



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

October 15, 2010

The Honorable Fred W. Coyle, Chairman  
Collier County Board of County Commissioners  
3301 E. Tamiami Trail  
Naples, Florida 34112

RE: Collier County Proposed Evaluation and Appraisal Report

Dear Chairman Coyle:

The Department has completed a review of the Collier County proposed Evaluation and Appraisal Report (EAR) and has enclosed comments and recommendations for your consideration, including review comments from other state and regional agencies.

The proposed EAR makes progress in evaluating the comprehensive plan as part of the EAR process. However, the EAR should be revised and strengthened to address the issues identified by the Department in the enclosed review comments. This will ensure that the EAR sufficiently addresses the requirements of Section 163.3191, Florida Statutes (F.S.).

In part, the Department's comments focus on the need to revise the EAR to address: (1) assessment of plan objectives for major issues; (2) assessment of corrective actions or plan amendments for the major issues based on the assessment of plan objectives; (3) incomplete information to address community-wide assessment requirements (revised population projections; and changes in growth management laws since 2008); (4) assessment of water supply planning; (5) assessment of past reductions in land use density within the coastal high hazard area; (6) assessment of the extent to which the transportation concurrency exception area and transportation concurrency management areas have achieved their purposes; and (7) the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing the concurrency management system in coordination with the municipalities and county. The Department encourages the County to make the necessary revisions to the EAR based on the enclosed review comments.

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Please note that a formal sufficiency determination was not conducted at this time; this will be done after the EAR is adopted by the County. However, the review comments, if not adequately addressed in the adopted EAR, may serve as sufficiency issues. We have also included a copy of regional and state agency comments for your consideration.

With respect to any suggested comprehensive plan amendments identified in the EAR, the Department's review comments do not constitute a compliance review of the proposed amendments. EAR-based plan amendments suggested in the EAR will be reviewed in accordance with the requirements of Chapter 163, Part II, F.S., and Rule 9-J, Florida Administrative Code (F.A.C.), when submitted as proposed plan amendments.

As the County prepares the adopted EAR, Department staff is prepared to further discuss the issues raised in the review comments. If you have any questions concerning this matter, please contact Brenda Winningham, Regional Planning Administrator, at (850) 487-4545, or Scott Rogers, Principal Planner, at (850) 922-1758.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/sr

Enclosures: Review Agency Comments

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning  
Council  
Nick Casalanguida, Interim Administrator, Community Development and Environmental  
Services Division

DEPARTMENT OF COMMUNITY AFFAIRS COMMENTS  
FOR  
COLLIER COUNTY  
PROPOSED EVALUATION AND APPRAISAL REPORT

**1. The identification of major issues and, where pertinent, the potential social, economic, and environmental impacts of these issues [Section 163.3191(2)(e)]:**

The proposed EAR sufficiently addresses the requirement of Section 163.3191(2)(e), F.S., except with regard to the major issues of “Urban Development Pattern” and “Intergovernmental Coordination” for which the EAR does not identify, where pertinent, the potential social, economic, and environmental impacts of the issues. Revise the EAR to identify, where pertinent, the potential social, economic, and environmental impacts relevant to the major issues of Urban Development Pattern and Intergovernmental Coordination.

**2. An assessment of whether plan objectives within each element, as they related to major issues, have been achieved, and whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to major issues in each element [Section 163.3191(2)(g)]; and, Any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report [Section 163.3191(2)(i)]:**

The proposed EAR does not sufficiently address the requirements of Sections 163.3191(2)(g) and (i), F.S., for the major issues as follows:

a. (Major Issue: Climate Change): The proposed EAR identifies many Comprehensive Plan objectives/policies that are relevant to the issue of climate change. However, for many of these objectives/policies, the EAR does not assess the following: (1) how has the objective/policy been implemented over the evaluation period, including specific examples of the implementation; (2) why the implementation has been effective or ineffective in achieving the purpose of the objective/policy; and (3) based on 1 and 2, why revisions are needed or not needed to the objective/policy, and identification of the extent/nature of the revisions. Revise the EAR to include the assessment.

b. (Major Issue: Urban Development Pattern): The proposed EAR section titled “Major Issues” does not address the major issue of “Urban Development Pattern.” The section titled “Major Issues does not include an assessment addressing: (1) identification of the plan objectives related to the intergovernmental coordination major issue; (2) evaluation of whether the objectives have been achieved, and whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to intergovernmental coordination; and (3) evaluation of any actions or corrective measures, including whether plan amendments are anticipated to address intergovernmental coordination. Revise the EAR to include the assessment.

c. (Major Issue: Water Resource Protection): Part of the major issue pertains to floodplain management programs and existing criteria. The proposed EAR section titled “Major Issues” does not include an assessment addressing: (1) identification of the plan objectives related to the floodplain management programs and existing criteria; (2) evaluation of whether the objectives have been achieved, and whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to the floodplain management programs and existing criteria; and (3) evaluation of any actions or corrective measures, including whether plan amendments are anticipated to address floodplain management and existing criteria. Revise the EAR to include the assessment.

d. (Major Issue: Intergovernmental Coordination): The proposed EAR section titled “Major Issues” does not address the major issue of “Intergovernmental Coordination.” The section titled “Major Issues” does not include an assessment addressing: (1) identification of the plan objectives related to the intergovernmental coordination major issue; (2) evaluation of whether the objectives have been achieved, and whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to intergovernmental coordination; and (3) evaluation of any actions or corrective measures, including whether plan amendments are anticipated to address intergovernmental coordination. Revise the EAR to include the assessment.

e. (Major Issue: Rural Lands Stewardship Area Overlay): The proposed EAR section titled “Major Issues” does not sufficiently address the major issue of “Rural Lands Stewardship Area Overlay” (RLSA Overlay) because of the following: (1) the EAR states that, pursuant to Future Land Use Element Policy 1.22, the County prepared two reports (Report I in 2008, and Report II in 2009) evaluating the RLSA Overlay, but the EAR does not include Reports I and II or a sufficient summary assessment of Reports I and II for the Department to determine that the evaluation of the effectiveness of the RLSA Overlay is sufficient; and (2) the EAR recommends revisions to Comprehensive Plan policies for the RLSA, but these recommended revisions are not based on a sufficient assessment of the effectiveness of the RLSA Overlay. Revise the EAR to include a complete sufficient assessment of the effectiveness of the RLSA Overlay and to demonstrate that the recommended revisions to policies are based on the assessment.

### **3. Population growth and changes in land area [Section 163.3191(2)(a)]:**

The proposed EAR does not sufficiently address the requirements of Section 163.3191(2)(a) and (i), F.S., because the EAR does not include revised population projections for the new updated planning timeframe, which the EAR (Future Land Use Element pages 37-38) suggests may be year 2025. The EAR should be revised to include updated population projections to address the new planning timeframe.

**4. Relevant changes in growth management laws [Section 163.3191(2)(f)]:**

The proposed EAR does not sufficiently address Section 163.3191(2)(f), F.S. because the proposed EAR section titled “Statutory Changes” does not identify changes to Chapter 163, Part II, Florida Statutes, since the year 2008. Revise the section titled “Statutory Changes” to identify the statutory changes since year 2008.

**5. An assessment of the extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in Section 373.0361(2)(a) within the local government’s jurisdiction. An evaluation of the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development. [Section 163.3191(2)(I)]:**

The proposed EAR does not include a section that specifically addresses the requirements of Section 163.3191(2)(I), F.S. Revise the EAR to include a section that very briefly addresses the requirements of Section 163.3191(2)(I), F.S.

**6. An evaluation of whether any past reduction in land use density within the coastal high hazard area impairs the property rights of current residents when redevelopment occurs. The local government must identify strategies to address redevelopment and the rights of affected residents balanced against public safety considerations. [Section 163.3191(2)(m)]:**

The proposed EAR does not sufficiently address Section 163.3191(2)(m), F.S. Collier County has coastal high hazard area; however, the proposed EAR does not include an evaluation of whether any past reduction in land use density within the coastal high hazard area impairs the property rights of current residents when redevelopment occurs, and include in such an evaluation the identification of strategies to address redevelopment and the rights of affected residents balanced against public safety considerations. The EAR should be revised to include the evaluation.

**7. An evaluation of the extent to which a concurrency management exception area designated pursuant to Section 163.3180(5), a concurrency management area designated pursuant to Section 163.3180(7), or a multimodal transportation district designated pursuant to Section 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of Section 163.3180. [Section 163.3191(2)(o)]:**

The proposed EAR does not sufficiently address Section 163.3191(2)(o), F.S. Collier County has designated a Transportation Concurrency Exception Areas (South U.S. 41 TCEA) and two Transportation Concurrency Management Areas (Northwest TCMA; and East Central TCMA), and the proposed EAR does not evaluate the extent to

which these areas have achieved the purpose for which they were created and otherwise comply with the provisions of Section 163.3180, F.S. Revise the EAR to include the evaluation.

**8. An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to Section 163.3180(10). [Section 163.3191(2)(p)]:**

The proposed EAR does not include a section that addresses the requirements of Section 163.3191(2)(p), F.S. Revise the EAR to include a section that specifically and sufficiently addresses the requirements of Section 163.3191(2)(p), F.S.