

Capital Improvements Element



Draft Amendments

Overview

Capital Improvements Element

The Future Land Use Element provides the designation of future land use patterns as reflected in the goals, objectives, and policies of the local government comprehensive plan elements.

Language

The language being amended includes Goals, Objectives, and Policies. The text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Comments

Comments listed under each proposed change indicate why the Goal, Objective, or Policy is being amended.

Please note that Goals, Objectives, and Policies that include non-substantive changes such as organization name changes and grammatical revisions are shown without comments.

CAPITAL IMPROVEMENTS ELEMENT

Introduction Added Introduction to cite the Capital Improvements Element Requirements

GOAL: The planning period has been updated to the year 2050.

CAPITAL IMPROVEMENTS ELEMENT

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INTRODUCTION

Pursuant to Chapter 163.3177(3)(a), Florida Statutes (F.S.), the following represents the goals, objectives and policies of Capital Improvements. These goals, objectives and policies are intended to establish the long-term vision for the timely and efficient provision of public facilities through the use of sound fiscal policies.

Comment: Language added consistent to set up of other Elements. The intent is sources from Florida Statutes 163.3177(3)(a).

GOAL: THE COUNTY SHALL PROVIDE ADEQUATE SERVICES AND FACILITIES IN A TIMELY AND EFFICIENT MANNER, WITHIN THE ~~2010 TO 2030~~ 2025 TO 2050 PLANNING PERIOD.

Comment: Goal updated to continue this policy throughout the 2050 planning horizon.

OBJECTIVE 1: CAPITAL FINANCIAL STRATEGY (CFS) AND CAPITAL IMPROVEMENTS ELEMENT (CIE) FOR FACILITIES PLANNING

The County shall utilize its Capital Improvements Element (CIE) and 10-Year Capital Financial Strategy (CFS) to provide needed facilities, including those related to growth, to correct existing deficiencies, and to provide for timely replacement.

Policy 1.1: Capital Improvements Budget

The County shall continue to adopt a capital budget as part of the annual budgeting process. The CIE and 5-Year Capital Improvements Schedule shall be reviewed on an annual basis and modified as necessary, consistent with s.163.3177(3)(a), F.S. The 10-Year CFS shall be included as a reference and be located in the Technical Support Document of the adopted Comprehensive Plan.

Policy 1.2: Capital Equipment

Every County department shall continue to maintain a list 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 equipment and facilities whose replacement date has been reached providing input to the CFS.

Policy 1.3: 10-Year Capital Improvements Planning

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

Policy 1.4: Reserved

Policy 1.5: Target Areas for Capital Projects

The County shall prioritize the 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 shall 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/Activity Fee for Parks

The County shall continue to examine impact fees or a fee system which may include activity or user fees to generate appropriate revenue to maintain desired levels of service.

Policy 2.2: New Development - To Pay Fair Share

The County, through its Land Development Regulations, 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 shall 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, wastewater, 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 or is financially committed within the first three years of the CFS 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 the special districts to provide local improvements where possible.

Policy 3.2: Pursue Grant Revenue Option

The County shall attempt to maximize 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: Transportation Review

Highlands County shall 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 ensure 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 shall develop revenue policies and additional revenue sources necessary to ensure that available capacity is not exceeded by capacity consumed.

Policy 3.6: The CIE has been amended to include the following policy by which Highlands County adopts by reference the Florida Department of Transportation Five-Year Work Program, into the County's CFS.

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 CFS.

Policy 4.1: Concurrency Clearance

The County shall continue to use a "Concurrency Management System" (CMS) to ensure that facilities and service needed to support development are available concurrent with the impacts of such development.

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

Functional Classification

| | |
|-----------------------------|---|
| Principal or Major Arterial | D |
| Minor Arterial | D |
| Major Collector | D |
| Minor Collector | D |

DRAINAGE

Utilize the appropriate water management district's drainage procedures and methods to ensure that post-development run-off will not exceed pre-development run-off, for at minimum, a 25-year/24-hour storm event.

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 12.3 |
| Existing Development: | 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 |

A 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
10 acres/1,000 population.

SOLID WASTE

County landfill capacity to collect and dispose of at least 5.21 pounds per person/day of solid waste inclusive of all land use categories.

WASTEWATER

Adequate wastewater 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 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 LOS for public facilities and services below the LOS 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 the Land Development Regulations, criteria for the establishment of services and facilities in the Sustainable Community Overlays, specific neighborhoods and existing "rural village".

In order to further discourage public services and facilities in outlying or inaccessible areas, the 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 CIE, 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 adopted into the Land Development Regulations.

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 (BCC).

- B. If the BCC requests a Fiscal Impact Study for an existing or proposed regulation, and if from such Study it can be determined that significant negative impacts to the economy of the County will result, the BCC 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 BCC 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, when the facilities 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 stipulate 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 the County and the developer, subject to a public hearing.
 - D. In accordance with Section 163.3235, Florida Statutes the 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.
 - 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 the 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

The CIE has been amended to include the following policy by which Highlands County adopts by reference the School District's Capital Improvements Schedule as included in its Five Year District Facilities Work Program, into the County's CIE.

The School District Five Year District Facilities Work Program 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 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 Financial Strategy for Public School Facilities

The County, shall annually update its tracking of public school facilities capital improvements in coordination with the School Board and municipalities 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

Implementation Procedures

APPENDIX A

- 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.

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 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. 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 BCC 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 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 BCC to include their input to the County's yearly budgeting process, and updated each year.

INFORMATION BASE FOR CONCURRENCY MANAGEMENT

The County 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.

CENTRAL WASTEWATER

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.

SECTION - C

CONCURRENCY ASSESSMENT PARAGRAPH

The County Administrator or his/her designee(s) 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, central wastewater, 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

The County Administrator or his/her designee(s) 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.