

**Highlands County**  
**2009 EAR – Comprehensive Plan Amendments**  
**Capital Improvements Element**  
**Overview**

**Major Amendments**

Throughout	Some references to specific planning time horizon have been amended to reflect the on-going nature of the Goal, Objective, or Policy
Policy 4.2	Names of Park Types updated to District, Community, and Regional  Level of Service standard reworded for amendment to overall standard, not by park type to:  New LOS: 10 acres / 1,000 population

**Minor Amendments**

Throughout	Capital Improvement Program now called Capital Financial Strategy
Policy 2.1	Language now reflects that impact fees have been adopted by the County
Throughout	Text reformatted for ease of reading
Appendix A	Created to contain the Implementation Procedures <ul style="list-style-type: none"><li>A. Overview</li><li>B. Concurrency Management System</li><li>C. Concurrency – Assessment of Elements</li><li>D. Administrative Rules for Concurrency Clearance</li></ul>
Appendix B	Created to contain the Ten Year Schedule of Capital Improvements

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## CAPITAL IMPROVEMENTS ELEMENT

### Table Of Contents

- Objective 1: ~~CIP~~ CFS And CIE For Facilities Planning
- Objective 2: Offsets For Development Impacts
- Objective 3: Capital Improvements To Support Growth
- Objective 4: Growth Tied To Fiscal Resources And Concurrency
- Objective 5: Capital Improvements Planning For Public Schools
- Objective 6: Funding Sources And Facilities Provision

- Appendix A - Implementation Procedures
- Appendix B - Ten Year – Schedule of Capital Improvements

**Goal**                    **The County Shall Provide Adequate Services And Facilities In A Timely And Efficient Manner, ~~Within The 1998 – 2010 Planning Period.~~**

Comment:    Language represents the on-going nature of the policy.

**Objective 1**            **~~CIP~~ CFS And CIE For Facilities Planning**

**The County Shall Utilize Its Capital Improvements Element (CIE) And 10 -Year Capital ~~Improvements Program (CIP)~~ Financial Strategy (CFS) To Provide Needed Facilities, Including Those Related To Growth, to Correct Existing Deficiencies, And to Provide for Timely Replacement.**

Comment:    Capital Financial Strategy is an updated term.

**Policy 1.1**            **Capital Improvements Budget**

The County shall continue to adopt a capital budget as part of its annual budgeting process. The County will annually amend the Comprehensive Plan to adopt the 5 Year Capital ~~Improvement Plan~~ Financial Strategy. ~~annually as a text amendment to the Capital Improvements Element.~~

Comment: Syntax

**Policy 1.2 Capital Equipment**

~~Within the Planning Period, each~~ Every County department shall continue to maintain a listing and schedule of capital equipment and facilities showing each expected life and replacement date. The schedule is to be updated yearly and used to identify, ~~and input to the CIP,~~ the equipment and facilities whose replacement date has been reached providing input to the CFS.

Comment: The language reflects the on-going nature of the policy.

**Policy 1.3 10-YEAR Capital Improvements Planning**

Where financially feasible, the County shall include in its ~~CIP~~ CFS all capital improvements identified in the Comprehensive Plan as needed within the 10-year time frame of the CIP.

**Policy 1.4 Reserved**

**Policy 1.5 Target Areas for Capital Projects**

The County shall prioritize its ~~CIP~~ CFS and CIE projects to provide new public services and facilities to existing developed areas with diminished or deficient infrastructure.

**Objective 2 Offsets for Development Impacts**

**The County Will Continue to Examine Methods to Assure New Development Bears Its Proportional Share of the Cost of Improvements Necessary to Offset the Impacts It Generates.**

**Policy 2.1                      ~~Impact Fee Option for Parks~~ / Activity Fee**

The County shall continue to examine ~~the feasibility of assessing~~ impact fees or a fee system which may include activity or user fees, in lieu of impact fees to generate appropriate revenue to maintain desired levels of service. on new development for parks and roads. ~~The County will, by January, 2008, adopt a new funding mechanism for transportation improvements.~~

**Comment:** Language updated to reflect that the County did adopt impact fees and will continue to the appropriate fees as well as review opportunities.

**Policy 2.2                      New Development - To Pay Fair Share**

The County, through its development ordinances, shall not exact from new development more than its proportional share of the cost of improvements necessary to offset the impacts it generates.

In the event that two or more projects are under development review during the same review period for Comprehensive Plan Amendments, Zoning changes or site plan approval, and the projects impact some or all of the same roadway links or intersections, a single traffic analysis will take into account the impacts from all development under review.

The cost of the analysis shall be shared by the applicants, and the costs of any off-site transportation improvements shall be shared based on the proportion of the impacts generated by each development.

**Policy 2.3                      Growth Based on Availability of Infrastructure And Services**

A public facility or service shall be determined as available for potable water, sanitary sewer, solid waste, and drainage if it meets any of the conditions "A through D" below.

Park and Recreation services or facilities and roads shall be determined as available if any of the below conditions "A through E" are met.

A. The facility or service is in place to serve a proposed development when the County's development order, permit, or development agreement is approved.

- B. The County's development order, permit, or development agreement is approved subject to the condition that the facility or service will be in place when the impacts of the proposed development occurs.
- C. The facility or service is under construction when the County's development order, permit, or development agreement is approved.
- D. The facility or service is the subject of a binding executed construction contract which provides for the commencement of the actual construction of the required facility or the provision of the required service within one year of issuance of the County's development order permit; and if for roads, within 3 years.
- E. The facility or service is guaranteed by an enforceable Development Agreement which requires commencement of the actual construction of the facility or the provision of the service within one year of issuance of the County's development order or permit, and if for roads; within 3 years.

**Objective 3**

**Capital Improvements to Support Growth**

**The County Shall Manage Its Finances to Ensure the Provision of Capital Improvements for Previously Issued Development Orders, and Future Development and Redevelopment.**

**Policy 3.1**

**Special Benefits District Option**

The County shall continue to use its special districts to provide local improvements where possible.

**Policy 3.2**

**Pursue Grant Revenue Option**

The County shall attempt to maximize its use of grants and other forms of assistance.

**Policy 3.3 Pursue Other Revenue Options**

The County shall actively seek out and develop supplemental, continuing revenue sources, such as enterprise funds.

**Policy 3.4 Debt Management**

The County shall continue to manage its debt to conform to the requirements of the Florida Constitution and State Statutes, including F.S. 200.181.

**Policy 3.5 Continued Review of Transportation Review**

Highlands County will monitor the capacity consumed by existing and new developments and the capacity added by the roadway improvements on a network-wide basis.

It is the intent of the County to require improvements from new development that will insure capacity consumed does not exceed capacity added on a facility and county-wide basis, and that new growth pays a proportionate share of the costs of new capacity added to the transportation network.

If capacity consumed exceeds the capacity added, the County will develop revenue policies and additional revenue sources necessary to insure that available capacity is not exceeded by capacity consumed.

**Objective 4 Growth Tied to Fiscal Resources and Concurrency**

**Development Orders and Permit Issuance Shall Be Based Upon the Availability of Facilities, The Land Development Regulations, and the Financial Ability of the County to Provide Improvements as Expressed in the ~~CIP~~ CFS.**

**Policy 4.1 ~~LDRs for~~ Concurrency Clearance**

The County shall ~~within the Plan Period~~, continue to use a "Concurrency Management System" to ensure that facilities and service needed to

support development are available concurrent with the impacts of such development.

Comment: Amended language reflects the on-going nature of the policy.

**Policy 4.2 Levels of Service Defined**

The County shall utilize the following Level of Service standards (LOS) in assessing the ability of the County's infrastructure to support development:

**Level of Service Categories as follows:**

**TRANSPORTATION**

<b>Functional Classification</b>	<b>Peak-Hour/Peak-Season Level of Service</b>
Principal Arterial	C
Minor Arterial	C
Major Collector	C
Minor Collector	C

**DRAINAGE**

Utilize the appropriate SWFWMD or SFWMD drainage procedures and methods to ensure that post-development run-off will not exceed pre-development run-off for at a minimum a 25-year/24-hour storm event, ~~and that~~

Best Management Practices shall be utilized to meet or exceed state water quality standards and the following minimum level of service standards.

**SWFWMD LOS:** 25-year/24-hour storm event  
(peak discharge; 25-year/24-hour)

**SFWMD LOS:** 25-year/24-hour storm event  
(peak discharge; 25-year/36-hour)

**New Development:** Refer to Infrastructure Policy 17.1

**Existing Development:** ~~Interim LOS~~  
10-year/24-hour storm event

**WATER SUPPLY**

Potable water supply capacity to provide the following:

R/V Park	75 gpcd
Mobile Home Park	100 gpcd
Single-Family Subdivision or Multi-Family Development	120 gpcd

Storage capacity in combination with standby pumping capacity of at least 50% of the maximum daily system demand. Minimum water pressure for fire flows will be 20 lbs. per square inch with minimum flow capacity as follows:

Residential:	500 gallons per minute
Commercial:	750 gallons per minute
Industrial:	1,000 gallons per minute

On the calculated fire flow rate based on a higher psi.

**PARKS/RECREATION**

Adequate recreation facilities to maintain a County-wide standard of 22.5 acres/1,000 population.

<u>Park Type</u>	<u>Standard Acres / 1,000/Pop.</u>
<del>Urban</del> -District	0.5
<del>Modified</del> Community	2.0
Regional	20.0

## **SOLID WASTE**

County landfill capacity to collect and dispose of at least 5.21 pounds per person/day of solid waste.

## **SANITARY SEWER**

Adequate sewer capacity to treat the following:

R/V Park	75 gpcd
Mobile Home Park	100 gpcd
Single-Family or Multi-Family Development	120 gpcd

### **Policy 4.3 Focus Public Facilities and Services on Existing Needs:**

Upon adoption, the focus of ~~CF~~ CFS funding will be to provide facilities and services to concentrated centers of population within the County based on existing needs and projected demand.

### **Policy 4.4 LOS Standards are Mandatory**

The County shall continue to implement land development regulations that require the denial of development permits which cause a reduction in levels of service for public facilities and services below the level of service standards adopted within the Comprehensive Plan.

### **Policy 4.5 Impact Mitigation Options**

All of the cost for provision and expansion of facilities and services should be the responsibility of those benefitting. Dedications, construction of improvements, impact fees, or other funding alternatives may be required.

### **Policy 4.6 Serve Developing Areas First**

The County shall continue to act to discourage urban growth where existing or scheduled infrastructure, facilities, and services are inadequate to accommodate such growth.

The County shall implement this intent by adoption and amendment of a Future Land Use Map wherein the land use pattern corresponds to the availability and potential extension of infrastructure, facilities, and services.

In addition, the County shall establish, through its land development regulations, criteria for the establishment of services and facilities in the suburban neighborhoods and "rural village".

In order to further discourage public services and facilities in outlying or unaccessible areas, the ~~CIP~~ CFS and CIE shall include priority criteria.

**Policy 4.7                      Development Order Finding**

The provision and extension of public services and infrastructure shall be based primarily upon the Capital Improvements Element, and development orders and permits specifically conditioned on the availability of facilities and services necessary to serve the proposed development.

**Policy 4.8                      Capital Plans To Address Resource Impacts**

The County shall ensure that community services and facilities are planned and designed to minimize cost, maximize efficiency, and avoid significant impacts on the natural environment by requiring conformance with natural resource protection criteria ~~to be~~ adopted into the County's Land Development Regulations.

Comment:    The LDRs contain natural resource protection.

**Policy 4.9                      Fiscal Impact Studies**

A. All governmental decisions requiring the new expenditure of 2.5% of annual general revenue for any given undertaking of the County or public action which may have a significant bearing on the fiscal resources of the County or the business community, shall be studied for their fiscal impacts, unless waived by the Board of County Commissioners.

B. If the Board of County Commissioners requests a Fiscal Impact Study be conducted for an existing or proposed regulation - and - if from such

Study it can be determined that significant negative impacts to the economy of Highlands County will result, the Board of County Commissioners shall schedule a public workshop to consider testimony from affected and interested parties about the economic or fiscal impact of the regulation. Prior to taking action at a public hearing, the Board of County Commissioners shall make a finding in the public record that consideration was given to such testimony and served as a basis for the pending action.

**Policy 4.10**

**Development Agreements:**

It is the intent of Highlands County to secure a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources and reduce the economic cost of development. The County may secure assurance of responsibility for provision of public services and facilities through an executed Development Agreement.

A. A development agreement shall, at a minimum, include the following:

1. A legal description of the land subject to the agreement, and the names of its legal and equitable owners;
2. The duration of the agreement;
3. The development uses permitted on the land, including population densities, and building intensities and height.
4. A description of the public facilities that will service the development, including who shall provide such facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;
5. A description of any reservation or dedication of land for public purposes;
6. A description of all local development permits approved for the development of the land;

7. A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;
  8. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the local government for the health, safety or welfare of its citizens; and
  9. A statement indicating that the failure of the agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restriction.
- B. A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specified period of time.
- C. The duration of the development agreement shall not exceed 10 years. It may be extended by mutual consent of Highlands County and the developer, subject to a public hearing.
- D. Highlands County shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. For each annual review conducted during years 6 through 10 of the development agreement, the review shall be incorporated into a written report which shall be limited to the parties to the agreement and the state land planning agency. The report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the local government.
- E. A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

- F. Within 14 days after Highlands County enters into a development agreement, the County shall require recording of the agreement with the Highlands County Clerk. A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. A development agreement shall not be effective until it is properly recorded in the public records of Highlands County and until 30 days after having been received by the state land planning agency pursuant to this section. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
- G. If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.
- H. Any party, any aggrieved or adversely affected person as defined in §163.3215(2), F.S. or the state land planning agency may file an action for injunctive relief in Highlands County Circuit Court to enforce the terms of a development agreement or to challenge compliance of the agreement with the provisions of §163.3220 - §163.3243, F.S.

**Objective 5**

**Capital Improvements Planning for Public Schools**

**Ensure That Existing Deficiencies and Future Needs are Addressed Consistent with the Adopted Level of Service Standards for Public Schools**

**Policy 5.1**

**School District of Highlands County Financially Feasible Five-Year Capital Improvements Schedule**

Highlands County hereby incorporates by reference the School District of Highlands County Capital Improvements Schedule as found in the Data Inventory & Analysis of this Element and as included in the School Board of Highlands County's currently adopted School District Five Year District Facilities Work Program as adopted by the School Board of Highlands County on [September 9, 2008](#), that includes school capacity

sufficient to meet anticipated student demands projected by the County, in consultation with the School Board's projections of student enrollment based on the adopted Level of Service (LOS) standards for public schools.

**Policy 5.2                    Adopted Level of Service Standard for Highlands County Public Schools**

The LOS of school enrollment is defined as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH).

The LOS standard is the maximum level of school utilization that will be permitted in the Highlands County School District.

The LOS shall be established for all school types within the Highlands County School District as: 100% of permanent FISH capacity.

**Policy 5.3                    Annual Updates to the Capital Improvement Schedule Financial Strategy for Public School Facilities**

Highlands County, in coordination with the School Board of Highlands County and Municipalities, shall annually update its tracking of public school facilities capital improvements by using the adopted School District Five-Year District Facilities Work Program including the School District of Highlands County Capital Improvements Schedule to ensure maintenance of a financially feasible capital improvements schedule and to ensure that LOS standards will continue to be achieved and maintained during the five (5) year planning period.

Annual Program amendments shall include the addition of a new fifth year to the School District Five-Year District Facilities Work Program, updating of the School District of Highlands County Capital Improvements Schedule, coordinating the School District Five-Year District Facilities Work Program, with the plans for other local governments, and, as necessary, updates to the Concurrency Service Area maps. The annual Program amendments shall ensure that the School District of Highlands County Capital Improvements Schedule continues to be financially feasible and that the LOS standards will continue to be achieved and maintained.

**Objective 6                    Funding Sources and Facilities Provision**

**Support Supplemental and Alternative Sources for School Capital Funding**

**Policy 6.1                    Alternative Funding Strategies**

Highlands County shall encourage the School Board of Highlands County to research and utilize alternative funding for school capital needs, including, but not limited to, capacity enhancement agreements, educational benefit units, and Community Development Districts.

**Policy 6.2                    Public/Private Partnerships**

Highlands County shall coordinate with the School Board of Highlands County to encourage the private sector to identify and implement creative solutions, such as joint use facilities and alternative design, as well as requiring land dedication and requiring adequate school facilities in residential developments.

**Policy 6.3                    Support for Creative Partnerships**

Highlands County shall support the School Board of Highlands County by giving priority consideration for development approvals when property owners provide donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovations to existing facilities, and providing transportation alternatives.

# **Capital Improvements Element**

## **APPENDIX A**

### **Implementation Procedures**

**A. Overview**

**B. Concurrency Management System**

**C. Concurrency - Assessment of Elements**

**D. Administrative Rules for Concurrency Clearance**

## **SECTION - A**

### **OVERVIEW**

#### **IMPLEMENTATION OF CAPITAL IMPROVEMENTS ELEMENT**

Highlands County presently employs a ten-year capital improvements program as an integral portion of its annual budgeting process. Thus, the recommendations within the CIE should be incorporated into the budget review process for the affected fiscal year.

Each year the County Budget Officer, as coordinator of the County's budgeting process, will meet with the County Development Services Director to review the CIP for consistency with the Capital Improvements Element and other CIP related policies of the Comprehensive Plan. Inconsistencies, carry-overs from previous fiscal years, priority directions from the Plan, and new project undertakings for Plan implementation will be brought to the attention of the Board of County Commissioners during the budget workshop cycle. In addition, the Development Services Director and Budget Officer will notify Departments of County government to any Plan directives which may impact their budget proposal for the affected fiscal year. To accomplish this level of internal coordination, the Board of County Commissioners will conduct budget workshops with Department Heads before they prepare their budget proposals. The purpose of these workshops will be to review the revenue picture and to establish consensus on the budget priorities for the forthcoming fiscal year. As a part of this process, County staff will examine the implementation measures called for by the Plan, assess their fiscal impacts, and advise the Board of County Commissioners on the following:

- Updating, based on changes in expected population, revenue sources, unanticipated expenses, and completion of scheduled projects.
- Consistency, both internal and to other comprehensive Plan elements.
- Project prioritizing.
- Means of meeting deficiencies, if any exist.
- The effectiveness and fairness of the County's impact fee system, if such a system is adopted.

- The progress of the County in securing financing and other assistance from other agencies to carry out the County's plan.
- The progress of the private development community in meeting the requirements expressed within the Comprehensive Plan elements.
- The County's ability to maintain adopted level of service standards.
- The progress of the County in meeting its commitments within the Comprehensive Plan.
- The effectiveness of the County's concurrency management system in promoting growth management within the County.
- The progress of the County in implementing its "urban growth area" system, and directing growth to areas of higher levels of services and facilities.
- The progress of the County in implementing intergovernmental coordination with other governmental agencies providing facilities and services within the County.

## **SECTION - B**

### **OVERVIEW**

#### **CONCURRENCY MANAGEMENT SYSTEM**

The County's Concurrency Management System will provide the means for evaluating proposed development orders to ensure that the level of service standards adopted within the County's Comprehensive Plan are maintained, and that public facilities and services needed to support development are available concurrent with the impacts of such development pursuant to rule 9J-5.0055 FAR. In addition, the system will:

1. Include guidelines for interpreting and applying LOS standards to applications for development orders and permits, and for determining at what point in the process the test for concurrency must be met;
2. Indicate how the County will assess the demand placed on public facilities as well as the capacity of public facilities;
3. The means by which the County will monitor changes in the capacity of public facilities and LOS provided by the facilities; and,
4. Indicate that the County will reserve capacity in the public facilities necessary to serve proposed developments following approval of a development order, and such development order will include a time limit during which construction must commence, or the reserve capacity will be forfeited.

In order to ensure that all public facilities included within the County's Concurrency Management System are available concurrent with the impacts of development, a finding of level of service concurrency compliance shall be determined by the County during or before the final site plan, final subdivision plan, or building permit approval process. All development orders and permits will specify any needed improvements, and a schedule for their implementation, including any conditions that require public facility improvements be in place concurrent with the impacts of the proposed development. If a development proposal cannot meet the test for concurrency, or fails to meet a condition of approval once it has commenced, then no additional development orders, permits, or Certificates of Occupancy may be issued. Where concurrency approval precedes final development order issuance, the County will enforce a schedule leading

to final development order, and should the applicant fail to meet the schedule, the concurrency permit shall be deemed expired.

The County's land development regulations will specifically list the application requirements for development orders and permits that reflect the informational needs for the determination of concurrency, and application forms shall be developed accordingly.

The County Engineer shall administer the provision of the section and shall develop rules, forms, applications and fees, as may be required to implement the Concurrency Management System. In concert, the County's Planning, Zoning and Building Departments will be responsible in supporting the County Engineer for the following:

1. Maintaining an inventory of existing public facilities and capacities or deficiencies;
2. Determining concurrency of proposed development;
3. Cumulative record of the level of service allocation permitted by the approval of final development orders (or other development orders, if reservation of capacity is appropriate) for each referenced public facility; and,
4. Yearly reporting the status of all public facilities covered under this system to the Board of County Commissioners and Local Planning Agency, and recommending a schedule of improvements for those public facilities found to have existing deficiencies, or anticipated to have deficiencies in the near future.

### **CAPACITY AND LEVEL OF SERVICE INVENTORY**

The County's Planning Department will collect, and make available to the public, information on the public facilities which have been assigned an LOS in the County's Comprehensive Plan. This information shall be available, in sufficient time for the Local Planning Agency and Board of County Commissioners to include their input to the County's yearly budgeting process, and updated each year.

### **INFORMATION BASE FOR CONCURRENCY MANAGEMENT**

The Planning Department shall maintain the inventories necessary for the concurrency assessment of new development which should include the following inventories:

### **TRAFFIC CIRCULATION**

1. The existing level of service measured by the average annual number of trips per day on a roadway link, and the peak hour trips as provided in the latest counts, taken by the County or the Florida Department of Transportation;
2. The adopted level of service standards for all roadway types;
3. The existing capacities or deficiencies of the roadway network;
4. The capacities reserved for approved but unbuilt development;
5. The projected capacities or deficiencies due to approved but unbuilt development;
6. The improvements to be made to the roadway network in the current fiscal year and future years by any approved developments, pursuant to previous development orders, and the impact of such improvements on the existing capacities or deficiencies; and,
7. The improvements to be made to the roadway network in the current fiscal year and future years by the County, the State of Florida Department of Transportation, or other public agency, and the impact of such improvements on the existing capacities or deficiencies.

### **SANITARY SEWER**

1. The design and permitted capacity of the wastewater treatment facilities;
2. The current demand on the wastewater treatment facilities, including: the existing level of service standards, average month daily flow, peak month average daily flow, peak hour flow, the total number of persons within the service area, and equivalent dwelling unit ratios for non-residential use;
3. The adopted level of service standard for average daily flows per equivalent residential unit;
4. The existing deficiencies of the system, including estimates of infiltration rates;
5. The capacities reserved for approved but un-built development;

6. The projected capacities or deficiencies due to approved but un-built development;
7. The improvements to be made to the facility in the current fiscal year by any approved developments, pursuant to previous development orders, and the impact of such improvements on the existing capacities or deficiencies; and,
8. The improvements to be made to the facility in the current fiscal year by the system's owner/operator, and the impacts of such improvements on the existing capacities or deficiencies.

### **POTABLE WATER**

1. The design and permitted capacity of potable water treatment facilities;
2. The current demand on potable water treatment facilities, including: the existing level of service, average number of gallons per day pumped, treated and sold to consumers per average month, peak month and peak hour, and the total number of persons within the service area and equivalent dwelling unit ratio for non-residential use;
3. The existing potable water storage capabilities of the water system;
4. The existing minimum water pressure;
5. The adopted level of service standards for the potable water facility components;
6. The existing capacities or deficiencies of the system;
7. The capacities reserved for approved but un-built development;
8. The improvements to be made to the facility in the current fiscal year by any approved developments, pursuant to previous development orders, and the impact of such improvements on the existing capacities or deficiencies; and,
9. The improvements to be made to the facility in the current fiscal year by the system's owner/operator, and the impact of such improvements on the existing capacities or deficiencies.

### **SOLID WASTE DISPOSAL**

1. The design capacity of solid waste disposal facilities;
2. The existing level of service measured by the number of persons served;
3. The adopted level of service standard for solid waste; the capacities reserved for approved but unbuilt development;
4. The projected capacities or deficiencies due to approved but unbuilt development; and,
5. The improvements to be made to the system in the current fiscal year and future years by any approved developments, pursuant to the previous development orders, and the impact of such improvements on the existing capacities or deficiencies.

### **STORMWATER DRAINAGE**

1. The existing level of service measured by storm event as required by the appropriate (South or Southwest Florida Water Management) district; and,
2. The adopted level of service standard for storm drainage.

### **RECREATION AND OPEN SPACE**

1. The existing acreage of park land as defined in the Recreation and Open Space Element of this plan;
2. The existing level of service measured by the number of acres of park land available per 1,000 residents of the County, based on an inventory of park lands in the County and the population of the County;
3. The existing capacities or deficiencies of the recreation facility system;
4. The capacities reserved for approved but un-built development;
5. The projected capacities or deficiencies as a result of approved but un-built development;

6. The improvements to be made to the park system in the current fiscal year and future years by any approved developments, pursuant to previous development orders, and the impact of such improvements on the existing capacities or deficiencies; and,
7. The improvements to be made to the park system in the current fiscal year and future years by the County or other public agencies, and the impact of such improvements on the existing capacities or deficiencies.

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## **SECTION - C**

### **CONCURRENCY ASSESSMENT PARAGRAPH**

In concert, the County's Planning, Zoning, and Building Departments will be responsible for determining concurrency for all applications for development orders for final site plans and/or final subdivision plans, and for earlier concurrency determinations where this has been requested by the applicant. When reviewing applications for such development orders, the departments shall perform a concurrency assessment to ensure that public facilities are available concurrent with the impact of the proposed development. To conduct the assessment, the previous inventory shall be used as a base for the establishment of existing conditions. The capability of existing public facilities to service new development shall then be determined by using the concurrency assessment. Finally, a determination of concurrency shall be made. Such determination may include conditions of approval which are deemed necessary for concurrency to be ensured.

A public facility or service shall be determined as available for potable water, sanitary sewer, solid waste, and drainage if it meets any of the conditions "1 through 4" below. Park and recreation services or facilities and roads shall be determined as available if any of the below conditions "1 through 5" are met.

1. The facility or service is in place to serve a proposed development when the County's development order, permit, or development agreement is approved.
2. The County's development order, permit, or development agreement is approved subject to the condition that the facility or service will be in place when the impacts of the proposed development occurs.
3. The facility or service is under construction when the County's development order, permit, or development agreement is approved.
4. The facility or service is the subject of a binding executed construction contract which provides for the commencement of the actual construction of the required facility or the provision of the required service within one year of issuance of the County's development order permit.

5. The facility or service is guaranteed by an enforceable Development Agreement which requires commencement of the actual construction of the facility or the provision of the service within one year of issuance of the County's development order or permit.

The adopted level of service standards shall be the acceptable standards with which all proposed new development shall comply.

### **FACILITIES REPORTING**

Each year, the County's Development Services Director and County Engineer shall report the information base to the Local Planning Agency and Board of County Commissioners. The report shall also include the degree of any deficiencies, and a summary of the impacts the deficiency(s) will have on the approval of development orders. The Development Services Director and County Engineer shall then recommend a schedule of improvements necessary to prevent reduction in the County's adopted LOS

## **SECTION - D**

### **ADMINISTRATIVE RULES FOR CONCURRENCY CLEARANCE**

#### **EXISTING DEFICIENCIES**

No development shall be approved which will impact a facility which is currently deficient unless the facility is required to be improved in the current fiscal year pursuant to a previous development order or permit. Any needed improvements shall be completed prior to the projected impacts of the proposed development.

#### **APPROVED IMPACTS**

The impacts of new development shall be assessed against the existing conditions as described previously, and the projected impacts from approved but un-built development. These two items together shall be considered the existing conditions for all public facilities for the impact assessment of all proposed development.

#### **PHASING**

Development that is proposed to be phased may also phase the improvement of facilities, provided the concurrency requirements for each phasing schedule are met.

#### **TIME SPECIFIC APPROVAL**

All development approvals shall have a time period specified in the development order or permit in which development must commence. The time period may involve two or more phases, but the timing of each phase shall be specified in the development order or permit.

Any required improvements shall also require a time period for construction and completion. Should development or facilities improvements fail to begin or be completed in accordance with the development order or permit, all outstanding approvals of the development shall expire. Amendments to time schedules shall be permitted, but must be approved by the department granting the original approval.

### **ADDITIONAL INFORMATION**

The appropriate department may require additional information from applicants or other County departments in order for an accurate assessment to be conducted. Such additional informational requests shall be provided in writing to the appropriate department.

Should the appropriate department require a special study (such as traffic counts on a road that is not regularly monitored), the applicant shall provide such information. Review and approval of proposed development may be postponed for a reasonable time period in order that more information may be gathered on a facility. Proposed development may be denied approval for failure of the applicant to provide adequate information on the projected impacts created by the development for County review of LOS concurrency compliance.

### **APPEALS**

Appeals of the appropriate department official's denial of a concurrency permit will be to the Board of County Commissioners who shall take evidence, and either approve, deny, or approve with conditions the application for a concurrency permit. In so doing, the Board of County Commissioners shall make the following findings:

1. The impacts created by the proposed development;
2. Whether the public facilities covered under the Concurrency Management System will be available concurrent with the impacts of new development at the adopted level;
3. Those facility(s) improvements or additions that are required to ensure the finding of concurrency; and,
4. The entity responsible for the design and installation of all required facility(s) improvements or additions.

# **Capital Improvements Element**

## **APPENDIX B**

### **Ten -Year Schedule of Capital Improvements**

# Capital Improvement Element

Insert

# Capital Improvement Schedules