



STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION
COMPREHENSIVE PLANNING DEPARTMENT

HEARING DATE: JANUARY 16, 2009

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO THE CAPITAL
IMPROVEMENT ELEMENT OF THE COLLIER COUNTY GROWTH
MANAGEMENT PLAN, ORDINANCE 89-05, AS AMENDED; AND,
RECOMMENDING TRANSMITTAL OF THESE AMENDMENTS TO THE
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.
(ADOPTION HEARING)

BACKGROUND

Chapter 163, Part II, Florida Statutes, also known as the Local Government Comprehensive Planning Act, requires all local governments within the State of Florida to maintain comprehensive planning programs based upon an adopted local government comprehensive plan. As part of this process, the local government must monitor changing conditions and must use this information to guide periodic amendments to the local comprehensive plan a/k/a Growth Management Plan (GMP). More specifically, Section 163.3177(3)(b)(1), F.S., requires that the County's Capital Improvement Element (CIE) be reviewed on an annual basis in order to maintain a financially feasible 5-year Schedule of Capital Improvements. An amendment to the comprehensive plan is required to update the schedule on an annual basis, or to eliminate, defer or delay construction of any facility listed in the 5-year Schedule.

The amendment process, which is to occur every year, as described in Section 163.3177(3)(b)(1), F.S., must occur this calendar year as the County, based on decreased demand on capital infrastructure and facilities, is proposing to delay and in some situations eliminate proposed infrastructure and facilities in the adopted 5-year Schedule of Capital Improvements. Pursuant to Section 163.3177(3)(b)(2), F.S., amendment to the Capital Improvement Element requires only a single public hearing before the governing board (BCC) as an adoption hearing. However, in keeping with the BCC's standing policy direction regarding GMP amendments, a second public hearing was scheduled for the Planning Commission (CCPC).

Collier County's CIE was adopted as part of the Growth Management Plan in 1989. Subsequent amendments were adopted regularly until 2003, when EAR-based amendments were taken into consideration. An Evaluation and Appraisal Report (EAR) was adopted on July 27, 2004 and EAR-based GMP amendments were originally adopted January 25, 2007 by Ordinance No. 2007- 07.

The Florida Department of Community Affairs (DCA), which has oversight for comprehensive plans, GMP amendments, and EARs for all local governments, issued a Notice of Intent to find Collier County's most recent EAR-based CIE amendments not *in compliance*. In response, the County entered into a settlement agreement to resolve these noncompliance issues in 2007.

Words underlined are added; words ~~struck through~~ are deleted.

Amendments were made to the Capital Improvement Element as an outcome from the 2007 Partial Stipulated Settlement Agreement between Collier County, Petitioners-in-Intervention, and the Florida Department of Community Affairs, which were then approved by the Board of County Commissioners on December 11, 2007. These amendments to the CIE were adopted January 29, 2008 by Ordinance 2008-04, and are denoted by “(VIII)” in the document’s margins. As a result of the Department of Community Affairs’ objections to the 2006 EAR-based CIE amendments and the Stipulated Settlement Agreement finally entered into in January 2008, it was not possible to incorporate the 2007 Annual Update and Inventory Report (AUIR) into a 2008 CIE update as it would have followed immediately thereafter and resulted with immediate conflicts in data and analysis. The decision to wait until the 2008 AUIR to prepare the next financially feasible CIE was a decision ratified by the Board of County Commissioners.

As it happens, the January 2008 CIE’s Schedule of Capital Improvements covered the 5-year planning period for the fiscal years 2007 through 2011. Two years, not one, have passed since the preparation of previous CIE amendments commenced. The presently recommended CIE’s Schedule of Capital Improvements covers the 5-year planning period for the fiscal years 2009 through 2013, and follows the 2008 AUIR adopted by the Board of County Commissioners.

Amendments to the Capital Improvement Element recommended herein result from the adoption of the 2008 Annual Update and Inventory Report (AUIR) by the Board of County Commissioners on November 3, 2008, edits made/recommended by the County Attorney’s Office review, additional staff analysis, and in some situations either combing or truncating projects based on major fluctuations in annual population projections and uncertain demand.

Amendments were also made to the Capital Improvement Element edition adopted January 29, 2008 derived from the preparation and adoption of the companion Public School Facilities Element – adopted October 14, 2008 by Ordinance No. 2008-55, and are denoted by “(IX)” in the document’s margins. The amendments remain highlighted in these CIE materials, to reflect their relatively recent adoption and the fact that their formal effective date falls after the CCPC considers these recommendations but before the BCC holds its adoption hearing.

STAFF ANALYSIS

Growth/population estimates & projections have been falling since the issuance of the 2006 BEBR population projections, and were taken into account in the preparation of the County’s Annual Update and Inventory Report (AUIR) and the CIE. The effects of these decreases have impacted the demand for public facilities and infrastructure with a corresponding reduction in the expenditure of revenues for them throughout the County. They are discussed generally herein and specific examples are included below.

One of the more illustrative indicators is the traffic counts on County roads. The 2008 AUIR includes peak hour trip count logs in Attachment F, observations in Attachment B and mapped data in Attachment C of the County Roads section of the AUIR (pp. 15-22) illustrating an overall decline in peak hour directional volume from 2007. Traffic volume decreased an average of 10% from the peak hour trip counts reported the prior year. More than 20% of counting stations showed a decrease of greater than 10%. At count stations located at points along Golden Gate Boulevard, for example, first quarter 2008 counts were down 13.4 to 14.9% from the prior year; second quarter counts reflected a decline of 4.9 to 11.4% from the prior year. Second- and third-quarter 2008 traffic declined another 12 to 13 % from the first counts taken in 2008.

Another indicator exemplifying population decreases is the students enrolled, or membership counts, in County schools. The Collier County School District membership reports from 2005 to 2008 provide the student counts in public schools, which illustrate a downward trend.

- ✓ October 2005 counts report a total of 43,296 students attended County-wide. 21,002 children were enrolled in elementary schools, with 9,428 in middle schools, and 12,866 in high schools.
- ✓ October 2008 counts report a total of 42,697 students attended County-wide. 20,581 children enrolled in elementary schools, with 9,516 in middle schools, and 12,600 in high schools. . Certain schools reported declines of 13 to more than 19 percent.

Reduced traffic demand and school enrollment are symptomatic of an out-migrating populace and workforce, as well as foreclosures and speculators not closing on pre-sold residential units. This allows for a reduction in public expenditures devoted to capacity improvements, correlated with a reduction in capital project activity in the CIE Schedule of Capital Improvements.

The amendments that are the subject of this staff report are limited in scope primarily to those recommended in the AUIR.

As adopted in the AUIR, the County has revised certain levels of service standards (LOSS), as follows:

- The LOSS for County Regional Park facilities decreased from 2.9412 acres per 1,000 population in FY 07 to 2.9 acres per 1,000 in FY 08; and, the LOSS for County Community Park facilities decreased from 1.2882 acres per 1,000 population in FY 07 to 1.2 acres per 1,000 in FY 08.

All Community Park Land and Regional Park Land transactions are being facilitated through interdepartmental transfers exchanging land holdings for park lands, or using another method not involving expenditure of capital funds. One example is the 47 acre Randall Curve interdepartmental transfer in exchange for regional park land at Big Corkscrew Island Regional Park. These transactions represent changes to the value of land holdings only.

- The LOSS for County Water facilities decreased from 185 gallons per capita per day (gpcd) in FY 07 to 170 gpcd in FY 08 in accordance with the 2008 Water Master Plan, approved by the BCC on June 24, 2008.

The LOSS change and projected decrease in population growth reported in the AUIR have led to the existing potable water plants being able to maintain reliability longer without plant expansions or new plant construction. The following changes were made to match the June 11, 2008 population projections and resulting water demands:

- * NERWTP: Changed new 8.75 MGD plant construction in FY 14 to new 7.5 MGD plant construction in FY 18; Changed 6.0 MGD expansion in FY 23 to FY 26
- * SERWTP: Changed new 8.0 MGD plant construction in FY 17 to new 6.0 MGD plant construction in FY 22

The following changes were made to new potable water plant constructed capacity schedule:

- * SCRWTP: Changed 8.0 MGD expansion in FY 07 and 4.0 MGD in FY 08 to 12.0 MGD in FY 08 to match new SCRWTP wellfield delivery schedule
- * NCRWTP: Changed 2.0 MGD high pressure RO expansion in FY 11 to FY 12 to match the 2008 Water Master Plan

Words underlined are added; words ~~struck through~~ are deleted.

- The LOSS at the North County Water Reclamation Facility (NCWRF) decreased from 145 gallons per capita per day (gpcd) in FY 07 to 120 gpcd in FY 08 in accordance with the 2008 Wastewater Master Plan, approved by the BCC on June 24, 2008.

The LOSS change and projected decrease in population growth reported in the AUIR have led to the existing wastewater treatment plants being able to maintain reliability longer without plant expansions or new plant construction. The following changes were made to match the June 11, 2008 population projections and resulting water demands:

- * NCWRF: Deleted 6.5 MGD expansion in FY 15
- * NEWRF: Changed 4.0 MGD plant construction in FY 15 to FY 18
- * SEWRF: Changed 4.0 MGD plant construction in FY 17 to FY 18; Changed 2.0 MGD expansion in FY 22 to FY 24; Deleted 2.0 MGD expansion in FY 26

As a result of the adoption of revised aforementioned levels of service standards, the County is provided with a new baseline, or *starting inventory*, for re-establishing a capital improvement planning program for these facilities.

Though not necessarily recommended by the AUIR, general updating and word-smithing (“housecleaning”) amendments are allowed as part of this amendment process; these include updating ordinance numbers, including listings previously absent and only referenced as being identified in other Sub-Elements, referencing new (2008) Master Plans or other studies, revising/correcting government agency names or Statutory cites, word-smithing and reformatting, etc. Furthermore, additional data and analysis supporting the proposed changes are required by Florida Statutes and Florida Administrative Code for review by the Florida Department of Community Affairs. The data and analysis are in the form of support documentation and not incorporated into the CIE.

The economic realities that impacted development and growth during the last two years have demanded adjustments in planning and growth management that may have not been experienced before. This is the first time our Capital Improvement program requires us to deal with falling population projections, declining school enrollment, an out-migrating populace and workforce, and diminishing demand on capital infrastructure and services. The affects of these new realities can be seen in nearly every planned public project and capital improvement. Our levels of service can be maintained longer than previously projected, or can be achieved at later dates where projects were scheduled to address deficiencies. An indirect effect of decreasing demand for new facilities and services are revenues associated with new development. Until new development occurs, the demand for new capital infrastructure, services, and associated revenue will remain stagnant as demand and anticipated revenue are inextricably intertwined.

Finally, other factors attributable to the economy that warrant consideration are changes apparent in the day-to-day practices of the residents, workers and visitors in Collier County. People are conserving more and consuming less, extending the life of existing facilities and forestalling the need for new facilities.

Numerous County personnel collaborated extensively with Comprehensive Planning staff in preparing this edition of the CIE – including Transportation Planning, Stormwater Management, Public Facilities (Parks & Recreation), Public Utilities (Potable Water, Wastewater & Solid Waste) and the Office of Management and Budget. Division Administrators for each of these areas have reviewed and approved the content of the proposed CIE amendments as submitted to the CCPC.

[NOTE: CIE Items appearing in BRIGHT GREEN PRINT draw attention to entries from the Second 2008 CIE, which included “Public School Facilities” provisions, adopted October 14, 2008 by the BCC.]

[NOTE: CIE Items appearing in RED PRINT draw attention to the AUIR-based amendments, including revised adopted levels of service (LOS); staff suggested revisions including minor edits throughout, modifying Objectives to *read like objectives* and Policies to *read like policies*; removing asterisked notes that are now outdated, updating terminology to add “wastewater treatment” to sanitary sewer entries; and other modifications, as noted throughout.]

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

Minor changes are recommended as noted below:

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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.~~

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

Words underlined are added; words ~~struck through~~ are deleted.

Minor text changes are recommended as noted below:

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 need for and the 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 ~~(44)~~ (62), Florida Administrative Code). [This definition is currently numbered "(62)" in section of 9J-5.003.]

II. CAPITAL IMPROVEMENT GOALS, OBJECTIVES AND POLICIES

GOAL:

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

OBJECTIVE 1

Policy 1.1: **Minor text changes are recommended for internal consistency as noted below:**
Minor text changes were made as part of "Public School Facilities" provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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

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 and wastewater treatment systems, solid waste disposal facilities, 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 ~~C~~omprehensive ~~P~~lan. 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 ~~C~~omprehensive ~~P~~lan, but shall not apply to the County's annual budget.

Policy 1.2: **Minor text changes are recommended as noted below:**

* ** *** **** ***** ***** ***** *** ** *

Words underlined are added; words ~~struck through~~ are deleted.

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), Golden Gate Area Master Plan (GGAMP) or Immokalee Area Master Plan (IAMP) 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:

(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;

C. Significant impact is hereby defined for Section B of this Policy as an impact generating potential for increased countywide population greater than 2% of the population projections for parks, solid waste, potable water, sanitary sewer and wastewater treatment, and drainage and stormwater management 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.

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

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.

Any public facility that is determined to be needed as a result of any of the factors listed in Section B ~~and~~ or Section 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 ~~p~~Policy. Population definitions as used in this Capital Improvement Element and other elements are provided below.

Permanent Population is the population projection figure based on Bureau of Economic and Business Research at the University of Florida (BEBR) 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.

Seasonal Population is the BEBR 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.

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.

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Policy 1.5: **Minor text changes are recommended as noted below:**

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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

* ** *** **** ***** **** ** *

C. County Surface Water Management Systems:

1. Future "private" developments - water quantity and quality standards as specified in Collier County Ordinances 74-50 and 90-10.
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-~~e~~Element of the Public Facilities Element.

D. County Potable Water Systems:

1. County systems:
County Water District = ~~485~~ 170 gallons per capita per day
2. **Municipal systems:**
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
3. Private potable water systems / **Independent district systems:**
~~Sewage Water~~ flow design standards as identified in Policy 3.1 of the Potable Water Sub-~~e~~Element of this Growth Management Plan.
Orangetree Utilities = 100 gallons per capita per day
Immokalee Water and Sewer District = 105 gallons per capita per day
Florida Governmental Utility Authority = 109 gallons per capita per day
Ave Maria = 110 gallons per capita per day within service area

E. County Sanitary Sewer and Wastewater Treatment Systems:

1. County systems:
North Sewer Service Area = ~~445~~ 120 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

Words underlined are added; words ~~struck through~~ are deleted.

2. Municipal systems:

City of Naples = 145 gallons per capita per day in the unincorporated service area
Everglades City = 100 gallons per capita per day

3. Private sanitary sewer and wastewater treatment systems:

Sewage flow design standards as identified in Policy 2.1 of the Sanitary Sewer Sub-~~e~~Element of this Growth Management Plan.

Orangetree Utilities = 100 gallons per capita per day

Immokalee Water and Sewer District = 100 gallons per capita per day

Florida Governmental Utility Authority = 100 gallons per capita per day

Ave Maria = 110 gallons per capita per day within service area

F. County Solid Waste Disposal Facilities:

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

2. Ten years of permittable capacity at the average disposal rate for the previous three (3) years.

G. County Park and Recreation Facilities:

1. Regional Park land = ~~2.9412~~ 2.9 acres per 1,000/pop.

2. Community Park land = ~~4.2882~~ 1.2 acres per 1,000/pop. (unincorporated)

~~3. Recreation Facilities = \$270.00 capital investment per capita~~

H. Public School Facilities:

1. Elementary schools = 95 percent (0.95) of CSA Enrollment / FISH Capacity

2. Middle schools = 95 percent (0.95) of CSA Enrollment / FISH Capacity

3. High schools = 100 percent (1.00) of CSA Enrollment / FISH Capacity

OBJECTIVE 2 (FINANCIAL FEASIBILITY): Minor text changes are recommended as noted below:

Text changes were made as part of "Public School Facilities" provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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. Any and all off-site improvements associated with new schools and school expansions shall be the sole responsibility of the Collier County School Board unless Collier County and the Collier County School Board agree to an alternative funding mechanism. 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.

Policy 2.1:

Policy ~~2.1~~ 2.2:

Policy ~~2.2~~ 2.3:

Policy ~~2.3~~ 2.4: Minor text changes are recommended for internal consistency as noted below:

Public facilities financed by County enterprise funds (i.e., potable water, sanitary sewer and wastewater treatment, 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).

Policy ~~2.4~~ 2.5:

Policy ~~2.5~~ 2.6:

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.

Policy ~~2.6~~ 2.7: Minor text changes are recommended as noted below:

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 ~~e~~Element in order to assess new development a pro rata share of the costs required to finance transportation improvements necessitated by such development.

Policy ~~2.7~~ 2.8: Minor text changes are recommended as noted below:

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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 ~~e~~Element in order to assess new development a pro rata share of the costs required to finance Park and Recreation improvements and Public Schools necessitated by such development.

Policy ~~2.8~~ 2.9:

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:

C. Where feasible, transfer funds from a funded ~~N~~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.

Policy ~~2.9~~ 2.10:

OBJECTIVE 3 (*PUBLIC EXPENDITURES: COASTAL HIGH HAZARD AREA*): Minor text changes are recommended in response to a need for consistency, Objectives are modified as shown below:

Effective with plan implementation, limit 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.~~

Policy 3.1: **Minor text changes are recommended for internal consistency as noted below:**

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 and wastewater treatment systems, potable water supply systems, surface water management systems, solid waste collection and disposal systems, natural groundwater aquifer recharge areas, and park and recreation facilities.

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Policy 3.3: **Minor text changes are recommended in response to a need for consistency, Policies are modified as shown below:**

The County shall continue to support public access to beaches, shores and waterways. Such support shall include public expenditures for the maintenance of existing public facilities and beach renourishment, and may include public expenditure for beach, shore and waterway access.

OBJECTIVE 4 (PROVIDE NEEDED IMPROVEMENTS): **Minor text changes are recommended in response to a need for consistency, Objectives are modified as shown below:**

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

~~The~~ eCoordinate County ~~shall 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.

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. 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.

B. 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.

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Words underlined are added; words ~~struck through~~ are deleted.

Text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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. The adoption of the School District’s Capital Improvement Plan does not obligate the County in any shape, manner or form to provide financing for any off-site capital improvements for new schools or the expansion of existing schools unless mutually agreed upon by the Collier County School District and County Board.

Policy 4.3:

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

Policy 4.4:

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.

Policy 4.5:

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.

Policy 4.6:

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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, 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.

Policy 4.7:

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 rebuilding 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.

OBJECTIVE 5 (CONCURRENCY MANAGEMENT): **Minor text changes are recommended in response to a need for formatting consistency, Objectives are modified as shown below:**

~~To e~~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.

In response to a need for formatting consistency, Policies are modified and minor text changes are recommended as shown below:

Policy 5.0.1:

~~†~~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.

Policy 5.0.2:

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.

Policy 5.1: **Minor text changes are recommended as noted below, and to maintain internal consistency with other Elements of the GMP:**

Minor text changes were made as part of "Public School Facilities" provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

The concurrency requirement for the Potable Water, Sanitary Sewer and Wastewater Treatment, 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~~ 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
- 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 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.**

* ** *** **** ***** **

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
- 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
- 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
- D. The necessary facilities and services are under construction or under contract pursuant to a FDOT 5-Year Work Program and are consistent with the Collier County 2025 Long Range Needs Plan or the 2030 Long Range Transportation Plan (LRTP), as adopted by the Collier County Metropolitan Planning Organization (MPO); or
- 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

* ** *** **** ***** **

Text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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 capital facilities and services, including requisite off-site improvements, are in place at the time a final site development plan, final plat or functional equivalent is approved; or
- B. The necessary capital facilities and services, including requisite off-site improvements, 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 or functional equivalent; or

Words underlined are added; words ~~struck through~~ are deleted.

C. The necessary capital facilities and services, including requisite off-site improvements, 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 by December 1 of each year, at the time a final site development plan, final plat or functional equivalent is approved; or

D. The necessary capital facilities and services, including requisite off-site improvements, 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.

Policy 5.5:

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.

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Minor text changes are recommended as noted below:

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

III. IMPLEMENTATION SCHEDULE OF CAPITAL IMPROVEMENTS

* ** *** **** ***** **

Each project is consistent with the level of service standards as identified within this ~~e~~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~~ must be financially feasible with a dedicated revenue source or an alternative revenue source if the dedicated revenue source is not realized. 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.

[NOTE: The paragraph above regarding Collier County’s concurrency management system appears as an informational disclaimer, or footnote, at the bottom of each table in the Schedule of Capital Improvements. The same revision as appears above has been made to those footnotes.]

* ** *** **** ***** **

Words underlined are added; words ~~struck through~~ are deleted.

THE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

Additional remarks regarding the 5-Year Schedule of Capital Improvements appear in *Appendix A* and *Appendix B* to this Staff Report.

* ** *** ***** * * * * * * * * * * * *

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.

* ** *** ***** * * * * * * * * * * * *

V. PROGRAMS TO ENSURE IMPLEMENTATION

* ** *** **** ***** **

Minor text changes are recommended as noted below:

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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 (except for public school facilities) building permits, 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.

* ** *** **** ***** **

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 eElement 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:

* ** *** **** ***** **

D. Update of facilities requirements analysis to project 10 year needs (by fiscal year) in order to program projects to meet the service standards recognizing only the first 5 years are subject to the financial feasibility requirements set forth in Objective 2 and Policies 2.1 through 2.10 above;

* ** *** **** ***** **

F. ~~Revise and develop~~ Revisions to and development of 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 1st;

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

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), Florida Statutes, shall be adopted as part of the data and analysis in support of the School District's Five-Year Capital Improvement Plan; and,

H. Update of the health facilities analysis.

6. Concurrency Management System **Minor text changes are recommended as noted below:**

Words underlined are added; words ~~struck through~~ are deleted.

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

The County has established a Concurrency Management System. The system consists of the following components:

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 **consideration during updates to this Capital Improvement Element, 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 by Policy 1.5 of this Element will be maintained by the end of the five-year planning period.**

C. 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, 5.3 **and 5.4** of this Element.

D. 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.

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

Minor text changes are recommended as noted below:

Minor text changes were made as part of “Public School Facilities” provisions, adopted October 14, 2008 by the BCC, as highlighted in green print below:

3. **Standards for public school facilities are applied to development orders within the geographic boundaries of the Concurrency Service Areas (CSAs) for each school type.**

4. 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.

Words underlined are added; words ~~struck through~~ are deleted.

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:

* ** *** **** ***** **

Minor text changes are recommended as noted below:

B. Review of semi-annual reports to DCA concerning amendments to the Comprehensive Growth Management Plan, as set forth in Section 4 above; and

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[End of CIE entries]

STAFF RECOMMENDATION:

That the CCPC forward the GMP amendments to the BCC with a recommendation to adopt and to transmit to the Florida Department of Community Affairs.

Prepared By: _____ Date: _____
Corby Schmidt, AICP, Principal Planner
Comprehensive Planning Department

Reviewed By: _____ Date: _____
Randall Cohen, AICP, Director
Comprehensive Planning Department

Approved By: _____ Date: _____
Joseph K. Schmitt, Administrator
Community Development and Environmental Services Division

COLLIER COUNTY PLANNING COMMISSION:

MR. MARK STRAIN, CHAIRMAN

NOTE: This petition has been scheduled for the February 24, 2009 BCC hearing.

This appendix provides additional remarks regarding public facilities and capital improvement planning not addressed elsewhere in this Staff Report.

Road Projects

Projected five year figures were reduced based on the downturn in development from the 2007 AUIR to the 2008 AUIR. Development is projected to decline still further, beyond the reduction used in the 2008 AUIR. This additional reduction in development activity affects the amount of impact fees collected. The resulting reduction in demand for roadway improvements has a direct correlation to the reduction in impact fee-related expenditures required. Changes to and the reprioritization of the Transportation Division work program for road projects listed in the CIE Schedule of Capital Improvements are necessary based on changes in demand reflected in peak hour trip counts.

The Transportation Division has an irrevocable commitment to borrow \$50 Million from the (State of Florida) Commercial Paper Program to pay for capital transportation improvements – and Collier County has reached its limits to borrow/issue bonds. This \$50 Million in Commercial Paper will only be drawn down in increments as needed to fund the work program.

Park and Recreation Projects

Previous AUIR projected an 18 acre gain in Community Park Land in 2009 via Schools Partnerships. 4.8 acres have been added to the 2008 starting inventory, and another 3.0 acres are proposed for Regional Park land in 2012. Other school projects have been delayed due to lower projected population figures and decreased demand.

Previous AUIR projected a 35 acre gain in Community Park Land in 2011 via fee simple acquisition. This acquisition has been delayed due to the lowering of the Community park land level of service and lower projected population figures and decreased demand.

Previous AUIR projected a 20 acre loss in Community Park Land in 2012 via interdepartmental transfer at Vanderbilt Beach Road extension. This land will be provided in a land trade by the Collier County School District, resulting in a zero net effect to the Community Park Land inventory.

Stormwater Management Projects

The Lely Area Stormwater Improvement Program (LASIP) has been an ongoing project continuing over many years. Collier County reached the production phase approximately two years ago. Since that time, stormwater improvements in this area have advanced by coordinating them with road projects. LASIP remains a long term project in the Schedule of Capital Improvements.

On June 22, 2004 the Collier County Board of County Commissioners established a Stormwater Program funded via 0.15 mills Ad Valorem, securing funding beginning in FY 05-06 for the next 20 years.

Potential unavailability of land, as acknowledged by permitting agencies, will leave 7.58 acre-feet WQ treatment volume shortfall. FY 11-13 estimated project budget included funding for land purchase if available.

The Belle Meade Stormwater Master Plan was completed in September 2006. Initiation of Belle Meade Stormwater Improvement projects have been deferred until completion of the watershed study effort currently underway by the CDES Engineering and Environmental Services Department. The watershed study effort progress to date includes prioritization of study completion by drainage basin, consultant selection to perform hydrologic and hydraulic modeling, and drafting watershed studies. The delay in the Belle Meade projects was anticipated, as the South Florida Water Management District emphasized the need for an integrated watershed management plan to ensure the establishment and utilization of sound data and analysis to protect water quality and manage water quantity. The anticipated completion date of the studies, including recommendations and project funding prioritizations, is fiscal year 2012.

Potable Water Projects

The Water & Wastewater Rate Study and Impact Fee Study approved by the BCC on June 24, 2008 were the sources for these figures.

The Water & Wastewater Master Plan Capital Improvements Program for 2014 through 2018 was divided equally for each year and funding sources were allocated in the same proportions as 2009 through 2013. Funding sources for 2014 through 2018 are not based on the rate study. These are estimations only and will change when an actual rate study for this period is prepared.

Solid Waste Projects

Pursuant to the Landfill Operating Agreement (LOA) with Waste Management, Inc. of Florida (WMIF), landfill cell construction is scheduled and guaranteed by WMIF over the life of the Collier County Landfill. Collier County landfill expansion costs are paid for by WMIF through agreed upon Collier County landfill tipping fees. By contract under the LOA, WMIF will construct any future required cells. Landfill cells vary in size and disposal capacity; therefore cells constructed from FY 09 to FY 13 are substantial enough to not require new cell construction from FY 14 to FY 18.

Updated projections indicate that the Collier County Landfill will have zero capacity remaining in FY36, while previous projections indicated zero capacity remaining in FY33. This "gained" capacity reflects both the positive impacts of the past and current solid waste initiatives that have increased recycling and decreased disposal as well as reductions in the population estimates used to calculate the remaining disposal capacity.

The timing of new landfill cell construction has been updated to reflect Waste Management Inc. of Florida's current cell development schedule, which affects when new cell capacity is recognized.

Sewer - Wastewater Projects

The Water & Wastewater Rate Study and Impact Fee Study approved by the BCC on June 24, 2008 were the sources for these figures. Fiscal Year 2013 expenditure was reduced by \$6.38 Million for the North Wastewater Treatment Plant expansion deleted from the 2008 AUIR.

The Water & Wastewater Master Plan Capital Improvements Program for 2014 through 2018 was divided equally for each year and funding sources were allocated in the same proportions as 2009 through 2013. It was further reduced by \$6.38 Million each year (\$31.9/5) for the North Wastewater Treatment Plant expansion deleted from the 2008 AUIR. Funding sources for 2014 through 2018 are not based on the rate study. These are estimations only and will change when an actual rate study for this period is prepared.