

**PAT 96-34
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

June 3, 1998
LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAT 96-34

T	This Document Contains the Following Reviews:
T	Staff Review
T	Local Planning Agency Review and Recommendation
T	Board of County Commissioners Hearing for Transmittal
T	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
T	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: October 27, 1997

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Community Facilities and Services, Parks, Recreation and Open Space, and Capital Improvements Elements to adjust the regulatory, non-regulatory, and desired future level-of-service standards to more accurately reflect the County's commitment to expanding these facilities.

B. BACKGROUND INFORMATION

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following language under the Parks, Recreation and Open Space Element and Capital Improvements Element:

The County already evaluated the need for revising the objectives and policies of the Parks, Recreation and Open Space Element as part of the previous EAR submittal, and identified a number of changes. One further anticipated change to the Parks, Recreation and Open Space Element is recommended by staff at this point in time. The locally established level of service standards currently in the Lee Plan need to be

reanalyzed. These locally established levels of service may require revision due to the County's new reliance on the "core services" concept of service provision. With the recent budget restriction, the current Capital Improvements Program currently shows funding for limited projects in FY 96/97 and beyond. Other park projects show no new dollars budgeted for future years.

Recommendation: Perform an analysis to determine the effects of the "core services" concept of service provision as it guides the Capital Improvements Program and the budget for parks. This analysis should result in recommendations for any amendments to the parks level of service standard.

This further discussion followed in the evaluation of the Capital Improvement Element:

The Capital Improvements Element is required by Florida Statute 163.3177(3)(b) to be annually reviewed and the identified modifications be incorporated into the element. The Board of County Commissioners adopted a new Capital Improvement program (CIP) on September 11, 1995. The Capital Improvements Element should be amended to reflect this new CIP. In addition, this new CIP acknowledges that the availability of revenues for capital improvements and follow-on maintenance and operation costs is diminishing. The newly adopted CIP reflects the affects of these costs and the "core services" concept in providing services to the taxpayers of Lee County.

Recommendation: Analyze the Board of County Commissioners commitment to the "core services" concept as reflected in the newly adopted CIP. This analysis should identify impacts upon the level of service standards contained in the various elements.

UNANTICIPATED AND UNFORESEEN PROBLEMS AND OPPORTUNITIES

The previous EAR submittal noted that the county has been forced to reevaluate parks levels of service due to rising operational and maintenance costs. In fact Policy 70.1.2 was modified to include direction to staff to prepare estimates of operating and maintenance costs of each CIP project along with capital costs of each facility. The newly adopted CIP reflects the affects of these costs and the core services approach in providing services to the taxpayers of Lee County.

The analysis of changes in local conditions included in the Parks element indicates that future levels of service for community and regional parks needs to be re-analyzed. Any changes in levels of service recommended by that reanalysis could require revisions to the Capital Improvements Element in the future.

Recommendation: Analyze the Board of Commissioners Commitment to the "core services" concept as reflected in the newly adopted CIP. This analysis should identify impacts upon the level of service standards contained in the various elements.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff supports keeping the desired future levels of service and recommends that the following objectives and policies from the Parks, Recreation and Open Space Element and the Capital Improvement element be amended as follows:

OBJECTIVE 58.1: STANDARD COMMUNITY PARK STANDARD. Lee County shall provide for the active recreational needs of unincorporated Lee County in standard community parks by providing 0.8 acres of developed Standard Community Parks open for public use per 1,000 ~~permanent~~ unincorporated Lee County (minimum acceptable level of service, see Policy 70.1.3). By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 70.1.4). By 1998 the county shall provide 2 acres ~~of developed Standard Community Parks open for public use~~ per 1,000 permanent population (desired future level of service, see Policy 70.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved Standard Community Parks acres that are open for public use. The 1996 and 1998 standards are non-regulatory, desired level of service standards and are not required for concurrency purposes. (Amended by Ordinance No. 93-25) (Amended by Ordinance No. 94-30)

POLICY 58.1.1: ~~Standard community parks should be 40 to 60 acres in size and usually will include 4 ballfields, 6 tennis courts, 4 racquetball courts, a playground, a picnic area, and restrooms. Typical facilities at a community park may include ball fields, tennis courts, play areas, picnic areas, multipurpose courts, recreation buildings and sports fields.~~ The specific design for community parks shall be tailored to meet the needs of the community to be served while recognizing the particular attributes of the park site. A standard community park may or may not include a community recreation center and/or a community pool. (Amended by Ordinance No. 94-30)

OBJECTIVE 59.1: Lee County shall provide 7 acres per 1,000 ~~seasonal population in the entire county of developed regional park land open for public use~~ (minimum acceptable level of service, see Policy 70.1.3). By 1998 this standard will be increased to 8 acres per 1,000 population (non-regulatory, desired future level of service, see Policy 70.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. (Amended by Ordinance No. 94-30)

POLICY 70.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS.

For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals shall not halt the issuance of development orders under the Concurrency Management System. (Amended by Ordinance No. 94-30)

2. Parks and Recreation Facilities:

a. Regional Parks:

By 1998, Lee County shall provide 8 acres of ~~developed~~ improved regional park land open for public use per 1000 total seasonal ~~county~~ population for all of Lee County by 1998.

b. Community Parks:

By 1996, Lee County shall provide 1.75 acres of ~~developed~~ improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; ~~unincorporated county only~~; by September 30, 1998 the county shall increase this to 2.0 acres of ~~developed~~ improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; ~~unincorporated county only~~, by September 30, 1998.
(Amended by Ordinance No. 93-25) (Amended by Ordinance No. 94-30)

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The County's ultimate desired levels of service for community and regional parks are consistent with the recommended acres per 1,000 population of both the National Recreation and Parks Association and the Florida Department of Natural Resources.

Utilizing the new BEBR mid-range population projections, as proposed by this round of Lee Plan amendments, will substantially lower the projected need for both community and regional parks.

Community Parks satisfy a wide range of community needs from soccer fields to picnic areas. There is no simple formula for the size and layout of a community park.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

HISTORY

Staff has conducted a review of the County's community and regional park standards over time. The 1984 Lee Plan adopted the Florida Department of Natural Resources recommended standard of 2 acres of community park and 5 acres of regional park, then called Urban-District parks, per 1,000 people. The population figure used was functional population, that was permanent population plus 25% for seasonal adjustment. Data included in the 1984 plan showed that, on a county wide basis, the community standard was being met and the regional standard was just shy at 4.72 acres per 1,000 population. A discussion of the additional needs and possible funding sources followed.

In the 1989 Lee Plan new standards were adopted. The Community Parks standard was established as 0.8 acres for every 1,000 unincorporated population. This plan also adopted a desired future level of service of 1.75 acres per 1,000 population by September 30, 1994 and 2.0 acres per 1,000 by 1998. The plan was not specific as to which population, incorporated or unincorporated, should apply to these desired levels of service. These standards remained in effect until the 1992/93 amendment cycle. At that time a clarification was added to Policy 70.4.1: Desired Future Level-of-Service Standards, located in the Capital Improvement Element. The word "permanent" was added to the standard to mirror the intent of the policy in the Parks element. The 1994 Evaluation and Appraisal Report (EAR) amendments changed the desired future level of service date for the increase to 1.75 acres per 1,000 population to the year 1996. These amendments also added the word

“permanent” to the policy, this time in the reference to desired level of service and clarified that desired future levels of service were not regulatory.

The regional park standard was increased by the 1989 Lee Plan to 7 acres per 1,000 total county population with a desirable level of service of 8 acres per 1,000 population by September 30, 1994. This standard remained unchanged until the 1994 EAR amendments. At that time the date was extended to the year 1998.

The 1996 EAR Addendum recognized that capital expenditures for new parks and park expansions were not at the levels they had been at in the late 80's and early 90's. In response, that report included the discussions and recommendations reproduced in Part I. B. earlier in this report.

DISCUSSION

The level of service standard the County has adopted for parks is based on a ratio of park acres for every 1,000 population. The population figure used for Community Parks is the permanent population of the unincorporated County. Calculations for Regional Parks utilize the permanent population on a county wide basis. Staff concludes that a ratio of acres per population is an acceptable standard for setting park level of service. Research of several publications indicates that this method of setting park standards is, in fact, quite common. The text “Urban Land Use Planning” by Kaiser, Godschalk, and Chapin, a widely recognized planners guide, in Table 15-3 reproduces the recreation and open space standards of the National Recreation and Park Association (see Attachment 1). There are differences in terminology between what the County and the text consider to be a community or regional park. The text calls what we think of as a Community Park a Neighborhood park/playground and what we term a Regional Park falls within two categories, Community Park and Regional/Metropolitan Park. The use descriptions contained in the text make it clear that despite the name changes like uses are being compared. The recommended acres per 1,000 population for Neighborhood park/playground is 1 to 2 acres. The acreage range for the Community/Regional/Metropolitan park is from 5 to 10 acres per 1,000 population.

The State of Florida Department of Natural Resources publishes a book entitled “Outdoor Recreation in Florida.” This updated publication of the document utilized by the 1984 Lee Plan was revised in 1994. The terminology in this text is more similar to the County’s terms. Community Parks are recommended at 2 acres per 1,000 population. Urban-District Parks, likened to our Regional Parks, are recommended at 5 acres per 1,000 population (see Attachment 2).

One of the advantages of utilizing this kind of standard is that it is easily measurable. Current available acreage can be easily tallied. Future needs can also be readily determined utilizing population projections. The County has tracked and projected park needs over time in the yearly document “Concurrency Management Inventory and Projections.” This document is produced by Development Services staff and is revised each September. Among other things, this document projects community and regional park needs for the current year and 3 years into the future. Existing park acreage and programmed expansions or new facilities are inventoried. The most recent edition of this document, dated September 1996, indicates that both community and regional park facilities will meet the regulatory standards through the year 2000. The regional desirable standard of 8 acres per 1,000 population, which is slated to take effect in September of 1998, will not be achieved based on the population

projections utilized by the report. Of the 8 community park impact fee districts, 4 will meet the regulatory and desired standards through the year 2000.

The report calculates concurrency for Community Parks by park impact fee district. While this appears to be a reasonable way to track community park facilities, staff could find no specific requirement to track concurrency this way. For accounting purposes this system makes sense, assuring that capital projects dollars get spent in the correct district. The report indicates that one district, district 5, will not meet the desired standard beginning in the year 2000. District 4 will not meet the desired standard beginning in 1999. The 2 remaining districts, districts 1 and 2, will fail to meet the higher standards beginning in 1996.

Staff reviewed the population projections utilized by the Concurrency "Management Inventory and Projections" document. The projections are rightfully based on the 1989 Lee Plan supporting documentation. At the time, this was the latest officially adopted population methodology and projections. The EAR population methodology was still in litigation and not official at the time Development Services staff last updated the report. Staff notes that the 1989 population projections were slightly lower than those of the EAR. The 1989 projections were distributed among the 8 Community Park Impact Fee districts, with adjustments made to remove incorporated areas and seasonal population. This methodology was originally done in 1991 by the then Concurrency Management staff. It was reviewed by planning staff and found to be a sound methodology. Planning staff still believes this to be the case. The utilization of the current BEBR mid-range population projection proposed by this round of Lee Plan amendments would likely lower the numbers considerably.

Staff has not had the time to take a serious look at what the new projections would do to the concurrency management data. A quick look at the big picture indicates that on a county wide level the need in the year 2020 for community park acres would be 680 acres. This is based on a projected unincorporated population of 340,000 people. This figure was derived by taking the BEBR 2020 estimate of 602,000 and subtracting the municipal populations of 167,981 for Cape Coral, 80,183 for Fort Myers, 6,900 for Fort Myers Beach, and 8,000 for Sanibel. This is only 88 acres above the 592 acres identified in the concurrency management document.

For Regional parks the numbers are slightly more diverse, but not out of line. Multiplying the BEBR estimate by 118 % for seasonal adjustment yields 710,360 people. Multiplying by 8 and dividing by 1,000 indicates a need for 5,683 acres of Regional Parks. This is 1,025 acres above the 4,658 acre figure identified in the concurrency document. A good portion of the acreage could be taken up by full utilization of the Caloosahatchee Regional Park, Hickey Creek Mitigation Park, and additional public access to the Six Mile Cypress preserve. In addition, the County currently charges park impact fees for new development for both community and regional parks. These fees are exclusively earmarked to purchase new park lands and to fund capital improvements for existing parks.

With the addition of more park area, the issue of operation and maintenance costs for the facilities must be addressed. If it is the county's intent to provide parks within the range of standards identified by national and state agencies, the county must identify the proper funding source for ongoing operation and maintenance.

B. CONCLUSIONS

The County's ultimate desired levels of service for community and regional parks are consistent with the recommended acres per 1,000 population of both the National Recreation and Parks Association and the Florida Department of Natural Resources.

Utilizing the new BEBR mid-range population projections, as proposed by this round of Lee Plan amendments, will substantially lower the projected need for both community and regional parks.

Community Parks satisfy a wide range of community needs from soccer fields to picnic areas. There is no simple formula for the size and layout of a community park.

C. STAFF RECOMMENDATION

Staff recommends that the desired future levels of service be retained in the Lee Plan. Staff proposes some modifications to both objective 58.1 and 59.1 to clarify exactly which population and what acres are to be used when calculating the standards. Staff is also recommending deletion of the language in Policy 58.1.1 that describes the size and uses of a Standard Community park. Staff proposes using language that is more flexible, to reflect more closely what a diverse commodity community parks are.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 24, 1997

A. LOCAL PLANNING AGENCY REVIEW

1. Initial Review One LPA member stated that he had a problem with the Lee Plan indicating a desired level of service (LOS) for community parks which the County was not committed to meeting. He would like the County to build more parks, but it is not happening. He would like for the Board to resolve this issue. If the Board is not willing to build more parks, then the desirable LOS standards should be deleted from the plan. Another LPA member suggested that by leaving in the desired LOS standards, the LPA would be giving the Board the message that the higher standards are important. The first LPA member responded that such an approach may not be sufficient. Mr. O'Connor suggested the LPA could recommend to the Board to require the desired LOS. One LPA member suggested deleting the desired LOS.

An LPA member commented that he was concerned that the concurrency LOS standards, based solely on acreage, do not recognize the sometimes widely disparate costs of developing different types of community parks. For example, the use of acres as the LOS standard serves to penalize capital intensive investments such as a pool or beach park. He would like for the County to develop some kind of formula wherein the County would get more credit for developing capital intensive but low acreage parks. A second LPA member suggested that perhaps more expensive parks could be given more acreage credits and that the number of acreage credits could be determined by comparing the costs of the more expensive park versus the cost of a standard park. Several LPA members discussed the possibility of developing alternative language. The LPA decided to continue this plan amendment to the September hearing for staff to explore this possibility.

One LPA member explored the pros and cons of describing community parks more flexibly as recommended by staff for Policy 58.1.1. Mr. O'Connor commented that most of the community parks which have been developed do not fit the current description of typical facilities in Policy 58.1.1. Some LPA members discussed the appropriateness of using community park impact fees to fund bike paths and ball fields. No recommendations to change the staff recommendation to amend Policy 58.1.1 were made.

Mr. O'Connor added that another factor which is not recognized in the LOS standards is privately developed recreational amenities in newer developments which serve as community park type facilities. Such amenities include golf courses, pools, tennis courts, etc.

The LPA passed a motion to continue this plan amendment to the September hearing for staff to explore the possibility of developing alternative language to provide extra credits for more capital intensive community parks.

2. Subsequent Planning Staff Review: Planning staff met with Parks and Recreation staff to discuss the possibility of developing alternatives to the acreage based LOS standards. Staff finds the implementation of the acreage standards to be uncomplicated and straight forward. The acreage standards are widely used in standard planning practice and are also documented in planning literature.

Staff agrees that the acreage standards do not account for the equal distribution of funding by district or total amount of dollars spent. However, a standard which provides a weighting factor for cost would be more confusing and complicated to use than the current acreage standards. The evaluation and development of such an alternative standard should be carefully researched and analyzed. Staff has not been able to develop a suitable alternative standard in the time frame allowed. The staff consensus is to continue to use the acreage standards because they are both user friendly and defensible.

If the LPA desires staff to further evaluate the development of an alternative standard, staff suggests that the LPA make this recommendation to the Board for the next plan amendment cycle. This recommendation will allow sufficient time for staff to properly research alternative standards and to conduct a meaningful analysis of the alternatives. In the interim, staff recommends that the proposed text amendments be transmitted.

3. Local Planning Agency Re-review The LPA discussed this proposed plan amendment again at the October 27, 1997 public hearing. Many of the same issues were discussed. One member believed that if the county is not meeting the desired standards, and does not intend to meet them, the desired standards should be removed from the Lee Plan. A motion to that effect was offered which died for lack of a second. The possibility of making the desired standards mandatory was also discussed again. The issue of the disparity between different types of facilities was also discussed. Planning staff, as indicated in the subsequent review, did not offer a solution to this issue.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: The LPA recommends that the BoCC retain the desired levels of service for community and regional parks, adopting the modified language recommended by staff. The motion also urged the BoCC to strengthen their efforts to assure that the desired level of service standards are indeed programed in the county's Capital Improvements Program (CIP) and achieved in a timely manner.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: As outlined in the staff report.

C. VOTE:

BARBARA BARNES-BUCHANAN	<u>AYE</u>
RICHARD DURLING	<u>ABSENT</u>
MITCH HUTCHCRAFT	<u>AYE</u>
RONALD INGE	<u>AYE</u>
BILL SPIKOWSKI	<u>AYE</u>
GREG STUART	<u>AYE</u>
MATT UHLE	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: One person spoke during public comment regarding how levels of service (LOS) are measured for concurrency purposes. Under the current system of using developed acres for LOS, the speaker stated that a very minimal amount of work can be done and a park is considered improved. However, if intensive work and large amounts of money are put into a small park project, the project will only get the amount of credit for the number of acres. The speaker supported an LPA suggestion which was to develop a better method of measuring parks which considers funds expended. Regarding future level of service on parks, the speaker stated that the County should either set realistic dates and make a reasonable effort to meet them or remove the dates from the Lee Plan.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board approved the transmittal of this plan amendment to DCA.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board concurred with the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE _____
ANDREW COY	AYE _____
RAY JUDAH	AYE _____
JOHN MANNING	AYE _____
DOUG ST. CERNY	AYE _____

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: February 5, 1998

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: May 27, 1998

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to adopt this amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	ABSENT