

**THE SECOND  
EVALUATION & APPRAISAL REPORT  
ON THE COLLIER COUNTY GROWTH MANAGEMENT PLAN \***

**INTRODUCTION AND SUMMARY**

**I. Introduction & Process**

Chapter 163, Part II, Florida Statutes, F.S., also known as the Local Government Comprehensive Planning Act, requires all local governments within the State of Florida to maintain comprehensive planning programs based upon an adopted local government comprehensive plan. As part of this process, the local government must monitor changing conditions and must use this information to guide periodic amendments to the local comprehensive plan.

The periodic amendment process, which occurs once every seven years, as described in Chapter 163.3191, F.S., is a two-phase process. It begins with the preparation, by the local government, of an Evaluation & Appraisal Report (EAR). The EAR evaluates the performance of the various Elements of the local government comprehensive plan since the previous EAR-based amendment process. It assesses the successes and failures of the various Goals, Objectives, Policies and programs included within the local comprehensive plan and provides recommendations for necessary changes. Additionally, the EAR is the primary means by which the local plan can respond to changes in federal, state or regional planning requirements.

Ultimately, the recommendations contained in the EAR become the basis of proposed amendments to the local government comprehensive plan. These EAR-based amendments, as adopted by the local governing board and found in compliance with the Chapter 163, Part II, F.S., then become part of the Goals, Objectives and Policies of the local plan until the next EAR is prepared in seven years.

Collier County's first EAR was prepared and adopted by the Board of County Commissioners on July 16, 1996. The subsequent EAR-based amendments were adopted on October 18, 1997. This second EAR reviews the performance of Collier County's Growth Management Plan (GMP) from October 1997 to July 1, 2003.

\*Note: "Collier County Growth Management Plan" is the adopted title for the Comprehensive Plan as cited in Chapter 163, Part II, F.S. The two terms are in common use throughout this EAR and are interchangeable.

## **E.A.R. Requirements**

As required by Section 163.3191 (2), F.S., the EAR must address the following aspects of the GMP:

1. Local governments must identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the EAR process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so (Section 163.3191 (1) (c), F.S.).
2. The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to the following items:
  - a. Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.
  - b. The extent of vacant and developable land.
  - c. The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards.
  - d. The capability of sustaining concurrency management systems through the Capital Improvements Element (C.I.E.), as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.
  - e. The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report based amendments (October, 1997).
  - f. An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic and environmental impacts.
  - g. Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in Rule 9J-5, Florida Administrative

Code, and the appropriate strategic regional policy plan (The Southwest Florida Strategic Regional Policy Plan) since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

- h. An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.
- i. A brief assessment of successes and shortcomings related to each element of the plan.
- j. The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.
- k. A summary of the public participation program and activities undertaken by the local government in preparing the report.
- l. The local government must demonstrate coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to Section 1013.35, F.S. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decision making processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.
- m. The evaluation must consider the appropriate water management district's (the South Florida Water Management District) regional water supply plan approved pursuant to Section 373.0361, F.S. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are identified in the element as necessary to serve existing and new development and for

which the local government is responsible. Note: The due date for the 10-year Water Supply Facilities Work Plan was extended for one year by the Legislature in the 2004 session by HB 293.

- n. If any part of the jurisdiction of the local government is located within the coastal high-hazard area, the EAR must evaluate whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment (Section 163.3191 (2) (a) – (m), F.S.).

### **Organization of the EAR**

The 2004 EAR is organized into a single-bound report containing three (3) major chapters. These chapters are:

Chapter 1 – Countywide Assessment

Chapter 2 – Evaluation of Major Issues

Chapter 3 – Special Topics

Chapter 1 contains seven (7) sections. These provide required background information and assess the condition of the various Elements and Subelements of the Plan. Chapter 2 evaluates the thirty-five (35) major issues, as agreed upon between Collier County and the Florida Department of Community Affairs (DCA). Chapter 3 examines three (3) special topics, also as agreed upon between the County and the DCA.

Finally, this Introduction and Executive Summary provides a listing of all amendment recommendations, regardless of whether these recommendations were developed through assessment of a particular element, or through evaluation of a major issue or special topic.

### **Schedule**

#### **Completed Tasks:**

During 2002, County staff attended two workshops, at the offices of the Southwest Florida Regional Planning Council, in North Fort Myers, and at Charlotte County Government offices in Port Charlotte, to meet with DCA representatives and representatives from other state and regional agencies to discuss the EAR process, learn

of issues considered important by the DCA staff, and to learn how neighboring local governments intended to respond to issues identified by the State. On April 29, 2003, Comprehensive Planning staff conducted a public workshop for the Collier County Board of County Commissioners (BCC) for the purpose of identifying the final list of issues of importance (from the County's standpoint) to be evaluated during the EAR development process.

On June 2, 2003, staff presented the final list of issues at a scoping meeting with County, regional and DCA officials. On June 20, 2003 the County's Draft Letter of Understanding was submitted to the DCA. The County and the DCA agreed to the Final Letter of Understanding on July 28, 2003 including the EAR review period closure date of July 1, 2003. Since that time, Comprehensive Planning staff has been coordinating the preparation of the EAR with other County agencies and has been gathering and analyzing data to be used in the report. From November 2003 through January 2004, staff finalized the various sections of the Report.

On April 20 and May 17, 2004, the BCC and the Collier County Planning Commission (CCPC) held joint workshops and public hearings on the draft EAR. As a result of the information and various input from the Commissioners and the public, staff revised the EAR to reflect the direction set forth by the BCC and CCPC. The EAR contains additional information and language regarding two revisions as gleaned from the joint workshops concerning the Density Rating System of the Future Land Use Element and the future development of the Activity Centers on the Future Land Use map.

The CCPC held its adoption public hearing for the EAR on July 15, 2004. The BCC's adoption hearing was held on July 27, 2004. The adopted EAR is being submitted to the DCA and the various review agencies after changes approved by the BCC at its July 27, 2004 public hearing have been incorporated into this EAR.

Upon receiving the County's adopted EAR, the DCA will commence review of the report for sufficiency with Chapter 163.3191. The tentative date for the DCA's Sufficiency Letter determination is on or about November 3, 2004.

## **II. Summary of Major Issues & Special Topics**

The EAR includes sections that examine thirty-five (35) major issues and three (3) special topics, as per the Letter of Understanding between Collier County and the DCA. At the end of this section is a Summary of Proposed Revisions to the Collier County Growth Management Plan, based upon the information contained in this Evaluation & Appraisal Report.

Possibly the most significant amendment recommended by Collier County is the decision to modify the County's Density Rating System (DRS). Since adoption of the County's original Growth Management Plan (GMP) in 1989, the DRS has been the primary means by which Collier County has allocated residential density to new development within the Urban Designated Area (areas depicted in yellow on the County's Future Land Use Map.

Currently, most new development in the Urban Area is allocated a base density of 4 units/acre. Development within the County's Urban Coastal Fringe Subdistrict may not exceed 4 units/acre except through provision of affordable housing and/or use of the County's Transfer of Development Rights (TDR) Program. Within the County's Urban Residential Fringe Subdistrict, base density is 1.5 units/acre. A portion of this latter designation may increase density to 6 units/acre through provision of affordable housing. However, for most of the Urban Residential Fringe Subdistrict, the maximum density is 2.5 units/acre, achievable only through use of the County's Rural Fringe TDR Program. For the remainder of the Urban Designation, new development may achieve a maximum density of 16 units per acre, subject to zoning limitations in certain areas. However, the maximum density may only be achieved through application of the DRS during the development review process.

As currently adopted the DRS consists of a series of density bonuses and density reductions applicable only to the Urban Designated Area of the Future Land Use Map (see Section 1.5.H of this report). A summary list of the current DRS bonuses and reductions follows:

1. **Conversion of Commercial Zoning:** New development that involves the conversion of vested commercial development (i.e., commercial zoning approved prior to 1989) may receive an allocation of 16 units/acre for every 1 acre of commercial zoning being converted to residential. This bonus does not apply to new development within Mixed-Use Activity Centers or Interchange Activity Centers.
2. **Proximity to Mixed-Use Activity Center or Interchange Activity Center:** Currently, the County's Future Land Use Map recognizes certain major intersections as being Mixed-Use Activity Centers. The County's three existing I-75 interchanges are recognized as being Interchange Activity Centers. Sections 1.5.H, 1.5.I and 2.30 of this report contain discussions of the Mixed-Use Activity Centers and Interchange Activity Centers. However, for purposes of this current discussion, circular density bands surround certain Activity Centers. New residential development within a designated density band may add 3 residential units per gross acre.
3. **Affordable Housing:** New residential development within certain Urban Districts and Subdistricts are eligible for a bonus of 8 units/acre if the project developer has completed an agreement with the County's Financial Administration and Housing Department to provide affordable housing within the project.
4. **Residential Infill:** If new residential development meets the requirements of this provision, it may add 3 units/acre. A discussion of this provision is contained in Sections 2.11 and 2.14 of this report.

5. **Roadway Access:** New residential development within certain portions of the Urban Designation that has direct access to two or more arterial and/or collector roadways may be awarded a density bonus of 1 unit/acre. Additional density units may be awarded to the project if the developer commits to constructing improvements on a portion of a designated roadway (as determined by the County's Transportation Division Administrator).
6. **Transfer of Development Rights (TDR):** Currently, Collier County operates two TDR Programs. One of these is the Rural Fringe TDR Program, adopted during 2002, and the other is a program (adopted in 1991) related to environmentally sensitive land within the County's Coastal High Hazard Area. Through the application of credits derived from these programs, residential development within the Urban Area may receive additional density. The TDR Programs are discussed in Section 1.5.H of this report.
7. **Traffic Congestion Area Density Reduction Factor:** New residential development within the Traffic Congestion Area identified on the County's Future Land Use Map is currently subject to a density reduction of 1 unit per acre. The reduction factor is applied before application of any eligible bonuses. Effectively, this reduction causes residential development in the Traffic Congestion Area to have a base density of 3 units/acre. A further discussion of this reduction factor is contained in Section 2.32 of this report.
8. **Density Blending:** New development containing residential units and which includes contiguous lands within both the Urban Residential Subdistrict and the Rural Fringe Mixed-Use District may 'blend' the allowable residential development allowed within these two areas. This provision allows the developer to take the total number of units allowed within each future land use designation, add them together, and place the total number of units anywhere within the project boundaries, regardless of any density limits contained in either of the two districts. Density blending is further discussed in Section 1.5.H of this report.

During discussion of Draft versions of this Evaluation & Appraisal Report at two public hearings (held April 20 and May 17, 2004) the Collier County Planning Commission and the Board of County Commissioners jointly approved a recommendation to significantly modify the current Density Rating System. The System would be replaced by a series of provisions that effect various portions of the County (but, primarily the Urban Area). Some elements of the DRS would be altogether eliminated, and others would be modified, particularly with respect to location. The specific changes are as follows:

- A. **Conversion of Commercial Zoning:** This density bonus would not be deleted, but it would become limited in scope. It would apply only to certain commercially zoned properties that were previously included in the County's Zoning Reevaluation Process (completed in 1991). For

more information concerning the Zoning Reevaluation Process, please see Section 1.5.H of this report.

- B. **Proximity to Mixed-Use Activity Center or Interchange Activity Center:** This density bonus would be completely deleted. This would have the effect of removing the current residential density bands from the County's Future Land Use Map. For more information on both Mixed-Use Activity Centers and density bands, please see Sections 1.5.H, 1.5.I, and 2.30 of this report.
- C. **Affordable Housing:** The current EAR recommends retaining this bonus provision. However, its effect within the Coastal High Hazard Area (CHHA) would be limited to 1 unit/acre (where it also would become the only applicable bonus provision. Therefore, the maximum density permitted in the CHHA with the affordable housing density bonus is capped at 4 dwelling units per acre. Also, it would continue to apply to the County's designated Rural Fringe Mixed-Use District Receiving Lands, in addition to the Urban Designated Area.
- D. **Residential Infill:** This density bonus provision would be retained under the recommended EAR-based amendments.
- E. **Roadway Access:** This density bonus provision would be deleted under the recommended EAR-based amendments.
- F. **Transfer of Development Rights:** The recommended EAR-based amendments would not include changes to the County's TDR provisions.
- G. **Traffic Congestion Area Density Reduction Factor:** The recommended EAR-based amendments would include deletion of this reduction factor. Instead, the County would impose a Coastal High Hazard Area (CHHA) base density of 4 units/acre, with a 1-unit reduction factor for being located in the CHHA. This 1 unit reduction could only be overcome through the Affordable Housing Bonus (see item C, above).
- H. **Density Blending:** The recommended EAR-based amendments would not include changes to the County's Density Blending provisions.

The remainder of the County's proposed EAR-based amendments are summarized in the "Summary Of Proposed EAR Based Amendments," which follows this section.