

1.5.A - Brief Assessment of Successes & Shortcomings – Capital Improvement Element (CIE)

A. Introduction & Background:

The purpose of the Capital Improvement Element (CIE) 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 CIE is updated annually, including revision of the 5-year Schedule of Capital Improvements.

One of the specific requirements of Chapter 163, Florida Statutes is that the public facilities and services that are covered 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).

As currently formatted, the Implementation Section of this Element consists entirely of a single Goal (Goal 1), and subsidiary Objectives and Policies. As part of the EAR-based amendments, the County recommends removal of the "1" from the Goal, so that it is simply the Goal of the Element. A simpler numbering format for the Objectives and Policies is also recommended.

B. Objectives Analysis:

OBJECTIVE 1.1:

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 are needed in order to achieve and maintain the standards.

Objective Achievement Analysis:

A review of the five (5) policies within this Objective reveals that they identify and define types of facilities; and establish Level of Service (LOS) standards for each facility type. However, the actual determination of quantities and types of additional facilities that are needed is achieved through the County's Annual Inventory and Update Report (AUIR). The AUIR process requires all County service providers to determine the facilities/expenditures required to maintain the adopted LOS for each facility/service analyzed (generally Category A public facilities and/or facilities for which the County collects impact fees). The AUIR itself contains recommendations, which, as adopted by the Board of County Commissioners, determine the projects to be included in the next year's Schedule of Capital Improvements. On occasion, the Board of County

Commissioners may place an item on the Schedule of Capital Improvements, which item was not reviewed through the AUIR process. Under such circumstances, the Board of County Commissioners must identify a funding source for the new item without interfering with commitments already existing within the Schedule for the coming year.

Policy Relevance:

Policy 1.1.1 defines the two categories of public facilities for which Collier County sets and maintains level of service (LOS) standards. Category A public facilities are facilities which appear in the various elements of the Collier County Growth Management Plan (GMP), including arterial and collector roads, surface water management systems, potable water systems, sanitary sewer systems, solid waste disposal facilities, and parks and recreation facilities. The LOS standards for Category A facilities, when provided by the County, are applied to development orders issued by the County, to the County's annual budget, and to the appropriate element or Subelement of the GMP. LOS standards for Category A facilities, which are not provided by the County apply to development orders issued by the County and to the appropriate element or Subelement of the GMP, but do not apply to the County's annual budget.

Category B public facilities are facilities related to the County's library, jail, and emergency medical services. The LOS standards for Category B public facilities apply to the County's annual budget, but do not apply to development orders issued by the County.

The policy concludes with a description/explanation of certain County capital costs that do not constitute "public facilities" as defined by the policy. This policy is relevant and should be retained as written.

Policy 1.1.2 contains the formula used by the County to project the quantity/amount of any particular type of public facility that is needed to address deficiencies of service. The formula is: $Q = (S \times D) - I$. In this formula, Q is the quantity of public facility needed; S is the LOS standard; D equals the projected demand for the facility, which can be expressed in a number of different ways (e.g., population projections, number of equivalent dwelling units, trips per peak hour, etc.) and I is the existing inventory of like public facilities. This calculation is used within the development review process to determine whether a proposed project will create a deficiency. If so, mitigating requirements may be placed on the proposed development. This policy is relevant and should be retained as written.

Policy 1.1.3 requires the County to take future population projections and growth patterns into account when siting public facilities. The policy also requires the County to coordinate siting plans with other governmental and private entities that may be providing similar facilities within Collier County. This policy is relevant and should be retained as written.

Policy 1.1.4 establishes the manner in which the County prioritizes expenditures on public facilities. The County's priorities, as reflected within this Policy, are:

- 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 the Capital Improvement Element. Within Priority C., there is a sub-priority determined by the County's need to provide service consistent with approved development orders.
- 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 providing excess capacity that may be needed for future growth, or providing higher quality than normally contemplated by the County.

The above policy remains relevant and should be retained as written.

Policy 1.1.5 provides a list of Collier County's Level of Service Standards for public facilities. Portions of this policy were amended in 2002 and 2003 to incorporate the County's revised concurrency management provisions. This policy remains relevant and should be retained as written.

OBJECTIVE 1.2:

Provide public facilities 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. Existing facility deficiencies measured against the adopted level of service standards will be eliminated with revenues generated by ad valorem taxes and 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:

This Objective is related to the need for the County to construct and maintain capital facilities in a financially feasible manner. The Objective is written in generic language that outlines how deficiencies will be eliminated, requires future development to pay for growth, and provides options regarding how such payments are to be collected by the County. The Objective is further fleshed out by its nine (9) policies (see below). Because this Objective is generic and is not tied directly to particular dates or methodologies, it should be retained as written.

Policy Relevance:

This Objective contains nine (9) implementing policies. These policies are the County's overarching fiscal guidelines with regard to ensuring that facilities and services provided by the County are implemented and maintained in a financially feasible manner. Some of these policies outline general procedures and some are related to specific types of facilities or expenditures.

Policy 1.2.1 has two parts. The first part of the policy requires that estimated capital expenditures for needed public facilities or facility improvements not exceed conservative estimates of the amount of funds contained within revenue sources available to the County. The second part of the policy prevents the County from utilizing a funding source that has been rejected in a public referendum. As currently written, this policy appears to be overly complex. The EAR-based amendments should include the splitting of this policy into two new policies; one for each of the two requirements stated in the current policy.

Policy 1.2.2 requires existing and future development to pay for the costs of needed public facilities. Under the requirements of this policy, existing development pays for all or a portion of the costs for reduction or elimination of deficiencies, replacement of obsolete or worn out facilities, and may pay some of the costs related to new development. The policy also allows the County to pay for such costs with monies obtained through grants, entitlements, or from public facilities maintained by other governmental entities or Special Districts. As written, this policy seems to emphasize the cost burden for existing development. The EAR-based amendments should include replacement of this policy by two policies, one delineating the types of costs to be paid by existing development and one delineating the types of costs to be paid by new development.

Policy 1.2.3 deals with public services that are paid for through enterprise funds. This policy relates solely to County-run public utilities (i.e., wastewater treatment, potable water supply and solid waste management). The policy allows these services to be financed through debt service and paid back via user fees, service charges and/or current assets. This policy should be retained as written.

Policy 1.2.4 deals with public services that are not paid for through enterprise funds. These services (which include the majority of County-provided services) may be paid for through use of current revenues and assets, and/or Revenue Bonds approved by the Board of County Commissioners. The policy also specifically limits situations in which debt service financing can be used to pay for these services and related public facilities. The EAR-based amendments should include correction of a typographical error contained within this Policy.

Policy 1.2.5 prevents the County from either providing itself, or accepting provision from others, of a public facility if the County would be unable to pay annual operating and maintenance costs. This policy should be retained as written.

Policy 1.2.6 requires the County to collect road impact fees from new development, based upon a pro rata share of the costs for necessary transportation improvements. This policy should be retained as written.

Policy 1.2.7 requires the County to collect impact fees for parks & recreation, emergency medical services and library facilities and services. These impact fees are also based upon a pro rata share of the costs for necessary improvements. This policy should be retained as written.

Policy 1.2.8 provides a set of possible plan amendment options, one or more of which is to be followed by the County in the event that scheduled capital improvements cannot be funded. The options include removing the adopted improvement from the schedule, transferring funds from a proposed capital improvement that is not required to be reflected in the Five-Year schedule of Capital Improvements (the option most often followed), lowering the facility's adopted level of service (if applicable), or not issuing development orders based upon the particular capital improvement. This policy should be retained as written.

Policy 1.2.9 relates to the County's debt service and its relationship to County bonds. As per the policy, "Collier County will not exceed a maximum ratio of total general governmental debt service to bondable revenues from current sources of 13%." Enterprise funds are excluded from this policy. The policy references a list of "current" bondable revenues. The EAR-based amendments should include additions/deletions to this list, as may be applicable, if the types of bondable revenues available to the County have changed since the amendment was adopted or last revised.

OBJECTIVE 1.3:

Effective with plan implementation public expenditures in the coastal high hazard area shall be limited to those facilities needed to support new development to the extent permitted in the Future Land Use Element. In addition, public expenditures shall include the following categories:

- A. Maintenance of existing public facilities;
- B. Beach, shore and waterway access;
- C. Beach renourishment.

Objective Achievement Analysis:

The title of this Objective is: “Public Expenditures: Coastal High Hazard Area.” Essentially, the Objective limits all County capital expenditures within the High Hazard Area to four (4) types:

1. Those facilities needed to support new development to the extent permitted in the Future Land Use Element.
2. Maintenance of existing County facilities.
3. Expenditures related to beach, shore and waterway access.
4. Beach renourishment activities.

Further analysis of issues related to this Objective are contained within Sections 1.5.E, 1.5.F, 1.5.H, 1.5.K, 1.6, 2.5, 2.8, 2.21, 2.22, 2.23, 2.24, 2.25, 2.27, 2.33, 2.34, and 3.3 of this report. The County recommends that this Objective be retained as written.

Policy Relevance:

Policy 1.3.1 allows the County to maintain and/or replace certain facilities identified within the Conservation and Coastal Management Element (CCME). This policy should be amended to either specifically state the types of facilities covered by this policy, and/or to identify a specific Objective and/or policy contained within the CCME.

Policy 1.3.2 contains two parts. The first part of the policy requires “calculated needs for public facilities” within the Coastal High Hazard Area to be based upon the adopted level of service standards and future growth projections. The second part of the policy references the residential density limitation of four (4) units per acre, as referenced within the Future Land Use Element (FLUE). This statement refers to the FLUE’s Urban Coastal Fringe Subdistrict. As part of the EAR-based amendments, the second portion of this policy should either be deleted or moved to its own Policy, as it seems irrelevant to the stated intent of the policy.

Policy 1.3.3 commits the County to ensuring public access to beaches, shores and waterways, and expanding such access, including funding for acquisition of access points. This policy was amended in 2002; however, this policy should be revised for purposes of clarity.

OBJECTIVE 1.4:

The County shall coordinate its land use planning and decisions with its plans for public facility capital improvements 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.

Objective Achievement Analysis:

This Objective is entitled “Provide Needed Improvements.” Simply put, the Objective requires the County to coordinate land use decisions with planning for capital improvements. All of the policies within this Objective are related to preparing and budgeting the schedule of capital improvements, and coordinating the schedule with the various Elements of the Collier County Growth Management Plan. This Objective should be retained as written.

Policy Relevance:

There are five (5) policies within this Objective. Policy 1.4.1 commits the County to providing, or having others provide, the facilities listed within the Schedule of Capital Improvements. It also defines ways in which the Schedule may be modified. These are: annual updates (up to twice per year), amendments related to emergencies, developments of regional impact (DRIs), certain small scale plan amendments, and certain types of corrective Ordinances. This Policy should be retained as written.

Policy 1.4.2 requires Category A Public Facilities (i.e., roadways, surface water management systems, potable water facilities, sanitary sewer systems, solid waste disposal facilities, and parks & recreation facilities) to be consistent with the goals, objectives and policies of appropriate Elements or Sub-Elements of the Growth Management Plan. This Policy should be retained as written.

Policy 1.4.3 requires the County to include capital appropriations in its annual budget for all of the capital improvements listed for the appropriate fiscal year. Further, these facilities cannot be removed from the budget once they have been relied upon for the issuance of a final site development plan, final plat, or building permit. This Policy should be retained as written.

Policy 1.4.4 commits the County to evaluating facility capacity (for Category A facilities), relative to a proposed development, prior to issuance of final site development plans, final plats and building permits. The County may not issue such development approvals unless the effected facilities can handle the impacts of the proposed development while maintaining or exceeding the appropriate adopted level of service standard. This Policy should be retained as written.

Policy 1.4.5 limits water and sewer facility expenditures, by the County, to the established Collier County Water-Sewer District and the Rural Transition Water & Sewer District. All other public facility expenditures may occur on a countywide basis. This Policy should be retained as written.

OBJECTIVE 1.5:

To ensure that public facilities and services needed to support development are available concurrent with the impacts of such development, the County's Concurrency Management System shall be consistent with Chapter 163, Part II, Florida Statutes and Rule 9J-5.0055, Florida Administrative Code. The County shall establish a regulatory and monitoring program to ensure the scheduling, funding and timely construction of Category A 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.

Objective Achievement Analysis:

The above is the County's specific Concurrency Management Objective. It requires the County to establish a Concurrency Management System, which is consistent with Chapter 163, Part II, Florida Statutes and Rule 9J-5.0055, Florida Administrative Code. The Objective solely affects Category A public facilities, as development orders rely on these capital facilities to operate at their adopted levels of service. During 2002 and 2003, the County adopted a revised concurrency management system for transportation and these changes are reflected within the accompanying policies. This Objective should be retained as written.

Policy Relevance:

There are four (4) policies within the Objective. Policy 1.5.1 states the concurrency requirements for Potable Water, Sanitary Sewer, Drainage and Solid Waste Level of Service (LOS) standards. The policy also defines circumstances wherein the concurrency requirements are considered met. This Policy should be retained as written.

Policy 1.5.2 defines circumstances wherein concurrency requirements for parks and recreation are considered met. This Policy should be retained as written.

Policy 1.5.3 defines circumstances wherein concurrency requirements for transportation are considered met. This policy was amended in 2002 and 2003 to incorporate provisions of the County's revised transportation concurrency management system. The policy, as amended, reflects the County's two adopted transportation concurrency management areas (TCMAs) and the transportation concurrency exception area (TCEA). This Policy should be retained as written.

Policy 1.5.4 commits the County to continuing to implement a Concurrency Management System, consistent with Division 3.15 of the County's Land Development Code (LDC).

The program will include both a regulatory program and a monitoring system. This policy was amended in 2003. The LDC reference within this Policy should be renumbered to reflect the revised LDC format, which goes into effect on September 27, 2004.

A statement concerning “REQUIREMENTS FOR CAPITAL IMPROVEMENTS IMPLEMENTATION” follows policy 1.5.4. The statement actually explains how the Schedule of Capital Improvements is formatted. This is followed by the Schedule, itself. The Schedule is divided into two primary parts: Category A Facilities and Category B Facilities. Each of these Categories is further divided by facility type.

Projects within each facility type are broken down by the projected cost for each fiscal year of the Five-Year Schedule of Capital Improvements. The Schedule also shows total costs for all projects within the facility type for each fiscal year. The current Five-Year Schedule of Capital Improvements extends to fiscal year 2005-2006. The County is currently in the process of amending the Schedule to extend it to fiscal year 2008-2009. The revised schedule is currently set for adoption in October 2004.