

**1.6 - Relevant Changes in Growth Management Laws (the comprehensive plan, the appropriate strategic regional policy plan, Chapter 163, part II, F.S., And Chapter 9J-5, F.A.C)**

**A. Introduction & Background:**

Subsection 163.3191(2)(f), Florida Statutes (F.S.), requires that the Evaluation & Appraisal Report (EAR) assess the consistency of Collier County’s adopted local comprehensive plan with relevant changes in the growth management polices expressed in 1) Section 187.02, F.S., the State Comprehensive Plan, 2) the applicable strategic regional policy plan, 3) Chapter 163, Part II, F.S., the Local Government Comprehensive Planning Act, and 4) Chapter 9J-5, the Minimum Criteria for review of Local Government Plans. This section of the EAR only evaluates growth management policy changes that may have occurred between 1996 and 2003. Changes made prior to 1996 were addressed during the 1996 EAR. Based upon any observed inconsistencies between the local comprehensive plan and the above-referenced documents, this section of the EAR also recommends proposed corrective amendments to the Collier County Growth Management Plan (GMP).

**B. Consistency with State Comprehensive Plan:**

No revisions or modifications have been made to the State Comprehensive Plan during the period between 1996 and 2003, therefore the Collier County Growth Management Plan is consistent with the State Comprehensive Plan.

**C. Consistency with the Strategic Regional Policy Plan for the Southwest Regional Planning Council:**

The Florida Statutes require regional planning councils to adopt “Strategic Regional Policy Plans” (SRPPs). The Southwest Florida Regional Planning Council (SWFRPC) updated its SRPP on July 4, 2002. Therefore, the current SRPP differs from the 1995 plan that was evaluated in Collier County’s 1996 EAR. Collier County evaluated the current GMP for consistency with the SRPP. The following list summarizes all of the changes made to the SRPP between 1997 and 2003. The EAR-based amendments should include the correction of all observed inconsistencies between the two plans.

**CCGMP Consistency with Changes to the Strategic Regional Policy Plan**

1. SRPP New Goal Area: Affordable Housing Issue #2: “Livable Communities:” “Protect existing well-established neighborhoods and communities and revitalize those experiencing deterioration.” Several policies within the existing Housing Element (see Section 1.5.D of this report) support this Regional Goal. Therefore, no changes are recommended to the Collier County Housing Element relative to this regional Goal.
2. SRPP New Goal Area: Affordable Housing Issue #4: “Human Services:” “Coordinate local housing programs with related programs to enhance services to clients.” The new Goal identifies the following actions: 1. Coordinate with housing and service providers to promote the formation of comprehensive programs that offer job training and support

services, such as daycare and transportation, for individuals with affordable housing needs. 2. Assist local governments and housing providers in working together to apply for state and federal funds as applicable to fill identified gaps. 3. Work with service providers and local governments to identify critical needs that cannot be resolved through current funding sources. Where possible, assist communities in developing local or regional networks to address those needs. Several policies within the existing Housing Element (see Section 1.5.D of this report) support this Regional Goal. Therefore, no changes are recommended to the Collier County Housing Element relative to this regional Goal.

3. SRPP New Goal Area: Affordable Housing Issue #5: “Regional Cooperation:” Communities will work together to address regional housing needs.” The new Goal identifies the following actions: 1. Assist communities in developing interlocal agreements with neighboring communities so they work together to jointly address community-wide or regional housing concerns. 2. Continue to coordinate the Housing Providers Coalition as a means of bringing together housing providers from the Region to share information and ideas. 3. Assist housing and service providers in working together to stretch limited dollars and eliminate any unnecessary overlap of services. The Collier County Housing Element was prepared jointly with the City of Naples. It contains policies to be implemented by the City, policies to be implemented by the County, and policies that are jointly implemented by both entities. Therefore, no changes are recommended to the Collier County Housing Element relative to this regional Goal.
4. SRPP New Goal Area: Economic Development Issue #1: “Economic Infrastructure:” “Ensure a health care system that addresses the needs of both business and the work force.” The Collier County Growth Management Plan currently has no Element containing language that relates specifically to health care issues. Therefore, the EAR-based amendments should include the addition of such language to one or more Elements of the GMP.
5. SRPP New Goal Area: Economic Development Issue #1: “Economic Infrastructure:” “Ensure the availability of the infrastructure needed for advanced telecommunications and high technology.” The Collier County Growth Management Plan currently has no Element containing language that relates specifically to telecommunications issues, beyond siting criteria for towers. Therefore, EAR-based amendments should include the addition of such language to one or more Elements of the GMP.
6. SRPP New Goal Area: Economic Development Issue #3: “Livable Communities:” “Enhance support for economic development.” Collier County’s recently adopted Economic Element contains language consistent with the SRPP Goal. Therefore, the existing Collier County GMP is consistent with this Regional Goal.
7. SRPP New Goal Area: Economic Development Issue #4: “Diversity:” “Inventory the business incentives offered in the Region.” Collier County recently adopted a countywide program of economic incentives to attract new businesses. However, these incentives are not currently reflected within the County’s Economic Element. Therefore, EAR-based amendments should include the addition of a policy to the Economic Element, which incorporates the Incentives Ordinance by reference.

8. SRPP New Goal Area: Economic Development Issue #4: “Diversity:” “Work with communities to develop eco-tourism.” Collier County’s recently adopted Economic Element contains language consistent with the SRPP Goal. Therefore, the existing Collier County GMP is consistent with this Regional Goal.
9. SRPP New Goal Area: Issue #6: “Regional Cooperation.” “Promote regional cooperation and coordination for economic development.” Collier County’s recently adopted Economic Element contains language consistent with the SRPP Goal. Therefore, the existing Collier County GMP is consistent with this Regional Goal.
10. SRPP New Goal Area: Issue #6: “Regional Cooperation.” “Provide technical assistance to member local governments and other public economic development entities.” Collier County regularly provides technical assistance to the Collier County Economic Development Council (EDC), which in turn works with the County’s three municipalities. Additionally, Collier County’s recently adopted Economic Element contains language consistent with the SRPP Goal. Therefore, the existing Collier County GMP is consistent with this Regional Goal.
11. SRPP New Goal Area: Emergency Preparedness Issue #3: “Livable Communities:” “Maintain up-to-date fuel shortage and energy loss emergency response plans.” Currently, the Collier County Comprehensive Emergency Management Plan (which is adopted by reference in the County’s Conservation and Coastal Management Element) does not have policies or procedures dealing specifically with fuel shortages or energy loss, except in the context of a larger countywide disaster (such as a hurricane). Therefore, the County Emergency Management Plan will need to be amended, at some point in the future, to include such policies and procedures.
12. SRPP New Issue/Goal Area: Regional Transportation Issue #1: “Balanced Intermodal/Multimodal System:” “Coordinate investments in rail infrastructure with the needs of the private sector to maximize the development of existing and future industrial, manufacturing and agricultural centers.” The only active rail line in Collier County is for the specific use of a cement plant in the North Naples portion of the County. Otherwise, all former railroad lines in the County have been long-since abandoned and torn up. There appears to be no significant demand for this type of transportation facility. Therefore, the County Growth Management Plan is consistent with the Regional Goal.
13. SRPP New Issue/Goal Area: Regional Transportation Issue #2: “Livable Communities:” “Incorporate community impact assessment techniques throughout the transportation project planning and development process.” The SRPP has established three indicators relative to this Regional Goal:
  - ❖ Number of communities using community impact assessment techniques
  - ❖ Formation of a community continuing public education/information program, and
  - ❖ Number of persons adversely impacted by transportation projects or enhancements.

Collier County’s road improvement planning process is carried out via the public meetings of the Collier County Metropolitan Planning Organization. Also, the County’s Transportation

Division utilizes advisory committees regarding various types of transportation issues. However, the Regional Goal calls specifically for the use of “community impact assessment techniques,” and the County does not currently require the use of such techniques. Therefore, the Transportation Element will be amended to incorporate the use of such techniques within the transportation planning process.

14. SRPP New Issue/Goal Area: Regional Transportation Issue #2: “Livable Communities:” “Report annually on the relationship between transportation, natural and manmade resources and impact on the quality of life.” The Regional Goal contains three indicators:

- ❖ Maintenance of air quality standards
- ❖ Acreage of wetlands and significant uplands impacted by new transportation systems, and
- ❖ Number of protected (wildlife) corridor travel ways/crossings.

The County’s Conservation and Coastal Management Element (CCME; see Section 1.5.F of this report) contains goals, objectives and policies relative to all of the stated regional indicators. Therefore, the Collier County Growth Management Plan is consistent with the Regional Goal.

15. SRPP New Issue/Goal Area: Regional Transportation Issue #4: “Transportation System:” “Develop tools, approaches, and funding opportunities represented by ITS (International Transportation Society) for addressing local transportation system management and operational needs.” Although Collier County’s Transportation Element contains no specific language relative to the above regional issue, the County’s transportation engineers and planners are required to maintain knowledge and awareness of the most currently recognized transportation “tools, approaches, and funding opportunities,” and employ such tools and strategies whenever feasible. Therefore, the Collier County Growth Management Plan is consistent with the Regional Goal.

16. SRPP New Issue/Goal Area: Regional Transportation Issue #5: “Regional Cooperation:” “Implement new financing alternatives to overcome the shortfall of transportation funding.” The County’s Transportation Element (see Section 1.5.B of this report) contains a neighborhood traffic safety program that relies on the creation of neighborhood MSTUs/MSBUs for funding of traffic calming devices and strategies. Therefore, the Collier County Growth Management Plan is consistent with the Regional Goal.

**D. Consistency with Chapter 163, Part II, Florida Statutes (F.S.):**

Chapter 163, Part II, F.S., covers Growth Policy, County and Municipal Planning, and Land Development Regulation. The following list summarizes legislative changes made to Chapter 163 between 1996 and 2003, and identifies whether 1) these changes require modification to any particular CCGMP Element, 2) whether the changes have already been addressed through prior plan amendments, and 3) whether the changes are optional or are simply procedural in nature.

### **CCGMP Consistency with Changes to Chapter 163, F.S. (1997 - 2003)**

1. A 1996 change to section 163.3187 (1) (c), F.S., amended the criteria for small-scale amendments that are exempt from the twice-per-year State review limitation. Changes to the County's plan amendment procedures have previously addressed this amendment.
2. A 1996 change to Section 163.3177 (6) (h), F.S., required the Intergovernmental Coordination Element (ICE) to include consideration of school board plans. This requirement was considered optional; however, the County has since amended its Future Land Use Element and Land Development Code to include consideration of the plans of the Collier County School District.
3. A 1996 change to Section 163.3177 (6) (h), F.S., revised the requirements for processes and procedures to be included within the ICE. However, this requirement was later made optional and was not adopted by Collier County.
4. A 1996 change to Section 163.3177 (6) (h), F.S., required local governments to establish joint review processes (with other local jurisdictions) for review of large-scale land development projects within one year after adoption of the revised ICE. However, this requirement was later made optional and was not adopted by Collier County.
5. A 1996 change to Sections 163.3177 (6) (h) 1 & 2, F.S., and Section 163.3180 (1) (b) 2., F.S., required local governments that elected to extend concurrency to public schools to satisfy intergovernmental coordination requirements. The County's ICE has been previously amended consistent with this requirement.
6. A 1996 change created Section 163.3217, F.S., which permitted the creation of a municipal overlay through the plan amendment process. This requirement was made optional and was not adopted by Collier County.
7. A 1996 change created 163.3244, F.S, which authorized the Florida Department of Community Affairs (DCA) to undertake a sustainable communities demonstration project. This requirement was not applicable to Collier County.
8. A 1997 change to section 163.3180 (6), F.S., amended the definition of a de minimis impact as pertaining to concurrency requirements. This was a procedural requirement that has been addressed by Collier County.
9. A 1997 change to Section 163.3184 (14), F.S., established the requirement that local plans or plan amendments relative to a designated Area of Critical State Concern (ACSC) must be found in compliance via the issuance of a Final Order by the Florida Administration Commission. Collier County's rules and regulations for the Big Cypress ACSC incorporate this provision.

10. A 1997 change to Section 163.3187 (1) (c), F.S., amended the maximum annual acreage criterion for small-scale amendments in Duval County. This requirement was not applicable to Collier County.
11. A 1997 change to Section 163.3187 (2) (b), F.S., prohibited locally adopted plan amendments involving Areas of Critical State Concern (ACSCs) from becoming effective if the amendments had been found “not in compliance.” Collier County’s rules and regulations for the Big Cypress ACSC incorporate this provision.
12. A 1998 change to Section 163.3177 (3) (a) 4., F.S., required the local government comprehensive plan’s Capital Improvement Element (CIE) to set forth standards for the management of debt. Collier County’s CIE includes provisions for debt management.
13. A 1998 change to Section 163.3177 (5) (a), F.S., required the inclusion of both 5-year and 10-year planning periods in local comprehensive plans. Collier County’s Growth Management Plan is consistent with this provision.
14. A 1998 change to Section 163.3184 (3) (d), F.S., allowed local governments to submit multiple comprehensive plan amendments within one amendment cycle. This had been the norm, but the practice was technically inconsistent with State Law until this Statute was amended. Collier County’s plan amendment process is consistent with this provision.
15. A 1998 change to Sections 163.3164 (31) and 163.3245, F.S., defined optional sector plans and allowed local governments to address Development of Regional Impact (DRI) issues in certain geographic areas specifically identified within the local plan. This requirement was made optional and was not adopted by Collier County.
16. A 1998 change created Section 163.3177 (12), F.S., which set forth the requirements to be met by a new Public School Facilities Element, adopted by a local government to address school concurrency. Collier County does not have a Public School Facilities Element in its Growth Management Plan. However, the County has adopted similar provisions in its Future Land Use and other Elements.
17. A 1998 change created Section 163.3180 (12), F.S. (later made Section 163.3180 (13), F.S.), which established minimum requirements for local governments to follow when imposing school concurrency. At the time, Collier County did not have a school concurrency program. However, the County has since adopted such a program in its Future Land Use and other Elements.
18. A 1998 change created Section 163.3180 (13) (now Section 163.3180 (14)), F.S., which requires DCA to adopt minimum criteria to be used in determining compliance for a local government Public School Facilities Element. This amendment was not applicable to Collier County.

19. A 1998 change to Section 163.3191 (2) (i), F.S., required local government Evaluation and Appraisal Reports to assess coordination of the local government comprehensive plan with existing school facilities needs and the local school district's 5-year planning program. The current EAR evaluates these issues in Section 3.1 of this Report.
20. A 1998 change to Section 163.3184 (1) (b), F.S., required a DCA finding of "in compliance" (by a local comprehensive plan) to include consistency with Sections 163.3180 & 163.3245, F.S. This requirement was not applicable to Collier County.
21. A 1998 change to Sections 163.3184 (2), (4) & (6), F.S., required DCA to maintain documents relating to local plan amendments, limited DCA comments to written materials, and required the Department to disclose (in printed form) all written communications that it receives within 30 days of a proposed amendment's transmittal by the local government. This requirement was not applicable to Collier County.
22. A 1998 change to section 163.3187 (6) (b), F.S., provided that local governments have one year, after the adopted EAR is determined to be sufficient or insufficient, to adopt EAR-based amendments. Collier County's EAR process is consistent with this requirement.
23. A 1998 change to Section 163.3191, F.S., substantially reworded this Statute, which includes requirements for local Evaluation & Appraisal Reports. The current Collier County EAR is being prepared in accordance with this Statute.
24. A 1998 change to Section 163.3177 (6) (i), F.S., changed population requirements for counties and cities submitting certain optional Plan Elements. The Collier County Growth Management Plan was previously amended to be consistent with this requirement.
25. A 1999 change created Sections 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., which are designed to promote urban infill and redevelopment. The Collier County Growth Management Plan was previously amended to be consistent with this requirement.
26. A 1999 change to Section 163.3177 (6) (a), F.S., required local comprehensive plans to be consistent with school siting requirements. The current Collier County Growth Management Plan is consistent with this requirement.
27. A 1999 change to Section 163.3180 (1) (a), F.S., officially made transportation facilities subject to concurrency. The current Collier County Growth Management Plan is consistent with this requirement.
28. A 1999 change to Section 163.3180 (1), F.S., required the use of "professionally accepted techniques" for measuring transportation levels of service. The current Collier County Growth Management Plan is consistent with this requirement.

29. A 1999 change to Section 163.3180 (4) (b), F.S., excluded public transit facilities from concurrency requirements. The current Collier County Growth Management Plan is consistent with this requirement.
30. A 1999 change to Section 163.3180 (12), F.S., allowed multi-use developments of regional impact (DRIs), when specifically authorized to do so by the local comprehensive plan, to satisfy transportation concurrency requirements through payment of a proportionate share contribution. This provision was optional, but was later adopted by Collier County.
31. A 1999 change to Section 163.3180 (15), F.S., allowed local governments to establish multi-modal transportation districts if certain pedestrian movement conditions were met. The current Collier County Growth Management Plan is consistent with this requirement.
32. A 1999 change to Sections 163.31879 (1) (h) and (i), F.S., exempted urban infill, community redevelopment areas, and public school concurrency amendments from the twice-per-year DCA review limitation. Collier County's plan amendment process is consistent with this requirement.
33. A 2000 change to Section 163.3220 (2) (b), F.S., added brownfield designations to those types of projects which may proceed through the local government developer agreement process.
34. A 2000 change to Section 163.3184 (11) (c), repealed an earlier requirement that placed State funds withheld from a local government due to a noncompliance finding into the State's Growth Management Trust Fund. This amendment was not applicable to Collier County.
35. A 2000 amendment repealed Section 163.3187 (7), F.S., which had to do with DCA consideration of a local government's petition to increase the annual acreage limitation for small-scale amendments. This amendment was not applicable to Collier County.
36. A 2000 change to Section 163.3191 (15), F.S., addressed the DCA review of certain Evaluation & Appraisal Reports with due dates in 1998 and 1999. This amendment was not applicable to Collier County.
37. A 2000 change to Section 163.3187 (1) (c) 1.e., F.S., exempted amendments involving small-scale development within Areas of Critical State Concern from the DCA twice-per-year review limitation, if such amendments involved the construction of affordable housing. Collier County's plan amendment process is consistent with this requirement.
38. A 2001 change to Section 212.2517 (3) (j) 2., F.S., created tax incentives relative to urban infill development. This amendment was not applicable to Collier County.

39. A 2001 change to Section 163.3177 (11) (d), F.S., required DCA to assist local governments in discouraging urban sprawl. This amendment was not applicable to Collier County.
40. A 2002 change to Section 163.3174, Florida Statutes, required local boards that review plan amendments and rezone petitions to include a non-voting representative of the local school district. Collier County's review process is consistent with this requirement.
41. A 2002 change to Section 163.3177 (4) (a), F.S., requires the coordination of local government comprehensive plans with applicable Water Management District water supply plans. These issues are reviewed within Section 3.2 of this report.
42. A 2002 change to Section 163.3177 (6) (a), F.S., allowed map amendments relative to school siting to be exempt from DCA's twice-per-year review limitation. Collier County's plan amendment process is consistent with this requirement.
43. A 2002 change to Section 163.3177 (6) (c), F.S., required the Potable Water Sub-Element to consider the applicable Water Management District water supply plans and to include a 10-year water supply facilities plan. These issues are reviewed within Section 3.2 of this report.
44. A 2002 change to Section 163.3177 (6) (d), F.S., required the Conservation and Coastal Management Element (CCME) to consider the applicable Water Management District water supply plans or water management plans. These issues are reviewed within Section 3.2 of this report.
45. A 2002 change to Section 163.3177 (6) (h), F.S., required the Intergovernmental Coordination Element to state the principles used to coordinate the comprehensive plan with the applicable regional water supply plan. These issues are reviewed within Section 3.2 of this report.
46. A 2002 change to Sections 163.3177 (6) (h) 6., 7., & 8., F.S., requires counties with a population exceeding 100,000 to submit a report to DCA identifying certain interlocal service agreements, any observed service deficiencies or overlaps, and any resultant proposed amendments to the Intergovernmental Coordination Element. Collier County has recently completed such a report.
47. A 2002 change created Section 163.3177 (6) (h) 9., F.S., which allowed local governments to provide the legislature with recommendations on changes to State municipal annexation laws by February 2003. This requirement was optional and did not directly impact Collier County.
48. A 2002 change created Section 163.31777, F.S., which required local governments and school boards to establish an interlocal agreement addressing provisions for enrollment forecasting, school capacity, school infrastructure, safety concerns, the use of schools as

emergency shelters, and the shared use of school facilities. The Collier County Growth Management Plan is consistent with this requirement.

49. A 2002 change to Section 163.3180 (4) (c), F.S., added a provision that allows local governments to waive transportation concurrency requirements for certain designated urban infill and redevelopment areas. The Collier County Growth Management Plan is consistent with this requirement.
50. A 2002 change to Section 163.3184 (1) (a), F.S., added property owners to the list of “affected persons” relative to a comprehensive plan or plan amendment. The Collier County Growth Management Plan is consistent with this requirement.
51. A 2002 change to Sections 163.3184 (3), (4), (6), (7) & (8), F.S., allowed for streamlining of the comprehensive plan amendment review process. The Collier County Growth Management Plan is consistent with this requirement.
52. A 2002 change to Section 163.3184 (15) (c), F.S., required the local government to provide public sign-in forms at public hearings for plan amendment transmittal and adoption. Collier County’s plan amendment process is consistent with this requirement.
53. A 2002 change to Section 163.3187 (1) (k), F.S., exempted plan amendments related to transportation life-safety issues from the DCA twice-per-year review limitation. Collier County’s plan amendment process is consistent with this requirement.
54. A 2002 change to Sections 163.3191 (l) & (m), F.S., required local Evaluation & Appraisal Reports to consider regional water supply issues and whether reductions of residential density in coastal high hazard areas have impaired private property rights. The current Evaluation & Appraisal Report examines these issues in Sections 3.2 and 3.3 of this report.
55. A 2002 change created Section 163.3215, F.S., which allows local governments to establish a special master process relative to local comprehensive plan consistency-based challenges of local development orders. This process was optional and has not been adopted by Collier County.
56. A 2002 change created Section 163.3246, F.S., which creates a certification process to allow local comprehensive plans to be subject to reduced State oversight, provided that certain requirements are met. Collier County has not sought certification through this process.
57. A 2002 change created Section 163.3194 (6), F.S., which prohibits a local government from denying development approval for certain proposed solid waste management facilities if the facilities have received permit approval by the Florida Department of Environmental Protection. This requirement is not applicable to Collier County.

## **E. Consistency with Rule 9J-5, Florida Administrative Code (F.A.C.):**

Rule 9J-5, Florida Administrative Code, (F.A.C.) establishes minimum criteria for the preparation, and State reviews of local government comprehensive plans and plan amendments pursuant to Chapter 163, Florida Statutes. The following list summarizes legislative changes made to Rule 9J-5 between 1996 and 2003 and identifies whether 1) these changes require modification to any particular CCGMP element, 2) the changes have already been addressed through prior plan amendments, or 3) if the changes are optional or are simply procedural in nature.

### **CCGMP Consistency with Changes to Rule 9J-5, F.A.C. (1996- 2003)**

1. A February 1996 change to Rule 9J-5.007, 8, & 9, F.A.C., (reference: 163.3177 FS & 9J-5.019, F.S.) repealed rule requirements for local governments' Traffic Circulation, Mass Transit, and Ports, Aviation and Related Facilities Elements. However, Statutory requirements for the Elements were not repealed. Collier County has a "Traffic Circulation Element (the County's Transportation Element), but does not have the other referenced Elements. The County Transportation Element is reviewed in Section 1.5.B of this report.
2. A February 1996 change to Rule 9J-5.0014, F.A.C., (reference: 163.3177, F.S.) repealed rule requirements for the local Recreation and Open Space Element. However, Statutory requirements for the Elements were not repealed. An evaluation of Collier County's Recreation & Open Space Element is contained in Section 1.5.E of this report.
3. A February 1996 change repealed Rule 9J-5.021, F.A.C., (reference: 163.3184, F.S.), which required local comprehensive plans to be consistent with the applicable Comprehensive Regional Policy Plan and the State Comprehensive Plan. However, Statutory requirements were not repealed. This Section of the Evaluation & Appraisal Report addresses consistency with the Southwest Florida Strategic Regional Policy Plan and the State Comprehensive Plan.
4. An October 1998 change created Rule 9J-5.025, F.A.C., (reference: 163.3177 (9), 163.3177 (12), 163.3180 (12), and 163.3180 (13), F.S.), which established concurrency requirements for the optional Public School Facilities Element. Collier County does not have such an Element as part of its Growth Management Plan.
5. A March 1999 change to Rule 9J-5.003, F.A.C., (reference: 163.3164, F.S.) added definitions for "mass transit facilities" and "stormwater management facilities," and revised definitions for "affordable housing," "coastal planning area," "port facility," "wetlands," and the terms: "adjusted for family size," "adjusted gross income," "development," "high prime recharge area," "mass transit," "paratransit," "public facilities," and "very low-income family." The Collier County Growth Management Plan employs these phrases and terms consistent with the Rule.
6. A March 1999 change to Rule 9J-5.005 (2) (g) & 8 (j), F.A.C., (reference: 163.3167, 163.3171, 163.3174, 163.3177, 163.3178, 163.3181, 163.3184, 163.3187, 163.3191, 163.3194, F.S.) revised requirements concerning the adoption of documents by reference

into the local comprehensive plan. The Collier County Growth Management Plan is consistent with this requirement.

7. A March 1999 change repealed Rule 9J-5.0053 (2) to (5), F.A.C., which contained requirements for adoption, transmittal, submittal and evaluation of local government Evaluation & Appraisal Reports. However, relevant statutory requirements were not repealed. This Section of the Collier County Evaluation & Appraisal Report reviews the compliance of the Collier County Growth Management Plan with the statutory provisions.
8. A March 1999 change to Rule 9J-5.0055 (3) (c) 6., F.A.C., (reference: 163.3180(6), F.S.) revised the conditions for de minimis impacts of a development with regard to concurrency requirements. The Collier County Growth Management Plan is consistent with this requirement.
9. A March 1999 change to Rule 9J-5.006 (4), F.A.C., (reference: 163.3177 (9), (10), 163.3180 (14), F.S.) required designated transportation concurrency exception areas and potential future municipal incorporation areas to be shown on the Future Land Use Map Series. Collier County's designated Transportation Concurrency Exception Area (see Section 1.5.B of this report) complies with this rule.
10. A March 1999 change to Rule 9J-5.011 (2) (b) 5., F.A.C., (reference: 163.3177(6) (c), F.S.), required the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high and prime recharge areas. Collier County's Public Facilities Element (see Sections 1.5.C.1 through 5 of this report) addresses this requirement.
11. A March 1999 change repealed Rule 9J-5.015 (4), F.A.C., (reference: 163.3177(9), (10), F.S.) which had required local governments with a population exceeding 100,000 to establish an intergovernmental review process, via their Intergovernmental Coordination Element, for large-scale developments.
12. A March 1999 change to Rule 9J-5.019 (1), F.A.C., (reference: 163.3177(9), (10), F.S.) clarified local governments which were required to adopt a Traffic Circulation Element and which must prepare Mass Transit and Ports, Aviation and Related Facilities Elements. Collier County's "Traffic Circulation Element" is included within the Transportation Element (see Section 1.5.B of this report). The County is not required to have the other referenced Elements.
13. A March 1999 change to Rule 9J-5.019 (4) (c) 15 – 21, F.A.C., (reference: 163.3177(9), (10), F.S.) required additional policies for local Transportation, Future Land Use and Conservation & Coastal Management Elements, regarding onsite traffic flow, acquisition and preservation of transit rights-of-way and corridors, expansion of port and airport facilities, mitigating port and airport expansion impacts upon natural resources, conservation of natural resources regarding ports and airports, coordinated intermodal management associated with ports and airports, and protection of ports and airports from incompatible land uses. The Collier County Growth Management Plan is consistent with this Rule.

14. A March 1999 change to Rule 9J-5.022, F.A.C., (reference: 163.3202(2), F.S.) added standards for DCA review of local Land Development Regulations. Collier County's Land Development Code Amendment process is consistent with these standards.
15. A March 1999 change to Rule 9J-5.023, F.A.C., (reference: 163.3202 (5), F.S.) added criteria for use by DCA in determining whether land development regulations are consistent with the local comprehensive plan. Collier County's Land Development Code Amendment process is consistent with these criteria.
16. A February 2001 change to Rule 9J-5.003, F.A.C., (reference: 163.3164, F.S.) defined the term "general lanes," with regard to the Florida Intrastate Highway System (FIHS), revised the definition of "marine wetlands," and repealed a definition for "public facilities and services." The Collier County Growth Management Plan is consistent with these changes.
17. A February 2001 change to Rule 9J-5.005 (7), F.A.C., (reference: 163.3177, 163.3178, and 163.3191, F.S.) revised DCA procedures for monitoring, evaluating and appraising implementation of local comprehensive plans. This change did not directly impact Collier County.
18. A February 2001 change repealed Rule 9J-5.0053, F.A.C., (reference: 163.3177, 163.3178, and 163.3191, F.S.) which had contained earlier requirements for monitoring, evaluating and appraising implementation of local comprehensive plans. This change did not directly impact Collier County.
19. A February 2001 change to Rule 9J-5.0055 (1) & (2), F.A.C., (reference: 163.3177(9), (10), (11)(e) F.S.) revised the local government concurrency management system requirements to add provisions for establishing public school concurrency. The Collier County Growth Management Plan is consistent with these changes.
20. A February 2001 change to Rule 9J-5.0055 (2) (b) & (3) (c), F.A.C., (reference: 163.3177(9), (10), (11)(e) F.S.) authorized the establishment of multi-modal transportation Level Of Service (LOS) standards and established requirements for the creation of multi-modal transportation districts. These requirements are optional and have not been adopted by Collier County.
22. A February 2001 change to Rule 9J-5.0055 (2) (c), F.A.C., (reference: 163.3180(10), F.S.) authorized local governments to establish LOS standards for general use lanes on the Florida Intrastate Highway System. The Collier County Growth Management Plan is consistent with these changes.
23. A February 2001 change to Rule 9J-5.0055 (8), F.A.C., (reference: 163.3180 (4) (b), F.S.) exempted public transit facilities from concurrency management requirements. The Collier County Growth Management Plan is consistent with these changes.
24. A February 2001 change to Rule 9J-5.0055 (9), F.A.C., (reference: 163.3180(11), and 163.3180(12), F.S.) authorized local comprehensive plans to permit payment of a proportional share contribution by multi-use developments of regional impact (DRIs),

relative to transportation impacts. The Collier County Growth Management Plan is consistent with these changes.

25. A February 2001 change to Rule 9J-5.006 (4), F.A.C., (reference: 163.3177 (9), (10), 163.3180 (14), F.S.) required the local Future Land Use Map to delineate multi-modal transportation districts, if such have been established. Collier County has no such established districts.
26. A February 2001 change to Rule 9J-5.006 (6), F.A.C., (reference: 163.3177 (9), (10), 163.3180 (14), F.S.) required the local government to set design standards for multi-modal transportation districts. Collier County has no such established districts.
27. A February 2001 change to Rule 9J-5.010 (1) (c), F.A.C., (reference: 163.3177 (9), (10), F.S.) required the Housing Element to inventory substandard dwelling units, and repealed an earlier requirement for local housing authorities to define standards for housing conditions. Collier County staff is currently (August 2004) in the process of carrying out an inventory of substandard dwelling units in Collier County. The Collier County Housing Element is evaluated in Section 1.5.D of this report.
28. A February 2001 change to Rule 9J-5.010 (2) (b), F.A.C., (reference: 163.3177 (9), (10), F.S.) authorized local governments, as an option; to supplement the State-required affordable housing needs assessment with locally generated housing data that more clearly reflects local conditions. Collier County staff is currently (August 2004) in the process of carrying out an inventory of substandard dwelling units in Collier County. The Collier County Housing Element is evaluated in Section 1.5.D of this report.
29. A February 2001 change created Rule 9J-5.015 (3) (b), F.A.C., (reference: 163.3177 (6) (h), F.S.) which required the placement of Objectives into the Intergovernmental Coordination Element to ensure local adoption of interlocal agreements and intergovernmental coordination procedures relative to public school concurrency. The Collier County Growth Management Plan is consistent with this requirement.
30. A February 2001 change to Rule 9J-5.015 (3) (c), F.A.C., (reference: 163.3177 (9), (10), and 163.3180 (13), F.S.) specified requirements for Intergovernmental Coordination Elements concerning collaborative planning among local governments and school boards. The Collier County Growth Management Plan is consistent with this requirement.
31. A February 2001 change to Rule 9J-5.016 (4) (a), F.A.C., (reference: 163.3177 (9), (10), F.S.) required local Capital Improvement Elements to include public school facilities programs (if imposed by local option for concurrency purposes) and schedules of improvements for multi-modal transportation districts (if the local government has established such districts). These requirements were optional and were not adopted by Collier County.
32. A February 2001 change to Rule 9J-5.019 (3), F.A.C., (reference: 163.3180(15)(a) and (b), F.S.) required local governments to demonstrate (within their Transportation Elements) how

local transportation design standards support the operation of multi-modal transportation districts. Collier County has not adopted such districts.

33. A February 2001 change created Rule 9J-5.019 (4) (c) 22, F.A.C., (reference: 163.3180(15)(a) and (b), F.S.), which established pedestrian travel requirements relative to multi-modal transportation districts. Collier County has not adopted such districts.
34. A February 2001 change to Rule 9J-5.019 (4) (c) 1, F.A.C., (reference: 163.3180 (10), F.S.) authorized local governments, with the concurrence of the Florida Department of Transportation, to establish LOS standards for general lanes within the Florida Intrastate Highway System. The Collier County Growth Management Plan is consistent with this requirement.