

## Exhibit H

Text proposed for deletion is shown ~~stricken~~ and text proposed for addition is shown underlined.

### Chapter 14 - CAPITAL IMPROVEMENTS

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**Acronyms used in this chapter:**

CGMP	Comprehensive Growth Management Plan
CIP	Capital Improvements Plan
DRI	Development of Regional Impact

F.A.C.	Florida Administrative Code
F.S.	Florida Statutes
LOS	Level of Service

## Section 14.1. - Background

14.1.A. Florida Statutes have a requirement that the comprehensive plan must contain a capital improvement element to "... consider the need for and location of public facilities ..." (Florida Statutes (F.S.) section 163.3177(3)).

The Capital Improvements Plan (CIP) is intended to identify public facilities that will be required to accommodate the County's projected population during the next five or more years, including the cost of the facilities, and the sources of revenue that will be used to fund the facilities.

One of the specific requirements of the growth management legislation is that the public facilities that are contained in the CIP must be based on "standards to ensure the availability of public facilities and the adequacy of those facilities, including acceptable levels of service." Florida Statutes section 163.3164(28) defines the phrase "level of service" as "... an indicator of the extent or degree of service provided by ... a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility." In other words, the public facilities in the CIP are to be based on quantifiable, objective measures of service, such as gallons of water per customer and acres of park per capita.

In 2003, Martin County developed a 10-year long-term CIP and funding forecast. Prior to 2003 the County utilized a 5-year capital planning process. This 10-year forecast was undertaken in response to substantial capital investments required to meet the long-term capital facility requirements of the County. Each of the departments in the County has evaluated the feasibility of accommodating the projected population through better utilization of existing facilities and adding new facilities. The 10-year capital plan builds upon the prior capital projects forecast, and proposes the most effective strategy for the County to follow in developing needed capital resources.

## Section 14.2. - Study Methodology

The Capital Improvements Element was prepared through a 14-step process. It included the following:

1. Inventory of all public facilities, regardless of ownership;
2. Preparation of population data;
3. Compilation of existing and alternative levels of service;

4. Inventory of all existing public facilities owned by Martin County;
5. Formulation of average costs for new facilities;
6. Identification of revenue sources;
7. Analysis of a preference survey on levels of service standards and on revenue sources for each type of facility;
8. Calculations of present and future requirements for additional facilities;
9. Identification of surpluses and deficiencies of existing facilities compared to present and future requirements;
10. Calculations of costs for eliminating deficiencies;
11. Forecasts of revenues to pay for facilities;
12. Preparation of actual capital improvement projects cost estimates by year;
13. Adoption of levels of service; and
14. Establishment of goals, objectives and policies to govern the implementation of capital improvements.

The research and analysis was conducted by a consultant. Martin County staff prepared population data, compiled level-of-service (LOS) standards information, formulated average costs for new facilities and prepared capital improvement project cost estimates. The inventory of public facilities and the adoption of level of service standards were tied to the preparation of the various elements that address a specific type of capital facility.

#### Section 14.3. - Coordination of the Public Facility LOS Determination with the Future Land Use Element - Location of Future Development and Timing of Public Facility Improvements

- 14.3.A. *Creation of the capital facilities list.* Development of the list of capital facilities established in section 14.5.A, Summary of capital improvements and section 14.5.B, Costs and revenues by type of public facility, was accomplished using the information from the various operational departments in the County and relevant data regarding the facilities and services supplied by others. With the demand for the capital facility being established relative to the demand to support the developing urban service areas, the Board of County Commissioners and the Local Planning Agency (LPA) established the priority ranking of the level of service standard and the revenue source to support the facility. That listing will be updated routinely as part of the ongoing capital improvements programming.
- 14.3.B. *Continuing update of the capital facilities list.* The update and assessment of the capital facilities needs of Martin County is detailed in Chapter 14. Each operating department in Martin County maintains an inventory of its existing facilities and annually updates the listing for LOS assessments. The County Administrator coordinates with the individual operating departments, provides updated projections of population for use in the update of the Capital Improvement Plan (CIP) and determines if modifications are needed to the LOS standards for the

applicable facility. The Board of County Commissioners then reviews LOS standards and revenue sources for each facility. The review results in the annual update of the 10-year CIP and the subject fiscal year budget process.

Incorporated into the CIP update is an assessment of development projects and related conditions of approval. The geographic location of public facilities is coordinated with the Plan policies regarding urban service areas and with the location of development approvals where conditions of approval require the improvement of public infrastructure. Thus, the timing and location of construction, extension or increase in the capacity of the public facilities supporting the development of Martin County is fully integrated in the LOS determination policy and the annual update process for the Capital Improvements Plan.

#### Section 14.4. - Goals, Objectives and Policies

**Goal 14.1.** To use sound fiscal policies to provide adequate public facilities concurrent with, or prior to, development in order to achieve and maintain adopted standards for levels of service and to exceed the adopted standards, when possible, and to promote policies of the Comprehensive Growth Management Plan that are cost-effective in terms of capital improvement needs and programming.

*Objective 14.1A.* To establish standards for levels of service for each type of public facility, to determine what capital improvements are needed in order to achieve and maintain the standards for existing and future populations, and to repair or replace existing public facilities.

*Policy 14.1A.1. Levels of service for categories of public facilities.* The County shall establish standards for levels of service for categories A, B, C and D of public facilities and shall apply the standards, as follows:

(1) *Category A*

- (a) The standards for levels of service of each type of public facility in category A, excluding public school facilities, shall apply to development orders issued by the County, shall apply to the County's annual budget, the County's Capital Improvements Plan and shall apply to other elements of this Comprehensive Growth Management Plan.
- (b) The standards for levels of service for public school facilities in category 'A' shall apply to development orders issued by the County after June 1, 2008 or the effective date of the Public School Facilities Element, shall apply to the Martin County School District Annual budget; the Public Schools Facilities Element Capital Improvements Plan and shall apply to other elements of this Comprehensive Growth Management Plan.

- (2) *Category B.* The standards for levels of service of each type of public facility in category B shall apply to the County's annual budget and the County's Capital Improvements Plan but shall not apply to development orders issued by the County.

- (3) *Category C.* The standards for levels of service of each type of public facility in category C shall apply to development orders and shall apply to other elements of this Comprehensive Growth Management Plan, but shall not apply to the County's annual budget or the County's Capital Improvements Plan.
- (4) *Category D.* The standards for levels of service of each type of public facility in category D shall not apply to development orders, the County's annual budget or the County's Capital Improvements Plan. These standards for levels of service shall apply to other elements within this Comprehensive Growth Management Plan. These facilities are given further definition with the other applicable elements of the Comprehensive Growth Management Plan.

The County does not establish level of service (LOS) standards for category E public facilities.

*Policy 14.1A.2. LOS standards for category A facilities.* The standards for category A public facilities levels of service shall be as follows:

- (1) County arterial and collector roads:

Level of service D; peak hour/peak ~~season~~ direction on all County arterial and collector roads.

- (2) County water management systems:

Level of Service

Major Drainage Ways (over one square mile) - 8.5" in a 24-hour period (25 year/24-hour design storm)

Underground Facilities Utilizing Storm Sewers - 6" in a 24-hour period (5 year/24-hour design storm)

All Other Facilities - 7" in a 24-hour period (10-year/24-hour design storm)

Finished Floor Elevation - 100-year/3-day storm

- (a) Building floors shall be at or above the 100-year flood elevations, as determined from the most appropriate information, including Federal Flood Insurance Rate Maps. Both tidal flooding and the 100-year, 3-day storm event shall be considered in determining elevations. Lower floor elevations will be considered for agricultural buildings and boat storage facilities that are nonresidential and not routinely accessed by the public.
- (b) All project sites shall control the timing of discharges to preclude any off-site impact for any storm event. The peak discharge rate shall not exceed the predevelopment discharge rate for the 25-year frequency, 3-day duration storm event.

The minimum roadway flood protection design storm shall be the 10-year frequency, 24-hour duration storm event unless the roadway is classified as a scenic corridor, in which case the flood protection design storm will consider maintaining the character of the roadway.

(3) County water systems:

(a) *Residential Level of Service Standard*      *Year*

106 gallons per day per capita.

(b) *Nonresidential Level of Service Standard*

As defined in F.A.C. 64E-6.008, Standards for Onsite Sewer and Disposal Systems

(c) The minimum water delivery rate for any single fire hydrant shall be 500 gallons per minute. Additionally, the minimum pressure in any point within a water distribution system shall be 20 psi. However, the goal is 35 psi, at all times.

(4) County sewer systems:

(a) *Residential Level of Service Standard*

Wastewater	100 gallons per capita per day
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(b) *Nonresidential Level of Service*

Wastewater	As defined in F.A.C. 64E-6.008, Standards for Onsite Sewer and Disposal Systems
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(5) County solid waste facilities:

(a) Provide annual municipal solid waste facility capacity of 1.06 tons per weighted population.

(b) When the municipal solid waste facility(ies) falls below the capacity levels stated in subsection (a) above or when the remaining life of the facility(ies) reaches two years, Martin County shall immediately commence with a process to ensure no interruption in disposal activities will occur. This process may include new construction or contracted services.

- (6) County parks and recreation facilities: Developed active parkland is three acres per 1,000 population as applied by the recreation planning district specified in the Recreation Element.
- (7) Fire/rescue:
- (a) 1) Advanced Life Support 8 minutes 90% of the time in Urban areas
  - 2) Advanced Life Support 20 minutes 90% of the time in Rural areas
  - 3) Basic Life Support 6 minutes 90% of the time in Urban areas
  - 4) Basic Life Support 15 minutes 90% of the time in Rural areas
  - 5) Fire Response 6 minutes 90% of the time in Urban areas
  - 6) Fire Response 15 minutes 90% of the time in Rural areas
- (8) Public educational facilities: The County, through its capital improvements element, shall ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards. These standards shall be consistent with the Interlocal Agreement for School Facilities Planning and Siting agreed upon by the County, the School Board and the City of Stuart. The LOS standard to be used by the County, City and the School Board to implement school concurrency shall be as follows:
- (a) Elementary School Concurrency Service Area (CSA):  
100% of permanent FISH capacity for all Elementary Schools in the CSA (85% of permanent FISH capacity for Title 1 Elementary Schools), not to exceed a student capacity cap of 750, plus  $(450 * a/b)$ .  
  
WHERE  
  
a = Number of existing Elementary Schools in the CSA  
  
b = Number of existing Elementary Schools in the District
  - (b) Middle School Concurrency Service Area:  
100% of permanent FISH capacity for all Middle Schools in the CSA (85% of permanent FISH capacity for Title 1 Middle Schools), not to exceed a student capacity cap of 1,200, plus  $(720 * a/b)$   
  
WHERE  
  
a = Number of existing Middle Schools in the CSA  
  
b = Number of existing Middle Schools in the District
  - (c) High School Concurrency Service  
100% of permanent FISH capacity for all High Schools in the CSA, not to exceed a student capacity cap of 1,800 plus  $(1080 * a/b)$



## WHERE

a = Number of existing High Schools in the CSA

b = Number of existing High Schools in the District

- (9) Levels of service for on-site improvements, including local streets, water and sewer connection lines, stormwater management facilities and open space shall be as required of the developer in the County Land Development Regulations.

*Policy 14.1A.3. LOS standards for category B facilities.* The standards for category B public facilities' levels of service shall be as follows:

- (1) County ocean beaches and beach facilities:
  - (a) Nine parking spaces per 1,000 population (defined, paved or unpaved parking).
- (2) County library buildings: 0.60 square feet per capita.
- (3) County library collection: 2.0 volumes per weighted residents.
- (4) County corrections: 4.0 beds per 1,000 weighted residents.
- (5) County/other government buildings. 2.47 square feet per capita.
- (6) Bicycle and pedestrian and other multimodal pathways. 5.0 linear foot per weighted resident.
- (7) Open space/conservation lands: 0.02 acres per weighted resident.

*Policy 14.1A.4. LOS standards for category C facilities.* The standards for category C public facilities' levels of service shall be as follows:

- (1) *Roads:*
  - (a) Interim level of service as denoted for specific road links as set forth in section 5.4.B of the Transportation Element.
  - (b) Level of service "C" peak hour/peak season for all Florida Interstate Highway System facilities of the Strategic Intermodal System
  - (c) Level of service "C" for roadway facilities outside the urbanized area that are funded in accordance with Section 339.2819, Florida Statutes, the Transportation Regional Incentive Program (TRIP).
  - (d) Level of service "D" peak hour/peak season on all other roads.
- (2) *Private water system:* The level of service provided by private water systems to the unincorporated area shall be the same as required in section 14.1A.2.(3). Private water treatment facilities shall be expected to adhere to this standard and those water quality standards established by State law.
- (3) *Private sewer systems:* The level of service provided by private sewer systems to the unincorporated area shall be the same as required in section

14.1A.2.(4). Private wastewater treatment facilities shall be expected to adhere to this standard and those standards required by State statute.

*Policy 14.1A.5. LOS standards for category D facilities.* The standards for category D public facilities levels of service shall be as follows:

- (1) *Public health facilities:* As per the Florida Department of Health.
- (2) *Municipal streets:* As provided in each municipal comprehensive plan.
- (3) *Municipal water system:* As provided in each municipal comprehensive plan, except that the level of service provided by municipal water systems to the unincorporated area shall be the same as required in section 14.1A.2.(3).
- (4) *Municipal sewer system:* As provided in each municipal comprehensive plan, except that the level of service provided by municipal sewer systems shall be the same as required in section 14.1A.2.(4).
- (5) *Municipal drainage:* As provided in each municipal comprehensive plan.
- (6) *Municipal parks and recreation facilities:* As provided in each municipal comprehensive plan.
- (7) *Federal and State lands drainage:* As provided in the applicable permit from the South Florida Water Management District.
- (8) *Federal and State parks:* As currently inventoried in the Recreation Element.
- (9) *Private recreation facilities:* As currently inventoried in the Recreation Element.
- (10) *Private solid waste disposal facilities:* Not applicable.

*Policy 14.1A.6. Calculation to determine quantity of capital improvements.* Martin County shall determine the quantity of capital improvements that is needed to eliminate deficiencies and to meet the needs of future growth by using the following calculation:

$$Q = (S \times D) - I.$$

Where Q is the quantity of capital improvements needed,

S is the standard for level of service,

D is the demand, such as the population, and

I is the inventory of existing facilities.

The calculation will be used for existing demand to determine existing deficiencies. The calculation will be used for projected demand to determine needs of future growth. The estimates of projected demand will account for demand that is likely to occur from previously issued development orders as

well as future growth. Public facilities to serve demand from previously issued development orders are assured by including such demand in 'D' (demand) in the preceding calculation.

*Policy 14.1A.7. Circumstances where LOS does not determine need.* Martin County shall allow three circumstances in which the standards for levels of service are not the exclusive determinant of need for a capital improvement. These three circumstances are:

- (1) Calculated needs for capital improvements in high hazard coastal areas are subject to all limits and conditions in the Coastal Management Element of this Comprehensive Growth Management Plan.
- (2) Repair, remodeling, renovation and replacement of obsolete or worn-out facilities will be determined by the Board of County Commissioners upon the recommendation of the County Administrator.
- (3) Capital improvements that provide levels of service in excess of the standards adopted in this Comprehensive Growth Management Plan may be constructed or acquired at any time as long as the following conditions are met:
  - (a) The capital improvement does not make financially infeasible any capital improvement of the same type that is needed to achieve or maintain the standards for levels of service adopted in this Comprehensive Growth Management Plan; and
  - (b) The capital improvement does not contradict, limit or change the goals, objectives and policies of any element of the Comprehensive Growth Management Plan; and
  - (c) The excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service; or
  - (d) The excess capacity provides economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date; or
  - (e) The asset acquired is land that is environmentally sensitive or designated by the County as necessary for conservation, recreation or protection of high hazard coastal areas; or
  - (f) The excess capacity is part of a capital project financed by general obligation bonds approved by referendum or revenue bonds; or
  - (g) The excess capacity is part of a capital project financed by a project specific grant.

*Policy 14.1A.8. Schedule of Capital Improvements.* Any capital improvement that is determined to be needed as a result of any of the factors listed in Policy 14.1A.7. shall be included in the regular Schedule of Capital Improvements contained in this Element. All such capital improvements shall be approved in

the same manner as the capital improvements that are determined to be needed according to the quantitative analysis described in Policy 14.1A.6.

*Policy 14.1A.9. Priority of capital improvements.* The relative priorities among types of public facilities are as follows:

All public facility improvements that are based on achieving and maintaining a standard for levels of service adopted in this Comprehensive Growth Management Plan are included in the financially feasible Schedule of Capital Improvements contained in this Capital Improvements Element. The relative priorities among types of public facilities (i.e., roads, potable water, sanitary sewer, etc.) were established by adjusting the standards for levels of service and the available revenues until the resulting public facilities needs became financially feasible.

Legal restrictions on the use of many revenue sources limit the extent to which types of facilities must be prioritized because they do not compete for the same revenues. During each annual prioritization process no further prioritization among types of public facilities is necessary because all projects in the Schedule of Capital Improvements are financially feasible, programmed for improvement and will be completed according to the schedule. Each year, however, prioritization among types of facilities is redetermined by reaffirming or revising standards for levels of service within the constraints of available restricted revenues.

*Policy 14.1A.10. Criteria for evaluation of capital improvements.* Capital improvements within a type of public facility are to be evaluated on the following criteria and considered in the order of priority listed below. Any revenue source that cannot be used for a high-priority facility will be used beginning with the highest priority for which the revenue can legally be expended.

- (1) New public facilities and improvements to existing public facilities that eliminate public hazards;
- (2) Repair, remodeling, renovation or replacement of obsolete or worn-out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Comprehensive Growth Management Plan in accordance with standards;
- (3) New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand;
- (4) Improvements to existing and new facilities that significantly reduce the operating cost of providing a service or facility or otherwise mitigate impacts of public facilities on future operating budgets;
- (5) New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next 10 fiscal years, as updated by the annual review of this Element. The County may acquire land or right-of-way in advance of the need to develop a facility for new

development. The location of facilities constructed pursuant to this subsection shall conform to the Future Land Use Element, and specific project locations shall serve projected growth areas within the allowable land use categories. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development orders, the capital improvements will be scheduled in the following priority order to serve:

- (a) Previously approved orders permitting redevelopment;
  - (b) Previously approved orders permitting new development;
  - (c) New orders permitting redevelopment; and
  - (d) New orders permitting new development.
- (6) New or expanded public facilities that are contained in a Community Redevelopment Plan and scheduled in the next five years;
  - (7) New facilities that exceed the adopted levels of service for new growth during the next five fiscal years by either:
    - (a) Providing excess public facility capacity that is needed by future growth beyond the next five fiscal years; or
    - (b) Providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.
  - (8) Facilities not described in Policy 14.1A.10.(1) through (6) above but that the County is obligated to complete, provided that such obligation is evidenced by a written agreement approved by the Board of County Commissioners.
  - (9) All facilities scheduled for construction or improvement in accordance with this policy shall be evaluated to identify any plans of State agencies or the South Florida Water Management District that affect or will be affected by the proposed County capital improvement.
  - (10) Project evaluation may also involve additional criteria that are unique to each type of public facility, as described in other elements of this Comprehensive Growth Management Plan.

*Objective 14.1B.* To provide needed public facilities that are within the ability of the County to fund from County revenues, development's proportionate share contributions and grants or gifts from other sources.

*Policy 14.1B.1. Cost for capital improvements not to exceed revenues.* The estimated costs of all needed capital improvements shall not exceed conservative estimates of revenues from sources that are available to the County pursuant to current statutes and that have not been rejected by referendum, if a referendum is required to enact a source of revenue.

*Policy 14.1B.2. Existing and future development to pay for facilities.* Both existing and future development shall pay for the costs of needed public facilities.

(1) *Existing development:*

- (a) Existing development shall pay for some or all of the capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn-out facilities and may pay a portion of the cost of capital improvements needed by future development.
- (b) Existing development's payments may take the form of user fees, special assessments and/or taxes.

(2) *Future development:*

- (a) Future development shall pay for the full cost of the capital improvements needed to address the impact of such development. Future development's proportion of the cost of capital improvements needed to address the impact of such development shall be determined, in part, by the local government's impact fee ordinances and supporting studies, and it may include credits for other payments by future development. Impact fees, enterprise fund user charges, connection fees and other user fees paid by new development shall be reviewed every two years to assure that provision of capital improvements needed to address the impact of future development will not increase ad valorem tax rates. Upon completion of construction, future development becomes present development, and it shall contribute to paying the costs of the replacement of obsolete or worn-out facilities. The County will allocate the cost of new public facilities on the basis of the benefits received by existing and future residents so that current residents will not subsidize an urban sprawl pattern of new development.
  - (b) Future development's payments may take the form of voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities and future payments of user fees, special assessments and taxes. Future development shall not pay impact fees for the portion of any capital improvement that reduces or eliminates existing deficiencies.
- (3) Both existing and future development may have part of their costs paid by grants, entitlements or provision of public facilities from other levels of government and independent districts.

*Policy 14.1B.3. Sources for enterprise financing of facilities.* Public facilities financed by County enterprise funds (i.e., potable water, sanitary sewer and solid waste) shall be financed by:

- (1) Debt to be repaid by use fees and charges for enterprise services; or

- (2) Current assets (i.e., reserves, surpluses and current revenue); or
- (3) A combination of debt and current assets.

*Policy 14.1B.4. Sources for non-enterprise financing of facilities.* Public facilities financed by non-enterprise funds (i.e., roads, water management, parks, library, corrections, fire rescue and other County government buildings) shall be financed from current assets: revenue, equity and/or debt. Specific financing of specific capital projects shall consider which asset, or group of assets, will be most cost-effective, consistent with prudent asset and liability management, appropriate to the useful life of the project(s) to be financed and efficient use of the County's debt capacity. All development orders issued by the County that require public facilities that will be financed by debt shall be conditioned on the issuance of the debt, or the substitution of a comparable amount of non-debt revenues.

*Policy 14.1B.5. Limits to use of debt financing.* Debt financing shall not be used to provide more capacity than is needed within the Schedule of Capital Improvements for non-enterprise public facilities, unless:

- (1) The excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service; or
- (2) The excess capacity provides economies of scale, making it less expensive than a comparable amount of capacity if acquired at a later date; or
- (3) The asset acquired is land that is environmentally sensitive or designated by the County as necessary for conservation, recreation or protection of high-hazard coastal areas; or
- (4) The excess capacity is part of a capital project financed by general obligation bonds approved by referendum.

*Policy 14.1B.6. Operating and maintenance costs.* The County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if the County or other provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

*Policy 14.1B.7. Development orders conditioned on approval of revenue sources.* All development orders issued by the County requiring public facilities that will be financed by sources of revenue that have not been approved or implemented shall be conditioned on the approval or implementation of the indicated revenue source, or the substitution of a comparable amount of revenue from existing sources.

*Objective 14.1C.* To provide needed capital improvements for repair or replacement of obsolete or worn-out facilities, eliminating existing deficiencies and meeting the needs of future development and redevelopment caused by previously issued and new development orders. The County's ability to provide needed improvements shall be demonstrated by maintaining a financially feasible Schedule of Capital

Improvements, as documented by the summary Costs and Revenues by Type of Public Facility contained in this Capital Improvements Element.

*Policy 14.1C.1. Provision of facilities in Schedule of Capital Improvements.* The County shall provide or arrange for others to provide the public facilities listed in the Schedule of Capital Improvements in the Capital Improvements Element. The Schedule of Capital Improvements may be modified as follows:

- (1) The Schedule of Capital Improvements shall be updated annually.
- (2) The Schedule of Capital Improvements may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact and certain small scale development activities.
- (3) The Schedule of Capital Improvements may be adjusted by ordinance not deemed to be an amendment to the Comprehensive Growth Management Plan for corrections, updates and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications that are consistent with the plan; or the date of construction of any facility enumerated in the Schedule of Capital Improvements.
- (4) Any act or failure to act that causes any project listed in the Schedule of Capital Improvements of this Comprehensive Growth Management Plan to be scheduled for completion in a fiscal year later than the fiscal year indicated in the Schedule of Capital Improvements shall be in effect only if the act causing the delay is subject to one of the following:
  - (a) Projects providing capacity equal to or greater than the delayed project are accelerated in or added to the Schedule of Capital Improvements in order to provide capacity of public facilities in the fiscal year at least equal to the capacity scheduled prior to the act that delayed the subject project;
  - (b) Modification of development orders issued conditionally or subject to the concurrent availability of public facility capacity provided by the delayed project. Such modification shall restrict the allowable amount and schedule of development to that which can be served by the capacity of public facilities according to the revised schedule;
  - (c) Amendment of the plan to reduce the adopted standard for the level of service for public facilities until the fiscal year in which the delayed project is scheduled to be completed.

*Policy 14.1C.2. Projects to be included in capital appropriations.* The County shall include in the capital appropriations of its annual budget all the capital improvements projects listed in the Schedule of Capital Improvements for expenditure during the appropriate fiscal year, except that the County may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year. The County may also include in the capital appropriations of its



annual budget additional public facility projects that conform to Policy 14.1A.7 and Policy 14.A1.10.

*Policy 14.1C.3. Incorporation of School District Work Plan.* The County hereby incorporates by reference the Martin County School District's Five-Year Work Plan. This document includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities, in consultation with the School Board's projections of student enrollment, based on the adopted LOS standards for public schools. The Five-Year Work Plan ensures the level of service standards for public schools are achieved and maintained within the period covered by the five-year schedule.

*Policy 14.1C.4. Timing of impacts of development.* The Board of County Commissioners finds that the impacts of development on public facilities in the County occur at the same time as development is authorized by a final development order. The County shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of category A and category C public facilities to meet the standards for levels of service for existing development and the proposed development concurrent with the proposed development. For the purpose of this policy, 'concurrent with' shall be defined as follows:

- (1) No final development order shall be issued by the County unless there shall be sufficient capacity of category A and category C public facilities to meet the standards for levels of service according to the following deadlines:
  - (a) For the following public facilities, the capacity must meet the standards prior to issuance of the final development order, or the final development order shall require the public facilities capacity to meet the standards prior to the impact of development, but no later than the issuance of the certificate of occupancy if the capital improvements are to be provided by the applicant:
    - 1) Potable water;
    - 2) Sanitary sewer;
    - 3) Solid waste;
    - 4) Stormwater management;
    - 5) Public safety-emergency medical services and fire protection services.
  - (b) For the following public facilities, the capacity must be subject to a binding executed contract providing for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit, and completion of the required facilities must occur no later than two years following permit issuance:

- 1) Parks and recreation.
- (c) The following improvements to public facilities capacity must be initiated no later than the third year of the 10-year Capital Improvements Program and completed within or before the fifth year of the adopted 10-year Capital Improvements Program:
  - 1) Arterial and collector roads;
  - 2) Public transportation.

*Policy 14.1C.5. Criteria for determining capacity of facilities for development orders.* The County shall determine the capacity of category A and category C public facilities for preliminary development orders according to Policy 14.1C.4.:

- (1) The applicant may request a determination of such capacity as part of the review and approval of the preliminary development order, provided that:
  - (a) The determination that such capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development order; and
  - (b) The determination that such capacity is available shall be valid for development that is completed within a period of time:
    - 1) Not to exceed two years; or
    - 2) Up to a maximum of five years, as approved by the County, provided that the period of time is explicitly set forth in a binding development agreement as authorized by Florida Statutes, in any other development agreement acceptable to Martin County or in a certificate of adequate public facilities reservation. In addition, the applicant must provide one or more of the following assurances for each applicable mandatory public facility, acceptable to the County in form and amount, to guarantee the applicant's pro rata share of the County's financial obligation for public facilities that are constructed by the County or the applicant for the benefit of the subject property:
      - a) Performance bond;
      - b) Irrevocable letter of credit;
      - c) Prepayment of impact fees;
      - d) Prepayment of capacity (i.e., prepayment of capacity connection charges); or
  - 3) Up to a maximum of 10 years, as approved by the County, for Permit Ready Industrial Developments as defined in Chapter 2, provided that the period of time is explicitly set forth in a binding development agreement as authorized by Florida Statutes, in any other development agreement acceptable to Martin County or in a certificate of adequate public facilities reservation. Category A

impact fees shall be paid no later than at the time of building permit issuance and shall be determined according to the impact fee schedule in effect at the time of the payment. If by the end of the 10-year period the applicant or their successors in title have not paid all Category A impact fees, the development order shall automatically expire and the certificate of public facilities reservation shall be void. There shall be no extension of time for development orders or certificates of public facilities reservation under this subsection.

- 4) Public facility capacity that is determined to be available pursuant to this subsection shall be reserved on behalf of the preliminary development order in such a manner as to prevent the over-use or over-commitment of the same public facility capacity.
- (c) Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the County may do one of the following:
- 1) Contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
  - 2) Obtain assurances similar to those in Policy 14.1C.4. from other sources; or
  - 3) Amend this Comprehensive Growth Management Plan to modify the adopted standard for the level of service so as to reduce the required facility to equal the applicant's needs; or
  - 4) Allow the applicant to receive conditional development approval if the public facility needed to provide the capacity is under construction, under contract or scheduled for completion within two years in the adopted CIP for all mandatory public facilities except roads, and so long as the necessary public facilities and services are in place at the time impacts of development occur. For roads, the facility must be programmed in the initial three years of the CIP and completed within five years of development order approval. In no case shall a building permit be issued or shall development be allowed to occur that would violate concurrency standards.
- (d) Pursuant to Policy 14.1C.4., no further determination of capacity for the subject property shall be required prior to the expiration of the determination of capacity for the preliminary development order, except that any change in the density, intensity or land use that requires additional public facilities or capacity is subject to review and approval or denial by the County, and the subject property shall be vested with the right to obtain final development orders subject to the requirements of this section; or
- (2) The applicant may elect to request approval of a preliminary development order with a positive evaluation of capacity of category A and category C

public facilities, provided that any such development order is consistent with the requirements in the applicable land development regulation and is issued subject to the specific conditions contained in the preliminary development order that:

- (a) Final development orders for the subject property are subject to a determination and reservation of adequate capacity of category A and category C public facilities, as required by Policy 14.1C.4.; and
  - (b) No rights to obtain final development orders, nor any other rights to develop the subject property, have been granted or implied by the County's approval of the preliminary development order without a determination and reservation of adequate capacity of category A and category C public facilities; and
  - (c) The approval of the preliminary development order by the County shall not be used by the applicant or their successors in title in any way whatsoever as committing the County legally through the theory of equitable estoppel or any other legal theory to approve any final development order for the project without a determination and reservation of adequate capacity of category A and C public facilities pursuant to Policy 14.1C.4.; and
  - (d) If the subject property is to be developed in discrete geographical phases, the approval of a final development order for one phase grants or implies no right to the approval of a final development order for any other discrete phase. The approval of the final development order for a discrete phase by the County shall not be used by the applicant or their successors in title in any way whatsoever as committing the County legally through the theory of equitable estoppel or any other legal theory to approve a final development order for any other phase of the project without a determination and reservation of adequate capacity of category A and C public facilities pursuant to Policy 14.1C.4. Final development orders for phased projects cannot be approved pursuant to Policy 14.1C.4. This subsection shall not prohibit a variance procedure that would permit development of a discrete phase;
  - (e) For the purpose of this policy, "positive evaluation" shall mean that there is sufficient public facility capacity either available, programmed or planned in the adopted CIP, or other long-range capital facility plans of the Comprehensive Growth Management Plan, in the appropriate year to accommodate the development proposed in the application for a preliminary development order based on the adopted LOS for the public facilities, after accounting for existing and committed development. The term "negative evaluation" shall mean an evaluation other than a positive evaluation.
- (3) The applicant may elect to request approval of a preliminary development (exclusive of zoning district changes) with a negative evaluation of capacity of one or more of the category A and category C public facilities, provided

that any such development order is consistent with the requirements in the applicable Land Development Regulation and is issued subject to the specific conditions contained in the preliminary development order that:

- (a) The preliminary development order shall not count as committed units in tracking approved site plans or the calculation of residential capacity.
- (b) The preliminary development order shall be effective for a period not to exceed two years from the date of approval. If the applicant has not solved the concurrency problem during the period of effectiveness of the development order, as evidenced by an amended development order and positive evaluation pursuant to Policy 14.1C.4., or an amended development order and determination and reservation of adequate capacity of category A and C public facilities pursuant to Policy 14.1C.4., then the preliminary development order shall automatically expire. There shall be no extension of time for preliminary development orders under this subsection, and amendment to the land uses, densities or intensities as represented on the development order shall not reset the period of effectiveness. The approval of a preliminary development order pursuant to this subsection shall not be interpreted to imply a priority pursuant to Policy 14.1A.10., or any other provision of the plan or duty on the part of the County to add category A and C public facilities in the Capital Improvements Plan, or provide category A and C public facilities necessary to service the development.
- (c) Resolution of the concurrency problem must be accomplished for the entire project. Discrete phases may not proceed unless the preliminary development order receives a positive evaluation pursuant to Policy 14.1C.4.
- (d) The approval of a preliminary development order pursuant to this subsection is subject to the specific conditions set forth in Policy 14.1C.4.
- (e) A preliminary development order processed under this subsection shall be given a lower priority in the development review process, and will be subject to different time frames as reflected in the Land Development Regulations.

*Policy 14.1C.6. Geographical basis for application of LOS standards.* The standards for levels of service of category A and category C public facilities shall be applied to the issuance of development orders on the following geographical basis:

- (1) Public facilities that serve the entire County shall achieve and maintain the standard for levels of service on a Countywide basis. No development order shall be issued in any unincorporated part of the County if the standard for levels of service is not achieved and maintained throughout the County for the solid waste disposal or processing facilities and fire rescue facilities.

- (2) Public facilities that serve less than the entire County shall achieve and maintain the standard for levels of service within their assigned service area. No development order shall be issued in an assigned service area if the standards for levels of service are not achieved and maintained throughout the assigned service area for the following public facilities and assigned service areas:
- (a) Arterial and collector roads and public transportation: Applicable area impacted by the proposed development;
  - (b) Water management system: Appropriate drainage basin;
  - (c) Potable water systems: Countywide;
  - (d) Sanitary sewer systems: Treatment plant service area;
  - (e) Active parkland: Countywide.

*Objective 14.1D.* To manage the land development process to ensure that all development receives public facility levels of service equal to or greater than the standards adopted in Policies 14.1A.2., 14.1A.3., and 14.1A.4.

*Policy 14.1D.1. Standards for categories A and B.* All category A and B public facility capital improvements shall be consistent with the goals, objectives and policies of the appropriate elements of this Comprehensive Growth Management Plan or as specified in Objective 14.1E.

*Policy 14.1D.2. Integration of land use planning with capital improvements.* The County shall integrate its land use planning and decisions with its plans for public facility capital improvements by developing and adopting the programs listed in the implementation programs adopted as part of this Capital Improvements Element. The location of and level of service provided by projects in the Schedule of Capital Improvements shall maintain adopted standards for levels of service for existing and future development in a manner and location consistent with the Future Land Use Element of this Comprehensive Growth Management Plan. Individual land use decisions shall be consistent with Objective 14.1E.

*Objective 14.1E.* To establish a procedure for balancing Comprehensive Growth Management Plan goals, objectives and policies for public facility capital improvement projects.

*Policy 14.1E.1. Balancing of needs for capital improvements with other requirements.* When a public facility capital improvement is necessary, but the specific locational requirements or site development requirements for it make compliance with each and every policy of this Comprehensive Plan either physically impractical or financially unfeasible, the necessity for such a public facility capital improvement may require the location and construction of it even though a goal, objective or policy of this Comprehensive Plan would prohibit other types of development. The need for public facility capital improvements must be balanced with the benefits of other development requirements.

Therefore, notwithstanding any other provisions of this Comprehensive Plan concerning concurrency with Level of Service requirements or adverse impacts to wetland or upland habitat, the Board of County Commissioners may approve the location and construction of a public facility capital improvement upon their determination that the following are met:

- (1) The facility is listed in the adopted Capital Improvements Plan.
- (2) The site for the proposed public facility capital improvement is within the Primary or Secondary Urban Services District.
- (3) The facility site has been evaluated based on the following criteria:
  - (a) Project-specific requirements including location within facility service area, minimum facility size requirements, co-location with existing facilities, facility siting or design requirements, operational requirements and state or federal funding and regulatory requirements;
  - (b) Impact on environmental resources and the ability to mitigate negative impacts;
  - (c) Future land use designation and zoning district; and
  - (d) Relative cost of alternative sites including the cost of mitigating or restoring natural resources.
- (4) The design and layout of the proposed facility is the least disruptive to wetland and upland habitats.
- (5) Where negative impacts to wetland and upland habitats cannot be avoided, such impacts shall be minimized and mitigated in accordance with state and federal permitting requirements.

Impacts to lower quality habitat shall be considered before impacts to higher quality habitat. Below are example habitats ranked from lowest to highest in quality and importance:

- (a) Common upland habitat impacted by exotic vegetation;
- (b) Common upland habitat, undisturbed;
- (c) Wetland buffers degraded with exotic vegetation;
- (d) Wetland buffers, undisturbed;
- (e) Wetlands, isolated and degraded;
- (f) Wetland systems, large and disturbed;
- (g) Wetland systems, large and undisturbed.

Wetland quality will be assessed using criteria established by the State of Florida.

- (6) The construction of the proposed facility shall not jeopardize the continued existence of threatened or endangered species as listed by the Florida Fish

and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

- (7) The design and construction of the proposed facilities complies with:
- (a) All State and Federal regulations and permitting requirements;
  - (b) Comprehensive Plan policies in section 16.5F regarding protection of historical resources;
  - (c) Comprehensive Plan policies in section 8.2A. regarding the location of public facilities in the Coastal High Hazard Area of the County;
  - (d) Comprehensive Plan policies in section 9.1G.7., of the Comprehensive Plan, concerning the protection of endangered, unique or rare upland habitat; and
  - (e) Compliance with section 9.1G.3., of the Comprehensive Plan, concerning the protection of wetlands of special concern.
- (8) The facility site has been selected as part of a review of alternative sites and, based on the criteria listed above, has been found to be the site most appropriate for the facility.

*Objective 14.1F.* To protect the coastline and avoid loss of life and property in coastal areas by minimizing land development and public facilities in coastal high-hazard areas.

*Policy 14.1F.1. Facilities in coastal high-hazard areas.* The County shall not construct, finance, acquire, accept contributions of, repair or replace any public facilities in coastal high-hazard areas except public facilities expressly permitted in the Coastal Management Element of this Comprehensive Growth Management Plan.

*Objective 14.1G.* To encourage redevelopment and in-fill development in the County's Primary Urban Service District through the funding and location of public facilities in the County's urban areas.

*Policy 14.1G.1. Project priorities in Community Redevelopment Plans.* In its CIP, the County shall give priority to projects identified in adopted Community Redevelopment Plans for the CRA areas that provide infrastructure improvements as provided in Policy 14.1A.10.

*Policy 14.1G.2. Revenue sources for community redevelopment projects.* The County shall use tax increment financing, grants and other sources of revenue to fund projects identified in adopted Community Redevelopment Plans.

*Policy 14.1G.3. Public facilities in community redevelopment areas.* The County will strive to locate public facilities within the County's Community Redevelopment areas and/or other urban core areas.

## Section 14.5. - Implementation



14.5.A. *Summary of capital improvements.* Pursuant to Policy 14.1C.1., the Schedule of Capital Improvements will, to the maximum extent feasible, repair or replace obsolete or worn-out facilities, eliminate existing deficiencies and make available adequate facilities for future growth.

The projects are listed according to the type of public facility.

Each project is named and briefly described in the CIP. The capacity of the project is shown, using the same measure of capacity that is used in the standard for the level of service consistent with Policies 14.1A.2. through 14.1A.4. If no added capacity is shown, the project is limited to repair, renovation, remodeling or replacement of an existing facility, with no net increase in capacity, or there is no level of service standard in the Comprehensive Plan.

The estimated cost of each project during each of the next 10 fiscal years and the total 10-year cost are shown. Any costs incurred before or after the 10-year schedule are included in the total project. Such costs appear in the County's Capital Improvements Plan. All cost data are in current dollars; no inflation factor has been applied because the costs will be revised as part of the annual review and update of the Capital Improvements Plan.

All projects contained in the Schedule of Capital Improvements are consistent with the other elements of this Comprehensive Growth Management Plan. Consistency is determined and maintained by calculating that the total capacities of planned projects and existing facilities achieve or exceed the capacity of facilities that are required by the adopted standards for levels of service using the formula in Policy 14.1A.6.

All projects and plans contained in this Schedule of Capital Improvements related to the School District shall not impose design standards, site plans standards or other development conditions that exceed or are inconsistent with Ch. 1013 and State Requirements for Educational Facilities or that are inconsistent with maintaining a balanced, financially feasible district facilities work plan.

14.5.B. *Costs and revenues by type of public facility.* In the Schedule of Capital Improvements, each type of public facility is listed and the major costs and sources of revenue are summarized. The Schedule of Capital Improvements (the first 5 years of the 10-year CIP) is 100 percent financed by revenue sources that are available to the County under current law and is therefore financially feasible, as required by the Florida Administrative Code. There is no "unfunded" portion of the Schedule of Capital Improvements.

The projects listed in the Schedule of Capital Improvements will achieve and maintain the adopted standards for levels of service (see Policies 14.1A.2. through 14.1A.4.). As a result, the level of service standards are fully funded, and the County will be able to issue development orders based on the concurrency implementation system described in Section 14.5.D.

For purposes of Transportation Proportionate Fair Share Mitigation, pursuant to Section 163.3180(5)(h)1., Florida Statutes, the projects available for Proportionate Fair Share Mitigation are those projects listed in Schedule of Capital Improvements in Section 14.5.C.

14.5.C. *Capital improvement summary sheets.* The summary sheets from the CIP convey Martin County public facilities for the current planning period. They are the schedule of capital improvements.

**Editor's note—** The CIP summary sheets are not set out herein but are on file and available for inspection in the Martin County Growth Management Department and on the county's website.

14.5.D. *Programs to ensure implementation.* The following programs ensure that the goals, objectives and policies established in this Capital Improvements Element will be achieved or exceeded.

(1) *Review of applications for development orders.* The County Land Development Regulations to provide a system of review of various applications for development orders that, if granted, would impact the levels of service of category A and category C public facilities. Such system of review shall assure that no final development order shall be issued that results in a reduction in the levels of service below the standards adopted under Policy 14.1A.2. for category A public facilities and Policy 14.1A.4. for category C public facilities. The Land Development Regulations shall address the following, at a minimum, in determining whether a development order can be issued:

(a) *Review of applications for final development orders.* No final development order shall be issued by the County unless there shall be sufficient capacity of category A and category C public facilities to meet the standards for levels of service according to the following deadlines:

1) For the following public facilities the capacity must meet the standards prior to the issuance of the final development order; or the final development order shall require the public facilities capacity to meet the standards prior to the impact of development, but no later than the issuance of the certificate of occupancy if the capital improvements are to be provided by the applicant:

- a) Potable water;
- b) Sanitary sewer;
- c) Solid waste;
- d) Stormwater management;
- e) Public safety - emergency medical services and fire protection services.

2) For the following public facilities, the capacity must be subject to a binding executed contract that provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit, and completion of the required facilities must occur no later than two years following permit issuance:

- a) Active parkland.
- 3) The following improvements to public facilities capacity must be initiated no later than the third year of the 10-year Capital Improvements Plan and completed within or before the fifth year of the adopted 10-year Martin County Capital Improvements Plan:
  - a) Arterial and collector roads, except in the case of a proportionate fair share agreement pursuant to F.S. section 163.3180;
  - b) Public transportation.
- (b) *Review of applications for preliminary development orders.* The capacity of category A and category C public facilities shall be determined for preliminary development orders according to one of the following:
  - 1) The applicant may request a determination of such capacity as part of the review and approval of the preliminary development order, provided that:
    - a) The determination that such capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant; and
    - b) The determination that such capacity is available shall be valid for a period not to exceed two years; and
    - c) Pursuant to subsection a) and b) above, no further determination of capacity for the subject property as required by Policy 14.1C.4.(1) shall be required prior to the expiration of the determination of capacity for the preliminary development order; or
  - 2) The applicant may elect to request approval of a preliminary development order without a determination of capacity of category A and category C public facilities, provided that any such order is issued subject to requirements in the applicable Land Development Regulation or to specific conditions contained in the preliminary development order that:
    - a) Final development orders for the subject property are subject to a determination of capacity of category A and category C public facilities, as required by Policy 14.1C.4.(1); and
    - b) No rights to obtain final development orders, nor any other rights to develop the subject property, have been granted or implied by the County's approval of the preliminary development order without determining the capacity of public facilities.
- (c) *Public facilities provided by applicants for development orders.* Applicants for development orders may offer to provide public facilities at the applicant's own expense in order to ensure sufficient capacity of category A and category C public facilities, as determined according to subsections 14.5.D.(1)(a) and (b) above. Development orders may be issued subject to

the provision of public facilities by the applicant subject to the following requirements:

- 1) The County and the applicant enter into an enforceable development agreement that shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to ensure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed.
  - 2) The public facilities are contained in the Schedule of Capital Improvements of the Comprehensive Plan.
- (2) *Impact fees.* Impact fee ordinances shall require the same standard for the level of service as is required by Policies 14.1A.2. through 14.1A.5., and may include standards for other facility types not addressed under these policies. All impact fee ordinances shall be revised at a minimum of every two years.
  - (3) *Annual budget.* The annual budget shall include in its capital appropriations all projects in the CIP that are planned for expenditure during the next fiscal year.
  - (4) *Capital Improvements Plan.* The County's annual 10-year Capital Improvement Plan (CIP) shall be prepared in conjunction with the annual review and update of the Capital Improvements Element. The CIP shall contain all of the projects listed in the Schedule of Capital Improvements of the updated version of the Capital Improvements Element.
  - (5) *Update of Capital Improvements Element.* The Capital Improvements Element shall be reviewed and updated annually. Beginning in April of each year, the element shall be updated in conjunction with the County's budget process and the release of the official population estimates and projections by the Office of Economic and Demographic Research (EDR). The update shall include:
    - (a) Revision of population projections to reflect both the official projections from EDR and formally adopted local estimates prepared by the Growth Management Department, and accepted by resolution of the Board of County Commissioners;
    - (b) Update of inventory of public facilities;
    - (c) Update of costs of public facilities;
    - (d) Update of public facilities requirements analysis (actual levels of service compared to adopted standards);
    - (e) Update of revenue forecasts;
    - (f) Revision and development of capital improvement projects for the next 10 fiscal years;
    - (g) Update of analysis of financial capacity; and
    - (h) Update of analysis of any pending public education and public health facility impacts on infrastructure.

- (6) *Concurrency implementation and monitoring system.* The County shall establish and maintain a concurrency implementation and monitoring system. The system shall consist of the following components:
- (a) *Annual report on the capacity and levels of service of public facilities compared to the standards for levels of service adopted in Policies 14.1A.2. and 14.1A.4.* The report shall summarize the actual capacity of public facilities and forecast the capacity of public facilities for each of the 10 succeeding fiscal years. The forecast shall be based on the most recently updated Capital Improvements Plan. The annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the 12 months following completion of the annual report. The annual report shall also summarize and forecast capacities and levels of service for comparison to the standards adopted in Policies 14.1A.2. through 14.1A.4., but such portion of the annual report shall be for information purposes only and shall not pertain to the issuance of development orders by the County.
  - (b) *Public facility capacity review.* The County shall use the procedures specified in the implementation program set forth in subsection 14.5.D.(1) above to enforce the requirements of Policy 14.1C.3. through 14.1C.5. A separate record shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year-to-date on the capacity of public facilities as set forth in the most recent annual report on capacity and levels of service of public facilities. The Land Development Regulations of the County shall provide that applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the Land Development Regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development orders that are denied for reasons other than lack of capacity of public facilities. Land Development Regulations shall require that development commence within a specified time after a development order is issued, or the development order shall expire, subject to reasonable extensions of time based on criteria included in the regulations.
  - (c) *Review of changes in planned capacity of public facilities.* The County shall review each amendment to this Capital Improvements Element, in particular any changes in standards for levels of service and changes in the Schedule of Capital Improvements, in order to enforce the requirements of Policy 14.1C.1.(4).
  - (d) *Concurrency implementation strategies.* The County shall annually review the concurrency implementation strategies that are incorporated in this Capital Improvements Element:
    - 1) Standards for levels of service are phased to reflect the County's financial ability to increase public facility capacity and resulting levels of

service from year to year. Standards for levels of service are phased to specific fiscal years in order to provide clear, unambiguous standards for issuance of development orders. (See Policies 14.1A.2. through 14.1A.4.)

- 2) Standards for levels of service are applied within appropriate geographical areas of the County. Standards for Countywide public facilities are applied to development orders based on levels of service throughout the County. Standards for public facilities that serve less than the entire County are applied to development orders on the basis of levels of service within assigned service areas. (See Policy 14.1C.5.)
  - 3) Standards for levels of service are applied according to the timing of the impacts of development on public facilities. Final development orders, which impact public facilities in a matter of months, are issued subject to the availability of water, sewer and solid waste facilities prior to the issuance of the certificate of occupancy, and other public facilities (i.e., roads, parks and drainage) must be available in the same fiscal year as the certificate of occupancy. Preliminary development orders can be issued subject to public facility capacity, but the capacity determination expires in two years. As an alternative, the determination of public facility capacity for preliminary development orders can be waived with an agreement that a capacity determination must be made prior to issuance of any final development order for the subject property. Such a waiver specifically precludes the acquisition of rights to a final development order as a result of the issuance of the preliminary development order. (See Policies 14.1C.3. and 14.1C.4.)
  - 4) Levels of service are compared to adopted standards on an annual basis. Annual monitoring is used, rather than case-by-case monitoring, for the following reasons: (a) annual monitoring corresponds to annual expenditures for capital improvements during the County's fiscal year; (b) annual monitoring covers seasonal variations in levels of service; and (c) case-by-case monitoring would require applicants for development orders or the County to conduct costly, time-consuming research that would often be partially redundant of prior research or involve disparate methodologies and produce inconsistent results. (See concurrency implementation and monitoring system section 14.5.D.(7)(a) above.)
  - 5) Public facility capital improvements are prioritized among competing applications for the same amount of facility capacity according to the criteria in Policy 14.1A.10.(3). If any applications have to be deferred to a future fiscal year because of insufficient capacity of public facilities during the current fiscal year, the applications to be deferred will be selected on the basis of rational criteria.
- (e) *Capacity of public facilities for the development orders issued prior to adoption of the Plan.* The County will reserve capacity of public facilities for

development orders, other than developments of regional impact, that were issued by the County prior to the adoption of this Comprehensive Plan under any one of the following circumstances:

- 1) The development order issued has vested rights, pursuant to section 1.12 of the Preamble to this Comprehensive Growth Management Plan (Chapter 1), and a timetable of development approved by the Board of County Commissioners.
- 2) The development order issued has accepted in writing the applicable requirements of Policy 14.1C.3. or 14.1C.4.
- 3) The development order relates to an approved single-family project that has completed all required subdivision and/or other improvements.

The County finds that it is not necessary to automatically reserve capacity of public facilities for all development orders issued prior to the adoption of the plan, which do not meet the requirements of subsection 14.5.D.(7)(e)1) through 14.5.D.(7)(e)3) above, because experience indicates that many such development orders are not used, or are not used to the maximum allowable uses, densities or intensities. The County finds that the population forecasts that are the basis for this plan are a reasonable prediction of the absorption rate for development, and that the capital facilities planned to serve the forecast development are available for that absorption rate. Reserving public facility capacity for previously issued development orders would deny new applicants access to public facilities and would arbitrarily enhance the value of dormant development orders.

The County intends to develop and pursue programs that will give persons with legitimate and substantial vested rights pursuant to section 1.12 of the Preamble an opportunity to proceed with their plans without arbitrary interference by the new Comprehensive Growth Management Plan. However, the County intends to require such persons to continue in good faith in order to reserve capacity of public facilities provided by the County. The County intends to create a concurrency management system that also reserves capacity for individual lot owners in subdivisions where all required infrastructure improvements have been made. The County will not reserve capacity of public facilities for previously issued development orders that do not have vested rights and/or that do not continue development in good faith.