

Final Order Assessment History

Collier County adopted its present Growth Management Plan (GMP) a/k/a comprehensive plan on January 10, 1989. The GMP provides guidance to the growth and development of our county by: establishing future land use designations to permit various land use intensities and densities (commercial uses; industrial uses; residential uses at varying densities; agricultural uses; recreation and open space uses; and, government, civic, social and other institutional uses); providing for the protection of environmentally sensitive areas; and, planning for, funding, and providing adequate infrastructure to serve development.

As required by Florida Statutes, Collier County went through the Evaluation and Appraisal Report (EAR) process in 1995/1996 - a complete review of the 1989 GMP - culminating in adoption of the EAR in April 1996. Amendments to the GMP, based upon the EAR, were adopted in October 1997. The Florida Department of Community Affairs (DCA), which has review authority over all local government comprehensive plans, reviewed these amendments and determined some of them were not "in compliance" with Florida Statutes. Though several issues were raised, they primarily focused upon the realm of environmental protection - protection of natural resources, listed species and their habitats, groundwater recharge areas, etc. - as well as addressing urban sprawl. Two environmental organizations intervened in the process on behalf of DCA. In May 1998, an Administrative Law Judge held a hearing regarding these EAR-based amendments DCA found not "in compliance." In March 1999, the Judge issued his Recommended Order concurring with DCA. Finally, on June 22, 1999, the Governor & Cabinet of the State of Florida, sitting as the Administration Commission, issued Final Order No. AC-99-002 concurring with DCA and the Administrative Law Judge that some GMP amendments were not "in compliance" with Florida Statutes.

The Final Order imposes temporary land use restrictions (e.g., no new golf courses, commercial development, County barn facility) on properties designated Agricultural/Rural, Conservation and south Golden Gate Estates; it requires Collier County, with broad-based public input, to prepare an Assessment of these rural areas; and, the Final Order requires Collier County to adopt GMP amendments by June 22, 2002, based upon the Assessment, that adequately address the issues raised in the Final Order (natural resource protection, premature conversion of agricultural lands, urban sprawl).

As allowed by the Final Order, Collier County has divided the Assessment area into two sub-areas, each with its own citizen committee appointed by the Board of County Commissioners - the Rural Lands a/k/a Eastern Lands (east of Golden Gate Estates surrounding Immokalee), and the Rural Fringe (west of Golden Gate Estates and east of the coastal urban area). It is *anticipated* that the first public hearings for the Rural Fringe area GMP amendments will be held in the Fall of 2001, with adoption hearings *anticipated* for Spring of 2002. Once adopted, the amendments will be sent to DCA for their review and determination that the amendments are, or are not, "in compliance" with Florida Statutes and the requirements of the Final Order. If determined to be not "in compliance" by DCA, then the amendments do not go into effect. Also, if determined to

be "in compliance" by DCA, but that determination is challenged (appealed) by an affected party, then the amendments do not go into effect. It is important to note that the Final Order provides that the land use restrictions imposed upon the Rural lands will not be lifted until the Assessment-based amendments become effective.

Additional information about the Rural Assessment, including minutes of the meetings of the two committees, may be obtained from the County's website.

Some key points are: there is a temporary restriction on land uses in the rural areas of the County; the County, with citizen input, is in the midst of the required process that will ultimately lead to the lifting of those restrictions, though there may be some change in allowable land uses after the restrictions are lifted; and, the exact timing of when those restrictions will be lifted isn't known since the County doesn't have total control over that.

FYI: One additional item - I did not address amendments for the Rural Lands, the area east of GGE, since that isn't relevant to your inquirer. But, thought you might want/need to know in case the County owns lands there. The requirement is still to have GMP amendments adopted by June 22, 2002, but there is the possibility that a request may be made for a time extension. [*request was made and granted*]

Rural Fringe amendments adopted June 19, 2002.
Rural Lands amendments adopted October 22, 2002.

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Derived from 5-11-01 email to Chuck Carrington, Real Property Management Director

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