

SUMMARY OF RECOMMENDED CHANGES 2011 EVALUATION & APPRAISAL REPORT (EAR)

Capital Improvement Element

Goals, Objective and Policies: The entire Element will be revised to reflect the proper formatting for all Goals, Objectives and Policies, as defined below:

Goal: General statement defining what the plan will ultimately achieve, typically beginning with “TO” followed by a transitive verb, such as, TO PROTECT or TO ENSURE.

Objective: A more specific statement than the stated Goal; describing actions that will help achieve the goal(s), typically beginning with the active verb providing the general direction, such as, “Implement”, “Promote” or “Protect”. Objectives use the term “will” and allow Policies to specifically require an activity with “shall”.

Policies: Specific statements that provide directives on how to achieve the objectives and ultimately the Element’s goals, typically beginning with phrases like, “The County shall promote...”, “The County shall continue to...” or “The District shall expand...” or similar phrases. Policies use the terms “may” or “shall” to provide specific direction.

Goals, Objective and Policies: The entire Element should be revised to reflect Department name changes, designee changes, renumbering due to objective and/or policy additions and/or deletions, and grammatical changes.

Certain Sub-Element references to be renamed, including Sub-Element, Goal and throughout Objectives and Policies

Policy 1.4 – revision to introduce reducing VMT and GHG emissions as criterion for further prioritizing projects; revision to provide another option/more options.

Policy 1.5 – revisions related to multi-Element revisions in a comprehensive effort to manage redundancy; revision related to 2010 CIE adoption with “Regional Park land” LOSS change from 2.9 to 2.7 acres per 1,000/population; revisions related to FDOT comments to the DCA.

Policy 2.10 – reconsider revision recommended that would allow for more-responsive fiscal management, as this Policy remains relevant and should not be changed.

Objective 3 – minor revision timeframe reference.

Policy 3.1 – minor revisions associated with new terminology.

Policy 4.1 – minor revision to provide updated Statutory cite.

Policy 4.2 – revision no longer necessary within context of EAR amendments; amendment to provide updated reference cite was made recently as part of 2010 CIE adoption (Ordinance No. 10-43).

Policy 4.6 – minor revisions associated with new terminology.

Policy 4.7 – minor revision to include an additional “best practices” entry.

Policy 5.1 – minor revisions associated with new terminology; may need minor revision to provide updated Statutory cite.

**Assessment of the Successes & Shortcomings
and Recommendations
for the Capital Improvement Element**

A. Introduction & Background:

The purpose of the Capital Improvement Element is defined within its single Goal, which reads as follows:

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

The intent of the Capital Improvement Element is to identify public facilities that will be required during the next five years, including the cost of such facilities, and the sources of revenue that will be used to fund construction or development of the facilities. As such, the Capital Improvement Element is updated annually, including revision of the 5-Year Schedule of Capital Improvements.

The annual update and amendment to the Capital Improvement Element, adopted January 28, 2008 included the initial step toward re-naming of certain Sub-Elements including: from the "Sanitary Sewer" Sub-Element to the "Wastewater Treatment" Sub-Element; from the "Drainage" Sub-Element to the "Stormwater Management" Sub-Element, and; from the "Solid Waste" Sub-Element to the "Solid Waste Disposal" Sub-Element. The new names initially appeared in the Capital Improvement Element as combinations of old and new names as a transition preceding these EAR-based amendments. The new names – no longer in their transitional forms – should be used in all titles, headings and text within this Element, and in all references to these Sub-Elements found throughout the Growth Management Plan.

As currently formatted, the Capital Improvement Element consists entirely of a single Goal, and its supporting Objectives and Policies. This Goal should be retained as written.

B. Objectives Analysis:

OBJECTIVE 1 (PUBLIC FACILITY LEVEL OF SERVICE STANDARDS):

Identify and define types of public facilities, 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.

Policy Relevance:

There are five (5) policies within this Objective.

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.
- 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 serve all applicants for development orders, the capital improvements will be scheduled in the following priority order to serve:
 - 1. previously approved development orders permitting redevelopment,
 - 2. previously approved development orders permitting new development,
 - 3. new development orders permitting redevelopment, and
 - 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.

This Policy explains the method for prioritizing public facilities' improvements. This Policy remains relevant and should be retained and revised to add a closing statement associated with the Major Issue of reducing greenhouse gas emissions, such as, **When further considering projects prioritized by this order, the higher priority shall be assigned to improvements designed to reduce, or not increase, greenhouse gas emissions through shortened vehicular trip lengths, trips taken by another mode of transportation, or by other substantive means.**

[Public Comment from February 23, 2010 EAR Public Meeting – Suggesting the planning period should be extended beyond ten years.]

[Planning Commission (CCPC) Comment from August 27, 2010 EAR Workshop – Suggesting that additional language maybe needed to more clearly provide for the option of not constructing certain improvements at all.]

Policy 1.5:

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

A. Roadways:

- 1. Arterials and collector roads: Level of Service indicated below on the basis of peak hour, traffic volume:

Level of Service "E" on all six-lane roads
- 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).

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:

	EXISTING RURAL AREA	EXISTING URBANIZED AREA	TRANSITIONING URBANIZED AREA
I-75	B	C	C

C. County Surface Water Stormwater 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 - stormwater management 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 Stormwater Management Sub-Element of the Public Facilities Element.

D. County Potable Water Systems:

1. County systems:
County Water District = 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:
Water flow design standards as identified in Policy 3.1 of the Potable Water Sub-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 - Wastewater Treatment Systems:

1. County systems:
North Sewer Service Area = 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
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 - wastewater treatment systems:
Sewage flow design standards as identified in Policy 2.1 of the Sanitary Sewer - Wastewater Treatment Sub-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 Parks and Recreation Facilities:

- 1. Regional Park land = 2.9 acres per 1,000/pop.**
- 2. Community Park land = 1.2 acres per 1,000/pop. (unincorporated)**

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**

This Policy establishes standards for levels of service for each such public facility. This Policy remains essentially relevant and should be retained except for changes discussed below, and those associated with the renaming of certain public facilities and their attendant Sub-Elements.

The LOSS for County arterial and collector roads appearing in Policy 1.5, subsection “A” above is one of two locations within this GMP where these standards are shown. The other location is Policy 1.3 in the Transportation Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are somewhat dissimilar. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Transportation Policy 1.3 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Element entries could elaborate on the figures.

The LOSS for State and Federal roads appearing in Policy 1.5, subsection “B” above is one of two locations within this GMP where these standards are shown. The other location is Policy 1.4 in the Transportation Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are somewhat dissimilar. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Transportation Policy 1.4 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Element entries could elaborate on the figures.

The LOSS for stormwater management systems appearing in Policy 1.5, subsection “C” above is one of two locations within this GMP where these standards are shown. The other location is Policy 2.1 in the Stormwater Management Sub-Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are not the same. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location,

with Stormwater Management Policy 2.1 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Sub-Element entries could elaborate on the figures.

The LOSS for potable water systems appearing in Policy 1.5, subsection “D” above is one of two locations within this GMP where these standards are shown. The other location is Policy 3.1 in the Potable Water Sub-Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are not the same. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Potable Water Policy 3.1 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Sub-Element entries could elaborate on the figures.

The LOSS for wastewater treatment systems appearing in Policy 1.5, subsection “E” above is one of two locations within this GMP where these standards are shown. The other location is Policy 2.1 in the Wastewater Treatment Sub-Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are not the same. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Wastewater Treatment Policy 2.1 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Sub-Element entries could elaborate on the figures.

The LOSS for solid waste disposal facilities appearing in Policy 1.5, subsection “F” above is one of two locations within this GMP where these standards are shown. The other location is Policy 2.5 in the Solid Waste Sub-Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are not the same. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Solid Waste Sub-Element Policy 2.5 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Sub-Element entries could elaborate on the figures.

The LOSS for parks and recreation facilities appearing in Policy 1.5, subsection “G” above is one of two locations within this GMP where these standards are shown. The other location is Policy 1.1 in the Recreation and Open Space Element. This dualism may be a simple matter of unnecessary redundancy, except that the two Policies are not the same. These differences should be reconciled and a single location selected for these LOSS to appear. The CIE should be considered for this location, with Recreation and Open Space Element Policy 1.1 revised to direct the reader to the CIE. If it is decided to show the LOSS in both locations, then the CIE could be formatted to provide the LOS Standards, while the Element entries could elaborate on the figures. Additionally, the LOSS for Regional Parks will be revised to the BCC directed 2.7 acres per 1,000/population.

[Public Comments from February 23, 2010 EAR Public Meeting – Suggesting that special rural standards should be developed for land lying east of CR 951, including development standards, roads, dark skies, etc. Another, suggesting the County has failed to limit growth based on available resources.]

[Public Comment from March 15, 2010 EAR Public Meeting – Suggesting minimum Levels of Service Standards should be established for multi-modal (and inter-modal) needs (inc. public transit, park-n-ride facilities, carpooling, self-propelled modes, and pathways); another, suggesting that the County

adopt special rural road section standards, including non-urban standards for right-of-way cross-sections, lighting, landscaping and water.]

[Planning Commission (CCPC) Comment from August 27, 2010 EAR Workshop – Supporting staff suggestion to locate Level of Service Standards in the CIE, with the individual facilities' Elements or Sub-Elements being revised to direct readers to the CIE for this information.]

[Planning Commission (CCPC) Comment from December 7, 2010 EAR Adoption Hearing – Recognizing FDOT comments to the DCA and the revisions involved.]

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, 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 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.

Objective Achievement Analysis:

The purpose of this Objective and its policies is to establish how providing public facilities in accordance with Objective 1 above must be accomplished in a financially feasible manner. This Objective is being achieved and should be retained as written.

Policy Relevance:

There are ten (10) policies within this Objective.

Policy 2.10:

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.

This Policy identifies current bondable revenues and limits the ratio of total debt service to bondable revenues. This limitation may have lost relevance given the economic climate and government's ability to react to market changes in a timely manner. The policy has been in the GMP since its original adoption and based upon the direction given below the policy will not be modified.

[Planning Commission (CCPC) Comment from August 27, 2010 EAR Workshop – Suggesting this Policy remains relevant and the County should not consider adjusting its debt service ratio.]

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

Effective with plan implementation, limit public expenditures in the coastal high hazard area 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.

Objective Achievement Analysis:

Like all other types of capital improvements, projects located in the Coastal High hazard Area are included in the County's Annual Five-Year Schedule of Capital Improvements, and thus the County's Annual Budget for each fiscal year. The above Objective contains an outdated timeframe reference, but the wording is otherwise acceptable. This Objective should be reworded to remove the timeframe reference and simply refer to the 5-Year Schedule of Capital Improvements.

Policy Relevance:

There are three (3) policies within this Objective.

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

This Policy establishes the County's ability to replace and maintain public facilities in the coastal high hazard area in accordance with the Conservation and Coastal Management Element. This Policy remains relevant and should be retained except for changes associated with the renaming of certain public facilities.

OBJECTIVE 4 (PROVIDE NEEDED IMPROVEMENTS):

Coordinate County 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 Relevance:

There are seven (7) policies within this Objective.

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.**

This Policy provides for modifications to the Schedule of Capital Improvements of the Capital Improvement Element. This Element is affected by changes to Chapter 163, Florida Statute, which were adopted into law in 2007, as follows:

163.3177(3)(b)1: Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no comprehensive plan amendments are allowed until the update is adopted. Ch. 2007-204, LOF.

This Policy remains otherwise relevant and should be retained as revised in accordance with the above Statutory change.

Policy 4.6:

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 Wastewater Treatment 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.

This Policy limits the provision of public facilities to within specific service areas identified in other Elements or Sub-Elements of the GMP or in accordance with the Schedule of Capital Improvements in this Element. This Policy remains relevant and should be retained except for changes associated with the renaming of certain public facilities and their attendant Sub-Elements.as written.

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 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.

This Policy requires the County to adhere to best practices in providing public facilities. This Policy remains relevant and should be retained as written.

[Planning Commission (CCPC) Comment from August 27, 2010 EAR Workshop – Suggesting that an additional best practice entry should be included in the listing, such as “All governing construction codes”.]

OBJECTIVE 5 (CONCURRENCY MANAGEMENT):

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.

Policy Relevance:

There are six (6) policies within this Objective.

Policy 5.1:

The concurrency requirement for the Potable Water, Sanitary Sewer - Wastewater Treatment, Drainage Stormwater Management and Solid Waste Disposal 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:

- 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.

This Policy provides criteria for establishing concurrency specific to potable water, wastewater treatment, stormwater management and solid waste disposal facilities and services. This Element may be affected by changes to Chapter 163, Florida Statute, which were adopted into law in 2005, as follows:

163.3177(3)(a)5: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from a developer, or other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.

This Policy remains relevant and should be retained except for changes associated with the renaming of certain public facilities and their attendant Sub-Elements. Explicitly specifying an “interlocal agreement” as the other source of outside funding for capital improvements may or may not require revision of this Element to be in compliance with the above Statutory change.

[Public Comment from March 15, 2010 EAR Public Meeting – Suggested that ‘pathways’ be added to requirements for concurrency.]