



ORDINANCE NO. 13- 08

AN ORDINANCE AMENDING ORDINANCE NUMBER 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE SOLID WASTE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT TO PROVIDE FOR 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE GROWTH MANAGEMENT PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
REGISTRATION SECTION

2013 JAN 17 PM 2:55

FILED

WHEREAS, the Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, Collier County has held public hearings to provide for and encourage public participation throughout the 2011-12 plan amendment process; and

WHEREAS, Collier County did submit the 2011-12 Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on May 03, 2012; and

WHEREAS, the Department of Economic Opportunity did review and did not make written objections to the amendments to the Growth Management Plan and transmitted the same in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 60 days from receipt of the Objections, Recommendations and Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, the Collier County Planning Commission held a public hearing on the adoption of the amendments to the Growth Management Plan on October 30, 2012; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and did hold public hearings concerning the adoption of the amendments to the Growth Management Plan on January 8, 2013; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Words underlined are added; words struck through are additions; words with *** indicates a page break

SECTION ONE: ADOPTION OF AMENDMENTS TO THE SOLID WASTE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Solid Waste Subelement of the Public Facilities Element attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of these plan amendments, if the amendments are not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, these amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County this 9th day of January, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

By: 

Attest to the Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: 

GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

Heidi A Cicko H/AL
Heidi Ashton-Cicko 12/14/12
Managing Assistant County Attorney

Attachment: Exhibit "A"

This ordinance filed with the
Secretary of State's Office the
07 day of JANUARY 2013
and acknowledgement of that
filing received this 25 day
of JANUARY 2013.
By [Signature]
Deputy Clerk

2011 EAR-BASED ADOPTOIN - SOLID WASTE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT
Rev. 12/13/12

CP\12-CMP-00848\90

GOALS, OBJECTIVES AND POLICIES
~~SOLID WASTE SUB-ELEMENT~~

[Revised text, page 2]

GOAL: [Rephrased to improve format as a “goal”, revised text, page 2]
~~TO PROVIDE AN EFFICIENT AND ECONOMICAL BALANCE OF PUBLIC AND PRIVATE SERVICES THAT WILL ENABLE THE PEOPLE OF COLLIER COUNTY TO MEET THE ESTABLISHED REQUIREMENTS FOR SOLID WASTE DISPOSAL AND MANAGEMENT IN A MANNER TO THAT ASSURES PUBLIC HEALTH AND SAFETY AND TO PROTECTS THE AIR, WATER AND LAND ENVIRONMENTAL RESOURCES OF COLLIER COUNTY.~~

IN ALL ASPECTS OF SOLID WASTE MANAGEMENT, TO ADHERE TO THE FOLLOWING ENDURING GUIDING PRINCIPLES APPROVED BY THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS AT THE INTEGRATED SOLID WASTE MANAGEMENT STRATEGY WORKSHOP OF DECEMBER 2006:

- ENVIRONMENTAL AND GROWTH MANAGEMENT COMPLIANCE – ENVIRONMENTAL COMPLIANCE MEANS MANAGING THE IMPACTS TO THE AIR, SOIL, WATER, AND WILDLIFE AS WELL AS “QUALITY OF LIFE” IMPACTS TO THE COMMUNITY SUCH AS AESTHETICS, ODOR, NOISE, AND TRAFFIC AND GROWTH MANAGEMENT COMPLIANCE MEANS SATISFYING THE GROWTH MANAGEMENT REQUIREMENTS REPORTED IN THE ANNUAL UPDATE AND INVENTORY REPORT FOR BOTH LINED AND PERMITTED DISPOSAL CAPACITY;
- AIRSPACE PRESERVATION - AIRSPACE PRESERVATION MEANS MANAGING SOLID WASTE UPSTREAM FROM DISPOSAL AS A MEANS TO EXTEND THE REMAINING AIRSPACE (DISPOSAL) CAPACITY AT THE COLLIER COUNTY LANDFILL;
- OPERATIONAL EXCELLENCE - OPERATIONAL EXCELLENCE MEANS OPTIMIZING THE OPERATIONS OF OUR ASSETS SUCH AS THE COLLIER COUNTY LANDFILL AND OUR RECYCLING CENTERS AS WELL AS THE PROGRAMS ADMINISTERED BY THE PUBLIC UTILITIES DIVISION; AND
- BEST VALUE SERVICE - BEST VALUE SERVICE MEANS THAT THE SERVICES OFFERED IN THE COUNTY REFLECT LOCAL AND REGIONAL CONDITIONS AND THAT THE VALUE OF SERVICE IS APPROPRIATELY BALANCED WITH THE COST OF SERVICE. A COMPONENT OF BEST VALUE SERVICE IS THAT THERE IS A DIRECT CORRELATION BETWEEN THOSE THAT RECEIVE THE BENEFITS AND THOSE THAT PAY FOR THE SERVICES.

OBJECTIVE 1 (COLLECTION):

[Rephrased to improve format as an “objective”, revised text, page 2]

~~Collier County shall continue to m~~ Maintain a safe, dependable and efficient solid waste collection system.

Words underlined are added; words ~~struck through~~ are deleted.

Exhibit "A"

As approved by CCPC on 10-30-12
Solid Waste Disposal Sub-Element – to BCC for Adoption

EAR-based GMP Amendments

12-11-12

Present facilities meeting the current Level of Service include two (2) franchise collection areas and ~~three~~ five Recycling Centers, as follows:

- a. Unincorporated County service area;
- b. Immokalee service area; and,
- c. ~~Three (3)~~ Five (5) Recycling Centers;
 - 1. Naples Recycling Center
 - 2. Marco Recycling Center
 - 3. Carnestown Recycling Center
 - 4. Immokalee Recycling Center
 - 5. North Collier Recycling Center

Policy 1.1:

[Revised text, page 2]

The County shall continue to maintain and regulate commercial, multi-family and tax-bill based residential collection costs to ensure efficient and dependable service affordable to all users.

The primary components of a solid waste collection assessment are:

- 1. Franchisee Contract
- 2. Tipping Fees
- 3. Administrative and Capital Program Costs

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Policy 1.4:

[Revised text, page 2]

~~The County shall ensure public awareness and participation in solid waste collection issues by addressing such issues in duly noticed public meetings.~~

The County shall ensure public awareness and participation in solid waste recycling, reuse, waste reduction, household hazardous waste collection and disposal.

OBJECTIVE 2 (DISPOSAL):

[Rephrased to improve format as an “objective”, revised text, page 2]

~~The County shall continue to~~ Utilize safe and efficient methods for environmentally sound disposal of solid waste in accordance with local, State and Federal regulations and shall continue to investigate improved methods and implement practices that meet this objective.

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Policy 2.4:

[Revised text, page 3]

~~By fiscal year 2010, t~~ The County shall acquire and/or retain the pursue the acquisition of land inventory required for future solid waste operations, based upon selection of, including but not limited to, one or more of the following options in order of priority:

Words underlined are added; words ~~struck through~~ are deleted.

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1. Develop the means to partially or completely divert solid waste from the landfill (additional recycling or alternative forms of disposal).
2. Increase the permissible elevation of the ~~Naples~~ Collier County Landfill so as to gain additional airspace capacity.
3. Explore emerging conversion technologies that would allow for continued solid waste disposal operations within Collier County.
4. Secure and utilize additional capacity at a landfill or landfills.

Policy 2.5:

[Revised text, page 3]

~~The Level of Service for Solid Waste Sub-Element shall be:~~

- ~~a. Tons of solid waste per capita per year, used to determine landfill disposal capacity, is based on the average of the last three complete fiscal years actual lined cell tonnage activity.~~
- ~~b. Two (2) years of constructed lined landfill cell capacity at the disposal rate calculated per 2.5.a.~~
- ~~e. Ten (10) years of permittable landfill capacity at the disposal rate calculated per 2.5.a.~~

The standards for levels of service (LOS) of County solid waste disposal facilities appear in Policy 1.5; subsection "F" in the Capital Improvement Element and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

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Policy 2.8:

[Revised text, page 4]

The Collier County Solid Waste Management Department shall continue to operate and maintain a hazardous waste collection ~~facility~~ facilities. The facility ~~shall operate five (5) days per week and~~ will accept household hazardous wastes. Additionally, the Department shall continue to hold special events, such as its hazardous waste collection day, ~~at least twice per year~~ targeting residential households ~~but also and~~ and allowing small businesses to participate to insure consumer demand is met.

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Policy 2.9: (prev. 2.14)

[Introduced new text provision, page 4]

The County shall maintain an effective emergency storm debris cleanup plan, and identify and establish temporary debris storage and reduction sites.

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Policy 2.10: (prev. 2.18) [Introduced new text provision, page 4]
The County shall pursue State and Federal grants for, and participate in, feasibility projects for the investigation and development of improved techniques for waste collection, recycling, transfer and solid waste management consistent with the Enduring Guiding Principles.

Policy 2.11: (prev. 2.24) [Introduced new text provision, page 4]
The County shall evaluate options to beneficially recycle plastic agricultural film.

Policy 2.12: (prev. 2.25) [Introduced new text provision, page 4]
The County shall assess the feasibility of expanding the Immokalee Transfer Station, or developing a new facility to serve the Immokalee area, to become a full service recycling and reuse center equipped with such options as household hazardous waste processing, paint reuse, vegetative and yard waste drop-off, processing and composting, white goods drop-off, e-waste drop-off, furniture and construction & demolition debris (C&D), resale store, etc

Policy 2.13: (prev. 2.28) [Introduced new text provision, page 4]
The County will work with local institutions, schools, government buildings, or churches, to initiate programs for solid waste reduction, reuse, and recycling for their communities.

Policy 2.14: (prev. 2.30) [Introduced new text provision, page 4]
The County will encourage the construction of Green Buildings (or Sustainable Buildings). Relative to solid waste management, this includes:

- Recycled Content: Products with identifiable recycled content, including postindustrial content with a preference for post consumer content.
- Salvaged, refurbished, or remanufactured: Includes saving a material from disposal and renovating, repairing, restoring, or generally improving the appearance, performance, quality, functionality, or value of a product.
- Reusable or recyclable: Select materials that can be easily dismantled and reused or recycled at the end of their useful life.
- Recycled or recyclable product packaging: Products enclosed in recycled content or recyclable packaging.
- Durable: Materials that are longer lasting or are comparable to conventional products with long life expectancies.

OBJECTIVE 3 (RECYCLE AND RECOVERY):

[Rephrased to improve format as an "objective", revised text, page 4]
~~The Collier County Solid Waste Department shall continue to m~~ Maintain and update the Integrated Solid Waste Master Management Strategic Plan as directed by the Board of County Commissioners.

Words underlined are added; words ~~struck through~~ are deleted.

Exhibit "A"

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EAR-based GMP Amendments

12-11-12

Policy 3.1:

[Revised text, page 4]

The Collier County Solid Waste Management Department shall continue to maintain and improve programs to reduce the amount of solid waste that requires disposal at County landfills by:

- a. Maintaining and enhancing the current countywide residential recycling programs.
- b. Maintaining and enhancing the current eCounty-wide multi-family residential recycling program.
- c. Maintaining and enhancing the eCounty-wide commercial business recycling programs.
- d. Maintaining and enhancing the curb-side separation of material into recyclable categories to be received at the material recovery facilities.
- e. Continuing to explore additional measures for waste reduction.

Policy 3.2:

[Revised text, page 4]

The County shall continue investigation and implementation of cost-saving measures for County disposal operations. The County shall evaluate other measures, including landfill mining, as new technologies and practices emerge. ~~(Currently, a methane gas collection program is in operation.)~~

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Policy 3.4:

[Revised text, page 5]

~~The County will encourage Xeriscape landscaping (or Sustainable Landscaping) to reduce the generation of yard waste and reduce water consumption. In practice, Xeriscaping means simply landscaping with slow growing, drought tolerant plants to conserve water and reduce yard waste.~~

The County will encourage Florida-Friendly Landscaping™ to reduce the generation of yard waste, reduce water consumption, and improve water quality. Section 373.185, F.S., defines Florida-Friendly Landscaping™ as using quality landscapes that conserve water, protect the environment, adapt to local conditions and tolerate drought.

Policy 3.5:

[Introduced new text provision, page 5]

The County shall develop and implement innovative programs to reduce, re-use and recycle solid waste to meet the 2020 Florida Department of Environmental Protection (FDEP) seventy-five percent (75%) Recycling Rate pursuant to Chapter 403.7032, F.S.

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Words underlined are added; words ~~struck through~~ are deleted.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-08

which was adopted by the Board of County Commissioners on the 9th day of January, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 14th day of January, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Ann Jennejohn,
Deputy Clerk