ORDINANCE NO. 19- 06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, SPECIFICALLY AMENDING THE POTABLE WATER SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT TO AMEND POLICY 1.7 TO REFERENCE THE UPDATED TEN YEAR WATER SUPPLY FACILITIES WORK PLAN, DIRECTING TRANSMITTAL OF THE ADOPTION AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, AND FURTHERMORE PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. [PL20180002552]

WHEREAS, Collier County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Collier County Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, Collier County has prepared plan amendments to the Potable Water Subelement of the Public Facilities Element; and

WHEREAS, Collier County transmitted the Growth Management Plan amendment to the Department of Economic Opportunity for preliminary review on January 8, 2019, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity and various State agencies have reviewed the amendment to the Growth Management Plan and transmitted their comments, if any, in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 180 days from receipt of the Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and
WHEREAS, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the document described as the Collier County Growth Management Plan Amendment, and other documents, testimony and information presented and made a part of the record at the public hearings of the Collier County Planning Commission held on April 4, 2019, and the Collier County Board of County Commissioners held on May 14, 2019; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: ADOPTION OF AMENDMENTS TO THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts these amendments to the Potable Water Subelement of the Public Facilities Element in accordance with Section 163.3184, Florida Statutes. The amendment is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: SEVERABILITY.

If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 14th day of May 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Text Amendment
COLLIER COUNTY GROWTH MANAGEMENT PLAN

PUBLIC FACILITIES ELEMENT
Potable Water Sub-Element

OBJECTIVE 1:
Locate and develop potable water supply sources to meet the future needs of the County owned and operated systems, said supply sources meeting the minimum Level of Service Standards established by this Plan. The development and utilization of new potable water supply sources and the acquisition of land necessary for such development shall be based upon the information, guidelines and procedures identified within the County’s Ten-Year Water Supply Facilities Work Plan (as updated), and the Lower West Coast Water Supply Plan prepared by the South Florida Water Management District.

Policy 1.7:
The County has developed the Ten-Year Water Supply Facilities Work Plan, dated October 2013 February 2019, in accordance with the water supply guidelines of the most current version of the South Florida Water Management District’s Lower West Coast Water Supply Plan. The County’s Ten-Year Water Supply Facilities Work Plan is attached hereto incorporated herein by reference.

Words underlined are added; words struck through are deletions.

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May 16, 2019

Ms. Crystal K. Kinzel, Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 19-06, which was filed in this office on May 16, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb