EXECUTIVE SUMMARY

Recommendation to approve by Ordinance the 2018 Staff-Proposed Out-of-Cycle Growth Management Plan Amendment to the Collier County Growth Management Plan, Ordinance 89-05, as Amended, and to Transmit to the Florida Department of Economic Opportunity. (Adoption Hearing) (PL20180001205/CPSP-2018-4)

OBJECTIVE: For the Board of County Commissioners (Board) to approve (adopt) the single 2018 Out-of-Cycle Growth Management Plan (GMP) amendment (in four parts) and to approve said amendment for transmittal the Florida Department of Economic Opportunity.

CONSIDERATIONS: PL20180001205/CPSP-2018-4, a staff-proposed petition for related, individual Growth Management Plan amendments to the Future Land Use Element, the Golden Gate Area Master Plan, Housing Element and the Immokalee Area Master Plan components, providing for changes to Affordable Housing Density Bonuses available by the Density Rating System, including individual changes which serve to standardize Affordable-Workforce Housing terminology; increase the density bonus from 8 to 12 units per acre, and revise a specific percentage figure associated with the overall changes being made to the Affordable Housing program; remove specific references to other source documents; and, general formatting changes, and housekeeping revisions, as have been directed previously by the Board intended to add clarity, correct text errors or omissions, and provide harmony and internal consistency among components of the GMP – as authorized or directed by the Board of County Commissioners.

- Chapter 163, Part II, Florida Statutes, provides for an amendment process for a local government’s adopted Growth Management Plan.
- County Resolution 12-234 provides for a public petition process to amend the Collier County GMP.
- For this Adoption Hearing, the sole 2018 Out-of-Cycle GMP amendment (in four parts) being considered is PL20180001205/CPSP-2018-4.
- The Collier County Planning Commission (CCPC), sitting as the “local planning agency” under Chapter 163.3174, Part II, Florida Statutes, held its Transmittal hearing for the subject petition on June 7, 2018. The Board held its Transmittal hearing on July 10, 2018. Their respective transmittal recommendations/actions are contained in the CCPC Adoption Hearing Staff Report.
- In accordance with Chapter 163.3184(4), Part II, Florida Statutes, pertaining to the State Coordinated Review Process, this Transmittal package was provided to the Florida Department of Economic Opportunity (DEO) and other reviewing agencies on July 20, 2018.
- After review of the Transmitted amendment within each reviewing agency’s authorized scope of review, the DEO rendered its Comment Letter indicating “no comment” as did the Florida Fish and Wildlife Conservation Commission (FWC) (via Aug 01 email), and South Florida Water Management District (SFWMD) (via Aug 15 email). The Comment Letters received were located within materials provided to the CCPC and are contained in Board back-up materials. The remaining reviewing agencies did not provide comments.
- The CCPC held its Adoption Hearing on October 18, 2018. The staff and CCPC Adoption Hearing recommendations are presented further below.
- This Adoption Hearing considers text amendments to the Future Land Use Element (FLUE), Golden Gate Area Master Plan (GGAMP), Housing Element (HE) and Immokalee Area Master Plan (IAMP).
Staff analysis of this petition is included in the CCPC Staff Report. No public speakers addressed the CCPC in the Adoption public hearing.

**LEGAL CONSIDERATIONS:** This Growth Management Plan (GMP) amendment is authorized by, and subject to the procedures established in *Chapter 163, Part II, Florida Statutes*, the Community Planning Act, and by Collier County Resolution No. 12-234, as amended. The Board should consider the following criteria in making its decision: “plan amendments shall be based on relevant and appropriate data and an analysis by the local government that may include but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.” See 163.3177(1)(f), FS. In addition, s. 163.3177(6)(a)2, FS provides that FLUE plan amendments shall be based on surveys, studies and data regarding the area, as applicable including:

- a. The amount of land required to accommodate anticipated growth.
- b. The projected permanent and seasonal population of the area.
- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of non-conforming uses which are inconsistent with the character of the community.
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
- g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
- h. The need to modify land uses and development patterns with antiquated subdivisions.
- i. The discouragement of urban sprawl.
- j. The need for job creation, capital investment and economic development that will strengthen and diversify the community’s economy.

This item is approved as to form and legality. It requires an affirmative vote of four for approval because this is an Adoption hearing of the GMP amendment. [*HFAC*]

**FISCAL IMPACT:** Staff time and materials involved in the preparation and processing of this amendment, and the costs of associated legal advertising/public notice for the public hearings, are the fiscal impacts to Collier County which result from the adoption of this amendment. No petition fees were associated with this staff-proposed amendment, and, no other fiscal impacts to the County result from this amendment if it is adopted.

**GROWTH MANAGEMENT IMPACT:** This is an Adoption public hearing for the single 2018 Out-of-Cycle amendment (in four parts) to the GMP. Based upon statutory changes that occurred during the 2011 Florida Legislative session, this GMP amendment is presumed to be “in compliance” with applicable Florida Statutes. After Adoption, the DEO and other applicable review agencies will have 30 days (from the date DEO determines the Adoption package is complete) to review the adopted Plan amendment and, should they believe the amendment is not “in compliance,” file a challenge [appeal] to the presumed “in compliance” determination with the Florida Division of Administrative hearings. Similarly, any affected party also has 30 days (from the date of Board Adoption) in which to file a challenge. If a timely challenge is not filed by DEO or an affected party, then the amendment will become effective.
STAFF RECOMMENDATION TO THE COLLIER COUNTY PLANNING COMMISSION: That the CCPC forward the single, 2018 Out-of-Cycle GMP amendment (in four parts) to the Board with a recommendation to adopt and transmit to the Florida Department of Economic Opportunity and reviewing agencies that provided comments.

COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION: The Collier County Planning Commission held its required Adoption public hearing on October 18, 2018. The CCPC recommended that the Board adopt petition CPSP-2018-4 and transmit to the Florida Department of Economic Opportunity and reviewing agencies that provided comments, subject to one change to the FLUE where bonus provisions are further clarified (vote:5/0).

Commissioners also requested (but did not formally recommend) the Board consider retaining the “no greater than 150% of the median income” earning figure cap for Collier County families seeking affordable housing in the Growth Management Plan, while allowing the new, lower “no greater than 140% of the median income” cap to be implemented by changes through the Land Development Code (LDC) and related qualifying rules and procedures. Based upon CCPC comments, staff does not believe the CCPC asserted the validity of the 150% figure, rather suggested leaving that figure so as to provide flexibility should a future increase from the 140% cap be desired.

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: To adopt, per the CCPC recommendation, and transmit petition PL20180001205/CPSP-2018-4 (in four parts), as reflected in individual adoption Ordinances, to the Florida Department of Economic Opportunity.

Staff disagrees with the CCPC’s requested/suggested retention of the 150% figure based on the following: the Board directed staff to prepare a new definition that caps the affordable housing range at 140%; the Board is adopting a new affordable housing definition with a 140% cap; the reduction from 150 to 140% is recommended to ensure that affordable housing and the units that are incentivized do not compete against products that the private market is also providing; there was no rationally approved methodology used to select 150% when that figure was first established over ten years ago (Collier County was a pioneer in this area of providing assistance above the traditional “affordable” income ranges, 140% has now been adopted by some State of Florida programs as a limit, and consistency with the statute is desired); and, consistency between the GMP and LDC is desired.

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