

**OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT
FOR
PROPOSED COMPREHENSIVE PLAN AMENDMENT: 06-1ER [EAR-based]**

COLLIER COUNTY

**I. CONSISTENCY WITH RULE 9J-5, FLORIDA ADMINISTRATIVE
CODE (F.A.C), & CHAPTER 163, FLORIDA STATUTES (F.S.)**

Introduction: Collier County has submitted a package of amendments to implement the Evaluation and Appraisal Report (EAR). The amendment involves changes to all the elements of the County's comprehensive plan. No future land use map amendment is proposed. As noted below, the Department has objections relative to certain fundamental planning components, including the planning timeframe and population projections. Clarification of these issues may result in necessary revisions to data and analysis regarding infrastructure needs and necessary changes to the capital improvements element. Subsequent to that the Department will then review for compliance with state requirements. It is important that these fundamental issues be resolved early on to ensure that any subsequent analysis is based on correct data. The Department has identified the following **objections** to the proposed changes.

Ø **Capital Improvements Element:**

Objection:

1. The EAR-based amendment does not establish a long-term (10-year or greater) planning period for the comprehensive plan. Under State law a local comprehensive plan must include at least two planning periods: one for at least the first five-year period subsequent to the plan's adoption and one for at least an overall ten-year period, the combination of which becomes the planning timeframe for the comprehensive plan.
[Chapter 163.3177(5)(a), & (8) F.S. and Rule 9J-5.005(4), F.A.C.]

Recommendation: Revise the amendment to establish the long-term planning timeframe for the County's comprehensive plan.

COLLIER COUNTY RESPONSE:

Certain references to "5-year" planning periods and documents are revised to correctly reference the applicable planning timeframe for the Growth Management Plan, including Policy 3.2 and Policy 4.5 (re: Schedule of Capital Improvements title); and, Policy 1.2, Policy 2.1 and Policy 2.2 (re: Schedule of Capital Improvements title) in the Transportation Element.

The Schedule of Capital Improvements title is revised, removing the five year reference. Special attention was given so revisions do not result with actual changes to the Concurrency Management System, nor imply them.

Transportation Department staff comments, [w]e have submitted a ten year program (***attached*** and labeled, Proposed Transportation 10-Year Work Program) for your

consideration and have also included the 2030 Long Range Transportation Plan (***attached*** and labeled, 2030 Long Range Transportation Plan) – this is the Executive Summary but the entire document can be found on the MPO’s website at [https://www.commmunicationmgr.com/projects/Collier MPO Admin/docs/Adopted%202030%LRTP.pdf](https://www.commmunicationmgr.com/projects/Collier%20MPO%20Admin/docs/Adopted%202030%LRTP.pdf)) that illustrates the roadway needs and cost feasible plans for the next twenty five years that the five year program is based on. The ten year program does not have enough revenue to match the cost estimates but also does not include grants and Developer Agreements that over the last few years we have been successful pursuing and obtaining to help pay for the needed roadway improvements.

Text as proposed for Adoption:

Policy 1.2: **[Revised text, page 11]**

The County shall annually appropriate the funds ~~in~~ for the ensuing fiscal year that are necessary to accommodate those phases of transportation improvement projects listed in the first year of the ~~Five-Year~~ Schedule of Capital Improvements. Programming decisions ~~are~~ shall be based on the AUIR Concurrency Management System, and shall be annually incorporated in the ~~Five-Year~~ Schedule of Capital Improvements, as contained in the Capital Improvement Element (CIE) of this Growth Management Plan.

Policy 4.3.2: **[Renumbered and revised text, page 9]**

Within the coastal high hazard area, ~~The~~ calculated needs for public facilities, as represented in the Annual Update and Inventory Report (AUIR and the Five Year Schedule of Capital Improvements), will be based on the County’s adopted level of service standards and projections of future growth allowed by the projections within the coastal high hazard area. ~~The Future Land Use Element limits new residential development (thus obligations for infrastructure expenditures) to a maximum of four dwelling units per gross acre within portions of the coastal high hazard area.~~

Policy 4.4.5: **[Renumbered and revised text, page 10]**

Public facilities and services provided by Collier County with public funds in accordance with the ~~5-year~~ Schedule of Capital Improvements in this Capital Improvement Element will be limited to Service Areas established within the boundaries designated on Figure PW-1, “Collier County Water District Boundaries”, and Figure PW-2, “Existing and Future Potable Water Service Areas”, in the Potable Water Sub-Element of the Public Facilities Element, and on Figure SS-1, “Collier County Sewer District Boundaries”, and Figure SS-2, “Existing and Future Sewer Service Areas”, in the Sanitary Sewer Sub-Element of the Public Facilities Element. Road improvements will be provided as designated on the Schedule of Capital Improvements appearing in ~~the~~ this Capital Improvement Element. All other public facilities and service types will be provided on a County-Wide availability basis.

REQUIREMENTS FOR CAPITAL IMPROVEMENTS IMPLEMENTATION

SCHEDULE OF CAPITAL IMPROVEMENTS **[Revised text, page 13]**

The Schedule of Capital Improvements on the following pages will eliminate existing deficiencies, replace obsolete or worn out facilities, and make available adequate facilities for future growth.

Each project is numbered and named, and its estimate of projected cost during each of the next five fiscal years is shown in thousands of dollars (000). The month and year for actual commencement of construction and the month and year each project will be completed (in service) ~~is~~ are indicated.

Each project ~~in Category A~~ is consistent with the level of service standards as identified within this element and the appropriate individual element of this Growth Management Plan.

Objection:

2. The EAR-based amendment is not supported by a projected population of the County for the next planning timeframe, based on a professionally acceptable methodology, and upon which the land and infrastructure needs of the County shall be based.

Policy 1.2 establishes the formula that the County will use to calculate public facility demands. It is stated that the formula uses a “weighted” recalculation of the population projections made for the County by the University of Florida. However, the term “weighted” is not defined in the plan; instead, the definition is deferred to the land development regulations. Because these regulations could be changed without an amendment to the comprehensive plan, the formula used to predict the population of the county is unpredictable and unreliable. The County’s approach is contrary to State law which requires that local governments use the mid range projections made by the University of Florida, or, use the high or low range projection if sufficient justifications are presented to support their use; or make their own projections based a professionally acceptable methodology approved by the State. The proposed population projection methodology described in this policy is not professionally acceptable.

Also, the County varies the population figures used for calculating the need for the different public facilities. This is inconsistent with State law because the comprehensive plan must utilize a consistent population projection figure for the County through the planning timeframe.

[Chapter 163.3177(2), (6)(a), (8), & (10)(e), F.S. and Rule 9J-5.005(2)(a), (c), & (e), 9J-5.006(1)g., 9J-5.016(1)(a), (2)(b), FAC]

Recommendation: Include with the amendment a projected population of the County derived from a professionally acceptable methodology indicating the population figures upon which the land use and infrastructure needs of the County will be based during the next planning timeframe. The County should utilize the mid-range projections made by the University of Florida, and if that will not be used sufficient justification should be provided for using either the lower range or high range University of Florida projections. If the County chooses to utilize a population projection other than the one provided by the University, the methodology for the projection must be professionally acceptable and approved by the state land planning agency prior to its application.

The formula for calculating the public facilities needs of the County stated in Policy 1.2 should be revised to be consistent with the population projections for the plan as a whole and must not defer certain other aspects to the land development regulations.

COLLIER COUNTY RESPONSE:

Policy 1.2.B, is revised to remove variable levels of service previously given for potable water and sanitary sewer facilities. All population projections are now calculated utilizing the same method for all capital/public facilities, and uniformly applied. Policy 4.8 of the Future Land Use Element incorporates these same changes.

Also, Policy 1.2 entries are revised to make consistent the population figures used for calculating the need for different public facilities, including potable water and sanitary sewer facilities, applying a consistent population projection figure – a “weighted” population – through the planning timeframe. Weighted population calculations are explained below. Policy 4.8 of the Future Land Use Element incorporates these same changes by reference to this CIE policy.

Permanent Population is the population projection figure based on Bureau of Economic and Business Research at the University of Florida (BEBR) high range growth rate population projections through the first five years of the annually updated Capital Improvement Plan, on a continuously rolling basis, and then 95 percent of the BEBR high range growth rate population projections thereafter. The permanent population figure is then converted from April 1 to October 1, which is the beginning of the fiscal year for Collier County.

Peak (Seasonal) Population is the permanent population (described above) converted to its October 1 figure, increased by 33% for all areas of the County except Immokalee, to reflect the increase of seasonal part-time residents and visitors, based on 2000 U.S. Bureau of the Census Occupancy/Vacancy data, gasoline sales data, retail sales data, and hotel/motel occupancy rates, and increased by 15,000 persons for Immokalee, to reflect the increase of agriculture-related part-time residents. Peak population projections were previously used for calculating the need for solid waste and potable water facilities. Peak population calculations will no longer be used. Weighted population projections will be uniformly used, consistent with State law.

Weighted (Average) Population is 67% of the permanent population figure (described above), plus 33% of the peak population figure (described above) to reflect a four (4) month duration seasonal influx of part-time residents. Weighted population projections are used for calculating the need for regional parks, solid waste, potable water, sanitary sewer, and drainage facilities.

Unincorporated Area Weighted (Average) Population is 67% of the permanent population figure (described above) for unincorporated Collier County only, plus the 33% peak population figure (described above) Countywide, adjusted to represent how seasonal residents utilize certain park facilities differently. Unincorporated Area Weighted population projections are used solely for calculating the need for community park facilities. Cities located in the County provide their own community park facilities, and these facilities are characteristically utilized by seasonal residents to a measurable extent more than County facilities.

Permanent Population

In 2003, Collier County amended both the FLUE and CIE to change the methodology for preparing annual estimates and projections (see **attached** Memorandums to Collier County Planning Commission for petitions CPSP-2002-7 and -11, agenda items #8.J. and #8.F., and spreadsheet titled "Comparison of Population Projection Methodologies"). The explanation and rationale from 2003 is still valid today. At that time, the latest estimate from BEBR was for year 2001. The BEBR high range projection for Collier County for year 2005, which the then-proposed/now-adopted methodology utilized, was 317,600. The 2005 BEBR estimate is 317,788. This validates use of high range projections, at least initially. Staff still believes, as stated in 2003, BEBR high range projections may be too high in the longer term.

Peak Season Population

Past analysis (1987 and 1995) of hotel/motel occupancy, sales tax revenue, gasoline sales, and traffic counts, persons per household ratio from US Census Bureau, and both total number of vacant housing units as well as number of vacant units held for seasonal, recreational or occasional use, has indicated the peak season population reflects a 33% increase over the October 1 permanent population for all of Collier County, less Immokalee. An analysis of current data yields the same conclusion. The Immokalee area experiences a seasonal increase of 15,000 persons per year related to the agriculture industry, based upon information from the Florida Department of Labor and Employment Security. Data from the 2000 Census reveals Collier County had 144,536 total housing units; that 41,563 were vacant (28.8%); and that 34,337 were "for seasonal, recreational, or occasional use" (23.8% of total units or 82.6% of the vacant units. Comparing this with 1990 Census data shows the vacancy rate has dropped some, though it is still a significant portion of the housing stock in Collier County. Further, a larger percentage of the vacant units are held for seasonal use in 2000 vs. 1990. (1990 Census: 94,165 total units and 32,462 vacant units, or 34.5% vacancy; 22,543 vacant units held for seasonal use or 69% of vacant units). (see **attached** Seasonal Population explanation from the 1989 and 1997 FLUE Support Documents; "Collier County Hotel Occupancy 2005;" "Gas Tax and Sales Tax 2005;" Census 2000 "Table DP-1, Profile of General Demographic Characteristics: 2000;" "1990 Census Household Data")

Weighted Average Population

Since the GMP was adopted in 1989, Collier County has used weighted average population methodology (67% [8 months] of permanent population + 33% [4 months] of peak season population) in capital facilities planning (see **attached** "Permanent Population" document from 1989 FLUE Support Document). This methodology is more conservative than permanent population alone but is less conservative than the "worst case scenario" of peak season population. (see **attached** population spreadsheets for April permanent, October permanent, peak season, and weighted average)

Transportation Department staff comments, [t]he short and long range transportation plans are developed using the population estimates that are adopted through the 2030 Long Range Transportation Plan (LRTP) and follows the mid range BEBR numbers projected by the University of Florida. This procedure has been used for years and the MPO is required to follow this process to get approval of the LRTP through FDOT and FHWA.

Text as proposed for Adoption:

Policy 4.1.2: [Renumbered and revised text, page 3]

The quantity of public facilities that is needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation:

$$Q = (S \times D) - I.$$

Where Q is the quantity of public facility needed,
S is the standard for level of service,
D is the demand, such as the population, and
I is the inventory of existing facilities.

A. The calculation will be used for existing demand in order to determine existing deficiencies. The calculation will be used for projected demand in order to determine needs of future growth. The estimates of projected demand will account for demand that is likely to occur from previously issued development orders as well as future growth.

B. The Board of County Commissioners will shall review all rezone petitions requests, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE) affecting the overall countywide County-Wide density or intensity of permissible development, with consideration of their impact on both the variable "D" in the formula $Q = (S \times D) - I$, and the overall roadway County transportation system. The Board County Commission shall not approve any such petition or application rezone request, SRA designation, conditional use petition, or FLUE amendment, that which significantly impacts either: (1) a deficient roadway segment; or (2) the BEBR (Bureau of Economic and Business Research at the University of Florida) high range growth rate population projections through the five years of the annually updated Capital Improvement Plan, on a continuously rolling basis, and then 95% of the BEBR high range growth rate thereafter, for the variable "D", unless one of the following simultaneously occurs:

1. a deficient roadway segment; or
2. the weighted population based upon the Bureau of Economic and Business Research at the University of Florida (BEBR) high range growth rate population projections through the first five years of the annually updated Capital Improvement Plan, on a continuously rolling basis, and then 95% of the BEBR high range growth rate population thereafter, for all public facilities except potable water and sanitary sewer, for the variable "D", unless one of the three items listed below simultaneously occurs; or, :
3. the peak population based upon the BEBR high range growth rate population projections through the first ten years, on a continuously rolling basis, and then the average of the medium and high range growth rate population projections thereafter, for potable water and sanitary sewer facilities, for the variable "D", unless one of the three items listed below simultaneously occurs;

- (1)- Specific mitigating stipulations are approved in conjunction with the rezone or SRA designation resolution, conditional use petition, or FLUE amendment, to restore or maintain the Level of Service on the impacted roadway segment;
 - (2)- The adopted population standard used for calculation of “Q” in the formula $Q = (S \times D) - I$ is amended based on appropriate data and analysis;
 - (3)- The Schedule of Capital Improvements is updated to include any necessary projects that would support the additional public facility demand(s) created by the rezone, SRA designation resolution, conditional use petition, or amendment to the Future Land Use Element.
- C. Significant impact is hereby defined for Section B of this Policy as generating potential for increased countywide ~~County-Wide~~ population greater than ~~3%~~ 2% of the weighted population projections for parks, solid waste, potable water, sanitary sewer, and drainage facilities, ~~greater than 3% 2% of peak population estimates and projections as explained in Section B above for potable water and sanitary sewer facilities~~, or as generating a volume of traffic equal to or greater than ~~3%~~ 2% of the adopted LOS standard service volume of an impacted roadway.
- D. There are three circumstances in which the standards for levels of service are not the exclusive determinant of need for a public facility:
- 1. Calculated needs for public facilities in coastal high hazard areas are subject to all ~~limits~~ limitations and conditions in the Conservation and Coastal Management and Future Land Use Elements of this Growth Management Plan.
 - 2. Replacement of obsolete or worn out facilities, and repair, remodeling and renovation, will be determined by the Board of County Commissioners upon the recommendation of the County Manager.
 - 3. Public facilities that provide levels of service in excess of the standards adopted in this Growth Management Plan may be constructed or acquired at any time as long as the following conditions are met:
 - a. the facility does not make financially unfeasible any public facility of the same type that is needed to achieve or maintain the standards for levels of service adopted in this Growth Management Plan, and
 - b. the facility does not contradict, limit or substantially change the goals, objectives and policies of any element of this Growth Management Plan.

Any public facility that is determined to be needed as a result of any of the factors listed in Section B and D of this Policy shall be included in the regular Schedule of Capital Improvements contained in this Capital Improvement Element. All capital improvement projects for such public facilities shall be approved in the same manner as the projects that are identified according to the quantitative analysis described in Section A of this policy. The terms, “weighted” and “peak” used when referring to population figures are explained in the Annual Update and Inventory Report (AUIR)

as used in this Capital Improvement Element and other elements are explained below.

Permanent Population is the population projection figure based on Bureau of Economic and Business Research at the University of Florida (BEBR) high range growth rate population projections through the first five years of the annually updated Capital Improvement Plan, on a continuously rolling basis, and then 95 percent of the BEBR high range growth rate population projections thereafter. The permanent population figure is then converted from April 1 to October 1, which is the beginning of the fiscal year for Collier County.

Peak (Seasonal) Population is the permanent population (described above) converted to its October 1 figure, increased by 33% for all areas of the County except Immokalee, to reflect the increase of seasonal part-time residents and visitors, based on 2000 U.S. Bureau of the Census Occupancy/Vacancy data, gasoline sales data, retail sales data, and hotel/motel occupancy rates, and increased by 15,000 persons for Immokalee, to reflect the increase of agriculture-related part-time residents.

Weighted (Average) Population is 67% of the permanent population figure (described above), plus 33% of the peak population figure (described above) to reflect a four (4) month duration seasonal influx of part-time residents.

Unincorporated Area Weighted (Average) Population is 67% of the permanent population figure (described above) for unincorporated Collier County only, plus the 33% peak population figure (described above) Countywide, adjusted to represent how seasonal residents utilize certain park facilities differently.

Future Land Use Element

Policy 4.8:

[Revised text, page 16]

Maintain and update, on an annual basis, the following demographic and land use information: existing permanent population, existing seasonal population, projected population, existing dwelling units, and projected dwelling units. Included with this database shall be a forecast of the geographic distribution of anticipated growth.

Population estimates and projections shall be based upon the most recent population bulletin from the University of Florida's Bureau of Economic and Business Research (BEBR), except where decennial census estimates are available. For the five years of the annually updated Capital Improvement Plan, on a continuously rolling basis, weighted population projections shall be calculated for all public facilities ~~except~~ ~~potable water and sanitary sewer~~ using BEBR's high range growth rate; thereafter, projections shall be calculated based upon 95% of the BEBR high range growth rate. ~~For potable water and sanitary sewer facilities, the peak population shall be calculated, based upon the BEBR high range growth rate population projections through the first ten years, on a continuously rolling basis; thereafter, projections shall be calculated based upon the average of the medium and high range growth rate population projections.~~ Population definitions are provided in Policy 1.2 of the Capital Improvement Element.

Objection:

3. The County proposes to establish a dual LOS standard for the Southeast and Northeast Sewer Service Areas of the County. For Southeast, the LOS will be 100 and 120 gallons per capita per day, while for the Northeast it would be 120 and 125 gallons per capita per day. This dual LOS system makes the LOS standard uncertain and it also makes the determination of the impact of developments on sewer systems difficult to establish. No data and analysis have been provided to support the establishment of a dual LOS standard for these service areas, nor has the plan identified the specific adopted LOS standard that will be used for sewer capacity impact analysis in these service areas.
[Chapter 163.3177(6)(c), 163.3177(8), 163.3180(1)(a), F.S., and Rule 9J-5.005(3), 9J-5.055(1)(a), (2)(a) and 9J-5.011(2)(c)2., FAC.]

Recommendation: Revise the policy to clarify the application of the dual level of service standards for sewer in the Southeast and Northwest Service Areas and provide data and analysis to justify the use of a dual LOS standard for these service areas. Also, establish the specific LOS standard that will be used for public facility analysis. Alternatively, establish a single LOS standard based upon appropriate data analysis.

COLLIER COUNTY RESPONSE:

Policy 1.5.E.1, is revised to remove dual levels of service, and to show a single LOS standard specific for each new Sewer Service Area, and to show a shared Level of Service figure where a pumping station by itself has no adopted LOS standard, as follows:

- North = 145 gpcd (no change, consistent with 2005 Master Plan)
- South = 100 gpcd (back to pre-EAR, consistent with 2005 Master Plan)
- Southeast = 120 gpcd (consistent with the South demand)
- Northeast = 120 gpcd (consistent with the North demand)
- East Central = 120 gpcd (This service area has no adopted LOS standard of its own. It is a transitioning sub-area served only by a pumping station handling flow transfers, per the 2005 Master Plan. It shares the 120 gpcd with its flow-receiving treatment facilities.)

In each case the LOSS for concurrency for final development order approval in each service area will be the single standard.

Also, two new maps are proposed for the Sanitary Sewer Sub-Element, Figure SS-1.1 and Figure SS-2.1, which depict the new service areas. Two new maps are also proposed for the Potable Water Sub-Element, Figure PW-1.1 and Figure PW-2.1, which also depict service areas. These four new maps are properly referenced in the text of the corresponding Comprehensive Plan element or sub-element, and included herein.

Text as proposed for Adoption:

Policy 1.4.5: **[Renumbered and revised text, page 10]**

Public facilities and services provided by Collier County with public funds in accordance with the ~~5-year~~ Schedule of Capital Improvements in this Capital Improvement Element will be limited to Service Areas established within the boundaries designated on Figure PW-1 and

Figure PW-1.1, "Collier County Water District Boundaries", and Figure PW-2 and Figure PW-2.1, "Existing and Future Potable Water Service Areas", in the Potable Water Sub-Element of the Public Facilities Element, and on Figure SS-1 and Figure SS-1.1, "Collier County Sewer District Boundaries", and Figure SS-2 and Figure SS-2.1, "Existing and Future Sewer Service Areas", in the Sanitary Sewer Sub-Element of the Public Facilities Element. Road improvements will be provided as designated in the Schedule of Capital Improvements appearing in the this Capital Improvement Element. All other public facilities and service types will be provided on a County-Wide availability basis.

A5 E. County Sanitary Sewer Systems:

A5.1. County systems:

~~North Sewer Service Area = 145 gallons per capita per day~~

~~South Sewer Service Area = 100 120 gallons per capita per day~~

~~Southeast Sewer Service Area = 100 and 120 gallons per capita per day~~

~~Northeast Sewer Service Area = 120 and 145 gallons per capita per day~~

~~East Central Sewer Service Area = 120 gallons per capita per day~~

North Sewer Service Area = 145 gallons per capita per day

South Sewer Service Area = 100 gallons per capita per day

Southeast Sewer Service Area = 120 gallons per capita per day

Northeast Sewer Service Area = 120 gallons per capita per day

East Central Sewer Service Area = 120 gallons per capita per day

Objection:

4. The EAR-based amendment does not include an update of the Capital Improvements Element identifying the capital projects derived from other elements of the comprehensive plan based on the projected population of the County, the projected land needs and the projected infrastructure demands during the planning timeframe as well as the planning strategies to address the demands of growth, the identified deficiencies, and improvement priorities and timing.

On July 21, 2006, the County submitted the Five-Year Schedule of Capital Improvements it intends to adopt. The late submittal of this document did not provide adequate time for the Department to conduct a full review; however, it appears that the County has not provided adequate information to demonstrate that the improvements shown on that schedule correspond to the prioritized deficiencies and projected public facilities demands generated by the land plan. It is also not clear whether deficiencies exist which are not include in the Five-Year Capital Improvements Schedule, and if other deficiencies will be included in a long-term concurrency management program or addressed through long-term strategies.

The Schedule does not properly describe the location of the projects in a manner that will enable their identification and does not specify the sources of funding for each listed project. In addition, the projection of revenues and expenditures during the planning period for all the sources of revenues that the County intends to use to fund capital projects is not provided, without which it is difficult to assess the financial feasibility of the schedule of capital improvements. Exhibit A shows the costs and revenues by type of public facility; however, the table shows the lump sum from each source and not a yearly projection of the revenues from each of these sources for the five years of the schedule. It is not clear, also, from the schedule the particular projects that will be funded with money from a particular source in the group of sources listed for that facility type. Since the source of money for each project is not identified in the schedule it is not possible to determine if the County is using money from

committed sources of revenues during the first three years of the schedule, and committed or planned sources during years 4 and 5 as required by state law.

[Chapter 163.3164(32), 163.3177(2) & (3)(a), 163.3177(6)(a), (c), (8), & (10)(e), F.S., and 9J-5.005(2)(a), (c), & (e), 9J-5.055(2)(a), 9J-5.006(2)(a), 9J-5.011(1)(b), (f) & (2)(b) & (c) and 9J-5.016(4)(a), FAC]

Recommendation: Analyze the public facilities needs of the County during the planning timeframe, based on the projected population of the County, and the anticipated development/land plan for the planning timeframe. Based on the analysis, identify deficiencies and establish the County's improvement priorities for those deficiencies. Using the established priorities adopt a financially feasible schedule of capital improvements to correct the deficiencies prioritized by the County for funding in the first five years. For deficiencies that are identified through the analysis, but are not addressed in the schedule, the County should adopt a long term system or identify planning strategies that will address these deficiencies.

The County must demonstrate for the first three years that the funding is coming from committed sources, while for the 4th and 5th years it may come from committed and/or planned sources. The location of each project on the schedule should be properly described to enable their identification; for example, in the case of roads, the exact segment of the roadway should be described. Also, the sources of funds for each listed item must be identified. The revenues projection for each of the listed sources for the five years of the schedule, as well as the projected expenditures during this period should be provided in order to enable an assessment of the financial feasibility of the schedule. The County should demonstrate from the projection of revenues and expenditures that sufficient money is available to fund each project.

COLLIER COUNTY RESPONSE:

Transportation Department staff comments, [a]ttached is a projection of our deficiencies over the next ten years taking into account the roadway projects that are planned to resolve most of those deficiencies (***attached*** and labeled, County Roadway Projects through 2016). Not all of the roadway segments that are projected to fail include a construction phase to resolve the deficiency (three of those roadways are state road segments) but listed below we have included a write up on what we are doing to try and resolve the projected problem areas. For programming purposes we cannot guarantee that the resolutions will come to fruition but listed below is the current status of each of the existing or projected failing segments:

- Davis Boulevard (SR 84) from Santa Barbara Boulevard to Collier Boulevard was previously programmed in FDOT's five year work program to widen the existing two lane road to six lanes. Due to substantial increases in project costs throughout the State, thirty million of the fifty million programmed was removed from the five year work program, resulting in the project not being programmed to be widened for many years to come (Collier's share of federal and state funds is currently in the six million dollar range per year). We are currently working with the FDOT to fund the project (or at least part of it) through a payback outside of the work program. The details of the proposed agreement include the County raising 20 million through advance payment of impact fees (through Developer Contribution Agreements) that would be paid back to the County out of the MPO's yearly share starting in 2012. We are also working with FDOT and the design consultant to identify ways to reduce the project cost

including getting right-of-way donations for the widening and pond sites. This roadway is also in the TCMA but is needed to allow the TCMA to continue operate at an acceptable LOS (85% or greater of the lane miles operating at an acceptable LOS).

- US 41 from SR/CR 951 to Greenway Road, with vested units, is operating at an unacceptable LOS and is currently being studied to be widened from two to six lanes. The FDOT is currently proceeding forward with a PD&E study with the first public meeting planned for later this fall. The design of this widening is also included in FDOT's five year work program. A group of developers have expressed an interest in entering into a Developers Contribution Agreement to widen a portion of US 41. This proposed agreement has not been finalized yet due to a large number of the units that would be vested by the agreement are from a project that is not in the US 41 corridor. The actual operating condition of the roadway is not failing but there is a huge amount of vested development that is slowly building out that requires this roadway to be widened.
- County Barn Road from Rattlesnake Hammock to Davis Boulevard is currently failing but is programmed in the five year work program. This is currently a two lane roadway that will be widened to four lanes.
- Collier Boulevard from Golden Gate Boulevard to Immokalee Road is currently failing but will be under construction within the next two months (bid has been approved and contract is being finalized). This is currently a two lane roadway that is being widened to a six lane roadway.
- Collier Boulevard from Pine Ridge Road to Golden Gate Boulevard is programmed to be widened in the five year work program and is currently at the 30% design phase. This project will widen this roadway segment from four to six lanes and the roadway is currently operating below the adopted LOS standard.
- Collier Boulevard from the Golden Gate Canal to Pine Ridge Road is projected to be widened in the five to ten year time frame and this section will be widened from four to six lanes. This roadway segment is broken into two links on the concurrency system and is operating below the LOS standard from Golden Gate Parkway to Pine Ridge Road (falling below the LOS standard this year) and is projected to fall below the LOS standard in the south section between the Canal and Golden Gate Parkway within a few years. This roadway section is within the TCMA but is needed for the TCMA to keep operating at an acceptable level.
- Collier Boulevard from north of US 41 to the Golden Gate Canal is currently operating below the adopted LOS standard but is also programmed to be widened from four to six lanes in the five year work program. This design of this project is currently being finalized and right-of-way acquisition is programmed for the next year.
- Immokalee Road from US 41 to I-75 is currently under construction widening from four to six lanes.
- Immokalee Road from Collier Boulevard to 43rd Avenue is currently under construction widening this roadway segment from two to six lanes.

- Immokalee Road from I-75 to Collier Boulevard is currently operating below LOS standard but a design build project is underway with actual construction beginning in the next few months. This project will widen this roadway section from four to six lanes. In addition to the widening project, the County has entered into an agreement with the FDOT to fund and eastbound Immokalee Road to northbound I-75 loop as well as six laning under I-75 to improve traffic conditions in this corridor.
- Radio Road from Santa Barbara Boulevard to Davis Boulevard is currently operating below the adopted LOS standard but is programmed to be widened to four lanes as part of the Santa Barbara six laning project.
- Santa Barbara from Davis Boulevard to Golden Gate Parkway is programmed in the five year work program to be widened from four to six lanes. One segment (Radio to Golden Gate Parkway) is operating below the adopted LOS and the other is projected to operate below the adopted LOS if it isn't widened in the next five years.
- Golden Gate Boulevard from Wilson Boulevard to Everglades Boulevard is currently operating below the adopted LOS standard but is programmed to be widened in the five year work program. This project is currently under design and will widen this roadway from two to four lanes.
- Wilson Boulevard from Golden Gate Boulevard to Immokalee Road is projected to fall below the LOS standard between the five and ten year period but is projected to be widened in that same period. This project is funded for design and right of way in the five year work program and will widen this roadway segment from two to four lanes.
- Davis Boulevard from Airport Pulling Road to Santa Barbara Boulevard is projected to fall below the adopted LOS standard within the next few years but is programmed for design in the State's five year work program. The road will be widened to the median so there is no right-of-way phase except for at the intersection of Airport and Davis Boulevard.
- Pine Ridge Road from Airport to I-75 could fall below the adopted LOS this year but will be quickly resolved when the new I-75/Golden Gate Parkway Interchange opens early next year. The Golden Gate Parkway corridor has recently been widened from four to six lanes from Santa Barbara to Livingston and is currently under construction from Livingston over to Airport including a grade separated overpass at Airport and Golden Gate Parkway in anticipation of the increased traffic moving over from Pine Ridge Road. In addition, the County has added Split Cycle and Offset Optimization Technique (SCOOT), an intelligent coordinated traffic signal system that has improved operations throughout the corridor.
- Golden Gate Parkway from Santa Barbara Boulevard to Collier Boulevard is projected to fall below the adopted LOS standard within the next year but is considered a policy constrained facility. This roadway is within the TCMA and is currently being considered for SCOOT to try and improve traffic operations through Golden Gate City.

- Collier Boulevard (SR 951) south of US 41 is currently being widened for a short distance from four to six lanes by Developer Contribution Agreement but is still projected to fall below the adopted LOS standard within the next five years. The US 41 Project Development and Environment study from SR 951 to the east also includes an analysis of at-grade and overpass/flyover needs that will greatly improve this segment (design is also programmed but right-of-way and construction is not).
- US 41 from Airport Road to Rattlesnake Hammock Road is projected to fall below the adopted LOS standard within the ten year time frame but is covered by the TCEA. In addition to the numerous TCEA requirements that have been implemented over the last three years, the County is also building a new parallel route (Santa Barbara Extension from Davis Boulevard to Rattlesnake Hammock Road) along with CR 951 improvements that should help the current operations of this roadway segment.

A map is included to better inform you of where these projects are located and what the limits of the projects are (***attached*** and labeled, Anticipated Construction Based on Production FY 2006-2011). We have included the revenues that make up each of the short term projects but our main sources of revenues are impact fees (have collected in excess of \$48 million each of the last three years and the average rate was increased 40% in June), gas taxes (steady \$20 million a year with 2.9% increase per year) and ad valorem (set at \$24 million a year towards transportation). Our current large program is also due to two bond issuances totaling \$192 million. The ten year program (***attached*** and labeled, Proposed Transportation 10-Year Work Program) has the breakdown of the revenues per year at the bottom of the spreadsheet.

Objection:

5. Existing Transportation Element Policy 5.8 allows the use of proportion share payments for a constrained roadway link and/or a deficient roadway link only within a TCMA. However, pursuant to Senate Bill 360, F.S., the use of proportionate share contribution is not limited to only projects located within a TCMA.
[Chapter 163.3180(16), F.S.]

Recommendation: Revise the amendment to include guidelines for the use of proportionate share consistent with Senate Bill 360. Please note that the implementing concurrency land development regulations for proportionate share need to be adopted by December 2006.

COLLIER COUNTY RESPONSE:

Transportation Element Policy 5.8, is revised throughout to replace the term “proportionate share” with the term “congestion mitigation”, with the following explanation:

Transportation Department staff comments, [t]he TCMA proportionate share was set up about four years ago to help get improvements beyond the requirements that the Developer can choose to implement. These include transit and transportation system management roadway improvements on roadways within the TCMA up to a capped level of 15% over impact fees (like SCOOT that was described on the Pine Ridge Road corridor in the last section). The thought behind the proportionate share was that we could be allowing a development to go forward on a failing road with the development meeting certain TDM requirements but ignoring other improvements that could be made. This resulted in the proportionate share requirements that were

implemented over two years ago. But as you note this may be confused with the proportionate share ordinance that came out of legislation and we suggest changing our proportionate share reference to the TCMA to a Congestion Management Fee. This language change is included in the Transportation Element and is included in this submittal.

In addition, we have added language in the CIE Policy 5.3G to address the soon to be adopted proportionate share ordinance. We will also be making enabling changes to the Land Development Code after the Board approves the final version of the Proportionate Share ordinance which they are scheduled to hear on November 14, 2006.

Text as proposed for Adoption:

Policy 5.98:

[Renumbered, revised text, page 14.3]

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 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 5.87 of this Element, a ~~proportionate share~~ congestion mitigation payment shall be required as follows:

- a. ~~Proportionate share~~ Congestion mitigation payments shall be calculated using the formula established in Rule 9J-2.045(2)(h), Florida Administrative Code. 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.
- b. ~~Proportionate share~~ 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. ~~Proportionate share~~ Congestion mitigation payments under this Policy shall be determined subsequent to a finding of concurrency for a proposed project within a TCMA and ~~de~~ 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 TR7. 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.

Ø **Transportation Element:**

Objection:

1. The update to the Transportation Element does not identify the projected roadways that will be needed to meet the demands of growth during the next planning timeframe based on the land plan for the County, nor, does it identify the roadways on which deficiencies currently exist or

are anticipated to occur during the 10-year planning timeframe (short-term of 5 years and long-term of at least 10 years)

[Chapter 163.3177(2), (6)(b), F.S., 9J-5.016(1)(a), & (4)(a), 9J-5.019(3)(a), (b), (c), (f), (g), (h) & (i), & (4)(b), and 9J-5.016(1)(a), (4)(a), FAC]

Recommendation: Include with the plan update all the information listed above. The projected needs shall be consistent with the planning timeframe of the plan upon which the land use map is based (see earlier objection in the CIE section) covering a period of at least the first five years subsequent to the adoption of these amendments, and extend for at least an overall 10-year period or greater.

COLLIER COUNTY RESPONSE:

Transportation Department staff comments, [i]ncluded in this submittal are projections of the five year and ten year LOS analysis which is done each year (***attached*** and labeled, County Roadway Projects through 2016). Also included in this submittal is the Long Range Transportation Plan (***attached*** and labeled, 2030 Long Range Transportation Plan) that includes the planned roadways over the next twenty years through a 2030 time frame that identifies all the Needs (i.e. what is projected to be over capacity) and the needed improvements to meet the short term and long term Level of Service. The cost of these facilities are compared to the known revenue sources to get a Cost Feasible Plan that the five and ten year plan is consistent with.

The Transportation Element currently includes, Map TR-1, Collier County 2025 Long Range Financially Feasible Plan and Map TR-2, Collier County 2025 Long Range Needs Plan. These maps are consistent with the long-term planning timeframe of the Future Land Use Map.

Objection:

2. The EAR-based amendment is not accompanied by a Future Transportation Map showing the roadways intended to serve the demands of growth during the identified planning timeframe consistent with the long-term horizon of the Future Land Use Map for the County.

[Chapter 163.(2), Rule 9J-5.016(1)(a) & (4)(a), 9J-5.019(5)(a) & (b), FAC]

Recommendation: Revise the amendment to include a Future Transportation Map identifying all the roadways either in place or planned to serve the demands of growth during the identified planning timeframe. The timeframe set for the Transportation Map must be consistent with the long-term planning timeframe of the Future Land Use Map, and should include all the major roadways in existence or planned to be constructed during that planning timeframe.

COLLIER COUNTY RESPONSE:

Transportation Department staff comments, [a]s mentioned above, the 2030 Long Range Transportation Plan (***attached*** and labeled, 2030 Long-Range Transportation Plan) is included that answers part of your question but we have also included a look at our build-out analysis that is currently not an adopted plan (currently working on public involvement activities and land use scenarios to get a sustainable plan) but we are working towards that goal. This is focused on the lands east of CR 951 (***attached*** and labeled, Long-Term Build-out Analysis) which is where most of our future growth

will occur. We are currently working on an iterative process to work out the network beyond 2030 that will meet the build out needs of our community.

The Transportation Element currently includes, Map TR-2, Collier County 2025 Long Range Needs Plan. This map is consistent with the long-term planning timeframe of the Future Land Use Map.

Text as proposed for Adoption:

Objection:

3. Pursuant to Chapter 163.3180 (5)(g), F.S., Transportation Concurrency Exception Area (TCEA) in existence prior to July 1, 2005, must be updated by July 1, 2006 or at the time of the EAR-based amendments to meet the new requirements. The EAR-based amendment does not address new requirements such as consultation with FDOT on impacts of the TCEA on the SIS facilities and addressing mobility strategies other than TDM strategies, funding of the strategies, urban design, density/intensity of land uses, mix of land uses and the evaluation criteria for the next EAR.

Similarly, the amendment does not update the Transportation Concurrency Management Areas (TCMA) after consultation with the FDOT to determine impacts to the SIS facilities. Additionally, TCMA's must be evaluated periodically, at a minimum, during the EAR process; and during this EAR-based amendment process, to include criteria to be used for evaluating TCMA's during the next EAR.
[Chapter 163.3180(5)(g), F.S.]

Recommendation: The County should conduct, as part of the EAR-based amendment, an evaluation of its existing TCEA and TCMA's for consistency with s. 163.3180(5)(g), F.S. The County should then include appropriate revisions in the amendment to ensure the consistency of the TCEA and TCMA's with the new statutory requirements. Collier County has agreed to become part of our study regarding establishing guidelines for the creation and evaluation of TCEA's. This study will make recommendations to update the Collier County TCEA for consistency with the new statutes. This study is scheduled for completion by September 2006 and should be used to assist in the update of TCEA's. Please coordinate the update with the FDOT.

COLLIER COUNTY RESPONSE:

This joint study for establishing guidelines for the creation and evaluation of TCEA's is not completed. Collier County and DCA are continuing their collaboration to complete this study and update TCEA's consistent with new statutory requirements.

Transportation Department staff comments, [a]s was mentioned for the TCMA's in the CIE responses, we also do the same type of improvements, turn lanes, transit, bicycle/pedestrian facilities and have developers help provide those to mitigate for their trips. Along with those items the County is also working with the Bayshore/Gateway area to facilitate urban design and mixed use development concepts through an ongoing corridor study and review of projects. Within the northwest TCMA the County worked with the Developer (along with TCMA requirements for intersection improvements and transit improvements) to facilitate a mixed use development and urban design to reduce transportation impacts.

In addition, we have coordinated with FDOT on the TCEA and TCMA's and need to note that the only Strategic Intermodal System (SIS) facility in Collier County is I-75 with SR 29 and SR 82 being emerging SIS facilities (a map is included that shows these facilities – added to TE Map TR-8). The end result of the impact of the development in the TCEA and the two TCMA's on an SIS facility is that it only affects I-75 and the County has never analyzed concurrency conditions on I-75 and has not restricted development based on the operation of I-75. That being said, the County along with Lee County are working together on what needs to be done on I-75 to meet the existing and future demands. The FDOT has programmed the widening I-75 from four to six lanes in their five work program planning to start next year but the two Counties have established an Expressway Authority and are looking at ways to get additional lanes beyond the six lanes. The six laning is only projected to operate at an acceptable LOS for a period of less than five years and we realize that I-75 is vital to our transportation network for the economic well being of the area.

In addition, we are widening parallel roadways to I-75 to help the north-south operations (along with coordinated projects with Lee County like Livingston Road and Logan Boulevard) as well as improvement projects to Interchange Roadways and planned overpasses (like Green Boulevard overpass that has an approved study so that we could protect the corridor for a future overpass and provide relief to the existing interchanges on I-75 and a study to start this year looking at an overpass of I-75 just to the east of CR 951 for future relief of this interchange) to help the operation of I-75. We are also pursuing a new interchange at I-75 and Everglades Boulevard (the Board has funded and Interchange Justification Report) to help the existing operations at the Immokalee and Pine Ridge Road interchanges. Many of these improvements can be viewed in the Long Range Transportation Plan (***attached*** and labeled, 2030 Long-Range Transportation Plan Executive Summary).

We look forward to receiving the comments on the TCEA study that you are currently undertaking through your consultant and will incorporate recommendations after coordination with FDOT when we receive them.

Objection:

4. The associated policies for Objective 1, pertaining to the maintenance of transportation LOS standards do not include a policy adopting the FDOT LOS standards (Rule 14-94) for SIS and TRIP facilities. The County's plan currently, includes no mention of the SIS or TRIP facilities and no map of the Collier County SIS and TRIP facilities has been included in the Transportation Element.
[Chapter 163.3180(7), F.S.]

Recommendation: Revise the plan to include a policy addressing FDOT LOS standards, and SIS as well as TRIP facilities. Also include a map of these facilities and the map should not be limited to roadways only, but, include rails and airport hubs.

COLLIER COUNTY RESPONSE:

Policy 1.3 is revised to add a statement addressing FDOT LOS standards where the County has entered into a TRIP (a national transportation research group) agreement. A similar statement regarding FDOT LOS standards is added to CIE Policy 1.5.A.2.

Transportation Department staff comments, [w]e have adopted FDOT's Level of Service on the SIS and as we get approved TRIP grants (the Board just approved one for Collier Boulevard between Golden Gate Boulevard and Immokalee Road and we have five applications in at the moment for the next round of funding) and will adopt the FDOT's LOS for those facilities. SIS facilities (added to TE as Map TR-8) and TRIP eligible facilities (added to TE as Map TR-9) are regionally mapped with Lee County. We have included language in the Capital Improvement Element and Transportation Element to adopt the TRIP LOS's as we hope to continue to get these grants and approve the required agreements.

Two new maps are proposed for the Transportation Element, Map TR-8 and Map TR-9, the SIS Facilities and the Regional Transportation Network, which depicts TRIP eligible facilities. These new maps are properly referenced in the Element text.

Text as proposed for Adoption:

Policy 1.3:

[Revised text, page 11, 12]

County arterial and collector roads as well as State highways not on the Florida Intrastate Highway System (FIHS) shall be maintained at Level of Service "D" or better as addressed in ~~paragraph G-4~~ the Implementation Strategy of the Transportation Element except for the roadways listed below that have been widened to six (6) lanes and cannot be widened any further. The County will also adopt FDOT's LOS on roadway segments where the County has entered into a TRIP (a national transportation research group) agreement for funding. TRIP eligible facilities and SIS facilities are identified on Map TR-8 and Map TR-9.

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Comment:

It appears from the map of the Transportation Exception Area (TCEA) included in the amendment that the boundary of the TCEA is proposed to be reduced. This may be appropriate since TCEAs are supposed to be compact. However, no explanation is provided for the reduction. Provide an explanation for the reduction and how the TCEA can still meet its purpose within a reduced area.

COLLIER COUNTY RESPONSE:

The TCEA was previously reduced on the map consistent with the City boundary that runs along the parcel that is shown in orange on the map. This ±10-acre parcel lying at the southeast corner of US41/Sandpiper Street was annexed into the City of Naples. These EAR-based amendments are the first GMP amendments since that annexation occurred. This map revision (see Map TR-4) is identical to the update made to the FLUM.

A revised map was included as part of Transmittal for the South US41 TCEA, Map TR-4, which depicts this TCEA boundary accurately.

Sanitary Sewer Sub-Element:

Objection:

1. The planning update for this sub-element is not supported by a projection of the sanitary sewer needs of the County based on the projected population and the land needs for the next planning timeframe. The analysis should identify any existing and projected deficiencies during the planning timeframe. Appropriate improvements should be included in the CIE to achieve and maintain the adopted LOS standards.

Recommendation: Demonstrate, through appropriate data and analysis, a projection of sanitary sewer needs to support the County's projected population through the planning timeframe. The projections should address the short-term (five-years) and the long-term (10-year or greater) planning periods. The analysis should identify any existing and projected deficiencies during the planning timeframe.

[Chapter 163.3177(6)(c); 9J-5.011(e), (f), & (2)(c), FAC]

COLLIER COUNTY RESPONSE:

Please see response to CIE Objections #1 and 2, and FLUE Objection #3. Also, Please see Section 5, "Population and Flow Projections" from the 2005 Wastewater Master Plan Update, ***attached***.

Two new maps are proposed for the Sanitary Sewer Sub-Element, Figure SS-1.1 and Figure SS-2.1, which depict the new service areas and boundaries. These new maps are properly referenced in the sub-element text.

Text as proposed for Adoption:

Policy 1.4-2: [Renumbered, revised text, page SS-25, SS-26]

Consistent with the ~~urban~~ growth policies of the Future Land Use Element of this Plan, provision of central sanitary sewer service by the County is limited to: the service areas shown in this Plan and depicted on the Collier County Sewer District Boundaries maps (Figure SS-1 and Figure SS-1.1); the Existing and Future Sewer Service Areas maps, which includes the Rural Transition Water and Sewer District (Figure SS-2 and Figure SS-2.1). ~~the Rural Transition Water and Sewer District – Mirasol map (Figure PW-2.1 in the Potable Water Sub-element);~~ Sending Lands within the Rural Fringe Mixed Use District when Density Blending, as provided for in the Density Rating System of the Future Land Use Element, is utilized; and, to areas where the County has legal commitments to provide facilities and services as of the date of adoption of this Plan. Additionally, the County, at its discretion, may serve Towns, Villages, Hamlets, and Compact Rural Developments within the Rural Lands Stewardship Area Overlay (RLSA); ~~Towns, Villages, Hamlets, and Compact Rural Developments within the Rural Lands Stewardship Area Overlay may be served by the County, at the County's discretion;~~ presently, the County has no plans to serve any portion of the ~~Rural Lands Stewardship Area Overlay~~ RLSA. This Overlay is depicted on the countywide Future Land Use Map and map series.

Ø **Potable Water:**

Objection:

1. The planning update for this sub-element is not supported by a projection of the potable water needs of the County based on the projected population and the land needs for the next planning timeframe. The analysis should identify any existing and projected deficiencies during the planning timeframe.

[Chapter 163.3177(6)(c); 9J-5.011(2)(e), (f), & (2)(c), FAC]

Recommendation: Revise the amendment to include the information listed above. The projections should address the short-term (five-years) and the long-term (10-year or greater) planning periods.

COLLIER COUNTY RESPONSE:

Please see response to CIE Objections #1 and 2, and FLUE Objection #3. Also, Please see Section 5, "Population and Demand Projections," from the 2005 Water Master Plan, ***attached***.

Two new maps are proposed for the Potable Water Sub-Element, Figure PW-1.1 and Figure PW-2.1, which depict service areas and boundaries. These new maps are properly referenced in the sub-element text.

Text as Transmitted:

Consistent with the ~~urban~~ growth policies of the Future Land Use Element of this Plan, provision of central potable water service by the County is limited to the service areas shown in this Plan and depicted on the Collier County Water District Boundaries map (Figure PW-1); the Existing and Future Potable Water Service Areas map (Figure PW-2), which includes the Rural Transition Water and Sewer District; ~~within the Rural Transition Water and Sewer District – Mirasol map (Figure PW-2.1);~~ and, to areas where the County has legal commitments to provide facilities and services as of the date of adoption of this Plan. Additionally, the County may serve Towns, Villages, Hamlets, and Compact Rural Developments within the Rural Lands

Stewardship Area Overlay ~~may be served by the County~~, at the County's discretion; presently, the County has no plans to serve any portion of the Rural Lands Stewardship Area Overlay. This Overlay is depicted on the countywide Future Land Use Map and map series.

Text as proposed for Adoption:

Policy 4-2.2: [Renumbered, revised text, page PW-23, PW-24]

Consistent with the ~~urban~~ growth policies of the Future Land Use Element of this Plan, provision of central potable water service by the County is limited to the service areas shown in this Plan and depicted on the Collier County Water District Boundaries maps (Figure PW-1 and Figure PW-1.1); the Existing and Future Potable Water Service Areas maps (Figure PW-2 and Figure PW-2.1), which includes the Rural Transition Water and Sewer District; ~~within the Rural Transition Water and Sewer District — Mirasol map (Figure PW-2.1)~~; and, to areas where the County has legal commitments to provide facilities and services as of the date of adoption of this Plan. Additionally, the County may serve Towns, Villages, Hamlets, and Compact Rural Developments within the Rural Lands Stewardship Area Overlay ~~may be served by the County~~, at the County's discretion; presently, the County has no plans to serve any portion of the Rural Lands Stewardship Area Overlay. This Overlay is depicted on the countywide Future Land Use Map and map series.

Objection:

2. The proposed revision to Policy 1.3 states that the County will utilize the water sources identified by the Water Management District. This is vague because it does not identify the future sources of water for the County, and also does not establish a meaningful guideline regarding water sources during the next planning timeframe.
[Chapter 163.3167(13), 163.3177(6)(a) & (c), & 163.3177(8), F.S.]

Recommendation: Revise the amendment to identify the sources from which the County will derive potable water for the next planning timeframe. It should be demonstrated that adequate water is available at the identified sources to meet the County's needs during the planning timeframe. Also, revise the policy to commit to using water from those sources as well as from alternative sources as needed to meet the County's needs.

COLLIER COUNTY RESPONSE:

Please see Section 5, and Chart 7-3, from the 2005 Water Master Plan, *attached*.

Policy revised as noted below.

Text as Transmitted:

Policy 4-1.3:

The County shall continue to identify sufficient quantities of water sources to meet the County's estimated growth-related needs. Potential water sources could include any and/or all of those potential sources identified within the County's Ten-Year Water Supply Facilities Work Plan, the Collier County Water-Sewer Master Plan, and the Lower West Coast Water Supply Plan prepared by the South Florida Water Management District.

Text as proposed for Adoption:

Policy 4-1.3: [Renumbered, revised text, page PW-23]

The County shall continue to identify sufficient quantities of water sources to meet the County's estimated growth-related needs. Potential water sources to meet the County's 2025 water demands could include any and/or all of those potential sources identified within the County's Ten Year Water Supply Facilities Work Plan, the Collier County Water Sewer Master Plan, and the Lower West Coast Water Supply Plan prepared by the South Florida Water Management District. include raw water from Hawthorn Zone I Aquifer (Intermediate Aquifer System) and Lower Hawthorn Aquifer (Florida Aquifer System), identified within the County's 2005 Water Master Plan. The County shall use these water sources as well as alternative sources, as needed, to meet the County's needs.

Ø **Drainage:**

Objection:

1. The proposal to delete, from Policies 1.1.5 and 1.1.6, the references to the drainage studies planned for various areas of the County, and instead, defer such studies to a future date between 2008 and 2010, is inappropriate because it will not ensure the protection of natural resources and drainage basins. Deferring these studies to a future date without the establishment of adequate interim guidelines will not ensure the protection of these areas. [Chapter 163.3177(6)(c), F.S; 9J-5.011(1)(g) & (h), (2)(b)5, & (2)(c)4.]

Recommendation: Revise the policies to include adequate interim guidelines pending the completion of the study after which a more permanent program should be established. The analysis should identify any existing and projected deficiencies during the planning timeframe.

COLLIER COUNTY RESPONSE:

Policy 1.5 is revised to reference the interim standards contained in the CCME.

Text as Transmitted:

Policy 4-1.5: [Renumbered, revised text, pages 1, 2]

Three (3) detailed basin studies are planned within the 5 year planning time frame as follows:

<i>Basin</i>	<i>Starting Date</i>	<i>Completion Date</i>
Gordon River Extension	FY 96/97	FY 98/99
Belle Meade	FY 98/99	FY 2000/2001
Immokalee	FY 2000/2001	FY 2002/2003

Watershed Management Plans will be undertaken as set forth in Objective 2.1 of the Conservation and Coastal Management Element. As the studies are After each plan is completed, the results will be made available to the property owners located within the basin's boundaries for their use in petitioning the Board of County Commissioners

to create a taxing/assessment unit to fund the proposed implementation of the studies; plan's recommendations.

Policy 1.1.6

[Deleted text, page 2]

~~Initiate sub-basin studies on the Secondary Drainage System and portions of the basin within the Urban Area. The status of several of the critical sub-basin studies is as follows:~~

<i>Basin</i>	<i>Starting Date</i>	<i>Completion Date</i>
Lely Main/Branch/Manor	N/A	1985
Harvey	FY 95/96	FY 96/97
US-41 Outfall Swales	N/A	1986

~~Implementation of these projects is currently underway.~~

Text as proposed for Adoption:

Policy 1.1.5:

[Renumbered, revised text, pages 1, 2]

~~Three (3) detailed basin studies are planned within the 5 year planning time frame as follows:~~

<i>Basin</i>	<i>Starting Date</i>	<i>Completion Date</i>
Gordon River Extension	FY 96/97	FY 98/99
Belle Meade	FY 98/99 <u>May, 2004</u>	FY 2000/2001 <u>April, 2006</u>
Immokalee	FY 2000/2001	FY 2002/2003

Watershed Management Plans will be undertaken as set forth in Objective 2.1 of the Conservation and Coastal Management Element (CCME). As the studies are After each plan is completed, the results will be made available to the property owners located within the basin's boundaries for their use in petitioning the Board of County Commissioners to create a taxing/assessment unit to fund the proposed implementation of the studies; plan's recommendations. Until the Watershed Management Plans are completed, the County shall apply the interim standards for development as contained in CCME Objective 2.1.

Policy 1.1.6

[Deleted text, page 2]

~~Initiate sub-basin studies on the Secondary Drainage System and portions of the basin within the Urban Area. The status of several of the critical sub-basin studies is as follows:~~

<i>Basin</i>	<i>Starting Date</i>	<i>Completion Date</i>
Lely Main/Branch/Manor	N/A	1985
Harvey	FY 95/96	FY 96/97
US-41 Outfall Swales	N/A	1986

~~Implementation of these projects is currently underway.~~

Objection:

2. The EAR-based amendment does not identify the drainage LOS deficiencies that exist in the County, as well as the future drainage needs of the County and the plan to correct those deficiencies within the planning timeframe to address the needs of the future.
[Chapter 163.3177(6)(c), 163.3180(2)(a), F.S; 9J-5.011(1)(g) & (h), (2)(b)5, & (2)(c)4.]

Recommendation: Revise the plan to identify the drainage deficiencies that currently exist in the County as well as the future drainage needs of the County.

COLLIER COUNTY RESPONSE:
TO BE DETERMINED

Ø **Housing Element:**

Objection:

1. The update of the Housing Element does not include a projection of the anticipated number of households by size and income range derived from the population projections and the housing needs of the current and anticipated future residents of the jurisdiction including affordable housing needs assessment. Also, the land requirement for the total estimated housing needs and the portion of the housing needs which could be projected to be met by the private sector is not provided (see earlier objections in the CIE and Future Land Use Element).
[Chapter 163.3177(6)(f), F.S; Rule 9J-5.010(2)(a), (b), (c), & (d), FAC].

Recommendation: Included with the amendment an updated housing analysis which will support the Housing Element as required.

COLLIER COUNTY RESPONSE:

Staff has prepared data, based upon information from the Shimberg Center for Affordable Housing at University of Florida, to indicate future needs (see ***attached*** Tables 1A, 1B, 2A, 2B, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A.) Also, see response to FLUE Objection #3.

Objection:

2. Objectives 1 and 2 of the of the Housing Element are proposed to be revised to establish a new target of 1000 affordable housing units to be built in the County every year during the next planning period. Increasing the target from 500 to 1000 units per year is very encouraging. However, the County has not shown the relationship between the 1000 units per year target and the scope of the affordable housing problem in the County. That is, no data and analysis have been provided to demonstrate the extent to which the construction target of 1000 units per year will help address the affordable housing situation in the County. In addition, the County has not identified, and demonstrated the range of programs that will enable the achievement of this target. Also, other necessary planning mechanisms such as monitoring and tracking of the location of these units are not established, without which it would be difficult to assess the program in order to determine success or failure.
[Chapter 163.3177(6)(f), FS., and 9J-5.010(3)(b)1., & 3., FAC]

Recommendation: Please revise the plan to establish a full range of meaningful and predictable planning initiatives that will enable the achievement of this target and demonstrate how these programs will contribute to the achieving of this target. Also, include in the plan monitoring and tracking guidelines that will enable the assessment of the success or failure of the program in the future.

COLLIER COUNTY RESPONSE:

As reflected in data provided by the Shimberg Center, there are currently 26,663 very-low, low, and moderate income cost-burdened households in Collier County. The Shimberg Center also project that in the year 2020 the number will rise to 39,895 households, an increase of 13,232 housings over the next 14 years. This equates to about 945 new cost burdened households each year. However, the population projections used in the Shimberg Center data are far less conservative than those used by Collier County. So, staff applied the ratios used in the Shimberg Center data to the Collier County population projections, which are much more conservative, resulting in a greater deficit (see **attached** tables referenced above). Therefore, the commitment in Objectives 1 and 2 is further increased to provide 1,500 units annually. Over the past few years, greater than 1,500 units/year has been developed. Also, policies have been revised to address the monitoring and tracking of affordable units, and to identify various initiatives to enable achieving the 1,500 unit target.

Text as Transmitted:

OBJECTIVE 1:

[Revised text, page 3]

The number of new affordable-workforce housing units shall increase by ~~500~~ 1,000 units each year in an effort to continue to meet the housing needs of all current and future very-low, low and moderate income residents of the County, including those households with special needs such as rural and farmworker housing in rural Collier County.

Collier County shall pursue interlocal agreements with the City of Naples, the City of Marco Island, and Everglades City to require that each city provide their proportionate share of affordable-workforce housing units (or the financial equivalent). Each city's proportionate share and financial equivalent will be evaluated and substantiated by the most current data, studies, and methods available to the County.

OBJECTIVE 2:

~~By 2000, create a non-profit housing development corporation, formed with a cross section of representatives from business, government, housing advocates, and the community at large, which will assist the City and County in achieving a new goal of 500 dwelling units per year for very-low, low and moderate income residents of Collier County.~~

The Collier County Board of County Commissioners aided in the establishment of the Collier County Housing Development Corporation in 2003. The mission of the Housing Development Corporation is to serve as a non-profit agency, with an executive board made up of representatives from business, government, housing advocates, and the community at large, which shall assist Collier County and its municipalities in achieving a new goal of 1,000 dwelling units per year for very-low, low and moderate income residents of Collier County.

Text as proposed for Adoption:

OBJECTIVE 1:

[Revised text, page 3]

The number of new affordable-workforce housing units shall increase by ~~500~~ 1,500 units each year in an effort to continue to meet the housing needs of all current and future very-low, low and moderate income residents of the County, including those households with special needs such as rural and farmworker housing in rural Collier County.

Collier County shall pursue interlocal agreements with the City of Naples, the City of Marco Island, and Everglades City to require that each city provide their proportionate share of affordable-workforce housing units (or the financial equivalent). Each city's proportionate share and financial equivalent will be evaluated and substantiated by the most current data, studies, and methods available to the County.

Policy 1.4:

[Revised text, page 3]

Collier County shall seek to distribute Affordable-workforce housing will be distributed equitably throughout the county where adequate infrastructure and services are available. Programs and strategies to encourage affordable-workforce housing development using strategies which may include, but are not limited to, density by right and density bonus provisions agreements, and impact fee waivers or deferrals, expedited permitting (fast tracking), public-private partnerships, providing technical assistance and intergovernmental coordination. ~~In addition, affordable-workforce housing will be located where adequate infrastructure and services are available.~~

OBJECTIVE 2:

~~By 2000, create a non-profit housing development corporation, formed with a cross section of representatives from business, government, housing advocates, and the community at large, which will assist the City and County in achieving a new goal of 500 dwelling units per year for very-low, low and moderate income residents of Collier County.~~

The Collier County Board of County Commissioners aided in the establishment of the Collier County Housing Development Corporation in 2003. The mission of the Housing Development Corporation is to serve as a non-profit agency, with an executive board made up of representatives from business, government, housing advocates, and the community at large, which shall assist Collier County and its municipalities in achieving a new goal of ~~4,000~~ 1,500 dwelling units per year for very-low, low and moderate income residents of Collier County.

CITY OF NAPLES POLICIES

None

COUNTY POLICIES

None

***Policy 1.5:**

[Deleted text, page 3]

Review the feasibility of incorporating the Collier County Housing Authority and the Collier County Housing and Urban Improvement office activities into one agency to provide greater coordination and efficiency in housing delivery services.

Policy 1.5:

Collier County shall maintain an inventory of all approved affordable-workforce housing units within the county to ensure the targeted number of units is developed annually. The inventory shall contain the location, structure type, number of bedrooms, and target income range for each housing unit.

Ø **Recreation and Open Space Element:**

Objection:

1. The proposed revision of Policy 1.1.1 to require weighted population figures for the determination of LOS for community and regional parks is not professionally acceptable. Please see previous objection to this methodology stated in the Capital Improvements Element.
[Chapter 163.3177(6)(a), (8), & (10)(e), F.S. and Rule 9J-5.005(2)(a), (c), & (e), FAC]

Recommendation: Please revise the policy to require the utilization of population figures from an established professionally acceptable population projection methodology and the same figure should be used consistently for the calculation of the demand for all type of public facilities.

COLLIER COUNTY RESPONSE:

Policy 1.1.1 is consistent with other population figures used for calculating the need for public facilities, applying a consistent population projection figure – a “weighted” population – through the planning timeframe. Weighted population calculations are explained in the Capital Improvement Element (CIE). Unincorporated area “weighted” population projections used here are solely for calculating the need for community park facilities. Incorporated areas provide their own community parks; using a countywide weighted population figure would result in a double counting of the municipal populations.

Text as Transmitted:

Policy 1.1.1:

[Revised text, page 1]

Collier County hereby adopts ~~the~~ the following level of service standards for facilities and land owned by the County or available to the general public ~~are adopted~~:

STANDARD OF SERVICE LEVEL OF SERVICE STANDARD:

- A. 1.2882 acres of community park land/1,000 population (weighted unincorporated)
- B. 2.9412 acres of regional park land/1,000 population (weighted)

- C. Recreation facilities- Facilities in place, which have a value (as (X) defined) of at least ~~\$179.00~~ \$270.00 per capita of population. A Construction Cost Index (CCI) adjustment will be used to determine the construction cost of facilities planned. The CCI that will be used will be the prior year of the County's fiscal year budget.
1. Value will be arrived at using the per unit values for each facility type available in the County, as set forth in ~~Table A~~ the Annual Update and Inventory Report (AUIR), applying the values to the number of each facility type, adding up all values and dividing the total by the County population (weighted).
 2. Where recreation facilities provided by other governmental bodies or the private sector are available through arrangement with the County to the public on a convenient basis, they shall be considered in measuring in-place facility value.

Text as proposed for Adoption:

No changes – same as Transmitted.

Ø **Conservation & Coastal Management Element:**

Objection:

1. Existing Objective 2.1 required the County to prepare Watershed Management Plans by 2000. The County is proposing to extend the timeline for preparing the plan by 10 years; the new timeline requires the preparation of the plan to start in 2008, and be completed in 2010. The proposed extension is inappropriate because it will not ensure the protection of the natural resources within watersheds and estuarine areas. Furthermore, no interim adequate guidelines have been established for the protection of watersheds and estuarine areas, pending the completion of such a study. Instead new language is proposed to be introduced into the plan in various policies delaying the establishment of guidelines for the protection of these areas until the completion of the watershed studies (see Policies 2.1.5, 2.1.8, 6.2.3, 6.2.4, 6.2.7, and other provisions in the Future Land Use Element).
[Chapter 163.3177(6)(d) & (g), F.S.; 9J-5.012(3)(b)1, 2., & (3)(c)2., 9J-5.013(2)(c)6., FAC].

Recommendation: Revise the policy to establish adequate interim standards that will ensure the protection of these areas pending the completion of the study and the establishment of a more specific and permanent guidance for protecting these watersheds and estuarine areas.

COLLIER COUNTY RESPONSE:

Revisions are proposed as noted below, including adoption of a map depicting restoration projects of state and federal agencies.

Text as Transmitted:

Objective 2.1:

[Revised text, page 5]

By January 4, ~~2000~~ 2008, the County shall complete the prioritization and begin the process of preparing Watershed Management Plans, which ~~that will address~~ contain appropriate mechanisms to protect the County's estuarine and wetland systems. The process shall consist of (1) an evaluation of areas for which Watershed

Management Plans are not necessary based on current or past watershed management planning efforts, (2) an assessment of available data and information that can be used in the development of Watershed Management Plans, and (3) budget authorization to begin preparation of the first Watershed Management Plan by January 2008. A funding schedule shall be established to ensure that all Watershed Management Plans will be completed by 2010. In selecting the order of Plan completion, the County shall give priority to watersheds where the development growth potential is greatest and will impact the greatest amount of wetland and listed species habitats. The schedule and priorities shall also be coordinated with the Federal and State agency plans that address Total Maximum Daily Loads (TMDLs).

Text as proposed for Adoption:

Objective 2.1:

[Revised text, page 5]

By January 4, ~~2000~~ 2008, the County shall complete the prioritization and begin the process of preparing Watershed Management Plans, which that will address contain appropriate mechanisms to protect the County's estuarine and wetland systems. The process shall consist of (1) an evaluation of areas for which Watershed Management Plans are not necessary based on current or past watershed management planning efforts, (2) an assessment of available data and information that can be used in the development of Watershed Management Plans, and (3) budget authorization to begin preparation of the first Watershed Management Plan by January 2008. A funding schedule shall be established to ensure that all Watershed Management Plans will be completed by 2010. In selecting the order of Plan completion, the County shall give priority to watersheds where the development growth potential is greatest and will impact the greatest amount of wetland and listed species habitats. The schedule and priorities shall also be coordinated with the Federal and State agency plans that address Total Maximum Daily Loads (TMDLs). Until the Watershed Management Plans are completed, the County shall apply the following as interim standards for development:

- a. All development projects shall meet the 150% of the water quality standards provisions required by Drainage sub-element Policy 1.6.1 and the retention and detention requirements, and the allowable offsite discharge rates required by Drainage sub-element Policy 1.6.2 and 1.6.3, respectively;
- b. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or adjacent to the impacted wetland.
- c. Floodplain storage compensation shall be evaluated for developments within the designated flood zones "A", "AE", and "VE" as depicted on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency with an effective date of November 17, 2005. Floodplain storage compensation shall also be evaluated for areas known to be periodically inundated by intense rainfall or sheetflow conditions.
- d. All development located within areas currently identified as Restoration Projects as identified in the Southwest Florida Draft Feasibility Study (Figure 1) shall be evaluated to determine impacts to wetlands flowways. For this particular evaluation, flowways shall be tentatively identified as contiguous lands having a continual preponderance of wetland or wet facultative plant species and a ground elevation through the major portion of the flowways at least one (1) foot lower than the ground at the edge of the flowways. The edge of the flowways shall be

identified by field determination and based upon vegetation and elevation differences from the adjacent uplands or transitional wetlands. The County shall require the applicant to avoid direct impacts to these flowways or, when not possible, to ensure any direct impact is minimized and compensated for by providing the same conveyance capacity lost by the direct impact.

e. Prior to the issuance of a final development order, the County shall require all development projects to obtain the necessary state and federal environmental permits.

Figure 1 (actual figure contained in Element behind ordinance)

Objection:

2. The existing Policy 2.2.5 stated that, “by December 31, 1998, the County shall identify stormwater management systems that are not meeting State water quality treatment standards”. The County is proposing to revise the policy to state that, “by December 31, 2008, Collier County shall have identified a process to identify stormwater management systems that are not meeting State water quality treatment standards in effect at the time of project approval.” The proposed revision is inappropriate for three reasons: 1) the policy defers to the future an activity that should have been accomplished since 1998; 2) it mandates the identification of “a process” for identifying systems instead of identifying the existing systems that are not meeting standards as required by the existing policy; and 3) the proposed revision shifts the intent of the policy to new projects only instead of addressing the existing situations as well as new developments as originally intended.

[Chapter 163.3177(6)(c), 3178(2)(c), F.S; 9J-5.011(1)(g) & (h), (2)(b)5, & (2)(c)4.,]

Recommendation: Revise the policy to identify the stormwater systems that are not meeting State and Federal water quality regulatory standards, and establish adequate guidelines and standards that will correction the problem and ensure future attainment of the standards.

[Chapter 163.3177(5)(d); 9J-5.006(3)(c)6, 9J-5.011(2)(c)4., 9J-5.013(2)(c)1.]

COLLIER COUNTY RESPONSE:

Revisions are proposed as noted below.

Text as Transmitted:

Policy 2.2.5:

[Revised text, page 6]

~~By December 31, 1998, identify stormwater management systems that are not meeting State water quality treatment standards.~~

By December 31, 2008, Collier County shall have identified a process to identify stormwater management systems that are not meeting State water quality treatment standards in effect at the time of project approval. In developing and implementing such a process, the County shall seek guidance and assistance from the South Florida Water Management District (SFWMD) and FDEP.

Text as proposed for Adoption:

Policy 2.2.5:

[Revised text, page 6]

~~By December 31, 1998, identify stormwater management systems that are not meeting State water quality treatment standards.~~

~~By December 31, 2008, existing and future stormwater management systems shall be inspected and certified regularly for compliance with their approved design and be required to correct the deficiencies. Collier County shall have identified a process to identify stormwater management systems that are not meeting State water quality treatment standards in effect at the time of project approval. In developing and implementing such a process, the County shall seek guidance and assistance from the South Florida Water Management District (SFWMD) and FDEP.~~

Objection:

3. Existing Objective 3.1 states that, “ground water quality shall meet all applicable federal and state water quality standards by January 2002 and shall be maintained thereafter”. The proposed revision removes the commitment to achieve Federal and State standards, and instead removes standards which it does not feel it can achieve. This is inappropriate because it makes the policy vague and unpredictable and unclear with respect to the standards that shall apply in order to ensure the protection of the quality of the ground water of the County. [Chapter 163.3177(5)(d), 9J-5.006(3)(c)6, 9J-5.011(2)(c)4., 9J-5.013(2)(c)1.]

Recommendation: Leave the policy as it is and add language that will require monitoring and tracking of activities and attainment status in order to ensure that development activities do not contribute the degradation of the quality of the underground water of the County. Also, provide data and analysis to demonstrate that the County is meeting Federal and State regulatory standards for ground water quality.

COLLIER COUNTY RESPONSE:

The Objective has been revised to leave in the commitment to meet Federal and State water quality standards. The Transmitted language removed that commitment due to the County’s inability to always meet Federal and State water quality standards as a result of circumstances beyond the County’s control. Data and analysis is provided to substantiate circumstances in which Federal and State water quality standards may not be achieved. The following provides a brief description of the two issues pertinent to our area; please see **attached** synopsis of: 1) Hydraulic Entrapment of Relict Saline Water within the Semi-confined Aquifers in Southwest Florida; 2) Golden Gate Groundwater Baseline Monitoring Report; 3) Summary of Facility Inspections; and, 4) USGS Groundwater Data for Collier County, 2004.

1) Naturally occurring contamination: Pursuant to study conducted by Professional Services Industries, Inc., dated January 31, 2005, elements such as sodium and iron have been determined to be naturally occurring within shallow aquifers in Golden Gate Estates. Also, a second study, published by GCAGS/GCSSEMP Transactions, concludes that the surficial aquifer system in southwest Florida contains isolated occurrences of relict saline-water that originated during the last interglacial period.

2) Use of approved herbicides: Detection of total arsenic and monomethylarsenate in ground water samples from several monitoring wells prompted Collier County Pollution Control and the City of Naples Laboratory to initiate the investigation at six facilities by the Bureau of Compliance Monitoring of the Florida Department of Agriculture and Consumer Services to assess if arsenic and MMA in ground water

were associated with the use of arsenical herbicides. The study revealed there had been previous use of MSMA at the facilities; however, they concluded MSMA usage was not definitely established to be the cause of total arsenic and MMA Detections observed in the groundwater, and if total arsenic concentrations increase, then additional sampling for MSMA might be warranted. Arsenical herbicides usage, including monosodium methanearsonate (MSNA), are legal and approved chemicals which are regulated by the Florida Department of Agriculture and Consumer Services.

Collier County is presently, and will continue to, monitor ground water quality; upon detection of any degradation in water quality, Collier County will notify the appropriate regulatory agencies for possible enforcement action.

Text as Transmitted:

Objective 3.1: [Revised text, page 9]

~~Ground water quality shall meet all applicable Federal and State water quality standards by January 2002 and shall be maintained thereafter.~~

Collier County will continue to implement numerous proactive programs designed to protect the County's ground water quality from man-made pollution sources. However, due to natural conditions impacting the water quality found in Collier County, some federal and state water quality standards may not be achievable. Therefore, Collier County will continue to take all necessary actions to maintain the highest attainable level of ground water quality within its aquifer systems.

Text as proposed for Adoption:

Objective 3.1: [Revised text, page 9]

~~Ground water quality shall meet all applicable Federal and State water quality standards by January 2002 and shall be maintained thereafter. Collier County will continue to implement numerous proactive programs designed to protect the County's ground water quality from man-made pollution sources. However, due to natural conditions impacting the water quality found in Collier County, some federal and state water quality standards may not be achievable. Therefore, Collier County will continue to take all necessary actions to maintain the highest attainable level of ground water quality within its aquifer systems.~~ Ground water quality shall meet all applicable Federal and State water quality standards. Ground water quality shall be monitored in order to determine whether development activities are contributing to the degradation of Collier County's ground water quality. Ground water data and land use activities will be assessed annually to determine long-term trends and whether the County is meeting Federal and State regulatory standards for ground water quality. The County shall require ground water monitoring of land uses in accordance with Chapter 62 of the Florida Administrative Code. Upon the detection of any ground water degradation determined through the monitoring process, the County will notify the appropriate regulatory agencies.

Objection:

4. The proposed revisions to the existing Policy 6.1.1 defer the establishment of guidelines for the preservation of open space to the land development regulations. In part (5) of the policy it states that “passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserved area” will be allowed. However, the definition of what constitutes “loss of function” is deferred to the LDR. Furthermore, the proposed revision to part 9 of the policy, not only defers to the LDR the establishment of guidelines, but in addition it would allow the payment of money to satisfy the native vegetation preservation retention requirement which will defeat the purpose for requiring the retention of native vegetation.
 [Chapter 163.3177(6)(a) and (d), F.S., and 9J-5.013(2)(c)3.]

Recommendation: Revise the policy to remove deference to the LDR and define all relevant terms in the plan. Also establish in the plan all appropriate guidance to be used for implementation and as well guide the preparation of the more detailed LDR. In addition, the acceptance of monetary payment to satisfy the retention of native vegetation requirements should be removed or modified to identify how the payment will be used to further this policy.

COLLIER COUNTY RESPONSE:

Revisions are proposed as noted below.

Text as Transmitted:

Policy 6.1.1: [Revise text, pages 15, 16]

- (5) The uses allowable within preserve areas are limited to:
- a. Passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserve area. such as pervious nature trails or boardwalks are allowed within preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. Criteria identifying what constitutes a loss of function shall be set forth in the land development regulations and will address various types of construction that are compatible with the function of the preserve. The land development regulations will also provide criteria to define appropriate passive recreational uses.
 - b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in any adverse impact to the naturally occurring, native vegetation, as determined by criteria set forth in the land development regulations. Discharge to preserves having wetlands requires treatment that will meet water quality standards as set forth in Chapter 62-302, F.A.C. and will conform to the water quality criteria requirements set forth by the South Florida Water Management District.

- (40 9) Within one year of the effective date of these amendments, the County shall adopt land development regulations that allow for all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary

payment, land donation, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The land development regulations shall provide criteria to determine when this alternative will be allowed. The criteria will be based upon the following provisions:

- a. The amount, type and quality of the native vegetation on site;
- b. The presence of conservation lands adjoining the site;
- c. The presence of listed species and consideration of Federal and State agency technical assistance; and
- d. The type of land use proposed , such as, but not limited to, affordable housing.

The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation.

Text as proposed for Adoption:

(5) The uses allowable within preserve areas are limited to:

- a. Passive recreational uses that do not impact the minimum required vegetation or cause a loss of function to the preserve area. ~~such as pervious nature trails or boardwalks are allowed within preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation.~~ Loss of function to the preserve area includes a reduction or a change in vegetation within the preserve and harming any listed species present in the preserve. More specific standards that implement this policy ~~Criteria identifying what constitutes a loss of function~~ shall be set forth in the land development regulations and will address various types of construction that are compatible with the function of the preserve. The land development regulations will also provide criteria to define appropriate passive recreational uses.
- b. Receipt of treated stormwater discharge where such use, including conveyance, treatment and discharge structures, does not result in any adverse impact the naturally occurring, native vegetation, as determined by criteria set forth in the land development regulations. Discharge to preserves having wetlands requires treatment that will meet water quality standards as set forth in Chapter 62-302, F.A.C. and will conform to the water quality criteria requirements set forth by the South Florida Water Management District.

~~(40 9)~~ Within one year of the effective date of these amendments, the County shall adopt land development regulations that allow for all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to determine when this alternative will be allowed. The criteria will be based upon the following provisions:

- a. The amount, type and quality of the native vegetation on site;

- b. The presence of conservation lands adjoining the site;
- c. The presence of listed species and consideration of Federal and State agency technical assistance; and
- d. The type of land use proposed, such as, but not limited to, affordable housing. The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native vegetative communities not preserved on-site will be preserved and appropriately managed off-site.

Objection:

5. The existing Objective 12.1 required the County to maintain a hurricane evacuation time of 28 hours for a category 3 storm event. The County is proposing to revise the Objective to state that the County will “attempt to maintain a hurricane evacuation clearance time for a category 3 hurricane event at a maximum of 18 hours.” The use of the word “attempt” makes this objective vague and unpredictable. Also, the proposal to use, as an alternative to the Southwest Florida Hurricane Evacuation Study, any other study conducted by the local emergency management director and approved by the County Commissioner is inconsistent with state law.

[Chapter 163.3177(6)(g), & 3178(2)(d), 163.3178(9); and 9J-5.012(3)(b)7.]

Recommendation: Revise Objective 12.1 to remove the word “attempt” and commit to the reduction or maintenance of hurricane evacuation times as required by state law. Also the methodology for evaluating evacuation should be that established by the state.

COLLIER COUNTY RESPONSE:

Revisions are proposed as noted below.

Text as Transmitted:

OBJECTIVE 12.1:

[Revised text, page 46]

The County will attempt to maintain the 1994, a hurricane evacuation clearance time for a Category 3 storm hurricane event at a maximum of 28 18 hours as defined by either the 1996 2001 Southwest Florida Regional Planning Council’s Hurricane Evacuation Study Update, and reduce that time frame by 1999 to 27.2 hours. Activities will include on-site sheltering for mobile home developments, increased shelter space, and maintenance of equal or lower densities of the Category 1 evacuation zone as defined in the 1996 Southwest Florida Regional Planning Council Hurricane Evacuation Study Update. or similar future studies authorized and coordinated by the Collier County Emergency Management Department and approved by the Collier County Board of County Commissioners. An evacuation clearance time shall be defined as having residents and visitors in an appropriate refuge away from storm surge prior to the arrival of sustained Tropical Storm force winds, i.e., winds equal to or greater than 39 mph. To further these objectives, for future mobile home developments located outside of the storm surge zone, efforts shall include on-site sheltering or retro-fitting of an adjacent facility. The Collier County Emergency Management Department shall seek opportunities to increase shelter facilities and associated capacities under the direction of the Department of the Florida Division of Emergency Management.

Text as proposed for Adoption:

OBJECTIVE 12.1:

The County will ~~attempt to~~ maintain ~~the 1994, a~~ hurricane evacuation clearance times as required by state law, for a Category 3 storm hurricane event at a maximum of 28 18 hours as defined by either the 1996 2001 Southwest Florida Regional Planning Council's Hurricane Evacuation Study Update, and reduce that time frame by 1999 to 27.2 hours. Activities ~~will include on-site sheltering for mobile home developments, increased shelter space, and maintenance of equal or lower densities of the Category 1 evacuation zone as defined in the 1996 Southwest Florida Regional Planning Council Hurricane Evacuation Study Update, or similar future studies authorized and coordinated by the Collier County Emergency Management Department and approved by the Collier County Board of County Commissioners.~~ An evacuation clearance time shall be defined as having residents and visitors in an appropriate refuge away from storm surge prior to the arrival of sustained Tropical Storm force winds, i.e., winds equal to or greater than 39 mph. To further these objectives, for future mobile home developments located outside of the storm surge zone, efforts shall include on-site sheltering or retro-fitting of an adjacent facility. The Collier County Emergency Management Department shall seek opportunities to increase shelter facilities and associated capacities under the direction of the Department of the Florida Division of Emergency Management.

Ø Future Land Use Element:

Objection:

1. In order to encourage affordable housing (see page 26) the County allows a bonus of 8 additional units for development in certain Urban Designated sub-districts (except in areas within the CHHA), and in the Golden Gate and Immokalee areas provided the project meets the definition and requirements of the affordable workforce housing established in the land development regulation (LDR). The following concerns are associated with this proposal:
 - a) By deferring the establishment of guidelines for the location of affordable housing to the LDR, the policy does not provide the predictability and guidance needed in order to properly direct the program; and
 - b) The addition of eight units per acre as a bonus for affordable housing was already in the plan; however, the bonus is to be expanded to more areas, which is encouraging. However, no assessment of the potential impact of the additional units on the ability of the County to provide water, sewer and other public facilities including roads has been provided. While the Department supports efforts that will increase the availability of affordable housing in the County, it is important not to exclude the potential impact of these units when calculating the demand for public facilities.

[Chapter 163.3177(6)(a), (f), F.S., 9J-5.006(c)3., 9J-5.011(2)f., (2)(c)1., 2., & 9J-5.010(3)(b)1.3., FAC]

Recommendation: Revise the plan to include appropriate and relevant guidelines for the location of affordable housing in the County. The definition of what constitutes affordable units and the requirements for their provision should be included in the plan. In addition, the potential impact of these additional units should be estimated and included in the calculation of public facilities demands.

COLLIER COUNTY RESPONSE:

a) The Affordable-Workforce Housing Density Bonus (AHDB) provision is allowed in locations identified in the FLUE. Also, the maximum density bonus (8 DU/A) is identified in the FLUE. The Land Development Code does *not* provide locational criteria, rather provides the details of implementation - guidelines pertaining to density ranges (up to the maximum allowed by FLUE) based upon number of bedrooms, income levels, etc. The AHDB provision is proposed to be revised to state the maximum qualifying income level (150% of median income) and to define the term "affordable" by statutory reference. ("Chapter 420.9071, Definitions: "Affordable" means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (19), subsection (20), or subsection (28). However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied.")

In 2006, the median income for Collier County is \$66,100.00, per the U.S. Department of Housing and Urban Development. The median home price in Collier County is presently about \$470,000.00. As revealed in the Board of County Commissioners' affordable housing and gap housing workshops held in 2005, the Naples Daily News ongoing series on affordable housing ("Paradise – At What Cost?" – select portions **attached**), and other accounts, the extremely high housing costs in Collier County are resulting in many employers being unable to attract employees; this includes the largest employer in the county - the Collier County School Board, some of the other largest employers - Collier County government, Collier County Sheriff's Office, Naples Community Hospital, and other employers at all sizes. This has been exacerbated by rising housing costs in southern Lee County where many employees have historically lived and commuted from, and the tremendous amount of apartment conversions to condominiums in Collier County and southern Lee County over the last 2 - 3 years. Recent changes in state legislation allow for housing assistance to apply up to 140% of median income. Earlier this year, Collier County adopted LDC regulations that allow for applicability up to 150% of median income.

b) Presently, the AHDB at up to 8 dwelling units per acre (DU/A) is applicable to almost the entire Urban Mixed Use District, including the Coastal High Hazard Area (depicted on FLUM). The Transmitted amendments to the Density Rating System still allow the AHDB to apply to the same geographic area – it is not expanded. However, because a density cap of 4 DU/A is proposed for the CHHA, along with a density reduction factor of 1 DU/A for the CHHA, the result is that the AHDB would be limited to 1 DU/A within the CHHA - a *lessening* of allowable density (see below).

Base Density	4 DU/A
<u>CHHA reduction</u>	<u>- 1 DU/A</u>
Subtotal	3 DU/A
<u>AHDB</u>	<u>+1 DU/A</u>
Total Density Allowed	4 DU/A (density cap in CHHA)

The Transmitted Density Rating System changes do show the AHDB being added to the Urban Residential Fringe Subdistrict, on a limited basis, and to the RLSA.

However, these changes are simply a matter of re-formatting of the Density Rating System. The existing Density Rating System already allows this density bonus in the Urban Residential Fringe Subdistrict and in the RLSA.

Text as Transmitted:

3b. Affordable-workforce Housing Bonus: [Revised text, page 37]

To encourage the provision of affordable-workforce housing within certain Districts and Subdistricts in the Urban Designated Area, a maximum of up to 8 residential units per gross acre may be added to the base density if the project meets the definitions and requirements of the Affordable-workforce Housing Density Bonus Ordinance (Section ~~2.7.7~~ 2.06.00 of the Land Development Code, Ordinance #91-102 04-41, as amended, adopted June 22, 2004 and effective October ~~30 18, 1991~~ 2004). In the ~~Urban Coastal Fringe Subdistrict~~ Coastal High Hazard Area, projects utilizing the Affordable-workforce Housing Density Bonus projects must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element, and such projects cannot exceed the Coastal High Hazard Area cap of four dwelling units per acre. Also, for those specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed but only to a maximum of 6 residential units per gross acre. Additionally, the Affordable-workforce Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the Rural Lands Stewardship Area Overlay, subject to the aforementioned Section 2.06.00 ~~2.7.7~~ of the Land Development Code.

Text as proposed for Adoption:

3b. Affordable-workforce Housing Bonus: [Revised text, page 37]

As used in this density bonus provision, the term "affordable" shall be as defined in Chapter 420.9071, F.S. To encourage the provision of affordable-workforce housing within certain Districts and Subdistricts in the Urban Designated Area, a maximum of up to 8 residential units per gross acre may be added to the base density if the project meets the ~~definitions and~~ requirements of the Affordable-workforce Housing Density Bonus Ordinance (Section ~~2.7.7~~ 2.06.00 of the Land Development Code, Ordinance #91-102 04-41, as amended, adopted June 22, 2004 and effective October ~~30 18, 1991~~ 2004), and if the affordable-workforce housing units are targeted for families earning no greater than 150% of the median income for Collier County. In the ~~Urban Coastal Fringe Subdistrict~~ Coastal High Hazard Area, projects utilizing the Affordable-workforce Housing Density Bonus projects must provide appropriate mitigation consistent with Objective 12.1 and subsequent policies, as applicable, of the Conservation and Coastal Management Element, and such projects cannot exceed the Coastal High Hazard Area cap of four dwelling units per acre. Also, for those specific properties identified within the Urban Residential Fringe Subdistrict, this density bonus is allowed but only to a maximum of 6 residential units per gross acre. Additionally, the Affordable-workforce Housing Density Bonus may be utilized within the Agricultural/Rural designation, as provided for in the Rural Lands Stewardship Area Overlay, subject to the aforementioned Section 2.06.00 ~~2.7.7~~ of the Land Development Code.

Objection:

2. The intensity standards for non-residential uses in the Goodlette/Pine Ridge Commercial Infill Sub-district specified on page 42 are based on “gross leasable area”; the correct reference should be “gross square feet”, since state guidelines for development, for example in a development of regional impact, require gross square feet.
[163.3177(6)(a), and 9J-5.006(3)(c)1.,]

Recommendation: Revise the provision to replace the term “gross leasable” with “gross square feet”.

COLLIER COUNTY RESPONSE:

This Subdistrict is not new, rather is simply being relocated within the FLUE from the Urban Mixed Use District to the Urban Commercial District. It was originally adopted on February 23, 1999 by Ordinance No. 99-15 (petition CP-98-1) and was subsequently found to be “in compliance” with F.S. by DCA. The site was subsequently rezoned to the Pine Ridge Commons PUD on December 14, 1999 by Ordinance No. 99-94 (petition #PUD-99-24) approving a maximum of 275,000 square feet gross leasable area (select portions of PUD **attached**). Two Site Development Plans for the site have been approved for a total of 82,143 s.f. (SDP-2001-501, Pine Ridge Commons, approved 1/14/2002, for 38,150 s. f. of commercial use; and, SDP-2002-2347A, Magnolia Square – Fast Track, approved 6/28/2002, for 43,993 s.f of office use), and one SDP is pending (SDP-2006-AR-9098, Magnolia Sq. - Partner's Bank, for 6,000 s.f. bank). An office complex at the northern end of the site has already been constructed and has been occupied for about three years. An access road leading from Goodlette Road to Pine Ridge Middle School, bisecting the site, was constructed a few years ago. The balance of the site is presently under construction – site clearing has occurred, infrastructure is being constructed/installed, and several buildings have been erected though not CO'd. Simply put, because of the existing development approvals and actual development of lands within this subdistrict, changing the GMP to list the “correct” term for allowable square feet will have no impact upon the amount of building area actually constructed. However, doing so would result in an inconsistency between the building area listed in the subdistrict and the building area approved in the PUD zoning and subsequent site plans since a “gross square feet” figure of 275,000 s.f. results in less than that amount of “gross leasable area.”

Additionally, staff notes that four other GMP amendments have been approved establishing a subdistrict that used a similar term (“gross leasable floor area”) as in the Goodlette/Pine Ridge Commercial Infill Subdistrict; all were subsequently deemed “in compliance” by DCA (Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, Ordinance No. 2001-12, approved May 12, 2001; Henderson Creek Mixed Use Subdistrict, Ordinance No. 2002-24, approved May 14, 2002; Davis Boulevard/County Barn Road Mixed Use Subdistrict, Ordinance No. 2005-25, approved June 7, 2005; Vanderbilt Beach Road Neighborhood Commercial Subdistrict, Ordinance No. 2005-25, approved June 7, 2005).

Text as Transmitted:

11. Goodlette/Pine Ridge Commercial Infill Subdistrict:
[Relocated, revised text, after page 41]

This Subdistrict consists of 31 acres and is located at the northeast quadrant of two major arterial roadways, Pine Ridge Road and Goodlette-Frank Road. In addition to

uses generally allowed in the Urban designation, the intent of the Goodlette/Pine Ridge Commercial Infill Subdistrict is to provide shopping, personal services and employment for the surrounding residential areas within a convenient travel distance. The Subdistrict is intended to be compatible with the neighboring Pine Ridge Middle School and nearby residential development and therefore, emphasis will be placed on common building architecture, signage, landscape design and site accessibility for pedestrians and bicyclists, as well as motor vehicles.

Access to the Goodlette/Pine Ridge Commercial Infill Subdistrict may feature a signalized traffic access point on Goodlette-Frank Road, which may provide for access to the neighboring Pine Ridge Middle School. Other site access locations will be designed consistent with the Collier County access management criteria.

Development intensity within the Subdistrict will be limited to single-story retail commercial uses, while professional or medical related offices, including financial institutions, may occur in three-story buildings. A maximum of 275,000 square feet of gross leasable area for retail commercial and office and financial institution development may occur within this Subdistrict. Retail commercial uses shall be limited to a maximum of 125,000 square feet of gross leasable area on the south +/- 23 acres. No individual retail commercial use may exceed 65,000 square feet of gross leasable area.

Unless otherwise required by the South Florida Water Management District, the .87 +/- acre wetland area located on the northeastern portion of the site will be preserved.

Text as proposed for Adoption:

No changes – same as Transmitted.

Objection:

3. The plan update does not include a projection of the amount of land needed by the County during the next planning timeframe, based on the projected population for the County, and the projected housing needs, upon which the Future Land Use map was prepared (see earlier objection in the CIE section).
[Chapter 163.3177(6)(a), F.S.; and 9J-5.006(2)(c), FAC]

Recommendation: Include with amendment a projection of the amount of land needed to meet the future needs of the County during the next planning timeframe and upon which the Future Land Use Map is prepared. Also, include as part of the plan update the table of existing land uses at the time of the adoption of the EAR-based amendment.

COLLIER COUNTY RESPONSE:

Section 1.3 of the EAR, Extent of Vacant and Developable Land (***attached***), identifies developed land and vacant developable land in Collier County, based upon 2004 Property Appraiser records using Florida Department of Revenue land use codes. Specifically, Figure 1.3-1 indicates ±81,000 acres are developed (6% of Collier County land area) while ±352,000 acres are vacant and developable (26%); the balance, 1,707,000 acres (68%), is vacant and undevelopable, much of which is owned by state and federal agencies for conservation/preservation purposes. Based on the April 1, 2004 permanent population estimate of 306,186, the amount of

developed land per capita was 0.265 acres. Applying that ratio to the projected 2020 population of 587,918, the total land needs at 2020 are $\pm 156,000$ acres, or an increase of 75,000 acres.

The (September 2006) Planned Unit Development (PUD) list, **attached**, shows that 141,437 DUs are approved in PUD zoning in unincorporated Collier County and 76,229 of those are developed, leaving an inventory of 65,208 zoned but not yet built DUs in PUD zoning. Additionally, 11,000 DUs are approved in the Ave Maria stewardship receiving area (SRA), none of which are built. Combined, this yields >76,000 approved but unbuilt DUs in PUD zoning/SRA designation alone. The Draft 2005 Residential Buildout Study (**attached**), based upon existing development plus future development as allowed by the GMP (including the PUD inventory), projects a buildout population of 1,066,000 ($\pm 470,000$ dwelling units). The 2005 population estimate (from the Bureau of Economic and Business Research at University of Florida) for Collier County is 317,788 and Collier County's 2005 estimate of DUs is 179,484.

The 2003 Commercial Inventory reveals 4,564 acres in unincorporated Collier County, of which 2,743 acres are undeveloped (60%). Additionally, the city of Naples contains a significant amount of commercial, almost all of which is developed, including the Coastland Center Mall, a regional facility. The 2003 Industrial Inventory reveals $\pm 4,880$ acres in unincorporated Collier County of which +2,100 acres are undeveloped, leaving a balance of 2,780 vacant acres. Using the PUD list again, there are 3,292 acres of commercial approved in unincorporated Collier County but only 442 acres developed, leaving a balance of 2,850 acres of vacant PUD commercial lands.

Additionally, future development within the Rural-designated areas of the county is *not* included in the commercial or industrial inventories. Commercial development is allowed - and required - in RLSA towns (e.g. Ave Maria), villages and hamlets, and Rural Fringe Mixed Use District Rural Villages, and light industrial uses are allowed (see the **attached** document "Attachment C, Collier County RLSA Overlay, Stewardship Receiving Area Characteristics"). Based upon the 2005 Buildout Study, >60% of the buildout population will lie east of CR/SR 951 (Collier Blvd.), mostly within these future towns, villages and hamlets, which will include additional commercial and industrial development beyond that listed in the 2003 inventories. With only a few exceptions, all future land use designations/districts/ subdistricts (and most zoning districts) allow parks, churches, schools, hospitals, utilities, nursing homes, safety service facilities, government facilities, etc.

In short, the present GMP allows adequate land to support the projected population growth - and the necessary service, shopping, industry and employment needs of that population - within the ten year planning horizon and beyond.

Objection:

4. The EAR-based amendment does not include an update of the future conditions map and a Future Land Use Map for the next planning timeframe. Also, the map included that is labeled "Future Land Use Map" does not have the future timeframe for which it is intended (see earlier objection in the CIE section of the report).
[Chapter 163.3177(5)(a), (6)(a); 9J-5.005(4), and 9J-5.006(4)(b), FAC]

Recommendation: Revise the amendment to include a Future Land Use Map for the next planning timeframe. The planning timeframe should be clearly stated on the map. In addition, include a Future Land Use map series that covers all the relevant future conditions such as the location of existing and planned potable water wells and wellhead protection areas.

COLLIER COUNTY RESPONSE:

The title on the Future Land Use Map (FLUM) has been revised to add “2006-2016” to reflect the next ten-year planning period.

The existing FLUM series map titled “Collier County Wellhead Protection Areas” has been revised as follows: 1) add location of proposed wellfields and ASRs (aquifer storage and recovery); and, 2) expand title by adding “and Proposed Wellfields and ASRs.” The proposed wellfields and ASRs are as identified in the 2006 Water Master Plan, figure 7-3, Currently Planned New Supply Improvements Projects, figure 7-4, Currently Planned Reliability Improvements Projects, and Chart 7-5, Required New Wells Through 2025 (all 3 ***attached***). The Potable Water Sub-Element already contains maps identifying existing and proposed water treatment plants (Figure PW-2, Existing and Future Potable Water Service Areas), and existing well sites (Figure PW-3, Potable Water Treatment and Transmission Facilities).

Four new FLUM series maps have been prepared, all of which were previously contained in the original 1989 FLUE, either as an adopted map and/or in the Support Document: FLUM – Rivers and Floodplains, FLUM – Estuarine Bays, FLUM – Soils, and FLUM – Commercial Mineral Extraction Sites.

The listing of Future Land Use Maps at end of FLUE text revised to add “FLUM - Rivers and Floodplains Map, FLUM - Estuarine Bays Map, FLUM - Soils Map, FLUM - Commercial Mineral Extraction Sites Map.”

The FLUM series already includes a map of wetlands, titled “Collier County Wetlands,” and the countywide FLUM already depicts the Coastal High Hazard Area.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address and further the State Comprehensive Plan including the following goals and policies (Chapter 163.3177(9)(c)

Water Resources Goal (7)(a), Policies (b)9., & 10., regarding the protection of ground water;

Coastal and Marine Resources Goal (8)(a), Policy 6, pertaining to the protection of sensitive coastal resources;

Natural Systems and Recreational Lands Goal (9)(a), Policy 1, 7., regarding the protection of wetlands and marine resources;

Land Use Goal (15)(a) and Policy (b)3., & 6., regarding the regulation of land uses;

Public Facilities Goal (17)(a) and Policy (b)6., regarding implementation of fiscally sound and cost-effective techniques for financing public facilities.; and

Transportation Goal (19) and Policy (b)2., regarding the coordination of investments in travel corridor to enhance system efficiency and promotion of comprehensive transportation.

Recommendation: Revise the proposed amendment, as indicated in the objections and recommendations of this report, in order to be consistent with the above goals and policies of the State Comprehensive Plan.

COLLIER COUNTY RESPONSE:

All recommended revisions have been made, or explanation provided for not doing so, and data and analysis has been provided.