

VIII

CAPITAL IMPROVEMENTS PLAN ELEMENT

INTRODUCTION

The following goal, objectives and policies for capital improvement provide strategic planning for the financing and construction of improvements identified as part of the capital improvements Data and Analysis document.

The data collected for this plan element and analysis of this data, contained in the County's Data and Analysis document, are not part of this plan element, but serve to provide a foundation and basis for the formulation of this portion of the Comprehensive Plan.

This element is not intended to be a capital improvement program for the County and therefore, considers only those public facilities which are planned for under the requirements of Chapter 163, Florida Statutes, Part II and Rule 9J-5, Florida Administrative Code, as amended.

CAPITAL IMPROVEMENTS GOAL, OBJECTIVES AND POLICIES

GOAL VIII - THE COUNTY SHALL **ANNUALLY** ADOPT AND IMPLEMENT A **FINANCIALLY FEASIBLE** CAPITAL IMPROVEMENTS PROGRAM WHICH COORDINATES THE TIMING AND PRIORITIZES THE DELIVERY OF THE NEEDS ADDRESSED WITHIN THE OTHER ELEMENTS OF THIS COMPREHENSIVE PLAN.

~~**As defined in Section 163.3164 (23), Florida Statutes, financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned revenue sources for years four and five of the Five-Year Schedule of Improvements.**~~

OBJECTIVE VIII.1 The County shall continue to provide capital improvements to correct the existing and projected deficiencies as identified within the schedule of improvements and funding of this plan element, by adopting an annual **financially feasible** capital improvements budget, **as defined by Section 163.3164(23), Florida Statutes**, which is consistent with the schedule of improvements and funding.

Policy VIII.1.1 The County shall establish the following criteria for the evaluation of proposed capital improvement projects, to be used in conjunction with the annual budgeting process:

Criteria

- A. The County shall assess the level of service of the public facilities which adopted level of service standards have been established in this Comprehensive Plan, prior to or concurrent with the County's budget process;
- B. The County shall schedule only those projects which are consistent with the goals, objectives and policies of this Comprehensive Plan and which do not exceed the County's fiscal capacity;
- C. The County shall identify those existing or projected public facility needs, which occur or are projected to occur, due to deficiencies in the maintenance of adopted levels of service standards;
- D. Capital improvement projects identified as urgently needed to protect the public health and safety shall be given the highest priority;
- E. The capital improvements projects related to the maintenance and operation of existing facilities, which due to existing or projected needs, do not or are not expected to meet the adopted level of service standard for such facility shall be given the second order of priority;
- F. The capital improvement projects with the greatest deficiencies based upon the established level of service standards within the Comprehensive Plan shall be given the third order of priority; and
- G. The capital improvement projects, which due to deficiencies based upon the established level of service standard within the Comprehensive Plan, are needed to provide public facilities to areas which have received development approval prior to the adoption of this Comprehensive Plan shall be given the fourth order of priority.

Policy VIII.1.2 The County shall coordinate improvements to drainage facilities with the Water Management District before scheduling such improvements when deficiencies, based on established level of service standards, are identified.

Policy VIII.1.3 The County shall review the effectiveness of the capital improvements planning program through the Procedure for Monitoring and Evaluation of the Capital Improvements Element, provided within this plan element.

Policy VIII.1.4 **The County shall annually assess capacity of existing public facilities to address any existing or projected deficiencies in adopted level of service standards in order to prepare an annual update of the Five-Year Schedule of Improvements that identifies, schedules, and specifies funding for any capital improvement projects needed to maintain adopted level of service standards.**

OBJECTIVE VIII.2 The County shall continue to require that all decisions regarding the issuance of development permits shall be consistent with the established level of service standards adopted for public facilities within this Comprehensive Plan.

Policy VIII.2.1 The County shall use the following level of service standards in reviewing impacts of new development and redevelopment upon the provision of public facilities:

Establish the Service Standards as noted below at peak hour for the following roadway segments within the County as defined within the Florida Department of Transportation 2002 Quality/Level of Service Handbook.

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
1	U.S. 19/98 / S.R. 30/55 from Perry Southeast City limits to Perry Southeast Urban limits	4D	Florida Intrastate Highway System	Urban	C
2	U.S. 19/98 / S.R. 30/55 from Perry Southeast Urban limits to C.R. 361	4D	Florida Intrastate Highway System	Rural	B
3	U.S. 19/98 / S.R. 30/55 from C.R. 361 to County Southeast boundary	4D	Florida Intrastate Highway System	Rural	B
4	U.S. 19/27 / S.R. 20/30 from County North boundary	4D	Florida Intrastate Highway System	Rural	B

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
	to C.R. 361				
5	U.S. 19/27 / S.R. 20/30 From C.R. 361 to Perry North City limits	4D	Florida Intrastate Highway System	Rural	B
6	U.S. 98 / S.R. 30 from County West boundary to Perry West City limits	2U	Principal Arterial	Rural	D
7	U.S. 27 / S.R. 20 from Perry East City limits to Perry East Urban limits	4U	Principal Arterial	Urban	D
8	U.S. 27 / S.R. 20 from Perry East Urban limits to end of 4-lane	4U	Principal Arterial	Rural	D
9	U.S. 27 / S.R. 20 from end of 4-lane to County East boundary	2U	Principal Arterial	Rural	D
10	U.S. 221 / S.R. 55 from Perry North City limits to C.R. 361	2U	Principal Arterial	Rural	D
11	U.S. 221 / S.R. 55 from C.R. 361 to C.R. 14	2U	Principal Arterial	Rural	D
12	U.S. 221 / S.R. 55 from C.R. 14 to County North boundary	2U	Principal Arterial	Rural	D
13	S.R. 51 from C.R. 361 to U.S. 19/27A/98 / S.R. 55	2U	Minor Arterial	Rural	D
14	S.R. 51 from U.S. 19/27A/98 / S.R. 55 to County East boundary	2U	Minor Arterial	Rural	D
15	C.R. 14 from U.S. 19/27 / S.R. 20 to U.S. 221 / S.R. 55	2U	Major Collector	Rural	D
16	C.R. 14 from U.S. 221 / S.R. 55 to County North boundary	2U	Major Collector	Rural	D
17	C.R. 14 from terminus with Rose Creek Road to Econfina Landing	2U	Major Collector	Rural	D
18	C.R. 361 from U.S. 221 / S.R. 55 to Perry North City limits	2U	Major Collector	Rural	D
19	C.R. 361	2U	Major Collector	Rural	D

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
	from U.S. 19/27 / S.R. 20 to U.S. 221 / S.R. 55				
20	C.R. 361 from U.S. 19/27 / S.R. 20 to intersection with C.R. 359	2U	Major Collector	Rural	D
21	C.R. 356 from intersection with C.R. 359 to Perry West City limits	2U	Major Collector	Rural	D
22	C.R. 356 from Perry East City limits to U.S. 27 / S.R. 20	2U	Major Collector	Rural	D
23	C.R. 359 from U.S. 98 / S.R. 30 to C.R. 361A	2U	Major Collector	Rural	D
24	C.R. 30A from C.R. 359 to C.R. 361A	2U	Major Collector	Rural	D
25	C.R. 356 from U.S. 98 / S.R. 30 to Old Clubhouse Road	2U	Major Collector	Rural	D
26	C.R. 361A from Perry South City limits to Spring Warrior Creek	2U	Major Collector	Rural	D
27	C.R. 361 from U.S. 19/27A/98 / S.R. 55 to S.R. 51	2U	Major Collector	Rural	D
28	Rose Creek Road from U.S. 19/27 / S.R. 20 to terminus with C.R. 14	2U	Minor Collector	Rural	D
29	Cabbage Grove / Salt Road from Rose Creek Road to U.S. 98 / S.R. 30	2U	Minor Collector	Rural	D
30	C.R. 14 from County North boundary to Rose Creek Road	2U	Minor Collector	Rural	D
31	C.R. 359 from U.S. 19/27 / S.R. 20 to intersection with C.R. 361B	2U	Minor Collector	Rural	D
32	Wright Road from U.S. 19/27 / S.R. 20 to U.S. 221 / S.R. 55	2U	Minor Collector	Rural	D
33	C.R. 356 from C.R. 359 to C.R. 361A	2U	Minor Collector	Rural	D
34	Courtney Grade	2U	Minor Collector	Rural	D

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
	from C.R. 356 to C.R. 361A				
35	Puckett Road from C.R. 361A to C.R. 361A	2U	Minor Collector	Rural	D
36	Pottstill Road from C.R. 361A to C.R. 361	2U	Minor Collector	Rural	D
37	Fish Creek Road from U.S. 19/27A/98 / S.R. 55 to C.R. 361	2U	Minor Collector	Rural	D
38	Salem Tower Road from Fish Creek Road to C.R. 361	2U	Minor Collector	Rural	D
39	C.R. 30 from U.S. 19/27A/98 / S.R. 55 to U.S. 27 / S.R. 20	2U	Minor Collector	Rural	D
40	C.R. 356A from U.S. 19/27A/98 / S.R. 55 to C.R. 356	2U	Minor Collector	Rural	D
41	C.R. 356 from C.R. 356A to U.S. 19/27A/98 / S.R. 55	2U	Minor Collector	Rural	D

D - Divided Highway

U - Undivided Highway

SANITARY SEWER LEVEL OF SERVICE STANDARDS

<u>FACILITY TYPE</u>	<u>LEVEL OF SERVICE STANDARD</u>
Private on-site disposal	Shall meet or exceed all the requirements set by Chapter 64E-6, Florida Administrative Code, in effect on January 1, 2003
New Central Facilities	
residential uses	100 gals./capita/day
Nonresidential uses	Minimum service shall be consistent with Chapter 64E-6, Florida Administrative Code, in effect on January 1, 2003

SOLID WASTE DISPOSAL LEVEL OF SERVICE STANDARDS

<u>FACILITY TYPE</u>	<u>LEVEL OF SERVICE STANDARD</u>
Solid Waste Landfill	0.78 tons per capita per year

DRAINAGE LEVEL OF SERVICE STANDARDS

For all projects not exempted from Chapter 40B-4 and 62-25, Florida Administrative Code in effect on January 1, 2003 within the County, stormwater management systems must be installed such that the peak rate of post-development runoff will not exceed the peak-rate of pre-development runoff for storm events up through and including either one of the following design storms.

1. A design storm with a 10-year, 24-hour rainfall depth with Natural Resource Conservation Service Type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational uses; or
2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational issues.
3. Facilities which directly discharge into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first 1.5 inches of rainfall from the design storm consistent with Chapter 62-25.025(9), Florida Administrative Code, in effect on January 1, 2003 in order to meet the receiving water quality standards of Chapter 62-302, Florida Administrative Code in effect on January 1, 2003. Stormwater discharge facilities shall be designed so as not to lower the receiving water quality below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, Florida Administrative Code in effect on January 1, 2003.

4. All other stormwater management projects shall be required to adhere to the standards for treatment in accordance with Chapter 40-B4, Florida Administrative Code in effect on January 1, 2003 (rules of the Suwannee River Water Management District) and the Suwannee River Water Management District Environmental Resource Permitting Applicant's Handbook, as effective on January 1, 2003. Stormwater discharge facilities shall be designed so as to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 62-302, Florida Administrative Code in effect on January 1, 2003.

Any development exempt from Chapter 62-25 or 40B-4, Florida Administrative Code in effect on January 1, 2003, as cited above and which is adjacent to or drains into a surface water, canal, or stream, or which enters a ditch which empties into a sinkhole, shall first allow the runoff to enter a grassed swale or other conveyance designed to percolate 80 percent of the runoff from a three year, one hour design storm within 72 hours after a storm event. In addition, any development exempt from Chapter 62-25 or 40B-4, Florida Administrative Code in effect on January 1, 2003, as cited above, which is directly discharged into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first 1.5 inches of rainfall from the design storm consistent with Chapter 62-25.025(9), Florida Administrative Code in effect on January 1, 2003, in order to meet the receiving water quality standards of Chapter 62-302, Florida Administrative Code in effect on January 1, 2003. Stormwater discharge facilities shall be designed so as not to lower the receiving water quality below the minimum condition necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, Florida Administrative Code in effect on January 1, 2003.

POTABLE WATER LEVEL OF SERVICE STANDARDS

<u>FACILITY TYPE</u>	<u>LEVEL OF SERVICE STANDARD</u>
Private individual water wells	Standards as specified in Chapter 62-22, Florida Administrative Code in effect on January 1, 2003
Keaton Beach Community Potable Water System	100 gallon per capita per day
Steinhatchee Community Potable Water System	100 gallons per capita per day
Taylor Beaches Community Potable Water System	100 gallons per capita per day
Other Community Potable Water Systems (Future)	100 gallons per capita per day

RESOURCE BASED RECREATION ACTIVITY/FACILITY LEVEL OF SERVICE STANDARDS

<u>ACTIVITY</u>	<u>LEVEL OF SERVICE STANDARD</u>
<u>Parks with Facilities</u>	<u>5 Acres per 5,000 residents</u>

The following criteria will be used as general park design guidelines

Swimming(non pool)	1 access point at a beach, spring, river, lake or pond for every 25,000 persons to be served.
Fishing (non-boat)	1 access point for every 10,000 persons to be served.
Fishing (boat)	1 boat ramp for every 5,000 persons to be served.
Camping (Recreation)	1 acre of campground within a 25 mile

Vehicle and/or Tent)	radius of the County boundaries for every 25,000 persons to be served.
Picnicking	1 picnic table for every 500 persons to be served.
<u>ACTIVITY</u>	<u>LEVEL OF SERVICE STANDARD</u>
Hiking	1 mile of available hiking trail within a 25 mile radius of the County boundaries for every 10,000 persons to be served.
Nature Study	7 acres of managed conservation area within 25 mile of the County boundaries for every 10,000 persons to be served.

**ACTIVITY BASED RECREATION ACTIVITY/FACILITY
LEVEL OF SERVICE STANDARDS**

<u>ACTIVITY</u>	<u>LEVEL OF SERVICE STANDARD</u>
Football/Soccer	1 multi-purpose playing field for every 15,000 persons to be served.
Baseball/Softball	1 baseball/softball field for every 6,000 persons to be served.
Tennis	1 tennis court for every 7,500 persons to be served.

Policy VIII.2.2 The County shall require that public facilities have a capacity which meets or exceeds the adopted level of service standards concurrent with the impact of development.

Policy VIII.2.3 The County shall require an amendment to this Comprehensive Plan for the elimination, deferral or delay of construction of any transportation capital improvement project, which is needed to maintain the adopted level of service standard and which has been listed on the County's Five year Schedule of Capital Improvements.

OBJECTIVE VIII.3 The County shall require that a subdivider at his or her expense shall grade and improve streets, install sidewalks, street name signs, street lights, fire hydrants, curbs and gutters, and stormwater facilities and where applicable; and, where community sanitary sewer and/or potable water service is available, install sanitary

sewer and water mains.

- Policy VIII.3.1 The County shall require that all proposed subdivisions which include an existing street which is adjacent to or included within the proposed subdivision shall be required to improve the street to conform to the County standards.
- Policy VIII.3.2 The County's subdivision improvement standards shall apply to all subdivisions.
- OBJECTIVE VIII.4 The County shall **maintain an annual** capital improvements budgeting process to manage the fiscal resources of the County, including the funding of capital improvements, identified within the Comprehensive Plan.
- Policy VIII.4.1 The County shall incorporate within the County's annual budgeting process, a **financially feasible** capital improvements budget which addresses the needed projects found in the schedule of improvements and funding of this plan element.
- Policy VIII.4.2 The County shall limit the issuance of development permits to areas where the adopted level of service standards for the provision of public facilities found within the Comprehensive Plan are maintained. This provision also includes areas where development orders were issued prior to the adoption of the Comprehensive Plan.
- Policy VIII.4.3 The County shall apply for federal or state grant funding for projects which recognize the policies of other elements of this comprehensive plan whenever available and where it has been determined that the County has competitive standing in any ranking process for determining program award.
- Policy VII.4.4 The County shall not issue bonds or participate in other forms of debt financing for public facilities required by this Comprehensive Plan except as specific proposals are considered and adopted by the Board of County Commissioners during the budgeting process or, separately, on a case by case basis.
- OBJECTIVE VIII.5 The County shall limit expenditures for infrastructure which subsidize growth within the coastal high hazard area, as identified within this Comprehensive Plan, to those public facility needs identified within the Coastal Management Element.
- Policy VIII.5.1 The County shall limit expenditures for new infrastructure within the coastal high hazard area to those public facility needs identified in

the five year schedule of improvements within this Comprehensive Plan.

Policy VIII.5.2 The County shall replace or renew public facilities or plants damaged due to storm surge or flood only where such facilities can meet minimum requirements for flood proofing.

Policy VIII.5.3 The County shall require that public facilities which are repaired or replaced within the coastal high hazard area, after being damaged or destroyed from any cause, meet all applicable standards or requirements in effect at the time of repair or replacement.

IMPLEMENTATION

FIVE YEAR SCHEDULE OF IMPROVEMENTS

The five year schedule of improvements shown in Table VIII-1 is the implementation mechanism of the Capital Improvements Element to stage the timing, location, projected cost and revenue sources for any capital improvement needs identified within the other elements of the Comprehensive Plan. The following schedule documents the economic feasibility of the County's Comprehensive Plan and is based upon the Data and Analysis Report, which although not a part of this plan, provides the foundation for the determination of the economic feasibility of any projects listed.

TABLE VIII-1

FIVE YEAR SCHEDULE OF IMPROVEMENTS

2009-2013

PROJECT DESCRIPTION	SCHEDULE	PROJECTED COST	GENERAL LOCATION	REVENUE SOURCE	CONSISTENCY WITH OTHER ELEMENTS
<u>None</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Source: Data and Analysis Report, November 30, 1987, Revised February 1991 **and revised 2008 and School District Five-Year Work Plan, 2008-2009.**

PROCEDURE FOR MONITORING AND EVALUATION OF CAPITAL IMPROVEMENTS ELEMENT

The role of monitoring and evaluation of the Capital Improvements Element is important to the effectiveness of the County's planning program. This is due to the fluctuations in the revenues and expenditures of the County due to market and economic conditions.

The revenues and expenditures of the County will be used to predict fiscal trends in order to maintain the County's adopted level of service standards for public facilities and recreation. Therefore, the Capital Improvements Element requires a continuous program for monitoring and evaluation, and pursuant to Chapter 163, Part II, Florida Statutes, this element will be reviewed on an annual basis to ensure that the fiscal resources are available to provide the public facilities needed to support the established level of service standards.

The annual review is the responsibility of the County's Local Planning Agency. County staff as appointed by the Board of County Commissioners will serve as advisory counsel to the Local Planning Agency dealing with all fiscal issues.

The Local Planning Agency shall consider the following points during the annual review to assist in the determination of findings and recommendations to the Board of County Commissioners:

- (1) The review of the criteria used to evaluate capital improvement projects in order to ensure that projects are being ranked in their appropriate order of priority;
- (2) The County's effectiveness in maintaining the adopted level of service standards;
- (3) The impacts of service provisions of other local, regional or state agencies upon the County's ability to maintain the adopted level of service standards;
- (4) Efforts by the County to secure grants or private funds, whenever available, to finance the provision of needed capital improvements;
- (5) The consideration of any corrections, updates and modifications concerning costs, and revenue sources;
- (6) The consistency of the Capital Improvements Element with the other elements of the Comprehensive Plan and most particularly it's support of the Future Land Use Element;
- (7) The County's ability to provide public facilities within respective geographic service areas in order to determine any need for boundary modification or adjustment; and

- (8) The appropriateness of including within the 5-Year Schedule of Improvements those identified improvements needed for the latter part of the planning period.

The findings and recommendations of the Local Planning Agency will be transmitted to the County for review at a scheduled public hearing. Subsequent to review of the findings and recommendations of the Local Planning Agency, the Board of County Commissioners shall direct County staff to provide the Local Planning Agency with an updated 5-Year schedule of Improvements and any drafts for amendments to the Capital Improvements Element as deemed necessary by the Board of County Commissioners.

The Local Planning Agency shall consider the annual amendment of the 5-Year Schedule of Improvements at the first scheduled date for consideration of amendments to the County's Comprehensive Plan. All amendments to the Schedule or elements, except for corrections, updates, and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedications which are consistent with the plan, or the date of construction of any facility enumerated in the capital improvements element, shall be adopted in accordance with Section 163.3187, Florida Statutes, as amended.

CONCURRENCY MANAGEMENT SYSTEM

Chapter 9J-5, Florida Administrative Code requires the adoption of a concurrency management system to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. This concurrency management system is designed to ensure that prior to the issuance of a development order and development permit, that the adopted level of service standards required within this Comprehensive Plan for roads, potable water, sanitary sewer, solid waste, drainage, and recreation and open space will be maintained.

The County has adopted policies within this Comprehensive Plan, which establish level of service standards for public facilities. The concurrency management system, in turn, provides a mechanism for the County to ensure the maintenance of the standards concurrent with the impacts of development.

PURPOSE AND OVERVIEW

The County shall require a concurrency review be made with applications for development approvals and a Certificate of Concurrency issued prior to development. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the Land Development Regulation Administrator. If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with any future application for a development permit. A separate concurrency review shall not be required for each development permit for the same project.

For purposes of this Concurrency Management System, a development order means any order granting, denying, or granting with conditions an application for a development permit. Development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Concurrency review addresses only the availability of public facilities and capacity of services and a Certificate of Concurrency does not represent overall development approval. If the application for development is not concurrent, the applicant shall be notified that a certificate cannot be issued for the development. The burden of showing compliance with the adopted levels of service and meeting the concurrency test shall be upon the applicant.

The County shall review applications for development and a development approval shall be issued only if the proposed development does not lower the existing level of service of public facilities and services below the adopted level of service in this Comprehensive Plan.

The minimum requirements for concurrency within this management system are as follows:

1. For Sanitary Sewer, Solid Waste, Drainage and Potable Water Facilities
 - (a) A development order or permit may be issued, subject to the condition that, at the time of issuance of a certificate of occupancy or its functional equivalent, if the necessary facilities and services are in place and available to serve the new development; or
 - (b) At the time the development order or permit is issued, the necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163. 3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent.

2. For Parks and Recreation Facilities
 - (a) At the time the development order or permit is issued, the necessary facilities and services are in place or under actual construction; or
 - (b) A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the County, or funds in the amount of the developer's fair share are committed; and
 - (1) A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the County's adopted 5-Year Schedule of the Capital Improvements Element; or
 - (2) At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
 - (3) At the time the development order or permit is issued, the

necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.

3. For Transportation Facilities

- (a) At the time a development order or permit is issued the necessary facilities and services are in place or under construction; or
- (b) A development order or permit is issued, subject to the condition that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction no more than three years after issuance of a certificate of occupancy or its function equivalent as provided in the County's 5-Year Schedule of the Capital Improvements Element. The schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable, adopted Florida Department of Transportation five-year work program, for facilities not on the Florida Intrastate Highway System. In addition, the schedule of capital improvements may recognize and include transportation projects included in the applicable, adopted Florida Department of Transportation five-year work program for facilities on the Florida Intrastate Highway System.
- (c) At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction nor more than three years after the issuance of a certificate of occupancy or its functional equivalent; or
- (d) At the time a development order or permit is issued the necessary facilities and services are guaranteed on an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent.

CONCURRENCY DETERMINATION PROCEDURES

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in this Comprehensive Plan, which are (1) traffic circulation, (2) sanitary sewer, (3) solid waste, (4) drainage, (5) potable water and (6) recreation and open space.

The concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project.

Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations or previously approved development orders.

1. For development orders and permits, the following determination procedures shall apply, as follows:
 - (a) If an applicant desires to determine whether there is sufficient capacity to accommodate their proposed project, the Land Development Regulation Administrator shall make an informal non-binding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed project.

If there appears to be insufficient capacity, the Land Development Regulation Administrator shall then make a determination of what public facilities or services would be deficient if the proposed project were approved.

- (b) There are certain development approvals that are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. These development approvals are land use amendments to the Comprehensive Plan and rezoning requests. Those development approvals shall receive a non-binding concurrency determination.
 - (c) Any concurrency determination, whether requested as part of an application for development approval or without an application for development approval, is a non-binding determination of what public facilities and services are available at the date of inquiry. The issuance of a Certificate of Concurrency Compliance shall be the only binding action, which reserves capacity for public facilities and services.
2. For roadways determination procedures shall apply, as follows:
 - (a) The County shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the County's

Comprehensive Plan. If this level of service information indicates a level of service failure, the applicant may either (1) accept the level of service information as set forth in the most recent Data and Analysis Report supporting the County's Comprehensive Plan, or (2) prepare a more detailed Highway Capacity Analysis as outlined in the Highway Capacity Manual, 2000 or a speed and delay study following the procedures outlined by the Florida Department of Transportation, Site Impact Handbook, April 1997.

- (b) If the applicant chooses to do a more detailed analysis the (1) applicant shall submit the completed alternative analysis to the Land Development Regulation Administrator for review, and (2) Land Development Regulation Administrator shall review the alternative analysis for accuracy and appropriate application of the methodology.
 - (c) If the alternative methodology, after review and acceptance by the Land Development Regulation Administrator, indicates an acceptable level of service, the alternative methodology shall be used in place of the most recent Data and Analysis to support the County's Comprehensive Plan.
3. For sanitary sewer, solid waste, drainage, potable water, and recreation and open space determination procedures shall apply, as follows:
- (a) The County shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the County's Comprehensive Plan.
 - (b) If such level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was available.
 - (c) If such level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry.

CERTIFICATE OF CONCURRENCY COMPLIANCE

A Certificate of Concurrency Compliance shall only be issued upon final development approval. The Certificate of Concurrency Compliance shall remain in effect for the same period of time as the development order or permit granting final development approval.

If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for 12 months from the date of issuance.

Unless development commences on or before the expiration date of the Certificate of Concurrency Compliance, the reserved capacity is forfeited by the applicant.

In such cases where there are competing applications for public facility capacity, the order of priority shall apply, as follows:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;
2. Issuance of a building permit based upon previously approved development orders permitting new development;
3. Issuance of new development permits permitting redevelopment;
4. Issuance of new development permits permitting new development.

In conclusion, the following conditions apply to the County's concurrency management system:

1. Amendments to the Comprehensive Plan can be made twice each year and as otherwise permitted as small scale developments. In addition, changes can be made to the Capital Improvements Element by ordinance if the changes are limited to the technical matters listed in Chapter 163, Part II, Florida Statutes.
2. No development order or development permit shall be issued which would require the Board of County Commissioners to delay or suspend construction of any of the capital improvements on the 5-Year schedule of the Capital Improvements Element.
3. If by issuance of a development order or development permit a substitution of a comparable project on the 5-Year schedule is proposed, the applicant may request the County to consider an amendment to the 5-Year schedule in one of the twice annual amendment reviews.

4. The result of any development not meeting adopted level of service standards for public facilities shall be cessation of the affected development or the reduction of the standard for level of service (which requires an amendment to the Comprehensive Plan).