



**LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS
WEDNESDAY, DECEMBER 4, 2013
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. New Horizon 2035: Plan Amendments
 - A. [CPA2011-00001 Capital Improvement Element](#)
 - B. [CPA2011-00004 Conservation and Coastal Management Element](#)
5. Other Business
6. Adjournment – Next Meeting Date: Wednesday, December 11, 2013

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Janet Miller at 239-533-8583.

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TEXT AMENDMENTS:**14. Capital Improvements**

The Capital Improvements Element provides a framework for planning, constructing, and financing public services and infrastructure within Lee County. This is achieved by examining the costs, priorities, and needs for service and facilities, the county's fiscal capabilities, and legal requirements. The county establishes financial policies to guide improvements and a capital improvement program that defines the budget and time frame for project implementation. The Capital Improvements Element ensures public services and infrastructure projects support the county's planning and development priorities regarding the provision of services within urban, suburban, and rural areas.

GOAL 1: Highly Effective Capital Improvements System.

Provide for the needs and demands of the public through the delivery of highly valued, well managed, and fiscally responsible public services and infrastructures system.

OBJECTIVE 1.1: Public Service and Infrastructure Standards. Ensure public services and infrastructure improvement practices consider county priorities, fiscal demands, and development needs. Capital improvements will be based upon:

- a. Adopted Levels of Service (LOS);
- b. Coordination of facility improvements, capacity increases, LOS standards, fiscal planning, and budgeting processes;
- c. Assurance that future development shares responsibility for facility improvements, maintenance costs, and future service demands; and
- d. Other county priorities related to sustainability, economic development, livability, strong connections, and community character.

POLICY 1.1.1: Implement regulatory and non-regulatory level of service standards to meet the public service and infrastructure needs of the county. The minimum acceptable LOS will be the basis for facility design, ~~for setting impact fees,~~ and operation of the Concurrency Management System.

- a. Regulatory standards are identified in state law and deemed essential to support development. Regulatory standards apply to facilities that provide potable water, sanitary sewer, disposal of solid waste, ~~and stormwater management,~~ and public schools and;
- b. Non-regulatory standards are important to optimizing the county's quality of life for which the county desires to establish standards for its own use; compliance with non-

regulatory standards is not a requirement for development permitting. Non-regulatory standards apply to facilities for transportation, public schools, ~~neighborhood~~, (the county does maintain standard for parks) regional and community parks, boat ramps, evacuation time, and shelters.

POLICY 1.1.2: ~~The following~~ In accordance with the Community Facilities and Services Element, the county will maintain regulatory LOS standards ~~will be maintained~~ for potable water, sanitary sewer, and solid waste ~~will be maintained as~~ growth occurs in the county.

- a. ~~Potable Water—supply and treatment capacity within certificated, franchised, or designated service areas:~~
 - 1. ~~Average Daily Flow of 250 gallons per Equivalent Residential Connection (ERC) for the peak month;~~
 - 2. ~~Average Daily Flow of 200 gallons per unit for the peak month for mobile-home residential structures; and~~
 - 3. ~~Average Daily Flow of 100 gallons per unit for the peak month for travel-trailer residential structures.~~
- b. ~~Sanitary Sewer—treatment and disposal capacity within certificated, franchised, or designated service areas:~~
 - 1. ~~Average Daily Flow of 200 gallons per ERC for the peak month;~~
 - 2. ~~Average Daily Flow of 160 gallons per unit for the peak month for mobile-home residential structures; and~~
 - 3. ~~Average Daily Flow of 80 gallons per unit for the peak month for travel-trailer residential structures.~~
- c. ~~Solid Waste:~~
 - 1. ~~7 pounds (or equivalent volume) per capita per day.~~
- d. ~~Stormwater Management:~~
 - 1. ~~Existing Infrastructure—The existing surface water management system in the unincorporated areas of the county is expected to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event or rainfall for more than 24 hours;~~
 - 2. ~~Six Mile Cypress Watershed—The floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year flood plain level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan;~~
 - 3. ~~The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated~~

~~discharge from the 25-year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) Volume II, Pages 10-5.]~~

- ~~4. A North Fort Myers Surface Water Management Plan has been developed in March 2010 and has been subsequently adopted by the Board of County Commissioners. The plan covers a 21-watershed area between US 41 and SR 31, north of the Caloosahatchee River. The proposed level of service for this area is as follows:
 - ~~— County roads shall meet or exceed a 5-year, 24-hour storm event~~
 - ~~— Evacuation routes shall meet or exceed a 25-year, 3-day storm event~~
 - ~~— Major collectors and arterial roadways shall have no more than 6 inches of water for a 25-year, 3-day storm event~~
 - ~~— Finished floor elevations of structures shall meet or exceed a 100-year, 3-day storm event~~~~
- ~~5. Gator Slough, Yellow Fever Creek, Yellow Fever Creek East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds.~~
- ~~6. Designated impaired water bodies will be improved towards State and Federal water quality criteria in accordance with the Total Maximum Daily Load and NPDES programs.~~

~~The level of service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event (rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral.~~

~~Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall). (LOS standards moved to the individual public service and infrastructure elements.)~~

POLICY 1.1.3: ~~The following~~ In accordance with the Transportation, Community Facilities and Services, and Parks, Recreation, and Open Space Elements, the county will monitor non-regulatory LOS standards for multimodal transportation facilities, school facilities, and parks will be maintained as growth occurs in the county.

~~a. Multi-modal Transportation Facilities:~~

- ~~1. The LOS for transportation facilities will be established through an assessment of all transportation modes including roadway, bike, pedestrian, and transit capacity and service volumes consistent with the standards established in the Transportation Element. *(To be updated upon completion of the Transportation Element)*~~

2. ~~The following transportation facilities have a LOS standard "C":

 - a) ~~I 75: SR 78 to Charlotte County border;~~
 - b) ~~SR 80: Werner Drive to Hendry County border; and~~
 - e) ~~SR 82: Commerce Lakes Drive to Hendry County border.~~~~
 3. ~~The following roadways segments have a LOS standard "D":

 - a) ~~Expressways (limited access facilities);~~
 - b) ~~I 75: Collier County to SR 78;~~
 - e) ~~State Road 80 (Palm Beach Boulevard): I 75 to Werner Drive;~~
 - d) ~~State Road 82: Lee Boulevard to Commerce Lakes Drive;~~
 - e) ~~Airport Connector: I 75 to Ben Hill Griffin Parkway;~~
 - f) ~~Colonial Boulevard: I 75 to Lee Boulevard;~~
 - g) ~~Imperial Parkway: E. Terry Street to Bonita Bill Drive; and~~
 - h) ~~Six Mile Cypress Parkway: Daniels Parkway to Winkler Avenue.~~~~
 4. ~~The following roadways segments have a LOS standard "E":

 - a) ~~Controlled access arterials;~~
 - b) ~~Arterials;~~
 - e) ~~Major collectors; and~~
 - d) ~~Minor collectors.~~~~
 5. ~~The minimum acceptable LOS on Pine Island Road between Burnt Store Road and Stringfellow Road is "D" on annual average peak hour and "E" on a peak season, peak hour basis.~~
- b. ~~School Facilities:~~
1. ~~Elementary Schools—100% of Permanent Florida Inventory of School Houses (FISH) Capacity;~~
 2. ~~Middle Schools—100% of Permanent FISH Capacity;~~
 3. ~~High Schools—100% of Permanent FISH Capacity; and~~
 4. ~~Special Purpose Facilities—100% of Permanent FISH Capacity.~~
- e. ~~Parks:~~
1. ~~Regional Parks—8 acres of regional parks per 1,000 residents based on the total Lee County permanent and seasonal population; and~~
 2. ~~Community Parks—2 acres of community parks per 1,000 residents based on the total Lee County permanent population.~~
 3. ~~Boat Ramps—1 boat ramp lane with adequate parking for vehicles with boat trailers for every 12,500 of total county population. (LOS standards moved to the individual public service and infrastructure elements.)~~

OBJECTIVE 1.2: County Planning and Budgeting Process. Establish a highly effective capital improvements system through a planning and budgeting process that addresses public services and infrastructure concerns in a comprehensive, collaborative, and transparent manner.

POLICY 1.2.1: As part of the capital planning and budgeting process, utilize the following project criteria to evaluate and prioritize proposed capital improvements for inclusion in the Capital Improvement Program (CIP):

- a. Priority 1: Directed by a court order or otherwise by law;
- b. Priority 2: Removes a direct and immediate threat to the public health or safety;
- c. Priority 3: Essential for the maintenance and support of county investments in existing infrastructure;
- d. Priority 4: Projects to address regulatory LOS deficiencies; and
- e. Priority 5: Projects to address non-regulatory LOS deficiencies; and
- f. Priority 6: Consistency with county planning and development priorities regarding sustainability, economic development, livability, strong connections, and community character.

~~**POLICY 1.2.2:** Establish a capital improvement budgeting process that incorporates issues related to sustainability and complete streets. Such a process will:~~

- ~~a. Ensure a transparent, public process that takes stakeholder input into account from the beginning to the end of the process.~~
- ~~b. Delineate a clear decision-making process for staff, consultants, and stakeholders that promotes collaboration and a holistic approach at all stages of the process.~~
- ~~c. Prioritize projects and document the rationale/tradeoffs of recommendations using Complete Streets Evaluation Tools; and~~
- ~~d. Creatively address community issues and improve the use of limited resources through a collaborative planning process that allows for the flexibility needed to work across departments to meet county goals. (Policy merged with Policy 1.2.3)~~

POLICY 1.2.2: Employ a clear decision-making capital improvements planning and budgeting process that promotes collaboration, stakeholder input, transparency, and accountability at all stages of the process. This process will be coordinated with interdepartmental project teams, appropriate advisory panels, and educated stakeholder input. The following criteria will be considered:

- a. Adopted LOS and current and projected deficiencies;
- b. Project operation, construction, and capital costs;
- c. Facility needs and infrastructure demands based upon facility location districts, service volume, demand, location, land use intensity and density, current development orders, and location of the identified public facility;
- d. County annual operating budget and revenue projections; and
- e. Service expansion needs in urban communities and mixed-use areas.

POLICY 1.2.3: When evaluating the CIP priorities for public services in mixed-use, urban, or otherwise developed areas, consider the following factors:

- a. County priorities including sustainability, economic development, livability, strong connections, and community character.
- b. The county's vision and future planning and development goals established in this plan;
- c. Future development committed through existing development orders;
- d. Facilities needed to satisfy a regulatory or a non-regulatory LOS standard.
- e. Projects that have been or could reasonably be provided by other governmental entities or the private sector;
- f. The revenue-generating potential of the project; and
- g. Donations of lands and services by the private sector and other governmental entities.

POLICY 1.2.4: Ensure effective implementation and achievement of the CIP through regular review by the Board of County Commissioners in order to ensure that proposed projects are moving forward in accordance with county development practices and budgeting priorities.

POLICY 1.2.5: Fulfill county CIP priorities by conducting annual assessments of the revenue sources available to support capital facility construction and preparing estimates of costs needed to implement proposed capital improvement projects.

~~**POLICY 1.2.6:** Utilize the zoning and development order process to maintain the adopted LOS standards on public facilities by establishing methods by which developers will fund, construct, and maintain capital facilities improvements needed to serve new development.~~ Consider adequate LOS standards as part of the zoning and development review processes to ensure that current and future development is adequately serviced by existing and planned infrastructure and public services.

~~**POLICY 1.2.7:** Conduct new procedures-Identify appropriate opportunities (recommend changing the language as this needs to be a process for improving the budget process) for community involvement in the budget process.~~

OBJECTIVE 1.3: Concurrency Management System. Maintain a concurrency management system to ensure that regulatory LOS requirements will be met and monitor desired non-regulatory LOS standards.

POLICY 1.3.1: Evaluate proposed planning, zoning, and development applications to ensure regulatory LOS standards are met. ~~and monitor desired non-regulatory standards will be monitored.~~

POLICY 1.3.2: If the regulatory LOS standards cannot be achieved, the county will oversee one of the following actions:

- a. Enter into agreement with the developer to address the public infrastructure demands consistent with the Capital Improvements Element; or
- b. Limit development or deny permits until improvements are programmed in the first three years of the CIP.

POLICY 1.3.3: The concurrency management system will include a review and appeal process to ensure due process to the land owner. This process may include variances, but variances will be limited to allow those development rights necessary to avoid the unconstitutional taking of private property without due process of law.

OBJECTIVE 1.4: Capacity Monitoring for Non-Regulatory Facilities. Ensure that non-regulatory public facilities are planned for appropriately by monitoring the current and future capacity of the facilities.

POLICY 1.4.1: Evaluate proposed planning, zoning, and development applications to monitor their impacts to non regulatory LOS standards.

POLICY 1.4.2: Include projects with development review approvals in a non-regulatory capacity monitoring inventory and consider zoning approvals in planning future facilities.

POLICY 1.4.3: ~~Ensure~~ Plan for adequate levels of service for non-regulatory standards are fulfilled— public facilities by monitoring and inventorying transportation, public schools regional and community parks, boat ramps, evacuation, shelters, and other public services and infrastructure systems.

OBJECTIVE 1.5: Fiscal Management. Meet the service demands, fiscal priorities, and operational needs of the county through proactive fiscal management. Issues to evaluate and monitor include work plan and service demands, developer contributions, cost centers, revenue generators, cost controls, and debt management.

POLICY 1.5.1: Identify opportunities for generating revenue to plan, budget, and implement the county's development priorities, public facilities and services, and capital improvement work plan. Potential revenue generation opportunities include:

- a. Specific area financing tools;

- b. Special purpose, additional services, and user fees;
- c. Grants and other such resources.

~~**POLICY 1.5.2:** Utilize developer agreements to identify and ensure private developers pay for impacts caused to the county's public service and infrastructure systems.~~

POLICY 1.5.3: No new development may proceed that would negatively impact the regulatory LOS until the funding necessary to maintain regulatory LOS has been established through mechanisms such as the CIP, private financing, public-private development agreements, dedication of facilities, or other identified funding source. Projects in the planned in the CIP three years out may be used as part of this evaluation.

POLICY 1.5.4: Continually review county impact fees, and similar mechanisms, to ensure development pays a proportionate share of the capital facility and capacity improvements costs needed to address the demands generated by future development projects.

POLICY 1.5.5: Review zoning and development order applications to ensure that future developments do not negatively impact public services capabilities, infrastructure systems, and fiscal budgets. The assessment will consider the proposed development impact upon:

- ~~a. Fiscal operations and Capital improvement budgeting priorities;~~
- ~~b. Public facilities maintenance budgets;~~
- b. Public facility and infrastructure system capacity; and
- c. LOS standards for public facilities and infrastructure systems.

~~**POLICY 1.5.6:** Financing for Capital facilities from property taxes (ad valorem tax revenues) could come from millages assessed for the General Fund, Library Fund, Capital Improvement Fund, All Hazards Fund, Preservation Lands MSTU, Unincorporated MSTU and Dependent District MSTU funds. If a project is funded from ad valorem tax revenues and other revenues, those other sources should be used before the ad valorem tax funds. Capital facilities financing may be derived from targeted sources and millage assessments (e.g.: Library Fund, Capital Improvement Fund, All Hazards Fund, Preservation Lands MSTU, Unincorporated MSTU, and Dependent District MSTU funds) as well as General Fund ad valorem tax revenues. If a project has multiple funding sources, the targeted sources of funds should be used before General Fund ad valorem revenues.~~

POLICY 1.5.7: Limit the use of gas tax revenues to the Transportation Improvement Fund, unless required in other funds by bond indenture agreements.

POLICY 1.5.8: Limit the use of sales tax revenues for capital facilities to the General, MSTU, and MSBU Funds, unless required in other funds by bond indenture agreements.

OBJECTIVE 1.6: Capital Improvement Partnerships. Maximize public facility and financial resources by coordinating the development, expansion, maintenance, and financial feasibility of public services and infrastructure systems across departments and with local, regional, state, and federal partner agencies.

POLICY 1.6.1: Utilize interdepartmental and intergovernmental collaborations to provide for a well coordinated and comprehensively planned public service system through which:

- a. Alternative capital improvement funding sources are identified and secured;
- b. Individual departments collaborate on the review and prioritization of future capital projects.
- c. The county completes a holistic review of projects related to county goals regarding livability, strong connections, community character, and sustainability.

POLICY 1.6.2: Maximize financial resources and improve project efficiencies by coordinating public service and infrastructure system work efforts. Examples of coordinated enhancements include:

- a. Street projects that include utility, stormwater, sidewalk, and streetscape enhancements;
- b. Utility projects that include community parks, sidewalks, stormwater, and road enhancements, and;
- c. Stormwater projects that include roads, utility, parks, and sidewalk improvements.

POLICY 1.6.3: Coordinate the provision of the public services and infrastructure systems with the local, regional, state, and Federal intergovernmental partners to ensure the services maintain LOS standards, fiscal feasibility, and the needs generated by expected development. In particular, the county will coordinate with Lee County Metropolitan Planning Organization, South Florida Water Management District, and School District of Lee County on the adoption and implementation of their five-year work programs.

**Community Sustainability Advisory Committee
November 20, 2013 Recommendations**

CIP Element:

As per the previous recommendation by the Committee in add 'neighborhood parks':

POLICY 1.1.1:b.: Non-regulatory standards are important to optimizing the county's quality of life for which the county desires to establish standards for its own use; compliance with non-regulatory standards is not a requirement for development permitting. Non-regulatory standards apply to facilities for transportation, public schools, regional, ~~and~~ community, ~~and~~ neighborhood parks, boat ramps, evacuation time, and shelters.

Under **OBJECTIVE 1.2:** add the following NEW policy:

OBJECTIVE 1.2: County Planning and Budgeting Process. Establish a highly effective capital improvements system through a planning and budgeting process that addresses public services and infrastructure concerns in a comprehensive, collaborative, and transparent manner.

POLICY 1.2.7: Conduct new procedures for community involvement in the budget process.

As per the previous recommendation by the Committee in **POLICY 1.2.2** add, "and educational stakeholders"

POLICY 1.2.2: Employ a clear decision-making capital improvements planning and budgeting process that promotes collaboration, stakeholder input, transparency, and accountability at all stages of the process. This process will be coordinated with interdepartmental project teams, ~~and~~—appropriate advisory panels, ~~and~~ educated stakeholder input.—The following criteria will be considered:

MOTION by Mr. Verwilt to add Policy 1.2.7; seconded by Mr. Strelow. Called and Carried.

Amended Motion by Ms. Pierce to accept the changes discussed; seconded by Mr. Strelow. Called and Carried.

COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE
RECOMMENDATIONS
JUNE 2012

CAPITAL IMPROVEMENTS ELEMENT

- 1) Policy 1.1.1.b.: Non-regulatory standards are important to optimizing the county's quality of life for which the county desires to establish standards for its own use; compliance with non-regulatory standards is not a requirement for development permitting. Non-regulatory standards apply to facilities for transportation, public schools, regional and community parks, boat ramps, evacuation time, and shelters.
 - **RECOMMENDATION:** Add neighborhood parks consistent with the findings in the Evaluation and Appraisal Report.

- 2) Policy 1.1.2.a.: The following regulatory LOS standards will be maintained as growth occurs in the county.
 - a. Potable Water – supply and treatment capacity within certificated, franchised, or designated service areas:
 1. Average Daily Flow of 250 gallons per Equivalent Residential Connection (ERC) for the peak month;
 2. Average Daily Flow of 200 gallons per unit for the peak month for mobile home residential structures; and
 3. Average Daily Flow of 100 gallons per unit for the peak month for travel trailer residential structures.

 - **RECOMMENDATION:** Include language expressing the desire to educate and inform the public about water conservation. Even though the county benefits from the revenue, the environmental impacts of water waste can have different implications in the community and they will only grow over time. If viewed/integrated as part of the CIP there will be a secure portion of funds allocated to this activity (typically no funds are allocated to it).

 - **RECOMMENDATION:** Identify opportunities to incentivize conservation.

- 3) Policy 1.1.2.d.1.: Stormwater Management: 1. Existing Infrastructure – The existing surface water management system in the unincorporated areas of the county is expected to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event or rainfall for more than 24 hours;
 - **RECOMMENDATION:** Remove "or" and put "rainfall" in parentheses.

- 4) Policy 1.1.2.d.3.: The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall). [Ref: Six Mile Cypress Watershed Plan (February 1990) -Volume II, Pgs 10-5.]
 - **RECOMMENDATION:** The word "accommodate" is ambiguous. Consider revising.

- 5) Policy 1.1.2.d.6.: Designated impaired water bodies will be improved towards State and Federal water quality criteria in accordance with the Total Maximum Daily Load and NPDES programs. The level-of-service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event (rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral. Floor slabs for all new private and public

structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).

- a. **RECOMMENDATION:** Include more specific action towards the integration of community education about the importance of protecting watersheds. The continuous degradation will affect tourism and therefore economic development. It is also an environmental concern. If viewed/integrated as part of the CIP there will be a secure portion of funds allocated to this activity (typically no funds are allocated to it).
 - b. **RECOMMENDATION:** Identify opportunities to incentivize conservation.
- 6) Policy 1.1.3.c.3.: Boat Ramps - 1 boat ramp lane with adequate parking for vehicles with boat trailers for every 12,500 of total county population.
- **RECOMMENDATION:** Is there a better way to calculate the need for boat ramps? Consider boat licenses/registrations.
- 7) Policy 1.5.2.c.: Maximize financial resources and improve project efficiencies by coordinating public service and infrastructure system work efforts. Examples of coordinated enhancements include:
c. Stormwater projects that include roads, utility, and sidewalk improvements.
- **RECOMMENDATION:** Add “parks” to this list of stormwater projects.

CAPITAL IMPROVEMENTS ELEMENT

C. GOALS TO BE ADDED

The Capital Improvements Element provides a framework for planning, constructing, and financing public services and infrastructure within Lee County. This is achieved by examining the costs, priorities, and needs for service and facilities, the county's fiscal capabilities, and legal requirements. The county establishes financial policies to guide improvements and a capital improvement program that defines the budget and time frame for project implementation. The Capital Improvements Element ensures public services and infrastructure projects support the county's planning and development priorities.

Staff recommends adding the above intent statement in order to address the EAR's finding regarding the need to better define and articulate the purpose of each element.

GOAL 1: Highly Effective Capital Improvements System.

Provide for the needs and demands of the public through the delivery of highly valued, well managed, and fiscally responsible public services and infrastructures system.

Staff recommends that the above goal be added to direct the provision and planning of highly effective and cost efficient public services as required by FS 163.3177(3)(a).

OBJECTIVE 1.1: Public Service and Infrastructure Standards. Ensure public services and infrastructure improvement practices consider county priorities, fiscal demands, and development needs. Capital improvements will be based upon:

- a. Adopted Levels of Service (LOS);
- b. Coordination of facility improvements, capacity increases, LOS standards, fiscal planning, and budgeting processes;
- c. Assurance that future development shares responsibility for facility improvements, maintenance costs, and future service demands; and
- d. Other county priorities related to sustainability, economic development, livability, strong connections, and community character.

POLICY 1.1.1: Implement regulatory ~~and non-regulatory~~ level of service standards to meet the public service and infrastructure needs of the county, and strive to achieve non-regulatory levels of service to improve the quality of life of present and future County residents. The minimum acceptable regulatory LOS will be the basis for facility design for county projects and private development, for setting impact fees, and for the operation of the Concurrency Management System for regulatory LOS facilities. The minimum acceptable non-regulatory LOS will be the basis for facility design for county projects and for setting impact fees.

- a. Regulatory standards are identified in state law and deemed essential to support development. Regulatory standards apply to facilities that provide potable water, sanitary sewer, disposal of solid waste, and stormwater management, and;
- b. Non-regulatory standards are important to optimizing the county's quality of life for which the county desires to establish standards for its own use: compliance with non-regulatory standards is not a requirement for development permitting. Non-regulatory standards apply to facilities for transportation, public schools, regional and community parks, boat ramps, evacuation time, and shelters.

[Comment: The water and sewer standards below have been revised with no explanation. The changes are probably justifiable, but there needs to be data and analysis to support changes.]

POLICY 1.1.2: The following regulatory LOS standards will be maintained as growth occurs in the county.

- a. Potable Water – supply and treatment capacity within certificated, franchised, or designated service areas:
 - 1. Average Daily Flow of 250 gallons per Equivalent Residential Connection (ERC) for the peak month;
 - 2. Average Daily Flow of 200 gallons per unit for the peak month for mobile home residential structures; and
 - 3. Average Daily Flow of 100 gallons per unit for the peak month for travel trailer residential structures.
- b. Sanitary Sewer – treatment and disposal capacity within certificated, franchised, or designated service areas:
 - 1. Average Daily Flow of 200 gallons per ERC for the peak month;
 - 2. Average Daily Flow of 160 gallons per unit for the peak month for mobile home residential structures; and
 - 3. Average Daily Flow of 80 gallons per unit for the peak month for travel trailer residential structures.
- c. Solid Waste:
 - 1. 7 pounds (or equivalent volume) per capita per day.
- d. Stormwater Management:
 - 1. Existing Infrastructure – The existing surface water management system in the unincorporated areas of the county is expected to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event or rainfall for more than 24 hours;
 - 2. ~~Six Mile Cypress Watershed – The floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year flood plain level~~

2. Stormwater Management Systems, within the County, must adhere to State requirements, i.e. Florida Department of Environmental Regulations (FDEP) and South Florida Water Management District (SFWMD) for water quality and watershed boundaries are as established in Volume IV of quantity requirements and shall be consistent with the Six Mile Cypress Watershed Plans, the Lee County Surface Water Management Plan and the North Fort Myers Surface Water Management Plan as adopted by the Lee County Board of County Commissioners in 1990, 1995 and 2010 respectively, where applicable.

The Division of Natural Resources Management or its successor agency is hereby authorized to periodically update each of the studies within the Six Mile Cypress Watershed Plan, the Lee County Surface Water Management Plan and the North Fort Myers Surface Water Management Plan as needed to maintain a current understanding of each basin's function.

The aforementioned Plans constitute the best available information to be used in determining the impact of a development project on historical stormwater run-off patterns, however, the information and recommendations in the Plans may be challenged. A developer or other involved party may submit independent studies or modification to the Plans which are based on sound engineering principles and practices and which document that the information in the Plans are inapplicable, incorrect or needs revision due to changed circumstances; or that a proposed development will otherwise adequately mitigate its drainage impacts without damaging the goals of the Plan. All independent studies or modifications to the Plans must be submitted to the Division of Natural Resources Management or its successor agency.

New development within the basins studied will be evaluated on a case by case basis and will be required to adequately mitigate their impacts to the basin in accordance with established water management standards which are designed to avoid increased flooding of surrounding areas, minimize the increase of discharge to public infrastructure that exceed historic rates and system capacity, minimize change to the historic hydro-period of receiving waters, maintain the quality of receiving waters, and eliminate the disruption of wetland and flow ways in accordance with the Lee County Land Development Code.

The Plans may not be applied in a manner which would constitute a taking of private property for public use without compensation as such action is prohibited under the constitution of the State of Florida and the United States of America.

3. The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25 year, 3-day storm event (rainfall) for any Lee County Capital Improvement Project. [Ref: Six Mile Cypress Watershed Plan (February

1990) -Volume II, Pages 10-5.] However, in the event an existing tributary does not meet this Level of Standard, any proposed private development must be able to demonstrate an overall net benefit to the tributary as a result of the impact the development will have on any tributary within the basin.

4. A North Fort Myers Surface Water Management Plan has been developed in March 2010 and has been subsequently adopted by the Board of County Commissioners. The plan covers a 21-watershed area between US 41 and SR 31, north of the Caloosahatchee River. ~~The proposed level of service for this area is as follows:~~ Lee County Capital Improvements Projects within the watersheds in this Plan will strive to meet the Level of Service as specified provided there is a neutral or net benefit to the surrounding areas within the specific watershed where the improvements are proposed.

~~County roads shall meet or exceed a 5-year, 24-hour storm event~~

~~Evacuation routes shall meet or exceed a 25-year, 3-day storm event~~

~~Major collectors and arterial roadways shall have no more than 6 inches of water for a 25-year, 3-day storm event~~

~~Finished floor elevations of structures shall meet or exceed a 100-year, 3-day storm event~~

5. ~~Gator Slough, Yellow Fever Creek, Yellow Fever Creek East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds.~~

~~6. Designated~~5. Lee County Capital Improvement Projects and proposed private development projects within the watersheds within this plan will have a net benefit towards improving designated impaired water bodies commensurate with will be improved towards State and Federal water quality criteria in accordance with the Total Maximum Daily Load and NPDES programs.

~~The level of service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event (rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral.~~

~~Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).~~

POLICY 1.1.3: The county will strive to maintain the following non-regulatory LOS standards will be maintained as growth occurs in the county, but compliance with these standards is not a requirement for development permitting, including rezoning. As

reflected in Policy 1.1.1.b. above, these non-regulatory standards are established by the County for its own use in optimizing the quality of life for its current and future residents.

a. Multi-modal Transportation Facilities:

1. The LOS for transportation facilities will be established through an assessment of all transportation modes including roadway, bike, pedestrian, and transit capacity and service volumes consistent with the standards established in the Transportation Element. (To be updated upon completion of the Transportation Element) [Comment: this could be read as requiring a Mobility Fee.]
2. The following transportation facilities have a LOS standard "C":
 - a) I-75: SR 78 to Charlotte County border;
 - b) SR 80: Werner Drive to Hendry County border; and
 - c) SR 82: Commerce Lakes Drive to Hendry County border.
3. The following roadways segments have a LOS standard "D":
 - a) Expressways (limited access facilities); [comment: identify these]
 - b) I-75: Collier County to SR 78;
 - c) State Road 80 (Palm Beach Boulevard): I-75 to Werner Drive;
 - d) State Road 82: Lee Boulevard to Commerce Lakes Drive;
 - e) Airport Connector: I-75 to Ben Hill Griffin Parkway;
 - f) Colonial Boulevard: I-75 to Lee Boulevard;
 - g) Imperial Parkway: E. Terry Street to Bonita Bill Drive; and
 - h) Six Mile Cypress Parkway: Daniels Parkway to Winkler Avenue.
4. The following roadways segments have a LOS standard "E":
 - a) Controlled access arterials;
 - b) Arterials;
 - c) Major collectors; and
 - d) Minor collectors.
5. The minimum acceptable LOS on Pine Island Road between Burnt Store Road and Stringfellow Road is "D" on annual average peak hour and "E" on a peak season, peak hour basis.

[Comment: It is not clear whether/why a non-regulatory standard that is higher than E should be used as a basis for computing impact fees.]

b. School Facilities:

1. Elementary Schools – 100% of Permanent Florida Inventory of School Houses (FISH) Capacity;
2. Middle Schools – 100% of Permanent FISH Capacity;
3. High Schools – 100% of Permanent FISH Capacity; and
4. Special Purpose Facilities – 100% of Permanent FISH Capacity.

c. Parks:

1. Regional Parks - 8 acres of regional parks per 1,000 residents based on the total Lee County permanent and seasonal population; and

2. Community Parks - 2 acres of community parks per 1,000 residents based on the total Lee County permanent population.
3. Boat Ramps - 1 boat ramp lane with adequate parking for vehicles with boat trailers for every 12,500 of total county population.

[Comment: the use of current desired LOS, rather than the regulatory LOS, will result in impact fee increases for no obvious reason]

Staff recommends the above objective and set of policies be added to the Lee Plan in order to address changes in state growth management requirements regarding regulatory LOS standards as reflected in FS 163.3177(3)(a). Additionally, the objective and policies continue to provide for local needs and concerns by establishing non-regulatory LOS standards as allowed by FS 163.3177(1). [Comment: I'm not sure this is an appropriate statutory citation for this statement. Please check.]

OBJECTIVE 1.2: County Planning and Budgeting Process. Establish a highly effective capital improvements system through a planning and budgeting process that addresses public services and infrastructure concerns in a comprehensive, collaborative, and transparent manner.

POLICY 1.2.1: As part of the capital planning and budgeting process, utilize the following project criteria to evaluate and prioritize proposed capital improvements for inclusion in the Capital Improvement Program (CIP):

- a. Priority 1: Directed by a court order or otherwise by law;
- b. Priority 2: Removes a direct and immediate threat to the public health or safety;
- c. Priority 3: Essential for the maintenance and support of county investments in existing infrastructure;
- d. Priority 4: Projects to address regulatory LOS deficiencies; and
- e. Priority 5: Projects to address non-regulatory LOS deficiencies; and
- f. Priority 6: Consistency with county planning and development priorities regarding sustainability, economic development, livability, strong connections, and community character.

POLICY 1.2.2: Establish a capital improvement budgeting process that incorporates issues related to sustainability and complete streets. Such a process will:

- a. Ensure a transparent, public process that takes stakeholder [comment: not sure who/what is included by this term] input into account from the beginning to the end of the process.
- b. Delineate a clear decision-making process for staff, consultants, and stakeholders that promotes collaboration and a holistic approach at all stages of the process.
- c. Prioritize projects and document the rationale/tradeoffs of recommendations using Complete Streets Evaluation Tools; and

- d. Creatively address community issues and improve the use of limited resources through a collaborative planning process that allows for the flexibility needed to work across departments to meet county goals.

POLICY 1.2.3: Employ a clear decision-making capital improvements planning and budgeting process that promotes collaboration, stakeholder input, transparency, and accountability at all stages of the process. This process will be coordinated with interdepartmental project teams and appropriate advisory panels and consider:

- a. Adopted LOS and current and projected deficiencies;
- b. Project operation, construction, and capital costs;
- c. Facility needs and infrastructure demands based upon facility location districts, service volume, demand, location, land use intensity and density, current development orders, and location of the identified public facility; and
- d. County annual operating budget and revenue projections; and
- e. Service expansion needs in urban communities and mixed-use areas.

POLICY 1.2.4: When evaluating the CIP priorities for public services in mixed-use, urban, or otherwise developed areas, consider the following factors:

- a. County priorities including sustainability, economic development, mobility, livability, strong connections, and community character.
- b. The county's vision and future planning and development goals established in this plan;
- c. Future development committed through existing development orders;
- d. Facilities needed to satisfy a regulatory or a non-regulatory LOS standard.
- e. Projects that have been or could reasonably be provided by other governmental entities or the private sector;
- f. The revenue-generating potential of the project; and
- g. Donations of lands and services by the private sector and other governmental entities.

POLICY 1.2.5: Ensure effective implementation and achievement of the CIP through regular review by the Board of County Commissioners in order to ensure that proposed projects are moving forward in accordance with county development practices and budgeting priorities.

POLICY 1.2.6: Fulfill county CIP priorities by conducting annual assessments of the revenue sources available to support capital facility construction and preparing estimates of costs needed to implement proposed capital improvement projects.

~~**POLICY 1.2.7:** Utilize the zoning and development order process to maintain the adopted LOS~~

[Note: Policy 1.2.7 deleted. Open-ended policy with no guidance to staff, the HEX or the Board for addressing how it will be implemented. Policy addresses "adopted" standards on public facilities by establishing methods by which developers will fund, construct, and maintain capital facilities improvements needed to serve new development, but did not limit applicability to "regulatory" standards. Other more specific policies should control without this generalized statement.]

Staff recommends the above objective and set of policies be added in order to ensure the county provides for the implementation of an effective capital improvement planning and budgeting process as required by FS 163.3177(3)(a).

OBJECTIVE 1.3: Concurrency Management System. Maintain a concurrency management system to ensure that regulatory LOS requirements will be met and ~~monitor~~ ~~desired~~ non regulatory LOS standards will be monitored.

POLICY 1.3.1: Evaluate proposed planning, zoning, and development applications to ensure regulatory LOS standards are met and monitor desired non regulatory standards.

POLICY 1.3.2: If the regulatory LOS standards cannot be achieved, the county will oversee one of the following actions:

- a. Enter into agreement with the developer to address the public infrastructure demands consistent with the Capital Improvements Element; or
- b. Limit development or deny permits until improvements are programmed in the first three years of the CIP.

POLICY 1.3.3: The concurrency management system will include a review and appeal process to ensure due process to the land owner. This process may include variances, but variances will be limited to allow those development rights necessary to avoid the unconstitutional taking of private property without due process of law.

POLICY 1.3.4: Ensure non-regulatory standards are fulfilled by monitoring and inventorying transportation, public schools regional and community parks, boat ramps, evacuation, and shelters public services and infrastructure systems. [Comment: How do you "ensure" that this will happen? Consider changing to read: "Strive to fulfill non-regulatory standards by monitoring and inventorying"]

Staff recommends the above objective and set of policies be added in order to establish a concurrency management system that reflects current Florida growth management requirements and practices as established by FS 163.3177(3)(a).

OBJECTIVE 1.4: Fiscal Management. Meet the service demands, fiscal priorities, and operational needs of the county through proactive fiscal management. Issues to evaluate and

monitor include work plan and service demands, developer contributions, cost centers, revenue generators, cost controls, and debt management.

POLICY 1.4.1: Identify opportunities for generating revenue to plan, budget, and implement the county's development priorities, public facilities and services, and capital improvement work plan. Potential revenue generation opportunities include:

- a. Specific area financing tools;
- b. Special purpose, additional services, and user fees;
- c. Grants and other such resources.

~~POLICY 1.4.2: Utilize developer agreements to identify:~~

[Note: Proposed Policy 1.4.2 deleted. Unless Developer Agreements are going to replace impact fees, Policy 1.3.2 and ~~ensure private developers pay for impacts caused~~ 1.4.3 already addresses the use of Developer Agreements to ~~the county's public service and infrastructure systems~~, meet deficiencies. Also, proposed policy was not limited to "regulatory" LOS facilities and could have been read to apply to "non-regulatory" LOS facilities.]

POLICY 1.4.3: No new development may proceed that would ~~negatively impact~~ ~~the~~ cause level of service to fall below the adopted regulatory LOS until the funding necessary to maintain the regulatory LOS has been established through mechanisms such as the CIP, private financing, public-private development agreements, dedication of facilities, or other identified funding source.

POLICY 1.4.4: Continually review county impact fees, and similar mechanisms, to ensure development pays a proportionate share of the capital facility and capacity improvements costs needed to address the demands generated by future development projects. [Comment: as drafted by Staff, the policy would be inconsistent with the current consideration by the Board to suspend impact fees or reduce them to levels the Board deems appropriate under current economic times. Suggest revision to say something like: "Continually review county impact fees, and similar mechanisms, to address the demands for capital improvements generated by new development while simultaneously ensuring that such fees do not economically burden the development industry or make Lee County uncompetitive in attracting new business and industry."]

~~POLICY 1.4.5: Review~~ [Comment: Proposed Policy 1.4.5 was deleted. This proposed policy expands the review of impacts for new development to cover maintenance and operation activities. Is this going to be a new fee? Will there be some sort of "maintenance budget analysis" as part of every zoning and

~~development order applications to ensure that future developments do not negatively impact public services capabilities case? This is a CAPITAL IMPROVEMENTS element. References to maintenance and operation are inappropriate. Also, infrastructure systems, and fiscal budgets. The assessment will consider the proposed development impact upon:~~ 1.4.5.d. was not limited to "regulatory" LOS facilities.]

- ~~a. Fiscal operations and capital improvement budgeting priorities;~~
- ~~b. Public facilities maintenance budgets;~~
- ~~c. Public facility and infrastructure system capacity; and~~
- ~~d. LOS standards for public facilities and infrastructure systems.~~

POLICY 1.4.6: Financing for capital facilities from property taxes (ad valorem tax revenues) could come from millages assessed for the General Fund, Library Fund, Capital Improvement Fund, All Hazards Fund, Preservation Lands MSTU, Unincorporated MSTU and Dependent District MSTU funds. If a project is funded from ad valorem tax revenues and other revenues, those other sources should be used before the ad valorem tax funds. [Comment: this needs to be re-worded. It appears the intent is to use project-specific millages or revenues first, then use general revenue funds, but this is not clear.]

POLICY 1.4.7: Limit the use of gas tax revenues to the Transportation Improvement Fund, unless required in other funds by bond indenture agreements.

POLICY 1.4.8: Limit the use of sales tax revenues for capital facilities to the General, MSTU, and MSBU Funds, unless required in other funds by bond indenture agreements.

[Comment: Re-consider whether policies 1.4.6, 1.4.7, and 1.4.8 should be adopted. They seem to unnecessarily limit the Board's ability to address funding and budgeting issues, and may set up potentially challenges of the budget, intra-fund transfers, etc., for challenge on the basis of comp plan inconsistency.]

Staff recommends the above objective and set of policies be added in order to ensure that Lee County meets its public service and infrastructure system needs in a financially feasible manner as required by FS 163.3177(3)(a).

OBJECTIVE 1.5: Capital Improvement Partnerships. Maximize public facility and financial resources by coordinating the development, expansion, maintenance, and financial feasibility of public services and infrastructure systems across departments and with local, regional, state, and federal partner agencies.

POLICY 1.5.1: Utilize interdepartmental and intergovernmental collaborations to provide for a well coordinated and comprehensively planned public service system through which:

- a. Alternative capital improvement funding sources are identified and secured;
- b. Individual departments collaborate on the review and prioritization of future capital projects.
- c. The county completes a holistic review of projects related to county goals regarding livability, strong connections, community character, and sustainability.

POLICY 1.5.2: Maximize financial resources and improve project efficiencies by coordinating public service and infrastructure system work efforts. Examples of coordinated enhancements include:

- a. Street projects that include utility, stormwater, sidewalk, and streetscape enhancements;
- b. Utility projects that include community parks, sidewalks, stormwater, and road enhancements, and;
- c. Stormwater projects that include roads, utility, and sidewalk improvements.

POLICY 1.5.3: Coordinate the provision of the public services and infrastructure systems with the local, regional, state, and Federal intergovernmental partners to ensure the services maintain LOS standards, fiscal feasibility, and the needs generated by expected development. In particular, the county will coordinate with Lee County Metropolitan Planning Organization, South Florida Water Management District, and School District of Lee County on the adoption and implementation of their five-year work programs.

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