

**EXHIBIT A**

**COLLIER COUNTY  
GROWTH MANAGEMENT PLAN**

**CAPITAL IMPROVEMENT ELEMENT**

**Prepared By  
Collier County Planning Services Department  
Comprehensive Planning Section**

**Prepared for  
COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS  
Adopted October, 1997**

**AMENDMENTS TO COLLIER COUNTY GROWTH MANAGEMENT PLAN  
CAPITAL IMPROVEMENT ELEMENT**

<b><u>SYMBOL</u></b>	<b><u>DATE AMENDED</u></b>	<b><u>ORDINANCE NO.</u></b>
(I)	February 23, 1999	Ordinance No. 99-14
(II)	May 9, 2000	Ordinance No. 2000-31
(III)	November 19, 2002	Ordinance No. 2002-60
(IV)	September 10, 2003	Ordinance No. 2003-44
(V)	December 16, 2003	Ordinance No. 2003-67
(VI)	October 26, 2004	Ordinance No. 2004-71
(VII)	June 7, 2005	Ordinance No. 2005-25
(VIII)	January 29, 2008	**Ordinance No. 2008-04
(IX)	October 14, 2008	Ordinance No. 2008-

**\*\* Based on 2007 Partial Stipulated Settlement Agreement between Collier County, Petitioners-in-Intervention, and the Florida Department of Community Affairs approved by the Board of County Commissioners on December 11, 2007, affecting EAR-based CIE amendments originally adopted January 25, 2007 by Ordinance No. 2007-07**

**\* Indicates adopted portion**

**Note: Support documents will be updated as current information becomes available.**

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

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\* Adopted portions

\*\* Portions not adopted but part of supporting data and analysis provided to Department of Community Affairs as attachments to the January 2008 Settlement Agreement Plan amendment materials.

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## I. INTRODUCTION

In 1985 and 1986, the Florida Legislature significantly strengthened the requirements for county and city comprehensive plans. One of the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act is the requirement that the comprehensive plan must contain a Capital Improvement Element to "...consider the needs for and location of public facilities..." (Section 163.3177(3), Florida Statutes).

The Capital Improvement Element (CIE) must identify public facilities that will be required during the next five years, including the cost of the facilities, and the sources of revenue that will be used to fund the facilities.

One of the specific requirements of the legislation states that the public facilities that are contained in the CIE must be based on "standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service." The administrative regulation that implements the statutes defines the phrase "level of service" as "... an indicator of the extent or degree of service provided by ... a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility." (Section 9J-5.003 (41), Florida Administrative Code).

## II. CAPITAL IMPROVEMENT GOALS, OBJECTIVES AND POLICIES

### (VIII) GOAL:

**TO PROVIDE ADEQUATE PUBLIC FACILITIES CONCURRENT WITH NEW DEVELOPMENT IN ORDER TO ACHIEVE AND MAINTAIN OR EXCEED ADOPTED STANDARDS FOR LEVELS OF SERVICE.**

### (VIII) OBJECTIVE 1 (PUBLIC FACILITY LEVEL OF SERVICE STANDARDS):

Identify and define types of public facilities ~~for which the County is responsible~~, establish standards for levels of service for each such public facility, and determine what quantity of additional public facilities is needed in order to achieve and maintain the standards.

### (VIII) Policy 1.1:

The County shall establish standards for levels of service for public facilities, as follows:

(VIII) Public facilities are facilities which appear in other elements of this comprehensive plan, including arterial and collector roads, surface water management systems, potable water systems, sanitary sewer systems, solid waste disposal facilities, ~~and parks and recreation facilities~~ and public school facilities. The standards for levels of service of County provided public facilities shall apply to development orders issued by the County and to the County's annual budget, and to the appropriate individual element of this Comprehensive Plan. The standards for levels of service of public facilities which are not County provided shall apply to development orders issued by the County and to the appropriate individual element of this Comprehensive Plan, but shall not apply to the County's annual budget.

(VIII) Public facilities shall include land, structures, the initial furnishings and equipment, design, permitting, and construction costs. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered in the County's annual budget, but such items are not "public facilities" for the purposes of the Growth Management Plan, or the issuance of development orders.

### (VIII) Policy 1.2:

The quantity of public facilities that is needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation:

$$Q = (S \times D) - I.$$

Where Q is the quantity of public facility needed,

S is the standard for level of service,

D is the demand, such as the population, and

I is the inventory of existing facilities.

A. The calculation will be used for existing demand in order to determine existing deficiencies. The calculation will be used for projected demand in order to determine needs of future growth. The estimates of projected demand will account for demand that is likely to occur from previously issued development orders as well as future growth.

**(II)(III)(IV)(VIII)** B. The Board of County Commissioners shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on both the variable "D" in the formula  $Q = (S \times D) - I$ , and the overall County transportation system. The Board shall not approve any such petition or application which would directly access a deficient roadway segment or if it impacts an adjacent roadway segment that is deficient, or which significantly impacts either: (1) a deficient roadway segment or adjacent roadway segment; or (2) the seasonal population based upon the Bureau of Economic and Business Research at the University of Florida (BEBR) medium range growth rate population projections, for all public facilities, for the variable "D", unless one of the three items listed below simultaneously occurs:

**(VIII)** (a) Specific mitigating stipulations are approved in conjunction with the rezone or SRA designation resolution, conditional use petition, or FLUE amendment, to restore or maintain the Level of Service on the impacted roadway segment;

**(II)(VIII)** (b) The adopted population standard used for calculation of "Q" in the formula  $Q = (S \times D) - I$  is amended based on appropriate data and analysis;

**(VIII)** (c) The Schedule of Capital Improvements is updated to include any necessary projects that would support the additional public facility demand(s) created by the rezone, SRA designation resolution, conditional use petition, or amendment to the Future Land Use Element.

**(III)(VIII)** C. Significant impact is hereby defined for Section B of this Policy as generating potential for increased countywide population greater than 2% of the population projections for parks, solid waste, potable water, sanitary sewer, and drainage facilities, or as generating a volume of traffic equal to or greater than 2% of the adopted LOS standard service volume of an impacted roadway.

**(VII)** D. There are three circumstances in which the standards for levels of service are not the exclusive determinant of need for a public facility:

1. Calculated needs for public facilities in coastal high hazard areas are subject to all limitations and conditions in the Conservation and Coastal Management and Future Land Use Elements of this Growth Management Plan.

**(II)(III)** 2. Replacement of obsolete or worn out facilities, and repair, remodeling and renovation, will be determined by the Board of County Commissioners upon the recommendation of the County Manager.

3. Public facilities that provide levels of service in excess of the standards adopted in this Growth Management Plan may be constructed or acquired at any

time as long as the following conditions are met:

- a. the facility does not make financially unfeasible any public facility of the same type that is needed to achieve or maintain the standards for levels of service adopted in this Growth Management Plan, and
- b. the facility does not contradict, limit or substantially change the goals, objectives and policies of any element of this Growth Management Plan.

**(VIII)** Any public facility that is determined to be needed as a result of any of the factors listed in Section B and D of this Policy shall be included in the regular Schedule of Capital Improvements contained in this Capital Improvement Element. All capital improvement projects for such public facilities shall be approved in the same manner as the projects that are identified according to the quantitative analysis described in Section A of this policy. Population definitions as used in this Capital Improvement Element and other elements are provided below.

**(VIII) Permanent Population** is the population projection figure based on Bureau of Economic and Business Research at the University of Florida (BEER) medium range growth rate population projections. The population projection figure is then converted from April 1 to October 1, which is the beginning of the fiscal year for Collier County.

**(VIII) Seasonal Population** is the BEER population figure (described above) converted to its October 1 figure, increased by 20% for all areas of the County to reflect the increase of seasonal part-time residents and visitors.

**(VIII) Unincorporated Area Seasonal Population** is the seasonal population figure (described above) for unincorporated Collier County only, adjusted to represent how seasonal residents utilize certain park facilities differently.

**(VIII) Policy 1.3:**

The determination of location of improvements to expand public facilities will take into consideration the projected growth patterns as identified in the County's annual population projections. Where applicable, public facility improvements will be coordinated with the capital facility plans of any other governmental entity providing public facilities within Collier County.

**(VIII) Policy 1.4:**

Public facility improvements are to be considered in the following order or priority:

- A. Replacement of obsolete or worn out facilities, including repair, remodeling and renovation of facilities that contribute to achieving or maintaining levels of service.
- B. New facilities that reduce or eliminate existing deficiencies in levels of service.
- (VIII) C.** New facilities that provide the adopted levels of service for new growth during the next five fiscal years, as updated by the annual review of this Capital Improvement Element. In the event that the planned capacity of public facilities is insufficient to

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serve all applicants for development orders, the capital improvements will be scheduled in the following priority order to serve:

- (III) 1. previously approved development orders permitting redevelopment,
- (III) 2. previously approved development orders permitting new development,
- (III) 3. new development orders permitting redevelopment, and
- (III) 4. new development orders permitting new developments.

D. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility.

E. New facilities that exceed the adopted levels of service for new growth during the next five fiscal years by either:

- 1. providing excess public facility capacity that may be needed by future growth beyond the next five fiscal years, or
- 2. providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.

**(VIII) Policy 1.5:**

The standards for levels of service of public facilities shall be as follows:

**(III)(VIII) A. Roadways:**

(VIII)1. Arterials and collector roads: Level of Service as indicated below on the basis of peak hour, traffic volume:  
Level of Service "E" on all six-lane roads:

(III)(VIII) 2. Level of Service "D" peak hour on all other County and State arterial and collector roads not on the Florida Intrastate Highway System (FIHS).

**I)(II)(III)(VIII) B. State and Federal Roads:**

Collier County sets and adopts the LOS standards for state roads with the exception of those on the Florida Intrastate Highway System (FIHS). In Collier County, FDOT sets and maintains the LOS for I-75. The standards for I-75 are as follows:

	<b>EXISTING RURAL AREA</b>	<b>EXISTING URBANIZED AREA</b>	<b>TRANSITIONING URBANIZED AREA</b>
I-75	B	C	C

**(VIII) C. County Surface Water Management Systems:**

(VIII) 1. Future "private" developments - water quantity and quality standards as specified in Collier County Ordinances 74-50 and 90-10.

(VIII) 2. Existing "private" developments and existing or future public drainage facilities - those existing levels of service identified (by design storm return frequency event) by the completed portions of the Water Management Master Plan as listed in the Drainage/Water Management Sub-element of the Public Facilities Element.

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**I)(IV)(VIII) D. County Potable Water Systems:**

- (VIII) 1. County systems:  
County Water District = 185 gallons per capita per day  
Goodland Water District = 185 gallons per capita per day
- (III)(IV)(VIII) 2. City of Naples = 185 gallons per capita per day in the unincorporated service area  
Everglades City = 185 gallons per capita per day in the unincorporated service area
- (VIII) 3. Private potable water systems:  
Sewage flow design standards as identified in Policy 3.1 of the Potable Water Sub-element of this Growth Management Plan.

**(I)(VIII) E. County Sanitary Sewer Systems:**

- (III)(VIII) 1. County systems:  
North Sewer Service Area = 145 gallons per capita per day  
South Sewer Service Area = 100 gallons per capita per day  
Southeast Sewer Service Area = 120 gallons per capita per day  
Northeast Sewer Service Area = 120 gallons per capita per day
- (III)(IV)(VIII) 2. City of Naples = 145 gallons per capita per day in the unincorporated service area
- (VIII) 3. Private sanitary sewer systems:  
Sewage flow design standards as identified in Policy 2.1 of the Sanitary Sewer Sub-element of this Growth Management Plan.

**(II)(VIII) F. County Solid Waste Disposal Facilities:**

- (VIII) 1. Two years of constructed lined cell capacity at the average disposal rate for the previous three (3) years
- (VIII) 2. Ten years of permissible capacity at the average disposal rate for the previous three (3) years.

**(III)(VIII) G. County Parks and Recreation Facilities:**

- (VIII) 1. Regional Park land = 2.9412 acres per 1,000/pop.
- (VIII) 2. Community Park land = 1.2882 acres per 1,000/pop. (unincorporated)
- (III)(VIII) 3. Recreation Facilities = \$270.00 capital investment per capita

**H. Public School Facilities**

- 1. Elementary schools = 95 percent of CSA Enrollment/FISH Capacity
- 2. Middle schools = 95 percent of CSA Enrollment/FISH Capacity
- 3. High schools = 100 percent of CSA Enrollment/FISH Capacity

**(VIII) OBJECTIVE 2 (FINANCIAL FEASIBILITY):**

Provide public facilities, as described in Policy 1.1 above, in order to maintain adopted level of service standards that are within the ability of the County to fund, or within the County's authority to require others to provide, or as provided by the School District within their financially feasible Five-Year Capital Improvement Plan, formally adopted by the School Board between July 1 and October 1 of each year. ~~With the exception of public school facilities,~~ Existing public facility deficiencies measured against the adopted level of service standards will be eliminated with revenues generated by ad valorem taxes and other intergovernmental revenues received based on economic activity. Future development will bear a proportionate cost of facility improvements necessitated by growth. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, dedications of land, provision of public facilities, and future payments of user fees, special assessments and taxes.

**(VIII) Policy 2.1:**

The estimated capital expenditures for all needed public facilities shall not exceed conservative estimates of revenues from sources that are available to the County pursuant to current law.

**(VIII) Policy 2.1:**

Capital expenditures for public facilities shall not draw revenues from sources which have been rejected by referendum, if a referendum is required to enact a source of revenue.

**(VIII) Policy 2.2:**

Existing and future development shall both pay for the costs of needed public facilities. Existing development shall pay for some or all facilities that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and pay a portion of the cost of facilities needed by future development but only as a last funding alternative where impact fees and other sources of revenue are insufficient to pay for the costs of facilities attributed to future development. Both existing and future development may have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

**(VIII) Policy 2.3:**

Public facilities financed by County enterprise funds (i.e., potable water, sanitary sewer and solid waste) may be financed by debt to be repaid by user fees and charges for enterprise services, or the facilities may be financed from current assets (i.e., reserves, surpluses and current revenue).

**(III)(VIII) Policy 2.4:**

Public facilities financed by non-enterprise funds (i.e., roads, surface water management, and parks and recreation) shall be financed from current revenues and assets and Revenue Bonds approved by the Board of County Commissioners. Debt financing shall not be used to provide excess capacity in non-enterprise public facilities unless the excess capacity is an unavoidable result of a capital improvement that is needed to achieve or maintain standards for levels of service. Notwithstanding other provisions of this policy, general obligation bonds approved by referendum may be used for any public facilities to acquire capacity needed within the Schedule of Capital Improvements or for excess capacity.

**(VIII) Policy 2.5:**

The County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if the County is unable to pay for the subsequent annual operating and maintenance costs of the facility.

**(VIII) Policy 2.6:**

The County shall continue to collect Road Impact Fees for road facilities requiring the same level of service standard as adopted in Policy 1.5 of this element in order to assess new development a pro rata share of the costs required to finance transportation improvements necessitated by such development.

**(II)(VIII) Policy 2.7:**

The County shall continue to collect impact fees for Parks and Recreation facilities and Public Schools requiring the same level of service standard as adopted in Policy 1.5 of this element in order to assess new development a pro rata share of the costs required to finance Parks and Recreation improvements and Public Schools necessitated by such development.

**(VIII) Policy 2.8:**

If, for any reason, the County cannot provide revenue sources identified as needed funding for specific projects within the County's adopted Schedule of Capital Improvements, the Growth Management Plan shall be amended based on one or more of the following actions:

- A. Remove through a plan amendment facility improvements or new facilities from the adopted Schedule of Capital Improvements that exceed the adopted levels of service for the growth during the next five (5) fiscal years;
- B. Remove from the adopted Schedule of Capital Improvements through a plan amendment facility improvements or new facilities that reduce the operating cost of providing a service or facility but do not provide additional facility capacity;
- C. Where feasible, transfer funds from a funded Non-Capital Improvement Element capital project in order to fund an identified deficient Capital Improvement Element public facility. The resulting revisions shall be reflected in the required annual update.
- D. Lower the adopted level of service standard through a plan amendment for the facility for which funding cannot be obtained.
- E. Do not issue development orders that would continue to cause a deficiency based on the facility's adopted level of service standard.

**(VIII) Policy 2.9:**

Collier County will not exceed a maximum ratio of total general governmental debt service to bondable revenues from current sources of 13%. Whereas Florida Statutes place no limitation on

the application of revenues to debt service by local taxing authorities, prudent fiscal management dictates a self-imposed level of constraint. Current bondable revenues are ad valorem taxes and State-shared revenues, specifically gas taxes and the half-cent sales tax.

The Enterprise Funds operate under revenue bonding ratios set by the financial markets and are, therefore, excluded from this debt policy.

**(VIII) OBJECTIVE 3 (PUBLIC EXPENDITURES: COASTAL HIGH HAZARD AREA):**

Effective with plan implementation public expenditures in the coastal high hazard area shall be limited to those facilities, as described in Policy 1.1 above, needed to support new development to the extent permitted in the Future Land Use Element. In addition, public expenditures shall include the maintenance of existing public facilities and beach renourishment, and may include beach, shore and waterway access.

**(VIII) Policy 3.1:**

The County shall continue to expend funds within the coastal high hazard area for the replacement and maintenance of public facilities identified in the Conservation and Coastal Management Element including, but not limited to arterial and collector roads, sanitary sewer service systems, potable water supply systems, surface water management systems, solid waste collection and disposal systems, natural groundwater aquifer recharge areas, and parks and recreation facilities.

**(VIII) Policy 3.2:**

Within the coastal high hazard area, the calculated needs for public facilities, as represented in the Schedule of Capital Improvements, will be based on the County's adopted level of service standards and projections of future growth allowed by the Future Land Use Element.

**(III)(VIII) Policy 3.3:**

The County shall continue to support public access to beaches, shores and waterways.

**(VIII) OBJECTIVE 4 (PROVIDE NEEDED IMPROVEMENTS):**

The County shall coordinate its land use planning and decisions with its plans for public facility capital improvements, as described in Policy 1.1 above, by providing needed capital improvements for replacement of obsolete or worn out facilities, eliminating existing deficiencies, and future development and redevelopment caused by previously issued and new development orders.

**(III)(VIII) Policy 4.1:**

The County shall provide, or arrange for others to provide, the public facilities listed in the Schedule of Capital Improvements. The Schedule of Capital Improvements shall be updated annually and may also be modified as follows:

~~A. The Schedule of Capital Improvements shall be updated annually.~~

**BA.** Pursuant to Florida Statutes 163.3187, the Schedule of Capital Improvements may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact, and certain small scale development activities.

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- CB.** Pursuant to Florida Statutes 163.3177, the Schedule of Capital Improvements may be adjusted by ordinance not deemed to be an amendment to the Growth Management Plan for corrections, updates, and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan.

**Policy 4.2:**

By December 1 of each year, the County shall adopt, by reference, into its Capital Improvement Element, the School District's annually updated financially feasible Five-Year Capital Improvement Plan and the District Facilities Work Program in order to achieve and maintain the adopted level of service standards for Public School Facilities. The School District Five-Year Capital Improvement Plan shall identify the financially feasible school facility capacity projects necessary to address existing deficiencies and future needs based on achieving and maintaining adopted LOS standards for schools. The District Facilities Work Program, prepared by the School District pursuant to Section 1013.35(1)(b), F.S., shall be adopted as part of the data and analysis in support of the School District's Five-Year Capital Improvement Plan. Adoption of the School District's Capital Improvement Plan shall occur beginning with the District School Board of Collier County Capital Improvement Plan FY 09-28, approved on April 15, 2008 and subsequently amended on May 15, 2008; and, the District Facilities Work Program FY 09-13, adopted by the School Board on August 21, 2008. Updates to the CIP and Work Program shall occur annually thereafter.

**(VII) Policy 4.23:**

All public facility capital improvements shall be consistent with the goals, objectives and policies of the appropriate individual element of this Growth Management Plan.

**(III)(VIII) Policy 4.34:**

The County shall include in the capital appropriations of its annual budget all the public facility projects listed in the Schedule of Capital Improvements for expenditures during the appropriate fiscal year.

**(III)(VIII) Policy 4.45:**

The County shall determine, prior to the issuance of final site development plans, final plats and building permits whether or not there is sufficient capacity of public facilities to meet the standards for levels of service for existing population and the proposed development. No final site development plan, final plat, or building permit shall be issued unless the levels of service for the resulting development will meet or exceed the standards in Policy 1.5 Public Facilities, and meet or exceed the requirements for Concurrency Management as outlined in the policies within Objective 5 of this element.

**(III)(V)(VII)(VIII) Policy 4.56:**

Public facilities and services provided by Collier County with public funds in accordance with the Schedule of Capital Improvements in this Capital Improvement Element will be limited to Service Areas established within the boundaries designated on Figure PW-1 and Figure PW-1.1 "Collier County Water District Boundaries", and Figure PW-2 and Figure PW-2.1 "Existing and Future Potable Water Service Areas", in the Potable Water Sub-Element of the Public Facilities Element,

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and on Figure SS-1 and Figure SS-1.1, "Collier County Sewer District Boundaries", and Figure SS-2 and Figure SS-2.1, "Existing and Future Sewer Service Areas", in the Sanitary Sewer Sub-Element of the Public Facilities Element. Road and Public School improvements will be provided as designated in their respective Schedule of Capital Improvements appearing in this Capital Improvement Element. All other public facilities and service types will be provided on a countywide availability basis.

**(VIII) Policy 4.67:**

The County shall ensure that publicly funded buildings and publicly funded development activities are carried out in a manner that demonstrates best practice to minimize the loss of life, property, and re-building cost from the effects from hurricanes, flooding, natural and technological disaster events. Best practice efforts may include, but are not be limited to:

- a. Construction above the flood plain;
- b. Maintaining a protective zone for wildfire mitigation;
- c. Installation of on-site permanent generators or temporary generator emergency connection points;
- d. Beach and dune restoration, re-nourishment, or emergency protective actions to minimize the loss of structures from future events;
- e. Emergency road repairs; and,
- f. Repair and/or replacement of publicly owned docking facilities, parking areas, and sea walls.

**(III)(VIII)OBJECTIVE 5 (CONCURRENCY MANAGEMENT):**

To ensure that public facilities, as described in Policy 1.1 above, and services needed to support development are available concurrent with the impacts of such development, the County's Concurrency Management System shall ensure that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. The County shall establish a regulatory and monitoring program to ensure the scheduling, funding and timely construction of public facilities concurrent with, or prior to, the issuance of a final site development plan, final plat or a building permit to achieve and maintain adopted level of service standards.

**(VIII) Policy 5.1:**

The concurrency requirement for the Potable Water, Sanitary Sewer, Drainage and Solid Waste Level of Service Standards of this Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System are met:

- (III) A. The necessary facilities and services are in place at the time a final site development plan, final plat or building permit is issued; or
- (III) B. The necessary facilities and services are under construction at the time a final site development plan, final plat or building permit is issued; or
- C. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs A and B of this policy. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or

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development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities will be in place when the impacts of the development occur, pursuant to Section 163.3180, Florida Statutes.

**(III)(VIII) Policy 5.2:**

The concurrency requirement for the Parks and Recreation Level of Service Standards of this Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System is met:

- (VIII) A. Compliance with any one of the standards set forth in Policy 5.1 A, B and C is met; or
- (III) B. At the time the final site development plan, final plat or building permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for commencement of actual construction of the required facilities within one year of the issuance of the final site development plan, final plat or building permit; or
- (III) C. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities within one year of the issuance of the applicable final site development plan, final plat, or building permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

**(III)(V)(VIII) Policy 5.3:**

The concurrency requirement of the Transportation Level of Service Standards of the Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System is met:

- A. The necessary facilities and services are in place at the time a final site development plan, final plat or building permit is issued; or
- (VIII) B. The necessary facilities and services are under construction or the contract for such facilities and services has been awarded, accepted, and duly executed by all parties at the time a final site development plan or final plat is issued; or
- (VIII) C. The necessary facilities and services are under contract or under construction in the first or second year of the Schedule of Capital Improvements, and the Collier County Annual Budget adopted following each AUIR reflects the projects set forth in the first year of said Schedule; or
- (VIII) D. The necessary facilities and services are under construction or under contract pursuant to a FDOT 5-Year Work Program; or

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- (VIII) E. The final local development order is for a project located within a TCEA or TCMA designated pursuant to this Plan and meets the applicable requirements of Policies 5.4 through 5.7 of the Transportation Element; or
- (VIII) F. The necessary facilities and services are the subject of a binding commitment with the developer to contribute fair share funding as provided for in Policy 5.8 of the Transportation Element, if applicable, or to construct the needed facilities, as identified in the Schedule of Capital Improvements, prior to the time a Certificate of Occupancy (C.O.) is issued for the first structure.
- (VIII) G. A proportionate share agreement has been approved consistent with the adopted ordinance.

**Policy 5.4:**

The concurrency requirement of the Public School Facilities Level of Service Standards of the Growth Management Plan will be achieved or maintained if any one of the following standards of the Concurrency Management System is met:

- A. The necessary facilities and services are in place at the time a final site development plan, final plat or functional equivalent is approved; or
- B. The necessary facilities and services are under construction or the contract for such facilities and services has been awarded, accepted, and duly executed by all parties at the time a final site development plan, final plat or functional equivalent; or
- C. The necessary facilities and services are found in the first, second or third year of the School District of Collier County's financially feasible Five-Year Capital Improvement Plan, as identified in Policy 4.2, and as formally adopted by the School Board between July 1 and October 1 each year, and as adopted by reference each year by December 1<sup>st</sup>, at the time a final site development plan, final plat or functional equivalent is approved; or
- D. The necessary facilities and services are the subject of a binding commitment with the developer to contribute proportionate share funding as provided for in Policy 2.4 of the Public School Facilities Element, if applicable, or to construct the needed facilities.

**(II)(III)(VIII) Policy 5.45:**

The County shall continue to implement a Concurrency Management System, as identified in Sections 6.02.02 and 10.02.07 of the Collier County Land Development Code, which shall include a regulatory program and monitoring system consistent with this Growth Management Plan and consistent specifically with the policies under Objective 5 of this Capital Improvement Element. The monitoring system shall enable the County to determine whether it is adhering to the adopted Level of Service Standards and Schedule of Capital Improvements.



**(VIII) III. IMPLEMENTATION SCHEDULE OF CAPITAL IMPROVEMENTS**

The Schedule of Capital Improvements on the following pages will eliminate existing deficiencies, replace obsolete or worn out facilities, and make available adequate facilities for future growth.

Each project is numbered and named, and its estimate of projected cost during each of the next five fiscal years is shown in thousands of dollars (000). The year for actual commencement of construction and the year each project will be completed (in service) are indicated.

Each project is consistent with the level of service standards as identified within this element and the appropriate individual element of this Growth Management Plan.

Collier County has adopted a two-year Concurrency Management System. Figures provided for years three, four and five of this Schedule of Capital Improvements are not part of the Concurrency Management System but are subject to proportionate share. Figures provided for years six through ten of the Schedule of Capital Improvements are estimates of revenues versus project costs but do not constitute a long term concurrency system.

All public facilities shall be consistent with the County's Capital Improvement Element, pursuant to Section 163.3177 (3)(b)1, Florida Statutes.

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Tables pp. 15 through 26

\*\*\*\*\*

Footnotes pp. 27 and 28

\*\*\*\*\*

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-15

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

Tables pp. 15 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-16

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 14 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-17

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-18

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-19

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-20

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-21

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-22

Words underlined are added; words ~~struck through~~ are deleted  
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Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-23

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

Tables pp. 13 through 23

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-24

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text



**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-25

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

**Collier County Schedule of Capital Improvements**  
**Public School Facilities Projects**

For the purpose of school concurrency, and in accordance with Policy 4.2, the County hereby incorporates, by reference, the School District's Capital Improvement Plan FY 09-28, approved on April 15, 2008 and subsequently amended on May 15, 2008; and, the District Facilities Work Program FY 09-13, adopted by the School Board on August 21, 2008 is hereby incorporated as data and analysis.

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-26

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

Footnotes

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-27

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

Footnotes

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-28

Words underlined are added; words ~~struck through~~ are deleted  
Row of asterisks denote break in text

## **(VIII) V. PROGRAMS TO ENSURE IMPLEMENTATION**

Through continued implementation of adopted land development regulations the following programs have been implemented to ensure that the goals, objectives and policies established in this Capital Improvement Element will be achieved or exceeded.

### **(III)(VIII) 1. Development Order Review**

As part of the review of all applications for final site development plans, final plats, and (except for public school facilities) building permits, the County will determine whether or not there will be sufficient capacity of public facilities, as described in Policy 1.1 above, to meet the standards for levels of service for the existing population and for the proposed development in accordance with the requirements of the Concurrency Management System. As part of the review for all development orders other than final site development plans, final plats, and building permits (except for public school facilities), for those having negative impacts on public facilities, the County will determine whether or not sufficient capacity of public facilities are planned for construction concurrent with the impacts on levels of service that will be created by the proposed development during the next five fiscal years.

### **(III)(VIII) 2. Impact Fees**

Impact Fee Ordinances will require the same standard for the level of service as is required by Policy 1.5.

### **(III) 3. Annual Budget**

The annual budget will include in its capital appropriations all projects in the Schedule of Capital Improvements that are planned for expenditures during the next fiscal year.

### **(III)(VIII) 4. Semi-annual Report**

The mandatory semi-annual report to the Florida Department of Community Affairs - concerning amendments to the comprehensive plan due to emergencies, developments of regional impact, and selected small developments - will identify changes, if any, to adopted goals, objectives and policies in this Capital Improvement Element.

### **(III)(VIII) 5. Update of Capital Improvement Element**

The monitoring of, and adjustment to, this Capital Improvement Element is an ongoing process necessitated by changing conditions. Beginning no later than December of each year, the element will be updated in conjunction with the County's budget process and the release of the official BEBR population estimates and projections. The update will include:

- (VIII) A.** Revision of population projections;
- (VIII) B.** Updates of facility inventory;
- (VIII) C.** Update of unit costs;
- (VIII) D.** Update of facilities requirements analysis to project 10-year needs (by fiscal year) in order to program projects to meet the service standards;

**(VIII) = Plan Amendment by Ordinance No. 2008-04 on January 29, 2008**

CIE-29



- (VIII) E. Update of revenue forecasts in order to evaluate financial feasibility and the County's ability to finance capital improvements needed to meet the Service standards;
- (VIII) F. Revise and develop capital improvement projects for the next five years. The first year's schedule of projects will be incorporated into the County's budget effective October 1<sup>st</sup>; and,
- G. The incorporation, by reference, of the annual update to the School District of Collier County's financially feasible Five-Year Capital Improvement Plan, formally adopted by the School Board between July 1 and October 1 each year; and, adoption of the District Facilities Work Program prepared by the School District pursuant to Section 1013.35(1)(b), F.S., adopted as part of the data and analysis in support of the School District's Five-Year Capital Improvement Plan; and,
- (VIII) ~~G~~ H. Update of the ~~public school and~~ health facilities analysis.

**(III) 6. Concurrency Management System**

The County has established a Concurrency Management System ~~by adoption of the Adequate Public Facilities Ordinance, as amended.~~ The system consists of the following components:

- (III)(VIII) A. The Annual Update and Inventory Report on Public Facilities (AUIR) on the capacity and levels of service of public facilities, as described in Policy 1.1 above, compared to the standards for levels of service adopted in Policy 1.5 of this Element. The AUIR summarizes the actual capacity of existing public facilities and forecasts the capacity of existing and planned public facilities for each of the five succeeding fiscal years. For the purposes of long range capital facility planning, a ten year forecast of projected needed capacity is also done. These forecasts are based on the most recently updated Schedule of Capital Improvements in this Capital Improvement Element. Notwithstanding any other provisions in this Capital Improvement Element, the annual approval of the AUIR and the identified needed projects and revenues by the Board of County Commissioners constitutes evidence of the capacity and levels of service of public facilities, not including Public School Facilities, for the purpose of issuing development orders during the 12 months following the approval of the AUIR. The AUIR will go into effect immediately upon approval by the Collier County Board of County Commissioners.

B. The School District's annually updated financially feasible Five-Year Capital Improvement Plan, formally adopted by the School Board between July 1 and October 1 each year, and adopted by reference into this Element. The District's Plan shall contain a financially feasible report that demonstrates the School District's ability to meet the facility and capacity needs for current and projected students enrolled in Collier County Schools, and that the levels of service standards adopted in Policy 1.5 of this Element will be maintained by the end of the five-year planning period.

(VIII) BC. Public facility capacity review. The County shall use the procedures specified in Implementation Programs 1 and 6 to enforce the requirements of Policies 5.1, 5.2 and 5.3 and 5.4 of this Element.

GD. Review of changes in planned capacity of public facilities. The County shall review each amendment to this Capital Improvement Element in particular any changes in standards for levels of service and changes in the Schedule of Capital Improvements in order to enforce the policies of this Element.

DE. Concurrency Management Implementation Strategies. The County shall annually review the Concurrency Management Implementation Strategies that are incorporated in this Capital Improvement Element:

1. Standards for levels of service are applied within appropriate geographical areas of the County. Standards for County-Wide public facilities are applied to development orders based on levels of service throughout the County.

2. Standards for public facilities that serve less than the entire County are applied to development orders on the basis of levels of service within assigned areas.

3. Standards for public school facilities are applied to development orders within the geographic boundaries of the CSAs for each school type.

34. Levels of service are compared to adopted standards on an annual basis. Annual monitoring is used, rather than case-by-case monitoring, for the following reasons:

a. annual monitoring corresponds to annual expenditures for capital improvements during the County's fiscal year; and

b. annual monitoring covers seasonal variations in levels of service.

**(III)(VIII) 7. Third Evaluation and Appraisal Report**

The required third Evaluation and Appraisal Report (EAR) will address the implementation of the goals, objectives and policies of this Capital Improvement Element. The monitoring procedures necessary to enable the completion of the third evaluation include:

- (VIII) A.** Review of annual reports of the Concurrency Management System, as set forth in Section 6 above;
- (VIII) B.** Review of semi-annual reports to DCA concerning amendments to the Comprehensive Plan, as set forth in Section 4 above; and
- C.** Review of annual updates of this Capital Improvement Element, including updated supporting documents.