

EXECUTIVE SUMMARY

Recommendation to adopt Ordinances approving staff-proposed 2011 Evaluation and Appraisal Report-based amendments to the Collier County Growth Management Plan, Ordinance 89-05, as amended, to fix glitches related to previous 2011 EAR-Based amendments and revising for internal consistency, and furthermore recommending transmittal of the adopted amendments to the Florida Department of Economic Opportunity. (*Adoption Hearing*)

OBJECTIVE: For the Board of County Commissioners (BCC) to review several individual staff-initiated, “batch” amendments to the Collier County Growth Management Plan (GMP) to provide for uniform formatting and internal consistency, add clarity and fix glitches, and consider approving (adopting) said amendments for their transmittal to the Florida Department of Economic Opportunity.

CONSIDERATIONS:

- Chapter 163, F.S., provides for an amendment process for a local government’s adopted Growth Management Plan.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, F.S., held its transmittal hearing for these batch amendments, on May 15, 2014. The BCC held its transmittal hearing on July 8, 2014. The respective transmittal hearings recommendations/actions are contained in the CCPC adoption hearing Staff Report.
- The Comments Letter from the Department of Economic Opportunity (DEO), dated August 15, 2014, indicated “no comment” within the Agency’s authorized scope of review. Similarly, the Comments Letter from the Florida Department of Transportation (FDOT) indicated “no comments” within this Agency’s authorized scope of review. The South Florida Water Management District (SFWMD) commented on and recommended updating GMP references to a specific SFWMD “Basis of Review” document that was published after Transmittal of these amendments – of which the title was not known at that time. The remaining review agencies did not provide a Comments Letter. All review agency Comments Letters received are contained in the back-up materials.
- The CCPC held its Adoption hearing for these batch amendments on December 4, 2014.
- This is the Adoption hearing for these out of Cycle, staff-proposed amendments to the Conservation and Coastal Management Element, Capital Improvement Element (CIE), Future Land Use Element and Future Land Use Map and Map series, Recreation and Open Space Element, Stormwater Management Sub-Element of the Public Facilities Element, and the Transportation Element of the GMP.

SFWMD comments and recommendations pertained only to the Conservation & Coastal Management Element (CCME) and Public Facilities Element – Stormwater Management Sub-Element (SM). Staff revised both documents to incorporate the SFWMD recommendations. No additional changes were made to these Elements, and no changes were made to any of the other Elements in this petition, since the July 8, 2014 BCC Transmittal hearing on this petition, *except* for the CIE. A specific proposed amendment to the CIE was removed from this petition because it was addressed by other means during the same period of time – and is confined to updating text references to the public school capital improvement plan and work program.

The batch amendments that are the subject of this hearing are limited in scope and primarily follow from the adoption of 2011 EAR-based GMP amendments. Though not necessarily recommended by specific reference in the EAR, these general updating and “housecleaning” amendments seek to add

clarity, correct text errors or omissions, provide harmony and internal consistency, and so forth. Further explanation and staff analysis is provided in the CCPC Staff Report.

FISCAL IMPACT: There are no fiscal impacts to Collier County as a result of these GMP amendments. The costs associated with legal advertising/public notice for the public hearings are however, borne by the County.

GROWTH MANAGEMENT IMPACT: Based upon statutory changes that occurred during the 2011 Florida Legislative session, these GMP amendments are presumed to be “in compliance” with applicable Florida Statutes. After adoption, the DEO will have 45 days (from the date the DEO receives a complete adoption package) to review the adopted GMP amendments and issue their Notice of Intent (NOI). Should they believe the adopted amendments are “not in compliance,” a challenge [appeal] to the presumed “in compliance” determination would be filed with the Florida Division of Administrative Hearings (DOAH). In addition, any affected party has 21 days (from the date of the DEO publishing their NOI) in which to file a challenge. If a timely challenge is not filed by DEO or an affected party, then the amendments will become effective when the NOI is posted on the DEO Internet site.

LEGAL CONSIDERATIONS: This item is approved as to form and legality. An affirmative vote of four is needed for adoption and transmittal to DEO. [SAS]

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The CCPC forwarded these batch amendments to the BCC with a recommendation to approve for transmittal to the Florida Department of Economic Opportunity (vote: 6/0). There were no public speakers to this item.

COMPREHENSIVE PLANNING STAFF RECOMMENDATION: Same as to CCPC – to adopt.

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Attachments:

- 1) CCPC Adoption Staff Report
- 2) DEO & State Agency Review Comments
- 3) Adoption Ordinances with Exhibit “A” Texts and Map
- 4) Transmittal Executive Summary
- 5) CCPC Transmittal Staff Report
- 6) Adopted Transmittal Resolution 2014-153