 9J-5, Florida Administrative Code~~ Section

163.3177, Florida Statutes, but are not subject to specific requirements (with some exceptions). In 1991, the Board of County Commissioners chose the option of adopting the Golden Gate Area Master Plan, in recognition of the unique characteristics of the Golden Gate Area.

In addition to establishing the Collier County Growth Management Plan's mandatory structure, Chapter 163, ~~F.S. and Rule 9J-5, F.A.C.~~ Florida Statutes, also subjects the Plan to a mandatory evaluation process every seven (7) years. This process involves the preparation of an Evaluation and Appraisal Report Review (EAR) to determine whether, and to what extent, the existing Growth Management Plan has carried out its stated Goals, Objectives and Policies.

## ICE

Policy 3.1 – page 5;

### **Policy 3.1:**

Based upon ~~Section 9J-5.015 (3)(c) 4., Florida Administrative Code~~ Section 163.3177(h), Florida Statutes, Collier County shall work with the local municipalities to identify and implement joint planning areas and/or joint infrastructure service areas for the purpose of planning for potential future municipal annexation of such areas. The identified joint planning areas and/or joint infrastructure service areas shall be depicted on the County's Future Land Use Map series.

## ROSE

INTRODUCTION section – page 1;

Chapter 163.3177(6)(e), Florida Statutes, requires each local government comprehensive plan to have "a recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, and other recreational facilities." However, ~~Chapter 9J-5.014, Florida Administrative Code, which formerly contained the Florida Department of Community Affairs' "Minimum Standards" for review of local Recreation and Open Space Elements, has been deleted.~~ Thus, ~~w~~ While the Recreation and Open Space Element remains a requirement for local comprehensive plans in the State of Florida, the format and contents of such an Element may be tailored to local needs, provided that the intent of the Statute is met. This Recreation and Open Space Element was ~~recently~~ updated, as recommended by the Community Character/ Smart Growth Advisory Committee, by Ordinance No. 2003-67, adopted on December 16, 2003, to further implement the Collier County Community Character Plan and "Smart Growth" principles.

## Transportation Element

IMPLEMENTATION STRATEGY, Introduction – page 11, paragraph 3;

The Collier County Transportation Element meets the requirements of Chapter 163, Part II, Florida Statutes (FS), the ~~"Local Government Comprehensive Planning and Land Development Regulation Community Planning Act," and the Florida Department of Community Affairs Rule 9J-5.019, Florida Administrative Code (FAC).~~ The County has coordinated this Transportation Element with the Long Range Transportation Plan of the Collier County Metropolitan Planning Organization (MPO).

Policy 5.4 – page 16;

### **Policy 5.4:**

Pursuant to ~~Rule 9J-5.0055(6)(a)3., Florida Administrative Code~~ Section 163.3180, Florida Statutes and the Urban Infill and Urban Redevelopment Strategy contained in the Future Land Use Element of this Plan, the South U.S. 41 Transportation Concurrency Exception Area (TCEA) is hereby



designated. Development located within the South U.S. 41 TCEA (MapTR-4) may be exempt from transportation concurrency requirements, so long as impacts to the transportation system are mitigated using the procedures below:

\* \* \* \* \*

➤ **Transportation Element (TE):**

**Comment 3:** If the County chooses to continue to implement transportation concurrency, then by or during the next Evaluation and Appraisal cycle, the plan must be amended to meet the requirements of Section 163.3180(5)(h), F.S. This includes an amendment to allow an applicant for a Development of Regional Impact, rezoning, or other land use development permit to satisfy transportation concurrency and Section 380.06, F.S., when applicable, through proportionate share mitigation consistent with the provisions of Section 163.3180(5)(h)3, F.S. During the interim, the County must apply the new statutory provisions to any plan amendments or development orders, particularly the new proportionate share provisions.

**COLLIER COUNTY RESPONSE:**

Acknowledged, and provisions for concurrency management are found in the Capital Improvement Element, particularly Objective 5 and Policy 5.3 for transportation concurrency, and Policy 5.8 of the Transportation Element. The County agrees that by or during the next Evaluation and Appraisal cycle, the Collier County Growth Management Plan will be amended to meet the requirements of Section 163.3180(5)(h), F.S. This includes an amendment to allow an applicant for a Development of Regional Impact, rezoning, or other land use development permit to satisfy transportation concurrency and Section 380.06, F.S., when applicable, through proportionate share mitigation consistent with the provisions of Section 163.3180(5)(h)3, F.S. During the interim, the County will apply the new statutory provisions to any plan amendments or development orders, particularly the new proportionate share provisions.

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➤ **Future Land Use Element (FLUE):**

**Comment 4:** The Department reminds the County, pursuant to Sections 163.3177(6)(a)3.b., and 163.3177(6)(a)11.,F.S., the comprehensive plan is required to adopt by June 30, 2012 compatibility standards regarding all public airports as defined by Sections 330.27 and 330.02, F.A.C. While the County includes a compatibility FLUE Objective 3 and Policy 3.1.i for the Naples Airport, it should add compatibility standards for the following public airports: the Everglades Airpark, the Immokalee Airport, and the Marco Island Airport.

**COLLIER COUNTY RESPONSE:**

Future Land Use Element (FLUE) Policy 3.1.i. is revised to reference the existing compatibility provisions in the Collier County Land Development Code pertaining to all four airports.

FLUE text as modified for Adoption:

**Policy 3.1:**

Land Development Regulations have been adopted into the Collier County Land Development Code (LDC) that contain provisions to implement the Growth Management Plan through the development review process. These include the following provisions:

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- i. The mitigation of incompatible land uses within the area designated as the Airport Noise Area Overlay on the Future Land Use Map shall be accomplished through: implementation of regulations that require sound-proofing for all new residential structures built within the 65 LDN Contour; recording of the legal description of the noise contour boundary in the property records of the County; and, the inter-local agreement with the Naples Airport Authority that requires the County to notify the Authority of all development proposals located within 20,000 feet of the airport that exceed height standards established by the Federal Aviation Administration. Additionally, to address compatibility with the Naples Municipal Airport, Marco Island Executive Airport, Everglades Airpark and Immokalee Regional Airport, the County will continue to implement the following provisions in the Collier County Land Development Code, Ordinance No. 04-41, as amended: Section 2.03.07C., Airport Overlay (APO); Section 4.02.06, Standards for Development in Airport Zones; and, Appendix D, Airport Zoning.

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**ELEMENT CHANGES MADE IN RESPONSE TO EXTERNAL REVIEW AGENCY COMMENTS**

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).

➤ **Capital Improvement Element (CIE):**

***Agency Comment:***

Re: CIE Policies 1.5.A and B as transmitted by the County – Policies 1.5.A and B establish LOS standards for roadways [with] reference to “FIHS”. The FIHS has been discontinued by [FDOT] in accordance with recent legislation and has been incorporated into the Strategic Intermodal System (SIS).

Per s. 163.3180, the County now has the ability to establish its own LOS standards on SIS and emerging SIS transportation facilities. While exiting non-state facilities funded by the Transportation Regional Incentive Program (TRIP) are also not bound to state LOS standards, the county should abide by any applicable TRIP finding agreement requirements for these facilities. For new TRIP funded facilities, [FDOT] should be consulted to insure consistency with the SIS Plan pursuant to s. 339.2819.

For SIS facilities, [FDOT] encourages Collier County to coordinate with [us] and establish LOS standards consistent with the new FDOT LOS policy and procedure that was recently approved by FDOT’s Executive Board. [FDOT] recommends that specific standards should be considered.

*[FDOT Comment no. 1 of 4, paraphrased for brevity]*

**County Response:**

No new LOS standards are being *established* by this proposal; previously established LOS standards are simply being relocated from the Transportation Element to the CIE. Nonetheless, the County acknowledges the FDOT recommendations. Collier County has consistently abided by applicable TRIP funding agreement requirements for these facilities and has historically, and will continue to, consult and coordinate with FDOT where TRIP or SIS facilities are under consideration.

The County makes no further changes to the CIE based on this FDOT Comment.

CIE text as modified for Adoption:

**Policy 1.5:**

The standards for levels of service of public facilities shall be as follows:

A. Roadways:

1. Arterials and collector roads: Level of Service indicated below on the basis of peak hour, traffic volume:  
Level of Service "E" on all six-lane roads:

2. Level of Service "D" peak hour on all other County ~~and~~ or State arterial and collector roads not on the ~~Florida Intrastate Highway System (FIHS)~~ Strategic Intermodal System (SIS).

B. State and Federal Roads:

Collier County sets and adopts the LOS standards for state roads ~~with the exception of those on the Florida Intrastate Highway System (FIHS). In Collier County, FDOT sets and maintains the LOS~~ and for I-75. The standards for I-75 are as follows:

EXISTING  
RURAL AREA  
I-75    B D

EXISTING  
URBANIZED AREA  
      E D

TRANSITIONING  
URBANIZED AREA  
      E D

\* \* \* \* \*

➤ Conservation and Coastal Management Element (CCME)

**Agency Comment:**

Re: CCME Objective 2.1.a as transmitted by the County – New development and re-development is required to meet 150% of the water quality volumetric requirements of Section 5.2.1.a of the [District’s] Basis of Review document. This information manual is not [or will soon no longer be] the correct resource document. See cross reference in Drainage Sub-Element Policies 6.2 and 6.3. District will provide new document name when change occurs.

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

**County Response:** Acknowledged, and recommended text change will be made. South Florida Water Management District will work with County staff to provide correct document name and amend Policy prior to adoption. *Notes: A similar recommended text change is mirrored in Drainage Sub-Element Policy 6.2. Additionally, Objective 2.1.c is revised to reflect the effective date of FEMA maps (May 16, 2012).*

CCME text as modified for Adoption:

**OBJECTIVE 2.1.a:**

All new development and re-development projects shall meet 150% of the water quality volumetric requirements of *(the to be specified)* Section 5.2.1(a) of the *(still to be identified document superseding)*, or of a preceding Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District (February 2006) and the retention and detention requirements, edition, in effect at the time of project approval, and the allowable off-site discharge rates required by Drainage Stormwater Management Sub-Element Policy 6.2 and 6.3, respectively;

\* \* \* \* \*

***Agency Comment provided with ORC Report:***

Re: CCME Policy 2.2.5 as transmitted by the County – Remove the reference for District coordination to develop and implement a plan to encourage inspections of stormwater systems from [this Policy]. The District does not require these inspections. However, the District is available to provide technical assistance and to coordinate education efforts with the County regarding the importance of periodic inspections and maintenance.

*[SFWMD Comment No. 2 of 2, paraphrased for brevity]*

***County Response:*** Acknowledged. The below Policy has been revised to reflect that the District will not be actively involved with developing said plan, performing system inspections or enforcing compliance.

CCME text as modified for Adoption:

Policy 2.2.5:

The County will seek technical assistance from the South Florida Water Management District, and coordinate with the Florida Department of Environmental Protection to 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.

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➤ **Transportation Element (TE)**

***Agency Comment:***

Re: Transportation Element Objective 2 as transmitted by the County – Policies 1.3 and 1.4 of the Transportation Element were revised to reference the adopted LOS standards for roadways included in Policy 1.5 of the CIE. [Refer to] FDOT Comment no. 1, as it relates to Policy 1.5 of the CIE.

*[FDOT Comment no. 2 of 4, paraphrased for brevity]*

***County Response:***

Acknowledged, and the Objective is revised to replace the “Policy 1.3” reference with “Policy 1.5 in the Capital Improvement Element, as follows. No change to Transportation Element is necessary.

Transportation Element text as modified for Adoption:

**OBJECTIVE 2:**

~~The County shall m~~ Maintain the adopted Level of Service standard as provided for in Policy 1.3 Policy 1.5 in the Capital Improvement Element by making the improvements identified on the Five (5) Year Work Program.

\* \* \* \* \*

**Future Land Use Element (FLUE)**

***Agency Comment:***

Re: FLUE Section I.B.3 of the Future Land Use Designation Description Section as transmitted by the County – [FDOT] provides extended comments about revision to replace Traffic Congestion Area Density reduction guidelines with Coastal High Hazard Area Density reduction guidelines. This section also revised to exempt [certain] properties within the Coastal High Hazard Area (CHHA) from the density reduction actors. [FDOT] recommends that analysis be provided to determine the impact of replacing the Traffic Congestion Area Density reduction guidelines with the Coastal High Hazard Area Density reduction guidelines.

Should substantial additional development occur from this amendment, it is recommended that an area wide traffic study be conducted and supporting documentation be provided to establish whether state roadways within the County will operate at their adopted LOS standards, as identified within the County’s [GMP] during short term (2017) and tong term (2035) horizon year conditions.

[FDOT] provides additional recommendations should any roadway segments are found to operate under adverse conditions in the short or long terms.  
*[FDOT Comment no. 4 of 4, paraphrased for brevity]*

***County Response:***

Regarding the issue of increased traffic associated with increased density allowance via elimination of Traffic Congestion Area (TCA) boundary and replacement with Coastal High Hazard Area (CHHA) boundary:

- Staff’s analysis shows a potential density increase of 628 total dwelling units [population of 1,009 persons] which yields a potential increase of 5,637 total daily trips. These potential trips would be spread from the Lee County line down to an area around Davis Boulevard (SR 84). *(Please see the attached spreadsheet of affected properties, titled: Density Rating System Proposed Changes – Density Increase and Trip Generation; the attached spreadsheet, titled: Table A – Collier County EAR Traffic Analysis in regards to changing from a TCA to a CHHA; and, the attached map, titled: Exhibit A, Coastal High Hazard Area Comparison Map – with handwritten additions, identifying the spatial distribution, by Section, of the potential increased dwelling units.)*
- The potential density increase of 628 dwelling units is the maximum increase. Some percentage of the eligible properties will not seek the eligible dwelling unit increase; some properties will not be rezoned to allow residential development, rather will develop under the existing zoning or be rezoned to another non-residential zoning district; and, some properties will be rezoned to allow residential development but not seek the eligible density bonus, that is, will be rezoned to allow a

density at or below the existing maximum of 3 dwelling units per acre. However, the attached analysis assumed total utilization of the additional 628 dwelling units.

Collier County has determined that if the TCA reduction area is replaced with the CHHA area reduction, there are 303 total acres affected. The County has calculated that the potential additional dwelling units on these acres are a maximum of 628 dwelling units. From this information, the County has determined that a maximum number of new PM Peak Hour Directional trips would be approximately 549 vehicles per hour (vph) while the maximum number of new ADT would be approximately 5,637 vehicles per day (vpd) throughout the County. An analysis was completed to determine how these potential additional trips could affect state facilities. This analysis (see attached Table A) shows the following.

Short term (PM Peak Hour Directional Trips per the 2012 AUIR):

- US 41 from Pine Ridge Road to the Lee County line could increase by up to an additional 10 vph (a de minimus impact)
- SR 84 (Davis Boulevard) from Airport Road to County Barn Road could increase by up to an additional 100 vph (a 5.0% impact).
- SR 84 (Davis Boulevard) from County Barn Road to Santa Barbara Boulevard could increase by up to an additional 40 vph (a 1.8% impact).
- SR 84 (Davis Boulevard) from Santa Barbara Boulevard to Collier Boulevard could increase by up to 40 vph (a 1.4% impact).
- All segments are projected to operate within Level of Service (LOS) standards in the short term (next few years).

Long term (Average Annual Daily Trips per the Existing plus Committed (E&C) network for the 2035 LRTP amendment currently in progress):

- US 41 from Pine Ridge Road to the Lee County line could increase by up to an additional 50-100 vpd (a de minimus impact)
- SR 84 (Davis Boulevard) from Airport Road to County Barn Road could increase by up to an additional 1,500 vpd (a 4.7% impact).
- SR 84 (Davis Boulevard) from County Barn Road to Santa Barbara Boulevard could increase by up to an additional 500 vpd (a 2.2% impact).
- SR 84 (Davis Boulevard) from Santa Barbara Boulevard to Collier Boulevard could increase by up to 500 vph (a 1.4% impact).
- All segments are projected to operate within Level of Service (LOS) standards in the long term with the exception of US 41 from Wiggins Pass Road to the Lee County line with is projected to not operate within the LOS standard with or without the change from a TCA to a CHHA. The potential impact of this change from a TCA to a CHHA to this segment of US is “de minimus.”

No additional changes are necessary to the Future Land Use Element (FLUE).

FLUE text as transmitted for Adoption:

### **3. Density Reduction**

(Consistency with the following characteristic would subtract density:)

- a. ~~Traffic Congestion~~ Coastal High Hazard Area

~~If the project lies within the Traffic Congestion Coastal High Hazard Area, an area identified as subject to long range traffic congestion, one dwelling unit per gross acre shall would be subtracted from the eligible base density of four dwelling units per acre – except for those properties within the Coastal High Hazard Area in Section 1, Township 50 South, Range 25 East. The Traffic Congestion Boundary Coastal High Hazard Area boundary is generally shown on the Future Land Use Map and is more precisely shown in the Future Land Use Map series; and consists of all lands lying the western coastal Urban Designated Area seaward of that a boundary are within the Coastal High Hazard Area, marked by Airport Pulling Road (including an extension north to the Lee County boundary.) Davis Boulevard, County Barn Road, and Rattlesnake Hammock Road consistent with the Mixed Use Activity Center's residential density band located at the southwest quadrant of the intersection of Rattlesnake Hammock Road and County Road 951 (including an extension to the east, but exclusive of the outlying Urban designated areas of Copeland, Port of the Islands, Plantation Island, and Chokoloskee). Properties adjacent to the Traffic Congestion Area shall be considered part of the Traffic Congestion Area if their only access is to a road forming the boundary of the Area; however, if that property also has an access point to a road not forming the boundary of the Traffic the Traffic Congestion Area it will not be subject to the density reduction. Furthermore, the density reduction shall not apply to developments located within the South U.S. 41 TCEA (as identified within Transportation Element, Map TR-4, and Transportation Element Policies 5.5 and 5.6, and FLUE Policy 2.4) that obtain an exception from concurrency requirements for transportation, pursuant to the certification process described in Transportation Element Policy 5.6, and that include affordable housing (as per Section 2.7.7 of the Collier County Land Development Code, as amended) as part of the plan of development. This reduction shall likewise not be applied to developments within the Northwest and East-Central TCMA's that meet the requirements of FLUE Policies 6.1 through 6.5, and Transportation Element Policies 5.7 and 5.8, and that include Affordable Housing (as per Section 2.7.7. of the Collier County Land Development Code, as amended) as part of the plan of development.~~

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## **ELEMENT CHANGES MADE IN RESPONSE TO COMMENTS RECEIVED OUTSIDE THE ORC REPORT**

Generally, it is preferable not to propose Element revisions at the Adoption hearings that are not in response to the ORC Report so as not to create a potential new statutory compliance issue. However, minor revisions and tweaks may be carefully considered. The additional changes that follow are not in response to the ORC Report.

### ➤ **Capital Improvement Element (CIE)**

#### ***Agency Comment:***

Re: CIE Policy 1.5.C as transmitted by the County – Policy 1.5.C is supposed to cross reference LOS for Drainage (Stormwater Management) Sub-Element but no LOS there, which introduced a circular reference between the Drainage (Stormwater Management) Sub-Element and the CIE.

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

***County Response:*** Acknowledged; Ordinances listed in subsection “1” should include third and fourth references, adding Ordinance 2001-27 and LDC Ordinance 2004-41, as amended; the complete list of reference cites did not migrate from Transmittal Exhibit “A” for the Drainage (Stormwater

Management) Sub-Element, and recommended text change is made. No associated changes necessary to Drainage (Stormwater Management) Sub-Element.

CIE text as modified for Adoption:

Policy 1.5:

C. County ~~Surface Water~~ Stormwater Management Systems:

1. Future "private" developments - water quantity and quality standards as specified in Collier County Ordinances 74-50, ~~and 90-10,~~ and 2001-27, and Land Development Code Ordinance 2004-41, as amended.
2. Existing "private" developments and existing or future public ~~drainage~~ stormwater management facilities - those existing levels of service identified (by design storm return frequency event) by the completed portions of the Water Management Master Plan as ~~listed in the Drainage/Water Stormwater Management Sub-Element of the Public Facilities Element.~~ follows:

LEVELS OF SERVICE ATTAINED BY BASINS

<u>BASIN</u>	<u>LEVEL OF SERVICE</u>
<u>MAIN GOLDEN GATE SYSTEM</u>	
<u>Main Golden Gate Canal Basin</u>	<u>D</u>
<u>Cypress Canal Basin</u>	<u>D</u>
<u>Harvey Canal Basin</u>	<u>D</u>
<u>I-75 Canal Basin</u>	<u>D</u>
<u>Green Canal Basin</u>	<u>C</u>
<u>Airport Road Canal South Basin</u>	<u>D</u>
<u>Corkscrew Canal Basin</u>	<u>D</u>
<u>Orange Tree Canal Basin</u>	<u>D</u>
<u>951 Canal Central Basin</u>	<u>C</u>
<u>DISTRICT NO. 6 SYSTEM</u>	
<u>Rock Creek Basin</u>	<u>D</u>
<u>C-4 Canal Basin</u>	<u>C</u>
<u>Lely Main Canal Basin</u>	<u>D</u>
<u>Lely Canal Branch Basin</u>	<u>D</u>
<u>Lely Manor Canal Basin</u>	<u>D</u>
<u>Haldeman Creek Basin</u>	<u>D</u>
<u>Winter Park Outlet Basin</u>	<u>D</u>
<u>COCOCHATCHEE RIVER SYSTEM</u>	
<u>Cocohatchee River Basin</u>	<u>D</u>
<u>Pine Ridge Canal Basin</u>	<u>C</u>
<u>Palm River Canal Basin</u>	<u>D</u>
<u>West Branch Cocohatchee River Basin</u>	<u>C</u>
<u>East Branch Cocohatchee River Basin</u>	<u>D</u>
<u>Airport Road Canal North Basin</u>	<u>D</u>
<u>951 Canal North Basin</u>	<u>D</u>
<u>GORDON RIVER EXTENSION</u>	
<u>Gordon River Extension Basin</u>	<u>D</u>
<u>Goodlette-Frank Road Ditch Basin</u>	<u>D</u>
<u>HENDERSON CREEK BASIN</u>	
<u>Henderson Creek Basin</u>	<u>D</u>



LEVELS OF SERVICE ATTAINED BY BASINS

BASIN LEVEL OF SERVICE

FAKA-UNION SYSTEM

Faka-Union Canal Basin

D

Miller Canal Basin

D

Merritt Canal Basin

C

Prairie Canal Basin

C

SOUTHERN COASTAL BASIN

US-41 Outfall Swale No. 1 Basin

D

US-41 Outfall Swale No. 2 Basin

D

Seminole Park Outlet Basin

C

BARRON RIVER SYSTEM

Okaloacoochee Slough Basin

D

Barron River Canal North Basin

C

Urban Immokalee Basin

C

MISCELLANEOUS INTERIOR WETLAND SYSTEMS

Corkscrew Slough Basin

D

\* \* \* \* \*

➤ **Public Facilities Element/Drainage Sub-Element (the Stormwater Management Sub-Element, upon adoption)**

**Agency Comment:**

Re: Public Facilities Element/Drainage Sub-Element Policy 2.1 as transmitted by the County – This Policy was moved to the Capital Improvement Element (CIE) in Transmittal. But not all levels of service standards entries appear in CIE Policy 1.5.C, which creates a circular reference between the CIE and the Drainage (Stormwater Management) Sub-Element.

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

**County Response:** Acknowledged; staff evaluated Policy 2.1.B and confirmed accuracy of Ordinance cites in Policy 2.1.A. Ordinances listed in subsection “A” properly include Ordinance 2001-27 and LDC Ordinance 2004-41, as amended; but, a complete list of cites did not migrate to Transmittal Exhibit “A” for the CIE. The CIE [Exhibit “A”] has been revised as necessary to resolve both issues. No associated changes are necessary to the Drainage (Stormwater Management) Sub-Element.

**Agency Comment:**

Re: Public Facilities Element/Drainage Sub-Element Policy 6.2 as transmitted by the County – As with this reference to it in the CCME, this information manual is not [or will soon no longer be] the correct resource document. See cross reference in remarks addressing Drainage Sub-Element Policies 6.2 and 6.3. District will provide new document name when change occurs.

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

**County Response:** Acknowledged, and recommended text change will be made. South Florida Water Management District will work with County staff to provide correct document name and amend Policy 6.3.3. The same document is referenced in CCME; the recommended text change will be made to the corresponding Policies in both Elements.

Drainage Sub-Element text as modified for Adoption:

**Policy 6.2:**

Collier County's retention and detention ~~requirements~~ criteria shall be ~~the same as~~ one hundred and fifty percent (150%) of these the water quality volumetric requirements provided in the *(still to be identified document superseding)*, or of a preceding South Florida Water Management District's, Basis of Review edition, as it existed at the time of project approval.

\* \* \* \* \*

➤ **Public Facilities Element/Natural Groundwater Aquifer Recharge Sub-Element (NGWAR)**

***Agency Comment provided with ORC Report:***

Re: NGWAR Policy 2.4 as transmitted by the County – Florida Statute subsection 373.0395, regarding groundwater basin resource availability inventory, particularly subsection (3), regarding prime groundwater recharge areas – along with requirements to submit such inventory to localities for considering in future Plan revisions – has been deleted. Further, the District posts the groundwater basin resource availability inventory on the internet, which renders publication of such a report obsolete.

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

***County Response:***

Acknowledged. No EAR-based amendment had been recommended other than word-smithing. In addition to its reference to an obsolete SFWMD publication, the evaluation discussed by this Policy had been previously completed. The County did not find it necessary to adopt more stringent recharge standards. The County is presently considering other watershed management plan-based standards, and text change is made.

NGWAR text as modified for Adoption:

**Policy 2.4:**

~~Collier County shall evaluate the necessity for adopting more stringent ground water recharge standards for High or Prime Recharge areas within 2 years of the SFWMD Governing Board's adoption of such areas.~~

Collier County will evaluate the development of Low Impact Design Standards as recommended by the Watershed Management Plan accepted by the Board of County Commissioners on December 13, 2011.

***Agency Comment:***

Re: NGWAR map changes as transmitted by the County – The SFWMD resource for this mapping is no longer published (as discussed above).

*[SFWMD comment provided outside ORC Report, paraphrased for brevity]*

***County Response:***

Acknowledged. These maps are now found within County-adopted watershed management plan(s), basin study and/or mapped as wellfield protection zones and do not necessitate individual listing in this Element, and recommended change is made.

NGWAR Map changes as modified for Adoption:

1. Map 1, Groundwater Recharge to the Surficial Aquifer

- This map is to be ~~updated~~ deleted.

2. Map 2, Groundwater Recharge to the Lower Tamiami Aquifer

- This map is to be ~~updated~~ deleted.

\* \* \* \* \*

➤ Future Land Use Element’s Future Land Use Map (FLUE-FLUM)

**Agency Comment:**

None. A citizen brought to staff’s attention one incorrect name on the FLUM (Fakahatchee Strand State Preserve).

**County Response:**

Staff checked the names of all parks and preserves on the FLUM and discovered two additional incorrect names. The three corrections: 1) Fakahatchee Strand State Preserve – change to Fakahatchee Strand Preserve State Park; 2) Delnor-Wiggins State Recreation Area – change to Delnor-Wiggins Pass State Park; 3) Barefoot Beach State Preserve – change to Barefoot Beach Preserve County Park.

\* \* \* \* \*

➤ Conservation and Coastal Management Element (CCME)

**Agency Comment:**

None. House Bill 503 was enacted by the Legislature of the State of Florida and became effective on July 1, 2012. This legislation amends Section 125.022, F.S., Development Permits, by prohibiting the County from requiring an applicant to obtain State and Federal permits prior to local government approval of a development order. However, the County is allowed to condition the approval to state that the applicant must obtain State and Federal permits prior to commencement of development.

**County Response:**

Staff is proposing revisions to the following CCME Objective and Policies to reflect the referenced 2012 legislative changes to Section 125.022, F.S. [Modifications to the approved for Transmittal version (shown in single underline/single strike-through format) of CCME Objective and Policies are provided here in double underline/double strike-through format.]

**OBJECTIVE 2.1:**

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- f. ~~Prior to the issuance of a final development order, the County shall require advise all~~ Prior to commencement of development, the applicants of a development projects that it is their responsibility to shall obtain the any necessary state and federal environmental permits.

\*\*\*      \*\*\*      \*\*\*      \*\*\*      \*\*\*      text break      \*\*\*      \*\*\*      \*\*\*      \*\*\*      \*\*\*

**Policy 2.3.6:**

The County will shall only allow development activities which will not adversely impact coastal water resources. This is shall be implemented through the following mechanisms:

- a. Require all applicable Federal and State permits addressing water quality to be submitted to Collier the County before commencement of development ~~Collier County issues issuance of a Final Development Order.~~

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**Policy 6.2.4:**

Within the **Urban Designated** area, the County shall rely on the wetland jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands.

This policy shall be implemented as follows:

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- (2)The County shall require the appropriate jurisdictional permit prior to commencement of development ~~to the issuance of a final local development order permitting site improvements~~, except in the case of single-family residences, which are not part of an approved development or are not platted, unless the residences are within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element, in which case the appropriate jurisdictional permit is required prior to commencement of development ~~the issuance of a final local development order permitting site improvements.~~

\*\*\*    \*\*\*    \*\*\*    \*\*\*    \*\*\*    text break    \*\*\*    \*\*\*    \*\*\*    \*\*\*    \*\*\*

**Policy 6.2.7:**

Within the **Estates Designated Area and the Rural Settlement Area**, the County shall rely on the wetland jurisdictional determinations and permit requirements issued by the applicable jurisdictional agency, except for wetlands that are part of a Watershed Management Plan preserve area. The County shall direct impacts away from such wetlands. This policy shall be implemented as follows:

- (1) For single-family residences within Southern Golden Gate Estates or within the Big Cypress Area of Critical State Concern, the County shall require the appropriate federal and state wetland-related permits prior to commencement of development ~~before Collier County issues a building permit.~~
- (2) Outside of Southern Golden Gate Estates and the Big Cypress Area of Critical State Concern, Collier County shall inform applicants for individual single-family building permits that federal and state wetland permits may be required prior to commencement of development ~~construction~~ unless the proposed residence is within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element, in which case the appropriate jurisdictional permit ~~is~~ shall be required prior to commencement of development ~~the issuance of a building permit.~~ The County shall also notify the applicable federal and state agencies of single-family building permits applications in these areas.
- (3) Within North Golden Gate Estates and the Rural Settlement Area, Collier County shall incorporate certain preserved and/or created wetlands and associated uplands into the County’s approved watershed management plans, as per Objective 2.1 of this Element. The size and

location of wetlands incorporated into the watershed management plans will be based upon the approved requirements for such plans. The County may issue single-family building permits within or adjacent to such wetlands, subject to appropriate mitigation requirements, which preserve the functionality of the wetland within the applicable watershed management plan. For a proposed residence which is to be located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to policies supporting Objective 2.1 of this Element, the appropriate jurisdictional permit ~~is~~ shall be required prior to commencement of development ~~the issuance of a building permit~~.

- (4) Collier County shall continue to work with federal and state agencies to identify properties that have a high probability of wetlands and animal listed species occurrence. The identification process will be based on hydric soils data and other applicable criteria. Once this identification process is complete, the County will determine if the process is sufficiently accurate to require federal and state wetland approvals prior to commencement of development ~~the issuance of a building permit within these areas~~. The County shall use information on wetland and/or listed species occurrence to inform property owners of the potential existence of wetlands and/or listed species on their property.

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## **ELEMENTS WITH NO ADDITIONAL CHANGES**

There were no revisions at or since the April 24, 2012 BCC EAR Adoption hearing in the following Elements: Public Schools Facilities Element; Sanitary Sewer Sub-Element; Potable Water Sub-Element; Solid Waste Sub-Element; Housing Element; Immokalee Area Master Plan; and, Economic Element. No additional substantive changes have been made in these Elements of the Collier County Growth Management Plan that the Department of Economic Opportunity did not previously review.\*

\* *NOTE: Certain Elements are amended further so as to properly remove references to Rule 9J-5; identify the DEO, rather than the DCA; and other minor, technical modifications related to the adoption of HB 7207, including the Recreation and Open Space Element, Intergovernmental Coordination Element, and the Golden Gate Area Master Plan.*

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### *Attachments:*

- *Excel workpage – properties affected by TCA boundary replacement with CHHA boundary, supporting County response to FDOT Comment no. 4 (“Density Rating System Proposed Changes – Density Increase and Trip Generation”).*
- *Map of areas affected by TCA boundary replacement with CHHA boundary, supporting County response to FDOT Comment no. 4 (“Exhibit A, Coastal High Hazard Area Comparison Map” with handwritten additions).*
- *Excel workpage – Short term and long term affects of CHHA boundary change, supporting County response to FDOT Comment no. 4. (“Table A – Collier County EAR Traffic Analysis in regards to changing from a TCA to a CHHA”*
- *Transportation Element Map TR-1 – the 2035 Long Range Financially Feasible Transportation Plan Map.*
- *Transportation Element Map TR-2 – the 2035 Long Range Needs Transportation Plan Map.*