

1.5.G - Brief Assessment of Successes Shortcomings & Recommendations- Intergovernmental Coordination Element (ICE)

A. Introduction & Background

The Intergovernmental Coordination Element (ICE) is the portion of the Collier County Growth Management Plan (GMP) that contains the County's Goal, Objectives and Policies with regard to relations between the County and non-County governmental entities (as well as quasi-governmental entities, including utility companies). The ICE contains a single Goal (currently entitled Goal 1), which states the primary purpose of this Element. Goal 1 reads as follows:

“PROVIDE FOR THE CONTINUAL EXCHANGE OF INFORMATION AND THE USE OF ANY INTERGOVERNMENTAL COORDINATION MECHANISMS WITH BROWARD, DADE, HENDRY, LEE AND MONROE COUNTIES, CITIES OF EVERGLADES AND NAPLES, COLLIER COUNTY SCHOOL BOARD, SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, AND ANY OTHER LOCAL, STATE, OR FEDERAL AGENCY OR GOVERNMENTAL ENTITY, AND UTILITY COMPANIES SUCH AS BUT NOT LIMITED TO FLORIDA POWER AND LIGHT, LEE COUNTY ELECTRIC COOPERATIVE, SPRINT/UNITED TELEPHONE, IMMOKALEE WATER AND SEWER DISTRICT, PELICAN BAY SERVICE DIVISION (MSTU), FLORIDA WATER SERVICES, FLORIDA CITIES WATER COMPANY, MEDIA ONE, AND CABLEVISION INDUSTRIES THAT MAY BE IMPACTED BY COLLIER COUNTY'S LAND, ROAD OR FACILITY PLANNING TO RESOLVE DIFFERENCES AND TO ACHIEVE COMPATIBLE AND COORDINATED PLANS.”

The ICE was recently updated by Ordinance No. 2003-67 on December 16, 2003. As currently formatted, this Element consists of the original Goal (Goal 1), Objectives and Policies. As part of the EAR-based amendments, the County recommends that the title of Goal 1 be amended to simply “Goal.” Also, the County recommends the insertion of the Cities of Marco Island (in Collier County) and Bonita Springs (in Lee County), as entities with which the County must coordinate.

B. Objectives Analysis:

GENERAL ANALYSIS:

The following Objectives and Policies are implemented primarily by the Collier County Comprehensive Planning Department. The Objectives and Policies speak generically about creating interlocal agreements with both public and private parties linked to a specific, adopted level of service standard(s).

OBJECTIVE 1.1:

By the time mandated for the adoption of land development regulations pursuant to Chapter 163.3202, F.S., including any amendments thereto, establish intergovernmental communication and level of service coordination mechanisms to be used by Collier County, Cities of Everglades and Naples, adjacent counties, the Collier County School Board, the State, and any other entity that provides a service but may not have land use authority.

Objective Achievement Analysis:

Because this Element was last completely revised in 1997, Objective 1.1 does not reference the Cities of Marco Island and Bonita Springs. The EAR-based amendments should include the insertion of those two local governments into the above language.

Policy Relevance:

Policy 1.1.1 requires Collier County to continue utilizing existing coordination mechanisms, (e.g., interlocal planning agreements, joint meetings and any other mechanism described in this element) which promote consistent planning activities. The wording of the policy is sufficiently generic to allow the County to employ any valid coordinating mechanism. Therefore, this Policy should be retained as written.

Policy 1.1.2 requires the Collier County Comprehensive Planning Section of the Planning Services Department to be the designated liaison to disseminate information on proposed Growth Management Plan amendments by the County which effect any of the entities listed in Objective 1.1. The County recommends that this Policy be updated to reflect that the former Comprehensive Planning Section is now part of the Comprehensive Planning Department, and that the former Planning Services Department no longer exists.

Policy 1.1.3 requires the Collier County Comprehensive Planning Section of the Comprehensive Planning Department to prepare and review an annual level of service monitoring report for the facilities included within the Growth Management Plan. The purpose of this report is to provide the affected entities with the information in order to evaluate and coordinate level of service standards. This task is incorporated into the County's Annual Update & Inventory Report (AUIR) for the County's capital facilities (see Section 1.5.A of this report). The County recommends that this Policy be updated to reflect that the Comprehensive Planning Section recently became part of the Comprehensive Planning Department, and that this Policy be rewritten to reflect the AUIR process.

Policy 1.1.4 recommends that the Collier County Comprehensive Planning Section have procedures in place if an entity that has maintenance responsibility does not plan for the necessary improvements in a timely manner in order to maintain the County's adopted level of service. In addition to the fact that this Policy must be updated as noted above, staff has concerns regarding the wording and original intent of this Policy. Comprehensive Planning staff does not make recommendations regarding non-County

service providers. Therefore, the EAR-based amendments should include deletion of this Policy.

Policy 1.1.5 states that, in situations where other public or private entities are providing a facility or service within Collier County for roads, water, sewer, drainage, parks, or solid waste, the County will coordinate its adopted level of service standard within the parameters allowed by the Concurrency Management System of the Capital Improvement Element of this Plan. The original intent of this policy is obscure and the wording of the policy is overly complicated. The EAR-based amendments should include revisions of this policy to reflect that the County enforcement mechanisms that can be utilized when a private service provider does not meet County LOS Standards. These mechanisms do not apply when the service or facility is provided by a non-County governmental entity. Nor would the mechanisms apply when the subject service or facility is located within the jurisdiction of another local government.

OBJECTIVE 1.2:

Coordinate Collier County's land use planning strategy, including an assessment of proposed development, with that of other government and private entities.

Objective Achievement Analysis:

In May 2003, the Collier County, Florida Board of County Commissioners and the District School Board of Collier County, Florida entered into two interlocal agreements:

Interlocal Agreement #1: Title – Interlocal agreement between the Board of County Commissioners of Collier County, Florida and the Collier County School Board to establish educational plant and ancillary plant site development review processes and substantive criteria including the consideration of future amendments to the County's Growth Management Plan and implementing land development regulations.

Interlocal Agreement #2: Title – Interlocal Agreement for Public School Facility Planning

These two agreements were adopted as required by Sections 163.3177(6)(h) and 163.31777, F.S. and pertain to both the siting of schools/school support facilities and the site plan review process for those schools and facilities. During 2003, relevant Elements of the County's Growth Management Plan were revised to reflect the policies and procedures contained within the two agreements.

With regard to other governmental and non-governmental entities, as well as the general public, the County takes due care that all matters coming before the Board of County Commissioners with regard to land use changes are properly noticed and advertised, and that there is a public opportunity for all interested parties to present comments and recommendations to the Commission. Additionally, Collier County's proposed GMP amendments and Land Development Code (LDC) changes are either available online, in other electronic version, or as printed documents. Finally, all land use-related documents

are available to anyone upon request for a minimal copying fee. Therefore, this Objective should be retained as written.

Policy Relevance:

Policy 1.2.1 requires Collier County to identify, develop, and pursue areas where intergovernmental land use planning and level of service agreements are needed between respective governmental or private entities. This is an ongoing task. This policy should be retained as written.

Policy 1.2.2 requires that intergovernmental planning agreements include provisions for review and comment on Collier County land use plans along jurisdictional lines, facility planning for water, sewers, roads, and any other public facilities that may have an impact on other entities or cause inconsistencies between comprehensive plans. The EAR-based amendments should include a revision to this policy for the purpose of clarity.

Policy 1.2.3 requires the County to participate in cooperative planning programs with other governmental entities. This is an ongoing task. This policy should be retained as written.

Policy 1.2.4 requires Collier County to undertake, where appropriate, mutual planning and management programs (with other local governments) for natural resources. The policy cites certain specific programs, such as a mutual program for the management of Naples Bay with the City of Naples; a mutual program for the management of certain estuarine areas that fall under the jurisdiction of more than one local entity; a mutual program for management of groundwater resources with Lee and Hendry Counties; and a mutual program for delineation and management of watersheds. This policy should be revised to be less specific regarding particular natural resources programs or planning efforts. In that manner, County staff would be allowed to implement any BCC-directed natural resources program involving a neighboring local government.

Policy 1.2.5 requires that the County coordinate plans, programs, regulations and activities for the provision of housing with those of adjacent governments, particularly the City of Naples. The County's Housing Element (see Section 1.5.D of this report) is, in fact, shared with the City of Naples. Therefore, this policy should be retained as written.

Policy 1.2.6 requires that the County coordinate with the Collier County School Board on the site selection for new public educational plants and ancillary plants and the provision of infrastructure, particularly roads, to support existing and proposed public educational plants and ancillary plants in accordance with the two Interlocal Agreements adopted in accordance with Sections 163.3177(6)(h) and 163.31777, Florida Statutes, on May 15, 2003 by the Collier County School Board and on May 27, 2003 by the Board of County Commissioners. This policy should be retained as written.

Policy 1.2.7 incorporates into the Growth Management Plan, by reference, the Southwest Florida Regional Planning Council's (SWFRPC's) Dispute Resolution, Rule 29I-7, dated April 1994. This policy should be retained as written.

OBJECTIVE 1.3:

The County shall continue to coordinate annexation plans of all incorporated areas in the County.

Objective Achievement Analysis:

Section 9J-5.015 (3) (c) 4., Florida Administrative Code, requires the Intergovernmental Coordination Element (ICE) to: “Provide procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas.” This is the only provision within the State’s ICE Rule that is related to annexation. However, the single policy within this Objective (see below) requires the County to identify municipal annexation areas within the Future Land Use Element and upon the Future Land Use Map. Such is not a requirement of the Rule. Therefore, this Objective should be rewritten to more closely conform to the requirements of Section 9J-5.015 (3) (c) 4., Florida Administrative Code.

Policy Relevance:

Policy 1.3.1 requires Collier County to identify any proposed annexation areas in the Future Land Use Element and indicate these areas on the Future Land Use Map or map series. Staff has not identified any such areas within the FLUE or on the FLUM. Nor does such appear to be a requirement of the relevant State Administrative Code (see above). The EAR-based amendments should include deletion of this Policy and its replacement by a policy or policies more closely tied to the State requirements.

OBJECTIVE 1.4:

By January 1, 1999, the County shall complete an evaluation of informal and formal coordination mechanisms between the County, other units of local, regional, state, and federal government and any private entity which provides an essential public service that affects Levels of Service and/or land use planning in the County.

Objective Achievement Analysis:

Comprehensive Planning staff is currently involved in coordinating preparation of a report on interlocal agreements associated with the provision of certain public services. However, beyond this current effort, staff is unaware of any report related to the above Objective. Due to the complex nature of the County’s coordination with other entities, such a report would likely be time consuming and inaccurate. Therefore, this Objective and its subject policies should be deleted.

Policy Relevance:

Policy 1.4.1 requires the County to establish criteria to be used to complete an update of the evaluation of informal and formal coordination mechanisms between the County, other units of local, regional, state, and federal government, and private entities which

provide an essential public service that affect Levels of Service and/or land use planning in the County. This task was to be completed by January 1, 1998.

Policy 1.4.2 requires the County to implement procedures and activities that will improve communications between the County and other units of local, regional, state, and federal government, and private entities which provide an essential public service that affects Level of Service and/or land use planning. This task was also to be completed by January 1, 1998. The EAR-based amendments should include deletion of both of the above policies.