DRAFT

Concurrency and Urban Development

Comprehensive Land Use Plan
2001

Pima County, Arizona
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County Administrator
Chuck Huckelberry

MEMORANDUM

Date: October 29, 2001

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **Concurrency and Urban Development**

Background

The draft Comprehensive Plan Update forwarded to the Board on October 17, 2001 recommended the following policies be developed to implement the cost of growth element:

Establish Urban Service Area and Urban Expansion Area districts which collectively cover areas within the urban area. As a means of implementing the establishment of Growth areas and urban areas, Urban Service Area districts should be established, using the existing sewer system service area as a starting point. These districts would identify where public facilities will be provided in the near and far future and at what levels. Thus, for example, the County may focus its efforts at providing necessary infrastructure to the identified Growth Areas, while allowing infrastructure improvements in other urban areas. It may also establish time lines when facilities will be expanded into areas which may become urbanized in the future.

Determine minimum Level-of-Service Standards, specific to each Urban Service Area Urban Expansion Area, for selected public infrastructure and facilities. Facilities included in the level of service assessment could include: water supply and treatment capacity; sanitary sewer treatment and disposal capacity; surface water management; solid waste disposal; parks and recreation, regional and community parks; roads; schools; libraries; correction facilities; emergency services; fire services; and other public buildings

Establish a formal Concurrency Management System A formal permit review procedure should be established to allow the County to coordinate a determination of the individual and cumulative impacts each proposed development request will have on each of the minimum level-of-service standards identified for the urban service/expansion area where the development request is located. In the event that the County determines the construction of a project will result in a decrease in public services below the identified level-of-service minimums, the issuance of permits for the project will be contingent upon the developer making appropriate arrangements for the provision of those public facilities necessary to maintain the area's identified service levels. Facilities subject to concurrency could include: sanitary sewer treatment and disposal capacity; solid waste disposal; parks and recreation, regional and community parks; roads; schools; libraries; correction facilities; fire services; and other public buildings.

Establish a scale of development assessment fees to finance necessary public infrastructure and facilities. Once the built-out projections of a given Urban Service Area or Urban Expansion Area has been used to calculate its total public infrastructure requirement, a total cost estimate for the area's public infrastructure can be completed. This total infrastructure cost estimate can then be used to establish equitable developer-assessment fees for each area.

In Pima County, the only funding method that has kept pace with development impacts is essentially a concurrency approach where wastewater infrastructure is required to be in place in time to support development related impacts. The wastewater service area also functions as a rational delineation for infrastructure service area boundaries as allowed by state law. The attached study on *Concurrency and Urban Development* describes existing programs in Florida, Washington, Maryland and Oregon. This memorandum summarizes these programs and describes aspects of concurrency programs that Pima County staff members are incorporating into proposals which set the stage for Board consideration of a Pima County concurrency management program for the entire range of public facilities.

What are Concurrency and Adequate Public Facilities Requirements?

Under policies of concurrency and adequate public facilities, certain public services and facilities are required to be available at the time the development impacts occur. Development related permits are issued only when program conditions are met. The components of concurrency programs include:

- Scope -- there must be a determination of what facilities are included in the program;
- Standards -- there must be a method of determining the adequate level of service needed to permit new development; and
- Timing -- there must be a determination of when facilities need to be able to provide this level of service relative to the impact of the development.

As the attached study demonstrates, the scope of programs varies. Washington and Florida have state-wide concurrency requirements through their growth management laws. Florida's program applies to several facility types. Washington's program only applies to transportation, but some counties voluntarily apply it to many other facilities. Counties in Oregon have adopted concurrency requirements. Twelve counties in Maryland have adequate public facilities ordinances for several types of facilities. The most common concurrency requirement is for transportation. Standards are needed to establish a rationale for implementation and to achieve the fiscal goals of the program. Adequacy is often defined by a Level of Service standard adopted for each type of public facility. New development is not to be permitted if the development would cause the facilities to drop below their adopted adequate or minimum Level of Service. Established Level of Service standards and concurrency requirements assist local governments in making equitable decisions about the capacity of public facilities, and in setting consistent development impact fees.

Establishing Level of Service Standards

I have directed staff to formulate proposed level of service standards for Pima County. The attached study reflects level of service standards for counties in other areas of the country. One county in Washington established level of service standards by following this six-step analysis: (1) The current actual Level of Service was calculated; (2) National and regional standards, guidelines and examples were reviewed; (3) Local standards from County studies, plans, and ordinances were reviewed; (4) Staff recommend a standard Level of Service; (5) Approximate costs for both County and national standards were calculated; and (6) The final standards were adopted and used as a benchmark for concurrency requirements and capital facility plans. Staff is determining level of service standards based on these and other units of measure, for both Pima County and non-Pima County services.

TYPE OF FACILITY	LEVEL OF SERVICE UNIT OF MEASURE
Corrections	Beds per 1,000
Fire and Rescue	Average response time
Hospitals	Beds per 1,000
Law Enforcement	Officers per 1,000
Law Enforcement Offices	Sq. Ft. per 1,000
Courts	Courtrooms per 1,000
Library	Titles per 1,000
Library Building	Sq. Ft. per 1,000
Parks	Acres per 1,000
Roads and Streets	Ratio of volume to capacity
Schools	Students per classroom
Sewer capacity	Gallons per customer per day
Sewer standards	Effluent quality
Solid Waste	Tons or cubic yards per capita
Surface Water	Design storm (i.e., 100 year storm)
Transit	Ridership
Water availability	Gallons per customer per day
Water standards	Water quality

Importance of Benchmarking

Pima County has experienced a decline in both revenue and expenditures per capita over time. We have seen in prior studies that Pima County spends 30 to 50 percent less per capita than similarly situated jurisdictions. For this reason, I have directed staff to formulate proposals for both minimum and desired levels of service. Some jurisdictions describe these categories as critical, essential and desirable levels of service. The Board will have the option to adopt the standard it finds appropriate for each service. The option to mitigate standards in order to provide incentives for different land use types will also be available to the Board.

The Implementation of Concurrency Requirements for County Facilities

Staff will create an inventory and propose level of service standards for County facilities, including sanitary sewer treatment and disposal capacity, solid waste disposal, regional and community parks, urban parks and recreation facilities, law enforcement, correctional facilities, flood control, libraries, roads and related infrastructure. In addition, the following issues will be addressed in a policy proposal: (1) at what point in the permitting process will the concurrency test be applied and to which development applications; (2) which development applications will be exempt; (3) are mitigation options available if development fails the concurrency test; and (4) for what length of time are the concurrency approvals valid?

Implementation for Non-County Facilities

Proposals will also be forwarded to the Board to require concurrency for non-county facilities such as emergency services, fire services, and school capacity. Counties in other states accomplish such concurrency through a combination of inter-governmental agreements and letters of approval. The Board should have the option to withhold development permits until a resolution of the majority of the governing board of affected school districts is secured, attesting to the sufficiency of school capacity or detailing the level of impact fee or other exactions that should be achieved to reach concurrency.

Next Steps

In order to work effectively, concurrency requirements and Level of Service standards must be an integral part of long term planning and the development review process. In Pima County, the combined recommendations for concurrency requirements and service area boundaries will enhance the effectiveness of both policies. In addition, to create incentives for density, affordable housing, and mixed use development, staff will propose the application of lower Level of Service standards for land use types appropriate to certain growth areas. Proposals for a comprehensive concurrency management program and an infrastructure service area boundary will be forwarded to the Board and the Planning and Zoning Commission in the next weeks.

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- Draft Concurrency and Urban Development Study -

I. Introduction

1. Background -- The state law that defines the Comprehensive Plan has added new elements to the Updated Pima County Comprehensive Plan and it provides new regulatory opportunities, including: (1) a Growth Area Element, (2) a Cost of Development Element, and (3) infrastructure service area boundaries. Under the cost of growth element, development is required to pay a fair share of public facility costs. Pima County funds facilities through a variety of methods, with the wastewater system coming the closest to achieving an effective strategy of concurrency so that the service is available when development impacts occur.

State law also allows unregulated development to escape infrastructure standards. This causes land to be developed in a way that consumes available land, accommodates population and leverages a service demand, but does not contribute in kind to the property tax base. Unregulated development also has resulted in an infrastructure deficit of staggering proportions that the community will one day have to face to bring roads and other facilities up to standard for health and public safety purposes.

In Pima County, the only funding method that has kept pace with development impacts is essentially a concurrency approach where wastewater infrastructure is required to be in place in time to support development related impacts. The wastewater service area also functions as a rational delineation for infrastructure service area boundaries as allowed by state law.

In Florida, state law calls for concurrency programs to fund a variety of public facilities. This ensures that public facilities and services needed to support development are available concurrent with the impacts of such development by providing that certain public facilities and services meet or exceed the standards established by the County. Services potentially covered by concurrency policy include: potable water supply and treatment capacity; sanitary sewer treatment and disposal capacity; surface water management; solid waste disposal; parks and recreation, regional and community parks; roads; schools; libraries; correction facilities; emergency services; fire services; and other public buildings.

The draft Comprehensive Plan Update forwarded to the Board on October 17, 2001 recommended the following policies and strategies be adopted to implement the cost of growth element:

- Establish Urban Service Area and Urban Expansion Area districts which collectively cover areas within the urban area. As a means of implementing the establishment of Growth areas and urban areas, Urban Service Area districts should be established, using the existing sewer system service area as a starting point. These districts would identify where public facilities will be provided in the near and far future and at what levels. Thus, for example, the County may focus its efforts at providing necessary infrastructure to the identified Growth Areas, while allowing infrastructure improvements in other urban areas. It may also establish time lines when facilities will be expanded into areas which may become urbanized in the future.

- Determine minimum Level-of-Service Standards, specific to each Urban Service Area Urban Expansion Area, for selected public infrastructure and facilities. Facilities included in the level of service assessment could include: water supply and treatment capacity; sanitary sewer treatment and disposal capacity; surface water management; solid waste disposal; parks and recreation, regional and community parks; roads; schools; libraries; correction facilities; emergency services; fire services; and other public buildings

- Establish a formal Concurrency Management System A formal permit review procedure should be established to allow the County to coordinate a determination of the individual and cumulative impacts each proposed development request will have on each of the minimum level-of-service standards identified for the urban service/expansion area where the development request is located. In the event that the County determines the construction of a project will result in a decrease in public services below the identified level-of-service minimums, the issuance of permits for the project will be contingent upon the developer making appropriate arrangements for the provision of those public facilities necessary to maintain the area's identified service levels. Facilities subject to concurrency could include: sanitary sewer treatment and disposal capacity; solid waste disposal; parks and recreation, regional and community parks; roads; schools; libraries; correction facilities; fire services; and other public buildings.

- Establish a scale of development assessment fees to finance necessary public infrastructure and facilities. Once the built-out projections of a given Urban Service Area or Urban Expansion Area has been used to calculate its total public infrastructure requirement, a total cost estimate for the area's public infrastructure can be completed. This total infrastructure cost estimate can then be used to establish equitable developer-assessment fees for each area.

2. **Purpose of Concurrency and Urban Development Study** -- The key question in evaluating new development under concurrency or adequate public facilities requirements is whether existing or planned facilities have the capacity to serve new development without causing the facilities to drop below the established level of service. This study provides a review of concurrency programs in other jurisdictions and covers the topics of:

- Concurrency requirements in other communities;

- Level of Service standards that exist in other communities, by type of service;

- A description of how concurrency is implemented and monitored for County services;

- A description of how concurrency is implemented for non-County services.

Examples of programs and ordinances from Counties in Florida, Maryland and Washington are also included as appendices.

II. What are Concurrency and Adequate Public Facilities Requirements?

Under policies of concurrency and adequate public facilities, certain public services and facilities are required to be available at the time the development impacts occur. Development related permits are issued only when program conditions are met. This approach toward managing growth is considered by legal scholars to be the "most useful and most easily defensible."[1]

Counties in Maryland call requirements that facilities have adequate capacity to serve new development "adequate public facilities ordinances." Florida calls the same concept "concurrency." The components of concurrency programs that introduce complexity to this simple concept are:

- Scope -- there must be a determination of what facilities are included in the program;
- Standards -- there must be a method of determining the adequate level of service needed to permit new development; and
- Timing -- there must be a determination of when facilities need to be able to provide this level of service relative to the impact of the development.

The scope of programs varies. Washington and Florida have state-wide concurrency requirements through their growth management laws. Florida's program applies to several facility types. Washington's program only applies to transportation, but some counties voluntarily apply it to many other facilities. Counties in Oregon have adopted concurrency requirements. Twelve counties in Maryland have adequate public facilities ordinances for several types of facilities. The most common concurrency requirement is for transportation.

Standards are needed to establish a rationale for implementation and to achieve the fiscal goals of the program. Adequacy is often defined by a Level of Service standard adopted for each type of public facility. New development is not to be permitted if the development would cause the facilities to drop below their adopted adequate or minimum Level of Service. In Washington County Oregon, there are three categories of urban facilities: critical, essential and desirable. In communities without concurrency requirements, off-site infrastructure and facility improvements are often acquired through development agreements. These agreements, however, are applied inconsistently to different projects. Established Level of Service standards and concurrency requirements assist local governments in making equitable decisions about the capacity of public facilities, and in setting consistent development impact fees.

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[1] *Land Use Planning and Control Law,* Juergensmeyer and Roberts at 371, quoting Kelly, *Zoning and Land Use Controls*, Section 4.01[2] (1996).

III. Level of Service Standards

1. **National Standards** -- Level of Service standards establish the basis for adequate public facility ordinances and concurrency requirements. According to staff from Maryland's Planning Department, a lack of quantifiable Level of Service standards can lead to an invalidation of permitting decisions based on the ordinance (Carroll, 2001).

Certain Level of Service standards are determined by national organizations or agencies, in order to guide the level of services provided across the country. For example, the standard level of service for roadways and the standards for urban park areas are often guided by the standards promulgated by national organizations.

- National Level of Service standards for roads are established by the Transportation Research Board in Washington, D.C., and are based on vehicle numbers versus capacity and attainable speeds.

- The National Recreation and Parks Association (NRPA) suggests a minimum number of acres for parks per 1,000 population. Standards are provided across categories for neighborhood parks, community parks, urban green space and open space, and for various recreational facilities.

  The National Recreation and Parks Association recommends a total urban park system that includes of 6.25 to 10.50 acres of open space per 1,000 population.

2. **Regional Standards**

In certain states, Level of Service standards are also determined by state agencies or organizations. For example:

- Sarasota County, Florida relies on standards determined by the Florida Library Association called "Standards and Guidelines for Florida Public Library Services." These standards include service area locations, square footage of library buildings, items per capita, and library staff per capita.

- The Florida Department of Transportation establishes minimum levels of service standards for the highway system in Florida.

3. **Establishing Standards by Unit of Measure** -- Kitsap County, Washington follows a step-by-step process for determining Level of Service standards, based on Level of Service units:

TYPE OF FACILITY	LEVEL OF SERVICE UNIT OF MEASURE
Corrections	Beds per 1,000
Fire and Rescue	Average response time
Hospitals	Beds per 1,000
Law Enforcement	Officers per 1,000
Law Enforcement Offices	Sq. Ft. per 1,000
Courts	Courtrooms per 1,000
Library	Titles per 1,000
Library Building	Sq. Ft. per 1,000
Parks	Acres per 1,000
Roads and Streets	Ratio of volume to capacity
Schools	Students per classroom
Sewer capacity	Gallons per customer per day
Sewer standards	Effluent quality
Solid Waste	Tons or cubic yards per capita
Surface Water	Design storm (i.e., 100 year storm)
Transit	Ridership
Water availability	Gallons per customer per day
Water standards	Water quality

To determine Level of Service standards the following analysis is undertaken by the County:

- The current actual Level of Service is calculated;
- Service providers are given national/regional standards or guidelines and examples;
- Departmental service providers research local standards from County studies, master plans, ordinances, and development regulations;
- Departmental service providers recommend a standard Level of Service;
- Approximate costs for the two Levels of Service (current and standard) are calculated;
- The final standards are adopted and used as a benchmark for concurrency requirements, and capital facility plans.

IV. Concurrency and Level of Service in Other Counties

The next two sections review Level of Service standards in other communities, for services that Pima County residents also utilize:

- sanitary sewer treatment and disposal capacity, and solid waste disposal;
- regional and community parks, and parks and recreation;
- law enforcement and correctional facilities;
- emergency services, and fire services;
- water supply and treatment capacity;
- surface water management;
- libraries; schools; and roads.

1. **Maryland Counties** – Twelve counties in Maryland have Adequate Public Facilities Ordinances (Carrol, 2001). These Counties require concurrency for one or more of the following facilities: schools, roads, water, sewer, storm water, health, fire, police, and solid waste. In seven of these counties, the requirements apply to roads, schools, water and sewer facilities. Montgomery County even applies this to affordable housing. Maryland's state law specifically enables municipalities and counties to adopt public facilities ordinances.

2. **Washington Counties** – Clark County, Washington requires concurrency directly and indirectly for a variety of facilities and services (Shulty, 2001). Direct concurrency is required for roads, sewer and water, and indirect concurrency is required for facilities like schools, parks, law enforcement and solid waste. For services requiring direct concurrency, capacity must be available for development approval. For those that are indirectly required, the payment of impact fees often satisfies the concurrency requirement. It is important to note that impact fees are also required for transportation, but the impact fee alone does not satisfy the concurrency requirement. Concurrency is required for development applications for subdivisions, site plan approvals, and conditional use permits. In Kitsap County, Washington, a development can be served at the standard Level of Service if: (1) the facilities are in place at the time the permit is issued; or (2) the facilities are under construction; or (3) subject to the facilities being in place when development impact occurs; or (4) the County has in place binding financial commitments to complete the facilities within six years.

3. **Florida Counties** – Lee County is an example of Florida county concurrency programs. The comprehensive plan sets out minimum and desired Level of Service standards for regulatory and non-regulatory County services. Minimum acceptable services are used for facility design, setting impact fees, and for the concurrency management system. Regulatory services are defined as services/facilities identified by state law as being essential to support development: potable water, sanitary sewer, solid waste disposal, storm water management, community and regional parks, and transportation. The standards are the basis for permitting new development. For non-regulatory services such as libraries, emergency medical services and certain recreational facilities, which do not affect permitting, Lee County sets Level of Service standards for it's own use. The Lee County concurrency management inventory and projections are found at Appendix 1.

V. Concurrency Programs and Level of Service Standards by Facility Type

1. Libraries -- Two Florida County level of service standards are described for a variety of library related facilities: Sarasota County and Lee County.

- Sarasota County, Florida – The following Level of Service standards are guidelines to be achieved by 2010. These Level of Service standards are used in the library impact fee calculations.

TYPE OF FACILITY / SERVICE	UNIT OF MEASURE
Spacial Distribution, Urban Areas	15 minute travel time
Spacial Distribution, Rural Areas	30 minute travel time
Collection	1.5 items per capita of functional population and a ratio of 0.67 titles per item
Professional Staff	Five plus one for each additional 10,500 persons over 25,000 of functional population, up to maximum of 600,000 of functional population
Support Staff	Ratio of 2 support staff for each professional staff
Buildings	.0536 square feet per capita of functional population

- Lee County, Florida – The following standards are the current acceptable non-regulatory levels of service for the Lee County Library System: (1) Maintain existing per capita inventory of 1.6 library items per capita (permanent residents); and (2) Provide .274 square feet of library space per capita (permanent residents).

  Another policy states: Raise the non-regulatory standards for building and collection size to meet the following Florida Library Association standards by the year 2010: (1) Level C collection size of 2.8 items per capita (permanent residents); and (2) Minimum building size level of 0.6 square feet per capita (permanent residents).

2. Transportation -- Many communities with Level of Service standards for transportation rely on a Level of Service scale found in the Highway Capacity Manual published by the Transportation Research Board in Washington, D.C. Level of Service A described below represents the best operating conditions, while Level of Service F represents the worst.

Definition of Arterial Levels of Service

Level of Service A -- describes primarily free flow operations at average travel speeds, usually about 90 percent of the free flow speed for the arterial class. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalized intersections is minimal.
Level of Service B -- represents reasonably unimpeded operations at average travel speeds, usually about 70 percent of the free flow speed for the arterial class. The ability to maneuver within the traffic stream is only slightly restricted and stopped delays are not bothersome. Drivers are not generally subjected to appreciable tension.
Level of Service C -- represents stable conditions; however, ability to maneuver and change lanes in mid block location may be more restricted than in LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds of about 50 percent of the average free flow speed for the arterial class. Motorists will experience appreciable tension while driving.
Level of Service D -- borders on a range in which small increases in flow may cause substantial increases in approach delay and, hence, decreases in arterial speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these. Average travel speeds are about 40 percent of free flow speed.
Level of Service E -- characterized by significant approach delays and average travel speeds of one-third the free flow speed or lower. Such operations are caused by some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing.
Level of Service F -- characterizes arterial flow at extremely low speeds below one-third to one-quarter of the free flow speed. Intersection congestion is likely at critical signalized locations, with resultant high approach delays. Adverse progression is frequently a contributor to this condition.

The Level of Service description often represents the adequate service level at peak time during the day. A Level of Service C or D is usually adequate for most communities roads and highways. Sarasota County, Florida, Lee County, Florida, Maryland counties, and Kitsap County, Washington base their transportation Level of Service on this scale.

- Kitsap County, Washington – Kitsap's Capital Facilities Plan (CFP) shows Level of Service standards and volume to capacity ratio standards by road type. The Plan allows for more congestion on urban roads where growth is encouraged, as opposed to the rural roads where growth is discouraged.

Functional Classification	Maximum V/C Ratio/LOS	
	Urban	Rural
Principal Arterial	.89/D	.79/C
Minor Arterial	.89/D	.79/C
Collector	.89/D	.79/C
Minor Collector	.89/D	.79/C
Residential/Local	.79/C	.79/C

- Lee County, Florida – Lee County uses Florida's Department of Transportation Level of Service standards for roads and highways (Level of Service A through F). The following Level of Service standards are the minimum acceptable peak hour, peak season, peak direction roadway level of service: (1) Arterial -- Level of Service E; (2) Collectors -- Level of Service E; and (3) Freeways -- Level of Service D.

King County, Washington – King County developed a Transportation Adequacy Measure (TMA) to serve as a basis for Level of Service standards.

Transportation Service Area	Maximum Average V/C Ratio/LOS
1	0.99/E
2	0.99/E
3	0.89/D
4	0.79/C
5	0.69/B

Clark County, Washington – Level of Service standards for roads are determined by average speeds during the peak traffic hour. If speeds on a road fall below the minimum Level of Service travel speed for that road, then the road is in failure. Development is not permitted unless the developer is willing to mitigate in the form of widening the road, or installing traffic signals.

3. Parks and Recreation -- The National Recreation and Park Association publishes suggested standards for parks and recreational facilities (Kaiser, 1995).

Type of Facility	Service Area	Desirable Size	Acres/1,000
Minipark	< 1/4 mile radius	1 acre or less	0.25 - 0.5
Neighborhood Park	1/4 to ½ mile radius	15 acres	1.0 - 2.0
Community Park	1 to 2 mile radius	15+ acres	5.0 - 8.0
Regional/Metro Park	1 hour driving time	200+ acres	5.0 - 10.0
Regional Park Reserve	1 hour driving time	1,000+ acres	Variable

- Total close-to-home space = 6.25 to 10.25 acres per 1,000 population
- Total regional space = 15.20 acres per 1,000 population

Kitsap County, Washington

Local Parks	1.83 acres per 1,000 population
Regional Parks	8.4 acres per 1,000 population
Open Space	5.08 acres per 1,000 population
Community Centers	261.3 sq. ft. per 1,000 population

Sarasota County, Florida – For parks and recreation, Sarasota County has recommended Level of Service standards and desired Level of Service standards. Desired Level of Service standards are a higher level of service.

Lee County, Florida

Regional parks	7 acres per 1,000 total residents, Desired Level of Service is 8 acres per 1,000 total population
Community parks	0.8 acres per 1,000 permanent residents, Desired Level of Service is 1.75 acres per 1,000 permanent residents

4. **Solid Waste** -- Level of Service standards for jurisdictions in Washington, Florida and Maryland are described below.

- Kitsap County, Washington: The Solid Waste Level of service standard is 6.49 pounds per person per day.

- Lee County, Florida – The minimum acceptable level of service standard for availability of solid waste disposal facilities is 7 pounds per capita per day.

- Maryland – In Carroll County, an adequate level of service occurs when (1) at least 10 years worth of land is approved as a landfill; (2) a site must be operational with at least two years of capacity; (3) four years of capacity must be operational within a year; (4) an alternative method of solid waste disposal is operational and has capacity for at least two years.

5. **Stormwater (flood control)** -- The following surface water management standards are adopted as minimum acceptable level of service for unincorporated Lee County, Florida:

- Existing Infrastructure / Interim Standard: The existing surface water management system in the unincorporated area of the county shall be sufficient to prevent the flooding of designated evacuation routes from the 25-year, 3-day storm event for more than 24 hours.

- Other watersheds have standards requiring floor slabs for new development to be constructed a minimum of one foot above the 100-year, 3-day storm event, and crossings associated with evacuation routes should not be flooded for more than 24 hours.

6. **Potable Water** -- The minimum acceptable Level of Service standards for potable water connections to Lee County Florida Utilities is an available supply and treatment capacity of:

- Residential: 250 gallons per day, per connection for the peak month, except;

- Mobile homes: 187.5 gallons per day,

- Travel trailers: 150 gallons per day.

The Plan also encourages private utilities to adopt minimum Level of Service standards of their own, or these Level of Service standards will be used in enforcing concurrency management.

7. Sanitary Sewer (Wastewater) -- Level of service standards are described for four jurisdictions:

Kitsap County, Washington – Sanitary Sewer Level of Service is 250 gallons per day per connection

Lee County, Florida – The minimum acceptable Level of Service standards for sanitary sewer connections to Lee County Utilities requires available basic facility capacity to treat and dispose of a volume of wastewater equal to:

- Residential: 200 gallons per day, per connection for the peak month;
- Mobile homes: 150 gallons per day; and
- Travel trailers: 120 gallons per day.

The Plan also encourages private utilities to adopt minimum Level of Service standards of their own, or these Level of Service standards will be used in enforcing concurrency management.

Maryland (Water and Sewer) – Counties vary in their Level of Service standards. Montgomery County requires that sewer and water service be available, under construction, or designated within the first two years of a current approved water and sewer plan. Washington County requires the approval of the development by various city, county, and state review agencies.

Clark County, Washington (Water and Sewer) – Water and sewer service are non-County functions. Therefore, the County requires a letter of approval from these providers stating that there is sufficient capacity to service the development request.

8. Schools -- Level of service standards for three jurisdictions are described: Lee County, Florida, Maryland counties, and the City of Cary, North Carolina. The Palm Beach County School concurrency System is also described at Appendix 4.

Lee County, Florida – Lee County is in the process of developing school concurrency requirements. They have already established and intergovernmental agreement with the school district concerning concurrency.

Maryland – Twelve counties have Level of Service standards for schools. Many of these base their Level of Service standards on school capacity vs. enrolled students. The Interagency Committee on School Construction (IAC) determines State Rated Capacities for all public schools in the Maryland. This capacity is calculated by multiplying the number of classrooms by the state approved capacity per type of class. The State Rated Capacity calculation is:

- Number of Kindergarten Classrooms X 22
- Grades 1-5/6 Classrooms X 25
- Grades 6-12 Teaching Stations X 20 X 90%

The Counties then identify their own adequate school Level of Service standards. For instance Washington County's School Level of Service standard is 105% of the State Rated Capacity.

Town of Cary, North Carolina – Level of Service is based on the percentage that schools are permitted to be above permanent seating capacity. Adopted standards for 1999, 2000, 2001 are:

- Elementary schools 148%
- Middle schools 132%
- High schools 141%

Adopted standards for 2002: No school shall exceed 130% of permanent seating capacity.

9. Law Enforcement -- According to the Pima County Sheriff's Office, the Department of Justice no longer provides a standard of the number of officers per 1,000 population. They do however, provide the national average, which is 2.5 officers per 1,000 population.

Kitsap County, Washington – The following Level of Service standards apply to law enforcement related facilities.

- Sheriff offices 150.9 sq. ft. per 1,000 population
- Corrections facility 1.45 beds per 1,000 population
- Juvenile facility 0.4 beds per 1,000 population
- Work release facility 39.9 sq. ft. per 1,000 population
- Superior Courts 0.032 Courtrooms per 1,000 population
- District Courts 0.016 courtrooms per 1,000 population

City of Columbus – Level of service goals, are based on the priority of the call and ability to dispatch within a set average number of minutes, and a total response time within a set average of minutes.

Maryland – Prince Georges County uses a detailed methodology to determine the number of additional police departments needed and the capacity of police stations.

10. Fire -- Six Maryland counties have level of service standards for fire protection. These include response times, equipment, and water distribution and sprinkler systems.

11. Other Public Buildings -- In Kitsap County, Washington, a level of service standard for public buildings is set at:

- Administrative Offices 940 sq. ft. per 1,000 population
- Maintenance Building 18.5 sq. ft. per 1,000 population

VI. The Implementation of Concurrency Requirements for County Facilities

After Level of Service standards have been established for the required facilities, the following issues arise: (1) at what point in the permitting process will the concurrency test be applied and to which development applications; (2) which development applications will be exempt; (3) are mitigation options available if development fails the concurrency test; and (4) for what length of time are the concurrency approvals valid?

1. Timing of Adequate Public Facilities or Concurrency Application -- Jurisdictions answer the questions of (1) at what point in the permitting process will the concurrency test be applied, and (2) to which development applications, in the following ways:

- Maryland – Adequate facilities are required at the time of filing for the preliminary subdivision plat approval.

- Clark County, WA – Adequate facilities are required for applications for subdivisions, short subdivisions, site plan approvals, and conditional use permits.

2. Exemptions -- Jurisdictions answer the question of which development applications will be exempt from concurrency requirements, in the following way:

- Maryland – Six counties exempt minor subdivisions from the adequate public facility test for one or more of the applicable facilities. Three counties exempt housing for the elderly from the school adequacy test. Montgomery County exempts places of worship, and provides partial exemptions from the roads test for affordable housing, small scale development, and small health facilities. Frederick County exempts development that generates less than 25 peak hour trips from the roads test. Baltimore County exempts industrial development, hospitals, and grandfathered lots from the roads test. Washington County exempts residences designated in Urban Growth Areas from the school test. Baltimore County exempts any development in a town center or community center.

- Clark County, Washington – The following types of development are exempt: K-12 public schools, police and fire stations, public transit facilities.

3. Mitigation -- Jurisdictions answer the question of which development projects have mitigation options available if development fails the concurrency test, in the following way:

- Maryland – Counties offer some of the following options: (1) Wait until the county makes needed improvements; (2) Direct contributions or actual construction of necessary improvements; (3) Commit to ride-share programs; (4) Funding of transit; (5) Dedication of property to the county; (6) Public/private partnerships; and (7) Developer agreements.

- Clark County, Washington – To meet road concurrency requirements, a developer can provide physical improvements like road widening, right of way, or installation of a traffic signal. For some services like parks and schools, the developer is required to pay an impact fee to meet concurrency requirements.

4. Length of Time Approvals are Valid -- In Maryland, the validity period for adequacy test approvals varies by county. In Frederick County, the approvals are valid for three to ten years after the preliminary subdivision approval, depending on the size of the project.

VII. Implementation for Non-County Facilities

Some counties require concurrency for non-county facilities. This is accomplished through a combination of inter-governmental agreements (IGA) and letters of approval. Lee County has an inter-governmental agreement for concurrency with the school district that operates within County boundaries, and is currently developing the implementation plans. Palm Beach County, Florida is instituting a similar program.

In Kitsap County, Washington, the Transportation Facilities Concurrency Ordinance states that Kitsap shall pursue establishing intergovernmental agreements to coordinate Level of Service standards, impact fees, and mitigation requirements for transportation concurrency.

Clark County, Washington requires a letter of approval from the non-county water and sewer providers, stating that there is sufficient capacity to serve the development. Clark County also requires concurrency for schools, which are not a County function. Paying the development impact fees set by the school districts fulfills the concurrency requirement.

VIII. Conclusion and Lessons for Developing Concurrency Requirements

Based on the experience of other jurisdictions, growth areas should apply lower Level of Service standards for land use types appropriate to the growth area. The Center of Excellence for Sustainable Development warns that one problem with concurrency requirements is that they can unintentionally push commercial development into areas not suited for growth, due to the estimates for increased traffic congestion. The Center recommends using concurrency in conjunction with growth boundaries of some sort. Florida Counties are permitted to allow for transportation concurrency exemption areas in order to allow for congestion in urban areas, and prevent pushing development into suburban areas where roads are not congested.

In order to work effectively, concurrency requirements and Level of Service standards must be an integral part of the capital facilities plan, the comprehensive land use plan, and the development review process.

- Draft Concurrency and Urban Development Study -

The State of Oregon's Transportation and Growth Management Program states that the following issues should be considered when contemplating adequate public facility requirements:

1. The impacts of a set of requirements can be difficult to predict.

2. Requiring high service levels may discourage certain types of development.

3. The development approval process will be more complicated.

4. Adequate Public Facility Requirements will place new demands on capital improvement budgets.

5. Adequate Public Facility Requirements can be combined with other policies to focus improvements in certain areas.

6. Adequate Public Facility Requirements encourage the creation of an equitable system development charges to fund needed improvements.

In Pima County, the combined recommendations for concurrency requirements and service area boundaries will enhance the effectiveness of both policies.

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CONCURRENCY MANAGEMENT

Inventory and Projections
1999/2000 - 2000/2001

LEE COUNTY
SOUTHWEST FLORIDA

December, 2000

LEE COUNTY

BOARD OF COUNTY COMMISSIONERS

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Mary Gibbs, Director

Prepared by

Development Services Division

with assistance from

County Attorney's Office
Construction and Design Division
Environmental Services Division - Natural Resources
Environmental Services Division - Solid Waste
Parks and Recreation Division

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CONCURRENCY MANAGEMENT
INVENTORY AND PROJECTIONS
1999/00 - 2000/01

SUMMARY

This report has been prepared in accordance with the requirements of Chapter 2 of the Lee County Land Development Code (Concurrency Management System) which requires the publishing, once each year, of an inventory of the maximum, utilized and available capacity of public facilities for which minimum regulatory levels of service are prescribed in the Lee Plan. These public facilities are:

1. Solid Waste Disposal
2. Surface Water Management
3. Potable Water
4. Sanitary Sewers
5. Parks and Recreation
6. Transportation

This inventory contains projections of demand on the facilities due to anticipated growth and indicates additions to capacity based upon construction in progress or under contract. The inventory shall be reviewed by the Board of County Commissioners; and, upon approval, it establishes the availability and capacity of each facility to accommodate impacts from future development.

Once approved by the Board of County Commissioners, the inventory serves to bind the County to the estimates of available capacity described in the report. The inventory empowers the Director of Community Development to issue Concurrency Certificates for development permits. These development permits may be approved in those areas of the County where the estimates demonstrate that sufficient capacity of infrastructure will be available to serve the developments which are expected to occur during the period of time approved by the Board.

Based upon growth trends during the 1990-1999 period, and projecting similar trends for the 1999/00 inventory period, the unincorporated areas of Lee County should not experience any concurrency problems during 1999/00. However, projections indicate a few potential problems in future years, in the area of water and sewer treatment plant capacity and park acreage, which bear careful tracking. Development orders and building permits will continue to be monitored and the databases constantly updated.

SOLID WASTE

The Lee County Waste to Energy Facility began operation in August 1994. Material which cannot be burned at the new facility and the ash residue from the facility are placed in the "Gulf Coast Landfill". This landfill is expected to have capacity for at least 2 to 3 years because of the diversion of recyclable materials into recycling programs and combustible materials to the waste to energy facility. Construction of a new landfill in Hendry County for the placement of ash and non processable waste was completed and available for use in 1997 but is not expected to be placed in use before the year 2001 or 2002.

All unincorporated areas of Lee County are concurrent with the level of service standard set forth in the Lee Plan for solid waste.

SURFACE WATER MANAGEMENT

Surface water management studies conducted, in accordance with Policy 38.1.1 of the Lee County Plan, have identified three locations where water levels resulting from the 25-year, 3-day storm event caused localized flooding of evacuation routes. Locations on Hancock Bridge Parkway and Colonial Boulevard west of U.S. 41 have been improved. The third location on Alico Road will be addressed when improvements are made to Alico Road for access to Florida Gulf Coast University and the expansion of the Southwest Florida International Airport. Water Management Studies remain to be completed on 4 of the County's Drainage Basins which are in a low density non-developing area which is being monitored.

The flooding experienced in Bonita Springs in 1992 and 1995 has emphasized the need to review in more detail floodway and floodplain protection. Current permitting practices do not necessarily review the receiving river or creek's ability to convey storm water. In response, Lee County and the SFWMD are working with FEMA, in conjunction with the completed watershed studies, to formally adopt updated flood zone mapping in this area.

All new developments that receive approval from the South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed concurrent with the level of service standards set forth in the Lee Plan.

POTABLE WATER

New developments located in unincorporated areas of Lee County, which are within franchised service areas of the Public Service Commission or Lee County regulated potable water utility companies, should not experience any capacity problems provided distribution mains have been, or will be, installed to serve the development prior to issuance of occupancy permits. However, new connections to smaller water treatment plants (Tables 3 and 4) will require review on a case-by-case basis since some of the plants are nearing capacity when measured against the current minimum level of service standard set forth in the Lee Plan.

Lee County Utilities has acquired the Waterway Estates, Green Meadows and College Parkway water treatment plants from Florida Cities Water Company and became the operator of the plants in the spring of 1999. LCU has also acquired the San Carlos and Wildcat Run water treatment plants of Gulf Utilities but has not assumed operation of the plants yet. For the present there will be no changes in the plants that affect capacity but there will be inter-connections of the distribution systems that will help to insure adequate quantity and pressure throughout the combined systems.

SANITARY SEWER FACILITIES

New developments located within the franchised service areas of the Public Service Commission or Lee County regulated sewage utility companies should not experience any capacity problems provided a collection system has been, or will be, installed to serve the development prior to issuance of occupancy permits. Each plant meets the level of service standard in the Lee Plan. New connections to these regional plants and to several of the smaller sewage treatment plants (Tables 5 and 6) will require review on a case-by-case basis to ensure that the Level of Service standard is met.

Lee County Utilities has acquired the Waterway Estates and Fiesta Village wastewater treatment plants from Florida Cities Water Company and became the operator of the plants in the spring of 1999. LCU has also acquired the San Carlos wastewater treatment plant of Gulf Utilities but has not assumed operation of the plant yet.

A number of small package plants were taken out of service when their collection systems were connected to larger regional plants. There will be additional small plants removed from service as the larger regional plants expand their collection and transmission lines.

PARKS AND RECREATION

The combination of Federal, State, County and Municipal regional parks provide sufficient acreage to meet the current regulatory level of service standard for regional parks as set forth in the Lee Plan through the year 2005 and beyond. The "Desired Future Level of Service" standard as set forth in the Lee Plan will be met through the year 2003. The required acreage for regional parks is based upon serving the total (permanent and seasonal) population of the County.

Each of the eight (8) Park Impact Fee Districts will meet the Lee Plan's regulatory level of service standard for community parks beyond the year 2004. In addition, Districts 2, 3a (Gateway), 5, 6, and 7 will meet the "Desired Future Level of Service" standard for community parks through the year 2005. In District 1 the "Desired Future Level of Service" standard was not met in 1996 and will not be met in the future. District 3 will not meet the higher standard beginning in 2002, District 4 did not meet it beginning in 1997, and District 8 did not meet it beginning in 1998. New parks in each of these Districts will be necessary to meet the "Desired Future Level of Service." A new park south of Corkscrew Road opens in 2000 and provides the necessary acreage for District 8 to meet the standard in 2000 but not beyond that year. The required acreage for community parks is based upon the permanent population of the unincorporated area within each of the eight districts.

TRANSPORTATION

Beginning on January 1, 2000 Lee County returned to a link by link system for determining if the required Level of Service Standard is met. Over the previous ten (10) years the County and State had constructed many projects that address deficiencies throughout the county so that there are only four sections of roads that fail, provide level of Service F. These links are listed below.

Estero Blvd. From School Street to Vorhis Street (v/c =1.12). This is a constrained facility which is unlikely to receive a major improvement in the near future. It is also located within the Town of Fort Myers Beach and is addressed in their Comprehensive Plan.

McGregor Boulevard from Winkler Road to Colonial Boulevard (Existing LOS = F). This is a constrained facility *(v/c =1.03).*

In addition two link currently provides a satisfactory Level of Service but are projected to fail because of increased traffic from developments that have been approved but not yet constructed.

Daniels Parkway from Metro Parkway to Six Mile Parkway (Existing LOS = D). This is an existing constrained facility (v/c = 0.83).

Old 41 from Bonita Beach Road to East/West Terry Street (Existing LOS = D). This is a constrained facility *(v/c =1.00).* A Community Redevelopment Agency (CRA) project constructed in 1999 provided turning lanes and a median which has increased capacity and the Level of Service.

The Florida Department of Transportation has established the Minimum Level of Service Standards for the Interstate Highway System and for the Florida Intrastate Highway System. The standard for I-75 is LOS C and for Palm Beach Blvd. (SR 80) east of I-75 is C and B. The following links do not fail but do not meet these high LOS Standards.

I-75 from the Collier Co. Line to Corkscrew Rd. The LOS standard is C but the existing LOS is D. The extension of Livingston Rd from Collier County, the widening of Imperial Street to 4 Lanes, and the widening of the Three Oaks Extension to 4 Lanes is funded in 2001 to 2005.

I-*75 from Corkscrew Rd to Alico Rd.* The LOS standard is C but the existing LOS is D. The widening of Three Oaks to 4 Lanes is funded in 2003.

I-75 from Alico Rd to Daniels Pkwy. The LOS standard is C but the existing LOS is E. The construction of the Three Oaks Extension and Treeline Dr. Extension as 4 Lane facilities is funded in 2001.

I-75 from Daniels Pkwy to Colonial Blvd. The LOS standard is C but the existing LOS is E. Preliminary Engineering is underway.

I-75 from Colonial Blvd to Dr. Martin Luther King Blvd. The LOS standard is C but the existing LOS is D.

I-75 from Martin Luther King Blvd to Palm Beach Blvd. The LOS standard is C but the existing LOS is D.

I-75 from Palm Beach Blvd to Bayshore Dr. The LOS standard is C but the existing LOS is D.

There should not be any traffic concurrency problems during 2000/2001 with the link by link analysis.

There are additional links which meet the LOS standards now but may not meet them in the next few years as approved projects build out. The links accessed by these projects could become a problem if their capacities are not increased or new roads or widening projects providing alternative routes are not constructed as the approved projects continue to build. The links that may be a problem are listed below.

Bonita Beach Road from U.S. 41 to Old 41. (Existing LOS=D) The many projects in the City of Bonita Springs add traffic to this link as people travel to and from I-75 or the beaches.

Cypress Lake Drive from Summerlin Road to U.S. 41. (Existing LOS = D). Projected traffic from the Reflection Lakes adds traffic to this link and appears now that the link could fail before the development builds out. However widening to six lanes has been funded in 2001.

Gladiolus Drive from Bass Road to Winkler Road (Existing LOS = D). Projected traffic from Parker Lakes and Parker Lakes Plaza could eventually cause the level of service to fail. Project Engineering and Right-of-Way acquisition for widening to 4 lanes are funded in 2004.

Metro Parkway from Danley Dr. to Gladiolus Dr. (Existing LOS = D) There are many individual building and subdivisions with outstanding Development Orders which could be constructed. However, they would require several years to take up all of the available capacity.

Summerlin Rd. from Bass Road to Gladiolus Dr. (Existing LOS = D) There are several large developments with outstanding Development Orders which could be constructed. However, they would require several years to take up all of the available capacity.

U.S. 41 from Bonita Beach Rd to W. Terry St (Existing LOS = E). Many large projects are continuing to develop and contribute traffic to this link. Acquisition of right-of-way for widening to 6 lanes is funded in 2001. Widening of Imperial St to 4 lanes to provide an alternate route is partially funded in 2004.

U.S. 41 from West Terry St to Old 41 (Existing LOS = E). Several large projects are continuing to develop and contribute traffic to this link. Acquisition of right-of-way for widening to 6 lanes is funded in 2001. Construction of the Three Oaks Blvd Extension as an alternate route is funded in 2005.

U.S. 41 from Old 41to Corkscrew Rd. (Existing LOS = E). Many large projects are continuing to develop and contribute traffic to this link. Widening to 6 lanes is funded in 2001. Construction of the Three Oaks Blvd Extension as an alternate route is funded in 2005.

U.S. 41 from Corkscrew Rd. to Sanibel Blvd. (Existing LOS = C) There are many individual building and subdivisions with outstanding Development Orders which could be constructed. However, they would require several years to take up all of the available capacity.

Two situations as set forth in the Lee Plan which could affect the approval of rezoning cases or development orders that affect specific roadway links. These are:

1.Policy 14.2.2 relating to Greater Pine Island, states in part:

> When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard, reaches 810 peak hour annual average two-way trips, the regulations shall provide restrictions on further rezoning which would increase on Pine Island Road west of Burnt Store Road.
>
> When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard, reaches 910 peak hour annual average two-way trips, the regulations shall provide restrictions on further issuance of residential development orders (pursuant to the Development Standards Ordinance), or other measures to maintain the adopted Level of Service, until improvements can be made in accordance with this plan.

Based on the 1999 Traffic Count Report the peak hour, annual average two-way trips were 832. Therefore there should be restrictions on further rezoning which could increase traffic on Pine Island Road.

2 Policy 22.2.2 addresses the maximum volume to capacity ratio to be allowed on constrained roads. It states:

> A maximum volume to capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated. No permits will be issued by Lee County that cause the maximum volume to capacity ratio to be exceed or that affect the maximum volume to capacity once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume to capacity ratio on the constrained segment at or below 1.85.

Based on traffic counts for 1999 the highest volume to capacity ratio on a constrained facility was 1.12 on Estero Boulevard in the Town of Fort Myers Beach. McGregor Boulevard from Winkler road to Colonial Boulevard had a volume to capacity ratio of 1.03 and Old 41 between Bonita Beach Roar and West Terry Street in the City of Bonita Springs had a volume to capacity ratio of 1.00. All other constrained facilities had a volume to capacity ratio of less than 1.0. None of these facilities will approach volume to capacity ratio of 1.85 during the year 2001

INVENTORIES

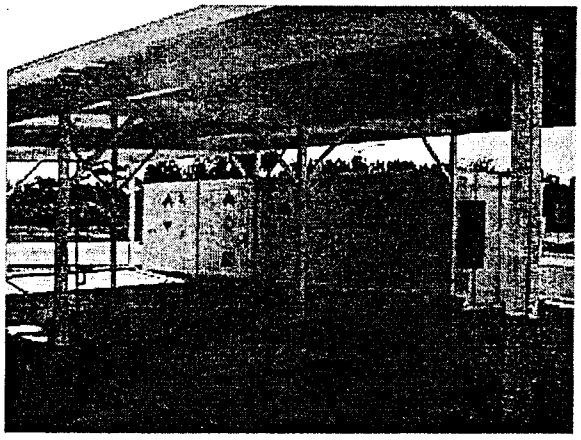
The Concurrency Management staff is compiling and maintaining computer databases and spreadsheets using information from the Development Services Division, Natural Resources, the Property Appraisers Office, the Department of Community Affairs, Lee County Department of Transportation, Florida Department of Transportation, and the Florida Department of Environmental Protection. Information contained in the databases and spreadsheets assists in monitoring levels of service and will be beneficial in preparing the Capital Improvement Program, as well as assisting in the review process for rezoning and other development permits.

Based on available information, the staff has reviewed the capacity and usage of the various infrastructure elements and has made forecasts based on development trends beginning in 1989.

Data concerning development within each of the twenty (20) Year 2020 Lee County Planning Communities is being maintained and will be verified and added to the base land-use data for the individual districts.

SOLID WASTE

The Lee County Waste-to-Energy Facility began operation on August 24, 1994. All combustible waste is sent to the this facility where it is estimated that the combustion residue generated is 10 percent of the original volume. This remaining residue is transported to the Gulf Coast Landfill, located along State Road 82, east of I-75. All non-combustible waste, primarily construction and demolition debris, continues to be accepted at the Gulf Coast Landfill.



Hazardous waste collection center at the Lee County Incinerator.

The total non-combustible waste going to the Gulf Coast Landfill amounts to approximately 7 percent to 10 percent by weight or 8 percent by volume of the total waste stream. Construction and demolition debris comprise up to 10 percent by weight of the total waste stream, half of which is recyclable.

In April 1994, the proposed Lee/Hendry Disposal Facility in Hendry County received permit approval from the Florida Department of Environmental Protection (FDEP). Permits from South Florida Water Management District and the Corps of Engineers were also approved for this facility. The Lee/Hendry Disposal Facility was ready to accept ash for disposal in the year 1997 however it will not be used until the year 2001 or 2002. With both landfills and the waste-to-energy facility online, it is expected that the Gulf Coast Landfill will continue receiving construction and demolition material for at least the next 3 to 4 years. The waste to energy facility is not expected to attain the maximum rated capacity of 1,200 tons per day until after the year 2000.

The total volume of solid waste, including recyclable materials, for 1997/98 was 7.9 pounds per capita, slightly more than 1996/97 and less than the 9.12 pounds per capita generated in 1993/94. A continuing effort by the staff of the Division of Solid Waste to more accurately quantify private recycling disclosed that the current figure continues to be less than reported in the 1994 Concurrency Management Report. Reasons for this reduction are as follows:

1. The annual documentation of the types and quantities of waste generated and recycled is not a science in that general methods, assumptions, and technical documentation are constantly revised as the industry evolves. Through a concerted effort to identify and quantify the recycled materials handled by private companies, staff was able to document a more realistic level of recycling performance. Also, new contracts with franchised collection companies have been expanded to include recycling collection service for all multi-family units and mobile homes at no additional cost.

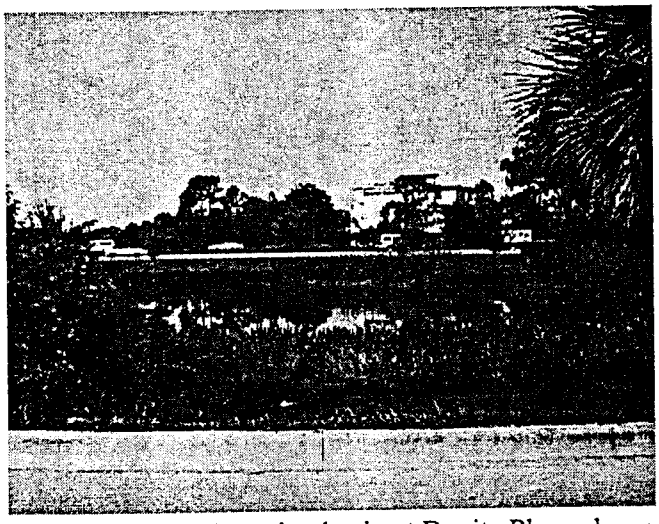
2. Recycling programs which include curbside pickup and commercial collection account for 37 percent of the solid waste stream or 37 percent using FDEP reporting protocol.

3. Horticultural waste is no longer disposed of at the Gulf Coast Landfill. It is picked up at curbside, chipped, and then distributed to end users at six distribution centers located in Bonita Springs, North Fort Myers, South Fort Myers, Lehigh Acres, Pine Island, and the Gulf Coast Landfill. Lee County also uses a portion on the public parks throughout the County.

The capacity of the waste-to-energy plant and landfills exceed the standard the of 7.0 pounds per capita established in The Lee Plan. All unincorporated areas of Lee County are concurrent with the level of service standard set forth in the Lee Plan for solid waste.

SURFACE WATER MANAGEMENT

In accordance with Policy 38.1.1 of the Lee Plan, 44 of the 48 identified drainage basins in Lee County have had surface water management studies completed. These studies evaluated water levels along trunk conveyances resulting from the 25-year, 3-day storm event and determined if any crossings of evacuation routes would require improvement. The remaining 4 drainage basins are located in a low density non-developing area, but will be monitored.



The stormwater detention basin at Bonita Plaza cleans runoff and prevents flooding of an evacuation route (US 41 in the background)

Based upon current information from the County's consulting engineers, none of the crossings associated with evacuation routes are anticipated to be flooded for more than 24 hours, thus meeting the concurrency standard.

All new developments which receive approval from the South Florida Water Management District and that comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes and Rule 40E-4 of the Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.

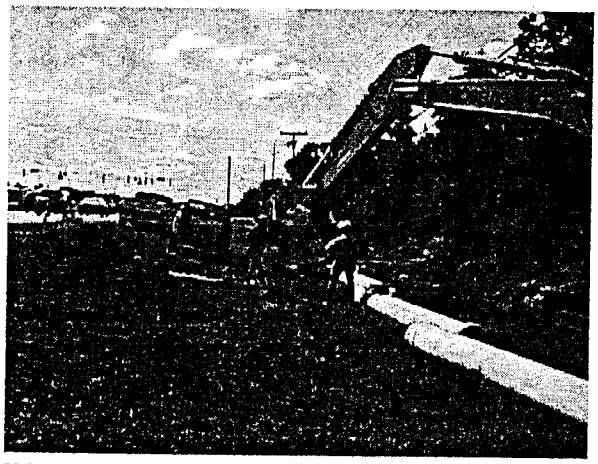
POTABLE WATER

Potable water treatment plants have been divided into four categories depending on their size and customers. The divisions are:

1. Major Regional Water Treatment Plants.
2. Minor Regional Water Treatment Plants.
3. Multiple User/Single Development Water Treatment Plants.
4. Single User Water Treatment Plants.

All regional plants are operating well below capacity.

Table 1, Major Regional Water Treatment Plants, lists eleven (11) franchised water utility companies and water treatment plants which have a capacity in excess of one (1) million gallons per day. The Gulf Utility's San Carlos plant is approaching it capacity but negotiations are underway with Lee County Utilities an additional supply to meet peak demands. There are no other capacity problems anticipated during 2000/2001 for any of the other major regional plants.



Water Main construction along US 41 near San Carlos Park

Table 2, Minor Regional Water Treatment Plants, lists five (5) franchised water utility companies and water treatment plants which have a capacity of less than one (1) million gallons per day. No capacity problems are anticipated during 2000/2001

Table 3, Multiple User/Single Development Water Treatment Plants, lists fifteen (15) water treatment plants which each serve multiple customers located within a single development. Most of the developments connected to these plants are built-out and additional new customers are not anticipated. However, these plants will be individually reviewed if new development requests are submitted.

Table 4, Single User Water Treatment Plants, lists twenty-five (25) water treatment plants which serve a single customer located within a single development. The developments served by these plants are built-out and additional new customers are not anticipated. However, these plants will be individually reviewed if new development requests are submitted.

TABLE 1

MAJOR REGIONAL WATER TREATMENT PLANTS

	PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
		<——— FLOWS IN GALLONS PER DAY ———>				
1	BONITA SPRINGS UTILITIES	6,000,000	4,581,000	4,675,000	4,771,000	4,800,000
2	CITY OF FORT MYERS	13,000,000	6,674,000	6,730,000	6,786,000	6,843,000
	FLORIDA CITIES WATER COMPANY					
3	- WATERWAY ESTATES WTP	1,750,000	939,000	940,000	941,000	942,000
4	- GREEN MEADOWS/COLL.PKWY WTP	10,500,000	6,707,000	6,980,000	7,264,000	7,560,000
5	GASPARILLA ISLAND WATER ASSN.	1,580,000	1,090,000	1,114,000	1,139,000	1,164,000
6	GREATER PINE ISLAND WATER ASSN.	1,750,000	1,346,000	1,387,000	1,429,000	1,473,000
7	GULF UTILITY - SAN CARLOS WTP	2,915,000	2,875,000	2,700,000	2,850,000	2,925,000
8	ISLAND WATER ASSN.	4,660,000	3,707,000	3,750,000	3,793,000	3,837,000
	LEE COUNTY UTILITIES					
9	- CORKSCREW WTP	10,000,000	7,148,000	7,251,000	7,355,000	7,461,000
10	- OLGA WTP	6,000,000	3,772,000	3,846,000	3,921,000	3,998,000
	SOUTHERN STATES UTILITIES					
11	- LEHIGH UTILITIES	2,250,000	1,358,000	1,462,000	1,574,000	1,695,000

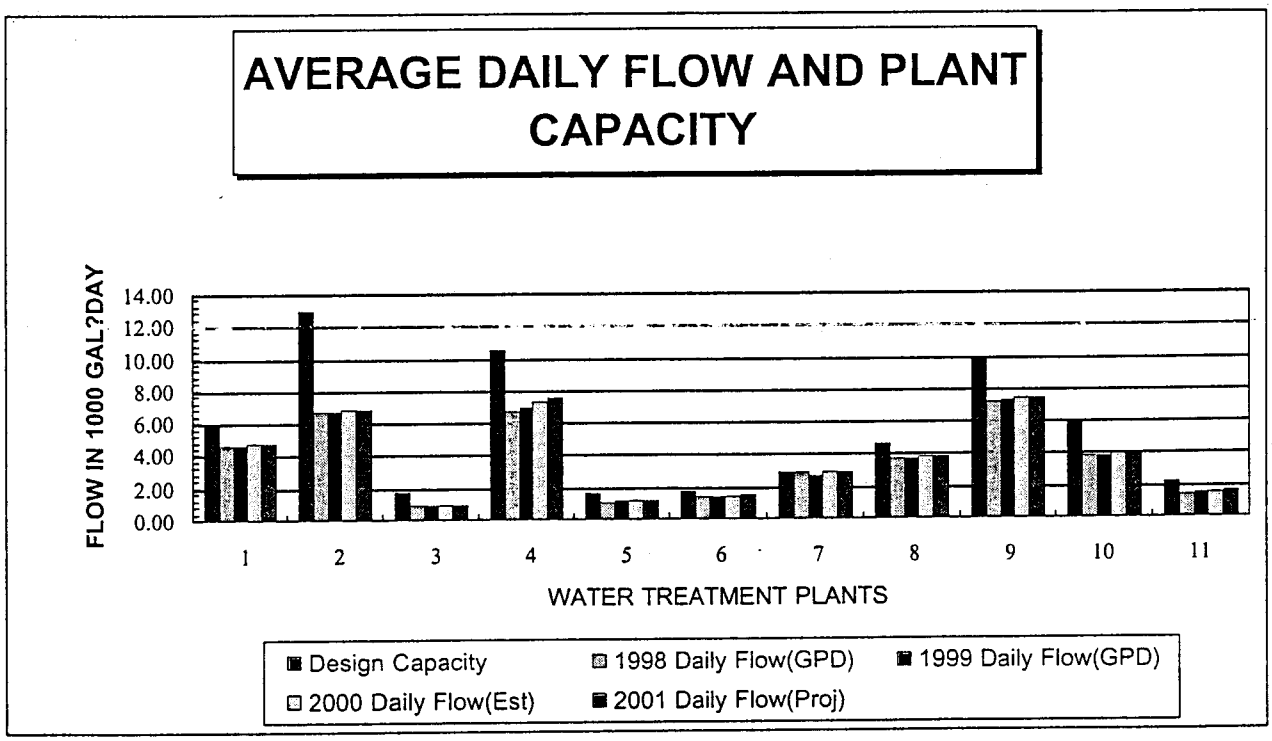


TABLE 2

MINOR REGIONAL WATER TREATMENT PLANTS

	PLANT NAME	<---------- FLOWS IN GALLONS PER DAY ----------> DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
1	BAYSHORE UTILITIES WTP	216,000	44,700	46,700	48,000	48,000
2	CITRUS PARK WTP	650,000	290,000	325,000	335,000	365,000
3	LAKE FAIRWAYS WTP	300,000	125,000	130,000	135,000	135,000
4	RAINTREE WTP	230,000	26,400	27,000	28,000	28,000

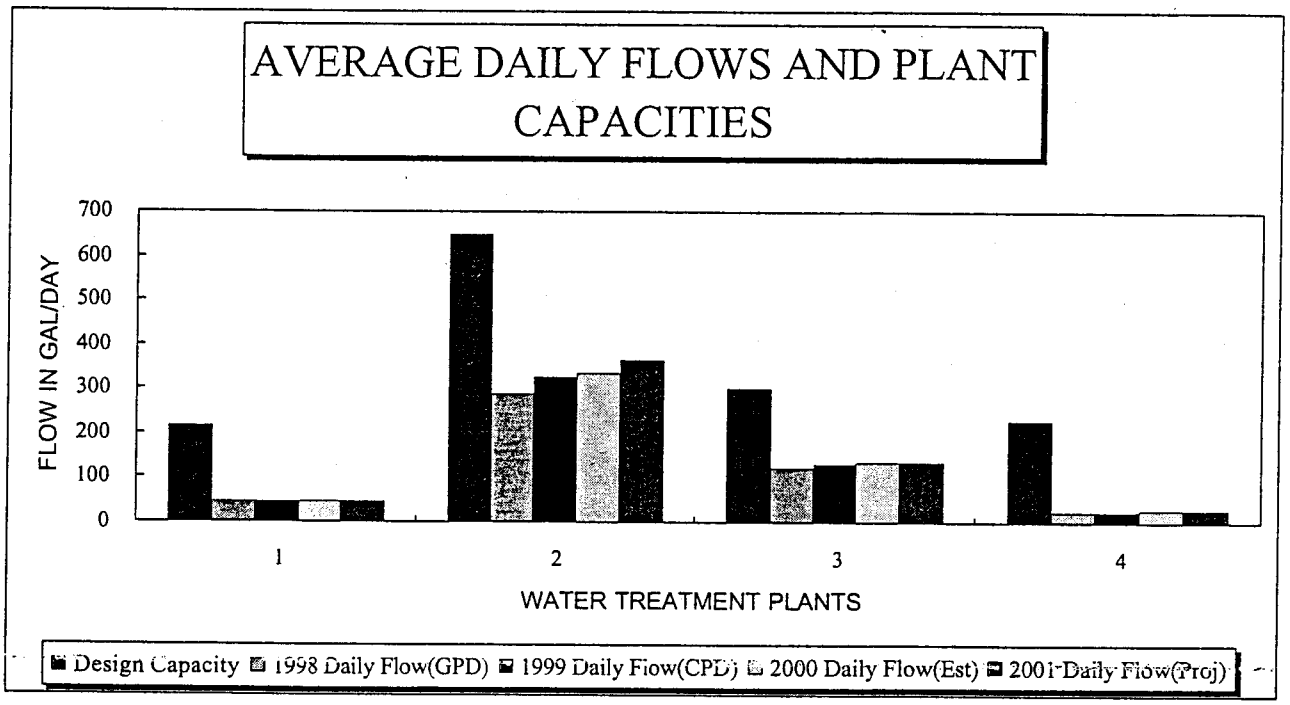


TABLE 3

MULTIPLE USER/SINGLE DEVELOPMENT WATER TREATMENT PLANTS

PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
	<---------- FLOWS IN GALLONS PER DAY ---------->				
CHARLESTON PARK WTP	20,000	12,100	13,400	14,000	15,000
COVERED WAGON WTP	15,000	11,000	12,000	15,000	15,000
FOUNTAIN VIEW WTP	70,000	56,600	55,300	56,500	56,500
GARDEN RV PARK WTP	4,000	4,300	4,100	4,500	4,500
GULF COAST CAMPING RESORT WTP	20,000	5,700	6,000	10,000	10,000
GULF COAST CENTER	288,000	122,600	119,000	120,000	120,000
JONES MOBILE VILLAGE WTP	50,000	16,600	15,900	16,500	16,500
JONES MOTEL & TRAILER PARK WTP	20,000	12,700	13,600	15,000	15,000
OAK PARK WTP	25,000	47,500	14,000	15,000	15,000
ORANGE HARBOR WTP	288,000	24,900	89,000	92,000	92,000
RIVER LAWN TERRACE WTP	5,500	4,100	4,100	4,100	4,100
SALDIVAR MIGRANT CAMP WTP	150,000	72,000	76,000	77,000	79,000
SPRING CREEK VILLAGE WTP	86,000	65,300	64,000	65,300	65,300
SUNRICH MOBILE HOMES WTP	20,000	6,700	8,000	13,000	13,000
USEPPA ISLAND WTP	56,000	33,500	36,300	37,000	37,000

TABLE 4

SINGLE USER WATER TREATMENT PLANTS

PLANT NAME	PERMITTED CAPACITY
ALVA MIDDLE & ELEM SCHOOL WTP	38,000
BRANDY'S TAVERN WTP	1,000
BUCKINGHAM BAR WTP	1,000
CABBAGE KEY HIDE-A-WAY WTP	3,000
CALOOSA GIRL SCOUT CAMP	5,000
CIRCLE K STORE #7-399 WTP	320
CIRCLE K STORE #7-455 WTP	250
EDIO LONGORIA MIGRANT CAMP	12,000
GULFSHORE GROUP WTP	32,000
HANDY FOOD STORES - ALVA WTP	250
HUT RESTAURANT WTP	1,000
KAUFMAN'S CAMPING WTP	4,000
KINGDOM HALL OF JEHOVAH'S WITNESS WTP	25,000
LEE COUNTY MOSQUITO CONTROL WTP	3,000
MARINA 31 RESTAURANT & LOUNGE WTP	2,000
MEL'S DINER WTP	3,000
MIRROR LAKES CC POOL WTP	250
NEW TESTAMENT BAPTIST CHURCH WTP	500
OUTPOST BAR WTP	1,000
REDLANDS CHRISTIAN MIGRANT CAMP WTP	1,360
ROYAL PALM GARDEN CENTER WTP	1,000
SIX MILE CYPRESS SLOUGH INTERPRET. CTR. WTP	1,000
TEMPLE BAPTIST CHURCH WTP	5,000
WONDERLAND MOTEL WTP	560
YODER BROTHERS ALVA FARM WTP	6,145

SANITARY SEWER FACILITIES

Sewage Treatment Plants have been divided into four categories determined by size and customers. The divisions are:

1. Major Regional Sewage Treatment Plants.

2. Minor Regional Sewage Treatment Plants.

3. Multiple User/Single Development Sewage Treatment Plants.

4. Single User Sewage Treatment Plants.

Table 5, Major Regional Sewage Treatment Plants, lists the ten (10) franchised sewage treatment plants which have a capacity greater than seven hundred thousand (700,000) gallons. No capacity problems are anticipated during 1999/00 although the Florida Cities Water Company's Waterway Estates plant continues to operate near its capacity. The purchase by Lee County Utilities of the FCWC systems may lead to changes that eventually take the Waterway Estates plant out of service. Bonita Springs utilities will be doubling the size of their sewage treatment plant during the years 2000-2001 to provide the capacity for their expanding collection systems in Bonita Springs.

Sewage force main construction in North Fort Myers

Table 6, Major Franchised Sewage Treatment Plants, lists the six (6) franchised sewage treatment plants which have a capacity less than seven hundred thousand (700,000) gallons. No capacity problems are anticipated during 1999/00. The Burnt Store sewage treatment will be expanded in 2001

Table 7, Multiple User/Single Development Sewage Treatment Plants, lists fifty-nine (59) sewage treatment facilities which serve multiple users. Seven of these plants had peak flows above the plants rated capacity indicating infiltration and inflow problems caused by leaking pipes or joints or flooded manholes. However the plants have the capacity to meet the level of service requirement in THE LEE PLAN.

Table 8, Single User Sewage Treatment Plants, lists ten (10) franchised sewage treatment plants. Specific flow data is not maintained on these plants at present but this information will be monitored if, and when, the owner submits expansion plans or additional connections are proposed.

Table 9, Sewage Treatment Plants Removed from Service, lists six (6) sewage treatment plants, with a total capacity of 0.567 million gallons per day, that were removed from service during 1999 and connected to a regional plant.

TABLE 5

MAJOR REGIONAL SEWAGE TREATMENT PLANTS

		<---------- FLOWS IN GALLONS PER DAY ---------->				
	PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
1	BONITA SPRINGS UTILITIES STP	2,500,000	2,320,000	2,380,000	2,462,000	2,590,000
	CITY OF FORT MYERS					
2	- RALEIGH STREET STP	11,000,000	8,660,000	8,720,000	8,950,000	9,250,000
3	- SOUTH DRIVE STP	12,000,000	9,640,000	9,890,000	10,175,000	10,410,000
	FLORIDA CITIES WATER COMPANY					
4	- WATERWAY ESTATES STP	1,300,000	1,098,000	1,102,000	1,200,000	1,230,000
5	- FIESTA VILLAGE STP	5,000,000	2,830,000	2,961,000	3,166,000	3,466,000
	GASPARILLA ISLAND WATER ASSOC.					
6	- GASPARILLA INN G. C. STP	705,000	435,000	445,000	511,000	535,000
7	GATEWAY STP	1,000,000	243,000	249,000	256,000	269,000
	LEE COUNTY UTILITIES					
8	- FT MYERS BEACH STP	6,000,000	4,055,000	4,075,000	4,095,000	4,115,000
	SOUTHERN STATES UTILITIES					
9	- LEHIGH ACRES STP	2,480,000	2,013,000	2,045,000	2,012,000	2,076,000
	NORTH FT MYERS UTILITIES					
10	- SUNCOAST STP	2,000,000	1,512,000	1,625,000	1,746,000	1,877,000

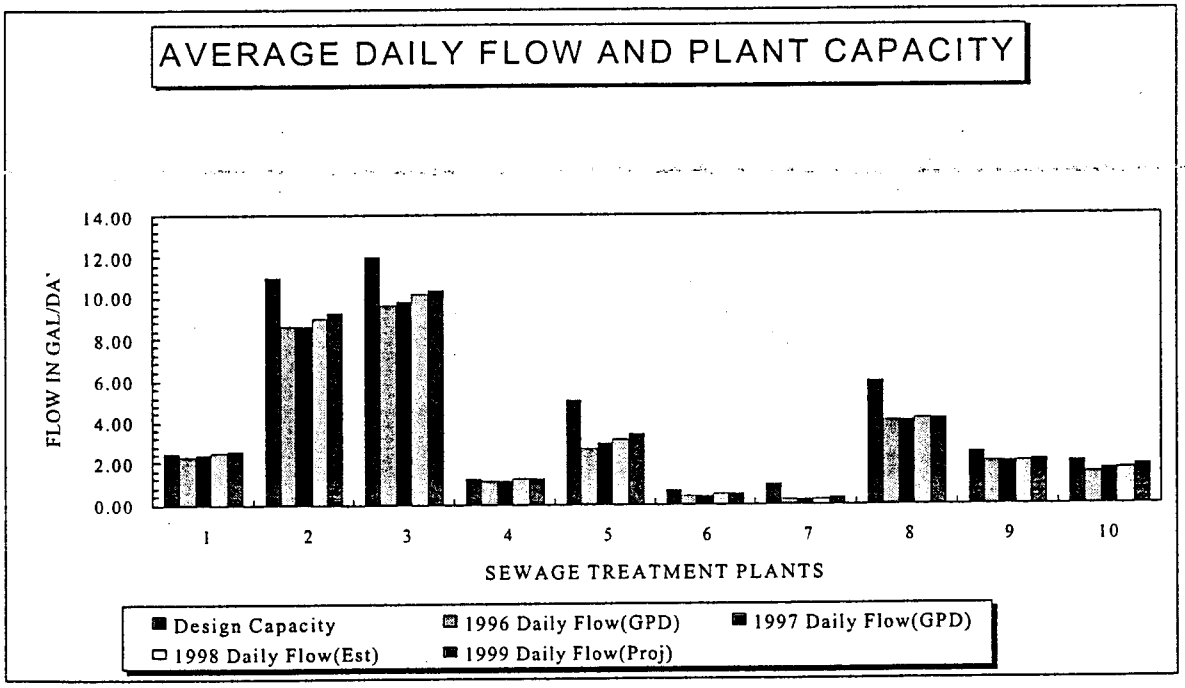


TABLE 6

MINOR REGIONAL SEWAGE TREATMENT PLANTS

	PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
		<---------- FLOWS IN GALLONS PER DAY ---------->				
	SOUTHERN STATES UTILITIES					
1	- BURNT STORE STP	250,000	192,000	229,000	240,000	248,000
2	EAGLE RIDGE STP	443,000	266,000	261,000	265,000	270,000
3	FOREST UTILITIES	500,000	285,000	285,000	285,000	285,000
	GULF UTILITY CO.					
4	- SAN CARLOS STP	300,000	275,000	280,000	285,000	290,000
5	- THREE OAKS STP	601,000	534,000	551,000	575,000	590,000
	LEE COUNTY UTILITIES					
6	- MATLACHA STP	250,000	138,000	140,000	144,000	150,000

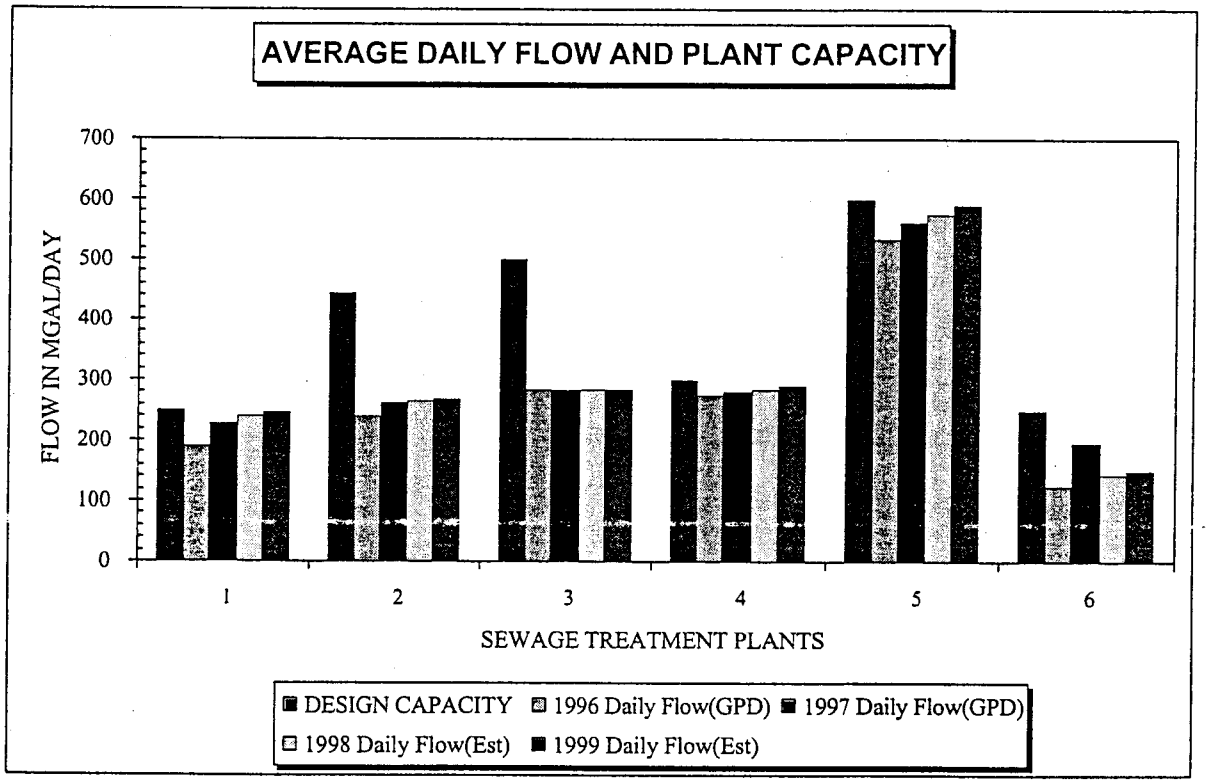


TABLE 7

MULTIPLE USER/SINGLE DEVELOPMENT SEWAGE TREATMENT PLANTS

PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED 2001
	<---------- FLOWS IN GALLONS PER DAY ---------->				
AIRPORT WOODS STP	20,000	5,800	3,600	4,000	4,000
BAY POINTE CONDO STP	25,000	27,000	26,000	27,000	27,000
BLACK ISLAND RESORT STP	63,000	5,000	3,000	4,000	4,000
BLUE CRAB KEY STP	40,000	35,000	12,000	35,000	35,000
BOCILLIA ISLAND STP	30,000	8,000	8,000	8,000	8,000
BRIARCREST STP	30,000	16,200	13,900	17,500	18,000
CAPTAINS COVE STP	40,000	27,000	30,000	32,000	33,000
CAPTIVA SHORES CONDO STP	10,000	5,000	3,000	4,000	5,000
CHARLESTON PARK STP	15,000	11,000	N/A	12,000	13,000
CHERRY ESTATES STP	95,000	67,000	56,000	70,000	72,000
CITRUS PARK STP	199,000	162,000	163,000	164,500	168,000
COVERED WAGON STP	15,000	12,000	12,000	13,000	13,000
CYPRESS BEND STP	65,000	19,000	26,000	65,000	65,000
DEL TURA STP	200,000	134,000	N/A	175,000	180,000
DEL VERA STP	125,000	105,000	N/A	115,000	120,000
FIDDLESTICKS STP	250,000	75,000	N/A	125,000	126,000
FISHERMAN'S WHARF STP	10,000	3,000	2,000	3,000	3,000
FORT MYERS CAMPGROUND STP	40,000	54,000	22,000	36,000	38,000
FOSTERS MOBILE LODGE STP	15,000	5,000	5,000	5,000	5,000
FOUNTAIN LAKES STP	99,000	99,000	N/A	130,000	130,000
FOUR WINDS MARINA	115,000	6,000	3,500	5,000	6,000
GARDEN RV PARK STP	5,000	3,000	2,000	3,000	3,000
GRANADA LAKES STP	20,000	16,000	19,000	19,000	19,000
HIGHPOINT STP	10,000	9,000	7,000	9,000	9,000
ISLE OF PINES STP	8,270	3,000	1,000	3,000	3,000
JAMAICA BAY WEST STP	300,000	195,000	N/A	200,000	200,000
JETPORT COMMERCE CENTER STP	320,000	109,000	44,000	50,000	65,000
JONES MOBILE VILLAGE	22,500	16,000	10,000	16,000	16,000
JONES MOTEL AND TRAILER PK STP	22,500	13,000	N/A	17,000	17,000
JULIA MOBILE HOME PARK STP	15,000	11,000	5,000	10,000	10,000
OAK PARK STP	25,000	18,000	17,000	20,000	20,000
PALM FROND CONDO STP	16,000	6,100	5,000	6,000	6,500
PINE HAVEN CONDO STP	60,000	31,000	30,000	31,000	31,000
PINE ISLAND COVE STP	50,000	48,000	37,000	45,000	45,000
PINE ISLAND KOA STP	30,000	27,000	24,000	28,000	29,000
PINE ISLAND SHOPPING CTR STP	20,000	12,900	9,000	13,000	1,300
PINK CITRUS STP	15,000	15,000	13,000	15,000	15,000
PIONEER VILLAGE STP	39,000	51,000	21,000	22,000	22,000
RIVER TRAILS STP	100,000	119,000	82,000	96,000	96,000
SAFETY HARBOR CLUB STP	15,000	3,000	2,000	4,000	5,000
SEMINOLE CAMPGROUND STP	15,000	8,800	N/A	10,000	10,000
SERENDIPITY STP	35,000	37,000	27,000	35,000	35,000
SHADY ACRES MOBILE HOME STP	26,500	20,000	N/A	20,000	20,000
SHADY ACRES TRAILER PARK STP	25,000	21,000	17,000	20,000	20,000
SIX MILE COMMERCIAL PARK STP	25,000	N/A	N/A	8,000	9,000
SOUTH SEAS PLANTATION STP	450,000	141,000	N/A	240,000	250,000

TABLE 7 (Cont'd)

MULTIPLE USER/SINGLE DEVELOPMENT SEWAGE TREATMENT PLANTS

	<---------- FLOWS IN GALLONS PER DAY ---------->				
PLANT NAME	DESIGN CAPACITY	ACTUAL 1998	ACTUAL 1999	ESTIMATED 2000	PROJECTED
SOUTH WIND VILLAGE STP	15,000	11,000	7,000	12,000	13,000
SPRING WOODS STP	20,000	16,000	14,000	17,000	19,000
STAR PLAZA STP	3,300	7,200	1,100	3,000	3,000
SUNSEEKERS STP	50,000	15,000	14,000	15,000	15,000
SUNSET CAPTIVA STP	25,000	29,000	18,000	21,000	22,000
SWAN LAKE STP	25,000	8,000	9,000	9,000	9,000
SWFR AIRPORT STP	150,000	N/A	N/A	120,000	125,000
TAHITI MOBILE VILLAGE STP	30,000	36,000	27,000	28,000	28,000
TROPIC ISLES RESORT STP	15,000	13,000	12,000	13,000	13,000
TWEEN WATERS INN STP	80,000	22,000	21,000	23,000	24,000
UPRIVER CAMPGROUNDS STP	30,000	20,000	21,000	21,000	22,000
USEPPA ISLAND STP	15,000	18,000	16,000	18,000	18,000
W BEACH RD PLAZA STP	5,000	4,000	2,000	4,000	4,000

TABLE 8

SINGLE USER SEWAGE TREATMENT PLANTS

PLANT NAME	PERMITTED CAPACITY
ALVA MIDDLE & ELEM SCHOOL STP	20,000
BAYSHORE ELEMENTARY SCHOOL STP	9,000
BELLINI'S RESTAURANT STP	15,000
CHARTER GLADE HOSPITAL STP	30,000
ESTERO HIGH SCHOOL STP	50,000
FONG'S CHINESE RESTAURANT STP	4,500
I-75 REST AREA STP	21,000
MARINER HIGH SCHOOL STP	50,000
PINE ISLAND ELEM SCHOOL STP	7,500

TABLE 9

SEWAGE TREATMENT PLANTS REMOVED FROM SERVICE

PLANT NAME	PERMITTED CAPACITY	PLANT NOW USED
BONITA SPRINGS CC STP	300,000	BSU
BUCCANEER ESTATES STP	170,000	NFMU
MORTON GROVE STP	60,000	BSU
MIKE'S LANDING RESTAURANT STP	5,000	None
SHELL FACTORY STP	12,000	NFMU
SWIFTS TRAILER PARK STP	10,000	NFMU

BSU - BONITA SPRINGS UTILITIES
CFM - CITY OF FT MYERS
FCWC - FLORIDA CITIES WATER COMPANY
GUC - GULF UTILITY COMPANY
NFMU - NORTH FORT MYERS UTILITY

PARKS AND RECREATION

Regional Parks

The Regional Parks Inventory for Lee County, Table 10, provides information on existing regional park facilities, as well as parks planned over the next five years. The list of Regional Parks has been changed as follows: Little Hickory Park and Beach Accesses and Boat Ramps have been added to the list of County Parks This small addition to the Regional Park acreage did not change the percentage of the total contributed by the County which remained at 48%.

Resurfaced walking/jogging path at Lakes Park.

The acreage of regional parks operated by the Federal, State, County and Municipal governments is sufficient to meet the regulatory standard of seven (7) acres per one thousand (1,000) total residents in the County through the year 2005. In addition, the regional park acreage met the "Desired" level of service standard of eight (8) acres per thousand (1,000) total County population in 1999 and will continue to do so at least through the year 2003 but not in the year 2004.

TABLE 10

LEE COUNTY REGIONAL PARK INVENTORY

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Beach Accesses & Boat Ramps	Barrier Islands	20
Bowditch Point Park	Ft. Myers Beach	17
Bonita Beach Park	Bonita Beach	4
Bowman's Beach Park	Sanibel Island	196
Caloosahatchee Regional Park	E. Ft. Myers	800
Hickey Creek Mitigation Park	Alva	720
Lakes Park	S. Ft. Myers	276
Lee County Civic Center	N. Ft. Myers	97
Lee County Sports Complex	S. Ft. Myers	50
Little Hickory Island Park	Bonita Beach	2
Lynn Hall Memorial Park	Ft. Myers Beach	5
Manatee Park	E. Ft. Myers	12
Matanzas Pass Preserve	Ft. Myers Beach	47
Nalle Grade Park	N. Ft. Myers	80
Sanibel Causeway Park (DOT R/W)	Sanibel Island	10
Terry Park	Ft. Myers	36
Turner Beach Park	Captiva Island	3
Six Mile Cypress Slough Intrepretative Center	S. Ft. Myers	70
Six Mile Cypress Parkway Bike Path	S. Ft. Myers	50
	Subtotal	2,495
- EXISTING CITY PARKS FY 98/99 -		
Centinnel Park	Ft. Myers	10
City of Palms Park	Ft. Myers	25
ECO Park	Cape Coral	11
Herman Horton Memorial Park	Cape Coral	4
Lake Kennedy Park	Cape Coral	46
	Subtotal	96
- EXISTING STATE PARKS FY 98/99 -		
Carl Johnson Park	Ft. Myers Beach	278
Cayo Costa State Park	Cayo Costa Island	850
Gasparilla State Recreation Area	Boca Grande	135
Koreshan State Historic Site	Estero	156
Lover's Key Park	S. of Ft. Myers Beach	434
	Subtotal	1,853

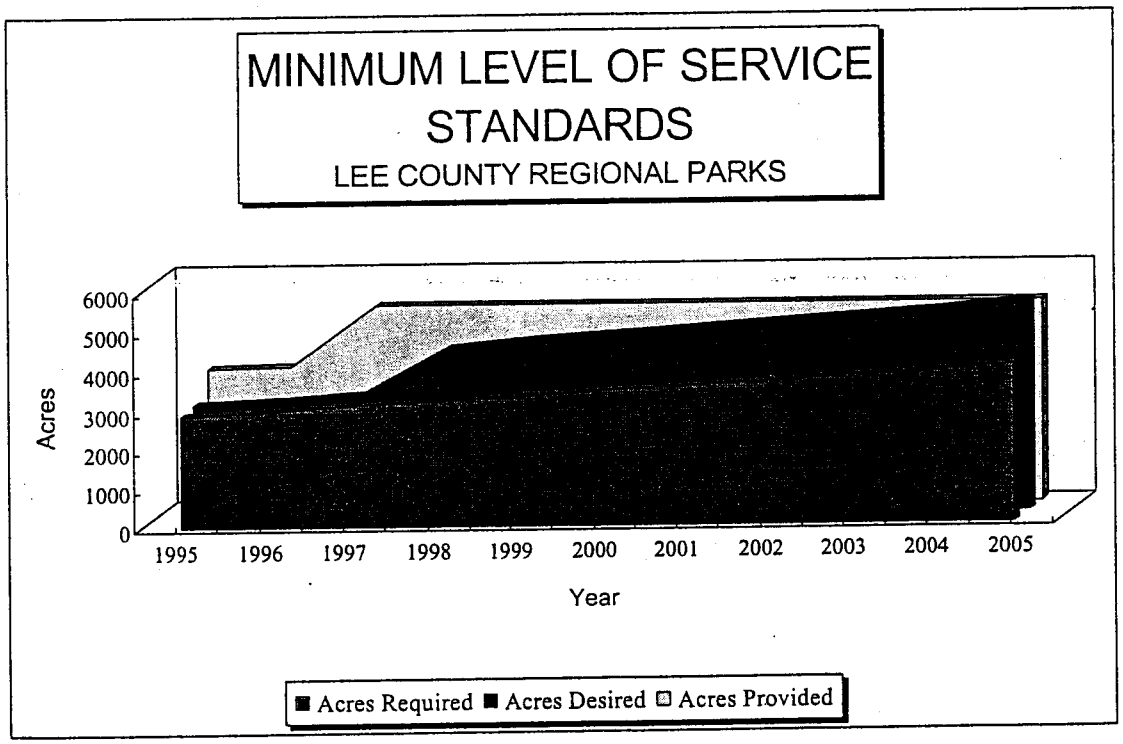
TABLE 10 (Cont'd)

LEE COUNTY REGIONAL PARK INVENTORY

- EXISTING FEDERAL PARKS FY 98/99

Ding Darling Wildlife Refuge	Sanibel Island	650
Franklin Locks Recreation Area	E. Ft. Myers	63
	Subtotal	713
	Cumulative Total	5,157

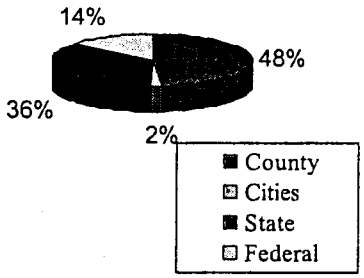
PARK NAME	LOCATION	ACRES
- Future Parks -		
Cayo Costa Park Expansion	Cayo Costa Island	330
Major Park	Cape Coral	460
	Subtotal	790
	Cumulative Total	5,947



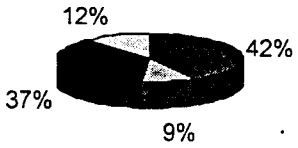
LEE COUNTY REGIONAL PARK INVENTORY

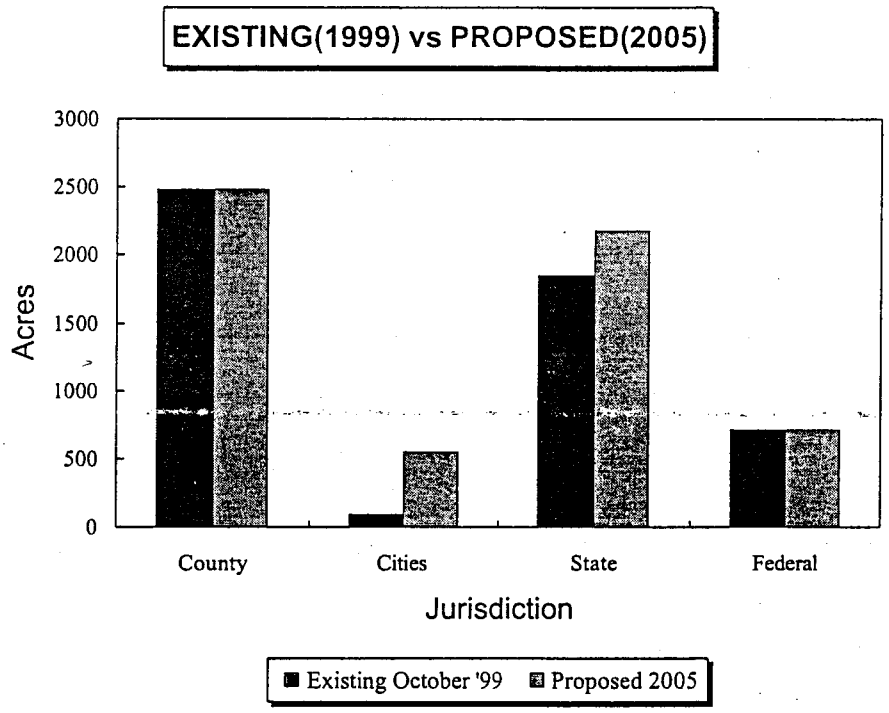
SHARE BY JURISDICTION

Existing October 1999



Proposed 2005

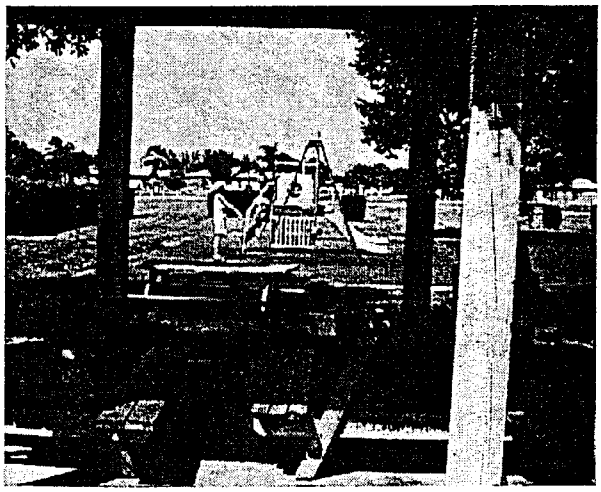




Community Parks

The regulatory level of service for community parks is currently eight tenths (0.8) acres per one thousand (1,000) permanent residents in the unincorporated area of each district. As with regional parks, the LEE PLAN contains a "Desired Future Level of Service" of one and three-quarters (1.75) acres per one thousand (1,000) permanent residents by 1996 and a further increase to two (2) acres per thousand (1,000) permanent residents was to occur by September 30, 1998.

Few changes to the Community Parks occurred during 1999. Veterans Park in Lehigh Acres was enlarged with new facilities adding about 20 acres to the useable acreage and 10 acres are under construction for the new Estero Community Park. A new park has been proposed for the South Fort Myers areas with 40 to 60 acres to be purchased but development is about two years away. In District 1 the 11 acres that is the Highlands East Recreation center has been returned to the School District for the new Dunbar High School. Efforts will be made to have joint use facilities on the school property that will replace most of the 11 acres. Without joint use there would not be sufficient Community Park land in the unincorporated area of District 1.



Shelter and playground equipment at Rutenburg Park.

The accompanying tables list the acreage of existing and proposed community parks in each District and the charts visually depict the acreage required to satisfy the current Level of Service standard, the Desired Future Level of Service standards, and the actual acreage provided or proposed to be provided. The Tables and charts include data from 1995 to 2005 which shows the trend to the end of the new Five Year Capital Improvement Program. The status of each district follows:

District 1 (Table 11) - no changes have been made to the list of parks. The regulatory standard will be met through the year 2004 subject to a joint use agreement for use of facilities at the new Dunbar High School. The "Desired" standard was not met in 1996 when the first increase became effective and it will not be met in the future without the addition of new park lands.

District 2 (Table 12) - no changes have been made to the list of parks. The regulatory standard will be met through the year 2005. The "Desired" standard was met in 1996 and will continue to be met at least through the year 2005.

District 3 (Table 13) - no changes were made to the total acreage but the list was changed by combining the acreage of a community park and the Middle school into the Middle School, the Community Park is shown as 20 Acres and the Community Building is shown as the Senior Center. The regulatory standard will be met through the year 2005. The "Desired" standard was met in 1996 and will continue to be met through the year 2002, but not thereafter.

Subdistrict 3a (Table 14) - This table has been added for the Gateway development, an Impact Fee Benefit sub-District created in 1998 which is a part of District 3. The regulatory standard will be met through the year 2005. The "Desired" standard was met in 1996 and will continue to be met through the year 2005.

District 4 (Table 15) - The Bay Oaks Community Park Pool has been added list of parks and the San Carlos Community Center and Pool has been renamed to Karl Drews Community Center and Pool. The regulatory standard will be met through the year 2005. However the "Desired" standard was met through the year 1997 but has not been met since.

District 5 (Table 16) - The Phillips Park is now designated the Phillips Park & Pool. Both the regulatory standard and the "Desired" standard will be met through the year 2005.

District 6 (Table 17) - no changes have been made to the list of parks. Both the regulatory standard and the "Desired" standard will be met through the year 2005.

District 7 (Table 18) - no changes have been made to the list of parks. Both the regulatory standard and the "Desired" standard will be met through the year 2004.

District 8 (Table 19) - The Estero Community Park has been moved into District 4 but because it was shown as a future park in this district the move has no effect on the total acreage of parks in this district. The Regulatory standard will be met through the year 2005. The "Desired" standard was met in 1997 but was not be met in 1998 and thereafter unless a new community park is developed and made available.

Population figures from the 2000 census will become available in 2002 and will not be reflected in the park districts until the report for 2003. There should be no significant changes in the park districts until the census data is available.

TABLE 11

Community Parks Impact Fee District #1
(UNINCORPORATED AREA ONLY)

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Highland East Rec Center	Dunbar	11
Schandler Hall	Tice	4
Tice Elementary School	Tice	2
		17

- No Future Parks Planned -

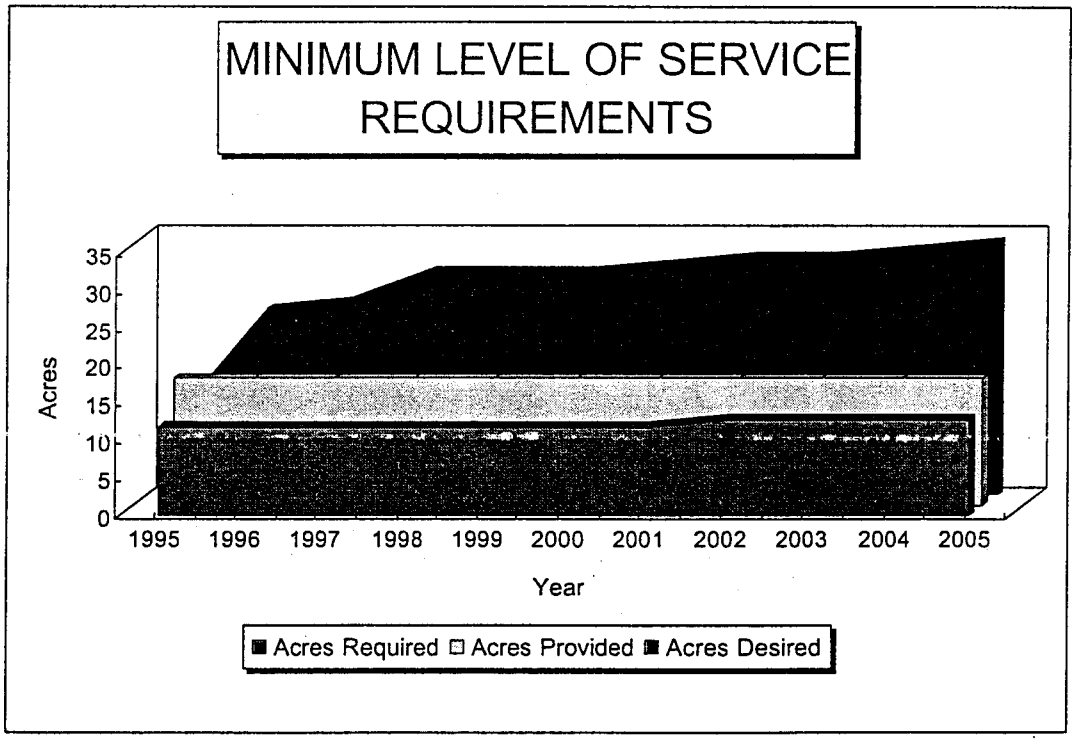


TABLE 12

Community Parks Impact Fee District #2

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Alva Community Park	Alva	10
Bayshore Elementary School	N. FT. Myers	13
J Colin English Elementary School	N. FT. Myers	1
Judd Park	N. FT. Myers	14
N. FT. Myers Senior Center	N. FT. Myers	1
N. FT. Myers Community Park	N. FT. Myers	51
N. FT. Myers Swimming Pool	N. FT. Myers	3
Suncoast Elementary School	N. FT. Myers	5
	Cumulative Total	98

- No Future Parks Planned -

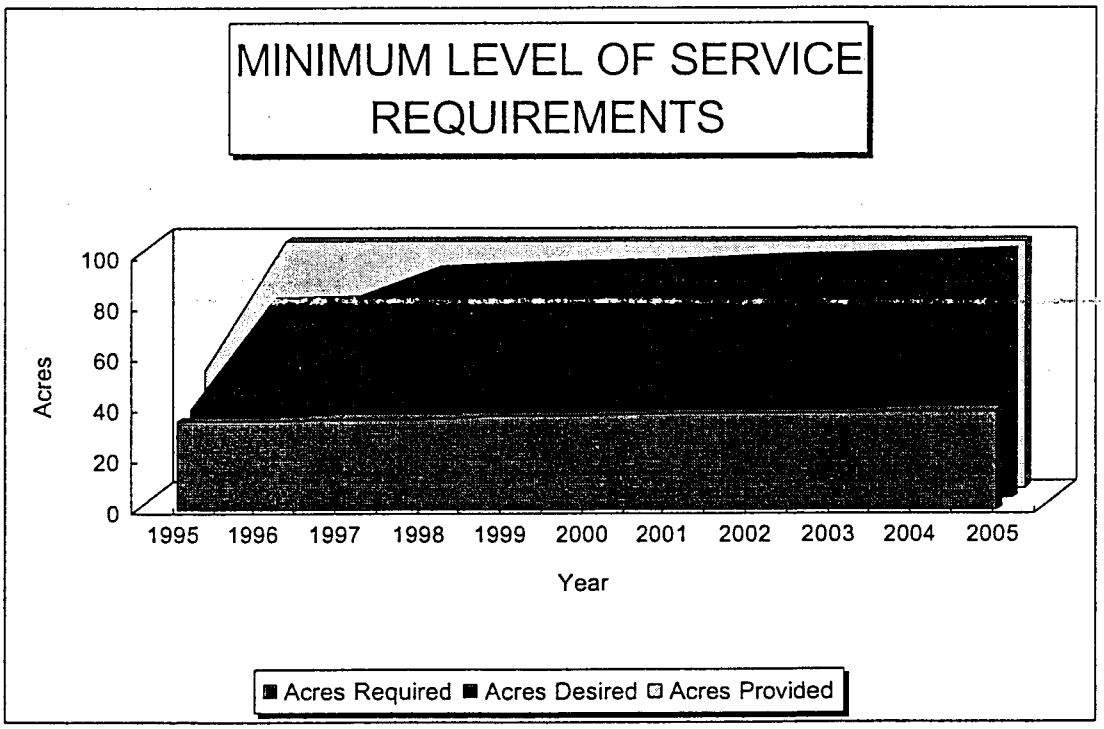


TABLE 13

Community Parks Impact Fee District #3

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Buckingham Community Center	Buckingham	1
Buckingham Community Park	Buckingham	51
Charleston Park Community Park	Alva	4
Lehigh Acres Senior Center	Lehigh Acres	2
Lehigh Acres CommunityPark	Lehigh Acres	20
Lehigh Acres Middle School	Lehigh Acres	6
Olga Community Center	Olga	2
Riverdale High School	Olga	15
Veterans Park	Lehigh Acres	25
	Cumulative Total	126
- Parks Planned FY 99/00		
Veterans Park Expansion	Lehigh Acres	21
	Cumulative Total	147
- Future Parks -		
Veterans Park Expansion	Lehigh Acres	54
	Cumulative Total	201

Community Parks Impact Fee District #3

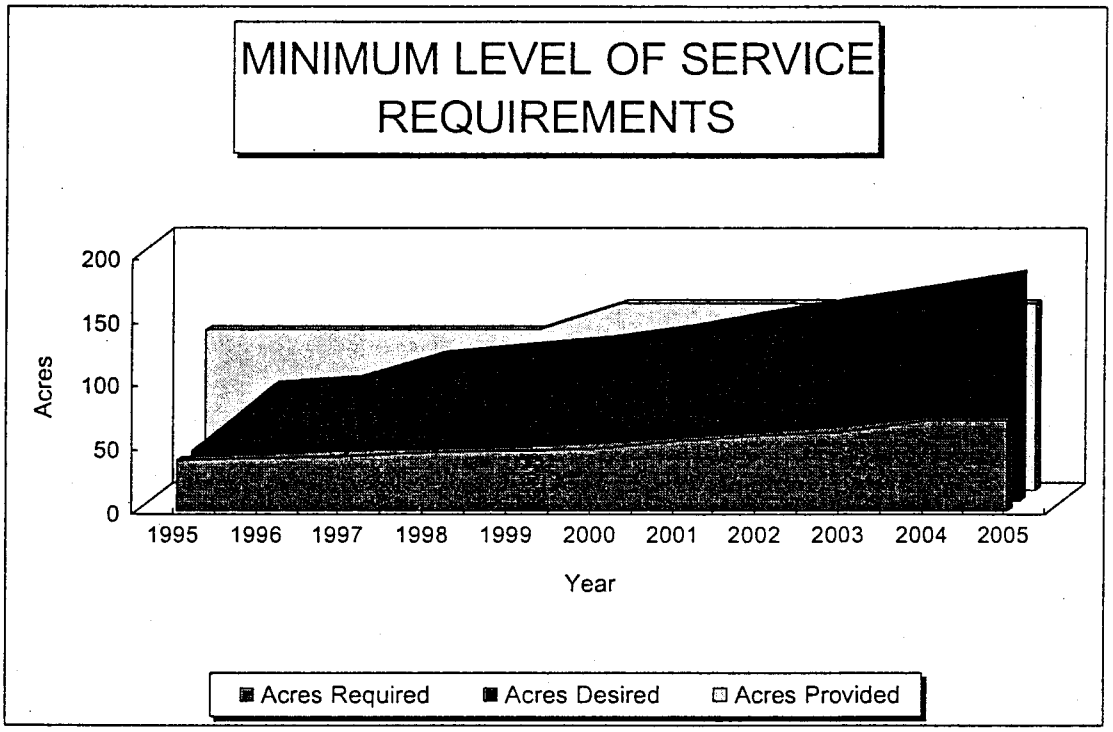


TABLE 14

SubDistrict 3A, Gateway

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Gateway Community Park	Gateway	16
		16

- No Future Parks Planned -

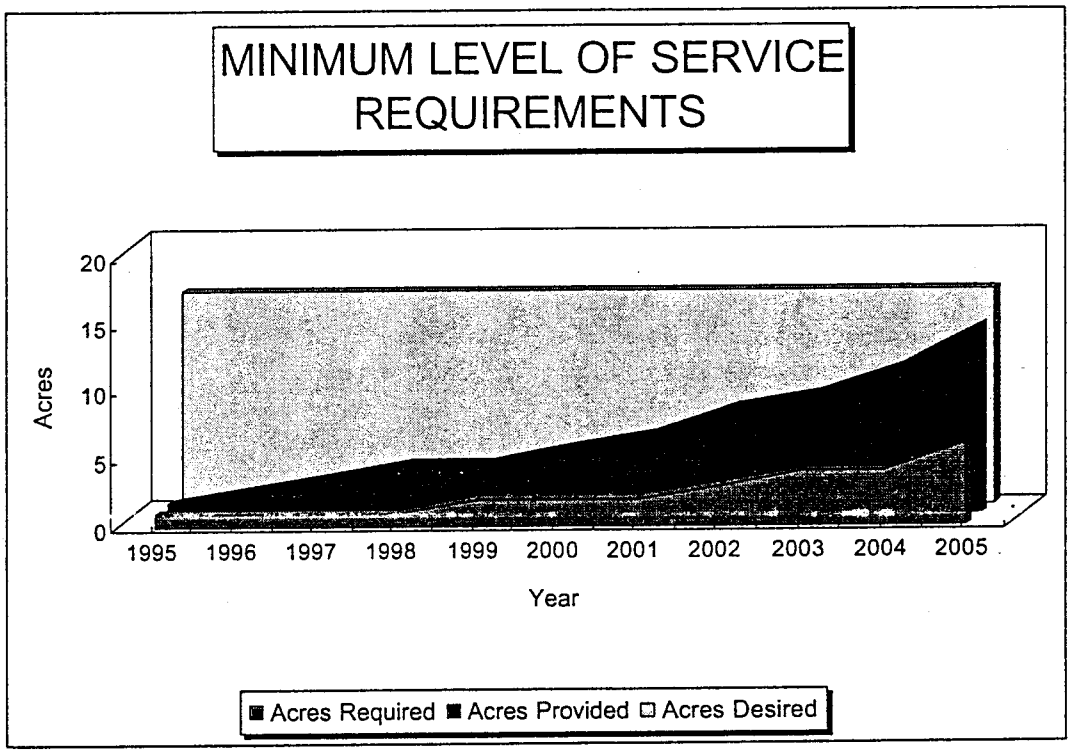


TABLE 15

Community Parks Impact Fee District #4

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Bay Oaks Community Center and Park	Ft. Myers Beach	7
Bay Oaks Community Park Pool	Ft. Myers Beach	3
Cypress Lake Community Pool	S. Ft. Myers	2
Estero Community Park, add. Phases	Estero	10
Estero High School	Estero	10
Jerry Brooks Park	S. Ft. Myers	10
Kelly Road Community Park	S. Ft. Myers	42
Rutenberg Park	S. Ft. Myers	40
Karl Drews Community Center and Pool	San Carlos Park	3
San Carlos Elemenrary School	S. Ft. Myers	7
Stadium and Recreation Complex	S. Ft. Myers	30
TanglewoodElementary School	S. Ft. Myers	3
Three Oaks Community Park	S. Ft. Myers	38
Villas Elementary School	S. Ft. Myers	3
	Cumulative Total	208
- Future Parks -		
Estero Community Park, add. Phases	Estero	55
S. Ft. Myers Community Park	S. Ft. Myers	60
	Cumulative Total	323

Community Parks Impact Fee District #4

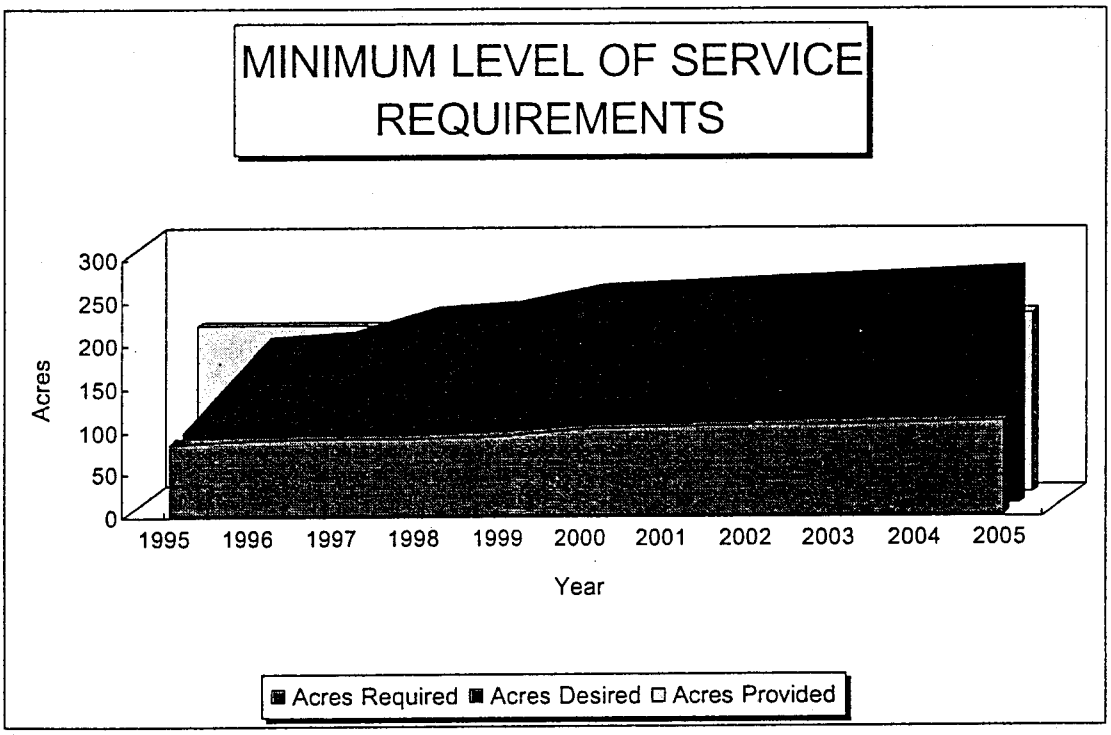


TABLE 16

Community Parks Impact Fee District #5
(UNINCORPORATED AREA ONLY)

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Hancock Park	Cape Coral	17
Matlacha Park	Matlacha	9
Phillips Park and Pine Island Pool	Pine Island	8
Pine Island Elementary School	Pine Island	4
	Cumulative Total	38

- No Future Parks Planned -

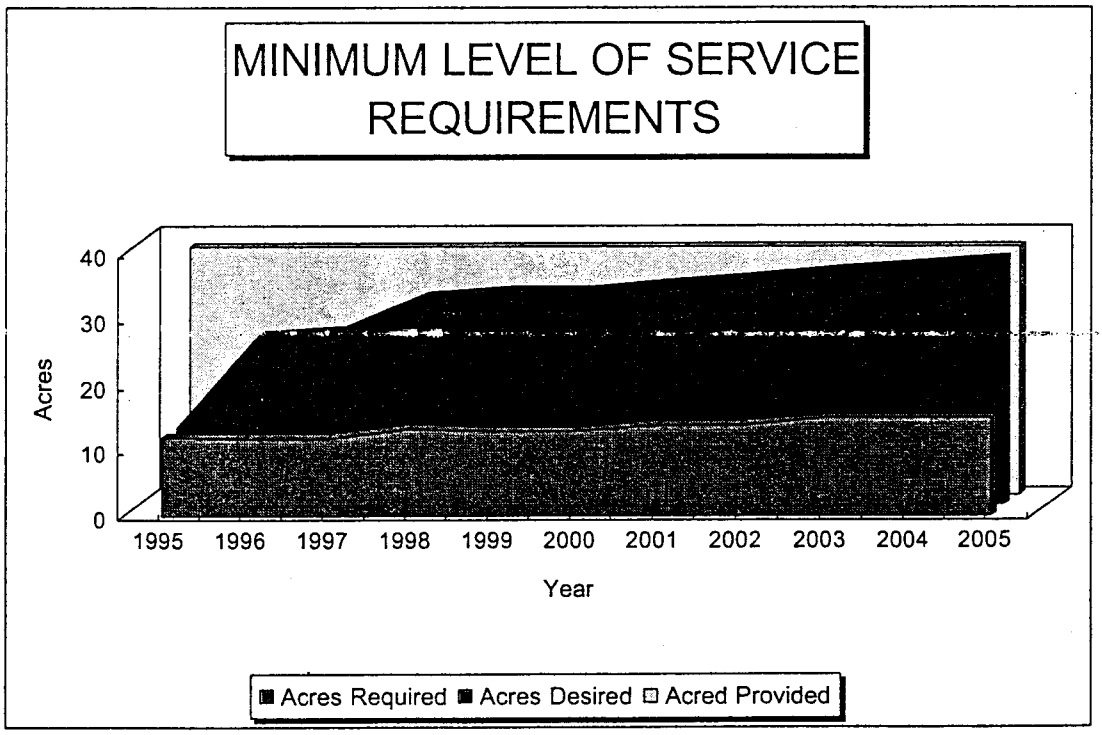


TABLE 17

Community Parks Impact Fee District #6
(UNINCORPORATED AREA ONLY)

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/997 -		
Sanibel Elementary School	Sanibel	6
	Cumulative Total	6

- No Future Parks Planned -

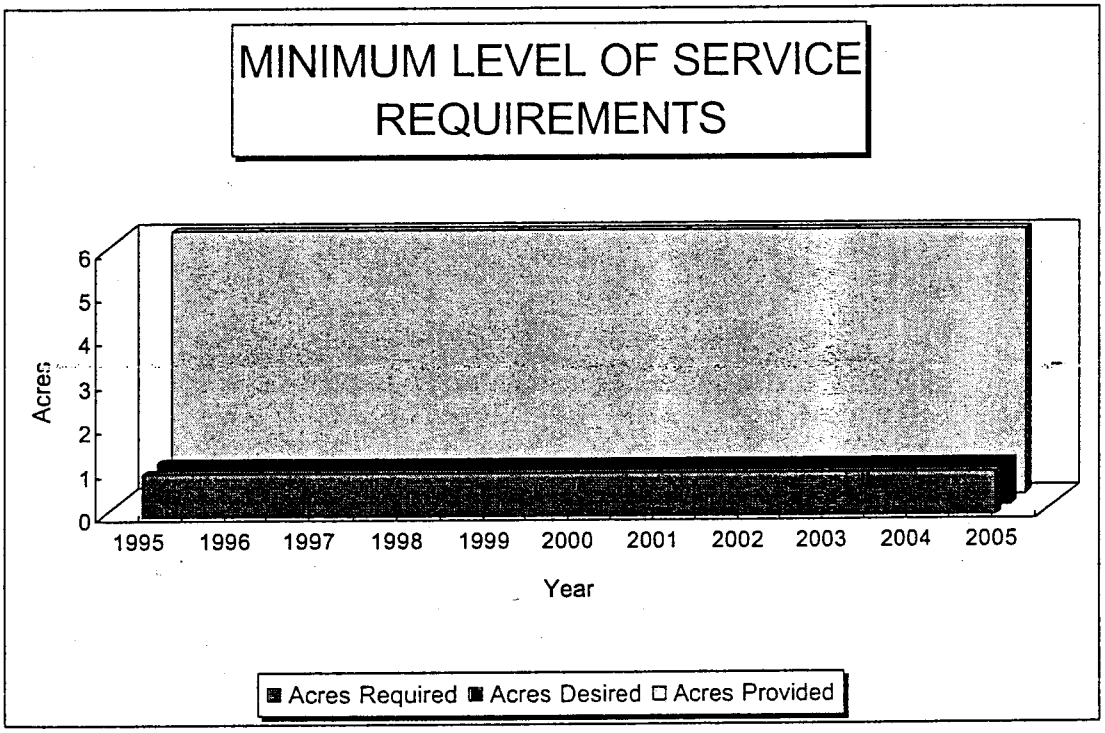


TABLE 18

Community Parks Impact Fee District #7

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Boca Grande Community Center	Boca Grande	2
Boca Grande Community Park	Boca Grande	8
	Cumulative Total	10

- No Future Parks Planned -

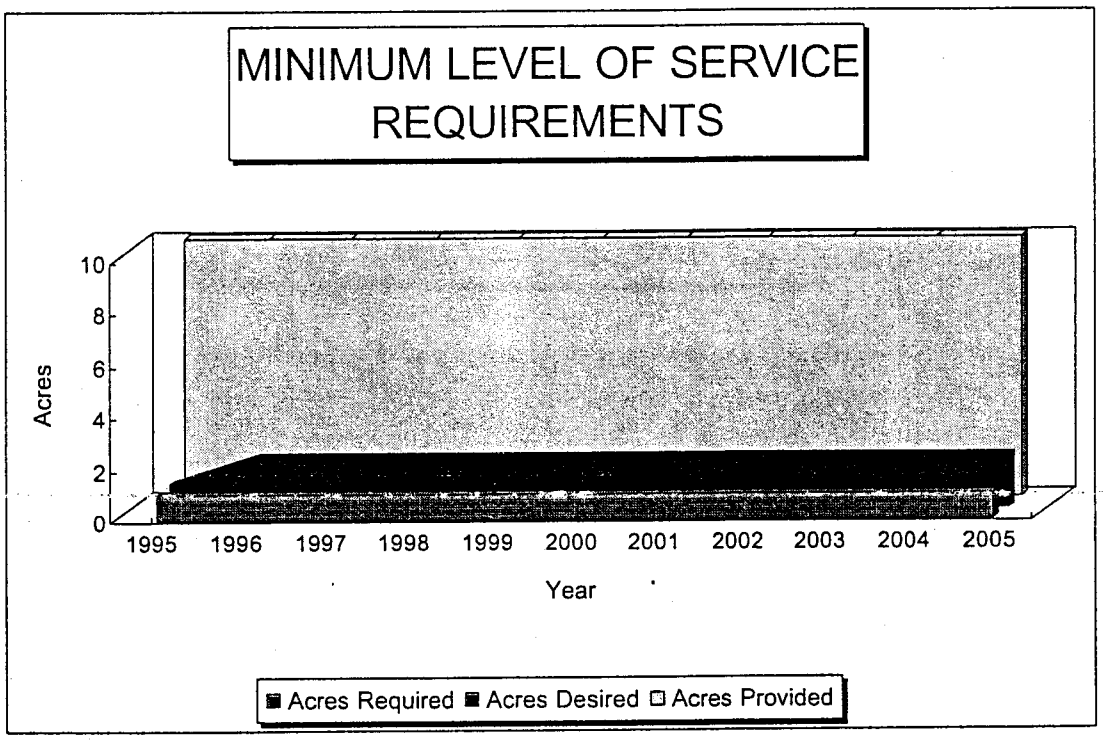


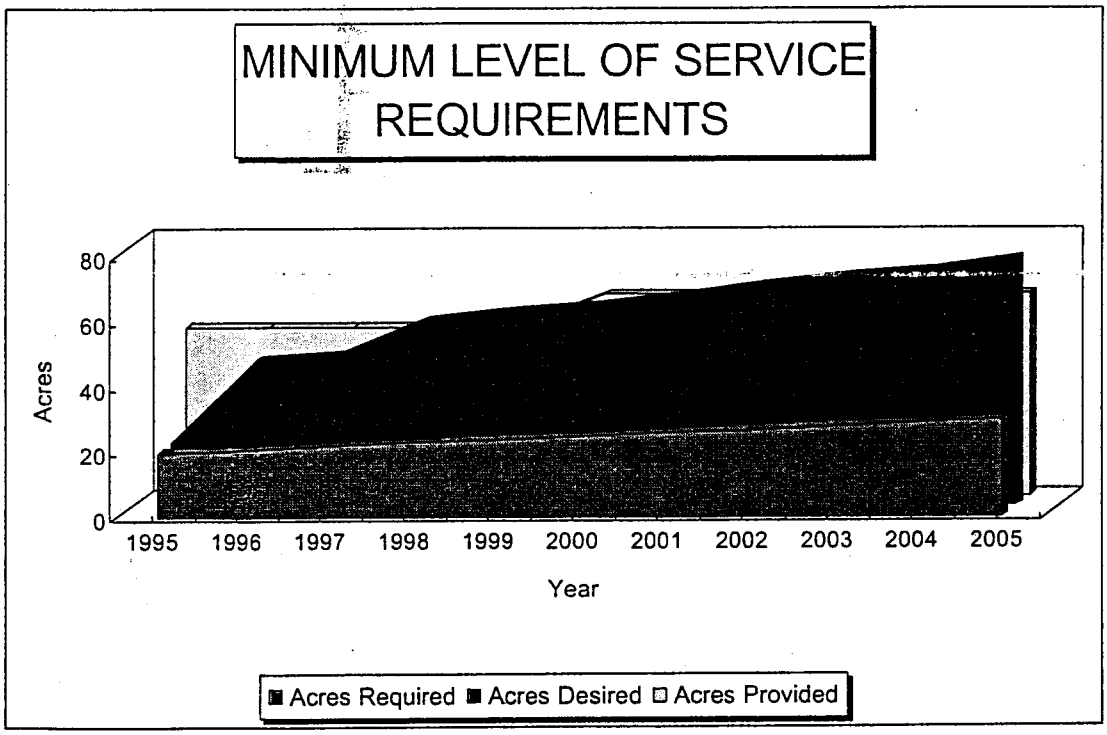
TABLE 19

Community Parks Impact Fee District #8

PARK NAME	LOCATION	ACRES
- EXISTING PARKS FY 98/99 -		
Bonita Springs Community Center	Bonita Springs	2
Bonita Springs Community Park	Bonita Springs	40
Bonita Springs Old Depot	Bonita Springs	5
Spring Creek Elemrntary School	Bonita Springs	5
	Cumulative Total	52

- No Future Parks Planned -

Community Parks Impact Fee District #8



TRANSPORTATION

ROAD CAPACITY INVENTORY

Lee County entered the year 2000 with a new method for determining the adequacy of the road system to provide the minimum Level of Service Standard established in THE LEE PLAN. Previously capacity and usage were determined within eight (8) districts. The method has been changed so that each individual roadway link must provide the minimum Level of Service Standard.

Figure 1 Daniels Parkway Extension looking southwesterly from Immokalee Road

Throughout the 1990's the County and Florida DOT constructed many road projects which have eliminated the list of backlogged projects that existed in 1990. At the end of 1999 there were three segments of the County System which provided a Level of Service that was below the established standard. The Level of Service is based upon the 1999 Traffic Count Report plus traffic from projects which have obtained a building permit but have not been issued a Certificate of Occupancy prior to the end of the counting cycle. These Links are listed below.

ROAD	FROM	TO	LOS 1999	LOS Future	
Daniels Pkwy	Metro Pkwy	Six Mile Pkwy	D	F	Constrained Facility
Estero Blvd	Vorhis St	Center St.	F	F	Constrained Facility
McGregor Blvd	Winkler Rd	Colonial Blvd	F	F	Constrained Facility
Old 41	Bonita Beach Rd	W. Terry St	D	F	Constrained Facility

The v/c ratio on Daniels Pkwy from Metro Pkwy to Six Mile Pkwy is 0.86, the v/c ratio on Estero Blvd. from School Drive to Center St is 1.12, the v/c ratio on Old 41 from Bonita Beach Road to West Terry Street is 1.00, and the v/c ratio on McGregor Blvd is 1.03. All four of these ratios are well below the maximum of 1.85 allowed on constrained facilities.

The Florida Department of Transportation has established the Minimum Level of Service Standards for the Interstate Highway System and for the Florida Intrastate Highway System. The standard for I-75 is LOS C and for Palm Beach Blvd. (SR 80) east of I-75 is C and B. The following links do not fail but do not meet these high LOS Standards. The LOS Standard has been established by FDOT and Lee County DOT is negotiating an interim Level of Service Standard on these two roads.

ROAD	FROM	TO	STD	LOS Exist.	LOS Planned Improvement	
I-75	Collier Co.	Corkscrew Rd	C	D	Preliminary Engineering funded in '03 Livingston 2L/Imperial 4L/ Three Oaks Ext 4L funded '01-05	
I-75	Corkscrew Rd	Alico Rd	C	D	Preliminary Engineering funded in '03 Three Oaks 4L funded '03	
I-75	Alico Rd	Daniels Pkwy	C	E	Preliminary Engineering funded in '03 Three Oaks Ext 4L/ Treeline Ext 4L funded '01	
I-75	Daniels Pkwy	Colonial Blvd	C	E	Preliminary Engineering underway	
I-75	Colonial Blvd	ML King Blvd	C	D	Preliminary Engineering underway	
I-75	ML King Blvd	Palm Beach Blvd	C	D	Preliminary Engineering underway	
I-75	Palm Beach Blvd	Bayshore Rd	C	D	Preliminary Engineering underway	

There are additional links which meet the LOS standards now but may not meet them in the future as projects which have already been approved are built out. These links could become a problem if their capacities are not increased or projects providing alternative routes are not constructed as the approved projects continue to build. These Links are listed below.

ROAD	FROM	TO	LOS 1998	LOS Future	Planned Improvement
Bonita Beach Rd	U.S. 41	Old 41	D	F	W. Terry St 4L in '03
Cypress Lake Dr	Summerlin Rd	US 41	D	F	6L funded in '01
Gladiolus Drive	Bass Rd	Winkler Rd.	D	F	
Metro Pkwy	Danley Dr	Colonial Blvd	D	F	
Summerlin Rd	Bass Rd	Gladiolus Rd	D	F	6L funded in '04
U.S. 41	Bonita Beach Rd	W. Terry St	E	F	ROW funded in '01, Imperial St 6L funded in '04
U.S. 41	W. Terry St	Old 41	E	F	ROW funded in '01, Three Oaks Ext in '05
U.S. 41	Old 41	Corkscrew Rd	B	F	Const funded in '01, Three Oaks Ext in '05
U.S. 41	Corkscrew Rd	Sanibel Blvd	C	F	Design funded in '05

This list is shorter than in last years report because Lee County DOT has updated the calculations of the maximum service volumes for Level of Service A through E. The maximum service volumes are based on the existing roadway characteristics plus any changes that are a part of an improvement that has been programmed for construction in the first three years of the adopted 5-year Lee County Capital Improvement Program or the Florida DOT work program. The maximum service volumes are sensitive to small changes in signal timing and will need to be updated at least biannually.

The Division of Development Services will maintain an estimate of the "Existing" Peak Hour, Peak Season, Peak Direction traffic on each link of the arterial and collector road system for which Average Daily Traffic (ADT) is reported in the annual Traffic Count Report. The ADT for a link will be converted to the Peak Hour, Peak Season, Peak Direction traffic using adjustment factors provided by LCDOT. To this initial traffic will be added the peak hour, peak direction traffic from new individual buildings as they receive a building permit. The result will be the "Existing" Peak Hour, Peak Season, Peak Direction traffic for that link. Peak hour, peak direction traffic from a proposed development will be added to the "Existing" traffic when the Development Order is approved to show an estimate of the "Future" traffic on that link. As a project is constructed, the appropriate traffic will be added to the "Existing" volume as building permits are received and a like number will be subtracted under the "Future" volume. Annually the "Existing" volume will be purged of those building permits which received a Certificate of Occupancy during the period reported in the annual Traffic Count Report. The "Existing" and "Future" volumes will be reported annually in the Concurrency Management Report.

The impacts from an individual building or from a proposed development will be evaluated against the available capacity as determined by the "existing" conditions in the most recent Concurrency Management Report. If there is sufficient capacity to maintain the Level of Service Standard with the project's traffic a Concurrency Certificate Number will be assigned to the project which will allow it to begin construction during the three years from the date of issuance of the building permit or approval of the Development Order for the project.

This system will not be used for links that are part of concurrency alternative areas such as constrained roads, Transportation Concurrency Management Areas, Transportation Exception Areas, or on links subject to Long Term Concurrency Management Systems if adopted.

There are two Policies in the Lee Plan, which use the traffic count data to affect development. Policy 14.2.2 addresses development on Pine Island. It states, in part:

> When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 810 peak hour, annual average two-way trips, the regulations shall provide restrictions on further rezoning which could increase traffic on Pine Island Road.
>
> When traffic on Pine Island Road between Burnt Store Road and Stringfellow Boulevard reaches 910 peak hour, annual average two-way trips the regulations shall provide restrictions on further issuance of residential development orders (pursuant to the Development Standards Orders), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan.

Based on the 1999 Traffic Count Report the peak hour, annual average two-way trips were 832. Therefore there should be restrictions on further rezoning which could increase traffic on Pine Island Road.

Policy 22.2.2 addresses the maximum volume to capacity ratio to be allowed on constrained roads. It states:

> A maximum volume to capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated. No permits will be issued by Lee County that cause the maximum volume to capacity ratio to be exceed or that affect the maximum volume to capacity once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume to capacity ratio on the constrained segment at or below 1.85.

Based on traffic counts for 1999 the highest volume to capacity ratio on a constrained facility was 1.12 on Estero Boulevard in the Town of Fort Myers Beach. McGregor Boulevard from Winkler road to Colonial Boulevard had a volume to capacity ratio of 1.03 and Old 41 between Bonita Beach Road and West Terry Street in the City of Bonita Springs had a volume to capacity ratio of 1.00. All other constrained facilities had a volume to capacity ratio of less than 1.0. None of these facilities will approach volume to capacity ratio of 1.85 during the year 2001.

ROAD LINK VOLUMES Peak Direction of Flow											
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
A & W BULD RD.	GLADIOLUS DR.	McGREGOR BLVD.	2LU	E	1,040	C	239	C	263		1
ALABAMA RD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LU	E	1,350	B	189	B	189		2
ALABAMA RD.	MILWAUKEE BLVD.	HOMESTEAD RD.	2LU	E	1,310	C	340	C	340		3
ALICO RD.	U.S. 41	LEE RD.	6LU	E	3,330	B	1,096	B	1,232	6 Lane Begun in 00/01	4
ALICO RD.	LEE RD.	THREE OAKS PKWY.	6LU	E	3,330	B	1,013	B	1,312	6 Lane Begun in 00/01	5
ALICO RD.	THREE OAKS PKWY.	I-75	6LU	E	3,330	B	1,165	B	1,232	6 Lane Funded by FDOT 04/05	6
ALICO RD.	I-75	BEN HILL GRIFFIN BLVD.	4LU	E	2,030	C	389	C	390	6 Lane Funded by FDOT 04/05	7
ALICO RD.	BEN HILL GRIFFIN BLVD.	CORKSCREW RD. (C.R. 850)	2LN	E	1,040	B	61	B	61		8
ARROYAL ST.	BONITA BEACH RD.	PENNSYLVANIA AVE.	2LU	E	1,040	C	216	C	216		9
BABCOCK RD.	U.S. 41	ROCKERFELLER CIR.	2LU	E	1,040	B	106	B	106		10
BALLARD RD.	MARSH AVE.	ORTIZ RD.	2LU	E	1,040	C	296	C	296		11
BARRETT RD.	PONDELLA RD.	PINE ISLAND RD.	2LU	E	1,040	B	152	B	152		12
BASS RD.	SUMMERLIN RD.	GLADIOLUS DR.	2LU	E	1,040	D	407	D	431		13
BAYSHORE RD. (S.R. 78)	BUSINESS 41 (C.R. 739)	HART RD.	4LD	E	2,030	C	1,520	C	1,528		14
BAYSHORE RD. (S.R. 78)	HART RD.	SLATER RD.	4LD	E	2,410	B	1,332	B	1,574		15
BAYSHORE RD. (S.R. 78)	SLATER RD.	I-75	2LN	E	1,140	E	854	E	1,003	4 Lane Funded in 03/04	16
BAYSHORE RD. (S.R. 78)	I-75	NALLE RD.	2LN	E	1,170	E	832	E	832		17
BAYSHORE RD. (S.R. 78)	NALLE RD.	S.R. 31	2LN	E	1,170	D	446	D	446		18
BELL BLVD.	IMMOKALEE RD. (S.R. 82)	MILWAUKEE BLVD.	2LU	E	1,350	A	100	A	100		19
BELL BLVD.	MILWAUKEE BLVD.	JOEL BLVD. (S.R. 884)	2LU	E	1,310	B	209	B	209		20
BEN HILL GRIFFIN BLVD.	CORKSCREW RD	UNIVERSITY ENT.	4LD	E	2,870	A	440	A	440		21
BEN HILL GRIFFIN BLVD.	UNIVERSITY ENT.	ALICO RD.	4LD	E	2,700	A	225	A	225		22
BETH STACEY BLVD.	23RD STREET	HOMESTEAD ROAD	2LU	E	1,040	C	274	C	274		23
BONITA BEACH RD. (C.R. 865)	HICKORY BLVD. (C.R. 865)	VANDERBILT (C.R. 901)	4LD	E	1,920	C	713	C	751		24
BONITA BEACH RD. (C.R. 865)	VANDERBILT (C.R. 901)	U.S. 41	4LD	E	1,920	D	1,549	D	1,731		25
BONITA BEACH RD. (C.R. 865)	U.S. 41	OLD 41 (C.R. 887)	4LD	E	1,900	D	1,656	F	1,907		26
BONITA BEACH RD. (C.R. 865)	OLD 41 (C.R. 887)	IMPERIAL ST.	4LD	E	1,900	C	1,535	D	1,763		27
BONITA BEACH RD. (C.R. 865)	IMPERIAL ST.	I-75	4LD	E	1,900	D	1,562	D	1,581	6 Lane Funded by FDOT 01/02	28
BONITA BEACH ROAD EAST	I-75	BONITA GRANDE DR.	4LD	E	2,820	A	644	A	640		29
BOY SCOUT RD.	SUMMERLIN RD.	U.S. 41	6LD	E	2,600	D	1,188	D	1,188		31
BRANTLEY RD.	SUMMERLIN RD.	U.S. 41	2LU	E	1,040	C	204	C	204		32
BRIARCLIFF RD.	U.S. 41	ANDERSON LN.	2LU	E	1,040	C	294	C	294		33
BROADWAY (ALVA)	S.R. 31	NORTH RIVER RD.	2LU	E	1,040	C	242	C	242		34
BROADWAY (ESTERO)	LOGAN AVE.	U.S. 41	2LU	E	1,040	B	159	B	159		35

ROAD LINK VOLUMES Peak Direction of Flow											
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
BUCKINGHAM RD	IMMOKALEE RD. (S.R. 82)	ORANGE RIVER BLVD.	2LU	E	1,170	C	256	C	256		36
BUCKINGHAM RD	ORANGE RIVER BLVD.	PALM BEACH BLVD. (S.R. 80)	2LU	E	1,170	C	335	C	256		37
BURNT STORE RD (C.R. 765)	PINE ISLAND RD. (S.R. 78)	DIPLOMAT PKWY.	2LU	E	1,260	B	315	D	638		38
BURNT STORE RD (C.R. 765)	DIPLOMAT PKWY.	CHARLOTTE COUNTY LINE	2LU	E	1,260	B	326	D	699		39
BUSINESS 41 (S.R. 739)	FT. MYERS CITY LIMITS	PONDELLA RD (C.R. 78A)	6LD	E	3,630	C	2,049	C	2,050		40
BUSINESS 41 (S.R. 739)	PONDELLA RD (C.R. 78A)	PINE ISLAND RD (S.R. 78)	6LD	E	3,630	C	1,893	C	1,893		41
BUSINESS 41 (S.R. 739)	PINE ISLAND RD (S.R. 78)	LAUREL DR	2LU	E	1,280	D	1,265	D	1,265	Part 4L Funded in 01/02	42
BUSINESS 41 (S.R. 739)	LAUREL DR	U.S. 41	2LU	E	1,280	B	701	B	701		43
CAPE CORAL BRIDGE ROAD	DEL PRADO BLVD.	MCGREGOR BLVD. (C.R. 867)	4L	E	3,400	C	1,739	C	1,739		44
CAPTIVA DR	BLIND PASS BR	SOUTH SEAS PLANTATION	2LU	E	1,040	D	408	D	408	Constrained v/c = 0.37	45
CEMETERY RD.	BUCKINGHAM RD	HIGGINS AVE.	2LU	E	1,040	B	136	B	136		46
COCONUT RD.	SPRING CREEK RD.	U.S. 41	2LU	E	1,040	C	162	C	163		48
COLLEGE PARKWAY	MCGREGOR BLVD. (C.R. 867)	WINKLER RD.	6LD	E	3,150	C	1,948	C	2,149		49
COLLEGE PARKWAY	WINKLER RD.	WHISKEY CREEK DR	6LD	E	3,150	C	2,026	C	2,053		50
COLLEGE PARKWAY	WHISKEY CREEK DR	SUMMERLIN RD. (C.R. 869)	6LD	E	3,150	C	2,072	C	2,114		51
COLLEGE PARKWAY	SUMMERLIN RD. (C.R. 869)	U.S. 41	6LD	E	3,150	C	1,408	C	1,408		52
COLONIAL BLVD. (S.R. 884)	METRO PARKWAY	WINKLER AVE.	6LD	E	3,030	C	1,821	C	1,837		53
COLONIAL BLVD. (S.R. 884)	WINKLER AVE.	SIX MILE CYPRESS PKWY.	6LD	E	3,030	C	2,776	C	2,776		54
COLONIAL BLVD. (S.R. 884)	SIX MILE CYPRESS PKWY	I-75	6LD	E	3,030	D	2,811	D	2,811		55
COLONIAL BLVD.	I-75	IMMOKALEE RD. (S.R. 82)	4LD	E	2,990	B	1,196	B	1,196		56
CONSTITUTION BLVD	U.S. 41	CONSTITUTION CIR.	2LU	E	1,040	D	453	D	453		57
CORKSCREW RD. (C.R. 850)	U.S. 41	THREE OAKS PKWY.	4LD	E	2,030	B	961	C	1,476	4 Lane Under way in 99/00	58
CORKSCREW RD. (C.R. 850)	THREE OAKS PKWY.	I-75	4LD	E	2,030	E	909	E	1,100		59
CORKSCREW RD. (C.R. 850)	I-75	BEN HILL GRIFFIN BLVD (S.R. 80)	4LD	E	2,760	A	474	C	1,438		60
CORKSCREW RD. (C.R. 850)	BEN HILL GRIFFIN BLVD.	COLLIER COUNTY LINE	2LN	E	1,210	B	104	B	123		61
COUNTRY LAKES BLVD.	LUCKETT RD	TICE STREET	2LU	E	1,040	B	115	B	115		62
CRYSTAL DRIVE	U.S. 41	METRO PKWY	2LU	E	810	C	588	E	745		63
CYPRESS LAKE DRIVE	MCGREGOR BLVD (C.R. 867)	SOUTH POINTE BLVD	4LD	E	1,990	D	703	D	709		64
CYPRESS LAKE DRIVE	SOUTH POINTE BLVD	WINKLER RD.	4LD	E	1,990	D	1,022	D	1,032		65
CYPRESS LAKE DRIVE	WINKLER RD.	SUMMERLIN RD. (C.R. 869)	4LD	E	1,990	D	1,271	D	1,325		66
CYPRESS LAKE DRIVE	SUMMERLIN RD. (C.R. 869)	U.S. 41	4LD	E	1,990	D	1,626	F	2,338	6 Lane Funded in 00/01	67
DANIELS PARKWAY	U.S. 41	METRO PARKWAY	6LD	E	2,710	D	1,841	D	1,967		68
DANIELS PARKWAY	METRO PARKWAY	SIX MILE CYPRESS PKWY	6LD	E	2,710	D	1,945	F	2,950	Constrained v/c = 0.83	69
DANIELS PARKWAY	SIX MILE CYPRESS PKWY	PALAMINO LN.	6LD	E	3,120	C	2,446	D	3,003	Constrained v/c = 0.86	70

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
DANIELS PARKWAY	PALAMINO LN.	I-75	6LD	E	3,120	C	1,827	C	1,827	Constrained v/c = 0.64	71
DANIELS PARKWAY	I-75	CHAMBERLIN PARKWAY	6LD	E	2,980	C	1,453	C	1,601		72
DANIELS PARKWAY	CHAMBERLIN PARKWAY	GATEWAY BLVD	4LD	E	2,820	A	768	A	832		73
DAVIS ROAD.	MCGREGOR BLVD (C.R. 867)	IONA RD	2LU	E	1,040	B	129	B	129		74
DR ML KING BLVD (S.R. 82)	ORTIZ AVE.	I-75	4LD	E	2,150	C	1,317	C	1,317		75
EAST TERRY ST.	OLD 41	IMPERIAL ST.	2LU	E	1,040	D	89	D	402		76
ESTERO BLVD. (C.R. 865)	BIG CARLOS PASS BRIDGE	PESCADORA AVE.	2LN	E	726	A	326	A	383	Constrained v/c=0.42	77
ESTERO BLVD. (C.R. 865)	PESCADORA AVE.	VOORHIS ST.	2LN	E	726	A	557	E	719	Constrained v/c=0.72	78
ESTERO BLVD. (C.R. 865)	VOORHIS ST.	CENTER STREET	2LN	E	671	F	804	F	843	Constrained v/c=1.12	79
EVERGREEN RD	U.S. 41	BUS 41	2LU	E	1,040	B	148	B	148		80
FIDDLESTICKS BLVD.	OLD HICKORY CIR.	DANIELS PKWY	2LU	E	1,040	C	258	C	258		81
FOWLER STREET	U.S. 41	NORTH AIRPORT ROAD	6LD	E	2,780	D	1,577	D	1,610		82
FOWLER STREET	NORTH AIRPORT ROAD	COLONIAL BLVD	6LD	E	1,850	D	1,630	D	1,610		83
GLADIOLUS DR.	MCGREGOR BLVD (C.R. 867)	PINE RIDGE RD	4LD	E	2,160	C	548	C	663		85
GLADIOLUS DR.	PINE RIDGE RD	BASS RD	2LN	E	1,000	D	847	D	847		86
GLADIOLUS DR.	BASS RD	WINKLER ROAD	2LN	E	1,000	D	893	F	1,038		87
GLADIOLUS DR.	WINKLER ROAD	SUMMERLIN RD (C.R. 869)	4LD	E	1,860	C	838	C	838		88
GLADIOLUS DR.	SUMMERLIN RD (C.R. 869)	U.S. 41	6LD	E	2,800	D	1,803	D	1,803		89
GUNNERY ROAD	IMMOKALEE RD. (S.R. 82)	LEE BLVD.	2LU	E	1,100	B	194	B	353	4L Funded in 02/03	90
GUNNERY ROAD	LEE BLVD.	BUCKINGHAM RD.	2LU	E	1,100	B	467	B	742		91
HANCOCK BRIDGE PKWY	CAPE CORAL CITY LIMITS	ORANGE GROVE BLDV	4LD	E	2,310	C	1,374	C	1,574		101
HANCOCK BRIDGE PKWY	ORANGE GROVE BLDV	MOODY ROAD	4LD	E	2,310	C	1,372	C	1,372		102
HANCOCK BRIDGE PKWY	MOODY ROAD	U.S. 41	4LD	E	2,310	C	1,453	C	1,453		103
HART ROAD	BAYSHORE RD. (S.R. 78)	TUCKER LANE	2LU	E	1,040	D	413	D	419		104
HICKORY BLVD. (C.R. 865)	BONITA BEACH RD (C.R. 865)	MELODY LANE	2LU	E	990	E	693	E	697	Constrained v/c=0.49	105
HICKORY BLVD. (C.R. 865)	MELODY LANE	BIG CARLOS PASS BRIDGE	2LU	E	990	C	550	C	552	Constrained v/c=0.28	106
HOMESTEAD RD.	IMMOKALEE RD. (S.R. 82)	LEELAND HTS. BLVD BLVD.	2LU	E	1,310	C	380	C	382		107
HOMESTEAD RD	LEELAND HTS. BLVD.	LEE BLVD. (S.R. 884)	4LU	E	1,850	C	1,343	C	1,391		108
IDLEWILD RD	METRO PKWY	PANCHETTE RD.	2LU	E	1,040	C	180	C	180		109
IMMOKALEE RD. (S.R. 82)	I-75	BUCKINGHAM RD.	2LU	E	1,140	C	807	C	807		110
IMMOKALEE RD. (S.R. 82)	BUCKINGHAM RD.	LEE BLVD. (S.R. 884)	2LU	E	1,140	C	694	C	702		111
IMMOKALEE RD. (S.R. 82)	LEE BLVD. (S.R. 884)	SUNSHINE BLVD	2LU	E	1,350	D	592	D	588		112
IMMOKALEE RD. (S.R. 82)	SUNSHINE BLVD	HENDRY COUNTY LINE	2LU	E	1,350	C	427	C	428		113
IMPERIAL ST	COLLIER COUNTY LINE	BONITA BEACH RD.	2LU	E	1,040	B	50	B	50		114

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
IONA ROAD	MCGREGOR BLVD (C.R. 867)	CALOOSAHATCHEE RIVER	2LU	E	1,040	D	509	E	807		115
ISLAND PARK RD	PARL RD	U.S. 41	2LU	E	1,040	D	488	D	488		116
JOEL BLVD.	LEELAND HTS. BLVD.	18TH STREET	4LN	E	2,110	B	950	C	1,083		117
JOEL BLVD.	18TH STREET	PALM BEACH BLVD (S.R. 80)	2LU	E	1,250	B	268	B	270		118
JOHN MORRIS RD	SUMMERLIN RD.	IONE RD.	2LU	E	1,040	C	202	C	202		119
KELLY ROAD	MCGREGOR BLVD (C.R. 867)	SAN CARLOS BLVD. (S.R. 865)	2LU	E	1,040	C	232	C	237		120
KELLY ROAD	SAN CARLOS BLVD. (S.R. 865)	PINE RIDGE ROAD	2LU	E	1,040	C	170	C	170		121
KORESHAN BLVD	U.S. 41	THREE OAKS PKWY	4LD	E	2,820	A	128	A	128		122
LAUREL DRIVE	BUSINESS 41	GAGE DRIVE	2LU	E	1,040	D	520	0	520		123
LEE BLVD.	IMMOKALEE RD (S.R. 82)	ALVIN AVE	6LD	E	3,610	B	1,859	B	2,562		124
LEE BLVD.	ALVIN AVE	GUNNERY RD	6LD	E	3,610	A	1,377	A	1,394		125
LEE BLVD.	GUNNERY RD	HOMESTEAD RD	6LD	E	3,610	A	1,483	B	1,554		126
LEE BLVD.	HOMESTEAD RD	LEELAND HTS. BLVD.	2LN	E	1,030	B	620	B	756	4 L/3L Funded in 99/00	127
LEE RD.	SANIBEL BLVD	ALICO ROAD	2LN	E	1,040	E	610	E	610		128
LEELAND HTS.	HOMESTEAD ROAD	BELL BLVD.	4LN	E	1,960	B	923	B	1,023	4 Lane Funded in 99/00	129
LEONARD BLVD.	GUNNERY RD.	LEE BLVD.	2LN	E	1,040	B	108	B	108		130
LITTLETON ROAD	CAPE CORAL CITY LIMITS	U.S. 41	2LU	E	1,050	B	355	B	432		131
LITTLETON ROAD	U.S. 41	BUSINESS 41	2LN	E	1,050	B	367	B	367		132
LUCKETT ROAD	ORTIZ AVE (S.R. 80B)	HAMILTON DRIVE	2LN	E	950	C	600	C	783		133
LUCKETT ROAD	HAMILTON DRIVE	COUNTRY LAKES DRIVE	2LN	E	1,040	C	175	E	922		134
MAPLE DR.	SUMMERLIN RD.	2ND AVE.	2LU	E	1,040	C	173	C	173		135
MCGREGOR BLVD (C.R. 867)	TOLL PLAZA	JONATHAN HARBOR DR.	4LD	E	2,380	B	1,167	B	1,167		136
MCGREGOR BLVD (C.R. 867)	JONATHAN HARBOR DR.	SUMMERLIN RD. (C.R. 869)	4LD	E	2,380	B	1,272	B	1,392		137
MCGREGOR BLVD (C.R. 867)	SUMMERLIN RD. (C.R. 869)	KELLY RD.	4LD	E	2,380	B	621	B	754		138
MCGREGOR BLVD (C.R. 867)	KELLY RD.	GLADIOLUS DR. (S.R. 865)	4LD	E	2,380	B	953	B	971		139
MCGREGOR BLVD (S.R. 867)	GLADIOLUS DR. (S.R. 865)	IONA LOOP RD.	4LD	E	2,190	B	775	B	775		140
MCGREGOR BLVD (S.R. 867)	IONA LOOP RD.	PINE RIDGE RD.	4LD	E	2,190	B	1,012	B	1,202		141
MCGREGOR BLVD (S.R. 867)	PINE RIDGE RD.	CYPRESS LAKE DRIVE	4LD	E	2,190	B	1,427	B	1,594		142
MCGREGOR BLVD (S.R. 867)	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,800	D	1,299	D	1,457		143
MCGREGOR BLVD (S.R. 867)	COLLEGE PARKWAY	WINKLER ROAD	2LD	E	1,180	C	699	C	832	Constrained v/c=0.55	144
MCGREGOR BLVD (S.R. 867)	WINKLER ROAD	TANGLEWOOD BLVD.	2LD	E	1,180	F	1,213	F	1,213	Constrained v/c=1.03	145
MCGREGOR BLVD (S.R. 867)	TANGLEWOOD BLVD.	COLONIAL BLVD (S.R. 884)	2LD	E	1,180	F	1,205	F	1,205	Constrained v/c=1.02	146
METRO PARKWAY (S.R. 739)	SIX MILE CYPRESS PKWY	DANIELS ROAD	2LN	E	920	B	508	C	809		147
METRO PARKWAY (S.R. 739)	DANIELS ROAD	CRYSTAL DR	4LD	E	1,990	C	1,225	C	1,265		148

ROAD LINK VOLUMES
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ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
METRO PARKWAY (S.R. 739)	CRYSTAL DR	DANLEY DR	4LD	E	1,990	C	1,375	D	1,875		149
METRO PARKWAY (S.R. 739)	DANLEY DR	COLONIAL BLVD (S.R. 884)	4LD	E	1,990	D	1,924	F	2,467		150
METRO PARKWAY (S.R. 739)	WAREHOUSE ST.	HANSON ST.	4LD	E	950	C	783	C	807		151
MILWAUKEE BLVD.	ALABAMA BLVD.	A.G. BELL BLVD.	2LU	E	1,040	B	7	B	7		152
MILWAUKEE BLVD.	A.G. BELL BLVD.	COLUMBUS BLVD.	2LU	E	1,040	B	11	B	11		153
MOODY RD.	HANCOCK BRIDGE PKWY.	PONDELLA RD.	2LU	E	1,040	C	187	C	187		154
NALLE GRADE ROAD	SLATER ROAD	NALLE ROAD	2LU	E	1,040	B	51	B	51		155
NALLE ROAD	BAYSHORE RD. (S.R. 78)	NALLE GRADE ROAD	2LU	E	1,040	B	123	B	123		156
NEAL ROAD	ORANGE RIVER BLVD	BUCKINGHAM ROAD	2LU	E	1,040	B	60	B	60		157
NORTH RIVER RD	S.R. 31	FRANKLIN LOCK RD	2LU	E	1,330	B	146	B	146		158
NORTH RIVER RD	FRANKLIN LOCK RD	BROADWAY	2LU	E	1,330	B	84	B	84		159
NORTH RIVER RD	BROADWAY	HENDRY COUNTY LINE	2LU	E	1,330	B	121	B	175		160
OLD 41 (C.R. 887)	COLLIER COUNTY LINE	BONITA BEACH RD (C.R. 865)	2LU	E	1,050	C	653	C	666		161
OLD 41 (C.R. 887)	BONITA BEACH RD (C.R. 865)	WEST TERRY STREET	2LU	E	1,130	F	1,205	F	1,241	Constrained v/c=1.00	162
OLD 41 (C.R. 887)	WEST TERRY STREET	ROSEMARY STREET	2LU	E	1,130	C	1,167	C	1,312	4 Lane Under WAY IN 99/00	163
OLD 41 (C.R. 887)	ROSEMARY STREET	U.S. 41	2LU	E	1,250	D	663	D	775	Part 4 Lane in 04/05	164
OLGA RD.	S.R. 80 W	S.R. 80 E	2LU	E	1,040	C	261	C	261		165
ORANGE GROVE BLVD.	LOCKMOOR COUNTRY CLUB	HANCOCK BRIDGE PKWY	4LD	E	1,850	C	542	C	602		166
ORANGE GROVE BLVD.	HANCOCK BRIDGE PKWY	PONDELLA RD. (C.R. 78A)	4LD	E	1,850	C	549	C	874		167
ORANGE RIVER BLVD	PALM BEACH BLVD (S.R. 80)	STALEY ROAD	2LU	E	1,250	C	462	C	498		168
ORANGE RIVER BLVD	STALEY ROAD	BUCKINGHAM ROAD	2LU	E	1,250	C	316	B	316		169
ORIOLE RD.	SAN CARLOS BLVD.	ALICO RD.	2LU	E	1,040	C	212	C	212		170
ORTIZ AVE.	COLONIAL BLVD (S.R. 884)	M.L. KING BLVD (S.R. 82)	2LU	E	1,090	C	754	C	754		171
ORTIZ AVE.	M.L. KING BLVD (S.R. 82)	TICE STREET	2LN	E	1,090	C	795	C	795		172
ORTIZ AVE.	TICE STREET	PALM BEACH BLVD (S.R. 80)	2LN	E	1,090	C	572	C	572		173
PALM BEACH BLVD (S.R. 80)	PROSPECT AVE	ORTIZ AVE. (S.R. 80B)	4LD	E	2,100	C	1,582	C	1,582		174
PALM BEACH BLVD (S.R. 80)	ORTIZ AVE. (S.R. 80B)	I-75	6LD	D	3,030	C	1,616	C	1,673		175
PALM BEACH BLVD (S.R. 80)	I-75	S.R. 31	6LD	C	3,040	B	1,502	B	1,523		176
PALM BEACH BLVD (S.R. 80)	S.R. 31	BUCKINGHAM ROAD	4LD	C	2,020	C	1,605	C	1,605		177
PALM BEACH BLVD (S.R. 80)	BUCKINGHAM ROAD	HICKEY CREEK RD	4LD	B	1,690	A	945	A	956		178
PALM BEACH BLVD (S.R. 80)	HICKEY CREEK RD	HENDRY COUNTY LINE	2LN	C	760	C	635	C	635	4L Funded in 03/04	179
PARK MEADOW DR. RD (S.R. 78)	SUMMERLIN RD.	U.S. 41	2LU	E	1,040	C	189	C	189		180
PENNSYLVANIA AVE. RD (S.R. 78)	ARROYAL ST.	OLD 41	2LU	E	1,040	C	216	C	216		181
PENZANCE BLVD RD (S.R. 78)	RANCHETTE RD.	SIX MILE CYPRESS PKWY	2LU	E	1,040	B	67	B	67		182

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
PINE ISLAND RD (S.R. 78)	STRINGFELLOW RD. (C.R. 767)	BURNT STORE RD (C.R. 765)	2LN	E	1,290	D	658	D	658	Constrained Part v/c=0.49	183
PINE ISLAND RD (S.R. 78)	DEL PRADO BLVD.	U.S. 41	4LD	E	2,020	C	1,100	C	1,100		184
PINE ISLAND (S.R. 78)	U.S. 41	BUSINESS 41	4LD	E	2,020	C	1,345	C	1,658		185
PINE RIDGE ROAD	GLADIOLUS DR. (S.R. 865)	SUMMERLIN RD. (C.R. 869)	2LU	E	1,040	C	582	E	827		186
PINE RIDGE ROAD	SUMMERLIN RD. (C.R. 869)	GLADIOLUS DR	2LU	E	1,040	C	278	C	340		187
PINE RIDGE ROAD	GLADIOLUS DR	SAN CARLOS BLVD (C.R.865)	2LU	E	1,040	C	228	C	228		188
PLANTATION ROAD	DANIELS ROAD	IDLEWILD ROAD	2LU	E	1,040	C	300	C	300		189
PONDELLA ROAD (C.R. 78A)	PINE ISLAND RD (S.R. 78)	ORANGE GROVE BLVD.	2LU	E	920	B	542	B	542	4 Lane Funded in 00/01	190
PONDELLA ROAD (C.R. 78A)	ORANGE GROVE BLVD.	U.S. 41	4LD	E	2,390	C	950	C	950		191
PONDELLA ROAD (C.R. 78A)	U.S. 41	BUSINESS 41	4LD	E	2,390	C	1,062	C	1,072		192
RANCHETTE ROAD	PENZANCE BLVD.	IDLEWILD STREET	2LU	E	1,040	B	60	B	60		201
RICHMOND AVENUE	WESTON ROAD	LEELAND HTS BLVD.	2LU	E	1,040	B	69	B	69		202
RICHMOND AVENUE	LEELAND HTS BLVD.	GREENBRIAR BLVD.	2LU	E	1,040	B	87	B	87		203
RIVER RANCH ROAD	WILLIAMS ROAD	CORKSCREW ROAD	2LU	E	1,040	B	116	B	116		204
SAN CARLOS BLVD (S.R.865)	MANTANZAS PASS BRIDGE	SUMMERLIN RD. (C.R. 869)	4LD	E	1,990	C	1,264	C	1,284	Constrained Part v/c=0.60	205
SAN CARLOS BLVD (S.R.865)	SUMMERLIN RD. (C.R. 869)	GLADIOLUS DR.	2LU	E	1,010	C	749	D	879	Backlogged 3LN LDOT 98/99	206
SAN CARLOS PARK	U.S.41	THREE OAKS PARKWAY	2LU	E	1,040	C	300	C	300		207
SANIBEL CAUSEWAY	CAUSEWAY ROAD	MCGREGOR BLVD (C.R. 867)	2LU	E	1,250	E	1,130	E	1,130		208
SHELL POINT BLVD	MCGREGOR BLVD (C.R. 867)	PALM ACRES	2LN	E	1,040	C	173	C	173		209
SIX MILE CYPRESS PKWY	U.S. 41	METRO PKWY	4LD	E	2,070	C	1,559	C	1,844		210
SIX MILE CYPRESS PKWY	METRO PKWY	DANIELS ROAD	4LD	E	2,070	B	755	B	797		211
SIX MILE CYPRESS PKWY	DANIELS ROAD	WINKLER AVE EXT	2LU	E	1,320	D	769	E	1,227		212
SIX MILE CYPRESS PKWY	WINKLER AVE EXT	CHALLENGER BKVD	4LD	E	1,910	B	585	B	585		213
SIX MILE CYPRESS PKWY	CHALLENGER BLVD	COLONIAL BLVD (S.R. 884)	6LD	E	2,860	B	585	B	585		214
SLATER ROAD	BAYSHORE ROAD (S.R. 78)	NALLE GRADE ROAD	2LU	E	1,170	C	291	C	291		215
SOUTHPOINTE BLVD	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LU	E	1,750	C	481	C	481		216
S.R. 31	PALM BEACH BLVD (S.R. 80)	BAYSHORE RD. (S.R. 78)	2LN	E	1,170	D	433	D	433		217
S.R. 31	BAYSHORE RD. (S.R. 78)	CHARLOTTE COUNTY LINE	2LN	E	1,170	C	199	C	230		218
STALEY ROAD	ORANGE RIVER BLVD/S.R. 80A	TICE STREET	2LU	E	1,040	B	146	B	146		219
STRINGFELLOW RD. (C.R. 767)	FIRST AVENUE	BERKSHIRE RD	2LU	E	1,290	C	396	D	681		220
STRINGFELLOW RD. (C.R. 767)	BERKSHIRE RD	PINE ISLAND RD	2LU	E	1,290	D	659	E	943		221
STRINGFELLOW RD. (C.R. 767)	PINE ISLAND RD	PINELAND RD	2LU	E	1,290	D	627	D	637		222
STRINGFELLOW RD. (C.R. 767)	PINELAND RD	MAIN STREET	2LU	E	1,290	B	271	B	281		223
SUMMERLIN RD. (C.R. 869)	MCGREGOR BLVD (C.R. 867)	KELLY COVE DR	4LD	E	2,370	C	1,234	C	1,299		224

ROAD LINK VOLUMES Peak Direction of Flow											
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
SUMMERLIN RD. (C.R. 869)	KELLY COVE DR	SAN CARLOS BLVD (C.R.865)	4LD	E	2,370	C	1,234	C	1,234		225
SUMMERLIN RD. (C.R. 869)	SAN CARLOS BLVD (C.R.865)	PINE RIDGE RD	4LD	E	2,370	C	1,378	C	1,378	6L Funded in 03/04	226
SUMMERLIN RD. (C.R. 869)	PINE RIDGE RD	BASS RD	4LD	E	2,370	C	1,890	D	2,333	6L Funded in 03/04	227
SUMMERLIN RD. (C.R. 869)	BASS RD	GLADIOLUS DR. (S.R. 865)	4LD	E	2,370	D	2,225	F	2,803	6L Funded in 03/04	228
SUMMERLIN RD. (C.R. 869)	GLADIOLUS DR. (S.R. 865)	CYPRESS LAKE DRIVE	4LD	E	1,970	D	1,617	D	1,671		229
SUMMERLIN RD. (C.R. 869)	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,970	D	1,438	D	1,518	Part 6L Funded in 04/05	230
SUMMERLIN RD. (C.R. 869)	COLLEGE PARKWAY	MAPLE DRIVE	4LD	E	1,960	D	1,663	D	1,663	6L Funded in 04/05	231
SUMMERLIN RD. (C.R. 869)	MAPLE DRIVE	BOY SCOUT DRIVE	4LD	E	1,960	D	1,617	D	1,617	6L Funded in 04/05	232
SUMMERLIN RD. (C.R. 869)	BOY SCOUT DRIVE	MATTHEWS DRIVE	4LD	E	1,960	D	1,057	D	1,057		233
SUMMERLIN RD. (C.R. 869)	MATTHEWS DRIVE DRIVE	COLONIAL BLVD	4LD	E	1,960	D	1,035	D	1,035		234
SUNSHINE BLVD.	IMMOKALEE RD. (S.R. 82)	LEE BLVD. (S.R. 884)	2LU	E	1,100	B	95	B	95		235
SUNSHINE BLVD.	LEE BLVD. (S.R. 884)	W. 12 TH STREET	2LU	E	1,100	C	219	C	219		236
SUNSHINE BLVD.	W. 12 TH STREET (S.R. 884)	W. 75 TH STREET	2LU	E	1,100	C	196	C	196		237
SW 23 RD STREET	GUNNERY ROAD	SUNSHINE BLVD.	2LU	E	1,040	C	197	C	197		238
THREE OAKS PARKWAY	CORKSCREW RD. (C.R. 850)	SAN CARLOS BLVD	2LU	E	1,280	D	496	E	716	4L Funded in 02/03	239
THREE OAKS PARKWAY	SAN CARLOS BLVD	ALICO ROAD	2LU	E	1,380	D	421	D	421	4L Funded in 02/03	240
TICE STREET	PALM BEACH BLVD (S.R. 80)	ORTIZ AVE. (S.R. 80B)	2LU	E	1,040	C	241	C	241		241
TICE STREET	ORTIZ AVE. (S.R. 80B)	I-75	2LU	E	1,040	B	138	B	138		242
TICE STREET	I-75	STALEY ROAD	2LU	E	1,040	C	162	D	487		243
TREE LINE DRIVE	JETPORT LOOP ROAD	DANIELS PKWY	2LU	E	2,030	B	112	B	112		244
VANDERBILT BLVD.	COLLIER CO. LINE	BONITA BEACH RD.	2LU	E	990	C	384	C	408		245
WEST TERRY STREET	US.41	OLD 41 (C.R. 887)	2LU	E	880	B	597	B	719	4 LANE FUNDED IN 02/03	246
WHISKEY CREEK DRIVE	MCGREGOR BLVD (C.R. 867)	TREDEGAR DRIVE	2LD	E	1,840	C	384	C	384		247
WHISKEY CREEK DRIVE	TREDEGAR DRIVE	COLLEGE PARKWAY	2LD	E	1,840	C	185	C	384		248
WILLIAMS AVE	U.S. 41	RIVER RANCH ROAD	2LU	E	1,040	D	510	D	510		249
WILLIAMS ROAD	LEE BLVD (C.R. 884)	W. 6TH STREET	2LU	E	1,040	B	145	B	145		250
WINKLER ROAD	SUMMERLIN RD. (C.R. 869)	GLADIOLUS DR. (S.R. 865)	2LN	E	940	B	246	B	382		252
WINKLER ROAD	GLADIOLUS DR. (S.R. 865)	BRANDYWINE CIRCLE	2LN	E	940	C	772	C	772		253
WINKLER ROAD	BRANDYWINE CIRCLE	CYPRESS LAKE DRIVE	2LN	E	940	C	859	C	863		254
WINKLER ROAD	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,700	C	658	C	658		255
WINKLER ROAD	COLLEGE PARKWAY	MCGREGOR BLVD (C.R. 867)	2LN	E	880	A	334	B	426		256
WOODLAND BLVD	U.S. 41	CHATHAM STREET	2LU	E	1,040	D	430	D	430		257
W. 6TH ST	WILLIAMS AVENUE	JOEL BLVD	2LU	E	1,040	B	78	B	78		258
W 12TH STREET	GUNNERY ROAD	SUNSHINE BLVD	2LU	E	1,040	B	143	B	143		259

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		EXISTING 9/7/00		FORECAST 9/7/00		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME		
W 12TH STREET	SUNSHINE BLVD	WILLIAMS AVENUE	2LU	E	1,040	C	190	C	190		260
W 12TH STREET	WILLIAMS AVENUE	JOEL BLVD	2LU	E	1,040	B	54	B	54		261
U.S. 41	COLLIER COUNTY LINE	BONITA BEACH RD (C.R. 865)	4LD	E	2,450	C	1,621	C	2,225	6 Lane Funded in 02/03	262
U.S. 41	BONITA BEACH RD (C.R. 865)	W TERRY STREET	4LD	E	2,450	C	2,141	F	2,737	ROW Funded IN 00/01	263
U.S. 41	W TERRY STREET	OLD 41 (C.R. 887)	4LD	E	2,450	C	1,662	F	3,004	ROW Funded IN 00/01	264
U.S. 41	OLD 41 (C.R. 887)	CORKSCREW RD.	4LD	E	2,450	C	2,186	F	4,142	6L Funded IN 04/05	265
U.S. 41	CORKSCREW RD.	SANIBEL BLVD	4LD	E	2,270	C	2,164	F	2,993	PE Funded in 04/05	266
U.S. 41	SANIBEL BLVD	ALICO ROAD	4LD	E	2,270	C	1,532	C	1,547	6 Lane Funded in 99/00	267
U.S. 41	ALICO ROAD	ISLAND PARK ROAD	6LD	E	3,400	C	2,294	C	2,294	6 Lane Under Construction	268
U.S. 41	ISLAND PARK ROAD	BRIARCLIFF RD	6LD	E	3,400	C	2,404	C	2,617	6 Lane Under Construction	269
U.S. 41	BRIARCLIFF RD	SIX MILE CYPRESS PKWY	6LD	E	3,400	C	2,710	C	2,713	6 Lane Under Construction	270
U.S. 41	SIX MILE CYPRESS PKWY	DANIELS RD.	6LD	E	2,810	C	1,703	C	2,001	6 Lane Under Construction	271
U.S. 41	DANIELS RD.	COLLEGE PARKWAY	6LD	E	2,810	C	1,973	C	1,912	Constrained v/c=0.74	272
U.S. 41	COLLEGE PARKWAY	SOUTH RD	6LD	E	2,810	D	2,294	E	2,796	Constrained v/c=0.86	273
U.S. 41	SOUTH RD	BOY SCOUT DRIVE	6LD	E	2,810	D	2,103	D	2,117	Constrained v/c=0.79	274
U.S. 41	BOY SCOUT DRIVE	NORTH AIRPORT ROAD	6LD	E	2,810	D	2,417	D	2,418	Constrained v/c=0.95	275
U.S. 41	FT. MYERS CITY LIMITS	NORTH KEY DRIVE	4LD	E	2,600	D	2,511	D	2,534		276
U.S. 41	NORTH KEY DRIVE	HANCOCK BRIDGE PKWY	4LD	E	2,600	D	2,435	D	2,435		277
U.S. 41	HANCOCK BRIDGE PKWY	PONDELLA RD	4LD	E	2,600	C	1,776	C	1,779		278
U.S. 41	PONDELLA RD	PINE ISLAND RD (S.R. 78)	4LD	E	2,600	C	1,396	C	1,396		279
U.S. 41	PINE ISLAND RD (S.R. 78)	LITTLETON RD	4LD	E	2,220	B	1,254	B	1,254		280
U.S. 41	LITTLETON RD	DEL PRADO BLVD	4LD	E	2,220	B	1,215	B	1,403		281
U.S. 41	DEL PRADO BLVD	CHARLOTTE COUNTY LINE	4LD	E	2,220	B	931	B	1,429		282
I-75	COLLIER COUNTY LINE	CORKSCREW RD. (C.R. 850)	4LD	C	2,570	D	2,976	D	2,976		283
I-75	CORKSCREW RD. (C.R. 850)	ALICO ROAD	4LD	C	2,570	E	3,344	E	3,344		284
I-75	ALICO ROAD	DANIELS ROAD	4LD	C	2,570	E	3,968	E	3,968		285
I-75	DANIELS ROAD	COLONIAL BLVD (S.R. 884)	4LD	C	2,570	D	3,288	D	3,288		286
I-75	COLONIAL BLVD (S.R. 884)	DR ML KING, JR BLVD (S.R. 82)	4LD	C	2,570	D	2,979	D	2,979		287
I-75	DR ML KING, JR BLVD (S.R. 82)	PALM BEACH BLVD (S.R. 80)	4LD	C	2,570	D	3,062	D	3,062		288
I-75	PALM BEACH BLVD (S.R. 80)	BAYSHORE RD. (S.R. 78)	4LD	C	2,570	D	2,761	D	2,761		289
I-75	BAYSHORE RD. (S.R. 78)	CHARLOTTE COUNTY LINE	4LD	C	2,570	C	1,729	C	1,729		290

* Note: "Constrained" Roads are as indicated in TABLE 2(a) CONSTRAINED ROADS STATE AND COUNTY ROADS" OF "THE LEE PLAN"

Funding is by Lee County unless noted otherwise.

Interim improvements designated by "INT IMP" with the year funded.

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CHAPTER 1-20

ADEQUATE PUBLIC FACILITIES ORDINANCE

Adopted: October 15, 1991

Amended: May 16, 1995
March 17, 1998

Board of County Commissioners of Frederick County, Maryland

Ronald L. Sundergill, President
Gail T. Bowerman, Vice-President
David P. Gray
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Director of Planning
James R. Shaw

Senior Planner
Raymond V. Barnes

Zoning Administrator
Michael Thompson

Project Planner
Elizabeth Pasierb

Prepared by the Frederick County Department of Planning and Zoning for the Board of County Commissioners

CHAPTER 1-20

ADEQUATE PUBLIC FACILITIES ORDINANCE

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PREAMBLE

An Adequate Public Facilities Ordinance (APFO) regulates development by ensuring that sufficient infrastructure and service capacity is available for future development. With the adoption of the Frederick County APFO in 1991, all preliminary plan or site plan approvals are now contingent upon evidence that adequate facilities exist or will be provided by the County or developer. In this way, development occurs in a manner consistent with the need for adequate public water and sewer service, schools and roads.

The Frederick County Board of County Commissioners initiated consideration of an APFO in September 1988 when a new, long range, comprehensive planning process was adopted. Staff began work on the County APFO in 1989 with a review of current literature, existing ordinances and case law. The result was an "Adequate Facilities Background Report" presented to the Planning Commission in May 1990. The staff was then directed to prepare a draft ordinance that was presented during a public hearing in September 1990. Due to the number and complexity of issues raised at that hearing, an Adequate Public Facilities Ordinance Ad-Hoc Committee was formed to focus the discussion, evaluate the issues and recommend alternatives to the staff draft ordinance.

The Ad-Hoc Committee included representatives of the Frederick County Builders Association, Chamber of Commerce, Civic Federations, banking community, Municipal League and Frederick City. The Committee worked predominately by consensus when preparing the recommendations and focused much of their attention on such issues as exemptions, "grandfather" provisions, calculation of need and capacity, coordination with the Capitol Improvement Program and appropriate mitigation measures. However, when consensus was not achieved, both points of view were included in the Committee's report presented to the Planning Commission in April 1991.

After several worksessions and hearings on the revised draft APFO, the Planning Commission Recommended APFO was presented to the County Commissioners at a public hearing in September 1991 and adopted on October 15, 1991.

In May, 1995, the first amendment was made to the County's APFO to provide that developments with a limited impact on road inadequacy, may pay a proportionate share of the road improvement in order to partially mitigate the inadequacy. The road improvement payment would be placed in an escrow fund, which would be used to make the road improvement at a future date when sufficient funds have been accumulated in the fund.

In 1995, the Frederick County Planning Commission began a comprehensive review of the County's APFO regulations. This process culminated in the Commission's "APFO Issues Report" in 1996, which identified 39 issues warranting further consideration. The "APFO Issues Report" was then referred by the Board of County Commissioners to several agencies for review including a re-constituted APFO Ad Hoc Committee. This Committee issued a report in January, 1997 which provided it's recommendations on the Planning Commission's Issues Report. Following the Ad Hoc Committee's Report, the Planning

Commission reviewed and made recommendations on amendments to the APFO in May, 1997 and January, 1998. The Board of County Commissioners then held a public hearing on the APFO amendments on January 20, 1998. Following the public hearing the County Commissioners then held a series of workshops on the proposed comprehensive amendments and subsequently adopted amendments on March 17, 1998 with an effective date of April 1, 1998 for all new plan submissions that would be subject to the APFO regulations.

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Chapter 1-20

ARTICLE I. IN GENERAL

Sec. 1-20-1 Title

This chapter shall be known and cited as the Adequate Public Facilities Ordinance of Frederick County, Maryland.

Sec. 1-20-2 Authority

This chapter is established in accordance with the provisions of Article 66B of the Annotated Code of Maryland.

Sec. 1-20-3 Jurisdiction

The provisions of this chapter shall apply to all unincorporated lands within the territorial limits of the County.

Sec. 1-20-4 Intent

This chapter is adopted with the intent that new residential, industrial and other development take place in accordance with the Frederick County Comprehensive Plan and the Capital Improvements Program and to ensure that adequate public facilities and services are available concurrent with new development so that orderly development and growth can occur. Provision of adequate facilities will take place in cooperation with municipalities especially when municipal facilities are affected by new development which falls under the requirements of this ordinance. Development and adoption of municipal APF

Ordinances that correspond to this ordinance is strongly recommended. For the purposes of this ordinance, public facilities shall include, road, water, sewerage and school facilities.

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Sec. 1-20-5 Definitions

A. The following rules of construction shall apply to the text of the chapter:

1. The particular will control the general.

2. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.

4. A building or structure includes any part thereof.

5. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."

6. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:

   a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.

   b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.

   c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

8. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.

9. When a term defined in the county subdivision regulations, zoning ordinance, or the county building code, occurs in this chapter, it has the meanings specified in the subdivision regulations, zoning ordinance or building code, unless specifically defined in this chapter.

10. The word "county" means Frederick County, Maryland. The word "state" means the State of Maryland.

11. Throughout this chapter, all words, other than the terms specifically defined herein, have the meaning inferred from their context in this chapter or their ordinarily accepted definitions.

B. In this chapter, the following terms are used as defined unless otherwise apparent from the context:

Adequate Public Facilities (APF) - Those public facilities included in the context of this ordinance which meet established minimum standards as further specified herein.

Adequate Public Facility Letter of Understanding - A letter from the Planning Commission to the developer which sets forth all terms, conditions and restrictions which must be satisfied for a finding of adequacy.

Amend or amendment - Any repeal, modification, or addition to a regulation; any new regulation.

Background enrollment growth — The average annual impact of equated student enrollment changes during the preceding three years in the school attendance areas serving the proposed development as determined in section 1-20-61(G) with appropriate adjustments made in the determination by the frederick county public schools to eliminate student enrollment changes caused solely by school redistricting.

Capital Improvement Program (CIP) - An annual document adopted by the County indicating County capital projects having funding approval for the current fiscal year and those capital projects which are currently planned for the following five year period, including the proposed means of financing the same.

Capital Budget - The current and first year of the approved CIP.

Comprehensive Plan - A composite of mapped and written text, the purpose of which is to guide the physical development of the county, and is adopted by the board of county commissioners and includes all changes and additions thereto made under the provisions of Article 66B of the Annotated Code of Maryland.

Consolidated Transportation Program (CTP) - An annual document prepared by the Maryland Department of Transportation and approved by the Maryland General Assembly indicating state transportation projects which have funding approval for the current fiscal year and those projects which are planned for the following five year period.

Developer - An individual, partnership, corporation (or agent thereof), or other entities that undertakes the responsibility for any or all of the activities covered by this chapter and Chapters 1-16 and 1-19, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may differ.

Development - The area of land which is subject to change in use (preliminary plan or site plan

approval) or expansion of existing use and which is subject to subdivision or site plan review.

Final Plat - The final map, drawing or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission or Planning Commission staff for approval and which, if approved, will be submitted for recording among the land records for Frederick County.

Government Projects - Any building, structure, or alteration thereof paid for and used by the local, state or federal government entities.

Level of Service (LOS) - A standardized index of relative service provided by a road or highway ranging from "A" to "F" with "A" representing free, unobstructed flow and "F" representing a forced flow beyond capacity of the facility as defined in the Highway Capacity Manual published by the Highway Research Board.

Lot - A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.

Lot of Record - Any lot legally recorded in the land records of the County which has been the subject of subdivision approval.

Major Subdivision - Any parcel which has been or is proposed to be subdivided to create six (6) or more lots.

Minor Subdivision - Any parcel which has been or is proposed to be subdivided to create five (5) or fewer lots.

MXD — The Mixed Use Development Floating Zone Established in Section 1-19-324 of the Frederick County Code (1979).

Planned Unit Development (PUD) - A zoning district approved by the County Commissioners which allows a variety of uses and dwelling unit types in accordance with an approved plan and schedule of improvements.

Planning and Zoning Department - A department within the county government that performs the administrative function for the Planning Commission and other functions as directed by the Planning Commission and/or Board of County Commissioners.

Preliminary Plat - The preliminary drawings and supplementary materials indicating the proposed layout of the subdivision to be submitted to the planning commission for its consideration.

Public Works Agreement - A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

Roads - Public rights-of-way recognized and maintained by the state, county or municipality including, but not limited to, pavement, drainage, traffic control devices, bridges, and culverts.

Site Development Plan (Site Plan) - The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the planning commission and/or staff

for approval prior to the release of building permits on the site.

State Rated Capacity (SRC) - The maximum number of students, as determined by the State, that can be reasonably accommodated in a school facility without significantly hampering delivery of the given educational program.

Structural Adequacy - Determination by County DPW Design Engineers that the pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

Subdivision - The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Zoning Administrator - The administrative officer in charge of zoning administration within the County Planning and Zoning department.

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1-20-6 General Requirements

A. In planning and developing any subdivision or any development, the developer shall comply with the general principles set forth in this Chapter for the provision of adequate facilities; and in every case the developer shall observe the procedure outlined in this Chapter.

B. A developer shall not avoid the intent of this ordinance by submitting piecemeal applications for preliminary plats or site plans. However a developer may seek approval of only a portion of the subdivision or development, provided that the impact from all previously approved preliminaries or site plans from that development shall be considered during the APF review of each subsequent portion of the development.

C. Except as provided in Section 1-20-7, all parcels must receive APFO approval prior to development or subdivision.

1-20-7 Exemptions

A. Minor residential subdivisions, public or private elementary and secondary schools and public safety facilities are not subject to the requirements of this chapter.

B. Any existing preliminary subdivision plat approved prior to December 1, 1991 shall be exempt from the requirements of this chapter for the following time periods as long as the preliminary approval remains valid:

1. Residential development with valid preliminary approval

6-100 units . . . . . 3 years from December 1, 1991
101-500 units . . . . . 5 years from December 1, 1991
501 + units . . . . . 10 years from December 1, 1991

2. Non-residential development with valid preliminary approval

0- 50 acres . . . . . 3 years from December 1, 1991
51-200 acres . . . . . 5 years from December 1, 1991
201 + acres . . . . . 10 years from December 1, 1991

3. All plats having preliminary approval and seeking extensions of approval must comply with Subdivision Regulations.

4. Notwithstanding any other provisions of this ordinance, any residential project under construction which is subject to a phasing scheduled imposed prior to December 1, 1991, (the original effective date of this ordinance) as a condition of rezoning and which is not completely built out within the time periods set forth in subsection (1) above, and which has been substantially delayed due to the County's inability to provide planned public utilities, may proceed with construction in accordance with the rezoning phasing schedule if all schools serving the project are adequate as defined in this ordinance. If any schools serving the development are not adequate as defined in this ordinance, the development may proceed with construction at a reduced rate equal to 60% of the number of units permitted annually by the phasing schedule imposed at the time of rezoning, or as subsequently amended.

C. Any existing PUD with preliminary plat (Phase III) approval prior to the effective date of this ordinance shall be exempt from the requirements of this chapter for the following time periods as long as the preliminary plat (Phase III) approval remains valid:

6-100 units . . . . . 3 years from December 1, 1991
101-500 units . . . . . 5 years from December 1, 1991
501 + units . . . . . 10 years from December 1, 1991

D. Developments that meet the requirements of this chapter at the time of preliminary subdivision approval do not have to comply with the provisions of this chapter at the time of site plan approval.

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1-20-8 Approval of Subdivisions, Site Plans

A. All major residential subdivisions, major and minor commercial/industrial subdivisions, site plans, and revised subdivisions or site plans resulting in an increase in density or intensity of use, received for approval, re-approval or extension by the Planning Commission shall meet the requirements set forth herein prior to preliminary plat or site plan approval except as provided for in Section 1-20-7, Exemptions.

B. Subdivision plats or site plans that do not meet the requirements for adequate public facilities in Articles III-VI herein, shall not be granted preliminary subdivision or site plan approval by the Planning Commission. A conditional approval as allowed for in Section 1-20-10 may be granted, provided no final approval shall be granted or lots recorded until the conditions set forth in the conditional approval have been met.

C. Prior to the signing of a preliminary plat or site plan, an Adequate Public Facilities Letter of Understanding shall be forwarded to the Planning Commission and to the developer.

D. Approval of Adequate Public Facilities as set forth in this chapter shall be valid from the date of the meeting at which approval of the preliminary subdivision or site plan approval is granted by the Planning Commission for the following time period as long as the preliminary plan or site plan approval remains valid:

1. Residential Subdivisions

   6-100 units . . . . . 3 years
   101-500 units . . . . . 5 years
   501 + units . . . . . 10 years

2. Non-Residential Subdivisions

   0- 50 acres . . . . . 3 years
   51-200 acres . . . . . 5 years
   200 + acres . . . . . 10 years

3. Site Plans

   For as long as the site plan approval remains valid but in no event shall it be for more than three years.

4. At the request of the developer, the Planning Commission may approve a preliminary plan or site plan for a time period less than that shown above, but in no case for less than one year.

5. If a developer is seeking concurrent subdivision and site plan approval, the APFO testing shall be required as part of the subdivision approval. Notes shall be placed on both documents specifying approved use(s).

E. At the request of the developer, the Planning Commission shall extend the approval of adequate public facilities beyond the time frame provided in Section 1-20-8(D) above if the Commission finds:

1. That the development is proceeding as scheduled:

2. All conditions of approval are being met:

3. All road, water and sewerage improvements specified in the adequate public facility letter

of understanding have either been vested (under sections 1-20-31(G), 1-20-41(E) or 1-20-51 (E)) or are impeded by circumstances in the sole or primary control of the County; and

4. All unrecorded lots or unbuilt site plan structures are either vested (under sections 1-20-31 (G), 1-20-41(E) or 1-20-51(E)) or meet the requirements for adequate school, road, water and sewerage capacity.

F. The Planning Commission may grant APFO approval for time frames beyond those specified in section(D) if pre-existing conditions of rezoning or other required phasing limitations, such as those provided in sections 1-20-9 and 1-20-61(I), warrant such action.

G. If the preliminary plat or site plan approval expires or is voided prior to the recording of all lots, the unrecorded lots or in the case of site plans, unconstructed portion of the development, shall meet the requirements of this chapter prior to again obtaining preliminary subdivision or site plan approval.

H. A developer seeking preliminary subdivision or site plan approval of a development must comply with the County Subdivision Regulations and Zoning Ordinance.

I. Prior to recordation of final plats all Health Department and Department of Public Works requirements must be met.

J. For all developments which were exempt from this ordinance or for which APFO approval was granted, the subdivision lots must be recorded or where no subdivision is required, substantial construction pursuant to the site plan must be commenced in order to remain exempt from future APFO testing.

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1-20-9 Approval of Mixed Use Developments (MXDs) and Planned Unit Developments (PUDs)

A. All MXD plans, PUD Phase II plans, or amended Phase II plans resulting in an increase in density or intensity of use, shall meet the requirements of this ordinance prior to MXD plan or PUD Phase II plan approval or reapproval. A phasing plan indicating the density and rate of development in accordance with the availability of adequate public facilities shall also be approved as part of the MXD plan or PUD Phase II approval or re-approval. Phasing of development to address school adequacy must also comply with section 1-20-61(H).

B. All PUD's with existing Phase II approval as of December 1, 1991 shall meet the requirements of this ordinance prior to preliminary plat (Phase III) or site plan approval or reapproval. A phasing plan indicating the density and rate of development in accordance with the availability of adequate public facilities shall also be approved as part of the preliminary plat or site plan approval. Phasing of development to address school adequacy must also comply with section 1-20-61(H).

C. MXD or PUD Phase II, preliminary plans or site plans that do not meet the requirements for adequate public facilities in Articles III-VI herein, shall not be approved except as a conditional approval as allowed for in Section 1-20-10(B). Final plat approval may be granted and lots

recorded as the conditions set forth in the conditional approval are met.

D. Prior to the signing of the Phase II or preliminary plat, an Adequate Public Facilities Letter of Understanding shall be forwarded by the Planning Commission to the developer.

E. Approval of Adequate Public Facilities for PUDs shall be valid for the length of time of the original Phase II plan approval. The preliminary plan (Phase III) APFO approval shall be based on the number of units approved on the Phase II plan. MXD approval time shall be based upon the number of units and size (acreage) of the preliminary plan.

F. If the Phase II or preliminary plat (Phase III) approval expires, is voided or is amended such that the density or intensity of use is increased, then the unrecorded or undeveloped portion of the development shall meet the requirements of this ordinance prior to again obtaining Phase II or preliminary plat (Phase III) approval.

G. All MXD or PUD developments seeking Phase II, preliminary subdivision (Phase III) or site plan approval must comply with the County Subdivision Regulations and Zoning Ordinance.

H. Prior to recordation of final plats all Health Department and Department of Public Works requirements must be met.

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1-20-10 Conditional Approval

A. Conditional site plan or preliminary plat approval may be granted to a development that does not have adequate public facilities at the time of Planning Commission consideration provided that the developer offers to provide the necessary improvements to make the facility or facilities adequate as allowed for in Section 1-20-11, Developer Option. If developer improvements will not result in adequate capacity, conditional approval shall not be granted, and preliminary plat and site plan approval shall be denied.

B. Conditional PUD Phase II, preliminary plat or site plan approval may be granted to a PUD or MXD that does not have adequate public facilities at the time of Planning Commission consideration provided that a phasing plan detailing the rate and density of construction of the PUD or MXD in accordance with the availability of facilities is approved by the Planning Commission. Phasing of development to address school adequacy must also comply with section 1-20-61(H).

C. If conditions of a Phase II or preliminary approval have not been met, then approval shall not be granted to a final subdivision plat.

D. If conditional site plan approval has been granted, a building permit shall not be issued until the conditions have been satisfied, or the facilities have been determined to be adequate.

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1-20-11 Developer Option

The Developer shall have the option to provide the public facility improvements necessary to support the proposed development and to ensure adequacy of public facilities set forth in this ordinance or wait for public facilities to become adequate by improvements made pursuant to the CIP or other sources. A county, state or municipal agency may participate in the improvements.

1-20-12 Escrow Funds for Road Improvements (Adopted May 16, 1995)

A. In lieu of either providing the public facility improvements or waiting for public facilities to become adequate as provided in Sec. 1-20-11, the developer shall have the option of contributing money to an escrow account as set forth in this section provided the Planning Commission determines that the developer has fulfilled each of the requirements of this section.

B. The amount of money the developer shall be required to place in the escrow account shall be the proportionate share of costs of making the improvements required to satisfy the roads adequacy requirements in Sections 1-20-30 and 1-20-31. This proportionate share shall be based on an equitable allocation or portion of traffic trips that the proposed development is estimated to cause, when measured against the additional usable capacity that the proposed improvement is creating. The amount of such escrow shall be roughly proportionate to the anticipated traffic impact of the proposed development. In arriving at the equitable allocation or portion, the Planning Commission shall consider the traffic impact of the development as it relates to the entire road improvement being proposed. The applicant shall provide adequate information to make this equitable allocation. Planning Department and Department of Public Works staffs shall review this information provided by the applicant and recommend an equitable allocation. The Planning Commission shall determine the equitable allocation. The proposed road improvement may upon the request of the applicant be designed to create more new capacity than only that which is required for the development to satisfy the adequacy requirements in Sections 1-20-30 and 1-20-31, if the Planning Commission determines that the road link or intersection to be improved will require greater improvement to handle additional future development consistent with the county Comprehensive Plan. Once a road improvement is approved for a particular road link or intersection and an escrow account is established, subsequent applicants shall either contribute to the escrow fund an equitable allocation of the approved road improvement or build the approved road improvement.

C. The Planning Commission shall approve this escrow request if the Planning Commission determines that it would not be equitable to impose the entire cost of the required improvements on the developer because of the limited impact that the proposed development would have on the roads in question and that the development would not have a substantial adverse impact on traffic. Limited impact shall be defined as 50% or less of the traffic impact capable of being handled by the proposed road improvement. However, for limited impact projects of between 25% and 50% impact, the Planning Commission may disapprove the escrow account request if it determines that funds (40% or more) exist in an escrow account which, along with the applicant's proportionate share, are sufficient to substantially complete the necessary improvements or if the escrow approval will result in a piecemeal effort by the applicant to avoid making the necessary road improvements. Additionally, the Planning Commission may approve an escrow request if improvements necessary to establish adequacy are practically infeasible due to circumstances beyond the control of the applicant but which are feasible if constructed as a public project. No escrow request shall be approved for a road improvement that the Planning Commission

determines is infeasible to construct. In determining whether a development has a limited impact, the Planning Commission shall consider the general requirement in Section 1-20-6(b) that the developer not avoid the intent of this chapter by submitting piecemeal applications and may deny an escrow request for a piecemeal application.

D. Once an escrow is established, any developer having an impact on the improvement project shall be required to pay its proportionate share into the escrow account or make the road improvements as provided in Section 1-20-11 to gain Adequate Public Facilities approval to allow development to proceed.

E. The escrow account shall be maintained by the Director of Finance in an interest bearing account and shall be used solely for road improvements benefitting the property as determined by the Board of County Commissioners. Any funds in the escrow account (together with interest earned thereon) which are not expended or encumbered by the end of the tenth fiscal year following collection shall, upon application by the escrow account payer, be refunded to the payer. The Board of County Commissioners may extend this ten year period for a specified term based on a reasonable expectation that road improvements benefitting the property will be constructed during the extended term. In addition, if the money paid into an escrow account for road improvements exceeds actual costs, the applicant may seek a refund. Any application for refund must be filed with the Director of Finance within one year of the time at which such funds become available for refund.

F. If the Planning Commission approves an escrow fund for road improvements under this section and the development meets all other requirements, then the Planning Commission shall grant to the development conditional site plan or preliminary plat approval.

G. If a developer constructs road improvements for which an escrow account has previously been established pursuant to this section, the funds in the escrow account shall be made available to the developer to defray the construction costs of the improvements.

H. A county, state or municipal government agency may participate in the improvements. (Ord. No. 95-06-130, 5-16-95)

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ARTICLE II. ADMINISTRATION

Sec. 1-20-20 Administrative Agency Designated

The Adequate Public Facilities Ordinance shall be administered by the Planning and Zoning Department. All applications, maps, and documents relative to subdivision, PUD Phase II or site plan approval and subject to the provisions of this chapter shall be submitted to the Planning and Zoning

Department which will review all information and present the relevant information and its recommendations to the Planning Commission. Final determination of adequacy shall be the responsibility of the Planning Commission.

Sec. 1-20-21 Referral to Other Agencies/Public Comment

A. The Planning and Zoning Department may refer the subdivision, site and development plans to any County agency or any other agency it deems appropriate for its review, comments and/or recommendations pertaining to the adequacy of public facilities; and these recommendations shall be considered by the Planning Commission in making its decision. Where a development impacts municipal facilities, that municipality shall be referred a copy of the PUD Phase II, subdivision, site or development plan for review and comment.

B. The Planning Commission shall accept public comments and consider these comments as part of the record and its decision making process.

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1-20-22 Appeals

A. Any person aggrieved by any action of the Planning Commission pursuant to this Chapter, may appeal to the Circuit Court pursuant to Title 7, Chapter 200 of the Maryland Rules. The decision of the Circuit Court may be appealed to the Court of Special Appeals, or, upon certiorari, to the Court of Appeals of Maryland in accordance with Maryland Rules.

B. The Board of County Commissioners may file a responsive pleading and be a party to or take an appeal to the Circuit Court of the county, to the Court of Special Appeals of Maryland, or, upon certiorari, to the Court of Appeals of Maryland of any decision made under this ordinance.

1-20-23 Amendments

A. The Board of County Commissioners may amend the provisions of this chapter if the Board determines that any such amendment will be in the best interest of the citizens of the County and consistent with the general intent of this chapter. Proposals for an amendment may be initiated by any person, group, agency or organization, by resolution by the Board of County Commissioners, by motion of the Planning Commission or by any other agency of the County.

B. Proposed amendments shall be filed with the Planning and Zoning office, and referred to all municipalities within the County having Adequate Public Facility Ordinances for review and comment. The comments received from the municipalities shall be referred to the Planning Commission and County Commissioners for their consideration. The Planning Commission shall hold a public hearing on the proposed amendments and shall submit its recommendations or proposals to the Board of County Commissioners within 32 days of the public hearing. The Board of County Commissioners shall hold a public hearing on the proposed amendment and shall

render a decision within 60 days of the public hearing.

C. Notice of the time and place of the public hearing, together with a summary of the proposed amendment shall be published in at least one newspaper of general circulation in the County once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.

1-20-24 Fees

A. The Board of County Commissioners shall have the authority to establish by resolution fees for APF related services specified in this Chapter, but in no event shall the fee charged be more than the costs incurred by the County.

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ARTICLE III. ROADS

Sec. 1-20-30 Thresholds

A. Except where an APFO escrow account (Section 1-20-12(D)) has already been established, this article does not apply to developments which generate or are expected to generate less than one hundred (100) total vehicle trips during the highest daily peak hour of the adjacent street traffic, as defined by the most recent edition of the Institute of Transportation Engineer's, (ITE) "Trip Generation Manual," for the use category determined by the Zoning Administrator. Said trips are driveway volumes in and out and may be a combination of "new" trips and "intercept" trips.

B. In determining whether or not a total of one hundred (100) peak hour vehicle trips will be generated during the peak hour of the adjacent street traffic , all land at one location within the County under common ownership or control by a developer shall be included. The phrase "at one location" means all adjacent land of the developer, the property lines of which are contiguous or nearly contiguous at any point. A developer shall not avoid the intent of this section by submitting piecemeal applications for preliminary plats or site plans. A developer may seek approval of only a portion of a subdivision or development which generates less trips than the criteria, provided that upon seeking approval of the remaining subdivision or development which generates trips greater than the criteria, including that approved previously under this subsection, the development will comply with the requirements of this section.

C. For those residential applications falling above the overall APFO de minimis threshold of five (5) or fewer lots, yet having fewer than the "roads" thresholds of, one hundred (100) total vehicle trips during the highest daily peak hour of the adjacent street, County staff will maintain a cumulative

data base of these developments for the purpose of monitoring these respective impacts on roads and bridges.

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1-20-31 Determination of Adequacy

A. For all development applications meeting the threshold criteria outlined in Section 1-20-30, a Traffic Impact Study (TIS) shall be prepared by the developer and submitted to the Department of Planning and Zoning which will review it along with the Department of Public Works. The portion of existing road(s) required to be adequate shall be determined by the Department of Planning and Zoning in consultation with the Department of Public Works based on a pre-study conference or documented correspondence between the county and the developer . The Department of Public Works shall use as its guidelines the following two paragraphs, but may, in consultation with the developer, adopt a reasonable study area based on sound traffic engineering knowledge of the site and the situation. Any disputes regarding study area or scope shall be resolved by the Planning Commission.

1. The portion of the existing road(s) required to be adequate for a proposed development located in an area designated as Agricultural/Rural or Conservation in the County Comprehensive Plan, shall be from the site's planned entrance(s) to the nearest intersection of an arterial road or freeway/expressway with a collector road, in the direction(s) of traffic flow anticipated by the Department of Public Works unless the pre-study conference determines otherwise.

2. The portion of the existing road(s) required to be adequate for a proposed development located in an area having a designation other than Agricultural/Rural or Conservation on the County Comprehensive Plan, shall be from the site's planned entrance(s) to the nearest intersection of an arterial road or freeway/expressway with an arterial road, in the direction (s) of traffic flow anticipated by the Department of Public Works unless the pre-study conference determines otherwise.

3. All primary and interstate highways shall be exempt from the requirements herein.

B. The TIS shall be prepared for the design hours, which are defined as the peak hours which will be most affected by the proposed development, i.e., any combination of am, mid-day, pm, evening, weekend, or school hours as determined via the pre-study agreement. The TIS will include, but not be limited to:

1. A written description of the site boundaries and characteristics which the study has been based upon, including development size, land usage, proposed parking, etc., a graphical depiction of the site location, and, where helpful, a graphical summarization of any unique site-plan characteristics;

2. Existing conditions including existing traffic volumes recorded when school is in session (unless in the opinion of the Department of Public Works significant circumstances preclude this), existing lane usage, existing levels of service (LOS), and a thorough study area descriptive narrative of the physical roadway conditions, including all controls,

constraints, and deficiencies;

3. Vehicle trip generation and design hour volumes generated by the proposed development and traffic expected to be generated by approved development in the study areas as determined by the zoning administrator. For minor commercial/industrial subdivision projects the applicant shall have the option to (a) specify particular uses for traffic analysis; or (b) use the highest traffic generating use; or (c) limit the property usage to a traffic level below the APFO threshold and such restrictions shall be noted on the plat. The latest edition of the ITE "Trip Generation Manual" is to be used unless specifically applicable rates (County comparables, individual generator studies, etc.) are identified and accepted by the Department of Public Works. Approved background development traffic impacts will be pro-rated to coincide with the length of time for which APFO approval is requested for the proposed project in proportion to the approved background projects.

4. Trip distribution and traffic assignment based upon sound planning judgement of the future conditions;

5. Growth in through-traffic as determined from historical data or other planning factors affecting future traffic volumes; growth rates will be applied only to the 'through' trips at the intersection;

6. LOS capacity analysis of all required intersections and links (where necessary) for existing conditions, and all intermediate and ultimate future conditions with and without the proposed development;

7. In cases where traffic safety is identified as an issue at the pre-study conference, reported traffic accidents for the last five years;

8. Roadway and bridge improvements programmed or currently funded for construction in the most recent Capital Budget or second year of CIP;

9. Improvements funded in the current or second budget year of the Maryland Department of Transportation (MDOT) Consolidated Transportation Program; and

10. Any other information that may reasonably be required by the Department of Planning and Zoning or the Department of Public Works to effectively evaluate the road network or application.

C. All traffic studies shall use the Critical Lane Method (CLM) of analysis at all intersections and when required the Highway Capacity Manual (HCM) for roadway links capacity at peak hour traffic flow. Additionally, at signalized intersections, the HCM method must also be employed. The developer is responsible to confirm and use the existing signal timings when analyzing existing conditions. A technical description of the CLM technique is given in the January 1971 Issue of Traffic Engineering, and County staff will have available copies. The following specific treatments will be applied to the CLM analysis:

1. All non-signalized intersections will be modeled as simple two-phased Operations: i.e., run n-s together, and then e-w together.

2. The following lane use factors (L.U.F.) will be used:

# OF APPROACH LANES	L.U.F.
1	1.00
2	0.55 (THRU LANES)
	0.60 (TURN LANES)
3	0.40 (THRU LANES)
	0.45 (TURN LANES)
4 OR MORE	0.30

3. "Free right turns" (which are not analyzed in the CLM method) are defined as movements typically isolated by channelization and controlled by a yield sign. Only if the right-turning vehicles are isolated from the queue of through vehicles on the approach leg, and there is sufficient exclusive acceleration opportunity on the turn leg, can they be excluded from the analysis.

4. Right-turn-on-red (RTOR) "credits" generally will not be allowed unless it can be demonstrated/documented that RTOR's are occurring at the intersection; even then, only low-volume intersections will be considered as candidate intersections.

5. Where no separate left turn lanes occur at high volume intersections, the left-most approach lane should be assumed to handle all the lefts, with the other lanes carrying the through traffic and rights, etc. actual observations/documentation of other conditions will be reviewed on a case-by-case basis.

6. On one-lane approaches where a bypass of left-turning vehicles exists, a separate left turn lane can be assumed. Otherwise, the volumes should be combined.

7. The following CLM Level of Service (LOS) criteria shall be used:

CRITICAL LANE VOLUME	LOS GRADES
977	A
978 - 1022	A/B
1023 - 1127	B
1128 - 1172	B/C
1173 - 1277	C
1276 - 1322	C/D
1323 - 1427	D
1428 - 1472	D/E
1473 - 1577	E
1578 - 1622	E/F
1623	F

8. Passby/intercept trips may be assumed when the tested street traffic volume is greater than 10,000 ADT. Otherwise, all trips must be modeled as "new" trips. Unless otherwise supported by first-hand data the maximum allowable credits for primary "passby/intercept"

trips for a particular land use shall be as follows:

Sit-down restaurant	30%
Fast food restaurant	60%
Day-care (on collector or arterial street)	20%
Day-care (in a PUD)	(*)
Service stations	60%
Convenience stores	60%
Retail less than 40,000 square feet (s.f.)	50%
Retail 40,000 s.f. or greater but less than 100,000 s.f.	35%
Retail 100,000 s.f. or greater	25%

Secondary and diverted trips from parallel networks shall not be considered.

(*) 80% of trips assumed to originate within the PUD; 20% assigned to outside the PUD.

9. Where a project is testing a state highway and the specific factors of subsection (C) are different than those used by the State Highway Administration (SHA) then the SHA factors shall be used.

D. The following level of service criteria shall be met to determine road adequacy:

1. Roads and intersections located in areas designated Agricultural/ Rural or Conservation in the County Comprehensive Plan shall be considered adequate if a LOS "C" or better is maintained using the Critical Lane Method (CLM). Roads and intersections located in areas having designations other than Agricultural/Rural or Conservation on the County Comprehensive Plan shall be considered adequate if a LOS "D" or better is maintained using the CLM. Further, for signalized intersections only, which are also required to be analyzed using the Highway Capacity Manual method (HCM), the overall intersection LOS must be "D" or better to be considered adequate. Required mitigations, if any, will be reviewed on a case-by-case basis.

2. Roadway links when required by staff based on sound traffic engineering principles shall be determined to be acceptable if actual capacity does not exceed 75% of rated capacity in areas designated Agricultural/Rural or Conservation, and 90% in all other areas. Average daily traffic (ADT) counts will be required by staff at both link-ends when mid-block intersections are present.

E. If a future condition is determined to be inadequate to accommodate the traffic flow projected by the TIS, the preliminary plat, PUD Phase II or site plan approval shall be denied except as provided for in Section 1-20-10, Conditional Approval.

F. Road improvements necessary to meet the standards herein shall be determined by the Planning Commission after reviewing the entire record including TIS, road volume capacity, structural adequacy of the pavement, alignment, sight distance, structural conditions, design, lane width and Maryland State Highway Administration comments; and improvements may be provided by the developer as prescribed in Section 1-20-11.

G. Upon completion of construction of APFO road improvements for a development, the APFO road approval shall be vested for the capacity created by the improvements and shall not be subject to further APFO roadway testing unless the density or intensity of the development increases.

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Appendix 3

ORDINANCE NO. _____

AN ORDINANCE primarily relating to transportation Concurrency; repealing CCC 12.40 and adopting CCC 12.41; modifying the Clark County Comprehensive Growth Management Plan and related documents; and providing for effective dates and other miscellaneous provisions.

WHEREAS, the Growth Management Act (Chapter 36.70A RCW) requires that transportation facilities be adequate under locally-adopted level-of-service standards to accommodate traffic generated from new development; and

WHEREAS, The Western Washington Growth Management Hearings Board has concluded that the transportation element of the County's Comprehensive Plan is inconsistent with it's 20 year land use plan due to inadequate anticipated funding; and

WHEREAS, at the direction of the Board of County Commissioners, the Department of Public Works and the Department of Community Development have reviewed past practices related to transportation Concurrency; and

WHEREAS, the amendments and additional code provisions approved herein have been reviewed by the Clark County Planning Commission, following a duly-advertised public hearing, and a report thereon from the Planning Commission has been transmitted to the Board; and

WHEREAS, the Board of County Commissioners has held it's own duly-advertised public hearing on these proposed amendments and code provisions; and

WHEREAS, the Board of County Commissioners concludes that adoption of this Ordinance and the associated modifications to the Comprehensive Growth Management Plan and transportation Capital Facilities Plan is in the public interest: now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Amendatory. Chapter 12.40 CCC (Transportation Concurrency Management System) is hereby repealed and Chapter 12.41 is adopted as set forth in Exhibit A.

Section 2. Amendatory. Chapter 3 and Appendix A of the Clark County Comprehensive Growth Management Plan (Transportation Element) are hereby revised as set forth in Exhibit B.

Section 3. Amendatory. A revised Transportation Capital Facilities Plan (CFP) is hereby adopted on an interim basis as set forth in the Exhibit C. The revised CFP shall be reconsidered for final adoption in conjunction with the Traffic Impact Fee Program update scheduled for consideration by the Board of County Commissioners in October 2000.

Section 4. Effective Date. The amendments and code provisions shall go into effect at midnight on the date of adoption and shall apply to all land use applications subject to the provisions of CCC 12.41 thereafter filed.

Section 5. Pending Land Use Applications. CCC 12.41 shall also apply to any applications pending for approval on the date of adoption if the applicant voluntarily agrees in writing to subject such application to all the provisions of this Ordinance and waive vested rights accordingly. If an applicant does agree to be subject to the provisions of this new Ordinance, the processing timeline set forth in CCC18.600 shall be restarted as of the date of receipt of such written notice.

Section 6. SEPA Appeal. The Board of County Commissioners hereby affirms the DNS threshold determination made by the Responsible Official.

Section 7. Instructions to Clerk. The Clerk to the Board of County Commissioners shall:

(a) Transmit a copy of this Ordinance to the Washington State Department of Community Trade and Economic Development within ten days of it's adoption, pursuant to RCW 36.70A.106.
(b) Record a copy of this Ordinance with the Clark County Auditor.
(c) Cause notice of adoption of this Ordinance to be published forthwith pursuant to RCW 37.70A.290.
(d) Transmit a copy of this Ordinance to the Western Washington Growth Management Hearings Board.

ADOPTED this _____ day of _____, 2000.

Attest

_____
Clerk to the Board

Approved as to Form Only
ARTHUR D. CURTIS
Prosecuting Attorney

By_____
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

By_____
Craig A. Pridemore, Chair

By_____
Betty Sue Morris, Commissioner

By_____
Judie Stanton, Commissioner

Chapter 12.41

TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM

Sections:

12.41.010	Purpose.
12.41.020	Applicability.
12.41.030	Definitions.
12.41.040	Review authority.
12.41.050	Transportation impact study.
12.41.060	Requirements for Concurrency approval.
12.41.070	Determination of operating level.
12.41.080	Level of service standards.
12.41.090	Exemptions from Concurrency requirements.
12.41.100	Concurrency survey.
12.41.110	Reservation of capacity.
12.41.120	Capacity reservation for development agreements.
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12.41.140	Establishment of administrative manual.
12.41.150	Mitigated level of service for master-planned developments.
12.41.160	Criteria for family-wage job definition.
12.41.170	Application of SEPA to the Director's determinations.

12.41.010 Purpose.

This chapter implements the requirements in RCW 36.70A.070 that counties (1) establish level of service standards for arterial and transit routes, and (2) ensure that such standards are met or reasonably funded before new development is approved.

12.41.020 Applicability.

This chapter applies to applications for subdivision, short subdivision, site plan and conditional use permit approvals which have a potential vehicular impact on the level of service of a segment or intersection of (1) any County roadway with a comprehensive plan functional classification of arterial or collector or (2) any state Highway of Regional Significance.

12.41.030 Definitions.

Unless a contrary definition is provided below, the definitions in Chapter 12.05, Clark County Code shall apply:

(1) "Administrative Manual" means the written documentation adopted by the Director pursuant to this chapter.

(2) "Affected transportation corridor" means any transportation corridor which is reasonably projected to be affected by the transportation related impacts of a proposed development.

(3) "Capacity" means a measurement expressed as the maximum number of peak hour vehicle trips that an individual development may generate as defined in CCC 12.41.140.

(4) " Development" or "Proposed Development" means a proposed subdivision, short subdivision, site plan approval or conditional use permit.

(5) "Development application" means any application for approval of a development to which the provisions of this chapter apply.

(6) "Director" means the Director of the Clark County Department of Public Works or the Director's authorized designee

(7) "Intersection of regional significance" means an intersection at which at least three (3) approaches have a comprehensive plan functional classification of collector or higher.

(8) "Level of Service Standard" or " LOS Standard" means a quantitative standard for the performance of a transportation corridor or intersection of regional significance.

(9) "Mitigation" means the avoidance or minimization of a proposed development' s impact upon an affected transportation corridor or intersection of regional significance through such means as limiting or altering the proposed uses, intensities, or design of the development, or by compensating for the impact by replacing, enhancing, or providing transportation system improvements which provide additional capacity.

(10) "Operating Level" means the performance of a transportation corridor or intersection of regional significance, pursuant to CCC 12.41.70.

(11) "Peak Hour" means the consecutive sixty (60) minute period during a twenty-four (24) hour period which experiences the highest sum of traffic volumes, as determined by the Director.

(12) "Reasonably funded" means a mitigation measure or other transportation system improvement that is designated as reasonably funded in the most recent recently adopted version of the County's Transportation Improvement Program,-or is designated by the Board of County Commissioners as being reasonably funded.

(13) "Regional Industry" means an industrial or commercial land use which provides significant community-wide or regional economic benefit through the creation of new economic growth and employment opportunity.

(14) "Regional Public Facility" means a land use which is designed to serve the needs of the community or region affected by the impact(s) of development. Regional Public Facilities include: airports, colleges, hospitals, and regional parks or community centers.

(15) "Reserved capacity" means the capacity of a transportation corridor or intersection of regional significance used to accommodate approved but unbuilt developments

(16) "Review authority" means the Planning Director, the County's Hearing Examiner, the Planning Commission, or the Board of County Commissioners, whomever is authorized to approve a development application.

(17) "State Highway of Regional Significance" means a state of Washington owned and maintained roadway or intersection not designated by the state as a Highway of Statewide Significance.

(18) "Transportation Corridor" or " Corridor" means an identified system of road(s) and street(s), which are consistently utilized by vehicular traffic for travel along an identified circulation pattern.

(19) "Transportation Improvement Program" means the current six (6) year financing plan for roads adopted by the County pursuant to RCW 36.81.121, or similar plan adopted by the State Department of Transportation or cities for their highway and street facilities.

12.41.040 Review authority.

The review authority shall approve, approve with conditions, or deny proposed developments in accordance with the provisions of this chapter.

12.41.050 Transportation impact study.

A. A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of regional significance, unless the development application is exempt from the provisions of this chapter as provided for in CCC 12.41.050 (G), or the requirement for a study has been waived by the Director.

B. A transportation impact study shall include, at a minimum, an analysis of the following elements:
   (a) trip generation, modal split, distribution, and assignment for the proposed development; and
   (b) an analysis of the projected impact of the proposed development upon the current operating level of any affected transportation corridor or intersection of regional significance.

C. A transportation impact study shall be prepared by and/or under the supervision of a registered professional engineer in the state of Washington.

D. A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the fully complete date of the development application as determined under CCC 18.600.050. The traffic counts shall reflect representative traffic conditions within transportation corridors and at intersections of regional significance.

E. A transportation impact study shall not be required to analyze impacts on affected transportation corridors or intersections of regional significance located more than the following distances from the proposed development (as measured by straight-line distance).
   50 or less new peak hour trips at development site – one (1) mile
   51 to 250 new peak hour trips at development site – two (2) miles
   251 or more new peak hour trips at development site – three (3) miles

F. The Director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Director determines

that additional information or analysis is required to implement the standards and requirements contained in this chapter.

G. No traffic impact study shall be required, pursuant to the provisions of this chapter, where the proposed development will generate less than ten (10) peak hour vehicle trips. However, these proposed developments are still subject to Concurrency reviews and require Concurrency approvals.

H. Upon the written request of an applicant, the Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Director determines that the potential transportation impacts upon the affected transportation corridor(s) and/or intersection(s) of regional significance have been adequately analyzed in prior research or reports and/or are not projected to cause a reduction in the operating level of affected transportation corridors and/or intersections.

12.41.060 Requirements for Concurrency Approval

A. Each development application subject to the provisions of this chapter shall require a Concurrency review. No development application may be approved by the review authority until such time as a Concurrency approval or conditional Concurrency approval has been issued by the Director.

B. The Concurrency determination for multiple development applications impacting the same transportation corridors or intersections shall be tested chronologically in accordance with the respective applications' fully complete dates as determined under CCC 18.600.050 (but not the contingent vesting provisions of CCC 18.600.055). For the purpose of this subsection only, the fully complete date for an application delayed in processing for sixty (60) days or longer due to actions or inaction of the applicant (as determined by the Planning Director) shall be adjusted according to the length of such delay.

C. The Director shall issue a Concurrency approval where the Director determines that the proposed development' s impacts upon all affected transportation corridors and intersections of regional significance do not result in the operating levels for the transportation corridors, signalized intersections, and unsignalized intersections falling below the adopted level of service standards established in 12.41.080.

D. A Concurrency review and approval shall not be required for those affected transportation corridors and intersections of regional significance located more than the following distances from the proposed development (as measured by straight-line distance).

50 or less new peak hour trips at development site – one (1) mile
51 to 250 new peak hour trips at development site – two (2) miles
251 or more new peak hour trips at development site – three (3) miles

E. The Director may approve and condition mitigation (if volunteered by the applicant) where the Director determines that the proposed development's projected impacts upon an affected transportation corridor or intersection of regional significance can be offset by the mitigation such that the operating levels will not further deteriorate because of the additional traffic generated by the proposed development. The Review Authority may approve a development when the Director determines that achieving the level of service standards would cause significant negative environmental impacts as identified in a SEPA review.

F. Appeals to the determination of the Director with respect to Concurrency shall be made in accordance with CCC 18.600.100. Applications reviewed as Type I and Type II procedures shall be appealed as Type II procedures. For applications reviewed as Type III procedures, the Director's determination shall be treated as a recommendation to the Hearings Examiner.

12.41.070 Determination of Operating Levels

The operating level for a transportation corridor, signalized intersection, and/or unsignalized intersection shall be defined as the traffic characteristics of those roadways and intersections with consideration of the following factors:

(1) the existing traffic levels on the roadways and intersections.
(2) any mitigation measures proposed by the applicant which will be completed and/or implemented prior to occupancy of the proposed development.
(3) any mitigation measures conditioned to other approved developments which will be completed and/or implemented prior to occupancy of the proposed development.
(4) the traffic impacts of the proposed development on the affected transportation corridors and intersections.
(5) the traffic impacts of other approved developments not yet fully built-out on the affected transportation corridors and intersections.
(6) any improvements being implemented as part of the County's Transportation Improvement Program that are reasonably funded <u>and</u> scheduled for completion of construction within three (3) years of the final date for a decision upon the development application.
(7) any capacity which has been assigned or reserved to other and/or future developments pursuant to the terms of a development agreement or capacity reservation authorized and executed under the provisions of this chapter.
(8) Any background traffic growth or traffic from developments exempt from the requirements of this chapter that the Director determines could have an impact on the operating level of the transportation corridors or intersections.
(9) Any other factors that the Director has determined could have an impact on the operating level of the transportation corridors or intersections.

12.41.080 Level of service standards

A. Level of service or LOS standards shall be as follows:

(1) The minimum travel speeds for each designated transportation corridor are shown in - Table I. The designated transportation corridors are shown in Figure I.

(2) Within the designated transportation corridors, individual movements at each signalized intersection of regional significance shall not exceed an average of two cycle lengths or 240 seconds of delay (whichever is less). All signalized intersections located inside of incorporated cities shall be excluded from this requirement .

(3) Outside of designated transportation corridors, all signalized intersections of regional significance shall achieve LOS D standards or better, except the intersections of SR-

500/Falk Road and SR-500/NE 54th Avenue which shall achieve LOS E standards or better.

(4) All unsignalized intersections of regional significance in the unincorporated County shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. The signalization of unsignalized intersections shall be at the discretion of the Director and shall not be obligated upon the County to meet this LOS standard.

(5) The LOS standards shown in Table I shall be reduced by three (3) mph for those proposed developments that the Director determines comply with the mitigated LOS standards for master-planned developments pursuant to CCC 12.41.150.

(6) The LOS standards identified in this subsection shall be applied during peak hour traffic conditions.

B. The LOS standards established in this subsection shall be applied and interpreted as stated in the Administrative Manual prepared pursuant to CCC 12.41.140.

C. The LOS standards and the operating levels for each transportation corridor and intersection of regional significance shall be evaluated and reviewed on an annual basis by the Board of County Commissioners.

D. Notwithstanding the provisions for the annual review of LOS standards pursuant to this section, the Board of County Commissioners reserves the authority to enact and renew emergency moratoria and interim zoning or other official controls upon development approvals affecting designated transportation corridors and intersections of regional significance pursuant to RCW 36.70A.390, and may specify qualifications or conditions for the application of such moratoria and interim zoning or other official controls.

12.41.090 Exemptions from Concurrency Requirements

The following types of development applications shall not be subject to a Concurrency denial.

(a) K-12 public schools incorporating commitments to commute trip reduction consistent with CCC 5.50
(b) Fire/police stations
(c) Public transit facilities

12.41.100 Concurrency survey.

A. For purposes of monitoring the cumulative transportation-related impacts of developments which are exempt from the requirements of CCC 12.41, such development applications shall be required to submit a concurrency survey for review by the Director.

B. Submittals of concurrency surveys shall be made upon written forms provided by the Director and shall be filed with the Director. The concurrency survey shall indicate, at a minimum:

(1) The type and location of the development;
(2) An identification of all affected transportation corridors and intersections of regional significance.
(3) The specific reason the development is exempt from the provisions of this chapter;
(4) An estimate of the projected total peak hour trips that will be generated by the development;
(5) An estimate of the date of occupancy of the development.

C. The Director shall review and approve the concurrency survey, and may require the submission of additional information prior to approving the survey.

D. No development application may be approved by the review authority until such time as the applicant has complied with the requirements of this section, and the Director has approved the concurrency survey.

12.41.110 Reservation of capacity.

A. Upon issuance of a Concurrency approval by the Director, the transportation capacity allocated by the Director to the development application shall become encumbered capacity. This encumbered capacity shall not be considered for use by another development application until such time as the Concurrency approval expires pursuant to CCC 12.41.110 (D).

B. Upon issuance of a development approval by the Review Authority, this encumbered capacity shall become reserved capacity and shall not be considered for use by another development application.

C. Reserved capacity shall not be transferable to another development upon another site. Reserved capacity from a previous development approval shall not be transferable to a different land use development upon the same site.

D. Concurrency approvals shall be valid for the same period of time as the development approval, and shall expire upon the date the development approval expires. Notwithstanding the provisions of this subsection, a Concurrency approval shall expire upon the date the development application for which the Concurrency approval was required is:

(a) withdrawn by the applicant; or
(b) denied approval by the Review Authority, provided that for purposes of this section, an application shall not be deemed to be denied by the Review Authority until a final decision has been issued pursuant to any administrative appeal under CCC 18.600.100; or until a final decision has been rendered by a Superior Court with competent jurisdiction, where such judicial appeal has been timely filed.

12.41.120 Capacity Reservation for Development Agreements

The Board of County Commissioners may reserve capacity, prior to approval of a development application by the review authority, through the approval of a development agreement authorized and executed under the provisions of RCW 36.70B.170 . This reserved

capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for transportation corridors and intersections.

12.41.130 Capacity Reservation for Regional Industry/Public Facility/Preferred Land Use

A. Where the Board of County Commissioners finds that there is a significant public interest or need to provide for the approval of a regional industry, regional public facility, or preferred land use, that would affect the transportation corridors and/or intersections of regional significance, the Board of County Commissioners may provide for the reservation of capacity for such facilities and land uses. The Board of County Commissioners may direct, by ordinance, that the transportation capacity necessary to accommodate such regional industry, regional public facility, or land use be reserved for the future approval of such regional facilities and land uses.

B. Such reservation shall be for an identified period of time and shall be subject to annual review by the Board of County Commissioners. This reserved capacity shall be accounted for in establishing and reviewing LOS standards and in the determination of operating levels for the transportation corridors and intersections.

12.41.140 Establishment of Administrative Manual.

A. The Director shall establish and adopt the methodology and criteria to be used to identify transportation corridors and evaluate the operating level for each transportation corridor and intersection of regional significance.

B. The Director shall establish and adopt the methodology and criteria to be used to identify and evaluate the transportation impacts of developments which are required to be addressed in the transportation impact studies required by CCC 12.41.050.

C. The Director shall publish and regularly update an administrative manual setting forth the methodology and criteria adopted for the purposes described in subsections (A) and (B) above.

D. A copy of the most recent version of the administrative manual shall be made available for public inspection and review.

E. The provisions of the administrative manual shall be consistent with and implement the provisions of this chapter. To the extent the provisions of the manual are inconsistent with the provisions of this chapter, the provisions of this chapter shall control.

12.41.150 Mitigated level of service for master-planned developments.

Mitigated level of service standards shall be approved for master-planned industrial, university or office uses, which the review authority finds:

(1) Provides for family wage jobs as defined in CCC 12.41.160;
(2) Are approved under CCC 18.414, or, if previously approved, are found to

substantially comply with CCC 18.414;

(3) Are served by a transportation corridor which incorporates measures to mitigate traffic congestion, such as high occupancy vehicle lanes, fifteen (15) minute or better peak hour transit service, freeway ramp metering, or traffic signal coordination; and

(4) Incorporates a commitment to commute trip reduction for all industrial, university and office on-site employers, consistent with CCC 5.50.

12.41.160 Criteria for Family-Wage Job Definition

A. "Threshold family wage" is the income and benefit package needed to support a three (3) person, single-earner family that precludes them from eligibility for supplemental public assistance. The threshold family wage includes a cash wage and a minimum benefit package. The benefit package must be present, but is not generally included in the value of the cash wage. A cash wage that meets the threshold but does not include benefits does not meet the definition.

1. The threshold cash wage is measured by calculating the county's average annual covered wages, plus twenty-five percent (25%). The annual covered wage data is calculated by and shall be obtained from the Washington State Employment Securities Department. "Covered wages" means wages covered under unemployment compensation laws.
2. To be considered for inclusion in the threshold family wage, a minimum benefit package equal to twelve and one-half (12 1/2) percent of the average annual covered wage of the industry or actual average annual covered wages of the employees, whichever is lower, must be provided and available. Benefits provided by the employer must include, but are not limited to, an employer-paid health insurance, retirement or defined benefit program and a personal leave program.
3. Any benefits with a cash equivalent value in excess of seventeen and one-half (17 1/2) percent of the cash wage may be credited toward cash wage if it falls under the threshold. Excess benefit value may include, but is not limited to, such things as a cafeteria plan, dental, vision, childcare; however, the definition does not include the value of stock options or other investment-based benefits.

B. Standards

1. To be eligible for mitigated level of service, an employer or prospective employer or employer group(s) must demonstrate that the median number of all covered wage jobs will meet or exceed the threshold family wage. Family wage jobs may be demonstrated by any of the following methods:
   (a) Provide written documentation such as payroll history, tax records or other verification, as approved by the development approval authority, that average annual covered wages will meet or exceed the threshold family wage. The covered wages are measured at the company's own established internal thirty-six (36) month level-of-pay scale offered to employees, excluding overtime, in place at the time of application for mitigated level of service; or
   (b) Provide copy of the three (3) digit Standard Industrial Classification code for the business(es) applying for the mitigated LOS incentive. If the average annual covered wages for the industry classification meet or exceed the threshold family wage, and benefits as defined herein are provided, it is assumed that the employer meets the threshold family

wage. The state Employment Securities Department data shall be used to determine compliance with this criteria; or

(c) Sign a developer agreement to include affirmation of the fact that average annual wages of all on- site industrial or office employers will meet the threshold family wage upon legal occupancy of the building(s); and

2. Provide a signed, notarized statement and documentation that a minimum benefit package as prescribed in CCC 12.41.160 (A)(2) of this section is provided and available to all regular full-time employees.

C. Director Obligations. The threshold family wage shall be updated annually in the County code by the Director of Community Development or designee upon publication of the average annual covered wages for Clark County by the Employment Security Department.

D. Enforcement.

1. At the time of annual update of the threshold family wage data, each recipient of mitigated LOS standard shall be reviewed for compliance with the threshold family wage criteria. This review shall include all employers who have had continuous occupancy of their development for a period of at least thirty-six (36) months and who have not been released from the requirements of this code section. The review shall take place for five (5) consecutive years including the first thirty-six (36) month review. The review shall consist of confirmation with the Washington State Employment Security Department that reported average annual covered wages for the past year meets or exceeds the threshold family wage.

2. If, after thirty-six (36) months after the date of certificate of occupancy of a building or addition thereto, or as specified in a developer agreement, the recipient fails to meet the threshold family wage for the median of all thirty-six (36) month level-of-pay scale covered wage workers, the developer/employer shall pay a monetary penalty to the County. The penalty moneys shall then be used by the County to improve public roadways and intersections in the vicinity of the development. The amount of the penalty will be calculated as the difference between the threshold family wage required to satisfy the mitigated LOS eligibility standard and the actual average wage paid by the employer, multiplied by the total number of covered wage workers of the employer. This amount will then be increased by fifty percent (50%) and interest added consistent with RCW 82.02.020. The total amount added together will be considered as the amount of the penalty.

3. If the threshold family is not met after the annual reviews, the penalty shall be as follows:

Third year: one hundred (100) percent of the amount calculated in subsection (2) above;

Fourth year: eighty (80) percent of the amount calculated in subsection (2) above;

Fifth year: seventy (70) percent of the amount calculated in subsection (2) above;

Sixth year: sixty (60) percent of the amount calculated in subsection (2) above;

Seventh year: fifty (50) percent of the amount calculated in subsection (2) above;

D. Expenditure of Funds. The penalty funds shall be expended or encumbered for a

permissible use within five (5) years of receipt, consistent with RCW 82.02.020.

12.41.170 Application of SEPA to the Director's determinations.

Any determination made by the Director pursuant to this chapter shall be an administrative action that is categorically exempt from the State Environmental Policy Act.

Appendix 4

Public Works

614 Division Street, MS-26 * Port Orchard, WA * 98366
Phone (360) 337-5777, * Fax (360) 337-4867
Toll Free Numbers: Bainbridge Island (206) 842-2061 * Olalla (253) 851-4147

Transportation Facilities Concurrency Ordinance 218-1998

Ordinance Sections

1.0 Authority and Purpose
2.0 Definitions
3.0 Concurrency Application
4.0 Concurrency Test
5.0 Granting Concurrency
6.0 Capacity Reservation Certificate
7.0 Certificate of Concurrency
8.0 Denial of Concurrency
9.0 Exemptions from Concurrency
10.0 Annual Update
11.0 LOS Standards
12.0 Intergovernmental Coordination
13.0 Relationship to SEPA
14.0 Administrative Appeals
15.0 Fees

Section 1.0 Authority and Purpose

1. An ORDINANCE adopting a concurrency management system for transportation facilities as required by RCW 36.70A.070(6)(e).
2. It is the purpose of this ordinance to:
   a. Provide adequate levels of service on transportation facilities for existing use as well as new development in unincorporated Kitsap County;
   b. Provide adequate transportation facilities that achieve and maintain county standards for levels of service as provided in the comprehensive plan, as amended; and
   c. Ensure that the County's level of service standards are achieved concurrently with development as required by the Growth Management Act.

Last Update: 7 Oct 2001

Randy Casteel, P.E.
Director

Call the Open Line at (360) 337-5777 or email us with any questions about Public Works

ROADS & TRAFFIC
- Bethel Road Corridor
- Bicycle Facilities Plan
- Clear Creek Trail
- Concurrency Mgmt
- CRID's
- Current Bid Jobs
- Greenways Plan
- Mosquito Fleet Trail
- Six Year TIP
- The Road Report
- Tracyton Blvd. Study
- Traffic Counts UPDATED
- Traffic Safety Program

WASTE WATER
- Capital Improvements
- Gorst LID Update

Section 2.0 Definitions

1. **Adequate transportation facilities** means transportation facilities which have the capacity to serve development without decreasing the County's established level of service standards.
2. **Average Daily Traffic** means the amount, in vehicles per day, of traffic accommodated on a roadway averaged over a full year to the 24-hour day period.
3. **Calculated Level of Service (LOS)**, as referred to in the Kitsap County Comprehensive Plan, means a forecast level of service that includes existing traffic, ambient traffic growth, traffic that is expected to be generated by previously approved developments based on Department of Community Development records, and the traffic anticipated from the subject development and other proposed developments.
4. **Capacity** means the maximum rate of flow that can be accommodated by a given traffic facility under prevailing conditions, and is expressed in average daily traffic terms. The calculation of capacity will be done according to the most recent edition of the Highway Capacity Manual (HCM), or by alternative methods approved by the Director of Public Works.
5. **Concurrency Inquiry Certificate (CIC)** is the document issued by the Department of Public Works, describing availability of capacity on the County transportation facilities specific to the proposed development or permit. Any available capacity is not reserved by such CIC.
6. **Capacity Reservation Certificate (CRC)** is the document issued by the Department of Public Works, confirming availability and reserving development capacity on the County transportation facilities specific to the proposed development or permit.
7. **Certificate of Concurrency (CC)** is the final document issued by the Department of Public Works, confirming availability and reserving development capacity on the County's transportation facilities specific to the proposed development or permit.
8. **Committed Road Network (CRN)** means the system of transportation facilities used to calculate the level of service relative to a development proposal. It includes existing transportation facilities and proposed facilities which are fully funded for construction in the most currently adopted six-year TIP or for which voluntary financial commitments have been secured.The CRN includes:
    a. County roads;
    b. State highways and freeways;
    c. Ferry routes and terminals;
    d. Bus routes;
    e. park and ride lot locations;
    f. high occupancy vehicle exclusive lanes.

    Projects to be provided by the State, cities or other jurisdictions may become part of the committed road network upon decision of the Director of Public Works.
    The Director of Public Works may make adjustments to the committed road network for corrections, updates, and modifications concerning

▶Payment Options
▶Sewer Utility Rates

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costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the adopted comprehensive plan; or the date of construction (scheduled for completion within the six-year period) of any facility enumerated in the Transportation Improvement Program (TIP).

9. **Concurrency** means that adequate transportation improvements or strategies needed to maintain the County level of service standards are in place at the time of development or that a financial commitment is in place to provide the improvements or strategies within six years, according to RCW 36.70A.070(6).
10. **Concurrency Test** means the determination of a proposed development's impact on transportation facilities by a comparison of the level of service (LOS) of the affected roadways after testing for the impact of the proposed development, to the level of service standard which is set for those affected roadways. For purposes of concurrency determination, the analysis of LOS adequacy will only be applied to the committed road network in rural areas and urban areas under the County's jurisdiction, and to all other transportation facilities with which the County has interest according to an executed interlocal agreement with the controlling jurisdiction or agency.
11. **Concurrency Management System Zone (CMSZ)** means the geographic area, the extent of which is defined by, and proportional to, the effect of the proposed development. The CMSZ will be an aggregate of the Kitsap Traffic Analysis Zones (KTAZ) within which the maximum impact of the proposed development is expressed.
12. **Development** means specified improvements or changes in use of land, designed or intended to permit a use of land which will contain more dwelling units or buildings than the existing use of the land, or to otherwise change the use of the land or buildings/improvements on the land in a manner that will increase the amount of vehicle traffic generated by the existing use of the land, and that requires a development permit from Kitsap County.
13. **Development Approval** means any order, permit or other official action of the County granting, or granting with conditions, an application for development which authorizes the commencement of development activity.
14. **Development Units** means the proposed quantity of development measured by dwelling units for residential development and square feet for specific nonresidential use categories, upon which are based the calculations of level of service for the determination of concurrency.
15. **DCD** means the Kitsap County Department of Community Development or its successor agency.
16. **DPW** means the Kitsap County Department of Public Works or its successor agency.
17. **Financial Commitment** consists of the following:
    a. Revenue designated in the most currently adopted TIP for transportation facilities or strategies comprising the committed road network. Projects to be used in defining the committed road network shall represent those projects that are identified as funded for construction in the six years of the Transportation Improvement Program (TIP).

b. Revenue from Federal or State grants for which the county has received notice of approval; and
c. Revenue that is assured by an applicant in a form approved by the County in a voluntary agreement, such as a Road Improvement District (RID).

18. **Interlocal Agreement** means an executed legal instrument structuring binding relationships between political entities as defined by RCW 39.34.
19. **Kitsap Traffic Analysis Zone (KTAZ)** means geographic areas defined according to census tract boundaries that contain approximately equivalent population which is the basis for the operation of the Geographic Information System based traffic impact analysis computer program.
20. **Level of Service (LOS)** means a measure of adequacy as defined by WAC 365-195-210.
21. **Reservation or Reserve** means development units that are set aside in the County's concurrency records in a manner that assigns the units to the applicant and prevents the same units being assigned to any other applicant.
    The units will be recorded on the Capacity Reservation Certificate and/or the Certificate of Concurrency provided to the applicant, and also in the records maintained by Public Works. No units are reserved under the Concurrency Inquiry Application.
22. **SEPA** means the State Environmental Policy Act (RCW 43.21) as implemented by Kitsap County.
23. **Transportation Facilities** means all principal arterials, minor arterials, major collectors, and collectors (functional class numbers 06, 07, 14, 16, 17) in unincorporated Kitsap County as defined by the County's Functional Classification Map, incorporated herein by this reference. Transportation facilities include any such facility owned, operated or administered by the State of Washington and its political subdivisions related to air, water, or land transportation.
24. **Transportation Improvement Program (TIP)** means the expenditures programmed by Kitsap County for capital purposes over the next six-year period in the TIP pursuant to RCW 36.81.121. The financial plan underlying the adopted TIP identifies all applicable and available revenue sources, and the plan forecasts these revenues through the six-year period with reasonable assurance that such funds will be timely put -to such ends. The County Commissioners should seek public input into the project prioritization process as it relates to concurrency of transportation facilities to the TIP.
25. **Transportation Strategies** means transportation demand management strategies and other techniques or programs that reduce single-occupant vehicle commute travel and that are approved by the DPW. Strategies may include but are not limited to vanpooling, carpooling, and public transit, signalization, and chanelization.

Section 3.0 Concurrency Application

1. A completed Capacity Reservation Certificate must be submitted with

the first development permit application.

2. Applications for Concurrency Inquiry Certificates, Capacity Reservation Certificates, and Certificates of Concurrency shall be submitted to the Department of Public Works on forms provided by that department, along with the application fee.
3. Concurrency Inquiry Certificate: An applicant may inquire whether or not concurrent facilities exist without an accompanying request for a development permit. A fee will be charged for such concurrency test and any available capacity cannot be reserved and will not be guaranteed.
4. Building Permit applications shall require a Certificate of Concurrency unless a Certificate of Concurrency already exists with the subject parcel of land.

Section 4.0 Concurrency Test

1. The concurrency test shall be performed only for the specific property, uses, densities and intensities based on information provided by the applicant. Changes to the uses, densities, and intensities that create additional impacts on transportation facilities shall be subject to an additional concurrency test. For commercial and non-residential development, the County's records will indicate the land use types and square footage reserved for each land use tested for concurrency. If development units are temporarily reserved until a development is issued a Certificate of Concurrency, then those units will not be allocated to any subsequent request until that time.
2. The county shall perform a concurrency test for each application for a Concurrency Inquiry Certificate, Capacity Reservation Certificate, or Certificate of Concurrency.
3. Concurrency tests will be conducted on a first-come, first-served basis. The county shall conduct the concurrency test first for the earliest completed application received by the DPW. Subsequent applications will be tested in the order that the DPW receives completed applications.
4. In conducting the concurrency test, the county shall use standard trip generation rates, such as those reported by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 5th Edition.

Section 5.0 Granting Concurrency

The County shall not issue a Certificate of Concurrency unless there are adequate transportation facilities to meet the level of service standards set forth in the comprehensive plan for existing and approved uses, taking into account the cumulative effects of prior Concurrency Certificates, and the impacts of the proposed development:

1. Step one. If the level of service is equal to or better than the adopted LOS standard in the CMSZ, the concurrency test is passed, and the applicant shall be issued a Capacity Reservation Certificate. Step one is required unless the application is for a single residential building permit, for which only step two is required.
2. Step two. Upon the development permit approval, a Certificate of

Concurrency shall be issued.

Section 6.0 Capacity Reservation Certificate

1. The Capacity Reservation Certificate (CRC) shall be prepared and issued by the Department of Public Works. The Concurrency Inquiry Certificate (CIC) will use the same form as the CRC.
   Upon passing the concurrency test, a Capacity Reservation Certificate is issued.
   The Capacity Reservation Certificate must include at least the following information:
   a. The location or other description of the property on which the development is proposed;
   b. The number of development units and specific uses, densities, and intensities that were tested for concurrency and approved;
   c. The type of development approval for which the certificate of concurrency is issued;
   d. An effective date.
2. Upon issuance of a Capacity Reservation Certificate, the County shall reserve development units and transportation facility capacity on behalf of the applicant and indicate the reservation on the certificate. The Concurrency Inquiry Certificate cannot reserve development units or transportation facility capacity.
3. The Capacity Reservation Certificate expires upon the issuance of a Certificate of Concurrency, or; if the development application is withdrawn, or; within 90 days of the effective date of the Capacity Reservation Certificate unless the development application has been certified complete.
4. An extension of a Capacity Reservation Certificate shall be granted by the Director of Public Works for an appropriate time period only upon a showing of extraordinary circumstances and that substantial hardship would occur to the applicant without the extension.

Section 7.0 Certificate of Concurrency

The Certificate of Concurrency (CC) is issued to supplant the Capacity Reservation Certificate at the time of development approval. The Certificate of Concurrency is issued upon approval of the development proposal.

1. The information contained on the Certificate of Concurrency shall include the following:
   a. The location or other description of the property on which the development is proposed;
   b. The number of development units and specific uses, densities, and intensities that were tested for concurrency and approved;
   c. The type of development approval for which the certificate of concurrency is issued;
   d. An effective date; and
   e. An expiration date.
2. A Certificate of Concurrency can be extended to remain in effect for the

life of each subsequent development approval for the same parcel, as long as the applicant obtains the subsequent development approval prior to the expiration of the earlier development approval. The CC is extended by requesting a new issuance from DPW with an updated expiration date, for which there shall be an administrative fee charged. If the development approval does not have an expiration date, the Certificate of Concurrency shall be valid for five (5) years from the date of issuance.

3. No development shall be required to hold more than one valid Certificate of Concurrency, unless the applicant or subsequent owner proposes changes or modifications to the property location, density, intensity, or land use that creates additional impacts on transportation facilities.
4. A Certificate of Concurrency runs with the land and is valid only for subsequent development approvals for the same parcel, and to new owners of the original parcel for which it was issued.
5. A Certificate of Concurrency cannot be transferred to a different parcel and shall be limited to uses and intensities for which it was originally issued.
6. Upon annexation of any development, the provisions for the Capacity Reservation Certificate and the Certificate of Concurrency shall be enforced by any interlocal agreement the County may have with the annexing jurisdiction.
7. A Certificate of Concurrency may be voluntarily surrendered by the holder of the certificate.
8. Upon issuance of a Certificate of Concurrency, the County generally will be bound by its terms for the life of the Certificate, but only after the applicant provides assurances, in a form acceptable to the County, that guarantee the applicant's proportionate share in the capital improvements required to maintain concurrency. The county is not bound, however, when special conditions occur, such as a change in the law or a change in the Calculated LOS due to a change in circumstances or a change in information forming the basis for the Calculated LOS.
9. The determination of concurrency shall be final at the time of development approval. The issue of concurrency may be raised as part of the review process for the development application for which the Certificate of Concurrency was issued.

Section 8.0 Denial of Concurrency

If the level of service falls below the adopted standards, the concurrency test is not passed, and the applicant shall select one of the following options:

1. Accept the denial of an application for a Certificate of Concurrency in which case the application will be determined to be technically incomplete; or
2. Accept a ninety-day reservation of transportation facilities that are available, and within the same ninety-day period amend the application to reduce the need for transportation facilities to the capacity that is available, or voluntarily arrange, by a financial commitment or instrument approved by the Director of DPW, to implement the

transportation facilities or strategies needed to achieve concurrency.

a. The ninety-day period shall begin no later than fourteen days after issuance of the notification of denial of the Certificate of Concurrency as required under this ordinance.

b. Reduction of the need for transportation facilities may be achieved through one or a combination of the following:

i. reducing the size of the development;

ii. reducing trip generation by decreasing the original proposed development;

iii. phasing of the development to match future transportation facility construction; or

iv. providing transportation strategies, when the department determines that such strategies will be reasonably sufficient as to reduce traffic to a level which meets the concurrency standard or threshold;

3. Appeal the denial of the application for a Certificate of Concurrency, pursuant to the provisions of Section 14 of this ordinance. The County shall reserve any available development units during the appeal. Acceptance of the ninety-day period shall not impair the applicant's future right to a formal appeal at a later time.
4. If a development that is consistent with the zoning provided in the Comprehensive Plan fails the concurrency test, there should be a feedback loop from concurrency testing to zoning. DPW will notify DCD, and a determination may be made as to whether the underlying zoning appears appropriate in the given area, and will consider the feasibility of providing increased area capacity, consistent with the projected six-year transportation funding.

Section 9.0 Exemptions From Concurrency

1. Development for which impact fees were collected under the 1992 Impact Fee Ordinance 143-1992 prior to the effective date of this ordinance so long as the original proposal has not been modified.
2. Renewals of previously issued, unexpired permits.
3. Phases of projects that were disclosed by the applicant and subject to a concurrency test as part of the original application (i.e., phased development), provided that a Certificate of Concurrency was issued for the expansion or subsequent phase.
4. Development applications for development which creates no additional impact on any transportation facility; such development includes but is not limited to:

a. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units;

b. Interior renovations with no change in use or increase in the number of dwelling units;

c. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use;

d. Replacement structure with no change in use or increase in the number of dwelling units;

e. Temporary construction trailers;

f. Driveway resurfacing, or parking lot paving;
g. Reroofing structures;
h. Demolitions.

Section 10.0 Annual Update

1. Levels of service shall be monitored and the traffic model for the county shall be updated at least once per year throughout the comprehensive plan process. The monitoring and update process shall include determination of traffic volumes, approval of additional development, completion of previously approved development, improvements to transportation facilities, and the effect of transportation strategies.
2. In order to monitor the cumulative effect of exempt development approvals on the level of service of transportation facilities, the County shall include the impacts of exempt development approvals in all relevant concurrency monitoring records.

Section 11.0 LOS Standards

The Level of Service standards are described and contained in the Kitsap County Comprehensive Plan Parts I & II, namely the Land Use Plan Transportation Appendix and the Capital Facilities Plan, wherein LOS is thoroughly described.

Section 12.0 Intergovernmental Coordination

The County shall pursue establishing agreements, or continue existing agreements with other local governments, agencies, jurisdictions, and the State of Washington to coordinate the imposition of LOS standards, impact fees and other mitigation requirements for transportation concurrency. Existing agreements shall continue in force until modified or terminated.

1. The County shall apply transportation standards, fees and mitigation requirements to development in its jurisdiction that impacts other local governments, agencies, jurisdictions, and the State of Washington if interlocal agreements are in place at the time of the concurrency test. Development approvals by the county may include conditions and mitigations that may be imposed on behalf of, and implemented by other local governments, agencies, jurisdictions, and the State of Washington.
2. The County may receive impact fees or other mitigations based on or as a result of. development proposed in other jurisdictions that impact the County. The County may agree to accept and implement conditions and mitigations that are imposed by other jurisdictions on development in their jurisdiction pursuant to interlocal agreements, urban growth management agreements, or other agreements in place.
3. No fees or mitigations for transportation facilities of other agencies will be required by the County unless an agreement has been executed between the County and the affected agency. The agreement shall specify the fee schedule and level of service standards to be used by the County and the affected agency, which standards shall be consistent with

the County's comprehensive plan and, if different than the standards adopted pursuant to this ordinance, shall be adopted by subsequent ordinance.

Section 13.0 Relationship to SEPA

A determination of concurrency shall be an administrative action of Kitsap County that is categorically exempt from the State Environmental Policy Act. However, this does not mean or imply that the development proposal itself is exempt from SEPA review, regardless of its exempt status under this ordinance.

Section 14.0 Administrative Appeals

1. The applicant may appeal the results of the concurrency test on any of the following grounds:
   a. A technical error;
   b. The applicant provided alternative data or a traffic mitigation plan that was rejected by the County;
2. Procedures: Appeals of a concurrency test shall be made according to the process set forth in the Kitsap County Land Use and Development Procedures Ordinance, as now or hereafter amended, for the appeal of administrative decisions.

Section 15.0 Fees

1. The fees charged for conducting the concurrency test requirements of the Concurrency Inquiry Certificate, Capacity Reservation Certificate, or Certificate of Concurrency shall be as specified in Ordinance 198 [Fee Schedule]. as amended.
2. Development by municipal, county, state, and federal governments, and special districts (as that term is defined in state law) are exempt from the Certificate of Concurrency Application Fee.

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Kitsap County Department of Public Works

Application for Concurrency Test

Date of Application: _____

Name and Mailing Address of Applicant (print clearly):

APPLICANT: _____ OWNER: _____

_____ _____

_____ _____

Phone: _____ Phone: _____

Assessor's Account Number:

_____

Type of Development Approval:

- ❒ Single Family Residential
  - Is this an Accessory Dwelling Unit (ADU)? _____
  - Is ADU for elderly care? _____
- ❒ Residential Plat
  - Number of undeveloped lots: _____
  - Short plat lot letters of developed lots: _____
- ❒ Commercial and Multi-Family **(Site Plan Required)**
  - Project Name: _____
  - Proposed land use: _____
  - Square feet gross floor area: _____
  - Number of multi-family units: _____
  - Number of employees: _____
  - Number of parking spaces: _____

Please provide all known information

B.P. # _____

C.C. # _____

OFFICE USE ONLY

Type of Certificate Desired:

- ❒ Exempt
- ❒ Capacity Inquiry (C.I.C.)
- ❒ Capacity Reservation (C.R.C.)
- ❒ Concurrency (C.C.)
- ❒ Renewal/Resubmittal/C.R.C. to C.C (Attach copy of C.R.C.)

Permit Number: _____

BP Number Assigned:

_____

Project or Plat Number:

_____

Average Daily Trips:

_____

NOTES: _____

_____

_____

Fee Computation

Single-Family Residential
$40.00 _____

Residential Plat
$40.00 + $4.00 for each additional unit(s) _____

Commercial and Multi-Family
$55.00 first 1,000 square feet, plus $5.00 each additional 1,000 square feet, up to $100 maximum _____

Resubmittal/Renewal/C.R.C. to C.C.
10% of the Original Concurrency Fee _____

Total Fee Due: _____

Appendix 5

Contact Information

Palm Beach County
Planning Division
Isaac Hoyos
(561) 233-5300

School District of
Palm Beach County
Jeanne Mills
(561) 434-8020

Links

Interlocal Agreement

School Concurrency Plan Amendments

Maps

Amendment Instructions

Online Sunshine

School District

New

School Concurrency Implementation Schedule

Newsletters

Major Milestones

Implementation Status

School Concurrency System

Palm Beach County
The Municipalities of Palm Beach County
School District of Palm Beach County

Overview

Palm Beach County, the School District of Palm Beach County, and 26 participating Municipalities within the school district have chosen to implement public school concurrency.

What is public school concurrency?

School Concurrency provides coordinated planning among the County, local governments, and the School District to ensure that school capacity is available at the time of impact of residential development.

Why is public school concurrency necessary?

Palm Beach County's accelerated growth has led to a growing demand for school facilities. The implementation of public school concurrency will result in a cooperative and financially feasible process permitting the School Board to address existing school crowding and to provide adequate capacity for projected new growth.

How to implement school concurrency?

To implement school concurrency countywide, all participating entities must first enter into an interlocal agreement. The interlocal agreement to establish school concurrency in Palm Beach County was executed by the last of the municipalities on December 21, 2000. The agreement was officially recorded on January 25, 2001.

The second step requires consistent Comprehensive Plan amendments to be adopted by each participating local government.

Palm Beach County adopted the required amendments on March 26, 2001. Once the County's plan amendments are found "in compliance" by the State, the 26 municipalities can use the

compliance by the State, the 26 municipalities can use the County's amendments as a "**model**" to facilitate and expedite the approval of their plan amendments by the State.

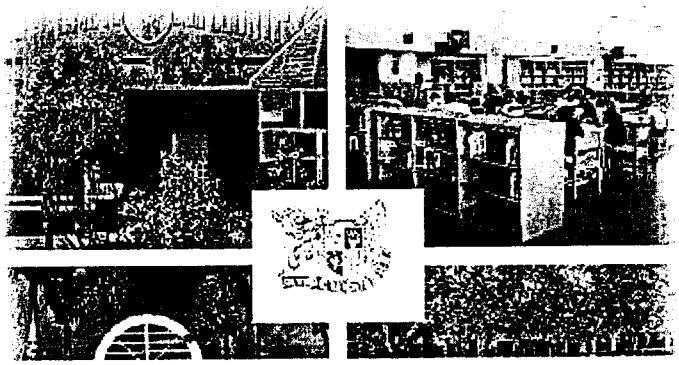
According to the State Statutes, the municipalities have one(1) year from the date of recordation of the Interlocal Agreement shown above to adopt their respective Comprehensive Plan Amendments.

When will school concurrency be in effect?

School concurrency will be effective after the last municipality has adopted the plan amendments and has been found in compliance by the State. Municipalities must adopt their plan amendments by January 25, 2002, one year after the interlocal agreement was fully executed.

What Comprehensive Plan amendments are needed?

The 1998 Florida Legislature enacted legislation amending s.163.3180, F.S., establishing requirements for the optional implementation of public school concurrency. The proposed amendments will:

- Replace the existing Public Education Element with a required Public School Facilities Element (PSFE) or create a new PSFE, consistent with s.163.3177(12)F.S.
- Amend the Capital Improvement Element to provide for a financially feasible public schools capital improvement program and for consistency with the PSFE, and
- Provide associated amendments to the Map Series and Introduction and Administration Element.

Based on the requirements of Rule 9J-5.025, F.A.C., the plan amendments address land development issues which impact education including levels of service for schools, school utilization, location of schools, ensuring that public infrastructure for schools is available, and the financial feasibility of the school construction program.