

**BOARD OF COUNTY COMMISSIONERS**

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*County Hearing Examiner*

March 21, 2008

Ray Eubanks, Administrator, Plan Processing  
Florida Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Transmittal Submission Package for the 2007/2008 Special Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2007/2008 Special Amendment Cycle to the Lee Plan. The Amendment Cycle concerns the establishment of a Public Schools Facility Element and is exempt from one of the two times per calendar year that plan amendments may be adopted. The Local Planning Agency held a public hearing for these plan amendments on February 25, 2008. The Board of County Commissioners transmittal hearing for the plan amendments was held on March 11, 2008. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department provide an **expedited review** of the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern, are not proposed to be adopted under a joint planning agreement, and are not directly related to a Development of Regional Impact. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report. The submitted amendments are proposed to be adopted July 2008, within 60 days of receiving the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The Special Amendment Cycle includes two amendments, the Public Schools Facility Element Amendment (CPA2006-16) and the School District Capital Improvement Program Amendment (CPA2006-18). The first amendment adds a new Public Schools Facility Element and incorporates schools as required public facilities for concurrency purposes and provides for proportionate fair share mitigation options in accordance with Senate Bill 360, and amends the Capital Improvement Element to include public school level of service standards. The second amendment incorporates the Lee County School District's School Capital Improvement Program as required by Florida Statute 163.3177(3)(b). Also attached is the required Interlocal Agreement between Lee County and the Lee County School District establishing the concurrency management system for public schools. In addition, staff has also attached for your use and information other Interlocal Agreements between Lee County and the Lee County School District. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
Phone (239) 533-8585 Fax (239) 485-8319  
Email: [oonnops@leegov.com](mailto:oonnops@leegov.com)

Included with this package, per 9J-11.006, are three copies of the proposed amendments, and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments have been sent to the Regional Planning Council, the Department of Agriculture and Consumer Services, the Florida Department of Transportation, the Department of Education, the Department of Environmental Protection, the Department of State, the Florida Fish and Wildlife Conservation Commission, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

Ken Heatherington  
Southwest Florida Regional Planning Council

Wendy Evans  
Department of Agriculture and Consumer Services

Florida Department of Transportation

Tracy D. Suber  
Department of Education

Jim Quinn  
Department of Environmental Protection

Susan Harp  
Department of State

Mary Ann Poole  
Florida Fish and Wildlife Conservation Commission

P.K. Sharma  
South Florida Water Management District



PUBLISHED IN THE FT. MYERS NEWS PRESS ON 10/17/08  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
LEE COUNTY  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 08-PEFE1-NOI-3601-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance Nos. 08-17 and 08-18 on August 26, 2008, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report (if any) are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2<sup>nd</sup> Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

## **2007/2008 LEE PLAN SPECIAL AMENDMENT CYCLE**

### **SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT**

**CPA2006-16** amends the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. The amendment also incorporates schools as required public facilities for concurrency purposes and provides for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). In addition, the amendment incorporates two new maps, Map 22, School Concurrency Service Areas and Map 23, Educational and School District Facilities in Lee County to address the new school concurrency requirements.

**CPA2006-18** is a proposal to amend the Lee Plan to incorporate the Lee County School Districts School Capital Improvement Program as Table 3a of the Capital Improvement Element (CIE) of the Lee Plan. Florida Statute 163.3177(3) requires a Capital Improvement Element in the Lee Plan. This element is to be annually reviewed and modified, per Florida Statute 163.3177(3)(b). In 2005, Senate Bill SB360 modified the Florida Statutes. The bill included a requirement that county and local jurisdictions incorporate local School Districts' Capital Improvement Plans (CIP) into their county or local comprehensive plans.

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Office of Policy and Stakeholder Coordination  
620 South Meridian Street, Farris Bryant Building  
Tallahassee, FL 32399-1600  
Attn: Mary Ann Poole, Director

*CPA 2006-16; CPA 2006-18*

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Office of Policy and Stakeholder Coordination  
620 South Meridian Street, Farris Bryant Building  
Tallahassee, FL 32399-1600  
Attn: Mary Ann Poole, Director

CPA 2006-16; CPA 2006-18

**2. Article Number**

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## 1. Article Addressed to:

Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399  
Attn: Ray Eubanks

## 2. Article Number

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2006-18  
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☐ Addressee

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## 1. Article Addressed to:

Florida Fish and Wildlife  
Conservation Commission  
Office of Policy and Stakeholder Coordination  
620 South Meridian Street, Farris Bryant Building  
Tallahassee, FL 32399-1600  
Attn: Mary Ann Poole, Director

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## A. Signature

X *Joratha Bane*☐ Agent☐ Addressee

## B. Received by (Printed Name)

*Joratha Bane*

## C. Date of Delivery

*2/27*

## D. Is delivery address different from item 1?

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## 1. Article Addressed to:

Department of Education and  
SMART Schools Clearinghouse  
Office of Educational Facilities  
325 West Gaines Street, Suite 1014  
Tallahassee, FL 32399-0400  
Attn: Tracy D. Suber

## 2. Article Number

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A. Signature  
X Department Of Education  
Mail Room B1-34  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
B. Received by (Printed Name)  
C. Date of Delivery

☐ Agent  
☐ Addressee

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## 1. Article Addressed to:

Department of State  
Bureau of Historic Preservation  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
Attn: Susan Harp, Historic Preservation Planner<sup>e</sup>

## 2. Article Number

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## A. Signature

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☐ Agent☐ Addressee

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1. Article Addressed to:

Department of Environmental Protection  
Office of Intergovernmental Programs  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, FL 32399-3000  
Attn: Jim Quinn, Environmental Manager

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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If yes, give delivery address below: ☐ No

Service Type

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4. Restricted Delivery? (Extra Fee)

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2. Article Number

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CPA 2006-16 ; CPA 2006-18  
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1. Article Addressed to:

Department of Transportation, District One  
 Planning Department  
 P.O. Box 1249  
 Bartow, FL 33831-1249  
 Attn: Ben Walker.

2. Article Number

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7006 0810 0002 8335 9255

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Danny Hooper*

☐ Agent

☐ Addressee

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DANNY HOOPER

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3/24/98

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CFA 2006-16 i CFA 2006-18

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## 1. Article Addressed to:

Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901  
Attn: Mr. Ken Heatherington, Exec. Director

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]* ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*[Signature]* ☐ Date of Delivery

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## 1. Article Addressed to:

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899  
Attn: Roy Mazur, A.I.C.P., Planning Director

CPA 2006-16 & CPA 2006-18

## 2. Article Number

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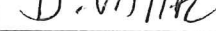
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**CPA 2006-16**  
**SCHOOL FACILITIES ELEMENT**  
**BoCC SPONSORED AMENDMENT**  
**TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Publicly Sponsored Application  
and Staff Analysis**

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**DCA Transmittal Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**March 20, 2008**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2006-16**

✓	Text Amendment	✓	Map Amendment
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✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: February 19, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Lee County Board of County Commissioners/  
Lee County Division of Planning

**2. REQUEST:**

Amend the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and provide for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Lee Plan.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Lee County School District is still experiencing strong growth.
- Florida Statute section 163.3180 requires that each local government adopt a Public School Facilities Element.
- Florida Statute 163.3177 [12][c] requires that the Lee Plan CIE incorporate the Lee County School District CIP.
- 3,000-5,000 new students enter the School District each year.
- The School District expects to build an average of four new schools each year.
- The School District currently operates 92 public schools with more than 78,000 students.
- The School District currently uses relocatable classrooms to accommodate 5,997 student stations.
- The School District forecasts 170,680 students total for the 2026-2027 school year.
- The School District currently owns sufficient property to build all schools planned to open through 2011.
- The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities.
- By coordinating the planning of future schools with affected local governments, the School District can better identify the costs associated with site selection and the construction of new schools.

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

Public schools are critical components to the well-being and future of a community. Because of the importance of the public school system and its impact on the future of Lee County, and because of a history of significant population growth, coordinated school planning among the School District, the County and the municipalities within the County is necessary to ensure that public school capacity is sufficient to meet the needs created by future growth. Because of the relationship between residential development and the provision of public schools, the Public School Facilities Element (PSFE) focuses on coordinated planning among the School District, County and local governments to accommodate future student growth needs in the public school system. This element establishes public school system concurrency requirements, including a level of service standard for public schools and procedures for establishing a concurrency management system.

Within Lee County, the local governments participating in school concurrency are Lee County, the City of Fort Myers, the City of Cape Coral, the City of Bonita Springs, the City of Sanibel and the Town of Fort Myers Beach. Once implemented, school concurrency will ensure that the public school facilities necessary to maintain the adopted level of service for schools are in place before or concurrent with the school impacts of new residential development.

## **2. BACKGROUND DISCUSSION:**

In 2005, the Florida Legislature amended Florida Statute section 163.3180 and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element and Intergovernmental Coordination Element. The PSFE must address school level of service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility.

As mandated by Rule 9J-5.025 F.A.C., the PSFE must contain the following: Existing school facility enrollment and school facilities required to meet future needs; Projected enrollment for each school facility; Existing and projected school facility surpluses and deficiencies by Concurrency Service Area; School level of service standards; A financially feasible five-year schedule of school-related capital improvements that ensures adequate school capacity is available to maintain the adopted level of service; Provisions to ensure that school facilities are located consistent with the existing and proposed residential areas they serve; that schools be used as community focal points, and that schools be co-located with other public facilities. The element is also required to have Maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities, and Concurrency Service Areas (CSAs). The element must also contain a Proportionate Fair Share Methodology in the event that there is not enough school capacity to accommodate a development. The element must contain Goals, objectives, and policies for planning and school concurrency to achieve the above mentioned requirements.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **PUBLIC SCHOOL SYSTEM**

As required by the Florida Department of Education, the School District must implement a financially feasible Five-Year Capital Facilities Plan that provides for school capacity improvements to accommodate projected student growth. Those improvements which are budgeted and programmed for construction within the first three years of the Plan are considered committed projects for concurrency purposes. Within the current Five-Year Capital Facilities Plan, the capital improvements that will provide capacity by 2011 consist of seven new Elementary schools, four Middle schools, three High schools, one Elementary school replacement (increasing capacity by 611 student stations), and two additions to existing elementary schools. More detail on the proposed capital facilities is found in Table PSFE 16. Residential development impacts students and school facilities because increases in new student enrollment can place demands on school capacity and cause overcrowding of facilities.

Therefore, an accurate inventory of both current and projected school capacity and student enrollment is crucial for school planning.

### **Enrollment and Capacity**

The Lee County School District must provide the facilities necessary to educate its students. Recently enacted state-mandated changes, such as early childhood education and class size limitations, have impacted the capacity needs of the School District. In 2003, voters passed Amendment 9 to the Florida Constitution which prescribes no more than 18 students per classroom in grades Pre-Kindergarten through grade 3; no more than 22 students in grades 4 through 8; and, no more than 25 students in grades 9 through 12. While the District exercises great control of student assignments through its controlled open-enrollment choice system, the mandates of class size make utilization of facilities inefficient. Accommodating one student more than the exact multiple of 18, 22, or 25 students in a classroom means the addition of one whole classroom and teacher. This is compounded by three zones, 9 sub-zones, and 13 grade levels in a growing District. In 2003, voters also passed Amendment 8 to the Florida Constitution which provided free, relevant educational programs to four-year olds. While students are being accommodated in private, for profit and not-for-profit institutions, the District must make services available as a last resort. Much of this service can and has been provided in concentrated summer-time programs at District schools; however, growth in the program is being felt in District schools during the traditional school year. Accommodating these students in existing schools is a challenge given our commitment to limit the use of portable classrooms and the unpredictability of enrollment growth.

Currently, the School District operates 92 public schools, from pre-kindergarten to 12<sup>th</sup> grade. The School District operates forty-three elementary schools, sixteen middle schools, twelve high schools, four K-8 schools, one 6-12 school, thirteen special centers and three High Tech Centers and Community Schools serving more than 78,000 students. Figure PSFE 2 shows the geographic locations of public schools operated by the School District. In Tables PSFE 10-13 a breakdown of the enrollment and school capacity for School Year 2006/07 and 2007-08 and a projection for future enrollment is provided. The figures in Tables PSFE 10-13 exclude charter schools which are not operated by the School District. School capacity figures are determined by the Florida Department of Education (FDOE) and are based on the Florida Inventory of School Houses (FISH) capacity analysis. This inventory system can and usually does change annually with amendments to the State Requirements for School Facilities (SREF). A minor reduction of student stations attributable to a particular type of room (i.e., primary, intermediate, ESE or gymnasium) has a significant impact depending upon the number of such rooms in each school and the number of schools in the District. One way the District addresses capacity deficiencies and other program needs at individual schools is through the use of relocatables or portables. The District currently uses relocatables to accommodate 5,997 student stations. The District plans to phase out the use of relocatables over the next five years. A breakdown of current and projected use of relocatables is shown in Table PSFE 14. In order to serve the needs of the school population, the District also operates a number of ancillary facilities, which are listed in Table PSFE 15.

### **Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE



enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	Actual 2006-2007	Forecast 2011-2012	Forecast 2016-2017	Forecast 2026-2027
<b>Elementar</b>	33,989	28,912	46,898	84,734
<b>Middle</b>	15,967	32,902	21,907	36,979
<b>High</b>	20,502	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	70,458	84,869	105,049	170,680

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the projected future student growth, additional capacity projects are included in the School District's Five Year Work Plan. Projections of students that the Districts are expected to accommodate in public schools (Capital Outlay FTE) come from the Florida Department of Education. In the past, Districts could appeal the state projections, in favor of locally generated projections; however, that practice has been terminated. Districts cannot exceed nor fall short of sufficient student stations projected by DOE.

Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, detailed by Student Assignment Zones and Subzones. The initial Concurrency Service Areas (CSAs) will be coterminous with Student Assignment Zones, with a plan to move to Subzones in three years.

### **SCHOOL CONCURRENCY**

With the data collected from the School District, the County and the municipalities, an analysis was performed to determine the short-term and long-term future conditions that will impact public schools. As part of this analysis, the current inventory of public schools and planned school capital improvements was reviewed in light of the projected student growth and available revenue to finance the planned capital improvements. Generally, the analysis focuses on whether existing and planned school capacity can support residential development at the adopted level of service standard. Specific outputs from this analysis include school capacity figures, a financially feasible adopted level of service, and goals, objectives and policies for the school concurrency program.

### **Concurrency Service Area Boundaries**

A fundamental requirement of school concurrency is the establishment of Concurrency Service Areas (CSAs) to which school concurrency is applied when reviewing the impact of new residential

development on public schools. The CSAs are used to determine whether adequate capacity is available to accommodate new students generated from residential development. Since 1998, the Lee County School District has operated under a School Choice Program. As part of this Program, the School District has been divided into three Zones (West, South and East). Each Zone is divided into Sub-Zones as shown on Figure PSFE 2. Generally, students may be assigned to a school in their Sub-Zone or an adjacent Sub-Zone within the same Zone. (For example, a student that lives in E3 may attend a school in E3 or in E2). Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living within proximate areas around each school, students whose first choice is a school within their sub-zone and students in full-time special education classes. The remaining applications are processed in order of their random numbers until there are no more applications. Initially the CSAs will be consistent with the current School Choice Program Zone boundaries in order to be consistent with the School District's current programs. The Choice program provides assurance that once a child is enrolled in a school, they can remain in that school through the highest grade or until the parents decide to make a change, unless they move to a different zone or sub-zone for which that school is not an option. Since the School Choice Program began, the District has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs are reduced.

### **School Level of Service**

Essentially, level of service (LOS) is the relationship between supply and demand. For schools, LOS is expressed as a ratio of enrollment and capacity, with capacity being the Permanent FISH capacity.

To establish an acceptable LOS, the school district and the local governments must project future demand, identify needed capacity, and determine the level of financial resources available to construct additional capacity. These factors are then used as a basis to establish a school LOS standard. The level of service standard controls the maximum utilization of schools.

Florida law requires that the public school facilities element of a local government comprehensive plan address how the level of service standards will be achieved and maintained. The ability to achieve and maintain the adopted level of service must be based on a financially feasible Five-Year Capital Facilities Plan. Also, the law requires that the public school level of service standards be adopted into local government capital improvement element, and must apply to all schools of the same type (elementary, middle, and high). In order to establish a level of service standard, the School District must determine the maximum capacity of the schools administered by the District. To determine the capacity for each school, the School District uses Permanent FISH capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a utilization percentage of the number of existing satisfactory student stations. FISH capacity is a product of the number of classrooms at a school and the student stations assigned to each room type. No capacity is assigned to small instructional spaces and the specialized classrooms (labs), including art, music, etc. A student station is defined as the square footage required per student for an instructional program based on the particular course content.

Tables PSFE 10-13 identify the Permanent FISH capacity of all schools administered by the District and their enrollment and utilization through school year 2011/12. Public school concurrency should

ensure that the capacity of schools is sufficient to support current enrollment and the projected students from future residential development. Current enrollment and school capacity data provide a baseline for developing a financially feasible level of service standard for public schools.

As adopted, the public school level of service standard should maximize the efficiency of each school facility for educating students. Based on this, the preferred level of service standard in Lee County is 100% of Permanent FISH capacity.

### **Projected Additions to Capacity**

#### **Elementary**

Seven additional elementary schools are proposed in the Five-Year Capital Facilities Plan; adding approximately 7,000 additional elementary student stations. Two additions to existing Elementary Schools will add 666 student stations and the replacement of Heights Elementary School will add approximately 611 student stations.

#### **Middle Schools**

To accommodate the growth at the middle school level, four new middle schools will open in the next 5 years adding approximately 5,336 new middle school student stations.

**High Schools** Three new high schools are included in the Five-Year Capital Facilities Plan adding approximately 6,318 student stations.

**Real Property** The District currently owns sufficient property to build all schools planned to open through 2011, with a bank of properties for some of the schools planned to open after that date. The District has currently budgeted approximately \$73,000,000 for the purchase of additional properties over the next five years. The District has also studied all of the District's existing facilities to determine opportunities to utilize real property at existing facilities to add to those schools rather than purchase additional property and build entirely new schools. The District has recently completed additions to seventeen elementary schools, eliminating the need to construct a new elementary school on an additional site. The District will continue to explore and pursue the construction of additions to existing schools in order to accommodate growth without the purchase of additional real property.

Figure PSFE 3 identifies the locations of the planned school capacity projects. This figure shows approximate locations, and those locations subject to change

## **SCHOOL DISTRICT CAPITAL IMPROVEMENTS**

### **Funding Sources**

To address the new construction and renovation needs of the School District's Five-Year Capital Facilities Plan, the School District relies on local and state funding. The primary local funding sources are property taxes, and impact fees. By Florida Statute, school districts may levy up to 2 mills to fund the district capital program. The School District of Lee County has levied 2 mills in its most recent budget. In 2005, Lee County adopted an impact fee of approximately \$4,309/unit for a single family home, \$1,704.00/unit for multi-family and \$982.00/unit for mobile home. Impact fees are collected for new housing to offset a portion of the cost of new student stations generated by new residential development. The School District may also sell bonds or offer certificates of participation (COPs). The

District currently has \$574,230,000.00 in outstanding COPs. This COPs funding was used to construct 24,879 student stations. The Florida Statutes place restrictions on the School District's portion of state funding for capital outlay to specific uses. Expansion projects for student stations may make use of state capital outlay funding sources derived from motor vehicle license tax revenue, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities Public Education Capital Outlay funds (PECO).

### **Financial Feasibility**

The School Board is required by Section 1013.35, Florida Statutes, to adopt a financially feasible five-year capital facilities plan. The Five-Year Capital Facilities Plan, which is annually updated and adopted each year, details the capital improvements needed and funding revenues available to construct additional capacity to meet demand for student stations and maintain the adopted level of service. This will ensure that no schools exceed their adopted level of service for the five year period. The School District's Plan identifies how each project meets school capacity needs and when that capacity will be available.

The Five-Year Capital Facilities Plan provides for an annual planning process that allows the School District to effectively address changing enrollment patterns, development and growth, and the facility requirements of its educational programs. The summary of capital improvements shown in Table PSFE 16 details the School District's planned capital expenditures over the next five-year planning period. While this summary must be adopted into the Capital Improvements Element of the County's Comprehensive Plan, the school district's capital improvements program does not require county or city funding. PSFE 16 shows the estimated cost of projects to address future facility needs over the five-year planning period, and the long range planning period, in order to construct additional student stations to meet the adopted level of service standard. The Five-Year Capital Facilities Plan Summary of Estimated Revenue, shown in Table PSFE 17, details the School District's projected revenue sources over the next five years. A comparison of PSFE 16 and PSFE 17 shows that the School District's capital plan is sufficient to fund necessary capital improvements and is financially feasible.

**PSFE 16: School District's Capital Improvement Summary**

<b>School</b>	<b>Project</b>	<b>Added Capacity</b>	<b>Cost</b>	<b>Year Available</b>
Manatee Elementary	Elem. U	1,034	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,034	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,034	\$24,134,807	2008
New Elementary (East)	Elem. V	1,034	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,034	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,034	\$27,200,000	2010
New Elementary (West)	Elem. E	1,034	\$27,200,000	2010
New Elementary (West)	Elem. A	1,034	\$28,560,000	2011
New Elementary (East)	Elem. W	1,034	\$28,560,000	2011
New Elementary (East)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$30,000,000	
New Elementary (South)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$9,450,000*	
New Elementary (West)		1,034	\$30,000,000	
New Elementary (West)		1,034	\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO	1,334	\$44,600,000	2012
New Middle (West)		1,334	\$44,600,000	2012
New Middle (East)		1,334	\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

## **PROPORTIONATE SHARE MITIGATION**

In the event that there is not adequate school capacity available to accommodate a development's demand for student stations, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer and the affected local government to mitigate the impact from the development through the creation of additional school capacity. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School District's Five-Year Capital Facility Plan. Capacity projects identified within the first three years of the Five-Year Capital Facility Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the School District's Five-Year Capital Facility Plan within the same Concurrency Service Area (CSA) as the proposed residential development, the developer may pay his proportionate share of the identified capacity project to accelerate the project's schedule and mitigate the proposed development. When the student impacts from a proposed development cause the adopted Level of Service to fail, a developer may enter into a 90 day negotiation period with the School District and the applicable local government to review potential mitigation projects. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options may include, but are not limited to:

1. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development and
2. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

The following standards apply to any mitigation accepted by the School District:

1. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School District's financially feasible work program, which satisfies the demands created by the proposed development; and
2. Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:

$$(\# \text{ of housing units by type}) \times (\text{student generation rate by type of unit}) \times (\text{student station cost adjusted to local costs}) = \text{Proportionate share mitigation amount}$$

The student station cost adjusted to local costs will be calculated utilizing the total cost per student station, established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures for school sites as determined and published annually in the School District's Five Year Capital Facilities Plan. The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the

mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of the developer. Any mitigation accepted by the School District and subsequently agreed to by the applicable local government entity shall result in a legally binding agreement between the School District, the local government and the Developer.

### **School Planning and Shared Costs**

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the School District to submit proposed school sites to the County or municipalities for review and approval, as the District has done for many years. This analysis permits the School Board and affected local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school. Most of the analysis of off-site improvements is done at the time that an application is submitted by the District for development order approval. At that time, the need for off-site infrastructure such as roads, sewer, water, EMS, fire, Sheriff, water management and sidewalks is analyzed. This has resulted in many cooperative arrangements between the County and the District to provide these needed services. For example, as part of the road improvements the District was constructing to serve Oak Hammock Middle School, the District's contractor installed some drainage improvements that were needed by the County and the County reimbursed the District for the cost of those improvements. This resulted in a savings to the taxpayers by coordinating these improvements.

These improvements are assessed at the time of site plan preparation. Approval conditions can cover the timing and responsibility for construction, as well as the operation and maintenance of required on-site and off-site improvements. Any such improvements should be in keeping with the financially feasible capital plan adopted by the School Board.

Other cost-effective measures should be considered by the County during the process of neighborhood planning and programs and reviewing large residential projects. The County has sometimes required a developer to provide real property to the District as part of an approval of a large scale development.

### **Coordination**

The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to the County, School District and local governments. The School District and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. One of the facilities is located next to a planned County park which will provide additional opportunities for shared use. The School District and Lee County have also engaged in agreements trading pieces of property which will result in construction of an EMS station on property that was part of the North Fort Myers Academy of the Arts campus and a public library on property that was part of the Mariner Middle School campus. The County has constructed several swimming pools and athletic fields on a number of school campuses that are used both by the school and by members of the general public. The County and the District also have an Interlocal Agreement that provides for the identification of school facilities to be used as hurricane shelters and reimbursement of the additional construction costs of shelters to the District. There are currently 29 schools within the District that are identified as hurricane shelters. During the

preparation of its Educational Plant Survey, the School District can identify future co-location and shared-used opportunities for new schools and public facilities. Likewise, co-location and shared use opportunities should be considered by the local governments when updating their comprehensive plan, schedule of capital improvements and when planning and designing new or renovating existing libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums.

## **RECOMMENDED GOALS, OBJECTIVES, AND POLICIES:**

The Lee Plan already contains an Education sub-element within the Community Facilities and Services Element. Staff is proposing to incorporate the new requirements for the Public Schools Facilities element into this existing sub-element. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Staff recommends that the following new policy language be incorporated into the Community Facilities and Services Element to address the new requirements of the Florida Statutes:

### **h. Education and Public School Facilities**

**GOAL 71 PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.



Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By April 1, 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period

and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By July 31, 2008 the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.
- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and

- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

**OBJECTIVE 71.4: Five-Year Schedule of School District Capital Improvements:** The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment.

**POLICY 71.4.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

## **CAPITAL IMPROVEMENTS ELEMENT**

Staff recommends that the following modifications to the Capital Improvements Element be made to address public school concurrency:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

Second paragraph, third sentence:

These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

## **REGULATORY STANDARDS**

### **7. Public School Facilities**

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- |                |   |
|----------------|---|
| a. Elementary: | <u>100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.</u> |
| b. Middle:     | <u>100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.</u> |
| c. High:       | <u>100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.</u> |

- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

#### **NON-REGULATORY STANDARDS**

Renumber accordingly.

#### **B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 25, 2008

**A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the LPA a summary of the proposed amendment. One LPA member asked several questions pertaining to the data upon which the amendment is based. One member discussed a variety of issues from busing costs, greater utilization of existing facilities, and building multi-storied facilities. No members of the public appeared to address the LPA.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
LELAND M. TAYLOR	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 11, 2008

**A. BOARD REVIEW:**

Planning staff presented additional policy language for the Board's consideration. These modifications are included below:

Modifications to existing Policy 66.2.3:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Modifications to Policies located under proposed Objective 71.1:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Modifications to Policies located under proposed Objective 71.2:

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice~~ for a maximum of two additional periods of 2 years each



period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31,~~ December 2008, the LDC will be amended to establish mitigation options...[remainder of the policy remains unchanged]

**POLICY 71.2.5:** [remains unchanged except for section b., which is provided below]

- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.

Modifications to Policies located under proposed Objective 71.3:

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

Proposed New Policies to be located under proposed Objective 71.4:

**POLICY 71.4.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board voted to transmit the proposed amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board accepted the findings of fact as advanced by the staff and Local Planning Agency.

**C. VOTE:**

**A. BRIAN BIGELOW**

**AYE**

**TAMMARA HALL**

**AYE**

**ROBERT P. JANES**

**AYE**

**RAY JUDAH**

**AYE**

**FRANKLIN B. MANN**

**AYE**

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**A. BRIAN BIGELOW**

**TAMMARA HALL**

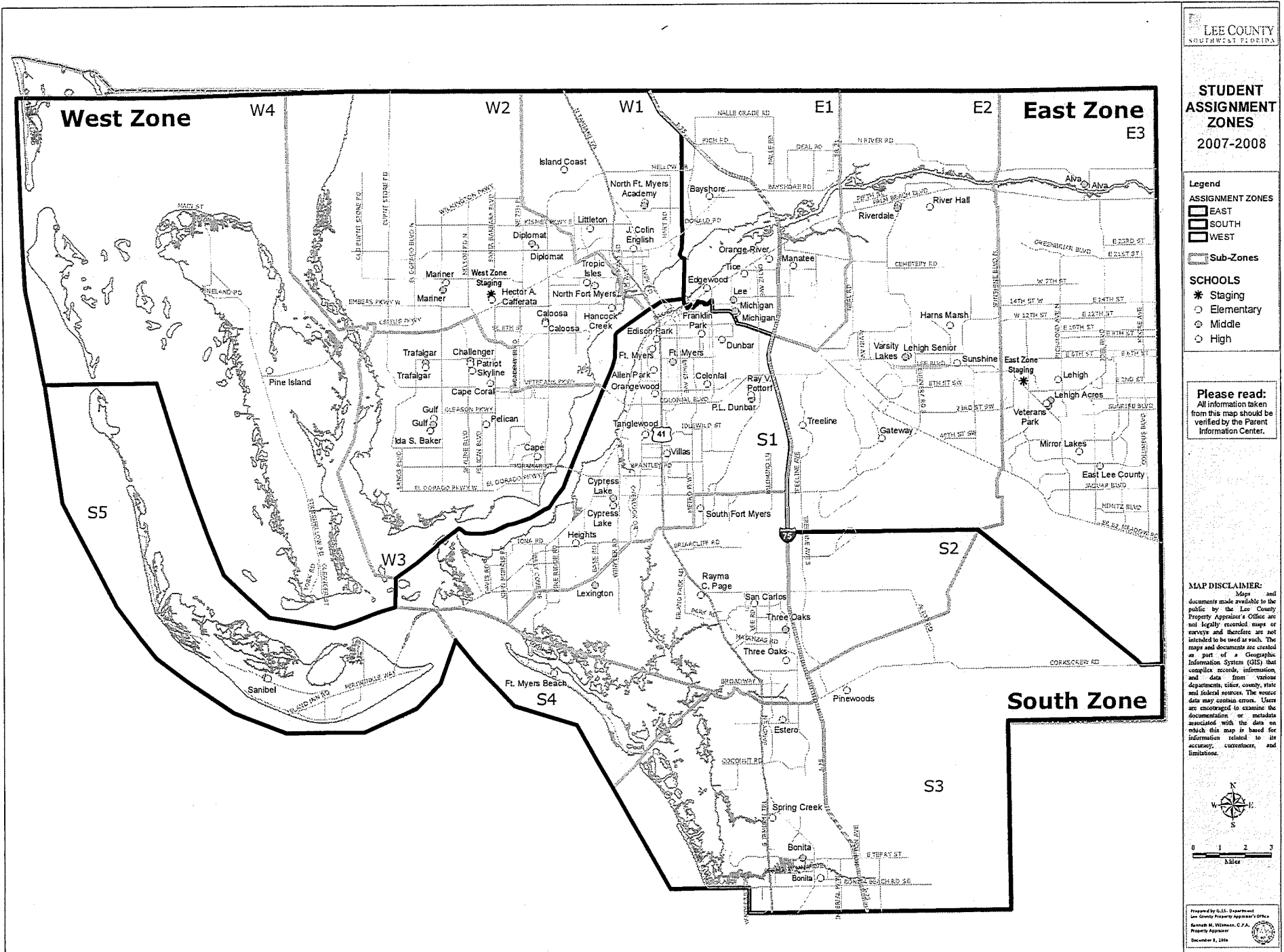
**ROBERT P. JANES**

**RAY JUDAH**

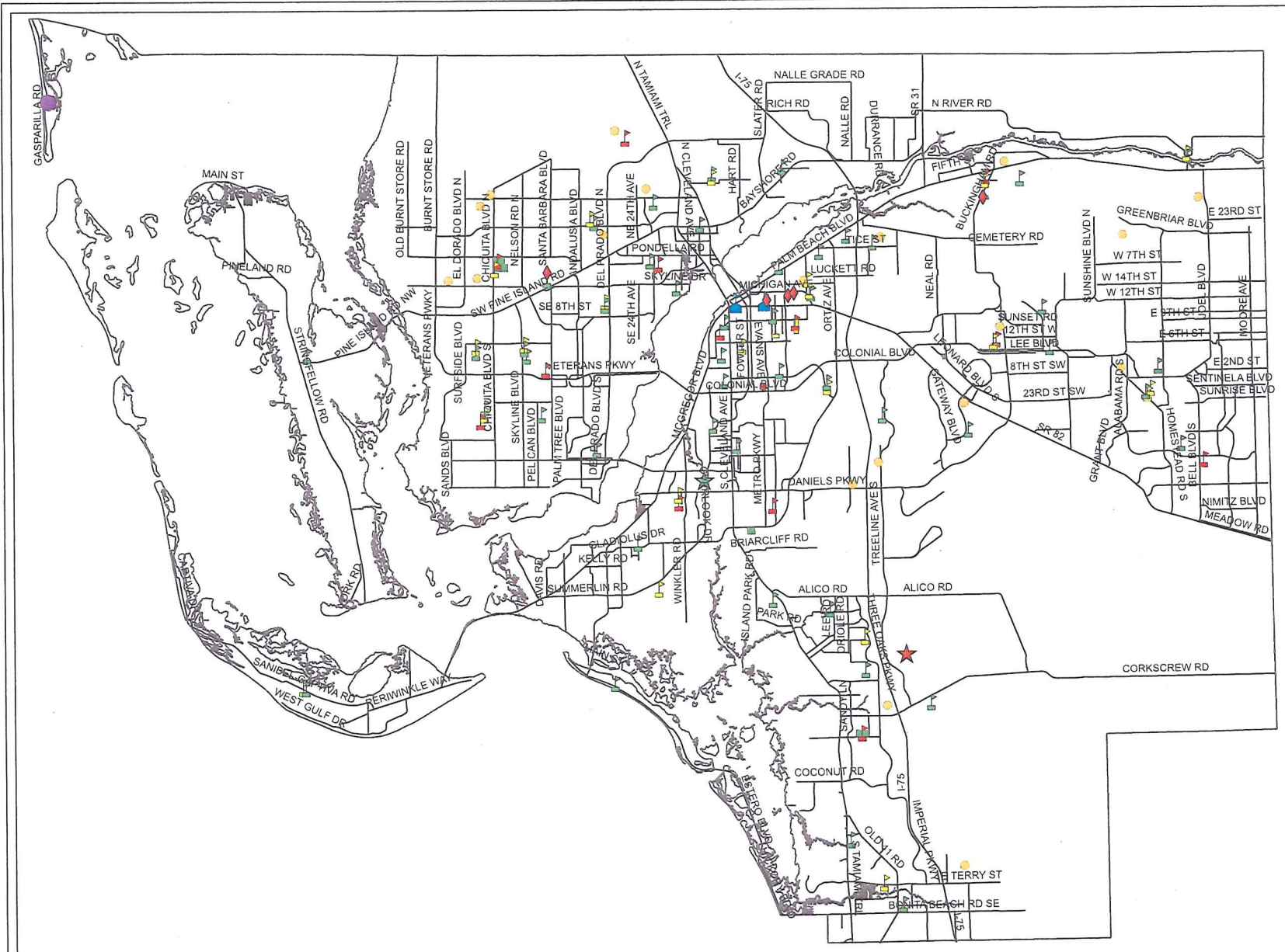
**FRANKLIN B. MANN**

_____
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# PROPOSED LEE PLAN MAP 22












## PROPOSED LEE PLAN MAP 23






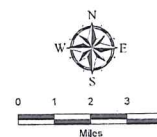
## Educational and School District Facilities in Lee County

### Educational Facilities

-  Elementary School
-  Middle School
-  High School
-  Special Center
-  Technical/Exceptional
-  Charter School
-  Edison College
-  Florida Gulf Coast University
-  Potential Future Schools

### Other School Facilities

-  Administration  
 Support Services  
 Transportation Facilities



Map Generated: February 2008

Lee Plan Map 23



# LEE COUNTY

## SOUTHWEST FLORIDA

### BOARD OF COUNTY COMMISSIONERS

Bob Janes  
District One

A. Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 3, 2008

Ray Eubanks, Administrator, Plan Review and Processing  
Florida Department of Community Affairs  
Bureau of State Planning  
Plan Processing Section  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendment 08-PEFE1  
Adoption Submission Package  
2006 Special Amendment Cycle to Incorporate School Concurrency

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the adoption of the proposed 2006 Special Amendment Cycle to the Lee Plan to incorporate School Concurrency. The Lee County Board of County Commissions held an adoption hearing on August 26, 2008. They took final action concerning all of the adopted amendments at that public hearing. Copies of the adoption ordinances (NO.08-17 and NO. 08-18) are included in this submission package. The August 26<sup>th</sup> public hearing was properly advertised in the Fort Myers News Press.

Both of the amendments include responses to address the DCA Objections, Recommendations and Comments Report (ORC Report). Any changes that were made to policy language to address objections included in the ORC Report are contained in Part V and/or VI of the staff report accompanying that amendment. Additional data and analysis in response to the ORC Report is also included in the accompanying staff reports. Any findings made by the Board of County Commissioners are included in Part VI. B. of the staff report accompanying that amendment.

No member of the public spoke or entered their names into the record for the two amendments, therefor, a copy of the Citizen Courtesy Information List indicating no requests were made is included.



The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 479-8585  
Fax (239) 479-8319  
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendments, and supporting data and analysis and the adopting ordinances. By copy of this letter and its attachments, I certify that these amendments have been sent to: the Southwest Florida Regional Planning Council; the Florida Department of Transportation (FDOT); the Florida Department of Environmental Protection; Florida Department of State; the Florida Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; Florida Department of Education; Florida Office of Tourism, Trade, and Economic Development; and, the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

## Comprehensive Plan Citizen Courtesy Information List

Local Government: LEE COUNTY

NO Requests were made

Hearing Date: August 26, 2008

Type of Hearing: Comprehensive Plan Amendments (CPA2006-00016 & CPA2006-00018)

DCA Amendment Number: \_\_\_\_\_ (DCA Official Use)

**PLEASE PRINT CLEARLY**

Citizen Name	Address, City, State, Zip Code	Check (√) Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	

LEE COUNTY ORDINANCE NO. 08-17  
(Public School Facilities Element)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-00016 (PUBLIC SCHOOL FACILITIES ELEMENT), APPROVED DURING THE COUNTY'S 2008 SPECIAL AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP SERIES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan when in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held a public hearing pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-7 on February 25, 2008; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a public hearing for the transmittal of the proposed amendment on March 11, 2008; and at that hearing approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment; and,

WHEREAS, at the March 11, 2008 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which was later received on May 27, 2008, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, pursuant to Section 163.3187(1)(j), comprehensive plan amendments to establish public school concurrency pursuant to Section 163.3180(13) may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan; and,

WHEREAS, The Board of County Commissioners, during its statutorily prescribed public hearing for the plan amendments on August 26, 2008, moved to adopt the proposed amendment as more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt an amendment to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as

hereby amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2008 Special Amendment School Facilities Element."**

#### SECTION TWO: ADOPTION OF LEE COUNTY'S 2008 SPECIAL AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on August 26, 2008; known as CPA2006-16. CPA2006-00016 amends the text of the Lee Plan to incorporate a public school facilities element into the Lee Plan and also incorporates two maps into the Future Land Use Map Series, Map 22, School Concurrency Service Areas, and Map 23, Educational and School District Facilities in Lee County. A brief summary of the content of those amendments are attached as Exhibit "A" to this ordinance.

In addition, the corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

#### SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

#### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

#### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment 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 such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Janes, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 26<sup>th</sup> day of August 2008.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Marcia Wilson  
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: [Signature]  
V. Chairman

DATE: 8/26/08

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office

State of Florida  
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 29<sup>th</sup> day of August, A.D. 2008

CHARLIE GREEN, CLERK

By: Marcia Wilson  
Deputy Clerk

LEE COUNTY ORDINANCE NO. 08-18  
(School District Capital Improvement Program)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-00018 (SCHOOL DISTRICT CAPITAL IMPROVEMENT PROGRAM), APPROVED DURING THE COUNTY'S 2008 SPECIAL AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE CAPITAL IMPROVEMENT ELEMENT AND TABLES 3 AND 4; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan when in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held a public hearing pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-7 on February 25, 2008; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a public hearing for the transmittal of the proposed amendment on March 11, 2008; and at that hearing approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment; and,



WHEREAS, at the March 11, 2008 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which was later received on May 27, 2008, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, pursuant to Section 163.3187(1)(j), comprehensive plan amendment to establish public school concurrency pursuant to Section 163.3180(13) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan; and,

WHEREAS, The Board of County Commissioners, during its statutorily prescribed public hearing for the plan amendments on August 26, 2008, moved to adopt the proposed amendment as more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt an amendment to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continued to be the "Lee Plan." **This ordinance may be referred**

to as the “2008 Special Amendment adopting School District Capital Improvement Program.”

## SECTION TWO: ADOPTION OF LEE COUNTY’S 2008 SPECIAL AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on August 26, 2008; known as CPA2006-18, which amends Tables 3 and 4 of the Lee Plan to incorporate the Lee County School District Capital Improvement Program into the Lee Plan. A brief summary of the content of those amendments are attached as Exhibit “A” to this ordinance.

In addition, the corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as “Support Documentation” for the Lee Plan.

## SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the

remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment 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 such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Janes, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 26<sup>th</sup> day of August 2008.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Marcia Wilson  
Deputy Clerk

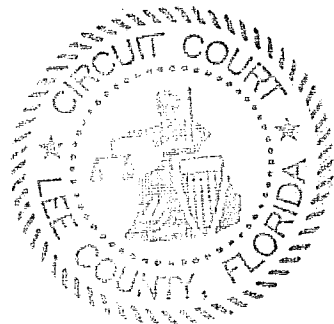
LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: [Signature]  
V. Chairman

DATE: 8/26/08

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office



State of Florida  
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 29th day of August, A.D. 2008

CHARLIE GREEN, CLERK

By: Marcia Wilson  
Deputy Clerk

**CPA 2006-16  
SCHOOL FACILITIES ELEMENT  
BoCC SPONSORED AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Publicly Sponsored Application  
and Staff Analysis**

---

**BoCC Adoption Document**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**August 26, 2008**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2006-16**

✓	Text Amendment	✓	Map Amendment
---	----------------	---	---------------

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: Original February 19, 2008  
Revised August 13, 2008

## **PART I - BACKGROUND AND STAFF RECOMMENDATION**

### **A. SUMMARY OF APPLICATION**

#### **1. APPLICANT/REPRESENTATIVE:**

Lee County Board of County Commissioners/Lee County School District  
Lee County Division of Planning

#### **2. REQUEST:**

Amend the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and provide for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.

## B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **adopt** this proposed amendment to the Lee Plan. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Planning staff recommends that the following Goals, Objectives and Policies be adopted to address the new School Concurrency requirements of the Florida Statutes. This recommendation includes modifications to address the Department of Community Affairs' Objections, Recommendations, and Comments Report (ORC). The transmitted language is shown in underline fashion with revisions to that language, to address the comments in the ORC Report shown in double underline and strike-through:

Revise Sub-Element h of the Community Facilities and Services Element as follows:

### **h. Education and Public School Facilities**

Modify existing Policy 66.2.3 as follows:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Add a new Goal, objectives, and policies following Goal 66 as follows. The goal, objectives and policy numbers will be renumbered when the plan is codified subsequent to the adoption of this amendment:

**GOAL 71: PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a “measurable programmatic change” means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County’s comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District’s Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board’s current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and



input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice~~ for a maximum of two additional periods of 2 years each ~~period~~ consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31~~December, 2008, the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.
- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to ~~the effective date of this policy~~ July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school-, and
- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

Policy 71.4: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

## **CAPITAL IMPROVEMENTS ELEMENT**

Revise the Capital Improvement Element language of Policy 905.1.3 beginning in the second paragraph, third sentence, to add public schools to the regulatory standards requiring a level of service:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

....These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

### **REGULATORY STANDARDS**

#### 7. Public School Facilities

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

### **NON-REGULATORY STANDARDS**

Renumber the non-regulatory standards accordingly.

Staff recommends that the following modifications to the to the transmitted language to address public school concurrency in the CIE:

**OBJECTIVE 71.4.295.5: Five-Year Schedule of School District Capital Improvements:**  
The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.195.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.295.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

**POLICY 71.4.395.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.495.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

## **INTERGOVERNMENTAL COORDINATION ELEMENT**

Add the following objective and policy to the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Lee County School District is still experiencing strong growth.
- Florida Statute section 163.3180 requires that each local government adopt a Public School Facilities Element.

- Florida Statute 163.3177 [12][c] requires that the Lee Plan CIE incorporate the Lee County School District CIP.
- 3,000-5,000 new students enter the School District each year.
- The School District expects to build an average of four new schools each year.
- The School District currently operates 92 public schools with more than 78,000 students.
- The School District currently uses relocatable classrooms to accommodate 5,997 student stations.
- The School District forecasts 170,680 students total for the 2026-2027 school year.
- The School District currently owns sufficient property to build all schools planned to open through 2011.
- The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities.
- By coordinating the planning of future schools with affected local governments, the School District can better identify the costs associated with site selection and the construction of new schools.

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

Public schools are critical components to the well-being and future of a community. Because of the importance of the public school system and its impact on the future of Lee County, and because of a history of significant population growth, coordinated school planning among the School District, the County and the municipalities within the County is necessary to ensure that public school capacity is sufficient to meet the needs created by future growth. Because of the relationship between residential development and the provision of public schools, the Public School Facilities Element (PSFE) focuses on coordinated planning among the School District, County and local governments to accommodate future student growth needs in the public school system. Within Lee County, the local governments participating in school concurrency are Lee County, the City of Fort Myers, the City of Cape Coral, the City of Bonita Springs, the City of Sanibel and the Town of Fort Myers Beach. Once implemented, school concurrency will ensure that the public school facilities necessary to maintain the adopted level of service for schools are in place before or concurrent with the school impacts of new residential development.

### **2. BACKGROUND DISCUSSION:**

In 2005, the Florida Legislature amended Florida Statute section 163.3180 and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element and Intergovernmental Coordination Element. The PSFE must address school level of service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility.

As mandated by Rule 9J-5.025 F.A.C., the PSFE must contain the following: Existing school facility enrollment and school facilities required to meet future needs; Projected enrollment for each school facility; Existing and projected school facility surpluses and deficiencies by Concurrency Service Area; School level of service standards; A financially feasible five-year schedule of school-related capital improvements that ensures adequate school capacity is available to maintain the adopted level of service; Provisions to ensure that school facilities are located consistent with the existing and proposed residential areas they serve; that schools be used as community focal points, and that schools be co-located with other public facilities. The element is also required to have Maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities, and Concurrency Service Areas (CSAs). The element must also contain a Proportionate Fair Share Methodology in the event that there is not enough school capacity to accommodate a development. The element must contain Goals, objectives, and policies for planning and school concurrency to achieve the above mentioned requirements.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### EXISTING CONDITIONS

For school concurrency purposes, existing conditions relate not only to the number and location of public schools, but also to the County's population and overall level of residential development activity. Because the County's land use and demographic characteristics relate to the various components of the public school system, this section identifies past and projected County population figures, recent residential development activity, student enrollment data, and the existing conditions of Lee County's public school system.

#### **County and Municipal Related Data**

##### Past and Projected Population

Table PSFE 1 shows past population and projections for the future.

**Table PFSE 1: Population Data, 2000 – 2006**

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
	<i>(Actual)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>
Unincorporated Lee County	244,972	247,287	258,467	269,200	276,939	292,414	308,667
Fort Myers	48,208	49,909	51,323	52,527	57,585	61,412	65,729
Cape Coral	102,286	106,947	113,253	120,439	132,379	140,195	154,499
Sanibel	6,064	6,072	6,135	6,224	6,335	6,272	6,321
Fort Myers Beach	6,561	6,700	6,741	6,792	6,945	6,849	6,874
Bonita Springs	32,797	38,003	39,154	39,906	41,070	42,300	43,518
Lee County	440,888	454,918	475,072	495,088	521,253	549,442	585,608

Source: US Census Bureau and BEBR (2000 Census)  
Bureau of Economic and Business Research (years 2001-2006)

### Permit Activity/Projected Permit Activity

In Lee County, the increase in population has been accompanied by an increase in residential housing units. Table PSFE 2 details building permit activity for the unincorporated county for the period between 2003 and 2006. Table PSFE 3 identifies the increase in total residential units from the 2000 Census to 2006.

**Table PSFE 2: Total Residential Permits Issued Per Year**

Building Type	2003	2004	2005	2006
Single Family Units	9,221	14,157	19,017	12,470
Multi-Family Units	11,037	1,652	1,926	1,322

Source: Lee County Statistical Digest, Economic Development Office of Lee County March 2007

**Table PSFE 3: Lee County Total Residential Units**

Residential Units	Census 2000	2006
Total Single Family Units	134,511	203,546
Total Multi-Family Units	70,952	100,111
Total Mobile Home Units	39,942	37,460
Total Housing Units	245,405	341,117

Source: U.S. Census Bureau

The data detailed in Table PSFE 3 indicates a steady increase in the number of single family residential building permits issued in Lee County between 2003 and 2006 with a decline in 2006, however, a significant number of permits were still issued in that year. These new units place additional demands on the school system's capacity because each new housing unit has the potential to generate new students.

### **Residential Development Activity**

While building permit data provides an indication of future growth, development review activity also serves as a growth indicator. Consequently, development review information, including the number of new residential housing units under review by Lee County and municipal planning departments in Lee County, was collected. This information can assist the local governments and School District in anticipating the demand for public schools.



### **Student Generation Multiplier**

A critical component of the school concurrency process is projecting the number of students that will be generated from new residential development. In order to calculate the number of students associated with new residential development, a student generation multiplier was created in Lee County in 2005 and Lee County has begun the process of developing another Impact Fee Study that should be concluded by the end of 2008. Any revised student generation rates determined by that study will take the place of Student Generation Rates referenced below upon adoption of the revised impact fee ordinance reflecting those generation rates. Because the number of students living in a housing unit varies depending on the type of residential housing, the student generation rate per residential unit is based on three housing types: single family, multi-family, and mobile home.

Consequently, the number of students associated with a development can be calculated by applying the multiplier to the development's proposed number and type of residential housing units. The projected number of students is the product of the development units multiplied by the student generation multiplier for the unit type.

**Table PSFE 5: Student Generation Rates, Lee County, 2005**

<b>Housing Type</b>	<b>Student/Unit</b>
Single Family Detached	0.316
Multi Family	0.125
Mobil Home	0.072
All housing types	0.212

Source: Duncan Associates School Impact Fee Update Study, Sept. 2005

To determine the student impact of a proposed residential development for school concurrency purposes, a proposed development's projected units by type of unit are converted into the number of projected students using the student generation rate for the unit type as identified in Table PSFE 5.

### **PUBLIC SCHOOL SYSTEM**

As required by the Florida Department of Education, the School District must implement a financially feasible Five-Year Capital Facilities Plan that provides for school capacity improvements to accommodate projected student growth. Those improvements which are

budgeted and programmed for construction within the first three years of the Plan are considered committed projects for concurrency purposes. Within the current Five-Year Capital Facilities Plan, the capital improvements that will provide capacity by 2011 consist of seven new Elementary schools, four Middle schools, three High schools, one Elementary school replacement (increasing capacity by 611 student stations), and two additions to existing elementary schools. More detail on the proposed capital facilities is found in Table PSFE 16. Residential development impacts students and school facilities because increases in new student enrollment can place demands on school capacity and cause overcrowding of facilities.

### **Enrollment and Capacity**

The Lee County School District must provide the facilities necessary to educate its students. Recently enacted state-mandated changes, such as early childhood education and class size limitations, have impacted the capacity needs of the School District. In 2003, voters passed Amendment 9 to the Florida Constitution which prescribes no more than 18 students per classroom in grades Pre-Kindergarten through grade 3; no more than 22 students in grades 4 through 8; and, no more than 25 students in grades 9 through 12. While the District exercises great control of student assignments through its controlled open-enrollment choice system, the mandates of class size make utilization of facilities inefficient. Accommodating one student more than the exact multiple of 18, 22, or 25 students in a classroom means the addition of one whole classroom and teacher. This is compounded by three zones, 9 sub-zones, and 13 grade levels in a growing District. In 2003, voters also passed Amendment 8 to the Florida Constitution which provided free, relevant educational programs to four-year olds. While students are being accommodated in private, for profit and not-for-profit institutions, the District must make services available as a last resort. Much of this service can and has been provided in concentrated summer-time programs at District schools; however, growth in the program is being felt in District schools during the traditional school year. Accommodating these students in existing schools is a challenge given our commitment to limit the use of relocatable classrooms and the unpredictability of enrollment growth.

Currently, the School District operates 92 public schools, from pre-kindergarten to 12<sup>th</sup> grade. The School District operates forty-three elementary schools, sixteen middle schools, twelve high schools, four K-8 schools, one 6-12 school, thirteen special centers and three High Tech Centers and Community Schools serving more than 78,000 students. Figure PSFE 2 shows the geographic locations of public schools operated by the School District. In Tables PSFE 10-13 a breakdown of the enrollment and school capacity for School Year 2006/07 and 2007-08 and a projection for future enrollment is provided. The figures in Tables PSFE 10-13 exclude charter schools which are not operated by the School District. School capacity figures are determined by the Florida Department of Education (FDOE) and are based on the Florida Inventory of School Houses (FISH) capacity analysis. This inventory system can and usually does change annually with amendments to the State Requirements for School Facilities (SREF). A minor reduction of student stations attributable to a particular type of room (i.e., primary, intermediate, ESE or gymnasium) has a significant impact depending upon the number of such rooms in each school and the number of schools in the District. One way the District addresses capacity deficiencies and other program needs at individual schools is through the use of relocatables or portables. The District currently uses relocatables to accommodate 5,997 student stations. The District plans to phase out the use of relocatables over the next five years. A breakdown of current and projected use of relocatables is shown in Table PSFE 14. In order to

serve the needs of the school population, the District also operates a number of ancillary facilities, which are listed in Table PSFE 15.

**Table PSFE 14: Relocatable Student Stations – Number of students to be educated in relocatable units, by school.**

Site	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Allen Park Elementary	5	5	0	0	0
Bayshore Elementary	18	0	0	0	0
Bonita Springs Elementary	62	62	0	0	0
Caloosa Elementary	18	18	0	0	0
Colonial Elementary	54	54	54	0	0
Edgewood Academy	36	36	0	0	0
Franklin Park Elementary	120	120	36	0	0
Gateway Elementary	66	66	66	66	0
Hancock Creek Elementary	18	18	18	0	0
Heights Elementary	216	36	0	0	0
J Colin English Elementary	54	54	54	0	0
Lehigh Elementary	238	238	126	0	0
Littleton Elementary	36	36	36	0	0
Michigan International	120	120	120	43	0
Mirror Lakes Elementary	18	18	18	0	0
N Ft Myers Acad of the Arts	367	110	0	0	0
Orange River Elementary	108	108	0	0	0
Orangewood Elementary	127	127	127	0	0
Pine Island Elementary	18	18	18	18	0
Pinewoods Elementary	36	36	0	0	0
Skyline Elementary	18	18	18	0	0
Spring Creek Elementary	144	144	144	36	0
Sunshine Elementary	62	0	0	0	0
The Sanibel School	59	59	59	59	0
Three Oaks Elementary	72	72	72	0	0
Tice Elementary	112	112	112	36	0
Tropic Isles Elementary	36	36	0	0	0
Villas Elementary	72	72	72	0	0
Alva Middle	132	132	0	0	0
Cypress Lake Middle	176	176	176	0	0
Gulf Middle	88	88	0	0	0
Lee Middle	66	0	0	0	0
Lehigh Acres Middle	88	88	0	0	0
Three Oaks Middle	44	44	0	0	0
Trafalgar Middle	264	264	264	132	0
Cape Coral Senior High	175	175	175	0	0
Estero Senior High	250	125	0	0	0
Fort Myers Senior High	125	125	125	0	0
Lehigh Senior High	150	150	150	0	0
Mariner Senior High	350	350	350	175	0
North Fort Myers Senior High	350	350	175	0	0
Riverdale High	225	225	225	100	0
ALC West	265	0	0	0	0
Buckingham Excep Stud Center	15	15	0	0	0
High Tech Central	210	210	210	105	0
West Zone Staging School	714	714	714	714	0
<b>Totals</b>					
Total students in relocatables by year.	5,997	5,024	3,714	1,484	0

Source: Lee County School District Work Plan, 2007-2008

**Table PSFE 15: Ancillary Facilities**

<b>Facility</b>	<b>Location</b>
Lee County Public Education Center	2855 Colonial Blvd., Fort Myers
Support Services Annex	3308 Canal Street, Fort Myers
Bus Garage	3234 Canal Street, Fort Myers
Safety Office	3925 Canal Street, Fort Myers
Leonard Transportation Facility	301 Leonard Blvd., Lehigh Acres
Six Mile Cypress Transportation	14701 Ben C. Pratt, Six Mile Cypress Parkway,
Transportation South	9251 Williams Road, Estero
Transportation West	450 NW 14 <sup>th</sup> Avenue, Cape Coral
Transportation East	3291 Buckingham Road, Fort Myers
East Parent Information Center (Leased)	9 Beth Stacy Blvd., Suite 207, Lehigh Acres

**Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	<b>Forecast 2007-2008</b>	<b>Forecast 2011-2012</b>	<b>Forecast 2016-2017</b>	<b>Forecast 2026-2027</b>
<b>Elementary</b>	35,019	28,912	46,898	84,734
<b>Middle</b>	16,066	32,902	21,907	36,979
<b>High</b>	21,279	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	72,364	84,869	105,049	170,680

Source: Lee County School District Work Plan, 2007-2008

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the projected future student growth, additional capacity projects are included in the School District's Capital Facilities Plan.

Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, detailed by Student Assignment Zones and Subzones. The initial Concurrency Service Areas (CSAs) will be coterminous with Student Assignment Zones, with a plan to move to Subzones in three years.

**Table PSFE 9 - Student Growth Rates by Grade Level – Actual and Projected COFTE**

<b>Grade</b>	<b>Actual 2006-07</b>	<b>Forecast 2007-08</b>	<b>Forecast 2008-09</b>	<b>Forecast 2009-10</b>	<b>Forecast 2010-11</b>	<b>Forecast 2011-12</b>	<b>Forecast 2012-13</b>	<b>Forecast 2013-14</b>
Pre-K	592	604	654	698	714	734	755	776
Grade K	6086	6193	6430	6570	7302	7493	7711	7934
Grade 1	5693	6049	6226	6460	6609	7296	7531	7752
Grade 2	5392	5648	6095	6287	6522	6677	7345	7604
Grade 3	5622	5694	6008	6397	6534	6712	6813	7421
Grade 4	5419	5403	5661	6048	6516	6723	6966	7131
Grade 5	5186	5428	5544	5808	6204	6683	6899	7148
Grade 6	5418	5482	5867	6007	6285	6708	7222	7471
Grade 7	5172	5480	5680	6069	6229	6509	6940	7468
Grade 8	5378	5104	5516	5723	6111	6279	6558	6988
Grade 9	6365	6526	6259	6625	6896	7333	7577	7900
Grade 10	5261	5473	5599	5409	5668	5903	6264	6490
Grade 11	4818	4906	5077	5199	5044	5255	5473	5801
Grade 12	4058	4374	4439	4594	4704	4564	4755	4952
<b>Total</b>	<b>70,458</b>	<b>72,364</b>	<b>75,055</b>	<b>77,894</b>	<b>81,338</b>	<b>84,869</b>	<b>88,809</b>	<b>92,836</b>

Source: 2007 Capital Outlay FTE Forecast, Department of Education

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>E1</b>																		
Bayshore Elementary	628	693	91%	613	693	88%	617	693	89%	618	693	89%	628	693	91%	621	639	97%
Edgewood Elementary	690	741	93%	475	741	64%	659	741	89%	661	741	89%	672	741	91%	695	713	97%
Manatee Elementary				733	1,070	69%	952	1,070	89%	954	1,070	89%	970	1,070	91%	1,016	1,070	95%
Michigan Int. Elem.	447	442	101%	339	442	77%	393	442	89%	394	442	89%	401	442	91%	404	418	97%
Orange River Elem.	844	809	104%	824	817	101%	727	817	89%	729	817	89%	741	817	91%	747	765	98%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
Tice Elementary	630	587	107%	564	587	96%	522	587	89%	524	587	89%	532	587	91%	521	539	97%
<b>Elementary Total</b>	<b>3,239</b>	<b>3,272</b>	<b>99%</b>	<b>3,548</b>	<b>4,350</b>	<b>82%</b>	<b>3,870</b>	<b>4,350</b>	<b>89%</b>	<b>3,880</b>	<b>4,350</b>	<b>89%</b>	<b>3,944</b>	<b>4,350</b>	<b>91%</b>	<b>4,004</b>	<b>4,144</b>	<b>97%</b>
Lee Middle	669	926	72%	610	926	66%	991	926	107%	864	926	93%	931	926	101%	895	917	98%
Michigan International Middle	224	158	142%	168	221	76%	237	221	107%	206	221	93%	222	221	100%	202	210	96%
Oak Hammock Middle							1,276	1,192	107%	1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
<b>Middle School Total</b>	<b>893</b>	<b>1,084</b>	<b>82%</b>	<b>778</b>	<b>1,147</b>	<b>68%</b>	<b>2,504</b>	<b>2,339</b>	<b>107%</b>	<b>2,182</b>	<b>2,339</b>	<b>93%</b>	<b>2,351</b>	<b>2,339</b>	<b>101%</b>	<b>2,267</b>	<b>2,319</b>	<b>98%</b>
High School "JJJ"													1,640	2,004	82%	1,979	2,004	99%
<b>High School Total</b>													<b>1,640</b>	<b>2,004</b>	<b>82%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>E2</b>																		
Gateway Elementary	881	758	116%	778	758	103%	675	758	89%	676	758	89%	687	758	91%	662	680	97%
Harns Marsh Elementary	937	851	110%	884	916	97%	815	916	89%	817	916	89%	831	916	91%	854	872	98%
River Hall Elementary	744	1,000	74%	846	1,046	81%	931	1,046	89%	933	1,046	89%	949	1,046	91%	1,002	1,020	98%
Sunshine Elementary	1,129	1,230	92%	1,094	1,191	92%	1,060	1,191	89%	1,062	1,191	89%	1,080	1,191	91%	1,090	1,108	98%
Treeline Elementary				647	758	85%	920	1,034	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "V"							675	758	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "W"																1,016	1,034	98%
<b>Elementary Total</b>	<b>3,691</b>	<b>3,839</b>	<b>96%</b>	<b>4,249</b>	<b>4,669</b>	<b>91%</b>	<b>5,076</b>	<b>5,703</b>	<b>89%</b>	<b>5,332</b>	<b>5,979</b>	<b>89%</b>	<b>5,423</b>	<b>5,979</b>	<b>91%</b>	<b>6,656</b>	<b>6,782</b>	<b>98%</b>
Riverdale (Middle)	339	388	87%	311	325	96%												
Varsity Lakes	995	1,024	97%	1,068	1,024	104%	1,096	1,024	107%	956	1,024	93%	1,029	1,024	100%	973	995	98%
Middle "LL"										1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
Middle "NN"																1,170	1,192	98%
<b>Middle Total</b>	<b>1,334</b>	<b>1,412</b>	<b>94%</b>	<b>1,379</b>	<b>1,349</b>	<b>102%</b>	<b>1,096</b>	<b>1,024</b>	<b>107%</b>	<b>2,068</b>	<b>2,216</b>	<b>93%</b>	<b>2,227</b>	<b>2,216</b>	<b>100%</b>	<b>3,313</b>	<b>3,379</b>	<b>98%</b>
Lehigh Senior	2,101	1,864	113%	1,785	1,864	96%	1,914	1,864	103%	1,982	1,864	106%	1,525	1,864	82%	1,820	1,845	99%
Riverdale High School	1,757	1,690	104%	1,814	1,728	105%	2,143	2,087	103%	2,219	2,087	106%	1,708	2,087	82%	1,885	1,910	99%
<b>High Total</b>	<b>3,858</b>	<b>3,554</b>	<b>109%</b>	<b>3,599</b>	<b>3,592</b>	<b>100%</b>	<b>4,057</b>	<b>3,951</b>	<b>103%</b>	<b>4,201</b>	<b>3,951</b>	<b>106%</b>	<b>3,233</b>	<b>3,951</b>	<b>82%</b>	<b>3,705</b>	<b>3,755</b>	<b>99%</b>
<b>E3</b>																		
Alva Elementary	872	303	288%	427	391	109%	348	391	89%	349	391	89%	355	391	91%	284	302	94%
Lehigh Elementary	1,007	764	132%	934	764	122%	680	764	89%	940	1,054	89%	956	1,054	91%	1,040	1,054	99%
Mirror Lakes Elementary	1,060	1,055	100%	1,059	1,061	100%	944	1,061	89%	946	1,061	89%	962	1,061	91%	982	1,000	98%
Veterans Park Elementary	1,019	907	112%	939	1,178	80%	1,048	1,178	89%	1,051	1,178	89%	1,068	1,178	91%	1,068	1,080	99%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
<b>Elementary "I"</b>										633	710	89%	644	710	91%	692	710	97%
<b>Elementary "G"</b>													938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
<b>Alva Middle</b>	557	514	108%	636	514	124%	550	514	107%	479	514	93%	516	514	100%	492	514	96%
<b>Lehigh Acres Middle</b>	998	1,016	98%	1,085	1,057	103%	1,132	1,057	107%	986	1,057	93%	1,062	1,057	100%	985	1,007	98%
<b>Veterans Park Middle</b>	510	630	81%	629	589	107%	631	589	107%	550	589	93%	592	589	101%	534	540	99%
<b>Middle Total</b>	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
<b>East Lee County High</b>	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
<b>High Total</b>	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
<b>E1 Total</b>	3,239	3,272	99%	3,548	4,350	82%	3,870	4,350	89%	3,880	4,350	89%	3,944	4,350	91%	4,004	4,144	97%
<b>E2 Total</b>	3,691	3,839	96%	4,249	4,669	91%	5,076	5,703	89%	5,332	5,979	89%	5,423	5,979	91%	6,656	6,782	98%
<b>E3 Total</b>	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
<b>Elementary Total</b>	10,888	10,140	109%	11,156	12,413	91%	11,966	13,447	89%	13,131	14,723	89%	14,290	15,757	91%	15,742	16,106	98%
<b>E1 Total</b>	893	1,084	82%	778	1,147	68%	2,504	2,339	107%	2,182	2,339	93%	2,351	2,339	101%	2,267	2,319	98%
<b>E2 Total</b>	1,334	1,412	94%	1,379	1,349	102%	1,096	1,024	107%	2,068	2,216	93%	2,227	2,216	100%	3,313	3,379	98%
<b>E3 Total</b>	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
<b>Middle Total</b>	4,292	4,656	91%	4,507	4,656	93%	5,913	5,523	107%	6,265	6,715	93%	6,748	6,715	100%	7,591	7,759	98%
<b>E1 Total</b>													1,640	2,004	82%	1,979	2,004	99%
<b>E2 Total</b>	3,858	3,554	109%	3,599	3,592	100%	4,057	3,951	103%	4,201	3,951	106%	3,233	3,951	82%	3,705	3,755	99%
<b>E3 Total</b>	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
<b>High Total</b>	4,693	4,363	106%	5,239	5,530	93%	6,047	5,889	103%	6,262	5,889	106%	6,459	7,893	82%	7,706	7,779	99%



**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>W1</b>																		
J. Colin English Elementary	608	589	103%	462	597	77%	521	597	87%	509	597	85%	532	597	89%	566	584	97%
Littleton Elementary	746	738	101%	699	738	95%	645	738	87%	629	738	85%	657	738	89%	631	649	97%
North Ft Myers Acad. Elem.	736	586	126%	533	905	59%	790	905	87%	772	905	85%	806	905	89%	842	853	99%
<b>Elementary Total</b>	<b>2,090</b>	<b>1,913</b>	<b>109%</b>	<b>1,694</b>	<b>2,240</b>	<b>76%</b>	<b>1,956</b>	<b>2,240</b>	<b>87%</b>	<b>1,910</b>	<b>2,240</b>	<b>85%</b>	<b>1,995</b>	<b>2,240</b>	<b>89%</b>	<b>2,039</b>	<b>2,086</b>	<b>98%</b>
North Ft Myers Acad. Midd.	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
<b>Middle Total</b>	<b>595</b>	<b>453</b>	<b>131%</b>	<b>465</b>	<b>453</b>	<b>103%</b>	<b>428</b>	<b>453</b>	<b>94%</b>	<b>443</b>	<b>453</b>	<b>98%</b>	<b>391</b>	<b>453</b>	<b>86%</b>	<b>421</b>	<b>426</b>	<b>99%</b>
Island Coast High				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
<b>High Total</b>				<b>411</b>	<b>600</b>	<b>69%</b>	<b>1,951</b>	<b>2,004</b>	<b>97%</b>	<b>2,054</b>	<b>2,004</b>	<b>102%</b>	<b>1,853</b>	<b>2,004</b>	<b>92%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>W2</b>																		
Caloosa Elementary	974	1,048	93%	1,036	1,075	96%	939	1,075	87%	917	1,075	85%	957	1,075	89%	1,038	1,056	98%
Diplomat Elementary	941	1,043	90%	948	1,086	87%	949	1,086	87%	926	1,086	85%	967	1,086	89%	955	973	98%
Elementary "C"										882	1,034	85%	921	1,034	89%	1,016	1,034	98%
Hancock Creek Elementary	944	1,038	91%	878	1,044	84%	912	1,044	87%	890	1,044	85%	930	1,044	89%	997	1,015	98%
Hector A. Cafferata, Jr. Elementary	762	883	86%	773	883	88%	771	883	87%	753	883	85%	786	883	89%	762	780	98%
Tropic Isles Elementary	993	1,063	93%	915	1,051	87%	918	1,051	87%	896	1,051	85%	936	1,051	89%	979	997	98%
<b>Elementary Total</b>	<b>4,614</b>	<b>5,075</b>	<b>91%</b>	<b>4,550</b>	<b>5,139</b>	<b>89%</b>	<b>4,489</b>	<b>5,139</b>	<b>87%</b>	<b>5,264</b>	<b>6,173</b>	<b>85%</b>	<b>5,497</b>	<b>6,173</b>	<b>89%</b>	<b>5,747</b>	<b>5,855</b>	<b>98%</b>
Caloosa Middle	1,095	1,055	104%	915	1,005	91%	950	1,005	95%	985	1,005	98%	867	1,005	86%	935	957	98%
Diplomat Middle	1,041	974	107%	890	974	91%	920	974	94%	954	974	98%	840	974	86%	945	967	98%
Mariner Middle	981	1,141	86%	946	1,141	83%	1,078	1,141	94%	1,118	1,141	98%	985	1,141	86%	1,108	1,130	98%
Middle "MM"													1,028	1,192	86%	1,070	1,192	90%
<b>Middle Total</b>	<b>3,117</b>	<b>3,170</b>	<b>98%</b>	<b>2,751</b>	<b>3,120</b>	<b>88%</b>	<b>2,948</b>	<b>3,120</b>	<b>94%</b>	<b>3,057</b>	<b>3,120</b>	<b>98%</b>	<b>3,720</b>	<b>4,312</b>	<b>86%</b>	<b>4,058</b>	<b>4,246</b>	<b>96%</b>
Mariner High	1,998	1,721	116%	1,991	1,721	116%	1,676	1,721	97%	1,765	1,721	103%	1,592	1,721	93%	1,613	1,638	98%
North Fort Myers High	1,981	1,849	107%	2,167	1,849	117%	1,799	1,849	97%	1,895	1,849	102%	1,709	1,849	92%	1,764	1,789	99%
High School "III"													1,435	1,552	92%	1,548	1,552	100%
<b>High Total</b>	<b>3,979</b>	<b>3,570</b>	<b>111%</b>	<b>4,158</b>	<b>3,570</b>	<b>116%</b>	<b>3,475</b>	<b>3,570</b>	<b>97%</b>	<b>3,660</b>	<b>3,570</b>	<b>103%</b>	<b>4,736</b>	<b>5,122</b>	<b>92%</b>	<b>4,925</b>	<b>4,979</b>	<b>99%</b>

**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones (cont.)**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
<b>W3</b>																		
<b>Cape Elementary</b>	862	1,041	83%	813	916	89%	800	916	87%	781	916	85%	816	916	89%	912	873	104%
<b>Gulf Elementary</b>	1,364	1,294	105%	1,287	1,396	92%	1,219	1,396	87%	1,191	1,396	85%	1,243	1,396	89%	1,276	1,294	99%
Patriot Elementary				733	1,070	69%	935	1,070	87%	913	1,070	85%	953	1,070	89%	1,016	1,070	95%
Pelican Elementary	1,146	1,264	91%	1,101	1,362	81%	1,190	1,362	87%	1,162	1,362	85%	1,229	1,362	90%	1,276	1,294	99%
Skyline Elementary	1,105	1,254	88%	1,022	1,380	74%	1,205	1,380	87%	1,177	1,380	85%	1,229	1,380	89%	1,242	1,260	99%
Trafalgar Elementary	896	959	93%	862	977	88%	853	977	87%	833	977	85%	870	977	89%	894	912	98%
<b>Elementary Total</b>	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
Challenger Middle	340	600	57%	863	1,257	69%	1,188	1,257	95%	1,231	1,257	98%	1,084	1,257	86%	1,170	1,192	98%
Gulf Middle	1,120	923	121%	1,001	923	108%	872	923	94%	904	923	98%	796	923	86%	892	914	98%
Trafalgar Middle	1,279	1,034	124%	1,096	1,034	106%	977	1,034	94%	1,013	1,034	98%	892	1,034	86%	1,001	1,023	98%
<b>Middle Total</b>	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
Cape Coral High School	2,119	1,821	116%	2,013	1,821	111%	1,773	1,821	97%	1,867	1,821	103%	1,684	1,821	92%	1,772	1,797	99%
Ida Baker High School	1,969	2,066	95%	2,104	2,030	104%	1,976	2,030	97%	2,081	2,030	103%	1,877	2,030	92%	1,962	1,987	99%
<b>High Total</b>	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>Totals for West Zone</b>																		
<b>Elementary</b>																		
W1 Total	2,090	1,913	109%	1,694	2,240	76%	1,956	2,240	87%	1,910	2,240	85%	1,995	2,240	89%	2,039	2,086	98%
W2 Total	4,614	5,075	91%	4,550	5,139	89%	4,489	5,139	87%	5,264	6,173	85%	5,497	6,173	89%	5,747	5,855	98%
W3 Total	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
<b>West Elementary Total</b>	12,077	12,800	97%	12,062	14,480	82%	12,647	14,480	87%	13,231	15,514	85%	13,832	15,514	89%	14,402	14,644	98%
W1 Total	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
W2 Total	3,117	3,170	98%	2,751	3,120	88%	2,948	3,120	94%	3,057	3,120	98%	3,720	4,312	86%	4,058	4,246	96%
W3 Total	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
<b>West Middle Total</b>	6,451	6,180	112%	6,176	6,787	94%	6,413	6,787	94%	6,648	6,787	98%	6,883	7,979	86%	7,542	7,801	98%
W1 Total				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
W2 Total	3,979	3,570	111%	4,158	3,570	116%	3,475	3,570	97%	3,660	3,570	103%	4,736	5,122	92%	4,925	4,979	99%
W3 Total	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>West High Total</b>	8,067	7,457		8,686	8,021	97%	9,175	9,425	97%	9,662	9,425	103%	10,150	10,977	92%	8,838	10,767	99%

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util %
<b>S1</b>																		
Allen Park Elementary	872	1,057	82%	847	1,056	80%	904	1,056	86%	921	1,056	87%	958	1,056	91%	992	1,010	98%
Colonial Elementary	755	981	77%	703	965	73%	826	965	86%	842	965	87%	875	965	91%	912	930	98%
Edison Park Elementary	377	449	84%	394	449	88%	384	449	86%	392	449	87%	407	449	91%	418	436	96%
Franklin Park Elementary	466	579	80%	446	579	77%	496	579	86%	505	579	87%	525	579	91%	552	570	97%
Heights Elementary	675	695	97%	653	695	94%	1,118	1,306	86%	1,139	1,306	87%	1,185	1,306	91%	1,288	1,306	99%
Orangewood Elementary	706	637	111%	638	637	100%	545	637	86%	556	637	87%	578	637	91%	531	549	97%
Ray V. Pottorf Elementary	738	851	87%	660	912	72%	781	912	86%	796	912	87%	827	912	91%	858	876	98%
Tanglewood Riverside Elementary	698	781	89%	680	793	86%	679	793	86%	692	793	87%	719	793	91%	729	747	98%
Villas Elementary	867	917	95%	819	943	87%	808	943	86%	823	943	87%	855	943	91%	839	857	98%
<b>Elementary Total</b>	<b>6,154</b>	<b>6,947</b>	<b>89%</b>	<b>5,840</b>	<b>7,029</b>	<b>83%</b>	<b>6,541</b>	<b>7,640</b>	<b>86%</b>	<b>6,666</b>	<b>7,640</b>	<b>87%</b>	<b>6,929</b>	<b>7,640</b>	<b>91%</b>	<b>7,119</b>	<b>7,281</b>	<b>98%</b>
Cypress Lakes Middle	834	880	95%	744	880	85%	757	880	86%	787	880	89%	817	880	93%	838	860	97%
P.L. Dunbar Middle	875	1,013	86%	982	1,013	97%	871	1,013	86%	906	1,013	89%	940	1,013	93%	958	980	98%
Fort Myers Middle	756	858	88%	670	858	78%	737	858	86%	767	858	89%	796	858	93%	843	865	97%
<b>Middle Total</b>	<b>2,465</b>	<b>2,751</b>	<b>90%</b>	<b>2,396</b>	<b>2,751</b>	<b>87%</b>	<b>2,365</b>	<b>2,751</b>	<b>86%</b>	<b>2,460</b>	<b>2,751</b>	<b>89%</b>	<b>2,553</b>	<b>2,751</b>	<b>93%</b>	<b>2,639</b>	<b>2,705</b>	<b>98%</b>
Cypress Lakes High School	1,470	1,713	86%	1,413	1,727	82%	1,377	1,727	80%	1,425	1,727	83%	1,473	1,727	85%	1,655	1,680	99%
Dunbar High School	834	1,242	67%	846	1,242	68%	990	1,242	80%	1,025	1,242	83%	1,060	1,242	85%	958	983	97%
Fort Myers High School	1,918	1,858	103%	1,865	1,964	95%	1,565	1,964	80%	1,621	1,964	83%	1,676	1,964	85%	1,920	1,945	99%
<b>High Total</b>	<b>4,222</b>	<b>4,813</b>	<b>88%</b>	<b>4,124</b>	<b>4,933</b>	<b>84%</b>	<b>3,932</b>	<b>4,933</b>	<b>80%</b>	<b>4,071</b>	<b>4,933</b>	<b>83%</b>	<b>4,209</b>	<b>4,933</b>	<b>85%</b>	<b>4,533</b>	<b>4,608</b>	<b>98%</b>
<b>S2</b>																		
Rayma C. Page Elementary	687	856	80%	714	836	85%	716	836	86%	729	836	87%	758	836	91%	840	858	98%
San Carlos Elementary	868	1,081	80%	876	1,081	81%	926	1,081	86%	943	1,081	87%	981	1,081	91%	981	999	98%
Three Oaks Elementary	812	738	110%	747	738	101%	632	738	86%	644	738	87%	669	738	91%	684	702	97%
<b>Elementary Total</b>	<b>2,367</b>	<b>2,675</b>	<b>88%</b>	<b>2,337</b>	<b>2,655</b>	<b>88%</b>	<b>2,274</b>	<b>2,655</b>	<b>86%</b>	<b>2,316</b>	<b>2,655</b>	<b>87%</b>	<b>2,408</b>	<b>2,655</b>	<b>91%</b>	<b>2,505</b>	<b>2,559</b>	<b>98%</b>
Lexington Middle	920	1,045	88%	852	1,027	83%	883	1,027	86%	918	1,027	89%	953	1,027	93%	999	1,021	98%
Three Oaks Middle	838	987	85%	801	987	81%	849	987	86%	882	987	89%	916	967	95%	965	987	98%
<b>Middle Total</b>	<b>1,758</b>	<b>2,032</b>	<b>87%</b>	<b>1,653</b>	<b>2,014</b>	<b>82%</b>	<b>1,732</b>	<b>2,014</b>	<b>86%</b>	<b>1,800</b>	<b>2,014</b>	<b>89%</b>	<b>1,869</b>	<b>1,994</b>	<b>94%</b>	<b>1,964</b>	<b>2,008</b>	<b>98%</b>
S Ft Myers High School	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
<b>High Total</b>	<b>1,283</b>	<b>2,086</b>	<b>62%</b>	<b>1,332</b>	<b>1,926</b>	<b>69%</b>	<b>1,535</b>	<b>1,926</b>	<b>80%</b>	<b>1,589</b>	<b>1,926</b>	<b>83%</b>	<b>1,643</b>	<b>1,926</b>	<b>85%</b>	<b>1,854</b>	<b>1,879</b>	<b>99%</b>

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
<b>S3</b>																		
Bonita Springs Elementary	390	389	100%	393	389	101%	333	389	86%	339	389	87%	353	389	91%	365	383	95%
Pinewoods Elementary	906	1,033	88%	934	1,044	89%	894	1,044	86%	911	1,044	87%	947	1,044	91%	1,017	1,035	98%
Spring Creek Elementary	772	753	103%	739	753	98%	645	753	86%	902	1,034	87%	938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	<b>2,068</b>	<b>2,175</b>	<b>95%</b>	<b>2,066</b>	<b>2,186</b>	<b>95%</b>	<b>1,872</b>	<b>2,186</b>	<b>86%</b>	<b>2,152</b>	<b>2,467</b>	<b>87%</b>	<b>2,238</b>	<b>2,467</b>	<b>91%</b>	<b>2,398</b>	<b>2,452</b>	<b>98%</b>
Bonita Springs Middle	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>Middle Total</b>	<b>560</b>	<b>876</b>	<b>64%</b>	<b>609</b>	<b>876</b>	<b>70%</b>	<b>753</b>	<b>876</b>	<b>86%</b>	<b>783</b>	<b>876</b>	<b>89%</b>	<b>812</b>	<b>876</b>	<b>93%</b>	<b>825</b>	<b>847</b>	<b>97%</b>
Estero High School	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
High Total	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>Totals for South Zone</b>																		
<b>Elementary</b>																		
S1 Total	6,154	6,947	89%	5,840	7,029	83%	6,541	7,640	86%	6,666	7,640	87%	6,929	7,640	91%	7,119	7,281	98%
S2 Total	2,367	2,675	88%	2,337	2,655	88%	2,274	2,655	86%	2,316	2,655	87%	2,408	2,655	91%	2,505	2,559	98%
S3 Total	2,068	2,175	95%	2,066	2,186	95%	1,872	2,186	86%	2,152	2,467	87%	2,238	2,467	91%	2,398	2,452	98%
<b>South Elementary Total</b>	<b>10,589</b>	<b>11,797</b>	<b>91%</b>	<b>10,243</b>	<b>11,870</b>	<b>89%</b>	<b>10,687</b>	<b>12,481</b>	<b>86%</b>	<b>11,134</b>	<b>12,762</b>	<b>87%</b>	<b>11,575</b>	<b>12,762</b>	<b>91%</b>	<b>12,022</b>	<b>12,292</b>	<b>98%</b>
S1 Total	2,465	2,751	90%	2,396	2,751	87%	2,365	2,751	86%	2,460	2,751	89%	2,553	2,751	93%	2,639	2,705	98%
S2 Total	1,758	2,032	87%	1,653	2,014	82%	1,732	2,014	86%	1,800	2,014	89%	1,869	1,994	94%	1,964	2,008	98%
S3 Total	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>South Middle Total</b>	<b>4,783</b>	<b>5,659</b>	<b>80%</b>	<b>4,658</b>	<b>5,641</b>	<b>80%</b>	<b>4,850</b>	<b>5,641</b>	<b>86%</b>	<b>5,043</b>	<b>5,641</b>	<b>89%</b>	<b>5,234</b>	<b>5,621</b>	<b>93%</b>	<b>5,428</b>	<b>5,560</b>	<b>95%</b>
S1 Total	4,222	4,813	88%	4,124	4,933	84%	3,932	4,933	80%	4,071	4,933	83%	4,209	4,933	85%	4,533	4,608	98%
S2 Total	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
S3 Total	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>South High Total</b>	<b>7,111</b>	<b>8,594</b>	<b>82 %</b>	<b>7,058</b>	<b>8,554</b>	<b>83 %</b>	<b>6,818</b>	<b>8554</b>	<b>80</b>	<b>7,058</b>	<b>8,554</b>	<b>83%</b>	<b>7,298</b>	<b>8,554</b>	<b>85%</b>	<b>8,019</b>	<b>8,144</b>	<b>91%</b>

**Table PSFE 13 – Barrier Island and Special Centers**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>Barrier Island Schools</b>																		
Fort Myers Beach Elem	192	200	96%	166	200	83%	170	200	85%	170	200	85%	170	200	85%	161	179	90%
Pine Island Elementary	345	391	88%	311	391	80%	333	391	85%	332	391	85%	332	391	85%	329	347	95%
The Sanibel School (Elem)	257	307	84%	239	263	91%	224	263	85%	224	263	85%	223	263	85%	231	241	96%
The Sanibel School (Mid)	130	154	84%	124	132	94%	112	132	85%	112	132	85%	112	132	85%	115	122	94%
<b>Special Facilities</b>																		
Buckingham Exceptional Center	107	100	107%	100	100	100%	100	100	100%	100	100	100%	100	100	100%	88	100	88%
Dunbar Community School	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%
New Directions	531	665	80%	493	665	74%	456	665	69%	419	665	63%	383	665	58%	217	640	34%
ALC West	0	300	0%	72	265	27%	70	265	26%	68	265	26%	66	265	25%	353	265	133%
Royal Palm Exceptional Center	185	230	80%	172	230	75%	167	230	73%	162	230	70%	157	230	68%	226	230	98%
High Tech Central	121	675	18%	74	675	11%	72	675	11%	70	675	10%	68	675	10%	0	675	0%
High Tech North	75	324	23%	95	324	29%	92	324	28%	90	324	28%	87	324	27%	0	324	0%

## **SCHOOL CONCURRENCY**

With the data collected from the School District, the County and the municipalities, an analysis was performed to determine the short-term and long-term future conditions that will impact public schools. As part of this analysis, the current inventory of public schools and planned school capital improvements was reviewed in light of the projected student growth and available revenue to finance the planned capital improvements. Generally, the analysis focuses on whether existing and planned school capacity can support residential development at the adopted level of service standard. Specific outputs from this analysis include school capacity figures, a financially feasible adopted level of service, and goals, objectives and policies for the school concurrency program.

### **Concurrency Service Area Boundaries**

A fundamental requirement of school concurrency is the establishment of Concurrency Service Areas (CSAs) to which school concurrency is applied when reviewing the impact of new residential development on public schools. The CSAs are used to determine whether adequate capacity is available to accommodate new students generated from residential development. Since 1998, the Lee County School District has operated under a School Choice Program. As part of this Program, the School District has been divided into three Zones (West, South and East). Each Zone is divided into Sub-Zones as shown on Figure PSFE 2. Generally, students may be assigned to a school in their Sub-Zone or an adjacent Sub-Zone within the same Zone. (For example, a student that lives in E3 may attend a school in E3 or in E2). Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living within proximate areas around each school, students whose first choice is a school within their sub-zone and students in full-time special education classes. The remaining applications are processed in order of their random numbers until there are no more applications. Initially the CSAs will be consistent with the current School Choice Program Zone boundaries in order to be consistent with the School District's current programs. The Choice program provides assurance that once a child is enrolled in a school, they can remain in that school through the highest grade or until the parents decide to make a change, unless they move to a different zone or sub-zone for which that school is not an option. Since the School Choice Program began, the District has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs are reduced.

### **School Level of Service**

Essentially, level of service (LOS) is the relationship between supply and demand. For schools, LOS is expressed as a ratio of enrollment and capacity, with capacity being the Permanent FISH capacity.

To establish an acceptable LOS, the school district and the local governments must project future demand, identify needed capacity, and determine the level of financial resources available to

construct additional capacity. These factors are then used as a basis to establish a school LOS standard. The level of service standard controls the maximum utilization of schools.

Florida law requires that the public school facilities element of a local government comprehensive plan address how the level of service standards will be achieved and maintained. The ability to achieve and maintain the adopted level of service must be based on a financially feasible Five-Year Capital Facilities Plan. Also, the law requires that the public school level of service standards be adopted into local government capital improvement element, and must apply to all schools of the same type (elementary, middle, and high). Initial shortfalls in capacity over the five-year period following adoption may be addressed by adopting a tiered level of service standard along with a concurrency management system.

Prior to establishing a level of service standard, the School District must determine the maximum capacity of the schools administered by the District. To determine the capacity for each school, the School District uses Permanent FISH capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a utilization percentage of the number of existing satisfactory student stations. FISH capacity is a product of the number of classrooms at a school and the student stations assigned to each room type. No capacity is assigned to small instructional spaces and the specialized classrooms (labs), including art, music, etc. A student station is defined as the square footage required per student for an instructional program based on the particular course content.

Tables PSFE 10-13 identify the Permanent FISH capacity of all schools administered by the District and their enrollment and utilization through school year 2011/12. The majority of the schools are within the acceptable Level of Service. Any deficiencies that currently exist and may exist in the future will be addressed with the use of relocatable classrooms. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation. Public school concurrency should ensure that the capacity of schools is sufficient to support current enrollment and the projected students from future residential development. Current enrollment and school capacity data provide a baseline for developing a financially feasible level of service standard for public schools.

As adopted, the public school level of service standard should maximize the efficiency of each school facility for educating students. Based on this, the preferred level of service standard in Lee County is 100% of Permanent FISH capacity.

### **Projected Additions to Capacity During the Five Year Planning Period**

As detailed in PSFE 16, the District has planned construction of a number of facilities over the five year planning period to accommodate expected growth in the student population.

#### **Elementary**

Seven additional elementary schools are proposed in the Five-Year Capital Facilities Plan;

adding approximately 7,000 additional elementary student stations. Two additions to existing Elementary Schools will add 666 student stations and the replacement of Heights Elementary School will add approximately 611 student stations.

### **Middle Schools**

To accommodate the growth at the middle school level, four new middle schools will open in the next 5 years adding approximately 5,336 new middle school student stations.

### **High Schools**

Three new high schools are included in the Five-Year Capital Facilities Plan adding approximately 6,318 student stations.

### **Real Property**

The District currently owns sufficient property to build all schools planned to open through 2011, with a bank of properties for some of the schools planned to open after that date. The District has currently budgeted approximately \$73,000,000 for the purchase of additional properties over the next five years. The District has also studied all of the District's existing facilities to determine opportunities to utilize real property at existing facilities to add to those schools rather than purchase additional property and build entirely new schools. The District has recently completed additions to seventeen elementary schools, eliminating the need to construct a new elementary school on an additional site. The District will continue to explore and pursue the construction of additions to existing schools in order to accommodate growth without the purchase of additional real property.

### **Demographic Discussion**

Lee County population has been increasing at a rapid pace since the 2000 Census. The total county estimated population increased between 14,000 to 36,000 people each year from 2000 to 2007. The compound annual population growth rate for Lee County has been estimated at 5.67% between 2000 and 2007. Preliminary population estimates for April 1, 2008 indicate a much slower growth rate of only 1.3% for the year. The percent of the population that is school age has been estimated to be slightly decreasing since the 2000 Census. This trend has been forecasted to continue through the year 2030. The Bureau of Economic and Business Research (BEBR) estimate of the population ages 5 through 17 is 92,416 in 2010 and 128,251 in 2030. This is the segment of the population that is considered "school age". Lee County School enrolment has increased along with the growth in county population. Based on a comparison of the Lee County School District Enrollment numbers reported on the "Lee County School District School Enrollments and Demographics" for "Cycle 7" (March-April) reports, 83.3% of the school age population is enrolled in the Lee County Public School System. However, this percentage is based on actual school enrollments and BEBR population estimates. A comparison of the 2000 Census shows that 85.5% of the school age population was enrolled in the public school system. Staff believes that this is the most reliable information available to project the future enrollments for the Lee County School District schools.

Breaking down the number of students enrolled at the various grade levels is based on information from the Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7". Over this period, 47% of the Lee County



School District's students are elementary school students, 23% are middle school students, 25% are high school students, and 5% are enrolled in other programs. These averages appear reasonable to forecast future student population breakdowns.

Using the assumptions discussed above, staff estimates the future school enrollment for Lee County School District as follows.

### Population and School Enrollment

Year	Total	5 to 17	Elementary	Middle	High	Other	Total
2000	440,888	63,418	26,707	12,905	13,026	3,306	55,944
2001	454,918	65,233	27,484	13,826	13,341	3,455	58,106
2002	475,072	67,349	27,888	14,394	14,388	3,613	60,283
2003	495,088	69,013	28,598	14,857	15,380	3,520	62,355
2004	521,253	74,993	29,089	15,196	16,757	3,173	64,215
2005	549,442	80,299	30,747	15,527	17,880	3,148	67,302
2006	585,608	85,410	32,405	15,666	18,799	3,071	69,941
2007	615,741	85,453	33,486	15,537	19,470	3,001	71,494
2008	623,725	85,495	33,505	15,065	19,432	2,938	70,940
2009	636,060	90,665	36,434	17,829	19,380	3,876	77,518
2010	648,395	92,416	37,137	18,174	19,754	3,951	79,016
2011	667,062	94,717	38,062	18,626	20,246	4,049	80,983
2012	685,728	97,018	38,987	19,079	20,738	4,148	82,951
2013	704,395	99,320	39,912	19,531	21,230	4,246	84,918
2030	979,040	128,251	51,538	25,221	27,414	5,483	109,655
<p>* Population Sources: Bureau of Economic and Business Research, Florida Population Studies, Volume 39 Bulletin 145, June 2006 2001-2008 BEBR Annual April 1 Estimate of Population 2009, 2011, 2012, 2013 - Staff straight line forecast</p> <p>**School Enrollment: 2000 to 2008 - Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7" 2009 to 2030 - Lee County Planning Division Staff assumptions (see discussion)</p>							

### Projected Additions to Capacity during the Ten and Twenty Year Planning Periods

#### Ten Year Planning Period

In the Ten Year Planning Period, the District plans to add thirteen schools in the East Zone consisting of seven Elementary Schools, five middle schools and one high school. In the West Zone, seven new schools will be added, consisting of four elementary schools, two middle schools and one high school. The South Zone will receive one elementary school and one high school. The District has acquired a bank of land that will accommodate a number of these

facilities, however, additional properties will need to be purchased in the East and West Zones. For each elementary school, the District will need a minimum of 13 acres, for each Middle School the District will need a minimum of 20 acres, and for each high school the District will need a minimum of 40 acres.

### **Twenty Year Planning Period**

In the Twenty Year Planning Period, the District has planned eighteen new schools in the East Zone (ten elementary schools, five middle schools and three high schools), sixteen new schools in the West Zone (nine elementary schools, four middle schools and three high schools) and eight new schools in the South Zone (four elementary schools, two middle schools and two high schools).

## **SCHOOL DISTRICT CAPITAL IMPROVEMENTS**

### **Funding Sources**

To address the new construction and renovation needs of the School District's Five-Year Capital Facilities Plan, the School District relies on local and state funding. The primary local funding sources are property taxes, and impact fees. By Florida Statute, school districts may levy up to 2 mills to fund the district capital program. The School District of Lee County has levied 2 mills in its most recent budget. In 2005, Lee County adopted an impact fee of approximately \$4,309/unit for a single family home, \$1,704.00/unit for multi-family and \$982.00/unit for mobile home. Impact fees are collected for new housing to offset a portion of the cost of new student stations generated by new residential development. The School District may also sell bonds or offer certificates of participation (COPs). The District currently has \$574,230,000.00 in outstanding COPs. This COPs funding was used to construct 24,879 student stations.

The Florida Statutes place restrictions on the School District's portion of state funding for capital outlay to specific uses. Expansion projects for student stations may make use of state capital outlay funding sources derived from motor vehicle license tax revenue, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities Public Education Capital Outlay funds (PECO).

### **Financial Feasibility**

The School Board is required by Section 1013.35, Florida Statutes, to adopt a financially feasible five-year capital facilities plan. The Five-Year Capital Facilities Plan, which is annually updated and adopted each year, details the capital improvements needed and funding revenues available to construct additional capacity to meet demand for student stations and maintain the adopted level of service. This will ensure that no schools exceed their adopted level of service for the five year period. The School District's Plan identifies how each project meets school capacity needs and when that capacity will be available.

The Five-Year Capital Facilities Plan provides for an annual planning process that allows the School District to effectively address changing enrollment patterns, development and growth, and the facility requirements of high quality educational programs. The summary of capital improvements shown in Table PSFE 16 details the School District's planned capital expenditures over the next five-year planning period. While this summary must be adopted

into the Capital Improvements Element of the County's Comprehensive Plan, the school district's capital improvements program does not require county or city funding. PSFE 16 shows the estimated cost of projects to address future facility needs for the five-year planning period, and the long range planning period, in order to meet the adopted level of service standard.

The Five-Year Capital Facilities Plan Summary of Estimated Revenue, shown in Table PSFE 16, details the School District's projected revenue sources over the next five years. A comparison of PSFE 16 and PSFE 17 shows that the School District's capital plan is sufficient to fund necessary capital improvements and is financially feasible.

**PSFE 16: School District's Capital Improvement Summary**

<b>School</b>	<b>Project</b>	<b>Added Capacity</b>	<b>Cost</b>	<b>Year Available</b>
Manatee Elementary	Elem. U	1,034	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,034	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,034	\$24,134,807	2008
New Elementary (East)	Elem. V	1,034	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,034	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,034	\$27,200,000	2010
New Elementary (West)	Elem. E	1,034	\$27,200,000	2010
New Elementary (West)	Elem. A	1,034	\$28,560,000	2011
New Elementary (East)	Elem. W	1,034	\$28,560,000	2011
New Elementary (East)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$30,000,000	
New Elementary (South)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$9,450,000*	
New Elementary (West)		1,034	\$30,000,000	
New Elementary (West)		1,034	\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO	1,334	\$44,600,000	2012
New Middle (West)		1,334	\$44,600,000	2012
New Middle (East)		1,334	\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

## PSFE 16 - Summary of Capital Improvements (Cont.)

### Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Lee County Public Education Center	New Administration Complex	\$2,748,477	\$0	\$0	\$0	\$0	\$2,748,477	Yes
East Transportation Facility at Leonard & Leonard	Transportation East Bus Facility	\$228,590	\$0	\$0	\$0	\$0	\$228,590	Yes
West Transportation Depot	Location Not Specified	\$49,350	\$0	\$0	\$0	\$0	\$49,350	Yes
East Transportation Depot at Tice Street	Transportation East Bus Facility	\$209,688	\$0	\$0	\$0	\$0	\$209,688	Yes
South Transportation Depot at Estero	Transportation South – Estero	\$35,700	\$0	\$0	\$0	\$0	\$35,700	Yes
Land/East Zone	Location Not Specified	\$37,500,000	\$0	\$0	\$0	\$0	\$37,500,000	Yes
Land/West Zone	Location Not Specified	\$37,500,021	\$0	\$0	\$0	\$0	\$37,500,021	Yes
Addition	Orange River Elementary	\$4,618	\$0	\$0	\$0	\$0	\$4,618	Yes
Addition	Sunshine Elementary	\$16,760	\$0	\$0	\$0	\$0	\$16,760	Yes
Addition	Mirror Lakes Elementary	\$21,646	\$0	\$0	\$0	\$0	\$21,646	Yes
Addition	Bayshore Elementary	\$9,060	\$0	\$0	\$0	\$0	\$9,060	Yes
New School in FY07	River Hall Elementary	\$852,268	\$0	\$0	\$0	\$0	\$852,268	Yes
South Zone Land/Oakbrook Property Purchase	Location Not Specified	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Addition	Allen Park Elementary	\$90,998	\$0	\$0	\$0	\$0	\$90,998	Yes
Addition	San Carlos Park Elementary	\$9,500	\$0	\$0	\$0	\$0	\$9,500	Yes
Addition	Tanglewood Riverside School	\$406	\$0	\$0	\$0	\$0	\$406	Yes
Addition	Villas Elementary	\$2,880	\$0	\$0	\$0	\$0	\$2,880	Yes
Addition	Colonial Elementary	\$13,500	\$0	\$0	\$0	\$0	\$13,500	Yes

### PSFE 16 - Summary of Capital Improvements (Cont.)

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Balance remaining within project/not closed.	Hector A. Cafferata, Jr. Elementary School	\$109,280	\$0	\$0	\$0	\$0	\$109,280	Yes
Balance remaining within project/not closed.	Ida S. Baker High School	\$2,198	\$0	\$0	\$0	\$0	\$2,198	Yes
Addition	Pelican Elementary	\$18,247	\$0	\$0	\$0	\$0	\$18,247	Yes
Addition	Skyline Elementary	\$149,162	\$0	\$0	\$0	\$0	\$149,162	Yes
Addition	Hancock Creek Elementary	\$11,120	\$0	\$0	\$0	\$0	\$11,120	Yes
Addition	Caloosa Elementary	\$9,520	\$0	\$0	\$0	\$0	\$9,520	Yes
Addition	Tropic Isles Elementary	\$6,375	\$0	\$0	\$0	\$0	\$6,375	Yes
Addition	Diplomat Elementary	\$11,880	\$0	\$0	\$0	\$0	\$11,880	Yes
Addition	Cape Coral Elementary	\$54,735					\$54,735	Yes
Ida S. Baker/Gulf Athletic Field	Location Not Specified	\$1,737	\$0	\$0	\$0	\$0	\$1,737	Yes
Appraisals for Buildings	Location Not Specified	\$1,600	\$0	\$0	\$0	\$0	\$1,600	Yes
Treeline Staging School	East Zone Staging School	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes

<b>Total</b>	<b>\$80,219,316</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$80,219,316</b>
					<b>Total from Previous Table</b>	<b>\$929,576,650</b>
					<b>GRAND TOTAL</b>	<b>\$1,009,795,966</b>

Source: Lee County School District Work Plan, 2007-2008

**Table PSFE 17: School District's Revenue Summary**

**Summary of Estimated Revenue**

Item Name	FY 2007 – 2008 Budget	FY 2008-2009 Budget	FY 2009-2010 Budget	FY 2010-2011 Budget	FY 2011-2012 Budget	Five Year Total
Local Two Mill Discretionary Capital Outlay Revenue	\$183,823,509	\$202,095,860	\$222,305,446	\$244,535,990	\$268,989,589	\$1,121,650,394
Maintenance Expenditures	(\$51,252,514)	(\$15,514,843)	(\$22,909,667)	(\$21,563,751)	(\$22,326,317)	(\$133,567,092)
2 Mill Other Eligible Expenditures	(\$280,146,162)	(\$169,328,065)	(\$189,429,141)	(\$127,954,713)	(\$140,932,061)	(\$907,790,142)
PECO Maintenance Expenditures	(\$5,549,091)	(\$5,324,013)	(\$4,757,019)	(\$4,435,654)	(\$4,406,997)	(\$24,472,774)
PECO Maintenance Revenue	\$5,549,091	\$5,324,013	\$4,757,019	\$4,435,654	\$4,406,997	\$24,472,774
	<b>(\$147,675,167)</b>	<b>\$17,252,952</b>	<b>\$9,966,638</b>	<b>\$95,017,526</b>	<b>\$105,731,211</b>	<b>\$80,293,160</b>
Item Name	FY 2007 - 2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	FY 2011-2012	Five Year
CO & DS Revenue	\$951,612	\$951,612	\$951,612	\$951,612	\$951,612	\$4,758,060
PECO New Construction Revenue	\$15,925,949	\$4,237,782	\$2,310,272	\$3,395,962	\$3,632,177	\$29,502,142
Other/Additional Revenue*	\$404,289,429	\$214,126,047	\$105,159,603	\$120,585,525	\$51,082,000	\$895,242,604
<b>Subtotal</b>	<b>\$421,166,990</b>	<b>\$219,315,441</b>	<b>\$108,421,487</b>	<b>\$124,933,099</b>	<b>\$55,665,789</b>	<b>\$929,502,806</b>
<b>Grand Total</b>	<b>\$273,491,823</b>	<b>\$236,568,393</b>	<b>\$118,388,125</b>	<b>\$219,950,625</b>	<b>\$161,397,000</b>	<b>\$1,009,795,96</b>

Source: Lee County School District Work Plan, 2007-2008

**Other/Additional Revenue Detail**

Item	2007 – 2008 Actual Value	2008 – 2009 Projected	2009 – 2010 Projected	2010 – 2011 Projected	2011 – 2012 Projected	Total
Classrooms for Kids	\$35,776,033	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$95,776,033
Other Revenue for Other Capital projects	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
Impact fees received	\$30,000,000	\$25,000,000	\$20,000,000	\$15,000,000	\$10,000,000	\$100,000,000

Interest, Including Profit On Investment	\$6,867,173	\$6,085,141	\$4,736,553	\$5,305,011	\$4,642,413	\$27,636,291
Fund Balance Carried Forward	\$331,546,223	\$167,940,906	\$65,323,050	\$85,180,514	\$21,339,587	\$671,330,280
<b>Subtotal</b>	<b>\$404,289,429</b>	<b>\$214,126,047</b>	<b>\$105,159,603</b>	<b>\$120,585,525</b>	<b>\$51,082,000</b>	<b>\$895,242,604</b>

Source: Lee County School District Work Plan, 2007-2008

## **PROPORTIONATE SHARE MITIGATION**

In the event that there is not adequate school capacity available to accommodate a development's demand for student stations, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer and the affected local government to mitigate the impact from the development through the creation of additional school capacity. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School District's Five-Year Capital Facility Plan. Capacity projects identified within the first three years of the Five-Year Capital Facility Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the School District's Five-Year Capital Facility Plan within the same Concurrency Service Area (CSA) as the proposed residential development, the developer may pay his proportionate share of the identified capacity project to accelerate the project's schedule and mitigate the proposed development. When the student impacts from a proposed development cause the adopted Level of Service to fail, a developer may enter into a 90 day negotiation period with the School District and the applicable local government to review potential mitigation projects. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options may include, but are not limited to:

1. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development and
2. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

The following standards apply to any mitigation accepted by the School District:

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School District's financially feasible work program, which satisfies the demands created by the proposed development; and

1. Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:  
$$(\# \text{ of housing units by type}) \times (\text{student generation rate by type of unit}) \times (\text{student station cost adjusted to local costs}) = \text{Proportionate share mitigation amount}$$

The student station cost adjusted to local costs will be calculated utilizing the total cost per student station, established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures for school sites as determined and published annually in the School District's Five Year Capital Facilities Plan. The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of the developer. Any mitigation accepted by the School District and subsequently agreed to by the applicable local government entity shall result in a legally binding agreement between the School District, the local government and the Developer.

#### **School Planning and Shared Costs**

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the School District to submit proposed school sites to the County or municipalities for review and approval. This analysis permits the School Board and affected local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Because Lee County is undergoing significant infrastructure development, analyzing the infrastructure needs of planned school sites is necessary. With this process, shared funding for capital improvements for school sites can be determined according to the responsibility of each party for each specific school site. Necessary infrastructure improvements may include: potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization and signage, site lighting, bus stops, and sidewalks. These improvements are assessed at the time of site plan preparation. Approval conditions can cover the timing and responsibility for construction, as well as the operation and maintenance of required on-site and off-site improvements. Any such improvements should be in keeping with the financially feasible capital plan adopted by the School Board.

Other cost-effective measures should be considered by local governments during the process of formulating neighborhood plans and programs and reviewing large residential projects. During those processes, the County and the cities can encourage developers or property owners to provide the School District with incentives to build schools in their neighborhoods. These incentives may include, but are not limited to, donation and preparation of site(s), acceptance of stormwater run-off from future school facilities into development project



stormwater management systems, reservation or sale of school sites at predevelopment prices, construction of new school facilities or renovation of existing school facilities.

### **Coordination**

The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to the County, School District and local governments. The School District and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. One of the facilities is located next to a planned County park which will provide additional opportunities for shared use. The School District and Lee County have also engaged in agreements trading pieces of property which will result in construction of an EMS station on property that was part of the North Fort Myers Academy of the Arts campus and a public library on property that was part of the Mariner Middle School campus. The County has constructed several swimming pools and athletic fields on a number of school campuses that are used both by the school and by members of the general public. The County and the District also have an Interlocal Agreement that provides for the identification of school facilities to be used as hurricane shelters and reimbursement of the additional construction costs of shelters to the District. There are currently 29 schools within the District that are identified as hurricane shelters. During the preparation of its Educational Plant Survey, the School District can identify future co-location and shared-used opportunities for new schools and public facilities. Likewise, co-location and shared use opportunities should be considered by the local governments when updating their comprehensive plan, schedule of capital improvements and when planning and designing new or renovating existing libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums.

### **Plan Implementation**

The implementation of the Public Schools Facilities Element will involve numerous activities. The most extensive of these will be the implementation of the provisions contained in the Interlocal Agreement for Coordinated Planning and School Concurrency.

## **TRANSMITTED RECOMMENDED GOALS, OBJECTIVES, AND POLICIES:**

The Lee Plan already contains an Education sub-element within the Community Facilities and Services Element. Staff is proposing to incorporate the new requirements for the Public Schools Facilities element into this existing sub-element. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Staff recommends (at time of transmittal, language recommended for adoption is contained above in Section Part I.B of this report.) that the following new policy language be incorporated into the Community Facilities and Services Element to address the new requirements of the Florida Statutes:

## **h. Education and Public School Facilities**

**GOAL 71 PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By April 1, 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By July 31, 2008 the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

a. Single family lots having received final plat approval prior to the effective date of this policy.

- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

**OBJECTIVE 71.4: Five-Year Schedule of School District Capital Improvements:** The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment.

**POLICY 71.4.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

## **CAPITAL IMPROVEMENTS ELEMENT**

Staff recommends that the following modifications to the Capital Improvements Element be made to address public school concurrency:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

Second paragraph, third sentence:

These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

## **REGULATORY STANDARDS**

### **7. Public School Facilities**

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

## **NON-REGULATORY STANDARDS**

Renumber accordingly.

## **B. TRANSMITTAL STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 25, 2008

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the LPA a summary of the proposed amendment. One LPA member asked several questions pertaining to the data upon which the amendment is based. One member discussed a variety of issues from busing costs, greater utilization of existing facilities, and building multi-storied facilities. No members of the public appeared to address the LPA.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

#### **C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
LELAND M. TAYLOR	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 11, 2008

**A. BOARD REVIEW:**

Planning staff presented additional policy language for the Board's consideration. These modifications are included below:

Modifications to existing Policy 66.2.3:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Modifications to Policies located under proposed Objective 71.1:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Modifications to Policies located under proposed Objective 71.2:

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice for a~~ maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31,~~ December 2008, the LDC will be amended to establish mitigation options...[remainder of the policy remains unchanged]

**POLICY 71.2.5:** [remains unchanged except for section b., which is provided below]

b. Multi-family residential development having received a final development order and



concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.

Modifications to Policies located under proposed Objective 71.3:

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

Proposed New Policies to be located under proposed Objective 71.4:

**POLICY 71.4.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board voted to transmit the proposed amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board accepted the findings of fact as advanced by the staff and Local Planning Agency.

**C. VOTE:**

**A. BRIAN BIGELOW**

**AYE**

**TAMMARA HALL**

**AYE**

**ROBERT P. JANES**

**AYE**

**RAY JUDAH**

**AYE**

**FRANKLIN B. MANN**

**AYE**

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: May 23, 2008

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

***I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULES 9J-5, F.A.C.***

*Lee County has proposed this comprehensive plan amendment for satisfying the statutory requirements to adopt a Public School Concurrency Program, as set forth under Section 163.3177(12) and 163.3180(13), F.S. Based on the requirements set forth in Chapter 163, F.S., and Rule 9J-5, F.A.C., the Department has objections and comments to the amendment as follows:*

**Public Education Facilities Element**

***Objection 1: Data and Analysis Requirements***

*The proposed Public School Facilities Element is not supported by appropriate and relevant data and analysis required under Section 163.3177(12)(c), F.S., and Rule 9J-5.025, F.A.C. The following required data and analysis are not included:*

- 1. An analysis of anticipated educational and ancillary plants with land area requirements;*
- 2. Projected future population projections and associated demographics year by year for the upcoming five-year and for the end of the long-term planning period;*
- 3. The estimated cost of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard for the long-term planning period; and*
- 4. The Educational Plant Survey in its entirety.*

*In addition, the data and analysis provided in support of the proposed Public Education Facilities Element does not meet all of the statutory and rule requirements. Some data sets are out of date by a year, for example Table PSFE 8: Grade Level Enrollment Forecast does not include actual number for 2007-2008, but starts with the actual enrollment for 2006-2007. Other tables omit required years within the current five-year planning period, for example "Table PSFE 9: Student Growth Rates by Grade Level - Actual and Proposed" omits the forecast for years 2007-08 and years 2010-11. One table, PSFE 4, is blank. In addition, not all tables, charts, graphs, maps, figures and data sources, and their limitations are clearly described; include if applicable where such data occur in the above documents.*

*[Section 163.3177(3)(a), 163.3177(12)(c), F.S.; Rule 9J-5.005(2), 9J-5.015(1), 9J-5.015(2), 9J-5.016(1), 9J-5.016(2), 9J-5.025(2), F.A.C.]*

***Recommendation:***

*Revise the element to address the above-cited issues based on appropriate and relevant data and analysis. Submit the data and analysis with the adopted Public School Facilities Element for the*

Department's compliance review. Include the source of the data with the limitations clearly described, and if applicable where such data occur in the document(s).

### **Objection 2: DRI Exemption from Concurrency**

Proposed Policy 71.2.5.e of the Public School Facilities Element allows a concurrency exemption for Developments of Regional Impact (DRI). The policy states as follows:

The following residential uses are exempt from the requirements of school concurrency: Development that has been authorized as a Development of Regional Impact approved pursuant to Chapter 380, F.S., approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The effective date of this policy is inconsistent with Section 39 of Chapter 2005-290, Laws of Florida (SB 360). Section 39 entitles an exemption of any DRI for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development of regional impact application has been submitted prior to May 1, 2005.

[Section 39 of Chapter 2005-290, Laws of Florida (SB 360), Section 163.3177(12)(c), F.S.; Rule 9J-2.0251(3), F.A.C.; Rule 9J-5.025(3)(b) & (c), F.A.C.]

### **Recommendation:**

Revise PEFE Policy 71.2.5.e to establish July 1, 2005 as the effective date of the exemption for DRIs from school concurrency requirements.

### **Capital Improvements Element**

### **Objection 3: Demonstration of Financial Feasibility of Element**

Under the provision set forth in Public Education Facilities Element Objective 71.1 "Five-year Schedule of School District Capital Improvements", Lee County proposes to demonstrate financial feasibility of the Capital Improvements Element (CIE) by requiring the County to "include those projects necessary to address future needs of existing and anticipated school enrollment." Proposed PEFE Policy 71.4.1 requires that the County incorporate the required "Summary of Estimated Revenues" and Summary of Capital Improvements" tables from the School District s (sic) Five-year Capital Facilities Plan into the Capital Improvements Element.

However, the documents referred to by PEFE Objective 71.4 and Policy 71.4.1 have not been included in the CIE as the language requires they should. Therefore, the proposed amendment is inconsistent with Section 163.380(13)(d), F.S. requiring that a comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element (CIE).

Proposed PEFE Policy 71.4 also does not include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; Rule 9J-5.005(2)(g), 9J-5.025(2)(i), & (j), 9J-5.025(3)(b)2 & 3, 9J-5.025(3)(c)2, F.A.C.]

**Recommendation:**

*To demonstrate financial feasibility at the time of adoption of this Amendment, implement the requirements of proposed PEFE Policy 71.4. Incorporate into the Capital Improvements Element the required "Summary of Estimated Revenues" and "Summary of Capital Improvements" tables from the School District's (sic) Five-year Capital Facilities Plan.*

*Alternatively include a policy that adopts by reference the relevant tables from the Lee County School District's annually updated financially feasible Five-year Capital Facilities Plan. The policy and/or actual tables should include a reference that identifies the document by title, volume and date, and should include language stating: "...document(s) adopted by reference is as they existed on a date certain." To comply with Rule 9J-5.005(2)(g), F.A.C., documents adopted by reference that are revised subsequent to Plan adoption will need to have their reference updated within the Plan through the annual amendment process. The policy or table should indicate the date, title, author and volume of the document being referenced, and where possible the applicable pages.*

*In addition, revise proposed PEFE Objective 71.4 to include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.*

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; 9J-5.005(1)(c)& (2)(a) and (g); Rule 9J-5.016(3)(b)1, 3, 4, & 5, 9J-5.016(3)(c)1, 9J-5.016(4), F.A.C.]

**Public Education Facilities, Capital Improvements and Intergovernmental Coordination Elements**

**Objection 4: Goals, Objectives and Policy Requirements**

*The County did not provide the following required objectives and policies in its Public Education Facilities Element, Capital Improvements Element and the Intergovernmental Coordination Element to ensure compliance with the requirements for school concurrency:*

a. *Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFE does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

b. *Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4, F.S., and Rule 9J-5.025(3)(b)5, F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

c. *Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by*

*amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.*

*d. Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.*

*e. The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]*

*f. Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.*

*g. Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.*

*[163.3177(6)(a), (h)1 and 2 & (12)(g)4, 6, and 7; 163.31777; 163.3180(13)(b)1 and (d)2; Rules 9J-5.005(1)(c) & (2)(a) and (g); 9J-5.025(2) & (3), F.A.C.]*

### ***Recommendation:***

*Revise the Public School Facilities Element to include objectives and policies that adequately address the requirements of Florida Statutes and Florida Administrative Code as described above.*

## ***II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN***

*The proposed comprehensive plan amendment does not adequately further the State Comprehensive Plan, Chapter 187, F.S., regarding:*

### ***(15) Land Use***

*Policies 5 & 6: Establish comprehensive impact review procedures to evaluate the effects of significant development activities within local government jurisdictions. (Objections 1, 2, 3, 4, 5, 6, 7)*

*Policy 7: provide educational programs to meet state, regional and local planning and growth management needs. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(16) Urban and Downtown Revitalization*

*Policy 8: Promoting processes for the state, general purpose local governments, school boards, and community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(17) Public Facilities*

*Policy 1: Provide incentives for developing land in a way that maximizes the uses of existing public facilities. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*Policy 6: Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities. (Objections 4, 5 & 6)*

**Recommendation:**

*Revise the proposed amendment to be consistent with the above goals and policies of the State Comprehensive Plan, as recommended in this report.*

**B. STAFF RESPONSE**

**Objection 1: Data and Analysis Requirements**

The Data and Analysis has been updated to include references as to the origin of the information contained in the tables. Those tables that were missing information from some years of the five year planning period were updated to include data from each year of the planning period. Additional language was added regarding deficiencies in Level of Service and regarding land needs of the District.

The adopted District's current 5 Year Work Plan can be found at this location on the internet:

<http://planning.leeschools.net/Data/07WkPlanfinal.pdf>

The Educational Plant Survey can be found at this location on the internet:

<http://planning.leeschools.net/Data/Lee%20Co%202007-12%20Ed%20Plant%20Survey.pdf>

**Objection 2: DRI Exemption from Concurrency**

Staff proposes the following modification to proposed Policy 71.2.5.e:

- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The above proposed modification is consistent with the DCA Recommendation for Objection 2 of the ORC Report. Staff notes that the actual transmittal language slightly differs from what was cited in the DCA ORC report. The above modifications are based on the language that was actually transmitted to the DCA for review.

### **Capital Improvements Element**

#### **Objection 3: Demonstration of Financial Feasibility of Element**

The Lee County School District's School Capital Improvement Program is being incorporated by the inclusion of proposed Table 3A which is contained in the staff report for CPA2006-18 which is being adopted concurrently with this amendment. References to the School District documentation are being corrected in that staff report. Staff proposes modification to proposed Objective 71.4 to "include the required language that the Plan shall set forth a financially feasible public school facilities program...that demonstrates that the adopted level of service standards will be achieved and maintained." Staff proposes to renumber and relocate Objective 71.4 and subsequent policies located under this objective to the Capital Improvements Element. Staff proposes the following modifications to address the ORC recommendations:

**OBJECTIVE 71.4.495.5:** Five-Year Schedule of School District Capital Improvements: The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.495.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.295.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

**POLICY 71.4.395.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.495.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

#### **Objection 4: Goals, Objectives and Policy Requirements**

*a. Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFE does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

Staff notes that the School District of Lee County has not identified any current or projected Level of Service deficiencies. Staff is proposing a new objective and policy to prioritize projects in the Capital Improvement Plan that eliminate existing school facility deficiencies to ensure that facilities are in place to meet future needs:

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

Policy 71.4: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

*b. Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4. F.S., and Rule 9J-5.025(3)(b)5. F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

The Lee Plan contains numerous Objectives and Policies that speak to coordinating infrastructure provision with school facilities. For Example, Objective 40.4 requires the County to consider all modes of Transportation:

***OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION.*** *When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)*

Policy 40.4.2 provides coordination to ensure that Lee County develops a safe interconnected bicycle/pedestrian system. This Policy is reproduced below:

***POLICY 40.4.2:*** *The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet users' needs for transportation and recreation, consistent with the Bikeways/Walkways Facilities Plan (Map 3D). The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)*

Connecting public schools with established residential neighborhoods is a Lee Plan priority:



**POLICY 40.4.5:** *The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-89, Amended and Relocated by Ordinance No. 99-15)*

Lee County encourages development designs that promote pedestrian and bicycle linkages:

**POLICY 40.4.7:** *The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)*

The Lee Plan already requires that new residential developments provide pedestrian/bicycle facilities to access schools:

**POLICY 66.3.7:** *Require that new residential developments provide for adequate pedestrian and bicycle access for school children.*

The School District and Lee County jointly review proposed school sites to ensure coordination of plans for supporting infrastructure:

**OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.** *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

**POLICY 66.1.1:** *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 66.3.2:** *Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.*

Staff believes this topic is already addressed by the Lee Plan, but staff also believes that Policy 71.3.7 can be amended to specifically address this concern:

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize

areas for sidewalk improvements to increase the ability of children to walk safely to school, and

- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

c. *Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.*

Policy 71.1.2 has been modified to simply refer to the 2008 Interlocal Agreement:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Staff is proposing an additional policy to address the maximization issue:

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

- d. *Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.*

Staff proposes the following modification to Policy 71.2.3 to address this objection:

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a

maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

e. *The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]*

The Lee Plan already addresses this issue. The Future Land Use Element contains Policy 2.1.3, Objective 2.10, Objective 2.2, Policy 2.2.1, and Policy 5.1.3. Policy 2.1.3 provides that "all land use categories and Planning Community Map areas permit the consideration of...schools (except in Wetlands and Airport Noise Zones). Policy 2.1.3 is reproduced below:

***POLICY 2.1.3:*** *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)*

Objective 2.2 and Policy 2.2.1 seek to direct new growth to areas where adequate public services exist or are planned to exist. This Objective and Policy is reproduced below:

***OBJECTIVE 2.2: DEVELOPMENT TIMING.*** *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

***POLICY 2.2.1:*** *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

This issue is also addressed by Objective 2.10, School Location. This Objective is reproduced below:

***OBJECTIVE 2.10: SCHOOL LOCATION.*** *In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)*

The Lee Plan, in Policy 5.1.3, seeks to direct "high-density residential developments" to locations that are near schools as well as near employment and shopping centers. This Policy is reproduced below:

***POLICY 5.1.3:*** During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

Further, Goal 66, and Objective 66.1 also provide guidance concerning this issue:

***GOAL 66: EDUCATION.*** To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)

***OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.*** Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)

***POLICY 66.1.1:*** The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)

Existing Policies 66.3.6 and 66.3.8 also address this issue:

***POLICY 66.3.6:*** Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.

***POLICY 66.3.8:*** School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)

Planning staff believes that the above mentioned Policy language adequately addresses this issue.

- f. *Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.*

The School District and Lee County coordinate school planning with appropriate surrounding uses. School District staff receive copies of applications for DRIs and other significant developments from the County and are given an opportunity to comment, providing District staff with advanced knowledge as to upcoming planned developments. When the District is considering acquisition of a parcel within the unincorporated County, the District contacts the County and requests comment as to the site's consistency with the Lee Plan. Also, a member of the County's planning staff is a liaison to the School District's Site Selection Committee and participates in discussion regarding the appropriateness of sites that the District is evaluating for purchase. In addition to the above

mentioned Lee Plan Objectives and Policies, the Lee Plan contains a policy that regulates location of commercial uses proximate to school sites:

***POLICY 6.19:*** *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)*

- g. *Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.*

The Lee Plan already contains a "Cooperation" Objective and Policies in the Community Facilities Element that addresses this issue.

***OBJECTIVE 66.2: COOPERATION.*** *The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)*

***POLICY 66.2.1:*** *Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-22)*

***POLICY 66.2.2:*** *The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 00-22)*

***POLICY 66.2.3:*** *The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. (Added by Ordinance No. 03-04)*

To meet the statutory requirement of providing a reference for collaborative planning and decision making on population projections and public school siting, the location of public facilities subject to concurrency, and siting facilities with countywide significance, staff proposes the following new Objective and Policy in the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

## **C. CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that the modifications proposed above along with the modifications to the data and analysis added to Part II, Staff Analysis, Section A. Staff Discussion adequately address all of the objections, recommendations, and comments raised in the Department of Community Affairs ORC

report. The transmitted language along with all of the modifications to address the ORC Report have been consolidated into Part I, Section B of this report. Staff recommends that the Board of County Commissioners adopt the changes to the Lee Plan as contained in that Section (starting on Page 2).

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: August 26, 2008

**A. BOARD REVIEW:**

The Board of County Commissioners provided no discussion concerning the proposed plan amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board of County Commissioners adopted the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board of County Commissioners accepted the finding of facts as advanced by the Staff and LPA.

**C. VOTE:**

**A. BRIAN BIGELOW**

AYE

**TAMMARA HALL**

AYE

**ROBERT P. JANES**

AYE

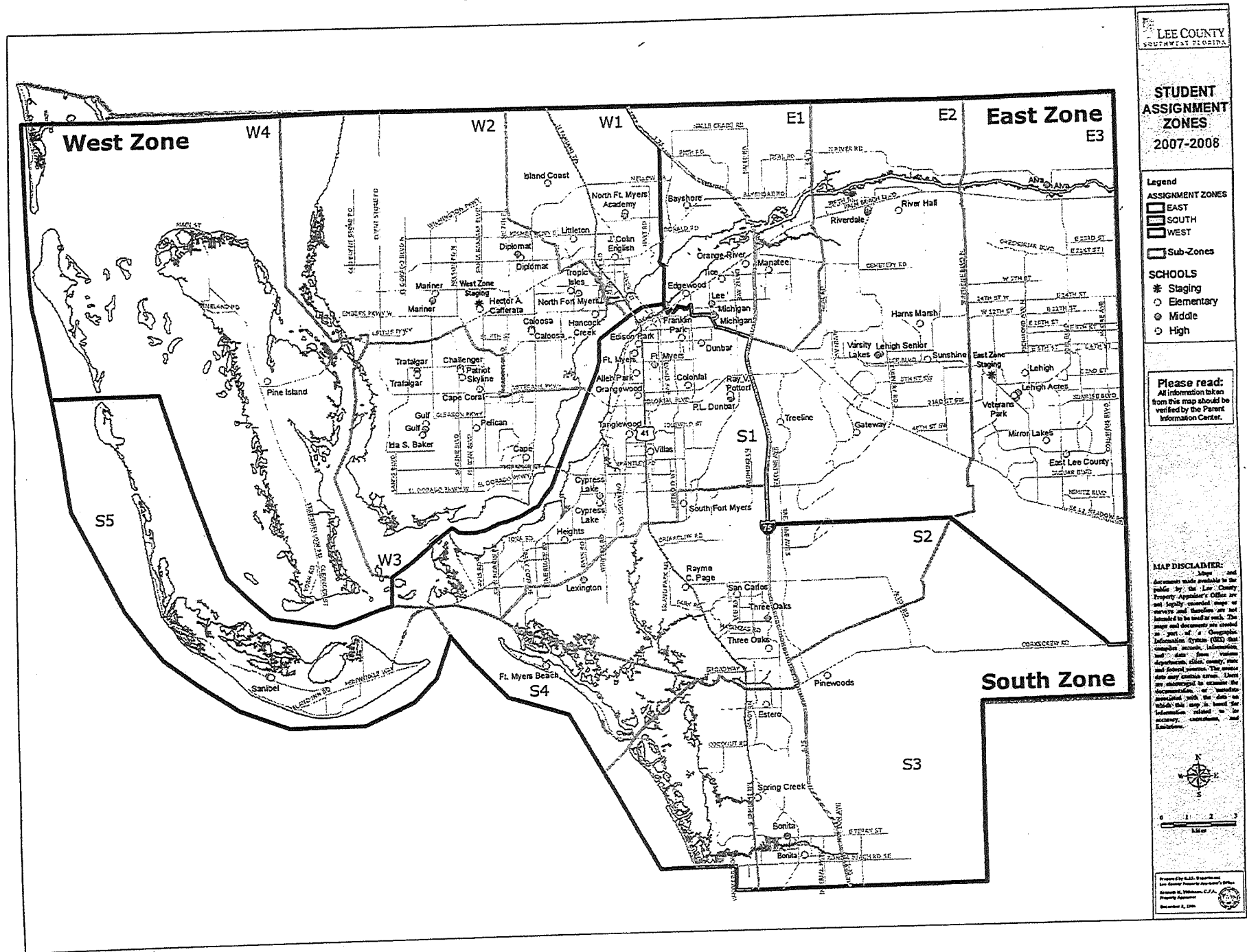
**RAY JUDAH**

AYE

**FRANKLIN B. MANN**

AYE

# PROPOSED LEE PLAN MAP 22

















# PROPOSED LEE PLAN MAP 23

## Educational and School District Facilities in Lee County

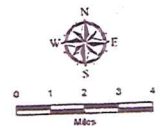
### Educational Facilities

-  Elementary School
-  Middle School
-  High School
-  Special Center
-  Technical/Exceptional
-  Charter School
-  Edison College
-  Florida Gulf Coast University
-  Potential Future Schools

### Other School Facilities

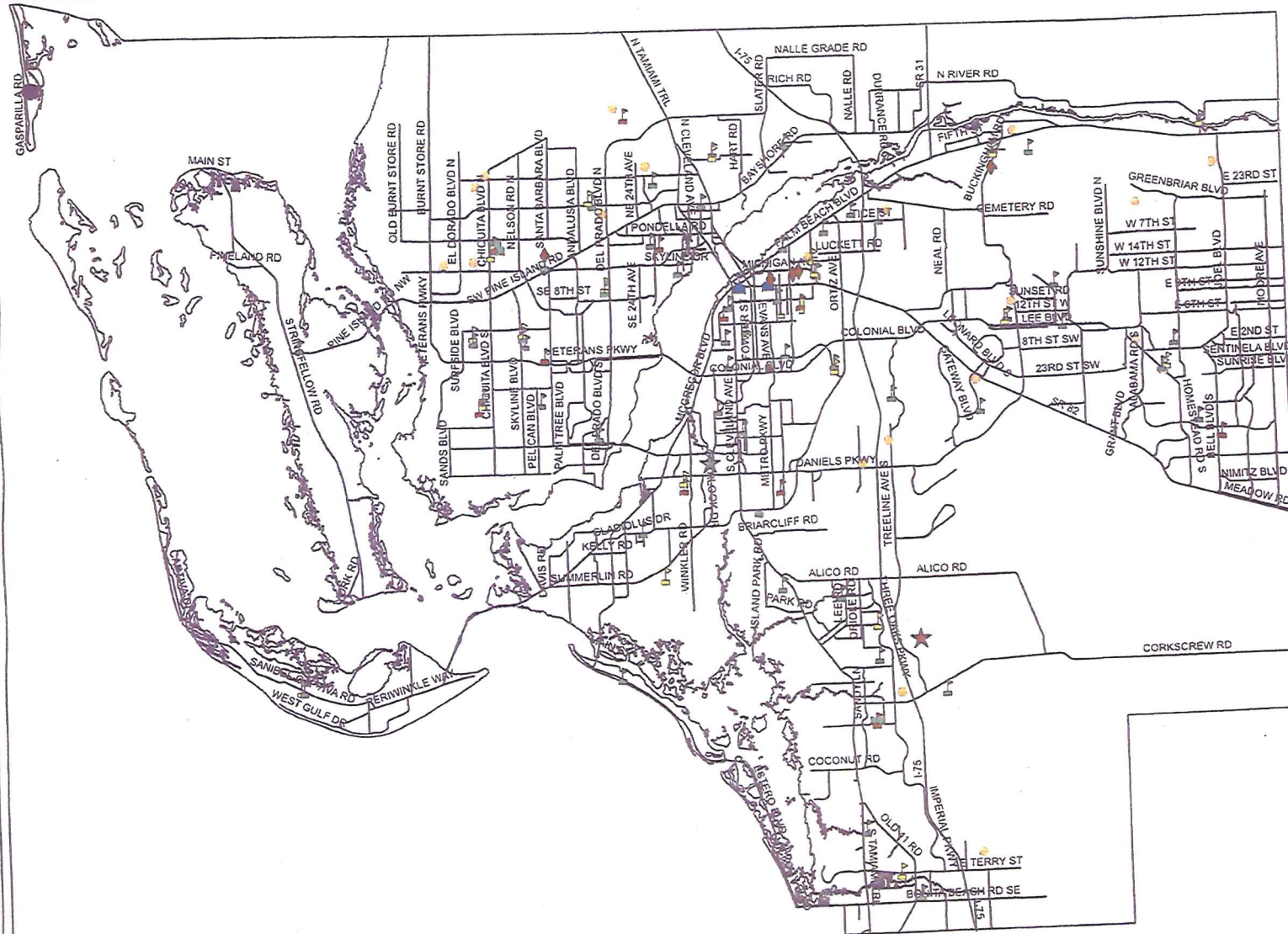
-  Administration
-  Support Services
-  Transportation Facilities

LEE COUNTY  
THWEST FLORIDA  
DIVISION OF PLANNING



Map Generated February 2008

Lee Plan Map 23



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="margin-left: 40px;">Department of State Bureau of Historic Preservation 500 South Bronough Street Tallahassee, FL 32399-0250 Attn: Susan Harp, Historic Preservation Planner</p> <p style="margin-left: 40px;"><i>CPA 2006-16; CPA 2006-18</i></p> <p>2. Article Number (Transfer from service label)</p>	<p>A. Signature <b>DEPT. OF STATE</b> <b>X</b></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <b>SEP 08 2008</b></p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.         </p> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
<p>7006 0810 0002 8336 4525</p>	
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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<p>7006 0810 0002 8336 4488</p>	
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## 1. Article Addressed to:

Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399  
Attn: Ray Eubanks, Plan Processing

(3 Copies)

Administrator

CPA 2006-16; CPA 2006-18

## 2. Article Number:

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## A. Signature

X

☐ Agent

☒ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

SEP 05 2008

Plan & Dtl Processing

## 3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

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## 1. Article Addressed to:

Department of Education and  
SMART Schools Clearinghouse  
Office of Educational Facilities  
325 West Gaines Street, Suite 1014  
Tallahassee, FL 32399-0400  
Attn: Tracy D. Suber

CPA 2006-16; CPA 2006-18

## 2. Article Number

(Transfer from service label)

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**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X

Department Of Education

☐ Agent

☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

## 3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jim Frascone*☐ Agent☐ Addressee

B. Received by (Printed Name)

FRASCONI

C. Date of Delivery

9/5

D. Is delivery address different from item 1?

☐ Yes☐ No

Southwest Florida Water Management District, enter delivery address below:

2379 Broad Street

Brooksville, FL 34604-6899

Attn: Roy Mazur, A.I.C.P., Planning Director

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

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2. Article Number

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A. Signature

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☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ YesIf yes, enter delivery address below: ☐ No

1. Article Addressed to:

Department of Environmental Protection

Office of Intergovernmental Programs

3900 Commonwealth Boulevard, Mail Station 47

Tallahassee, FL 32399-3000

Attn: Jim Quinn, Environmental Manager

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

CPA 2006-16; CPA 2006-18

2. Article Number

(Transfer from service label)

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Department of Transportation, District One  
Southwest Area Urban Office  
2295 Victoria Avenue, Suite 292  
Fort Myers, FL 33902  
Attn: Lawrence Massey, Growth Management  
Coordinator

CPA 2006-16 : CPA 2006-18

2. Article Number  
(Transfer from service label)

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A. Signature

X

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

Angela Massey

C. Date of Delivery

09 04

Is delivery address different from item 1? ☐ Yes

Enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail

- ☐ Registered ☐ Express Mail  
☐ Insured Mail ☐ Return Receipt for Merchandise  
☐ C.O.D.

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- Print your name and address on the reverse so that we can return the card to you.
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Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901  
Attn: Mr. Ken Heatherington, Exec. Director

CPA 2006-16 : CPA 2006-18

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Ken Heatherington

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Is delivery address different from item 1? ☐ Yes

Enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

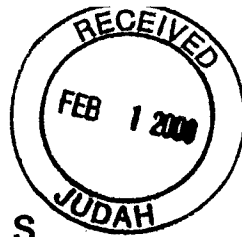
4. Restricted Delivery? (Extra Fee) ☐ Yes

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STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

**CHARLIE CRIST**  
 Governor

**THOMAS G. PELHAM**  
 Secretary

January 28, 2008

Honorable Ray Judah  
 Chairperson  
 Lee County  
 Post Office Box 398  
 Ft. Myers, Florida 33902

cc: BOCC, DIST 1, 2, 4, 5  
 DAVID OWEN, CO. ATTY  
 PAUL O'CONNOR, PLANNING  
**RECEIVED**  
 FEB 05 2008

Dear Chairperson Judah:

**COMMUNITY DEVELOPMENT**

RE: Notification of prohibitions that may affect adoption of Comprehensive Plan Amendments

The purpose of this letter is to inform you of statutory prohibitions outlined in Chapter 163, Part II, Florida Statutes, that could have an impact on your jurisdiction's ability to adopt comprehensive plan amendments in the future.

Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

1. Future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update as required by Section 163.3177(3)(b)1, F.S., by December 1 each year beginning 2008, except a local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.
2. No amendment may be adopted if the local government has failed to comply with the school siting requirements as specified in Section 163.3177(6)(a), F.S., except amendments directly related to a proposed development of regional impact as described in Section 163.3187(1)(b), F.S.;
3. Amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement pursuant to Sections 163.3177(6)(h)2 and 163.3177 F.S., or to amend the comprehensive plan as necessary to implement school concurrency by the phased schedule established by the Department and published in the August 5, 2005, issue of the Florida Administrative Weekly.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
 Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
 2796 Overseas Highway, Suite 212  
 Marathon, FL 33050-2227  
 (305) 289-2402

COMMUNITY PLANNING  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (850) 488-7956

4. No amendment may be adopted if the local government has failed to adopt its evaluation and appraisal report by the established adoption date, except amendments directly related to a proposed development of regional impact as described in Section 163.3187(1)(b), F.S.; or amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to Section 311.07, F.S., until such time as the local government submits an adopted evaluation and appraisal report to the Department;

5. No amendment may be adopted if the Department has determined that the adopted evaluation and appraisal report does not sufficiently address the requirements of Section 163.3191, F.S., and the one year period after the initial sufficiency determination has expired until such time as the local government adopts and submits an evaluation and appraisal report that the Department determines is sufficient, except amendments directly related to a proposed development of regional impact as described in Section 163.3187(1)(b), F.S.;

6. No amendment may be adopted if the local government has failed to timely adopt and transmit the evaluation and appraisal report-based amendments after July 1, 2006, except amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to Section 311.07, F.S., until such time as the local government submits the adopted evaluation and appraisal report-based amendments to the Department;

If local governments are prohibited from amending the comprehensive plan pursuant to one or more of the paragraphs above, then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government. In order to secure review thereafter, the local government may resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S.

**Please note that local governments may still adopt statutorily-mandated plan updates during the otherwise-applicable ban imposed by Sections 163.3187(6) and 163.3191(10), FS. The mandated amendments in statute currently include the following:**

**(1) capital improvements updates pursuant to Section 163.3177(3)(b)1, F.S.;**

**(2) water supply plans pursuant to Section 163.3177(6)(c), F.S.;**

**(3) public school siting pursuant to Section 163.3177(6)(a), F.S.;**

**(4) military installation pursuant to Section 163.3175, F.S.;**

Honorable Ray Judah  
January 28, 2008  
Page Three

- (5) Wekiva Study Area plan pursuant to Section 373.0361, F.S.;**
- (6) compliance agreement amendment pursuant to Section 163.3184(6), F.S.; and**
- (7) public education facilities elements pursuant to Section 163.3177(12), F.S.**

If a local government submits one of the allowable statutorily-mandated plan updates during a prohibition status, the amendment package must only contain the statutorily-mandated amendment and cannot contain any other type of non-allowed amendment.

We are committed to working with your planning staff to address any questions you have concerning this information. I encourage you to have your staff discuss these requirements with the Department Regional Review Administrator assigned to your local government at (850) 487-4545, or Ray Eubanks, Plan Review Administrator at (850) 922-1767.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Gauthier', with a stylized, cursive script.

Charles Gauthier, AICP  
Director, Division of Community Planning

CG/dh



# PLANNING DIVISION

M E M O R A N D U M



# LEE COUNTY

SOUTHWEST FLORIDA

**To:** Board of County Commissioners  
**From:** Paul O'Connor, AICP, Director, Division of Planning  
**Subject:** <sup>POC</sup> Lee Plan Adoption/Transmittal Hearing  
**Date:** February 29, 2008

Attached is the Agenda for the upcoming Lee Plan Small Scale Adoption and School District Amendment Transmittal Hearing. The Adoption/Transmittal hearing involves four comprehensive plan amendments. Two of the amendments are small scale amendments and two encompass a proposed Special Amendment Cycle. The hearing will be held on March 11, 2008 in the chambers starting at 5:05 p.m.

The first two plan amendments on the agenda are small scale amendments, CPA2006-02, Cape Royal, and CPA2007-02, Conover. CPA2006-02, Cape Royal, is a privately initiated request to amend the Future Land Use Map for 7.7 acres near the intersection of Pine Island Road and Veterans Parkway from Rural to Suburban and Commercial. CPA2007-02, Conover, is a privately initiated request to amend Map 12, the Water Dependent Overlay Zones, to add a 21,600 square foot site to the Water Dependent Overlay for a site located on the east side of Stringfellow Road south of York Road. Staff is recommending adoption of the two amendments.

The remainder of the agenda involves a proposed Special Amendment Cycle to address revised Florida Statutes. The first amendment in this cycle is CPA 2006-16, the School Facilities Element. In 2005, the Florida Legislature amended section 163.3180 F.S., and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element as part of its Comprehensive Plan and amend its Capital Improvement Element. CPA 2006-16 amends the Community Facilities Element and the Capital Improvements Element of the Lee Plan to add a new Public Schools Facility Element. The amendment also incorporates schools as required public facilities for concurrency purposes and provides for proportionate fair share mitigation options in accordance with the statute. Two new maps, Map 22 School Concurrency Service Areas, and Map 23, Educational and School District Facilities in Lee County, have also been included to address the new school concurrency requirements. Staff is recommending transmittal of the amendment.

The second amendment is CPA 2006-18, the School District Capital Improvement Program. Section 163.3177 [12] [c] F.S. requires that the Lee Plan Capital Improvement Element include the Lee County School District CIP. This amendment proposes to incorporate the School CIP as Table 3A of the Lee Plan. Staff is recommending transmittal of the amendment.

If you have any questions regarding any of these amendments, please feel free to call me directly at 533-8309.

cc: Mary Gibbs, AICP, Director of Community Development  
Donna Marie Collins, Assistant County Attorney

**BOARD OF COUNTY COMMISSIONERS  
PLAN AMENDMENT HEARING  
MARCH 11, 2008  
COMMISSION CHAMBERS  
5:05 P.M.**

**AGENDA**

1. Call to order
2. Certification of Affidavit of Publication for Small Scale Amendment by County Attorney
3.
  - A. CPA 2006-02 - Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities' Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.
  - B. Public Comment
  - C. Consider adopting the following ordinance which adopts CPA 2006-02:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2006-02 (PERTAINING TO THE DESIGNATION OF A 7.7-ACRE CAPE ROYAL PARCEL FROM RURAL TO SUBURBAN AND COMMERCIAL FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1 AND MAP 7; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

4.
  - A. CPA 2007-02 - Amend the Future Land Use Map Series for an approximate .495-acre site located in Section 35, Township 45 South, Range 22 East, to add the site to Map 12, the Water-Dependent Overlay Zones. The site is generally located on the east side of Stringfellow Road just south of York Road.
  - B. Public Comment
  - C. Consider adopting the following ordinance which adopts CPA 2007-02:

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA2007-02 (PERTAINING TO THE DESIGNATION OF A .495-ACRE PINE ISLAND PARCEL AS PART OF THE WATER DEPENDENT OVERLAY ZONE) APPROVED**

**DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT;  
PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES,  
MAP 12; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”;  
GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION,  
SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

5. Certification of Affidavit of Publication for Special Amendment Cycle by County Attorney
6.
  - A. Staff discussion concerning the Special Amendment Cycle
  - B. Consider a motion to initiate the Special Amendment Cycle
7.
  - A. CPA 2006-16 - Amend the Community Facilities Element and the Capital Improvements Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and to provide for proportionate fair share mitigation options in accordance with Senate Bill 360. Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.
  - B. Public Comment
  - C. Motion to transmit or not transmit CPA 2006-16
8.
  - A. CPA2006-18 - Amend the Lee Plan by incorporating the Lee County School District School CIP into the Capital Improvements Element as Table 3A.
  - B. Public Comment
  - C. Motion to transmit or not transmit CPA 2006-16
9. Adjourn



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

March 25, 2008

**RECEIVED**  
MAR 28 2008

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398

COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

Thank you for submitting the Lee County's proposed comprehensive plan amendment package for our review. Our reference number for this package is **DCA. No. 08-PEFE1**.

We have conducted an inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete, and your proposed plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department's ORC report will be mailed to you on or about May 24, 2008.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. *Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.* In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions please contact Brenda Winningham, Regional Planning Administrator, who will be overseeing the review of the amendments, at (850) 922-1800.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/ts

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100  
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781  
Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

COMMUNITY PLANNING  
Phone: 850-488-2356/SUNCOM 278-2356  
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE  
Phone: 305-289-2402  
Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT  
Phone: 850-488-7956/SUNCOM 278-7956  
Fax: 850-922-5623/SUNCOM 292-5623



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
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Governor

THOMAS G. PELHAM  
Secretary

**MEMORANDUM**

TO: Jim Quinn, Department of Environmental Protection  
Susan Harp, Department of State  
Tracy D. Suber, Department of Education  
John Czerpak, Department of Transportation, District 1  
Ken Heatherington, Southwest Florida Regional Planning Council  
P.K. Sharma, South Florida Water Management District  
Wendy Evans, Dept of Agriculture & Consumer Services  
Mary Ann Poole, Florida Fish & Wildlife Conservation Commission

DATE: March 25, 2008

SUBJECT: **COMMENTS FOR PROPOSED COMPREHENSIVE PLAN  
AMENDMENT**

---

LOCAL GOVERNMENT/ DCA AMENDMENT #: Lee County, 08-PEFE1

DCA CONTACT PERSON/PHONE NUMBER: Brenda Winningham, (850) 922-1800

COMMENTS DUE TO DCA NO LATER THAN: April 24, 2008

Please review the proposed comprehensive plan amendment documents for consistency with applicable provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code. Pursuant to FS 163.3184(4), *forward objections, recommendations and comments* to the attention of Ray Eubanks, Administrator, Plan Review and Processing, at the Department address indicated below.

Please use the above referenced DCA AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from DCA acknowledging receipt of amendment is attached.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956



9 BW  
4/24/08

FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

April 21, 2008

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the 08PEFE1 Comprehensive Plan Amendments for the following local governments:

Fernandina Beach (Nassau County)  
Hilliard (Nassau County)  
Lee County

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above documents to determine if data regarding historic resources have been given sufficient consideration in the request to amend comprehensive plans for the above referenced local governments.

We reviewed proposed amendments creating the Public School Facilities Elements and associated text changes to other plan elements to consider the potential effects of these actions on historic resources. Our cursory review indicates that historic resource concerns are not addressed in the goals, objectives and policies. However, the avoidance of adverse impacts to archaeological and historic sites is addressed in the Interlocal Agreements. Nevertheless, should there be any school buildings fifty years of age or older, they should be considered for rehabilitation and adaptive reuse. For new construction of facilities, the local governments should be cognizant of the fact that potential archaeological resources may be impacted.

Thus, while the proposed changes may have no adverse effects on historic resources, it is the county's/cities' responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office  
(850) 215-6300 • FAX: 215-6436

☐ Archaeological Research  
(850) 215-6414 • FAX: 215-6452

☒ Historic Preservation  
(850) 215-6333 • FAX: 215-6437

☐ Historical Museums  
(850) 215-6400 • FAX: 215-6413

☐ South Regional Office  
(850) 416-2115 • FAX: 416-2119

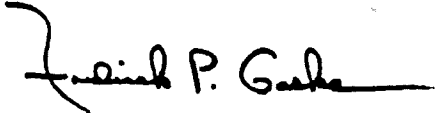
☐ North Regional Office  
(850) 215-6415 • FAX: 215-6435

☐ Central Regional Office  
(813) 272-3812 • FAX: 272-3310

Mr. Eubanks  
April 21, 2008  
Page 2

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick P. Gaske". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frederick P. Gaske, Director

xc: Ms. Brenda Winningham



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT *9-3W*

April 24, 2008

MAY 01 2008

Mr. Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

Subject: Lee County, DCA #08-PEFE1  
SFWMD Comments on Proposed Comprehensive Amendment  
Package

The South Florida Water Management District has completed its review of Lee County's proposed amendments and there appear to be no significant water resource related impacts. Therefore, we forward no recommended comments for inclusion in your review comments to Lee County.

We look forward to collaborating with Lee County and the Department of Community Affairs on developing sound, sustainable solutions to meet Lee County's future water needs. For assistance or additional information, please contact Murray Miller at (561)682-6789 or [mmiller@sfwmd.gov](mailto:mmiller@sfwmd.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "P.K. Sharma".

P.K. Sharma, AICP  
Lead Planner  
Water Supply Planning Division

c: David Crawford, SWFRPC  
Murray Miller, SFWMD  
Paul O'Conner, Lee County  
Brenda Winningham, DCA





# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

9 BW  
5/21/08

May 1, 2008

Mr. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**RE: Lee County 08-PEFE Review**

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed Lee County 08-PEFE1 comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2182.

Robin Branda

*Robin Branda*

Environmental Specialist III  
Office of Intergovernmental Programs

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

### *Members*

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DR. AKSHAY DESAI

ROBERTO MARTÍNEZ

PHOEBE RAULERSON

KATHLEEN SHANAHAN

LINDA K. TAYLOR

Dr. Eric J. Smith  
Commissioner of Education



May 7, 2008

D. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Lee County 08PEFE1

Thank you for the opportunity to review the proposed educational facilities element for Lee County. The transmittal included data and analysis, an interlocal agreement for school concurrency executed by the county and the School Board of Lee County, and proposed goals, objectives and policies. The Department's comments are provided below:

1. Interlocal Agreement. – The Interlocal Agreement on School Concurrency was executed by the county and the school board in March 2008. The agreement recognizes and relies on the August 2002 Interlocal Agreement for Public School Facility Planning, which remains in full force and effect. Together, the agreements are generally consistent with minimum planning requirements and serve to support the goals, objectives and policies proposed in the school-concurrency-related plan amendments.

The municipalities within the county were also parties to the August 2002 agreement and each has executed a bi-lateral agreement with the School Board related to school concurrency. Each municipality has submitted its school concurrency agreement for consistency review, while the county has not. The separate agreements are generally consistent (and are not inconsistent) with respect to level of service standards, concurrency service areas, proportionate share mitigation, and the capital improvements schedule. Therefore, there has been a reasonable demonstration that a uniform system of school concurrency will be implemented on a districtwide basis. The application and review procedures applied by the each of the local governments, however, are crafted to meet the needs of the governmental entity. Despite the differences in process, the standards appear uniform throughout the district.

SPESSARD BOATRIGHT  
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

The Lee County agreement (Section 1.vii.) recognizes "previously approved development" as that which received final approval prior to the effective date of the school concurrency ordinance. Section 8 provides that school concurrency applies to residential uses that "generate demands for schools after the effective date of the school concurrency ordinance." Proposed policy 71.2.1 provides for adoption of the ordinance by December 2008. According to the schedule for implementing school adopted by DCA pursuant to Section 163.3177(12)(i), F.S., Lee County was to implement school concurrency by April 1, 2008. The parties should be aware that consistent with Section 163.3194(1), F.S., school concurrency must be implemented upon the effective date of the plan amendment. If the parties require amendment of the land development regulations to implement school concurrency, the Department encourages them to do so concurrently with the adoption of the plan amendments.

Section 8 also provides for exemption of "other uses as provided for in the land development code." This provision raises a potential consistency issue because the law requires the uniform application of school concurrency at the time of site plan, final subdivision approval, or the functional equivalent for a development or phase of development. As written, the agreement does not provide a predictable standard and should be revised.

2. Data and Analysis. – The data and analysis related to concurrency service areas, level of service, proportionate share mitigation, and the capital improvements schedule appear generally complete and responsive to minimum requirements. The data and analysis includes excerpts from the Lee County School Board's 2007-08 through 2011-12 district facilities work plan. The educational plant survey is not included. Both documents must be included in the supporting data and analysis in their entireties to support adoption of the public educational facilities element and amendments to the capital improvements element.
3. Goals, Objectives and Policies. – The proposed goals, objectives and policies related to concurrency service areas, level of service, proportionate share mitigation, and the capital improvements schedule appear generally responsive to minimum requirements. The Department notes, however, that some revisions are needed to ensure compliance with planning requirements:
  - a. The county does not propose a policy to include standards for the revision of concurrency service area boundaries to ensure that the utilization of school capacity is maximized to the greatest extent possible. The interlocal agreement includes appropriate standards, which provide an appropriate basis for the required policy.
  - b. The county does not propose a policy to provide that a development may proceed if needed capacity is not available in the affected concurrency service area but is available in an adjacent area. The interlocal agreement includes appropriate provisions, which provide a basis for the required policy.
  - c. The county proposes policy 71.1.3 to adopt Map 22, which illustrates the locations of existing school and ancillary facilities. The county should amend the policy to also adopt Map 23, which illustrates the planned future locations of school and ancillary facilities.
  - d. The Intergovernmental Coordination Element must be amended to include the required objective and policies related to school concurrency.

Mr. Ray Eubanks  
May 7, 2008  
Page 3 of 3

The Department congratulates the county and the school board on their work to complete the proposed plan for implementing school concurrency. Again, thank you for the opportunity to review and comment. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tracy D. Suber  
Educational Consultant-Growth Management Liaison

TDS/

cc: Ms. Heather Hawkins, School District of Lee County  
Ms. Brenda Winningham, DCA



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

May 23, 2008

**RECEIVED**  
MAY 27 2008

The Honorable Ray Judah, Chairman  
Lee County Board of County Commissioners  
P.O. Box 398  
Ft. Myers, Florida 33902-0398

COMMUNITY DEVELOPMENT

Dear Chairman Judah:

The Department of Community Affairs (Department) has reviewed the proposed comprehensive plan amendment for Lee County (DCA No. 08-PEFE1). Based on Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, the Department has prepared the attached report that outlines our findings concerning the amendment. The amendment contains the newly developed Public School Facility Element and updates to the Capital Improvements Elements.

The objections in the report relate to the need for updated data and analysis, and the absence of a financially feasible Five-year Schedule of Capital Improvements. In addition, amendments to the Intergovernmental Coordination Element were not included. It is particularly important that the County address the objections set forth in our review so that the identified issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report also includes a summary of the procedures for final adoption and transmittal of the amendment.

The Department's staff is available to assist the County in responding to the report and have requested that the County staff meet with the Department to discuss this amendment. If you have any questions, please contact Suzanne Lex, Community Planner, at (850) 922-0047 or Brenda Winningham, Regional Planning Administrator, at (850) 922-1800.

Sincerely,

*Mike McDaniel*  
Mike McDaniel, Chief  
Office of Comprehensive Planning

Enclosures: Review Agency Comments  
Objections, Recommendations and Comments Report

cc: Mr. Paul O'Connor, AICP, Planning Division Director, Lee County Planning  
Mr. Ken Heatherington, AICP, Southwest Florida Regional Planning Council  
Ms. Heather Hawkins, Attorney, Lee County School Board

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100  
Phone: 850-488-8466 Fax: 850-921-0781 Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

COMMUNITY PLANNING  
Phone: 850-488-2356 Fax: 850-488-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE  
Phone: 305-289-2402 Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT  
Phone: 850-488-7956 Fax: 850-922-5623

6/9/08 Copy: DMC  
File: School  
Concur-  
vency  
Amendment

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**LEE COUNTY**  
**COMPREHENSIVE PLAN AMENDMENT 08-PEFE1**

May 23, 2008  
Division of Community Planning  
This report is prepared pursuant to Rule 9J-11.010, F.A.C.

## INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Lee County's proposed comprehensive plan amendment 08-PEFE1, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of approaches that might be taken to address the cited objections. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the County considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

## TRANSMITTAL PROCEDURES

Upon receipt of this letter, Lee County has 60 days in which to adopt, adopt with changes, or determine not to adopt the proposed comprehensive plan amendment. The process for adoption of local comprehensive plan is outlined in Section 163.3184, F.S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and,
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the plan, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted plan directly to the Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b), F.S., which were effective July 1, 2001, and providing a model sign-in information sheet, ***please provide these required names and addresses to the Department when you transmit your adopted plan for compliance review.*** For efficiency, we encourage that the information sheet be provided in electronic format.



**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR**  
**LEE COUNTY**  
**PROPOSED COMPREHENSIVE PLAN AMENDMENT (DCA No. 08-PEFE)**

**I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULES 9J-5, F.A.C.**

Lee County has proposed this comprehensive plan amendment for satisfying the statutory requirements to adopt a Public School Concurrency Program, as set forth under Section 163.3177(12) and 163.3180(13), F.S. Based on the requirements set forth in Chapter 163, F.S., and Rule 9J-5, F.A.C., the Department has objections and comments to the amendment as follows:

**Public Education Facilities Element**

**Objection 1: Data and Analysis Requirements**

The proposed Public School Facilities Element is not supported by appropriate and relevant data and analysis required under Section 163.3177(12)(c), F.S., and Rule 9J-5.025, F.A.C. The following required data and analysis are not included:

1. An analysis of anticipated educational and ancillary plants with land area requirements;
2. Projected future population projections and associated demographics year by year for the upcoming five-year and for the end of the long-term planning period;
3. The estimated cost of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard for the long-term planning period; and
4. The Educational Plant Survey in its entirety.

In addition, the data and analysis provided in support of the proposed Public Education Facilities Element does not meet all of the statutory and rule requirements. Some data sets are out of date by a year, for example Table PSFE 8: Grade Level Enrollment Forecast does not include actual number for 2007-2008, but starts with the actual enrollment for 2006-2007. Other tables omit required years within the current five-year planning period, for example "Table PSFE 9: Student Growth Rates by Grade Level – Actual and Proposed" omits the forecast for years 2007-08 and years 2010-11. One table, PSFE 4, is blank. In addition, not all tables, charts, graphs, maps, figures and data sources, and their limitations are clearly described; include if applicable where such data occur in the above documents.

[Section 163.3177(3)(a), 163.3177(12)(c), F.S.; Rule 9J-5.005(2), 9J-5.015(1), 9J-5.015(2), 9J-5.016(1), 9J-5.016(2), 9J-5.025(2), F.A.C.]

**Recommendation:**

Revise the element to address the above-cited issues based on appropriate and relevant data and analysis. Submit the data and analysis with the adopted Public School Facilities Element for the Department's compliance review. Include the source of the data with the limitations clearly described, and if applicable where such data occur in the document(s).

**Objection 2: DRI Exemption from Concurrency**

Proposed Policy 71.2.5.e of the Public School Facilities Element allows a concurrency exemption for Developments of Regional Impact (DRI). The policy states as follows:

The following residential uses are exempt from the requirements of school concurrency: Development that has been authorized as a Development of Regional Impact approved pursuant to Chapter 380, F.S., approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The effective date of this policy is inconsistent with Section 39 of Chapter 2005-290, Laws of Florida (SB 360). Section 39 entitles an exemption of any DRI for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development of regional impact application has been submitted prior to May 1, 2005.

[Section 39 of Chapter 2005-290, Laws of Florida (SB 360), Section 163.3177(12)(c), F.S.; Rule 9J-2.0251(3), F.A.C ; Rule 9J-5.025(3)(b) & (c), F.A.C.]

**Recommendation:**

Revise PEFE Policy 71.2.5.e to establish July 1, 2005 as the effective date of the exemption for DRIs from school concurrency requirements.

**Capital Improvements Element**

**Objection 3: Demonstration of Financial Feasibility of Element**

Under the provision set forth in Public Education Facilities Element Objective 71.4 "Five-year Schedule of School District Capital Improvements", Lee County proposes to demonstrate financial feasibility of the Capital Improvements Element (CIE) by requiring the County to "include those projects necessary to address future needs of existing and anticipated school enrollment." Proposed PEFE Policy 71.4.1 requires that the County incorporate the required "Summary of Estimated Revenues" and "Summary of Capital Improvements" tables from the School District's Five-year Capital Facilities Plan into the Capital Improvements Element.

However, the documents referred to by PEFE Objective 71.4 and Policy 71.4.1 have not been included in the CIE as the language requires they should. Therefore, the proposed amendment is inconsistent with Section 163.380(13)(d), F.S. requiring that a comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element (CIE). Proposed PEFE Policy 71.4 also does not include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; Rule 9J-5.005(2)(g), 9J-5.025(2)(i), & (j), 9J-5.025(3)(b)2 & 3, 9J-5.025(3)(c)2, F.A.C.]

#### **Recommendation:**

To demonstrate financial feasibility at the time of adoption of this Amendment, implement the requirements of proposed PEFE Policy 71.4. Incorporate into the Capital Improvements Element the required "Summary of Estimated Revenues" and "Summary of Capital Improvements" tables from the School District's Five-year Capital Facilities Plan.

Alternatively include a policy that adopts by reference the relevant tables from the Lee County School District's annually updated financially feasible Five-year Capital Facilities Plan. The policy and/or actual tables should include a reference that identifies the document by title, volume and date, and should include language stating: "...document(s) adopted by reference is as they existed on a date certain." To comply with Rule 9J-5.005(2)(g), F.A.C., documents adopted by reference that are revised subsequent to Plan adoption will need to have their reference updated within the Plan through the annual amendment process. The policy or table should indicate the date, title, author and volume of the document being referenced, and where possible the applicable pages.

In addition, revise proposed PEFE Objective 71.4 to include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; 9J-5.005(1)(c)& (2)(a) and (g); Rule 9J-5.016(3)(b)1, 3, 4, & 5, 9J-5.016(3)(c)1, 9J-5.016(4), F.A.C.]

#### **Public Education Facilities, Capital Improvements and Intergovernmental Coordination Elements**

##### **Objection 4: Goals, Objectives and Policy Requirements**

The County did not provide the following required objectives and policies in its Public Education Facilities Element, Capital Improvements Element and the Intergovernmental Coordination Element to ensure compliance with the requirements for school concurrency:

- a. Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFE does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025 (3)(b)(1) (2) F.A.C.]
- b. Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4. F.S., and Rule 9J-5.025(3)(b)5.F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.
- c. Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.
- d. Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025 (3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.
- e. The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6)]
- f. Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.
- g. Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.

[163.3177(6)(a), (h)1 and 2 & (12)(g)4, 6, and 7; 163.31777; 163.3180(13)(b)1 and (d)2; Rules 9J-5.005(1)(c)& (2)(a) and (g); 9J-5.025(2) & (3), F.A.C.]

**Recommendation:**

Revise the Public School Facilities Element to include objectives and policies that adequately address the requirements of Florida Statutes and Florida Administrative Code as described above.

**II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN**

The proposed comprehensive plan amendment does not adequately further the State Comprehensive Plan, Chapter 187, F.S., regarding:

(15) Land Use

Policies 5 & 6: Establish comprehensive impact review procedures to evaluate the effects of significant development activities within local government jurisdictions. (Objections 1, 2, 3, 4, 5, 6 & 7)

Policy 7: provide educational programs to meet state, regional and local planning and growth management needs. (Objections 1, 2, 3, 4, 5, 6 & 7)

(16) Urban and Downtown Revitalization

Policy 8: Promoting processes for the state, general purpose local governments, school boards, and community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings. (Objections 1, 2, 3, 4, 5, 6 & 7)

(17) Public Facilities

Policy 1: Provide incentives for developing land in a way that maximizes the uses of existing public facilities. (Objections 1, 2, 3, 4, 5, 6 & 7)

Policy 6: Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities. (Objections 4, 5 & 6)

**Recommendation:**

Revise the proposed amendment to be consistent with the above goals and policies of the State Comprehensive Plan, as recommended in this report.

# **EXTERNAL AGENCY COMMENTS/CITIZEN COMMENTS**

- A. RECEIPT OF COMMENTS FROM EXTERNAL REVIEW  
AGENCIES PURSUANT TO F.S. 163.3184(4)**
- B. CITIZEN COMMENTS**



STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

September 8, 2008

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RECEIVED**  
SEP 11 2008  
COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

Thank you for submitting copies of the Lee County's amendment **DCA# 08-PEFE1** adopted by **Ordinance No(s). 08-17 & 08-18 on August 26, 2008**, for our review.

We have conducted an inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete and your adopted plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department will conduct a compliance review and issue a Notice of Intent regarding the adopted comprehensive plan amendment on or about **October 17, 2008**.

Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

If you have any questions, please contact Brenda Winningham, Regional Planning Administrator for region 9, who will be assigning the adopted plan amendment for review at (850) 922-1800.

Sincerely,

D. Ray Eubanks  
Plan Review and Processing Administrator

DRE/ts

cc: Ken Heatherington, Executive Director,  
Southwest Florida RPC

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦





STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

October 16, 2008

**RECEIVED**  
OCT 20 2008

The Honorable Ray Judah, Chairman  
Lee County Board of County Commissioners  
Post Office Box 398  
Ft. Myers, Florida 33902-0398

COMMUNITY DEVELOPMENT

Dear Chairman Judah:

The Department has completed its review of the Lee County's Comprehensive Plan Amendment (DCA No. 08-1PEFE), adopted on August 26, 2008, by Ordinance Numbers 08-17 and 08-18. The Amendment updates the Comprehensive Plan to include the Public Education Facilities Element implementing school concurrency and associated changes to the Capital Improvements Element and the Intergovernmental Coordination Element. The Department has determined that the comprehensive plan amendment **meets the requirements** of Chapter 163, Part II, Florida Statutes, (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to Fort Myers News Press newspaper for publication on October 17, 2008. Please be advised that Section 163.3184(8)(c) 2, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Notice of Intent.

During review of the adopted comprehensive plan amendment, the Department identified that Capital Improvements Element (CIE) Policy 95.1.1 contains an inaccurate reference. CIE Policy 95.1.1 states, "Annually the County will incorporate the Summary of Revenue and Expenditure Tables from the Work Plan"; however, the County actually undertook the correct action and incorporated the "Total Revenue Summary", "Capacity Project Schedule", and "Other Project Schedule" Tables from the Lee County School District's 2007-2008 Five Year Work Plan. The Department recommends, in the next amendment cycle, that the County modify CIE Policy 95.1.1 to reflect the correct tables that were, and which should be, incorporated annually.

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100  
Phone: 850-488-8466 Fax: 850-921-0781 Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦



The Honorable Ray Judah, Chairman  
October 16, 2008  
Page 2

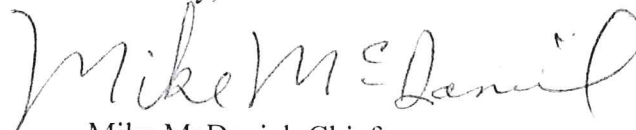
Please note that a copy of the adopted Lee County's comprehensive plan amendment, and the Notice of Intent, must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Planning Department Office, 1500 Monroe Street, Fort Myers, Florida.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

Please contact Suzanne K. Lex, Community Planner, at (850) 922-0047, Division of Community Planning, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

Mike McDaniel, Chief  
Office of Community Planning

MM/skl

Enclosure: Notice of Intent

cc: Mr. Paul O'Connor, AICP, Lee County Planning Director  
Ms. Heather Hawkins, Attorney, Lee County School Board  
Mr. Ken Heatherington, Executive Director, Southwest Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
LEE COUNTY  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 08-PEFE1-NOI-3601-(A)-(I)

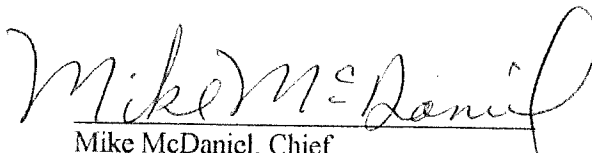
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Lee County, adopted by Ordinance Nos. 08-17 and 08-18 on August 26, 2008, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report (if any) are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2<sup>nd</sup> Floor, Fort Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to Lee County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief  
Office of Comprehensive Planning  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

LEE COUNTY ORDINANCE NO. 08-17  
(Public School Facilities Element)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-00016 (PUBLIC SCHOOL FACILITIES ELEMENT), APPROVED DURING THE COUNTY'S 2008 SPECIAL AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP SERIES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan when in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held a public hearing pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-7 on February 25, 2008; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a public hearing for the transmittal of the proposed amendment on March 11, 2008; and at that hearing approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment; and,

WHEREAS, at the March 11, 2008 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which was later received on May 27, 2008, by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, pursuant to Section 163.3187(1)(j), comprehensive plan amendments to establish public school concurrency pursuant to Section 163.3180(13) may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan; and,

WHEREAS, The Board of County Commissioners, during its statutorily prescribed public hearing for the plan amendments on August 26, 2008, moved to adopt the proposed amendment as more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt an amendment to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as

hereby amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2008 Special Amendment School Facilities Element."**

## SECTION TWO: ADOPTION OF LEE COUNTY'S 2008 SPECIAL AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on August 26, 2008; known as CPA2006-16. CPA2006-00016 amends the text of the Lee Plan to incorporate a public school facilities element into the Lee Plan and also incorporates two maps into the Future Land Use Map Series, Map 22, School Concurrency Service Areas, and Map 23, Educational and School District Facilities in Lee County. A brief summary of the content of those amendments are attached as Exhibit "A" to this ordinance.

In addition, the corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the

powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment 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 such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Janes, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 26<sup>th</sup> day of August 2008.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

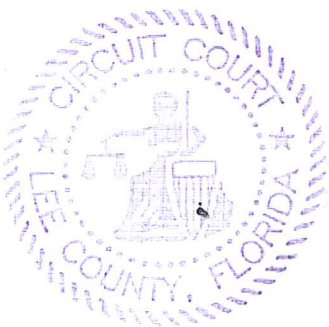
BY: Marcia Wilson  
Deputy Clerk

BY: [Signature]  
Chairman

DATE: 8/26/08

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office



State of Florida  
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 29<sup>th</sup> day of August, A.D. 2008

CHARLIE GREEN, CLERK

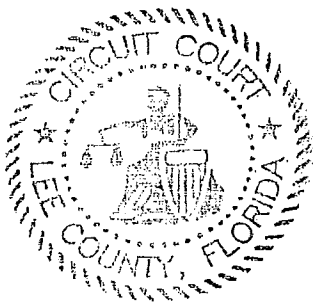
By: Marcia Wilson  
Deputy Clerk

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of Ordinance No. 08-17, adopted by the Board of Lee County Commissioners, at their meeting held on the 26<sup>th</sup> day of August 2008 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 29<sup>th</sup> day of August 2008.



CHARLIE GREEN,  
Clerk of Circuit Court  
Lee County, Florida

By:

Marcia Wilson  
Deputy Clerk



# LeeClerk.ORG

CHARLIE GREEN: CLERK OF COURT

---

August 29, 2008

Liz Cloud  
Department of State  
Bureau of Administrative Code  
The RA Gray Building  
500 South Bronough St.  
Tallahassee, FL 32399-0250

RE: Ordinance No's 08-17, 08-18 & 08-19  
Lee County, Florida


Dear Ms. Cloud:

Enclosed are certified copies of Ordinance No's 08-17, 08-18 & 08-19, adopted by the Board of Lee County Commissioners on August 26, 2008.

Please use the enclosed envelope when sending your acknowledgment to our office. Thank you for your cooperation.

Sincerely,

Charlie Green, Clerk



Marcia Wilson  
Deputy Clerk

Enclosure



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

August 29, 2008

Honorable Charlie Green  
Clerk of Court  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 29, 2008 and certified copies of Lee County Ordinance Nos. 08-17 through 08-19, which were filed in this office on September 2, 2008.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

RECEIVED  
MINUTES OFFICE  
2008 SEP -8 AM 9:27

### DIRECTOR'S OFFICE

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
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STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

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850.245.6270 • FAX: 850.245.6282

# FedEx Express US Airbill

FedEx Tracking Number

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Form 10 No.

0215

Sender's Copy

## 1 From Please print and press hard.

Date 08-29-08

Sender's FedEx Account Number

1020-5181-5

Sender's Name LISA L. PIERCE

Phone (239) 533-2236

Company LEE COUNTY ATTORNEYS OFFICE

Address 2115 2ND ST FL 6

Dept./Floor/Suite/Room

City FORT MYERS

State FL

ZIP

33901-3012

## 2 Your Internal Billing Reference

First 24 characters will appear on invoice.

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## 3 To

Recipient's Name MS. LIZ CLOUD

Phone (850) 245-6270

Company DEPT OF STATE/BUREAU OF ADMIN

Recipient's Address RA GRAY BLDG - 500 S BRONOUGH

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State FL

ZIP

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## 4a Express Package Service

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Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☒ FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

☐ FedEx First Overnight  
Earliest next business morning delivery to select locations.\* Saturday Delivery NOT available.

☐ FedEx 2Day  
Second business day.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Express Saver  
Third business day.\* Saturday Delivery NOT available.

FedEx Envelope rate not available. Minimum charge: One-pound rate.

\* To most locations.

## 4b Express Freight Service

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Next business day.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx 2Day Freight  
Second business day.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx 3Day Freight  
Third business day.\* Saturday Delivery NOT available.

\* Call for Confirmation.

\*\* To most locations.

## 5 Packaging

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☐ FedEx Pak\*  
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.

☐ FedEx Box

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\* Declared value limit \$500.

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NOT Available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 2Day Freight.

☐ HOLD Weekday at FedEx Location  
NOT Available for FedEx First Overnight.

☐ HOLD Saturday at FedEx Location  
Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

One box must be checked.

☐ No

☐ Yes  
As per attached Shipper's Declaration.

☐ Yes  
Shipper's Declaration not required.

☐ Dry Ice  
Dry Ice, 9, UN 1845 x kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only

## 7 Payment Bill to:

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☒ Sender  
Acct. No. in Section 1 will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

FedEx Acct. No.  
Credit Card No.

Exp. Date

Total Packages

Total Weight

Total Declared Value\*

\$ .00

\*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

## 8 Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

☐ No Signature Required  
Package may be left without obtaining a signature for delivery.

☐ Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.

☐ Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

519

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POUCH NEEDED

**Charlie Green**

Clerk of Circuit Court

Minutes Department

P.O. Box 2469

Fort Myers, Florida 33902-2469

O  
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E

Clerk of Court

Attn: Minutes Office

P.O. Box 2469

Fort Myers, FL 33902-2469

FIRST CLASS



02 1A \$ 00.42<sup>0</sup>  
0004329674 SEP 04 2008  
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33902+2469-69 B020



## INTERLOCAL AGREEMENT

This agreement is made this \_\_\_\_ day of \_\_\_\_\_ 2007, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

- a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,
- b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and the School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,

WHEREAS, Lee County and the School Board desire to establish options for

proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002 that remains in full force and effect; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. ~~8.4~~ Comprehensive Plan. No later than April 1, 2008, the County ~~and Cities~~ will ~~consider the adoption of~~ Comprehensive Plan Amendments to address school concurrency matters, including:
  - a. A Public Schools Facilities Element, pursuant to ~~s~~Sections 163.3177 (12) and 163.3180, Florida Statutes.
  - b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
  - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
2. ~~8.2~~ Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, as provided herein, the County will ~~consider the adoption of a "School Concurrency Ordinance" and will make other changes to the Land Development Code~~ amend the Land Development

Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and ~~the terms of this Agreement.~~

3.     8.3 Five-Year Facilities Work Program.

- a.     Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County ~~and Cities~~ will ~~consider an amendment~~ amend to the CIE of the Comprehensive Plan ~~in order to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, made in accordance with this Agreement,~~ the County will consider further amendments to its CIE to incorporate ~~such~~ updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.

4.     8.4 Level of Service Standards

- a.     Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein ~~shall~~ will be applied consistently ~~within~~ throughout the County ~~and the Cities~~ for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.
- b.     The LOS standards set forth herein ~~shall~~ will be included in the CIE and ~~shall~~ will be applied consistently by the County, ~~the Cities~~ and the School Board districtwide to all schools of the same type.
- c.     The LOS standards may be amended only pursuant to the procedure set forth in Section 11 ~~of this~~ of the Interlocal Agreement dated August 20, 2002, entitled "Interlocal Agreement for Public School Facility Planning."
- d.     The LOS standards to be used by the County, ~~the Cities~~ and the School Board to implement school concurrency ~~shall be~~ are as follows:
  - i. (1) Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - ii. (2) Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - iii. (3) High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- iv. ~~(4)~~ Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

~~For purposes of this subsection, a~~ A “measurable programmatic change” means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

5.9: ~~8.9~~ Concurrency Determination Standards Definitions

Moved #9  
to #5.

- a. Definitions. The terms used in this subsection ~~shall be~~ are defined as follows:

- i. ~~(1)~~ Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
- ii. ~~(2)~~ Capacity – “capacity” as defined in the FISH Manual.
- iii. ~~(3)~~ Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County ~~or City~~.
- iv. ~~(4)~~ FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, ~~and~~ that is published by the Florida Department of Education, Office of Educational Facilities.
- v. ~~(5)~~ Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
- vi. ~~(6)~~ Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board’s adopted Work Program.
- vii. ~~(7)~~ Previously Approved Development – development approved as follows:
- (1) ~~(a)~~ Single family lots of record having received final plat approval prior to the effective date of the County’s ~~or City’s~~ respective School Concurrency Ordinance.



~~(2) (b)~~ Multi-Family residential development having received final site plan approval prior to the effective date of the County's ~~or~~ City's respective School Concurrency Ordinance.

~~viii. (8)~~ School Concurrency Certificate – A certificate issued by the County ~~or~~ City stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.

~~ix. (9)~~ Total school facilities – Existing school facilities and planned school facilities.

~~x. (10)~~ Used capacity – School facility capacity consumed by or reserved for preexisting development.

~~xi. (11)~~ Work Program – the financially feasible 5-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.

b. When reviewing a proposed rezoning the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

~~i. (1)~~ ~~In the event that~~ If the CSA in which ~~where~~ the proposed rezoning is situated does not have available school capacity, the County ~~City~~ will determine whether a contiguous CSA within the same Zone (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.

~~ii. (2)~~ ~~In the event that~~ If there is not sufficient capacity in the CSA in which ~~where~~ the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA the County or City will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

#### 6. 5: 8.5 School Concurrency Service Areas

a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are ~~hereby~~ established to be coterminous with the existing attendance zones for elementary, middle, and high schools ~~as shown on the~~

attached map (Exhibit A).

- b. ~~Future amendments to the CSAs may be accomplished by the~~ The School Board may amend the CSAs only after review and comment by the County ~~and Cities as provided in Section 10 of this Agreement.~~ CSAs ~~shall~~ will be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement; . The establishment and modification of CSAs will take ~~taking~~ into account school policies to:

- i. ~~(1)~~ minimize student transportation costs;
- ii. ~~(2)~~ limit maximum student travel times;
- iii. ~~(3)~~ achieve socio-economic, racial and cultural diversity objectives;
- iv. ~~(4)~~ recognize capacity commitments resulting from local governments' development approvals for the CSA; and,
- v. ~~(5)~~ recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs

- c. CSAs will be described geographically in the County's ~~and Cities'~~ Comprehensive Plans pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

7. 6- ~~8-6~~ Demand Monitoring and Evaluation: The County ~~and Cities shall~~ will provide the following information to the School Board on ~~a yearly~~ an annual basis to facilitate ~~demand~~ the projection of demand and student generation rate trends:

- a. Geo-referenced building permit and certificate of occupancy data;
- b. Summary of actions on preliminary and final plats;
- c. Summary of site development plan approvals for multi-family projects; and,
- d. Summary of other actions that affect demands for public school facilities.

8. 7- ~~8-7~~ Applicability

- a. Except as provided in subsection b. below, school concurrency applies ~~only~~ to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the ~~applicable School Concurrency Ordinance.~~ LDC amendments incorporating school concurrency.
- b. The following residential uses ~~shall be considered~~ are exempt from the requirements of school concurrency:
  - i. ~~(1)~~ Single family lots of record having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
  - ii. ~~(2)~~ Multi-family residential development having received final site plan approval prior to the effective date of the applicable ~~School Concurrency Ordinance~~ amendments to the LDC incorporating school concurrency.
  - iii. ~~(3)~~ Amendments to residential development approvals issued prior to the effective date of the ~~applicable School Concurrency Ordinance~~ Lee Plan, which that do not increase the number of residential units or change the type of residential units proposed.
  - iv. ~~(4)~~ Other uses as provided for in the ~~School Concurrency Ordinance~~ Land Development Code.

#### 9. 8: 8.8 Process for Determining School Facilities Concurrency

- a. The School Board, ~~on a yearly basis,~~ will annually compile ~~complete~~ a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. ~~The e~~ Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. ~~The e~~ Current occupancy will then be subtracted from ~~this~~ existing and expected capacity to calculate the available capacity by school type by CSA. ~~These~~ School Concurrency Inventory will then be transmitted to the County ~~and Cities.~~
- b. Upon the receipt of a complete School Concurrency Inventory the County ~~or City~~ will formally ~~adopt~~ incorporate the Inventory in ~~their yearly~~ the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth ~~in herein~~ and in the respective land development codes.

- c. Upon receipt of a Development Order application, the County ~~or Cities~~, will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:
    - i. ~~(1)~~ whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
    - ii. ~~(2)~~ if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.
  - d. If the County ~~or City~~ determines that adequate capacity will not be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County ~~or City~~ will not issue a School Concurrency Certificate and will not approve the development application.
  - e. If the County ~~or City~~ determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
  - f. The County ~~or City~~ will issue a School Concurrency Certificate only upon:
    - i. ~~(1)~~ A determination that adequate school capacity for each level of school will be in place or under actual construction within 3 years after the issuance of the final subdivision or plat approval ~~for each level of school~~ without mitigation; or,
    - ii. ~~(2)~~ The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.
10. ~~8.10~~ Mitigation Alternatives. ~~In the event that~~ If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, ~~where the LOS standards set forth in this Agreement otherwise would be exceeded~~, the following procedure ~~shall~~ will be used.
- a. The applicant ~~shall~~ must initiate, in writing, a mitigation negotiation ~~period~~ with the School Board ~~in order to~~ establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the ~~School Concurrency Ordinance~~ Lee Plan, LDC, and this Agreement.
  - b. Acceptable forms of mitigation may include:

- i. ~~(4)~~ The donation of land or of funding ~~of~~ for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities ~~to be created by~~ anticipated from the proposed development; and,
  - ii. ~~(2)~~ Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost ~~to the Board~~ if the Charter School ceases to operate.
- c. The following standards apply to ~~any~~ mitigation accepted by the School Board:
  - i. ~~(1)~~ ~~Proposed~~ Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program, ~~which and satisfies~~ satisfy the demands created by the proposed development, ~~and~~
  - ii. ~~(2)~~ Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's ~~total~~ proportionate-share mitigation obligation to resolve a capacity deficiency ~~shall~~ will be based on the following formula, for each school level: ~~m~~Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station ~~shall~~ must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward ~~any other~~ impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- e. If within 90 days of the date the applicant initiates ~~the~~ mitigation negotiation ~~period~~, the applicant and the School Board ~~are able to~~ agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. ~~shall be executed, which sets forth the~~ The mitigation agreement must include the terms of the mitigation, including such issues as the amount, nature and timing of donations or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement ~~shall~~ must specify the amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

- f. If, after 90 days, the applicant and the School Board are not unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. ~~and the~~ The County will not issue a School Concurrency Determination Certificate for the proposed development.
  - ~~g. The School Board may grant two (2) 90-day extensions to the mitigation negotiation period.~~
  - ~~g.h.~~ Mitigation must be proportionate to the demand for public school facilities to ~~be created by actual~~ anticipated from development of the property.
11. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.
12. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.
13. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be removed for one-year period unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.
14. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.
15. Supplement: This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002.
16. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.
17. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:
- a. Personally;

b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,

c. By the mailing of such notice by registered or certified mail to the following address:

i. If to the School Board:

Office of the Superintendent  
Lee County School District  
2855 Colonial Boulevard  
Fort Myers, FL 33966  
Telephone - 239-337-8512  
Fax - 239-337-8683

ii. If to the County:

Office of the Lee County Attorney  
2115 Second Street, Sixth Floor  
Fort Myers, FL 33901  
Telephone - 239-533-2236  
Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on \_\_\_\_\_, 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair

(Seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Donna Marie Collins  
Lee County Attorney's Office



ATTEST:

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: \_\_\_\_\_  
Superintendent

By: \_\_\_\_\_  
Chairman of the Board

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Keith Martin, Esq.  
Attorney for The School Board

Exhibits: School Attendance Zones

## LEE COUNTY ORDINANCE 07-\_\_

AN ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE, ARTICLE II (CONCURRENCY MANAGEMENT SYSTEM) TO INCORPORATE PROVISIONS ADDRESSING SCHOOL CONCURRENCY; AMENDING DIVISION 1, CONCURRENCY MANAGEMENT PROVISIONS AND DIVISION 2, PROPORTIONATE FAIR SHARE PROGRAM, PROVIDING FOR AN AMENDMENT TO §2-43, INTENT; §2-44, PURPOSE; §2-45, DEFINITIONS; §2-46, CONCURRENCY CERTIFICATION; §2-50, CONCURRENCY MANAGEMENT INFORMATION SYSTEM; §2-68, APPLICABILITY; AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 125.01(1)(h), authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code (LDC), which sets forth regulations applicable to the development of land in Lee County; and,

WHEREAS, Goal 24 of the Lee County Comprehensive Plan (Lee Plan) mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and yet function in a streamline manner; and,

WHEREAS, Lee Plan, Objective 95.2., requires the County to maintain a Concurrency Management System within the development regulations in accordance with Florida Statutes, Section 163.3202. The Concurrency Management System will ensure that no development permits will be issued unless the established regulatory level-of-service requirements are met or will be met, as needed, to serve developments; and,

WHEREAS, the 2005 Amendments to the Florida Growth Management Act directed local governments to enact School Concurrency Programs by April 2008; and,

WHEREAS, Florida Statutes, Sections 163.31777 and 163.3180(g), set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning siting on August 20, 2002. The County and the School Board subsequently entered into another interlocal agreement regarding the implementation of the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County has amended the Lee Plan to effectuate its obligations under the interlocal agreement and State statutes regarding school concurrency; and,

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments to the LDC to incorporate school concurrency on \_\_\_\_\_, 2007; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the LDC on \_\_\_\_\_, 2007; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the LDC on \_\_\_\_\_, 2007, and found the amendment consistent with the Lee Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

## ARTICLE II. CONCURRENCY MANAGEMENT SYSTEM

### DIVISION 1. CONCURRENCY MANAGEMENT PROVISIONS

#### SECTION ONE: AMENDMENT TO LDC CHAPTER 2

Lee County Land Development Code Chapter 2 is amended to read as follows, with strike through text identifying deleted language and underlined text identifying new language.

##### Sec. 2-43. Intent of article.

This article is intended to implement the requirements imposed by rule 9.J-5.0055, Florida Administrative Code; objectives ~~22.3~~ 37.2 and ~~22.4~~ 37.3 and policies ~~70.2.4~~ 95.2.1 and ~~70.4.3(1)~~ 95.1.3 (regulatory standards) of the Lee Plan; and F.S. §§ 163.3177(10)(h), 163.3202(1) and (2)(g), 163.3167(8), and 163.3180.

##### Sec. 2-44. Purpose of article.

The purpose of this article is to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development by providing that certain public facilities and services meet or exceed the standards established in the capital improvements element in the Lee Plan and required by F.S. §§ 163.3177 and 163.3180, and are available when needed for the development, while protecting the vested rights of persons guaranteed them by the Constitution of the United States of America, the state constitution and the laws of the state, and acknowledged by the state legislature in F.S. § 163.3167(8).

##### Sec. 2-45. Definitions.

(a) The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Board of County Commissioners* means the Board of County Commissioners of Lee County, Florida, acting in a public meeting.

*Building permit* means an official document or certification that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

*Certificate of concurrency compliance* means the certification issued by the director pursuant to section 2-46(d). This certification means that the director has determined that there is or will be sufficient public facilities to serve the development for which a development permit has been requested without violating the minimum concurrency standards set forth in the Lee Plan.

*Certificate of concurrency exemption* means the certification issued by the director pursuant to section 2-46(b). This certification means that the director has determined that a type of development order, or a specific development order issued for a proposed development permit, is exempt from the concurrency levels of service requirements of the Lee Plan. The issuance of a certificate of concurrency exemption does not exempt a developer from submission of project data required by the director unless specifically set forth in the certificate. Submission of project data assists the county in monitoring anticipated impacts on public facilities for the purposes of maintaining an inventory to evaluate new requests for development.

*Concurrency certificate* means a certificate of concurrency compliance, a certificate of concurrency exemption, a concurrency variance certificate or a conditional certificate of concurrency compliance.

*Concurrency variance certificate* means the certification issued by the director pursuant to section 2-51. This certification means that the director has determined that a variance from the strict concurrency requirements of the Lee Plan must be granted with respect to a specific development permit to avoid the unconstitutional taking of property without due process of law.

*Conditional certificate of concurrency compliance* means a certificate issued by the director pursuant to section 2-46(j)(k). This certification means that the director has determined that:

(1) A development permit, which otherwise would violate the minimum concurrency requirements of the Lee Plan, can be issued consistent with the Lee Plan if certain conditions are attached to the permit; or

(2) The application for concurrency review is complete but for a particular document that can be submitted prior to the issuance of a building permit or certificate of occupancy.

*Constrained roads* means those roadway segments that cannot or will not be widened due to community scenic, historic, aesthetic, right-of-way or environmental constraints.

*De minimus transportation impact* means an impact created by a use that would not affect more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the County. No impact will be considered de minimus if the impact would exceed the adopted level of service standard of an affected designated hurricane evacuation route.

*Developer* means any person, including a governmental agency, undertaking any development.

*Development* means the carrying out of building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. It is intended to have the same meaning given in F.S. § 380.04.

*Development order* means any order granting or granting with conditions an application for a development permit.

*Development permit* means a building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land.

*Director* means the county manager, or any other person designated by the county manager to exercise the authority or assume the responsibilities given the director in this article.

*Equivalent residential connections* means the total number of meter equivalents using the methodology of the state public service commission. This term is synonymous with the term "equivalent residential units" used by the state public service commission.

*Hearing examiner* means an officer appointed by the Board of County Commissioners to hear all matters and exercise all duties set out in chapter 34, article II.

*Lee Plan* means the county comprehensive plan that was adopted pursuant to F.S. ch. 163 on January 31, 1989, and effective March 1, 1989, and all subsequent amendments thereto.

*Long term transportation concurrency management system* means a financially feasible system to ensure that existing deficiencies are corrected within a specified time frame and to establish priorities for addressing backlogged facilities in special concurrency district or areas.

*Mobile home move-on permit* means an official document or certification authorizing a purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. It also includes a permit authorizing the tiedown of a park trailer in a mobile home zoning district. Mobile homes and park trailers are defined in chapter 34.

*Permanent traffic* means the traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. It does not mean the temporary construction traffic.

*Planned development rezoning* means any rezoning to a planned development zoning district pursuant to chapter 34.

*Preliminary development order* means a preliminary development order issued pursuant to Ordinance No. 82-42, as amended.

*Preliminary plan approval* means a type of site plan approval pursuant to chapter 10 that does not authorize development and to which no concurrency vesting attaches.

*Regulatory standards* means the minimum acceptable level of service as set forth in the Lee Plan, policy 95.1.3, subsections 1 through 6.

*Rule 9J-5.0055* means the rule and any subpart thereof published in the Florida Administrative Code.

*School Concurrency* means public school facilities needed to serve new development must be in place or under actual construction within three years after the local government approves a development permit, or its functional equipment, that results in generation of students.

*School Concurrency Service Areas* means one of three possible zones established by the school board for the purpose of assigning students to schools in a geographically approximate location to where those students reside. School concurrency service areas are co-terminus with the three attendant zones for elementary, middle, and high schools. (East Zone, West, Zone, or South Zone)

*Transportation concurrency* means transportation facilities needed to serve new development must be in place or under actual construction within three years after the local government approves a development permit, or its functional equivalent, that results in traffic generation.

*Transportation concurrency exception areas* means areas designated under the Lee Plan that allow exceptions to the transportation concurrency management requirement to promote urban infill development, urban redevelopment, or downtown revitalization.

*Transportation concurrency management areas* means compact geographic areas designated under the Lee Plan with existing or proposed multiple, viable alternative travel paths or modes for common trips, which employ the use of an area-wide level of service standard and an accommodation and management of traffic congestion for the purpose of promoting infill development or redevelopment in a manner that supports more efficient mobility alternatives.

**Cross references: Definitions and rules of construction generally, § 1-2.**

**Sec. 2-46. Concurrency certification.**

- (a) *Review for compliance with level of service requirements. All applications for development orders and building permits must be reviewed by the director for compliance with the level of service requirements set forth in the Lee Plan. Exceptions to this provision are development permits that are:*
- (1) specifically exempted from concurrency review by county administrative code AC 13-9;
  - (2) granted pursuant to a concurrency variance certificate under section 2-51;
  - (3) a concurrency exemption certificate applies under section 2-49;

- (4) related to development pursuant to a development order issued under F.S. §§ 380.06 and 380.061, and the DRI development order separately provides for concurrency compliance and analysis;
- (5) granted pursuant to a developer agreement in effect pursuant to Ordinance No. 90-29, as amended, and the development agreement makes separate provision for concurrency compliance and analysis; or
- 6) granted pursuant to a developer's participation in the proportionate fair share program set forth in division 2 of this Article.

Upon application and payment of the application fee set by the Board of County Commissioners by administrative code, the director will determine whether the public facilities and services listed in F.S. § 163.3180 needed to support the development will be available concurrent with the impacts of that development, or whether the development should be exempted from such a determination, either because the development will not have an impact on the public facilities and services or because the applicant for the development permit has a vested right to receive a favorable determination of concurrency.

- (b) Determination of exemption. Certain types of development permits do not cause additional impacts on public facilities and services. These development permits should be exempt from concurrency compliance. Those development permits are set forth in an administrative code. It is not necessary for the director to issue a certificate of exemption for development permits listed in the administrative code. For development permits not listed in the administrative code, the director will be guided by the standards set forth in this article. If the director finds that the standards for exemption have been satisfied, he will certify his findings by a written statement, that identifies the development permit for which the specific determination of exemption has been made. The director's statement must recite the basis for his determination by reference to the facts upon which he is relying and the sections of this article he finds to be controlling. The director's statement will be known as a certificate of concurrency exemption, will identify a development order or will be limited to the exact development permit application for which he has issued his certificate. Applications for amendments to a development order granting a development permit for which a certificate of concurrency exemption has been issued will require another, separate concurrency review by the director.
- (c) Consideration of impacts. If the director determines that a development permit is not exempt from the minimum concurrency requirements of the Lee Plan, the director will consider the impact the development will have on potable water, sanitary sewer, surface water management, solid waste disposal, parks and recreation, and roadway facilities and public schools. The director will consider the type and intensity of use of the proposed development in relation to the demands the use can reasonably be expected to make on those facilities and the times when the demand can reasonably be expected to occur during the course of the development. When measuring the expected impacts of a development, the director will include only the impacts of permanent traffic (see definitions) and other similar continuing infrastructure demands of the development. The director will disregard temporary impacts such as fire flow tests. The director may rely upon studies, measurements or calculations prepared by qualified professionals, or upon generally

accepted guidelines, rules, formulas, studies or other theories developed by professional experts working or publishing in this field of inquiry, or upon relevant historical trends or experiences, or upon related rules and standards adopted by other governmental agencies, or upon any combination of these sources. The burden of disproving the accuracy of the director's determination lies with the person who disputes it.

To promote uniformity in the application of this subsection, the director may prepare administrative rules prescribing the methodology by which the impacts of a proposed development will be determined. Those rules will be set forth in an administrative code adopted by the Board of County Commissioners.

- (d) Determination of sufficient capacity. Once the director has considered the impacts of a proposed development in accordance with subsection (c) of this section, he will then determine whether there will be sufficient capacity for these facilities to serve the development at the time the impacts of the development will occur without causing these facilities and services to function at a level of service below the minimum regulatory levels established for these facilities and services in the Lee Plan. Except for traffic impacts, which will be determined in accordance with the policies under objectives 22.3 and 22.4 of the Lee Plan, the director will add the expected impacts of the development to the levels of use of the facility at the time of the determination. Anticipated additional use will be derived from other reasonably foreseeable factors. If this sum is less than the capacity of the facility in question to operate during the effective period of a certificate of concurrency compliance at the minimum regulatory levels of services prescribed in the Lee Plan and the development's projected traffic is in compliance with objectives 22.3 and 22.4 of the Lee Plan, the director will certify the conclusion by a written statement. The written statement will identify the development in question and the development permit for which the certification has been made. The director's statement will be known as a certificate of concurrency compliance and is limited to the exact development permit application for which he has issued his certificate. Applications for an amendment to a development order granting a development permit for which a certificate of concurrency compliance has been issued will require another, separate concurrency review by the director.
- (e) *Means of measuring level of service in relation to location of development.* When measuring the availability of a public facility to serve a development, the level of service at which the facility is operating or is expected to operate will be measured in relation to its location to the development as follows:
  - (1) *Potable water.* Supply and treatment capacity will be based on the number of equivalent residential connections of the utility that will provide service to the development. The pressure in the distribution system will be measured at the point where the service enters the development or at the point from which the service will be extended.
  - (2) *Sanitary sewer.* The treatment and disposal capacity will be based on the number of equivalent residential connections of the utility that will provide service to the development. The capacity of the collection system will be measured at the point where the service enters the development or at the point from which the service will be extended.



- (3) *Surface water management.* Runoff will be measured at the points of discharge into an ultimate positive outfall beyond the outer edge of the development or at the nearest natural outfall.
  - (4) *Solid waste disposal.* Capacity of the disposal facility will be measured in pounds (or equivalent volume) and applied countywide.
  - (5) *Parks and recreation.* The quantity of regional parks will be measured in acres and applied to the total permanent and seasonal resident population in the county. The quantity of community parks will be measured in acres within the unincorporated area of the county and applied within each community park impact fee district to the permanent resident population within the unincorporated portion of that district.
  - (6) *Roads.* Concurrency on all road will be determined on a roadway segment by segment basis consistent with the level of service standards set forth in Lee Plan Policy 37.1.1, except where the Board has designated constrained road and created transportation concurrency management areas, transportation concurrency exception areas, or long-term transportation management systems pursuant to Florida Administrative Code 9J-5.0055.
  - (7) *Public Schools.* Public school capacity will be based on the annual school capacity and occupancy by school type and by concurrency service areas. The annual school capacity will be adjusted by adding the expected capacity increase from new or expanded planned school facilities for the next three years in accordance with the adopted School Board Capital Improvements Program. This information will be formally adopted into the local government's Yearly Concurrency Report.
- (f) *Determination of capacity of potable water, sanitary sewer or solid waste facilities.* In determining the capacity of potable water, sanitary sewer or solid waste facilities, the director must include the capacity of all facilities as they exist at the time the development permit will be issued, plus other facilities that are guaranteed in an enforceable development agreement. An enforceable development agreement may include but is not limited to development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380. The director, in accordance with section 2-46(f) (i), is also authorized to issue certificates of concurrency compliance subject to the condition that at the time of issuance of a certificate of occupancy, the necessary facilities must be in place and available to serve the new development.
- (g) *Determination of adequacy of surface water management system.* In determining the adequacy of a surface water management system, the director will rely upon the reviews performed by the department of community development, the division of development services and the South Florida Water Management District. The adequacy of a surface water management system will be conclusively demonstrated upon the issuance of a surface water construction and operating permit by the South Florida Water Management District.
- (h) For parks and recreation facilities, the development must meet one of the following two standards:

- (1) At the time of development order or permit is issued, the necessary facilities and services must be in place or under actual construction; or
- (2) A development order or permit is issued with a stipulation that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated to or acquired by the local government; and
  - a. The necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted Lee County five-year schedule of capital improvements; or
  - b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement that requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
  - c. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or a development order issued pursuant to F.S. ch. 380, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.
- (i) *Determination of road facility capacity.* In determining the capacity of a road facility, the director will include existing roadways and committed improvements, as provided in Policy 37.3.2 of the Lee Plan.
- (j) *Determination of public school capacity.* The School Board of Lee County will compile a school concurrency inventory report annually. The School Board will inventory current school capacity and current occupancy by school type and by concurrency service area. Existing capacity will be adjusted by adding the expected capacity increase from new or expanded planned school facilities for the next three years in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by concurrency service area. The School Board will transmit the school concurrency inventory to the County. Upon its receipt, the county will incorporate the school concurrency inventory into the County's Concurrency Report for all public facilities.  
  
The County will utilize the information in the report to determine whether there is available capacity for each level of school to accommodate the proposed development based on the level of service standards and the concurrency service area. In determining the capacity of public school facilities, the director will include existing facilities and committed facilities, as provided in Policy \_\_\_\_\_ of the Lee Plan.

~~(j)(k)~~ Issuance of finding upon failure to qualify for certificate of concurrency compliance.

- (1) If a proposed development permit fails to qualify for a certificate of concurrency compliance under the criteria set forth in subsections (a) through ~~(i)~~ (j) of this section, the director will issue a finding that the proposed development will meet concurrency requirements if it is subject to the condition that the facilities and services that will be necessary to serve the development will be in place when the impacts of the development occur without degrading the level of service of these facilities below the minimum level prescribed in the Lee Plan. When no solution can be identified to provide for the additional facility capacity required, the certificate will either be limited to reflect the then-available facility capacity, or the application will be denied. If the director issues a finding that limited development may proceed, to be known as a conditional certificate of concurrency compliance, no further development permits may be issued unless the additional facilities to serve further development are in place when the impacts of the development occur.
- (2) The conditional certificate of concurrency compliance must identify the minimum additions to the then-existing facilities that must be built and operating, in addition to planned facilities meeting the criteria set forth in subsections (f), (g), (h), and (i) and (j) of this section, before further development permits will be issued. If a developer proposes to develop in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards set forth in this article, the director may issue a conditional certificate of concurrency compliance that establishes related periods of time when additional development permits will be granted if the additional facilities, identified by the director as the minimum additions to existing or planned facilities needed to serve each phase, are built and operating.
- (3) Development permits issued based on conditional certificates of concurrency compliance must specify the next level or levels of permitting that may be granted before the condition or conditions of the permit must be satisfied.
- (4) The director may also issue a conditional certificate of concurrency compliance where the proposed development will meet concurrency requirements provided certain documents, not submitted with the initial application, are subsequently delivered to the director, or the proposed development order is subject to the review of other county agencies and therefore likely to change, thereby requiring further concurrency review.

~~(k)~~(l) Validity of certificates of concurrency compliance and conditional certificates of concurrency compliance. Certificates of concurrency compliance and conditional certificates of concurrency compliance are valid for three years from the date they are issued or for the remaining tenure of the underlying development order or development permit, whichever is less.

~~(h)~~(m) *Validity of development permits.*

- (1) Except for building permits, development permits that have been issued based upon a valid certificate of concurrency compliance or a conditional certificate of concurrency compliance will be valid for a period of three years from the date the certificate was granted or for the remaining duration of the development permit, whichever is less. This will enable the developer to begin the work permitted or to apply for additional development permits not inconsistent with the permit issued, using the concurrency certificate from the issued permit to satisfy the concurrency review requirements for the additional permits.
- (2) Building permits issued based upon a valid concurrency certificate will be valid for the remaining duration of the building permit, so long as the permit is applied for while the certificate of concurrency compliance or conditional certificate of concurrency compliance is valid, the permit application is substantially complete, and the building permit is ultimately issued in the ordinary course. The original permit may not be extended beyond the term of the concurrency certificate without triggering new concurrency review.
- (3) If a building permit is not issued within six months of the expiration date of the applicable concurrency certificate, a rebuttable presumption will arise that the building permit has not been issued within the ordinary course as that term is used in this subsection.

~~(m)~~(n) *Director's action not appealable pursuant to state law. The director's action in issuing a concurrency certificate is not a development order that can be appealed pursuant to F.S. § 163.3215.*

~~(n)~~(o) *Requirements for activity affecting constrained roads. Concurrency compliance for land development activity affecting constrained roads will be determined in accordance with Lee Plan objective 22.2 to the extent these policies provide additional restrictions that supplement other provisions of this article. The requirements of these policies are as follows:*

- (1) A maximum volume to capacity (v/c) ratio of 1.85 for all constrained roads.
- (2) The director may not issue permits that cause the maximum volume to capacity ratio to be exceeded or that affect the maximum volume to capacity ratio once exceeded.
- (3) Once the maximum volume to capacity ratio is achieved, permits may only be issued where capacity enhancements and operational improvements have been identified and commitments to implement those improvements are made that will maintain the volume to capacity ratio on the constrained segment at or below 1.85.

~~(o)~~(p) *De minimus impact. The Florida Legislature has found that a de minimus impact is consistent with Part II of Chapter 163. Therefore, the impact of a single-family home on an*

existing lot will constitute a de minimus impact on all roadways regardless of the level of deficiency of the roadway.

Other than single-family homes on existing lots, no impact will be de minimus if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility. Further, except for single family homes on existing lots, no impact will be de minimus if it would exceed the adopted level of service standard of any affected designated hurricane evacuation route.

Lee County will maintain records to ensure that the 110 percent criteria is not exceeded. Annually, Lee County will submit to the State Land Planning Agency a summary of the de minimus records along with its updated Capital Improvements Element. In the event the State Land Planning Agency determines that the 110 percent criteria has been exceeded, the County will be notified of the exceedence and no further de minimus exceptions for the applicable roadway will be granted until the volume is reduced below the 110 percent. The County will provide proof of the reduction to the State Land Planning Agency prior to issuing further de minimus exceptions.

**Sec. 2-50. Concurrency management information system.**

- (a) The director will compile, publish and update, at least once each year, beginning no later than October 1, 1990, an inventory of the maximum, utilized and available capacity of public facilities for which minimum regulatory levels of service are prescribed in the Lee Plan. This inventory must also contain a projection of future demand on the facilities due to anticipated growth and additions to capacity based upon construction in progress or under contract. This inventory must also contain the Greater Pine Island analysis as described in section 33-1011(d) and the public school concurrency inventory prepared by the School Board of Lee County. The inventory must be reviewed and approved by the board of county commissioners and, upon approval, will establish the availability and capacity of each facility to accommodate impacts from further development. This inventory will bind the county to the estimates of available capacity described in the inventory. Once approved by the board, these estimates will empower the director to issue concurrency certificates for development permits requested where the estimates reasonably demonstrate sufficient infrastructure capacity will be available to serve all developments reasonably expected to occur during the period of time approved by the board.
- (b) The director will maintain a current cumulative list of all development orders issued by the county. The list will include the date of issuance of each development order.
- (c) The director will maintain a list of all certificates issued pursuant to this article, or a copy of each certificate in chronological order by date of issuance in lieu of a list. These records may be removed to storage once the most recent certificate on the list is six months old.
- (d) The director will maintain records to ensure the 110 percent criteria is not exceeded. Those records will be submitted to the State Land Planning Agency annually in accordance with section 2-46(o)(p) and Florida Statutes, § 163.3180(6).

## DIVISION 2. PROPORTIONATE FAIR-SHARE PROGRAM

### **Sec. 2-68. Applicability.**

The Proportionate Fair-Share Program applies to all developments in unincorporated Lee County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 2-69. The Proportionate Fair-Share Program is not available to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in 2-46(e)(p).

### **SECTION TWO: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION THREE: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

### **SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

### **SECTION FIVE: EFFECTIVE DATE**

The ordinance will take effect on \_\_\_\_\_, 2007

**THE FOREGOING ORDINANCE** was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion, and, being put to a vote, the vote was as follows:

ROBERT P. JANES  
BRIAN BIGELOW  
RAY JUDAH  
TAMMARA HALL  
FRANK MANN

**DULY PASSED AND ADOPTED** This \_\_\_\_ day of \_\_\_\_\_ 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Donna Marie Collins  
Assistant County Attorney

## INTERLOCAL AGREEMENT ON SCHOOL CONCURRENCY

This agreement is made this 18<sup>th</sup> day of March 2008, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the School Board of Lee County, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

- a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,
- b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and the School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,



WHEREAS, Lee County and the School Board desire to establish options for proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002, that remains in full force and effect; and,

WHEREAS, that interlocal was subsequently amended on January 11, 2005; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. Definitions.

a. Definitions. The terms used in this subsection are defined as follows:

- i. Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
- ii. Capacity – “capacity” as defined in the FISH Manual.
- iii. Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County.

- iv. FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, that is published by the Florida Department of Education, Office of Educational Facilities.
  - v. Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
  - vi. Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board’s adopted Work Program.
  - vii. Previously Approved Development – development approved as follows:
    - (1) Single family lots having received final plat approval prior to the effective date of the County’s School Concurrency Ordinance.
    - (2) Multi-Family residential development having received final site plan approval prior to the effective date of the County’s respective School Concurrency Ordinance.
  - viii. Concurrency Certificate – A certificate issued by the County stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.
  - ix. Total school facilities – Existing school facilities and planned school facilities.
  - x. Used capacity – School facility capacity consumed by or reserved for preexisting development.
  - xi. Work Program – the financially feasible five-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.
2. Comprehensive Plan. No later than April 1, 2008, the County will adopt Comprehensive Plan Amendments to address school concurrency matters, including:
- a. A Public Schools Facilities Element, pursuant to Sections 163.3177 (12) and 163.3180, Florida Statutes.

- b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
  - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
- 3. Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, the County will amend the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and this Agreement.
- 4. Five-Year Facilities Work Program.
  - a. Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County will amend the CIE of the Comprehensive Plan to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, the County will consider further amendments to its CIE to incorporate updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.
- 5. Level of Service Standards.
  - a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein will be applied consistently throughout the County for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.
  - b. The LOS standards set forth herein will be included in the CIE and will be applied consistently by the County and the School Board districtwide to all schools of the same type.
  - c. After consultation and agreement with Lee County and the School Board, the LOS standards may be amended only pursuant to an amendment to the Lee Plan and this interlocal agreement.
  - d. The LOS standards to be used by the County and the School Board to implement school concurrency are as follows:
    - i. Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- ii. Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iii. High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iv. Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

A "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

- v. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period of not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

6. School Concurrency Service Areas.

- a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are initially established to be coterminous with the existing Student Assignment Zones for elementary, middle, and high schools shown on the attached map (Exhibit A).
- b. CSAs may be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement. The School Board may amend the CSAs only after review and comment by the County. After the initial three years of implementing school concurrency, the School District may propose an amendment to the CSAs to make them coterminous with the existing Student Assignment sub-zones. Lee County will consider and process a Lee Plan amendment accordingly.
- c. The establishment and modification of CSAs will take into account school policies to:
  - i. minimize student transportation costs;

- ii. limit maximum student travel times;
  - iii. achieve socio-economic, racial and cultural diversity objectives;
  - iv. recognize capacity commitments resulting from local governments' development approvals for the CSA; and,
  - v. recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
- d. CSAs will be described geographically in the County's Comprehensive Plan pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

7. Demand Monitoring and Evaluation.

- a. The County will provide the following information to the School Board on an annual basis to facilitate the projection of demand and student generation rate trends:
  - i. Geo-referenced building permit and certificate of occupancy data;
  - ii. Summary of actions on preliminary and final plats;
  - iii. Summary of site development plan approvals for multi-family projects; and,
  - iv. Summary of other actions that affect demands for public school facilities.
- b. The School Board will provide the County with a copy of each concurrency determination letter issued to a municipality. The County will reflect the data from the letters in the forecasted capacity commitments for the corresponding CSA.

8. Applicability.

- a. Except as provided in subsection b. below, school concurrency applies to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the LDC amendments incorporating school concurrency.
- b. The following residential uses are exempt from the requirements of school concurrency:

- i. Single family lots having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
- ii. Multi-family residential development having received final site plan approval prior to the effective date of the applicable amendments to the LDC incorporating school concurrency.
- iii. Amendments to residential development approvals issued prior to the effective date of the Lee Plan, that do not increase the number of residential units or change the type of residential units proposed.
- iv. Other uses as provided for in the Land Development Code.

9. Process for Determining School Facilities Concurrency.

- a. The School Board will annually compile a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by CSA. The School Concurrency Inventory will then be transmitted to the County.
- b. Upon the receipt of a complete School Concurrency Inventory the County will formally incorporate the Inventory in the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth herein and in the respective land development codes.
- c. Upon receipt of a Development Order application, the County will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:
  - i. whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
  - ii. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.

- d. If the County determines that adequate capacity will not be in place or under actual construction within three years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County will not issue a School Concurrency Certificate and will not approve the development application.
- e. If the County determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
- f. The County will issue a School Concurrency Certificate only upon:
  - i. A determination that adequate school capacity for each level of school will be in place or under actual construction within three years after the issuance of the final subdivision or plat approval without mitigation; or,
  - ii. The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

10. Rezoning Review.

When reviewing a proposed rezoning, the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

- a. If the CSA where the proposed rezoning is situated does not have available school capacity, the County will determine whether a contiguous CSA (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.
- b. If there is not sufficient capacity in the CSA where the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA, the County will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

11. Mitigation Alternatives. If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, the following procedure will be used.

- a. The applicant must initiate, in writing, mitigation negotiation with the School Board to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the Lee Plan, LDC, and this Agreement.
- b. Acceptable forms of mitigation may include:
  - i. The donation of land or funding for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities anticipated from the proposed development; and,
  - ii. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost if the Charter School ceases to operate.
- c. The following standards apply to mitigation accepted by the School Board:
  - i. Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program and satisfy the demands created by the proposed development.
  - ii. Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's proportionate-share mitigation obligation to resolve a capacity deficiency will be based on the following formula, for each school level: Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- e. If within 90 days of the date the applicant initiates mitigation negotiation, the applicant and the School Board agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. The mitigation agreement must include the terms of the mitigation, including the amount, nature and timing of donations or funding to be provided by the developer, and any other matter necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement must specify the



amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

- f. If, after 90 days, the applicant and the School Board are not able to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. The County will not issue a Concurrency Certificate for the proposed development.
  - g. Mitigation must be proportionate to the demand for public school facilities to anticipated from development of the property.
- 12. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.
- 13. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.
- 14. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be renewed for one-year periods unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.
- 15. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.
- 16. Supplement. This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002, and later amended on January 11, 2005.
- 17. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.
- 18. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:
  - a. Personally;

b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,

c. By the mailing of such notice by registered or certified mail to the following address:

i. If to the School Board:

Office of the Superintendent  
Lee County School District  
2855 Colonial Boulevard  
Fort Myers, FL 33966  
Telephone - 239-337-8512  
Fax - 239-337-8683

ii. If to the County:

Office of the Lee County Attorney  
2115 Second Street, Sixth Floor  
Fort Myers, FL 33901  
Telephone - 239-533-2236  
Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on  
March 18<sup>th</sup>, 2008.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Marcia Wilson  
Deputy Clerk

By: R. J. Juchacz  
Chair

(Seal)

Date: 3/18/08



APPROVED AS TO FORM:

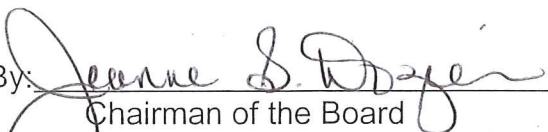
By: Donna Marie Collins  
Donna Marie Collins  
Lee County Attorney's Office

ATTEST:

By:   
Superintendent

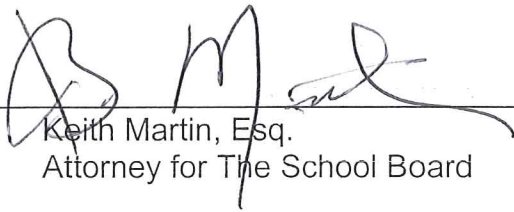
**APPROVED**  
**FEB 26 2008**  
**SCHOOL BOARD OF**  
**LEE COUNTY**

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By:   
Chairman of the Board

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By:   
Keith Martin, Esq.  
Attorney for The School Board

Exhibits: School Attendance Zones

**STUDENT  
ASSIGNMENT  
ZONES**  
2007-2008

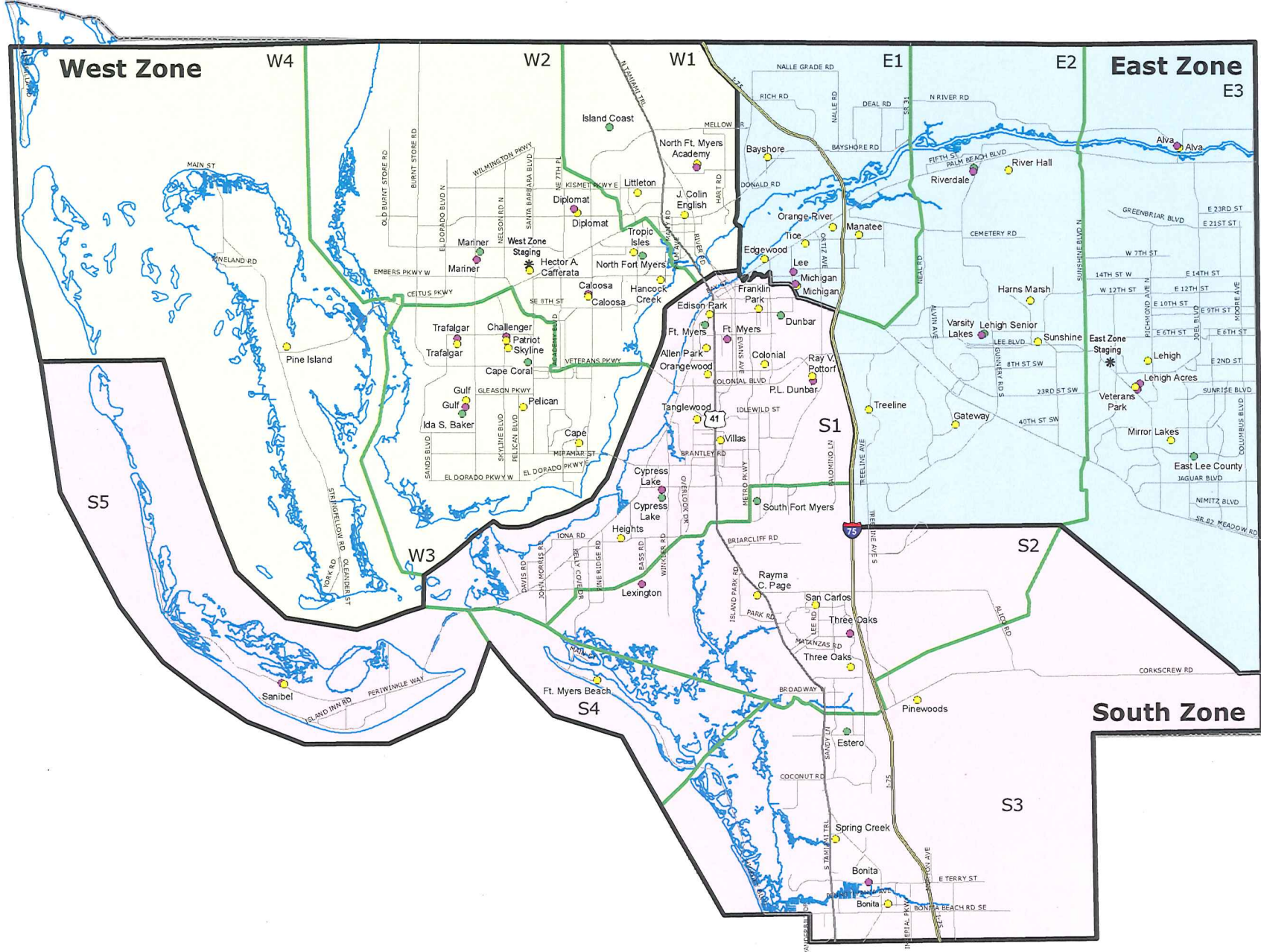
- Legend**
- ASSIGNMENT ZONES**
- EAST
  - SOUTH
  - WEST
- Sub-Zones
- SCHOOLS**
- \* Staging
  - Elementary
  - Middle
  - High

**Please read:**  
All information taken  
from this map should be  
verified by the Parent  
Information Center.

**MAP DISCLAIMER:**  
Maps and documents made available to the public by the Lee County Property Appraiser's Office are not legally recorded maps or surveys and therefore are not intended to be used as such. The maps and documents are created as part of a Geographic Information System (GIS) that compiles records, information, and data from various departments, cities, county, state and federal sources. The source data may contain errors. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, currentness, and limitations.



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Miles





## 2007/2008 LEE PLAN SPECIAL AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

**CPA2006-16** amends the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. The amendment also incorporates schools as required public facilities for concurrency purposes and provides for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). In addition, the amendment incorporates two new maps, Map 22, School Concurrency Service Areas and Map 23, Educational and School District Facilities in Lee County to address the new school concurrency requirements.

**CPA2006-18** is a proposal to amend the Lee Plan to incorporate the Lee County School Districts School Capital Improvement Program as Table 3a of the Capital Improvement Element (CIE) of the Lee Plan. Florida Statute 163.3177(3) requires a Capital Improvement Element in the Lee Plan. This element is to be annually reviewed and modified, per Florida Statute 163.3177(3)(b). In 2005, Senate Bill SB360 modified the Florida Statutes. The bill included a requirement that county and local jurisdictions incorporate local School Districts' Capital Improvement Plans (CIP) into their county or local comprehensive plans.

The logo for Spikowski Planning Associates is a rectangular box with a dark, textured background. The company name is written in a bold, white, sans-serif font, stacked in three lines: "SPIKOWSKI", "PLANNING", and "ASSOCIATES".

## SPIKOWSKI PLANNING ASSOCIATES

July 5, 2007

Heather W. Hawkins  
Attorney, School Support  
Lee County School District  
2055 Central Avenue  
Fort Myers, Florida 33901

RE: School Concurrency

Dear Ms. Hawkins:

Thank you for taking the initiative to draft an interlocal agreement regarding school concurrency. This agreement is well-organized and clearly written. We have considerable work ahead of us, but starting from a complete draft will definitely help us focus our efforts.

Initially I'd like to see us focus on three policy issues contained in this agreement where the cities and the county need to agree upfront in order to proceed with preparing our new public school comprehensive plan elements. One of those sections is the proportionate share mitigation formula, but I'm hoping others will take the lead because I have little knowledge about it and it is of no importance to my client, the Town of Fort Myers Beach.

Let me begin by commenting on this draft's handling of the other two policy issues that will control school concurrency: the delineation of "Concurrency Service Areas" (CSA), and "Levels of Service" (LOS).

### CONCURRENCY SERVICE AREAS

This draft would establish nine CSAs, each consisting of one of the three sub-zones of each of the School District's three current "Student Assignment Zones."

I don't understand why we would want to establish so many CSAs. The state legislation actually recommends we use a single zone for the entire county (F.S. 163.3180(13)(c)1.). Alternately, we could use the three Student Assignment Zones.

Add multiple subzones greatly increases the complexity of the recordkeeping and growth projections that are required for the school concurrency program; more importantly, it makes it much more likely that concurrency shutdowns will occur. What do multiple subzones accomplish to offset these serious negative effects?

Ms. Heather W. Hawkins  
July 5, 2007  
Page 2 of 3

## LEVELS OF SERVICE

As to LOS, this draft would commit the county and all the cities to a LOS set at 95% of "permanent FISH capacity" (with some undefined adjustment "for measurable programmatic changes").

"Permanent FISH capacity" excludes the capacity of portable classrooms. Wouldn't that factor alone mean that our LOS would fail immediately in zones where portables are commonplace? Don't we have the option to include the capacity of portables for concurrency purposes? Even if the school district hopes to reduce reliance on portables, why should their existing capacity be ignored for concurrency purposes?

In addition, I question the 95% ratio. Why 95%, as opposed to 100%, or 110%, or 120%? Aren't we failing to meet the 95% standard today, in some or even most of the CSAs? If so, in the absence of new revenue sources, wouldn't that mean that this LOS is not financially feasible and therefore is contrary to state law?

Is this discount intended to account for the fact that FISH capacity doesn't reflect special programs that require more space? If so, couldn't we use a more accurate capacity measure instead of discounting the FISH capacity by a rigid percentage that applies to every type of school?

When we meet, I hope someone can explain to those of us who don't work in school planning exactly how FISH capacity relates to real-life capacity of our schools. Is it identical to the number of student stations, or is it higher or lower? Does it include the capacity of charter schools? How does it relate to how Lee County schools are actually used in practice?

Also, have FISH capacities already been adjusted to reflect the class-size constitutional amendment? If not, how should we deal with the effects of this amendment?

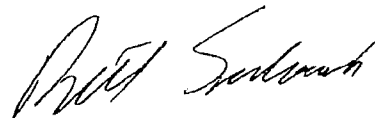
Other issues of immediate concern to me include:

- Are we required to reserve capacity for approved developments, even though these homes may not actually be built, or not be built within the planning timeframe? This draft would require us to reserve capacity for students in these potential homes. I'm leery of doing so, but if we must, shouldn't this percentage be considerably above 100% to avoid building expensive schools that may sit partly vacant?
- If the 95% ratio is supposed to account for pre-platted lots, that's certainly an issue in the west and east zones (Cape Coral and Lehigh Acres respectively), but not in the south zone.
- I can't imagine how it would be financially feasible for the school district to plan for schools with >5% vacant capacity when I don't believe we yet have a solid financial plan for meeting the mandatory class-size reductions, not to mention dealing with the potential impacts of the legislature's latest fumbling with our tax structure.

Ms. Heather W. Hawkins  
July 5, 2007  
Page 3 of 3

The issues I have raised above will affect every city and the county, so I suggest that we have a joint meeting in the very near future to discuss these matters (rather than individual meetings). Ideally other city and county representatives will also review this draft and identify other issues that we can discuss at this same initial meeting.

Sincerely,



Bill Spikowski, on behalf of  
Town of Fort Myers Beach

cc: Jerry Murphy, Fort Myers Beach Community Development Director  
Anne Dalton, Fort Myers Beach Town Attorney  
Paul O'Connor, Lee County Planning Director  
Leslie Persia, Fort Myers Comprehensive Planner  
Planning Director, City of Cape Coral  
Robert Duffy, Sanibel Planning Director  
Barbara Barnes-Buchanan, Bonita Springs Assistant City Manager





# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ TTD/TTY (239) 335-1512  
WWW.LEESCHOOLS.NET

Heather W. Hawkins  
Attorney, School Support  
(239) 479-4208 ♦ Fax (239) 479-4266  
heatherwh@leeschools.net

RECEIVED  
JUL 31 2007

COMMUNITY DEVELOPMENT

Jeanne S. Dozier  
Chairman, District 2

Jane E. Kuckel, Ph.D.  
Vice Chairman, District 3

Robert D. Chilmonik  
District 1

Steven K. Teuber, J.D.  
District 4

Elinor C. Scricca, Ph.D.  
District 5

James W. Browder, Ed.D.  
Superintendent

Keith B. Martin, Esq.  
Board Attorney

Julie B. Nieminski  
Board Internal Auditor

July 27, 2007

Bill Spikowski  
Spikowski Planning Associates  
1617 Hendry Street, Suite 416  
Fort Myers, FL 33901-2947

RE: School Concurrency

Dear Mr. Spikowski:

Thank you for your response to the draft interlocal. As you likely know by now, I am in the process of scheduling individual meetings with each of the affected local governments to be followed by a meeting with all interested parties at one table to try and begin to work through issues. I thought the individual meetings would be a good place to start in the hopes that I might be able answer concerns that may be specific to an individual local government in a smaller meeting so that when everyone is together we can concentrate on issues that affect all of the parties involved. Also, if I can gather information about concerns and questions, I can ensure that the larger meetings include District staff members that will have the information that we need. In advance of that, I would like to provide a preliminary response to the issues that you raised in your correspondence.

## Concurrency Service Areas

The establishment of nine CSAs would be consistent with the School District's current student assignment plan. As you may know, the District has been operating under a School Choice plan since 1998. This plan allows the District to serve the needs and preferences of students throughout the County while preventing students from having to spend an excessive amount of time on a bus being transported to schools that are a great distance from their home. The intent of the subzones is to further reduce the transportation time by requiring students to attend a school in their subzone or the contiguous subzone. Given the size of Lee County and the time that it takes to drive from one area of the County to another, I do not believe it would be practical to use one CSA for the entire County. For example, it would not make sense to approve a development in eastern Lehigh based on capacity that may exist in northern Cape Coral. We will have the opportunity to adjust zone boundaries should the need arise.

## Levels of Service

The standard of 95% of permanent FISH capacity allows the District to account realistically for the growth that we have consistently experienced in Lee County. You mention that the remaining 5% would be vacant. I can assure you that based on growth that we have previously

Vision: To Be A World-Class School System

seen in the District, we do not have vacant seats for any length of time. The District is constantly constructing new facilities and expanding existing facilities in order to provide sufficient student stations to serve the needs of the children of Lee County. Last year the Lee County School District received a larger number of new students than any other District in the State of Florida. Department of Education projections are predicting the same situation in the next school year.

You reference that portables are "commonplace" in the School District. That is actually not the case. A number of the portables which you may see on existing campuses are required to provide Title I services or Pre-kindergarten programs and are not part of the FISH capacity for that school. We also use portables in order to remove students temporarily from facilities while the facility is being remodeled. We do not build schools in advance of a demonstrated need for the school. Therefore, when we have students in a portable classroom, they are intended to be there only for as long as is necessary to demonstrate capacity for a new school and undergo the construction process. For instance, the District will have a number of portables in use at high schools in Cape Coral in the upcoming school year. However, when Island Coast High School opens in the summer of 2008, the need for almost all of those portables will be removed as we fill that school.

It is in the best interest of the learning environment to have the students housed in permanent student stations. Portables are more expensive to maintain, and present greater security issues. All state regulations and policies encourage the replacement of portables with permanent student stations as soon as possible.

FISH capacity is a standard that is applied throughout the State of Florida to indicate the capacity of schools. I believe that most school districts throughout the state are using it in their concurrency formulas because it is standard throughout the State and is something that is "verifiable". Student stations are assigned based on square footage and use of rooms. Permanent FISH capacity is the most reliable standard to verify actual utilization rates. We will not be including the capacity of Charter Schools in the determination of available seats for assignment as the District does not have the ability to assign students to those seats, but Charter School capacity is a factor in the determination of student generation rates. FISH capacities have already been adjusted to reflect the class size amendment.

You need not be concerned about the District building schools that will sit vacant. First of all, in the draft interlocal, the only capacity for previously approved developments that is taken into consideration at the time that an application is reviewed is that portion which is expected to be developed over the next three years. Also, at least every five years, the District is required to prepare and file with the Department of Education a plant survey. This document reflects the number of student stations in each facility in the District and the student stations that are planned to be built over the next five years based on projected student growth. Only those facilities that are shown on the plant survey can be constructed using state funds. Any facilities that are not on the survey must be added prior to construction. If DOE does not receive sufficient proof of student growth to justify the additional facility, they will not approve the construction. In order to have a more accurate picture of District needs, we have been renewing our plant survey every three years, rather than the five year period as required by statute.

The 95% standard is not intended to account for pre-platted lots. Pre-platted lots projected to be developed within the next three years are taken into consideration in the calculation that the School District will undertake once an application is received. Level of Service standards must

be applied consistently District wide so it is not possible to have a Level of Service standard that differs based on zone.

I disagree that the District does not have a solid financial plan to meet the mandatory class-size reductions. The District has undergone an aggressive construction campaign for the last several years in order to be in a position to meet class size reductions. Each year, we are required to file financially feasible five year work plan with DOE that outlines our construction plans in order to accommodate student growth over the next five years.

Again, thank you for your input. I look forward to working with you on this matter.

Sincerely,



Heather W. Hawkins  
Attorney, School Support

cc: Jerry Murphy, Fort Myers Beach Community Development Director  
Anne Dalton, Esq., Fort Myers Beach Town Attorney  
Donna Marie Collins, Assistant County Attorney  
Paul O'Connor, Lee County Planning Director  
David Migut, Assistant City Attorney, City of Fort Myers  
Leslie Persia, Fort Myers Comprehensive Planner  
Mark Lupe, Assistant City Attorney, City of Cape Coral  
Norm Standerfer, Director of Community Development, City of Cape Coral  
Ken Cuyler, City Attorney, City of Sanibel  
Robert Duffy, Planning Director, City of Sanibel  
Audrey Vance, City Attorney, City of Bonita Springs  
Barbara Barnes-Buchanan, Bonita Springs City Manager





**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 533-2236

Facsimile (239) 485-2106

Bob Janes  
*District One*

Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

September 22, 2007

**RECEIVED**  
SEP 24 2007

COMMUNITY DEVELOPMENT

Heather W. Hawkins, Esq.  
Lee County School Board  
3308 Canal Street  
Fort Myers, FL 33908

Re: School Concurrency  
Revisions to Interlocal Agreement on Planning  
LU-05-11-1119.K.5.

Dear Heather:

After careful consideration, the Planning and Legal staff of Lee County have concluded that it would be beneficial to address school concurrency in a separate interlocal agreement. In this way, we can avoid reopening the existing interlocal agreement on school planning that has already been finalized with the other municipalities.

Concurrency management varies between local governments. For this reason, a separate interlocal agreement for concurrency will enable the School Board to tailor the agreement to each local government's program. Lee County has been managing concurrency over five public facilities since 1989. The system in place entails vigilant monitoring of levels of service and available capacity. The County publishes an annual report that is used as a benchmark in the context of permit approvals. The publication of the Concurrency Management Report can be timed to coincide with the tabulation of school inventory and capital improvements program in the Fall of each year.

In furtherance of the suggestion for a separate interlocal to address school concurrency, please consider the enclosed draft interlocal agreement. Also enclosed are draft amendments to the Lee County Land Development Code, which incorporate public schools into the scope of the program. This document may be subject to further revision.

S:\LUDMC\DMCLTR\School Concurrency - Municipalities - Hawkins.wpd

Heather W. Hawkins, Esq.  
September 22, 2007  
Page 2

Re: School Concurrency  
Revisions to Interlocal Agreement on Planning  
LU-05-11-1119.K.5.

Please review these documents and advise us to whether further revisions are necessary to accomplish the goal of implementing school concurrency in unincorporated Lee County.

Kind regards,



Donna Marie Collins  
Assistant County Attorney

DMC/amp

Enclosures: 1. Proposed Interlocal on School Concurrency  
2. Draft Amendment to Land Development Code

cc: w/enclosures

David Owen, County Attorney  
Timothy Jones, Chief Assistant County Attorney  
Paul O'Connor, Director, Planning Division  
Matt Noble, Principal Planner, Planning Division  
Anne Dalton, Esq., City Attorney, Town of Fort Myers Beach  
Grant Alley, Esq., City Attorney, City of Fort Myers  
David Migut, Esq., Assistant City Attorney, City of Fort Myers  
Delores Menendez, Esq., City Attorney, City of Cape Coral  
Audrey Vance, Esq., City Attorney, City of Bonita Springs  
Kenneth B. Cuyler, Esq., City Attorney, City of Sanibel

## INTERLOCAL AGREEMENT

This agreement is made this \_\_\_\_ day of \_\_\_\_\_ 2007, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

- a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,
- b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and the School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,

WHEREAS, Lee County and the School Board desire to establish options for

proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002 that remains in full force and effect; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. ~~8.4~~ Comprehensive Plan. No later than April 1, 2008, the County ~~and Cities~~ will ~~consider the adoption of~~ Comprehensive Plan Amendments to address school concurrency matters, including:
  - a. A Public Schools Facilities Element, pursuant to ~~s~~Sections 163.3177 (12) and 163.3180, Florida Statutes.
  - b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
  - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
2. ~~8.2~~ Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, ~~as provided herein~~, the County will ~~consider the adoption of a "School Concurrency Ordinance" and will make other changes to the Land Development Code~~ amend the Land Development

Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and ~~the terms of this Agreement.~~

3.     8.3 Five-Year Facilities Work Program.

- a.     Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County ~~and Cities~~ will ~~consider an amendment~~ amend to the CIE of the Comprehensive Plan in order to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, ~~made in accordance with this Agreement,~~ the County will consider further amendments to its CIE to incorporate such updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.

4.     8.4 Level of Service Standards

- a.     Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein ~~shall~~ will be applied consistently ~~within~~ throughout the County ~~and the Cities~~ for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.
- b.     The LOS standards set forth herein ~~shall~~ will be included in the CIE and ~~shall~~ will be applied consistently by the County, ~~the Cities~~ and the School Board districtwide to all schools of the same type.
- c.     The LOS standards may be amended only pursuant to the procedure set forth in Section 11 ~~of this~~ of the Interlocal Agreement dated August 20, 2002, entitled "Interlocal Agreement for Public School Facility Planning."
- d.     The LOS standards to be used by the County, ~~the Cities~~ and the School Board to implement school concurrency ~~shall be~~ are as follows:
  - i. (1)   Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - ii. (2)   Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - iii. (3)   High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.



- iv. (4) Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

~~For purposes of this subsection, a~~ A "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

5. ~~8.9~~ Concurrency Determination Standards Definitions

Moved  
part of 9  
to 5.

- a. Definitions. The terms used in this subsection ~~shall be~~ are defined as follows:
- i. (1) Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
  - ii. (2) Capacity – "capacity" as defined in the FISH Manual.
  - iii. (3) Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County ~~or City~~.
  - iv. (4) FISH Manual – the document entitled "Florida Inventory of School Houses (FISH)", 2006 edition, ~~and~~ that is published by the Florida Department of Education, Office of Educational Facilities.
  - v. (5) Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
  - vi. (6) Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board's adopted Work Program.
  - vii. (7) Previously Approved Development – development approved as follows:
    - (1) (a) Single family lots ~~of record~~ having received final plat approval prior to the effective date of the County's ~~or City's~~ respective School Concurrency Ordinance.

~~(2) (b)~~ Multi-Family residential development having received final site plan approval prior to the effective date of the County's or City's respective School Concurrency Ordinance.

~~viii. (8)~~ School Concurrency Certificate – A certificate issued by the County or City stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.

~~ix. (9)~~ Total school facilities – Existing school facilities and planned school facilities.

~~x. (10)~~ Used capacity – School facility capacity consumed by or reserved for preexisting development.

~~xi. (11)~~ Work Program – the financially feasible 5-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.

6. 8.5 School Concurrency Service Areas

a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are hereby established to be coterminous with the existing attendance zones for elementary, middle, and high schools as shown on the attached map (Exhibit A).

b. ~~Future amendments to the CSAs may be accomplished by the~~ The School Board may amend the CSAs only after review and comment by the County and Cities as provided in Section 10 of this Agreement. CSAs shall will be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement; . The establishment and modification of CSAs will take taking into account school policies to:

~~i. (1)~~ minimize student transportation costs;

~~ii. (2)~~ limit maximum student travel times;

~~iii. (3)~~ achieve socio-economic, racial and cultural diversity objectives;

~~iv. (4)~~ recognize capacity commitments resulting from local governments' development approvals for the CSA; and,

- v. ~~(5)~~ recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
  - c. CSAs will be described geographically in the County's ~~and Cities'~~ Comprehensive Plans pursuant to Section 163.3180(13)(g)(5), Florida Statutes.
- 7. 8.6 Demand Monitoring and Evaluation: The County ~~and Cities shall~~ will provide the following information to the School Board on ~~a yearly~~ an annual basis to facilitate ~~demand~~ the projection of demand and student generation rate trends:
  - a. Geo-referenced building permit and certificate of occupancy data;
  - b. Summary of actions on preliminary and final plats;
  - c. Summary of site development plan approvals for multi-family projects; and,
  - d. Summary of other actions that affect demands for public school facilities.
- 8. 8.7 Applicability
  - a. Except as provided in subsection b. below, school concurrency applies ~~only~~ to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the ~~applicable School Concurrency Ordinance~~. LDC amendments incorporating school concurrency.
  - b. The following residential uses ~~shall be considered~~ are exempt from the requirements of school concurrency:
    - i. ~~(1)~~ Single family lots ~~of record~~ having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
    - ii. ~~(2)~~ Multi-family residential development having received final site plan approval prior to the effective date of the applicable ~~School Concurrency Ordinance~~ amendments to the LDC incorporating school concurrency.
    - iii. ~~(3)~~ Amendments to residential development approvals issued prior to the effective date of the ~~applicable School Concurrency Ordinance~~ Lee Plan, which that do not increase the number of residential units or change the type of residential units proposed.

- iv. ~~(4)~~ Other uses as provided for in the ~~School Concurrency Ordinance~~  
Land Development Code.

9. 8.8 Process for Determining School Facilities Concurrency.

- a. The School Board, ~~on a yearly basis,~~ will annually compile complete a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. ~~The e~~ Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. ~~The e~~ Current occupancy will then be subtracted from this existing and expected capacity to calculate the available capacity by school type by CSA. ~~These~~ School Concurrency Inventory will then be transmitted to the County ~~and Cities~~.
- b. Upon the receipt of a complete School Concurrency Inventory the County ~~or City~~ will formally adopt incorporate the Inventory in ~~their yearly~~ the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth ~~in herein~~ and in the respective land development codes.
- c. Upon receipt of a Development Order application, the County ~~or Cities,~~ will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:
- i. ~~(1)~~ whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
- ii. ~~(2)~~ if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.
- d. If the County ~~or City~~ determines that adequate capacity will not be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County ~~or City~~ will not issue a School Concurrency Certificate and will not approve the development application.
- e. If the County ~~or City~~ determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will

remain active pending the conclusion of the mitigation negotiation period described below.

- f. The County ~~or City~~ will issue a School Concurrency Certificate only upon:
- i. ~~(1)~~ A determination that adequate school capacity for each level of school will be in place or under actual construction within 3 years after the issuance of the final subdivision or plat approval ~~for each level of school~~ without mitigation; or,
  - ii. ~~(2)~~ The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

#### 10. Rezoning Review.

When reviewing a proposed rezoning, the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

- a. ~~(1)~~ ~~In the event that~~ If the CSA in which where the proposed rezoning is situated does not have available school capacity, the County ~~City~~ will determine whether a contiguous CSA within the same Zone (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.
- b. ~~(2)~~ ~~In the event that~~ If there is not sufficient capacity in the CSA in which where the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA the County or City will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

#### 11. 8.10- Mitigation Alternatives. ~~In the event that~~ If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, ~~where the LOS standards set forth in this Agreement otherwise would be exceeded~~, the following procedure ~~shall~~ will be used.

- a. The applicant ~~shall~~ must initiate, in writing, a mitigation negotiation period with the School Board ~~in order to~~ establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the ~~School Concurrency Ordinance~~ Lee Plan, LDC, and this Agreement.
- b. Acceptable forms of mitigation may include:

- i. ~~(1)~~ The donation of land or ~~of~~ funding ~~of~~ for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities ~~to be created by~~ anticipated from the proposed development; and,
  - ii. ~~(2)~~ Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost ~~to the Board~~ if the Charter School ceases to operate.
- c. The following standards apply to ~~any~~ mitigation accepted by the School Board:
  - i. ~~(1)~~ ~~Proposed~~ Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program, ~~which and satisfies~~ satisfy the demands created by the proposed development, ~~and~~
  - ii. ~~(2)~~ Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency ~~shall~~ will be based on the following formula, for each school level: ~~m~~Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station ~~shall~~ must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward ~~any other~~ impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- e. If within 90 days of the date the applicant initiates ~~the~~ mitigation negotiation period, the applicant and the School Board ~~are able to~~ agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. ~~shall be executed, which sets forth the~~ The mitigation agreement must include the terms of the mitigation, including ~~such issues as~~ the amount, nature and timing of donations or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement ~~shall~~ must specify the amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

- f. If, after 90 days, the applicant and the School Board are not unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. ~~and the~~ The County will not issue a School Concurrency Determination Certificate for the proposed development.
- ~~g. The School Board may grant two (2) 90-day extensions to the mitigation negotiation period.~~
- g.h. Mitigation must be proportionate to the demand for public school facilities to ~~be created by actual~~ anticipated from development of the property.
12. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.
13. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.
14. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be removed for one-year period unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.
15. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.
16. Supplement: This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002.
17. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.
18. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:
- a. Personally:

b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,

c. By the mailing of such notice by registered or certified mail to the following address:

i. If to the School Board:

Office of the Superintendent  
Lee County School District  
2855 Colonial Boulevard  
Fort Myers, FL 33966  
Telephone - 239-337-8512  
Fax - 239-337-8683

ii. If to the County:

Office of the Lee County Attorney  
2115 Second Street, Sixth Floor  
Fort Myers, FL 33901  
Telephone - 239-533-2236  
Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on \_\_\_\_\_, 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair

(Seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Donna Marie Collins  
Lee County Attorney's Office



ATTEST:

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: \_\_\_\_\_  
Superintendent

By: \_\_\_\_\_  
Chairman of the Board

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Keith Martin, Esq.  
Attorney for The School Board

Exhibits: School Attendance Zones

**LEE COUNTY ORDINANCE 07-\_\_**

AN ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE, ARTICLE II (CONCURRENCY MANAGEMENT SYSTEM) TO INCORPORATE PROVISIONS ADDRESSING SCHOOL CONCURRENCY; AMENDING DIVISION 1, CONCURRENCY MANAGEMENT PROVISIONS AND DIVISION 2, PROPORTIONATE FAIR SHARE PROGRAM, PROVIDING FOR AN AMENDMENT TO §2-43, INTENT; §2-44, PURPOSE; §2-45, DEFINITIONS; §2-46, CONCURRENCY CERTIFICATION; §2-50, CONCURRENCY MANAGEMENT INFORMATION SYSTEM; §2-68, APPLICABILITY; AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 125.01(1)(h), authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code (LDC), which sets forth regulations applicable to the development of land in Lee County; and,

WHEREAS, Goal 24 of the Lee County Comprehensive Plan (Lee Plan) mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and yet function in a streamline manner; and,

WHEREAS, Lee Plan, Objective 95.2., requires the County to maintain a Concurrency Management System within the development regulations in accordance with Florida Statutes, Section 163.3202. The Concurrency Management System will ensure that no development permits will be issued unless the established regulatory level-of-service requirements are met or will be met, as needed, to serve developments; and,

WHEREAS, the 2005 Amendments to the Florida Growth Management Act directed local governments to enact School Concurrency Programs by April 2008; and,

WHEREAS, Florida Statutes, Sections 163.31777 and 163.3180(g), set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning siting on August 20, 2002. The County and the School Board subsequently entered into another interlocal agreement regarding the implementation of the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County has amended the Lee Plan to effectuate its obligations under the interlocal agreement and State statutes regarding school concurrency; and,

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments to the LDC to incorporate school concurrency on \_\_\_\_\_, 2007; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the LDC on \_\_\_\_\_, 2007; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the LDC on \_\_\_\_\_, 2007, and found the amendment consistent with the Lee Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida:

## **ARTICLE II. CONCURRENCY MANAGEMENT SYSTEM**

### **DIVISION 1. CONCURRENCY MANAGEMENT PROVISIONS**

#### **SECTION ONE: AMENDMENT TO LDC CHAPTER 2**

Lee County Land Development Code Chapter 2 is amended to read as follows, with strike through text identifying deleted language and underlined text identifying new language.

##### **Sec. 2-43. Intent of article.**

This article is intended to implement the requirements imposed by rule 9.J-5.0055, Florida Administrative Code; objectives ~~22-3~~ 37.2 and ~~22-4~~ 37.3 and policies ~~70-2-1~~ 95.2.1 and ~~70-1-3(1)~~ through ~~70-1-3(6)~~ 95.1.3 (regulatory standards) and \_\_\_\_\_ (school concurrency) of the Lee Plan; and F.S. §§ 163.3177(~~10~~)(~~h~~), 163.3202(1) and (2)(g), 163.3167(8), and 163.3180.

##### **Sec. 2-44. Purpose of article.**

The purpose of this article is to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development by providing that certain public facilities and services meet or exceed the standards established in the capital improvements element in the Lee Plan and required by F.S. §§ 163.3177 and 163.3180, and are available when needed for the development, while protecting the vested rights of persons guaranteed them by the Constitution of the United States of America, the state constitution and the laws of the state, and acknowledged by the state legislature in F.S. § 163.3167(8).

##### **Sec. 2-45. Definitions.**

(a) The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Board of County Commissioners* means the Board of County Commissioners of Lee County, Florida, acting in a public meeting.

*Building permit* means an official document or certification that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

*Certificate of concurrency compliance* means the certification issued by the director pursuant to section 2-46(d). This certification means that the director has determined that there is or will be sufficient public facilities to serve the development for which a development permit has been requested without violating the minimum concurrency standards set forth in the Lee Plan.

*Certificate of concurrency exemption* means the certification issued by the director pursuant to section 2-46(b). This certification means that the director has determined that a type of development order, or a specific development order issued for a proposed development permit, is exempt from the concurrency levels of service requirements of the Lee Plan. The issuance of a certificate of concurrency exemption does not exempt a developer from submission of project data required by the director unless specifically set forth in the certificate. Submission of project data assists the county in monitoring anticipated impacts on public facilities for the purposes of maintaining an inventory to evaluate new requests for development.

*Concurrency certificate* means a certificate of concurrency compliance, a certificate of concurrency exemption, a concurrency variance certificate or a conditional certificate of concurrency compliance.

*Concurrency variance certificate* means the certification issued by the director pursuant to section 2-51. This certification means that the director has determined that a variance from the strict concurrency requirements of the Lee Plan must be granted with respect to a specific development permit to avoid the unconstitutional taking of property without due process of law.

*Conditional certificate of concurrency compliance* means a certificate issued by the director pursuant to section 2-46(j)(k). This certification means that the director has determined that:

(1) A development permit, which otherwise would violate the minimum concurrency requirements of the Lee Plan, can be issued consistent with the Lee Plan if certain conditions are attached to the permit; or

(2) The application for concurrency review is complete but for a particular document that can be submitted prior to the issuance of a building permit or certificate of occupancy.

*Constrained roads* means those roadway segments that cannot or will not be widened due to community scenic, historic, aesthetic, right-of-way or environmental constraints.

*De minimus transportation impact* means an impact created by a use that would not affect more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the County. No impact will be considered de minimus if the impact would exceed the adopted level of service standard of an affected designated hurricane evacuation route.

*Developer* means any person, including a governmental agency, undertaking any development.

*Development* means the carrying out of building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. It is intended to have the same meaning given in F.S. § 380.04.

*Development order* means any order granting or granting with conditions an application for a development permit.

*Development permit* means a building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land.

*Director* means the county manager, or any other person designated by the county manager to exercise the authority or assume the responsibilities given the director in this article.

*Equivalent residential connections* means the total number of meter equivalents using the methodology of the state public service commission. This term is synonymous with the term "equivalent residential units" used by the state public service commission.

*Hearing examiner* means an officer appointed by the Board of County Commissioners to hear all matters and exercise all duties set out in chapter 34, article II.

*Lee Plan* means the county comprehensive plan that was adopted pursuant to F.S. ch. 163 on January 31, 1989, and effective March 1, 1989, and all subsequent amendments thereto.

*Long term transportation concurrency management system* means a financially feasible system to ensure that existing deficiencies are corrected within a specified time frame and to establish priorities for addressing backlogged facilities in special concurrency district or areas.

*Mobile home move-on permit* means an official document or certification authorizing a purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. It also includes a permit authorizing the tiedown of a park trailer in a mobile home zoning district. Mobile homes and park trailers are defined in chapter 34.

*Permanent traffic* means the traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. It does not mean the temporary construction traffic.

*Planned development rezoning* means any rezoning to a planned development zoning district pursuant to chapter 34.

*Preliminary development order* means a preliminary development order issued pursuant to Ordinance No. 82-42, as amended.

*Preliminary plan approval* means a type of site plan approval pursuant to chapter 10 that does not authorize development and to which no concurrency vesting attaches.

*Regulatory standards* means the minimum acceptable level of service as set forth in the Lee Plan, policy 95.1.3, subsections 1 through 6.

*Rule 9J-5.0055* means the rule and any subpart thereof published in the Florida Administrative Code.

*School Concurrency* means public school facilities needed to serve new development must be in place or under actual construction within three years after the local government approves a development permit, or its functional equipment, that results in generation of students.

*School Concurrency Service Areas* means one of three possible zones established by the school board for the purpose of assigning students to schools in a geographically approximate location to where those students reside. School concurrency service areas are co-terminus with the three attendant zones for elementary, middle, and high schools. (East Zone, West, Zone, or South Zone)

*Transportation concurrency* means transportation facilities needed to serve new development must be in place or under actual construction within three years after the local government approves a development permit, or its functional equivalent, that results in traffic generation.

*Transportation concurrency exception areas* means areas designated under the Lee Plan that allow exceptions to the transportation concurrency management requirement to promote urban infill development, urban redevelopment, or downtown revitalization.

*Transportation concurrency management areas* means compact geographic areas designated under the Lee Plan with existing or proposed multiple, viable alternative travel paths or modes for common trips, which employ the use of an area-wide level of service standard and an accommodation and management of traffic congestion for the purpose of promoting infill development or redevelopment in a manner that supports more efficient mobility alternatives.

**Cross references: Definitions and rules of construction generally, § 1-2.**

**Sec. 2-46. Concurrency certification.**

- (a) *Review for compliance with level of service requirements. All applications for development orders and building permits must be reviewed by the director for compliance with the level of service requirements set forth in the Lee Plan. Exceptions to this provision are development permits that are:*
- (1) specifically exempted from concurrency review by county administrative code AC 13-9;
  - (2) granted pursuant to a concurrency variance certificate under section 2-51;
  - (3) a concurrency exemption certificate applies under section 2-49;

- (4) related to development pursuant to a development order issued under F.S. §§ 380.06 and 380.061, and the DRI development order separately provides for concurrency compliance and analysis;
- (5) granted pursuant to a developer agreement in effect pursuant to Ordinance No. 90-29, as amended, and the development agreement makes separate provision for concurrency compliance and analysis; or
- (6) granted pursuant to a developer's participation in the proportionate fair share program set forth in division 2 of this Article.

Upon application and payment of the application fee set by the Board of County Commissioners by administrative code, the director will determine whether the public facilities and services listed in F.S. § 163.3180 needed to support the development will be available concurrent with the impacts of that development, or whether the development should be exempted from such a determination, either because the development will not have an impact on the public facilities and services or because the applicant for the development permit has a vested right to receive a favorable determination of concurrency.

- (b) Determination of exemption. Certain types of development permits do not cause additional impacts on public facilities and services. These development permits should be exempt from concurrency compliance. Those development permits are set forth in an administrative code. It is not necessary for the director to issue a certificate of exemption for development permits listed in the administrative code. For development permits not listed in the administrative code, the director will be guided by the standards set forth in this article. If the director finds that the standards for exemption have been satisfied, he will certify his findings by a written statement, that identifies the development permit for which the specific determination of exemption has been made. The director's statement must recite the basis for his determination by reference to the facts upon which he is relying and the sections of this article he finds to be controlling. The director's statement will be known as a certificate of concurrency exemption, will identify a development order or will be limited to the exact development permit application for which he has issued his certificate. Applications for amendments to a development order granting a development permit for which a certificate of concurrency exemption has been issued will require another, separate concurrency review by the director.
- (c) Consideration of impacts. If the director determines that a development permit is not exempt from the minimum concurrency requirements of the Lee Plan, the director will consider the impact the development will have on potable water, sanitary sewer, surface water management, solid waste disposal, parks and recreation, and roadway facilities and public schools. The director will consider the type and intensity of use of the proposed development in relation to the demands the use can reasonably be expected to make on those facilities and the times when the demand can reasonably be expected to occur during the course of the development. When measuring the expected impacts of a development, the director will include only the impacts of permanent traffic (see definitions) and other similar continuing infrastructure demands of the development. The director will disregard temporary impacts such as fire flow tests. The director may rely upon studies, measurements or calculations prepared by qualified professionals, or upon generally

accepted guidelines, rules, formulas, studies or other theories developed by professional experts working or publishing in this field of inquiry, or upon relevant historical trends or experiences, or upon related rules and standards adopted by other governmental agencies, or upon any combination of these sources. The burden of disproving the accuracy of the director's determination lies with the person who disputes it.

To promote uniformity in the application of this subsection, the director may prepare administrative rules prescribing the methodology by which the impacts of a proposed development will be determined. Those rules will be set forth in an administrative code adopted by the Board of County Commissioners.

- (d) Determination of sufficient capacity. Once the director has considered the impacts of a proposed development in accordance with subsection (c) of this section, he will then determine whether there will be sufficient capacity for these facilities to serve the development at the time the impacts of the development will occur without causing these facilities and services to function at a level of service below the minimum regulatory levels established for these facilities and services in the Lee Plan. Except for traffic impacts, which will be determined in accordance with the policies under objectives 22.3 and 22.4 of the Lee Plan, the director will add the expected impacts of the development to the levels of use of the facility at the time of the determination. Anticipated additional use will be derived from other reasonably foreseeable factors. If this sum is less than the capacity of the facility in question to operate during the effective period of a certificate of concurrency compliance at the minimum regulatory levels of services prescribed in the Lee Plan and the development's projected traffic is in compliance with objectives 22.3 and 22.4 of the Lee Plan, the director will certify the conclusion by a written statement. The written statement will identify the development in question and the development permit for which the certification has been made. The director's statement will be known as a certificate of concurrency compliance and is limited to the exact development permit application for which he has issued his certificate. Applications for an amendment to a development order granting a development permit for which a certificate of concurrency compliance has been issued will require another, separate concurrency review by the director.
- (e) *Means of measuring level of service in relation to location of development.* When measuring the availability of a public facility to serve a development, the level of service at which the facility is operating or is expected to operate will be measured in relation to its location to the development as follows:
  - (1) *Potable water.* Supply and treatment capacity will be based on the number of equivalent residential connections of the utility that will provide service to the development. The pressure in the distribution system will be measured at the point where the service enters the development or at the point from which the service will be extended.
  - (2) *Sanitary sewer.* The treatment and disposal capacity will be based on the number of equivalent residential connections of the utility that will provide service to the development. The capacity of the collection system will be measured at the point where the service enters the development or at the point from which the service will be extended.



- (3) *Surface water management.* Runoff will be measured at the points of discharge into an ultimate positive outfall beyond the outer edge of the development or at the nearest natural outfall.
  - (4) *Solid waste disposal.* Capacity of the disposal facility will be measured in pounds (or equivalent volume) and applied countywide.
  - (5) *Parks and recreation.* The quantity of regional parks will be measured in acres and applied to the total permanent and seasonal resident population in the county. The quantity of community parks will be measured in acres within the unincorporated area of the county and applied within each community park impact fee district to the permanent resident population within the unincorporated portion of that district.
  - (6) *Roads.* Concurrency on all road will be determined on a roadway segment by segment basis consistent with the level of service standards set forth in Lee Plan Policy 37.1.1, except where the Board has designated constrained road and created transportation concurrency management areas, transportation concurrency exception areas, or long-term transportation management systems pursuant to Florida Administrative Code 9J-5.0055.
  - (7) *Public Schools.* Public school capacity will be based on the annual school capacity and occupancy by school type and by concurrency service areas. The annual school capacity will be adjusted by adding the expected capacity increase from new or expanded planned school facilities for the next three years in accordance with the adopted School Board Capital Improvements Program. This information will be formally adopted into the local government's Yearly Concurrency Report.
- (f) *Determination of capacity of potable water, sanitary sewer or solid waste facilities.* In determining the capacity of potable water, sanitary sewer or solid waste facilities, the director must include the capacity of all facilities as they exist at the time the development permit will be issued, plus other facilities that are guaranteed in an enforceable development agreement. An enforceable development agreement may include but is not limited to development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 380. The director, in accordance with section 2-46(f) (i), is also authorized to issue certificates of concurrency compliance subject to the condition that at the time of issuance of a certificate of occupancy, the necessary facilities must be in place and available to serve the new development.
- (g) *Determination of adequacy of surface water management system.* In determining the adequacy of a surface water management system, the director will rely upon the reviews performed by the department of community development, the division of development services and the South Florida Water Management District. The adequacy of a surface water management system will be conclusively demonstrated upon the issuance of a surface water construction and operating permit by the South Florida Water Management District.
- (h) For parks and recreation facilities, the development must meet one of the following two standards:

- (1) At the time of development order or permit is issued, the necessary facilities and services must be in place or under actual construction; or
  - (2) A development order or permit is issued with a stipulation that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated to or acquired by the local government; and
    - a. The necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted Lee County five-year schedule of capital improvements; or
    - b. At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement that requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
    - c. At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. § 163.3220, or an agreement or a development order issued pursuant to F.S. ch. 380, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.
  - (i) *Determination of road facility capacity.* In determining the capacity of a road facility, the director will include existing roadways and committed improvements, as provided in Policy 37.3.2 of the Lee Plan.
  - (j) *Determination of public school capacity.* The School Board of Lee County will compile a school concurrency inventory report annually. The School Board will inventory current school capacity and current occupancy by school type and by concurrency service area. Existing capacity will be adjusted by adding the expected capacity increase from new or expanded planned school facilities for the next three years in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by concurrency service area. The School Board will transmit the school concurrency inventory to the County. Upon its receipt, the county will incorporate the school concurrency inventory into the County's Concurrency Report for all public facilities.
- The County will utilize the information in the report to determine whether there is available capacity for each level of school to accommodate the proposed development based on the level of service standards and the concurrency service area. In determining the capacity of public school facilities, the director will include existing facilities and committed facilities, as provided in Policy \_\_\_\_ of the Lee Plan.

~~(i)(k)~~ Issuance of finding upon failure to qualify for certificate of concurrency compliance.

- (1) If a proposed development permit fails to qualify for a certificate of concurrency compliance under the criteria set forth in subsections (a) through ~~(i)~~ (j) of this section, the director will issue a finding that the proposed development will meet concurrency requirements if it is subject to the condition that the facilities and services that will be necessary to serve the development will be in place when the impacts of the development occur without degrading the level of service of these facilities below the minimum level prescribed in the Lee Plan. When no solution can be identified to provide for the additional facility capacity required, the certificate will either be limited to reflect the then-available facility capacity, or the application will be denied. If the director issues a finding that limited development may proceed, to be known as a conditional certificate of concurrency compliance, no further development permits may be issued unless the additional facilities to serve further development are in place when the impacts of the development occur.
- (2) The conditional certificate of concurrency compliance must identify the minimum additions to the then-existing facilities that must be built and operating, in addition to planned facilities meeting the criteria set forth in subsections (f), (g), (h), ~~and (i)~~ and (j) of this section, before further development permits will be issued. If a developer proposes to develop in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards set forth in this article, the director may issue a conditional certificate of concurrency compliance that establishes related periods of time when additional development permits will be granted if the additional facilities, identified by the director as the minimum additions to existing or planned facilities needed to serve each phase, are built and operating.
- (3) Development permits issued based on conditional certificates of concurrency compliance must specify the next level or levels of permitting that may be granted before the condition or conditions of the permit must be satisfied.
- (4) The director may also issue a conditional certificate of concurrency compliance where the proposed development will meet concurrency requirements provided certain documents, not submitted with the initial application, are subsequently delivered to the director, or the proposed development order is subject to the review of other county agencies and therefore likely to change, thereby requiring further concurrency review.

~~(k)~~(l) Validity of certificates of concurrency compliance and conditional certificates of concurrency compliance. Certificates of concurrency compliance and conditional certificates of concurrency compliance are valid for three years from the date they are issued or for the remaining tenure of the underlying development order or development permit, whichever is less.

~~(t)~~(m) *Validity of development permits.*

- (1) Except for building permits, development permits that have been issued based upon a valid certificate of concurrency compliance or a conditional certificate of concurrency compliance will be valid for a period of three years from the date the certificate was granted or for the remaining duration of the development permit, whichever is less. This will enable the developer to begin the work permitted or to apply for additional development permits not inconsistent with the permit issued, using the concurrency certificate from the issued permit to satisfy the concurrency review requirements for the additional permits.
- (2) Building permits issued based upon a valid concurrency certificate will be valid for the remaining duration of the building permit, so long as the permit is applied for while the certificate of concurrency compliance or conditional certificate of concurrency compliance is valid, the permit application is substantially complete, and the building permit is ultimately issued in the ordinary course. The original permit may not be extended beyond the term of the concurrency certificate without triggering new concurrency review.
- (3) If a building permit is not issued within six months of the expiration date of the applicable concurrency certificate, a rebuttable presumption will arise that the building permit has not been issued within the ordinary course as that term is used in this subsection.

~~(m)~~(n) *Director's action not appealable pursuant to state law. The director's action in issuing a concurrency certificate is not a development order that can be appealed pursuant to F.S. § 163.3215.*

~~(n)~~(o) Requirements for activity affecting constrained roads. Concurrency compliance for land development activity affecting constrained roads will be determined in accordance with Lee Plan objective 22.2 to the extent these policies provide additional restrictions that supplement other provisions of this article. The requirements of these policies are as follows:

- (1) A maximum volume to capacity (v/c) ratio of 1.85 for all constrained roads.
- (2) The director may not issue permits that cause the maximum volume to capacity ratio to be exceeded or that affect the maximum volume to capacity ratio once exceeded.
- (3) Once the maximum volume to capacity ratio is achieved, permits may only be issued where capacity enhancements and operational improvements have been identified and commitments to implement those improvements are made that will maintain the volume to capacity ratio on the constrained segment at or below 1.85.

~~(o)~~(p) *De minimus impact.* The Florida Legislature has found that a de minimus impact is consistent with Part II of Chapter 163. Therefore, the impact of a single-family home on an

existing lot will constitute a de minimus impact on all roadways regardless of the level of deficiency of the roadway.

Other than single-family homes on existing lots, no impact will be de minimus if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility. Further, except for single family homes on existing lots, no impact will be de minimus if it would exceed the adopted level of service standard of any affected designated hurricane evacuation route.

Lee County will maintain records to ensure that the 110 percent criteria is not exceeded. Annually, Lee County will submit to the State Land Planning Agency a summary of the de minimus records along with its updated Capital Improvements Element. In the event the State Land Planning Agency determines that the 110 percent criteria has been exceeded, the County will be notified of the exceedence and no further de minimus exceptions for the applicable roadway will be granted until the volume is reduced below the 110 percent. The County will provide proof of the reduction to the State Land Planning Agency prior to issuing further de minimus exceptions.

**Sec. 2-50. Concurrency management information system.**

- (a) The director will compile, publish and update, at least once each year, beginning no later than October 1, 1990, an inventory of the maximum, utilized and available capacity of public facilities for which minimum regulatory levels of service are prescribed in the Lee Plan. This inventory must also contain a projection of future demand on the facilities due to anticipated growth and additions to capacity based upon construction in progress or under contract. This inventory must also contain the Greater Pine Island analysis as described in section 33-1011(d) and the public school concurrency inventory prepared by the School Board of Lee County. The inventory must be reviewed and approved by the board of county commissioners and, upon approval, will establish the availability and capacity of each facility to accommodate impacts from further development. This inventory will bind the county to the estimates of available capacity described in the inventory. Once approved by the board, these estimates will empower the director to issue concurrency certificates for development permits requested where the estimates reasonably demonstrate sufficient infrastructure capacity will be available to serve all developments reasonably expected to occur during the period of time approved by the board.
- (b) The director will maintain a current cumulative list of all development orders issued by the county. The list will include the date of issuance of each development order.
- (c) The director will maintain a list of all certificates issued pursuant to this article, or a copy of each certificate in chronological order by date of issuance in lieu of a list. These records may be removed to storage once the most recent certificate on the list is six months old.
- (d) The director will maintain records to ensure the 110 percent criteria is not exceeded. Those records will be submitted to the State Land Planning Agency annually in accordance with section 2-46(e)(p) and Florida Statutes, § 163.3180(6).

## DIVISION 2. PROPORTIONATE FAIR-SHARE PROGRAM

### **Sec. 2-68. Applicability.**

The Proportionate Fair-Share Program applies to all developments in unincorporated Lee County that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section 2-69. The Proportionate Fair-Share Program is not available to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in 2-46(e)(p).

### **SECTION TWO: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION THREE: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

### **SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

### **SECTION FIVE: EFFECTIVE DATE**

The ordinance will take effect on \_\_\_\_\_, 2007

**THE FOREGOING ORDINANCE** was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner John E. Albion, and, being put to a vote, the vote was as follows:

ROBERT P. JANES  
BRIAN BIGELOW  
RAY JUDAH  
TAMMARA HALL  
FRANK MANN

**DULY PASSED AND ADOPTED** This \_\_\_\_ day of \_\_\_\_\_ 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Donna Marie Collins  
Assistant County Attorney

*Handwritten:* Copy: M. Noble  
*return*



## SPIKOWSKI PLANNING ASSOCIATES

**RECEIVED**  
JUL 09 2007

**COMMUNITY DEVELOPMENT**

July 5, 2007

Heather W. Hawkins  
Attorney, School Support  
Lee County School District  
2055 Central Avenue  
Fort Myers, Florida 33901

RE: School Concurrency

Dear Ms. Hawkins:

Thank you for taking the initiative to draft an interlocal agreement regarding school concurrency. This agreement is well-organized and clearly written. We have considerable work ahead of us, but starting from a complete draft will definitely help us focus our efforts.

Initially I'd like to see us focus on three policy issues contained in this agreement where the cities and the county need to agree upfront in order to proceed with preparing our new public school comprehensive plan elements. One of those sections is the proportionate share mitigation formula, but I'm hoping others will take the lead because I have little knowledge about it and it is of no importance to my client, the Town of Fort Myers Beach.

Let me begin by commenting on this draft's handling of the other two policy issues that will control school concurrency: the delineation of "Concurrency Service Areas" (CSA), and "Levels of Service" (LOS).

### **CONCURRENCY SERVICE AREAS**

This draft would establish nine CSAs, each consisting of one of the three sub-zones of each of the School District's three current "Student Assignment Zones."

I don't understand why we would want to establish so many CSAs. The state legislation actually recommends we use a single zone for the entire county (F.S. 163.3180(13)(c)1.). Alternately, we could use the three Student Assignment Zones.

Add multiple subzones greatly increases the complexity of the recordkeeping and growth projections that are required for the school concurrency program; more importantly, it makes it much more likely that concurrency shutdowns will occur. What do multiple subzones accomplish to offset these serious negative effects?



## **LEVELS OF SERVICE**

As to LOS, this draft would commit the county and all the cities to a LOS set at 95% of “permanent FISH capacity” (with some undefined adjustment “for measurable programmatic changes”).

“Permanent FISH capacity” excludes the capacity of portable classrooms. Wouldn’t that factor alone mean that our LOS would fail immediately in zones where portables are commonplace? Don’t we have the option to include the capacity of portables for concurrency purposes? Even if the school district hopes to reduce reliance on portables, why should their existing capacity be ignored for concurrency purposes?

In addition, I question the 95% ratio. Why 95%, as opposed to 100%, or 110%, or 120%? Aren’t we failing to meet the 95% standard today, in some or even most of the CSAs? If so, in the absence of new revenue sources, wouldn’t that mean that this LOS is not financially feasible and therefore is contrary to state law?

Is this discount intended to account for the fact that FISH capacity doesn’t reflect special programs that require more space? If so, couldn’t we use a more accurate capacity measure instead of discounting the FISH capacity by a rigid percentage that applies to every type of school?

When we meet, I hope someone can explain to those of us who don’t work in school planning exactly how FISH capacity relates to real-life capacity of our schools. Is it identical to the number of student stations, or is it higher or lower? Does it include the capacity of charter schools? How does it relate to how Lee County schools are actually used in practice?

Also, have FISH capacities already been adjusted to reflect the class-size constitutional amendment? If not, how should we deal with the effects of this amendment?

Other issues of immediate concern to me include:

- Are we required to reserve capacity for approved developments, even though these homes may not actually be built, or not be built within the planning timeframe? This draft would require us to reserve capacity for students in these potential homes. I’m leery of doing so, but if we must, shouldn’t this percentage be considerably above 100% to avoid building expensive schools that may sit partly vacant?
- If the 95% ratio is supposed to account for pre-platted lots, that’s certainly an issue in the west and east zones (Cape Coral and Lehigh Acres respectively), but not in the south zone.
- I can’t imagine how it would be financially feasible for the school district to plan for schools with >5% vacant capacity when I don’t believe we yet have a solid financial plan for meeting the mandatory class-size reductions, not to mention dealing with the potential impacts of the legislature’s latest fumbling with our tax structure.

Ms. Heather W. Hawkins  
July 5, 2007  
Page 3 of 3

The issues I have raised above will affect every city and the county, so I suggest that we have a joint meeting in the very near future to discuss these matters (rather than individual meetings). Ideally other city and county representatives will also review this draft and identify other issues that we can discuss at this same initial meeting.

Sincerely,

Bill Spikowski, on behalf of  
Town of Fort Myers Beach

cc: Jerry Murphy, Fort Myers Beach Community Development Director  
Anne Dalton, Fort Myers Beach Town Attorney  
Paul O'Connor, Lee County Planning Director  
Leslie Persia, Fort Myers Comprehensive Planner  
Planning Director, City of Cape Coral  
Robert Duffy, Sanibel Planning Director  
Barbara Barnes-Buchanan, Bonita Springs Assistant City Manager

**Noble, Matthew A.**

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**From:** Hawkins, Heather [HeatherWH@LeeSchools.Net]  
**Sent:** Wednesday, October 03, 2007 2:17 PM  
**To:** Collins, Donna Marie ; Noble, Matthew A.; O Connor, Paul S.; Jones, Timothy J.  
**Cc:** Martin, Keith; Smith, Mike  
**Subject:** Draft Interlocal Agreement

I've had an opportunity to review the drafts presented and have the following comments:

**Interlocal Agreement:**

The entity name for the Board should be "The School Board of Lee County, Florida".

In the ninth WHEREAS clause and elsewhere in the agreement you refer to the August 20, 2002 agreement. The County and the School Board have already entered into a supplement to that agreement dated January 11, 2005. I believe that we should incorporate that supplement also.

4.c. states that the LOS standards may be amended only pursuant to the procedure set forth in Section 11 of the existing Agreement. Although the heading of Section 11 refers to Amendment, it really only discusses termination, so we may want to add amendment language in this document.

In Section 4.d. I would like to add the following language in order to accommodate temporary use of portable classrooms as necessary:

"Relocatable classrooms shall be utilized to maintain the LOS on a temporary Basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the Permanent FISH Capacity and shall be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation."

In 6 a. you use the term attendance zones. We should refer to the zones as School Choice Zones. Normally the term "Attendance Zone" is used when you have a certain geographical area and all students in that area attend a particular school. In Lee County, because of our Choice plan, we do not have set attendance zones for each particular school. Also, as I have already indicated, the District would prefer to keep the CSAs as the School Choice Subzones. This would be in keeping with our existing Choice program. Because of the statute's requirement that contiguous CSAs be reviewed in the capacity determination, we would be in a situation where we are looking to the entire county for capacity, not to a geographical area that is somewhat related to where the development is occurring.

→ In Paragraph 9, the procedure for determining concurrency, I have concerns about how this will work in conjunction with capacity determinations for municipalities. For example, if the District were to issue a capacity determination for a development in the City of Bonita Springs, which would eliminate a portion of the available capacity for S-2 and S-3 schools, the County would not be aware of this and could issue a capacity determination for a development in the unincorporated areas of S-2 or S-3 relying on that same capacity. There needs to be some mechanism for coordination.

10.b. I believe the word "City" should be removed.

14. The word "removed" should be replaced with "renewed" and "period" with "periods".

10/10/2007

16. Again, I believe we need to add a reference to the existing supplement dated January 11, 2005.

**Draft Ordinance**

Seventh WHEREAS clause should reference 2005 supplement.

Definition of School Concurrency – I believe “equipment” should be replaced with “equivalent”.

Definition of School Concurrency Service Areas – Please refer to the discussion regarding paragraph 6.a. above.

Heather W. Hawkins  
Attorney, School Support  
School District of Lee County  
3308 Canal Street  
Fort Myers, FL 33916  
Phone: (239) 479-4208  
Fax: (239) 479-4266

**Noble, Matthew A.**

---

**From:** Collins, Donna Marie  
**Sent:** Monday, September 24, 2007 1:00 PM  
**To:** O Connor, Paul S.; Noble, Matthew A.  
**Cc:** Jones, Timothy J.; Gibbs, Mary  
**Subject:** Update on School Concurrency - Public Facilities Element  
**Importance:** High

**Hello Paul and Matt**

**I spoke with Heather Hawkins today. Shortly, she will be sending over the data they have compiled on their public facilities so that we can proceed with drafting the comp plan policies necessary to amend our public facilities and intergovernmental coordination elements.**


**We also discussed the goal of adopting the interlocal agreement in early November. The staff has apparently accepted the fact that we desire a separate interlocal agreement between Lee and the school board. She has promised comments on our draft interlocal language in a week or so.**

**Peace**

**Donna Marie Collins**  
**Assistant County Attorney**  
**Lee County Attorney's Office**  
**Phone: 239-533-2236**  
**Fax: 239-485-2106**  
**[collinsd@leegov.com](mailto:collinsd@leegov.com)**

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10/10/2007

**CPA 2006-16  
SCHOOL FACILITIES ELEMENT  
BoCC SPONSORED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Publicly Sponsored Application  
and Staff Analysis**

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**LPA Public Hearing Document**

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**for the**

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**February 25<sup>th</sup>, 2008 Public Hearing**

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***Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
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**February 19, 2008**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2006-16**

✓	Text Amendment	✓	Map Amendment
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✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: February 19, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Lee County Board of County Commissioners/  
Lee County Division of Planning

**2. REQUEST:**

Amend the Lee Plan to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and to provide for proportionate fair share mitigation options in accordance with Senate Bill 360.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Lee Plan as indicated below, with proposed language underlined and removed language struck through:

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Lee County School District is still experiencing strong growth.

- Florida Statute section 163.3180 requires that each local government adopt a Public School Facilities Element.
- Florida Statute 163.3177 [12][c] requires that the Lee Plan CIE incorporate the Lee County School District CIP.
- 3,000-5,000 new students enter the School District each year.
- The School District expects to build an average of four new schools each year.
- The School District currently operates 92 public schools with more than 78,000 students.
- The School District currently uses relocatable classrooms to accommodate 5,997 student stations.
- The School District forecasts 170,680 students total for the 2026-2027 school year.
- The School District currently owns sufficient property to build all schools planned to open through 2011.
- The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities.
- By coordinating the planning of future schools with affected local governments, the School District can better identify the costs associated with site selection and the construction of new schools.

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

Public schools are critical components to the well-being and future of a community. Because of the importance of the public school system and its impact on the future of Lee County, and because of a history of significant population growth, coordinated school planning among the School District, the County and the municipalities within the County is necessary to ensure that public school capacity is sufficient to meet the needs created by future growth. Because of the relationship between residential development and the provision of public schools, the Public School Facilities Element (PSFE) focuses on coordinated planning among the School District, County and local governments to accommodate future student growth needs in the public school system. This element establishes public school system concurrency requirements, including a level of service standard for public schools and procedures for establishing a concurrency management system.

Within Lee County, the local governments participating in school concurrency are Lee County, the City of Fort Myers, the City of Cape Coral, the City of Bonita Springs, the City of Sanibel and the Town of Fort Myers Beach. Once implemented, school concurrency will ensure that the public school facilities necessary to maintain the adopted level of service for



schools are in place before or concurrent with the school impacts of new residential development.

## **2. BACKGROUND DISCUSSION:**

In 2005, the Florida Legislature amended Florida Statute section 163.3180 and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element and Intergovernmental Coordination Element. The PSFE must address school level of service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility.

As mandated by Rule 9J-5.025 F.A.C., the PSFE must contain the following: Existing school facility enrollment and school facilities required to meet future needs; Projected enrollment for each school facility; Existing and projected school facility surpluses and deficiencies by Concurrency Service Area; School level of service standards; A financially feasible five-year schedule of school-related capital improvements that ensures adequate school capacity is available to maintain the adopted level of service; Provisions to ensure that school facilities are located consistent with the existing and proposed residential areas they serve; that schools be used as community focal points, and that schools be co-located with other public facilities. The element is also required to have Maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities, and Concurrency Service Areas (CSAs). The element must also contain a Proportionate Fair Share Methodology in the event that there is not enough school capacity to accommodate a development. The element must contain Goals, objectives, and policies for planning and school concurrency to achieve the above mentioned requirements.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **PUBLIC SCHOOL SYSTEM**

As required by the Florida Department of Education, the School District must implement a financially feasible Five-Year Capital Facilities Plan that provides for school capacity improvements to accommodate projected student growth. Those improvements which are budgeted and programmed for construction within the first three years of the Plan are considered committed projects for concurrency purposes. Within the current Five-Year Capital Facilities Plan, the capital improvements that will provide capacity by 2011 consist of seven new Elementary schools, four Middle schools, three High schools, one Elementary school replacement (increasing capacity by 611 student stations), and two additions to existing elementary schools. More detail on the proposed capital facilities is found in Table PSFE 16. Residential development impacts students and school facilities because increases in new student enrollment can place demands on school capacity and cause overcrowding of facilities. Therefore, an accurate inventory of both current and projected school capacity and student enrollment is crucial for school planning.

### **Enrollment and Capacity**

The Lee County School District provides the facilities necessary to educate its students. Recently enacted state-mandated changes, such as early childhood education and class size limitations, have impacted the capacity needs of the School District. Currently, the School District operates 92 public schools, from pre-kindergarten to 12<sup>th</sup> grade. The School District operates forty-three elementary schools, sixteen middle schools, twelve high schools, four K-8 schools, one 6-12 school, thirteen special centers and three High Tech Centers and Community Schools serving more than 78,000 students. Figure PSFE 2 shows the geographic locations of public schools operated by the School District. In Tables PSFE 10-13 a breakdown of the enrollment and school capacity for School Year 2006/07 and 2007-08 and a projection for future enrollment is provided. The figures in Tables PSFE 10-13 exclude charter schools which are not operated by the School District. School capacity figures are determined by the Florida Department of Education (FDOE) and are based on the Florida Inventory of School Houses (FISH) capacity analysis. As the basis for determining permanent FISH capacity at individual schools, the School District utilizes FDOE's FISH capacity data. One way the District addresses capacity deficiencies and other program needs at individual schools is through the use of relocatables or portables. The District currently uses relocatables to accommodate 5,997 student stations. The District plans to phase out the use of relocatables over the next five years. A breakdown of current and projected use of relocatables is shown in Table PSFE 14. In order to serve the needs of the school population, the District also operates a number of ancillary facilities, which are listed in Table PSFE 15.

### **Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	Actual 2006-2007	Forecast 2011-2012	Forecast 2016-2017	Forecast 2026-2027
<b>Elementar</b>	33,989	28,912	46,898	84,734
<b>Middle</b>	15,967	32,902	21,907	36,979
<b>High</b>	20,502	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	70,458	84,869	105,049	170,680

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the

projected future student growth, additional capacity projects are included in the School District's Capital Facilities Plan.

Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, excluding future planned schools for the same time period.

### **SCHOOL CONCURRENCY**

With the data collected from the School District, the County and the municipalities, an analysis was performed to determine the short-term and long-term future conditions that will impact public schools. As part of this analysis, the current inventory of public schools and planned school capital improvements was reviewed in light of the projected student growth and available revenue to finance the planned capital improvements. Generally, the analysis focuses on whether existing and planned school capacity can support residential development at the adopted level of service standard. Specific outputs from this analysis include school capacity figures, a financially feasible adopted level of service, and goals, objectives and policies for the school concurrency program.

#### **Concurrency Service Area Boundaries**

A fundamental requirement of school concurrency is the establishment of Concurrency Service Areas (CSAs) to which school concurrency is applied when reviewing the impact of new residential development on public schools. The CSAs are used to determine whether adequate capacity is available to accommodate new students generated from residential development. Since 1998, the Lee County School District has operated under a School Choice Program. As part of this Program, the School District has been divided into three Zones (West, South and East). Each Zone is divided into Sub-Zones as shown on Figure PSFE 2. Generally, students may be assigned to a school in their Sub-Zone or an adjacent Sub-Zone within the same Zone. (For example, a student that lives in E3 may attend a school in E3 or in E2). Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living within proximate areas around each school, students whose first choice is a school within their sub-zone and students in full-time special education classes. The remaining applications are processed in order of their random numbers until there are no more applications. The CSAs will be consistent with the current School Choice Program Sub-Zone boundaries in order to be consistent with the School District's current programs. The Choice program provides assurance that once a child is enrolled in a school, they can remain in that school through the highest grade or until the parents decide to make a change, unless they move to a different zone or sub-zone for which that school is not an option. Since the School Choice Program began, the District has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs are reduced.

#### **School Level of Service**

Essentially, level of service (LOS) is the relationship between supply and demand. For schools, LOS is expressed as a ratio of enrollment and capacity, with capacity being the Permanent FISH

capacity.

To establish an acceptable LOS, the school district and the local governments must project future demand, identify needed capacity, and determine the level of financial resources available to construct additional capacity. These factors are then used as a basis to establish a school LOS standard. The level of service standard controls the maximum utilization of schools.

Florida law requires that the public school facilities element of a local government comprehensive plan address how the level of service standards will be achieved and maintained. The ability to achieve and maintain the adopted level of service must be based on a financially feasible Five-Year Capital Facilities Plan. Also, the law requires that the public school level of service standards be adopted into local government capital improvement element, and must apply to all schools of the same type (elementary, middle, and high). Initial shortfalls in capacity over the five-year period following adoption may be addressed by adopting a tiered level of service standard along with a concurrency management system.

Prior to establishing a level of service standard, the School District must determine the maximum capacity of the schools administered by the District. To determine the capacity for each school, the School District uses Permanent FISH capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a utilization percentage of the number of existing satisfactory student stations. FISH capacity is a product of the number of classrooms at a school and the student stations assigned to each room type. No capacity is assigned to small instructional spaces and the specialized classrooms (labs), including art, music, etc. A student station is defined as the square footage required per student for an instructional program based on the particular course content.

Tables PSFE 10-13 identify the Permanent FISH capacity of all schools administered by the District and their enrollment and utilization through school year 2011/12. Public school concurrency should ensure that the capacity of schools is sufficient to support current enrollment and the projected students from future residential development. Current enrollment and school capacity data provide a baseline for developing a financially feasible level of service standard for public schools.

As adopted, the public school level of service standard should maximize the efficiency of each school facility for educating students. Based on this, the preferred level of service standard in Lee County is 100% of Permanent FISH capacity.

### **Projected Additions to Capacity**

#### **Elementary**

Seven additional elementary schools are proposed in the Five-Year Capital Facilities Plan; adding approximately 7,000 additional elementary student stations. Two additions to existing Elementary Schools will add 666 student stations and the replacement of Heights Elementary School will add approximately 611 student stations.

#### **Middle Schools**

To accommodate the growth at the middle school level, four new middle schools will open in the next 5 years adding approximately 5,336 new middle school student stations.

**High Schools** Three new high schools are included in the Five-Year Capital Facilities Plan adding approximately 6,318 student stations.

**Real Property** The District currently owns sufficient property to build all schools planned to open through 2011, with a bank of properties for some of the schools planned to open after that date. The District has currently budgeted approximately \$73,000,000 for the purchase of additional properties over the next five years.

Figure PSFE 3 identifies the locations of the planned school capacity projects. This figure shows approximate locations, and those locations subject to change

## **SCHOOL DISTRICT CAPITAL IMPROVEMENTS**

### **Funding Sources**

To address the new construction and renovation needs of the School District's Five-Year Capital Facilities Plan, the School District relies on local and state funding. The primary local funding sources are property taxes, and impact fees. By Florida Statute, school districts may levy up to 2 mills to fund the district capital program. The School District of Lee County has levied 2 mills in its most recent budget. In 2005, Lee County adopted an impact fee of approximately \$4,309/unit for a single family home, \$1,704.00/unit for multi-family and \$982.00/unit for mobile home. Impact fees are collected for new housing to offset a portion of the cost of new student stations generated by new residential development. The School District may also sell bonds or offer certificates of participation (COPs). The District currently has \$574,230,000.00 in outstanding COPs. This COPs funding was used to construct 24,879 student stations. The Florida Statutes place restrictions on the School District's portion of state funding for capital outlay to specific uses. Expansion projects for student stations may make use of state capital outlay funding sources derived from motor vehicle license tax revenue, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities Public Education Capital Outlay funds (PECO).

### **Financial Feasibility**

The School Board is required by Section 1013.35, Florida Statutes, to adopt a financially feasible five-year capital facilities plan. The Five-Year Capital Facilities Plan, which is annually updated and adopted each year, details the capital improvements needed and funding revenues available to construct additional capacity to meet demand for student stations and maintain the adopted level of service. This will ensure that no schools exceed their adopted level of service for the five year period. The School District's Plan identifies how each project meets school capacity needs and when that capacity will be available.

The Five-Year Capital Facilities Plan provides the foundation of an annual planning process that allows the School District to effectively address changing enrollment patterns, development and growth, and the facility requirements of high quality educational programs. The summary of capital improvements shown in Table PSFE 16 details the School District's planned expenditures over the five-year planning period. While this summary must be adopted into the Capital Improvements Element of the County's Comprehensive Plan, the school district's capital improvements program does not require county or city funding. PSFE 16 shows the estimated cost of projects to address future facility needs for the five-year planning period, and the long range planning period, in order to meet the

adopted level of service standard.

The Five-Year Capital Facilities Plan Summary of Estimated Revenue, shown in Table PSFE 16, details the School District's projections for its revenue sources over the next five years. A comparison of PSFE 16 and PSFE 17 shows that the School District's capital plan is sufficient to fund necessary capital improvements and is financially feasible.

**PSFE 16: School District's Capital Improvement Summary**

<b>School</b>	<b>Project</b>	<b>Added Capacity</b>	<b>Cost</b>	<b>Year Available</b>
Manatee Elementary	Elem. U	1,000	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,000	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,000	\$24,134,807	2008
New Elementary (East)	Elem. V	1,000	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,000	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,000	\$27,200,000	2010
New Elementary (West)	Elem. E	1,000	\$27,200,000	2010
New Elementary (West)	Elem. A	1,000	\$28,560,000	2011
New Elementary (East)	Elem. W	1,000	\$28,560,000	2011
New Elementary (East)		1,000	\$30,000,000	
New Elementary (East)		1,000	\$30,000,000	
New Elementary (South)		1,000	\$30,000,000	
New Elementary (East)			\$9,450,000*	
New Elementary (West)			\$30,000,000	
New Elementary (West)			\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO		\$44,600,000	2012
New Middle (West)			\$44,600,000	2012
New Middle (East)			\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

## **PROPORTIONATE SHARE MITIGATION**

In the event that there is not adequate school capacity available to accommodate a development's demand for student stations, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer and the affected local government to mitigate the impact from the development through the creation of additional school capacity. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School District's Five-Year Capital Facility Plan. Capacity projects identified within the first three years of the Five-Year Capital Facility Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the School District's Five-Year Capital Facility Plan within the same Concurrency Service Area (CSA) as the proposed residential development, the developer may pay his proportionate share of the identified capacity project to accelerate the project's schedule and mitigate the proposed development. When the student impacts from a proposed development cause the adopted Level of Service to fail, a developer may enter into a 90 day negotiation period with the School District and the applicable local government to review potential mitigation projects. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options may include, but are not limited to:

1. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development and
2. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

The following standards apply to any mitigation accepted by the School District:

1. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School District's financially feasible work program, which satisfies the demands created by the proposed development; and
2. Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:

$$(\# \text{ of housing units by type}) \times (\text{student generation rate by type of unit}) \times (\text{student station cost adjusted to local costs}) = \text{Proportionate share mitigation amount}$$

The student station cost adjusted to local costs will be calculated utilizing the total cost per student station, established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures for school sites as determined and published annually in the School District's Five Year Capital Facilities Plan. The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the



mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of the developer. Any mitigation accepted by the School District and subsequently agreed to by the applicable local government entity shall result in a legally binding agreement between the School District, the local government and the Developer.

### **School Planning and Shared Costs**

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the School Board to submit proposed school sites to the County or municipalities for review and approval. This analysis permits the School Board and affected local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Because Lee County is undergoing significant infrastructure development, analyzing the infrastructure needs of planned school sites is necessary. With this process, shared funding for capital improvements for school sites can be determined according to the responsibility of each party for each specific school site. Necessary infrastructure improvements may include: potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization and signage, site lighting, bus stops, and sidewalks. These improvements are assessed at the time of site plan preparation. Approval conditions can cover the timing and responsibility for construction, as well as the operation and maintenance of required on-site and off-site improvements. Any such improvements should be in keeping with the financially feasible capital plan adopted by the School Board.

Other cost-effective measures should be considered by local governments during the process of formulating neighborhood plans and programs and reviewing large residential projects. During those processes, the County and the cities can encourage developers or property owners to provide the School District with incentives to build schools in their neighborhoods. These incentives may include, but are not be limited to, donation and preparation of site(s), acceptance of stormwater run-off from future school facilities into development project stormwater management systems, reservation or sale of school sites at pre-development prices, construction of new school facilities or renovation of existing school facilities.

### **Coordination**

The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to the County, School District and local governments. The School District and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. During the preparation of its Educational Plant Survey, the School District can identify future co-location and shared-used opportunities for new schools and public facilities. Likewise, co-location and shared use opportunities should be considered by the local governments when updating their comprehensive plan, schedule of capital improvements and when planning and designing new or renovating existing libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. Co-location and shared use of school and governmental facilities for health care and social services should also be considered.

## **RECOMMENDED GOALS, OBJECTIVES, AND POLICIES DISCUSSION:**

The Lee Plan already contains an Education sub-element within the Community Facilities and Services Element. Staff is proposing to incorporate the new requirements for the Public Schools Facilities element into this existing sub-element. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Staff recommends that the following new policy language be incorporated into the Community Facilities and Services Element to address the new requirements of the Florida Statutes:

### **h. Education and Public School Facilities**

**GOAL 71 PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain a specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and Maintain a Lee Plan Map, Map 23, that depicts the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants anticipated over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary Basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Intelocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Subzone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Sub-Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By April 1, 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By July 31, 2008 the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.
- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy.
- c. Amendments to existing residential development approvals which do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments that prohibit persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

**OBJECTIVE 71.4: Five-Year Schedule of School District Capital Improvements:** The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment.

**POLICY 71.4.1:** The County will, annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

## **CAPITAL IMPROVEMENTS ELEMENT**

Staff recommends that the following modifications to the Capital Improvements Element be made to address public school concurrency:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

Second paragraph, third sentence:

These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

## **REGULATORY STANDARDS**

### **7. Public School Facilities**

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

[illegible]

Prepared by G. L. S. Department  
Lee County Property Appraiser's Office  
Kenneth M. Wilkison, C.F.A.  
Property Appraiser  
December 2, 1966



# PROPOSED LEE PLAN MAP 23

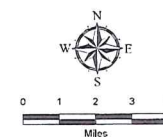
## Educational and School District Facilities in Lee County

### Educational Facilities

- Elementary School
- Middle School
- High School
- Special Center
- Technical/Exceptional
- Charter School
- Edison College
- Florida Gulf Coast University
- Potential Future Schools

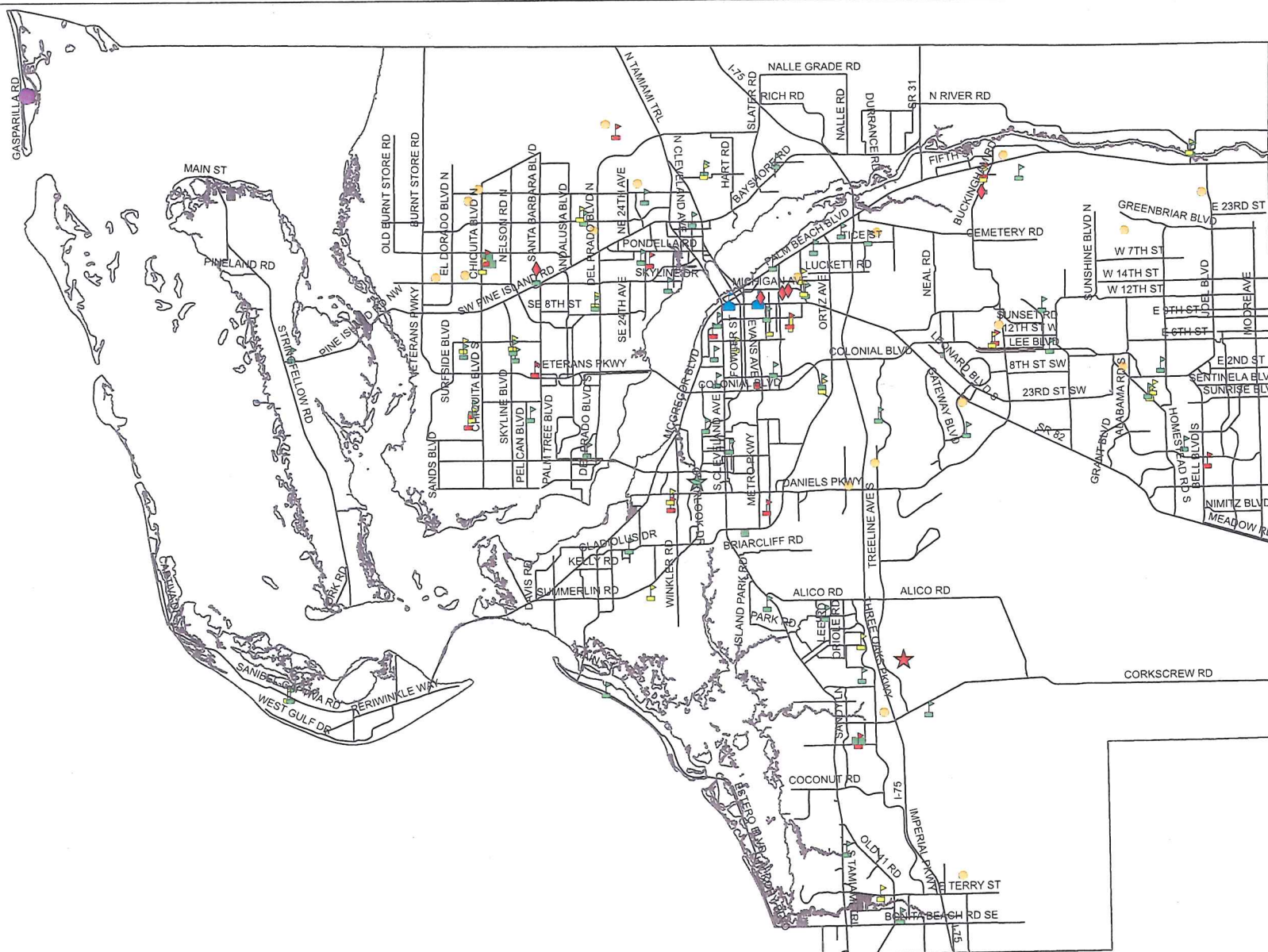
### Other School Facilities

- Administration
- Support Services
- Transportation Facilities



Map Generated: February 2008

Lee Plan Map 23





**CPA 2006-16  
SCHOOL FACILITIES ELEMENT  
BoCC SPONSORED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Publicly Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document  
August 26, 2008  
Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**August 13, 2008**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2006-16**

✓	Text Amendment	✓	Map Amendment
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✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: Original February 19, 2008  
Revised August 13, 2008

## **PART I - BACKGROUND AND STAFF RECOMMENDATION**

### **A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Lee County Board of County Commissioners/Lee County School District  
Lee County Division of Planning

**2. REQUEST:**

Amend the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and provide for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.

## B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **adopt** this proposed amendment to the Lee Plan. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Planning staff recommends that the following Goals, Objectives and Policies be adopted to address the new School Concurrency requirements of the Florida Statutes. This recommendation includes modifications to address the Department of Community Affairs' Objections, Recommendations, and Comments Report (ORC). The transmitted language is shown in underline fashion with revisions to that language, to address the comments in the ORC Report shown in double underline and strike-through:

Revise Sub-Element h of the Community Facilities and Services Element as follows:

### **h. Education and Public School Facilities**

Modify existing Policy 66.2.3 as follows:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Add a new Goal, objectives, and policies following Goal 66 as follows. The goal, objectives and policy numbers will be renumbered when the plan is codified subsequent to the adoption of this amendment:

**GOAL 71: PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement ~~dated~~ \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and

input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a maximum of two additional periods of 2 years each ~~period~~ consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31~~ December, 2008, the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.
- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school; and
- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

Policy 71.4: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

**CAPITAL IMPROVEMENTS ELEMENT**

Revise the Capital Improvement Element language of Policy 905.1.3 beginning in the second paragraph, third sentence, to add public schools to the regulatory standards requiring a level of service:

**POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

....These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

**REGULATORY STANDARDS**

7. Public School Facilities

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

**NON-REGULATORY STANDARDS**

Renumber the non-regulatory standards accordingly.

Staff recommends that the following modifications to the to the transmitted language to address public school concurrency in the CIE:



**OBJECTIVE 71.4.95.5: Five-Year Schedule of School District Capital Improvements:**  
The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.95.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.95.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

**POLICY 71.4.95.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.95.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

## **INTERGOVERNMENTAL COORDINATION ELEMENT**

Add the following objective and policy to the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Lee County School District is still experiencing strong growth.
- Florida Statute section 163.3180 requires that each local government adopt a Public School Facilities Element.

- Florida Statute 163.3177 [12][c] requires that the Lee Plan CIE incorporate the Lee County School District CIP.
- 3,000-5,000 new students enter the School District each year.
- The School District expects to build an average of four new schools each year.
- The School District currently operates 92 public schools with more than 78,000 students.
- The School District currently uses relocatable classrooms to accommodate 5,997 student stations.
- The School District forecasts 170,680 students total for the 2026-2027 school year.
- The School District currently owns sufficient property to build all schools planned to open through 2011.
- The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities.
- By coordinating the planning of future schools with affected local governments, the School District can better identify the costs associated with site selection and the construction of new schools.

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

Public schools are critical components to the well-being and future of a community. Because of the importance of the public school system and its impact on the future of Lee County, and because of a history of significant population growth, coordinated school planning among the School District, the County and the municipalities within the County is necessary to ensure that public school capacity is sufficient to meet the needs created by future growth. Because of the relationship between residential development and the provision of public schools, the Public School Facilities Element (PSFE) focuses on coordinated planning among the School District, County and local governments to accommodate future student growth needs in the public school system. Within Lee County, the local governments participating in school concurrency are Lee County, the City of Fort Myers, the City of Cape Coral, the City of Bonita Springs, the City of Sanibel and the Town of Fort Myers Beach. Once implemented, school concurrency will ensure that the public school facilities necessary to maintain the adopted level of service for schools are in place before or concurrent with the school impacts of new residential development.

### **2. BACKGROUND DISCUSSION:**

In 2005, the Florida Legislature amended Florida Statute section 163.3180 and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element and Intergovernmental Coordination Element. The PSFE must address school level of service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility.

As mandated by Rule 9J-5.025 F.A.C., the PSFE must contain the following: Existing school facility enrollment and school facilities required to meet future needs; Projected enrollment for each school facility; Existing and projected school facility surpluses and deficiencies by Concurrency Service Area; School level of service standards; A financially feasible five-year schedule of school-related capital improvements that ensures adequate school capacity is available to maintain the adopted level of service; Provisions to ensure that school facilities are located consistent with the existing and proposed residential areas they serve; that schools be used as community focal points, and that schools be co-located with other public facilities. The element is also required to have Maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities, and Concurrency Service Areas (CSAs). The element must also contain a Proportionate Fair Share Methodology in the event that there is not enough school capacity to accommodate a development. The element must contain Goals, objectives, and policies for planning and school concurrency to achieve the above mentioned requirements.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### EXISTING CONDITIONS

For school concurrency purposes, existing conditions relate not only to the number and location of public schools, but also to the County's population and overall level of residential development activity. Because the County's land use and demographic characteristics relate to the various components of the public school system, this section identifies past and projected County population figures, recent residential development activity, student enrollment data, and the existing conditions of Lee County's public school system.

#### **County and Municipal Related Data**

##### Past and Projected Population

Table PSFE 1 shows past population and projections for the future.

**Table PFSE 1: Population Data, 2000 – 2006**

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
	<i>(Actual)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>
Unincorporated Lee County	244,972	247,287	258,467	269,200	276,939	292,414	308,667
Fort Myers	48,208	49,909	51,323	52,527	57,585	61,412	65,729
Cape Coral	102,286	106,947	113,253	120,439	132,379	140,195	154,499
Sanibel	6,064	6,072	6,135	6,224	6,335	6,272	6,321
Fort Myers Beach	6,561	6,700	6,741	6,792	6,945	6,849	6,874
Bonita Springs	32,797	38,003	39,154	39,906	41,070	42,300	43,518
Lee County	440,888	454,918	475,072	495,088	521,253	549,442	585,608

Source: US Census Bureau and BEBR (2000 Census)  
Bureau of Economic and Business Research (years 2001-2006)

### Permit Activity/Projected Permit Activity

In Lee County, the increase in population has been accompanied by an increase in residential housing units. Table PSFE 2 details building permit activity for the unincorporated county for the period between 2003 and 2006. Table PSFE 3 identifies the increase in total residential units from the 2000 Census to 2006.

**Table PSFE 2: Total Residential Permits Issued Per Year**

Building Type	2003	2004	2005	2006
Single Family Units	9,221	14,157	19,017	12,470
Multi-Family Units	11,037	1,652	1,926	1,322

Source: Lee County Statistical Digest, Economic Development Office of Lee County March 2007

**Table PSFE 3: Lee County Total Residential Units**

Residential Units	Census 2000	2006
Total Single Family Units	134,511	203,546
Total Multi-Family Units	70,952	100,111
Total Mobile Home Units	39,942	37,460
Total Housing Units	245,405	341,117

Source: U.S. Census Bureau

The data detailed in Table PSFE 3 indicates a steady increase in the number of single family residential building permits issued in Lee County between 2003 and 2006 with a decline in 2006, however, a significant number of permits were still issued in that year. These new units place additional demands on the school system's capacity because each new housing unit has the potential to generate new students.

### Residential Development Activity

While building permit data provides an indication of future growth, development review activity also serves as a growth indicator. Consequently, development review information, including the number of new residential housing units under review by Lee County and municipal planning departments in Lee County, was collected. This information can assist the local governments and School District in anticipating the demand for public schools.

### **Student Generation Multiplier**

A critical component of the school concurrency process is projecting the number of students that will be generated from new residential development. In order to calculate the number of students associated with new residential development, a student generation multiplier was created in Lee County in 2005 and Lee County has begun the process of developing another Impact Fee Study that should be concluded by the end of 2008. Any revised student generation rates determined by that study will take the place of Student Generation Rates referenced below upon adoption of the revised impact fee ordinance reflecting those generation rates. Because the number of students living in a housing unit varies depending on the type of residential housing, the student generation rate per residential unit is based on three housing types: single family, multi-family, and mobile home.

Consequently, the number of students associated with a development can be calculated by applying the multiplier to the development's proposed number and type of residential housing units. The projected number of students is the product of the development units multiplied by the student generation multiplier for the unit type.

**Table PSFE 5: Student Generation Rates, Lee County, 2005**

Housing Type	Student/Unit
Single Family Detached	0.316
Multi Family	0.125
Mobil Home	0.072
All housing types	0.212

Source: Duncan Associates School Impact Fee Update Study, Sept. 2005

To determine the student impact of a proposed residential development for school concurrency purposes, a proposed development's projected units by type of unit are converted into the number of projected students using the student generation rate for the unit type as identified in Table PSFE 5.

### **PUBLIC SCHOOL SYSTEM**

As required by the Florida Department of Education, the School District must implement a financially feasible Five-Year Capital Facilities Plan that provides for school capacity improvements to accommodate projected student growth. Those improvements which are

budgeted and programmed for construction within the first three years of the Plan are considered committed projects for concurrency purposes. Within the current Five-Year Capital Facilities Plan, the capital improvements that will provide capacity by 2011 consist of seven new Elementary schools, four Middle schools, three High schools, one Elementary school replacement (increasing capacity by 611 student stations), and two additions to existing elementary schools. More detail on the proposed capital facilities is found in Table PSFE 16. Residential development impacts students and school facilities because increases in new student enrollment can place demands on school capacity and cause overcrowding of facilities.

### **Enrollment and Capacity**

The Lee County School District must provide the facilities necessary to educate its students. Recently enacted state-mandated changes, such as early childhood education and class size limitations, have impacted the capacity needs of the School District. In 2003, voters passed Amendment 9 to the Florida Constitution which prescribes no more than 18 students per classroom in grades Pre-Kindergarten through grade 3; no more than 22 students in grades 4 through 8; and, no more than 25 students in grades 9 through 12. While the District exercises great control of student assignments through its controlled open-enrollment choice system, the mandates of class size make utilization of facilities inefficient. Accommodating one student more than the exact multiple of 18, 22, or 25 students in a classroom means the addition of one whole classroom and teacher. This is compounded by three zones, 9 sub-zones, and 13 grade levels in a growing District. In 2003, voters also passed Amendment 8 to the Florida Constitution which provided free, relevant educational programs to four-year olds. While students are being accommodated in private, for profit and not-for-profit institutions, the District must make services available as a last resort. Much of this service can and has been provided in concentrated summer-time programs at District schools; however, growth in the program is being felt in District schools during the traditional school year. Accommodating these students in existing schools is a challenge given our commitment to limit the use of relocatable classrooms and the unpredictability of enrollment growth.

Currently, the School District operates 92 public schools, from pre-kindergarten to 12<sup>th</sup> grade. The School District operates forty-three elementary schools, sixteen middle schools, twelve high schools, four K-8 schools, one 6-12 school, thirteen special centers and three High Tech Centers and Community Schools serving more than 78,000 students. Figure PSFE 2 shows the geographic locations of public schools operated by the School District. In Tables PSFE 10-13 a breakdown of the enrollment and school capacity for School Year 2006/07 and 2007-08 and a projection for future enrollment is provided. The figures in Tables PSFE 10-13 exclude charter schools which are not operated by the School District. School capacity figures are determined by the Florida Department of Education (FDOE) and are based on the Florida Inventory of School Houses (FISH) capacity analysis. This inventory system can and usually does change annually with amendments to the State Requirements for School Facilities (SREF). A minor reduction of student stations attributable to a particular type of room (i.e., primary, intermediate, ESE or gymnasium) has a significant impact depending upon the number of such rooms in each school and the number of schools in the District. One way the District addresses capacity deficiencies and other program needs at individual schools is through the use of relocatables or portables. The District currently uses relocatables to accommodate 5,997 student stations. The District plans to phase out the use of relocatables over the next five years. A breakdown of current and projected use of relocatables is shown in Table PSFE 14. In order to

serve the needs of the school population, the District also operates a number of ancillary facilities, which are listed in Table PSFE 15.

**Table PSFE 14: Relocatable Student Stations – Number of students to be educated in relocatable units, by school.**

Site	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Allen Park Elementary	5	5	0	0	0
Bayshore Elementary	18	0	0	0	0
Bonita Springs Elementary	62	62	0	0	0
Caloosa Elementary	18	18	0	0	0
Colonial Elementary	54	54	54	0	0
Edgewood Academy	36	36	0	0	0
Franklin Park Elementary	120	120	36	0	0
Gateway Elementary	66	66	66	66	0
Hancock Creek Elementary	18	18	18	0	0
Heights Elementary	216	36	0	0	0
J Colin English Elementary	54	54	54	0	0
Lehigh Elementary	238	238	126	0	0
Littleton Elementary	36	36	36	0	0
Michigan International	120	120	120	43	0
Mirror Lakes Elementary	18	18	18	0	0
N Ft Myers Acad of the Arts	367	110	0	0	0
Orange River Elementary	108	108	0	0	0
Orangewood Elementary	127	127	127	0	0
Pine Island Elementary	18	18	18	18	0
Pinewoods Elementary	36	36	0	0	0
Skyline Elementary	18	18	18	0	0
Spring Creek Elementary	144	144	144	36	0
Sunshine Elementary	62	0	0	0	0
The Sanibel School	59	59	59	59	0
Three Oaks Elementary	72	72	72	0	0
Tice Elementary	112	112	112	36	0
Tropic Isles Elementary	36	36	0	0	0
Villas Elementary	72	72	72	0	0
Alva Middle	132	132	0	0	0
Cypress Lake Middle	176	176	176	0	0
Gulf Middle	88	88	0	0	0
Lee Middle	66	0	0	0	0
Lehigh Acres Middle	88	88	0	0	0
Three Oaks Middle	44	44	0	0	0
Trafalgar Middle	264	264	264	132	0
Cape Coral Senior High	175	175	175	0	0
Estero Senior High	250	125	0	0	0
Fort Myers Senior High	125	125	125	0	0
Lehigh Senior High	150	150	150	0	0
Mariner Senior High	350	350	350	175	0
North Fort Myers Senior High	350	350	175	0	0
Riverdale High	225	225	225	100	0
ALC West	265	0	0	0	0
Buckingham Excep Stud Center	15	15	0	0	0
High Tech Central	210	210	210	105	0
West Zone Staging School	714	714	714	714	0
<b>Totals</b>					
Total students in relocatables by year.	5,997	5,024	3,714	1,484	0

Source: Lee County School District Work Plan, 2007-2008

**Table PSFE 15: Ancillary Facilities**

<b>Facility</b>	<b>Location</b>
Lee County Public Education Center	2855 Colonial Blvd., Fort Myers
Support Services Annex	3308 Canal Street, Fort Myers
Bus Garage	3234 Canal Street, Fort Myers
Safety Office	3925 Canal Street, Fort Myers
Leonard Transportation Facility	301 Leonard Blvd., Lehigh Acres
Six Mile Cypress Transportation	14701 Ben C. Pratt, Six Mile Cypress Parkway,
Transportation South	9251 Williams Road, Estero
Transportation West	450 NW 14 <sup>th</sup> Avenue, Cape Coral
Transportation East	3291 Buckingham Road, Fort Myers
East Parent Information Center (Leased	9 Beth Stacy Blvd., Suite 207, Lehigh Acres

**Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	<b>Forecast 2007-2008</b>	<b>Forecast 2011-2012</b>	<b>Forecast 2016-2017</b>	<b>Forecast 2026-2027</b>
<b>Elementary</b>	35,019	28,912	46,898	84,734
<b>Middle</b>	16,066	32,902	21,907	36,979
<b>High</b>	21,279	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	72,364	84,869	105,049	170,680

Source: Lee County School District Work Plan, 2007-2008

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the projected future student growth, additional capacity projects are included in the School District's Capital Facilities Plan.



Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, detailed by Student Assignment Zones and Subzones. The initial Concurrency Service Areas (CSAs) will be coterminous with Student Assignment Zones, with a plan to move to Subzones in three years.

**Table PSFE 9 - Student Growth Rates by Grade Level – Actual and Projected COFTE**

Grade	Actual 2006-07	Forecast 2007-08	Forecast 2008-09	Forecast 2009-10	Forecast 2010-11	Forecast 2011-12	Forecast 2012-13	Forecast 2013-14
Pre-K	592	604	654	698	714	734	755	776
Grade K	6086	6193	6430	6570	7302	7493	7711	7934
Grade 1	5693	6049	6226	6460	6609	7296	7531	7752
Grade 2	5392	5648	6095	6287	6522	6677	7345	7604
Grade 3	5622	5694	6008	6397	6534	6712	6813	7421
Grade 4	5419	5403	5661	6048	6516	6723	6966	7131
Grade 5	5186	5428	5544	5808	6204	6683	6899	7148
Grade 6	5418	5482	5867	6007	6285	6708	7222	7471
Grade 7	5172	5480	5680	6069	6229	6509	6940	7468
Grade 8	5378	5104	5516	5723	6111	6279	6558	6988
Grade 9	6365	6526	6259	6625	6896	7333	7577	7900
Grade 10	5261	5473	5599	5409	5668	5903	6264	6490
Grade 11	4818	4906	5077	5199	5044	5255	5473	5801
Grade 12	4058	4374	4439	4594	4704	4564	4755	4952
<b>Total</b>	<b>70,458</b>	<b>72,364</b>	<b>75,055</b>	<b>77,894</b>	<b>81,338</b>	<b>84,869</b>	<b>88,809</b>	<b>92,836</b>

Source: 2007 Capital Outlay FTE Forecast, Department of Education

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>E1</b>																		
Bayshore Elementary	628	693	91%	613	693	88%	617	693	89%	618	693	89%	628	693	91%	621	639	97%
Edgewood Elementary	690	741	93%	475	741	64%	659	741	89%	661	741	89%	672	741	91%	695	713	97%
Manatee Elementary				733	1,070	69%	952	1,070	89%	954	1,070	89%	970	1,070	91%	1,016	1,070	95%
Michigan Int. Elem.	447	442	101%	339	442	77%	393	442	89%	394	442	89%	401	442	91%	404	418	97%
Orange River Elem.	844	809	104%	824	817	101%	727	817	89%	729	817	89%	741	817	91%	747	765	98%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
Tice Elementary	630	587	107%	564	587	96%	522	587	89%	524	587	89%	532	587	91%	521	539	97%
<b>Elementary Total</b>	<b>3,239</b>	<b>3,272</b>	<b>99%</b>	<b>3,548</b>	<b>4,350</b>	<b>82%</b>	<b>3,870</b>	<b>4,350</b>	<b>89%</b>	<b>3,880</b>	<b>4,350</b>	<b>89%</b>	<b>3,944</b>	<b>4,350</b>	<b>91%</b>	<b>4,004</b>	<b>4,144</b>	<b>97%</b>
Lee Middle	669	926	72%	610	926	66%	991	926	107%	864	926	93%	931	926	101%	895	917	98%
Michigan International Middle	224	158	142%	168	221	76%	237	221	107%	206	221	93%	222	221	100%	202	210	96%
Oak Hammock Middle							1,276	1,192	107%	1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
<b>Middle School Total</b>	<b>893</b>	<b>1,084</b>	<b>82%</b>	<b>778</b>	<b>1,147</b>	<b>68%</b>	<b>2,504</b>	<b>2,339</b>	<b>107%</b>	<b>2,182</b>	<b>2,339</b>	<b>93%</b>	<b>2,351</b>	<b>2,339</b>	<b>101%</b>	<b>2,267</b>	<b>2,319</b>	<b>98%</b>
High School "JJJ"													1,640	2,004	82%	1,979	2,004	99%
<b>High School Total</b>													<b>1,640</b>	<b>2,004</b>	<b>82%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>E2</b>																		
Gateway Elementary	881	758	116%	778	758	103%	675	758	89%	676	758	89%	687	758	91%	662	680	97%
Harns Marsh Elementary	937	851	110%	884	916	97%	815	916	89%	817	916	89%	831	916	91%	854	872	98%
River Hall Elementary	744	1,000	74%	846	1,046	81%	931	1,046	89%	933	1,046	89%	949	1,046	91%	1,002	1,020	98%
Sunshine Elementary	1,129	1,230	92%	1,094	1,191	92%	1,060	1,191	89%	1,062	1,191	89%	1,080	1,191	91%	1,090	1,108	98%
Treeline Elementary				647	758	85%	920	1,034	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "V"							675	758	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "W"																1,016	1,034	98%
<b>Elementary Total</b>	<b>3,691</b>	<b>3,839</b>	<b>96%</b>	<b>4,249</b>	<b>4,669</b>	<b>91%</b>	<b>5,076</b>	<b>5,703</b>	<b>89%</b>	<b>5,332</b>	<b>5,979</b>	<b>89%</b>	<b>5,423</b>	<b>5,979</b>	<b>91%</b>	<b>6,656</b>	<b>6,782</b>	<b>98%</b>
Riverdale (Middle)	339	388	87%	311	325	96%												
Varsity Lakes	995	1,024	97%	1,068	1,024	104%	1,096	1,024	107%	956	1,024	93%	1,029	1,024	100%	973	995	98%
Middle "LL"										1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
Middle "NN"																1,170	1,192	98%
<b>Middle Total</b>	<b>1,334</b>	<b>1,412</b>	<b>94%</b>	<b>1,379</b>	<b>1,349</b>	<b>102%</b>	<b>1,096</b>	<b>1,024</b>	<b>107%</b>	<b>2,068</b>	<b>2,216</b>	<b>93%</b>	<b>2,227</b>	<b>2,216</b>	<b>100%</b>	<b>3,313</b>	<b>3,379</b>	<b>98%</b>
Lehigh Senior	2,101	1,864	113%	1,785	1,864	96%	1,914	1,864	103%	1,982	1,864	106%	1,525	1,864	82%	1,820	1,845	99%
Riverdale High School	1,757	1,690	104%	1,814	1,728	105%	2,143	2,087	103%	2,219	2,087	106%	1,708	2,087	82%	1,885	1,910	99%
<b>High Total</b>	<b>3,858</b>	<b>3,554</b>	<b>109%</b>	<b>3,599</b>	<b>3,592</b>	<b>100%</b>	<b>4,057</b>	<b>3,951</b>	<b>103%</b>	<b>4,201</b>	<b>3,951</b>	<b>106%</b>	<b>3,233</b>	<b>3,951</b>	<b>82%</b>	<b>3,705</b>	<b>3,755</b>	<b>99%</b>
<b>E3</b>																		
Alva Elementary	872	303	288%	427	391	109%	348	391	89%	349	391	89%	355	391	91%	284	302	94%
Lehigh Elementary	1,007	764	132%	934	764	122%	680	764	89%	940	1,054	89%	956	1,054	91%	1,040	1,054	99%
Mirror Lakes Elementary	1,060	1,055	100%	1,059	1,061	100%	944	1,061	89%	946	1,061	89%	962	1,061	91%	982	1,000	98%
Veterans Park Elementary	1,019	907	112%	939	1,178	80%	1,048	1,178	89%	1,051	1,178	89%	1,068	1,178	91%	1,068	1,080	99%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
Elementary "I"										633	710	89%	644	710	91%	692	710	97%
Elementary "G"													938	1,034	91%	1,016	1,034	98%
Elementary Total	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
Alva Middle	557	514	108%	636	514	124%	550	514	107%	479	514	93%	516	514	100%	492	514	96%
Lehigh Acres Middle	998	1,016	98%	1,085	1,057	103%	1,132	1,057	107%	986	1,057	93%	1,062	1,057	100%	985	1,007	98%
Veterans Park Middle	510	630	81%	629	589	107%	631	589	107%	550	589	93%	592	589	101%	534	540	99%
Middle Total	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
East Lee County High	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
High Total	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
E1 Total	3,239	3,272	99%	3,548	4,350	82%	3,870	4,350	89%	3,880	4,350	89%	3,944	4,350	91%	4,004	4,144	97%
E2 Total	3,691	3,839	96%	4,249	4,669	91%	5,076	5,703	89%	5,332	5,979	89%	5,423	5,979	91%	6,656	6,782	98%
E3 Total	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
Elementary Total	10,888	10,140	109%	11,156	12,413	91%	11,966	13,447	89%	13,131	14,723	89%	14,290	15,757	91%	15,742	16,106	98%
E1 Total	893	1,084	82%	778	1,147	68%	2,504	2,339	107%	2,182	2,339	93%	2,351	2,339	101%	2,267	2,319	98%
E2 Total	1,334	1,412	94%	1,379	1,349	102%	1,096	1,024	107%	2,068	2,216	93%	2,227	2,216	100%	3,313	3,379	98%
E3 Total	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
Middle Total	4,292	4,656	91%	4,507	4,656	93%	5,913	5,523	107%	6,265	6,715	93%	6,748	6,715	100%	7,591	7,759	98%
E1 Total													1,640	2,004	82%	1,979	2,004	99%
E2 Total	3,858	3,554	109%	3,599	3,592	100%	4,057	3,951	103%	4,201	3,951	106%	3,233	3,951	82%	3,705	3,755	99%
E3 Total	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
High Total	4,693	4,363	106%	5,239	5,530	93%	6,047	5,889	103%	6,262	5,889	106%	6,459	7,893	82%	7,706	7,779	99%

**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>W1</b>																		
J. Colin English Elementary	608	589	103%	462	597	77%	521	597	87%	509	597	85%	532	597	89%	566	584	97%
Littleton Elementary	746	738	101%	699	738	95%	645	738	87%	629	738	85%	657	738	89%	631	649	97%
North Ft Myers Acad. Elem.	736	586	126%	533	905	59%	790	905	87%	772	905	85%	806	905	89%	842	853	99%
<b>Elementary Total</b>	<b>2,090</b>	<b>1,913</b>	<b>109%</b>	<b>1,694</b>	<b>2,240</b>	<b>76%</b>	<b>1,956</b>	<b>2,240</b>	<b>87%</b>	<b>1,910</b>	<b>2,240</b>	<b>85%</b>	<b>1,995</b>	<b>2,240</b>	<b>89%</b>	<b>2,039</b>	<b>2,086</b>	<b>98%</b>
North Ft Myers Acad. Midd.	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
<b>Middle Total</b>	<b>595</b>	<b>453</b>	<b>131%</b>	<b>465</b>	<b>453</b>	<b>103%</b>	<b>428</b>	<b>453</b>	<b>94%</b>	<b>443</b>	<b>453</b>	<b>98%</b>	<b>391</b>	<b>453</b>	<b>86%</b>	<b>421</b>	<b>426</b>	<b>99%</b>
Island Coast High				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
<b>High Total</b>				<b>411</b>	<b>600</b>	<b>69%</b>	<b>1,951</b>	<b>2,004</b>	<b>97%</b>	<b>2,054</b>	<b>2,004</b>	<b>102%</b>	<b>1,853</b>	<b>2,004</b>	<b>92%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>W2</b>																		
Caloosa Elementary	974	1,048	93%	1,036	1,075	96%	939	1,075	87%	917	1,075	85%	957	1,075	89%	1,038	1,056	98%
Diplomat Elementary	941	1,043	90%	948	1,086	87%	949	1,086	87%	926	1,086	85%	967	1,086	89%	955	973	98%
Elementary "C"										882	1,034	85%	921	1,034	89%	1,016	1,034	98%
Hancock Creek Elementary	944	1,038	91%	878	1,044	84%	912	1,044	87%	890	1,044	85%	930	1,044	89%	997	1,015	98%
Hector A. Cafferata, Jr. Elementary	762	883	86%	773	883	88%	771	883	87%	753	883	85%	786	883	89%	762	780	98%
Tropic Isles Elementary	993	1,063	93%	915	1,051	87%	918	1,051	87%	896	1,051	85%	936	1,051	89%	979	997	98%
<b>Elementary Total</b>	<b>4,614</b>	<b>5,075</b>	<b>91%</b>	<b>4,550</b>	<b>5,139</b>	<b>89%</b>	<b>4,489</b>	<b>5,139</b>	<b>87%</b>	<b>5,264</b>	<b>6,173</b>	<b>85%</b>	<b>5,497</b>	<b>6,173</b>	<b>89%</b>	<b>5,747</b>	<b>5,855</b>	<b>98%</b>
Caloosa Middle	1,095	1,055	104%	915	1,005	91%	950	1,005	95%	985	1,005	98%	867	1,005	86%	935	957	98%
Diplomat Middle	1,041	974	107%	890	974	91%	920	974	94%	954	974	98%	840	974	86%	945	967	98%
Mariner Middle	981	1,141	86%	946	1,141	83%	1,078	1,141	94%	1,118	1,141	98%	985	1,141	86%	1,108	1,130	98%
Middle "MM"													1,028	1,192	86%	1,070	1,192	90%
<b>Middle Total</b>	<b>3,117</b>	<b>3,170</b>	<b>98%</b>	<b>2,751</b>	<b>3,120</b>	<b>88%</b>	<b>2,948</b>	<b>3,120</b>	<b>94%</b>	<b>3,057</b>	<b>3,120</b>	<b>98%</b>	<b>3,720</b>	<b>4,312</b>	<b>86%</b>	<b>4,058</b>	<b>4,246</b>	<b>96%</b>
Mariner High	1,998	1,721	116%	1,991	1,721	116%	1,676	1,721	97%	1,765	1,721	103%	1,592	1,721	93%	1,613	1,638	98%
North Fort Myers High	1,981	1,849	107%	2,167	1,849	117%	1,799	1,849	97%	1,895	1,849	102%	1,709	1,849	92%	1,764	1,789	99%
High School "III"													1,435	1,552	92%	1,548	1,552	100%
<b>High Total</b>	<b>3,979</b>	<b>3,570</b>	<b>111%</b>	<b>4,158</b>	<b>3,570</b>	<b>116%</b>	<b>3,475</b>	<b>3,570</b>	<b>97%</b>	<b>3,660</b>	<b>3,570</b>	<b>103%</b>	<b>4,736</b>	<b>5,122</b>	<b>92%</b>	<b>4,925</b>	<b>4,979</b>	<b>99%</b>

**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones (cont.)**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
<b>W3</b>																		
Cape Elementary	862	1,041	83%	813	916	89%	800	916	87%	781	916	85%	816	916	89%	912	873	104%
Gulf Elementary	1,364	1,294	105%	1,287	1,396	92%	1,219	1,396	87%	1,191	1,396	85%	1,243	1,396	89%	1,276	1,294	99%
Patriot Elementary				733	1,070	69%	935	1,070	87%	913	1,070	85%	953	1,070	89%	1,016	1,070	95%
Pelican Elementary	1,146	1,264	91%	1,101	1,362	81%	1,190	1,362	87%	1,162	1,362	85%	1,229	1,362	90%	1,276	1,294	99%
Skyline Elementary	1,105	1,254	88%	1,022	1,380	74%	1,205	1,380	87%	1,177	1,380	85%	1,229	1,380	89%	1,242	1,260	99%
Trafalgar Elementary	896	959	93%	862	977	88%	853	977	87%	833	977	85%	870	977	89%	894	912	98%
<b>Elementary Total</b>	<b>5,373</b>	<b>5,812</b>	<b>92%</b>	<b>5,818</b>	<b>7,101</b>	<b>82%</b>	<b>6,202</b>	<b>7,101</b>	<b>87%</b>	<b>6,057</b>	<b>7,101</b>	<b>85%</b>	<b>6,340</b>	<b>7,101</b>	<b>89%</b>	<b>6,616</b>	<b>6,703</b>	<b>99%</b>
Challenger Middle	340	600	57%	863	1,257	69%	1,188	1,257	95%	1,231	1,257	98%	1,084	1,257	86%	1,170	1,192	98%
Gulf Middle	1,120	923	121%	1,001	923	108%	872	923	94%	904	923	98%	796	923	86%	892	914	98%
Trafalgar Middle	1,279	1,034	124%	1,096	1,034	106%	977	1,034	94%	1,013	1,034	98%	892	1,034	86%	1,001	1,023	98%
<b>Middle Total</b>	<b>2,739</b>	<b>2,557</b>	<b>107%</b>	<b>2,960</b>	<b>3,214</b>	<b>92%</b>	<b>3,037</b>	<b>3,214</b>	<b>94%</b>	<b>3,148</b>	<b>3,214</b>	<b>98%</b>	<b>2,772</b>	<b>3,214</b>	<b>86%</b>	<b>3,063</b>	<b>3,129</b>	<b>98%</b>
Cape Coral High School	2,119	1,821	116%	2,013	1,821	111%	1,773	1,821	97%	1,867	1,821	103%	1,684	1,821	92%	1,772	1,797	99%
Ida Baker High School	1,969	2,066	95%	2,104	2,030	104%	1,976	2,030	97%	2,081	2,030	103%	1,877	2,030	92%	1,962	1,987	99%
<b>High Total</b>	<b>4,088</b>	<b>3,887</b>	<b>105%</b>	<b>4,117</b>	<b>3,851</b>	<b>107%</b>	<b>3,749</b>	<b>3,851</b>	<b>97%</b>	<b>3,948</b>	<b>3,851</b>	<b>103%</b>	<b>3,561</b>	<b>3,851</b>	<b>92%</b>	<b>3,734</b>	<b>3,784</b>	<b>99%</b>
<b>Totals for West Zone</b>																		
<b>Elementary</b>																		
W1 Total	2,090	1,913	109%	1,694	2,240	76%	1,956	2,240	87%	1,910	2,240	85%	1,995	2,240	89%	2,039	2,086	98%
W2 Total	4,614	5,075	91%	4,550	5,139	89%	4,489	5,139	87%	5,264	6,173	85%	5,497	6,173	89%	5,747	5,855	98%
W3 Total	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
<b>West Elementary Total</b>	<b>12,077</b>	<b>12,800</b>	<b>97%</b>	<b>12,062</b>	<b>14,480</b>	<b>82%</b>	<b>12,647</b>	<b>14,480</b>	<b>87%</b>	<b>13,231</b>	<b>15,514</b>	<b>85%</b>	<b>13,832</b>	<b>15,514</b>	<b>89%</b>	<b>14,402</b>	<b>14,644</b>	<b>98%</b>
W1 Total	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
W2 Total	3,117	3,170	98%	2,751	3,120	88%	2,948	3,120	94%	3,057	3,120	98%	3,720	4,312	86%	4,058	4,246	96%
W3 Total	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
<b>West Middle Total</b>	<b>6,451</b>	<b>6,180</b>	<b>112%</b>	<b>6,176</b>	<b>6,787</b>	<b>94%</b>	<b>6,413</b>	<b>6,787</b>	<b>94%</b>	<b>6,648</b>	<b>6,787</b>	<b>98%</b>	<b>6,883</b>	<b>7,979</b>	<b>86%</b>	<b>7,542</b>	<b>7,801</b>	<b>98%</b>
W1 Total				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
W2 Total	3,979	3,570	111%	4,158	3,570	116%	3,475	3,570	97%	3,660	3,570	103%	4,736	5,122	92%	4,925	4,979	99%
W3 Total	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>West High Total</b>	<b>8,067</b>	<b>7,457</b>		<b>8,686</b>	<b>8,021</b>	<b>97%</b>	<b>9,175</b>	<b>9,425</b>	<b>97%</b>	<b>9,662</b>	<b>9,425</b>	<b>103%</b>	<b>10,150</b>	<b>10,977</b>	<b>92%</b>	<b>8,838</b>	<b>10,767</b>	<b>99%</b>

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>S1</b>																		
Allen Park Elementary	872	1,057	82%	847	1,056	80%	904	1,056	86%	921	1,056	87%	958	1,056	91%	992	1,010	98%
Colonial Elementary	755	981	77%	703	965	73%	826	965	86%	842	965	87%	875	965	91%	912	930	98%
Edison Park Elementary	377	449	84%	394	449	88%	384	449	86%	392	449	87%	407	449	91%	418	436	96%
Franklin Park Elementary	466	579	80%	446	579	77%	496	579	86%	505	579	87%	525	579	91%	552	570	97%
Heights Elementary	675	695	97%	653	695	94%	1,118	1,306	86%	1,139	1,306	87%	1,185	1,306	91%	1,288	1,306	99%
Orangewood Elementary	706	637	111%	638	637	100%	545	637	86%	556	637	87%	578	637	91%	531	549	97%
Ray V. Pottorf Elementary	738	851	87%	660	912	72%	781	912	86%	796	912	87%	827	912	91%	858	876	98%
Tanglewood Riverside Elementary	698	781	89%	680	793	86%	679	793	86%	692	793	87%	719	793	91%	729	747	98%
Villas Elementary	867	917	95%	819	943	87%	808	943	86%	823	943	87%	855	943	91%	839	857	98%
<b>Elementary Total</b>	<b>6,154</b>	<b>6,947</b>	<b>89%</b>	<b>5,840</b>	<b>7,029</b>	<b>83%</b>	<b>6,541</b>	<b>7,640</b>	<b>86%</b>	<b>6,666</b>	<b>7,640</b>	<b>87%</b>	<b>6,929</b>	<b>7,640</b>	<b>91%</b>	<b>7,119</b>	<b>7,281</b>	<b>98%</b>
Cypress Lakes Middle	834	880	95%	744	880	85%	757	880	86%	787	880	89%	817	880	93%	838	860	97%
P.L. Dunbar Middle	875	1,013	86%	982	1,013	97%	871	1,013	86%	906	1,013	89%	940	1,013	93%	958	980	98%
Fort Myers Middle	756	858	88%	670	858	78%	737	858	86%	767	858	89%	796	858	93%	843	865	97%
<b>Middle Total</b>	<b>2,465</b>	<b>2,751</b>	<b>90%</b>	<b>2,396</b>	<b>2,751</b>	<b>87%</b>	<b>2,365</b>	<b>2,751</b>	<b>86%</b>	<b>2,460</b>	<b>2,751</b>	<b>89%</b>	<b>2,553</b>	<b>2,751</b>	<b>93%</b>	<b>2,639</b>	<b>2,705</b>	<b>98%</b>
Cypress Lakes High School	1,470	1,713	86%	1,413	1,727	82%	1,377	1,727	80%	1,425	1,727	83%	1,473	1,727	85%	1,655	1,680	99%
Dunbar High School	834	1,242	67%	846	1,242	68%	990	1,242	80%	1,025	1,242	83%	1,060	1,242	85%	958	983	97%
Fort Myers High School	1,918	1,858	103%	1,865	1,964	95%	1,565	1,964	80%	1,621	1,964	83%	1,676	1,964	85%	1,920	1,945	99%
<b>High Total</b>	<b>4,222</b>	<b>4,813</b>	<b>88%</b>	<b>4,124</b>	<b>4,933</b>	<b>84%</b>	<b>3,932</b>	<b>4,933</b>	<b>80%</b>	<b>4,071</b>	<b>4,933</b>	<b>83%</b>	<b>4,209</b>	<b>4,933</b>	<b>85%</b>	<b>4,533</b>	<b>4,608</b>	<b>98%</b>
<b>S2</b>																		
Rayma C. Page Elementary	687	856	80%	714	836	85%	716	836	86%	729	836	87%	758	836	91%	840	858	98%
San Carlos Elementary	868	1,081	80%	876	1,081	81%	926	1,081	86%	943	1,081	87%	981	1,081	91%	981	999	98%
Three Oaks Elementary	812	738	110%	747	738	101%	632	738	86%	644	738	87%	669	738	91%	684	702	97%
<b>Elementary Total</b>	<b>2,367</b>	<b>2,675</b>	<b>88%</b>	<b>2,337</b>	<b>2,655</b>	<b>88%</b>	<b>2,274</b>	<b>2,655</b>	<b>86%</b>	<b>2,316</b>	<b>2,655</b>	<b>87%</b>	<b>2,408</b>	<b>2,655</b>	<b>91%</b>	<b>2,505</b>	<b>2,559</b>	<b>98%</b>
Lexington Middle	920	1,045	88%	852	1,027	83%	883	1,027	86%	918	1,027	89%	953	1,027	93%	999	1,021	98%
Three Oaks Middle	838	987	85%	801	987	81%	849	987	86%	882	987	89%	916	967	95%	965	987	98%
<b>Middle Total</b>	<b>1,758</b>	<b>2,032</b>	<b>87%</b>	<b>1,653</b>	<b>2,014</b>	<b>82%</b>	<b>1,732</b>	<b>2,014</b>	<b>86%</b>	<b>1,800</b>	<b>2,014</b>	<b>89%</b>	<b>1,869</b>	<b>1,994</b>	<b>94%</b>	<b>1,964</b>	<b>2,008</b>	<b>98%</b>
S Ft Myers High School	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
<b>High Total</b>	<b>1,283</b>	<b>2,086</b>	<b>62%</b>	<b>1,332</b>	<b>1,926</b>	<b>69%</b>	<b>1,535</b>	<b>1,926</b>	<b>80%</b>	<b>1,589</b>	<b>1,926</b>	<b>83%</b>	<b>1,643</b>	<b>1,926</b>	<b>85%</b>	<b>1,854</b>	<b>1,879</b>	<b>99%</b>

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
<b>S3</b>																		
Bonita Springs Elementary	390	389	100%	393	389	101%	333	389	86%	339	389	87%	353	389	91%	365	383	95%
Pinewoods Elementary	906	1,033	88%	934	1,044	89%	894	1,044	86%	911	1,044	87%	947	1,044	91%	1,017	1,035	98%
Spring Creek Elementary	772	753	103%	739	753	98%	645	753	86%	902	1,034	87%	938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	<b>2,068</b>	<b>2,175</b>	<b>95%</b>	<b>2,066</b>	<b>2,186</b>	<b>95%</b>	<b>1,872</b>	<b>2,186</b>	<b>86%</b>	<b>2,152</b>	<b>2,467</b>	<b>87%</b>	<b>2,238</b>	<b>2,467</b>	<b>91%</b>	<b>2,398</b>	<b>2,452</b>	<b>98%</b>
Bonita Springs Middle	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>Middle Total</b>	<b>560</b>	<b>876</b>	<b>64%</b>	<b>609</b>	<b>876</b>	<b>70%</b>	<b>753</b>	<b>876</b>	<b>86%</b>	<b>783</b>	<b>876</b>	<b>89%</b>	<b>812</b>	<b>876</b>	<b>93%</b>	<b>825</b>	<b>847</b>	<b>97%</b>
Estero High School	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>High Total</b>	<b>1,606</b>	<b>1,695</b>	<b>95%</b>	<b>1,602</b>	<b>1,695</b>	<b>95%</b>	<b>1,351</b>	<b>1,695</b>	<b>80%</b>	<b>1,398</b>	<b>1,695</b>	<b>82%</b>	<b>1,446</b>	<b>1,695</b>	<b>85%</b>	<b>1,632</b>	<b>1,657</b>	<b>98%</b>
<b>Totals for South Zone</b>																		
<b>Elementary</b>																		
S1 Total	6,154	6,947	89%	5,840	7,029	83%	6,541	7,640	86%	6,666	7,640	87%	6,929	7,640	91%	7,119	7,281	98%
S2 Total	2,367	2,675	88%	2,337	2,655	88%	2,274	2,655	86%	2,316	2,655	87%	2,408	2,655	91%	2,505	2,559	98%
S3 Total	2,068	2,175	95%	2,066	2,186	95%	1,872	2,186	86%	2,152	2,467	87%	2,238	2,467	91%	2,398	2,452	98%
<b>South Elementary Total</b>	<b>10,589</b>	<b>11,797</b>	<b>91%</b>	<b>10,243</b>	<b>11,870</b>	<b>89%</b>	<b>10,687</b>	<b>12,481</b>	<b>86%</b>	<b>11,134</b>	<b>12,762</b>	<b>87%</b>	<b>11,575</b>	<b>12,762</b>	<b>91%</b>	<b>12,022</b>	<b>12,292</b>	<b>98%</b>
S1 Total	2,465	2,751	90%	2,396	2,751	87%	2,365	2,751	86%	2,460	2,751	89%	2,553	2,751	93%	2,639	2,705	98%
S2 Total	1,758	2,032	87%	1,653	2,014	82%	1,732	2,014	86%	1,800	2,014	89%	1,869	1,994	94%	1,964	2,008	98%
S3 Total	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>South Middle Total</b>	<b>4,783</b>	<b>5,659</b>	<b>80%</b>	<b>4,658</b>	<b>5,641</b>	<b>80%</b>	<b>4,850</b>	<b>5,641</b>	<b>86%</b>	<b>5,043</b>	<b>5,641</b>	<b>89%</b>	<b>5,234</b>	<b>5,621</b>	<b>93%</b>	<b>5,428</b>	<b>5,560</b>	<b>95%</b>
S1 Total	4,222	4,813	88%	4,124	4,933	84%	3,932	4,933	80%	4,071	4,933	83%	4,209	4,933	85%	4,533	4,608	98%
S2 Total	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
S3 Total	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>South High Total</b>	<b>7,111</b>	<b>8,594</b>	<b>82 %</b>	<b>7,058</b>	<b>8,554</b>	<b>83 %</b>	<b>6,818</b>	<b>8554</b>	<b>80</b>	<b>7,058</b>	<b>8,554</b>	<b>83%</b>	<b>7,298</b>	<b>8,554</b>	<b>85%</b>	<b>8,019</b>	<b>8,144</b>	<b>91%</b>



**Table PSFE 13 – Barrier Island and Special Centers**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>Barrier Island Schools</b>																		
Fort Myers Beach Elem	192	200	96%	166	200	83%	170	200	85%	170	200	85%	170	200	85%	161	179	90%
Pine Island Elementary	345	391	88%	311	391	80%	333	391	85%	332	391	85%	332	391	85%	329	347	95%
The Sanibel School (Elem)	257	307	84%	239	263	91%	224	263	85%	224	263	85%	223	263	85%	231	241	96%
The Sanibel School (Mid)	130	154	84%	124	132	94%	112	132	85%	112	132	85%	112	132	85%	115	122	94%
<b>Special Facilities</b>																		
Buckingham Exceptional Center	107	100	107%	100	100	100%	100	100	100%	100	100	100%	100	100	100%	88	100	88%
Dunbar Community School	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%
New Directions	531	665	80%	493	665	74%	456	665	69%	419	665	63%	383	665	58%	217	640	34%
ALC West	0	300	0%	72	265	27%	70	265	26%	68	265	26%	66	265	25%	353	265	133%
Royal Palm Exceptional Center	185	230	80%	172	230	75%	167	230	73%	162	230	70%	157	230	68%	226	230	98%
High Tech Central	121	675	18%	74	675	11%	72	675	11%	70	675	10%	68	675	10%	0	675	0%
High Tech North	75	324	23%	95	324	29%	92	324	28%	90	324	28%	87	324	27%	0	324	0%

## **SCHOOL CONCURRENCY**

With the data collected from the School District, the County and the municipalities, an analysis was performed to determine the short-term and long-term future conditions that will impact public schools. As part of this analysis, the current inventory of public schools and planned school capital improvements was reviewed in light of the projected student growth and available revenue to finance the planned capital improvements. Generally, the analysis focuses on whether existing and planned school capacity can support residential development at the adopted level of service standard. Specific outputs from this analysis include school capacity figures, a financially feasible adopted level of service, and goals, objectives and policies for the school concurrency program.

### **Concurrency Service Area Boundaries**

A fundamental requirement of school concurrency is the establishment of Concurrency Service Areas (CSAs) to which school concurrency is applied when reviewing the impact of new residential development on public schools. The CSAs are used to determine whether adequate capacity is available to accommodate new students generated from residential development. Since 1998, the Lee County School District has operated under a School Choice Program. As part of this Program, the School District has been divided into three Zones (West, South and East). Each Zone is divided into Sub-Zones as shown on Figure PSFE 2. Generally, students may be assigned to a school in their Sub-Zone or an adjacent Sub-Zone within the same Zone. (For example, a student that lives in E3 may attend a school in E3 or in E2). Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living within proximate areas around each school, students whose first choice is a school within their sub-zone and students in full-time special education classes. The remaining applications are processed in order of their random numbers until there are no more applications. Initially the CSAs will be consistent with the current School Choice Program Zone boundaries in order to be consistent with the School District's current programs. The Choice program provides assurance that once a child is enrolled in a school, they can remain in that school through the highest grade or until the parents decide to make a change, unless they move to a different zone or sub-zone for which that school is not an option. Since the School Choice Program began, the District has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs are reduced.

### **School Level of Service**

Essentially, level of service (LOS) is the relationship between supply and demand. For schools, LOS is expressed as a ratio of enrollment and capacity, with capacity being the Permanent FISH capacity.

To establish an acceptable LOS, the school district and the local governments must project future demand, identify needed capacity, and determine the level of financial resources available to

construct additional capacity. These factors are then used as a basis to establish a school LOS standard. The level of service standard controls the maximum utilization of schools.

Florida law requires that the public school facilities element of a local government comprehensive plan address how the level of service standards will be achieved and maintained. The ability to achieve and maintain the adopted level of service must be based on a financially feasible Five-Year Capital Facilities Plan. Also, the law requires that the public school level of service standards be adopted into local government capital improvement element, and must apply to all schools of the same type (elementary, middle, and high). Initial shortfalls in capacity over the five-year period following adoption may be addressed by adopting a tiered level of service standard along with a concurrency management system.

Prior to establishing a level of service standard, the School District must determine the maximum capacity of the schools administered by the District. To determine the capacity for each school, the School District uses Permanent FISH capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a utilization percentage of the number of existing satisfactory student stations. FISH capacity is a product of the number of classrooms at a school and the student stations assigned to each room type. No capacity is assigned to small instructional spaces and the specialized classrooms (labs), including art, music, etc. A student station is defined as the square footage required per student for an instructional program based on the particular course content.

Tables PSFE 10-13 identify the Permanent FISH capacity of all schools administered by the District and their enrollment and utilization through school year 2011/12. The majority of the schools are within the acceptable Level of Service. Any deficiencies that currently exist and may exist in the future will be addressed with the use of relocatable classrooms. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation. Public school concurrency should ensure that the capacity of schools is sufficient to support current enrollment and the projected students from future residential development. Current enrollment and school capacity data provide a baseline for developing a financially feasible level of service standard for public schools.

As adopted, the public school level of service standard should maximize the efficiency of each school facility for educating students. Based on this, the preferred level of service standard in Lee County is 100% of Permanent FISH capacity.

#### **Projected Additions to Capacity During the Five Year Planning Period**

As detailed in PSFE 16, the District has planned construction of a number of facilities over the five year planning period to accommodate expected growth in the student population.

#### **Elementary**

Seven additional elementary schools are proposed in the Five-Year Capital Facilities Plan;

adding approximately 7,000 additional elementary student stations. Two additions to existing Elementary Schools will add 666 student stations and the replacement of Heights Elementary School will add approximately 611 student stations.

### **Middle Schools**

To accommodate the growth at the middle school level, four new middle schools will open in the next 5 years adding approximately 5,336 new middle school student stations.

### **High Schools**

Three new high schools are included in the Five-Year Capital Facilities Plan adding approximately 6,318 student stations.

### **Real Property**

The District currently owns sufficient property to build all schools planned to open through 2011, with a bank of properties for some of the schools planned to open after that date. The District has currently budgeted approximately \$73,000,000 for the purchase of additional properties over the next five years. The District has also studied all of the District's existing facilities to determine opportunities to utilize real property at existing facilities to add to those schools rather than purchase additional property and build entirely new schools. The District has recently completed additions to seventeen elementary schools, eliminating the need to construct a new elementary school on an additional site. The District will continue to explore and pursue the construction of additions to existing schools in order to accommodate growth without the purchase of additional real property.

### **Demographic Discussion**

Lee County population has been increasing at a rapid pace since the 2000 Census. The total county estimated population increased between 14,000 to 36,000 people each year from 2000 to 2007. The compound annual population growth rate for Lee County has been estimated at 5.67% between 2000 and 2007. Preliminary population estimates for April 1, 2008 indicate a much slower growth rate of only 1.3% for the year. The percent of the population that is school age has been estimated to be slightly decreasing since the 2000 Census. This trend has been forecasted to continue through the year 2030. The Bureau of Economic and Business Research (BEBR) estimate of the population ages 5 through 17 is 92,416 in 2010 and 128,251 in 2030. This is the segment of the population that is considered "school age". Lee County School enrolment has increased along with the growth in county population. Based on a comparison of the Lee County School District Enrollment numbers reported on the "Lee County School District School Enrollments and Demographics" for "Cycle 7" (March-April) reports, 83.3% of the school age population is enrolled in the Lee County Public School System. However, this percentage is based on actual school enrollments and BEBR population estimates. A comparison of the 2000 Census shows that 85.5% of the school age population was enrolled in the public school system. Staff believes that this is the most reliable information available to project the future enrollments for the Lee County School District schools.

Breaking down the number of students enrolled at the various grade levels is based on information from the Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7". Over this period, 47% of the Lee County

School District's students are elementary school students, 23% are middle school students, 25% are high school students, and 5% are enrolled in other programs. These averages appear reasonable to forecast future student population breakdowns.

Using the assumptions discussed above, staff estimates the future school enrollment for Lee County School District as follows.

### Population and School Enrollment

Year	Total	5 to 17	Elementary	Middle	High	Other	Total
2000	440,888	63,418	26,707	12,905	13,026	3,306	55,944
2001	454,918	65,233	27,484	13,826	13,341	3,455	58,106
2002	475,072	67,349	27,888	14,394	14,388	3,613	60,283
2003	495,088	69,013	28,598	14,857	15,380	3,520	62,355
2004	521,253	74,993	29,089	15,196	16,757	3,173	64,215
2005	549,442	80,299	30,747	15,527	17,880	3,148	67,302
2006	585,608	85,410	32,405	15,666	18,799	3,071	69,941
2007	615,741	85,453	33,486	15,537	19,470	3,001	71,494
2008	623,725	85,495	33,505	15,065	19,432	2,938	70,940
2009	636,060	90,665	36,434	17,829	19,380	3,876	77,518
2010	648,395	92,416	37,137	18,174	19,754	3,951	79,016
2011	667,062	94,717	38,062	18,626	20,246	4,049	80,983
2012	685,728	97,018	38,987	19,079	20,738	4,148	82,951
2013	704,395	99,320	39,912	19,531	21,230	4,246	84,918
2030	979,040	128,251	51,538	25,221	27,414	5,483	109,655
<p>* Population Sources: Bureau of Economic and Business Research, Florida Population Studies, Volume 39 Bulletin 145, June 2006 2001-2008 BEBR Annual April 1 Estimate of Population 2009, 2011, 2012, 2013 - Staff straight line forecast</p> <p>**School Enrollment: 2000 to 2008 - Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7" 2009 to 2030 - Lee County Planning Division Staff assumptions (see discussion)</p>							

### Projected Additions to Capacity during the Ten and Twenty Year Planning Periods

#### Ten Year Planning Period

In the Ten Year Planning Period, the District plans to add thirteen schools in the East Zone consisting of seven Elementary Schools, five middle schools and one high school. In the West Zone, seven new schools will be added, consisting of four elementary schools, two middle schools and one high school. The South Zone will receive one elementary school and one high school. The District has acquired a bank of land that will accommodate a number of these

facilities, however, additional properties will need to be purchased in the East and West Zones. For each elementary school, the District will need a minimum of 13 acres, for each Middle School the District will need a minimum of 20 acres, and for each high school the District will need a minimum of 40 acres.

### **Twenty Year Planning Period**

In the Twenty Year Planning Period, the District has planned eighteen new schools in the East Zone (ten elementary schools, five middle schools and three high schools), sixteen new schools in the West Zone (nine elementary schools, four middle schools and three high schools) and eight new schools in the South Zone (four elementary schools, two middle schools and two high schools).

## **SCHOOL DISTRICT CAPITAL IMPROVEMENTS**

### **Funding Sources**

To address the new construction and renovation needs of the School District's Five-Year Capital Facilities Plan, the School District relies on local and state funding. The primary local funding sources are property taxes, and impact fees. By Florida Statute, school districts may levy up to 2 mills to fund the district capital program. The School District of Lee County has levied 2 mills in its most recent budget. In 2005, Lee County adopted an impact fee of approximately \$4,309/unit for a single family home, \$1,704.00/unit for multi-family and \$982.00/unit for mobile home. Impact fees are collected for new housing to offset a portion of the cost of new student stations generated by new residential development. The School District may also sell bonds or offer certificates of participation (COPs). The District currently has \$574,230,000.00 in outstanding COPs. This COPs funding was used to construct 24,879 student stations.

The Florida Statutes place restrictions on the School District's portion of state funding for capital outlay to specific uses. Expansion projects for student stations may make use of state capital outlay funding sources derived from motor vehicle license tax revenue, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities Public Education Capital Outlay funds (PECO).

### **Financial Feasibility**

The School Board is required by Section 1013.35, Florida Statutes, to adopt a financially feasible five-year capital facilities plan. The Five-Year Capital Facilities Plan, which is annually updated and adopted each year, details the capital improvements needed and funding revenues available to construct additional capacity to meet demand for student stations and maintain the adopted level of service. This will ensure that no schools exceed their adopted level of service for the five year period. The School District's Plan identifies how each project meets school capacity needs and when that capacity will be available.

The Five-Year Capital Facilities Plan provides for an annual planning process that allows the School District to effectively address changing enrollment patterns, development and growth, and the facility requirements of high quality educational programs. The summary of capital improvements shown in Table PSFE 16 details the School District's planned capital expenditures over the next five-year planning period. While this summary must be adopted

into the Capital Improvements Element of the County's Comprehensive Plan, the school district's capital improvements program does not require county or city funding. PSFE 16 shows the estimated cost of projects to address future facility needs for the five-year planning period, and the long range planning period, in order to meet the adopted level of service standard.

The Five-Year Capital Facilities Plan Summary of Estimated Revenue, shown in Table PSFE 16, details the School District's projected revenue sources over the next five years. A comparison of PSFE 16 and PSFE 17 shows that the School District's capital plan is sufficient to fund necessary capital improvements and is financially feasible.

#### PSFE 16: School District's Capital Improvement Summary

School	Project	Added Capacity	Cost	Year Available
Manatee Elementary	Elem. U	1,034	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,034	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,034	\$24,134,807	2008
New Elementary (East)	Elem. V	1,034	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,034	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,034	\$27,200,000	2010
New Elementary (West)	Elem. E	1,034	\$27,200,000	2010
New Elementary (West)	Elem. A	1,034	\$28,560,000	2011
New Elementary (East)	Elem. W	1,034	\$28,560,000	2011
New Elementary (East)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$30,000,000	
New Elementary (South)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$9,450,000*	
New Elementary (West)		1,034	\$30,000,000	
New Elementary (West)		1,034	\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO	1,334	\$44,600,000	2012
New Middle (West)		1,334	\$44,600,000	2012
New Middle (East)		1,334	\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

## PSFE 16 - Summary of Capital Improvements (Cont.)

### Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Lee County Public Education Center	New Administration Complex	\$2,748,477	\$0	\$0	\$0	\$0	\$2,748,477	Yes
East Transportation Facility at Leonard & Leonard	Transportation East Bus Facility	\$228,590	\$0	\$0	\$0	\$0	\$228,590	Yes
West Transportation Depot	Location Not Specified	\$49,350	\$0	\$0	\$0	\$0	\$49,350	Yes
East Transportation Depot at Tice Street	Transportation East Bus Facility	\$209,688	\$0	\$0	\$0	\$0	\$209,688	Yes
South Transportation Depot at Estero	Transportation South -- Estero	\$35,700	\$0	\$0	\$0	\$0	\$35,700	Yes
Land/East Zone	Location Not Specified	\$37,500,000	\$0	\$0	\$0	\$0	\$37,500,000	Yes
Land/West Zone	Location Not Specified	\$37,500,021	\$0	\$0	\$0	\$0	\$37,500,021	Yes
Addition	Orange River Elementary	\$4,618	\$0	\$0	\$0	\$0	\$4,618	Yes
Addition	Sunshine Elementary	\$16,760	\$0	\$0	\$0	\$0	\$16,760	Yes
Addition	Mirror Lakes Elementary	\$21,646	\$0	\$0	\$0	\$0	\$21,646	Yes
Addition	Bayshore Elementary	\$9,060	\$0	\$0	\$0	\$0	\$9,060	Yes
New School in FY07	River Hall Elementary	\$852,268	\$0	\$0	\$0	\$0	\$852,268	Yes
South Zone Land/Oakbrook Property Purchase	Location Not Specified	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Addition	Allen Park Elementary	\$90,998	\$0	\$0	\$0	\$0	\$90,998	Yes
Addition	San Carlos Park Elementary	\$9,500	\$0	\$0	\$0	\$0	\$9,500	Yes
Addition	Tanglewood Riverside School	\$406	\$0	\$0	\$0	\$0	\$406	Yes
Addition	Villas Elementary	\$2,880	\$0	\$0	\$0	\$0	\$2,880	Yes
Addition	Colonial Elementary	\$13,500	\$0	\$0	\$0	\$0	\$13,500	Yes



**PSFE 16 - Summary of Capital Improvements (Cont.)**

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Balance remaining within project/not closed.	Hector A. Cafferata, Jr. Elementary School	\$109,280	\$0	\$0	\$0	\$0	\$109,280	Yes
Balance remaining within project/not closed.	Ida S. Baker High School	\$2,198	\$0	\$0	\$0	\$0	\$2,198	Yes
Addition	Pelican Elementary	\$18,247	\$0	\$0	\$0	\$0	\$18,247	Yes
Addition	Skyline Elementary	\$149,162	\$0	\$0	\$0	\$0	\$149,162	Yes
Addition	Hancock Creek Elementary	\$11,120	\$0	\$0	\$0	\$0	\$11,120	Yes
Addition	Caloosa Elementary	\$9,520	\$0	\$0	\$0	\$0	\$9,520	Yes
Addition	Tropic Isles Elementary	\$6,375	\$0	\$0	\$0	\$0	\$6,375	Yes
Addition	Diplomat Elementary	\$11,880	\$0	\$0	\$0	\$0	\$11,880	Yes
Addition	Cape Coral Elementary	\$54,735					\$54,735	Yes
Ida S. Baker/Gulf Athletic Field	Location Not Specified	\$1,737	\$0	\$0	\$0	\$0	\$1,737	Yes
Appraisals for Buildings	Location Not Specified	\$1,600	\$0	\$0	\$0	\$0	\$1,600	Yes
Treeline Staging School	East Zone Staging School	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes

<b>Total</b>	<b>\$80,219,316</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$80,219,316</b>
						<b>Total from Previous Table</b>	<b>\$929,576,650</b>
						<b>GRAND TOTAL</b>	<b>\$1,009,795,966</b>

Source: Lee County School District Work Plan, 2007-2008

**Table PSFE 17: School District's Revenue Summary**

**Summary of Estimated Revenue**

Item Name	FY 2007 – 2008 Budget	FY 2008-2009 Budget	FY 2009-2010 Budget	FY 2010-2011 Budget	FY 2011-2012 Budget	Five Year Total
Local Two Mill Discretionary Capital Outlay Revenue	\$183,823,509	\$202,095,860	\$222,305,446	\$244,535,990	\$268,989,589	\$1,121,650,394
Maintenance Expenditures	(\$51,252,514)	(\$15,514,843)	(\$22,909,667)	(\$21,563,751)	(\$22,326,317)	(\$133,567,092)
2 Mill Other Eligible Expenditures	(\$280,146,162)	(\$169,328,065)	(\$189,429,141)	(\$127,954,713)	(\$140,932,061)	(\$907,790,142)
PECO Maintenance Expenditures	(\$5,549,091)	(\$5,324,013)	(\$4,757,019)	(\$4,435,654)	(\$4,406,997)	(\$24,472,774)
PECO Maintenance Revenue	\$5,549,091	\$5,324,013	\$4,757,019	\$4,435,654	\$4,406,997	\$24,472,774
	(\$147,675,167)	\$17,252,952	\$9,966,638	\$95,017,526	\$105,731,211	\$80,293,160
Item Name	FY 2007 - 2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	FY 2011-2012	Five Year
CO & DS Revenue	\$951,612	\$951,612	\$951,612	\$951,612	\$951,612	\$4,758,060
PECO New Construction Revenue	\$15,925,949	\$4,237,782	\$2,310,272	\$3,395,962	\$3,632,177	\$29,502,142
Other/Additional Revenue*	\$404,289,429	\$214,126,047	\$105,159,603	\$120,585,525	\$51,082,000	\$895,242,604
<b>Subtotal</b>	\$421,166,990	\$219,315,441	\$108,421,487	\$124,933,099	\$55,665,789	\$929,502,806
<b>Grand Total</b>	<b>\$273,491,823</b>	<b>\$236,568,393</b>	<b>\$118,388,125</b>	<b>\$219,950,625</b>	<b>\$161,397,000</b>	<b>\$1,009,795,96</b>

Source: Lee County School District Work Plan, 2007-2008

**Other/Additional Revenue Detail**

Item	2007 – 2008 Actual Value	2008 – 2009 Projected	2009 – 2010 Projected	2010 – 2011 Projected	2011 – 2012 Projected	Total
Classrooms for Kids	\$35,776,033	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$95,776,033
Other Revenue for Other Capital projects	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
Impact fees received	\$30,000,000	\$25,000,000	\$20,000,000	\$15,000,000	\$10,000,000	\$100,000,000

Interest, Including Profit On Investment	\$6,867,173	\$6,085,141	\$4,736,553	\$5,305,011	\$4,642,413	\$27,636,291
Fund Balance Carried Forward	\$331,546,223	\$167,940,906	\$65,323,050	\$85,180,514	\$21,339,587	\$671,330,280
Subtotal	\$404,289,429	\$214,126,047	\$105,159,603	\$120,585,525	\$51,082,000	\$895,242,604

Source: Lee County School District Work Plan, 2007-2008

### **PROPORTIONATE SHARE MITIGATION**

In the event that there is not adequate school capacity available to accommodate a development's demand for student stations, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer and the affected local government to mitigate the impact from the development through the creation of additional school capacity. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School District's Five-Year Capital Facility Plan. Capacity projects identified within the first three years of the Five-Year Capital Facility Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the School District's Five-Year Capital Facility Plan within the same Concurrency Service Area (CSA) as the proposed residential development, the developer may pay his proportionate share of the identified capacity project to accelerate the project's schedule and mitigate the proposed development. When the student impacts from a proposed development cause the adopted Level of Service to fail, a developer may enter into a 90 day negotiation period with the School District and the applicable local government to review potential mitigation projects. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options may include, but are not limited to:

1. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development and
2. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

The following standards apply to any mitigation accepted by the School District:

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School District's financially feasible work program, which satisfies the demands created by the proposed development; and

1. Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:  
$$(\# \text{ of housing units by type}) \times (\text{student generation rate by type of unit}) \times (\text{student station cost adjusted to local costs}) = \text{Proportionate share mitigation amount}$$

The student station cost adjusted to local costs will be calculated utilizing the total cost per student station, established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures for school sites as determined and published annually in the School District's Five Year Capital Facilities Plan. The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of the developer. Any mitigation accepted by the School District and subsequently agreed to by the applicable local government entity shall result in a legally binding agreement between the School District, the local government and the Developer.

#### **School Planning and Shared Costs**

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the School District to submit proposed school sites to the County or municipalities for review and approval. This analysis permits the School Board and affected local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Because Lee County is undergoing significant infrastructure development, analyzing the infrastructure needs of planned school sites is necessary. With this process, shared funding for capital improvements for school sites can be determined according to the responsibility of each party for each specific school site. Necessary infrastructure improvements may include: potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization and signage, site lighting, bus stops, and sidewalks. These improvements are assessed at the time of site plan preparation. Approval conditions can cover the timing and responsibility for construction, as well as the operation and maintenance of required on-site and off-site improvements. Any such improvements should be in keeping with the financially feasible capital plan adopted by the School Board.

Other cost-effective measures should be considered by local governments during the process of formulating neighborhood plans and programs and reviewing large residential projects. During those processes, the County and the cities can encourage developers or property owners to provide the School District with incentives to build schools in their neighborhoods. These incentives may include, but are not limited to, donation and preparation of site(s), acceptance of stormwater run-off from future school facilities into development project

stormwater management systems, reservation or sale of school sites at predevelopment prices, construction of new school facilities or renovation of existing school facilities.

### **Coordination**

The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to the County, School District and local governments. The School District and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. One of the facilities is located next to a planned County park which will provide additional opportunities for shared use. The School District and Lee County have also engaged in agreements trading pieces of property which will result in construction of an EMS station on property that was part of the North Fort Myers Academy of the Arts campus and a public library on property that was part of the Mariner Middle School campus. The County has constructed several swimming pools and athletic fields on a number of school campuses that are used both by the school and by members of the general public. The County and the District also have an Interlocal Agreement that provides for the identification of school facilities to be used as hurricane shelters and reimbursement of the additional construction costs of shelters to the District. There are currently 29 schools within the District that are identified as hurricane shelters. During the preparation of its Educational Plant Survey, the School District can identify future co-location and shared-used opportunities for new schools and public facilities. Likewise, co-location and shared use opportunities should be considered by the local governments when updating their comprehensive plan, schedule of capital improvements and when planning and designing new or renovating existing libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums.

### **Plan Implementation**

The implementation of the Public Schools Facilities Element will involve numerous activities. The most extensive of these will be the implementation of the provisions contained in the Interlocal Agreement for Coordinated Planning and School Concurrency.

## **TRANSMITTED RECOMMENDED GOALS, OBJECTIVES, AND POLICIES:**

The Lee Plan already contains an Education sub-element within the Community Facilities and Services Element. Staff is proposing to incorporate the new requirements for the Public Schools Facilities element into this existing sub-element. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Staff recommends (at time of transmittal, language recommended for adoption is contained above in Section Part I.B of this report.) that the following new policy language be incorporated into the Community Facilities and Services Element to address the new requirements of the Florida Statutes:

## **h. Education and Public School Facilities**

**GOAL 71 PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By April 1, 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By July 31, 2008 the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

a. Single family lots having received final plat approval prior to the effective date of this policy.

- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:



- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

**OBJECTIVE 71.4: Five-Year Schedule of School District Capital Improvements:** The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment.

**POLICY 71.4.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

## **CAPITAL IMPROVEMENTS ELEMENT**

Staff recommends that the following modifications to the Capital Improvements Element be made to address public school concurrency:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

Second paragraph, third sentence:

These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

## **REGULATORY STANDARDS**

### **7. Public School Facilities**

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

## **NON-REGULATORY STANDARDS**

Renumber accordingly.

## **B. TRANSMITTAL STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 25, 2008

**A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the LPA a summary of the proposed amendment. One LPA member asked several questions pertaining to the data upon which the amendment is based. One member discussed a variety of issues from busing costs, greater utilization of existing facilities, and building multi-storied facilities. No members of the public appeared to address the LPA.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
LELAND M. TAYLOR	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 11, 2008

**A. BOARD REVIEW:**

Planning staff presented additional policy language for the Board's consideration. These modifications are included below:

Modifications to existing Policy 66.2.3:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Modifications to Policies located under proposed Objective 71.1:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Modifications to Policies located under proposed Objective 71.2:

**POLICY 71.2.1:** By ~~April 1, December~~ 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice for~~ a maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31, December~~ 2008, the LDC will be amended to establish mitigation options...[remainder of the policy remains unchanged]

**POLICY 71.2.5:** [remains unchanged except for section b., which is provided below]

b. Multi-family residential development having received a final development order and

concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.

Modifications to Policies located under proposed Objective 71.3:

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

Proposed New Policies to be located under proposed Objective 71.4:

**POLICY 71.4.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board voted to transmit the proposed amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board accepted the findings of fact as advanced by the staff and Local Planning Agency.

**C. VOTE:**

**A. BRIAN BIGELOW**

**AYE**

**TAMMARA HALL**

**AYE**

**ROBERT P. JANES**

**AYE**

**RAY JUDAH**

**AYE**

**FRANKLIN B. MANN**

**AYE**

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: May 23, 2008

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

***I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULES 9J-5, F.A.C.***

*Lee County has proposed this comprehensive plan amendment for satisfying the statutory requirements to adopt a Public School Concurrency Program, as set forth under Section 163.3177(12) and 163.3180(13), F.S. Based on the requirements set forth in Chapter 163, F.S., and Rule 9J-5, F.A.C., the Department has objections and comments to the amendment as follows:*

**Public Education Facilities Element**

***Objection 1: Data and Analysis Requirements***

*The proposed Public School Facilities Element is not supported by appropriate and relevant data and analysis required under Section 163.3177(12)(c), F.S., and Rule 9J-5.025, F.A.C. The following required data and analysis are not included:*

- 1. An analysis of anticipated educational and ancillary plants with land area requirements;*
- 2. Projected future population projections and associated demographics year by year for the upcoming five-year and for the end of the long-term planning period;*
- 3. The estimated cost of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard for the long-term planning period; and*
- 4. The Educational Plant Survey in its entirety.*

*In addition, the data and analysis provided in support of the proposed Public Education Facilities Element does not meet all of the statutory and rule requirements. Some data sets are out of date by a year, for example Table PSFE 8: Grade Level Enrollment Forecast does not include actual number for 2007-2008, but starts with the actual enrollment for 2006-2007. Other tables omit required years within the current five-year planning period, for example "Table PSFE 9: Student Growth Rates by Grade Level - Actual and Proposed" omits the forecast for years 2007-08 and years 2010-11. One table, PSFE 4, is blank. In addition, not all tables, charts, graphs, maps, figures and data sources, and their limitations are clearly described; include if applicable where such data occur in the above documents.*

*[Section 163.3177(3)(a), 163.3177(12)(c), F.S.; Rule 9J-5.005(2), 9J-5.015(1), 9J-5.015(2), 9J-5.016(1), 9J-5.016(2), 9J-5.025(2), F.A.C.]*

***Recommendation:***

*Revise the element to address the above-cited issues based on appropriate and relevant data and analysis. Submit the data and analysis with the adopted Public School Facilities Element for the*

Department's compliance review. Include the source of the data with the limitations clearly described, and if applicable where such data occur in the document(s).

### **Objection 2: DRI Exemption from Concurrency**

Proposed Policy 71.2.5.e of the Public School Facilities Element allows a concurrency exemption for Developments of Regional Impact (DRI). The policy states as follows:

The following residential uses are exempt from the requirements of school concurrency: Development that has been authorized as a Development of Regional Impact approved pursuant to Chapter 380, F.S., approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The effective date of this policy is inconsistent with Section 39 of Chapter 2005-290, Laws of Florida (SB 360). Section 39 entitles an exemption of any DRI for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development of regional impact application has been submitted prior to May 1, 2005.

[Section 39 of Chapter 2005-290, Laws of Florida (SB 360), Section 163.3177(12)(c), F.S.; Rule 9J-2.0251(3), F.A.C.; Rule 9J-5.025(3)(b) & (c), F.A.C.]

### **Recommendation:**

Revise PEFE Policy 71.2.5.e to establish July 1, 2005 as the effective date of the exemption for DRIs from school concurrency requirements.

### **Capital Improvements Element**

### **Objection 3: Demonstration of Financial Feasibility of Element**

Under the provision set forth in Public Education Facilities Element Objective 71.1 "Five-year Schedule of School District Capital Improvements", Lee County proposes to demonstrate financial feasibility of the Capital Improvements Element (CIE) by requiring the County to "include those projects necessary to address future needs of existing and anticipated school enrollment." Proposed PEFE Policy 71.4.1 requires that the County incorporate the required "Summary of Estimated Revenues" and Summary of Capital Improvements" tables from the School District's (sic) Five-year Capital Facilities Plan into the Capital Improvements Element.

However, the documents referred to by PEFE Objective 71.4 and Policy 71.4.1 have not been included in the CIE as the language requires they should. Therefore, the proposed amendment is inconsistent with Section 163.380(13)(d), F.S. requiring that a comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element (CIE).

Proposed PEFE Policy 71.4 also does not include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; Rule 9J-5.005(2)(g), 9J-5.025(2)(i), & (j), 9J-5.025(3)(b)2 & 3, 9J-5.025(3)(c)2, F.A.C.]

**Recommendation:**

*To demonstrate financial feasibility at the time of adoption of this Amendment, implement the requirements of proposed PEFÉ Policy 71.4. Incorporate into the Capital Improvements Element the required "Summary of Estimated Revenues" and "Summary of Capital Improvements" tables from the School District's (sic) Five-year Capital Facilities Plan.*

*Alternatively include a policy that adopts by reference the relevant tables from the Lee County School District's annually updated financially feasible Five-year Capital Facilities Plan. The policy and/or actual tables should include a reference that identifies the document by title, volume and date, and should include language stating: "...document(s) adopted by reference is as they existed on a date certain." To comply with Rule 9J-5.005(2)(g), F.A.C., documents adopted by reference that are revised subsequent to Plan adoption will need to have their reference updated within the Plan through the annual amendment process. The policy or table should indicate the date, title, author and volume of the document being referenced, and where possible the applicable pages.*

*In addition, revise proposed PEFÉ Objective 71.4 to include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.*

[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; 9J-5.005(1)(c)& (2)(a) and (g); Rule 9J-5.016(3)(b)1, 3, 4, & 5, 9J-5.016(3)(c)1, 9J-5.016(4), F.A.C.]

**Public Education Facilities, Capital Improvements and Intergovernmental Coordination Elements**

**Objection 4: Goals, Objectives and Policy Requirements**

*The County did not provide the following required objectives and policies in its Public Education Facilities Element, Capital Improvements Element and the Intergovernmental Coordination Element to ensure compliance with the requirements for school concurrency:*

a. *Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFÉ does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

b. *Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4, F.S., and Rule 9J-5.025(3)(b)5, F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

c. *Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by*



amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.

d. Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.

e. The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]

f. Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.

g. Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.

[163.3177(6)(a), (h)1 and 2 & (12)(g)4, 6, and 7; 163.31777; 163.3180(13)(b)1 and (d)2; Rules 9J-5.005(1)(c) & (2)(a) and (g); 9J-5.025(2) & (3), F.A.C.]

#### **Recommendation:**

Revise the Public School Facilities Element to include objectives and policies that adequately address the requirements of Florida Statutes and Florida Administrative Code as described above.

## **II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN**

The proposed comprehensive plan amendment does not adequately further the State Comprehensive Plan, Chapter 187, F.S., regarding:

### **(15) Land Use**

Policies 5 & 6: Establish comprehensive impact review procedures to evaluate the effects of significant development activities within local government jurisdictions. (Objections 1, 2, 3, 4, 5, 6, 7)

*Policy 7: provide educational programs to meet state, regional and local planning and growth management needs. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(16) Urban and Downtown Revitalization*

*Policy 8: Promoting processes for the state, general purpose local governments, school boards, and community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(17) Public Facilities*

*Policy 1: Provide incentives for developing land in a way that maximizes the uses of existing public facilities. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*Policy 6: Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities. (Objections 4, 5 & 6)*

**Recommendation:**

*Revise the proposed amendment to be consistent with the above goals and policies of the State Comprehensive Plan, as recommended in this report.*

**B. STAFF RESPONSE**

**Objection 1: Data and Analysis Requirements**

The Data and Analysis has been updated to include references as to the origin of the information contained in the tables. Those tables that were missing information from some years of the five year planning period were updated to include data from each year of the planning period. Additional language was added regarding deficiencies in Level of Service and regarding land needs of the District.

The adopted District's current 5 Year Work Plan can be found at this location on the internet:

<http://planning.leeschools.net/Data/07WkPlanfinal.pdf>

The Educational Plant Survey can be found at this location on the internet:

<http://planning.leeschools.net/Data/Lee%20Co%202007-12%20Ed%20Plant%20Survey.pdf>

**Objection 2: DRI Exemption from Concurrency**

Staff proposes the following modification to proposed Policy 71.2.5.e:

- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The above proposed modification is consistent with the DCA Recommendation for Objection 2 of the ORC Report. Staff notes that the actual transmittal language slightly differs from what was cited in the DCA ORC report. The above modifications are based on the language that was actually transmitted to the DCA for review.

### **Capital Improvements Element**

#### **Objection 3: Demonstration of Financial Feasibility of Element**

The Lee County School District's School Capital Improvement Program is being incorporated by the inclusion of proposed Table 3A which is contained in the staff report for CPA2006-18 which is being adopted concurrently with this amendment. References to the School District documentation are being corrected in that staff report. Staff proposes modification to proposed Objective 71.4 to "include the required language that the Plan shall set forth a financially feasible public school facilities program...that demonstrates that the adopted level of service standards will be achieved and maintained." Staff proposes to renumber and relocate Objective 71.4 and subsequent policies located under this objective to the Capital Improvements Element. Staff proposes the following modifications to address the ORC recommendations:

**OBJECTIVE 71.4.495.5:** Five-Year Schedule of School District Capital Improvements: The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.495.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.295.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

**POLICY 71.4.395.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.495.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

#### **Objection 4: Goals, Objectives and Policy Requirements**

*a. Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFE does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

Staff notes that the School District of Lee County has not identified any current or projected Level of Service deficiencies. Staff is proposing a new objective and policy to prioritize projects in the Capital Improvement Plan that eliminate existing school facility deficiencies to ensure that facilities are in place to meet future needs:

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

**Policy 71.4:** The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

*b. Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4. F.S., and Rule 9J-5.025(3)(b)5. F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

The Lee Plan contains numerous Objectives and Policies that speak to coordinating infrastructure provision with school facilities. For Example, Objective 40.4 requires the County to consider all modes of Transportation:

***OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION.*** *When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)*

Policy 40.4.2 provides coordination to ensure that Lee County develops a safe interconnected bicycle/pedestrian system. This Policy is reproduced below:

***POLICY 40.4.2:*** *The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet users' needs for transportation and recreation, consistent with the Bikeways/Walkways Facilities Plan (Map 3D). The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)*

Connecting public schools with established residential neighborhoods is a Lee Plan priority:

**POLICY 40.4.5:** *The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-89, Amended and Relocated by Ordinance No. 99-15)*

Lee County encourages development designs that promote pedestrian and bicycle linkages:

**POLICY 40.4.7:** *The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)*

The Lee Plan already requires that new residential developments provide pedestrian/bicycle facilities to access schools:

**POLICY 66.3.7:** *Require that new residential developments provide for adequate pedestrian and bicycle access for school children.*

The School District and Lee County jointly review proposed school sites to ensure coordination of plans for supporting infrastructure:

**OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.** *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

**POLICY 66.1.1:** *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 66.3.2:** *Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.*

Staff believes this topic is already addressed by the Lee Plan, but staff also believes that Policy 71.3.7 can be amended to specifically address this concern:

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize

areas for sidewalk improvements to increase the ability of children to walk safely to school, and

- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

c. *Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.*

Policy 71.1.2 has been modified to simply refer to the 2008 Interlocal Agreement:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Staff is proposing an additional policy to address the maximization issue:

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

- d. *Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.*

Staff proposes the following modification to Policy 71.2.3 to address this objection:

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a

maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

*e. The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]*

The Lee Plan already addresses this issue. The Future Land Use Element contains Policy 2.1.3, Objective 2.10, Objective 2.2, Policy 2.2.1, and Policy 5.1.3. Policy 2.1.3 provides that "all land use categories and Planning Community Map areas permit the consideration of...schools (except in Wetlands and Airport Noise Zones). Policy 2.1.3 is reproduced below:

**POLICY 2.1.3:** *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)*

Objective 2.2 and Policy 2.2.1 seek to direct new growth to areas where adequate public services exist or are planned to exist. This Objective and Policy is reproduced below:

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 2.2.1:** *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

This issue is also addressed by Objective 2.10, School Location. This Objective is reproduced below:

**OBJECTIVE 2.10: SCHOOL LOCATION.** *In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)*

The Lee Plan, in Policy 5.1.3, seeks to direct "high-density residential developments" to locations that are near schools as well as near employment and shopping centers. This Policy is reproduced below:

***POLICY 5.1.3:*** *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)*

Further, Goal 66, and Objective 66.1 also provide guidance concerning this issue:

***GOAL 66: EDUCATION.*** *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*

***OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.*** *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

***POLICY 66.1.1:*** *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

Existing Policies 66.3.6 and 66.3.8 also address this issue:

***POLICY 66.3.6:*** *Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.*

***POLICY 66.3.8:*** *School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)*

Planning staff believes that the above mentioned Policy language adequately addresses this issue.

- f. Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.*

The School District and Lee County coordinate school planning with appropriate surrounding uses. School District staff receive copies of applications for DRIs and other significant developments from the County and are given an opportunity to comment, providing District staff with advanced knowledge as to upcoming planned developments. When the District is considering acquisition of a parcel within the unincorporated County, the District contacts the County and requests comment as to the site's consistency with the Lee Plan. Also, a member of the County's planning staff is a liaison to the School District's Site Selection Committee and participates in discussion regarding the appropriateness of sites that the District is evaluating for purchase. In addition to the above



mentioned Lee Plan Objectives and Policies, the Lee Plan contains a policy that regulates location of commercial uses proximate to school sites:

**POLICY 6.19:** *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)*

- g. *Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.*

The Lee Plan already contains a "Cooperation" Objective and Policies in the Community Facilities Element that addresses this issue.

**OBJECTIVE 66.2: COOPERATION.** *The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 66.2.1:** *Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-22)*

**POLICY 66.2.2:** *The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 00-22)*

**POLICY 66.2.3:** *The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. (Added by Ordinance No. 03-04)*

To meet the statutory requirement of providing a reference for collaborative planning and decision making on population projections and public school siting, the location of public facilities subject to concurrency, and siting facilities with countywide significance, staff proposes the following new Objective and Policy in the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

## **C. CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that the modifications proposed above along with the modifications to the data and analysis added to Part II, Staff Analysis, Section A. Staff Discussion adequately address all of the objections, recommendations, and comments raised in the Department of Community Affairs ORC

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: August 26, 2008

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**A. BRIAN BIGELOW**

**TAMMARA HALL**

**ROBERT P. JANES**

**RAY JUDAH**

**FRANKLIN B. MANN**

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# PROPOSED LEE PLAN MAP 22

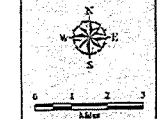
LEE COUNTY  
SOUTHWEST FLORIDA

## STUDENT ASSIGNMENT ZONES 2007-2008

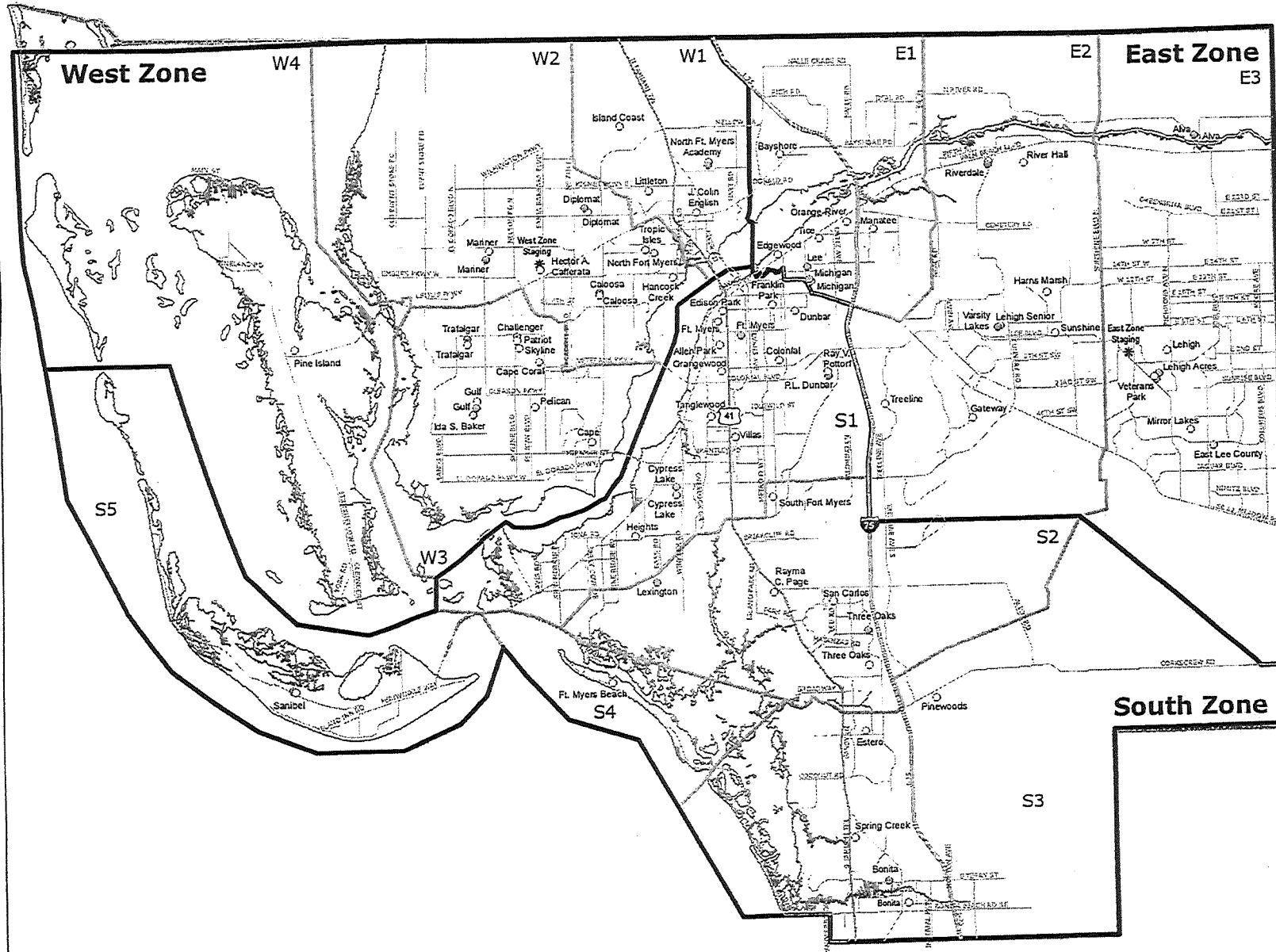
- Legend**
- ASSIGNMENT ZONES**
- EAST
  - SOUTH
  - WEST
  - Sub-Zones
- SCHOOLS**
- Staging
  - Elementary
  - Middle
  - High

**Please read:**  
All information taken  
from this map should be  
verified by the Parent  
Information Center.

**MAP DISCLAIMER:**  
This map and documents made available to the public by the Lee County Property Appraiser's Office are not legally recorded maps or surveys and therefore are not intended to be used as such. The map and documents are created as part of a Geographic Information System (GIS) that compiles records, information, and data from various departments, cities, county, state and federal sources. The entire data may contain errors. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, completeness and limitations.












Prepared by G.D. Wooten and  
Lee County Property Appraiser's Office  
Lee County, Florida  
Property Appraiser  
December 1, 2006






# PROPOSED LEE PLAN MAP 23

## Educational and School District Facilities in Lee County

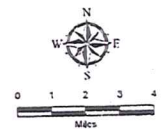
### Educational Facilities

-  Elementary School
-  Middle School
-  High School
-  Special Center
-  Technical/Exceptional
-  Charter School
-  Edison College
-  Florida Gulf Coast University
-  Potential Future Schools

### Other School Facilities

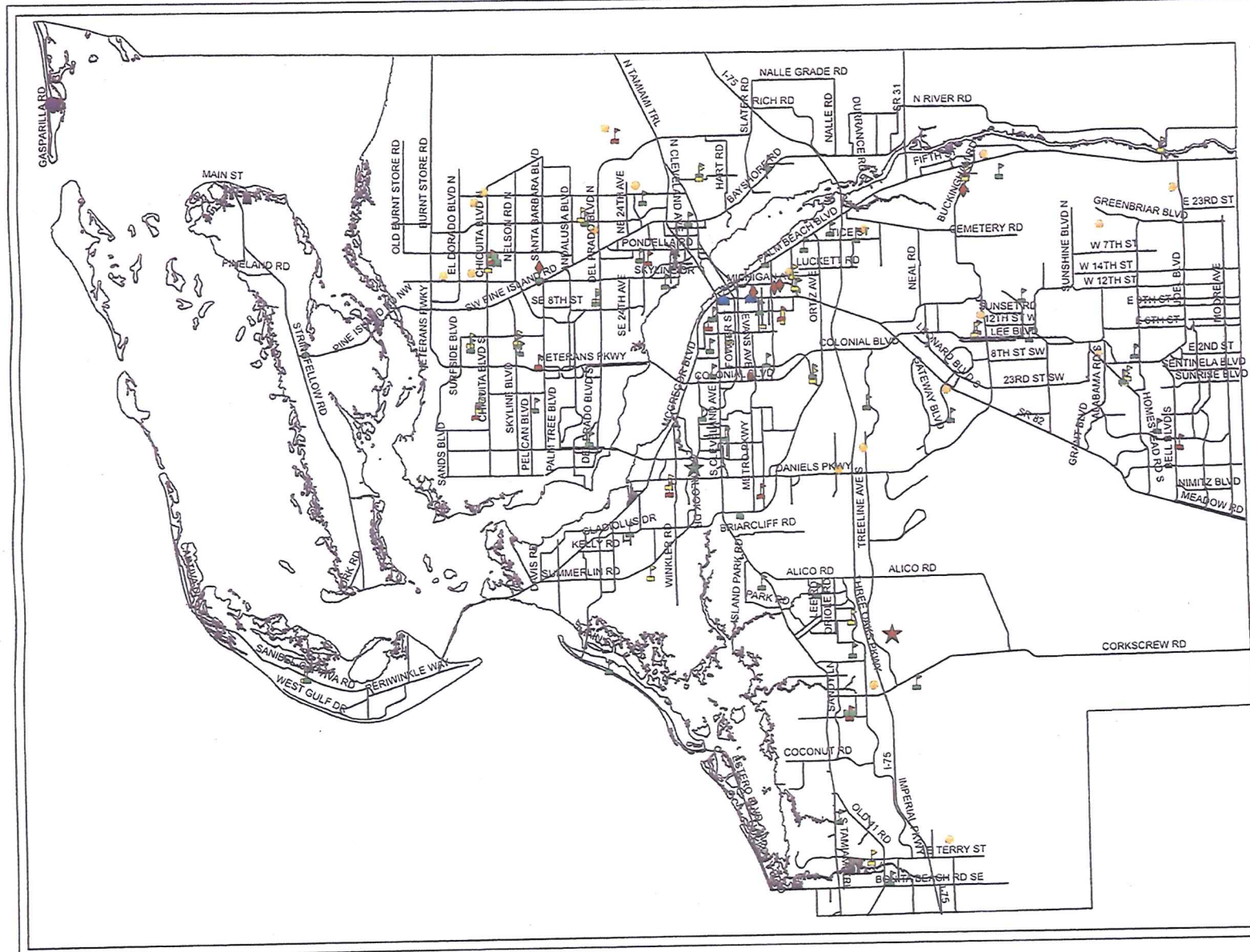
-  Administration
-  Support Services
-  Transportation Facilities

LEE COUNTY  
THE WEST FLORIDA  
DESIGN/PLANNING



Map Generated February 2008

Lee Plan Map 23



**CPA 2006-16**  
**SCHOOL FACILITIES ELEMENT**  
**BoCC SPONSORED AMENDMENT**  
**TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Publicly Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 533-8585*

**August 26, 2008**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2006-16**

✓	Text Amendment	✓	Map Amendment
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✓	<b>This Document Contains the Following Reviews:</b>
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: Original February 19, 2008  
Revised August 13, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

Lee County Board of County Commissioners/Lee County School District  
Lee County Division of Planning

**2. REQUEST:**

Amend the Community Facilities Element and the Capital Improvement Element to add a new Public Schools Facility Element. Incorporate schools as required public facilities for concurrency purposes and provide for level of service standards and proportionate fair share mitigation options in accordance with Florida Statutes, Sections 163.3177(12), 163.3180(13), and 163.3184(1)(b). Incorporate two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County to address the new school concurrency requirements.

## B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners **adopt** this proposed amendment to the Lee Plan. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Planning staff recommends that the following Goals, Objectives and Policies be adopted to address the new School Concurrency requirements of the Florida Statutes. This recommendation includes modifications to address the Department of Community Affairs' Objections, Recommendations, and Comments Report (ORC). The transmitted language is shown in underline fashion with revisions to that language, to address the comments in the ORC Report shown in double underline and strike-through:

Revise Sub-Element h of the Community Facilities and Services Element as follows:

### **h. Education and Public School Facilities**

Modify existing Policy 66.2.3 as follows:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Add a new Goal, objectives, and policies following Goal 66 as follows. The goal, objectives and policy numbers will be renumbered when the plan is codified subsequent to the adoption of this amendment:

**GOAL 71: PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a “measurable programmatic change” means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County’s comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District’s Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board’s current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and



input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice~~ for a maximum of two additional periods of 2 years each ~~period~~ consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31~~ December, 2008, the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.
- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school; and
- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

Policy 71.4: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

## **CAPITAL IMPROVEMENTS ELEMENT**

Revise the Capital Improvement Element language of Policy 905.1.3 beginning in the second paragraph, third sentence, to add public schools to the regulatory standards requiring a level of service:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

....These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

### **REGULATORY STANDARDS**

#### 7. Public School Facilities

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

### **NON-REGULATORY STANDARDS**

Renumber the non-regulatory standards accordingly.

Staff recommends that the following modifications to the to the transmitted language to address public school concurrency in the CIE:

**OBJECTIVE 71.4.495.5: Five-Year Schedule of School District Capital Improvements:**

The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.495.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan.

**POLICY 71.4.295.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

**POLICY 71.4.395.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.495.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

**INTERGOVERNMENTAL COORDINATION ELEMENT**

Add the following objective and policy to the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Lee County School District is still experiencing strong growth.
- Florida Statute section 163.3180 requires that each local government adopt a Public School Facilities Element.

- Florida Statute 163.3177 [12][c] requires that the Lee Plan CIE incorporate the Lee County School District CIP.
- 3,000-5,000 new students enter the School District each year.
- The School District expects to build an average of four new schools each year.
- The School District currently operates 92 public schools with more than 78,000 students.
- The School District currently uses relocatable classrooms to accommodate 5,997 student stations.
- The School District forecasts 170,680 students total for the 2026-2027 school year.
- The School District currently owns sufficient property to build all schools planned to open through 2011.
- The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities.
- By coordinating the planning of future schools with affected local governments, the School District can better identify the costs associated with site selection and the construction of new schools.

## **C. BACKGROUND INFORMATION**

### **1. INTRODUCTION**

Public schools are critical components to the well-being and future of a community. Because of the importance of the public school system and its impact on the future of Lee County, and because of a history of significant population growth, coordinated school planning among the School District, the County and the municipalities within the County is necessary to ensure that public school capacity is sufficient to meet the needs created by future growth. Because of the relationship between residential development and the provision of public schools, the Public School Facilities Element (PSFE) focuses on coordinated planning among the School District, County and local governments to accommodate future student growth needs in the public school system. Within Lee County, the local governments participating in school concurrency are Lee County, the City of Fort Myers, the City of Cape Coral, the City of Bonita Springs, the City of Sanibel and the Town of Fort Myers Beach. Once implemented, school concurrency will ensure that the public school facilities necessary to maintain the adopted level of service for schools are in place before or concurrent with the school impacts of new residential development.

### **2. BACKGROUND DISCUSSION:**

In 2005, the Florida Legislature amended Florida Statute section 163.3180 and mandated the implementation of public school concurrency. That legislation requires that each local government adopt a Public School Facilities Element (PSFE) as part of its Comprehensive Plan and amend its Capital Improvement Element and Intergovernmental Coordination Element. The PSFE must address school level of service; school utilization; school proximity and compatibility with residential development; availability of public infrastructure; co-location opportunities; and financial feasibility.

As mandated by Rule 9J-5.025 F.A.C., the PSFE must contain the following: Existing school facility enrollment and school facilities required to meet future needs; Projected enrollment for each school facility; Existing and projected school facility surpluses and deficiencies by Concurrency Service Area; School level of service standards; A financially feasible five-year schedule of school-related capital improvements that ensures adequate school capacity is available to maintain the adopted level of service; Provisions to ensure that school facilities are located consistent with the existing and proposed residential areas they serve; that schools be used as community focal points, and that schools be co-located with other public facilities. The element is also required to have Maps depicting existing school sites, areas of anticipated future school sites, ancillary facilities, and Concurrency Service Areas (CSAs). The element must also contain a Proportionate Fair Share Methodology in the event that there is not enough school capacity to accommodate a development. The element must contain Goals, objectives, and policies for planning and school concurrency to achieve the above mentioned requirements.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **EXISTING CONDITIONS**

For school concurrency purposes, existing conditions relate not only to the number and location of public schools, but also to the County's population and overall level of residential development activity. Because the County's land use and demographic characteristics relate to the various components of the public school system, this section identifies past and projected County population figures, recent residential development activity, student enrollment data, and the existing conditions of Lee County's public school system.

#### **County and Municipal Related Data**

##### **Past and Projected Population**

Table PSFE 1 shows past population and projections for the future.

**Table PFSE 1: Population Data, 2000 – 2006**

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
	<i>(Actual)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>	<i>(Estimate)</i>
Unincorporated Lee County	244,972	247,287	258,467	269,200	276,939	292,414	308,667
Fort Myers	48,208	49,909	51,323	52,527	57,585	61,412	65,729
Cape Coral	102,286	106,947	113,253	120,439	132,379	140,195	154,499
Sanibel	6,064	6,072	6,135	6,224	6,335	6,272	6,321
Fort Myers Beach	6,561	6,700	6,741	6,792	6,945	6,849	6,874
Bonita Springs	32,797	38,003	39,154	39,906	41,070	42,300	43,518
Lee County	440,888	454,918	475,072	495,088	521,253	549,442	585,608

Source: US Census Bureau and BEBR (2000 Census)  
Bureau of Economic and Business Research (years 2001-2006)

### Permit Activity/Projected Permit Activity

In Lee County, the increase in population has been accompanied by an increase in residential housing units. Table PSFE 2 details building permit activity for the unincorporated county for the period between 2003 and 2006. Table PSFE 3 identifies the increase in total residential units from the 2000 Census to 2006.

**Table PSFE 2: Total Residential Permits Issued Per Year**

<b>Building Type</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Single Family Units	9,221	14,157	19,017	12,470
Multi-Family Units	11,037	1,652	1,926	1,322

Source: Lee County Statistical Digest, Economic Development Office of Lee County March 2007

**Table PSFE 3: Lee County Total Residential Units**

<b>Residential Units</b>	<b>Census 2000</b>	<b>2006</b>
Total Single Family Units	134,511	203,546
Total Multi-Family Units	70,952	100,111
Total Mobile Home Units	39,942	37,460
Total Housing Units	245,405	341,117

Source: U.S. Census Bureau

The data detailed in Table PSFE 3 indicates a steady increase in the number of single family residential building permits issued in Lee County between 2003 and 2006 with a decline in 2006, however, a significant number of permits were still issued in that year. These new units place additional demands on the school system's capacity because each new housing unit has the potential to generate new students.

### **Residential Development Activity**

While building permit data provides an indication of future growth, development review activity also serves as a growth indicator. Consequently, development review information, including the number of new residential housing units under review by Lee County and municipal planning departments in Lee County, was collected. This information can assist the local governments and School District in anticipating the demand for public schools.



### **Student Generation Multiplier**

A critical component of the school concurrency process is projecting the number of students that will be generated from new residential development. In order to calculate the number of students associated with new residential development, a student generation multiplier was created in Lee County in 2005 and Lee County has begun the process of developing another Impact Fee Study that should be concluded by the end of 2008. Any revised student generation rates determined by that study will take the place of Student Generation Rates referenced below upon adoption of the revised impact fee ordinance reflecting those generation rates. Because the number of students living in a housing unit varies depending on the type of residential housing, the student generation rate per residential unit is based on three housing types: single family, multi-family, and mobile home.

Consequently, the number of students associated with a development can be calculated by applying the multiplier to the development's proposed number and type of residential housing units. The projected number of students is the product of the development units multiplied by the student generation multiplier for the unit type.

**Table PSFE 5: Student Generation Rates, Lee County, 2005**

<b>Housing Type</b>	<b>Student/Unit</b>
Single Family Detached	0.316
Multi Family	0.125
Mobil Home	0.072
All housing types	0.212

Source: Duncan Associates School Impact Fee Update Study, Sept. 2005

To determine the student impact of a proposed residential development for school concurrency purposes, a proposed development's projected units by type of unit are converted into the number of projected students using the student generation rate for the unit type as identified in Table PSFE 5.

### **PUBLIC SCHOOL SYSTEM**

As required by the Florida Department of Education, the School District must implement a financially feasible Five-Year Capital Facilities Plan that provides for school capacity improvements to accommodate projected student growth. Those improvements which are

budgeted and programmed for construction within the first three years of the Plan are considered committed projects for concurrency purposes. Within the current Five-Year Capital Facilities Plan, the capital improvements that will provide capacity by 2011 consist of seven new Elementary schools, four Middle schools, three High schools, one Elementary school replacement (increasing capacity by 611 student stations), and two additions to existing elementary schools. More detail on the proposed capital facilities is found in Table PSFE 16. Residential development impacts students and school facilities because increases in new student enrollment can place demands on school capacity and cause overcrowding of facilities.

### **Enrollment and Capacity**

The Lee County School District must provide the facilities necessary to educate its students. Recently enacted state-mandated changes, such as early childhood education and class size limitations, have impacted the capacity needs of the School District. In 2003, voters passed Amendment 9 to the Florida Constitution which prescribes no more than 18 students per classroom in grades Pre-Kindergarten through grade 3; no more than 22 students in grades 4 through 8; and, no more than 25 students in grades 9 through 12. While the District exercises great control of student assignments through its controlled open-enrollment choice system, the mandates of class size make utilization of facilities inefficient. Accommodating one student more than the exact multiple of 18, 22, or 25 students in a classroom means the addition of one whole classroom and teacher. This is compounded by three zones, 9 sub-zones, and 13 grade levels in a growing District. In 2003, voters also passed Amendment 8 to the Florida Constitution which provided free, relevant educational programs to four-year olds. While students are being accommodated in private, for profit and not-for-profit institutions, the District must make services available as a last resort. Much of this service can and has been provided in concentrated summer-time programs at District schools; however, growth in the program is being felt in District schools during the traditional school year. Accommodating these students in existing schools is a challenge given our commitment to limit the use of relocatable classrooms and the unpredictability of enrollment growth.

Currently, the School District operates 92 public schools, from pre-kindergarten to 12<sup>th</sup> grade. The School District operates forty-three elementary schools, sixteen middle schools, twelve high schools, four K-8 schools, one 6-12 school, thirteen special centers and three High Tech Centers and Community Schools serving more than 78,000 students. Figure PSFE 2 shows the geographic locations of public schools operated by the School District. In Tables PSFE 10-13 a breakdown of the enrollment and school capacity for School Year 2006/07 and 2007-08 and a projection for future enrollment is provided. The figures in Tables PSFE 10-13 exclude charter schools which are not operated by the School District. School capacity figures are determined by the Florida Department of Education (FDOE) and are based on the Florida Inventory of School Houses (FISH) capacity analysis. This inventory system can and usually does change annually with amendments to the State Requirements for School Facilities (SREF). A minor reduction of student stations attributable to a particular type of room (i.e., primary, intermediate, ESE or gymnasium) has a significant impact depending upon the number of such rooms in each school and the number of schools in the District. One way the District addresses capacity deficiencies and other program needs at individual schools is through the use of relocatables or portables. The District currently uses relocatables to accommodate 5,997 student stations. The District plans to phase out the use of relocatables over the next five years. A breakdown of current and projected use of relocatables is shown in Table PSFE 14. In order to

serve the needs of the school population, the District also operates a number of ancillary facilities, which are listed in Table PSFE 15.

**Table PSFE 14: Relocatable Student Stations – Number of students to be educated in relocatable units, by school.**

Site	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Allen Park Elementary	5	5	0	0	0
Bayshore Elementary	18	0	0	0	0
Bonita Springs Elementary	62	62	0	0	0
Caloosa Elementary	18	18	0	0	0
Colonial Elementary	54	54	54	0	0
Edgewood Academy	36	36	0	0	0
Franklin Park Elementary	120	120	36	0	0
Gateway Elementary	66	66	66	66	0
Hancock Creek Elementary	18	18	18	0	0
Heights Elementary	216	36	0	0	0
J Colin English Elementary	54	54	54	0	0
Lehigh Elementary	238	238	126	0	0
Littleton Elementary	36	36	36	0	0
Michigan International	120	120	120	43	0
Mirror Lakes Elementary	18	18	18	0	0
N Ft Myers Acad of the Arts	367	110	0	0	0
Orange River Elementary	108	108	0	0	0
Orangewood Elementary	127	127	127	0	0
Pine Island Elementary	18	18	18	18	0
Pinewoods Elementary	36	36	0	0	0
Skyline Elementary	18	18	18	0	0
Spring Creek Elementary	144	144	144	36	0
Sunshine Elementary	62	0	0	0	0
The Sanibel School	59	59	59	59	0
Three Oaks Elementary	72	72	72	0	0
Tice Elementary	112	112	112	36	0
Tropic Isles Elementary	36	36	0	0	0
Villas Elementary	72	72	72	0	0
Alva Middle	132	132	0	0	0
Cypress Lake Middle	176	176	176	0	0
Gulf Middle	88	88	0	0	0
Lee Middle	66	0	0	0	0
Lehigh Acres Middle	88	88	0	0	0
Three Oaks Middle	44	44	0	0	0
Trafalgar Middle	264	264	264	132	0
Cape Coral Senior High	175	175	175	0	0
Estero Senior High	250	125	0	0	0
Fort Myers Senior High	125	125	125	0	0
Lehigh Senior High	150	150	150	0	0
Mariner Senior High	350	350	350	175	0
North Fort Myers Senior High	350	350	175	0	0
Riverdale High	225	225	225	100	0
ALC West	265	0	0	0	0
Buckingham Excep Stud Center	15	15	0	0	0
High Tech Central	210	210	210	105	0
West Zone Staging School	714	714	714	714	0
<b>Totals</b>					
Total students in relocatables by year.	5,997	5,024	3,714	1,484	0

Source: Lee County School District Work Plan, 2007-2008

**Table PSFE 15: Ancillary Facilities**

<b>Facility</b>	<b>Location</b>
Lee County Public Education Center	2855 Colonial Blvd., Fort Myers
Support Services Annex	3308 Canal Street, Fort Myers
Bus Garage	3234 Canal Street, Fort Myers
Safety Office	3925 Canal Street, Fort Myers
Leonard Transportation Facility	301 Leonard Blvd., Lehigh Acres
Six Mile Cypress Transportation	14701 Ben C. Pratt, Six Mile Cypress Parkway,
Transportation South	9251 Williams Road, Estero
Transportation West	450 NW 14 <sup>th</sup> Avenue, Cape Coral
Transportation East	3291 Buckingham Road, Fort Myers
East Parent Information Center (Leased	9 Beth Stacy Blvd., Suite 207, Lehigh Acres

**Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	<b>Forecast 2007-2008</b>	<b>Forecast 2011-2012</b>	<b>Forecast 2016-2017</b>	<b>Forecast 2026-2027</b>
<b>Elementary</b>	35,019	28,912	46,898	84,734
<b>Middle</b>	16,066	32,902	21,907	36,979
<b>High</b>	21,279	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	72,364	84,869	105,049	170,680

Source: Lee County School District Work Plan, 2007-2008

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the projected future student growth, additional capacity projects are included in the School District's Capital Facilities Plan.

Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, detailed by Student Assignment Zones and Subzones. The initial Concurrency Service Areas (CSAs) will be coterminous with Student Assignment Zones, with a plan to move to Subzones in three years.

**Table PSFE 9 - Student Growth Rates by Grade Level – Actual and Projected COFTE**

<b>Grade</b>	<b>Actual 2006-07</b>	<b>Forecast 2007-08</b>	<b>Forecast 2008-09</b>	<b>Forecast 2009-10</b>	<b>Forecast 2010-11</b>	<b>Forecast 2011-12</b>	<b>Forecast 2012-13</b>	<b>Forecast 2013-14</b>
Pre-K	592	604	654	698	714	734	755	776
Grade K	6086	6193	6430	6570	7302	7493	7711	7934
Grade 1	5693	6049	6226	6460	6609	7296	7531	7752
Grade 2	5392	5648	6095	6287	6522	6677	7345	7604
Grade 3	5622	5694	6008	6397	6534	6712	6813	7421
Grade 4	5419	5403	5661	6048	6516	6723	6966	7131
Grade 5	5186	5428	5544	5808	6204	6683	6899	7148
Grade 6	5418	5482	5867	6007	6285	6708	7222	7471
Grade 7	5172	5480	5680	6069	6229	6509	6940	7468
Grade 8	5378	5104	5516	5723	6111	6279	6558	6988
Grade 9	6365	6526	6259	6625	6896	7333	7577	7900
Grade 10	5261	5473	5599	5409	5668	5903	6264	6490
Grade 11	4818	4906	5077	5199	5044	5255	5473	5801
Grade 12	4058	4374	4439	4594	4704	4564	4755	4952
<b>Total</b>	<b>70,458</b>	<b>72,364</b>	<b>75,055</b>	<b>77,894</b>	<b>81,338</b>	<b>84,869</b>	<b>88,809</b>	<b>92,836</b>

Source: 2007 Capital Outlay FTE Forecast, Department of Education

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>E1</b>																		
Bayshore Elementary	628	693	91%	613	693	88%	617	693	89%	618	693	89%	628	693	91%	621	639	97%
Edgewood Elementary	690	741	93%	475	741	64%	659	741	89%	661	741	89%	672	741	91%	695	713	97%
Manatee Elementary				733	1,070	69%	952	1,070	89%	954	1,070	89%	970	1,070	91%	1,016	1,070	95%
Michigan Int. Elem.	447	442	101%	339	442	77%	393	442	89%	394	442	89%	401	442	91%	404	418	97%
Orange River Elem.	844	809	104%	824	817	101%	727	817	89%	729	817	89%	741	817	91%	747	765	98%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
Tice Elementary	630	587	107%	564	587	96%	522	587	89%	524	587	89%	532	587	91%	521	539	97%
<b>Elementary Total</b>	<b>3,239</b>	<b>3,272</b>	<b>99%</b>	<b>3,548</b>	<b>4,350</b>	<b>82%</b>	<b>3,870</b>	<b>4,350</b>	<b>89%</b>	<b>3,880</b>	<b>4,350</b>	<b>89%</b>	<b>3,944</b>	<b>4,350</b>	<b>91%</b>	<b>4,004</b>	<b>4,144</b>	<b>97%</b>
Lee Middle	669	926	72%	610	926	66%	991	926	107%	864	926	93%	931	926	101%	895	917	98%
Michigan International Middle	224	158	142%	168	221	76%	237	221	107%	206	221	93%	222	221	100%	202	210	96%
Oak Hammock Middle							1,276	1,192	107%	1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
<b>Middle School Total</b>	<b>893</b>	<b>1,084</b>	<b>82%</b>	<b>778</b>	<b>1,147</b>	<b>68%</b>	<b>2,504</b>	<b>2,339</b>	<b>107%</b>	<b>2,182</b>	<b>2,339</b>	<b>93%</b>	<b>2,351</b>	<b>2,339</b>	<b>101%</b>	<b>2,267</b>	<b>2,319</b>	<b>98%</b>
High School "JJJ"													1,640	2,004	82%	1,979	2,004	99%
<b>High School Total</b>													<b>1,640</b>	<b>2,004</b>	<b>82%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>E2</b>																		
Gateway Elementary	881	758	116%	778	758	103%	675	758	89%	676	758	89%	687	758	91%	662	680	97%
Harns Marsh Elementary	937	851	110%	884	916	97%	815	916	89%	817	916	89%	831	916	91%	854	872	98%
River Hall Elementary	744	1,000	74%	846	1,046	81%	931	1,046	89%	933	1,046	89%	949	1,046	91%	1,002	1,020	98%
Sunshine Elementary	1,129	1,230	92%	1,094	1,191	92%	1,060	1,191	89%	1,062	1,191	89%	1,080	1,191	91%	1,090	1,108	98%
Treeline Elementary				647	758	85%	920	1,034	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "V"							675	758	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "W"																1,016	1,034	98%
<b>Elementary Total</b>	<b>3,691</b>	<b>3,839</b>	<b>96%</b>	<b>4,249</b>	<b>4,669</b>	<b>91%</b>	<b>5,076</b>	<b>5,703</b>	<b>89%</b>	<b>5,332</b>	<b>5,979</b>	<b>89%</b>	<b>5,423</b>	<b>5,979</b>	<b>91%</b>	<b>6,656</b>	<b>6,782</b>	<b>98%</b>
Riverdale (Middle)	339	388	87%	311	325	96%												
Varsity Lakes	995	1,024	97%	1,068	1,024	104%	1,096	1,024	107%	956	1,024	93%	1,029	1,024	100%	973	995	98%
Middle "LL"										1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
Middle "NN"																1,170	1,192	98%
<b>Middle Total</b>	<b>1,334</b>	<b>1,412</b>	<b>94%</b>	<b>1,379</b>	<b>1,349</b>	<b>102%</b>	<b>1,096</b>	<b>1,024</b>	<b>107%</b>	<b>2,068</b>	<b>2,216</b>	<b>93%</b>	<b>2,227</b>	<b>2,216</b>	<b>100%</b>	<b>3,313</b>	<b>3,379</b>	<b>98%</b>
Lehigh Senior	2,101	1,864	113%	1,785	1,864	96%	1,914	1,864	103%	1,982	1,864	106%	1,525	1,864	82%	1,820	1,845	99%
Riverdale High School	1,757	1,690	104%	1,814	1,728	105%	2,143	2,087	103%	2,219	2,087	106%	1,708	2,087	82%	1,885	1,910	99%
<b>High Total</b>	<b>3,858</b>	<b>3,554</b>	<b>109%</b>	<b>3,599</b>	<b>3,592</b>	<b>100%</b>	<b>4,057</b>	<b>3,951</b>	<b>103%</b>	<b>4,201</b>	<b>3,951</b>	<b>106%</b>	<b>3,233</b>	<b>3,951</b>	<b>82%</b>	<b>3,705</b>	<b>3,755</b>	<b>99%</b>
<b>E3</b>																		
Alva Elementary	872	303	288%	427	391	109%	348	391	89%	349	391	89%	355	391	91%	284	302	94%
Lehigh Elementary	1,007	764	132%	934	764	122%	680	764	89%	940	1,054	89%	956	1,054	91%	1,040	1,054	99%
Mirror Lakes Elementary	1,060	1,055	100%	1,059	1,061	100%	944	1,061	89%	946	1,061	89%	962	1,061	91%	982	1,000	98%
Veterans Park Elementary	1,019	907	112%	939	1,178	80%	1,048	1,178	89%	1,051	1,178	89%	1,068	1,178	91%	1,068	1,080	99%

**Table PSFE 10 – Projected EAST Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
Elementary "I"										633	710	89%	644	710	91%	692	710	97%
Elementary "G"													938	1,034	91%	1,016	1,034	98%
Elementary Total	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
Alva Middle	557	514	108%	636	514	124%	550	514	107%	479	514	93%	516	514	100%	492	514	96%
Lehigh Acres Middle	998	1,016	98%	1,085	1,057	103%	1,132	1,057	107%	986	1,057	93%	1,062	1,057	100%	985	1,007	98%
Veterans Park Middle	510	630	81%	629	589	107%	631	589	107%	550	589	93%	592	589	101%	534	540	99%
Middle Total	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
East Lee County High	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
High Total	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
E1 Total	3,239	3,272	99%	3,548	4,350	82%	3,870	4,350	89%	3,880	4,350	89%	3,944	4,350	91%	4,004	4,144	97%
E2 Total	3,691	3,839	96%	4,249	4,669	91%	5,076	5,703	89%	5,332	5,979	89%	5,423	5,979	91%	6,656	6,782	98%
E3 Total	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
Elementary Total	10,888	10,140	109%	11,156	12,413	91%	11,966	13,447	89%	13,131	14,723	89%	14,290	15,757	91%	15,742	16,106	98%
E1 Total	893	1,084	82%	778	1,147	68%	2,504	2,339	107%	2,182	2,339	93%	2,351	2,339	101%	2,267	2,319	98%
E2 Total	1,334	1,412	94%	1,379	1,349	102%	1,096	1,024	107%	2,068	2,216	93%	2,227	2,216	100%	3,313	3,379	98%
E3 Total	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
Middle Total	4,292	4,656	91%	4,507	4,656	93%	5,913	5,523	107%	6,265	6,715	93%	6,748	6,715	100%	7,591	7,759	98%
E1 Total													1,640	2,004	82%	1,979	2,004	99%
E2 Total	3,858	3,554	109%	3,599	3,592	100%	4,057	3,951	103%	4,201	3,951	106%	3,233	3,951	82%	3,705	3,755	99%
E3 Total	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
High Total	4,693	4,363	106%	5,239	5,530	93%	6,047	5,889	103%	6,262	5,889	106%	6,459	7,893	82%	7,706	7,779	99%



**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>W1</b>																		
J. Colin English Elementary	608	589	103%	462	597	77%	521	597	87%	509	597	85%	532	597	89%	566	584	97%
Littleton Elementary	746	738	101%	699	738	95%	645	738	87%	629	738	85%	657	738	89%	631	649	97%
North Ft Myers Acad. Elem.	736	586	126%	533	905	59%	790	905	87%	772	905	85%	806	905	89%	842	853	99%
<b>Elementary Total</b>	<b>2,090</b>	<b>1,913</b>	<b>109%</b>	<b>1,694</b>	<b>2,240</b>	<b>76%</b>	<b>1,956</b>	<b>2,240</b>	<b>87%</b>	<b>1,910</b>	<b>2,240</b>	<b>85%</b>	<b>1,995</b>	<b>2,240</b>	<b>89%</b>	<b>2,039</b>	<b>2,086</b>	<b>98%</b>
North Ft Myers Acad. Midd.	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
<b>Middle Total</b>	<b>595</b>	<b>453</b>	<b>131%</b>	<b>465</b>	<b>453</b>	<b>103%</b>	<b>428</b>	<b>453</b>	<b>94%</b>	<b>443</b>	<b>453</b>	<b>98%</b>	<b>391</b>	<b>453</b>	<b>86%</b>	<b>421</b>	<b>426</b>	<b>99%</b>
Island Coast High				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
<b>High Total</b>				<b>411</b>	<b>600</b>	<b>69%</b>	<b>1,951</b>	<b>2,004</b>	<b>97%</b>	<b>2,054</b>	<b>2,004</b>	<b>102%</b>	<b>1,853</b>	<b>2,004</b>	<b>92%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>W2</b>																		
Caloosa Elementary	974	1,048	93%	1,036	1,075	96%	939	1,075	87%	917	1,075	85%	957	1,075	89%	1,038	1,056	98%
Diplomat Elementary	941	1,043	90%	948	1,086	87%	949	1,086	87%	926	1,086	85%	967	1,086	89%	955	973	98%
Elementary "C"										882	1,034	85%	921	1,034	89%	1,016	1,034	98%
Hancock Creek Elementary	944	1,038	91%	878	1,044	84%	912	1,044	87%	890	1,044	85%	930	1,044	89%	997	1,015	98%
Hector A. Cafferata, Jr. Elementary	762	883	86%	773	883	88%	771	883	87%	753	883	85%	786	883	89%	762	780	98%
Tropic Isles Elementary	993	1,063	93%	915	1,051	87%	918	1,051	87%	896	1,051	85%	936	1,051	89%	979	997	98%
<b>Elementary Total</b>	<b>4,614</b>	<b>5,075</b>	<b>91%</b>	<b>4,550</b>	<b>5,139</b>	<b>89%</b>	<b>4,489</b>	<b>5,139</b>	<b>87%</b>	<b>5,264</b>	<b>6,173</b>	<b>85%</b>	<b>5,497</b>	<b>6,173</b>	<b>89%</b>	<b>5,747</b>	<b>5,855</b>	<b>98%</b>
Caloosa Middle	1,095	1,055	104%	915	1,005	91%	950	1,005	95%	985	1,005	98%	867	1,005	86%	935	957	98%
Diplomat Middle	1,041	974	107%	890	974	91%	920	974	94%	954	974	98%	840	974	86%	945	967	98%
Mariner Middle	981	1,141	86%	946	1,141	83%	1,078	1,141	94%	1,118	1,141	98%	985	1,141	86%	1,108	1,130	98%
Middle "MM"													1,028	1,192	86%	1,070	1,192	90%
<b>Middle Total</b>	<b>3,117</b>	<b>3,170</b>	<b>98%</b>	<b>2,751</b>	<b>3,120</b>	<b>88%</b>	<b>2,948</b>	<b>3,120</b>	<b>94%</b>	<b>3,057</b>	<b>3,120</b>	<b>98%</b>	<b>3,720</b>	<b>4,312</b>	<b>86%</b>	<b>4,058</b>	<b>4,246</b>	<b>96%</b>
Mariner High	1,998	1,721	116%	1,991	1,721	116%	1,676	1,721	97%	1,765	1,721	103%	1,592	1,721	93%	1,613	1,638	98%
North Fort Myers High	1,981	1,849	107%	2,167	1,849	117%	1,799	1,849	97%	1,895	1,849	102%	1,709	1,849	92%	1,764	1,789	99%
High School "III"													1,435	1,552	92%	1,548	1,552	100%
<b>High Total</b>	<b>3,979</b>	<b>3,570</b>	<b>111%</b>	<b>4,158</b>	<b>3,570</b>	<b>116%</b>	<b>3,475</b>	<b>3,570</b>	<b>97%</b>	<b>3,660</b>	<b>3,570</b>	<b>103%</b>	<b>4,736</b>	<b>5,122</b>	<b>92%</b>	<b>4,925</b>	<b>4,979</b>	<b>99%</b>

**Table PSFE 11 – Projected WEST Zone Broken Down By Subzones (cont.)**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
<b>W3</b>																		
Cape Elementary	862	1,041	83%	813	916	89%	800	916	87%	781	916	85%	816	916	89%	912	873	104%
Gulf Elementary	1,364	1,294	105%	1,287	1,396	92%	1,219	1,396	87%	1,191	1,396	85%	1,243	1,396	89%	1,276	1,294	99%
Patriot Elementary				733	1,070	69%	935	1,070	87%	913	1,070	85%	953	1,070	89%	1,016	1,070	95%
Pelican Elementary	1,146	1,264	91%	1,101	1,362	81%	1,190	1,362	87%	1,162	1,362	85%	1,229	1,362	90%	1,276	1,294	99%
Skyline Elementary	1,105	1,254	88%	1,022	1,380	74%	1,205	1,380	87%	1,177	1,380	85%	1,229	1,380	89%	1,242	1,260	99%
Trafalgar Elementary	896	959	93%	862	977	88%	853	977	87%	833	977	85%	870	977	89%	894	912	98%
<b>Elementary Total</b>	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
Challenger Middle	340	600	57%	863	1,257	69%	1,188	1,257	95%	1,231	1,257	98%	1,084	1,257	86%	1,170	1,192	98%
Gulf Middle	1,120	923	121%	1,001	923	108%	872	923	94%	904	923	98%	796	923	86%	892	914	98%
Trafalgar Middle	1,279	1,034	124%	1,096	1,034	106%	977	1,034	94%	1,013	1,034	98%	892	1,034	86%	1,001	1,023	98%
<b>Middle Total</b>	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
Cape Coral High School	2,119	1,821	116%	2,013	1,821	111%	1,773	1,821	97%	1,867	1,821	103%	1,684	1,821	92%	1,772	1,797	99%
Ida Baker High School	1,969	2,066	95%	2,104	2,030	104%	1,976	2,030	97%	2,081	2,030	103%	1,877	2,030	92%	1,962	1,987	99%
<b>High Total</b>	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>Totals for West Zone</b>																		
<b>Elementary</b>																		
W1 Total	2,090	1,913	109%	1,694	2,240	76%	1,956	2,240	87%	1,910	2,240	85%	1,995	2,240	89%	2,039	2,086	98%
W2 Total	4,614	5,075	91%	4,550	5,139	89%	4,489	5,139	87%	5,264	6,173	85%	5,497	6,173	89%	5,747	5,855	98%
W3 Total	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
<b>West Elementary Total</b>	12,077	12,800	97%	12,062	14,480	82%	12,647	14,480	87%	13,231	15,514	85%	13,832	15,514	89%	14,402	14,644	98%
W1 Total	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
W2 Total	3,117	3,170	98%	2,751	3,120	88%	2,948	3,120	94%	3,057	3,120	98%	3,720	4,312	86%	4,058	4,246	96%
W3 Total	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
<b>West Middle Total</b>	6,451	6,180	112%	6,176	6,787	94%	6,413	6,787	94%	6,648	6,787	98%	6,883	7,979	86%	7,542	7,801	98%
W1 Total				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
W2 Total	3,979	3,570	111%	4,158	3,570	116%	3,475	3,570	97%	3,660	3,570	103%	4,736	5,122	92%	4,925	4,979	99%
W3 Total	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>West High Total</b>	8,067	7,457		8,686	8,021	97%	9,175	9,425	97%	9,662	9,425	103%	10,150	10,977	92%	8,838	10,767	99%

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util %
<b>S1</b>																		
Allen Park Elementary	872	1,057	82%	847	1,056	80%	904	1,056	86%	921	1,056	87%	958	1,056	91%	992	1,010	98%
Colonial Elementary	755	981	77%	703	965	73%	826	965	86%	842	965	87%	875	965	91%	912	930	98%
Edison Park Elementary	377	449	84%	394	449	88%	384	449	86%	392	449	87%	407	449	91%	418	436	96%
Franklin Park Elementary	466	579	80%	446	579	77%	496	579	86%	505	579	87%	525	579	91%	552	570	97%
Heights Elementary	675	695	97%	653	695	94%	1,118	1,306	86%	1,139	1,306	87%	1,185	1,306	91%	1,288	1,306	99%
Orangewood Elementary	706	637	111%	638	637	100%	545	637	86%	556	637	87%	578	637	91%	531	549	97%
Ray V. Pottorf Elementary	738	851	87%	660	912	72%	781	912	86%	796	912	87%	827	912	91%	858	876	98%
Tanglewood Riverside Elementary	698	781	89%	680	793	86%	679	793	86%	692	793	87%	719	793	91%	729	747	98%
Villas Elementary	867	917	95%	819	943	87%	808	943	86%	823	943	87%	855	943	91%	839	857	98%
<b>Elementary Total</b>	<b>6,154</b>	<b>6,947</b>	<b>89%</b>	<b>5,840</b>	<b>7,029</b>	<b>83%</b>	<b>6,541</b>	<b>7,640</b>	<b>86%</b>	<b>6,666</b>	<b>7,640</b>	<b>87%</b>	<b>6,929</b>	<b>7,640</b>	<b>91%</b>	<b>7,119</b>	<b>7,281</b>	<b>98%</b>
Cypress Lakes Middle	834	880	95%	744	880	85%	757	880	86%	787	880	89%	817	880	93%	838	860	97%
P.L. Dunbar Middle	875	1,013	86%	982	1,013	97%	871	1,013	86%	906	1,013	89%	940	1,013	93%	958	980	98%
Fort Myers Middle	756	858	88%	670	858	78%	737	858	86%	767	858	89%	796	858	93%	843	865	97%
<b>Middle Total</b>	<b>2,465</b>	<b>2,751</b>	<b>90%</b>	<b>2,396</b>	<b>2,751</b>	<b>87%</b>	<b>2,365</b>	<b>2,751</b>	<b>86%</b>	<b>2,460</b>	<b>2,751</b>	<b>89%</b>	<b>2,553</b>	<b>2,751</b>	<b>93%</b>	<b>2,639</b>	<b>2,705</b>	<b>98%</b>
Cypress Lakes High School	1,470	1,713	86%	1,413	1,727	82%	1,377	1,727	80%	1,425	1,727	83%	1,473	1,727	85%	1,655	1,680	99%
Dunbar High School	834	1,242	67%	846	1,242	68%	990	1,242	80%	1,025	1,242	83%	1,060	1,242	85%	958	983	97%
Fort Myers High School	1,918	1,858	103%	1,865	1,964	95%	1,565	1,964	80%	1,621	1,964	83%	1,676	1,964	85%	1,920	1,945	99%
<b>High Total</b>	<b>4,222</b>	<b>4,813</b>	<b>88%</b>	<b>4,124</b>	<b>4,933</b>	<b>84%</b>	<b>3,932</b>	<b>4,933</b>	<b>80%</b>	<b>4,071</b>	<b>4,933</b>	<b>83%</b>	<b>4,209</b>	<b>4,933</b>	<b>85%</b>	<b>4,533</b>	<b>4,608</b>	<b>98%</b>
<b>S2</b>																		
Rayma C. Page Elementary	687	856	80%	714	836	85%	716	836	86%	729	836	87%	758	836	91%	840	858	98%
San Carlos Elementary	868	1,081	80%	876	1,081	81%	926	1,081	86%	943	1,081	87%	981	1,081	91%	981	999	98%
Three Oaks Elementary	812	738	110%	747	738	101%	632	738	86%	644	738	87%	669	738	91%	684	702	97%
<b>Elementary Total</b>	<b>2,367</b>	<b>2,675</b>	<b>88%</b>	<b>2,337</b>	<b>2,655</b>	<b>88%</b>	<b>2,274</b>	<b>2,655</b>	<b>86%</b>	<b>2,316</b>	<b>2,655</b>	<b>87%</b>	<b>2,408</b>	<b>2,655</b>	<b>91%</b>	<b>2,505</b>	<b>2,559</b>	<b>98%</b>
Lexington Middle	920	1,045	88%	852	1,027	83%	883	1,027	86%	918	1,027	89%	953	1,027	93%	999	1,021	98%
Three Oaks Middle	838	987	85%	801	987	81%	849	987	86%	882	987	89%	916	967	95%	965	987	98%
<b>Middle Total</b>	<b>1,758</b>	<b>2,032</b>	<b>87%</b>	<b>1,653</b>	<b>2,014</b>	<b>82%</b>	<b>1,732</b>	<b>2,014</b>	<b>86%</b>	<b>1,800</b>	<b>2,014</b>	<b>89%</b>	<b>1,869</b>	<b>1,994</b>	<b>94%</b>	<b>1,964</b>	<b>2,008</b>	<b>98%</b>
S Ft Myers High School	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
<b>High Total</b>	<b>1,283</b>	<b>2,086</b>	<b>62%</b>	<b>1,332</b>	<b>1,926</b>	<b>69%</b>	<b>1,535</b>	<b>1,926</b>	<b>80%</b>	<b>1,589</b>	<b>1,926</b>	<b>83%</b>	<b>1,643</b>	<b>1,926</b>	<b>85%</b>	<b>1,854</b>	<b>1,879</b>	<b>99%</b>

**Table PSFE 12 – Projected SOUTH Zone Broken Down By Subzones (cont.)**

<b>School</b>	<b>2006 2007</b>			<b>2007 2008</b>			<b>2008 2009</b>			<b>2009 2010</b>			<b>2010 2011</b>			<b>2011 2012</b>		
<b>S3</b>																		
Bonita Springs Elementary	390	389	100%	393	389	101%	333	389	86%	339	389	87%	353	389	91%	365	383	95%
Pinewoods Elementary	906	1,033	88%	934	1,044	89%	894	1,044	86%	911	1,044	87%	947	1,044	91%	1,017	1,035	98%
Spring Creek Elementary	772	753	103%	739	753	98%	645	753	86%	902	1,034	87%	938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	<b>2,068</b>	<b>2,175</b>	<b>95%</b>	<b>2,066</b>	<b>2,186</b>	<b>95%</b>	<b>1,872</b>	<b>2,186</b>	<b>86%</b>	<b>2,152</b>	<b>2,467</b>	<b>87%</b>	<b>2,238</b>	<b>2,467</b>	<b>91%</b>	<b>2,398</b>	<b>2,452</b>	<b>98%</b>
Bonita Springs Middle	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>Middle Total</b>	<b>560</b>	<b>876</b>	<b>64%</b>	<b>609</b>	<b>876</b>	<b>70%</b>	<b>753</b>	<b>876</b>	<b>86%</b>	<b>783</b>	<b>876</b>	<b>89%</b>	<b>812</b>	<b>876</b>	<b>93%</b>	<b>825</b>	<b>847</b>	<b>97%</b>
Estero High School	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>High Total</b>	<b>1,606</b>	<b>1,695</b>	<b>95%</b>	<b>1,602</b>	<b>1,695</b>	<b>95%</b>	<b>1,351</b>	<b>1,695</b>	<b>80%</b>	<b>1,398</b>	<b>1,695</b>	<b>82%</b>	<b>1,446</b>	<b>1,695</b>	<b>85%</b>	<b>1,632</b>	<b>1,657</b>	<b>98%</b>
<b>Totals for South Zone</b>																		
<b>Elementary</b>																		
S1 Total	6,154	6,947	89%	5,840	7,029	83%	6,541	7,640	86%	6,666	7,640	87%	6,929	7,640	91%	7,119	7,281	98%
S2 Total	2,367	2,675	88%	2,337	2,655	88%	2,274	2,655	86%	2,316	2,655	87%	2,408	2,655	91%	2,505	2,559	98%
S3 Total	2,068	2,175	95%	2,066	2,186	95%	1,872	2,186	86%	2,152	2,467	87%	2,238	2,467	91%	2,398	2,452	98%
<b>South Elementary Total</b>	<b>10,589</b>	<b>11,797</b>	<b>91%</b>	<b>10,243</b>	<b>11,870</b>	<b>89%</b>	<b>10,687</b>	<b>12,481</b>	<b>86%</b>	<b>11,134</b>	<b>12,762</b>	<b>87%</b>	<b>11,575</b>	<b>12,762</b>	<b>91%</b>	<b>12,022</b>	<b>12,292</b>	<b>98%</b>
S1 Total	2,465	2,751	90%	2,396	2,751	87%	2,365	2,751	86%	2,460	2,751	89%	2,553	2,751	93%	2,639	2,705	98%
S2 Total	1,758	2,032	87%	1,653	2,014	82%	1,732	2,014	86%	1,800	2,014	89%	1,869	1,994	94%	1,964	2,008	98%
S3 Total	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>South Middle Total</b>	<b>4,783</b>	<b>5,659</b>	<b>80%</b>	<b>4,658</b>	<b>5,641</b>	<b>80%</b>	<b>4,850</b>	<b>5,641</b>	<b>86%</b>	<b>5,043</b>	<b>5,641</b>	<b>89%</b>	<b>5,234</b>	<b>5,621</b>	<b>93%</b>	<b>5,428</b>	<b>5,560</b>	<b>95%</b>
S1 Total	4,222	4,813	88%	4,124	4,933	84%	3,932	4,933	80%	4,071	4,933	83%	4,209	4,933	85%	4,533	4,608	98%
S2 Total	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
S3 Total	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>South High Total</b>	<b>7,111</b>	<b>8,594</b>	<b>82 %</b>	<b>7,058</b>	<b>8,554</b>	<b>83 %</b>	<b>6,818</b>	<b>8554</b>	<b>80</b>	<b>7,058</b>	<b>8,554</b>	<b>83%</b>	<b>7,298</b>	<b>8,554</b>	<b>85%</b>	<b>8,019</b>	<b>8,144</b>	<b>91%</b>

**Table PSFE 13 – Barrier Island and Special Centers**

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>Barrier Island Schools</b>																		
Fort Myers Beach Elem	192	200	96%	166	200	83%	170	200	85%	170	200	85%	170	200	85%	161	179	90%
Pine Island Elementary	345	391	88%	311	391	80%	333	391	85%	332	391	85%	332	391	85%	329	347	95%
The Sanibel School (Elem)	257	307	84%	239	263	91%	224	263	85%	224	263	85%	223	263	85%	231	241	96%
The Sanibel School (Mid)	130	154	84%	124	132	94%	112	132	85%	112	132	85%	112	132	85%	115	122	94%
<b>Special Facilities</b>																		
Buckingham Exceptional Center	107	100	107%	100	100	100%	100	100	100%	100	100	100%	100	100	100%	88	100	88%
Dunbar Community School	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%
New Directions	531	665	80%	493	665	74%	456	665	69%	419	665	63%	383	665	58%	217	640	34%
ALC West	0	300	0%	72	265	27%	70	265	26%	68	265	26%	66	265	25%	353	265	133%
Royal Palm Exceptional Center	185	230	80%	172	230	75%	167	230	73%	162	230	70%	157	230	68%	226	230	98%
High Tech Central	121	675	18%	74	675	11%	72	675	11%	70	675	10%	68	675	10%	0	675	0%
High Tech North	75	324	23%	95	324	29%	92	324	28%	90	324	28%	87	324	27%	0	324	0%

## **SCHOOL CONCURRENCY**

With the data collected from the School District, the County and the municipalities, an analysis was performed to determine the short-term and long-term future conditions that will impact public schools. As part of this analysis, the current inventory of public schools and planned school capital improvements was reviewed in light of the projected student growth and available revenue to finance the planned capital improvements. Generally, the analysis focuses on whether existing and planned school capacity can support residential development at the adopted level of service standard. Specific outputs from this analysis include school capacity figures, a financially feasible adopted level of service, and goals, objectives and policies for the school concurrency program.

### **Concurrency Service Area Boundaries**

A fundamental requirement of school concurrency is the establishment of Concurrency Service Areas (CSAs) to which school concurrency is applied when reviewing the impact of new residential development on public schools. The CSAs are used to determine whether adequate capacity is available to accommodate new students generated from residential development. Since 1998, the Lee County School District has operated under a School Choice Program. As part of this Program, the School District has been divided into three Zones (West, South and East). Each Zone is divided into Sub-Zones as shown on Figure PSFE 2. Generally, students may be assigned to a school in their Sub-Zone or an adjacent Sub-Zone within the same Zone. (For example, a student that lives in E3 may attend a school in E3 or in E2). Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living within proximate areas around each school, students whose first choice is a school within their sub-zone and students in full-time special education classes. The remaining applications are processed in order of their random numbers until there are no more applications. Initially the CSAs will be consistent with the current School Choice Program Zone boundaries in order to be consistent with the School District's current programs. The Choice program provides assurance that once a child is enrolled in a school, they can remain in that school through the highest grade or until the parents decide to make a change, unless they move to a different zone or sub-zone for which that school is not an option. Since the School Choice Program began, the District has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs are reduced.

### **School Level of Service**

Essentially, level of service (LOS) is the relationship between supply and demand. For schools, LOS is expressed as a ratio of enrollment and capacity, with capacity being the Permanent FISH capacity.

To establish an acceptable LOS, the school district and the local governments must project future demand, identify needed capacity, and determine the level of financial resources available to

construct additional capacity. These factors are then used as a basis to establish a school LOS standard. The level of service standard controls the maximum utilization of schools.

Florida law requires that the public school facilities element of a local government comprehensive plan address how the level of service standards will be achieved and maintained. The ability to achieve and maintain the adopted level of service must be based on a financially feasible Five-Year Capital Facilities Plan. Also, the law requires that the public school level of service standards be adopted into local government capital improvement element, and must apply to all schools of the same type (elementary, middle, and high). Initial shortfalls in capacity over the five-year period following adoption may be addressed by adopting a tiered level of service standard along with a concurrency management system.

Prior to establishing a level of service standard, the School District must determine the maximum capacity of the schools administered by the District. To determine the capacity for each school, the School District uses Permanent FISH capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on a utilization percentage of the number of existing satisfactory student stations. FISH capacity is a product of the number of classrooms at a school and the student stations assigned to each room type. No capacity is assigned to small instructional spaces and the specialized classrooms (labs), including art, music, etc. A student station is defined as the square footage required per student for an instructional program based on the particular course content.

Tables PSFE 10-13 identify the Permanent FISH capacity of all schools administered by the District and their enrollment and utilization through school year 2011/12. The majority of the schools are within the acceptable Level of Service. Any deficiencies that currently exist and may exist in the future will be addressed with the use of relocatable classrooms. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation. Public school concurrency should ensure that the capacity of schools is sufficient to support current enrollment and the projected students from future residential development. Current enrollment and school capacity data provide a baseline for developing a financially feasible level of service standard for public schools.

As adopted, the public school level of service standard should maximize the efficiency of each school facility for educating students. Based on this, the preferred level of service standard in Lee County is 100% of Permanent FISH capacity.

### **Projected Additions to Capacity During the Five Year Planning Period**

As detailed in PSFE 16, the District has planned construction of a number of facilities over the five year planning period to accommodate expected growth in the student population.

#### **Elementary**

Seven additional elementary schools are proposed in the Five-Year Capital Facilities Plan;

adding approximately 7,000 additional elementary student stations. Two additions to existing Elementary Schools will add 666 student stations and the replacement of Heights Elementary School will add approximately 611 student stations.

### **Middle Schools**

To accommodate the growth at the middle school level, four new middle schools will open in the next 5 years adding approximately 5,336 new middle school student stations.

### **High Schools**

Three new high schools are included in the Five-Year Capital Facilities Plan adding approximately 6,318 student stations.

### **Real Property**

The District currently owns sufficient property to build all schools planned to open through 2011, with a bank of properties for some of the schools planned to open after that date. The District has currently budgeted approximately \$73,000,000 for the purchase of additional properties over the next five years. The District has also studied all of the District's existing facilities to determine opportunities to utilize real property at existing facilities to add to those schools rather than purchase additional property and build entirely new schools. The District has recently completed additions to seventeen elementary schools, eliminating the need to construct a new elementary school on an additional site. The District will continue to explore and pursue the construction of additions to existing schools in order to accommodate growth without the purchase of additional real property.

### **Demographic Discussion**

Lee County population has been increasing at a rapid pace since the 2000 Census. The total county estimated population increased between 14,000 to 36,000 people each year from 2000 to 2007. The compound annual population growth rate for Lee County has been estimated at 5.67% between 2000 and 2007. Preliminary population estimates for April 1, 2008 indicate a much slower growth rate of only 1.3% for the year. The percent of the population that is school age has been estimated to be slightly decreasing since the 2000 Census. This trend has been forecasted to continue through the year 2030. The Bureau of Economic and Business Research (BEBR) estimate of the population ages 5 through 17 is 92,416 in 2010 and 128,251 in 2030. This is the segment of the population that is considered "school age". Lee County School enrolment has increased along with the growth in county population. Based on a comparison of the Lee County School District Enrollment numbers reported on the "Lee County School District School Enrollments and Demographics" for "Cycle 7" (March-April) reports, 83.3% of the school age population is enrolled in the Lee County Public School System. However, this percentage is based on actual school enrollments and BEBR population estimates. A comparison of the 2000 Census shows that 85.5% of the school age population was enrolled in the public school system. Staff believes that this is the most reliable information available to project the future enrollments for the Lee County School District schools.

Breaking down the number of students enrolled at the various grade levels is based on information from the Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7". Over this period, 47% of the Lee County



School District's students are elementary school students, 23% are middle school students, 25% are high school students, and 5% are enrolled in other programs. These averages appear reasonable to forecast future student population breakdowns.

Using the assumptions discussed above, staff estimates the future school enrollment for Lee County School District as follows.

### Population and School Enrollment

Year	Total	5 to 17	Elementary	Middle	High	Other	Total
2000	440,888	63,418	26,707	12,905	13,026	3,306	55,944
2001	454,918	65,233	27,484	13,826	13,341	3,455	58,106
2002	475,072	67,349	27,888	14,394	14,388	3,613	60,283
2003	495,088	69,013	28,598	14,857	15,380	3,520	62,355
2004	521,253	74,993	29,089	15,196	16,757	3,173	64,215
2005	549,442	80,299	30,747	15,527	17,880	3,148	67,302
2006	585,608	85,410	32,405	15,666	18,799	3,071	69,941
2007	615,741	85,453	33,486	15,537	19,470	3,001	71,494
2008	623,725	85,495	33,505	15,065	19,432	2,938	70,940
2009	636,060	90,665	36,434	17,829	19,380	3,876	77,518
2010	648,395	92,416	37,137	18,174	19,754	3,951	79,016
2011	667,062	94,717	38,062	18,626	20,246	4,049	80,983
2012	685,728	97,018	38,987	19,079	20,738	4,148	82,951
2013	704,395	99,320	39,912	19,531	21,230	4,246	84,918
2030	979,040	128,251	51,538	25,221	27,414	5,483	109,655
<p>* Population Sources: Bureau of Economic and Business Research, Florida Population Studies, Volume 39 Bulletin 145, June 2006 2001-2008 BEBR Annual April 1 Estimate of Population 2009, 2011, 2012, 2013 - Staff straight line forecast</p> <p>**School Enrollment: 2000 to 2008 - Lee County School District Reports for the school years of 1996/97 through 2007/08 for enrollment during "Cycle 7" 2009 to 2030 - Lee County Planning Division Staff assumptions (see discussion)</p>							

### Projected Additions to Capacity during the Ten and Twenty Year Planning Periods

#### Ten Year Planning Period

In the Ten Year Planning Period, the District plans to add thirteen schools in the East Zone consisting of seven Elementary Schools, five middle schools and one high school. In the West Zone, seven new schools will be added, consisting of four elementary schools, two middle schools and one high school. The South Zone will receive one elementary school and one high school. The District has acquired a bank of land that will accommodate a number of these

facilities, however, additional properties will need to be purchased in the East and West Zones. For each elementary school, the District will need a minimum of 13 acres, for each Middle School the District will need a minimum of 20 acres, and for each high school the District will need a minimum of 40 acres.

### **Twenty Year Planning Period**

In the Twenty Year Planning Period, the District has planned eighteen new schools in the East Zone (ten elementary schools, five middle schools and three high schools), sixteen new schools in the West Zone (nine elementary schools, four middle schools and three high schools) and eight new schools in the South Zone (four elementary schools, two middle schools and two high schools).

## **SCHOOL DISTRICT CAPITAL IMPROVEMENTS**

### **Funding Sources**

To address the new construction and renovation needs of the School District's Five-Year Capital Facilities Plan, the School District relies on local and state funding. The primary local funding sources are property taxes, and impact fees. By Florida Statute, school districts may levy up to 2 mills to fund the district capital program. The School District of Lee County has levied 2 mills in its most recent budget. In 2005, Lee County adopted an impact fee of approximately \$4,309/unit for a single family home, \$1,704.00/unit for multi-family and \$982.00/unit for mobile home. Impact fees are collected for new housing to offset a portion of the cost of new student stations generated by new residential development. The School District may also sell bonds or offer certificates of participation (COPs). The District currently has \$574,230,000.00 in outstanding COPs. This COPs funding was used to construct 24,879 student stations.

The Florida Statutes place restrictions on the School District's portion of state funding for capital outlay to specific uses. Expansion projects for student stations may make use of state capital outlay funding sources derived from motor vehicle license tax revenue, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities Public Education Capital Outlay funds (PECO).

### **Financial Feasibility**

The School Board is required by Section 1013.35, Florida Statutes, to adopt a financially feasible five-year capital facilities plan. The Five-Year Capital Facilities Plan, which is annually updated and adopted each year, details the capital improvements needed and funding revenues available to construct additional capacity to meet demand for student stations and maintain the adopted level of service. This will ensure that no schools exceed their adopted level of service for the five year period. The School District's Plan identifies how each project meets school capacity needs and when that capacity will be available.

The Five-Year Capital Facilities Plan provides for an annual planning process that allows the School District to effectively address changing enrollment patterns, development and growth, and the facility requirements of high quality educational programs. The summary of capital improvements shown in Table PSFE 16 details the School District's planned capital expenditures over the next five-year planning period. While this summary must be adopted

into the Capital Improvements Element of the County's Comprehensive Plan, the school district's capital improvements program does not require county or city funding. PSFE 16 shows the estimated cost of projects to address future facility needs for the five-year planning period, and the long range planning period, in order to meet the adopted level of service standard.

The Five-Year Capital Facilities Plan Summary of Estimated Revenue, shown in Table PSFE 16, details the School District's projected revenue sources over the next five years. A comparison of PSFE 16 and PSFE 17 shows that the School District's capital plan is sufficient to fund necessary capital improvements and is financially feasible.

#### **PSFE 16: School District's Capital Improvement Summary**

<b>School</b>	<b>Project</b>	<b>Added Capacity</b>	<b>Cost</b>	<b>Year Available</b>
Manatee Elementary	Elem. U	1,034	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,034	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,034	\$24,134,807	2008
New Elementary (East)	Elem. V	1,034	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,034	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,034	\$27,200,000	2010
New Elementary (West)	Elem. E	1,034	\$27,200,000	2010
New Elementary (West)	Elem. A	1,034	\$28,560,000	2011
New Elementary (East)	Elem. W	1,034	\$28,560,000	2011
New Elementary (East)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$30,000,000	
New Elementary (South)		1,034	\$30,000,000	
New Elementary (East)		1,034	\$9,450,000*	
New Elementary (West)		1,034	\$30,000,000	
New Elementary (West)		1,034	\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO	1,334	\$44,600,000	2012
New Middle (West)		1,334	\$44,600,000	2012
New Middle (East)		1,334	\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

## PSFE 16 - Summary of Capital Improvements (Cont.)

### Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Lee County Public Education Center	New Administration Complex	\$2,748,477	\$0	\$0	\$0	\$0	\$2,748,477	Yes
East Transportation Facility at Leonard & Leonard	Transportation East Bus Facility	\$228,590	\$0	\$0	\$0	\$0	\$228,590	Yes
West Transportation Depot	Location Not Specified	\$49,350	\$0	\$0	\$0	\$0	\$49,350	Yes
East Transportation Depot at Tice Street	Transportation East Bus Facility	\$209,688	\$0	\$0	\$0	\$0	\$209,688	Yes
South Transportation Depot at Estero	Transportation South-Estero	\$35,700	\$0	\$0	\$0	\$0	\$35,700	Yes
Land/East Zone	Location Not Specified	\$37,500,000	\$0	\$0	\$0	\$0	\$37,500,000	Yes
Land/West Zone	Location Not Specified	\$37,500,021	\$0	\$0	\$0	\$0	\$37,500,021	Yes
Addition	Orange River Elementary	\$4,618	\$0	\$0	\$0	\$0	\$4,618	Yes
Addition	Sunshine Elementary	\$16,760	\$0	\$0	\$0	\$0	\$16,760	Yes
Addition	Mirror Lakes Elementary	\$21,646	\$0	\$0	\$0	\$0	\$21,646	Yes
Addition	Bayshore Elementary	\$9,060	\$0	\$0	\$0	\$0	\$9,060	Yes
New School in FY07	River Hall Elementary	\$852,268	\$0	\$0	\$0	\$0	\$852,268	Yes
South Zone Land/Oakbrook Property Purchase	Location Not Specified	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Addition	Allen Park Elementary	\$90,998	\$0	\$0	\$0	\$0	\$90,998	Yes
Addition	San Carlos Park Elementary	\$9,500	\$0	\$0	\$0	\$0	\$9,500	Yes
Addition	Tanglewood Riverside School	\$406	\$0	\$0	\$0	\$0	\$406	Yes
Addition	Villas Elementary	\$2,880	\$0	\$0	\$0	\$0	\$2,880	Yes
Addition	Colonial Elementary	\$13,500	\$0	\$0	\$0	\$0	\$13,500	Yes

**PSFE 16 - Summary of Capital Improvements (Cont.)**

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Balance remaining within project/not closed.	Hector A. Cafferata, Jr. Elementary School	\$109,280	\$0	\$0	\$0	\$0	\$109,280	Yes
Balance remaining within project/not closed.	Ida S. Baker High School	\$2,198	\$0	\$0	\$0	\$0	\$2,198	Yes
Addition	Pelican Elementary	\$18,247	\$0	\$0	\$0	\$0	\$18,247	Yes
Addition	Skyline Elementary	\$149,162	\$0	\$0	\$0	\$0	\$149,162	Yes
Addition	Hancock Creek Elementary	\$11,120	\$0	\$0	\$0	\$0	\$11,120	Yes
Addition	Caloosa Elementary	\$9,520	\$0	\$0	\$0	\$0	\$9,520	Yes
Addition	Tropic Isles Elementary	\$6,375	\$0	\$0	\$0	\$0	\$6,375	Yes
Addition	Diplomat Elementary	\$11,880	\$0	\$0	\$0	\$0	\$11,880	Yes
Addition	Cape Coral Elementary	\$54,735					\$54,735	Yes
Ida S. Baker/Gulf Athletic Field	Location Not Specified	\$1,737	\$0	\$0	\$0	\$0	\$1,737	Yes
Appraisals for Buildings	Location Not Specified	\$1,600	\$0	\$0	\$0	\$0	\$1,600	Yes
Treeline Staging School	East Zone Staging School	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes
<b>Total</b>		<b>\$80,219,316</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$80,219,316</b>	
							<b>Total from Previous Table</b>	<b>\$929,576,650</b>
							<b>GRAND TOTAL</b>	<b>\$1,009,795,966</b>

Source: Lee County School District Work Plan, 2007-2008

## Table PSFE 17: School District's Revenue Summary

### Summary of Estimated Revenue

Item Name	FY 2007 – 2008 Budget	FY 2008-2009 Budget	FY 2009-2010 Budget	FY 2010-2011 Budget	FY 2011-2012 Budget	Five Year Total
Local Two Mill Discretionary Capital Outlay Revenue	\$183,823,509	\$202,095,860	\$222,305,446	\$244,535,990	\$268,989,589	\$1,121,650,394
Maintenance Expenditures	(\$51,252,514)	(\$15,514,843)	(\$22,909,667)	(\$21,563,751)	(\$22,326,317)	(\$133,567,092)
2 Mill Other Eligible Expenditures	(\$280,146,162)	(\$169,328,065)	(\$189,429,141)	(\$127,954,713)	(\$140,932,061)	(\$907,790,142)
PECO Maintenance Expenditures	(\$5,549,091)	(\$5,324,013)	(\$4,757,019)	(\$4,435,654)	(\$4,406,997)	(\$24,472,774)
PECO Maintenance Revenue	\$5,549,091	\$5,324,013	\$4,757,019	\$4,435,654	\$4,406,997	\$24,472,774
	(\$147,675,167)	\$17,252,952	\$9,966,638	\$95,017,526	\$105,731,211	\$80,293,160
Item Name	FY 2007 - 2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	FY 2011-2012	Five Year
CO & DS Revenue	\$951,612	\$951,612	\$951,612	\$951,612	\$951,612	\$4,758,060
PECO New Construction Revenue	\$15,925,949	\$4,237,782	\$2,310,272	\$3,395,962	\$3,632,177	\$29,502,142
Other/Additional Revenue*	\$404,289,429	\$214,126,047	\$105,159,603	\$120,585,525	\$51,082,000	\$895,242,604
<b>Subtotal</b>	\$421,166,990	\$219,315,441	\$108,421,487	\$124,933,099	\$55,665,789	\$929,502,806
<b>Grand Total</b>	<b>\$273,491,823</b>	<b>\$236,568,393</b>	<b>\$118,388,125</b>	<b>\$219,950,625</b>	<b>\$161,397,000</b>	<b>\$1,009,795,96</b>

Source: Lee County School District Work Plan, 2007-2008

### Other/Additional Revenue Detail

Item	2007 – 2008 Actual Value	2008 – 2009 Projected	2009 – 2010 Projected	2010 – 2011 Projected	2011 – 2012 Projected	Total
Classrooms for Kids	\$35,776,033	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$95,776,033
Other Revenue for Other Capital projects	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
Impact fees received	\$30,000,000	\$25,000,000	\$20,000,000	\$15,000,000	\$10,000,000	\$100,000,000

Interest, Including Profit On Investment	\$6,867,173	\$6,085,141	\$4,736,553	\$5,305,011	\$4,642,413	\$27,636,291
Fund Balance Carried Forward	\$331,546,223	\$167,940,906	\$65,323,050	\$85,180,514	\$21,339,587	\$671,330,280
<b>Subtotal</b>	<b>\$404,289,429</b>	<b>\$214,126,047</b>	<b>\$105,159,603</b>	<b>\$120,585,525</b>	<b>\$51,082,000</b>	<b>\$895,242,604</b>

Source: Lee County School District Work Plan, 2007-2008

## **PROPORTIONATE SHARE MITIGATION**

In the event that there is not adequate school capacity available to accommodate a development's demand for student stations, the School Board may entertain proportionate share mitigation options and, if accepted, shall enter into an enforceable and binding agreement with the developer and the affected local government to mitigate the impact from the development through the creation of additional school capacity. A mitigation contribution provided by a developer to offset the impact of a residential development must be directed by the School Board toward a school capacity project identified in the School District's Five-Year Capital Facility Plan. Capacity projects identified within the first three years of the Five-Year Capital Facility Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the School District's Five-Year Capital Facility Plan within the same Concurrency Service Area (CSA) as the proposed residential development, the developer may pay his proportionate share of the identified capacity project to accelerate the project's schedule and mitigate the proposed development. When the student impacts from a proposed development cause the adopted Level of Service to fail, a developer may enter into a 90 day negotiation period with the School District and the applicable local government to review potential mitigation projects. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options may include, but are not limited to:

1. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development and
2. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

The following standards apply to any mitigation accepted by the School District:

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School District's financially feasible work program, which satisfies the demands created by the proposed development; and

1. Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:  
$$(\# \text{ of housing units by type}) \times (\text{student generation rate by type of unit}) \times (\text{student station cost adjusted to local costs}) = \text{Proportionate share mitigation amount}$$

The student station cost adjusted to local costs will be calculated utilizing the total cost per student station, established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures for school sites as determined and published annually in the School District's Five Year Capital Facilities Plan. The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of the developer. Any mitigation accepted by the School District and subsequently agreed to by the applicable local government entity shall result in a legally binding agreement between the School District, the local government and the Developer.

#### **School Planning and Shared Costs**

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the School District to submit proposed school sites to the County or municipalities for review and approval. This analysis permits the School Board and affected local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Because Lee County is undergoing significant infrastructure development, analyzing the infrastructure needs of planned school sites is necessary. With this process, shared funding for capital improvements for school sites can be determined according to the responsibility of each party for each specific school site. Necessary infrastructure improvements may include: potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization and signage, site lighting, bus stops, and sidewalks. These improvements are assessed at the time of site plan preparation. Approval conditions can cover the timing and responsibility for construction, as well as the operation and maintenance of required on-site and off-site improvements. Any such improvements should be in keeping with the financially feasible capital plan adopted by the School Board.

Other cost-effective measures should be considered by local governments during the process of formulating neighborhood plans and programs and reviewing large residential projects. During those processes, the County and the cities can encourage developers or property owners to provide the School District with incentives to build schools in their neighborhoods. These incentives may include, but are not limited to, donation and preparation of site(s), acceptance of stormwater run-off from future school facilities into development project



stormwater management systems, reservation or sale of school sites at predevelopment prices, construction of new school facilities or renovation of existing school facilities.

### **Coordination**

The Florida Statutes require the School District and the local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to the County, School District and local governments. The School District and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. One of the facilities is located next to a planned County park which will provide additional opportunities for shared use. The School District and Lee County have also engaged in agreements trading pieces of property which will result in construction of an EMS station on property that was part of the North Fort Myers Academy of the Arts campus and a public library on property that was part of the Mariner Middle School campus. The County has constructed several swimming pools and athletic fields on a number of school campuses that are used both by the school and by members of the general public. The County and the District also have an Interlocal Agreement that provides for the identification of school facilities to be used as hurricane shelters and reimbursement of the additional construction costs of shelters to the District. There are currently 29 schools within the District that are identified as hurricane shelters. During the preparation of its Educational Plant Survey, the School District can identify future co-location and shared-used opportunities for new schools and public facilities. Likewise, co-location and shared use opportunities should be considered by the local governments when updating their comprehensive plan, schedule of capital improvements and when planning and designing new or renovating existing libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums.

### **Plan Implementation**

The implementation of the Public Schools Facilities Element will involve numerous activities. The most extensive of these will be the implementation of the provisions contained in the Interlocal Agreement for Coordinated Planning and School Concurrency.

## **TRANSMITTED RECOMMENDED GOALS, OBJECTIVES, AND POLICIES:**

The Lee Plan already contains an Education sub-element within the Community Facilities and Services Element. Staff is proposing to incorporate the new requirements for the Public Schools Facilities element into this existing sub-element. Staff is also recommending that two new maps, Map 22 School Concurrency Service Areas and Map 23 Educational and School District Facilities in Lee County, be incorporated into the Lee Plan to address the new school concurrency requirements. Staff recommends (at time of transmittal, language recommended for adoption is contained above in Section Part I.B of this report.) that the following new policy language be incorporated into the Community Facilities and Services Element to address the new requirements of the Florida Statutes:

## **h. Education and Public School Facilities**

**GOAL 71 PUBLIC SCHOOL FACILITIES:** Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

**OBJECTIVE 71.1: ADEQUATE SCHOOL FACILITIES:** Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period.

**POLICY 71.1.1:** The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, yearround schools and special educational programs.

Relocatable classrooms may be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables may not exceed 20% of the Permanent FISH Capacity and may be used for a period not to exceed three years.

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School Districts Five Year Capital Facilities Plan.

**POLICY 71.1.3:** The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 22, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 22. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency.

**POLICY 71.1.4:** The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs.

**OBJECTIVE 71.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM:** Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C.

**POLICY 71.2.1:** By April 1, 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.2:** The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA.

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By July 31, 2008 the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

**POLICY 71.2.5:** The following residential uses are exempt from the requirements of school concurrency:

- a. Single family lots having received final plat approval prior to the effective date of this policy.

- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy.
- c. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
- d. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

**OBJECTIVE 71.3: COORDINATION:** All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities.

**POLICY 71.3.2:** The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review.

**POLICY 71.3.5:** The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element.

**POLICY 71.3.6:** The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school.

**OBJECTIVE 71.4: Five-Year Schedule of School District Capital Improvements:** The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment.

**POLICY 71.4.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five Year Capital Facilities Plan.

**POLICY 71.4.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the longrange planning period.

## **CAPITAL IMPROVEMENTS ELEMENT**

Staff recommends that the following modifications to the Capital Improvements Element be made to address public school concurrency:

### **POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS.**

Second paragraph, third sentence:

These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation.

## **REGULATORY STANDARDS**

### **7. Public School Facilities**

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

## **NON-REGULATORY STANDARDS**

Renumber accordingly.

## **B. TRANSMITTAL STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 25, 2008

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided the LPA a summary of the proposed amendment. One LPA member asked several questions pertaining to the data upon which the amendment is based. One member discussed a variety of issues from busing costs, greater utilization of existing facilities, and building multi-storied facilities. No members of the public appeared to address the LPA.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

#### **C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
LELAND M. TAYLOR	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: March 11, 2008

**A. BOARD REVIEW:**

Planning staff presented additional policy language for the Board's consideration. These modifications are included below:

Modifications to existing Policy 66.2.3:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Modifications to Policies located under proposed Objective 71.1:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Modifications to Policies located under proposed Objective 71.2:

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice~~ for a maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31,~~ December 2008, the LDC will be amended to establish mitigation options...[remainder of the policy remains unchanged]

**POLICY 71.2.5:** [remains unchanged except for section b., which is provided below]

b. Multi-family residential development having received a final development order and



concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active

Modifications to Policies located under proposed Objective 71.3:

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

Proposed New Policies to be located under proposed Objective 71.4:

**POLICY 71.4.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board voted to transmit the proposed amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board accepted the findings of fact as advanced by the staff and Local Planning Agency.

**C. VOTE:**

**A. BRIAN BIGELOW**

**AYE**

**TAMMARA HALL**

**AYE**

**ROBERT P. JANES**

**AYE**

**RAY JUDAH**

**AYE**

**FRANKLIN B. MANN**

**AYE**

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: May 23, 2008

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

***I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULES 9J-5, F.A.C.***

*Lee County has proposed this comprehensive plan amendment for satisfying the statutory requirements to adopt a Public School Concurrency Program, as set forth under Section 163.3177(12) and 163.3180(13), F.S. Based on the requirements set forth in Chapter 163, F.S., and Rule 9J-5, F.A.C., the Department has objections and comments to the amendment as follows:*

**Public Education Facilities Element**

***Objection 1: Data and Analysis Requirements***

*The proposed Public School Facilities Element is not supported by appropriate and relevant data and analysis required under Section 163.3177(12)(c), F.S., and Rule 9J-5.025, F.A.C. The following required data and analysis are not included:*

- 1. An analysis of anticipated educational and ancillary plants with land area requirements;*
- 2. Projected future population projections and associated demographics year by year for the upcoming five-year and for the end of the long-term planning period;*
- 3. The estimated cost of needed school capital improvements to correct deficiencies and to meet future needs based on achieving and maintaining the adopted level of service standard for the long-term planning period; and*
- 4. The Educational Plant Survey in its entirety.*

*In addition, the data and analysis provided in support of the proposed Public Education Facilities Element does not meet all of the statutory and rule requirements. Some data sets are out of date by a year, for example Table PSFE 8: Grade Level Enrollment Forecast does not include actual number for 2007-2008, but starts with the actual enrollment for 2006-2007. Other tables omit required years within the current five-year planning period, for example "Table PSFE 9: Student Growth Rates by Grade Level - Actual and Proposed" omits the forecast for years 2007-08 and years 2010-11. One table, PSFE 4, is blank. In addition, not all tables, charts, graphs, maps, figures and data sources, and their limitations are clearly described; include if applicable where such data occur in the above documents.*

*[Section 163.3177(3)(a), 163.3177(12)(c), F.S.; Rule 9J-5.005(2), 9J-5.015(1), 9J-5.015(2), 9J-5.016(1), 9J-5.016(2), 9J-5.025(2), F.A.C.]*

***Recommendation:***

*Revise the element to address the above-cited issues based on appropriate and relevant data and analysis. Submit the data and analysis with the adopted Public School Facilities Element for the*

Department's compliance review. Include the source of the data with the limitations clearly described, and if applicable where such data occur in the document(s).

## **Objection 2: DRI Exemption from Concurrency**

Proposed Policy 71.2.5.e of the Public School Facilities Element allows a concurrency exemption for Developments of Regional Impact (DRI). The policy states as follows:

The following residential uses are exempt from the requirements of school concurrency: Development that has been authorized as a Development of Regional Impact approved pursuant to Chapter 380, F.S., approved prior to the effective date of this policy, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The effective date of this policy is inconsistent with Section 39 of Chapter 2005-290, Laws of Florida (SB 360). Section 39 entitles an exemption of any DRI for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development order has been issued prior to July 1, 2005 (the effective date of the act) or for which a development of regional impact application has been submitted prior to May 1, 2005.

[Section 39 of Chapter 2005-290, Laws of Florida (SB 360), Section 163.3177(12)(c), F.S.; Rule 9J-2.0251(3), F.A.C; Rule 9J-5.025(3)(b) & (c), F.A.C.]

## **Recommendation:**

Revise PEFE Policy 71.2.5.e to establish July 1, 2005 as the effective date of the exemption for DRIs from school concurrency requirements.

## **Capital Improvements Element**

## **Objection 3: Demonstration of Financial Feasibility of Element**

Under the provision set forth in Public Education Facilities Element Objective 71.1 "Five-year Schedule of School District Capital Improvements", Lee County proposes to demonstrate financial feasibility of the Capital Improvements Element (CIE) by requiring the County to "include those projects necessary to address future needs of existing and anticipated school enrollment." Proposed PEFE Policy 71.4.1 requires that the County incorporate the required "Summary of Estimated Revenues" and Summary of Capital Improvements" tables from the School District s (sic) Five-year Capital Facilities Plan into the Capital Improvements Element.

However, the documents referred to by PEFE Objective 71.4 and Policy 71.4.1 have not been included in the CIE as the language requires they should. Therefore, the proposed amendment is inconsistent with Section 163.380(13)(d), F.S. requiring that a comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element (CIE).

Proposed PEFE Policy 71.4 also does not include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

*[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; Rule 9J-5.005(2)(g), 9J-5.025(2)(i), & (j), 9J-5.025(3)(b)2 & 3, 9J-5.025(3)(c)2, F.A.C.]*

***Recommendation:***

*To demonstrate financial feasibility at the time of adoption of this Amendment, implement the requirements of proposed PEFÉ Policy 71.4. Incorporate into the Capital Improvements Element the required "Summary of Estimated Revenues" and "Summary of Capital Improvements" tables from the School District's (sic) Five-year Capital Facilities Plan.*

*Alternatively include a policy that adopts by reference the relevant tables from the Lee County School District's annually updated financially feasible Five-year Capital Facilities Plan. The policy and/or actual tables should include a reference that identifies the document by title, volume and date, and should include language stating: "...document(s) adopted by reference is as they existed on a date certain." To comply with Rule 9J-5.005(2)(g), F.A.C., documents adopted by reference that are revised subsequent to Plan adoption will need to have their reference updated within the Plan through the annual amendment process. The policy or table should indicate the date, title, author and volume of the document being referenced, and where possible the applicable pages.*

*In addition, revise proposed PEFÉ Objective 71.4 to include the required language that the Plan shall set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.*

*[Section 163.3164(32), 163.3177(3), 163.3177(12), 163.3180(13)(b)2, 163.1380(13)(d), F.S.; 9J-5.005(1)(c)& (2)(a) and (g); Rule 9J-5.016(3)(b)1, 3, 4, & 5, 9J-5.016(3)(c)1, 9J-5.016(4), F.A.C.]*

**Public Education Facilities, Capital Improvements and Intergovernmental Coordination Elements**

***Objection 4: Goals, Objectives and Policy Requirements***

*The County did not provide the following required objectives and policies in its Public Education Facilities Element, Capital Improvements Element and the Intergovernmental Coordination Element to ensure compliance with the requirements for school concurrency:*

*a. Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFÉ does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

*b. Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4, F.S., and Rule 9J-5.025(3)(b)5, F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

*c. Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by*

*amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.*

*d. Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.*

*e. The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]*

*f. Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.*

*g. Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.*

*[163.3177(6)(a), (h)1 and 2 & (12)(g)4, 6, and 7; 163.31777; 163.3180(13)(b)1 and (d)2; Rules 9J-5.005(1)(c) & (2)(a) and (g); 9J5.025(2) & (3), F.A.C.]*

### ***Recommendation:***

*Revise the Public School Facilities Element to include objectives and policies that adequately address the requirements of Florida Statutes and Florida Administrative Code as described above.*

## ***II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN***

*The proposed comprehensive plan amendment does not adequately further the State Comprehensive Plan, Chapter 187, F.S., regarding:*

### *(15) Land Use*

*Policies 5 & 6: Establish comprehensive impact review procedures to evaluate the effects of significant development activities within local government jurisdictions. (Objections 1, 2, 3, 4, 5, 6, 7)*

*Policy 7: provide educational programs to meet state, regional and local planning and growth management needs. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(16) Urban and Downtown Revitalization*

*Policy 8: Promoting processes for the state, general purpose local governments, school boards, and community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*(17) Public Facilities*

*Policy 1: Provide incentives for developing land in a way that maximizes the uses of existing public facilities. (Objections 1, 2, 3, 4, 5, 6 & 7)*

*Policy 6: Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities. (Objections 4, 5 & 6)*

**Recommendation:**

*Revise the proposed amendment to be consistent with the above goals and policies of the State Comprehensive Plan, as recommended in this report.*

**B. STAFF RESPONSE**

**Objection 1: Data and Analysis Requirements**

The Data and Analysis has been updated to include references as to the origin of the information contained in the tables. Those tables that were missing information from some years of the five year planning period were updated to include data from each year of the planning period. Additional language was added regarding deficiencies in Level of Service and regarding land needs of the District.

The adopted District's current 5 Year Work Plan can be found at this location on the internet:

<http://planning.leeschools.net/Data/07WkPlanfinal.pdf>

The Educational Plant Survey can be found at this location on the internet:

<http://planning.leeschools.net/Data/Lee%20Co%202007-12%20Ed%20Plant%20Survey.pdf>

**Objection 2: DRI Exemption from Concurrency**

Staff proposes the following modification to proposed Policy 71.2.5.e:

- e. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes approved prior to the effective date of this policy July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order as it existed on the effective date of this policy.

The above proposed modification is consistent with the DCA Recommendation for Objection 2 of the ORC Report. Staff notes that the actual transmittal language slightly differs from what was cited in the DCA ORC report. The above modifications are based on the language that was actually transmitted to the DCA for review.

### **Capital Improvements Element**

#### **Objection 3: Demonstration of Financial Feasibility of Element**

The Lee County School District's School Capital Improvement Program is being incorporated by the inclusion of proposed Table 3A which is contained in the staff report for CPA2006-18 which is being adopted concurrently with this amendment. References to the School District documentation are being corrected in that staff report. Staff proposes modification to proposed Objective 71.4 to "include the required language that the Plan shall set forth a financially feasible public school facilities program...that demonstrates that the adopted level of service standards will be achieved and maintained." Staff proposes to renumber and relocate Objective 71.4 and subsequent policies located under this objective to the Capital Improvements Element. Staff proposes the following modifications to address the ORC recommendations:

**OBJECTIVE 71.4.295.5:** Five-Year Schedule of School District Capital Improvements: The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

**POLICY 71.4.195.5.1:** The County will annually incorporate into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five Year Capital Facilities Plan.

**POLICY 71.4.295.5.2:** The County, in conjunction with the School District, will annually review the Public School Facilities Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the longrange planning period.

**POLICY 71.4.395.5.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.495.5.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

## Objection 4: Goals, Objectives and Policy Requirements

*a. Objective 71.1 requires that there be adequate school facility capacity consistent with the adopted level of service. However, the proposed PEFE does not contain an Objective that addresses the correction of existing school facility deficiencies and facilities needed to meet future needs [Rule 9J-5.025(3)(b)(1)(2) F.A.C.]*

Staff notes that the School District of Lee County has not identified any current or projected Level of Service deficiencies. Staff is proposing a new objective and policy to prioritize projects in the Capital Improvement Plan that eliminate existing school facility deficiencies to ensure that facilities are in place to meet future needs:

**OBJECTIVE 71.4: ELIMINATION OF SCHOOL DEFICIENCIES:** To prioritize the Elimination of Existing School Facility Deficiencies.

Policy 71.4: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards.

*b. Supporting Policy 71.3.7 does not include a provision requiring sidewalks, bicycle paths, turn lanes, and signalization as needed to ensure safe access to school facilities. Section 163.3177(12)(g)4. F.S., and Rule 9J-5.025(3)(b)5. F.A.C., require the local government to coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.*

The Lee Plan contains numerous Objectives and Policies that speak to coordinating infrastructure provision with school facilities. For Example, Objective 40.4 requires the County to consider all modes of Transportation:

***OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION.*** *When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)*

Policy 40.4.2 provides coordination to ensure that Lee County develops a safe interconnected bicycle/pedestrian system. This Policy is reproduced below:

***POLICY 40.4.2:*** *The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet users' needs for transportation and recreation, consistent with the Bikeways/Walkways Facilities Plan (Map 3D). The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)*

Connecting public schools with established residential neighborhoods is a Lee Plan priority:



**POLICY 40.4.5:** *The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-89, Amended and Relocated by Ordinance No. 99-15)*

Lee County encourages development designs that promote pedestrian and bicycle linkages:

**POLICY 40.4.7:** *The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)*

The Lee Plan already requires that new residential developments provide pedestrian/bicycle facilities to access schools:

**POLICY 66.3.7:** *Require that new residential developments provide for adequate pedestrian and bicycle access for school children.*

The School District and Lee County jointly review proposed school sites to ensure coordination of plans for supporting infrastructure:

**OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.** *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

**POLICY 66.1.1:** *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 9430, 00-22)*

**POLICY 66.3.2:** *Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.*

Staff believes this topic is already addressed by the Lee Plan, but staff also believes that Policy 71.3.7 can be amended to specifically address this concern:

**POLICY 71.3.7:** In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

- a. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhoods existing and proposed pedestrian improvements;
- b. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year; and
- c. Evaluate school zones to consider safe crossing of children along major roadways and prioritize

areas for sidewalk improvements to increase the ability of children to walk safely to school, and

- d. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

c. *Policy 71.1.2 is blank with reference to the date of the executed Interlocal Agreement (ILA). The Policy sets forth the process for modifications to the Concurrency Service Areas (CSA) by amending the ILA and adoption of amendments to the County's Plan. This policy does not include standards for the revision of boundaries of the concurrency service areas to ensure that the utilization of school capacity is maximized to the greatest extent possible as required by Rule 9J-5.025(3)(c)(1) F.A.C.*

Policy 71.1.2 has been modified to simply refer to the 2008 Interlocal Agreement:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement dated \_\_\_\_\_ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Staff is proposing an additional policy to address the maximization issue:

**POLICY 71.1.5:** Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

- d. *Policy 71.2.3 states that the impacts of residential development on school capacity are measured for the specific CSA in which the proposed development is located. This statement is incomplete and does not fully comply with the requirements of Section 163.318(13)(c)3, F.S., and Rule 9J-5.025(3)(c)(8) F.A.C., and a section in the Interlocal Agreement. The Rule and the ILA require, as part of the school capacity determination, if capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSA(s) has (have) capacity.*

Staff proposes the following modification to Policy 71.2.3 to address this objection:

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a

maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

e. *The proposed amendment does not include a policy requiring coordination of the location of public schools with the future land use map, or map series, of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)(6) (sic)]*

The Lee Plan already addresses this issue. The Future Land Use Element contains Policy 2.1.3, Objective 2.10, Objective 2.2, Policy 2.2.1, and Policy 5.1.3. Policy 2.1.3 provides that "all land use categories and Planning Community Map areas permit the consideration of...schools (except in Wetlands and Airport Noise Zones). Policy 2.1.3 is reproduced below:

**POLICY 2.1.3:** *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)*

Objective 2.2 and Policy 2.2.1 seek to direct new growth to areas where adequate public services exist or are planned to exist. This Objective and Policy is reproduced below:

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 2.2.1:** *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

This issue is also addressed by Objective 2.10, School Location. This Objective is reproduced below:

**OBJECTIVE 2.10: SCHOOL LOCATION.** *In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)*

The Lee Plan, in Policy 5.1.3, seeks to direct "high-density residential developments" to locations that are near schools as well as near employment and shopping centers. This Policy is reproduced below:

**POLICY 5.1.3:** *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 9430)*

Further, Goal 66, and Objective 66.1 also provide guidance concerning this issue:

**GOAL 66: EDUCATION.** *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*

**OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.** *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

**POLICY 66.1.1:** *The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 9430, 00-22)*

Existing Policies 66.3.6 and 66.3.8 also address this issue:

**POLICY 66.3.6:** *Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.*

**POLICY 66.3.8:** *School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)*

Planning staff believes that the above mentioned Policy language adequately addresses this issue.

- f. *Section 163.3177(12)(g)(7) F.S. and Rule 9J-5.025(3)(c)(10) F.A.C. require a policy establishing measures to ensure compatibility of school sites and surrounding land uses.*

The School District and Lee County coordinate school planning with appropriate surrounding uses. School District staff receive copies of applications for DRIs and other significant developments from the County and are given an opportunity to comment, providing District staff with advanced knowledge as to upcoming planned developments. When the District is considering acquisition of a parcel within the unincorporated County, the District contacts the County and requests comment as to the site's consistency with the Lee Plan. Also, a member of the County's planning staff is a liaison to the School District's Site Selection Committee and participates in discussion regarding the appropriateness of sites that the District is evaluating for purchase. In addition to the above

mentioned Lee Plan Objectives and Policies, the Lee Plan contains a policy that regulates location of commercial uses proximate to school sites:

***POLICY 6.19:*** *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 0022)*

- g. *Section 163.3177(6)(h)2. F.S. requires the County to provide a policy within the Intergovernmental Coordination Element describing the joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.*

The Lee Plan already contains a "Cooperation" Objective and Policies in the Community Facilities Element that addresses this issue.

***OBJECTIVE 66.2: COOPERATION.*** *The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)*

***POLICY 66.2.1:*** *Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-22)*

***POLICY 66.2.2:*** *The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 0022)*

***POLICY 66.2.3:*** *The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. (Added by Ordinance No. 03-04)*

To meet the statutory requirement of providing a reference for collaborative planning and decision making on population projections and public school siting, the location of public facilities subject to concurrency, and siting facilities with countywide significance, staff proposes the following new Objective and Policy in the Intergovernmental Coordination Element:

**OBJECTIVE 151.5:** To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location.

**POLICY 151.5.1:** The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies.

## **C. CONCLUSIONS AND RECOMMENDATIONS**

Staff believes that the modifications proposed above along with the modifications to the data and analysis added to Part II, Staff Analysis, Section A. Staff Discussion adequately address all of the objections, recommendations, and comments raised in the Department of Community Affairs ORC

report. The transmitted language along with all of the modifications to address the ORC Report have been consolidated into Part I, Section B of this report. Staff recommends that the Board of County Commissioners adopt the changes to the Lee Plan as contained in that Section (starting on Page 2).

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: August 26, 2008

**A. BOARD REVIEW:**

The Board of County Commissioners provided no discussion concerning the proposed plan amendment.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

The Board of County Commissioners adopted the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board of County Commissioners accepted the finding of facts as advanced by the Staff and LPA.

**C. VOTE:**

**A. BRIAN BIGELOW**

AYE

**TAMMARA HALL**

AYE

**ROBERT P. JANES**

AYE

**RAY JUDAH**

AYE

**FRANKLIN B. MANN**

AYE

## INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY

Interlocal Agreement for public educational facility planning and siting in Lee County. This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007 between LEE COUNTY, a political subdivision and Charter County of the State of Florida, acting by and through its Board of County Commissioners (hereinafter "County"), the CITY OF BONITA SPRINGS, the CITY OF CAPE CORAL, the CITY OF FORT MYERS, the TOWN OF FORT MYERS BEACH, the CITY OF SANIBEL (collectively referred to as "Cities"), and the SCHOOL BOARD OF LEE COUNTY, FLORIDA ("School Board").

WHEREAS the County, the Cities and the School Board recognize their mutual obligation and responsibility for the education, nurturance and general well-being of the children of Lee County; and

WHEREAS the County, the Cities and the School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and the school facilities planning programs; namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks and drainage systems, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk constructions programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS it is mutually beneficial for the County, the Cities and the School Board to support efforts that facilitate coordination of planning for the location and development of public educational facilities to serve the children of Lee County and to ensure that the impacts of new development occur only in accordance with the ability of the County, the Cities and the School Board to maintain adequate level of service standards; and

WHEREAS Sections 1013.33 (1), 163.31777 and 163.3180 (13), Florida Statutes, require coordination of planning between the school boards and local governing bodies to ensure that new or expanded public educational facilities are coordinated in time and place with plans for residential development concurrently with other necessary services; and

WHEREAS Section 1013.33(10), Florida Statutes, requires that the location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing bodies and any applicable implementing land development regulations to the extent that the regulations are not in conflict with, or the subject regulated is not specifically addressed by Chapter 1013 or the State Uniform Building Code; and

WHEREAS Section 163.31777(1)(a) and 1013.33(2)(a), Florida Statutes, further require each county, all the non-exempt municipalities within the county, and the district school board to establish jointly the specific ways in which the plans and processes of the district school board and local governments are to be coordinated; and

WHEREAS Section 163.3180 (13), Florida Statutes, requires the County and the School Board to implement a school concurrency program; and



WHEREAS Sections 163.31777 and 163.3180(13), Florida Statutes, details the school concurrency requirements that must be implemented through interlocal coordination between the County and the School Board; and

WHEREAS the County, Cities and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of the County and Cities; and

WHEREAS the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries and the Cities have similar jurisdiction within their boundaries; and

WHEREAS the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Lee County; and

WHEREAS the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Lee County; and

NOW THEREFORE, be it mutually agreed between the parties hereto that the following requirements and procedures shall be utilized in coordinating land use and the siting of public school facilities;

### **Section 1. Joint Meetings**

- 1.1 Staff working groups from the County, School Board and Cities will meet on an as needed basis to formulate recommendations, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The County Planning Director and School Board staff will jointly be responsible for making meeting arrangements and providing notification.

### **Section 2. Student Enrollment and Population Projections**

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board agree to coordinate and base their plans upon the same projections of the amount, type, and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County are reflected in the updated projections.
- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections and the Districts own estimations as to how the DOE projected growth will be spread amongst the Concurrency Service Areas (CSAs) established in Section 8.5 of this Agreement. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections using the appeal process provided by DOE or the COHORT Projection Waiver available on the DOE website. In formulating such a request, the School Board will coordinate with the Cities and County regarding future population projections and growth.

- 2.3 The County working with the Cities will use information on County growth and development trends for municipal and unincorporated areas, such as Census information on population and housing characteristics, persons per household figures, historic and projected growth rates, and the information described in Section 3.2, to project residential units by type for five years (single family, multi family and mobile home) and allocate these units to the CSAs established in Section 8.5 of this Agreement. The allocation of residential units by type and CSA will be provided to the School Board by April 1 of each year.
- 2.4 The School Board will evaluate the CSA projections prepared by the County. The School Board working with the County will develop and apply student generation multipliers for residential units by type for schools of each type, considering past trends in student enrollment within specific CSAs in order to project school enrollment. The school enrollment projections will be included in the educational facilities report provided to the County and the Cities each year as specified in subsection 3.1 of this Agreement.
- 2.5 Population Projections. Coordination regarding the update of the County population projections, their allocation into CSAs and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in Section 1.1 of this agreement. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

### Section 3. Coordinating and Sharing of Information

- 3.1 Educational Facilities Report: By September 7 of each year, the School Board shall submit to the County and each City the tentative educational facilities plan, including the Five Year Facilities Work Program (the "Work Program"). The report will contain information in tabular, graphic and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, projected needs, planned facilities with funding over the next 5 years, and the educational facilities representing the District's unmet needs. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed for five, ten and twenty year time periods and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the School Board at the School Board's discretion, or properties acquired through other means that are potential school sites. The Cities and County will review the tentative educational facilities plan and provide comments to the School Board within 15 days of the consistency of the plan with the local comprehensive plan, including the capital improvements element and whether a comprehensive plan amendment will be necessary for any proposed educational facility.
- 3.2 Growth and Development Trends On April 1 of each year, local governments will provide the School Board with the following information:
- a. The type, number, and location of residential units which have received zoning approval or site plan approval;

- b. Information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
- c. An inventory of potential dwelling units that have received final plat or site development plan approval but have not yet received certificate of occupancy approval and a projection of the amount of the number of these units that are anticipated to receive certificates of occupancy approval in the next three years
- d. the amount of school impact fees assessed by unit type, the unit of local government from which the fees were collected, the amount of impact fee revenues collected, and any pending changes to the school impact fee schedule;
- e. the identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval;
- f. information regarding future land use map amendments which may have an impact on school facilities;
- g. building permits issued for the preceding year and their location; and
- h. updated population projections apportioned geographically.

The School Board will use the information described in Section 3.2 to apportion projected student enrollment geographically to make the most efficient use of public school facilities. The distribution of projected student enrollment will be presented at staff meetings described in subsection 1.1.

#### **Section 4. School Site Selection**

- 4.1 The School Board has established a Site Selection Committee for the purpose of reviewing potential sites for new schools and proposals for renovation, expansion and closure of existing schools and making recommendations to the Superintendent and the School Board. The Site Selection Committee is a standing committee that meets on an as-needed basis. The issues identified in subsection 4.2 of this Agreement will be considered by both the local government and Site Selection Committee as each potential site and each school proposed for renovation, expansion or closure is evaluated. Based on the information gathered during this review, the Site Selection Committee will make a recommendation to the School Board.
- 4.2 The following issues will be considered by the Site Selection Committee, the School Board and the local government when evaluating potential school sites for expansion or rebuilding of existing schools:
  - a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in subsection 7.1 and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and co-location of community facilities.
  - b. The location of new elementary and middle schools proximate to residential neighborhoods.



- c. The location of new schools within reasonable walking distance of dwelling units served by the schools, as practicable under the School Assignment Program.
- d. The location of new high schools on the periphery of residential neighborhoods, with access to major roads.
- e. Compatibility of the school site with present and projected uses of adjacent properties.
- f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
- g. Site acquisition and development costs.
- h. Safe access to and from the school site by pedestrians and vehicles.
- i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
- k. Impact on archeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- n. Whether the proposed location is within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan.
- o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
- p. Whether the proposed location lies outside the area regulated by Section 333.03, Florida Statutes, regarding the construction of public educational facilities in the vicinity of an airport.

4.3 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the renovation, expansion or closure of an existing school, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice shall notify the School Board within 45 days if the proposed new school site or the proposed renovation, expansion or closure of an existing school is consistent with the land use categories and policies of the local government's comprehensive plan.

## **Section 5. Supporting Infrastructure**

5.1 In conjunction with the preliminary consistency determination described at subsection 4.3 of this agreement, the School Board and affected local governments will jointly determine the need for timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion, or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

## **Section 6. Comprehensive Plan Amendments, Rezonings, and Development Approvals**

6.1 The County and the Cities will provide the School Board notification of land use applications and development proposals filed that may affect student enrollment, enrollment projections or

school facilities, including preliminary plats, rezonings, developments of regional impact and other major residential or mixed-use development projects. If a public hearing is required, the notification must be provided at least 30 days prior to the first public hearing for consideration of the development application. If no public hearing is required, the notification must be provided at least 30 days prior to any action or decision to approve or deny the application. The Zoning Administrator shall refer any rezoning application that includes residential uses to the School Board, and shall include the School Board's comments in the staff reports.

6.2 The County and the Cities shall provide the School Board notice of proposed amendments to the comprehensive plan future land use map filed that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 30 days prior to the first public hearing for consideration on the plan amendment.

6.3 Within 14 days after notification as described in Section 6.1 and 6.2, the School Board shall provide the estimated school enrollment impacts anticipated to result from the proposed land use application or development proposal, as well as whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with the State Requirements for Educational Facilities.

6.4 In reviewing and approving land use applications, rezoning requests and development proposals, the County and the Cities will consider the following issues:

- a. Providing school sites and facilities within planned neighborhoods.
- b. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites.
- c. The co-location of parks, recreation and community facilities with school sites.
- d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails and sidewalks.
- e. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood.
- f. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools.
- g. The inclusion of school bus stops and turnarounds in new developments.
- h. School Board comments on comprehensive plan amendments and other land-use decisions.
- i. Available school capacity or planned improvements to increase school capacity.

6.5 In formulating community development programs, the County and the Cities will consider the following issues:

- a. Targeting community development improvements in older and distressed neighborhoods near schools.
- b. Giving priority to scheduling County and City programs and capital improvements that are consistent with and meet the capital needs identified in the School Board's facilities plan.
- c. Giving priority to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovations to existing facilities, and providing transportation alternatives.
- d. Working to address and resolve multi-jurisdictional public school issues.



## Section 7. Co-location and Shared Use

7.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the Work Program and Educational Plant Survey. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing art centers, and stadiums. In addition, where applicable, co-location and shared use of school and government facilities for health care and social services will be considered.

7.2 A separate agreement will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

## Section 8. School Concurrency Implementation

8.1 Comprehensive Plan. No later than December 31, 2007, the County and Cities will consider the adoption of Comprehensive Plan Amendments to address school concurrency matters, including:

- a. A Public Schools Facilities Element, pursuant to sections 163.3177 (12) and 163.3180, Florida Statutes.
- b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
- c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.

8.2 Land Development Code. Following the amendment of the County's Comprehensive Plan, as provided herein, the County will consider the adoption of a "School Concurrency Ordinance" and will make other changes to the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and the terms of this Agreement.

8.3 Five-Year Facilities Work Program.

- a. Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County and Cities will consider an amendment to the CIE of the Comprehensive Plan in order to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, made in accordance with this Agreement, the County will consider further amendments to its CIE to incorporate such updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.

8.4 Level of Service Standards

- a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein shall be applied consistently within the County and the Cities for the purposes of implementing school concurrency, including

determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.

- b. The LOS standards set forth herein shall be included in the CIE and shall be applied consistently by the County, the Cities and the School Board districtwide to all schools of the same type.
- c. The LOS standards may be amended only pursuant to the procedure set forth in Section 10 of this Agreement.
- d. The LOS standard to be used by the County, the Cities and the School Board to implement school concurrency shall be as follows:
  - (1) Elementary: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (2) Middle: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (3) High: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (4) Special Purpose: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

#### 8.5 School Concurrency Service Areas

- a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are hereby established to be coterminous with the existing Student Assignment Subzones as shown on the attached map.
- b. Future amendments to the CSAs may be accomplished by the School Board only after review and comment by the County and Cities as provided in Section 10 of this Agreement. CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement, taking into account school policies to:
  - (1) minimize student transportation costs;
  - (2) limit maximum student travel times;
  - (3) achieve socio-economic, racial and cultural diversity objectives;
  - (4) recognize capacity commitments resulting from local governments' development approvals for the CSA; and
  - (5) recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
- c. CSAs will be described geographically in the County's and Cities' Comprehensive Plans pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

9 8.6 Demand Monitoring and Evaluation: The County shall provide the following information to the School Board on a quarterly basis to facilitate demand projection and student generation rate trends:

- a. Geo-referenced building permit and certificate of occupancy data;
- b. Summary of actions on preliminary and final plats;
- c. Summary of site development plan approvals for multi-family projects; and
- d. Summary of other actions that affect demands for public school facilities.

#### 8.7 Applicability

- a. Except as provided in subsection b. below, school concurrency applies only to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the applicable School Concurrency Ordinance.
- b. The following residential uses shall be considered exempt from the requirements of school concurrency:
  - (1) Single family lots of record having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
  - (2) Multi-family residential development having received final site plan approval prior to the effective date of the applicable School Concurrency Ordinance.
  - (3) Amendments to residential development approvals issued prior to the effective date of the applicable School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.
  - (4) Other uses as provided for in the School Concurrency Ordinance.

#### 8.8 Process for Determining School Facilities Concurrency

- a. The County and Cities will accept and process final plats and residential site plans only after the applicant has complied with the terms of the applicable School Concurrency Ordinance. The County and Cities may approve a School Concurrency Application earlier in the approval process, if requested by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this subsection.
- b. Upon the receipt of a complete School Concurrency Application, the County or City will transmit the application to the School Board for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth in herein and in the respective land development codes.
- c. Within thirty (30) days of the initial transmittal from the County or Cities, the School Board will review the School Concurrency Application and, based on the standards set forth in this Agreement, report in writing to the County or City:
  - (1) whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
  - (2) if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.
- d. If the School Board determines that adequate capacity will not be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County or City will not issue a School Concurrency Determination and will not accept or process a development application.



- e. If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
- f. The County or City will issue a School Concurrency Determination only upon:
  - (1) The School Board's written determination that adequate school capacity will be in place or under actual construction within 3 years after the issuance of the final subdivision or plat approval for each level of school without mitigation; or
  - (2) The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

#### 8.9 Concurrency Determination Standards

- a. Definitions. The terms used in this subsection shall be defined as follows:
  - (1) Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
  - (2) Capacity – “capacity” as defined in the FISH Manual.
  - (3) Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County or City.
  - (4) FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, and that is published by the Florida Department of Education, Office of Educational Facilities.
  - (5) Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
  - (6) Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted Work Program.
  - (7) Previously Approved Development – development approved as follows:
    - (a) Single family lots of record having received final plat approval prior to the effective date of the County or City's respective School Concurrency Ordinance.
    - (b) Multi-Family residential development having received final site plan approval prior to the effective date of the County or City's respective School Concurrency Ordinance.
  - (8) Reserved capacity – School facility capacity set aside for a development or use other than those set aside pursuant to a School Concurrency Application, including development that impacts schools but that is exempt from the terms of the respective School Concurrency Ordinance.
  - (9) Total school facilities – Existing school facilities and planned school facilities.
  - (10) Used capacity – School facility capacity consumed by or reserved for preexisting development.
  - (11) Work Program – the financially feasible 5-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.

- b. School Capacity Calculations. The School Board will determine whether adequate school capacity exists for a proposed development, based on the LOS standards, CSAs, and other standards set forth in this Agreement, as follows:
  - (1) Calculate total school facilities by adding the capacity provided by existing school facilities to the capacity of any planned school facilities.
  - (2) Calculate available school capacity by subtracting from the total school facilities the sum of:
    - (a) Used capacity;
    - (b) The portion of reserved capacity projected to be developed within three years;
    - (c) The portion of previously approved development projected to be developed within three years; and
    - (d) The demand on schools created by the proposed development.
- c. Concurrency Service Areas. In determining whether there is sufficient school capacity to accommodate a proposed development, the School Board will:
  - (1) Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula above.
  - (2) In the event that the CSA in which the proposed development is situated does not have available school capacity, the School Board will determine whether a contiguous CSA within the same Zone (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA within the same Zone with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.

8.10 Mitigation Alternatives. In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Agreement otherwise would be exceeded, the following procedure shall be used.

- a. The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the School Concurrency Ordinance, and this Agreement.
- b. Acceptable forms of mitigation may include:
  - (1) The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; and
  - (2) Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.
- c. The following standards apply to any mitigation accepted by the School Board:
  - (1) Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program, which satisfies the demands created by the proposed development; and
  - (2) Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be

based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

- e. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed, which sets forth the terms of the mitigation, including such issues as the amount, nature and timing of donations or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.
- f. If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing and the County will not issue a School Concurrency Determination for the proposed development.
- g. The School Board may grant two (2) 90-day extensions to the mitigation negotiation period.
- h. Mitigation must be proportionate to the demand for public school facilities to be created by actual development of the property.

**Section 9. Amendments.** This Agreement may be amended only by the written consent of the parties hereto.

**Section 10. Oversight.** The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of this Agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the interlocal agreement is being implemented.

**Section 11. Termination.** Pursuant to Section 1013.33, Florida Statutes, this Agreement will be effective upon the date of its execution by all parties hereto and shall continue in full force and effect; provided, however, that the Agreement shall automatically be renewed for one (1) year periods unless the County, the Cities or that School Board signifies in writing its intent to terminate the Agreement at least 120 days prior to the renewal date. It is further provided that any of the aforementioned parties may terminate this Agreement by giving at least 120 days written notice of its intent.

**Section 12. Resolution of Disputes.** The adjudication of disputes and disagreements under this Agreement will be resolved in accordance with the government conflict resolution procedures specified in Chapters 164 and 186 of the Florida Statutes.

**Section 13. Replacement.** This Agreement replaces that certain Interlocal Agreement between the parties hereto dated August 20, 2002. The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

**Section 14. Notice.** All notices or other communications provided for in this Agreement shall be in writing and shall be deemed properly delivered when delivered (a) personally, (b) by facsimile transmission provided the sending party received electronic confirmation thereof, or (c) by the mailing of such notice by registered or certified mail to the following addresses:

If to the School Board:  
Office of the Superintendent  
Lee County School District  
2055 Central Avenue  
Fort Myers, FL 33901  
Phone:  
Fax:

If to the County:

If to the City of Bonita Springs:

If to the City of Cape Coral:

If to the City of Fort Myers:

If to the Town of Fort Myers Beach:

If to the City of Sanibel:

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

## INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

This agreement is entered into between the Lee County Commission (hereinafter referred to as "County"), the City or Town Council of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel (hereinafter referred to as "Cities"), and the School Board of Lee County (hereinafter referred to as "School Board").

WHEREAS, the County, Cities and the School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Lee County; and

WHEREAS, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS, Section 235.193, Florida Statutes, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h)1 and 2, Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, and describe the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Section 163.3177(6)(h)2, Florida Statutes, further requires each county, all the municipalities within that county, and the district school board to establish by interlocal or other formal agreement executed by all affected entities; the joint processes described above consistent with their adopted intergovernmental coordination element; and

Whereas, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above; and

WHEREAS, the County, Cities and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of Lee County and the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel ; and

WHEREAS, the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries and the Cities have similar jurisdiction within their boundaries, and

WHEREAS, the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Lee County, and

WHEREAS, the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Lee County, and

WHEREAS, the parties are authorized to enter into this interlocal agreement pursuant to Section 163.01, Section 163.3177(6)(h)2., and Section 235.193(7), F. S.

NOW THEREFORE, be it mutually agreed between the School Board, the Board of County Commissioners of Lee County and the City or Town Councils of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel that the following procedures will be utilized to better coordinate public school facilities planning and land use planning:

#### Section 1. Joint Meetings

- 1.1 Staff working groups from the County, School Board, and Cities will meet on an as needed basis but no less frequently than twice per year to formulate recommendations, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The County Planning Director and School Board staff will be jointly responsible for making meeting arrangements and providing notification.
- 1.2 The County, the Cities, and the School Board will meet every other year in joint workshop sessions. The joint workshop sessions will be opportunities for the County, the Cities, and the School Board to set direction, discuss issues and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The County Manager and School Board Superintendent will be jointly responsible for making meeting arrangements and providing notification.

#### Section 2. Student Enrollment and Population Projections

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board agree to coordinate their plans upon the same projections of the amount, type and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County are reflected in the updated projections.
- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections. In formulating such a request the school board will coordinate with the Cities and County regarding future population projections and growth.
- 2.3 The County working with the Cities will use information on County growth and development trends for municipal and unincorporated areas, such as Census information on population and housing characteristics, persons-per-household figures, historic and projected growth rates, and the information described in Section 3.2, to project residential units by type for five years (single family, multi-family and mobile home) and allocate these units into sub-county planning sectors, such as student attendance zones, so that the county-wide projections are not exceeded. The planning sectors will be established by mutual consent of the school board and local government staff. The allocation of residential units by type and planning sector will be provided to the school board by April 1 of each year.
- 2.4 The School Board will evaluate the planning sector projections prepared by the County. The School Board working with the County will develop and apply student generation multipliers for residential units by type for schools of each type, considering past trends in student enrollment within specific planning sectors in order to project school enrollment. The school enrollment projections will be included in the educational facilities report provided to the County and Cities each year as specified in subsection 3.1 of this

agreement.

- 2.5 Population Projections: Coordination regarding the update of the County population projections, their allocation into planning sectors, and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in subsection 1.1 of this agreement. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

### Section 3. Coordinating and Sharing of Information

- 3.1 Educational Facilities Report: By October 15 of each year, the School Board shall submit to the County and each City the educational facilities report. The report will contain information in tabular, graphic, and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, and projected needs. The report will also contain the board's capital improvement plan, including planned facilities with funding over the next 5 years, and the educational facilities representing the district's unmet need. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the school board at the school board's discretion, or properties acquired through other means that are potential school sites.
- 3.2 Growth and Development Trends: On April 1 of each year, local governments will provide the school board with information regarding the type, number, and location of residential units which have received zoning approval, site plan approval, a building permit, or a Certificate of Occupancy. Information regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students will also be provided. Local governments will also identify any development orders issued which contain a requirement for the provision of a school site as a condition of development approval. The actual students generated from new residential units will be used in the data and analysis for the annual update of the school board's Five-year Capital Facilities Plan.

### Section 4. School Site Selection

- 4.1 The School Board will establish an informal site selection committee for the purpose of reviewing potential sites for new schools and proposals for renovation, expansion and closure of existing schools, and making suggested recommendations to the District Site Selection Committee, the Superintendent and the School Board. The site selection committee will be a standing committee and will meet on an as needed basis. In addition to appropriate members of the school district staff, the informal site selection committee will include at least one staff member of the County appointed by the County Manager, and representatives selected by each of the Cities. The committee membership will be expanded as needed to include additional staff from any City in or near where a school is proposed. When the need for a new school is identified in the district facilities work program, the site selection committee will develop a list of potential sites in the area of need identified in the educational plant survey. The list of potential sites and list of schools proposed for renovation, expansion or closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan including: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, and land use compatibility. In addition, consistency with community vision and other issues such as student assignment that have a bearing on site suitability will be commented upon. The issues identified in subsection 4.2 of this agreement will also be considered by both the local government and site selection committee as each potential site and each school proposed for renovation, expansion or closure is evaluated. Based on the information gathered during this review, the site selection committee will make a recommendation to the school district committee of one or more sites in order of preference.

- 4.2 The following issues will be considered by the informal site selection committee, the school board, and the

local government when evaluating potential school sites or expansion or rebuilding of existing schools:

- a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in subsection 8.1 and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and co-location of community facilities.
  - b. The location of new elementary and middle schools proximate to residential neighborhoods.
  - c. The location of new schools within reasonable walking distance of dwelling units served by the schools, as practicable under the student assignment program.
  - d. The location of new high schools on the periphery of residential neighborhoods, with access to major roads.
  - e. Compatibility of the school site with present and projected uses of adjacent property.
  - f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
  - g. Site acquisition and development cost.
  - h. Safe access to and from the school site by pedestrians and vehicles.
  - i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
  - j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
  - k. Impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
  - l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
  - m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
  - n. Whether the proposed location is within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan.
  - o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
  - p. Whether the proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.
- 4.3 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the renovation, expansion or closure of an existing school, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice, shall notify the School Board within 45 days if the proposed new school site or the proposed renovation, expansion or closure of an existing school is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to sections 235.193(5) and 235.194, Florida Statutes.



## Section 5. Supporting Infrastructure

- 5.1 In conjunction with the preliminary consistency determination described at subsection 4.3 of this agreement, the school board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

## Section 6. Comprehensive Plan Amendments, Rezoning, and Development Approvals

- 6.1 The School Board will receive Local Planning Agency agendas and appropriate backup materials from all local governments and will review and comment as appropriate.
- 6.2 The County and the Cities agree to give the School Board notification of land use applications and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 14 days prior to approval of the application. This notice requirement applies to amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other major residential or mixed-use development projects.
- 6.3 After notification by the local government, the School Board will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application or development proposal, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with Department of Education criteria.
- 6.4 Based on the Department of Education definition of adequate capacity, if sufficient capacity is not available or planned to serve the development at the time of impact, the School Board shall specify how it proposes to meet the anticipated student enrollment demand; alternatively, the School Board, local government, and developer may collaborate to find means to ensure sufficient capacity will exist to accommodate the development, such as, developer contributions, project phasing, required facility improvements and school impact fees.
- 6.5 In reviewing and approving land use applications, rezoning requests and development proposals, the County and Cities will consider the following issues:
- a. Providing school sites and facilities within planned neighborhoods.
  - b. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites.
  - c. The co-location of parks, recreation and community facilities with school sites.
  - d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.
  - e. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood.
  - f. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools.
  - g. The inclusion of school bus stops and turnarounds in new developments.
  - h. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments.

- i. School Board comments on comprehensive plan amendments and other land-use decisions.
  - j. Available school capacity or planned improvements to increase school capacity.
- 6.6 In formulating community development plans and programs, the County and the Cities will consider the following issues:
- a. Targeting community development improvements in older and distressed neighborhoods near schools.
  - b. Giving priority to scheduling County and City programs and capital improvements that are consistent with and meet the capital needs identified in the School Board's school facilities plan.
  - c. Giving priority to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovation to existing facilities, and providing transportation alternatives.
  - d. Working to address and resolve multi-jurisdictional public school issues.

#### Section 7. Educational Plant Survey and Five-Year District Facilities Work Program

- 7.1 At least one year prior to preparation of the educational plant survey update, the staff working group established in subsection 1.1 of this agreement will assist the school board in an advisory capacity in the preparation of the update. The staff working group will evaluate and make recommendations regarding the location and need for new, or improvements to existing, educational facilities in terms of consistency with the local government comprehensive plan, and relevant issues listed at subparagraphs 4.2, 6.5 and 8.1 of this agreement.
- 7.2 The School Board will provide the proposed annual update of the five-year district facilities work program to each local government for review and comment for consistency with the local government comprehensive plan prior to adoption. Local governments may provide written comments to the School Board following receipt of the proposed work program.

#### Section 8. Co-location and Shared Use

- 8.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the Educational Plant Survey. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, where applicable, co-location and shared use of school and governmental facilities for health care and social services will be considered.
- 8.2 A separate agreement will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

#### Section 9. Oversight Process

The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of the interlocal agreement. Committee members shall be invited to attend all meetings referenced in Sections 1 and 4 and shall receive copies of all reports and documents produced pursuant to this interlocal agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the

interlocal agreement is being implemented.

#### Section 10. Resolution of Disputes

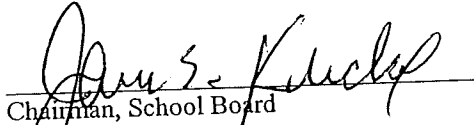
If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapters 164 and 186, Florida Statutes.

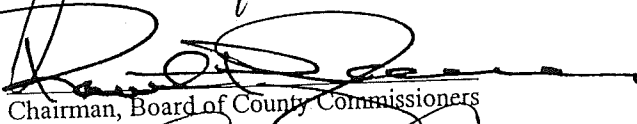
#### Section 11. Amendment and Termination of Agreement

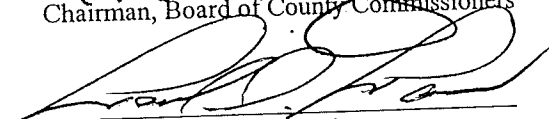
Any party may elect to withdraw from participation in this agreement upon official action of its governing body and after 30 days written notice to all other parties to this agreement.

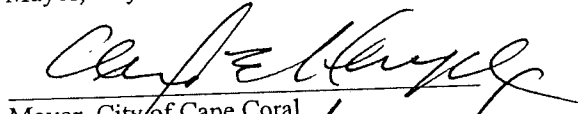
IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of Lee County, the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel and the School Board of Lee County on this 20<sup>TH</sup> day of AUGUST, 2002. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

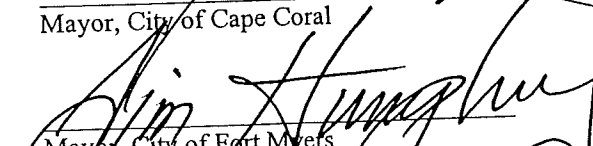
ATTEST:

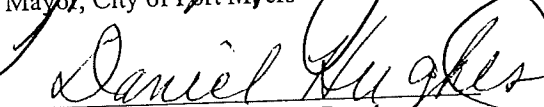
  
Chairman, School Board

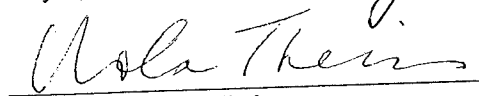
  
Chairman, Board of County Commissioners

  
Mayor, City of Bonita Springs

  
Mayor, City of Cape Coral

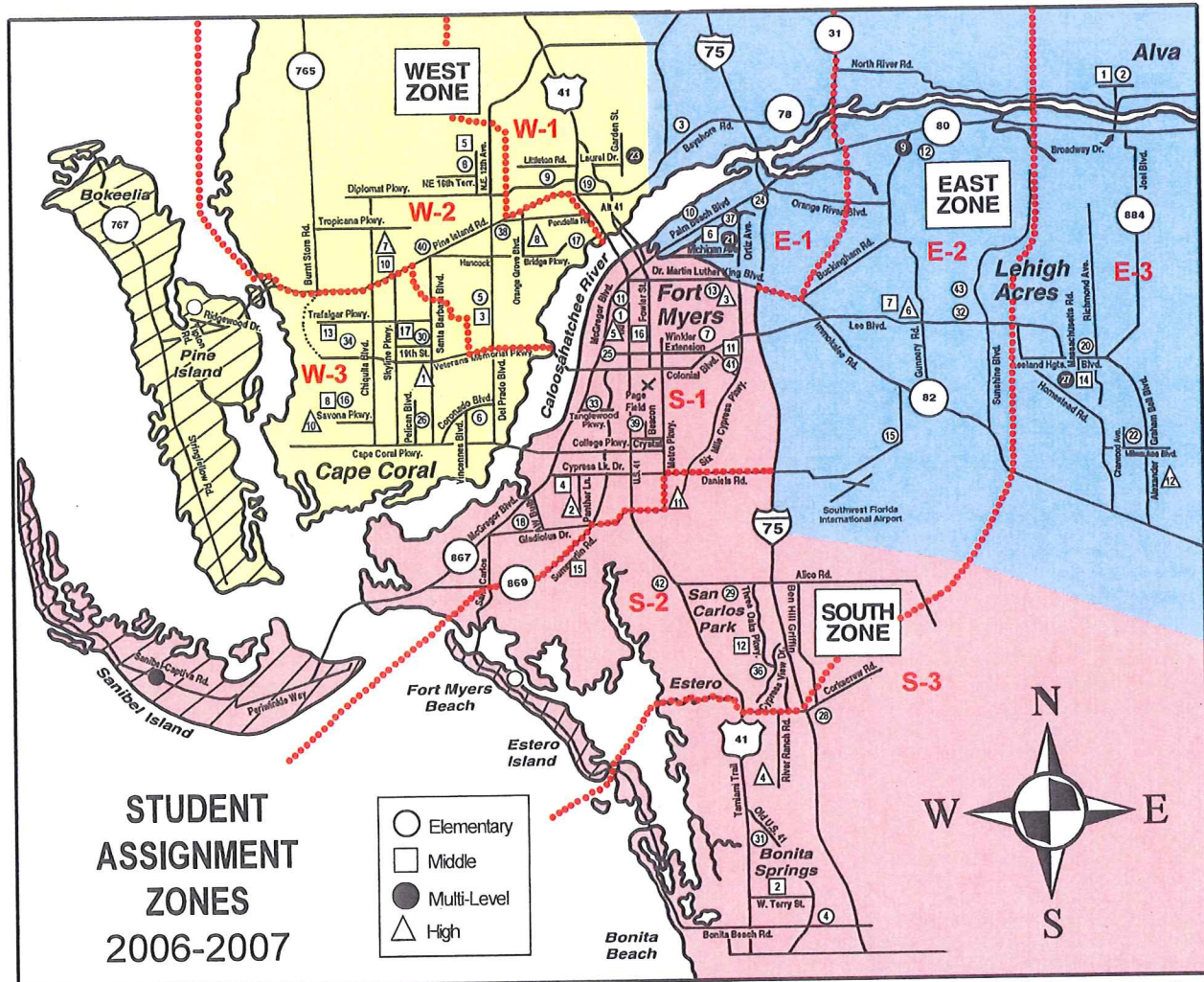
  
Mayor, City of Fort Myers

  
Mayor, Town of Fort Myers Beach

  
Mayor, City of Sanibel



# THE SCHOOL DISTRICT OF LEE COUNTY



Free school bus transportation is provided for students who live beyond two miles from their assigned school. Students residing in barrier island boundary areas of Ft. Myers Beach, and Pine Island will attend their barrier island elementary school. Students residing in barrier island boundary area of Sanibel Island will attend their barrier island elementary and middle school.

## WEST ZONE Elementary Schools

Caloosa (U) .....	5
Cape .....	6
Diplomat (U) .....	8
Gulf .....	16
Hancock Creek .....	17
Hector A. Cafferata, Jr. (U) .....	40
J. Colin English (U) .....	19
Littleton (U) .....	9
NFM Academy for the Arts (K-8) (A) (U) .....	23
Pelican .....	26
Skyline .....	30
Trafalgar (U) .....	34
Tropic Isles .....	38

## Middle Schools

Caloosa .....	3
Challenger .....	17
Diplomat .....	5
Gulf .....	8
Mariner .....	10
NFM Academy for the Arts (K-8) (A) (U) .....	23
Trafalgar .....	13

## High Schools

Cape Coral (IB) .....	1
Ida S. Baker (C) .....	10
Mariner .....	7
North Fort Myers (A) .....	8

## SOUTH ZONE Elementary Schools

Allen Park .....	1
Bonita Springs (A) .....	4
Colonial (U) .....	7
Edison Park (A) .....	11
Franklin Park (T)(U) .....	13
Heights .....	18
Orangewood .....	25
Pinewoods .....	28
Ray V. Pottorf .....	41
Rayma C. Page .....	42
San Carlos Park (U) (A) .....	29
Spring Creek (U) .....	31
Tanglewood Riverside .....	33
Three Oaks .....	36
Villas .....	39

## Middle Schools

Bonita Springs .....	2
Cypress Lake (A) .....	4
Fort Myers Middle Academy (U) (T) .....	16
Lexington .....	15
Paul Laurence Dunbar .....	11
Three Oaks (U) .....	12

## High Schools

Cypress Lake (A) .....	2
Dunbar (T) .....	3
Estero .....	4
Fort Myers (IB) .....	5
South Fort Myers (C) .....	11

## EAST ZONE Elementary Schools

Alva .....	2
Bayshore (U) .....	3
Edgewood Academy (U) .....	10
Gateway .....	15
Harns Marsh .....	43
Lehigh .....	20
Michigan International (K-8) (IB) .....	21
Mirror Lakes .....	22
Orange River .....	24
River Hall .....	12
Sunshine .....	32
Tice .....	37
Veterans Park (K-8) (A) (U) .....	27

## Middle Schools

Alva .....	1
Lee (IB) .....	6
Lehigh Acres (U) .....	14
Michigan International (K-8) .....	21
Riverdale (6th only) .....	9
Varsity Lakes .....	7
Veterans Park (K-8) (A) (U) .....	27

## High Schools

East Lee County (9th & 10th only) (C) .....	12
Lehigh Senior (A) .....	6
Riverdale (IB) .....	9

(A) Arts Program  
(C) Comprehensive Program  
(IB) International Baccalaureate  
(T) Technology Program  
(U) This school has a uniform clothing policy

## County and Municipal Related Data

### Past and Projected Population

Table PSFE 1 shows past population and projections for the future.

Table PFSE 1: Population Data, 2000 – 2006

	<b>2000 (Actual)</b>	<b>2001 (Est.)</b>	<b>2002 (Est.)</b>	<b>2003 (Est.)</b>	<b>2004 (Est.)</b>	<b>2005 (Est.)</b>	<b>2006 (Est.)</b>
<b>Lee County</b>	440,888	459,115	475,484	491,971	514,477	544,196	571,344
<b>Ft. Myers</b>	48,208	52,692	53,501	54,877	57,065	58,422	60,531
<b>Cape Coral</b>	102,286	107,623	112,351	119,003	128,220	139,986	151,389
<b>Bonita Springs</b>	32,797	33,727	35,005	35,152	35,849	37,990	40,877
<b>Sanibel</b>	6,064	6,126	6,166	6,152	6,107	6,066	5,812
<b>Ft. Myers Beach</b>	6,561	6,674	6,777	6,869	6,786	6,827	6,559
<b>Total</b>	636,804	665,957	689,284	714,024	748,504	793,487	836,512

Source: US Census Bureau

Permit Activity/Projected Permit Activity

In Lee County, the increase in population has been accompanied by an increase in residential housing units. Table PSFE 2 details building permit activity for the unincorporated county for the period between 2003 and 2006. Table PSFE 3 identifies the increase in total residential units from the 2000 Census to 2006.

Table PSFE 2: Total Residential Permits Issued Per Year

Building Type	2003	2004	2005	2006
Single Family Units	9,221	14,157	19,017	12,470
Multi-Family Units	11,037	1,652	1,926	1,322

Source: Lee County Statistical Digest, Economic Development Office of Lee County March

2007

Table PSFE 3: Lee County Total Residential Units

Residential Units	Census 2000	2006
Total Single Family Units	134,511	203,546
Total Multi-Family Units	70,952	100,111
Total Mobile Home Units	39,942	37,460
Total Housing Units	245,405	341,117

Source: U.S. Census Bureau

The data detailed in Table PSFE 3 indicates a steady increase in the number of single family residential building permits issued in Lee County between 2003 and 2006 with a decline in 2006, however, a significant number of permits were still issued in that year. These new units place additional demands on the school system's capacity because each new housing unit has the potential to generate new students. Table PSFE 4 shows the projected number of building permits to be issued annually through the year 2011.

Table PSFE 4: Projected Building Permits for Next 5 Years

	2007	2008	2009	2010	2011
Projected Annual Population Change					
Projected Permits					

Source:

### **Enrollment Projections**

Current enrollment and school capacity data provide a baseline that can be used to develop a financially feasible level of service standard. DOE projections are updated annually based on information derived from BEBR statistics and are used as a planning tool to determine facility needs in the public schools throughout the state. In Tables PSFE 8 and 9, the DOE Capital Outlay Full-Time Equivalent (COFTE) results are presented. COFTE represents the sum of unweighted FTE enrollment from the second (October) and third (February) FTE counts. Those counts include only the schools reported in the FISH report. These estimates do not include unique student categories (hospital-bound, home-bound, summer school students, etc.). Consequently, unique categories were not included in these estimates because they do not require additional student stations. Table PSFE 8 below summarizes the enrollment forecast.

**Table PSFE 8: Grade Level Enrollment Forecast**

	<b>Actual 2006-2007</b>	<b>Forecast 2011-2012</b>	<b>Forecast 2016-2017</b>	<b>Forecast 2026-2027</b>
<b>Elementary</b>	33,989	28,912	46,898	84,734
<b>Middle</b>	15,967	32,902	21,907	36,979
<b>High</b>	20,502	23,055	34,726	44,750
<b>Other</b>			1,518	4,217
<b>Total</b>	70,458	84,869	105,049	170,680

*Source:*

The projected student enrollment data are used to determine the need for school facilities in light of the growing demands on public schools because of new residential development. To accommodate the projected future student growth, additional capacity projects are included in the School District's Capital Facilities Plan.

Table PSFE 9 shows the projected growth rate by grade level over the long-range planning horizon. Tables PSFE 10 through PSFE 13 detail the actual and projected student enrollment starting in 2006-07 and ending with year 2011-12 at the elementary, middle, and high school levels, excluding future planned schools for the same time period.



**Table PSFE 9: Student Growth Rates by Grade Level – Actual and Projected  
COFTE**

<b>Grade</b>	<b>Actual 2004-05</b>	<b>Actual 2005-06</b>	<b>Actual 2006-07</b>	<b>Forecast 2009-10</b>	<b>Forecast 2012-2013</b>	<b>Forecast 2013-2014</b>
Pre-K	499	642	592	698	755	776
Grade K	5318	5714	6086	6570	7711	7934
Grade 1	5126	5386	5693	6460	7531	7752
Grade 2	5069	5294	5392	6287	7345	7604
Grade 3	5236	5590	5622	6397	6813	7421
Grade 4	4952	5097	5419	6048	6966	7131
Grade 5	4613	5145	5186	5808	6899	7148
Grade 6	5131	5079	5418	6007	7222	7471
Grade 7	5269	5461	5172	6069	6940	7468
Grade 8	5133	5429	5378	5723	6558	6988
Grade 9	5960	6224	6365	6625	7577	7900
Grade 10	4790	5301	5261	5409	6264	6490
Grade 11	4342	4548	4818	5199	5473	5801
Grade 12	3843	3962	4058	4594	4755	4952
<b>Total</b>	<b>65,281</b>	<b>68,872</b>	<b>70,458</b>	<b>77,894</b>	<b>88,809</b>	<b>92,836</b>



Table PSFE 10: Projected EAST Zone Broken Down By Subzones

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>E1</b>																		
Bayshore Elementary	628	693	91%	613	693	88%	617	693	89%	618	693	89%	628	693	91%	621	639	97%
Edgewood Elementary	690	741	93%	475	741	64%	659	741	89%	661	741	89%	672	741	91%	695	713	97%
Manatee Elementary				733	1,070	69%	952	1,070	89%	954	1,070	89%	970	1,070	91%	1,016	1,070	95%
Michigan Int. Elem.	447	442	101%	339	442	77%	393	442	89%	394	442	89%	401	442	91%	404	418	97%
Orange River Elem.	844	809	104%	824	817	101%	727	817	89%	729	817	89%	741	817	91%	747	765	98%
Tice Elementary	630	587	107%	564	587	96%	522	587	89%	524	587	89%	532	587	91%	521	539	97%
<b>Elementary Total</b>	<b>3,239</b>	<b>3,272</b>	<b>99%</b>	<b>3,548</b>	<b>4,350</b>	<b>82%</b>	<b>3,870</b>	<b>4,350</b>	<b>89%</b>	<b>3,880</b>	<b>4,350</b>	<b>89%</b>	<b>3,944</b>	<b>4,350</b>	<b>91%</b>	<b>4,004</b>	<b>4,144</b>	<b>97%</b>
Lee Middle	669	926	72%	610	926	66%	991	926	107%	864	926	93%	931	926	101%	895	917	98%
Michigan International Middle	224	158	142%	168	221	76%	237	221	107%	206	221	93%	222	221	100%	202	210	96%
Oak Hammock Middle							1,276	1,192	107%	1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
<b>Middle School Total</b>	<b>893</b>	<b>1,084</b>	<b>82%</b>	<b>778</b>	<b>1,147</b>	<b>68%</b>	<b>2,504</b>	<b>2,339</b>	<b>107%</b>	<b>2,182</b>	<b>2,339</b>	<b>93%</b>	<b>2,351</b>	<b>2,339</b>	<b>101%</b>	<b>2,267</b>	<b>2,319</b>	<b>98%</b>
High School "JJJ"													1,640	2,004	82%	1,979	2,004	99%
<b>High School Total</b>													<b>1,640</b>	<b>2,004</b>	<b>82%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>E2</b>																		
Gateway Elementary	881	758	116%	778	758	103%	675	758	89%	676	758	89%	687	758	91%	662	680	97%
Harns Marsh Elementary	937	851	110%	884	916	97%	815	916	89%	817	916	89%	831	916	91%	854	872	98%
River Hall Elementary	744	1,000	74%	846	1,046	81%	931	1,046	89%	933	1,046	89%	949	1,046	91%	1,002	1,020	98%
Sunshine Elementary	1,129	1,230	92%	1,094	1,191	92%	1,060	1,191	89%	1,062	1,191	89%	1,080	1,191	91%	1,090	1,108	98%
Treeline Elementary				647	758	85%	920	1,034	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "V"							675	758	89%	922	1,034	89%	938	1,034	91%	1,016	1,034	98%
Elementary "W"																1,016	1,034	98%
<b>Elementary Total</b>	<b>3,691</b>	<b>3,839</b>	<b>96%</b>	<b>4,249</b>	<b>4,669</b>	<b>91%</b>	<b>5,076</b>	<b>5,703</b>	<b>89%</b>	<b>5,332</b>	<b>5,979</b>	<b>89%</b>	<b>5,423</b>	<b>5,979</b>	<b>91%</b>	<b>6,656</b>	<b>6,782</b>	<b>98%</b>
Riverdale (Middle)	339	388	87%	311	325	96%												
Varsity Lakes	995	1,024	97%	1,068	1,024	104%	1,096	1,024	107%	956	1,024	93%	1,029	1,024	100%	973	995	98%
Middle "LL"										1,112	1,192	93%	1,198	1,192	101%	1,170	1,192	98%
Middle "NN"																1,170	1,192	98%
<b>Middle Total</b>	<b>1,334</b>	<b>1,412</b>	<b>94%</b>	<b>1,379</b>	<b>1,349</b>	<b>102%</b>	<b>1,096</b>	<b>1,024</b>	<b>107%</b>	<b>2,068</b>	<b>2,216</b>	<b>93%</b>	<b>2,227</b>	<b>2,216</b>	<b>100%</b>	<b>3,313</b>	<b>3,379</b>	<b>98%</b>
Lehigh Senior	2,101	1,864	113%	1,785	1,864	96%	1,914	1,864	103%	1,982	1,864	106%	1,525	1,864	82%	1,820	1,845	99%
Riverdale High School	1,757	1,690	104%	1,814	1,728	105%	2,143	2,087	103%	2,219	2,087	106%	1,708	2,087	82%	1,885	1,910	99%
<b>High Total</b>	<b>3,858</b>	<b>3,554</b>	<b>109%</b>	<b>3,599</b>	<b>3,592</b>	<b>100%</b>	<b>4,057</b>	<b>3,951</b>	<b>103%</b>	<b>4,201</b>	<b>3,951</b>	<b>106%</b>	<b>3,233</b>	<b>3,951</b>	<b>82%</b>	<b>3,705</b>	<b>3,755</b>	<b>99%</b>

Table PSFE 10: Projected EAST Zone Broken Down By Subzones (cont.)

School	2006 2007			2007 2008			2008 2009			2009 2010			2010 2011			2011 2012		
<b>E3</b>																		
Alva Elementary	872	303	288%	427	391	109%	348	391	89%	349	391	89%	355	391	91%	284	302	94%
Lehigh Elementary	1,007	764	132%	934	764	122%	680	764	89%	940	1,054	89%	956	1,054	91%	1,040	1,054	99%
Mirror Lakes Elementary	1,060	1,055	100%	1,059	1,061	100%	944	1,061	89%	946	1,061	89%	962	1,061	91%	982	1,000	98%
Veterans Park Elementary	1,019	907	112%	939	1,178	80%	1,048	1,178	89%	1,051	1,178	89%	1,068	1,178	91%	1,068	1,080	99%
Elementary "I"										633	710	89%	644	710	91%	692	710	97%
Elementary "G"													938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	<b>3,958</b>	<b>3,029</b>	<b>131%</b>	<b>3,359</b>	<b>3,394</b>	<b>99%</b>	<b>3,020</b>	<b>3,394</b>	<b>89%</b>	<b>3,919</b>	<b>4,394</b>	<b>89%</b>	<b>4,923</b>	<b>5,428</b>	<b>91%</b>	<b>5,082</b>	<b>5,180</b>	<b>98%</b>
Alva Middle	557	514	108%	636	514	124%	550	514	107%	479	514	93%	516	514	100%	492	514	96%
Lehigh Acres Middle	998	1,016	98%	1,085	1,057	103%	1,132	1,057	107%	986	1,057	93%	1,062	1,057	100%	985	1,007	98%
Veterans Park Middle	510	630	81%	629	589	107%	631	589	107%	550	589	93%	592	589	101%	534	540	99%
<b>Middle Total</b>	<b>2,065</b>	<b>2,160</b>	<b>96%</b>	<b>2,350</b>	<b>2,160</b>	<b>109%</b>	<b>2,313</b>	<b>2,160</b>	<b>107%</b>	<b>2,015</b>	<b>2,160</b>	<b>93%</b>	<b>2,170</b>	<b>2,160</b>	<b>100%</b>	<b>2,011</b>	<b>2,061</b>	<b>98%</b>
East Lee County High	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
<b>High Total</b>	<b>835</b>	<b>809</b>	<b>103%</b>	<b>1,640</b>	<b>1,938</b>	<b>85%</b>	<b>1,990</b>	<b>1,938</b>	<b>103%</b>	<b>2,061</b>	<b>1,938</b>	<b>106%</b>	<b>1,586</b>	<b>1,938</b>	<b>82%</b>	<b>2,022</b>	<b>2,020</b>	<b>100%</b>
E1 Total	3,239	3,272	99%	3,548	4,350	82%	3,870	4,350	89%	3,880	4,350	89%	3,944	4,350	91%	4,004	4,144	97%
E2 Total	3,691	3,839	96%	4,249	4,669	91%	5,076	5,703	89%	5,332	5,979	89%	5,423	5,979	91%	6,656	6,782	98%
E3 Total	3,958	3,029	131%	3,359	3,394	99%	3,020	3,394	89%	3,919	4,394	89%	4,923	5,428	91%	5,082	5,180	98%
<b>Elementary Total</b>	<b>10,888</b>	<b>10,140</b>	<b>109%</b>	<b>11,156</b>	<b>12,413</b>	<b>91%</b>	<b>11,966</b>	<b>13,447</b>	<b>89%</b>	<b>13,131</b>	<b>14,723</b>	<b>89%</b>	<b>14,290</b>	<b>15,757</b>	<b>91%</b>	<b>15,742</b>	<b>16,106</b>	<b>98%</b>
E1 Total	893	1,084	82%	778	1,147	68%	2,504	2,339	107%	2,182	2,339	93%	2,351	2,339	101%	2,267	2,319	98%
E2 Total	1,334	1,412	94%	1,379	1,349	102%	1,096	1,024	107%	2,068	2,216	93%	2,227	2,216	100%	3,313	3,379	98%
E3 Total	2,065	2,160	96%	2,350	2,160	109%	2,313	2,160	107%	2,015	2,160	93%	2,170	2,160	100%	2,011	2,061	98%
<b>Middle Total</b>	<b>4,292</b>	<b>4,656</b>	<b>91%</b>	<b>4,507</b>	<b>4,656</b>	<b>93%</b>	<b>5,913</b>	<b>5,523</b>	<b>107%</b>	<b>6,265</b>	<b>6,715</b>	<b>93%</b>	<b>6,748</b>	<b>6,715</b>	<b>100%</b>	<b>7,591</b>	<b>7,759</b>	<b>98%</b>
E1 Total													1,640	2,004	82%	1,979	2,004	99%
E2 Total	3,858	3,554	109%	3,599	3,592	100%	4,057	3,951	103%	4,201	3,951	106%	3,233	3,951	82%	3,705	3,755	99%
E3 Total	835	809	103%	1,640	1,938	85%	1,990	1,938	103%	2,061	1,938	106%	1,586	1,938	82%	2,022	2,020	100%
<b>High Total</b>	<b>4,693</b>	<b>4,363</b>	<b>106%</b>	<b>5,239</b>	<b>5,530</b>	<b>93%</b>	<b>6,047</b>	<b>5,889</b>	<b>103%</b>	<b>6,262</b>	<b>5,889</b>	<b>106%</b>	<b>6,459</b>	<b>7,893</b>	<b>82%</b>	<b>7,706</b>	<b>7,779</b>	<b>99%</b>

**Table PSFE 11: Projected WEST Zone Broken Down By Subzones**

School	2006/ 2007			2007/ 2008			2008/ 2009			2009/ 2010			2010/ 2011			2011/ 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>W1</b>																		
J. Colin English Elementary	608	589	103%	462	597	77%	521	597	87%	509	597	85%	532	597	89%	566	584	97%
Littleton Elementary	746	738	101%	699	738	95%	645	738	87%	629	738	85%	657	738	89%	631	649	97%
North Ft Myers Acad. Elem.	736	586	126%	533	905	59%	790	905	87%	772	905	85%	806	905	89%	842	853	99%
<b>Elementary Total</b>	<b>2,090</b>	<b>1,913</b>	<b>109%</b>	<b>1,694</b>	<b>2,240</b>	<b>76%</b>	<b>1,956</b>	<b>2,240</b>	<b>87%</b>	<b>1,910</b>	<b>2,240</b>	<b>85%</b>	<b>1,995</b>	<b>2,240</b>	<b>89%</b>	<b>2,039</b>	<b>2,086</b>	<b>98%</b>
North Ft Myers Acad. Midd.	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
<b>Middle Total</b>	<b>595</b>	<b>453</b>	<b>131%</b>	<b>465</b>	<b>453</b>	<b>103%</b>	<b>428</b>	<b>453</b>	<b>94%</b>	<b>443</b>	<b>453</b>	<b>98%</b>	<b>391</b>	<b>453</b>	<b>86%</b>	<b>421</b>	<b>426</b>	<b>99%</b>
Island Coast High				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
<b>High Total</b>				<b>411</b>	<b>600</b>	<b>69%</b>	<b>1,951</b>	<b>2,004</b>	<b>97%</b>	<b>2,054</b>	<b>2,004</b>	<b>102%</b>	<b>1,853</b>	<b>2,004</b>	<b>92%</b>	<b>1,979</b>	<b>2,004</b>	<b>99%</b>
<b>W2</b>																		
Caloosa Elementary	974	1,048	93%	1,036	1,075	96%	939	1,075	87%	917	1,075	85%	957	1,075	89%	1,038	1,056	98%
Diplomat Elementary	941	1,043	90%	948	1,086	87%	949	1,086	87%	926	1,086	85%	967	1,086	89%	955	973	98%
Elementary "C"										882	1,034	85%	921	1,034	89%	1,016	1,034	98%
Hancock Creek Elementary	944	1,038	91%	878	1,044	84%	912	1,044	87%	890	1,044	85%	930	1,044	89%	997	1,015	98%
Hector A. Cafferata, Jr. Elementary	762	883	86%	773	883	88%	771	883	87%	753	883	85%	786	883	89%	762	780	98%
Tropic Isles Elementary	993	1,063	93%	915	1,051	87%	918	1,051	87%	896	1,051	85%	936	1,051	89%	979	997	98%
<b>Elementary Total</b>	<b>4,614</b>	<b>5,075</b>	<b>91%</b>	<b>4,550</b>	<b>5,139</b>	<b>89%</b>	<b>4,489</b>	<b>5,139</b>	<b>87%</b>	<b>5,264</b>	<b>6,173</b>	<b>85%</b>	<b>5,497</b>	<b>6,173</b>	<b>89%</b>	<b>5,747</b>	<b>5,855</b>	<b>98%</b>
Caloosa Middle	1,095	1,055	104%	915	1,005	91%	950	1,005	95%	985	1,005	98%	867	1,005	86%	935	957	98%
Diplomat Middle	1,041	974	107%	890	974	91%	920	974	94%	954	974	98%	840	974	86%	945	967	98%
Mariner Middle	981	1,141	86%	946	1,141	83%	1,078	1,141	94%	1,118	1,141	98%	985	1,141	86%	1,108	1,130	98%
Middle "MM"													1,028	1,192	86%	1,070	1,192	90%
<b>Middle Total</b>	<b>3,117</b>	<b>3,170</b>	<b>98%</b>	<b>2,751</b>	<b>3,120</b>	<b>88%</b>	<b>2,948</b>	<b>3,120</b>	<b>94%</b>	<b>3,057</b>	<b>3,120</b>	<b>98%</b>	<b>3,720</b>	<b>4,312</b>	<b>86%</b>	<b>4,058</b>	<b>4,246</b>	<b>96%</b>
Mariner High	1,998	1,721	116%	1,991	1,721	116%	1,676	1,721	97%	1,765	1,721	103%	1,592	1,721	93%	1,613	1,638	98%
North Fort Myers High	1,981	1,849	107%	2,167	1,849	117%	1,799	1,849	97%	1,895	1,849	102%	1,709	1,849	92%	1,764	1,789	99%
High School "III"													1,435	1,552	92%	1,548	1,552	100%
<b>High Total</b>	<b>3,979</b>	<b>3,570</b>	<b>111%</b>	<b>4,158</b>	<b>3,570</b>	<b>116%</b>	<b>3,475</b>	<b>3,570</b>	<b>97%</b>	<b>3,660</b>	<b>3,570</b>	<b>103%</b>	<b>4,736</b>	<b>5,122</b>	<b>92%</b>	<b>4,925</b>	<b>4,979</b>	<b>99%</b>

Table PSFE 11: Projected WEST Zone Broken Down By Subzones (cont.)

School	2006/ 2007			2007/ 2008			2008/ 2009			2009/ 2010			2010/ 2011			2011/ 2012		
<b>W3</b>																		
Cape Elementary	862	1,041	83%	813	916	89%	800	916	87%	781	916	85%	816	916	89%	912	873	104%
Gulf Elementary	1,364	1,294	105%	1,287	1,396	92%	1,219	1,396	87%	1,191	1,396	85%	1,243	1,396	89%	1,276	1,294	99%
Patriot Elementary				733	1,070	69%	935	1,070	87%	913	1,070	85%	953	1,070	89%	1,016	1,070	95%
Pelican Elementary	1,146	1,264	91%	1,101	1,362	81%	1,190	1,362	87%	1,162	1,362	85%	1,229	1,362	90%	1,276	1,294	99%
Skyline Elementary	1,105	1,254	88%	1,022	1,380	74%	1,205	1,380	87%	1,177	1,380	85%	1,229	1,380	89%	1,242	1,260	99%
Trafalgar Elementary	896	959	93%	862	977	88%	853	977	87%	833	977	85%	870	977	89%	894	912	98%
<b>Elementary Total</b>	<b>5,373</b>	<b>5,812</b>	<b>92%</b>	<b>5,818</b>	<b>7,101</b>	<b>82%</b>	<b>6,202</b>	<b>7,101</b>	<b>87%</b>	<b>6,057</b>	<b>7,101</b>	<b>85%</b>	<b>6,340</b>	<b>7,101</b>	<b>89%</b>	<b>6,616</b>	<b>6,703</b>	<b>99%</b>
Challenger Middle	340	600	57%	863	1,257	69%	1,188	1,257	95%	1,231	1,257	98%	1,084	1,257	86%	1,170	1,192	98%
Gulf Middle	1,120	923	121%	1,001	923	108%	872	923	94%	904	923	98%	796	923	86%	892	914	98%
Trafalgar Middle	1,279	1,034	124%	1,096	1,034	106%	977	1,034	94%	1,013	1,034	98%	892	1,034	86%	1,001	1,023	98%
<b>Middle Total</b>	<b>2,739</b>	<b>2,557</b>	<b>107%</b>	<b>2,960</b>	<b>3,214</b>	<b>92%</b>	<b>3,037</b>	<b>3,214</b>	<b>94%</b>	<b>3,148</b>	<b>3,214</b>	<b>98%</b>	<b>2,772</b>	<b>3,214</b>	<b>86%</b>	<b>3,063</b>	<b>3,129</b>	<b>98%</b>
Cape Coral High School	2,119	1,821	116%	2,013	1,821	111%	1,773	1,821	97%	1,867	1,821	103%	1,684	1,821	92%	1,772	1,797	99%
Ida Baker High School	1,969	2,066	95%	2,104	2,030	104%	1,976	2,030	97%	2,081	2,030	103%	1,877	2,030	92%	1,962	1,987	99%
<b>High Total</b>	<b>4,088</b>	<b>3,887</b>	<b>105%</b>	<b>4,117</b>	<b>3,851</b>	<b>107%</b>	<b>3,749</b>	<b>3,851</b>	<b>97%</b>	<b>3,948</b>	<b>3,851</b>	<b>103%</b>	<b>3,561</b>	<b>3,851</b>	<b>92%</b>	<b>3,734</b>	<b>3,784</b>	<b>99%</b>
<b>Totals for West Zone</b>																		
<b>Elementary</b>																		
W1 Total	2,090	1,913	109%	1,694	2,240	76%	1,956	2,240	87%	1,910	2,240	85%	1,995	2,240	89%	2,039	2,086	98%
W2 Total	4,614	5,075	91%	4,550	5,139	89%	4,489	5,139	87%	5,264	6,173	85%	5,497	6,173	89%	5,747	5,855	98%
W3 Total	5,373	5,812	92%	5,818	7,101	82%	6,202	7,101	87%	6,057	7,101	85%	6,340	7,101	89%	6,616	6,703	99%
<b>West Elementary Total</b>	<b>12,077</b>	<b>12,800</b>	<b>97%</b>	<b>12,062</b>	<b>14,480</b>	<b>82%</b>	<b>12,647</b>	<b>14,480</b>	<b>87%</b>	<b>13,231</b>	<b>15,514</b>	<b>85%</b>	<b>13,832</b>	<b>15,514</b>	<b>89%</b>	<b>14,402</b>	<b>14,644</b>	<b>98%</b>
W1 Total	595	453	131%	465	453	103%	428	453	94%	443	453	98%	391	453	86%	421	426	99%
W2 Total	3,117	3,170	98%	2,751	3,120	88%	2,948	3,120	94%	3,057	3,120	98%	3,720	4,312	86%	4,058	4,246	96%
W3 Total	2,739	2,557	107%	2,960	3,214	92%	3,037	3,214	94%	3,148	3,214	98%	2,772	3,214	86%	3,063	3,129	98%
<b>West Middle Total</b>	<b>6,451</b>	<b>6,180</b>	<b>112%</b>	<b>6,176</b>	<b>6,787</b>	<b>94%</b>	<b>6,413</b>	<b>6,787</b>	<b>94%</b>	<b>6,648</b>	<b>6,787</b>	<b>98%</b>	<b>6,883</b>	<b>7,979</b>	<b>86%</b>	<b>7,542</b>	<b>7,801</b>	<b>98%</b>
W1 Total				411	600	69%	1,951	2,004	97%	2,054	2,004	102%	1,853	2,004	92%	1,979	2,004	99%
W2 Total	3,979	3,570	111%	4,158	3,570	116%	3,475	3,570	97%	3,660	3,570	103%	4,736	5,122	92%	4,925	4,979	99%
W3 Total	4,088	3,887	105%	4,117	3,851	107%	3,749	3,851	97%	3,948	3,851	103%	3,561	3,851	92%	3,734	3,784	99%
<b>West High Total</b>	<b>8,067</b>	<b>7,457</b>		<b>8,686</b>	<b>8,021</b>	<b>97%</b>	<b>9,175</b>	<b>9,425</b>	<b>97%</b>	<b>9,662</b>	<b>9,425</b>	<b>103%</b>	<b>10,150</b>	<b>10,977</b>	<b>92%</b>	<b>8,838</b>	<b>10,767</b>	<b>99%</b>

Table PSFE 12: Projected SOUTH Zone Broken Down By Subzones

School	2006/ 2007			2007/ 2008			2008/ 2009			2009/ 2010			2010/ 2011			2011/ 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>S1</b>																		
Allen Park Elementary	872	1,057	82%	847	1,056	80%	904	1,056	86%	921	1,056	87%	958	1,056	91%	992	1,010	98%
Colonial Elementary	755	981	77%	703	965	73%	826	965	86%	842	965	87%	875	965	91%	912	930	98%
Edison Park Elementary	377	449	84%	394	449	88%	384	449	86%	392	449	87%	407	449	91%	418	436	96%
Franklin Park Elementary	466	579	80%	446	579	77%	496	579	86%	505	579	87%	525	579	91%	552	570	97%
Heights Elementary	675	695	97%	653	695	94%	1,118	1,306	86%	1,139	1,306	87%	1,185	1,306	91%	1,288	1,306	99%
Orangewood Elementary	706	637	111%	638	637	100%	545	637	86%	556	637	87%	578	637	91%	531	549	97%
Ray V. Pottorf Elementary	738	851	87%	660	912	72%	781	912	86%	796	912	87%	827	912	91%	858	876	98%
Tanglewood Riverside Elementary	698	781	89%	680	793	86%	679	793	86%	692	793	87%	719	793	91%	729	747	98%
Villas Elementary	867	917	95%	819	943	87%	808	943	86%	823	943	87%	855	943	91%	839	857	98%
<b>Elementary Total</b>	<b>6,154</b>	<b>6,947</b>	<b>89%</b>	<b>5,840</b>	<b>7,029</b>	<b>83%</b>	<b>6,541</b>	<b>7,640</b>	<b>86%</b>	<b>6,666</b>	<b>7,640</b>	<b>87%</b>	<b>6,929</b>	<b>7,640</b>	<b>91%</b>	<b>7,119</b>	<b>7,281</b>	<b>98%</b>
Cypress Lakes Middle	834	880	95%	744	880	85%	757	880	86%	787	880	89%	817	880	93%	838	860	97%
P.L. Dunbar Middle	875	1,013	86%	982	1,013	97%	871	1,013	86%	906	1,013	89%	940	1,013	93%	958	980	98%
Fort Myers Middle	756	858	88%	670	858	78%	737	858	86%	767	858	89%	796	858	93%	843	865	97%
<b>Middle Total</b>	<b>2,465</b>	<b>2,751</b>	<b>90%</b>	<b>2,396</b>	<b>2,751</b>	<b>87%</b>	<b>2,365</b>	<b>2,751</b>	<b>86%</b>	<b>2,460</b>	<b>2,751</b>	<b>89%</b>	<b>2,553</b>	<b>2,751</b>	<b>93%</b>	<b>2,639</b>	<b>2,705</b>	<b>98%</b>
Cypress Lakes High School	1,470	1,713	86%	1,413	1,727	82%	1,377	1,727	80%	1,425	1,727	83%	1,473	1,727	85%	1,655	1,680	99%
Dunbar High School	834	1,242	67%	846	1,242	68%	990	1,242	80%	1,025	1,242	83%	1,060	1,242	85%	958	983	97%
Fort Myers High School	1,918	1,858	103%	1,865	1,964	95%	1,565	1,964	80%	1,621	1,964	83%	1,676	1,964	85%	1,920	1,945	99%
<b>High Total</b>	<b>4,222</b>	<b>4,813</b>	<b>88%</b>	<b>4,124</b>	<b>4,933</b>	<b>84%</b>	<b>3,932</b>	<b>4,933</b>	<b>80%</b>	<b>4,071</b>	<b>4,933</b>	<b>83%</b>	<b>4,209</b>	<b>4,933</b>	<b>85%</b>	<b>4,533</b>	<b>4,608</b>	<b>98%</b>
<b>S2</b>																		
Rayma C. Page Elementary	687	856	80%	714	836	85%	716	836	86%	729	836	87%	758	836	91%	840	858	98%
San Carlos Elementary	868	1,081	80%	876	1,081	81%	926	1,081	86%	943	1,081	87%	981	1,081	91%	981	999	98%
Three Oaks Elementary	812	738	110%	747	738	101%	632	738	86%	644	738	87%	669	738	91%	684	702	97%
<b>Elementary Total</b>	<b>2,367</b>	<b>2,675</b>	<b>88%</b>	<b>2,337</b>	<b>2,655</b>	<b>88%</b>	<b>2,274</b>	<b>2,655</b>	<b>86%</b>	<b>2,316</b>	<b>2,655</b>	<b>87%</b>	<b>2,408</b>	<b>2,655</b>	<b>91%</b>	<b>2,505</b>	<b>2,559</b>	<b>98%</b>
Lexington Middle	920	1,045	88%	852	1,027	83%	883	1,027	86%	918	1,027	89%	953	1,027	93%	999	1,021	98%
Three Oaks Middle	838	987	85%	801	987	81%	849	987	86%	882	987	89%	916	967	95%	965	987	98%
<b>Middle Total</b>	<b>1,758</b>	<b>2,032</b>	<b>87%</b>	<b>1,653</b>	<b>2,014</b>	<b>82%</b>	<b>1,732</b>	<b>2,014</b>	<b>86%</b>	<b>1,800</b>	<b>2,014</b>	<b>89%</b>	<b>1,869</b>	<b>1,994</b>	<b>94%</b>	<b>1,964</b>	<b>2,008</b>	<b>98%</b>
S Ft Myers High School	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
<b>High Total</b>	<b>1,283</b>	<b>2,086</b>	<b>62%</b>	<b>1,332</b>	<b>1,926</b>	<b>69%</b>	<b>1,535</b>	<b>1,926</b>	<b>80%</b>	<b>1,589</b>	<b>1,926</b>	<b>83%</b>	<b>1,643</b>	<b>1,926</b>	<b>85%</b>	<b>1,854</b>	<b>1,879</b>	<b>99%</b>

Table PSFE 12: Projected SOUTH Zone Broken Down By Subzones (cont.)

School	2006/ 2007			2007/ 2008			2008/ 2009			2009/ 2010			2010/ 2011			2011/ 2012		
<b>S3</b>																		
Bonita Springs Elementary	390	389	100%	393	389	101%	333	389	86%	339	389	87%	353	389	91%	365	383	95%
Pinewoods Elementary	906	1,033	88%	934	1,044	89%	894	1,044	86%	911	1,044	87%	947	1,044	91%	1,017	1,035	98%
Spring Creek Elementary	772	753	103%	739	753	98%	645	753	86%	902	1,034	87%	938	1,034	91%	1,016	1,034	98%
<b>Elementary Total</b>	<b>2,068</b>	<b>2,175</b>	<b>95%</b>	<b>2,066</b>	<b>2,186</b>	<b>95%</b>	<b>1,872</b>	<b>2,186</b>	<b>86%</b>	<b>2,152</b>	<b>2,467</b>	<b>87%</b>	<b>2,238</b>	<b>2,467</b>	<b>91%</b>	<b>2,398</b>	<b>2,452</b>	<b>98%</b>
Bonita Springs Middle	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>Middle Total</b>	<b>560</b>	<b>876</b>	<b>64%</b>	<b>609</b>	<b>876</b>	<b>70%</b>	<b>753</b>	<b>876</b>	<b>86%</b>	<b>783</b>	<b>876</b>	<b>89%</b>	<b>812</b>	<b>876</b>	<b>93%</b>	<b>825</b>	<b>847</b>	<b>97%</b>
Estero High School	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>High Total</b>	<b>1,606</b>	<b>1,695</b>	<b>95%</b>	<b>1,602</b>	<b>1,695</b>	<b>95%</b>	<b>1,351</b>	<b>1,695</b>	<b>80%</b>	<b>1,398</b>	<b>1,695</b>	<b>82%</b>	<b>1,446</b>	<b>1,695</b>	<b>85%</b>	<b>1,632</b>	<b>1,657</b>	<b>98%</b>
<b>Totals for South Zone</b>																		
<b>Elementary</b>																		
S1 Total	6,154	6,947	89%	5,840	7,029	83%	6,541	7,640	86%	6,666	7,640	87%	6,929	7,640	91%	7,119	7,281	98%
S2 Total	2,367	2,675	88%	2,337	2,655	88%	2,274	2,655	86%	2,316	2,655	87%	2,408	2,655	91%	2,505	2,559	98%
S3 Total	2,068	2,175	95%	2,066	2,186	95%	1,872	2,186	86%	2,152	2,467	87%	2,238	2,467	91%	2,398	2,452	98%
<b>South Elementary Total</b>	<b>10,589</b>	<b>11,797</b>	<b>91%</b>	<b>10,243</b>	<b>11,870</b>	<b>89%</b>	<b>10,687</b>	<b>12,481</b>	<b>86%</b>	<b>11,134</b>	<b>12,762</b>	<b>87%</b>	<b>11,575</b>	<b>12,762</b>	<b>91%</b>	<b>12,022</b>	<b>12,292</b>	<b>98%</b>
S1 Total	2,465	2,751	90%	2,396	2,751	87%	2,365	2,751	86%	2,460	2,751	89%	2,553	2,751	93%	2,639	2,705	98%
S2 Total	1,758	2,032	87%	1,653	2,014	82%	1,732	2,014	86%	1,800	2,014	89%	1,869	1,994	94%	1,964	2,008	98%
S3 Total	560	876	64%	609	876	70%	753	876	86%	783	876	89%	812	876	93%	825	847	97%
<b>South Middle Total</b>	<b>4,783</b>	<b>5,659</b>	<b>80%</b>	<b>4,658</b>	<b>5,641</b>	<b>80%</b>	<b>4,850</b>	<b>5,641</b>	<b>86%</b>	<b>5,043</b>	<b>5,641</b>	<b>89%</b>	<b>5,234</b>	<b>5,621</b>	<b>93%</b>	<b>5,428</b>	<b>5,560</b>	<b>95%</b>
S1 Total	4,222	4,813	88%	4,124	4,933	84%	3,932	4,933	80%	4,071	4,933	83%	4,209	4,933	85%	4,533	4,608	98%
S2 Total	1,283	2,086	62%	1,332	1,926	69%	1,535	1,926	80%	1,589	1,926	83%	1,643	1,926	85%	1,854	1,879	99%
S3 Total	1,606	1,695	95%	1,602	1,695	95%	1,351	1,695	80%	1,398	1,695	82%	1,446	1,695	85%	1,632	1,657	98%
<b>South High Total</b>	<b>7,111</b>	<b>8,594</b>	<b>82 %</b>	<b>7,058</b>	<b>8,554</b>	<b>83 %</b>	<b>6,818</b>	<b>8554</b>	<b>80</b>	<b>7,058</b>	<b>8,554</b>	<b>83%</b>	<b>7,298</b>	<b>8,554</b>	<b>85%</b>	<b>8,019</b>	<b>8,144</b>	<b>91%</b>

Table PSFE 13: Barrier Island and Special Centers

School	2006/ 2007			2007/ 2008			2008/ 2009			2009/ 2010			2010/ 2011			2011/ 2012		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
<b>Barrier Island Schools</b>																		
Fort Myers Beach Elem	192	200	96%	166	200	83%	170	200	85%	170	200	85%	170	200	85%	161	179	90%
Pine Island Elementary	345	391	88%	311	391	80%	333	391	85%	332	391	85%	332	391	85%	329	347	95%
The Sanibel School (Elem)	257	307	84%	239	263	91%	224	263	85%	224	263	85%	223	263	85%	231	241	96%
The Sanibel School (Mid)	130	154	84%	124	132	94%	112	132	85%	112	132	85%	112	132	85%	115	122	94%
<b>Special Facilities</b>																		
Buckingham Exceptional Center	107	100	107%	100	100	100%	100	100	100%	100	100	100%	100	100	100%	88	100	88%
Dunbar Community School	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%
New Directions	531	665	80%	493	665	74%	456	665	69%	419	665	63%	383	665	58%	217	640	34%
ALC West	0	300	0%	72	265	27%	70	265	26%	68	265	26%	66	265	25%	353	265	133%
Royal Palm Exceptional Center	185	230	80%	172	230	75%	167	230	73%	162	230	70%	157	230	68%	226	230	98%
High Tech Central	121	675	18%	74	675	11%	72	675	11%	70	675	10%	68	675	10%	0	675	0%
High Tech North	75	324	23%	95	324	29%	92	324	28%	90	324	28%	87	324	27%	0	324	0%

**Table PSFE 14: Relocatable Student Stations – Number of students to be educated in relocatable units, by school.**

Site	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Allen Park Elementary	5	5	0	0	0
Bayshore Elementary	18	0	0	0	0
Bonita Springs Elementary	62	62	0	0	0
Caloosa Elementary	18	18	0	0	0
Colonial Elementary	54	54	54	0	0
Edgewood Academy	36	36	0	0	0
Franklin Park Elementary	120	120	36	0	0
Gateway Elementary	66	66	66	66	0
Hancock Creek Elementary	18	18	18	0	0
Heights Elementary	216	36	0	0	0
J Colin English Elementary	54	54	54	0	0
Lehigh Elementary	238	238	126	0	0
Littleton Elementary	36	36	36	0	0
Michigan International	120	120	120	43	0
Mirror Lakes Elementary	18	18	18	0	0
N Ft Myers Acad of the Arts	367	110	0	0	0
Orange River Elementary	108	108	0	0	0
Orangewood Elementary	127	127	127	0	0
Pine Island Elementary	18	18	18	18	0
Pinewoods Elementary	36	36	0	0	0
Skyline Elementary	18	18	18	0	0
Spring Creek Elementary	144	144	144	36	0
Sunshine Elementary	62	0	0	0	0
The Sanibel School	59	59	59	59	0
Three Oaks Elementary	72	72	72	0	0
Tice Elementary	112	112	112	36	0
Tropic Isles Elementary	36	36	0	0	0
Villas Elementary	72	72	72	0	0
Alva Middle	132	132	0	0	0
Cypress Lake Middle	176	176	176	0	0
Gulf Middle	88	88	0	0	0
Lee Middle	66	0	0	0	0
Lehigh Acres Middle	88	88	0	0	0
Three Oaks Middle	44	44	0	0	0
Trafalgar Middle	264	264	264	132	0
Cape Coral Senior High	175	175	175	0	0
Esterio Senior High	250	125	0	0	0
Fort Myers Senior High	125	125	125	0	0
Lehigh Senior High	150	150	150	0	0
Mariner Senior High	350	350	350	175	0
North Fort Myers Senior High	350	350	175	0	0
Riverdale High	225	225	225	100	0
ALC West	265	0	0	0	0
Buckingham Excep Stud Center	15	15	0	0	0
High Tech Central	210	210	210	105	0
West Zone Staging School	714	714	714	714	0
<b>Totals</b>					
Total students in relocatables by year.	5,997	5,024	3,714	1,484	0



**Table PSFE 15: Ancillary Facilities**

<b>Table PSFE 15: Ancillary Facilities</b>	
<b>Facility</b>	<b>Location</b>
Lee County Public Education Center (Administration)	2855 Colonial Blvd., Fort Myers
Support Services Annex	3308 Canal Street, Fort Myers
Bus Garage	3234 Canal Street, Fort Myers
Safety Office	3925 Canal Street, Fort Myers
Leonard Transportation Facility	301 Leonard Blvd., Lehigh Acres
Six Mile Cypress Transportation	14701 Ben C. Pratt, Six Mile Cypress Parkway, Fort
Transportation South	9251 Williams Road, Estero
Transportation West	450 NW 14 <sup>th</sup> Avenue, Cape Coral
Transportation East	3291 Buckingham Road, Fort Myers
East Parent Information Center (Leased Facility)	9 Beth Stacy Blvd., Suite 207, Lehigh Acres

Figure PSFE 3: Existing / Programmed District Owned & Operated School Locations

**PSFE 16: School District's Capital Improvement Summary**

School	Project	Added Capacity	Cost	Year Available
Manatee Elementary	Elem. U	1,000	\$9,195,445*	2007
Patriot Elementary	Elem. Y	1,000	\$4,076,761*	2007
Heights Elementary	Replacement	611	\$30,002,738	2008
Treeline Elementary	Elem. Z	1,000	\$24,134,807	2008
New Elementary (East)	Elem. V	1,000	\$25,865,000	2009
Lehigh Elementary	Addition	348	\$15,000,000	2009
New Elementary (West)	Elem. C1	1,000	\$25,865,000	2009
Spring Creek Elem. (South)	Addition	318	\$6,400,000	2009
New Elementary (East)	Elem. G1	1,000	\$27,200,000	2010
New Elementary (West)	Elem. E	1,000	\$27,200,000	2010
New Elementary (West)	Elem. A	1,000	\$28,560,000	2011
New Elementary (East)	Elem. W	1,000	\$28,560,000	2011
New Elementary (East)		1,000	\$30,000,000	
New Elementary (East)		1,000	\$30,000,000	
New Elementary (South)		1,000	\$30,000,000	
New Elementary (East)			\$9,450,000*	
New Elementary (West)			\$30,000,000	
New Elementary (West)			\$9,450,000*	
Challenger Middle	Middle II	1,334	\$4,508,714*	2007
Oak Hammock Middle	Middle KK	1,334	\$16,699,964*	2008
New Middle (East)	Middle LL	1,334	\$38,500,000	2009
New Middle (West)	Middle MM	1,334	\$40,425,000	2010
New Middle (East)	Middle NN	1,334	\$42,466,250	2011
New Middle (East)	Middle OO		\$44,600,000	2012
New Middle (West)			\$44,600,000	2012
New Middle (East)			\$42,147,000*	
East Lee County High	High School GGG	2,106	\$4,981,141*	2007
Island Coast High	High School HHH	2,106	\$49,423,733	2008
New High School (West)	High School III	2,106	\$67,400,000	2010
New High School (East)	High School JJJ	2,106	\$67,400,000	2010
New High School (East)		2,106	\$74,300,000	2012
New ALC West		300	\$1,165,097*	2007
		<b>TOTAL</b>	<b>\$929,576,650</b>	

**PSFE 16 - Summary of Capital Improvements (Cont.)**

**Other Project Schedules**

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2007-2008 Actual Budget	2008-2009 Projected	2009-2010 Projected	2010-2011 Projected	2011-2012 Projected	Total	Funded
Lee County Public Education Center	New Administration Complex	\$2,748,477	\$0	\$0	\$0	\$0	\$2,748,477	Yes
East Transportation Facility at Leonard & Leonard	Transportation East Bus Facility	\$228,590	\$0	\$0	\$0	\$0	\$228,590	Yes
West Transportation Depot	Location Not Specified	\$49,350	\$0	\$0	\$0	\$0	\$49,350	Yes
East Transportation Depot at Tice Street	Transportation East Bus Facility	\$209,688	\$0	\$0	\$0	\$0	\$209,688	Yes
South Transportation Depot at Estero	Transportation South – Estero	\$35,700	\$0	\$0	\$0	\$0	\$35,700	Yes
Land/East Zone	Location Not Specified	\$37,500,000	\$0	\$0	\$0	\$0	\$37,500,000	Yes
Land/West Zone	Location Not Specified	\$37,500,021	\$0	\$0	\$0	\$0	\$37,500,021	Yes
Addition	Orange River Elementary	\$4,618	\$0	\$0	\$0	\$0	\$4,618	Yes
Addition	Sunshine Elementary	\$16,760	\$0	\$0	\$0	\$0	\$16,760	Yes
Addition	Mirror Lakes Elementary	\$21,646	\$0	\$0	\$0	\$0	\$21,646	Yes
Addition	Bayshore Elementary	\$9,060	\$0	\$0	\$0	\$0	\$9,060	Yes
New School in FY07	River Hall Elementary	\$852,268	\$0	\$0	\$0	\$0	\$852,268	Yes
South Zone Land/Oakbrook Property Purchase	Location Not Specified	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Addition	Allen Park Elementary	\$90,998	\$0	\$0	\$0	\$0	\$90,998	Yes
Addition	San Carlos Park Elementary	\$9,500	\$0	\$0	\$0	\$0	\$9,500	Yes
Addition	Tanglewood Riverside School	\$406	\$0	\$0	\$0	\$0	\$406	Yes
Addition	Villas Elementary	\$2,880	\$0	\$0	\$0	\$0	\$2,880	Yes
Addition	Colonial Elementary	\$13,500	\$0	\$0	\$0	\$0	\$13,500	Yes

## Comprehensive Plan Amendment

## Public School Facilities Tables

Balance remaining within project/not closed.	Hector A. Cafferata, Jr. Elementary School	\$109,280	\$0	\$0	\$0	\$0	\$109,280	Yes
<b>Project Description</b>	<b>Location</b>	<b>2007-2008 Actual Budget</b>	<b>2008-2009 Projected</b>	<b>2009-2010 Projected</b>	<b>2010-2011 Projected</b>	<b>2011-2012 Projected</b>	<b>Total</b>	<b>Funded</b>
Balance remaining within project/not closed.	Ida S. Baker High School	\$2,198	\$0	\$0	\$0	\$0	\$2,198	Yes
Addition	Pelican Elementary	\$18,247	\$0	\$0	\$0	\$0	\$18,247	Yes
Addition	Skyline Elementary	\$149,162	\$0	\$0	\$0	\$0	\$149,162	Yes
Addition	Hancock Creek Elementary	\$11,120	\$0	\$0	\$0	\$0	\$11,120	Yes
Addition	Caloosa Elementary	\$9,520	\$0	\$0	\$0	\$0	\$9,520	Yes
Addition	Tropic Isles Elementary	\$6,375	\$0	\$0	\$0	\$0	\$6,375	Yes
Addition	Diplomat Elementary	\$11,880	\$0	\$0	\$0	\$0	\$11,880	Yes
Addition	Cape Coral Elementary	\$54,735					\$54,735	Yes
Ida S. Baker/Gulf Athletic Field	Location Not Specified	\$1,737	\$0	\$0	\$0	\$0	\$1,737	Yes
Appraisals for Buildings	Location Not Specified	\$1,600	\$0	\$0	\$0	\$0	\$1,600	Yes
Treeline Staging School	East Zone Staging School	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes

**Total****\$80,219,316****\$0****\$0****\$0****\$0****\$80,219,316**

**Total from  
Previous  
Table**

**\$929,576,650**

**GRAND  
TOTAL**

**\$1,009,795,966**

**Table PSFE 17: School District's Revenue Summary**

**Summary of Estimated Revenue**

Item Name	FY 2007 – 2008 Budget	FY 2008-2009 Budget	FY 2009-2010 Budget	FY 2010-2011 Budget	FY 2011-2012 Budget	Five Year Total
Local Two Mill Discretionary Capital Outlay Revenue	\$183,823,509	\$202,095,860	\$222,305,446	\$244,535,990	\$268,989,589	\$1,121,650,394
Maintenance Expenditures	(\$51,252,514)	(\$15,514,843)	(\$22,909,667)	(\$21,563,751)	(\$22,326,317)	(\$133,567,092)
2 Mill Other Eligible Expenditures	(\$280,146,162)	(\$169,328,065)	(\$189,429,141)	(\$127,954,713)	(\$140,932,061)	(\$907,790,142)
PECO Maintenance Expenditures	(\$5,549,091)	(\$5,324,013)	(\$4,757,019)	(\$4,435,654)	(\$4,406,997)	(\$24,472,774)
PECO Maintenance Revenue	\$5,549,091	\$5,324,013	\$4,757,019	\$4,435,654	\$4,406,997	\$24,472,774
	(\$147,675,167)	\$17,252,952	\$9,966,638	\$95,017,526	\$105,731,211	\$80,293,160
Item Name	FY 2007 - 2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	FY 2011-2012	Five Year
CO & DS Revenue	\$951,612	\$951,612	\$951,612	\$951,612	\$951,612	\$4,758,060
PECO New Construction Revenue	\$15,925,949	\$4,237,782	\$2,310,272	\$3,395,962	\$3,632,177	\$29,502,142
Other/Additional Revenue*	\$404,289,429	\$214,126,047	\$105,159,603	\$120,585,525	\$51,082,000	\$895,242,604
<b>Subtotal</b>	\$421,166,990	\$219,315,441	\$108,421,487	\$124,933,099	\$55,665,789	\$929,502,806
<b>Grand Total</b>	<b>\$273,491,823</b>	<b>\$236,568,393</b>	<b>\$118,388,125</b>	<b>\$219,950,625</b>	<b>\$161,397,000</b>	<b>\$1,009,795,966</b>

\*Detailed on next page

**Other/Additional Revenue Detail**

Item	2007 – 2008 Actual Value	2008 – 2009 Projected	2009 – 2010 Projected	2010 – 2011 Projected	2011 – 2012 Projected	Total
Classrooms for Kids	\$35,776,033	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$95,776,033
Other Revenue for Other Capital projects	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$500,000
Impact fees received	\$30,000,000	\$25,000,000	\$20,000,000	\$15,000,000	\$10,000,000	\$100,000,000
Interest, Including Profit On Investment	\$6,867,173	\$6,085,141	\$4,736,553	\$5,305,011	\$4,642,413	\$27,636,291
Fund Balance Carried Forward	\$331,546,223	\$167,940,906	\$65,323,050	\$85,180,514	\$21,339,587	\$671,330,280
<b>Subtotal</b>	<b>\$404,289,429</b>	<b>\$214,126,047</b>	<b>\$105,159,603</b>	<b>\$120,585,525</b>	<b>\$51,082,000</b>	<b>\$895,242,604</b>

# BLUESHEET DOCUMENT CONFIRMATION

FROM  
THE DIVISION OF PUBLIC RESOURCES

TO: Mary Sitts  
DCD

DATE: 3-21-08

FROM: Georgia Sekulski, Admin Assistant

Meeting Date 3-18-08 Blue Sheet# 20080252 Item# A36

Subject: Agreement / School Board

THE ABOVE-REFERENCED DOCUMENT(S) IS BEING RETURNED TO YOU FOR THE  
FOLLOWING REASON(S):

☐ There are blank spaces that need to be filled in.

☐ Attachment or Exhibit referred to in document is not attached.

☐ Please obtain the signature(s) of the second party to this document  
and RETURN ONE ORIGINAL TO MINUTES.

☒ This document is now fully executed and the Minutes Department has  
an ORIGINAL or COPY for their records. As the originator of this  
document, it is being returned to you so that your office may  
provide copies or prepare transmittal letters to individuals involved  
with this subject matter.

☐ Original(s) Attached

☒ Copy(s) Attached

☐ Other

## INTERLOCAL AGREEMENT ON SCHOOL CONCURRENCY

This agreement is made this 18th day of March 2008, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the School Board of Lee County, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

- a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,
- b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and the School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,

**COPY**



WHEREAS, Lee County and the School Board desire to establish options for proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002, that remains in full force and effect; and,

WHEREAS, that interlocal was subsequently amended on January 11, 2005; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. Definitions.

a. Definitions. The terms used in this subsection are defined as follows:

- i. Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
- ii. Capacity – “capacity” as defined in the FISH Manual.
- iii. Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County.

- iv. FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, that is published by the Florida Department of Education, Office of Educational Facilities.
  - v. Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
  - vi. Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board’s adopted Work Program.
  - vii. Previously Approved Development – development approved as follows:
    - (1) Single family lots having received final plat approval prior to the effective date of the County’s School Concurrency Ordinance.
    - (2) Multi-Family residential development having received final site plan approval prior to the effective date of the County’s respective School Concurrency Ordinance.
  - viii. Concurrency Certificate – A certificate issued by the County stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.
  - ix. Total school facilities – Existing school facilities and planned school facilities.
  - x. Used capacity – School facility capacity consumed by or reserved for preexisting development.
  - xi. Work Program – the financially feasible five-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.
2. Comprehensive Plan. No later than April 1, 2008, the County will adopt Comprehensive Plan Amendments to address school concurrency matters, including:
- a. A Public Schools Facilities Element, pursuant to Sections 163.3177 (12) and 163.3180, Florida Statutes.

- b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
  - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
- 3. Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, the County will amend the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and this Agreement.
- 4. Five-Year Facilities Work Program.
  - a. Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County will amend the CIE of the Comprehensive Plan to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, the County will consider further amendments to its CIE to incorporate updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.
- 5. Level of Service Standards.
  - a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein will be applied consistently throughout the County for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.
  - b. The LOS standards set forth herein will be included in the CIE and will be applied consistently by the County and the School Board districtwide to all schools of the same type.
  - c. After consultation and agreement with Lee County and the School Board, the LOS standards may be amended only pursuant to an amendment to the Lee Plan and this interlocal agreement.
  - d. The LOS standards to be used by the County and the School Board to implement school concurrency are as follows:
    - i. Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

- ii. Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iii. High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- iv. Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

A "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

- v. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period of not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

6. School Concurrency Service Areas.

- a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are initially established to be coterminous with the existing Student Assignment Zones for elementary, middle, and high schools shown on the attached map (Exhibit A).
- b. CSAs may be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement. The School Board may amend the CSAs only after review and comment by the County. After the initial three years of implementing school concurrency, the School District may propose an amendment to the CSAs to make them coterminous with the existing Student Assignment sub-zones. Lee County will consider and process a Lee Plan amendment accordingly.
- c. The establishment and modification of CSAs will take into account school policies to:
  - i. minimize student transportation costs;

- ii. limit maximum student travel times;
  - iii. achieve socio-economic, racial and cultural diversity objectives;
  - iv. recognize capacity commitments resulting from local governments' development approvals for the CSA; and,
  - v. recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
- d. CSAs will be described geographically in the County's Comprehensive Plan pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

7. Demand Monitoring and Evaluation.

- a. The County will provide the following information to the School Board on an annual basis to facilitate the projection of demand and student generation rate trends:
- i. Geo-referenced building permit and certificate of occupancy data;
  - ii. Summary of actions on preliminary and final plats;
  - iii. Summary of site development plan approvals for multi-family projects; and,
  - iv. Summary of other actions that affect demands for public school facilities.
- b. The School Board will provide the County with a copy of each concurrency determination letter issued to a municipality. The County will reflect the data from the letters in the forecasted capacity commitments for the corresponding CSA.

8. Applicability.

- a. Except as provided in subsection b. below, school concurrency applies to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the LDC amendments incorporating school concurrency.
- b. The following residential uses are exempt from the requirements of school concurrency:

- i. Single family lots having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
- ii. Multi-family residential development having received final site plan approval prior to the effective date of the applicable amendments to the LDC incorporating school concurrency.
- iii. Amendments to residential development approvals issued prior to the effective date of the Lee Plan, that do not increase the number of residential units or change the type of residential units proposed.
- iv. Other uses as provided for in the Land Development Code.

9. Process for Determining School Facilities Concurrency.

- a. The School Board will annually compile a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by CSA. The School Concurrency Inventory will then be transmitted to the County.
- b. Upon the receipt of a complete School Concurrency Inventory the County will formally incorporate the Inventory in the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth herein and in the respective land development codes.
- c. Upon receipt of a Development Order application, the County will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:
  - i. whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
  - ii. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.

- d. If the County determines that adequate capacity will not be in place or under actual construction within three years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County will not issue a School Concurrency Certificate and will not approve the development application.
- e. If the County determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
- f. The County will issue a School Concurrency Certificate only upon:
  - i. A determination that adequate school capacity for each level of school will be in place or under actual construction within three years after the issuance of the final subdivision or plat approval without mitigation; or,
  - ii. The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

10. Rezoning Review.

When reviewing a proposed rezoning, the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

- a. If the CSA where the proposed rezoning is situated does not have available school capacity, the County will determine whether a contiguous CSA (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.
- b. If there is not sufficient capacity in the CSA where the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA, the County will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

11. Mitigation Alternatives. If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, the following procedure will be used.

- a. The applicant must initiate, in writing, mitigation negotiation with the School Board to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the Lee Plan, LDC, and this Agreement.
- b. Acceptable forms of mitigation may include:
  - i. The donation of land or funding for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities anticipated from the proposed development; and,
  - ii. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost if the Charter School ceases to operate.
- c. The following standards apply to mitigation accepted by the School Board:
  - i. Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program and satisfy the demands created by the proposed development.
  - ii. Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's proportionate-share mitigation obligation to resolve a capacity deficiency will be based on the following formula, for each school level: Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.
- e. If within 90 days of the date the applicant initiates mitigation negotiation, the applicant and the School Board agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. The mitigation agreement must include the terms of the mitigation, including the amount, nature and timing of donations or funding to be provided by the developer, and any other matter necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement must specify the



amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

- f. If, after 90 days, the applicant and the School Board are not able to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. The County will not issue a Concurrency Certificate for the proposed development.
  - g. Mitigation must be proportionate to the demand for public school facilities to anticipated from development of the property.
- 12. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.
  - 13. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.
  - 14. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be renewed for one-year periods unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.
  - 15. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.
  - 16. Supplement. This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002, and later amended on January 11, 2005.
  - 17. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.
  - 18. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:
    - a. Personally;

b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,

c. By the mailing of such notice by registered or certified mail to the following address:

i. If to the School Board:

Office of the Superintendent  
Lee County School District  
2855 Colonial Boulevard  
Fort Myers, FL 33966  
Telephone - 239-337-8512  
Fax - 239-337-8683

ii. If to the County:

Office of the Lee County Attorney  
2115 Second Street, Sixth Floor  
Fort Myers, FL 33901  
Telephone - 239-533-2236  
Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on  
March 18, 2008.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Marcia Wilson  
Deputy Clerk

By: Ry Judal  
Chair

(Seal)

Date: 3/18/08

APPROVED AS TO FORM:

By: Donna Marie Collins  
Donna Marie Collins  
Lee County Attorney's Office



ATTEST:

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: \_\_\_\_\_

Superintendent

By: \_\_\_\_\_

Chairman of the Board

Date: \_\_\_\_\_

**APPROVED**

**FEB 26 2008**

**SCHOOL BOARD OF  
LEE COUNTY**

By: \_\_\_\_\_

Keith Martin, Esq.

Attorney for The School Board

Exhibits: School Attendance Zones



## INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY

Interlocal Agreement for public educational facility planning and siting in Lee County. This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2007 between LEE COUNTY, a political subdivision and Charter County of the State of Florida, acting by and through its Board of County Commissioners (hereinafter "County"), the CITY OF BONITA SPRINGS, the CITY OF CAPE CORAL, the CITY OF FORT MYERS, the TOWN OF FORT MYERS BEACH, the CITY OF SANIBEL (collectively referred to as "Cities"), and the SCHOOL BOARD OF LEE COUNTY, FLORIDA ("School Board").

WHEREAS the County, the Cities and the School Board recognize their mutual obligation and responsibility for the education, nurturance and general well-being of the children of Lee County; and

WHEREAS the County, the Cities and the School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and the school facilities planning programs; namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks and drainage systems, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk constructions programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS it is mutually beneficial for the County, the Cities and the School Board to support efforts that facilitate coordination of planning for the location and development of public educational facilities to serve the children of Lee County and to ensure that the impacts of new development occur only in accordance with the ability of the County, the Cities and the School Board to maintain adequate level of service standards; and

WHEREAS Sections 1013.33 (1), 163.31777 and 163.3180 (13), Florida Statutes, require coordination of planning between the school boards and local governing bodies to ensure that new or expanded public educational facilities are coordinated in time and place with plans for residential development concurrently with other necessary services; and

WHEREAS Section 1013.33(10), Florida Statutes, requires that the location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing bodies and any applicable implementing land development regulations to the extent that the regulations are not in conflict with, or the subject regulated is not specifically addressed by Chapter 1013 or the State Uniform Building Code; and

WHEREAS Section 163.31777(1)(a) and 1013.33(2)(a), Florida Statutes, further require each county, all the non-exempt municipalities within the county, and the district school board to establish jointly the specific ways in which the plans and processes of the district school board and local governments are to be coordinated; and

WHEREAS Section 163.3180 (13), Florida Statutes, requires the County and the School Board to implement a school concurrency program; and

WHEREAS Sections 163.31777 and 163.3180(13), Florida Statutes, details the school concurrency requirements that must be implemented through interlocal coordination between the County and the School Board; and

WHEREAS the County, Cities and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of the County and Cities; and

WHEREAS the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries and the Cities have similar jurisdiction within their boundaries; and

WHEREAS the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Lee County; and

WHEREAS the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Lee County; and

NOW THEREFORE, be it mutually agreed between the parties hereto that the following requirements and procedures shall be utilized in coordinating land use and the siting of public school facilities;

#### **Section 1. Joint Meetings**

- 1.1 Staff working groups from the County, School Board and Cities will meet on an as needed basis to formulate recommendations, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The County Planning Director and School Board staff will jointly be responsible for making meeting arrangements and providing notification.

#### **Section 2. Student Enrollment and Population Projections**

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board agree to coordinate and base their plans upon the same projections of the amount, type, and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County are reflected in the updated projections.
- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections and the Districts own estimations as to how the DOE projected growth will be spread amongst the Concurrency Service Areas (CSAs) established in Section 8.5 of this Agreement. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections using the appeal process provided by DOE or the COHORT Projection Waiver available on the DOE website. In formulating such a request, the School Board will coordinate with the Cities and County regarding future population projections and growth.



- 2.3 The County working with the Cities will use information on County growth and development trends for municipal and unincorporated areas, such as Census information on population and housing characteristics, persons per household figures, historic and projected growth rates, and the information described in Section 3.2, to project residential units by type for five years (single family, multi family and mobile home) and allocate these units to the CSAs established in Section 8.5 of this Agreement. The allocation of residential units by type and CSA will be provided to the School Board by April 1 of each year.
- 2.4 The School Board will evaluate the CSA projections prepared by the County. The School Board working with the County will develop and apply student generation multipliers for residential units by type for schools of each type, considering past trends in student enrollment within specific CSAs in order to project school enrollment. The school enrollment projections will be included in the educational facilities report provided to the County and the Cities each year as specified in subsection 3.1 of this Agreement.
- 2.5 Population Projections. Coordination regarding the update of the County population projections, their allocation into CSAs and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in Section 1.1 of this agreement. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

### Section 3. Coordinating and Sharing of Information

- 3.1 Educational Facilities Report: By September 7 of each year, the School Board shall submit to the County and each City the tentative educational facilities plan, including the Five Year Facilities Work Program (the "Work Program"). The report will contain information in tabular, graphic and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, projected needs, planned facilities with funding over the next 5 years, and the educational facilities representing the District's unmet needs. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed for five, ten and twenty year time periods and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the School Board at the School Board's discretion, or properties acquired through other means that are potential school sites. The Cities and County will review the tentative educational facilities plan and provide comments to the School Board within 15 days of the consistency of the plan with the local comprehensive plan, including the capital improvements element and whether a comprehensive plan amendment will be necessary for any proposed educational facility.
- 3.2 Growth and Development Trends On April 1 of each year, local governments will provide the School Board with the following information:
- a. The type, number, and location of residential units which have received zoning approval or site plan approval;

- AP 1
- b. Information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
  - c. An inventory of potential dwelling units that have received final plat or site development plan approval but have not yet received certificate of occupancy approval and a projection of the amount of the number of these units that are anticipated to receive certificates of occupancy approval in the next three years
  - d. the amount of school impact fees assessed by unit type, the unit of local government from which the fees were collected, the amount of impact fee revenues collected, and any pending changes to the school impact fee schedule;
  - e. the identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval;
  - f. information regarding future land use map amendments which may have an impact on school facilities;
  - g. building permits issued for the preceding year and their location; and
  - h. updated population projections apportioned geographically.

The School Board will use the information described in Section 3.2 to apportion projected student enrollment geographically to make the most efficient use of public school facilities. The distribution of projected student enrollment will be presented at staff meetings described in subsection 1.1.

#### **Section 4. School Site Selection**

- 4.1 The School Board has established a Site Selection Committee for the purpose of reviewing potential sites for new schools and proposals for renovation, expansion and closure of existing schools and making recommendations to the Superintendent and the School Board. The Site Selection Committee is a standing committee that meets on an as-needed basis. The issues identified in subsection 4.2 of this Agreement will be considered by both the local government and Site Selection Committee as each potential site and each school proposed for renovation, expansion or closure is evaluated. Based on the information gathered during this review, the Site Selection Committee will make a recommendation to the School Board.
- 4.2 The following issues will be considered by the Site Selection Committee, the School Board and the local government when evaluating potential school sites for expansion or rebuilding of existing schools:
- a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in subsection 7.1 and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and co-location of community facilities.
  - b. The location of new elementary and middle schools proximate to residential neighborhoods.



- c. The location of new schools within reasonable walking distance of dwelling units served by the schools, as practicable under the School Assignment Program.
- d. The location of new high schools on the periphery of residential neighborhoods, with access to major roads.
- e. Compatibility of the school site with present and projected uses of adjacent properties.
- f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
- g. Site acquisition and development costs.
- h. Safe access to and from the school site by pedestrians and vehicles.
- i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
- k. Impact on archeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- n. Whether the proposed location is within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan.
- o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
- p. Whether the proposed location lies outside the area regulated by Section 333.03, Florida Statutes, regarding the construction of public educational facilities in the vicinity of an airport.

4.3 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the renovation, expansion or closure of an existing school, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice shall notify the School Board within 45 days if the proposed new school site or the proposed renovation, expansion or closure of an existing school is consistent with the land use categories and policies of the local government's comprehensive plan.

## **Section 5. Supporting Infrastructure**

5.1 In conjunction with the preliminary consistency determination described at subsection 4.3 of this agreement, the School Board and affected local governments will jointly determine the need for timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion, or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

## **Section 6. Comprehensive Plan Amendments, Rezonings, and Development Approvals**

6.1 The County and the Cities will provide the School Board notification of land use applications and development proposals filed that may affect student enrollment, enrollment projections or

school facilities, including preliminary plats, rezonings, developments of regional impact and other major residential or mixed-use development projects. If a public hearing is required, the notification must be provided at least 30 days prior to the first public hearing for consideration of the development application. If no public hearing is required, the notification must be provided at least 30 days prior to any action or decision to approve or deny the application. The Zoning Administrator shall refer any rezoning application that includes residential uses to the School Board, and shall include the School Board's comments in the staff reports.

- 6.2 The County and the Cities shall provide the School Board notice of proposed amendments to the comprehensive plan future land use map filed that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 30 days prior to the first public hearing for consideration on the plan amendment.
- 6.3 Within 14 days after notification as described in Section 6.1 and 6.2, the School Board shall provide the estimated school enrollment impacts anticipated to result from the proposed land use application or development proposal, as well as whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with the State Requirements for Educational Facilities.
- 6.4 In reviewing and approving land use applications, rezoning requests and development proposals, the County and the Cities will consider the following issues:
  - a. Providing school sites and facilities within planned neighborhoods.
  - b. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites.
  - c. The co-location of parks, recreation and community facilities with school sites.
  - d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails and sidewalks.
  - e. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood.
  - f. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools.
  - g. The inclusion of school bus stops and turnarounds in new developments.
  - h. School Board comments on comprehensive plan amendments and other land-use decisions.
  - i. Available school capacity or planned improvements to increase school capacity.
- 6.5 In formulating community development programs, the County and the Cities will consider the following issues:
  - a. Targeting community development improvements in older and distressed neighborhoods near schools.
  - b. Giving priority to scheduling County and City programs and capital improvements that are consistent with and meet the capital needs identified in the School Board's facilities plan.
  - c. Giving priority to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovations to existing facilities, and providing transportation alternatives.
  - d. Working to address and resolve multi-jurisdictional public school issues.

## **Section 7. Co-location and Shared Use**

- 7.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the Work Program and Educational Plant Survey. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing art centers, and stadiums. In addition, where applicable, co-location and shared use of school and government facilities for health care and social services will be considered.
- 7.2 A separate agreement will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

## **Section 8. School Concurrency Implementation**

- 8.1 Comprehensive Plan. No later than December 31, 2007, the County and Cities will consider the adoption of Comprehensive Plan Amendments to address school concurrency matters, including:
- a. A Public Schools Facilities Element, pursuant to sections 163.3177 (12) and 163.3180, Florida Statutes.
  - b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.
  - c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.
- 8.2 Land Development Code. Following the amendment of the County's Comprehensive Plan, as provided herein, the County will consider the adoption of a "School Concurrency Ordinance" and will make other changes to the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and the terms of this Agreement.
- 8.3 Five-Year Facilities Work Program.
- a. Annually, following adoption of this Agreement, but no later than December 1<sup>st</sup>, the County and Cities will consider an amendment to the CIE of the Comprehensive Plan in order to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, made in accordance with this Agreement, the County will consider further amendments to its CIE to incorporate such updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.
- 8.4 Level of Service Standards
- a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein shall be applied consistently within the County and the Cities for the purposes of implementing school concurrency, including

determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.

- b. The LOS standards set forth herein shall be included in the CIE and shall be applied consistently by the County, the Cities and the School Board districtwide to all schools of the same type.
- c. The LOS standards may be amended only pursuant to the procedure set forth in Section 10 of this Agreement.
- d. The LOS standard to be used by the County, the Cities and the School Board to implement school concurrency shall be as follows:
  - (1) Elementary: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (2) Middle: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (3) High: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - (4) Special Purpose: 95% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

#### 8.5 School Concurrency Service Areas

- a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are hereby established to be coterminous with the existing Student Assignment Subzones as shown on the attached map.
- b. Future amendments to the CSAs may be accomplished by the School Board only after review and comment by the County and Cities as provided in Section 10 of this Agreement. CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement, taking into account school policies to:
  - (1) minimize student transportation costs;
  - (2) limit maximum student travel times;
  - (3) achieve socio-economic, racial and cultural diversity objectives;
  - (4) recognize capacity commitments resulting from local governments' development approvals for the CSA; and
  - (5) recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs
- c. CSAs will be described geographically in the County's and Cities' Comprehensive Plans pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

8.6 Demand Monitoring and Evaluation: The County shall provide the following information to the School Board on a quarterly basis to facilitate demand projection and student generation rate trends:

- a. Geo-referenced building permit and certificate of occupancy data;
- b. Summary of actions on preliminary and final plats;
- c. Summary of site development plan approvals for multi-family projects; and
- d. Summary of other actions that affect demands for public school facilities.

#### 8.7 Applicability

- a. Except as provided in subsection b. below, school concurrency applies only to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the applicable School Concurrency Ordinance.
- b. The following residential uses shall be considered exempt from the requirements of school concurrency:
  - (1) Single family lots of record having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.
  - (2) Multi-family residential development having received final site plan approval prior to the effective date of the applicable School Concurrency Ordinance.
  - (3) Amendments to residential development approvals issued prior to the effective date of the applicable School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.
  - (4) Other uses as provided for in the School Concurrency Ordinance.

#### 8.8 Process for Determining School Facilities Concurrency

- a. The County and Cities will accept and process final plats and residential site plans only after the applicant has complied with the terms of the applicable School Concurrency Ordinance. The County and Cities may approve a School Concurrency Application earlier in the approval process, if requested by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this subsection.
- b. Upon the receipt of a complete School Concurrency Application, the County or City will transmit the application to the School Board for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth in herein and in the respective land development codes.
- c. Within thirty (30) days of the initial transmittal from the County or Cities, the School Board will review the School Concurrency Application and, based on the standards set forth in this Agreement, report in writing to the County or City:
  - (1) whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or
  - (2) if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.
- d. If the School Board determines that adequate capacity will not be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County or City will not issue a School Concurrency Determination and will not accept or process a development application.

- e. If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.
- f. The County or City will issue a School Concurrency Determination only upon:
  - (1) The School Board's written determination that adequate school capacity will be in place or under actual construction within 3 years after the issuance of the final subdivision or plat approval for each level of school without mitigation; or
  - (2) The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

#### 8.9 Concurrency Determination Standards

- a. Definitions. The terms used in this subsection shall be defined as follows:
  - (1) Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.
  - (2) Capacity – “capacity” as defined in the FISH Manual.
  - (3) Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County or City.
  - (4) FISH Manual – the document entitled “Florida Inventory of School Houses (FISH)”, 2006 edition, and that is published by the Florida Department of Education, Office of Educational Facilities.
  - (5) Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.
  - (6) Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted Work Program.
  - (7) Previously Approved Development – development approved as follows:
    - (a) Single family lots of record having received final plat approval prior to the effective date of the County or City's respective School Concurrency Ordinance.
    - (b) Multi-Family residential development having received final site plan approval prior to the effective date of the County or City's respective School Concurrency Ordinance.
  - (8) Reserved capacity – School facility capacity set aside for a development or use other than those set aside pursuant to a School Concurrency Application, including development that impacts schools but that is exempt from the terms of the respective School Concurrency Ordinance.
  - (9) Total school facilities – Existing school facilities and planned school facilities.
  - (10) Used capacity – School facility capacity consumed by or reserved for preexisting development.
  - (11) Work Program – the financially feasible 5-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.



- b. School Capacity Calculations. The School Board will determine whether adequate school capacity exists for a proposed development, based on the LOS standards, CSAs, and other standards set forth in this Agreement, as follows:
  - (1) Calculate total school facilities by adding the capacity provided by existing school facilities to the capacity of any planned school facilities.
  - (2) Calculate available school capacity by subtracting from the total school facilities the sum of:
    - (a) Used capacity;
    - (b) The portion of reserved capacity projected to be developed within three years;
    - (c) The portion of previously approved development projected to be developed within three years; and
    - (d) The demand on schools created by the proposed development.
- c. Concurrency Service Areas. In determining whether there is sufficient school capacity to accommodate a proposed development, the School Board will:
  - (1) Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula above.
  - (2) In the event that the CSA in which the proposed development is situated does not have available school capacity, the School Board will determine whether a contiguous CSA within the same Zone (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA within the same Zone with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.

8.10 Mitigation Alternatives. In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Agreement otherwise would be exceeded, the following procedure shall be used.

- a. The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the School Concurrency Ordinance, and this Agreement.
- b. Acceptable forms of mitigation may include:
  - (1) The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; and
  - (2) Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.
- c. The following standards apply to any mitigation accepted by the School Board:
  - (1) Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program, which satisfies the demands created by the proposed development; and
  - (2) Relocatable classrooms will not be accepted as mitigation.
- d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be

based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

- e. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed, which sets forth the terms of the mitigation, including such issues as the amount, nature and timing of donations or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.
- f. If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing and the County will not issue a School Concurrence Determination for the proposed development.
- g. The School Board may grant two (2) 90-day extensions to the mitigation negotiation period.
- h. Mitigation must be proportionate to the demand for public school facilities to be created by actual development of the property.

**Section 9. Amendments.** This Agreement may be amended only by the written consent of the parties hereto.

**Section 10. Oversight.** The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of this Agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the interlocal agreement is being implemented.

**Section 11. Termination.** Pursuant to Section 1013.33, Florida Statutes, this Agreement will be effective upon the date of its execution by all parties hereto and shall continue in full force and effect; provided, however, that the Agreement shall automatically be renewed for one (1) year periods unless the County, the Cities or that School Board signifies in writing its intent to terminate the Agreement at least 120 days prior to the renewal date. It is further provided that any of the aforementioned parties may terminate this Agreement by giving at least 120 days written notice of its intent.

**Section 12. Resolution of Disputes.** The adjudication of disputes and disagreements under this Agreement will be resolved in accordance with the government conflict resolution procedures specified in Chapters 164 and 186 of the Florida Statutes.

**Section 13. Replacement.** This Agreement replaces that certain Interlocal Agreement between the parties hereto dated August 20, 2002. The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.



**Section 14. Notice.** All notices or other communications provided for in this Agreement shall be in writing and shall be deemed properly delivered when delivered (a) personally, (b) by facsimile transmission provided the sending party received electronic confirmation thereof, or (c) by the mailing of such notice by registered or certified mail to the following addresses:

If to the School Board:  
Office of the Superintendent  
Lee County School District  
2055 Central Avenue  
Fort Myers, FL 33901  
Phone:  
Fax:

If to the County:

If to the City of Bonita Springs:

If to the City of Cape Coral:

If to the City of Fort Myers:

If to the Town of Fort Myers Beach:

If to the City of Sanibel:

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**APPROVED**

**APR 04 2006**

INTERLOCAL AGREEMENT BETWEEN  
LEE COUNTY AND THE LEE COUNTY SCHOOL BOARD  
**SCHOOL BOARD OF  
LEE COUNTY**

This Agreement is made this 2nd day of May 2006, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County", and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, on November 27, 2001, the County adopted Ordinance No. 01-21 assessing impact fees that are paid by new residential construction for educational purposes, hereinafter called "Ordinance"; and,

WHEREAS, the County and the School Board entered into an interlocal agreement on June 29, 2004, pursuant to Florida Statutes, Section 163.01, the Florida Interlocal Cooperation Act of 1969, to address the disbursement of school impact fees held in escrow during the pendency of a lawsuit challenging the legality of the Ordinance; and the June 29, 2004 interlocal, amongst other things, acknowledged that the County would retain \$200,000 from an account representing interest collected on school impact fees to provide a subsidy to qualifying affordable housing projects for the payment of school impact fees.

WHEREAS, Lee County adopted Administrative Code 13-4 to provide criteria and procedures for partial reimbursement of school impact fees paid by affordable housing providers; and,

WHEREAS, the County continues to disburse to the School Board, future school impact fees collected on a quarterly basis in accordance with the terms of the Ordinance; and,

WHEREAS, Goal 135 of the Lee County Comprehensive Plan requires Lee County to endeavor to meet the housing needs of present and future residents at affordable costs; and,

WHEREAS, the County desires to continue a program where the interest accrued on school impact fees between quarterly disbursement periods are set aside and made available to qualifying affordable housing providers and very low, low and moderate income households in the form of a subsidy for the payment of school impact fees; and,

WHEREAS, the County and the School Board desire to establish an on-going program whereby 80% of the interest accrued on school impact fees collected and held by the County are set aside and disbursed in accordance with Lee County Administrative Code Policies for the benefit of qualifying affordable housing providers and very low, low and moderate income households.

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5-2-06

NOW, THEREFORE, IT IS AGREED as follows:

1. Upon acceptance and execution of this agreement by the parties, the County will retain 80% of the money from accounts representing interest accrued on school impact fees for use as a subsidy to qualifying affordable housing providers and very low, low and moderate income households to be used for the payment of school impact fees. The County will continue to disburse to the School Board all impact fees and 20% of the interest accrued on those fees on a quarterly basis in accordance with the terms of the School Impact Fee Ordinance.

2. If at any time the unused funds in the subsidy account exceed \$400,000, no additional interest will be diverted into the subsidy account until the account balance falls below \$400,000. During such time, interest accrued on school impact fees will be disbursed to the School Board in accordance with the terms of the School Impact Fee Ordinance.

3. The County will disburse the funds in the subsidy account to qualifying affordable housing providers and very low, low and moderate income households only in accordance with the policies and procedures set forth in Lee County Administrative Code 13-4, as may be amended from time-to-time.

4. Lee County will maintain records of all recipients of subsidies for the payment of school impact fees and will provide the School Board with an annual report of monetary disbursements under the program. This paragraph will remain in full force and effect until amended by mutual agreements of the parties whether repeal of the school impact fee ordinance and exhaustion of interest accrued.

IN WITNESS WHEREOF THE PARTIES HERETO have caused the execution hereof by duly authorized officials on the date set forth below:

Dated this 2nd day of May 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

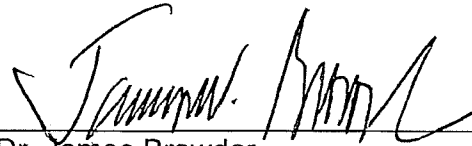
BY:   
Tammara Hall, Chairwoman

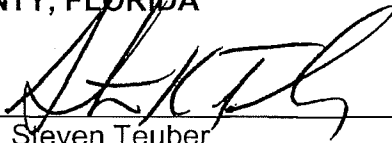
Approved as to form:

By:   
Donna Marie Collins  
Assistant County Attorney

ATTEST:

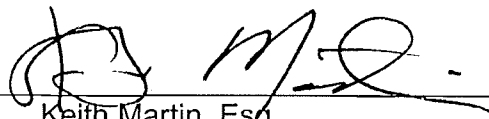
THE SCHOOL BOARD OF LEE  
COUNTY, FLORIDA

BY:   
Dr. James Browder  
Superintendent  
Lee County School Board

BY:   
Steven Teuber  
Chairman

Approved as to form:

APPROVED  
APR 04 2006  
SCHOOL BOARD OF  
LEE COUNTY

By:   
Keith Martin, Esq.  
Lee County School Board Attorney

**APPROVED**

**JAN 11 2005**

**INTERLOCAL AGREEMENT BETWEEN  
LEE COUNTY AND THE LEE COUNTY SCHOOL BOARD**

**SCHOOL BOARD OF  
LEE COUNTY**

This agreement is entered into on Jan. 11, 2005, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "Lee County", and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, Lee County and the School Board entered into an interlocal agreement pursuant to Florida Statutes, Section 163.01, the Florida Interlocal Cooperation Act of 1969, on October 23, 1991, in an effort to address the State policy expressed in Section 235.193(1), Florida Statutes (1990), which was to require the coordination of planning between the School Board and local governing bodies to ensure plans for construction and opening of public educational facilities are coordinated with other necessary services. The Statute also required that proposed educational facilities site plans and off-site impacts be consistent with the local comprehensive plan and land development regulations [See former 235.193(6)]; and

WHEREAS, Section 235.193, *et seq.*, was repealed by the Florida Legislature in 2002 and replaced by Section 1013.33; and

WHEREAS, pursuant to Section 1013.33, Florida Statutes (2003), it continues to be the policy of the Florida Legislature to require the coordination of planning between the School Board and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with the plans for residential development and concurrently with other necessary services [1013.33(1)]; and

WHEREAS, pursuant to Section 1013.33(1), Florida Statutes, this planning must include the integration of the educational facilities plan and applicable policies and procedures of a school board with the local comprehensive plan and land development regulations of local governments [See also 1013.33(3)(d), (10) and (13)]; and

WHEREAS, the School Board, Lee County, and the city or town council of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel entered into an interlocal agreement on August 20, 2002, that jointly established the specific ways in which the plans and processes of the School Board and the local governments are to be coordinated; and

WHEREAS, pursuant to Section 1013.33(10), Florida Statutes (2003), the location of educational facilities must be consistent with the Lee County Comprehensive Plan (Lee Plan) and consistent with the Lee Plan implementing land development regulations as set forth in the Land Development Code (LDC); and

A4a  
12-14-04

WHEREAS, pursuant to Section 1013.33(12), (13), and 163.3161(5), the proposed education facility site plan must be consistent with the Lee Plan and LDC; and

WHEREAS, Lee County adopted the LDC, which addresses the development of real property in unincorporated Lee County; and

WHEREAS, the County and the School Board desire to further delineate their respective rights and obligations under the Florida Statutes, Lee Plan, and LDC as set forth below:

NOW, THEREFORE, IT IS AGREED as follows:

1. Authority and Intent. This agreement is made pursuant to Florida Statutes, Section 163.01, *et seq.*, the Florida Interlocal Cooperation Act of 1969. It is the intent to incorporate recitals set forth above into the terms of this agreement.
2. Notice of Site Acquisition. The School Board must provide written notice to the Planning Director, Lee County Division of Planning, 1500 Monroe Street, Fort Myers, FL 33901, at least 30 calendar days prior to signing a contract for property that may be used for a public educational facility. [1013.33(11)].
3. Consistency of Site Location with Lee Plan. Upon receipt of this notice, Lee County will notify the School Board within 10 calendar days if the site (location) proposed for acquisition or lease is consistent with the future land use categories and policies of the Lee Plan. This preliminary notice does not constitute Lee County's determination of consistency relative to the "site plan" pursuant to the paragraphs set forth below. [1013.33(11) and AGO 03-02].
4. Consistency of Site Plan with Lee Plan. As early in the design phase as feasible, but no later than 90 calendar days before commencing construction, the School Board must submit a written request to Lee County for a determination of consistency with the Lee Plan and LDC of the proposed public educational facility site plan [1013.33(12) and 163.3161(5)]. This request must be accompanied by an application for local development order (DO) in accordance with Chapter 10 of the LDC. [NOTE: Section 163.3161(5) provides that it is the State legislature's intent that adopted comprehensive plans have legal status and that no public or private development will be permitted except in conformity with the comprehensive plan].
5. Adequacy of Site Plan. Lee County and the School Board acknowledge and agree that Lee County may not deny a proposed site plan based on adequacy of the site plan as it relates solely to the internal site needs of a public educational facility such as building separation, internal pedestrian ways, location of parking areas, athletic field location and internal traffic plan. In addition, if the site location is consistent with the Lee Plan's policies and future land use categories, Lee County may not deny the site (location) application. However, both parties agree that pursuant to Section 1013.33(13), Florida Statutes, Lee

County may legally impose reasonable development standards and conditions and consider the proposed site plan and its adequacy as it relates to environmental concerns, health, safety, welfare, and effects on adjacent property. [1013.33(11) and (13)]. [See also AGO79-37 confirming that the comprehensive plan and LDC do not apply to or regulate the same subject as the State Building Code for Public Education Facilities.]

6. Review of Site Plan. Lee County will provide a written response within 12 working days after receiving the application for local development order approval. If Lee County fails to provide a written determination of the proposed site plan's consistency status with the Lee Plan and LDC within 45 calendar days after the School Board requests a determination of consistency, the application will be considered approved. [1013.33(12)]. The County's response must set forth whether the proposed development order for the educational facility is consistent with the Lee Plan and the LDC. [1013.33(12)]. If Lee County determines that the proposed development order application is consistent with the Lee Plan and LDC, the County will issue the DO approval. Once the DO is approved, the School Board may commence construction of those site improvements included in the DO without further County approval, except as provided herein.

7. Priority Review. The County will afford priority to School Board applications for the construction or expansion of public educational facilities. All submittals or resubmittals to the Development Services Division will be reviewed within 12 working days of submittal. The Development Services Division will offer assistance to the School Board in order to reduce the necessity for re-submittal of documents. Early work permits can be granted within 12 working days at the discretion of the Director of Development Services.

8. Review Costs. The parties agree that, to cover the cost of review, the School Board will annually provide the full cost of the County's Development Services Representative staff position assigned to review school projects on a priority basis. Funding will be provided upon execution of this agreement and will be billed annually thereafter on October 1<sup>st</sup> of each year. Non-payment will result in termination of any review activities.

9. Site Plan Review. In connection with its development order review, Lee County will specifically review the adequacy of site plans as they relate to the items set forth below:

- a. Adequacy of the fire flows and placement of hydrants for fire protection;
- b. Traffic Impact Statement/adequacy of site access;
- c. Off-site turn lanes and utility improvements;
- d. Site lighting;
- e. Proposed storm-water outfall;
- f. On-site and off-site (for property on street frontage) sidewalk and bike-path improvements;
- g. Open space and indigenous preservation (per commercial standards);
- h. Site buffering (per commercial standards);
- i. Removal of exotic vegetation;
- j. Protected species survey and management, if applicable;

- k. Impacts on archeological and historic resources.
- l. Compatibility with adjacent land uses;

The County will impose reasonable development standards, provisions, and conditions as appropriate. The parties will meet to resolve Lee Plan and LDC consistency issues when they arise. [See AGO 79-37, wherein it is noted that under Section 163.3194(1), it is clear and unambiguous that all development undertaken by and all action taken in regard to development orders by school boards must be consistent with the plan.] [See also AGO 89-31 which states that to the extent the comprehensive plan and land development regulations do not regulate the same subject as the State Uniform Building Code for Public Education Facilities, a district school board is subject to the comprehensive plan and land development regulations when developing land in the County.]

10. Conflicts. Lee County will not impose standards and conditions that conflict with those established in Chapter 1013, Florida Statutes, or the Florida Building Code for Public Educational Facilities Construction, unless mutually agreed and consistent with the interlocal agreement adopted on August 20, 2002. [1013.33(13)]. [AGO 79-37 confirms that a local government comprehensive plan and land development regulations do not regulate the same subject matter as the State Building Code for Public Education Facilities.]

11. State and Federal Regulations. The School Board must comply with all State and Federal regulations pertaining to wetlands protection and endangered species. The School Board must submit copies of State and Federal permits applications with the DO application including a copy of the application for the SFWMD permit and the Storm Water Pollution Prevention Plan. No early work permits or final development order approval will be issued by the County until the State and Federal permits have been issued.

12. Parking. It is agreed by the parties that public educational facilities will not be subject to the on-site parking requirements of the LDC.

13. Waiver. The construction of new educational facilities, the expansion of existing facilities that increase the student population by more than 5 percent, stadiums, and construction that changes the primary use of a facility must obtain a development order pursuant to the LDC. The County will waive the following requirements:

- a. Assurance of completion for off-site improvements provided the School Board obtains appropriate assurance of completion sureties as part of the contracts for construction of off-site improvements; and
- b. Review of wetland impacts.

14. Exemptions/Limitations. Lee County review or approval is not required for the following activities:

- a. placement of temporary or portable classroom facilities.



- b. proposed renovation or construction on existing school sites to the extent the activity does not fall within the exceptions set forth below or in paragraph 15 hereto.

However, construction that changes the primary use of a facility, construction of stadiums, or construction activity that results in a greater than 5 percent increase in the student capacity is subject to the Lee County site plan review described in this agreement.

15. Existing Public Education Facilities Site Plans. The parties agree that existing facilities will be considered consistent with the Lee Plan. If the School Board submits an application to expand an existing school site, Lee County may impose reasonable development standards and conditions on the expansion only. Lee County will not impose standards and conditions that conflict with those established in Chapter 1013, Florida Statutes, or the Florida Building Code for Public Educational Facility Construction, unless mutually agreed. [1013.33(15)].

16. Application of the LDC to Building Construction. The parties acknowledge and agree that the Lee Plan and LDC (except Chapter 6) do not apply to conventional construction standards, but rather relate to zoning and land use development activity. Accordingly, those regulations, by law, apply to the development of public educational facilities. Chapter 6 of the LDC is not applicable to the extent it conflicts with the Florida Building Code. Therefore, it is agreed that the Florida Building Code has the force and affect of law and will supersede the provisions of Chapter 6 of the LDC.

17. Certificate of Compliance. The School Board project engineer and landscape architect (if the plan has been designed by a landscape architect) must comply with the Certificate of Compliance (CC) process specified in LDC Chapter 10.

18. Impact Fees. Public education facilities are exempt from County impact fees.

19. Dispute Resolution. The adjudication of disputes and disagreements will be resolved in accordance with the governmental conflict resolution procedures specified in Chapters 164 and 186 of the Florida Statutes.

20. Governing Agreement and Future Amendments. This agreement is intended to supersede the interlocal agreement entered into on October 23, 1991. It will remain in full force and effect until the Florida Legislature amends Chapter 1013, Florida Statutes, to exempt public educational facilities from compliance with local comprehensive plans and land development regulations, or until such time as the parties hereto mutually agree to amend the terms. This agreement is intended to supplement the interlocal agreement entered into on August 20, 2002.

IN WITNESS WHEREOF, this interlocal agreement has been executed by and on behalf of Lee County and the Lee County School Board of Lee County on January 13, 2004. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

Attest:  
Charlie Green, Clerk

Board of County Commissioners  
Lee County, Florida

By: Michelle B. Cooper  
Deputy Clerk

By: [Signature]  
Douglas St. Cerny  
Chairman

Date: 12/14/04

Approved as to form



By: [Signature]  
Donna Marie Collins,  
Lee County Attorney's Office

Attest:

The School Board of Lee County, Florida

By: [Signature]  
James Browder  
Superintendent

By: [Signature]  
Chairman

Date: 1-13-05

Approved as to Form

APPROVED  
JAN 11 2005  
SCHOOL BOARD OF  
LEE COUNTY

By: [Signature]  
Keith Martin, Esq.  
Attorney for the School Board

## INTERLOCAL AGREEMENT

THIS AGREEMENT is made this 27<sup>th</sup> day of January 2004, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, on November 27, 2001, the County adopted ordinance #01-21 assessing impact fees that are paid by new residential construction for educational purposes, hereinafter called "Ordinance;" and

WHEREAS, the Lee County Building Industry Association and others filed a lawsuit in December of 2001 challenging the legality of the Ordinance; and

WHEREAS, the County and the School Board expected the lawsuit to be expedited and resolved within a reasonable time because of the great public importance of the matter; and, pursuant to that expectation, mutually agreed that it would be prudent for the County to hold funds collected under the Ordinance without disbursement to the School Board as otherwise provided in the Ordinance; and,

WHEREAS, the lawsuit has been pending for more than two years and even though a trial is set for March 2004, there will certainly be appeals of the trial court's decision; and

WHEREAS, the County has collected approximately \$38,000,000.00 pursuant to the Ordinance; and

WHEREAS, unprecedented growth in Lee County has created a dire need for funds to pay for new schools and other capital expenditures necessary to properly provide for the education of the children of Lee County; and

WHEREAS, the County and the School Board wish to help provide for the needs of the school children by releasing one-half of funds collected, and to be collected, under the Ordinance to the School Board for use in accordance with the requirements of the Ordinance.

### NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon acceptance and execution of this agreement by the County and the School Board, the County will disburse to the School Board one-half of the school impact fee funds held by the County; and the County will disburse to the School Board one-half of future school impact fees collected on a quarterly basis.

2. The School Board will strictly comply with the requirements of the Ordinance as to the expenditure of the funds.

3. The School Board will repay or return without delay or protest all funds, including interest received, pursuant to this agreement within ninety days after written request from the County. The County will only make such a request if the County is required to refund school impact fees by the Circuit Court after exhaustion of all appeals. The request will only be in an amount sufficient to provide refunds required by a court order, or the amount disbursed, whichever is less.

4. The School Board will reserve sufficient borrowing capacity or other legally available funds to ensure that it will be able to repay all funds disbursed under this agreement plus interest earnings as applicable.

5. The County and the School Board will be jointly and severally liable for any refund that may ultimately be required pursuant to the lawsuit and the School Board agrees that any such order will specify such joint and several liability. The School Board liability under this paragraph will be limited to amounts disbursed to the School Board and interest thereon as appropriate. The School Board hereby waives any and all conditions, claims of, or defenses to the prompt refund of any such County-advanced funds to the County or to the Court as appropriate, if the County is required to refund any such school impact fees and interest thereon by the Courts after exhaustion of all appeals.

6. Due to the nature of this advance funding agreement, the School Board agrees the School Board's refund obligations hereunder and the provisions of this interlocal shall not be terminated by the School Board once the County has disbursed any funds to the School Board hereunder. Once the County funds have been disbursed to the School Board, the School Board will take no action legal or otherwise to nullify or reject the provisions hereof. The School Board agrees any such action by the School Board will automatically mandate the School Board to immediately refund or repay all such County disbursed funds plus accrued interest to the County and the County may immediately enforce this right in a Court of Law without being subject to any Chapter 164 or other pre-suit restrictions.

7. If the County is required to enforce the repayment provisions hereof in a Court of Law or otherwise, School Board agrees it will be responsible to pay all attorney fees and costs necessary for the County to enforce its repayment rights hereunder. The County's rights of enforcement will not be subject to any Chapter 164 or other pre-litigation restrictions.

8. This agreement will remain in full force and effect until the final completion of the aforesaid litigation and any related court directed fee refund process if applicable, including the School Board's repayment obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates set forth below.

ATTEST:  
CHARLIE GREEN, CLERK

By: Cindy Morrison  
Deputy Clerk



ATTEST:

By: Tamara B. Wray  
Superintendent

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chairman or Vice Chairman

Date: 2/3/04

APPROVED AS TO FORM:

By: [Signature]  
Lee County Attorney's Office

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: [Signature]  
Chairman of the Board

Date: 2/2/04

APPROVED AS TO FORM:

By: [Signature]  
Keith Martin, Esq.  
Attorney for The School Board

**INTERLOCAL AGREEMENT BETWEEN  
THE LEE COUNTY SCHOOL BOARD  
AND LEE COUNTY FOR TURN LANE CONSTRUCTION  
AND REAL PROPERTY CONVEYANCES**

**APPROVED  
SEP 13 2005  
SCHOOL BOARD OF  
LEE COUNTY**

This Interlocal Agreement (*Agreement*) is made this 1<sup>st</sup> day of June, 2004, by and between **LEE COUNTY**, a political subdivision and Charter County of the State of Florida (*County*), and **THE SCHOOL BOARD OF LEE COUNTY, FLORIDA**, a public agency of the State of Florida (*School Board*)

**WHEREAS**, the School Board is constructing a public school facility on the property known as Veteran's Park, which is located on the north side of Homestead Road in Lehigh Acres, Florida, and is further defined by STRAP No. 05-45-27-00-00003.0020 (*School Site*); and

**WHEREAS**, the County has agreed to construct turn-lane improvements (*Turn-lane Improvements*) consisting of 1,600 feet of road within which will be created a south-bound left turn lane on Homestead Road to serve the above-referenced new public school facility at the School Site on the north side of Homestead Road, which improvements are shown on a set of plans entitled "Roadway Improvements for Homestead Road Widening, Part of Section 5, Township 45 South, Range 27 East, Lehigh, Lee County, Florida," prepared by TKW Consulting Engineers, Inc., for the Lee County Department of Transportation, as Project Number 0267.00 5-45S27E, with a Plot Date of 9-19-2003 - 9:38 AM, which plans are incorporated herein by reference (*Road Plans*); and

**WHEREAS**, the Turn-lane Improvements are necessary to ensure vehicular ingress and egress to the public school facility to and from the public roadway in a safe and efficient manner; and

**WHEREAS**, Lee County desires to acquire the following parcels or tracts of land and easements from the School Board for roadway and utility purposes:

1. *Summerlin Road Widening Parcel 300*: Containing approximately 3,266 square feet (0.075 acres) of fee interest, being a portion of the real property located at Tanglewood Elementary School, 1620 Manchester Boulevard, Fort Myers, Florida (STRAP No. 11-45-24-P1-00061.0000) and more particularly described in attached Exhibit "A;" and
2. *Three Oaks Parcels*: Containing approximately 52,352 square feet (1.20 acres) of fee interest, consisting of 1) identified Parcel 103A (8,182 square feet) and 2) identified Parcel 103B (44,170 square feet), both being a portion of the 76-acre vacant parcel located on the east side Three Oaks Parkway (STRAP No. 26-46-25-00-00001.0000), in Lee County, Florida, and both being more particularly described in attached Exhibit "B;" and

3. *Pinewoods Elementary School Parcel and Easements*: Consisting of 1) identified Parcel 204, containing approximately 5,619 square feet (0.129 acres) of fee interest; 2) a slope easement over identified Parcel 204-SE (1,685.58 square feet); and 3) a temporary construction easement over identified Parcel 204-TCE (5,998.43 square feet); all being a portion of the 37.56-acre parcel located on the south side of Corkscrew Road (STRAP No. 25-46-25-00-00001.0020), in Lee County, Florida, and all being more particularly described in attached Exhibit "C."
4. *Pipeline Easement and Wellhead Sites to benefit the Pinewoods Water Treatment Plant*: Consisting of two wellhead sites, identified as Well Easement No. 2 and No. 3, and a pipeline easement, identified as Pipeline Easement "A," to serve the two wellhead sites, all on the Pinewoods Elementary School site in Section 25, Township 46 South, Range 25 East, in Lee County, Florida. The wellhead site identified as Well Easement No. 2 being 5,625 square feet in area, and the wellhead site identified as Well Easement No. 3 being 875 square feet in area. Together with the right to enter onto the Pinewoods Elementary School site to install, repair and maintain water and utility service lines within the pipeline easement; and to install, repair and maintain water wells and any appurtenant equipment and facilities located on each of the wellhead sites, all being more particularly described in attached Exhibit "D."

The above-described parcels and easements are collectively referred to as the "Traded Parcels," and the above-named exhibits are all incorporated herein by reference; and

**WHEREAS**, the County agrees to construct the above-referenced Turn-lane Improvements described in the Road Plans for the benefit of the School Board, in return the School Board agrees to convey to the County the Traded Parcels (a fee simple interest in the parcels described in attached Exhibits "A," "B," and that parcel identified as Parcel 204 in Exhibit "C," and those easements described in Exhibit "C" and "D.") All of the referenced conveyances are in exchange for the necessary Turn-lane Improvements; and

**NOW THEREFORE**, in consideration of the foregoing and mutual covenants contained herein, the County and the School Board agree as follows:

#### **SECTION ONE: RECITALS**

The recitals contained above are incorporated into the body of this Agreement as if they were set forth in full below.

## **SECTION TWO: PURPOSE**

The purpose of this Agreement is to set forth the obligations of the County and the School Board with respect to the County constructing certain required Turn-lane Improvements for the benefit of the School Board, in return for the School Board conveying to the County a fee simple interest in the parcels described in attached Exhibits "A," "B," and that parcel identified as Parcel 204 in Exhibit "C;" and those easements described in Exhibit "C" and "D."

## **SECTION THREE: OBLIGATIONS OF THE COUNTY**

The County will construct certain required Turn-lane improvements on Homestead Road in Lehigh Acres as described in the Road Plans for the benefit of a new public school facility being constructed by the School Board on the School Site located on the north side of Homestead Road in Lehigh Acres, Florida.

## **SECTION FOUR: OBLIGATIONS OF THE SCHOOL BOARD**

The School Board will be responsible for conveying to the County a fee simple interest in the parcels described in attached Exhibits "A," "B," and that parcel identified as Parcel 204 in Exhibit "C;" and those easements described in Exhibit "C" and "D."

Said conveyances will occur within 30 days after this Agreement has been executed by both parties.

## **SECTION FIVE: AMENDMENTS TO THE AGREEMENT**

Changes must be prepared as written amendments, signed by both the School Board and the County. Such amendments will be incorporated into the body of this original Agreement and attached hereto. All other provisions of this Agreement will remain in full force and effect.

## **SECTION SIX: CONTACT PERSONS**

For the purposes of this Agreement and any notices or correspondence, the following persons are deemed to be the contact person for the parties:

### **For the County:**

James Lavender, Public Works Director  
Lee County  
P.O. Box 398  
Fort Myers, Florida 33902



**For the School Board:**

William G. Moore, Jr., Executive Director, School Support  
The School District of Lee County  
Department of Construction Services  
3308 Canal Street  
Fort Myers, Florida 33916

**SECTION SEVEN: SCOPE OF THE AGREEMENT**

This Agreement, including any incorporated exhibits or amendments, constitutes the entire agreement between the parties and will supersede and replace any or all prior agreements or understanding, either written or oral, relating to the same matters herein.

**SECTION EIGHT: DISPUTE RESOLUTION**

As a condition to either party bringing a suit for breach of this Agreement, a party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to both parties. The parties will each pay 50 percent of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute will not excuse the parties from performance pursuant to this Agreement. This remedy is supplemental to any other remedies available at law.

**SECTION NINE: ACCEPTANCE**

This Agreement will become effective on the date first written above. This Agreement, and any subsequent amendments thereto, will be filed with the Clerk of the Circuit Court for Lee County and the Lee County School Board Clerk.

[end of provisions]

IN WITNESS WHEREOF, the parties have caused these presence to be executed by their duly authorized officers and their official seals hereto affixed intending to be bound as of the day and year first written above.

ATTEST:

By:

[signature]

James W. Browder

[Type or print name]

9-13-05

[Title]

SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By:

[signature]

Elinor C. Scricca, Ph.D.

Chairman

APPROVED

Date of Execution:

9 / 13 / 2005

SEP 13 2005

Approved as to Form:

By:

[signature]

School Board Attorney

SCHOOL BOARD OF  
LEE COUNTY

ATTEST:

CHARLIE GREEN, CLERK

BY:

[signature]

Deputy Clerk

Lisa L. Pierce

[Type or Print Name]

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:

[signature]

Chairman

Date of Execution: 08 / 02 / 2005

Approved as to form by:

[signature]

John J. Fredyma

Assistant County Attorney

County Attorney's Office

## ATTACHED EXHIBITS:

- Exhibit "A" - *Summerlin Road Widening Parcel 300*: Legal description and sketch of the parcel or tract of land containing approximately 3,266 square feet (0.075 acres) of fee interest, being a portion of the real property located at Tanglewood Elementary School, 1620 Manchester Boulevard, Fort Myers, Florida (STRAP No. 11-45-24-P1-00061.0000).
- Exhibit "B" - *Three Oaks Parcels*: Containing approximately 52,352 square feet (1.20 acres) of fee interest, consisting of 1) identified Parcel 103A (8,182 square feet) and 2) identified Parcel 103B (44,170 square feet), both being a portion of the 76-acre vacant parcel located on the east side Three Oaks Parkway (STRAP No. 26-46-25-00-00001.0000).
- Exhibit "C" - *Pinewoods Elementary School Parcel and Easements*: consisting of 1) identified Parcel 204, containing approximately 5,619 square feet (0.129 acres) of fee interest; 2) a slope easement over identified Parcel 204-SE (1,685.58 square feet); and 3) a temporary construction easement over identified Parcel 204-TCE (5,998.43 square feet); all being a portion of the 37.56-acre parcel located on the south side of Corkscrew Road (STRAP No. 25-46-25-00-00001.0020).
- Exhibit "D" - *Pipeline Easement and Wellhead Sites to benefit the Pinewoods Water Treatment Plant*: Consisting of two wellhead sites, identified as Well Easement No. 2 and No. 3, and a pipeline easement, identified as Pipeline Easement "A," to serve the two wellhead sites, all on the Pinewoods Elementary School site in Section 25, Township 46 South, Range 25 East, in Lee County, Florida. The wellhead site identified as Well Easement No. 2 being 5,625 square feet in area, and the wellhead site identified as Well Easement No. 3 being 875 square feet in area. Together with the right to enter onto the Pinewoods Elementary School site to install, repair and maintain water and utility service lines within the pipeline easement; and to install, repair and maintain water wells and any appurtenant equipment and facilities located on each of the wellhead sites, all being more particularly described in attached Exhibit "D."


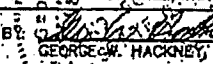
EXHIBIT "A"  
Page One of Two

SECTION 11, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION OF PARCEL 300

ALL THAT PART OF THE LEE COUNTY BOARD OF PUBLIC INSTRUCTION PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 561 PAGES 813 AND 814, PUBLIC RECORDS OF LEE COUNTY FLORIDA LYING IN SECTION 11, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SUMMERLIN ROAD (C.R.869) (R.O.W. VARIES) SURVEY BASELINE POINT OF TANGENCY (P.T.) AT STATION 329+25.44; THENCE NORTH 15°43'59" EAST ALONG SAID SURVEY BASELINE A DISTANCE OF 87.67 FEET; THENCE LEAVING SAID BASELINE NORTH 74°16'01" WEST A DISTANCE OF 63.30 FEET TO A SOUTHEASTERLY CORNER OF THE AFOREMENTIONED PROPERTY SAID CORNER ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE ON THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SUMMERLIN ROAD CONCAVE WESTERLY AND WHOSE RADIUS BEARS NORTH 78°52'57" WEST A DISTANCE OF 895.93 FEET AND THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID NON-TANGENT CURVE AND ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE AND ALONG THE SOUTHEAST LINE OF SAID PROPERTY THROUGH A CENTRAL ANGLE OF 21°17'21" AN ARC DISTANCE OF 332.89 FEET TO A SOUTHERLY CORNER OF SAID PROPERTY; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 24°45'07" EAST A DISTANCE OF 112.24 FEET; THENCE NORTH 16°47'45" EAST A DISTANCE OF 142.59 FEET; THENCE NORTH 14°21'29" EAST A DISTANCE OF 118.09 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY LINE AND THE SOUTHEASTERLY LINE OF SAID PROPERTY; THENCE SOUTH 0°12'23" WEST ALONG SAID RIGHT OF WAY AND ALONG SAID PROPERTY LINE A DISTANCE OF 43.36 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

CONTAINING 3286 SQUARE FEET OF LAND, MORE OR LESS;

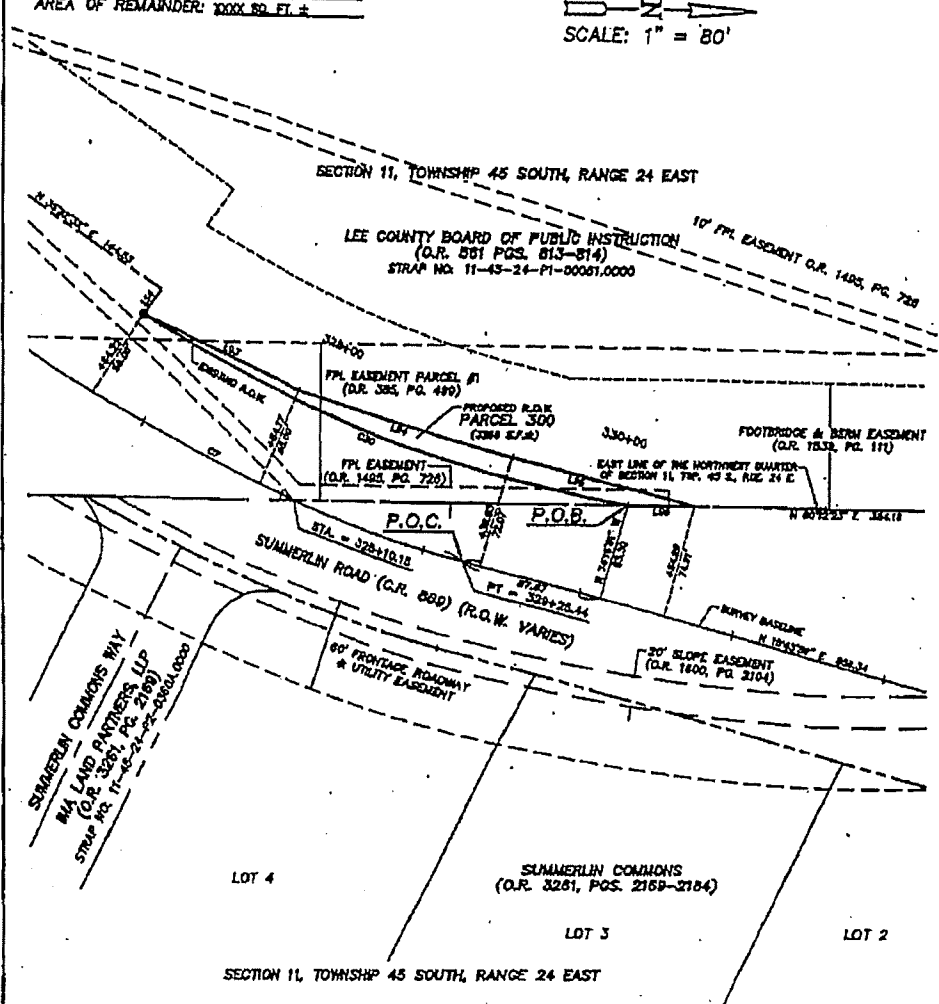
LEGAL DESCRIPTIONS AND SKETCH SHEET 2 OF 2	
THIS LEGAL DESCRIPTION AND SKETCH PREPARED BY:	DESCRIPTION: PARCEL 300
 ANDERSON & ASSOCIATES, INC. Professional engineers, planners, & land surveyors Office: 2001, 2000 Central West, North Naples, FL 34109 (941) 987-8111 Lee County Office: 501, 1200 County Street, Fort Myers, FL 33901 (941) 987-8111 Continents, of approximately 100 to 150 and 150 to 200 (941) 987-8111	CLIENT: LEE COUNTY D.O.T.S. & ENGINEERING
	REVISION:
	BY:  GEORGE W. HACKNEY, E.S.M. NO. 5806
	SCALE: N.T.S. DATE: AUG. 20, 2003
	DRAWN BY: JAN PROJECT NO.: 7893
ACAD NO.: 8566-S015 FILE NO.: 8566	

Page Two of Two

SECTION 11, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

PARCEL NO. 300  
PROPERTY OWNER: LEE COUNTY BOARD OF  
PUBLIC INSTRUCTION  
REFERENCE: O.R. 581, POS. 813-814  
STRAP NO.: 11-42-24-P1-00061.0000  
AREA OF TAKE: 3.286 SQ. FT.  
AREA OF REMAINDER: XXXXX SQ. FT. ±

SCALE: 1" = 80'



ALTIMETER					
FLIGHT	DELTA	BAROMETER	ASL	CHRONO	CHRONO BY AIRCRAFT
07	477200	86.43	781.0	781.03	N 30°24'33" E
030	217720	86.43	312.0	312.04	E 20°45'43" W

LINE	LENGTH	BEARING
1.54	18.87	N 84°57'40" W
1.53	112.94	N 2°45'07" E
1.54	142.80	N 10°47'48" E
1.53	118.00	N 42°12'25" E
1.54	43.36	E 07°12'33" W

P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
R.O.W. = RIGHT-OF-WAY

LEGAL DESCRIPTION AND SKETCH SHEET 1 OF 2

THIS LEGAL DESCRIPTION AND SKETCH PREPARED BY:

DESCRIPTION: PARCEL-300

CLIENT: LEE COUNTY D.O.T., & ENGINEERING

**REVISION:**

12/31/03

GEORGE W. HACKNEY, P.S.M. NO. 5808

SCALE: 1" = 80' DATE: AUG. 20, 2003

DRAWN BY: JAN PROJECT NO.: 7993

ACAD NO: 8586-SD15 FILE NO: 8586

**ANOLI**

**PARSONS & Co**

**FOUNDATION**

Professional engineers, planners, & land surveyors  
 Dallas County Suite 200, 9000 Windward Blvd. North Dallas, TX 75243

Los County, Dallas 301, 2000 Monday Street, Fort Worth, Texas 76102  
 Certificate of Authentication Inc. 711 2001 St. W. Suite 200

\_\_\_\_\_

EXHIBIT "B"  
Page One of Four

PARCEL 103A

A portion of the lands described in Official Record Book 2110, Page 3142, lying in Section 26, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the southwest corner of said Section 26, Township 46 South, Range 25 East, said point being a 3"x 3" concrete monument; thence N 89°43'11" E along the south line of said Section 26, 70.65 feet to survey base line station 113+08.25 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°43'11" E along the south line of said Section 26, 50.01 feet to the east right of way line of Three Oaks Parkway per Lee County Department of Transportation Corliss Parkway project 84-026 and the southwest corner of a 40 foot Road Easement recorded in Official Record Book 2934, Page 2113, Public Records of Lee County, Florida said point also being N 89°43'11" E, 50.00 feet right of survey base line station 113+07.35 said point also being the POINT OF BEGINNING; thence departing the south line of said Section 26, N 0°18'25" W, along said east right of way line 30.45 feet; thence N 03°18'25" W along said east right of way line 219.86 feet to a point on the north line of the road easement described in Official Record Book 2934, page 2113 said point lying S 89°43'11" W, 50.07 feet of station 115+58.56; thence N 89°43'11" E along said north line 37.02 feet; thence departing said north line S 0°18'46" E 247.39 feet; thence S 0°18'39" E 2.65 feet to the south line of the lands described in Official Record Book 2110, Page 3142, Public Records of Lee County, Florida; thence S 89°43'11" W, along said south line 29.37 feet to the east right of way line of Three Oaks Parkway and the POINT OF BEGINNING.

Said lands contain 8,182 square feet, more or less.

NOTE:

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF THREE OAKS PARKWAY HAVING A BEARING OF N 03°18'25" W FROM P.I. STATION 113+36.93 BEING A SET PARKER-KALON NAIL AND DISK "LB 3114" TO P.I. STATION 119+30.02 BEING A SET PARKER-KALON NAIL AND DISK "LB 3114".

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND  
MAPPER.

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239/332-4569  
FX239/332-8734

Licensed Business Number 3114

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

BOB POTTER, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5695

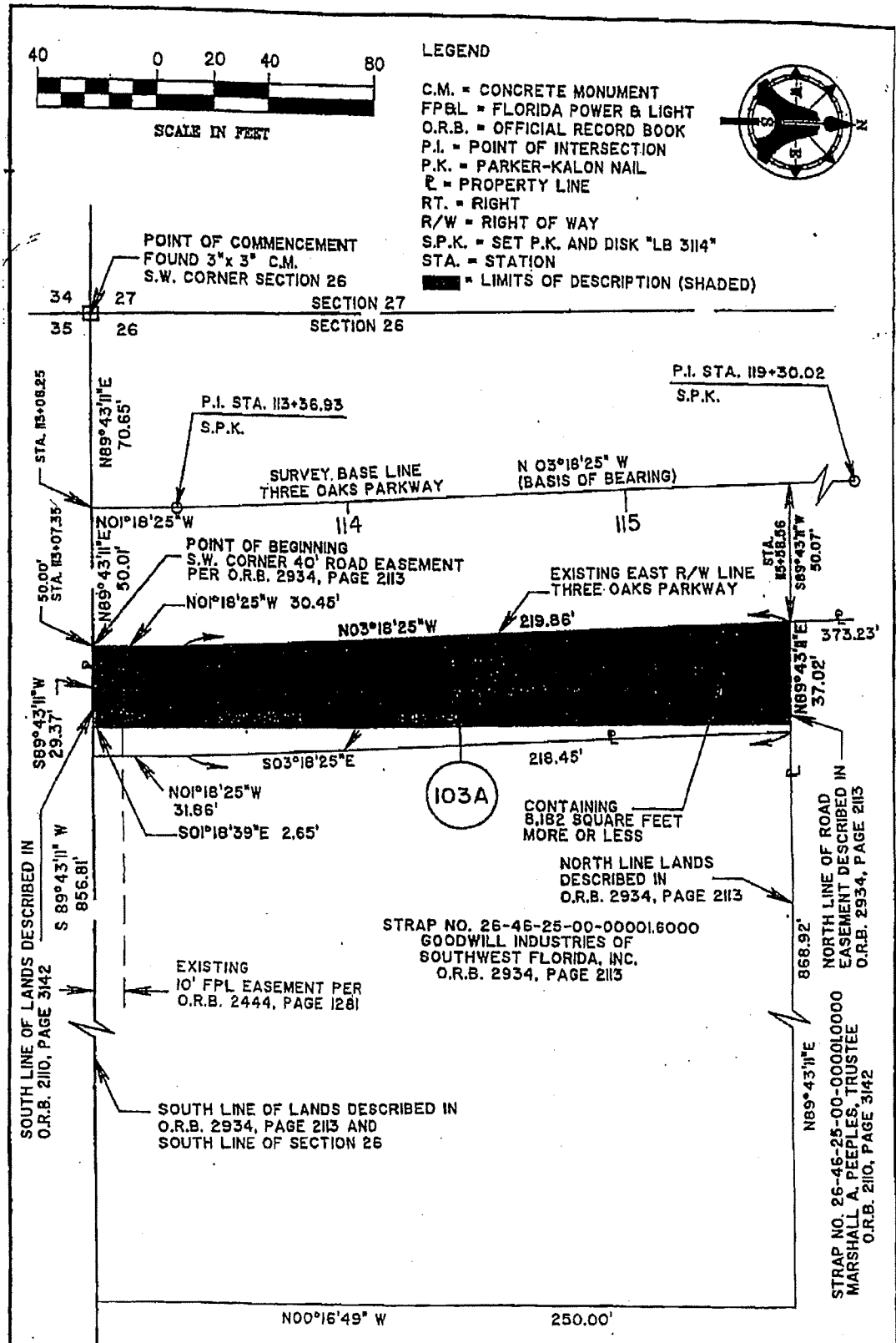
9/8/2003  
DATE

THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER	DESCRIPTION	LEGAL AND SKETCH PARCEL 103A
02-8240	THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	
DRAWN BY: LWC	CLIENT: LEE COUNTY	
DATE: 9/8/03	SEC-TWP-RGE 26-46S-25E	FILE: 8240-103A
	COUNTY: LEE COUNTY	

EXHIBIT "B"  
Page Two of Four



AIM Engineering & Surveying, Inc.



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239/332-4569  
FX:239/332-8734

Licensed Business Number 3114

THIS IS NOT A SURVEY

SHEET 2 OF 2

PROJECT NUMBER	DESCRIPTION	LEGAL AND SKETCH PARCEL 103A
02-8240	THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06	
DRAWN BY:	CLIENT:	
LWC	LEE COUNTY	
DATE:	SEC-TWP-R&E	FILE:
9/8/03	26-46S-25E	B240-103A
COUNTY:		
LEE COUNTY		

**EXHIBIT "B"**  
**Page Three of Four**

**PARCEL 103B**

A portion of the lands described in Official Record Book 2110, Page 3142, lying in Section 26, Township 46 South, Range 25 East, Lee County Florida, being more particularly described as follows:

COMMENCE at the southwest corner of said Section 26, Township 46 South, Range 25 East, said point being a 3"x 3" concrete monument; thence N 89°43'11" E along the south line of said Section 26, 70.65 feet to survey base line station 113+08.25 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps); thence continue N 89°43'11" E along the south line of said Section 26, 50.01 feet to the east right of way line of Three Oaks Parkway per Lee County Department of Transportation Corlico Parkway project 84-026; thence departing the south line of said Section 26, N 01°18'25" W, 30.45 feet along said east right of way line; thence N 03°18'25" W along said east right of way line 219.86 feet to the south line of the lands described in Official Record Book 2110, page 3142 Public Records of Lee County, Florida said point lying N 89°43'11" E, 50.07 feet right of survey base line station 115+58.56 of Three Oaks Parkway per Lee County Project No. CN-02-06 (Three Oaks Parkway Project Right of Way Maps) and the POINT OF BEGINNING; thence continue N 03°18'25" W along said east right of way line 373.23 feet; thence N 01°18'46" W along said east right of way line 559.11 feet to a point on the north line of the lands described in Official Record Book 2110, Page 3142; Public Records of Lee County, Florida said point being N 89°56'46" E, 50.01 feet right of station 124+91.10; thence N 89°56'46" E along said north line 50.01 feet; thence S 01°18'46" E 931.68 feet to the north line of the lands described in Official Record Book 2934, Page 2113; Public Records of Lee County, Florida; thence S 89°43'11" W, along said north line 37.02 feet to the east right of way line of Three Oaks Parkway and the POINT OF BEGINNING.

Said lands contain 1.014 acres, more or less.

**NOTE:**

BEARINGS SHOWN HEREON ARE BASED UPON THE SURVEY BASE LINE OF THREE OAKS PARKWAY HAVING A BEARING OF N 03°18'25" W FROM P.I. STATION 113+36.93 BEING A SET PARKER-KALON NAIL AND DISK "LB 3114" TO P.I. STATION 119+30.02 BEING A SET PARKER-KALON NAIL AND DISK "LB 3114".

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND  
MAPPER.

**ADM Engineering & Surveying, Inc.**



3300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
239/332-4569  
FX:239/332-8734

Licensed Business Number 3114

PREPARED BY:  
ADM ENGINEERING & SURVEYING, INC.

BOB POTTER, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5888

DATE

9/8/2003

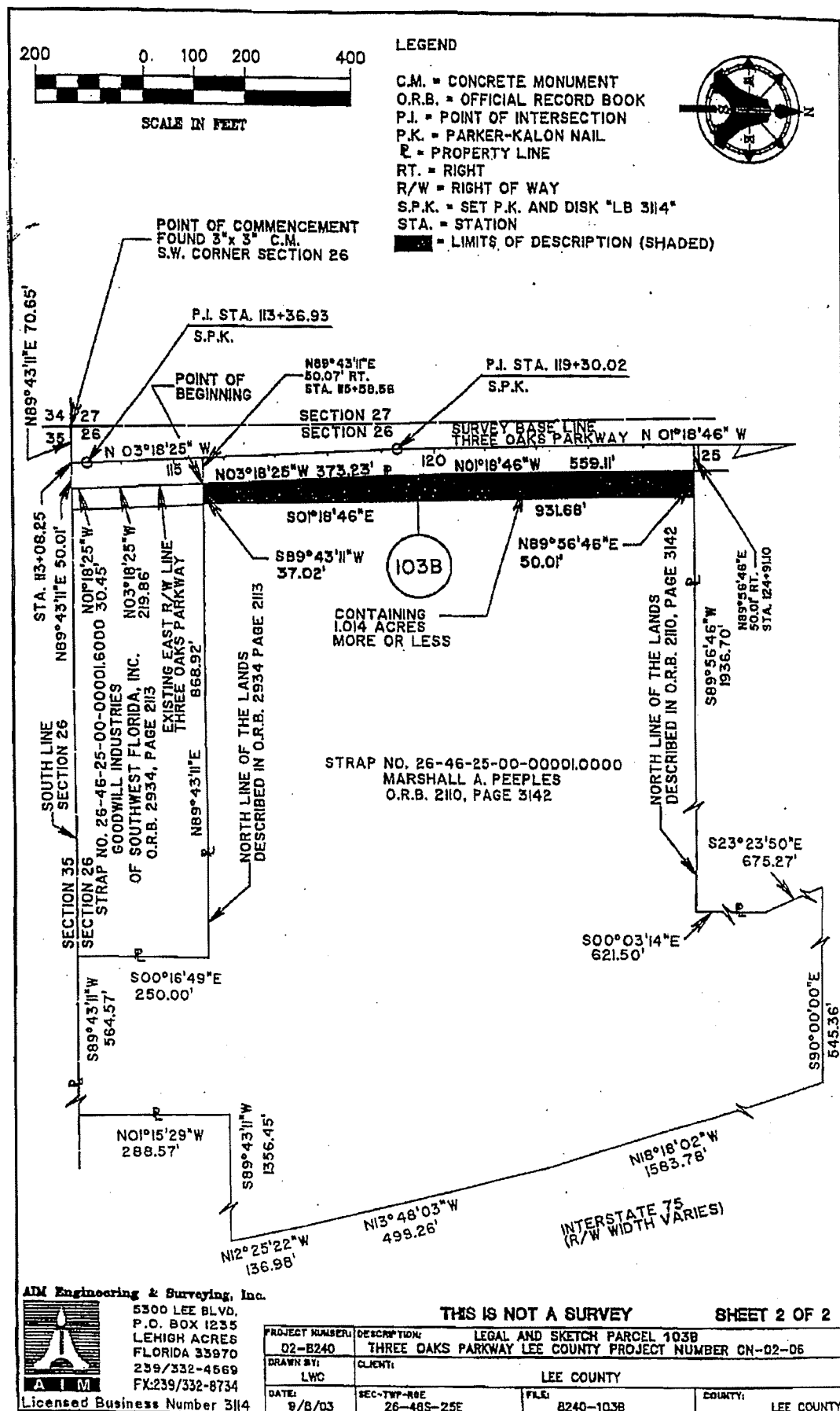
**THIS IS NOT A SURVEY**

**SHEET 1 OF 2**

PROJECT NUMBER:	02-8240	DESCRIPTION:	LEGAL AND SKETCH PARCEL 103B THREE OAKS PARKWAY LEE COUNTY PROJECT NUMBER CN-02-06
DRAWN BY:	LWC	CLIENT:	LEE COUNTY
DATE:	9/8/03	SEC-TWP-RGE	26-45S-25E
FILE:	8240-103B	COUNTY:	LEE COUNTY



**EXHIBIT "B"**  
Page Four of Four





950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1999132  
1/14/2004  
PARCEL 204  
REF. DWG. #B-3898-1

#### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.61°46'32"W., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 371.57 FEET TO A POINT 330.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.61°46'32"W., ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 112.37 FEET TO A POINT 430.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN S.01°05'07"E., PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 56.19 FEET TO A POINT 50.00 FEET SOUTHEASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN N.61°46'32"E., PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 112.37 FEET TO A POINT 330.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN N.01°05'07"W., PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 56.19 FEET TO THE POINT OF BEGINNING; CONTAINING 0.129 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.01°05'07"E.

HOLE MONTES, INC.  
CERTIFICATION OF AUTHORIZATION LB #1772

BY *Jerry L. Riffelmacher* P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

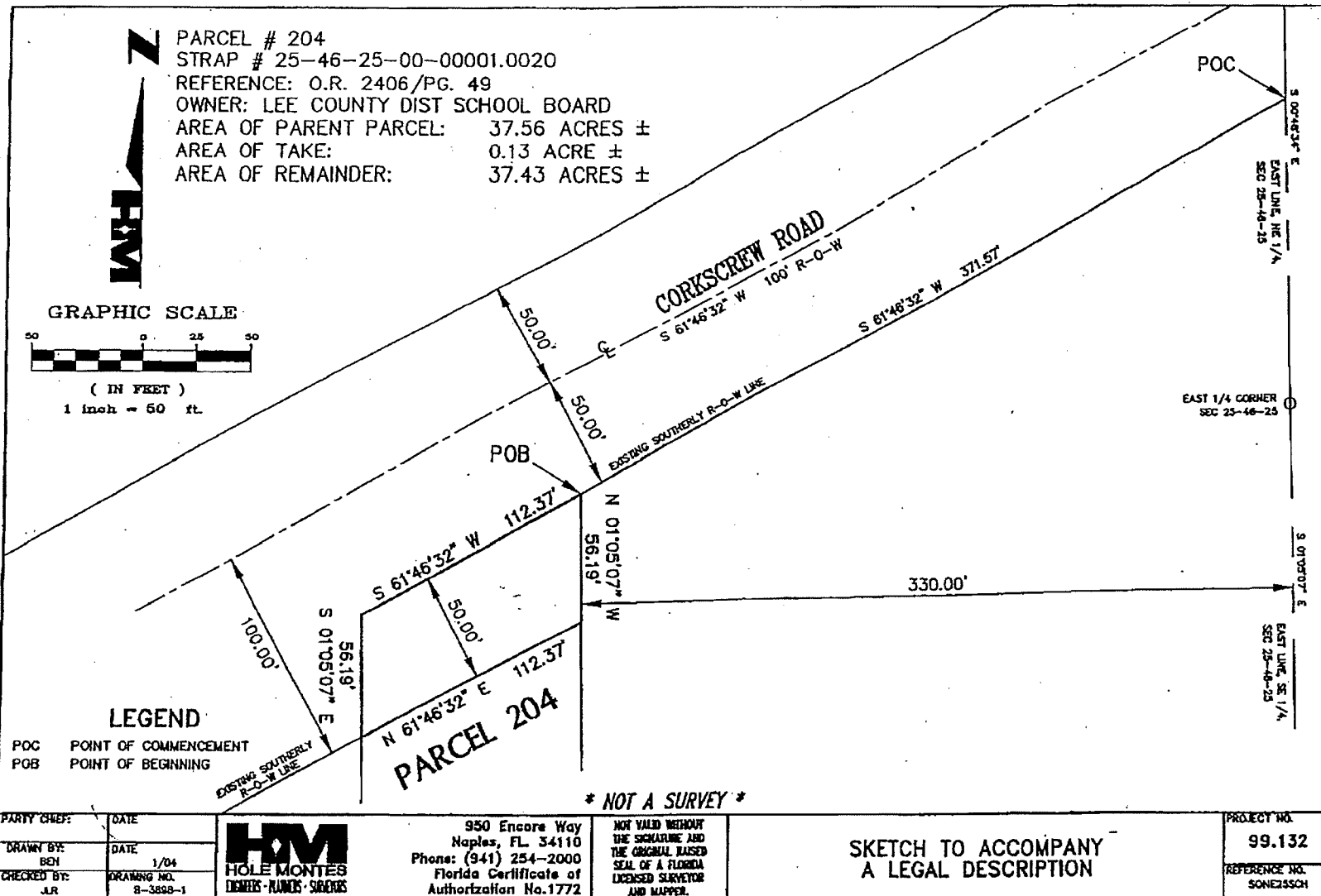
*Current  
originals  
3-2007*

EXHIBIT "C"  
Page One of Six

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# EXHIBIT "C" Page Two of Six

UN1999\1999132\3\NET\GIS\SONEZ35SCH.dwg Tab Model Jan 13, 2004 - 11:03am Plotted by BenHovell





850 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2076

HM PROJECT #1999132

1/14/2004

PARCEL 204-SE

REF. DWG. #B-4364

#### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHEASTERLY CORNER OF TRACT F-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE RUN N.61°46'32"E., PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 112.37 FEET; THENCE RUN S.01°05'07"E., FOR A DISTANCE OF 16.86 FEET; THENCE RUN S.61°46'32"W., FOR A DISTANCE OF 112.37 FEET TO A POINT ON THE BOUNDARY OF SAID TRACT F-1; THENCE RUN N.01°05'07"W. ALONG THE BOUNDARY OF SAID TRACT F-1, FOR A DISTANCE OF 16.86 FEET TO THE POINT OF BEGINNING; CONTAINING 1,685.58 SQUARE FEET, MORE OR LESS.

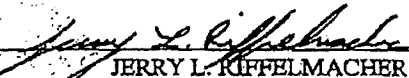
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEING N.61°46'32"E.

HOLE MONTES, INC.

CERTIFICATION OF AUTHORIZATION LB #1772

BY

  
JERRY L. RIFFELMACHER

P.S.M. #6130

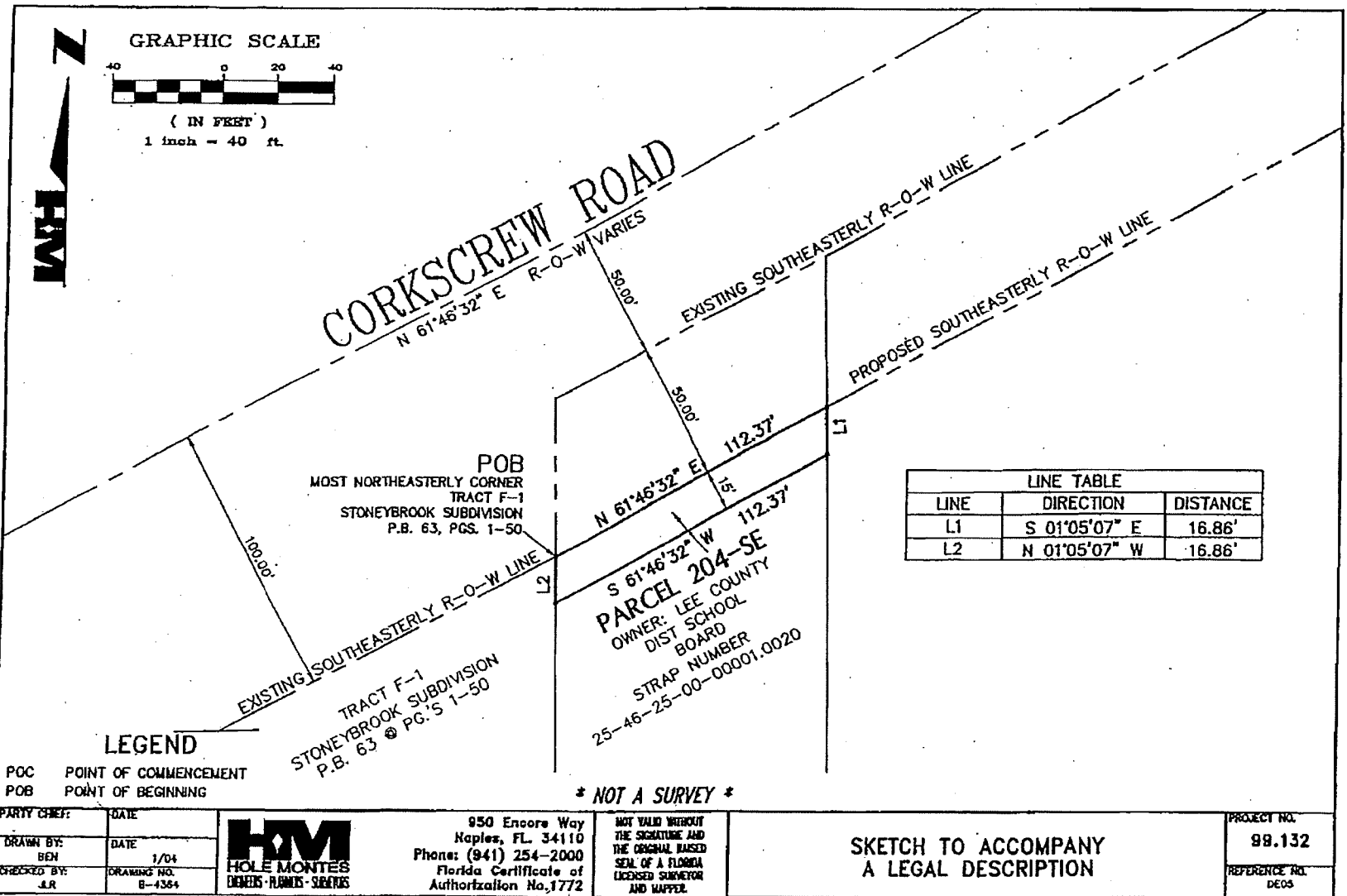
STATE OF FLORIDA

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EXHIBIT "C"  
Page Three of Six

# EXHIBIT "C" Page Four of Six

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950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2075

HM PROJECT #1999132  
1/14/2004  
PARCEL 204-TCE

#### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHEASTERLY CORNER OF TRACT F-1, STONEYBROOK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGES 1 THROUGH 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD; THENCE RUN S.01°05'07"E., ALONG THE BOUNDARY OF SAID TRACT F-1, FOR A DISTANCE OF 16.86 FEET; THENCE RUN N.61°46'32"E., PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 23.88 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.61°46'32"E., PARALLEL WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 70.77 FEET; THENCE RUN S.01°05'59"E., FOR A DISTANCE OF 130.04 FEET; THENCE RUN S.88°54'01"W., FOR A DISTANCE OF 48.77 FEET; THENCE RUN N.01°33'28"W., FOR A DISTANCE OF 71.60 FEET; THENCE RUN N.28°38'27"W., FOR A DISTANCE OF 29.52 FEET TO THE POINT OF BEGINNING; CONTAINING 5,998.43 SQUARE FEET, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEING N.61°46'32"E.

HOLE MONTES, INC.  
CERTIFICATION OF AUTHORIZATION LB #1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

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EXHIBIT "C"  
Page Five of Six



E.F. Gaines Surveying Services, Inc.



**PIPELINE EASEMENT "A" FOR PINETREES WATER TREATMENT PLANT**

Located on the Pinetrees Elementary School Property

(Official Record Book 2406, Page 49)

Section 25, Township 46 South, Range 25 East, Lee County, Florida

All that part of Section 25, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows;

Commencing at the southeast corner of said Section 25; thence S.89°55'46"W. for 60.00 feet to the east line of Stoneybrook, according to the plat thereof as recorded in Plat Book 63, Pages 1 through 50, Public Records of Lee County, Florida; thence along said east line of Stoneybrook N.01°05'07"W. for 667.75 feet to the southeast corner of those lands as described in Official Record Book 2406, page 49, Public Records of Lee County, Florida; thence along the south line of said lands S.88°54'53"W. for 75.00 to the Point of Beginning of the Parcel herein described;

thence continue along the south line of said lands S.88°54'53"W. for 1309.27 feet to a point on a curve; thence along the southerly line of said lands, northwesterly 398.31 feet along the arc of a non-tangential circular curve concave to the southwest, having a radius of 730.00 feet, a delta angle of 31°15'45" and being subtended by a chord which bears N.54°23'50"W. for 393.39 feet to a point on said curve; thence leaving said curve and the southerly boundary of said lands N.39°24'04"W. for 53.25 feet; thence N.20°00'00"E. for 92.00 feet; thence S.70°00'00"E. for 31.00 feet; thence N.20°00'00"E. for 58.63 feet; thence N.90°00'00"E. for 20.50 feet; thence S.00°00'00"E. for 15.00 feet; thence S.90°00'00"W. for 10.00 feet; thence S.20°00'00"W. for 63.12 feet; thence N.70°00'00"W. for 31.00 feet; thence S.20°00'00"W. for 68.44 feet; thence S.39°24'04"E. for 40.61 feet to a point of a curve that lies 15 feet northeasterly of and parallel to the southerly line of aforesaid described lands; thence along said parallel line, southeasterly 362.88 feet along the arc of a non-tangential circular curve concave to the southwest, having a radius of 745.00 feet, a delta angle of 27°54'29" and being subtended by a chord which bears S.55°45'25"E. for 359.30 feet to a point on said curve; thence S.65°04'07"E. for 56.47 feet to a line which lies 15 feet northerly of and parallel with the south line of aforesaid described lands; thence along said parallel line N.88°54'53"E. for 1271.61 feet; thence S.01°05'07"E. for 15.00 feet to the Point of Beginning of the Parcel herein described;

Containing 29,420 Square Feet, more or less;

Bearings are based on the east line of Section 25, Township 46 South, Range 25 East, Lee County, Florida being N.01°05'07"W.

Subject to easements, restrictions and reservations of record;

Prepared by:

E.F. Gaines Surveying Services, Inc.

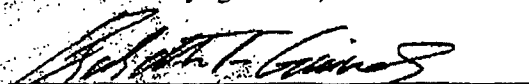

  
Elizabeth F. Gaines, PSM  
Florida License No. 4576

Exhibit "D"  
Page One of Six

  
Date 12/8/04

Not valid unless signed and embossed with the seal of the above named surveyor.  
See sheet 2 of 2 for the sketch that accompanies this legal description.





E.F. Gaines Surveying Services, Inc.



**WELL EASEMENT NO. 2 FOR PINWOODS WATER TREATMENT PLANT**

Located on the Pinewoods Elementary School Property

(Official Record Book 2406, Page 49)

Section 25, Township 46 South, Range 25 East, Lee County, Florida

All that part of Section 25, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows;

Commencing at the southeast corner of said Section 25; thence S.89°55'46"W. for 60.00 feet to the east line of Stoneybrook, according to the plat thereof as recorded in Plat Book 63, Pages 1 through 50, Public Records of Lee County, Florida; thence along said east line of Stoneybrook N.01°05'07"W. for 667.75 feet to the southeast corner of those lands as described in Official Record Book 2406, page 49, Public Records of Lee County, Florida and the Point of Beginning of the Parcel herein described; thence along the south line of said lands S.88°54'53"W. for 75.00 feet; thence N. 01°05'07"W. for 75.00 feet; thence N.88°54'53" E. for 75.00 feet to the east line of said described lands; thence S.01°05'07"E. for 75.00 feet to the Point of Beginning of the Parcel herein described;

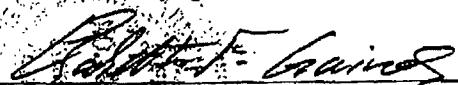
Containing 5625 Square Feet, more or less;

Bearings are based on the east line of Section 25, Township 46 South, Range 25 East, Lee County, Florida being N.01°05'07"W.

Subject to easements, restrictions and reservations of record;

Prepared by:

E.F. Gaines Surveying Services, Inc.

  
Elizabeth F. Gaines, PSM  
Florida License No. 4576

12/8/04  
Date

Not valid unless signed and embossed with the seal of the above named surveyor.  
See sheet 2 of 2 for the sketch that accompanies this legal description.

**Exhibit "D"**  
Page Three of Six

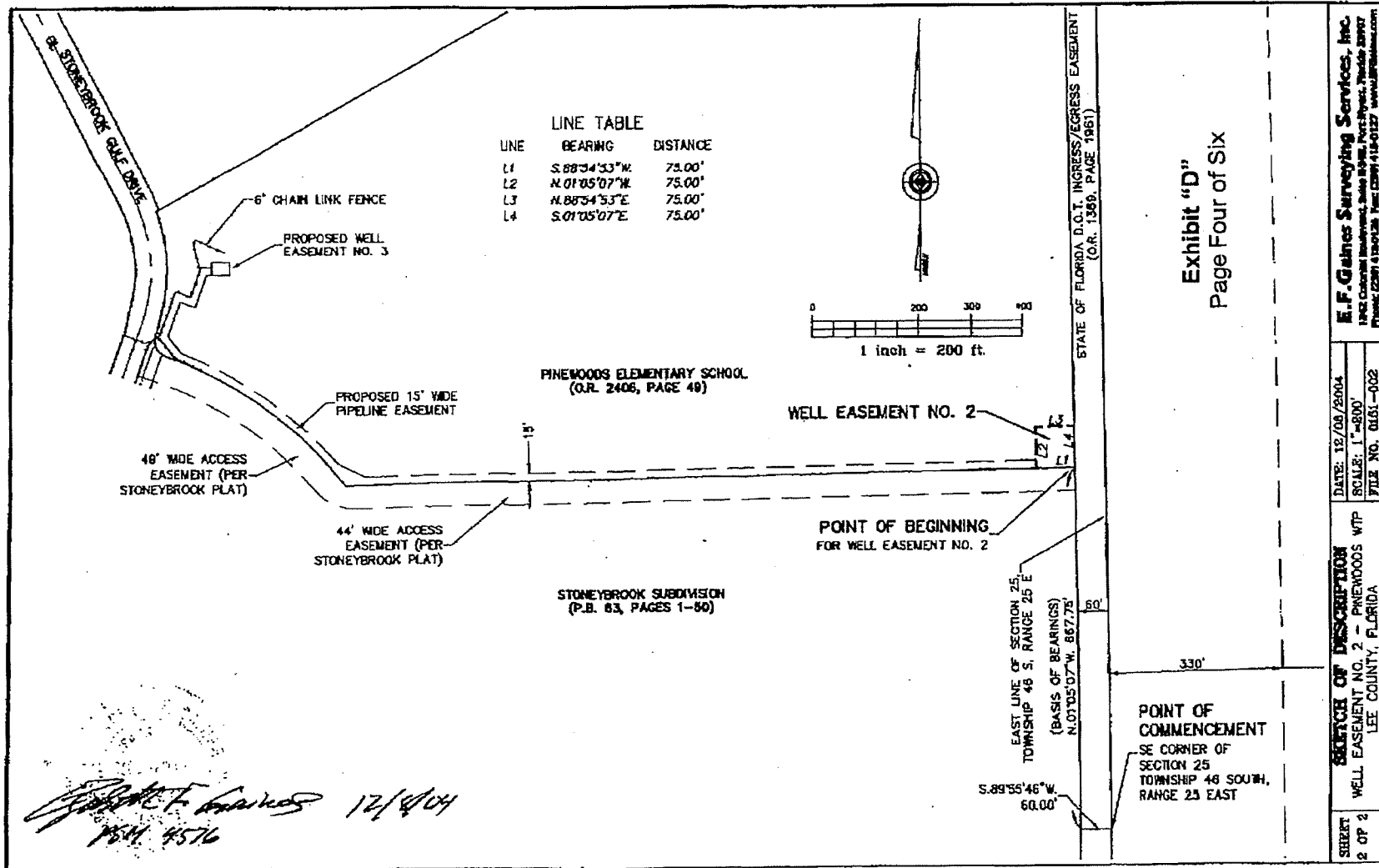


Exhibit "D"  
Page Four of Six

SHEET 2 OF 2	WELL EASEMENT NO. 2 - PINWOODS WTP LEE COUNTY, FLORIDA	DATE: 12/08/2004 SCALE: 1"=200' FILE NO. 0151-002	E.F. Gaines Surveying Services, Inc. 1342 Colonial Boulevard, Suite 200, Fort Myers, Florida 33907 Phone: (239) 415-0125 Fax: (239) 415-0127 www.efgaines.com

E.F. Gaines Surveying Services, Inc.



**WELL EASEMENT NO. 3 FOR PINWOODS WATER TREATMENT PLANT**  
Located on the Pinwoods Elementary School Property  
(Official Record Book 2406, Page 49)  
Section 25, Township 46 South, Range 25 East, Lee County, Florida

All that part of Section 25, Township 46 South, Range 25 East, Lee County, Florida being more particularly described as follows;

Commencing at the southeast corner of said Section 25; thence S.89°55'46"W. for 60.00 feet to the east line of Stoneybrook, according to the plat thereof as recorded in Plat Book 63, Pages 1 through 50, Public Records of Lee County, Florida; thence along said east line of Stoneybrook N.01°05'07"W. for 667.75 feet to the southeast corner of those lands as described in Official Record Book 2406, page 49, Public Records of Lee County, Florida; thence along the south line of said lands S.88°54'53"W. for 1384.27 to a point on a curve; thence along the southerly line of said lands northwesterly 398.31 feet along the arc of a non-tangential circular curve concave to the southwest, having a radius of 730.00 feet, a delta angle of 31°15'45" and being subtended by a chord which bears N.54°23'50"W. for 393.39 feet to a point on said curve; thence leaving said curve and the southerly boundary of said lands N.39°24'04"W. for 53.25 feet; thence N.20°00'00"E. for 92.00 feet; thence S.70°00'00"E. for 31.00 feet; thence N.20°00'00"E. for 58.63 feet; thence N.90°00'00"E. for 20.50 feet to the Point of Beginning of the Parcel herein described; thence N.00°00'00"E. for 10.00 feet; thence N.90°00'00"E. for 35.00 feet; thence S.00°00'00"W. for 25.00 feet; thence S.90°00'00"W. for 35.00 feet; thence N.00°00'00"E. for 15.00 feet to the Point of Beginning of the Parcel herein described;

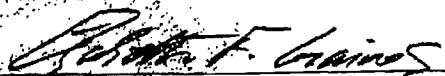
Containing 875 Square Feet, more or less;

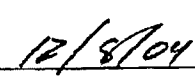
Bearings are based on the east line of Section 25, Township 46 South, Range 25 East, Lee County, Florida being N.01°05'07"W.

Subject to easements, restrictions and reservations of record;

Prepared by:

E.F. Gaines Surveying Services, Inc.

  
Elizabeth F. Gaines, PSM  
Florida License No. 4576

  
Date 12/8/04

Not valid unless signed and embossed with the seal of the above named surveyor.  
See sheet 2 of 2 for the sketch that accompanies this legal description.

**Exhibit "D"**  
Page Five of Six

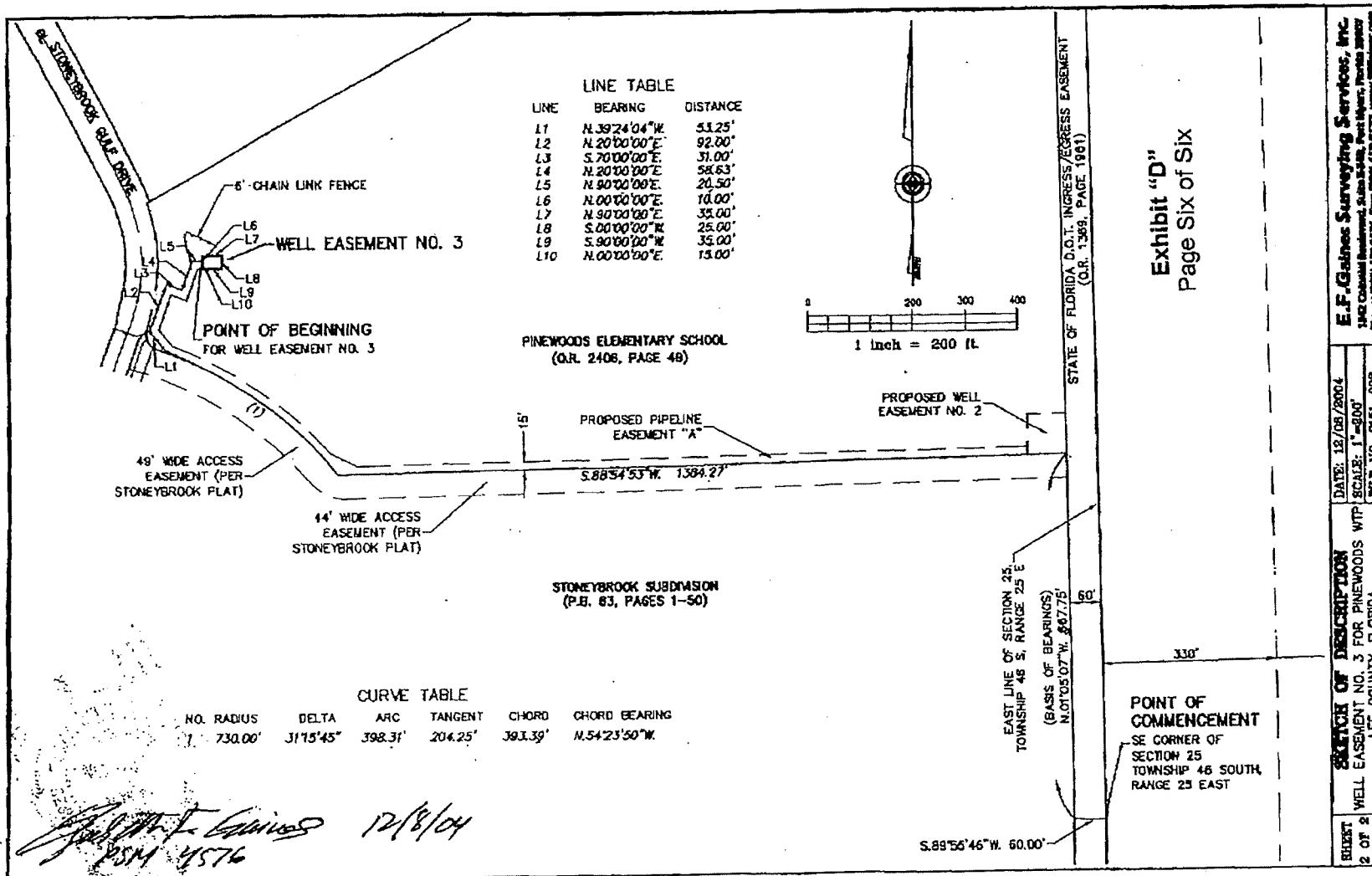


Exhibit "D"  
Page Six of Six

**E.F. Gaines Surveying Services, Inc.**  
 1402 Colonial Boulevard, Suite 200, Ft. Myers, Florida 33902  
 Phone: (239) 438-0728 Fax: (239) 418-0722 www.efgs.com

**DATE:** 12/08/2004  
**FILE NO.:** 0051-0028

**SKETCH OF DESCRIPTION**  
 WELL EASEMENT NO. 3 FOR PINWOODS WTP  
 LEE COUNTY, FLORIDA

**SHEET**  
 2 OF 2

APPROVED

JUN 29 2004

INTERLOCAL AGREEMENT

SCHOOL BOARD OF  
LEE COUNTY

THIS AGREEMENT is made this 29<sup>th</sup> day of June 2004, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, on November 27, 2001, the County adopted ordinance #01-21 assessing impact fees that are paid by new residential construction for educational purposes, hereinafter called "Ordinance;" and

WHEREAS, the Lee County Building Industry Association and others filed a lawsuit in December of 2001 challenging the legality of the Ordinance; and

WHEREAS, the County and the School Board expected the lawsuit to be expedited and resolved within a reasonable time because of the great public importance of the matter; and, pursuant to that expectation, mutually agreed that it would be prudent for the County to hold funds collected under the Ordinance in escrow without disbursement to the School Board as otherwise provided in the Ordinance; and,

WHEREAS, the County and the School Board entered into an agreement on February 4, 2004 regarding partial disbursement of the funds collected to date, as well as the procedures relative to the disbursement of funds to be collected thereafter; and,

WHEREAS, the court has rendered a partial final judgement ruling in favor of the County and the School Board finding that the Ordinance is valid; and,

WHEREAS, the plaintiffs have indicated they plan to appeal the court's partial final judgement and the court has yet to decide the outstanding issues pertaining to the plaintiffs' contract impairment claim; and

WHEREAS, the County is currently holding approximately \$30,000,000.00 that was collected pursuant to the Ordinance in escrow pursuant to its February 4, 2004 agreement; and

WHEREAS, County and School Board enter into this Interlocal Agreement pursuant to Florida Statutes Section 163.01, The Florida Interlocal Cooperation Act of 1969, to address the disbursement of school impact fees held in escrow during the pendency of the lawsuit now that there has been a partial final judgement; and

WHEREAS, unprecedented growth in Lee County continues to create a dire need for funds to pay for new schools and other capital expenditures necessary to properly provide for the education of the children of Lee County; and



2443.11

WHEREAS, the County and the School Board wish to address the needs of the school children by releasing to the School Board the balance of the school impact fee funds collected, except for the sum of \$3,000,000.00 until disposition of the pending contract impairment claims; and

WHEREAS, all school impact fees collected in the future will be disbursed to the School Board in accordance with the terms of the Ordinance (Quarterly).

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon acceptance and execution of this agreement by the parties, the County will disburse to the School Board the balance of school impact fee funds held by the County, except that the sum of \$3,000,000.00 will be retained by the County until final disposition of the pending contract impairment claims. In addition, the County will retain \$200,000 from the account representing interest collected on school impact fees as repayment to the County's general fund for sums previously set aside to provide a subsidy to qualifying affordable housing projects for the payment of school impact fees. The County will disburse to the School Board future school impact fees collected on a quarterly basis in accordance with the terms of the Ordinance.

2. The School Board will expend all school impact fee funds in strict compliance with the requirements of the Ordinance.

3. The School Board will repay, or return without delay or protest, all funds, including interest received, pursuant to this agreement or the previous agreement dated February 4, 2004, within ninety days after written request from the County. The County will only request repayment if the County must refund school impact fees by Order of the Circuit Court after exhaustion of all appeals. In this event, the County will repay or return the \$200,000 set aside for school impact fee subsidies for affordable housing projects. The request for repayment of school impact fees disbursed to the School Board will only be in an amount sufficient to provide refunds required by a court order, or the amount disbursed, whichever is less.

4. The School Board will be responsible for and promptly pay or provide any appeal bond or other sums that may be required to be paid to the registry of the court as a result of future orders of the court.

5. The School Board will reserve sufficient borrowing capacity or other legally available funds to ensure that it will be able to repay all funds disbursed under this agreement plus interest earnings as applicable.

6. The County and the School Board will be jointly and severally liable for any refund that may ultimately be required pursuant to the lawsuit and the School Board agrees that any such order will specify such joint and several liability. The School Board liability

under this paragraph will be limited to amounts disbursed to the School Board and interest thereon as appropriate. The School Board hereby waives any and all conditions, claims of, or defenses to the prompt refund of County-advanced funds to the County or to the Court as appropriate, if the County is required to refund any such school impact fees and interest thereon by the Courts after exhaustion of all appeals.

7. Once the County has disbursed funds to the School Board, the School Board will take no action legal or otherwise to nullify or reject the provisions hereof. The School Board agrees any such action by the School Board will automatically mandate the School Board to immediately refund or repay all such County disbursed funds plus accrued interest to the County. The School Board further agrees that the County may immediately enforce this right in a Court of Law.

8. If the County is required to enforce the repayment provisions hereof in a Court of Law or otherwise, School Board agrees it will pay all attorney fees and costs necessary for the County to enforce its repayment rights hereunder. The County's rights of enforcement will not be subject to Chapter 164 or other pre-litigation restrictions.

9. This agreement will remain in full force and effect until the final disposition of the aforesaid litigation and any related court directed fee refund process if applicable, including the School Board's repayment obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates set forth below.

ATTEST:  
CHARLIE GREEN, CLERK

By: *Dea L. Pierce*  
Deputy Clerk

(Seal)

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: *[Signature]*  
~~Chairman or Vice Chairman~~

Date: July 13, 2004

APPROVED AS TO FORM:

By: *[Signature]*  
Lee County Attorney's Office





ATTEST:

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: \_\_\_\_\_

Superintendent

By: \_\_\_\_\_

Chairman of the Board

Date: \_\_\_\_\_

6-30-04

APPROVED AS TO FORM:

By: \_\_\_\_\_

Keith Martin, Esq.

Attorney for The School Board

APPROVED

JUN 29 2004

SCHOOL BOARD OF  
LEE COUNTY

# INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

This agreement is entered into between the Lee County Commission (hereinafter referred to as "County"), the City or Town Council of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel (hereinafter referred to as "Cities"), and the School Board of Lee County (hereinafter referred to as "School Board").

WHEREAS, the County, Cities and the School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Lee County; and

WHEREAS, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS, Section 235.193, Florida Statutes, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h)1 and 2, Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, and describe the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Section 163.3177(6)(h)2, Florida Statutes, further requires each county, all the municipalities within that county, and the district school board to establish by interlocal or other formal agreement executed by all affected entities, the joint processes described above consistent with their adopted intergovernmental coordination element; and

Whereas, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above; and

WHEREAS, the County, Cities and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of Lee County and the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel; and

WHEREAS, the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries and the Cities have similar jurisdiction within their boundaries, and

WHEREAS, the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Lee County, and

WHEREAS, the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Lee County, and

05/28/02  
04(a)

BSC-02-08-59

WHEREAS, the parties are authorized to enter into this interlocal agreement pursuant to Section 163.01, Section 163.3177(6)(h)2., and Section 235.193(7), F. S.

NOW THEREFORE, be it mutually agreed between the School Board, the Board of County Commissioners of Lee County and the City or Town Councils of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel that the following procedures will be utilized to better coordinate public school facilities planning and land use planning:

#### Section 1. Joint Meetings

- 1.1 Staff working groups from the County, School Board, and Cities will meet on an as needed basis but no less frequently than twice per year to formulate recommendations, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The County Planning Director and School Board staff will be jointly responsible for making meeting arrangements and providing notification.
- 1.2 The County, the Cities, and the School Board will meet every other year in joint workshop sessions. The joint workshop sessions will be opportunities for the County, the Cities, and the School Board to set direction, discuss issues and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The County Manager and School Board Superintendent will be jointly responsible for making meeting arrangements and providing notification.

#### Section 2. Student Enrollment and Population Projections

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board agree to coordinate their plans upon the same projections of the amount, type and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County are reflected in the updated projections.
- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections. In formulating such a request the school board will coordinate with the Cities and County regarding future population projections and growth.
- 2.3 The County working with the Cities will use information on County growth and development trends for municipal and unincorporated areas, such as Census information on population and housing characteristics, persons-per-household figures, historic and projected growth rates, and the information described in Section 3.2, to project residential units by type for five years (single family, multi-family and mobile home) and allocate these units into sub-county planning sectors, such as student attendance zones, so that the county-wide projections are not exceeded. The planning sectors will be established by mutual consent of the school board and local government staff. The allocation of residential units by type and planning sector will be provided to the school board by April 1 of each year.
- 2.4 The School Board will evaluate the planning sector projections prepared by the County. The School Board working with the County will develop and apply student generation multipliers for residential units by type for schools of each type, considering past trends in student enrollment within specific planning sectors in order to project school enrollment. The school enrollment projections will be included in the educational facilities report provided to the County and Cities each year as specified in subsection 3.1 of this

agreement.

- 2.5 Population Projections: Coordination regarding the update of the County population projections, their allocation into planning sectors, and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in subsection 1.1 of this agreement. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

### Section 3. Coordinating and Sharing of Information

- 3.1 Educational Facilities Report: By October 15 of each year, the School Board shall submit to the County and each City the educational facilities report. The report will contain information in tabular, graphic, and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, and projected needs. The report will also contain the board's capital improvement plan, including planned facilities with funding over the next 5 years, and the educational facilities representing the district's unmet need. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the school board at the school board's discretion, or properties acquired through other means that are potential school sites.
- 3.2 Growth and Development Trends: On April 1 of each year, local governments will provide the school board with information regarding the type, number, and location of residential units which have received zoning approval, site plan approval, a building permit, or a Certificate of Occupancy. Information regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students will also be provided. Local governments will also identify any development orders issued which contain a requirement for the provision of a school site as a condition of development approval. The actual students generated from new residential units will be used in the data and analysis for the annual update of the school board's Five-year Capital Facilities Plan.

### Section 4. School Site Selection

- 4.1 The School Board will establish an informal site selection committee for the purpose of reviewing potential sites for new schools and proposals for renovation, expansion and closure of existing schools, and making suggested recommendations to the District Site Selection Committee, the Superintendent and the School Board. The site selection committee will be a standing committee and will meet on an as needed basis. In addition to appropriate members of the school district staff, the informal site selection committee will include at least one staff member of the County appointed by the County Manager, and representatives selected by each of the Cities. The committee membership will be expanded as needed to include additional staff from any City in or near where a school is proposed. When the need for a new school is identified in the district facilities work program, the site selection committee will develop a list of potential sites in the area of need identified in the educational plant survey. The list of potential sites and list of schools proposed for renovation, expansion or closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan including: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, and land use compatibility. In addition, consistency with community vision and other issues such as student assignment that have a bearing on site suitability will be commented upon. The issues identified in subsection 4.2 of this agreement will also be considered by both the local government and site selection committee as each potential site and each school proposed for renovation, expansion or closure is evaluated. Based on the information gathered during this review, the site selection committee will make a recommendation to the school district committee of one or more sites in order of preference.
- 4.2 The following issues will be considered by the informal site selection committee, the school board, and the

local government when evaluating potential school sites or expansion or rebuilding of existing schools:

- a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in subsection 8.1 and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and co-location of community facilities.
  - b. The location of new elementary and middle schools proximate to residential neighborhoods.
  - c. The location of new schools within reasonable walking distance of dwelling units served by the schools, as practicable under the student assignment program.
  - d. The location of new high schools on the periphery of residential neighborhoods, with access to major roads.
  - e. Compatibility of the school site with present and projected uses of adjacent property.
  - f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
  - g. Site acquisition and development cost.
  - h. Safe access to and from the school site by pedestrians and vehicles.
  - i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
  - j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
  - k. Impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
  - l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
  - m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
  - n. Whether the proposed location is within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan.
  - o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
  - p. Whether the proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.
- 4.3 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the renovation, expansion or closure of an existing school, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice, shall notify the School Board within 45 days if the proposed new school site or the proposed renovation, expansion or closure of an existing school is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to sections 235.193(5) and 235.194, Florida Statutes.

## Section 5. Supporting Infrastructure

- 5.1 In conjunction with the preliminary consistency determination described at subsection 4.3 of this agreement, the school board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

## Section 6. Comprehensive Plan Amendments, Rezonings, and Development Approvals

- 6.1 The School Board will receive Local Planning Agency agendas and appropriate backup materials from all local governments and will review and comment as appropriate.
- 6.2 The County and the Cities agree to give the School Board notification of land use applications and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 14 days prior to approval of the application. This notice requirement applies to amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other major residential or mixed-use development projects.
- 6.3 After notification by the local government, the School Board will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application or development proposal, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with Department of Education criteria.
- 6.4 Based on the Department of Education definition of adequate capacity, if sufficient capacity is not available or planned to serve the development at the time of impact, the School Board shall specify how it proposes to meet the anticipated student enrollment demand; alternatively, the School Board, local government, and developer may collaborate to find means to ensure sufficient capacity will exist to accommodate the development, such as, developer contributions, project phasing, required facility improvements and school impact fees.
- 6.5 In reviewing and approving land use applications, rezoning requests and development proposals, the County and Cities will consider the following issues:
- a. Providing school sites and facilities within planned neighborhoods.
  - b. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites.
  - c. The co-location of parks, recreation and community facilities with school sites.
  - d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.
  - e. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood.
  - f. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools.
  - g. The inclusion of school bus stops and turnarounds in new developments.
  - h. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments.

- i. School Board comments on comprehensive plan amendments and other land-use decisions.
  - j. Available school capacity or planned improvements to increase school capacity.
- 6.6 In formulating community development plans and programs, the County and the Cities will consider the following issues:

- a. Targeting community development improvements in older and distressed neighborhoods near schools.
- b. Giving priority to scheduling County and City programs and capital improvements that are consistent with and meet the capital needs identified in the School Board's school facilities plan.
- c. Giving priority to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovation to existing facilities, and providing transportation alternatives.
- d. Working to address and resolve multi-jurisdictional public school issues.

#### Section 7. Educational Plant Survey and Five-Year District Facilities Work Program

- 7.1 At least one year prior to preparation of the educational plant survey update, the staff working group established in subsection 1.1 of this agreement will assist the school board in an advisory capacity in the preparation of the update. The staff working group will evaluate and make recommendations regarding location and need for new, or improvements to existing, educational facilities in terms of consistency with the local government comprehensive plan, and relevant issues listed at subparagraphs 4.2, 6.5 and 8.1 of this agreement.
- 7.2 The School Board will provide the proposed annual update of the five-year district facilities work program to each local government for review and comment for consistency with the local government comprehensive plan prior to adoption. Local governments may provide written comments to the School Board following receipt of the proposed work program.

#### Section 8. Co-location and Shared Use

- 8.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the Educational Plant Survey. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, where applicable, co-location and shared use of school and governmental facilities for health care and social services will be considered.
- 8.2 A separate agreement will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

#### Section 9. Oversight Process

The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of the interlocal agreement. Committee members shall be invited to attend all meetings referenced in Sections 1 and 4 and shall receive copies of all reports and documents produced pursuant to this interlocal agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the

interlocal agreement is being implemented.

#### Section 10. Resolution of Disputes

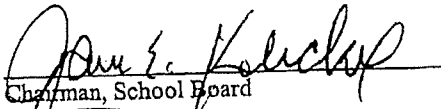
If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapters 164 and 186, Florida Statutes.


#### Section 11. Amendment and Termination of Agreement

Any party may elect to withdraw from participation in this agreement upon official action of its governing body and after 30 days written notice to all other parties to this agreement.

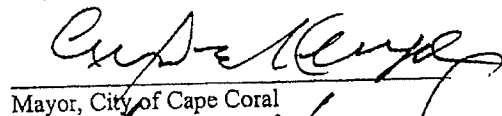
IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of Lee County, the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel and the School Board of Lee County on this 20<sup>TH</sup> day of AUGUST, 2002. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

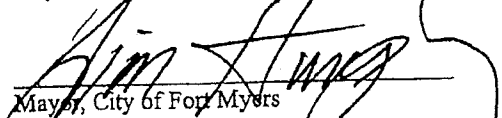
ATTEST:

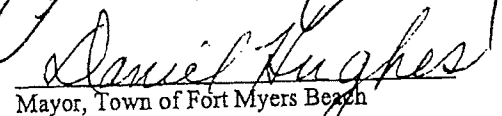
  
Chairman, School Board

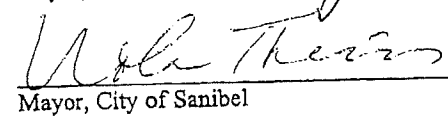
  
Chairman, Board of County Commissioners

  
Mayor, City of Bonita Springs

  
Mayor, City of Cape Coral

  
Mayor, City of Fort Myers

  
Mayor, Town of Fort Myers Beach

  
Mayor, City of Sanibel



INTERLOCAL AGREEMENT

THIS AGREEMENT is made this 23rd day of October, 1991, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County", and the Lee County School Board, a public agency of the State of Florida, hereinafter referred to as "School Board".

WHEREAS, pursuant to Section 235.193(1), Florida Statutes (1990), it is the policy of the State of Florida to require the coordination of planning between the School Board and local governing bodies to ensure that plans for the construction and opening of public educational facilities are coordinated with other necessary services; and

WHEREAS, pursuant to Section 235.193(4), Florida Statutes (1990), the general location of public educational facilities is to be consistent with the capital improvement program referenced in the Lee County Comprehensive Plan insofar as it pertains to availability of services and infrastructure; and

WHEREAS, pursuant to Section 235.193(6), Florida Statutes (1990), proposed educational facilities, site plans and offsite impacts shall be consistent with the Lee County Comprehensive Plan and local land development regulations; and

WHEREAS, the County has adopted the Lee County Zoning Ordinance, Development Standards Ordinance, and Concurrency Management Ordinance; and

WHEREAS, the County and the School Board desire to collaborate in the selection of school sites in Lee County; and

WHEREAS, the County and the School Board desire to delineate their respective rights and obligations under the Florida Statutes and County Ordinances, as set forth below:

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. This Agreement is made pursuant to Florida Statute Section 163.01, The Florida Interlocal Cooperation Act of 1969.

2. At such time as the School Board determines the need to construct a public educational facility in a given geographic area, the School Board Staff shall consult with the Director of Growth Management and the Director of Community Development to identify potential sites for such public educational facility. During this period of collaboration, Lee County Staff shall explore the feasibility of potential sites for the development of affordable housing within all new public school boundaries.

3. The School Board shall file with the County Department of Community Development a Notice of Intent to construct a public educational facility.

4. The Notice of Intent shall include a description of the existing or proposed educational facility, the proposed location or locations of the facility, the capacity of the facility, and the anticipated commencement and completion dates.

5. The construction of new educational facilities and/or the permanent expansion of facilities which significantly increase the student population of existing facilities shall be permitted in all zoning districts identified in the Lee County Zoning Ordinance. The County shall waive the following requirements set forth in the Zoning Ordinance:

a. All setback requirements other than those affecting corridors on the Official Trafficways Map (arterial and collector roads), and

b. Standard on-site parking requirements.

6. The County shall waive all application fees and shall endeavor to expedite all reviews and proceedings.

7. The County shall afford priority to School Board applications for the construction or expansion of public educational facilities. All submittals to the Department of Development Review shall be reviewed within ten (10) working days of such submittals. The Department of Development Review shall assist the School Board in the preparation of all such submittals in order to reduce the necessity for resubmittal of documents.

8. The construction of new educational facilities and/or the expansion of facilities which increase the student population of existing facilities shall also obtain a development order pursuant to the Lee County Development Standard Ordinance, except, however, the County shall waive:

a. Open space requirements

b. Landscaping requirements, and

c. Indigenous vegetation rules.

d. Removal of exotic vegetation

e. Submittal requirements for copies of state and federal permits. (Completed applications will be sufficient)

f. Assurance of completion for offsite improvements provided the School Board obtains appropriate assurance of completion surety as part of the contract(s) for construction of said offsite improvements.

9. Pursuant to Section 235.193(7), Florida Statutes, the County's review shall not consider the adequacy of the proposed site plan as it relates solely to the needs of the school, as this subject is controlled by the State Uniform Building Code for public educational facilities construction, Section 235.26 Florida Statutes. However, the adequacy of the site plan as it relates to archaeological concerns, historic resources, protected species, offsite impacts such as turn lanes, drainage outfall and storm water runoff rate, traffic impacts, and effects on adjacent property, shall be considered by the County in its development order review.

10. The location of public educational facilities shall be subject to the provisions of the Lee County Concurrency Management Ordinance.

11. The construction of public educational facilities shall be exempt from Lee County Construction Codes. *(Chapter 600)*

12. The School Board shall comply with all State and Federal regulations pertaining to wetland protection and endangered species.

13. The construction or expansion of public educational facilities shall be exempt from the Lee County Wetlands Protection Ordinance, provided that Lee County Department of Community Development, Division of Environmental Sciences staff actively participates in advising the School Board in protection and retention of existing native plant communities and trees. Active participation shall include field inspections, involvement in site design meetings, preparing recommendations for implementation and the School Board's compliance with the Lee County Tree Protection Ordinance.

*Trees* 14. The School Board shall be exempt from the payment of County impact fees; however, the School Board shall mitigate offsite impacts, as well as impacts on backlogged and constrained roads, as provided in the development order and concurrency processes.

15. The need for entrance road improvements and other road improvements such as additional roadway lanes, turn lanes, traffic signals, and road widening shall be required in accordance with the Traffic Impact Statement and the Traffic Impact Mitigation Plan requirements of the Development Standards Ordinance.

16. The construction or expansion of public educational facilities which serve to replace portable facilities on the same site shall be exempt from the requirements of this

Agreement, provided such portable facilities existed on the effective date of this Agreement. This Agreement does not prohibit the placement of new portable classroom facilities in the future however, the expansion of public educational facilities which serve to replace those portable facilities erected subsequent to the execution of this Agreement shall be reviewed for consistency with the Comprehensive Plan and this Agreement.

17. The School Board may apply simultaneously for necessary approvals pursuant to the County's Development Standards and Concurrency Management Ordinances.

18. Lee County shall process submittals for school projects in accordance with paragraph seven of this Agreement. After receiving the necessary submittals for any or all the required approvals, the County shall determine whether the proposed educational facility and its site plan are consistent with the Lee County Comprehensive Plan and all land development regulations, and shall determine the extent of any required mitigation as set forth in this Agreement. If the above determination of consistency is affirmative, construction may proceed without further regulatory review by Lee County.

19. If the determination is negative, Lee County will advise the School Board of the deficiencies and make recommendations to address the concerns. The School Board may, within 90 days, resubmit revised documents. The Director of the Department of Community Development shall review the revised documents in accordance with paragraph seven of this Agreement and make a determination as to whether the proposed educational facility, site plan, and offsite impacts, are consistent with the Lee County Comprehensive Plan and County land development regulations.

20. The adjudication of disputes and disagreements shall be resolved through joint Board mediation. In the event mediation proves unsuccessful, disputes shall be resolved either through the process for appeals of administrative decisions set forth in Lee County land development regulations or by presentation of the matter to the United States District Court.

21. This Agreement shall remain in full force and effect until such time as the Florida Legislature amends Chapter 235 to exempt public educational facilities from compliance with local comprehensive plans and development regulations or until such time as the parties to this agreement mutually agree to amend same.

*replace  
w/ ordinance  
of other  
720*

IN WITNESS WHEREOF, the parties hereto have caused the execution hereof by their duly authorized officials on the dates set forth below:

ATTEST: 2011  
CHARLIE GREEN, CLERK

By: [Signature]  
Deputy Clerk

(Seal)

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chairman or Vice Chairman

Date: 10/23/91

Approved as to Form and  
Correctness

By: [Signature]  
Lee County Attorney's Office

ATTEST:

By: [Signature]

Superintendent

THE SCHOOL BOARD OF LEE COUNTY,  
FLORIDA

By: [Signature]  
Chairman of the Board

Date: October 15, 1991

Approved as to Form

By: [Signature]  
Harry Blair, Esq.  
Attorney for The School Board

**CPA2006-16**  
**Amended Policies for the**  
**BoCC Transmittal Hearing**  
**March 11, 2008**  
**(in a strike-thru underlined format)**

Planning staff recommends that the following additional Policy language be included in the Boards transmittal of this amendment:

Modifications to existing Policy 66.2.3:

**POLICY 66.2.3:** The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment.

Proposed new Policy under existing Objective 66.2:

**POLICY 66.2.4:** The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas.

Modifications to Policies located under proposed Objective 71.1:

**POLICY 71.1.2:** Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement ~~dated \_\_\_\_\_~~ and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan.

Modifications to Policies located under proposed Objective 71.2:

**POLICY 71.2.1:** By ~~April 1,~~ December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs).

**POLICY 71.2.3:** All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County

and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended ~~twice~~ for a maximum of two additional periods of 2 years each period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

**POLICY 71.2.4:** By ~~July 31~~, December 2008, the LDC will be amended to establish mitigation options...[remainder of the policy remains unchanged]

**POLICY 71.2.5:** [remains unchanged except for section b., which is provided below]

- b. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.

Modifications to Policies located under proposed Objective 71.3:

**POLICY 71.3.1:** The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements.

**POLICY 71.3.3:** The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services.

**POLICY 71.3.4:** The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity.

Proposed New Policies to be located under proposed Objective 71.4:

**POLICY 71.4.3:** The County and the School District will coordinate and share information relating to existing and planned public school facilities.

**POLICY 71.4.4:** The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE IS HEREBY GIVEN THAT the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-09-2007-016/  
BLID-09-2007-015  
DATE RECEIVED: May 27, 2008  
DEVELOPMENT NAME: BURNT STORE MARINA  
DEVELOPER/AGENT: Realmark Development, LLC/ Fowler White et. al.  
DEVELOPMENT TYPE: 28-24.023, 28-24.020, 28-24.031,  
28-24.026, F.A.C.  
LOCAL GOVERNMENT: Lee County

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
INTERLOCAL AGREEMENT CONSISTENT WITH  
SECTION 163.3177(2), FLORIDA STATUTES  
DCA DOCKET NO. 36-06**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Lee County School Board and each of the following local governments: Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach and Sanibel, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, Florida 34135; City of Cape Coral, Department of Community Development, 1015 Cultural Park Blvd., Cape Coral, Florida 33990; City of Fort Myers, 2200 Second Street, Fort Myers, Florida 33902; Town of Fort Myers Beach, 2523 Estero Boulevard, Fort Myers Beach, Florida 33931; City of Sanibel, 800 Dunlop Road, Sanibel, Florida 33957; Lee County Planning, 1500 Monroe Street, Fort Myers, Florida 33901; Lee County School District, 2855 Colonial Blvd., Fort Myers, Florida 33966-1012.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency

determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Lee County School Board, Cape Coral, Bonita Springs, Fort Myers, Fort Myers Beach, Sanibel and Lee County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hidria USA, Inc., intends to allow the establishment of Steve's Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Xiamen Xiasheng Motorcycle Co. Ltd. (XIXI) at 1045 West King Street, Cocoa (Brevard County), Florida 32922, on or after May 16, 2008.



# School Concurrency

ORC

Obj 1

1 School

2 Matt + Rick

3

4 Survey - one copy

Table 8, 9 School

4 Matt Rick

Obj 2

Change dates

Obj 3 CIE

Reference appropriate tables

Accepted by DOE - required to be

Obj 4.

a Obj 71.1 correct

b already does it

c. put in date

d. mistake - put it in

e. already in there - total point

f. compalibility - re codification

g.

"

Aug 26<sup>th</sup>