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**STAFF REPORT  
COLLIER COUNTY PLANNING COMMISSION**

**FROM:** COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION, COMPREHENSIVE PLANNING DEPARTMENT

**HEARING DATE:** OCTOBER 11, 2006

**SUBJECT:** REVIEW OF PROPOSED EVALUATION AND APPRAISAL REPORT (EAR)-BASED AMENDMENTS TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN, ORDINANCE 89-05, AS AMENDED; AMENDMENTS TO ALL ELEMENTS ARE PROPOSED: THE CAPITAL IMPROVEMENT ELEMENT; TRANSPORTATION ELEMENT; SANITARY SEWER SUBELEMENT - INCLUDING ADDITION OF A NEW SERVICE AREAS MAP, POTABLE WATER SUBELEMENT - INCLUDING ADDITION OF A NEW SERVICE AREAS MAP, DRAINAGE SUBELEMENT, SOLID WASTE SUBELEMENT, AND NATURAL GROUNDWATER AQUIFER RECHARGE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT; HOUSING ELEMENT; RECREATION AND OPEN SPACE ELEMENT; CONSERVATION AND COASTAL MANAGEMENT ELEMENT - INCLUDING ADDITION OF A NEW RESTORATION PROJECTS MAP; INTERGOVERNMENTAL COORDINATION ELEMENT; FUTURE LAND USE ELEMENT – INCLUDING FUTURE LAND USE MAP AND MAP SERIES; GOLDEN GATE AREA MASTER PLAN ELEMENT – INCLUDING FUTURE LAND USE MAP AND MAP SERIES; IMMOKALEE AREA MASTER PLAN ELEMENT – INCLUDING FUTURE LAND USE MAP; ECONOMIC ELEMENT; AND, DELETION OF THE MARCO ISLAND MASTER PLAN ELEMENT IN ITS ENTIRETY; AND, FURTHERMORE RECOMMENDING TRANSMITTAL OF THESE AMENDMENTS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS. (**ADOPTION HEARING**)

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**BACKGROUND**

Chapter 163, Part II, Florida Statutes, also known as 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 monitor changing conditions and must use this information to guide periodic amendments to the local comprehensive plan a/k/a growth management plan (GMP).

The periodic amendment process, which occurs once every seven years, as described in Chapter 163.3191, F.S., is a two-phase process. It begins with the preparation, by the local government, of an Evaluation & Appraisal Report (EAR). The EAR evaluates the performance of the various Elements of the local government comprehensive plan since the previous EAR-based amendment process. It assesses the successes and failures of

the various Goals, Objectives, Policies, and programs included within the local comprehensive plan, and it provides 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 become 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 Community Affairs (DCA), which has oversight for comprehensive plans, amendments, and EARs for all local governments, found the 2004 EAR sufficient on November 15, 2004.

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 word-smithing ("housecleaning") amendments are allowed as part of this amendment process; these include updating ordinance numbers, referencing the new (2004) Unified Land Development Code, revising/correcting government agency names, word-smithing, reformatting, rearranging the order of Districts/Subdistricts, etc. Also, based upon preference by DCA, the Annual Update and Inventory Report (AUIR)-related amendments have been incorporated into these EAR-based amendments rather than as separate amendments in a separate cycle. (Both EAR-related and AUIR-related GMP amendments are exempt from the statutory limitation of two adoptions per year.) These AUIR-related amendments affect the Capital Improvement, Transportation, and Intergovernmental Coordination Elements, and the Sanitary Sewer Sub-Element.

Some EAR recommendations are very specific and some are more general; some have been linked to subsequent County actions, e.g. the Affordable Housing Workshop and GAP Housing Workshop, both held in 2005. As such, though not *specifically* recommended in the EAR, the BCC direction to staff at those workshops has been incorporated in these amendments where appropriate.

Transmittal hearings on these amendments were held on March 6, 8, 9, 16 and 30, 2006 (CCPC), and on April 18 and May 16, 2006 (BCC).

#### **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ORC REPORT/STAFF RESPONSE:**

After review of Transmitted GMP amendments, the Florida Department of Community Affairs (DCA) renders 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 28, 2006 ORC Report, for the GMP amendments transmitted to DCA subsequent to the BCC's May 16 hearing, DCA offers 26 Objections. In some instances, the same Objection is listed more than once; that is, different Elements may have received an Objection based upon the same issue, e.g. population methodology. The entire ORC Report - with staff responses and staff-proposed Element revisions inserted therein - is attached to this Staff Report; that document is titled "7/28/06 ORC Report and Collier County Response". And, attached to that document is various data and analysis as referenced in that

document. NOTE: In the ORC Response document, where an Element is proposed to be revised in response to an Objection, the Transmitted version of the affected text is provided; that is followed by the proposed revision – using double underline/double strike through format. To see the “clean” version of the entire Element (single underline/strike through format depicting the Element as proposed for adoption), see the Element located behind the tab bearing that Element name. 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 no Objections pertaining to the following Elements/Sub-Elements: Solid Waste Sub-Element and Natural Groundwater Aquifer Recharge Sub-Element of the Public Facilities Element; Intergovernmental Coordination Element; Golden Gate Area Master Plan Element; Immokalee Area Master Plan Element; Economic Element; and, Marco Island Master Plan Element.

Note: In the “Introduction” section on page 1 of the ORC Report, it is incorrectly stated that “No future land use map amendment is proposed.” Several such map changes were approved and Transmitted to DCA in May 2006, and are proposed for adoption.

**ELEMENT CHANGES NOT RELATED TO 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 proposed Element changes that follow are not in response to the ORC Report.

1. CCME. In Policy 6.1.1(4)f., staff inadvertently failed to strike through the word “upland.” A correlating change was correctly made in Policy 6.1.2(4)f.

Policy 6.1.1(4)f.: All other ~~upland~~ native habitats.

Words underlined are added; words ~~struck through~~ are deleted – Transmittal.  
Words double underlined are added; words ~~double struck through~~ are deleted – Adoption.

**ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION**

The EAC reviewed the Conservation and Coastal Management Element only on October 4, 2006. Their recommendation will be forwarded subsequent to preparation of this Staff Report, and will be presented at the CCPC hearing.

**STAFF RECOMMENDATION:**

That the CCPC forward the EAR-based GMP amendments to the BCC with a recommendation to adopt - with modifications since Transmittal hearings, as noted in this Staff Report - and to transmit to the Florida Department of Community Affairs.

**Prepared By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
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**Reviewed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Randall Cohen, AICP, Director  
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**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Joseph K. Schmitt, Administrator  
Community Development and Environmental Services Division

**COLLIER COUNTY PLANNING COMMISSION:**

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**MR. MARK STRAIN, CHAIRMAN**

GMP amendments based upon 2004 EAR – Adoption Hearing.  
Staff Report for October 11, 2006 CCPC hearing.

NOTE: This petition has been scheduled for the January 25, 2007 BCC hearing.