

**AGENDA  
LOCAL PLANNING AGENCY  
OCTOBER 3, 1995  
COMMISSION CHAMBERS  
9:30 A.M.**

1. Call to Order; Certification of Affidavit of Publication
2. Public Forum
3. Approval of Minutes from September 5, 1995 meeting
4. **ORDINANCE REVIEW**

AN ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE RELATED TO IMPACT FEES, AND AMENDING THE APPENDIX OF THE LAND DEVELOPMENT CODE, PROVIDING FOR AMENDMENTS TO SECTION 2-268 BENEFIT DISTRICTS ESTABLISHED (ROADS); SECTION 2-269, TRUST FUNDS; SECTION 2-272, EXEMPTIONS, CREDITS AND DEFERRALS; SECTION 2-312, EXEMPTIONS AND CREDITS; SECTION 2-348, BENEFIT DISTRICTS ESTABLISHED (COMMUNITY PARKS); SECTION 2-352, EXEMPTIONS AND CREDITS; SECTION 2-386, COMPUTATION OF AMOUNT, AMENDING SECTION 2-386 TO REFLECT REVISED FEES FOR PARTICIPATING FIRE DISTRICTS; SECTION 2-388, BENEFITS DISTRICTS ESTABLISHED, ADDING THE BURNT STORE FIRE PROTECTION AREA, CAPTIVA FIRE CONTROL DISTRICT, SANIBEL FIRE CONTROL DISTRICT, AND TICE FIRE & RESCUE DISTRICT TO THE IMPACT FEE PROGRAM; SECTION 2-389, TRUST FUNDS; SECTION 2-392, EXEMPTIONS, CREDITS AND DEFERRALS; PROVIDING FOR A NEW APPENDIX J, THAT PROVIDES DESCRIPTIONS FOR THE DUNBAR ENTERPRISE ZONE, HARLEM HEIGHTS, AND CHARLESTON PARK, AND AMENDS THE DUNBAR ENTERPRISE ZONE BOUNDARIES; PROVIDING FOR THE CREATION OF NEW APPENDIX K ENTITLED ROAD IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS; PROVIDING FOR CREATION OF A NEW APPENDIX L ENTITLED COMMUNITY PARK IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, INCLUSION IN THE LAND DEVELOPMENT CODE, SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

5. 1996-1999 SHIP Plan - Discussion for Lee Plan Consistency
6. Workshop Discussions  
    Evaluation and Appraisal Report Addendum
7. Other Business
8. Adjournment

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
SEPTEMBER 5, 1995**

**MEMBERS PRESENT:**

Greg Stuart  
Ronald Inge  
Matt Uhle

Mitch Hutchcraft  
Bill Spikowski

**MEMBERS ABSENT:**

Joe Mazurkiewicz

Richard Durling

**STAFF PRESENT:**

Paul O'Connor, Planning  
Liz Valver, Planning

Donna Marie Collins, Co. Atty. Ofc.  
Dawn Perry Lehnert, Co. Atty. Ofc.

**Agenda Item 1: Call To Order/Certification of Affidavit**

Donna Marie Collins, Assistant County Attorney, certified the Affidavit of Publication and submitted same to the record.

**Agenda Item 2: Public Forum**

Mr. Stuart called for the Public Forum portion. There being none, he continued with the next agenda item.

**Agenda Item 3: Approval of Minutes from August 1, 1995 Meeting**

Ron Inge noted that on page 4, next to the last sentence, "inequity" should be "iniquity". **Matt Uhle moved approval of minutes with correction, seconded by Mitch Hutchcraft. There being no further discussions, motion carried 5-0.**

**Agenda Item 4: Presentation on Core Services Concept**

Donald Stilwell, County Manager and Bill Hammond, Deputy County Manager, made a brief presentation on this item.

Donald Stilwell stated the Core of Service concept came out for a couple of reasons. First, revenues in the County are shrinking dramatically. He stated that up until a couple of years ago, we were experiencing revenues all the way up to 17% a year increase. The county was spending money like it would get those kind of revenues forever. In spending those dollars, we would take and give one area of the county something that another area didn't have and then another area would come in wanting what the other area had. It became very clear that with dollars shrinking the county could not afford to give everyone the service levels that we had been giving them in the past.

The second issue that bothered us was that everyone seemed to be complaining. Mr. Stilwell

stated he had yet to have a single meeting in a single place that he did not hear at least once during the conversation, they're not getting their fair share. The county had to do something to address the service level. So we started looking at it and started talking about what does county government typically do? Mr. Stilwell stated, just looking at that for a few minutes, it became very plain that Lee County was in the business of providing many services that are typically found in incorporated cities. The county had to address this very quickly.

Mr. Stilwell stated that what the county did was go out and work with the city managers, David Sallee and Gary Price from Cape Coral and Sanibel. We went out to unincorporated areas and started talking about the core of services. We talked about the fact there is a lot of duplication of services in the cities. The people in the city pay a county-wide tax, but they incorporate to receive a higher service level. The people in the unincorporated area were receiving somewhat of a comparable level of service to those people in the cities and the people in the cities were underwriting these urban levels of service in the unincorporated area. Mr. Stilwell stated if we can't provide something for one community, we're not going to provide it for another community.

Mr. Stilwell stated a good example of that would be neighborhood parks. Our definition of that has been a park that does not have restroom facilities. The county has about eleven of these. The rest of the county does not have neighborhood parks, so how fair can that be. We talked about swimming pools. The county doesn't have swimming pools for everyone to use and can't afford to put swimming pools throughout the county. We've come up with the concept of saying anytime the county is going to have a pool or a park, it's got to serve a regional area. This would be where you maximize the service to a large number of people by looking at the demographics of an area. This is a very broad overview of what core of services is all about. The Board of County Commissioners has not taken formal action on this yet, so for me to say this is final is a bit early. But, the concept of one is trying to treat all of the people throughout the county fairly and equally.

Bill Hammond stated the only thing that he would add is the fact that the county really is concerned about fairness and consistency. It's been great to see the cities come in with us and approach it in a way that we've approached it, by going out and getting with people, talking about just exactly what it is that we are trying to do and seeing that come about. Mr. Hammond said, we're seeing some major turnarounds, especially in the youth activities. The county informs a group that the only thing that we can provide for a facility such as Rutenburg or South County, or like the new Buckingham facility, will be the service level of mowing, fertilizing, water and keeping the facility safe. Everything else the community or the leagues are going to have to do. If they want to line their fields, they're going to have to hire somebody to line their fields or do it themselves as a committee. We've pretty much sold that and it's to John Yarborough's credit that this conversation and this attitude is taking off and seems to be fairly well received. We're seeing a really great turnaround in everybody's attitude. The Regional libraries, would be the same. We've got a foot in the door with two or three regional facilities right now. Eventually, we're going to get out of the branch office service. But if the community wants to keep the

branches then they're going to have to do something to come up with a funding mechanism to keep those facilities in tact. Mr. Stilwell stated we've got people talking and sharing information with us and that's important.

Mr. Stilwell stated that one of the biggest beneficiaries is the cities. They've been exempt for a long time because they do pay the dual taxation cost that they talk about. The cities have bought into this very well. It's something they've been looking forward to. The city of Sanibel is going to operate Bowman's Beach now. It doesn't make sense for the county to send people all the way from here out to Sanibel to work for a couple of hours on the beach and then drive back in. They spend as much time driving out and back as they do on the site. Sanibel already has people that are taking care of the beaches out there. One of the things that the County will have in writing, is if we ever give any beaches up, obviously they are there for all of the people throughout the county. We're not making Sanibel an exclusive area.

Greg Stuart noted that he liked the concept. He stated when we talk about decentralizing services are you planning on increasing staff to help at an MSBU level or what? Mr. Stilwell stated that they are wide open. They don't have a plan yet. We want to do everything to make them successful. Our minds are open.

Mr. Hammond stated that the committee of fifteen that worked on this used to be the old Community Services Board that represented fifteen districts, this is now just the Parks and Recreation Committee. These people have been working with the county staff for the last two years. They are gearing up, going back to their communities; and talking about this. We have a conduit between the communities. Mr. Hammond stated that Fort Myers Beach is an example of this. All of a sudden they're a city. It's not anything that's going to happen overnight. There's going to be a transition and the county is there to assist them and help them set up those MSBUs or MSTUs. The same with the libraries. The county will be there to assist them and help them over the long haul to be able to keep those branch facilities, if they want them.

Mr. Hammond said, it's just like the county's right-sizing. It's not over. The county is going to be right-sizing right until infinity because that's what's happening. We'll be cross training. Government's going to be smaller, the county is going to be smaller, and faster. That's where we're going, it's an ongoing process.

Mr. Uhle noted he was the individual that asked for this presentation. He stated he has heard so much discussion of this concept, but this is an intellectual concept. Mr. Uhle stated it seems to him that based on what you've said in the past and what you've said today; it appears that there are three different strings to this. One of them is an effort to reduce the size of county government to make sure that it doesn't overlap with activities that will be taken on by other governments or the private sector or some other entity that can do it better.

The second aspect seems to be the desire to create a quality treatment throughout the county and the third aspect is simplicity. When you talk about levels of service, that is some kind of objective

standard. Anytime you define something that's at core level of service you're going to be able to tell me exactly what it is so that would be an objective standard.

Mr. Stilwell stated Mr. Uhle was essentially correct. The objectives, level of service is good. We won't know that until the Board sets that. We're taking a budget to the Board that's balanced. The county has had two surveys in the last two years. Seventy-nine percent of the people in Lee County said they would rather receive fewer services and no additional taxes. The Board is taking that very seriously and has said we're not going to have a millage increase.

Mr. Uhle stated he would like to explore each one of those concepts. In terms of avoiding overlapping government and that sort of thing, it appears that the county has done a really good job of pushing forward. Mr. Uhle asked has anybody ever identified Veterans Services as being a core service. Mr. Stilwell stated, clearly it's not. There's a federal program right now and the county opted to spend a lot more here in the county. Typically Veteran's programs should not be funded by the counties. We have that now, there's a very large group. I think depending on who you talk to, I've heard as many as 60,000 veterans are here in Lee County that vote. We're getting to the point in government where government's got to operate like every place else. Our elected officials and the bureaucrats such as myself have got to stand up and say the right thing and see what happens. So clearly, that is not a core service. But, I suspect we will have that for a number of years.

Mr. Uhle stated, on the second aspect of it, the quality issue. It appears to me from the budget that you have put together that what you've basically done is taken a number of the county functions from general tax revenue and moved them to the unincorporated MSTU. That's the biggest change that I can see. Mr. Stilwell stated, what we've done is whoever gets the service also get the bill. Mr. Uhle stated that the changes that have been made in that respect are probably appropriate ones. We have a level of service for parks. You also know I'm sure that actual levels of service, say within the individual community park districts are different. Some of them have a lot more parks than us. Is it listed in the core of service approach that we're going to try to equalize what we have in those districts, or is the objective basically to freeze the inequalities at their current levels and basically say from here on in the program is this.

Mr. Stilwell stated, we can't freeze it and keep the inequity there because it's going to keep everyone angry. The people have got to see that we really are working towards a solution where everyone is treated the same. With all this shrinkage in revenues, we built all of these facilities, now we have all of the operation and maintenance and the county can't afford that any more. This is an ongoing process. We're not going to just pull the switch and say this is it. It's an involved process and we're going to be addressing these inequities and trying to level the playing field. It's going to take some time to do it.

Mr. Hammond noted that one of the things also is that Lee County is not the way it was ten years ago, five years ago or even two years ago. Our Board of County Commissioners have to take a great deal of credit for that because they wanted some change and they brought in an outside

manager and said, show us the way. That's pretty much what we've done. So, they deserve a little bit of credit. You've sat right in this room and you've seen I'll take a road for two parks and I'll build a pool if you'll give me a playground and some equipment in N. Fort Myers. We've played this game for seventeen years. When we came before the Board with a CIP, we never knew what we were coming out with, 18 projects or 32 projects. Those days are over.

Mr. Stilwell noted, Lee County has the biggest CIP he's ever seen. He said he got really excited when he first came here and Commissioner Mann came in and said how do you feel about having a joint library with Edison Community College. I thought, that's a great idea. Why build two, we build one and do it right. Besides that we get the city, the county and the library working together as we should. He said he was down here one weekend all by myself and it's the first time he paused after a couple of months on the job, and he couldn't find any money for the library. There was not a single dollar budgeted for the library. That's what we did. We had this big wish list of everything. We had all of these projects on the CIP and no dollars for them. I guess we thought that we would continue to get 17% revenue increases. Well, when that stopped and it has been stopped the last couple of years, our revenue increases have been down to around 3% as opposed to the double digit revenue increases. Reality started setting in.

Mr. Hammond stated reality also started setting in when we built all the facilities we did from 86 to 93 and we put a hundred million dollars worth of facilities in the ground, all of a sudden we come back before this Board and say well, we've got to operate and maintain them. You said build them and we built them. Those days are over.

Mr. Stilwell stated that the county is now trying to get responsible and trying to treat people fairly. But what's going to happen, is we're going to have another tax cap, because we're not being responsible throughout the State; people are going to backlash and tell us no more and then those of us who are being lean, Lee County, we're going to be in trouble. We have 67 counties in the state and there are 56 of them that have higher tax rates than we do. We have a very low tax rate. When they come in and freeze this and put a tax cap on we're going to be in trouble. The quandary we're in is being responsible today or moving that millage up and I'm not advocating that. I think it would be wrong to move that millage up. But that's what the limit is.

Mr. Uhle stated that his understanding traditionally, the biggest complaint about dual taxation is with the Sheriff's budget. Obviously, we don't have as much control over the Sheriff's budget as you'd probably like. What if anything is going to be done to your knowledge with the Sheriff's budget to try to address the dual taxation problems.

Mr. Stilwell stated staff has been talking to the Sheriff for the last two years. There is a very easy way of doing it. In my opinion the Sheriff should have a consistent level of service throughout the county for everyone. Those areas that want a higher level of law enforcement protection should pay for that, just like the people do in the cities. They want a higher level of protection, so they incorporate and they tax themselves to have more police officers. The Sheriff is doing it right now in Whiskey Creek. Those people out there taxed themselves for that additional law

enforcement. But yet at the same time, Bonita Springs has gotten additional law enforcement officers and they're not paying anything additional for it. We've got to get the Sheriff down to a core of service level where he provides throughout the county a consistent law enforcement level for everyone and anyone else who wants more is going to have to pay for it. There's always going to be some exceptions that's what government is for. There is a way to address the Sheriff's problem. County Administration has asked the Sheriff to let us be the heavy. You figure out a way to provide a consistent level of service throughout the county and the cities and provide it and County Administration will go out and sell it on the basis that those people wanting more law enforcement officers above that core of service are going to pay for it.

Mr. Uhle stated there is a question that has started to come up and he thought it was a very serious question about the ongoing validity of the park impact fees if we're frankly not going to be building parks. He asked is the administration going to be looking at that as an issue. Mr. Stilwell stated that they have to look at all of the impact fees. Staff is not working on that right this minute but that's something staff was to look at. Mr. Stilwell said people have to know they're getting something for what they're paying. I don't think it's judicious to go out and spend the money because it's there. We get in trouble doing that. It's a complex issue. Certainly by next year's budget it will be looked at.

Mr. Uhle stated you are going to be looking to community involvement in terms of maintaining the facilities. Aren't you concerned that you might get an initial rush of enthusiasm to do that but that commitment would drop off and you would have a facility that is not properly maintained and could represent a liability problem to the County. Mr. Stilwell stated that that was something they were going to work with the attorneys on. He said there is no question that there is that potential for liability. It may be that if the people don't want to maintain it the county may have to close it. If they're going to use it they should be taking care of it. The county has a very low tax rate and a high service level.

Mr. Uhle asked, in terms of the objective standards, are you doing anything along those lines. Take Community Development for example. Are there any levels of service that I can identify and say this is what Community Development does, this is how long you expect somebody to go through the permitting process, this is what we expect the workload to be for somebody who is building an apartment. Are we budgeting around those kinds of numbers. I'm not aware of anything like that and it's always been one of my concerns about county government.

Mr. Stilwell stated, I mentioned Community Development and Public Works going into the bank building over here. That's exactly what we're doing. The county has a firm, IMG, that helped us with the utility department to privatize that. These people do excellent analysis. They're in the second phase right now. They're going over everyone's job with desk audits. The important thing we're doing is an audit on everyone and we're getting out of the concept of we have to have an engineer over here and a planner over here. We're going to put some kind of a hybrid between the two of them. And rather than Greg saying yes, you can do it now you have to go talk to Matt and see what he says and then Matt and Greg have to take it on the desk for two weeks and

debate it and fight about it, we're going to get an answer right then. We're going to have the combination of the two sitting in the middle and if I'm the person you're talking to you're going to get an answer right there.

Mr. Stuart asked, that's the \$170,000 phase two study. Mr. Stilwell stated that's a lot of money and he has never in his life being in local government contracted with someone for that much money. But we've already seen, we're going to save a million dollars a year, every year doing what we're doing with this. It's not going to be a study that goes up on the shelf. This is terribly important, what we're doing is really cutting edge stuff. Mr. Stilwell stated he has been in counties and has done this combination of public works and planning several times. What we really do, is take two departments, and put a big counter in front of them and say we've combined them and you both have your separate but equal departments back there. We're merging the two together. Mr. Stilwell stated the public is going to come in to that one counter and they're going to get their answer at that one counter and they're just going to go in to a department.

Mr. Hammond stated that the county is also going to be training their own people and carrying that over into other areas. Staff are major players in this and they're going to be brought along with requests being laid out for them by the consultant, so they're going to get an education and they're going to be able to carry some to other areas.

Mr. Stilwell stated that Mr. Hammond was talking about the methodology that the consultant was using. Administration has got their staff working with the consultant and upgrading county staff to learn the methodology and then what we're going to do is once we get these two areas complete we will take that methodology and go back to other areas. DOT is going to be the next one. We're going to see what's happening there and use the same methodology and see if we can't eliminate some inefficiencies and upgrade the service. We're going to upgrade the service level tremendously and we're going to drop the cost dramatically.

Mr. Uhle asked Mr. Stilwell if he was going to use this methodology throughout the county and Mr. Stilwell replied he was. Mr. Stilwell stated originally it was going to cost \$300-500 thousand dollars. Then we started talking and asked if we could get the cost down by having county people participate. Mr. Stilwell indicated he hoped the LPA would get involved with the gentleman from IMG, Richard Ridings. He's already meeting with people who use the county services frequently. Mr. Stilwell stated if we end up with a Public Works Department or a Community Development Department, we just lost. If it's not total bounds, we're really in trouble. It's got to be a hybrid of the two. Mr. Stilwell stated one of the things staff is doing that he found really exciting is there is a freeze on in those areas of public works and planning and we've saved over \$900,000 in salaries not filling positions this year. So we've reduced those budgets for those two entities by a million plus dollars a year. We're already going to have all of those vacancies. It's not like they're going to go out and lay off 40 people. We've got these vacancies and we're waiting to see what the new positions are going to look like. What we're telling staff is if you cross-train you don't have a problem, you're going to have a job. The only person that's going to have a problem is the one that says, no, this is what I do and I'm not going to change.



Mr. Uhle stated his personal concern was it's not difficult to do less and less. The key is to do as much or more with less and to make sure that when we're done that we maintain the same service levels that we do now. One reason that he asked the question about Lee Chapter Standards is that he knows in some places what levels of service are; but because we don't have the numbers he couldn't tell you the numbers. It's going to be difficult for anybody to come in and do this study and say well we can do better than what you're doing now because nobody knows exactly what they're doing now. Mr. Stilwell stated if we don't come in with a higher service level then we've failed. One of the things that the consultant told me that's interesting is that the user's big fear is that we're going to mess it up. It's come so far in the last couple of years. So why go ahead and tweek it some more and try to make it better. That's a very valid concern. We don't want to do that. What we're saying we could do is we could make it worse.

Mr. Stuart stated there's a lot of memory of the private sector and the institution memory about how it was years ago when it was one consolidated entity and it didn't work. Mr. Stuart noted that after the changes are made up front, the Board turns over and all of a sudden you've laid the seeds for something that's just going to grow and become out of control. He stated he was all for cross training and streamlining. He just wants to make sure that it's done correctly. Mr. Stilwell said that things change, but under the current system that's set up, if it doesn't happen and it starts falling apart, who's going to be in trouble. Mr. Stuart stated, we all are. Mr. Stilwell stated, that's right and he certainly didn't want that to happen so the incentive is to make sure that it works. Mr. Uhle stated we have objective levels of service in the Lee Plan. If you have a level of service that says permits will be reviewed by the building department in x number of days, then you can have an open debate during the budgeting process that you should have more people, or fewer people, a better level of service or whatever. But until you know those numbers, you can't even talk about that. You have no idea what's going on and it's just a completely blind process.

Mr. Stilwell stated when you go into the new building, as a user of the new building, you're going to be given a commitment when you go in there. You're going to be told it's going to take this amount of time. You produce this, this and this, it's going to take this amount of time. We're going to give you a commitment schedule, you're going to know what you're going to get when you go in there. It's going to be user friendly. It's got to work that way. We've got to give people commitments. There's going to be exceptions for some reason it's going to break down, but there's going to be an explanation and people are going to understand why it broke down and how it will be fixed.

Bill Spikowski asked would you like more communities in the county incorporate? Mr. Stilwell noted that was not his decision. He felt it was his role to help people know what the costs are going to be and to facilitate whatever it is they want to do. He stated, I'm not going to tell someone it's good or bad to incorporate. That's something that only the people affected by the commitment have a decision to make. Mr. Spikowski stated to Mr. Stilwell that if this is being seen as the solution then there will be major problem. If you're not seeing that, that's fine. He stated his concern is, Matt mentioned about people maintaining the park and they're not maintaining it well and it's liability. He said he was just thinking about the convenience for the

rest of the public. He would rather pay and have somebody else mow the grass. There is a lot of us that feel that way and that's not going to be a viable option if that's what the majority wants. I think that's going to be a problem.

Mr. Spikowski then went on to the suggestion of how the Sheriff might deal with the core level of service, stating he didn't think it's going to work. He felt the way staff laid out the libraries, the county's position is that we're going to build regional libraries and if you want branch libraries you do it yourself. In that situation, that can be made to work. But when it comes to Sheriff patrols, I don't think you want the Sheriff duplicating patrols in Ft. Myers and Cape Coral. The cities have a good argument that they shouldn't pay as much as the unincorporated people pay because they don't get the same level of patrols. Isn't the solution there that they should pay a little less for the patrols that they don't get then dual duplication of patrols.

Mr. Stilwell noted that this is a complex issue. Not only does the Sheriff provide the patrols, but he provides many other services. He provides a jail. There is a lot of things that the cities get that they often don't think about. I would like to see people be creative. I know there's going to be a lot of cars coming back and forth between the new Sheriff's facility and the jail here. Why should we have all these cars passing each other. That's what we're doing now. We're not working together on this. If we can get through the dialogue, we can get to the issues.

After some brief discussion on the beaches in the different cities and towns and reassurance that they would remain for the use of the entire public through interlocal agreements and such, Mr. Stilwell's presentation ended.

#### **Agenda Item 5: Ordinance Review**

Dawn Perry Lehnert presented these ordinances briefly. The ordinance relating to fireworks and sparklers allows the sale of fireworks at any permanent location that meets the building codes for hazardous occupancy. Sparklers can be sold just about anywhere in the county as long as they hold the appropriate occupancy permit or the temporary use permit. It also addresses the use and display of fireworks and pyrotechnics. Basically the ordinance is consistent with the spirit and intent of the Lee Plan. There is no specific policy that addresses this.

After some further brief discussion on this item. **Mr. Uhle moved to find this ordinance is not addressed in the Lee Plan for consistency. Mitch Hutchcraft seconded the motion. There being no further discussions or objections, motion carried 5-0.**

Dawn Perry Lehnert presented the second ordinance, providing for amendment and restatement of the uniform Lee County Fire Code. Ms. Lehnert stated the fire code was adopted last year in conjunction with the sparklers ordinance, so that any claims there may be with respect to deficiency in the adoption process would also be used against the fire code. So in an abundance of caution, we're bringing the fire code back through again for re-adoption. Basically, this ordinance is already what's in the Land Development Code. This is addressed by Lee Plan Policy 43.4.1. **Matt Uhle moved that this ordinance was consistent with Lee Plan Policy 43.4.1.**

**Motion seconded by Mitch Hutchcraft. There being no further discussion or objections, motion carried 5-0.**

**Agenda Item 6: Other Business**

Mr. O'Connor stated that Planning staff has been working on the EAR addendum. The original sufficiency letter from DCA was rescinded and a draft sufficiency letter was issued. We responded to the draft letter. We have not heard back from DCA, but we are moving forward with a response to that. We're looking at the EAR addendum as a technical document which is going to cross the t's and dot the I's from the previous Evaluation and Appraisal Report. We do have several issues that we do need to address on things that have changed since July 7, 1994 and we will be addressing those. The LPA is required to transmit the EAR addendum to the BoCC and to the DCA on November 2. What I've been looking at is changing the date of our regular meeting in November. We will be coming forth with some materials for your next meeting in October. We will be bringing the bulk of it to you at the meeting in November and if it's this Board's desire, we can use either additional meetings in November or December once we've technically met the requirements of transmitting the document in order to make improvements to it before it goes to the BoCC for their adoption on February 1. Mr. Stuart asked Mr. O'Connor to include the DCA information in the transmittal to them for their approval. The amendment cycle will be changed to coincide with the EAR addendum.

Mr. Spikowski made a brief report on the Arnold Committee stating that this committee will be meeting on September 26 and again on October 17. The first two meetings last month they had a series of presentations. The initial sessions are trying to look at things that affect the County land use.

There being no further business,. meeting adjourned at 10:40 a.m.

---

CHAIRMAN

---

DATE

**AGENDA ITEM #4**  
**THIS AGENDA ITEM IS BEING MAILED UNDER SEPARATE COVER FROM THE**  
**COUNTY ATTORNEY'S OFFICE**

LEE COUNTY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2 OF THE LEE COUNTY LAND DEVELOPMENT CODE RELATED TO IMPACT FEES; AND AMENDING THE APPENDIX OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENTS TO SECTION 2-268, BENEFIT DISTRICTS ESTABLISHED (ROADS); SECTION 2-269, TRUST FUNDS; SECTION 2-272, EXEMPTIONS, CREDITS AND DEFERRALS; SECTION 2-312, EXEMPTIONS AND CREDITS; SECTION 2-348, BENEFIT DISTRICTS ESTABLISHED (COMMUNITY PARKS); SECTION 2-352, EXEMPTIONS AND CREDITS; SECTION 2-386, COMPUTATION OF AMOUNT; AMENDING SECTION 2-386 TO REFLECT REVISED FEES FOR PARTICIPATING FIRE DISTRICTS; SECTION 2-388, BENEFITS DISTRICTS ESTABLISHED, ADDING THE BURNT STORE FIRE PROTECTION AREA, CAPTIVA FIRE CONTROL DISTRICT, SANIBEL FIRE CONTROL DISTRICT, AND TICE FIRE & RESCUE DISTRICT TO THE IMPACT FEE PROGRAM; SECTION 2-389, TRUST FUNDS; SECTION 2-392, EXEMPTIONS, CREDITS AND DEFERRALS; PROVIDING FOR A NEW APPENDIX J , THAT PROVIDES DESCRIPTIONS FOR THE DUNBAR ENTERPRISE ZONE, HARLEM HEIGHTS, AND CHARLESTON PARK, AND AMENDS THE DUNBAR ENTERPRISE ZONE BOUNDARIES; PROVIDING FOR CREATION OF NEW APPENDIX K ENTITLED ROAD IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS; PROVIDING FOR CREATION OF A NEW APPENDIX L ENTITLED COMMUNITY PARK IMPACT FEE BENEFIT DISTRICT DESCRIPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, INCLUSION IN THE LAND DEVELOPMENT CODE, SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

# **LEE COUNTY LOCAL HOUSING ASSISTANCE PLAN**

**1996-1999**

**Prepared for Participation in the  
State Housing Initiatives Partnership  
(SHIP)**

***DRAFT***

*Prepared in conjunction with  
the Lee County Affordable Housing Advisory Committee,  
the Lee County Department of Community Development-  
Division of Planning, and  
the Department of Human Services-  
Division of Community Improvement*

**September 21, 1995**

## TABLE OF CONTENTS

	<u>Page</u>
I. PROGRAM DESCRIPTION .....	1
A. Name of Participating Local Jurisdiction .....	1
B. Introduction .....	1
C. State Fiscal Year(s) of the Plan .....	1
D. Public Input in Developing the Plan .....	1
E. Support Services .....	1
II. LOCAL HOUSING PARTNERSHIPS .....	4
A. Description of Efforts Made to Facilitate Local Housing Partnerships .....	4
B. Combining Resources Through the Local Housing Partnership to Reduce Housing Costs .....	5
III. STRATEGIES .....	5
A. Home Ownership .....	5
B. Rental Housing .....	10
IV. TIMELINE FOR EXPENDITURE .....	14
V. AFFORDABILITY .....	15
VI. ADVERTISEMENT AND OUTREACH .....	16
VII. ADMINISTRATIVE EXPENSES .....	16
A. Program Administration .....	16
B. Budget Limitations .....	16
C. Administrative Expenses by State Fiscal Year .....	16
D. Consultants .....	17
VIII. HOUSING DELIVERY GOALS .....	18
IX. CERTIFICATION PAGE .....	21
X. ADDITIONAL REQUIRED INFORMATION .....	23

### TABLES

TABLE 1 -- Housing Providers in Lee County .....	2
TABLE 2 -- Strategies for State Fiscal Years 1996-97, 1997-98, 1998-99 .....	6
TABLE 3 -- Time Line for State Fiscal Year 1996-1999 .....	14
TABLE 4 -- 1995 Income Limites Adjusted to Family Size and Maximum Monthly Payment .....	15
TABLE 5 -- Administrative Expenses Budget for 1996-97, 1997-98, 1998-99 .....	16
TABLE 6 -- FHFA Housing Delivery Goals Chart, Strategies for the LHAP for State FY 1996-97 .....	18
TABLE 7 -- FHFA Housing Delivery Goals Chart, Strategies for the LHAP for State FY 1997-98 .....	19
TABLE 8 -- FHFA Housing Delivery Goals Chart, Strategies for the LHAP for State FY 1998-99 .....	20

**LEE COUNTY  
LOCAL HOUSING ASSISTANCE PROGRAM**

**I. PROGRAM DESCRIPTION**

- A. Name of Participating Local Jurisdiction:** Unincorporated Lee County
- B. Introduction.** The Local Housing Assistance Plan was prepared for the county's participation in the State Housing Initiatives Partnership, or SHIP, program, in compliance with Florida Statute 420.907 and Florida Administrative Code 9I-37. The program is administered by the Lee County Department of Community Development, which also oversees the local government comprehensive plan, zoning, permitting, and environmental resources services. The program provides grants to community housing development organizations and down payment/closing cost assistance to qualified home buyers. The program is overseen by the Lee County Affordable Housing Advisory Committee, which is comprised of members of various professions or fields of interest each with a relevance to affordable housing needs.
- C. State Fiscal Year(s) of the Plan.** The effective period of this program will be for three years from July 1, 1996 to June 30, 1999. It is the intent of Lee County to actively develop its program through an annual review process with annual reports delivered to the Florida Housing Finance Agency by November 15 of each year.
- D. Public Input in Developing the Plan.** The Plan was prepared by the Division of Planning and presented to the Lee County Affordable Housing Advisory Committee on September 28, 1995. Public input was solicited on the Plan through newspaper advertisements and public meetings during September, October, November and December of 1995. The Lee County Consolidated Plan, prepared to meet federal affordable housing planning requirements, complements this document and contains ample backup documentation on the need for affordable housing in Lee County, what programs are currently available, and the county's strategies and priorities for meeting affordable housing needs. The results of the recently held public workshops on the Consolidated Plan were closely followed to coordinate input and needs.
- E. Support Services.** The Local Housing Assistance Program provides technical assistance from qualified housing planners and from private organizations. Along with direct funding for housing, education is an important component of the Program. SHIP funds are used to provide a home ownership training seminar for SHIP applicants. A video and manual are available, along with housing counseling. Table 1 identifies the support providers in Lee County.

**TABLE 1 -- HOUSING PROVIDERS IN LEE COUNTY**

<b>AGENCY</b>	<b>TYPE OF ORG.</b>	<b>NUMBER OF UNITS</b>	<b>TYPE OF HOUSING PRODUCED</b>	<b>POPULATION SERVED</b>
Lee County Housing Development Corporation	CHDO	25+	Single family home ownership in unincorporated Lee County	Very low, low and moderate income first time home buyers
Habitat for Humanity of Southwest Florida, Inc.	CHDO	100+	Single family home ownership in Lee County	Very low income home buyers
Bonita Springs Area Housing Development Corporation	CHDO	8+	Single family home ownership in Bonita Springs area	Very low, low and moderate income first time home buyers
Cape Coral Housing Development Corporation	Non-Profit		Single family home ownership new construction and rehabilitation	Very low, low and moderate income home buyers in Cape Coral municipality
Partnership in Housing, Inc.	CHDO		Rental farm worker housing	Very low income/farm workers
Lee County Economic and Employment Development Corp.	CHDO	3+	Single family home ownership in unincorporated Lee County, economic development	Very low, low and moderate income first time home buyers
Lee County Housing Authority	Housing Authority	319+	Multi-family rental housing in unincorporated Lee County	Low income persons (est. 478), elderly (65 approx.), children (est. 705), persons w/physical disabilities (5), & persons w/mental disabilities (10).
Community Housing Resources, Inc., City of Sanibel	CHDO	41	Single and multi-family rental housing in Sanibel and Lee County	Low income persons ( $\pm$ 100), elderly (5), children (49), persons w/physical disabilities (2), minority families (8).
Dunbar Industrial Action Development	Non-Profit	100	Single family homeownership in City of Fort Myers	Very low, low and moderate income first time home buyers



TABLE 1 -- HOUSING PROVIDERS IN LEE COUNTY				
AGENCY	TYPE OF ORG.	NUMBER OF UNITS	TYPE OF HOUSING PRODUCED	POPULATION SERVED
Lee County Association for Retarded Citizens (LARC)	CHDO	16 beds	Group homes	Persons w/mental disabilities. LARC, Inc. operates two, six bed and one, four bed group living homes. Training is provided. Some clients are considered permanent residents. Others will progress and move into their own apartments with supportive services provided by LARC in their new apartments.
Lutheran Ministries of FL	CHDO	16	Shelter	Runaways and homeless youth 10-17 (average 425 annually).
Fort Myers Rescue Mission	Non-profit	40 beds 120 beds planned	Shelter	Low income persons, elderly groups, abuse victims, and persons w/chemical dependencies.
Ruth Cooper Center for Behavioral Health Care	Non-Profit	40 transitional 32 permanent	Group homes	Low income persons (8,000), elderly groups (500), abuse victims (1,200), children (900), persons w/mental disabilities (6,000), & persons w/chemical dependencies (2,500).
Abuse Counseling & Treatment, Inc. (ACT)	Non-Profit	32 Beds 2 transitional	Shelter	Abuse victims, & new & temporary homeless.
The Salvation Army of Lee County	Non-profit	92	Shelter	Low income persons (8,024), abuse victims (2,407), children (80), persons w/physical disabilities (160), persons with AIDS and their families (360), runaways (40), persons w/mental disabilities (2,407), persons w/chemical dependencies (4,012), & persons w/mental disabilities & physical dependencies (160).
Serenity Center	Non-Profit	29 beds	Shelter/group home	Low income persons, & persons w/chemical dependencies.
City of Fort Myers Community Redevelopment Agency	50	1,165		Low income persons (1,215), elderly groups (300 disabled, handicapped). Eligibility criteria for Section 8 rental assistance is income limits.
Down Syndrome Association of SW FL, Inc.	Non-profit	2	Group home	Low income persons, persons w/mental disabilities, & persons w/mental disabilities and physical dependencies. This is an emerging program. Once expanded, service to others will occur.
AIDS Task Force	Non-profit HRS	4	Group home	Persons with AIDS and their families (8).

## II. LOCAL HOUSING PARTNERSHIPS

- A. Description of Efforts Made to Facilitate Local Housing Partnerships.** The county's affordable housing program involves an active partnership between non-profit affordable housing developers, a local lenders consortium, builders, and first time home buyers. The program was begun in 1991 and involves the creation and capitalization of a revolving trust fund. The following describes the various roles played by the members of the public-private partnership.
- o Lee County. The county provides assistance in acquiring land, either through donation of abandoned properties or acceptance of foreclosures. The county provides funding and program management to the various non-profit organizations. The county provides technical assistance in permitting, project review and resource allocation to the private sector. The county establishes the direction of its efforts in affordable housing by conducting studies and analyzing the degree of need, the inventory of programs available and appropriate allocation of resources.
  - o Community Housing Development Organizations. The sponsors of SHIP projects must be qualified as Community Housing Development Organizations, or CHDO's. The CHDO's specialize in special needs housing or home ownership programs. The special needs CHDO's in Lee County have used SHIP dollars to develop housing for the elderly, retarded, farm workers, and homeless youth. The home ownership CHDO's function like private developers, except they target very low, low, or moderate income first time home buyers. They coordinate volunteers who work on construction of homes and solicit donations to augment funding sources. Hands-on counseling and home ownership training are provided to enable lower income families to obtain good credit and mortgage financing. The CHDO's finance and supervise construction of the units until the time of closing when permanent financing is put in place. The criteria for becoming qualifying as a Community Housing Development Organization are derived from the criteria established under the HOME program, but adapted for use under the SHIP program. Table 1 provides an inventory of the various CHDO's in Lee County:
  - o Construction Industry. Local builders cooperate by building at a fixed rate for two, three and four bedroom homes. Many donate labor and materials for construction of affordable housing. Lee County has worked diligently with the construction industry to greatly reduce permitting time and to expedite affordable housing projects where needed.
  - o Financial Institutions. A consortium of local lenders provides favorable financing terms to the applicants. There are three consortia in Lee County to date, the Lee County Banking Partnership, Bonita Springs Consortium, and the Cape Coral Consortium. These have all been brought about by the

existence of the partnership and the opportunity membership provides in being able to meet Community Reinvestment Act requirements with a sound and active program.

- B. Combining Resources Through the Local Housing Partnership to Reduce Housing Costs.** The home ownership partnerships involve the combination of funds from private lenders with SHIP funds in order to bring down the overall cost of the permanent mortgage. The SHIP funds underwrite the land acquisition, soft costs and infrastructure, which allows for a lower total construction cost that is covered by the first mortgage. This, along with a special program from the Lee County Banking Partnership to waive private mortgage insurance, results in a reduced mortgage payment amount for the home buyer. The Habitat for Humanity partnership allows the organization to purchase land and pay for infrastructure with the SHIP funds, which results in a lower first mortgage to cover the construction materials and subcontractors costs. Volunteer labor is the cornerstone of the program, which reduces overall construction costs. SHIP funds will be used to supplement funds that have already been programmed to match federal HOME and HOPE3 funds and to fill gaps that have been ineligible for federal funds. Other funds include loans from the Rural and Economic Community Development Agency of the U.S. Department of Agriculture, Florida Community Loan Fund (proposed), 203(K) program, and mortgage revenue bonds issued by the Housing Finance Authority of Lee County, Florida.

**III. Strategies.** The 1996-99 SHIP program will enable Lee County to continue to develop and implement several strategies that target specific needs that are identified in the Lee County Consolidated Plan, adopted in August of 1995. The affordable housing priority strategies are summarized in Table 2.

- A. Home Ownership.** Sixty-Five percent (65%) of SHIP funds must be expended on home ownership activities. Four main strategies will be utilized during the 1996-99 SHIP plan duration. These are new construction, down payment/closing cost assistance, impact fee/infrastructure assistance and loan guarantees.

1. New Construction

- a. **Description of Activities.** The county will make funds available to qualified non-profit affordable housing development organizations for the construction of homes. Non-profit participants will be selected according to their qualifications determined by capacity, type of program, and ability to meet SHIP requirements. In qualifying non-profit affordable housing providers, the format used in the federal HOME program (modified to meet SHIP needs) for Community Housing Development Organizations (CHDO) will be used. The revolving funds are used to pay the costs of pre-development, site preparation, infrastructure, land acquisition costs, permitting fees (impact fees

**Table 2 - Strategies for State Fiscal Years 1996-97, 1997-98, 1998-99**

<b>Description of Activities</b>	<b>Income Category for Program Eligibility</b>	<b>Selection Criteria</b>	<b>Recapture Provisions</b>	<b>Other Funds Leveraged</b>
Home ownership New Construction	Very Low, Low and Moderate income per HUD guidelines adjusted for family size	CHDO sponsors only, selected by competitive proposal	Deferred, Non-amortizing Second Mortgage	State and federal HOME, HOPE3, private capital, CDBG, misc. Grants, RECD Section 502
Home ownership Down Payment/Closing Cost Assistance	Very Low, Low and Moderate income per HUD guidelines adjusted for family size	Direct Assistance Waiting List- First Come First Serve; Fund Reserves for Financial Institutions	Deferred Non-amortizing Second Mortgage	Private capital, RECD Section 502, 514
Home ownership Loan Guarantees	Very Low, Low and Moderate income per HUD guidelines adjusted for family size	Direct Assistance Waiting List- First Come First Serve	Amortizing Second Mortgage, term of guarantee	Private capital, Section 502
Home ownership Impact Fee/Infrastructure Assistance	Very Low, Low and Moderate income per HUD guidelines adjusted for family size	Direct Assistance Waiting List- First Come First Serve	Deferred Non-amortizing Second Mortgage	Private capital, Section 502
Home ownership Rehabilitation	Very Low, Low and Moderate income per HUD Guidelines adjusted for family size	Government agency or CHDO sponsors, selected by competitive proposal for grants Private sector may apply for low interest loans	No recapture for grants; repayment program for loans	
Rental Construction-New	Very Low and Low income per HUD guidelines adjusted for family size	CHDO sponsors only, selected by competitive proposal For profit developers (loans only)	No recapture for grants; repayment program for loans	State and federal funds, private capital
Rental Construction-Rehabilitation	Very Low and Low income per HUD guidelines adjusted for family size	Government agency or CHDO sponsors, selected by competitive proposal for grants For profit developers (loans only)	No recapture for grants; repayment program for loans	State and federal funds, private capital

Description of Activities	Income Category for Program Eligibility	Selection Criteria	Recapture Provisions	Other Funds Leveraged
Special Needs	Very Low and Low income per HUD guidelines adjusted for family size	CHDO sponsors only, selected by competitive proposal	No repayment for grants; repayment program for loans	Federal and state programs, private fund raising
Home buyer Education and Counseling	Very Low, Low and Moderate income per HUD guidelines adjusted for family size	Intermediary provider(s) selected by competitive proposal	No recapture.	In-kind services.

are waived in enterprise zones), construction, down payment assistance and other miscellaneous costs. The cost of the home to the home buyer is transferred through a first mortgage, which is held by a lending institution, and the property is transferred to the new owner fee simple, at the completion of construction. A second or third deferred payment mortgage is placed on the property for the subsidy amount, which varies according to the actual costs of the project. The Plan limits the amount of SHIP funds that can be expended on any one unit to \$25,000 plus \$2,500 for down payment/closing cost assistance. Non-profit sponsors may apply on behalf of more than one applicant.

The non-profit sponsors will be leveraging SHIP dollars with private funds derived from mortgages from lenders as well as sweat equity from the home. All components of the program will be closely monitored to ensure that the benefits accrue directly to the home buyer/owner.

- b. State fiscal year. 1996-99
- c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
- d. Selection criteria for eligible households and/or eligible sponsors. Non-profit sponsors compete for SHIP funding on an annual basis. Successful sponsors maintain waiting lists of qualified applicants. Households are selected based on income eligibility and a willingness to comply with program requirements, which include completion of a home ownership training course.

- e. Recapture provisions. SHIP funds used in the home ownership construction strategy are subject to a second (or third) mortgage on the property in the amount of the subsidy. The mortgage is zero interest, deferred payment, non-amortizing. It is forgiven in 15 years if the owner maintains the home as a principal residence. Upon the transfer of the property before 15 years, the entire amount of the mortgage is due and payable to the SHIP trust fund. If the new buyer is eligible for the program, the mortgage may be assumed so long as all other SHIP requirements are met.
  - f. Other funds leveraged. Every effort will be made to leverage public dollars to the maximum extent possible in the program. The home ownership construction strategy encourages the use of private capital, HOME, HOPE, and other available programs. Private donations and "sweat equity" are also important in the home ownership construction strategy.
2. Down Payment/Closing Cost Assistance
- a. Description of activities. Funds are provided to first time home buyers in a direct assistance program. An amount of up to \$2,500 may be provided for down payment and closing costs. The program is advertised when funds are available and a waiting list is kept on a first come-first serve basis. Lenders submit the initial application and funds are disbursed at closing.
  - b. State fiscal year. 1996-99
  - c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
  - d. Selection criteria for eligible households and/or eligible sponsors. Down Payment/Closing Cost funds are made available directly under the waiting list program, or as a set aside for lending institutions such as finance authorities or Rural Economic Community Development. These sponsors utilize qualifying procedures and waiting lists for income eligible applicants. Sponsors must apply for a set aside in a competitive process.
  - e. Recapture provisions. A second mortgage for the funds is placed on the property. The mortgage has a term of fifteen years with no interest. It is non-amortizing, deferred payment. The mortgage is forgiven after fifteen years if the buyer has continued to occupy the home as the principal residence. If the property is transferred, sold, or no longer houses the buyer before 15 years

elapses, the full amount of the mortgage is due. The mortgagee is the Lee County Board of Commissioners SHIP Trust Fund.

- f. Other funds leveraged. This strategy is leveraged primarily with private lending sources, as well as with funds from the Rural and Economic Community Development program (Sect. 502) and housing finance authority funds.

3. Impact Fee/Infrastructure Assistance

- a. Description of activities. Impact Fee/Infrastructure assistance is provided for those first time home buyers who can manage regular closing costs but lack funds for payment of impact fees or infrastructure connection fees. Direct assistance will be provided in an application system on a first come first serve basis. The program will provide a rebate of fees paid at closing, which will be used to augment the down payment, thus reducing the overall cost of the mortgage financing.
- b. State fiscal year. 1996-99.
- c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
- d. Selection criteria for eligible households and/or eligible sponsors. The program will be advertised when funds are available and will function on a waiting list basis for income eligible households.
- e. Recapture provisions. A second mortgage for the funds is placed on the property. The mortgage has a term of fifteen years with no interest. It is non-amortizing, deferred payment. The mortgage is forgiven after fifteen years if the buyer has continued to occupy the home as the principal residence. If the property is transferred, sold, or no longer houses the buyer before 15 years elapses, the full amount of the mortgage is due. The mortgagee is the Lee County Board of Commissioners SHIP Trust Fund.
- f. Other funds leveraged. Private lending sources will be the primary blend for SHIP funds under this program.

#### 4. Loan Guarantees

- a. Description of activities. This new program will provide loan guarantees for home mortgages made by private lending institutions. The amount of the guarantee is for up to fifty percent of the mortgage amount, which is secured by a special fund set up under the SHIP program. The guarantee is diminished as the mortgage is amortized by the loan payments.
- b. State fiscal year. 1996-99.
- c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
- d. Selection criteria for eligible households and/or eligible sponsors, Guarantees will be issued on a first come first serve basis. Availability of funds will be advertised in a newspaper of local circulation. Sponsors, such as lending institutions may apply at that time for a set aside of the funds. Selection of sponsors will be on a competitive basis.
- e. Recapture provisions.
- f. Other funds leveraged. Private funds will be the main source of capital for this program.

#### B. Rental Housing.

##### 1. Construction/Rehabilitation

- a. Description of activities. Eligible activities include construction and rehabilitation of rental housing that is available to eligible persons. New construction, permitting, pre-development costs, minor and major rehabilitation, weatherization, code compliance, emergency repairs, accessibility for disabled persons, and conversions are approved activities. For land acquisition, the project must be completed within 24 months of funding. Land or building acquisition is an eligible activity for qualified community housing development organizations only and deed restrictions will apply.
- b. State fiscal year. 1996-99



- c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
- d. Selection criteria for eligible households and/or eligible sponsors. SHIP funds are available to government agencies, private for- and non-profit entities on a competitive basis. Sponsors will maintain waiting lists on a first come first serve basis for qualified recipients. Funds will be available in the form of grants, loans, and loan guarantees to qualified community housing development organizations. For profit entities may apply for loans and loan guarantees for qualified projects for up to 50 percent of project costs providing all occupants are income eligible and the amount of SHIP funds used per project do not exceed the allowable limit under the program.
- e. Recapture provisions. SHIP funds will be granted to non-profit sponsors with no recapture provisions for rental projects. All rental housing must be rented at affordable rates (defined) to qualified occupants for a period of fifteen years. An annual report of tenants and income certification is required. Recapture provisions for rehabilitation or construction loans made to for profit entities shall be two percent below prime interest rate and for a term of one to fifteen years.
- f. Other funds leveraged. All sources of public and private funds may be combined with SHIP funds for rental projects.

## 2. Special Needs

- a. Description of activities. Development of special needs housing is an eligible activity and is considered as rental housing construction or rehabilitation. Eligible activities include the construction or rehabilitation of housing for persons who have special housing needs, as defined by Florida Administrative Code Chapter 9I-37.002(28). These include, but are not necessarily limited to persons with developmental disabilities, persons with mental illness/substance abuse, persons with AIDS and HIV disease, farm workers, and elderly. New construction, land acquisition, permitting, pre-development, minor or major rehabilitation, weatherization, code compliance, emergency repairs, accessibility for disable persons, and conversions are eligible activities. For land acquisition, the project must be completed within 24 months of funding. Land or building acquisition is an eligible activity for qualified community housing development organizations only and deed restrictions will

apply. Special needs housing facilities are not restricted as to geographic location but may be located anywhere within Lee County.

- b. State fiscal year. 1996-99
  - c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
  - d. Selection criteria for eligible households and/or eligible sponsors. Community housing development organizations or other non-profit special needs housing providers compete for SHIP funds. Beneficiaries who are income eligible are served by the sponsoring organization according to their criteria for selection.
  - e. Recapture provisions. Funds provided to non-profit sponsors are grants and there is no recapture. The housing must remain affordable and as a rental for income eligible beneficiaries for a period of fifteen years.
  - f. Other funds leveraged. Special needs housing may be built with a variety of funds including private, federal and state sources.
3. Home ownership Counseling and Education
- a. Description of Activities. Funds will be available for providing home ownership training and counseling for first time home buyers who are utilizing SHIP funds under any of the home ownership strategies. This course is mandatory for all beneficiaries of the home ownership program. The training includes a video, seminar, and workbook covering the subjects of financing, family budgeting, home maintenance and credit/mortgage counseling. Persons completing the course will be given a certificate.
  - b. State Fiscal Year. 1996-99
  - c. Income category proposed to be served. Very low, low and moderate households as defined by HUD are eligible although 30% of all units constructed or rehabilitated with SHIP funds will be reserved for very low income households and an additional 30% of units will be reserved for low income. See Table 2.
  - d. Selection criteria for eligible households or sponsors. The program will be available to all potential SHIP beneficiaries. The program will be administered

by a private entity upon solicitations of proposals and notice of availability of funds. The program will be awarded on a competitive basis.

- e. Recapture provisions. None. The program is administered on a cost basis.
- f. Other funds leveraged. In-kind services.

**(Draft)**

**Local Government: Lee County**

[illegible]

Type in the applicable years across the top line. List Activities down left hand side. Type in an "X" on applicable activity line under month and year the activity will be initiated and/or completed. If a beginning date and an ending date is provided for an activity, shade or mark "X's" between dates.  
At a minimum the following activities should be included:

- 14-

## V. AFFORDABILITY

Housing produced by the SHIP program must be available to persons or households who meet established income criteria. The income criteria utilized by the Lee County SHIP program are provided by U.S. HUD and are based on a percentage of the area median income, adjusted for family size. The most recent income guidelines provided by HUD are provided in Table xxx. These guidelines update on an annual basis. Under the SHIP program, a minimum 30% of all units must be occupied by Very Low Income persons and an additional 30% of the units must be occupied by Low Income persons. Very Low Income is defined as "gross household income less than 50% of the area median income," Low Income is defined as "gross household income 50% to 80% of the area median income, and Moderate income as "80% to 120% of the area median income." Income eligibility and maximum affordable housing cost is shown by Table 4.

In order for a housing unit to be considered affordable to Very Low, Low or Moderate income households, for owner occupied units, the principal, interest, insurance and taxes must not exceed 30% of the area median income adjusted for family size. For renter occupied units, the rent plus utilities must not exceed 30% of the area median income adjusted for family size. Table xxx provides current affordability limits in Lee County. Rental rates of units adjusted to bedroom size cannot exceed amounts provided by the Florida Housing Finance Agency.

**Table 4 -- 1995 Income Limits Adjusted to Family Size and Maximum Monthly Payment**

% of Median Income	Number of Persons in Household							
	1	2	3	4	5	6	7	8
50%	13,150	15,000	16,850	18,750	20,250	21,750	23,250	24,750
Maximum Payment	\$328.75	\$375.00	\$421.25	\$468.75	\$506.25	\$543.75	\$581.25	\$618.75
80%	21,000	24,000	27,000	30,000	32,400	34,800	37,200	39,600
Maximum Payment	\$525	\$600	\$675.00	\$750	\$810	\$870.00	\$930	\$990
120%	31,560	36,000	40,440	45,000	48,600	52,200	55,800	59,400
Maximum Payment	\$789	\$900	\$1,010	\$1,125	\$1,215	\$1,305	\$1,395	\$1,485

MSA: Fort Myers-Cape Coral  
FY 1995 Median Family Income: \$37,500

These income guidelines are updated periodically by the U.S. Department of Housing and Urban Development (HUD). This table indicates income eligibility for the SHIP program and the maximum amount SHIP beneficiaries may pay for monthly mortgage payments (including principal, interest, taxes and insurance) or rent.

## VI. ADVERTISEMENT AND OUTREACH

The SHIP program is publicized by media announcements, flyers, and word of mouth. A waiting list is maintained that is updated as applicants complete the various components of the program including the home ownership training course, saving for down payment, qualifying for a mortgage through achieving an acceptable credit record.

## VII. ADMINISTRATIVE EXPENSES

- A. **Program Administration.** The Lee County Department of Community Development will be responsible for the administration of the SHIP program. The functions of the administrator will be the execution of the Local Housing Assistance Plan, including preparation of plan, formation of administrative guidelines and policies, advertisement of funds availability, review of proposals and fiscal management of funds disbursement according to SHIP and county regulations. Annual compliance procedures and reports will be conducted by the Department. The Department will rely on the recommendations of the Affordable Housing Advisory Committee, a twelve member committee of interested citizens including a Board of Commissioner and member of the Lee County School District Board. Final decisions will be made by the Lee County Board of Commissioners. The Department, with the assistance of the Committee, will continue to implement the Lee County Affordable Housing Incentive Plan, and will carry out other programs related to housing affordability, accessibility and development policies.
- B. **Budget Limitations.** The administration of the SHIP program will utilize no more than ten percent of the overall SHIP budget per fiscal year. A finding has been made that five percent of SHIP funds is insufficient to carry out the administration and compliance of the program.
- C. **Administrative Expenses by State Fiscal Year.** Table 5 provides the administrative expenses budget for each state fiscal year.

Table 5 -- Administrative Expenses Budget 1996-97, 1997-98, 1998-99	
Expense	Amount
Personnel	128,815
Advertising	2,500
Training	1,000
Postage	1,000
Printing	1,000
Equipment	1,000
Supplies	500
Total	135,815

- D. Consultants.** At the time of plan preparation, direct consulting services will not be used in the administration of the SHIP program, except as provided in the strategies. The Home ownership Education strategy will require the use of a sub-contractor to carry out the duties and responsibilities of that activity. The sub-contractor will be selected on a competitive basis.

# VIII. HOUSING DELIVERY GOALS

## TABLE 6 -- FLORIDA HOUSING FINANCE AGENCY

### HOUSING DELIVERY GOALS CHART

STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 1996-1997

Please check applicable box, & if Amendment, enter number

New Plan:	96-99	X
Amendment:	#	
Fiscal yYr. Closeout:	96-97	

Name of Local Government: Lee County Unincorporated

Annual Allocation Amount: \$1,358,155

								A	B	C	D	E
HOME OWNERSHIP STRATEGIES	Household by Income and Maximum SHIP Awards							New Construction	Rehab/Repair	Without Construction	TOTAL	TOTAL
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award	Total Units	SHIP Dollars	SHIP Dollars	SHIP Dollars	SHIP Dollars	Percentage
Homeownership Construction	7	25,000	7	25,000	8	25,000	22	557,800			557,800	41%
Down Payment/Closing Cost Assistance	24	2,500	24	2,500	32	2,500	80	150,000		50,000	200,000	15%
Loan Guarantees		2,500		2,500		2,500						
Impact Fee/Infrastructure Assistance	3	2,500	4	2,500	3	2,500	10	25,000			25,000	2%
Homeowner Rehabilitation	2	25,000	2	25,000		25,000	4		100,000		100,000	7%
Subtotal 1 (Home Ownership)	36		37		43		116	\$732,800	\$100,000	\$50,000	\$882,800	65%
	Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation Amount.											
RENTAL STRATEGIES	Household by Income and Maximum SHIP Awards							New Construction	Rehab/Repair	Without Construction	TOTAL	TOTAL
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award	Total Units	SHIP Dollars	SHIP Dollars	SHIP Dollars	SHIP Dollars	Percentage
Rental Construction/New		25,000	2	25,000		25,000	2	50,000			50,000	4%
Rental Construction	2	25,000		25,000		25,000	2	50,000			50,000	4%
Special Needs Construction	4	25,000	4	25,000		25,000	8	214,540			214,540	16%
Subtotal 2 (Non-Home Ownership)	6		6		0		12	\$314,540	\$	\$	\$314,540	23%
Administration Fees	(Administration fees may not exceed 10% of Annual Allocation)										\$135,815	10%
Home Ownership Counseling											\$25,000	2%
GRAND TOTAL	42		43		43		128	\$1,047,340	\$100,000	\$50,000	\$1,358,155	100%
Add Subtotals 1 & 2, plus Admin. Fees & Home Ownership Counseling												
Percentage Of Total Households Served:	Units Very Low		Units Low		Units Mod.		Total Units					
	33%		34%		34%		100%					
Percentage Construction/Rehab	(75%+): Calculate Constr./Rehab. Percent by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.										84%	
Maximum Allowable Purchase Price:								New	\$121,536	Existing	\$102,242	

(Draft)



(Draft)

# TABLE 7 -- FLORIDA HOUSING FINANCE AGENCY HOUSING DELIVERY GOALS CHART

STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 1997-1998

Please check applicable box, &amp; if Amendment, enter number

New Plan:	96-99	<input checked="" type="checkbox"/>
Amendment:	#	
Fiscal yYr. Closeout:	97-98	

Name of Local Government: Lee County Unincorporated

Annual Allocation Amount: \$1,358,155

HOME OWNERSHIP STRATEGIES	Household by Income and Maximum SHIP Awards						New Construction	Rehab/Repair	Without Construction	TOTAL	TOTAL	
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award						
Homeownership Construction	7	25,000	7	25,000	8	25,000	22	557,800			557,800	41%
Down Payment/Closing Cost Assistance	21	2,500	21	2,500	28	2,500	70	100,000		50,000	150,000	11%
Loan Guarantees	3	2,500	4	2,500	3	2,500	10	25,000	25,000		50,000	4%
Impact Fee/Infrastructure Assistance	3	2,500	4	2,500	3	2,500	10	25,000			25,000	2%
Homeowner Rehabilitation	2	25,000	2	25,000		25,000	4		100,000		100,000	7%
Subtotal 1 (Home Ownership)	36		38		42		116	\$707,800	\$125,000	\$50,000	\$882,800	65%
Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation Amount.												
RENTAL STRATEGIES	Household by Income and Maximum SHIP Awards						New Construction	Rehab/Repair	Without Construction	TOTAL	TOTAL	
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award						
Rental Construction/New		25,000	2	25,000		25,000	2	50,000			50,000	4%
Rental Construction	2	25,000		25,000		25,000	2	50,000			50,000	4%
Special Needs Construction	4	25,000	4	25,000		25,000	8	214,540			214,540	16%
Subtotal 2 (Non-Home Ownership)	6		6		0		12	\$314,540	\$	\$	\$314,540	23%
Administration Fees	(Administration fees may not exceed 10% of Annual Allocation)										\$135,815	10%
Home Ownership Counseling											\$25,000	2%
GRAND TOTAL	42		44		42		128	\$1,022,340	\$125,000	\$50,000	\$1,358,155	100%
Add Subtotals 1 & 2, plus Admin. Fees & Home Ownership Counseling												
Percentage Of Total Households Served:	Units Very Low		Units Low		Units Mod.		Total Units					
	33%		34%		33%		100%					
Percentage Construction/Rehab	(75%+): Calculate Constr./Rehab. Percent by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.										84%	
Maximum Allowable Purchase Price:								New	\$121,536	Existing	\$102,242	

(Draft)

## TABLE 8 -- FLORIDA HOUSING FINANCE AGENCY

## HOUSING DELIVERY GOALS CHART

STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 1998-1999

Please check applicable box, &amp; if Amendment, enter number

New Plan:	96-99	<input checked="" type="checkbox"/>
Amendment:	#	
Fiscal yYr. Closeout:	98-99	

Name of Local Government: Lee County Unincorporated

Annual Allocation Amount: \$1,358,155

HOME OWNERSHIP STRATEGIES	Household by Income and Maximum SHIP Awards							A	B	C	D	E
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award	Total Units	New Construction: SHIP Dollars	Rehab/Repair: SHIP Dollars	Without Construction: SHIP Dollars	TOTAL: SHIP Dollars	TOTAL: Percentage
	Homeownership Construction	7	25,000	7	25,000	8	25,000	22	557,800			557,800
Down Payment/Closing Cost Assistance	21	2,500	21	2,500	28	2,500	70	100,000		50,000	150,000	11%
Loan Guarantees	3	2,500	4	2,500	3	2,500	10	25,000	25,000		50,000	4%
Impact Fee/Infrastructure Assistance	3	2,500	4	2,500	3	2,500	10	25,000			25,000	2%
Homeowner Rehabilitation	2	25,000	2	25,000		25,000	4		100,000		100,000	7%
Subtotal 1 (Home Ownership)	36		38		42		116	\$707,800	\$125,000	\$50,000	\$882,800	65%
Note: The Home Ownership Percentage designated in Subtotal 1, Column E, must be at least 65% of the Annual Allocation Amount.												
RENTAL STRATEGIES	Household by Income and Maximum SHIP Awards							A	B	C	D	E
	Units Very Low	Maximum SHIP Award	Units Low	Maximum SHIP Award	Units Mod	Maximum SHIP Award	Total Units	New Construction: SHIP Dollars	Rehab/Repair: SHIP Dollars	Without Construction: SHIP Dollars	TOTAL: SHIP Dollars	TOTAL: Percentage
	Rental Construction/New		25,000	2	25,000		25,000	2	50,000			50,000
Rental Construction	2	25,000		25,000		25,000	2	50,000			50,000	4%
Special Needs Construction	4	25,000	4	25,000		25,000	8	214,540			214,540	16%
Subtotal 2 (Non-Home Ownership)	6		6		0		12	\$314,540	\$	\$	\$314,540	23%
Administration Fees	(Administration fees may not exceed 10% of Annual Allocation)										\$135,815	10%
Home Ownership Counseling											\$25,000	2%
GRAND TOTAL	42		44		42		128	\$1,022,340	\$125,000	\$50,000	\$1,358,155	100%
Add Subtotals 1 & 2, plus Admin. Fees & Home Ownership Counseling												
Percentage Of Total Households Served:	Units Very Low		Units Low		Units Mod.		Total Units					
	33%		34%		33%		100%					
Percentage Construction/Rehab	(75%+): Calculate Constr./Rehab. Percent by adding Grand Total Columns A&B, then divide by Annual Allocation Amt.										84%	
Maximum Allowable Purchase Price:								New	\$121,536	Existing	\$102,242	

## **IX. CERTIFICATION PAGE**

### **CERTIFICATION TO FLORIDA HOUSING FINANCE AGENCY**

#### **Local Government: Lee County (unincorporated)**

- (1) The local government will advertise the availability of SHIP funds pursuant to Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, color, age, sex, familial status, handicap, religion, or national origin.
- (3) A process for selection of recipients for funds has been developed.
- (4) The eligible municipality or county has developed a qualification system for applications for awards.
- (5) Recipients of funds will be required to contractually commit to program guidelines.
- (6) The Florida Housing Finance Agency will be notified promptly if the local government will be unable to comply with the provisions of the plan.
- (7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds within 24 months following the end of the State fiscal year in which they are received.
- (8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan.
- (9) Amendments to the Local Housing Assistance Plan shall be provided to the Agency within 21 days after adoption.
- (10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities such as interest earned on loans.
- (11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be forwarded to the Agency as soon as available.

- (13) An interlocal entity shall have its local housing assistance trust fund separately audited for each state fiscal year, and the audit forwarded to the Agency as soon as possible.
- (14) SHIP funds will not be pledged for debt service on bonds or as rent subsidies.
- (15) Developers receiving assistance from both SHIP and the Low Income Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements. Similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.
- (16) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to service eligible persons.
- (17) Rental units constructed or rehabilitated with SHIP funds shall be monitored at least annually for 15 years for compliance with tenant income requirements and affordability requirements.

---

Witness

---

Chief Elected Official

---

Witness

---

(Type) Name and Title

APPROVED AS TO FORM

---

Office of County Attorney

## **IX. ADDITIONAL REQUIRED INFORMATION**

### **A. Original signed and witnessed Resolution adopting the Plan which includes:**

1. a statement of the average cost per unit and the maximum cost per unit for eligible housing benefiting from a SHIP award;
2. a statement of the average SHIP funds and the maximum SHIP funds allowable for each strategy;
3. a finding that five percent of the Local Housing Distribution is insufficient to adequately pay the administrative costs of the SHIP program, and a provision increasing administrative expenses to not more than ten percent.

*h:ship\96\happ96*

## LEE COUNTY RESPONSE TO DCA DRAFT SUFFICIENCY REPORT

The attached report is Lee County's response to DCA's draft sufficiency report. The format of the response duplicates each of DCA's draft sufficiency issues, followed by either the County's comments or recommended action to satisfy the issue. Issues relating to the sufficiency of Lee Plan policies were omitted from the response. This was done as a simple means to reduce the number of issues. Lee County contends that only goals and objectives need to be evaluated by the EAR. Comments which did not have specific sufficiency issues were also omitted. In effect, the response indicates the County's proposed work program for the development and completion of an EAR addendum that, hopefully, will satisfy all of the DCA's sufficiency concerns.

### *A. Affordable Housing*

*The EAR does not sufficiently evaluate the existing supply of housing units, the projected future need for adequate and affordable housing units to meet the needs of the population and the adequacy of the objectives and policies in meeting these needs. These insufficiencies may be adequately resolved by addressing the following:*

### **SUFFICIENCY ISSUES**

#### *I. Summary of the data and analysis from the element in the adopted plan (Rule 9J-5.0053(6)(a)1.)*

*1. Sufficiency Issue: The EAR does not include a summary of the housing data and analysis from the adopted plan.*

*Recommended Action: Provide a summary of the housing data and analysis from the adopted plan. The summary should include such items as, the number of units, standard and substandard units, renter-occupied subsidized units, group homes, mobile homes, historic units, housing characteristics and construction activity identified in the adopted plan. The analysis summary should include projected households, housing needs, land development requirements, private sector involvement, and housing delivery process as identified in the adopted plan.*

The following data is provided as a summary of the housing data and analysis from the adopted plan:

Number of Dwelling Units, 1980 (Table I.1.A)

Number of Substandard Units, 1980 (Table I.1.B)

Number of Renter Occupied State, Federal or Locally Subsidized Units in Unincorporated Lee County. 1987 (Table I.1.C)

Summary of Licensed Group Homes by Type and Capacity, 1987 (Table I.1.D)

Number of Mobile Homes, 1980 (Table I.1.E)

Number of Historic Units 1987 (Table I.1.F)

### Housing Characteristics:

Age of Housing by Date Built 1980 (Table I.1.G)

Number of Bedrooms 1980 (Table I.1.H)

Vacancy Rates 1980 (Table I.1.I)

Tenure Characteristics 1980 (Table I.1.J)

Unit Value of Owner Occupied Housing 1980 (Table I.1.K)

Monthly Cost of Owner Occupied Housing 1980 (Table I.1.L)

Household Income by Selected Monthly Cost as Percentage of Income 1980 (Table I.1.M)

Gross Rent 1980 (Table I.1.N)

Rent to Income Ratio 1980 (Table I.1.O)

### Analysis Summary

Projected Households 1987 (Table I.1.P)

Summary of Persons Per Household, Total Dwelling Units by Type, Projections 1980-2010 for Unincorporated Lee County (Table I.1.Q)

Housing Needs (Narrative)

Land Development Requirements (Narrative)

Private Sector Involvement (Narrative)

Housing Delivery Process as Identified in the Adopted Plan (Narrative)

**Table I.1.A Number of Dwelling Units 1970-1990**

Area	1990	1980	1970
Unincorporated Lee	126755	74244	33342
Cape Coral	34486	15942	
Fort Myers	21388	16336	10169
Sanibel	6422	4491	
Total	189051	111,013	43,511
Source: U.S. Census 1970, 1980, 1990			

**Table I.1.B Number of Sub-Standard Units 1980**

Area	Without Complete Bathroom	Year round without complete kitchen	Year round without a source of heat	Occupied year round over crowded (1.01 persons or more per room)	Year round without septic tank or access to public sewer
Lee	1320	1512	1976	3138	1328

Cape Coral	28	77	12	149	7
Fort Myers	422	577	623	1090	117
Sanibel	41	18	7	34	not available
Source: U.S. Census 1980					

**Table I.1.C Number Renter Occupied State, Federal or Locally subsidized units Unincorporated Lee County: 1987**

Type	Location	Capacity	Occupancy
Section 8 New Cons.	Horizon Apartments	36/180	Low Income
Section 8 New Cons.	Brookside Village	50	Low Income
Section 8 New Cons.	Cypress Court	68	Low Income
Section 236	Royal Manor Apts.	120	Low Income
Section 221-d-3 Section 8 New Cons.	Sabal Palm Apts.	200	Low Income
Section 221-d-3 Section 8 New Cons.	Jones Walker	80	Low Income
Section 202 Section 8	Sunshine Villas I	216	Elderly/Handicapped
Section 236	Sunshine Villas II	80	Elderly/Low Income
Section 515	Sunshine Villas III	72	Elderly
Section 202/8	Palm City Gardens	100	Elderly/Handicapped
Section 202/8	Presbyterian Apts	180	Elderly/Handicapped

**Table I.1.D Summary of Licensed Group Homes by Type and Capacity : 1987**

Type	Capacity
Adult Congregate Living Facilities	783
Adult Foster Homes	16
Independent Living Facilities	8
Developmental Services Long Term Residential Care Facilities	87
Developmental Services Residential Habilitation Centers	49



**Table I.1.E Summary of Mobile Homes and Recreational Vehicle Spaces  
Unincorporated Lee County 1980, 1986**

1986 Mobile Homes	16,346
1986 Recreational Vehicle Spaces	10,906
1980 Mobile Homes (Census)	18,105
1990 Mobile Homes (Census)	31,102
1995 Mobile Homes (Property Appraiser- countywide)	36,425

**Table I.1.F Number of Historic Units, 1987**

Florida Master Site File	Built prior to 1940 in Property Appraiser Data Base
800 structures	1,900

### Housing Characteristics

**Table I.1.G Age of Housing By Date Built, 1990 Census**

Area	1979-80	1975-78	1970-74	1960-69	1950-59	1940-49	1939-earlier
Lee Total	12,119	24,505	28,780	26,373	9,807	2,857	4,192
Uninc.	8,368	17,107	20,042	17,014	6,370	1,556	2,025
Cape Coral	2,763	4,365	3,666	4,469	348	7	28
Fort Myers	545	1,516	3,296	4,445	2,960	1,265	2,066
Sanibel	443	1,517	1,776	445	129	29	129

**Table I.1.H Number of Bedrooms, 1980**

Area	1	2	3-4	5+	Mobile Homes	Total
Uninc. Lee	38285	3712	2384	9968	18097	72416
Cape Coral	11303	1095	866	5264	625	15646
Fort Myers	8253	1095	866	5264	625	16103
Sanibel	1717	212	67	2211	261	4468

**Table I.1.I Vacancy Rates, 1980**

Total vacancy of 6,321 units	8.51%
------------------------------	-------

<b>Table I.1.J Tenure Characteristics, 1980</b>					
Area	Owner Occupied	Renter Occupied	Held for Occ. Use	Other Vacancy	Seasonal or Migratory
Uninc. Lee	42927	10685	12474	6328	1873
Cape Coral	10148	2811	1021	1641	314
Fort Myers	6998	7415	519	1146	258
Sanibel	1144	381	1084	1876	6

<b>Table I.1.K Unit Value of Owner Occupied Housing, 1980</b>				
Value Range	Uninc.. Lee	Cape Coral	Sanibel	Fort Myers
< \$10,000	340	4	-	152
10-14,999	478	4	2	241
15-19,999	756	18	1	302
20-24,999	1257	40	5	441
25-29,999	1523	82	2	517
30-34,999	2004	198	1	645
35-39,999	2121	283	9	688
40-49,999	4506	1082	23	1047
50-59,999	3685	1571	23	590
60-79,999	4902	2758	122	539
80-99,999	1986	1347	146	171
100-149,999	1594	867	244	148
150-199,999	438	121	135	52
200,000 +	342	33	66	47
Total	25932	8408	799	5580
Median Value	52200	65700	109800	38600

**Table I.1.L Monthly Cost of Owner Occupied Housing, 1980**

With Mortgage	Uninc. Lee	Cape Coral	Fort Myers	Sanibel
< \$100	254	34	20	-
100-199	2171	263	737	-
200-299	4061	995	1058	25
300-399	3543	1259	860	116
400-599	3787	1798	552	162
600+	1573	631	146	144
Total	12032	8341	3373	447
Median	399	395	286	534
Not Mortgaged	Uninc.. Lee	Cape Coral	Fort Myers	Sanibel
< \$100	5538	722	1196	16
100-199	4418	2444	887	215
200+	445	195	112	105
Total	10401	3361	2195	336
Median	105	127	95	179

**Table I.1.M Household Income by Selected Monthly Cost as Percentage of Income, 1980**

Income Range	Uninc.. Lee	Cape Coral	Fort Myers	Sanibel
\$10,000	6,604	1,769	1,692	-
0-14%	1,716	190	368	-
15-24%	1,697	521	369	-
25-29%	461	118	97	-
30% +	2,414	816	673	-
Not Computed	316	124	185	-
Median	-	29.7	25.9	-
\$10,000-\$19,999	8846	2772	1670	
0-14%	3981	1148	711	
15-24%	2335	766	526	
25-29%	876	235	171	

30% +	1654	623	262	
Not Computed				
Median		18.3	17.3	
\$20,000 +	10344	3800	2206	
0-14%	6049	2043	1554	
15-24%	3220	1150	547	
25-29%	553	352	93	
Not Computed				
Median		14.1	10.4	

Table I.1.N Gross Rent, 1980											
Area	<\$80	80-99	100-149	150-199	200-249	250-299	300-349	350-399	400	No cash rent	Median
Lee	578	395	1767	2102	2740	3809	3266	1936	2779	1462	278
Cape Coral	0	7	20	107	230	400	410	447	1039	80	367
Fort Myers	40	319	1102	983	918	1550	1159	430	147	267	238
San.	0	0	0	0	32	15	49	53	139	93	395

### Summary from Adopted Plan

Table I.1.O Rent to Income Ratio, 1980		
Number of unincorporated Lee County households earning less than \$10,000 per year: 8,735 Total	Number who are paying 25-34% of income on rent	Number who are paying 35% or more of income on rent
8,735	1,319	5,149
Number of unincorporated Lee County households earning between \$10,000 and \$19,999 per year: Total 7,793	2,614	1,188
Number of unincorporated Lee County households earning \$20,000 or more per year: Total 4,306	323	46

### Analysis Summary from Adopted Plan

<b>Table I.1.P Population Growth Projections Summary from 1989 Plan 1980-2010</b>					
Area	1980	1987	1992	2000	2010
Uninc. Lee	136610	196101	248082	346438	413498
Cape Coral	41390	50658	67615	88487	103512
Fort Myers	56684	42044	50249	51116	51029
Sanibel	5753	4911	6268	8659	10661
Total	240437	293714	372214	494700	578700

<b>Table I.1.Q Summary of Persons Per Household, Total Dwelling Units by Type, Projections 1980-2010 for Unincorporated Lee County</b>					
	1980	1987	1992	2000	2010
Total units	30,896	86,662	117,234	174,138	232,769
Single Family	59,413	36,381	49,238	73,138	97,763
Multi-family	17,824	31,184	42,204	62,690	83,797
Mobile Home	10,694	19,057	25,792	38,310	51,209
Persons Per Household	2.57	2.34	2.23	2.04	2.04

### Housing Needs

The adopted plan addressed housing needs through an analysis of nine issues related to the production of affordable housing. A summary of the needs is provided in list format below:

1. **Affordability.** Housing needs are related to families having the ability to purchase a home. It was noted that less than 50 percent of Lee County families had the financial capability to purchase a home at market prices. The cost of financing as well as overall housing and land costs were identified as the crux of the problem. Regulatory barriers were also considered a factor that raises the cost of housing overall.
2. **Density.** Increased use of the density bonus program was seen as a means to increase the supply of market provided affordable housing.
3. **Rehabilitation.** Regulations and lack of financing were seen as barriers to increasing the amount of privately initiated housing rehabilitation.

4. Review and Permitting Systems. Unnecessary regulatory practices add to the cost of construction, which must be passed on to the consumer.
5. Housing Discrimination. Not recognized as a major factor in housing needs.
6. Capital Improvements and Infrastructure. Availability and cost of utilities adds to the cost of housing, making it out of reach for lower income families.
7. Special Needs Housing. A need to de-institutionalize housing for persons with special needs was noted.
8. Housing Data and Information. A lack of a central clearinghouse on housing data slows and complicates affordable housing production.
9. Conservation of Historic Housing. Recognition of funding programs and their importance in encouraging preservation of historic housing.

#### Land Development Requirements and Housing Delivery Process

The 1989 Housing element discussed the review and permitting system in Lee County and recognized the additional cost burdens from unnecessary regulatory practices. The discussion ended with recommendations to monitor and evaluate review and permitting processes with a decrease in regulations as the objective. Since that time, the State Housing Initiatives Partnership has come into being, and the county adopted the Lee County Affordable Housing Incentive Plan. This plan followed a two year period of planning by the Lee County Affordable Housing Task Force, which made specific recommendations on the reduction of regulatory barriers to affordable housing. The Incentive Plan went further, with an inventory of changes and programs to be enacted, with a time of completion. Most of those recommendations have been carried out, with great success.

#### Private Sector Involvement

At the time of the 1989 Plan, the private sector was the sole source of new construction and rehabilitation in Lee County, except for a small amount of work being done by the public housing authorities and limited federal funding programs. Since that time, the State Housing Initiatives Partnership program administered by the Department of Community Development, the Community Redevelopment Agency, and the Community Improvement Office have developed a wide variety of programs offered by public-private partnerships that blend public and private funds to deliver affordable housing of all types.

## Housing Delivery Process as Identified in the Adopted Plan

The Housing Market Analysis considered at length the following factors of the housing delivery process:

- Housing Construction Activity
- Housing Replacement
- Condominium Conversions
- Residential Land Use
- Tenure- Owner and Renter
- Seasonal Housing
- Affordability
- Special Needs- Analysis and Inventory
- Assisted Housing- Inventory

## *II. Summary of the condition of the Element at the Date of the EAR (Rule 9J-5.0053(6)(a)2.)*

1. Sufficiency Issue: The EAR does not include a summary of the current housing data.

Recommended Action: Provide a summary of the current housing data which includes the number of units, substandard units, renter-occupied housing developments, group homes, mobile homes, historic units, and construction activity.

### Summary of Current Housing Data

The following current housing data is provided:

Number of Housing Units (Table II.1.A)  
Number of Substandard Units (Table II.1.A)  
Renter-Occupied Housing Developments (subsidized) (Table II.1.B)  
Group Homes (Table II.1.C)  
Mobile Homes (Table II.1.D)  
Historic Units (Table II.1.E)  
Construction Activity (Table II.1.F)  
1995 Housing Projections (Table II.1.G)

Table II.1.A HOUSING MARKET AND HOUSING INVENTORY (1990 Census)				
HOUSING TYPE	UNINCORP. LEE COUNTY	CITY OF FORT MYERS	CITY OF CAPE CORAL	OVERALL LEE COUNTY
OCCUPIED HOUSING UNITS	92,163	21,388	29,748	143,299
OWNER OCCUPIED	71,722	7,701	22,343	101,766
RENTER OCCUPIED	20,441	10,443	7,405	38,389
OWNER UNITS- VACANT/FOR SALE	3,935	N/A	732	4,667
RENTAL UNITS- VACANT/FOR SALE	5,084	N/A	798	5,882
AFFORDABLE VACANT FOR-RENT UNITS	878	N/A	782	1,660
AFFORDABLE VACANT OWNER OCCUPIED UNITS	1,348	N/A	116	1,464
SUBSTANDARD RENTAL UNITS	1,518	450	222	2,190
SUBSTANDARD OWNER UNITS	5,590	N/A	134	5,724
VACANT HOUSING UNITS	40,945	3,244	4,738	48,927

Table II.1.B. Inventory of Public Housing Units for Unincorporated Lee County				
Existing Facility or Vouchers	# of Units	Unit Size	# Vacant	Type
LCHA-Charleston Park - 40	14	3	0	Farm Labor Housing
	8	4	0	Farm Labor Housing
	14	4	0	RECD Rural Housing
	4	1	0	RECD Rural Housing
LCHA- Pine Echo - 92	32	1	0	Public Housing
	40	2	0	Public Housing
	14	3	0	Public Housing
	6	4	0	Public Housing
LCHA Barrett Park - 50	40	3	0	Public Housing



	10	4	0	Public Housing
National Church Residences- 81	81		0	Section 202
Lee Mental Health Supervised Apartments	20		0	Section 811
Sunshine Village-368	368		0	Section 202/236

Number of HUD Rental Assistance Certificates and Vouchers	
Provider	Number of Certificates or Vouchers
City of Fort Myers CRA	1,042 Certificates; 173 Vouchers
Lee County Housing Authority (LCHA)	154 Vouchers

Table II.1.C Group Homes In Lee County, 1995	
Number of Licensed Group Homes In Lee County	24
Total Number of Beds	123

Table II.1.D Number of Mobile Homes in Lee County, 1990 and 1995			
1990 Countywide	1995 Rental Countywide	1995 Real Estate Countywide	1995 Total Countywide
32,745*	21,152	15,273	36,425**
* 1990 Census      ** Lee County Property Appraiser			

Table II.1.E. Number of Historic Units	
Number of structures on Florida Master Site File	Number of structures built prior to 1940 in Property Appraiser Data Base
800	1900 est.

Table II.1.F Housing Construction Activity by Building Permits Issued: Unincorporated Lee County 1989-1994		
Year	Single Family	Multi-Family(Units)
1989	2,405	310 (2,190)
1990	2,175	155 (901)
1991	1,912	129 (485)
1992	1,983	162 (913)
1993	2,397	258 (1,317)
1994		

**Table II.1.G 1995 Projections of Households**

Projected 2020 population Uninc. Lee	Est. No. Dwelling Units Needed based on 2.09 pph	Existing No. Of Dwelling Units in 1990	Additional Units needed by 2020 to meet projections
626,860	299,933	126,755	173,178

**III. Comparison of the element's adopted objectives with actual results. (Rule 9J-5.0053 (6)(a)3.)**

1. Housing Objective 100.1: The County will work with private and public housing providers for the provision of 87,500+ or - new dwelling units by the year 2000.

Sufficiency Issue: The need identified in the EAR is an additional 261,092 units by 2020. The evaluation does not reference the source of the 2020 housing needs projection. In addition, although the EAR indicates that the County supply and demand are relatively balanced, the evaluation is inconsistent because in order to meet the 2020 housing need, 9,670 homes need to be constructed annually although the evaluation shows that 4,000 homes were constructed in 1990. The evaluation shows a deficit but does not assess how, or if, the County will meet the 2020 target.

Recommended Action: Identify the data source for the County housing needs projection; and provide an assessment of how the County intends to meet the 2020 target. Utilize the data to determine any needed changes to the policy.

The housing needs projection in the EAR is based upon a calculation of the persons per household projection for 2020 of 2.09 persons per household in a projected functional population of 940,800, which would indicate an estimated need for a total of 450,143 dwelling units. Since there were an estimated 189,051 existing dwelling units in the County at the time of the 1990 Census, an additional 261,092 units would need to be built. The Housing element is predicated on the ability of the private sector's ability to meet market needs for housing; however, it is through the use of public/private partnerships that a supply of affordable housing will be available to meet the needs of lower income Lee Countians. There are programs and policies in place that will serve this need. There are no changes necessary for this objective.

2. Housing Objective 100.5: The County will ensure adequate locations for an estimated 4,100 mobile homes by 1992, and for an additional 7,700 mobile home units between 1992 and 2000. The evaluation states that mobile homes represent about 25 percent of the housing stock.

Sufficiency Issue: The evaluation does not illustrate whether adequate locations for the mobile home and manufactured housing needs have been provided. Without this evaluation, the County has not adequately compared the actual results with the policy's target.

Recommended Action: Describe whether or not mobile home and manufactured housing needs have been adequately provided and utilize this data to determine any needed revisions to the policy.

Mobile home and manufactured housing needs can be met under the Lee Plan because adequate zoning provisions exist to allow for this type of housing. It is not necessary to analyze the site specific locations for mobile and manufactured housing as market forces will dictate these.

3. Objective 100.6: The County will make available locations for group homes, homeless shelters or transitional housing for the homeless at suitable sites to meet the need of the people.

Sufficiency Issue: The evaluation states that the Coalition for the Homeless keeps track of the number of homeless shelter beds available, but does not assess the availability of housing for the homeless at suitable sites. Without this data, the County has not adequately compared the actual results with the Objective's target.

Recommended Action: Indicate whether or not locations for group homes, homeless shelters, or transitional housing for the homeless are available at suitable sites and utilize these data to determine any needed revisions to the policy and the implementation mechanisms.

The Consolidated Plan, or former Comprehensive Housing Affordability Strategy (CHAS), provides ample data on the location and number of beds for homeless and special needs. Funding, not suitable locations, is the constraining factor in meeting these needs. The intent of the objective to prohibit regulatory barriers that would prevent the development of such facilities. Currently special needs housing is allowed by right wherever residential uses are permitted. No further revisions to the policy are required.

## **B. Public Safety**

The EAR does not sufficiently evaluate the effectiveness of the plan in planning for hurricane evacuation and shelter to provide for the safety of the residents of the County. These insufficiencies may be adequately resolved if the following are addressed:

### **I. Summary of the data and analysis from the element in the adopted plan (Rule 9J-5.0053(6)(a)1.)**

4. C.C.M. Objective 79.1: To restore evacuation times to 1987 levels by 1995, and by 2010, ensure the clearance time portion of evacuation time will not exceed 18 hours. In addition, the County shall assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane evacuation times.

*The County's evaluation states that while the 1995 population at risk are higher than the 1991 figures, the estimated clearance times show a decrease for category 2 and 3 storms due to road improvements built or planned for construction by 1996. The County recommends changing the target date from 1995 to 2000.*

*Sufficiency Issue: The evaluation does not indicate why the County is requesting a target date revision from 1995 to 2000; how the County will achieve the 1987 hurricane evacuation levels; and identify if the County expects to achieve the 2010 clearance time evacuation target of 18 hours. Without this data, the County has not wholly compared the actual results to the target established by objective and policy.*

*Recommended Action: Assess the need to extend the target date from 1995 to 2000. In addition, assess how the County will achieve the 1987 hurricane evacuation levels; and whether the County will achieve the 2010 target of 18 hours clearance time. Utilize this data to determine any needed policy revisions.*

In efforts to meet the intent of Objective 79.1, Lee County has undertaken several strategies in order to lower evacuation times. To date (Fall 1995), the levels stated in the objective have not been completely met, although data provided in the EAR show improvements in certain evacuation times. As stated in the EAR, it is recommended that the date for the accomplishment of this Objective be changed to the year 2000 in order to allow the County to continue to implement additional policies under this objective which serve to measure the completeness of the objective. Through the continued efforts of Emergency Management Services, it is believed that by the year 2000 the County will have achieved the stated evacuation times.

Currently, there are five strategies targeted by Emergency Management Services for implementation in order to both comply with the Lee Plan as well as aid in reducing evacuation times and increasing the amount of shelter space.

1. As a part of Goal 71: Planning, Coordination and Implementation. To protect the public from the effects of natural and technological hazards through county emergency plans and programs, Emergency Management Services has developed an educational program in order to educate the public about the risks of hazards such as hurricanes, tropical storms, severe thunderstorms, tornadoes, lightening, freezes,... and the actions necessary to mitigate the dangers which these hazards present.
2. As a part of Goal 79: Evacuation and Shelter. To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms, Emergency Management Services has moved forward in improving evacuation routes. But as noted above, the evacuation times noted in Objective 79.1 have not been completely met to date.

3. Also as a part of Goal 79: Evacuation and Shelter. To provide evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms, Emergency Management Services has moved forward in increasing the shelter supply.
4. In order to implement Goal 80: Hazard Mitigation -- To provide through county plans, programs, and regulations means to minimize future property losses from tropical storms and hurricanes and attendant Objective 80.1: Development Regulations -- By 1990, all development regulations shall be received and revised to require that the vulnerability of future development in the A-Zone (as defined by the Federal Emergency Management Agency) be reduced, Emergency Management Services has amended the Zoning Ordinance and the DSO. These amendments include regulations to reduce densities in coastal and high hazard areas. Further efforts are underway to provide redevelopment policies which address these issues.
5. To accomplish Objective 80.2: Public Funds -- By 1990, the county shall establish a funding source to provide funds for hazard mitigation and disaster recovery needs, Emergency Management Services has established a public funding source for shelters.

In addition to these five strategies undertaken by Emergency Management Services, the most recent evacuation study undertaken by the Southwest Florida Regional Planning Council shows that roadway improvements have lowered evacuation times below those of 1987.

In summary, while several strategies have been undertaken in order to achieve the evacuation rates noted in Objective 79.1, not all of those rates have been met. A careful examination of the policies implementing Objective 79.1 as presented in the EAR document shows that all but one have been at least partially implemented. Therefore, pushing back the date to the year 2000 for completion takes into account the continued efforts by Emergency Management Services to make progress in lowering evacuation times through the attendant policies.

### **C. Water Resources**

*The EAR does not sufficiently evaluate the effectiveness of the plan in planning for an adequate supply of water for all competing uses and maintaining the functions of natural systems, and the current level of surface and ground water quality. These insufficiencies may be adequately resolved if the following are addressed:*

### **SUFFICIENCY ISSUE**

**I. Summary of the data and analysis from the element in the adopted plan and at the date of the EAR (Rules 9J-5.0053(6)(a)1. and (6)(a)(2), F.A.C.)**

1. Sufficiency Issue: The EAR summary of the Future Land Use and Conservation and Coastal Management Element in the adopted plan and for current conditions does not include: known water resource pollution problems; the potential for conservation; and the analysis of current and projected water sources and needs, including quality, quantity, conservation and protective measures.

Recommended Action: Add the above-referenced items to the summary of the Future Land Use and/or Conservation and Coastal Management Elements pertaining to water resources.

Water resources, quality, and quantity are summarized in the CCME, Exhibit B, pages 29-34. That summary addresses all of the issues listed. Additional water resource data which became available after the 1994 EAR was prepared is presented in the 1995 EAR Update Addendum: A Summary of the Condition and Quality of Natural Resources In Lee County (Update).

#### **D. Natural Systems and Recreational Areas**

The EAR does not sufficiently evaluate the effectiveness of the plan in planning for the protection of the natural systems of the County and the provision of adequate recreational facilities for the residents of the County. These insufficiencies may be adequately resolved if the following are addressed:

#### **SUFFICIENCY ISSUES**

##### **I. Summary of the data and analysis from the element in the adopted plan and at the date of the EAR (Rules 9J-5.0053(6)(a)1. and (6)(a)(2), F.A.C.)**

1. Sufficiency Issue: The EAR summary of the Future Land Use and Conservation and Coastal Management Element from the adopted plan and for current conditions is not complete. The summary does not include, existing dredge spoil disposal sites; existing land uses in the coastal area; the analysis of conflicts among shoreline uses; the economic base analysis; the estimate of the need for water-dependent and water-related development sites; the effect of future land uses on natural resources, the impacts of development on historic resources; the inventory and analysis of estuarine pollution from existing and proposed development and corrective actions; natural disaster planning concerns; the inventory of beach and dune systems and assessment of future needs; the inventory of public access facilities and assessment of future needs; and the inventory of existing infrastructure and an assessment of future needs.

The data and analysis for Conservation includes: the identification and analysis of natural resources; the commercial, recreational or conservation use of natural resources; known pollution problems; the potential for conservation; the analysis of current and projected water sources and needs, including quality, quantity, conservation and protective measures.

Recommended Action: Add the above-referenced items to the summary of the Future Land Use and/or Conservation and Coastal Management Elements pertaining to natural resources.

#### EXISTING DREDGE SPOIL DISPOSAL SITES

These sites were not mapped or inventoried in the data and analysis section of the adopted plan.

#### EXISTING LAND USES IN THE COASTAL AREA

Chapter III (Coastal Area Land Use and Growth Management) of the Lee County Coastal Study contains the existing land use data for the coastal study area. This chapter breaks the study area into five areas and reports the number of existing and projected dwelling units for the portion of each Planning District within this area which is within the coastal study area. These unit counts and projections are most easily reviewed in Table I-2 of the introduction. This table showed/estimated the total coastal dwelling unit counts for the coastal area to be 61,410 (1986), 122,272 (2010), and 161,109 (buildout). No discussion exists of non-residential land uses within the coastal study area.

#### ANALYSIS OF CONFLICTS AMONG SHORELINE USES

Three major shoreline conflicts outlined in the Ports, Aviation, and Related Facilities Element Support Documentation (part 2 page III-74) were:

1. marine commercial, industrial, and recreational areas;
2. residential and commercial water-related uses; and
3. Areas reserved for environmental protection and preservation.

The support documentation includes an in-depth discussion of each of these uses including recommendations on preserving the limited shoreline resource for the appropriate use. The primary recommendation was to designate sites for water-dependent uses and give priority to water-related uses in areas not designated for water-dependent uses. Environmental conflicts are discussed in Chapter IV of the Lee County Coastal Study which concludes these areas have "benefited by protection from recent development." (Page IV-34)

#### ECONOMIC BASE ANALYSIS

Table 1 (page II-5) from chapter II (The Economics of Lee County's Coastal Zone) of Volume I of the Lee County Coastal Study summarizes the taxable values of Lee County and the coastal study area for residential, commercial, industrial, and Hotel/Motel for both developed and vacant land. This table concludes that approximately 40% of Lee County's Taxable value was located in the Coastal Zone. Table 2 (page II-6) of the same chapter and study summarizes the population for the county versus the coastal study area. Once again, the coastal area represents approximately 40% of the entire county. Tables 4 and 5 (page II-8) summarize the county/coastal area employment and income. These tables estimated that approximately 24% of the county's employment was within the coastal area whereas



these employees were estimated to have earned approximately 32% of the county's personal income. Table 6 (page II-9) estimates the "direct" and "indirect" economic impact of the coastal area employment and income. The study concludes that "The Lee County economy has been and is now economically tied to the coast."

Tables 7 through 11 (pages II-10, 11, 12, and 13) estimate the same information for Lee County and the Coastal Study area at buildout. At buildout, the coastal area was estimated to have approximately 22% of the population, 11% of the employment, and 16% of the personal income. The county economy is still expected to be "tied" to the coast at buildout.

Tables 12 through 16 (pages II-14, 15, 16, and 17) estimate this information for Lee County and the Coastal Study area in the year 2010. The estimates for 2010 were approximately 50% of the population residing in the coastal area, 15% of the employment occurring in the coastal area, and 22% of the personal income generated in the coastal area. The analysis for 2010 also concludes that Lee County's economy is "tied" to the coast.

#### THE ESTIMATE OF THE NEED FOR WATER-DEPENDENT AND WATER-RELATED DEVELOPMENT SITES

The 1989 Lee Plan support documentation in the Ports, Aviation and Related Facilities element stated the following:

Water-dependent uses: Land uses for which water access is essential and which could not exist without water access.

Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential.

(Note: The definitions of water-dependent and water-related uses presented here are not those listed under 9J-5.003 definitions. Instead these are the definitions that were adopted during the 1987 second round of amendments to the Lee Plan. As a matter of practice, shoreline land uses that are not under the Resource Protection Area category and do not qualify as water-dependent uses are considered water related.)

#### The Need for Commercial Fishing and Other Port Sites

The 1989 Lee Plan support documentation in the Ports, Aviation and Related Facilities element stated that as the county had grown in population, there had been a consistent increase in port activities and demand for additional port development. However, in terms of port development, the county's development pattern had been such that many potential port sites had already been pre-empted by other types of development or environmental protection measures. Due to the difficulty in locating port facilities in Lee County, the 1989 Lee Plan support documentation noted that existing port facilities should be protected by water-dependent overlay zones. Ports were the: a) FP&L oil

transshipment site at Boca Grande with its related upriver (Caloosahatchee River) barge port; b) the commercial fishing ports at Pine Island, c) the commercial fishing port at San Carlos Island.

(a) FP&L oil transshipment site at Boca Grande with its related upriver barge port

Florida Power and Light (FP&L) facilities at Boca Grande had storage tanks with a capacity of 27 million gallons. FP&L used the bunker C fuel oil in the steam-powered generators and the No. 2 diesel oil to power gas turbines needed to meet peak electrical demands. During 1987 130 million gallons of Bunker C fuel and 2 million gallons of No. 2 diesel oil were off loaded at Boca Grande. These materials were then transshipped by barge up the Caloosahatchee River to the FP&L up-river barge port terminal near the intersection of SR 31 and SR 80.

According to the 1989 support documentation in the future FP&L anticipated meeting increasing demand for electricity by importing electric power from Georgia. Power plants in Georgia were coal-powered instead of oil-powered as were the power plants in Lee County and many other parts of Florida. Since coal was a less expensive fuel than oil, Georgia would be able to sell its surplus power to Florida plants at very competitive prices.

As a result FP&L anticipated that in the future the petroleum products imported through Boca Grande and then transhipped by barge would stay at roughly the then current levels.

According to the 1989 Lee Plan support documentation principally gasoline and special fuels were transported to Lee County by truck from Tampa and Port Everglades. This activity was performed either by the major oil producers or by stockbrokers acting for the major oil companies. On the basis of the population projections included in the 1989 Lee Plan support documentation, , the consumption of gasoline and other special fuels in Lee County was expected to increase from about 167 million gallons per year in 1987 to 230 million gallons in 1990, 280 million gallons in 1995, 331 million gallons in 2000, 307 million gallons in 2000, 307 million gallons in 2005 and 430 million gallons in 2010.

According to the 1989 Lee Plan support documentation, the increased demand for gasoline and other special fuels could be viewed as an opportunity to increase the availability of economies of scale involving the movement of large quantities of petroleum over water. By capitalizing on the economies of scale Lee County would be taking a giant step from being a secondary market to becoming a primary market area.

In 1982 the PRC Harris port feasibility study assessed the cargo characteristics of the region with the reasonable expectation for growth potential. The recommended alternative entailed the possible expansion of Boca Grande to receive tankers carrying

petroleum products (such as gasoline) required locally. Storage of these fuels would be at the Boca Grande tank farm. Distribution of the products would have been via barges carrying the fuel to a distribution facility located up river at a site east of the existing FP&L plant and barge port.

(b) Commercial fishing ports in the Greater Pine Island Area

According to the 1989 support documentation the Pine Island areas were generally rural in character, with less than 5,000 year-round residents reported in the 1980 census. The Greater Pine Island area consists of the unincorporated areas of Matlacha, Bokeelia, St. James City, and Pine Island Center and Vicinity. According the 1989 support documentation there were four (4) commercial fishing ports in Matlacha; two (2) in Bokeelia, one (1) in St. James City, and one (1) in Pine Island Center and Vicinity.

In 1985 Lee County's commercial fishermen landed 13.2 million pounds of fish and shellfish in Florida, valued at \$18 million dockside. Approximately 48 percent of this production (or 6.36 million pounds) consisted of fish and shellfish landed at Pine Island. This production is valued at approximately \$3.3 million dockside. Black mullet made up a great portion of volume and dollar value of this production. In 1985 at Pine Island approximately 4.7 million pounds of black mullet were landed with a dockside value of approximately \$1.4 million.

Pine Island's harvest is significant in relation to the total mullet harvest of the state of Florida. Nearly 25 percent (4.7 million pounds) of all black mullet landed in Florida (19.2 million pounds) was landed on Pine Island.

(c) Commercial fishing port at San Carlos Island

According to the 1989 Lee Plan support documentation the principal industry on San Carlos Island was the commercial fishing industry; San Carlos Island was often referred to as the heart of the shrimping industry in Lee County. The 1989 Lee Plan support documentation stated that an estimated 16 percent of all rock and saltwater shrimp landed at Florida ports were landed at San Carlos Island and its vicinity. In 1985 approximately 5.4 million pounds of shrimp were landed at San Carlos Island; this accounted for approximately 41 percent of the total volume of shrimp and fish production in Lee County. That year the dockside value alone of shrimp landed at San Carlos Island was estimated to be \$12.4 million.

The Marine Resources Study prepared by the Division of Community Development in September of 1981 and the Lee County Port Feasibility Study completed by the PRC Harris Company in 1982 both recommended that Lee County consider identifying and designating a specific area for some type of seafood industrial complex to store, process and distribute the potential fisheries catch. However, according to the 1989 Lee Plan support documentation a comparison between the ideal physical facilities associated with a seafood industrial park and the existing establishments found on San Carlos

Island revealed that in many ways, San Carlos island was already operating as a quasi-seafood-industrial park. The 1989 Lee Plan support documentation stated that this was a noteworthy achievement given the fact that states such as North Carolina were forming local-state partnerships to provide government assistance to develop the same facilities and infrastructure that had evolved solely through private initiative on San Carlos Island.

The 1989 Lee Plan support documentation stated that although San Carlos Island was known for its commercial fishing activities, it also had been considered as a possible site of petroleum storage facilities. In 1983, the Southwest Florida Regional Planning Council published the Outer Continental Shelf Onshore Facilities Siting Study. The stated purposed of the study was to estimate the onshore oil development possibilities and to determine the impacts that may occur as a result of offshore oil explorations. This study examined twenty-one sites for potential onshore oil development facilities. It noted that San Carlos Island would seem to be a reasonable site for a small service base. However, this study also noted that this could not occur without limit due to the potential adverse impacts to the surrounding land uses.

#### The Need for recreational multi-slip docking facilities

In Lee County the calm waters of the Gulf of Mexico, the secluded islands, the miles of back bay waters, and the multitude of fresh water lakes, rivers, and canals provide for year-round recreational boating activities in a beautiful and safe setting. In the 1989 Lee Plan support documentation, the importance of recreational boating in Lee County was illustrated by the county's statewide ranking in terms of population and boat registration. In 1986/87 among all counties in Florida, Lee County ranked 11th in population, 9th in recreational boat registrations.

The 1989 Lee Plan support documentation in the Ports, Aviation and Related Facilities element also noted that many potential multi-slip docking facility sites had already been pre-empted by other types of development or environmental protection measures. As a result the opportunity for new marina construction would be restricted and the county's existing marinas would have to maximize their existing resources in order to meet additional demand. The 1989 Lee Plan support documentation noted that existing commercial and government marina sites should be protected by water-dependent overlay zones.

In 1986/87 Lee County had a population of 293,713 and a total of 25,785 registered boats; there were 11.39 persons to every one registered boat. Of the total registered boats 24,162 were recreational boats (recreational boats included 23,685 private recreational boats, 272 canoes and 205 dealer boats).

In the 1989 Lee Plan support documentation, the 20-year period (1990 - 2010) Lee County population and boat registration projections indicated the following. From 1990 to 2010

population was projected to increase 86 percent from (344,000 to 640,500) and recreation boat registrations were projected to increase by 93 percent (from 29,871 to 57,867).

The methodology used in the 1989 Lee Plan support documentation to project future demand for recreational multi-slip docking facilities in Lee County was based on the premise that there was a direct relationship between the then present conditions and future recreational boat registrations.

(According to the 1989 Lee Plan the following discussion concerned itself with multi-slip docking facility usage by recreational and not commercial boaters. This was due to two factors. First, the projections for future commercial boat registrations proved to be far less reliable than those for recreational boater registration. Second, a substantial number of commercial boaters, such as commercial fishermen, did not use multi-slip docking facilities; instead they docked their boats at private ports (e.g. San Carlos Island and Pine Island) or canals (e.g. Pine Island). According to the 1989 Lee Plan support documentation, at that point there was no data quantifying what percentage of commercial boaters rely on multi-slip docking facilities. However, the 1989 Lee Plan support documentation states that including commercial boats with recreational boats would inflate the projected multi-slip docking facility demand.)

According to the 1989 Lee Plan support documentation, in 1988 the total number of multi-slip docking facilities in Lee County were: 3,154 (wet spaces) 2,713 (dry spaces) for a total of 5,867 spaces. Since 1986/87 there were 23,685 recreational boats registered (excluding dealer registered boats and canoes) and a total of 5,867 multi-slip docking facility storage spaces (both wet and dry); on the average in Lee County there were four recreational boats for every one storage space.

According to the 1989 Lee Plan support documentation, given the abundance of opportunity for home storage by persons who lived on canals or who lived inland but trailered their boats to water accesses, the 4 recreational boats per 1 storage space ratio seemed to be adequate. Keeping the ratio constant and applying it to the then future boat registration figures, it was anticipated that Lee County would need 7,325 boat storage places (both wet and dry slips) in 1990; 9,062 in 1995, 10,814 in 2000; 12,759 in 2005 and 14,190 in 2010. In summary , in the 1989 Lee Plan support documentation it was anticipated that by 2010 Lee County would need to provide an additional 8,323 wet and dry recreational boat storage spaces to provide for the projected 14,190 spaces that would be needed to meet the demand generated by recreational boaters.

The 1989 Lee Plan support documentation noted that boat size was a significant variable because it determined whether a boat would be stored at a multi-slip docking facility and then whether it would be stored in wet or dry storage space. In general the larger the boat the more difficult it would have been to store inland and then transport to a water access area. Boats less than 26 feet in length were considered small enough for viable inland or

dry storage; boats more than 26 feet in length generally had to be stored at a multi-slip storage facility at a wet storage space. This was because their size usually made dry storage spaces prohibitively expensive and risky.

In 1986/87 while there were 1,905 recreational boats 26 feet and over registered in Lee County, there were a total of 3,154 wet storage spaces. In the 1989 Lee Plan support documentation it was anticipated that in Lee County in 1990 there would be 2,150 registered boats over 26 feet in length and in 1995 there would be 2,661 boats over 26 feet in length. According to the 1989 Lee Plan support documentation it would be the year 2000 before the anticipated registrations of recreational boats over 26 feet in length would be 3,175 and exceed the 1988 stock of 3,154 wet storage spaces by 21 boats. In the year 2005 it was projected there would be 3,746 boats over 26 feet in length and in the year 2010 there would be 4,167 boats. The 1989 Lee Plan support documentation projected that to accommodate the anticipated increase in recreational boat registration for boats over 26 feet, it would be the next century before Lee County would have to provide additional wet storage spaces.

#### EFFECT OF FUTURE LAND USES ON NATURAL RESOURCES

The analysis of the effects of future development on natural resources is found in Volume II of the Lee County Coastal Study. The conclusion of this analysis was that Lee County needed to implement a water sampling program and adopt policies which will result in minimizing the impact of future development before they become a problem.

#### THE IMPACTS OF DEVELOPMENT ON HISTORIC RESOURCES

The impacts of development on historic resources are discussed in the Historic Preservation Element of the 1989 Lee Plan support documentation. This document notes that the settlement pattern of the county was generally primarily water-oriented. The early fishing communities were built on Indian middens. The later military sites were built on high points along the Caloosahatchee River. Other communities such as Alva, Olga, Estero, Bonita Springs, and Buckingham were established on easily accessible waterways.

The 1989 Lee Plan support documentation identifies several unincorporated communities in the county which have a high concentration of historically significant architectural resources and specifies planning considerations for them.

Community: Bonita Springs Planning Considerations: It was noted that neighborhood conservation techniques were needed to maintain the character of old Bonita Springs -- including a review of zoning intensities, information on rehabilitation, and treatment of the community as a special design area with a comprehensive approach to traffic circulation, housing and land use needs; commercial revitalization with a focus on urban design.

Community: Estero, Coconut Planning Considerations: It was noted that protection from higher intensity residential uses or commercial development along the highway was needed;; neighborhood conservation techniques to integrate new development with the older community were needed..

Community: South Fort Myers Planning Considerations: Historic homes were scattered; it was noted that a neighborhood approach would be effective in maintaining the character -- the neighborhood appeared to be stable and built-out, alleviating the pressure to assemble and clear land for new development.

Community: Iona, Biggars, Truckland Planning Considerations: It was noted that while the area retained only limited rural atmosphere it was developing with commercial and residential uses. It was noted that the preservation of rural open spaces or the associated farm buildings would be unlikely without the application of special incentives to preserve these properties.

Community: Punta Rassa Planning Considerations: It was noted that land use and zoning controls could permit the use of this area as required open space in the event of further development. It was noted as a potential location for a museum.

Community: Fort Myers Beach and San Carlos Island Planning Considerations: It was noted that perhaps the most severe threat to the historic resources of Fort Myers Beach were the storms. While the older buildings had weathered the worst of storms, it was still possible that they could be devastated. Extensive remodeling of small, modest beach houses was already taking place and could be expected to continue.

Community: Alva Planning Considerations: It was noted that Alva was not located in the path of potential widening or intensification of State Road 80 as it is located on the north side of the river and that this barrier could be useful in protecting Alva from extensive development. Since the area is configured as a rural village; it was noted that planning efforts should be comprehensive in nature -- taking into account traffic circulation, housing, and commercial needs. Alva was noted as having the potential to become a tourist destination as it has many scenic and cultural assets, is in close proximity to an urban center and is easily reached by one of two highways.

Community: Buckingham Planning Considerations: Buckingham was noted as having the potential for a tourist destination as part of the Alva region. To protect the open spaces, low residential density and rural character, it was recommended that special techniques be employed such as open space requirements, adequate buffering, and low residential classification.

Community: Olga Planning Considerations: The protection of the village atmosphere of Olga was thought to require a comprehensive, rather than a neighborhood approach so to adequately address traffic circulation, zoning and land use.

Community: Dunbar Planning Considerations: Historic resources presented a challenge and an opportunity in preservation. It was noted that it was important to plan for the sensitive rehabilitation of fair to deteriorated structures because they represented a disappearing aspect of Lee County history.

Community: North Fort Myers and Bayshore Planning Considerations: The major concern identified in the protection of these resources was traffic circulation. Many structures were in poor and deteriorating condition, code enforcement techniques could be appropriate in furthering the protection and enhancement of this region.

Community: Tice Planning Considerations: Traffic circulation was identified as a major factor in the protection and preservation of the historic resources and character of this urban neighborhood. It was noted that code enforcement may be helpful in areas where lack of maintenance had led to more serious deterioration. It was noted that a neighborhood approach would be appropriate.

Community: Boca Grande Planning Considerations Boca Grande is limited in access by a long drive through Charlotte County; it is more easily reached from the Fort Myers urban area by boat. The area was increasingly popular for the construction of custom homes surrounding the downtown historical area and on the waterfront. Due to high land values, major remodeling would be likely. It was also likely that remodeling of service areas would take place as demand for those areas increased. It was noted that design guidelines and flexible zoning conditions could provide designers the ability to add needed space without destroying significant historic features.

Community: Useppa, Mondongo, Cabbage Key, Pine Island Planning Considerations Historic resources in these areas faced threats from storm damage and development. Steps were being taken to protect the original fabric and character of the area. The Useppa Island Club had incorporated the historic buildings into the overall plan for the island, with an emphasis on "island style" architecture. Cabbage Key was being sensitively developed to maintain the scale and character of the island. While Mondongo appeared stable, it was noted that future development plans should address the existing historic resources.

Community: Captiva, North Captiva Planning Considerations Captiva was described as an area of high land values and limited resources in vacant or developable land and for this reason historic resources were said to be threatened. The zoning of Andy Rosse Lane, a street of single family bungalows, was commercial. It was noted that this was not appropriate for the area and the cause for real estate speculation and more intensive



development. It was noted that the protection of historic resources should address zoning and land use.

Community: Bokeelia and Little Bokeelia Planning Considerations It was noted that the historic resources of Bokeelia were largely waterfront and as such were threatened by development. It was noted that several of the more historically significant buildings were vacant and for sale. A local historic preservation program should provide incentives for the rehabilitation of the structures.

Community: Matlacha Planning Considerations It was noted that the right-of-way of State Road 78 probably extended into the structures of some of the buildings in Matlacha and compromised the entire front yard of numerous others; a road widening would have severe impact on the resources. It was noted that careful planning would be needed to avoid disruption of the scale and placement of the buildings. It was noted that sensitive code enforcement would be needed to permit the rehabilitation of historic structures.

Community: St. James City Planning Considerations These resources are not threatened as development as much as by deterioration. It was noted that positive incentives for rehabilitation should be considered.

Community: Pineland Planning Considerations Pineland was being developed at an increasing rate. Incentives for the protection of archaeological and historical resources were being recommended.

#### INVENTORY AND ANALYSIS OF ESTUARINE POLLUTION FROM EXISTING AND PROPOSED DEVELOPMENT

The inventory and analysis of estuarine pollution from development is found in Volume II of the Lee County Coastal Study. This study generally states that the greatest threat to the maintenance of water quality in Lee County is from stormwater runoff. Point source discharges in Lee County are limited in number; the quantity and quality of discharge is regulated by the Florida Department of Environmental Regulation.

#### NATURAL DISASTER PLANNING CONCERNS

In the Support Documentation for the Lee Plan, the Future Land Use Element includes an analysis of flood prone areas and proposed development and redevelopment. While some development has already been allowed within flood prone areas in the past, potential future flooding of new developments will be minimized by stringent land use and building criteria. The full analysis from the Future Land Use Element of the Support Document follows below.

A basic understanding of the purpose of the National Flood Insurance Program is needed before any assumptions concerning its relation to the Future Land Use Map can be made. In hindsight and exercising pure planning theory, all development within floodplains

should be prohibited for public safety reasons. Strict prohibition is conceivable in new communities but not realistic in established areas which have already been committed to development over a period of years.

The focus of the federal flood policy was changed in 1968 when congress established the National Flood Insurance Program. The present program takes into consideration the existing development within floodplains as well as economic pressures for continued development, and attempts to mitigate flood damage by requiring local governments to adopt more stringent land use and building criteria in order for its citizens to receive federal flood insurance. It is important to note that the program only prohibits extending federal flood insurance for new construction on designated undeveloped barrier islands. In summary, the National Flood Insurance Program attempts to minimize or mitigate flood damage within floodplains; as a result, new development, planned and built under special criteria, may occur in floodplains.

The present classifications for a majority of the floodplain within Lee County are Urban Community and Suburban. These classifications have assigned densities which are substantially lower than other categories (e.g., Intensive Development and Central Urban). The classifications assigned to a majority of the floodplain within the county are not inconsistent with the intent of the federal program.

In some instances small areas of the floodplain have been designated as Industrial Development and Intensive Development. These designation reflect economic conditions and irreversible development trends. Existing compatible land uses along with existing infrastructure justify the Industrial Development classification, while the proximity to downtown Fort Myers and the availability of urban services underlies the Intensive Development designation. All new development or substantial rehabilitation in these areas, however, will have to meet the strict criteria designed to mitigate or minimize flood damage.

The Conservation and Coastal Element of the Support Document to the Lee Plan also addresses the issue of natural disasters. Essentially, Coastal Zone Protection Ordinance (No. 86-9) which was adopted in March of 1986 provided minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters occurring along the coastal areas of Lee County which front on the Gulf of Mexico and parts of San Carlos Bay.

In addition, floodplain management is stressed in order to maintain the natural drainage system. By maintaining the natural drainage system, the threat of flooding is minimized. Changes to the drainage system in the past has led to a lower water quality. Therefore, the restoration of the original floodplain drainage system is also considered an important issue in lessening the threat of flooding.

## INVENTORY OF BEACH AND DUNE SYSTEMS AND ASSESSMENT OF FUTURE NEEDS

The following summary of findings is from the Lee County Coastal Zone Study.

1. The Lee County coastline is perhaps the most complex barrier-island system in Florida because of the large number of tidal inlets. In addition, the wide range in size of these inlets and the fundamental geologic/geographic division of this island chain into northern and southern segments accounts for this complexity. The lack of physical studies of this island system has led to an existing poor understanding concerning the details of sand budget changes in time and space, morphological changes, geologic history and evolution of the County's islands, storm response, and available sand resources.
2. There is no central source of information concerning studies that have been completed in Lee County. There appears to be no mechanism for the County to observe and track coastal consulting activity.
3. The low wave energy, low frequency of major storms, low elevation, and low tidal range make the Lee County coast highly susceptible to excessive damage resulting from the relatively rare, very large storms.
4. Based upon existing data and field work, identification of critical erosion areas affecting human development can be made. Those areas are:
  - a. South-central and southern portion of Gasparilla Island
  - b. Northern North Captiva Island
  - c. All of Captiva Island
  - d. Three segments of Estero Island (NW end, central-south, and extreme SE tip).
  - e. North end of Bonita Beach Island.

Erosion is also occurring along relatively uninhabited islands such as Cayo Costa and Lovers Key as well as the south-central portion of North Captiva Island.

5. Sand dunes, particularly those forming the initial dune line adjacent to the beach (fore-dune ridge) are discontinuous and low in relief. Few dunes exist along developed coastal sectors and none exist where seawalls have been installed.
6. Studies indicate that the rate of sea-level rise is increasing and that the sea level in southwest Florida may rise 3.5 feet by 2100. Most of this increase will occur in the second half of the next century.
7. Hardened coastal engineering structures installed along the Lee County coast have failed to protect or preserve the beach. Groin fields have proved useless. Terminal

groins have been temporarily effective. Seawalls and rock revetments have afforded protection to the buildings and property behind them, but have done little to protect the beach. In many areas where there are seawalls or revetments the beach is narrow or non-existent

8. The Coastal Control Construction Line (CCCL) is set much closer to the beach on developed barrier islands than on undeveloped barrier islands. According to the State Division of Beaches and Shores the CCCL for developed barrier islands runs along the top of the seawall, rather than further inland, to avoid having to process requests for variances for construction seaward of the CCCL.

#### INVENTORY OF PUBLIC ACCESS FACILITIES AND ASSESSMENT OF FUTURE NEEDS

A level-of-standard has been developed for various park and recreational facility types in order to take into account current and future needs. Those levels-of-service used for the 1989 Lee Plan are presented below. Also provided is a brief inventory of the public access facilities as established for the 1989 Support Documentation for the Lee Plan.

##### Inventory

In 1989, Lee County maintained 133 park sites encompassing: 10 Neighborhood Parks, 6 Landscape/Wayside Parks, 68 Water (Beach) Accesses, 4 Boat Ramps, 21 Community Parks, 10 Regional Parks, and facilities at 14 school sites. In addition to the 133 park sites, Lee County also owned 13 navigational aid projects and has assisted with 4 artificial reef projects. These facilities are intended to serve the needs of residents and visitors to unincorporated Lee County and do not include the facilities provided by the three unincorporated cities in Lee County.

The proposed standards from "The Lee Plan Section B -- Support Documentation, Part 2" for parks and recreational facilities included a basis for each proposed standard. The basis presented for facility needs reflects the assessment of future needs.

##### Neighborhood Parks Proposed Standard

Lee County requires new development to provide for neighborhood park facilities.

##### Landscaping/wayside Parks Proposed Standard

These type of facilities are important to Lee County primarily to improve aesthetics for residents and visitors. These are primarily visual parks seen by the traveling public. They should be located where the opportunity arises and there exists a need to improve aesthetics.

##### Boat Ramps Proposed Standard

The Comprehensive Park Development Program 1978-1982 set a standard for Lee County of one boat ramp lane per 300 boats. This standard is reasonable but difficult to apply due to the numerous assumptions that are required. The 1987-91 Capital Improvement

Program (CIP) interpreted this standard of 1 boat ramp lane per 300 boats as follows: 1 boat per 11 population (based on registered recreational boats in Lee County) and 1 boat ramp lane per 300 boats = 1 ramp lane per 3,300 people which = .000303 ramp lanes per capita. We estimate 72% of registered boats are trailed, therefore, 72% of .000303 = .000218. This was the standard which was then applied to determine the boat ramp lane need for Lee County. This created a problem in that it assumed Lee County government would provide all new boat ramps in Lee County, which is not realistic nor necessary.

Lee County can only be responsible for a reasonable share of the new boat ramps which will be needed due to growth. There are currently 78 boat ramp lanes in the county; Lee County operates 11 lanes, other government units operate 14 lanes, and private interests operate 53 lanes. As the population increases it was assumed that these percentages will remain constant. Using the above formula Lee County should have 82 boat ramp lanes in 1988. Assuming that Lee County is responsible for maintaining its percentage of boat ramp lanes, Lee County would have been responsible for 11 of the 82 boat ramp lanes required by the standard.

As Lee County provided 11 boat ramp lanes and intends to maintain this standard, a corresponding population-based service level has been calculated. One boat ramp lane is provided (but not necessarily maintained) by Lee County for each 35,000 people in all of Lee County.

#### Nautical Improvements Standard

Navigational aids are not directly related to population growth. Increased boat traffic may at times require additional navigational aids but this is hard to forecast. Navigational aids should only be installed as the need arises. Also, Lee County aids to navigation should be placed only on natural navigable channels.

Lee County is not directly responsible for artificial reefs but supports their creation. Artificial reefs create additional recreation opportunity for residents and visitors and create offshore boating destinations which relieve boat congestion near shore. For these reasons Lee County will provide assistance to those who are creating reefs.

#### Water (Beach) Access Standard

Southern Estero Island, southern Captiva Island, and the northern portion of Captiva Island are the only barrier island areas in Lee County which do not now have an adequate number and distribution of beach access points. The state recommends one beach access for every ½ mile of shoreline and is considering making this requirement for their participation in beach renourishment projects. Lee County will strive to achieve the goal of one beach access every ½ mile of beach shoreline, but with current development, ownership patterns, and land prices, this is a long-term goal. The achievement of this goal may not take place until after our next hurricane and may not happen even then due to ownership patterns. The northern end of Captiva Island is owned by a single entity and

is developed, offering few chances to provide beach access points. Realizing that the goal of a beach access point every half mile of beach shoreline is unobtainable in the near future, a quantifiable standard of obtaining one additional beach access in the next five years is being proposed here.

Over the years the Water (Beach) Accesses have not received adequate maintenance; some have been encroached upon by adjacent property owners. Thirteen beach accesses are currently unusable because of vegetation or encroachments. Most water access points in Lee County are usable but have never been developed to accommodate this use. Development of water accesses would vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others. The tremendous population growth and development has made these water accesses a much more important aspect of our recreational inventory. As the population continues to increase, it will become increasingly important to obtain the maximum appropriate use of these facilities. The goal of developing all of our water access points is obtainable and is important to insure residents and visitors access to the water. A few of the access points currently have the appropriate level of development and therefore developing three Water (Beach) Accesses a year will achieve the goal of developing all of our current inventory of access points by the year 2000.

#### Standard Community Park Standard

The incorporated areas of Lee County are responsible for creating their own Community Parks standards and providing the required community parks. The 2-acres-per-1000-population standard for developed community parks is identical to the standard recommended by the state of Florida and is the currently adopted Lee County standard. This standard of 2 acres per 1000 population is desirable but unattainable by 1993. Lee County currently has .8 acres of developed Standard Community Parks per 1000 population open for public use. The attainable standard by 1993 is 1.75 acres per 1000 population; five years later, this standard should be increased to 2 acres per 1000 population to achieve the desired standard by 1998.

#### Community Recreation Centers Standard

Because community park facilities, including community recreation centers, are designed to serve the recreation needs of specific defined communities, the population of the incorporated areas are not included since the cities are responsible for providing the recreation needs of their communities. The proposed standard is the current square footage of community recreational centers provided by Lee County divided by the projected 1993 population.

#### Community Pool Standard

Lee County currently operates 8 community pools and is committed to providing community pools; but the county is not prepared at this time to adopt a higher standard in light of other fiscal pressures.

### School Parks Standard

Lee County should attempt to satisfy the active recreation needs of the population in Standard Community Park facilities. When this is impractical or unfeasible, the use of School Board property will be considered under the auspices of a joint use agreement between Lee County and the Lee District School Board.

### Regional Parks Standard

Lee County currently has slightly over 7 acres of developed regional park land open to the public per 1,000 population. The classification system being used here differs from that used in the 1984 Comprehensive Plan and the FY 1987-91 and FY 1988-92 Capital Improvements Program in that it includes nature preserve acres developed and open for public recreational use and Special Area Regional Parks such as Bonita Beach Park. Lee County is fortunate in having several spectacular Regional Parks, but unfortunately the distribution of those parks is less than ideal for the people of the county. Eighty percent of our Regional Park acreage is located on barrier islands. Emphasis should be placed on developing more Regional Parks inland. In an attempt to improve our Regional Parks system and to achieve a more equitable distribution of facilities, a Regional Park standard slightly above the current level is being proposed. (This standard of 8 acres per 1000 population, along with the Standard Community Park Standard of 2 acres per 1000 population, equals the standard of 10 acres of parkland per 1000 population contained in the Southwest Florida Regional Comprehensive Policy Plan.)

Since state and federal facilities and (by definition) all Regional Parks draw from the entire county, this standard applies to total county population.

### Open Space Standard

No open space standard was established. Instead, Lee County expected that substantial acreage would remain in open space due to the extensive amount of wetlands, regulations concerning those wetlands, designation of large areas as Rural or Open Lands in the comprehensive plan and open space requirements for new development.

### INVENTORY OF EXISTING INFRASTRUCTURE AND AN ASSESSMENT OF FUTURE NEEDS

No inventory of existing infrastructure or assessment of future needs exists in the Future Land Use Element or the Conservation and Coastal Management Element of the Lee Plan. This issue is covered in the Community Facilities Element.

2. Sufficiency Issue: *The EAR does not include a summary of the data and analysis from the Parks, Recreation and Open Space Element in the adopted plan or for current conditions as of the date of the EAR.*

Recommended Action: *Provide a summary of the data from the adopted plan and for current conditions pertaining to existing public and private sites available to the public. In addition, provide a summary of the analysis from the adopted plan pertaining to the current need for recreation sites, projected need for recreation sites, and future recreation uses depicted within generalized service area boundaries.*

The Parks, Recreation, and Open Space element provides direction for Lee County officials and citizens to serve the needs of permanent residents, seasonal residents, and visitors for leisure activities, facilities, and spaces. It is intended to guide the development of parks and recreational programs and acquisition of facilities by setting objectives and strategies.

The purpose of the Parks, Recreation, and Open Space element is for Lee County to be able to assess its needs for public and private open space sites, to guide the development of parks and recreational programs and the acquisition of facilities, and to set standards for the provision of public facilities. The Support Documentation for the Lee Plan presented the county's standards for each classification of facility (which in some cases was used to maintain existing facilities, and in other cases called for significant increases).

#### Existing Conditions Up Until 1989 of Public Park and Recreational Areas

The Lee County Zoning Ordinance (#86-17) and Development Standards Ordinance (#86-27) required all developments to provide open space and/or neighborhood parks, except for single family detached or two-family dwelling units on individual lots in smaller subdivisions. The Parks Impact Fee Ordinance encouraged residential development to provide community and regional recreational amenities for their residents by granting up to a 50 percent credit on their impact fees. These requirements and inducements played an important part in Lee County's efforts to provide for open space and recreational needs.

In 1989 Lee County maintained 133 park sites encompassing: 10 Neighborhood Parks, 6 Landscape/Wayside Parks, 68 Water (Beach) Accesses, 4 Boat Ramps, 21 Community Parks, 10 Regional Parks, and facilities at 14 school sites. In addition to the 133 park sites, Lee County also owned 13 navigational aid projects and had assisted with 4 artificial reef projects. These facilities were intended to serve the needs of residents and visitors to unincorporated Lee County and do not include the facilities provided by the three incorporated cities in Lee County.

#### Existing Public Park Sites

Federally owned parks, recreation, or nature areas that existed in 1989 in Lee County included: Ding Darling National Wildlife Refuge, Franklin Locks, Matlacha Pass and National Wildlife Refuge, Pine Island National Wildlife Refuge, and Caloosahatchee National Wildlife Refuge. These land sites totaled just under 6,000 acres.

State owned parks, recreation, or nature areas that existed in 1989 in Lee County included 14 different sites, to include such sites as Charlotte Harbor State Preserve, Cayo Costa State



Park, Mound Key Archeological Site, Lovers Key State Recreation Area, and the Koreshan State Historic Site. These land sites totaled just over 13,000 acres.

The following table gives the Lee County Park and Recreational Facilities up until 1989.

**Park and Park Facilities - Up Until 1989 in Lee County**

Actively Used/Maintained Parks & Recreational Areas	Type	Plan. Dist	Acres
Alva Community Park	C	5	10
Alva Boat Ramp	BR	5	1
Avacado Park	L	1	2
Bay Oaks Park	C	10	7
Boca Grande Beach Accesses (18)	WA	15	2
Boca Grande Community Park	C	15	8
Boca Grande Community Center	C	15	5
Bonita Beach Access (9)	WA	10	3
Bonita Beach Park	R	10	2
Bonita Springs Community Center	C	8	2
Bonita Springs Community Park	C	8	20
Bonita Springs Neighborhood Park	N	8	3
Bowman's Beach Regional Park	R	13	196
Bunche Beach	WA	11	1
Caloosahatchee Bridge Wayside Park	L	4	1
Carl Johnson Regional Park	R	10	278
Carl Johnson Wayside Park	L	10	--
Carl Johnson Boat Ramp	BR	10	1
Captiva Island Beach Accesses (5)	WA	14	1
Charleston Park	N	5	4
Clemente Park	N	1	5
Davis Boulevard Boat Ramp	BR	5	1
Fort Myers Beach Accesses (34)	WA	10	2
Fort Myers Shores Cypress Park	N	5	7

Actively Used/Maintained Parks & Recreational Areas	Type	Plan. Dist	Acres
Hancock Park	C	3	17
Harlem Heights Park	N	11	5
Highland East Recreation Center	C	1	11
Hunter Neighborhood Park	N	2	9
Jerry Brooks Park	C	2	17
Judd Park	C	4	14
Lakes Park	R	2	276
Lehigh Acres Community Park	C	6	20
Lehigh Acres Community Building	C	6	3
Lehigh Acres Senior Center	C	6	1
Lynn Hall Memorial Park	R	10	5
Matlacha Park	C	3	6
Nalle Grade Park	C	4	80
North Fort Myers Senior Center	C	4	10
Olga Community Center	C	5	2
Page Park	N	2	2
Phillips Park	C	12	4
Pineland Monument	L	12	1
Punta Gorda Boat Ramp	BR	11	5
Royal Palm Park	L	1	1
Rutenberg Park	C	2	40
St. James City Park	N	12	1
San Carlos Community Center	C	9	3
Sanibel Causeway	R	11 & 13	10
Schandler Hall	C	1	4
Six Mile Cypress Slough Preserve	R	2	1330
State Road 80 Wayside Park	L	5	1
Terry Park	R	1	36

Actively Used/Maintained Parks & Recreational Areas	Type	Plan. Dist	Acres
Tropical Park	N	12	1
Turner Beach	R	14	3
Waterway Estates Park	N	3	6
Bodwich Point	R	10	17
Artificial Reefs (4) and Aids to Navigational Projects (13)			
School Sites (14)			55
<b>TOTALS</b>			<b>2579</b>

**Parks Classifications Key:**

N = Neighborhood Park

BR = Boat Ramp

C = Community Park

L = Landscaping/Wayside Park

WA = Water Access

R = Regional Park

**Existing Conditions Up Until 1989 on Private Park and Recreational Areas**

The private sector by 1989 had also contributed its share of private Park and Recreational facilities for the citizens of Lee County. The following table gives specifics on what was available in the private sector for recreational use.

<b>Private Recreational Facilities Up Until 1989</b>			
Facility	Private Comm.	Private Club	Total
Saltwater Beach Areas	8 acres	4 acres	12 acres
Saltwater Beach Length	3.6 miles	.3 mile	3.9 miles
Freshwater Beach Areas	2 areas	1 area	3 areas
Freshwater Beach Length	.1 mile	.1 mile	.2 mile
Fishing Piers	2 piers	0	2 piers
Fishing Pier Length	350 feet	0	350 feet
Boat Ramp Lanes	43 lanes	10 lanes	53 lanes
Boat Slips - Wet	1,803 slips	1,011 slips	2,814 slips
Boat Slips - Dry	2,864	67	2,931 slips
Swimming Pools	71 pools	25 pools	96 pools
Racquetball Courts	4 courts	0	4 courts
Shuffleboard Courts	223 courts	16 courts	239 courts

Private Recreational Facilities Up Until 1989			
Facility	Private Comm.	Private Club	Total
Tennis Courts	95 courts	87 courts	182 courts
Golf Courses	10 courses	26 courses	36 courses
Golf Holes	190 holes	423 holes	613 holes
Equipped Play Areas	12 areas	2 areas	14 areas
Recreation Centers	52 centers	11 centers	63 centers

### Summary of the Plans Pertaining to the Current Need for Recreational Sites in 1989

Planning and programming for the provision of new facilities and maintenance of existing ones, required consideration of the unique and specialized recreational needs of the population to be served. The inventory of parks and recreational needs of the population to be kept current is was essential for a responsive and responsible parks and recreational facilities system. The following gives the adopted plan pertaining to the current need for recreational sites, projected needs for recreation sites, and future recreation uses depicted within generalized service area boundaries in 1989.

#### Neighborhood Parks

The recreational facilities provided in neighborhoods parks were scaled to the needs and desires of the neighborhood, taking into consideration their age, income, and social background. Lee County did not intend to acquire additional neighborhood Parks as this is the responsibility of private development. Ordinances from 1989 (Zoning and Development Standards Ordinances) required new development to provide for this need with such facilities to be maintained in the future by owners or homeowners associations.

#### Landscaping/Wayside Parks

These facilities were intended as beatification projects or rest areas for the traveling public or occasional user. These facilities were provided to make Lee County a more attractive place for resident and visitors where feasible and appropriate to improve the quality of life for residents and visitors. They were located when and where the opportunity arose.

#### Boat Ramps

With Lee County's 590 miles of shoreline, boating was very popular with the citizens of the county. Numerous privately owned boat ramps existed in public marinas, and the US Army Corps of Engineers provided two boat ramps at the W.P. Franklin Locks.

However, there was a need for Lee County to provide boat ramps, which were to be located on their own site or located within a larger park, as numerous privately owned

boat ramps had been eliminated in recent years. Lee County provided one boat ramp land with adequate parking per 35,000 population for the entire county (.0000285 lanes per person). In 1989, Lee County operated 11 lanes, other government units operated 14 lanes, and private interests operated 53 lanes.

#### Nautical Improvements

In 1989, Lee County owned 13 aids-to-navigation projects and assisted in the creation of four artificial reefs. The county also implemented an ongoing program of derelict vessel removal to improve safety, aesthetics, and environmental quality of Lee County waters. Lee County added additional navigational aids when necessary to maintain a safe boating environment or to protect off-channel marine resources. The standards for navigational improvements were not directly related to population growth. Lee County aids to navigation were only placed in natural navigable channels and as the need arose. Also, Lee County was not directly responsible for artificial reefs but supported their creation. Lee County provided assistance to those who created reefs.

#### Water Access

Lee County maintained 68 water (beach) accesses in 1989. This classification was titled Water (Beach) Access because Lee County owned several bay access points as well as the beach access. Over the years these bay accesses were ignored. Lee County's standard was to develop all water (beach) access by the year 2010, develop 3 water (beach) accesses per year, and to acquire one additional beach access in the south Fort Myers Beach (Estero Island) area.

#### Community Parks

Community Parks in 1989 were designed to serve the needs of a specific defined community of four to six neighborhoods. Extra areas were needed to permit activities which required large open spaces and substantially facility development. In attempting to satisfy the need for community park facilities, this classification was broken into four sub-categories: 1) Standard Community Park, 2) Community Recreation Centers, 3) Community Pools, 4) School Parks.

1. Standard Community Parks - Lee County adopted the 2 acres per 100 population standard for developed community parks which was identical to the standard recommended by the State of Florida and was the county's adopted standard. The quantifiable standard was .0008 acres of developed Standard Community Parks open for public use per capita for unincorporated Lee County to be increased to .000175 in 1993 and to be increased to .002 by 1998.

The standard for Standard Community Parks was those parks larger than 20 acres, and usually included 4 ballfields, 6 tennis courts, 2 racquetball courts, a playground, picnic area, and a restroom facility.

32. Community Recreation Centers standard was 250 feet of Community Recreation Center per 1000 population of unincorporated Lee County (.25 square feet per capita). This allowed for indoor recreational use as well as meeting places for the community.

Because community park facilities, including community recreation centers were designed to serve the needs of specific defined communities, the population of the unincorporated areas was not included since the cities were not responsible for providing for the recreational needs of their communities.

3. Community Pools - The standard for community pools was maintenance and operation of community pools. Lee County in 1989 had 8 community pools but the county was not prepared at the time to adopt a higher standard in light of other fiscal pressures. Community Pools were defined as multi-purpose, and for non-competitive swimming.
4. The School Parks standard was to develop active recreation facilities on School Board property when necessary to meet the needs of the population. When it was impractical or unfeasible to satisfy the active recreation needs of the population in Standard Community Park Facilities, the use of School Board property was considered under the auspices of a joint use agreement between Lee County and the Lee District School Board. This would make enable the county to use School Board property in order to locate active recreation facilities when it best served the needs of the community.

#### Regional Parks

The standard for Lee County was established at 8 acres per 100 total county population of developed Regional Park land open for public use (.008 acres per capita). Federal and state facilities counted in meeting this standard.

#### Open Space

Through federal, state and county acquisition and regulations governing wetlands, Lee County was fortunate in having substantial acreage that was targeted to remain open space in 1989. Large areas of Lee County were designated Rural or Open Lands by this Comprehensive Plan and provided additional open space. The Development Standards Ordinance and the Zoning Ordinance required most new development to provide adequate open space within each development. This ownership of land and protection by statutes, ordinances, and other regulations insured adequate open space for the future of Lee County.

#### **Current and Projected Inventory in Relationship to Quantifiable Standards from 1989**

Utilizing the standards just discussed the following table shows the 1989 future projections of Park and Recreational facilities needed in Lee County until the year 2010.

	Existing - 1989	Required -1988	Required- 1993	Required - 2010
Boat Ramp Lanes	11	11	13	21
Water Accesses Acquisition	68	68	69	69
Water Accesses Develop.		0	15	66
Standard Comm. Park	206 acres	204 acres	567 acres	1,070 acres
Community Rec. Centers	82,258 S.F.	63,726 S.F.	81,051 S.F.	133,729 S.F.
Regional Parks	2,675 acres	2,640 acres	3,731 acres	6,059 acres

Lee County obtained funding through six major sources for park facilities: Regional and Community Park Impact Fees, the Capital Improvement Fund, General Revenue Funds, Florida Boating Improvement Fund, West Coast Inland Navigation District Tax, and the Tourist Tax (for particular types of facilities). In 1989, the Regional Parks Impact Fees were collected from six districts and were to be spent to benefit the districts from which they are collected. Regional Parks were by definition facilities that drew users from the entire county and beyond.

In summary, Lee County implemented standards, policies, and processes to supply adequate parks, recreational, and open space elements both in the adopted plan and for projected needs for the county in 1989.

## *II. Summary of the condition of the Element at the Date of the EAR (Rule 9J-5.0053(6)(a)2.)*

*See I. 1., and 2., above.*

*1. Sufficiency Issue: The EAR does not assess whether incompatible development in and around areas that have been identified as unique or important natural plant communities is prevented. Without this data, the County has not thoroughly compared the actual results to the objective's target.*

*Recommended Action: Evaluate how incompatible development in and around areas that have been identified as unique or important natural plant communities is prevented. Utilize this data to determine needed policy revisions.*

Baseline data of wetlands and rare and unique uplands is available on the county GIS system for 1990 conditions. Acreages of these areas are included in Sections E and G.3. of Exhibit B of the 1994 Conservation and Coastal Management Element (CCME) EAR.

The county protects environmentally sensitive areas through regulations in the Land Development Code (LDC). The existence of environmentally sensitive areas is identified and/or verified through detailed mapping of on-site conditions when a development order is submitted. The LDC provides incentives and/or requires environmentally sensitive areas, such as Rare and Unique Uplands, protected species habitat, and wetlands, to be protected via conservation easements, preserve areas, and/or off-site mitigation areas.

Lee County staff does not keep a running total of the type of areas which are protected through county land development regulations or due to the County's participation in a review process such as DRIs. There is almost no monitoring of the effectiveness of the county's environmental regulations due to staff limitations.

The county protects environmentally sensitive areas through regulations in the Land Development Code (LDC). The existence of environmentally sensitive areas is identified and/or verified through detailed mapping of on-site conditions when a development order is submitted. The LDC provides incentives and/or requires environmentally sensitive areas, such as Rare and Unique Uplands, protected species habitat, and wetlands, to be protected via conservation easements, preserve areas, and/or off-site mitigation areas. County staff does not keep a running total of the acres or type of areas which are protected through county land development regulations or due to the County's participation in a review process such as DRIs. Although such a record would be valuable in assessing the effectiveness of county regulations, budget limitations do not allow for this type of recording activity.

### *III. Comparison of the element's adopted objectives with actual results. (Rule 9J-5.0053(6)(a)3.)*

1. *Objective 15.3: Decisions on park acquisitions and improvements shall continually reflect the unique opportunities and needs of the Bonita Springs area. The County's evaluation states that this objective continues to be appropriate.*

*Sufficiency Issue: The evaluation does not assess park acquisitions and improvements. Without this evaluation, the County has not fully compared the actual results with the policy's target.*

*Recommended Action: Indicate whether decisions on park acquisitions and improvement have continually reflected the unique opportunities and needs of the Bonita Springs area. Utilize this evaluation to determine needed policy revisions.*

The Bonita Springs area has been considered in the list of proposed or planned improvements or acquisitions for parks and recreation facilities since the adoption of the



1989 Lee Plan. Since that time, two new parks have been established and a community swimming pool built in order to fulfill Objective 15.3

In 1989 when the Lee Plan was adopted, the following list of facilities were available to residents of Bonita Springs:

- Bonita Beach Accesses -- 9 (470 feet)
- Bonita Springs Community Center
- Bonita Springs Community Park
- Bonita Springs Neighborhood Park.

State-owned facilities available and in proximity to Bonita Springs include:

- Estero Bay Aquatic Preserve
- Koreshan State Historic Site
- Mound Key
- Lovers Key State Recreation Area.

Since that time, the following improvements or acquisitions have been completed in Bonita Springs.

- Pool built at Bonita Springs Community Park
- Acquisition of Bonita Springs Old Depot Park -- 5 acres
- Acquisition of Imperial River Boat Ramp -- 8 acres

In addition, included as a possible project identified to meet standards through 2000 is:

- Bonita Springs Recreation Center at 23,000 square feet.

Adding the acquisition and improvements to the existing facilities in Bonita Springs provides 282 Local Regional Park acres, 52 Community Park Acres, 10,656 Recreation Center Square Feet, 1 Pool, 8 County Boat Ramp Lanes, and 15 Water Accesses.

The acquisitions and improvements made and proposed for Bonita Springs are included in the policies used to implement Objective 15.3, indicate the dedication to constantly monitor the needs of the Bonita Springs area when planning parks and recreation facilities. In fact, three of the four attendant policies have been accomplished. This high rate of accomplishment again portrays the county's dedication to monitor and plan for the needs of the Bonita Springs area.

2. *FLUE Objective 18.1: The County shall review its regulations to insure that they preserve the estuarine, upland, scenic, and wetland resources and shall take action to improve the water quality*

*of Estero Bay to Class II by the year 2000. The County's evaluation indicates that they have not amended their regulations and is unlikely that they will improve the water quality of Estero Bay to Class II by the year 2000.*

*Sufficiency Issue: The County recommends extending the target date from 2000 to 2005 but does not illustrate whether Estero Bay will be a Class II waterbody by the year 2005.*

*Recommended Action: Illustrate whether Estero Bay will be a Class II waterbody by the year 2005 and the mechanisms that will help the County achieve this target.*

Surface water quality is summarized generally in Section D of Exhibit B of the 1994 CCME EAR. The sources of estuarine pollution are addressed in pages 42-47 of Exhibit B and the surface water quality of Estero Bay is discussed on pages 23-24 and 34-35 of Exhibit B.

The Florida Department of Environmental Protection, Shellfish Environmental Assessment Section is responsible for reclassifying water bodies for shellfish consumption. Five years of specifically structured data collection is needed in order to determine a water body's shellfish classification. Neither Lee County nor the Shellfish Environmental Assessment Section have funding or manpower to conduct the five year sampling program necessary for reclassification. Until such data becomes available, shellfish consumption will remain prohibited in Estero Bay.

The following studies are being conducted of Estero Bay by Lee County or with Lee County's participation:

1. Lee County is still in the monitoring and identification stages of the surface water management program consistent with the U.S. Environmental Protection Agency's NPDES permit schedule. By June 1995, an inventory of existing conditions and facilities will be completed (Part 1). By June 1996, guidelines and programs will be proposed to improve and/or maintain the quality and quantity of surface water resources to the "maximum extent practical" (Part 2).
2. South Florida Water Management District (SFWMD) has begun work on a watershed plan for the Estero Bay watershed. The SFWMD is administering over \$200,000 funding from the state to develop the Estero Bay Watershed Plan to meet the water quality needs of Estero Bay (see Section IV. A. of Update).
3. SFWMD is also conducting the Estero Bay Improvement and Management Plan as part of the Florida Gulf Coast University settlement agreement (see Section IV. B. of Update).

Since 1989, Lee County adopted regulations to abate septic tanks and package treatment plants in areas where sewers are available. Efforts to improve the water quality of Estero

Bay are discussed in the 1995 EAR Update Sections II.J.3.a.(3), II.J.3.b., II.J.4., III.F., and IV.B.1.

5. *C.C.M. Objective 74.1: By 1990, land within coastal area environmentally critical areas, shall be regulated and managed so as to conserve the natural functions of these critical areas. The County evaluation states that this objective has been implemented in the zoning and wetland protection regulations.*

*Sufficiency Issue: The evaluation does not assess the effectiveness of zoning and wetland protection regulations in conserving the natural functions of environmentally critical areas. Without this evaluation, the County has not completely compared the actual results with the objective's target.*

*Recommended Action: Indicate how the zoning and wetland protection regulations manage and regulate land within coastal area environmentally critical areas so as to conserve the natural functions of these critical areas.*

Most local governments identify wetlands as an overlay to the land use map. Land development is allowed at the intensity of the underlying land use category. The overlay is used to show the approximate location of wetlands. These wetlands are then subject to performance criteria and mitigation requirements. In contrast to that approach, the EAR proposes to strictly limit development within wetlands systems to one dwelling unit per 20 acres. These wetlands are also subject to performance standards and mitigation requirements by state and county regulations.

6. *C.C.M. Objective 75.1: New development on barrier islands shall be limited to densities that meet required evacuation standards and new developments requiring seawalls for protection from coastal erosion shall not be permitted.*

The EAR documentation does not include a review of developments on the barrier islands which have been approved since the adoption of this objective. This evaluation will be included in the EAR addendum.

8. *C.C.M. Objective 77.3: Maintain and enhance the current complement of fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system in which man is inexorably linked.*

*Sufficiency Issue: The evaluation does not indicate how the current complement of fish and wildlife diversity and distribution within Lee County is maintained and enhanced. Without this evaluation, the County has not fully compared the actual results to the objective's target.*

Recommended Action: Illustrate how the current complement of fish and wildlife diversity and distribution within Lee County is maintained and enhanced and utilize the data to determine needed policy revisions.

There is insufficient data to compare conditions in 1995 to conditions in 1989. Exhibit B of the CCME summarizes the best available data on fish and wildlife populations and habitat. Additional wildlife studies are summarized in the 1995 EAR Update.

Lee County attempts to protect habitat in the following ways:

- Land development regulations require land developments to identify wetland areas and listed species habitats. These areas are subject to performance standards, including on-site preservation or off-site mitigation.
- Since 1989, Lee County has spent almost 25 million dollars to acquire over 9,400 acres of environmentally sensitive lands for preservation.

11. T.C. Objective 27.2: New and expanded roadways will continue to be aligned and designed to protect environmentally sensitive areas and rare and unique habitats. The County's evaluation states that they are complying with this objective.

Sufficiency Issue: The evaluation does not assess the effect of the aligned and designed to protect environmentally sensitive areas and rare and unique habitats. Without this data, the County has not fully compared the actual results to the objective's target.

Recommended Action: Show whether new and expanded roadways are aligned and designed to protect environmentally sensitive areas and rare and unique habitats and utilize the data to determine need policy revisions.

#### Wildlife Crossings

EAR Policy 27.2.4 discussion describes roads which were altered to provide safe passage to wildlife. LCDOT is required to minimize and/or mitigate impacts to wetlands in compliance with federal and state wetland regulations.

13. P.R.O.S. Goal 58, Objective 58.1, and Objective 58.2.1: To provide for the active recreational needs of the residents on unincorporated Lee County by providing adequate community park facilities appropriately located and establishing level of service standards for Standard Community Parks.

*Sufficiency Issue:* The evaluation did not describe whether the active recreational needs of the Lee County residents are being met. In addition, the evaluation did not indicate whether the County is achieving the level of service standards established by Objective 58.1, Policy 58.1.1, and Objective 58.2. Without this evaluation, the County has not fully compared the actual results with the targets established by the goals, objectives, and policies.

*Recommended Action:* Evaluate the effectiveness of the policy in ensuring adequate community park facilities are in place to meet the active recreational needs of the Lee County residents. In addition, evaluate whether or not the County is achieving the level of service standards established by Objective 58.1, Policy 58.1.1, and Objective 58.2. Utilize this data to determine any needed policy revisions.

Goal 58 is general in nature and calls for the provision of appropriately located adequate community park facilities. Objective 58.1: Standard Community Park Standard more specifically calls for 0.8 acres of developed standard community parks for public use per 1,000 permanent population of unincorporated Lee County.

In evaluating the effectiveness of Goal 58, Objectives 58.1, 58.2 and Policy 58.1.1, a review of concurrency data shows the County is currently meeting the requirements provided in Objective 58.1. The most recent available concurrency data is found in the report, "Concurrency Management: Inventory and Projections 1993/94 - 1994/95," and was prepared by the Lee County Department of Community Development Zoning and Development Services Division for the Lee County Board of County Commissioners, dated December 1, 1994 and amended on January 6, 1995. This report indicates that for each of the eight individual Community Park Impact Fee Districts (see Attachment 1), the level-of-service of eight tenths of an acre per one thousand permanent residents of unincorporated Lee County has been met. This is clearly shown on the following tables which shows the minimum level-of-service acreage, acreage provided, and desired level-of-service acreage. (Available in October of 1995 will be the most up-to-date concurrency report as prepared by the Lee County Department of Community Development Zoning and Development Services Division.)

The summation in the Evaluation and Appraisal Report reiterated that the latest concurrency reports show that facilities are on target with the level of service standard (the City of Fort Myers district is the only one which shows a shortfall). According to Public Services personnel, the adopted standard is consistent with national standards. However, Community Park District 4 will be seriously close to failing after 1998 if the desired future level-of-service of 2 acres per 1,000 population is adopted as a regulatory standard.

In addition, the Evaluation and Appraisal Report shows fiscal dedication towards maintaining levels-of-service for community parks and recreation centers. The FY 93-97 CIP targets \$28,028,000 in expenditures for community parks and recreation centers with the bulk of funding -\$21,586,000 - being derived from the capital improvement fund (the

revenues are from ad valorem taxes). Additional revenues are generated from impact fees and other development requirements. Proposed revisions to the Capital Improvements element were adopted as part of the 1992/1993 regular amendment cycle. That amendment deleted portions of Policy 70.1.4 and combined the affected portions with existing provisions in 70.1.3. This amendment puts forth a change to the minimum level-of-service for community parks to require 1.75 acres of developed standard community parks for public use per 1,000 permanent population of unincorporated Lee County. This increase reflects the desired level-of-service for standard community parks.

**INVENTORY OF COMMUNITY PARKS  
USED IN DETERMINING LEVEL OF SERVICE**

<b>PARK</b>	<b>IMPACT FEE DISTRICT</b>	<b>DEVELOPED and OPEN ACRES</b>	<b>FACILITIES</b>
Alva Community Park	2	10	community center, play equipment, picnic, restrooms, 2 tennis courts, 2 ballfields
Bay Oaks Park	4	49	community center, play equipment, picnic, restrooms, 2 tennis courts, 2 ballfields, 1 basketball court
Bayshore Complex Annex	2	5	
Boca Grande Community Center	7	2	community center, 2 tennis courts
Boca Grande Ballfields	7	8	1 ballfield
Bonita Springs Community Center	8	2	community center, play equipment, picnic, restrooms, 4 shuffleboard courts
Bonita Springs Old Depot	8	5	
Bonita Springs Community Park	8	40	community center, 1 pool, play equipment, picnic, restrooms, 2 tennis courts, 4 ballfields
Buckingham Community Center	3	1	community center, play equipment; picnic, restrooms
Hancock Park	5	17	play equipment, picnic, restrooms, 5 tennis courts, 4 ballfields
Harlem Heights Community Park	4	42	play equipment, picnic, 2 restrooms, 3 basketball courts, 7 ballfields - UNDER CONSTRUCTION
Highland East Park	1	11	community center, play equipment, picnic, restrooms, 1 basketball court, 1 tennis court, 2 ballfields

<b>PARK</b>	<b>IMPACT FEE DISTRICT</b>	<b>DEVELOPED and OPEN ACRES</b>	<b>FACILITIES</b>
Jerry Brooks Park	4	10	picnic, restrooms, 4 tennis courts, 2 ballfields
Judd Park	2	14	picnic, 2 tennis courts, 1 ballfield, 1 boat ramp lane
Karl J. Drews Community Center	4	3	community center, 1 pool, play equipment, restrooms
Lee County Sports Complex (softball)	4	30	4 ballfields
Lehigh Acres Community Building	3	3	community center, restrooms
Lehigh Acres Community Park	3	20	1 pool, play equipment, restrooms, 2 tennis courts, 4 ballfields
Lehigh Acres Community Park S.	3	48	play equipment, picnic, restrooms, 2 basketball courts, 2 shuffleboard courts
Lehigh Acres Senior Center	3	1	community center, restrooms, 4 shuffleboard courts
Matlacha Park	5	9	community center, picnic, restrooms, 2 boat ramp lanes
North Fort Myers Senior Center	2	3	community center, 1 pool, picnic, restrooms, 1 tennis court, 4 shuffleboard courts
Olga Community Center	3	2	community center, play equipment, picnic, restrooms, 1 basketball court, 1 tennis court, 2 shuffleboard courts
Phillips Park	5	8	1 pool, 2 tennis courts, 2 ballfields
Rutenburg Park	4	40	play equipment, restrooms, 8 tennis courts, 2 racquetball courts, 6 ballfields
Schandler Hall	1	4	community center, play equipment, picnic, 1 basketball court, 1 ballfield
School Parks	most	91	
Three Oaks Community Park	4	38	UNDER CONSTRUCTION
<b>TOTAL</b>		<b>516 ACRES</b>	
<i>Excerpted from Table 1 in the EAR (Section VII, Parks, Recreation and Open Space Element)</i>			

Based on the above table which is based on the EAR submittal, there are 516 acres available for community park useage, and the minimum level-of-service standard requires that 470 acres be provided through 1995. Therefore, clearly the minimum level-of-standard for community parks is being met when measuring for all of unincorporated Lee County.

Additional community parks are proposed for future construction. These possible projects may add to the number of community parks to help meet the level-of-service standards as the population of unincorporated Lee County increases. Those community parks planned for the future include: Buckingham Community Park consisting of 135 acres (Impact Fee District 3), North Fort Myers Community Park consisting of 86 acres (Impact Fee District 2), South Fort Myers Community Recreation Center and Pool consisting of 5 acres (Impact Fee District 4), and Winkler Extension Community Park consisting of 40 acres (Impact Fee District 4). These proposed community parks and recreation centers would potentially add 266 acres to the inventory of community parks and used in meeting the minimum level-of-service standard.

#### ***E. Infrastructure Planning***

*The County has not sufficiently evaluated the existing infrastructure, the needs based on approved and future development; the adequacy of the funding to meet these needs, and the adequacy of the objective and policies in directing County efforts to meet the infrastructure needs. These insufficiencies may be adequately resolved by addressing the issues identified below:*

#### **SUFFICIENCY ISSUES**

##### ***I. Summary of the data and analysis from the adopted plan (Rule 9J-5.0053(6)(a)1.)***

***1. Sufficiency Issue:*** *The EAR summary of the data from the Traffic Circulation Element in the adopted plan does not include limited access facilities, ports and related facilities, airports and related facilities, high speed rail lines and related facilities, and the number of traffic lanes for each roadway.*

***Recommended Action:*** *Add the above-referenced items to the summary of data from the adopted plan.*

***2. Sufficiency Issue:*** *The EAR summary of the analysis from the Traffic Circulation Element does not include existing traffic circulation levels of service and system needs pertaining to design capacities, estimates of average daily trips, accident frequency data, need for new facilities, and need for expansions. In addition, the summary did not include projected levels of service and systems needs based upon: the future land use map, the need for new facilities, need for expansions, and the LOSS planned for in the Florida Department of Transportation 5-Year Transportation Plan and the plans of the Lee County MPO.*



Recommended Action: Add the above-referenced items to the summary of the analysis from the adopted plan.

### Overview of Major Issues

The stated purpose of the Traffic Circulation element is "for Lee County to assess its needs for current and future roadways, to establish policy guidelines for use by county staff and the Board of County Commissioners, and to set standards for the provision of public facilities". An element similar in scope and name was contained in the 1984 Lee Plan. The 1989 documentation includes an evaluation and appraisal of this 1984 element.

The support document indicates that the proposed Traffic Circulation element contains several "departures" from the direction of the 1984 element including:

- The first update, since 1982, of the functional classification system for major roads in Lee County;
- The roles of the traffic Circulation Plan Maps and the Official Trafficways Map are clearly defined with the MPO plans;
- Level of service was established at D/E, with certain exceptions;
- Impact fee levels are to be reassessed.

## SUMMARY OF 1989 INVENTORY AND ANALYSIS

### Inventory

The document acknowledges that the data necessary for the inventory of the existing system were provided by the Florida Department of Transportation (FDOT) and Lee County Department of Transportation and Engineering (DOT & E). The document provides a map (Figure 1) of the existing functional classification based upon the FDOT Functional Classification System. The existing number of lanes on the roadway system, airports and rail lines are depicted on Figure 2 (see Attachment 2). Ports are addressed in the Ports, Aviation and Related Facilities element.

### Analysis

The document states that "the level of service of a roadway measures the ability of a maximum number of vehicles to pass over a given section of roadway or through an intersection during a specified time period, while maintaining a given operating condition". The document stresses that improvements in alternative roadways and other less costly improvements should be made to relieve congestion on constrained roadways. Listed improvements include: parallel facilities, improved traffic signalization, and the adding of turn lanes. The document states that "smaller scale improvements will be included in the county's capital improvement program and annual budget which encompass a range of projects which do not need to be detailed in a comprehensive plan."

The document states that projections for the future traffic circulation levels of service and system needs are based upon the future land use map of the Lee Plan. Further, that the

future system needs are derived from the MPO's Year 2010 Needs Plan (officially adopted by the MPO on January 21, 1988).

The document provides definitions of "intersections", "segments", and the six levels of service (LOS A-F). The document recognizes that the actual volume of vehicles represented by the various levels of service is dependent upon many factors such as, number of lanes, roadway type, area type, lane width, shoulder width, and number of trucks. The document contains the generalized hourly volumes for level of service "D" (Table 1). The support document recognized that a new methodology for calculating levels of service had been proposed by FDOT (based on the 1985 Highway Capacity Manual). The document states that this methodology will be used in the future but that the existing modeling (based on the 1965 Highway Capacity Manual) was used.

Existing traffic volumes and levels of service are depicted in Figure 3 of the document. According to the support document, the data was obtained from count stations, in the form of Annual Average Daily Traffic, adjusted to peak season peak hour counts. The document relays that the county has historically adopted two service levels, one for average operation conditions and one for peak season. This is the result of an influx of tourists and temporary residents during the winter months. The document states that this influx results in approximately 20% more traffic in the peak season.

The document states that the 1984 Lee Plan called for roadways and intersections to be designed to operate at LOS C or better on an annual average basis and LOS D or better during the peak season. The document further states that in 1987 the Board of County Commissioners effectively lowered the standard used in capital improvement programming to LOS D (annual average) and LOS E (peak season) due to a shortage of funds available for road improvements.

Table 2 depicts, by road segment, data for all major state and county roads in Lee County. This data includes functional classification, maintenance responsibility, committed improvements in the next five years by any agency, number of lanes, divided or undivided, length of link, peak-hour peak season volume, existing right-of-way, existing LOS, needed facility type, number of lanes required, additional right-of-way required, and improvement costs.

The support document indicates that a comprehensive intersection analysis program has been initiated, the MPO's Transportation System Management (TSM) element. Intersections identified as having problems and improvements are listed in Table 3 of the document. The document provides 1986 intersection accident frequency data (Figure 4). The document states that this data is important to the analysis so that areas with a need for safety improvements will simultaneously get road capacity improvements.

The document identifies, as a problem, the lack an access management program by FDOT that does not protect millions of local dollars that have been invested to improve state roads. The document recognizes that FDOT is moving to correct this problem with the proposed State Highway Access Management Act.

#### Future Needs

The document states that the MPO has prepared a "2010 Needs Plan" and a "2010 Financially Feasible Plan" (illustrated in the document as Figure 5). The document provides needed improvements by 1993 (Table 4) and by 2010 (Table 5). The document also contains improvements proposed to be funded by FDOT by 1993 (Table 7).

The document states that the county has a five year program of planned roadway improvements, the Capital Improvement Program (CIP), that is readopted annually by the Board of County Commissioners. The program is coordinated with FDOT and incorporated with the MPO's Transportation Improvement Plan (TIP). The CIP is oriented towards reducing or removing the service level or safety deficiencies identified in the current conditions inventory. Table 6 provides a summary of the CIP for transportation improvements.

The document lists roadway segments that are not expected to receive improvements (due to funding shortages, planning delays, or right-of-way problems) before 1993 even though they are forecasted to operate below service level D (peak season). These include: Bonita Beach Road from Vanderbilt Road to Hickory Boulevard, Estero Boulevard from South of the Matanzas Pass Bridge to Center Street, Hancock Bridge Parkway from U.S. 41 to Moody Road, McGregor Boulevard from Colonial Boulevard to College Parkway, Old 41 from Bonita Beach Road to Terry Street, and U.S. 41 from Daniels Road to Six Mile Cypress Parkway.

#### Adoption of Level-of-Service Standards

The document states that "the Lee County Commission has chosen to adopt regulatory standards (for concurrency purposes) of LOS "D" on an annual average peak hour basis and LOS "E" on a peak season peak hour basis". The document notes that certain exception must be made to these level-of-service standards. These "backlogged" and "constrained" facilities are identified in Table 8. The document points out that there are other uses, or conditions for restricted areas that demonstrate the need for other public policy to supersede transportation policy. Such listed areas include: areas of unique or environmental sensitivity, hurricane evacuation routes, economic centers with limited unused lands, areas of unique cultural, historical, educational, or recreational significance, and areas of unique cost such as river crossings.

#### Buildout Road Needs

The support document recognizes that the county and MPO have previously adopted, in 1986, a buildout map (Official Trafficways Map) depicting routes needed to meet buildout

conditions. The document also recognizes that "limited or partial control of access facilities are needed to assure adequate movement of traffic". The document notes that three such facilities already exist: I-75 (a freeway), Summerlin Road, and Six Mile Cypress Parkway (both partially controlled access). The document discusses the "Mid-Point Bridge" corridor and a loop expressway system as possibly being limited access facilities. The document states that "the exact location, timing, and cost of these improvements cannot be easily determined until at least general alignments have been selected."

3. *The EAR summary of the mass transit data from the adopted plan, does not include routes, service areas, terminals, rights-of-way and corridors, and major trip generators and attractors.*

Recommended Action: *Add the above-referenced items to the summary of the data on mass transit in the adopted plan.*

4. *The EAR summary of the analysis from the adopted plan does not include existing mass transit levels of service and system needs pertaining to number of vehicles, service frequency, ridership, revenue by mode, major trip generators and attractors, population characteristics and percent auto ownership. In addition, the analysis did not include projected levels of service and system needs based upon the Future Land Use Map and population projections as well as consider the adopted level of service standards, improvements, expansions, or new facilities planned for in the Florida Department of Transportation 5-Year Transportation Plan and the plans of the Lee County MPO.*

#### Overview of Major Issues

The stated purpose of the Mass Transit element "is for Lee County to assess its needs relative to mobility alternatives to the private automobile, and to examine the costs involved and the alternatives that are available". The 1984 Lee Plan included a Mass Transit element. The 1989 documentation includes an evaluation and appraisal of the 1984 element. Figure 1 from the 1989 documentation depicts the then existing Mass Transit system (see Attachment 3). This figure shows transfer points, generator/attractors, and existing transit routes.

The 1989 documentation indicated that levels of service had improved since 1984, as the number of buses operating during the peak season had increased from 16 to 29. This documentation also stated that Lee Tran had initiated a demonstration trolley project from a park-and -ride lot to Fort Myers Beach. Lee Tran had also expanded its commuter/ express service since 1984 by adding two new routes to the previous five. The 1989 documentation also noted that a Transit Development Program was to be prepared in the near future. The documentation also revealed that the percentage of revenue from fares had decreased from 32.9% in 1984 to approximately 20% in 1988. The support documentation also revealed that most of the buses in the fleet had exceeded their useful life.

## SUMMARY OF 1989 INVENTORY AND ANALYSIS

### Equipment and Routes

Lee Tran, during peak season, maintained a fleet of 29 buses and actively serviced 9 scheduled routes. The system provides service from residential areas to major employment and commercial centers, with the greatest emphasis on the dual hubs of downtown Fort Myers and the Edison Mall. The support documentation revealed that the 24 Bluebird Buses, which comprised the majority of the fleet, had exceeded their useful life and that Lee Tran would be seeking replacements. Service frequency was recorded as follows: "Existing headways range from 30-minute intervals (Green Route between the Courthouse and Michigan Links) to 60 minutes on all other routes (except for the Red Route which has 120-minute headways)". This documentation also states that there are seven Commuter/Express Routes starting at 6:45 a.m. to 7:50 a.m. The routes include North Fort Myers, Fort Myers Beach, East Fort Myers, north and south Cape Coral, South Fort Myers, and Lehigh Acres.

### Fares

User costs ranged from \$1.50 for two-zone fares between Fort Myers Beach and Fort Myers and \$.75 for Adult General fares and \$.35 for Handicapped/Senior Citizens. The documentation also notes that a Monthly All-System Pass, reduced fares for students, and 10-trip Passes are available.

### Ridership

The support documentation revealed that: the ridership on Lee Tran is younger than the general population of Lee County; a majority of the riders are female (67% of the riders are female versus 52% female as a percent of the total county population); a large proportion of the riders are minorities (31% Black and 4% Hispanic versus 9% and 0.2%, respectively, of the total county population); riders tend to be from low-income households (43% have annual family incomes of less than \$7,000 and 68% have incomes of less than \$12,000); and, over 75% of the riders are "captive", i.e., they have no automobile available or do not drive. The support documentation notes that 90% of all Lee Tran trips are home-based; two-thirds are for work or shopping; and, almost 19% of the riders transfer at least once. Frequent origin or destination points included: the Lee County Courthouse transfer point, downtown Fort Myers, Edison Mall, the Michigan Links housing project, the residential area south of Anderson Avenue, and southern Cape Coral. The support documentation states that the current ridership demographic makeup and the development of a future mass transit map will be addressed in the 1988 Transit Development Plan.

### Future Mass Transit - Future Needs

The document states that a population increase of approximately 363,125 persons is expected over the next 25 years in Lee County. The support documentation also states that population, growth, energy shortages, and the creation of more compact residential centers under the urban service concept will increase the demand for mass transit. The documentation recognizes that as the population of Lee County increases, increased

demand for access to the mass transit system will result. The documentation provides a "minimum requirements" estimate of the total increase necessary to service the future population. This methodology, reproduced below, compares expected population growth with current population figures and existing levels of transit service.

*Assuming that the existing mass transit system represents a minimum acceptable level of service, expansion of the Lee Tran System by 50% may be expected by the year 2005 to accommodate an additional 1% of the urban population. This figure was derived by assuming a 113% increase in the urban population by the year 2005 and further calculating that between 1% and 2% of this increase would become Lee Tran Riders. By maximizing the capacity of our current fleet and increasing the system by nine additional buses (2 spares), Lee Tran will be capable of accommodating the increase in urban transportation needs in Lee County.*

The documentation recognizes that ridership and economical viability is constrained by density and the distance persons are willing to walk to reach a transit stop. The document states that areas of low density single-family residential land use generally do not have sufficient ridership potential to justify mass transit.

The document states that the projection of future mass transit routes for the year 2005 is tentative. The support document believes that future expansion can be correlated to the Future Land Use Map, assuming that the correlation between high-density development and transit users remains valid and present day trip-attractors remain viable. The document states that future routes should reflect and reinforce the Urban Service Area concept to provide efficient service.

The support document states that service to growth areas would be enhanced by additional buses and potential for reduced headways. The document recognizes that to achieve this, certain capital and operational needs must be proportionately increased. The document (Table 2 & Table 3) lists basic equipment and personnel projections and costs. These tables list needed additions for the year 2005 such as 9 new transit coaches, 1 Multimodal Transfer facility (Cape Coral), 30 Mini Bus Shelters, 12 Transit Drivers, and 2 Mechanics.

#### Cost/Benefit of Mass Transit

The support document acknowledges that the cost or level of subsidy for mass transit is quite high ("farebox revenues comprise only 20% of the operating expenses") and less than 1% of the total county population uses the system. The document also acknowledges a study done by the Florida Transit Association that compared twenty other Florida mass transit system. The study revealed farebox revenue ratios to be in the 20 to 25% range.

The document lists benefits of mass transit to the general public. These include: reduced pollution, less congested roads at peak hours, provides transportation for people with no available personal transportation, reduces need for fuel, some additional road building, and public parking.

The document also acknowledges that Lee Tran has relied upon direct government subsidies for its traditional funding source. The document briefly discusses alternative revenue sources that could be initiated. These included: transit impact fees, employer pass program, vanpooling, bus charters, contract services, vendor financing, and other miscellaneous sources.

### Capital Improvements

The support document states that specific capital improvements and equipment for mass transit operations will be generally prioritized according to two basic criteria which is reproduced below:

*"The first is the degree to which any improvement will provide or improve transit services in and to the central cities portion of the Urban Services Areas (Fort Myers, Cape Coral, North Fort Myers, East and South Fort Myers), while connecting it to outlying employment and commercial areas (for example the Southwest Florida Regional Airport area and interstate highway interchange areas). Second, consideration should be given to those capital investments necessary to provide and improve mass transit services to the outlying urban community areas."*

5. *The EAR summary of the infrastructure data and analysis from the adopted plan (Community Facilities Element) does not include the allocated proportional capacity; the identification of public and private facilities, the operating entity, geographic service area, design capacity, current demand, and existing level of service; the existing and projected facility needs; the identification of major natural drainage features and groundwater recharge areas; and the existing regulations which govern land use and development of natural drainage features and groundwater recharge areas.*

Recommended Action: *Add the above-referenced items to the summary of the infrastructure data and analysis from the adopted plan.*

### Drainage and Groundwater

Sections D and F of Exhibit B of the 1994 EAR and Section II.J. of the 1995 EAR Update Addendum address the condition and quality of natural drainage features and groundwater recharge areas as identified in 1989 and in more recent studies.

6. *The EAR summary does not include existing ports, aviation and related facilities data from the adopted plan including the airport facilities, clear zones, and obstructions; port facilities; adjacent land uses; and major trip generators and attractors.*

Recommended Action: *Add the above-referenced items to the EAR summary of the ports, aviation and related facilities data from the adopted plan.*

Due to its unique coastal geography and its natural features, Lee County's marine facilities are not concentrated at one major port terminal. Instead, they are dispersed along the coastline and encompass a range of marine-oriented activities such as: waterborne transportation, commercial fishing, and recreational boating.

Lee County possessed approximately 46 miles of gulf front coastline. The Caloosahatchee River, which originates at Lake Okeechobee and travels in a southwesterly direction into the Gulf of Mexico, provides additional waterfront. The coastal area of Lee County includes the mainland and an almost constant border of fragile barrier islands. Between the mainland and these islands, the state designated aquatic preserves including the Charlotte Harbor estuarine complex (which includes Cape Haze, Gasparilla Sound - Charlotte Harbor, Matlacha Pass, and Pine Island Sound Aquatic Preserves) and the Estero Bay estuarine complex (which includes the Ester Bay Aquatic Preserve).

There are no public ports in Lee County; only private ports operating independent of the Lee County Port Authority. The county's private ports are concentrated in three geographic areas: Boca Grande, San Carlos Island, and Pine Island. Because environmental and geographic constraints make it difficult to locate port facilities in Lee County, the 1989 comprehensive plan mandated that existing port facilities shall be protected by water-dependent overlay zones; these ports include: Boca Grande and the upriver barge terminal on the Caloosahatchee river, the facilities at San Carlos Island, the various fish houses on Pine Island and small fish house in Bonita Springs.

#### Port Boca Grande and the associated barge facility on the Caloosahatchee River

Port Boca Grande is located at the southern tip of Gasparilla Island and is the only relatively deep-water facility serving Lee County. Originally developed in conjunction with the phosphate industry, the port serves as an oil transshipment facility for Florida Power and Light's (FP&L) electric generating station on the Caloosahatchee River. Bunker C fuel oil and No. 2 diesel oil used by FP&L are off-loaded at the Port of Boca Grande and shipped by barge to the FP&L upriver barge port. The FP&L upriver barge port is located on the Caloosahatchee River at the intersection of S.R. 31 and S.R. 80; it is adjacent to and east of the existing FP&L generating station.

In 1989 facilities at port Boca Grande included loading and unloading facilities and four oil storage tanks. The facilities included a 460 foot concrete pier with a 260 foot loading dock. This loading dock accommodated vessels of up to 650 feet with 100 foot beams. Storage tanks had a 27 million gallon capacity. In 1989 Boca Grande was the only port in Lee County which could cater to international trade vessels. Representatives from the Federal Immigration Service in Tampa boarded all foreign ships which dock at Port Boca Grande.



### San Carlos Island

In 1989 San Carlos Island provided an environment for a unique mix of marine recreational and marine industrial uses. The Board of County Commissioners in January of 1988 voted to reserve a percentage of its shoreline exclusively for water-dependent uses (uses that must have a shoreline site in order to exist). These regulations more clearly established policies to implement the 1984 Lee Plan policy to reserve much of San Carlos Island for marine industrial uses.

The shrimp industry moved its operations to the San Carlos area around 1949 after a new species of shrimp, the night crawling pink shrimp was discovered in water near Key West. (Prior to that boats fished the east coast for the Atlantic white shrimp). In 1985, all commercial fisherman in Lee County loaded 13.2 million pounds of fish and shellfish, valued at \$18 million dockside. From a monetary perspective, a very significant portion of this production consisted of shrimp and shellfish landed at San Carlos Island. In 1985, approximately 5.4 million pounds of shrimp were loaded at San Carlos Island; the dockside value of this shrimp was estimated at \$12.4 million. The retail value of the shrimp unloaded at San Carlos Island is estimated at \$50 million.

In 1989 a comparison between the ideal physical facilities associated with a seafood industrial park and the existing establishments found on San Carlos Island revealed that in many ways, San Carlos Island was already operating as a quasi-seafood industrial park. (This was noted as a worthy achievement since some states were considering providing government assistance to develop the type of infrastructure and facilities that evolved solely through private initiative in San Carlos Island.) San Carlos Island had a variety of land uses; in 1989 the physical characteristics of San Carlos Island included four land uses: residential, commercial, industrial, and open undeveloped land in the urban area.

In 1989, as Lee County's population grew in size and diversity, conflicts among various land uses became more frequent. The limited amount of land on San Carlos Island, the island's desirable location, available urban infrastructure and accessibility from the mainland ushered land use conflicts. To address the existing and potential land use conflicts between water-dependent and water-related uses and between marine industrial and recreational water dependent uses, the Lee County Board of County Commissioners in January of 1988 adopted into the Lee Plan a water-dependent overlay zone for San Carlos Island. This zone was essentially "laid over" the existing land use categories (marine industrial and urban community), restricting the list of allowable land used to mainly water dependent uses. The net effect of the implementation of the water-dependent overlay zone was to limit most new development within the zone to land uses for which water access is essential and which could not exist without water access.

### Pine Island Facilities

Two lane State Road 78 (Pine Island Road) provides the only land access to Pine Island from neighboring Cape Coral and other parts of Lee County. In 1989 commercial fishing,

agriculture, tourism, and land development formed the economic base of the Greater Pine Island area (which includes several islands including Matlacha). In 1985 Lee County's commercial fishermen landed \$13.2 million pounds of fish and shellfish in Florida, valued at \$18 million dockside. (Nearly 25 percent of all black mullet landed in Florida was landed on Pine Island.) Approximately 48 percent of this production (or 6.36 million pounds) consisted of fish and shellfish landed at Pine Island. This production was valued at approximately \$3.3 million dockside; black mullet made up a great portion of volume and dollar value. In 1985 approximately 4.7 million pounds of black mullet were landed with a dockside value of approximately \$1.4 million.

In 1989 there were several active fish houses located at Matlacha, Bokeelia, St. James City, just south of Pine Island Center. The 1989 comprehensive plan extended water-dependent overlay zones over these uses in order to protect them. In addition to assist the fisherman of Pine Island, the 1989 comprehensive plan required that the Lee County Zoning Ordinance be amended so that on Pine Island, the storage of fishing gear and traps at a fisherman's private residence would not to be construed as a commercial use and therefore would not be prohibited.

#### Bonita Springs

In 1989 the Ray Johnson Fish Company was located at the west end of Coconut Road. Adjacent surrounding lands were wetlands and sparsely developed residential areas with mobile homes and individually owned lots. The 1989 comprehensive plan extended water-dependent overlay zones over this use in order to protect it.

#### Airport Facilities

In 1989 Lee County had two primary public aviation facilities: the Southwest Florida Regional Airport which opened in May of 1983, and Page Field, an older aviation facility, which served a general aviation function. Growth played a major factor in the development of the Southwest Florida Regional Airport. By 1989 it had exceeded all projections made at the time of its development and as a result, it was anticipated that increased facilities would be required in the future in order to serve the public in an efficient and effective manner. In 1985 it was estimated that the Southwest Florida Regional Airport handled an estimated 860,000 enplaned passengers, this figure was forecast to be 1,510,000 by 1995 and 2,240,000 by 2005.

In 1986, access to the Southwest Florida Regional Airport was from Daniels Road, a two lane road with 12,500 average annual daily trips east of I-75. Future transportation plans included four laning Daniels Road to the airport. The airport was also accessible via the interchange at Daniels Road and I-75. In 1989 this interchange was designated as General Interchange and is appropriate for a variety of commercial, retail, and industrial development. In addition, areas surrounding the Southwest Florida Regional Airport along I-75 are designated as Airport Commerce, targeted for mixed-use developments

consisting of a variety of light manufacturing and airport related activities along with a hotels/motels, meeting facilities and other hospitality services.

Since the Southwest Florida Regional Airport opened, Page Field has served general aviation and air taxi functions. Although air passenger forecasts were no longer relevant for Page Field, aviation demand forecasts were expected to increase. The number of based aircraft at Page Field was forecast to increase from 227 in 1984 to 410 in 2005, an 80.6% increase. Aircraft operations were forecast to increase from 120,353 in 1984 to 202,100 in 2005, an increase of 68%. While performing feasibility studies to identify replacement facilities, Lee County planned to retain the flexibility to maintain Page Field as an aviation facility through the 20-year planning period if replacement facilities were not justifiable. In particular, impacts upon surrounding neighborhoods were to be taken into consideration if Page Field was to remain a viable general aviation facility for Lee County. A 1987 Urban Land Institute study contained recommendations by a panel of nationally prominent planners and business leaders and local officials concerning the various potential land uses for Page Field along with traffic improvements in the vicinity.

Other aviation transportation facilities in Lee County included Buckingham Airfield, managed by the Lee County Mosquito Control District, and two private use general aviation facilities in Lehigh Acres, owned and operated by the Lehigh Corporation. The Mosquito Control District had 18 aircraft and approximately six helistops. There were also several other private use general aviation facilities in Lee County, nine chartered in all, including those mentioned above. Operations at private airstrips were minimal and with continued operation of the Page Field's general aviation facility, were not expected to increase significantly.

#### Regulations dealing with Clear Zones and Obstructions

The establishment of the Airport Hazard Zone was included in the 1984 Lee Plan. This zone is specified as a Special Treatment Area, governed by all of the requirements of its underlying land use categories and, in addition, governed by additional restrictions associated with this particular category. The Airport Hazard Zone are areas subject to excessive levels of airport related noise, as depicted in the Federal Aviation Regulations (FAR) Part 150 study. These areas do not permit residential land uses as a result of these noise impacts, but other types of commercial, industrial and recreational uses are permitted. A Supplemental Noise Study was authorized in 1987 at the request of neighboring property owners. It was anticipated that, based upon the results of this study, revisions to the FAR Part 150 noise compatibility study would be needed.

Land use in the vicinity of the Southwest Florida Regional Airport was also guided by the requirements of Lee County Ordinance No. 78-12, Airport Hazard Zoning District, as these were incorporated in the Lee County Zoning Ordinance. These noise control requirements were based on Contour Noise Ratings (CNR)

FAR Par 77 Review -Tall Structures -- This procedure provides for the review of tall structures, towers and other facilities that might encroach upon air traffic in Lee County.

#### Major Trip Generators and Attractors

The Southwest Florida Regional Airport was originally permitted in 1983 to serve the five-county Southwest Florida region. It became the nation's only air carrier airport fully constructed and permitted since the creation of the National Environmental Project Act. During 1983, there were 638,296 enplanements and 620,008 deplanements for a total of 1,258,304 passengers. The total figures were up 7.67 percent from the 1982 passenger figure of 1,168,475. In 1987 passenger traffic at the Southwest Florida Regional Airport showed significant growth over previous years. By 1987, enplanements and deplanements totals were 2,685,842, up by 113.4 percent from 1983 figures. A comparison between December of 1986 and December 1987 showed passenger traffic increased by 20%; a comparison between February of 1986 and February of 1987 showed an increase of 30.4%, and a comparison between March of 1986 and March 1987 showed an increase of 26%.

Airmail and air freight represented substantial commerce movement, these figures had also increased dramatically. During the first quarter of Fiscal Year 83-84, there were 52,733 pounds of freight flown in, and 184,359 pounds flown out of the Southwest Florida Regional Airport. Air freight which was flown during the same quarter equaled 427,782 pounds while air freight which was flown out amounted to 419,746 pounds. By 1987, air mail freight figures were up a total of 78.85 percent from 1986. By December 1987, 6,812,830 pounds of mail freight were moved in and out of Lee County.

#### Aviation Fuel Storage at the Southwest Florida Regional Airport

Jet-A fuel used for aviation purposes was stored at the Southwest Florida Regional Airport Fuel Farm in three tanks containing 10,000 barrels each. The air carrier fuel farm was located northeast of the passenger terminal building, designed to handle jet fuel only. The fuel was transported to the facility by truck tankers from Port Everglades, Port Tampa and Port Jacksonville. As aircraft traffic was projected to increase, fuel deliveries by truck were also projected to increase. Therefore, a study by the Pear Marwick consulting firm recommended consideration be given to the installation of a pipeline from a fuel dock on the Caloosahatchee River south along the I-75 right-of-way to the airport. The recommendation was that this pipeline be constructed when the costs of truck transportation exceed the debt service on bonds needed to construct the pipeline.

7. *Sufficiency Issue: The EAR summary of the analysis from the adopted plan of service demands and system needs does not include the existing demand and system needs based on passenger, freight and cargo usage, community needs, and the local economy.*

*Recommended Action: Include the above-referenced items in the summary of the analysis from the adopted plan of service demands and system needs.*

The current EAR documentation does not include this information from the 1989 Support Documentation. Summaries of the information that was included in the 1989 Support Documentation will be included in the EAR addendum in the evaluation of the Ports, Aviation and Related Facilities Element.

8. *Sufficiency Issue: The EAR does not include a summary of the capital improvements data from the adopted plan including location and service areas of public health and education systems and the inventory of existing revenue sources and funding mechanisms available for capital improvements.*

*Recommended Action: Include the above-referenced items in the summary of the data from the adopted plan.*

9. *Sufficiency Issue: The EAR does not include a summary of the capital improvements analysis from the adopted plan.*

*Recommended Action: Provide a summary of the capital improvements analysis from the adopted plan. The summary should address items such as how the County guides the timing and location of public facilities, the fiscal implications of existing deficiencies and future needs for each type of public facility, the costs of needed capital improvements, the impact of new public health and education facilities on the provision of infrastructure, how the County controls the timing and location of infrastructure to further the goals of the plan, and the ability to finance capital improvements based upon anticipated population and revenues.*

#### Overview of Major Issues

The stated purpose of the Capital Improvement Element (CIE) is to recapitulate the capital facility needs of the community as identified in the various elements of the Lee Plan, to establish policy guidance for staff and elected officials in developing investment strategy and the annual Capital Improvements Program, and to assure citizens that public facilities will be provided to maintain and enhance the quality of life and provide for the efficient operation of the local economy. The document contains an evaluation and appraisal of material contained in the 1984 plan that speaks to the economic feasibility of the plan. The Capital Improvements Element is, thus, a new element incorporated in the 1989 plan as a result of the requirements of Chapter 163, Florida Statutes, and of Chapter 9J-5, Florida Administrative Code.

The support documentation recognizes that the high cost of providing public facilities can dramatically affect the county's finances over a significant period of time. The document lists the benefits of preparing a Capital Improvements Program such as informing citizens of future projects, coordinating public projects with each other and the comprehensive plan, establishes a reasonable multi-year spending plan that keeps expenses within the ability of the county's taxpayers to pay, and the program serves as a basis for the

management of projects. The document recognizes that the county utilizes a multi-faceted approach to determine the demand for and location of new capital investment. The document states:

*"Basic to this process are the complaints of citizens, and the observations of elected and appointed officials, of the condition of the county's assets, and the failures, existing or impending, of various facilities to provide service at acceptable levels. Coupled with the expert and specialized knowledge of operators and managers, this has been a traditional method of identifying the community's needs. From this, decisions may result directly to invest in repair, renovation, or replacement."*

The document acknowledges that the process frequently result in a determination to define the issues more precisely through specific and narrowly focused planning studies such as the MPO's 2010 Needs Plan, or the county-wide storm water management plan.

The document also states that unanticipated impacts on the public infrastructure arising from the decisions of the local school and community college boards have been minimal. The document acknowledges the informal consultative arrangement with the school board in which county staff are able to advise school board staff on school site selection, with the ready availability of support infrastructure as a primary locational criterion. The document states that with the exception of the county health department and the county's nursing home there are no public health care facilities in the county. All hospitals and nursing/convalescence homes are either private-for-profit entities or are autonomous quasi-public corporations, all of whom are treated as private developers.

### Inventory

The document states that capital investment needs required to alleviate existing service deficiencies and to serve projected needs are identified in each element wherein a level of service standard is required. The document states that after the process of identifying and reconciling existing infrastructure deficiencies and future needs with available resources there are limited options available to the county. These options were listed as: reduce current level of service standards; identify revenues from a source that was underutilized; or, identify revenues from a source not currently being used. The document states that the first option was not examined as it was determined that the level of service should not be reduced. The two other options were examined. The result was the determination to levy the remaining available two cents of Local Option Motor Fuel Tax (providing an estimated \$9,312,000 from FY90 to FY93. Also it was decided to resort to debt financing, i.e. revenue bonds, based on miscellaneous unpledged revenues to provide \$23,492,000 (principally for public buildings). The document states that it is not possible to realistically project future year impacts of infrastructure improvements.

The document provides an inventory of the major sources of funding available to Lee County. These include local, state, and federal sources.

The first source discussed is property taxes (Ad Valorem). The document relays that for fiscal year 1988/89, 0.432 mills (out of 4.579 mills) is earmarked for capital improvements. The document states that the ad valorem tax traditionally accounts for approximately 11% of the county's annual capital budget. The document notes that Lee County possesses additional property tax capacity of over five mills.

Public utility or user charges are another source of funds for Lee County. These charges are derived from the operation of publicly owned and operated utilities, such as water, sewer, solid waste disposal, toll roads and bridges, and mass transit. The document notes that this source of revenue currently makes up about 5% of all county revenues (a 1989 estimated 27.2 million dollars).

The document discusses other special sources of revenue such as impact fees, special assessments, and borrowing. The document acknowledges that Lee County has imposed impact fees for three facilities, roads, community parks, and regional parks. The document states that 6% of the FY88/89 Capital budget will be funded from the combination of parks and roads impact fees. The document notes that Lee County has imposed special assessments in the past for sewage facilities, roadway improvements, and drainage systems (an estimated \$1.6 million in construction bond proceeds).

The document also discusses short-term and long-term debt financing, specifically , general obligation bonds, revenue bonds, and industrial development revenue bonds. The document notes that after FY88, Lee County will have no outstanding general obligation bonded indebtedness. The document also notes that excess operational revenues from transportation improvements (\$2.1 million) are transferred to transportation capital projects. The document also notes that four private water and sewer utilities are presently or proposing to use industrial revenue bonds to fund \$27.6 million for facility and infrastructure expansion.

The document acknowledges that Lee County depends on annual disbursements from the state and federal governments. The state sources section discusses funds which are: generated locally, but collected and later returned by state agencies to the county; adopted as a local option tax or license fee, collected and returned by the state; or, shared by the state in the form of grants to the local government, but originate from state general revenues. The document discusses the Motor Fuel Tax (approximately \$2.08 million is disbursed to Lee County), the County Local Option Gas Tax (noted as 4 cents which produces \$4.2 million annually), and the Tourist Development Tax. The document also highlights various state and federal grants that the county has received for specific purposes ranging from the preservation of the Lee County Courthouse to infrastructure improvements in several low-income neighborhoods.

The document provides the following as a standing policy:

*"In virtually all cases the guiding principle is that, ultimately, the costs of additional infrastructure necessitated by new growth and development should be borne by that new growth and development"*

### Analysis

This section of the document examines the county's ability to fund needed capital improvements. The document defines the accounting system the county has created for capital improvements financing: the general fund, capital improvement fund, transportation improvement fund, impact fee funds, enterprise funds, and the tourist development tax. The process used in this analysis consists of estimating future receipts of revenues for these various funds, and then balancing these receipts against anticipated expenditures for capital improvements. Projected revenue from property taxes (Ad Valorem) was calculated by assuming a 10% per annum rate of growth for the taxable valuation of property (Table 1). Proceeds were anticipated at 95% of gross tax. The various funds were projected based on past trends. Table 2, of the document, indicates the expected revenues available to the county to finance capital improvements for the years 1989-1993. Table 3, extracted from the adopted FY1988/89-FY1992/93 Capital Improvements Program, summarizes proposed expenditures by funding source. Projected debt service expenditures by fund source are listed in Table 4. Table 5 presents the projected revenues for each of the funds for the years 1989-1993. Table 6 provides a debt capacity analysis.

## *II. Summary of the condition of the Element at the Date of the EAR (Rule 9J-5.0053 (6)(a)2.)*

*1. Sufficiency Issue: The EAR summary of the data from the Traffic Circulation Element does not include: limited access facilities, ports and related facilities, airports and related facilities, high speed rail lines and related facilities, and the number of traffic lanes for each roadway.*

*Recommended Action:* *Add the above-referenced items to the summary of the Traffic Circulation Element.*

The current EAR documentation did include a map indicating the number of traffic lanes for each roadway. The current EAR documentation does not include information concerning limited access facilities or data concerning ports and related facilities or airports and related facilities. Data addressing these issues will be included in the EAR addendum in the evaluation of the Traffic Circulation Element and/or the Ports, Aviation and Related Facilities Element.

*2. Sufficiency Issue: The EAR summary does not include current traffic circulation levels of service and system needs pertaining to design capacities, estimates of average daily trips, accident frequency data, need for new facilities, and need for expansions.*



Recommended Action: Add the above-referenced items to the summary of current traffic conditions.

The current EAR documentation did not include this data. Data addressing these issues will be included in the EAR addendum in the evaluation of the Traffic Circulation Element.

3. Sufficiency Issue: The evaluation and appraisal report did not include a complete summary description of the condition of the Mass Transit Element at the date of the EAR submission. The Mass Transit Element data include: terminals, rights-of-way, major trip generators and attractors.

Recommended Action: Provide a summary description of current conditions pertaining to terminals, rights-of-way, major trip generators and attractors.

The current EAR documentation did not include this data. Data addressing these issues will be included in the EAR addendum in the evaluation of the Mass Transit Element.

4. Sufficiency Issue: The EAR summary does not include current mass transit levels of service and system needs pertaining to service frequency, ridership, revenue by mode, major trip generators and attractors, percent auto ownership, and population characteristics.

Recommended Action: Provide a summary description of the current conditions relating to mass transit.

The current EAR documentation does contain a basic service frequency discussion in the recommended service changes/improvements section. Lee County staff agrees that a discussion of headway times per route would clarify this issue. The current EAR documentation also contains the revenue by mode data (on Page V-6). The current EAR documentation did not contain the actual ridership data, major trip generators and attractors, percent auto ownership, or population characteristics. Data addressing these issues will be included in the EAR addendum in the evaluation of the Mass Transit Element.

5. Sufficiency Issue: The EAR does not include a summary of the current infrastructure.

Recommended Action: Provide a summary of the current infrastructure which includes the allocated proportional capacity; the identification of public and private facilities, the operating entity, geographic service area, design capacity, current demand, and existing level of service; the existing and projected facility needs; the identification of major natural drainage features and

*groundwater recharge areas; and the existing regulations which govern land use and development of natural drainage features and groundwater recharge areas.*

#### Drainage and Groundwater

Sections D and F of Exhibit B of the 1994 EAR and Section II.J. of the 1995 EAR Update Addendum address the condition and quality of current natural drainage features and groundwater recharge areas. See the EAR discussions of Goals 37, 38, 39, and 41 in the Community Facilities and Services Element for regulations and programs which have occurred since 1989.

6. Sufficiency Issue: *The EAR summary does not include the current ports, aviation and related facilities data and facilities.*

Recommended Action: *Provide a summary of the current ports, aviation and related facilities data and analysis which includes the airport facilities, clear zones, and obstructions; port facilities; adjacent land uses; and major trip generators and attractors. Provide a summary of the current service demands and system needs including the existing demand and system needs based on passenger, freight and cargo usage, community needs, and local economy. Also, the analysis should consider projected demand and system needs based on projected population, Future Land Use Map, Future Traffic Circulation Map, and the consideration of adjacent natural resources.*

The current EAR documentation did not include the current ports, aviation and related facilities data. Data addressing these issues will be included in the EAR addendum in the evaluation of the Ports, Aviation and Related Facilities Element.

7. Sufficiency Issue: *The EAR summary does not include a description of the condition of the current capital improvements data including the location and service areas for public health and education system.*

Recommended Action: *Provide a summary description of current capital improvements data including the location and service areas for public health and education system.*

This sufficiency issue goes far beyond what is required by F.S. 163.3191 and Rule 9J-5. To comply with the suggested summary would require extensive data collection, much of which would be new data. Lee County does not believe that the EAR process was intended to require a larger planning effort than the original plan adoption process. The condition of the element and an evaluation of its success or failure does not necessitate a detailed and time consuming data collection process. A summary of the available data will be included in the addendum.

8. Sufficiency Issue: The EAR summary does not include a complete summary description of current capital improvements analysis including an analysis of how the local government guides the timing and location of public facilities, the fiscal implications of existing deficiencies for each type of public facility, the costs of needed capital improvements to mitigate existing deficiencies and provide for replacement, and how the County controls the timing and location of infrastructure to further the goals of the plan.

Recommended Action: Provide a summary description of current capital improvements analysis which includes the above-referenced items.

This sufficiency issue goes far beyond what is required by F.S. 163.3191 and Rule 9J-5. To comply with the suggested summary would require extensive data collection, much of which would be new data. Lee County does not believe that the EAR process was intended to require a larger planning effort than the original plan adoption process. The condition of the element and an evaluation of its success or failure does not necessitate a detailed and time consuming data collection process. A summary of the available data will be included in the addendum.

### **III. Comparison of the element's adopted objectives with actual results. (Rule 9J-5.0053 (6)(a)3.)**

7. T.C. Objective 23.2: When possible, plan the construction of roadway facilities and new developments such that established service levels are maintained through time despite the additional traffic load. The County's evaluation states that the objective states the County's position on development timing.

Sufficiency Issue: The evaluation does not specify whether the construction of roadway facilities and new developments are planned such that established service levels are maintained through time despite the additional traffic load. Without this data, the County has not completely compared the actual results to the objective's target.

Recommended Action: Assess the effectiveness of the policy in maintaining service levels despite the additional traffic load. Utilize the data to determine needed policy revisions.

The current EAR documentation did not specify whether the construction of roadway facilities and new developments are planned such that established service levels are maintained through time despite the additional traffic load. The EAR addendum of the Traffic Circulation Element, will contain a discussion of the Lee County Concurrency Management System as it relates to this objective.

13. M.T. Objective 29.3: Maintain a public transit service which offers reliability, accessibility, safety, convenience, affordable prices, and efficiency. The County's evaluation states that the objective describes the intent of the County regarding levels of service for mass transit.

Sufficiency Issue: The evaluation does not illustrate whether a public transit service which offers reliability, accessibility, safety, convenience, affordable prices, and efficiency have been maintained. Without this evaluation, the County has not fully compared the actual results to the objective's target.

Recommended Action: Evaluate the effectiveness of the policy in maintaining a public transit service which offers reliability, accessibility, safety, convenience, affordable prices, and efficiency. Utilize the data to determine needed policy revisions.

The EAR addendum of the Mass Transit Element will evaluate the effectiveness of this objective.

18. P.A.R.F. Objective 92.1: The County shall modify the Zoning Ordinance to protect existing commercial fishing operations and other water-dependent uses. The County's evaluation states that the objective has been accomplished.

Sufficiency Issue: The evaluation does not illustrate how the Zoning Ordinance was revised to protect existing commercial fishing operations and other water-dependent uses. Without this data, the County has not fully compared the actual results to the objective's target.

Recommended Action: Indicate how the Zoning Ordinance was modified to protect existing commercial fishing operations and other water-dependent uses.

A water-dependent overlay concept has been established in the Lee Plan in order to protect and preserve those water-dependent uses already in existence. Policy 1.7.5 sets forth the language for water-dependent overlay zone designations as shown below:

**POLICY 1.7.5**: The Water-Dependent overlay zone designates shoreline areas where priority shall be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 8, in the Greater Pine Island area under Goal 16, and for other areas in Lee County in the Port, Aviation and Related Facilities element.

These water-dependent overlay zones are intended to preserve both commercial and industrial water-dependent uses. On April 20, 1994, the Lee County Board of County Commissioners adopted the Lee County Land Development Code which incorporated the former Zoning Ordinance as Chapter 34 "Zoning." This chapter has been modified so that it incorporated by reference language in the Lee Plan protecting existing commercial fishing and other water-dependent uses. "Section 34-1862 Marinas, fish houses and

docking facilities” includes subsection (a) Water -dependent overlay zones, subsection (b) Marine siting criteria and subsection (c) Marina design criteria. Therefore, language in the Land Development Code under Chapter 34 “Zoning” provides for the use of water-dependent overlays in order to maintain/continue water-dependent uses where they currently exist, including commercial fishing and industrial uses.

Lee County has supported and maintained its commercial and industrial marine districts by initiating rezoning of water-dependent use parcels. Lee County has initiated these rezonings for water-dependent uses, by putting in place the water dependent overlay and changing their zoning category to either the Commercial Marine or Industrial Marine zoning category. The language describing the allowable uses within these zoning categories is provided in Section 34-871 of Chapter 34 “Zoning” of the Land Development Code. This language is provided below.

*Sec. 34-871. Purpose and Intent*

*(a) CM marine commercial district. The purpose and intent of the CM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial marinas and other uses incidental to such facilities. The principal uses of land at these locations shall be limited to waterfront-dependent uses required for the support of recreational boating and fishing. The marina sitting and design criteria to be used are those set forth under objectives 98.5 and 98.6 of the Lee Plan.*

*(b) IM marine industrial district. The purpose and intent of the IM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial and industrial waterfront-dependent land uses. Such uses are more intense than those normally encountered in a recreational marina, yet fall short of the intensity of use represented by the storage and commodity handling facilities and equipment attendant to the waterborne commerce movement facilities which are the principal focus of the PORT district. The marine industrial district is intended to accommodate such uses as boat building, major hull and engine maintenance and repair, landing, icing and shipping of fish and seafood (fish and seafood processing requires a special permit), and other uses of similar scope and scale. The marina sitting and design criteria to be used are those set forth under objectives 98.5 and 98.6 of the Lee Plan.*

A total of 16 county-initiated rezonings have been completed since 1989. The table which follows summarizes the county-initiated rezonings.

Property	Previous Zoning	Action
Owl Creek Boat Works	IL	Rezoned to IM
San Carlos Marina	C-1	Rezoned to IM
South Seas Plantation	RM2	Rezoned to CM
Bob Coombs Fish Company	C-1	Rezoned to IM
Fishtrap Marina	C-1	Rezoned to CM
Harbor Village Marina	C-1A	Rezoned to CM
Mullock Creek Marina	AG-2	Rezoned to CM

Property	Previous Zoning	Action
Roy Johnson Fish Company	C-1	Rezoned to IM
Four Winds Marina	C-2	Rezoned to CM
Hansen Marine	IL & AG2	Rezoned to IM
Coastal Marine Mart	C-1	Rezoned to CM
Burnt Store Marina	RM-2	Rezoned to CM
Lee County Fisherman's Co-op Matlacha	C-1	Rezoned to IM
Snook Inn	C-1	Rezoned to CM
Quality Seafood	C-1	Rezoned to IM
Dobby's Place	C-1	Rezoned to CM

Key: IM - Marine Industrial Districts      AG - Agricultural District  
CM - Marine Commercial Districts      RM - Multifamily Residential  
IL - Light Industrial Districts      C - Commercial

In summary, the Land Development Code language and the table presented above show county-initiated rezonings which provide for the use of water-dependent overlays to maintain/continue water-dependent uses where they currently exist, including commercial and industrial water-dependent uses.

(The EAR addendum of the Ports, Aviation and Related Facilities Element will also address this issue.)

19. *P.A.R.F. Objective 96.3: The County shall continue to encourage the location of suitable commerce movement support facilities to areas appropriately designated on the FLUM. The County's evaluation states that this is an ongoing objective.*

Sufficiency Issue: *The evaluation does not indicate how commerce movement support facilities are located to suitable locations based upon the FLUM. Without this data, the County has not fully compared the actual results to the objective's target.*

Recommended Action: *Describe how commerce movement support facilities are located to suitable locations based upon the FLUM and utilize this evaluation to determine needed policy revisions.*

The county has provided suitable locations on the FLUM for commerce movement support facilities. The county allows these uses to locate in the Interstate Highway Interchange Areas, Industrial Development Areas, and the Airport Commerce FLUM categories.

Objective 1.3 of the Lee Plan establishes policies which provide criteria for the development of industrial, general, general commercial, industrial, and University Village interchange areas. The following includes the language from Objective 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS:

*Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. These categories are also considered Future Urban Areas. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development at these interchanges is to occur as Planned Development -- that is, developments that are designed as integrated, cohesive units rather than as separate, unrelated projects. This will minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific role: General, General Commercial, Industrial Commercial, and Industrial. These categories are also considered Future Urban Areas.*

This objective and attendant policies indicate the appropriate locations for such commerce movement support facilities. To date, 1,962 acres have been designated as interchanges (see list above). Proposed in the current EAR are 2,149 acres designated as interchange areas which reflect one additional interchange area in the Bonita Springs area consisting of 187 acres. This proposed new interchange is a result of the increased demand anticipated in that area as the tenth university becomes active.

The following list of policies express the intent of each different interchange area:

- Policy 1.3.1: Industrial Interchange
- Policy 1.3.2: General Interchange
- Policy 1.3.3: General Commercial Interchange
- Policy 1.3.4: Industrial Commercial Interchange
- Policy 1.3.5: University Village Interchange.

In addition, Objective 1.2: SOUTHWEST FLORIDA REGIONAL AIRPORT AREA states:

*Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida Regional Airport and the business and industrial areas related to it through the year 2010. These categories are also considered Future Urban Areas.*

This objective, along with the attendant policies, serve to provide criteria for the appropriate expansion and inclusion of commerce and development. Recently, the airport has expanded to include international flights as well as more flights of all types.

Therefore, the proposed new interchange in the Bonita Springs area reflects a consideration of the needs for the future, and the expansion of the airport is proof of the continued efforts to encourage the location of suitable commerce movement support facilities.

A water-dependent overlay has been developed in order to designate appropriate locations for water-dependent activities. County-initiated water-dependent overlays to allow and promote these water-dependent uses in appropriate locations have been undertaken since its inception, protecting existing commercial fishing operations and other water-dependent uses.

21. *P.A.R.F. Objectives 98.1 and 98.2:* By 1990 the County shall have implemented regulations in the Zoning Ordinance to protect and enhance commercial and industrial water-dependent uses. The County's evaluation states that these objectives have been implemented.

*Sufficiency Issue:* The evaluation does not describe the regulations which protect and enhance commercial and industrial water-dependent uses. Without this data, the County has not fully compared the actual results to the objective's target.

*Recommended Action:* Describe the regulations which protect and enhance commercial and industrial water-dependent uses.

A water-dependent overlay concept has been established in the Lee Plan in order to protect and preserve those water-dependent uses already in existence. Policy 1.7.5 sets forth the language for water-dependent overlay zone designations as shown below:

*POLICY 1.7.5: The Water-Dependent overlay zone designates shoreline areas where priority shall be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 8, in the Greater Pine Island area under Goal 16, and for other areas in Lee County in the Port, Aviation and Related Facilities element.*

These water-dependent overlay zones are intended to preserve both commercial and industrial water-dependent uses. On April 20, 1994, the Lee County Board of County Commissioners adopted the Lee County Land Development Code which incorporated the former Zoning Ordinance as Chapter 34 "Zoning." This chapter has been modified so that it incorporated by reference language in the Lee Plan protecting existing commercial fishing and other water-dependent uses. "Section 34-1862 Marinas, fish houses and docking facilities" includes subsection (a) Water -dependent overlay zones, subsection (b) Marine siting criteria and subsection (c) Marina design criteria. Therefore, language in the Land Development Code under Chapter 34 "Zoning" provides for the use of water-dependent overlays in order to maintain/continue water-dependent uses where they currently exist, including commercial fishing and industrial uses.

Lee County has supported and maintained its commercial and industrial marine districts by initiating rezoning of water-dependent use parcels. Lee County has initiated these rezonings for water-dependent uses, by putting in place the water dependent overlay and changing their zoning category to either the Commercial Marine or Industrial Marine



zoning category. The language describing the allowable uses within these zoning categories is provided in Section 34-871 of Chapter 34 "Zoning" of the Land Development Code. This language is provided below.

*Sec. 34-871. Purpose and Intent*

(a) *CM marine commercial district. The purpose and intent of the CM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial marinas and other uses incidental to such facilities. The principal uses of land at these locations shall be limited to waterfront-dependent uses required for the support of recreational boating and fishing. The marina sitting and design criteria to be used are those set forth under objectives 98.5 and 98.6 of the Lee Plan.*

(b) *IM marine industrial district. The purpose and intent of the IM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial and industrial waterfront-dependent land uses. Such uses are more intense than those normally encountered in a recreational marina, yet fall short of the intensity of use represented by the storage and commodity handling facilities and equipment attendant to the waterborne commerce movement facilities which are the principal focus of the PORT district. The marine industrial district is intended to accommodate such uses as boat building, major hull and engine maintenance and repair, landing, icing and shipping of fish and seafood (fish and seafood processing requires a special permit), and other uses of similar scope and scale. The marina sitting and design criteria to be used are those set forth under objectives 98.5 and 98.6 of the Lee Plan.*

A total of 16 county-initiated rezonings have been completed since 1989. The table which follows summarizes the county-initiated rezonings.

Property	Previous Zoning	Action
Owl Creek Boat Works	IL	Rezoned to IM
San Carlos Marina	C-1	Rezoned to IM
South Seas Plantation	RM2	Rezoned to CM
Bob Coombs Fish Company	C-1	Rezoned to IM
Fishtrap Marina	C-1	Rezoned to CM
Harbor Village Marina	C-1A	Rezoned to CM
Mullock Creek Marina	AG-2	Rezoned to CM
Roy Johnson Fish Company	C-1	Rezoned to IM
Four Winds Marina	C-2	Rezoned to CM
Hansen Marine	IL & AG2	Rezoned to IM
Coastal Marine Mart	C-1	Rezoned to CM
Burnt Store Marina	RM-2	Rezoned to CM
Lee County Fisherman's Co-op Matlacha	C-1	Rezoned to IM
Snook Inn	C-1	Rezoned to CM
Quality Seafood	C-1	Rezoned to IM
Dobby's Place	C-1	Rezoned to CM

Key: IM - Marine Industrial Districts  
CM - Marine Commercial Districts  
IL - Light Industrial Districts

AG - Agricultural District  
RM - Multifamily Residential  
C - Commercial

In summary, the Land Development Code language and the table presented above show county-initiated rezonings which provide for the use of water-dependent overlays to maintain/continue water-dependent uses where they currently exist, including commercial and industrial water-dependent uses.

(The EAR addendum of the Ports, Aviation and Related Facilities Element will also address this issue.)

29. *C.I. Objective 70.4: Upon completion of the Florida's Tenth University Conceptual Master plan, the CIE and CIP will be amended to reflect these obligations and these funds will be consolidated for public review and comment prior to amending the CIE. The County's evaluation states that the University amendments were recently adopted by Ordinance No. 92-47.*

*Sufficiency Issue: The County's evaluation does not specify if the CIE and CIP were amended to reflect the obligations and if the funds were consolidated for public review and comment prior to amending the CIE. Without this evaluation, the County has not wholly compare the actual results with the targets established by the objective and policies:*

*Recommended Action: Indicate if the CIE and CIP were amended to reflect the obligations and if the funds were consolidated for public review and comment prior to amending the CIE. Utilize the data to determine any needed revisions.*

The CIP has been amended and the project numbers can be included in the addendum. The CIP is adopted by the Board of County Commissioners and goes through the public hearing process. When these items were adopted, they were separated out from the rest of the projects.

#### ***F. Efficient Use of Land/Urban Sprawl***

*The EAR does not sufficiently evaluate the effectiveness of the plan in directing development to those areas which may accommodate growth in an environmentally acceptable manner. These insufficiencies may be adequately resolved by addressing the following:*

#### **SUFFICIENCY ISSUES**

***I. Summary of the data and analysis from the element in the adopted plan (Rule 9J-5.0053(6)(a)1.)***

1. Sufficiency Issue: The data and analysis summary from the adopted plan does not include summaries of the following:

- a. existing land use acreage and density/intensity and the adjacent land uses.
- b. facilities and services to serve existing land uses, the vacant land analysis, the need for redevelopment, and development in flood prone areas.

Recommended Action: Provide in the summary of the data and analysis from the adopted plan, existing land use acreage and density/intensity and the adjacent land uses; facilities and services to serve existing land uses, the vacant land analysis, and the need for redevelopment, and the extent of development in flood prone areas.

Information from the 1989 Support Documentation can be summarized. This will include Tables 6 and 24 and Sections H, J, and K from the Future Land Use Element.

2. Sufficiency Issue: The summary of the land use analysis does not address the availability of facilities and services to serve existing land uses and the amount and location of vacant land.

Recommended Action: Address in the land use analysis summary, the availability of facilities and services to serve existing land uses and the amount and location of vacant land in the County.

Information from the 1989 Support Documentation can be summarized in the EAR addendum. This will include Section H from the Future Land Use Element and other material referenced in that section.

## II. Comparison of the element's adopted objectives with actual results. (Rule 9J-5.0053 (6)(a)3.)

1. FLUE Objective 2.1: Compact growth patterns shall be promoted through the rezoning process to contain sprawl and conserve water, land and natural resources. The County's evaluation states that the objective accurately reflects the County's commitment to prevent urban sprawl.

Sufficiency Issue: The evaluation does not show how compact growth patterns are promoted through the rezoning process to contain sprawl and conserve water, land and natural resources. Without this evaluation, the County has not wholly compared the actual results with the targets established by the policy.

Recommended Action: Evaluate whether compact growth patterns are promoted through the rezoning process to contain sprawl and conserve water, land and natural resources and identify needed revisions to the objective.

A list of rezonings since the adoption of the 1989 Lee Plan will be included in the EAR addendum. This list will include rezonings which are located in urban vs. non-urban categories and whether the uses permitted in the zoning category are consistent with the Lee Plan.

8. *FLUE Goal 20: This goal and its associated objectives and policies pertain to the University Community. The County's evaluation indicates that University amendments were recently adopted by Ordinance No. 92-47.*

*Sufficiency Issue: The evaluation for FLUE Goal 20 through Policy 20.2.5 did not fully compare the actual results with the targets established by the goals, objectives, and policies.*

*Recommended Action: Provide a comparison of the actual results with the targets established by the goals, objectives, and policies.*

The construction road leading to the new university is the only portion of the project which is under construction. Evaluation of this goal and objective can not be completed until actual development has occurred. A conceptual master plan has been adopted which addresses these issues.

#### **G. Intergovernmental Coordination**

*The EAR does not sufficiently evaluate the effectiveness of the plan in the coordination of planning activities with other units of government and non-governmental entities. These insufficiencies may be adequately resolved by addressing the following:*

#### **SUFFICIENCY ISSUES**

##### ***I. Summary of the data and analysis from the element in the adopted plan (Rule 9J-5.0053(6)(a)1.)***

1. *Sufficiency Issue: The evaluation and appraisal report did not include a summary of the intergovernmental coordination data from the adopted plan including the inventory of entities within the area of concern and a description of existing coordination mechanisms.*

*Recommended Action: Provide a summary of the data from the adopted plan pertaining to existing intergovernmental coordination data from the adopted plan including a description of existing coordination mechanisms.*

Following are summaries of intergovernmental mechanisms from the 1989 Support Documentation and intergovernmental coordination mechanisms which are still active and which have been adopted since 1989.

## Summary of Intergovernmental Coordination in Lee County Up Until 1989

In 1989, Lee County coordinated in various ways with over 150 distinct public and private service provision entities. These included other local governments, various districts and boards, numerous independent taxing units, utility companies (electric, water, and sewer), and regional and state agencies. The number of agencies reflected the necessities and complexities of modern government. Meeting this challenge required increasing efforts to improve those relationships. The goal of such efforts was to avoid duplication, to reduce waste and inefficiency, and to provide governmental services in the best way possible.

The purpose of the Intergovernmental Coordination element was for Lee County to assess the multitude of governmental and quasi-public agencies also having a role in governance of the county. The following sections summarize intergovernmental coordination mechanisms with Lee County up until 1989.

### Existing Coordination

Before 1990, Lee County utilized several mechanisms to ensure intergovernmental coordination. These mechanisms included the following:

1. Interlocal agreements between Lee County and other entities
2. Memberships in coordination organizations or groups, and
3. Staff participation in informal working groups

This listing was not meant to suggest that each coordination mechanism utilized by Lee County can be neatly classified into a particular group. In some cases, the actual coordination may have involved all three of the mechanisms. Additionally, within each of the three groups, the actual mechanism in use may have had characteristics of more than one specific category.

In 1989, there were four types of relationships between Lee County and entities which coordinated with the county. These four relationships included: police powers, budgetary, legislation and administration, and technical assistance. Police and power service involved approximately 150 organizational entities. Some examples of police and power services included organizations such as Alabama Groves Lighting, Bayshore Fire District, and Caloosa View Lighting District. Administrative and legislative entities involved approximately 14 agencies. Administrative and legislative entities include such organizations as Charlotte County, Department of Community Affairs, and Edison Community College. Examples of technical assistance organizations, of which there were approximately 26 agencies, included such organizations as the Department of Natural Resources, District Eight Health Council and so on. Budgetary relationships included funding of a project or activity by Lee County, by another party or joint funding. All

agencies or organizations which had existing coordination with Lee County were assigned to an office with primary responsibility.

#### State Agencies

In 1989, Lee County had intergovernmental agreements with approximately twenty-eight state agencies. Intergovernmental organizations and areas of interest between Lee County and the State of Florida included education, children, the elderly, housing, health, public safety, water resources, coastal and marine resources, natural systems and recreational lands, air quality, energy, hazardous and nonhazardous materials and waste, mining, property rights, lands use, public facilities and services, cultural and historical resources, transportation, governmental efficiency, the economy, agriculture, tourism, employment, and plan implementation.

#### Federal Agencies

In 1989, Lee County had intergovernmental agreements with approximately six federal agencies.

#### Interlocal Agreements

Lee County used formal and informal interlocal agreements with other units of government to integrate functions and provide services. These agreements were based upon formal arrangements or informal understandings entered into for the joint cooperative provision of most services or duties required or authorized by statute (Ch. 166.01, F.S.).

Most interlocal agreements involved only two governmental entities concerning one relatively noncontroversial issue.

Formal agreements with other units of government included intergovernmental service agreements and joint enterprise agreements. Selected service agreements were viewed as a limited and temporary form of consolidation of services within the county. Examples include water quality control, tax collection, inspection services, and the transfer and treatment of sewage. From 1981 to 1989, Lee County had entered into 144 selected service agreements with various government entities. Joint enterprises agreements were used most commonly for projects requiring joint funding, purchase, or staffing.

Informal agreements entered into with other units of government included mutual aid agreements and parallel action agreements. Mutual aid agreements usually required the exchange of services, materials and equipment in times of emergency. From 1982 to 1985, Lee County entered into six selected mutual aid agreements with various government entities. Most of these included reciprocal aid with neighboring counties in the event of a hurricane. Parallel action agreements represent an informal understanding between entities to provide, regulate, or censure activities which may have multi jurisdictional impacts. For example, these can include the enactment of uniform regulations governing

zoning within a specified border area, or the transfer of information to facilitate decision making in sensitive areas. From 1982 to 1986, Lee County entered into three selected parallel agreements with Sanibel and Cape Coral.

#### Coordinating Organizations

In 1989, Lee County belonged to three coordinating organizations. Two of these were directly related to growth management, while one was a statewide lobbying and information agency. Lee County participated in the Lee County Metropolitan Planning Organization. This group consisted of representatives from the governing boards of each local government in Lee County. The primary focus of the MPO is transportation planning. Lee County was also a member of the Southwest Florida Regional Planning Council. SWFRPC is based in Lee County but addresses issues of regional significance in Southwest Florida. This was represented by nineteen local governments in the six counties. Lee County also belonged to the Florida Association of Counties.

#### Formal Working Groups

Lee County staff participated in two informal working groups. One was the SWFRPC Technical Advisory Committee (TAC). This group consists of representatives from the planning departments of each of the nineteen local governments in Southwest Florida, two water management districts (South Florida and Southwest Florida), the Area Agency on Aging, and the Florida Department of Transportation. This TAC provided the opportunity for discussions of issues concern throughout Southwest Florida.

The second working group was the MPO TAC. Membership consists of various staff persons from each of the four local governments in Lee County.

A third staff participation group was the Executive Advisory Committee (dormant by 1989). This group consisted of the chief executive officers of the county, each municipality in the county, the Regional Planning Council, the School Board, the South Florida Water Management District.

2. Sufficiency Issue: *The evaluation and appraisal report did not include a summary of the intergovernmental coordination analysis from the adopted plan including the effectiveness of existing coordination mechanisms, the problems identified in the plan which would benefit from improved coordination, the need for additional planning based on the comparison of growth proposed in the plan with the regional policy plan, and the coordination with any designated area of critical state concern.*

Recommended Action: *Provide a summary of the intergovernmental coordination analysis from the adopted plan including the effectiveness of existing coordination mechanisms, the problems identified in the plan which would benefit from improved coordination, the need for additional planning based on the comparison of growth proposed in the plan with the regional policy plan, and the coordination with any designated area of critical state concern.*

## **Summary of Intergovernmental Coordination in Lee County from 1989 to the Present**

In 1995, the Planning Division completed an update of the inventory of Lee County intergovernmental coordination mechanisms from 1989 to the present. A summary of the data base shows that there were approximately 489 intergovernmental coordination mechanisms between various organizations and agencies from 1989 to the present.

The following represents an inventory of coordination mechanisms between Lee County and other governments or quasi-governmental entities. This data is based on a search of Lee County minutes from 1989 through January 18, 1995 and a survey of all Lee County Departments.

### Federal Agencies

Since 1989, Lee County has enacted 31 intergovernmental agreements with federal agencies. Federal agencies which Lee County coordinates with include the United States Geological Survey, the Federal Communications Commission, the Federal Aviation Administration and the Department of Housing and Urban Development.

### State Agencies

Since 1989, Lee County has enacted 38 intergovernmental coordination mechanisms with state agencies including, but not limited to, the Florida Department of Transportation, the Florida Department of State, the Florida Department of Natural Resources, and the Department of Community Affairs.

### Other Intergovernmental Coordinations Agreements

Since 1989, Lee County has enacted 48 intergovernmental coordination mechanisms with the Port Authority, 58 with local and regional fire districts, 95 with various local governments such as Cape Coral, Sanibel, and Fort Myers, 46 intra-government agencies such as the School Board, Sheriffs Department, Tax Collector and Lee County Library, 19 with the West Coast Inland Navigational District, 10 with various power, light, and utility companies, 11 with regional agencies such as the South Florida Water Management District, and 36 with miscellaneous quasi and non-quasi governmental agencies such as the Boys and Girls Club of America, the Metropolitan Planning Organization, the Housing Finance Authority, and the Housing Development Corporation.

### Types of Intergovernmental Coordination Mechanisms Undertaken from 1989-95

Table 1 shows the number and kind of intergovernmental coordination mechanisms from 1989 to 1995 in Lee County.



**Table 1: Name and Number of Intergovernmental Agreements**

<b>Name of Intergovernmental Mechanism</b>	<b>Number</b>
Interlocal Agreements	159
Agreements	89
Joint Participation Agreements	37
Grant Agreements	24
Project Agreements	23
Lease Agreements	15
Cooperative Agreements	10
Letters of Agreement	17
Certificates of Commendation	1
Maintenance Agreements	7
Rebate & Supplemental Funding Agreements	2
Operating and License Agreements	2
Contract Agreements	4
Board Actions	9
Permit to Use Agreements	3
Resolution and Interlocal Agreements	9
Intergovernmental Contract and Coordination	7
Formal Coordination Agreements	1
Interlocal Lease Agreements	1
Intergovernmental Loan Agreements	1
Master Interlocal Agreements	1
Interairport Agreements	1
Interagency Agreements	4
Memorandum of Understanding	6
Management and Franchise Agreements	2
Standard Contract Agreements	2
Ch. 252 Pt. 11 F.S.	5
Ordinance Agreements	8
Joint Funding Agreements	4
<b>Total Number of Intergovernmental Mechanism Agreements</b>	<b>477</b>

#### **H. General Sufficiency Issues**

*The EAR does not sufficiently evaluate the major problems of development, the impact of unanticipated problems and opportunities, and the impacts of the changes in State laws. These insufficiencies may be adequately resolved by addressing the following:*

#### **I. Analysis of the major problems of development, physical deterioration, and the location of land uses (Rule 9J-5.0053(6)(a)4., F.A.C.)**

1. Sufficiency Issue: *The EAR does not include an analysis of the major problems of development, physical deterioration, and the location of land uses as related to the following plan elements and the County's programs and the social and economic effects of these problems:*

- a. Conservation and Coastal Management*
- b. Traffic Circulation*
- c. Mass Transit*
- d. Community Facilities and Services*
- e. Ports, Aviation and Related Facilities*
- f. Parks, Recreation and Open Space*
- g. Intergovernmental Coordination*

Recommended Action: *Provide a summary description of the major problems of development, physical deterioration, and the location of land uses for each of the above-referenced plan elements including the social and economic effects of these problems.*

These items were discussed in the general analysis of each element. The EAR addendum will consolidate these and provide further summaries for each of the above listed elements.

#### **II. Assessment of the impact of unanticipated problems and opportunities (Rule 9J-5.0053(6)(a)5.)**

1. Sufficiency Issue: *The County did not provide an assessment of the impact of unanticipated and unforeseen problems and opportunities which have occurred since adoption on the following plan elements:*

- a. Future Land Use*
- b. Conservation and Coastal Management*
- c. Traffic Circulation*
- d. Mass Transit*
- e. Housing*
- f. Community Facilities and Services*

- g. Ports, Aviation and Related Facilities
- h. Parks, Recreation and Open Space
- i. Capital Improvements; and
- j. Intergovernmental Coordination

Recommended Action: Provide an assessment of the impact of unanticipated and unforeseen problems and opportunities which have occurred since the time of adoption relating to the above-referenced plan elements. Utilize this assessment in the comparison of the actual results to targets established within the goals, objectives, and policies and to determine any needed policy revisions.

These items were discussed in the general analysis of each element. The EAR addendum will consolidate these and provide further summaries for each of the above listed elements.

### **III. Effect on the adopted element of changes to Chapter 163, Part II, F.S., Rule 9J-5, F.A.C.; the State Comprehensive Plan; and the comprehensive regional policy plan (Rule 9J-5-0053(6)(a)6.)**

1. Sufficiency Issue: The EAR does not evaluate the effect of the changes to Chapter 163, Part II, F.S.; Rule 9J-5, F.A.C.; the State Comprehensive Plan; and the comprehensive regional policy plan on the following plan elements:

- a. Future Land Use Element
- b. Conservation and Coastal Management
- c. Traffic Circulation
- d. Mass Transit
- e. Housing
- f. Community Facilities and Services
- g. Ports, Aviation and Related Facilities
- h. Parks, Recreation and Open Space
- i. Capital Improvements; and
- j. Intergovernmental Coordination

Recommended Action: Provide an evaluation of the effect of the above cited rule and statutory changes on the above-referenced plan elements. This evaluation is necessary in order to determine if the above-referenced element's goals, objectives, and policies need to be revised or new policies added in order to meet the new and/or revised requirements of the rules and statutes.

A detailed analysis on this rule provision was included in the County's adopted EAR. The evaluation begins on page I-4 of Volume 1 of 2. Additional changes to the statutes and the SRPP will be addressed in the addendum.

(li:\ear\suffic.new)

R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E

CHARLOTTE COUNTY

T 43 S

T 44 S

T 45 S

T 46 S

T 47 S

LEGEND

- PARK IMPACT FEE DISTRICT BOUNDARIES
- 8 PARK IMPACT FEE DISTRICT NUMBERS



0 1/2 1 2  
SCALE IN MILES

ATTACHMENT 1

THIS MAP PREPARED BY  
LEE COUNTY  
DIVISION OF PLANNING

# LEE COUNTY COMMUNITY PARKS IMPACT FEE BENEFIT DISTRICTS

LAND LINE INFORMATION SHOWN HERE ON IS  
COMPILED FROM THE BEST AVAILABLE DATA AND  
DOES NOT NECESSARILY REPRESENT TRUE LAND  
LINE LOCATION.

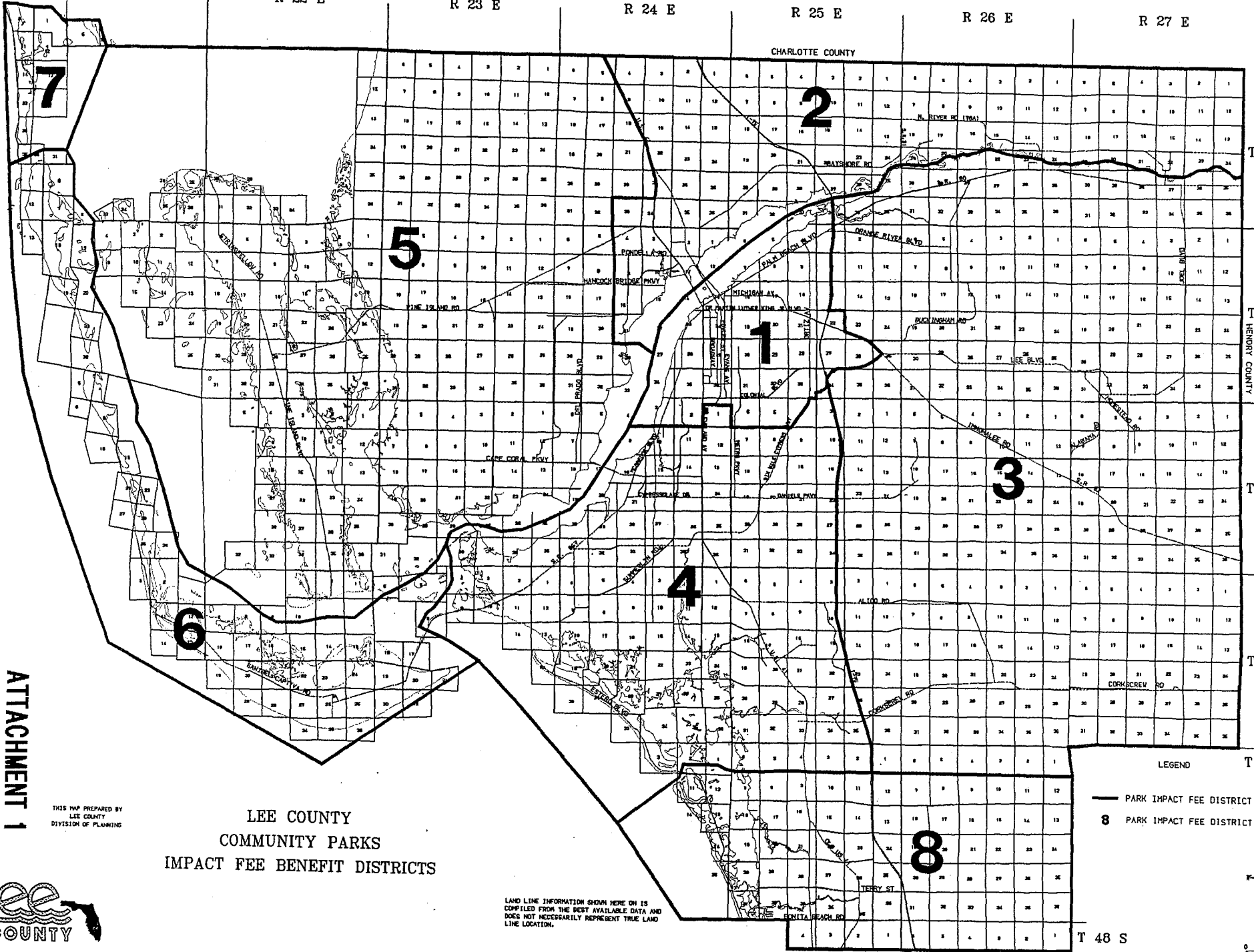
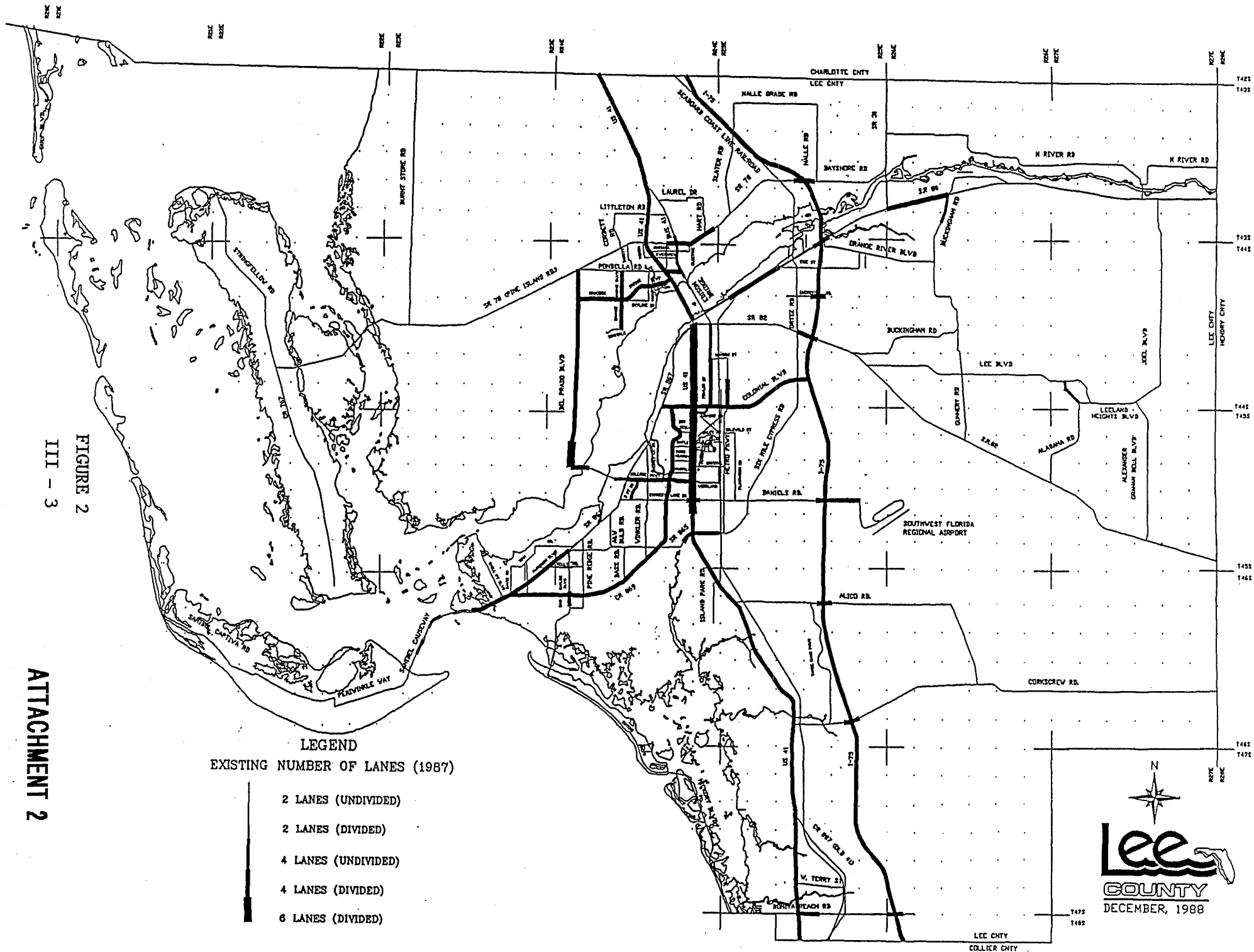


FIGURE 2  
III - 3

LEGEND  
EXISTING NUMBER OF LANES (1987)

- 2 LANES (UNDIVIDED)
- 2 LANES (DIVIDED)
- 4 LANES (UNDIVIDED)
- 4 LANES (DIVIDED)
- 6 LANES (DIVIDED)



DECEMBER, 1988

