

Redlines

Capital Improvements Element

DRAFT

GOAL 1: The County shall ensure that capital improvements for public facilities with the level of service (LOS) standards adopted in the Comprehensive Plan are available concurrent with the impact of development and provided in a fiscally responsible manner.

OBJECTIVE 1.1: Marion County shall establish and maintain minimum ~~level-of-service~~LOS standards within the Comprehensive Plan for key public facilities consistent with §163, FS; identify which facilities shall be required to be “in place” concurrent with development, known as “concurrency”; and use the ~~level-of-service (LOS)~~ standards and concurrency to identify existing and expected deficiencies to be addressed by the County’s Capital Improvements Element Schedule of Capital Improvements.

Policy 1.1.1: The minimum LOS standards for transportation, ~~recreation and open space~~, sanitary sewer, potable water, stormwater, solid waste, recreation and open space, and public school facilities used to evaluate development orders and development permit applications are established in the policies from the specific Comprehensive Plan ~~E~~lements- (policy references are listed in Table 1.1.)

Table 1.1: Elements and Policies with Minimum Level of Service Standards	
ELEMENT	LEVEL OF SERVICE POLICY
Transportation	Policies 2.1.1 and 2.1.2.
Sanitary Sewer	Policy 1.1.1.
Potable Water	Policy 1.1.1.
Stormwater	Policy 1.1.1.
Solid Waste	Policy 1.1.1.
Recreation and Open Space	Policy 1.1.1.

Capital Improvements	<table border="1"> <thead> <tr> <th><u>TYPE OF SCHOOL TYPE</u></th> <th><u>LEVEL OF SERVICE/LOS STANDARD</u></th> </tr> </thead> <tbody> <tr> <td>Elementary</td> <td>105% of FISH permanent capacity*</td> </tr> <tr> <td>Middle</td> <td>105% of FISH permanent capacity*</td> </tr> <tr> <td>High</td> <td>100% of FISH permanent capacity*</td> </tr> </tbody> </table>		<u>TYPE OF SCHOOL TYPE</u>	<u>LEVEL OF SERVICE/LOS STANDARD</u>	Elementary	105% of FISH permanent capacity*	Middle	105% of FISH permanent capacity*	High	100% of FISH permanent capacity*
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<p>*As adjusted by the School Board annually to account for measurable programmatic changes. “Measurable programmatic changes” mean changes to the operation of a school that has consistent and measurable capacity impact including, but not limited to, double sessions, floating teachers, year-long schools and special educational programs.</p>										

Policy 1.1.2: The County shall ensure facilities and services are in place concurrent with development to achieve concurrency ~~for~~ as provided in Table 1.2.

<p>TABLE 1.2: PUBLIC FACILITIES SUBJECT TO AND EXEMPT FROM CONCURRENCY* Ensure this table is accurate before transmittal</p>		
SUBJECT TO CONCURRENCY	EXEMPT FROM CONCURRENCY	BASIS FOR EXEMPTION
Transportation	Recreation & Open Space	Abundance of publicly held lands for conservation and recreation as shown on the FLUM;
Sanitary Sewer		Option to opt-out per §163, FS.
Potable Water		

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Stormwater (drainage)	Public School Facilities	Difficulty accommodating attendance districts due to large county size;
Solid Waste		Option to opt-out per §163, FS.

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<i>*Ensure this table is accurate before transmittal</i>	
<u>SUBJECT TO CONCURRENCY</u>	<u>Transportation</u> <u>Sanitary Sewer</u> <u>Potable Water</u> <u>Stormwater (drainage)</u> <u>Solid Waste</u>
<u>EXEMPT FROM CONCURRENCY</u> <ul style="list-style-type: none"> <u>Basis for Exemption</u> 	<u>Recreation & Open Space*</u> <ul style="list-style-type: none"> <u>Basis: Abundance of publicly held lands for conservation and recreation as shown on the FLUM</u> <u>Public School Facilities*</u> <ul style="list-style-type: none"> <u>Basis: Difficulty accommodating attendance districts due to large county size</u>

** Option to opt-out per §163, FS.*

Policy 1.1.3: The County shall maintain a Comprehensive Plan Capital Improvements Element Schedule of Capital Improvements (CIE Schedule) based on LOS standards, concurrency, and needs/projects identified in the other elements of the Comprehensive Plan and shall meet existing deficiencies, accommodate desired future growth, and replace obsolete or worn-out facilities that ~~are in need of~~ need repair, remodeling, renovation, and/or replacement for determining capital improvement needs and projects.

OBJECTIVE 1.2: The County's CIE Schedule shall consist of a prioritized list of projects ~~that~~ which shall maintain adopted LOS standards and meet existing and future facility ~~need~~ needs.

Policy 1.2.1: The County's adopted CIE Schedule shall contain a list of prioritized projects for each facility type, ~~that~~ which includes ~~including~~ a project description, location, costs, ~~and~~ and planned and committed revenue sources by year, and a determination of consistency with individual Comprehensive Plan elements costs and revenue sources by type of facility.

Policy 1.2.2: Capital projects considered for the CIE Schedule shall be evaluated and prioritized within each element and between elements by considering the following criteria:

- a. The project is required to protect public health and safety or eliminate a public hazard;
- b. The project replaces, renews, or repairs existing facilities that are obsolete or worn out;

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- c. The project expands existing facilities or creates new facilities that satisfy existing deficiencies in ~~levels of service~~LOS;
- d. The project expands existing facilities or creates new facilities that maintain LOS~~level of service~~ standards while accommodating new development, redevelopment, or projected growth;
- e. The project fulfills a legal commitment of the County to provide facilities and services;
- f. The project increases efficiency of existing facilities;
- g. The project postpones, reduces, or prevents future improvement costs;
- h. The project provides service to a development lacking full service for which development orders were issued prior to the adoption of the Comprehensive Plan;
- i. The project is a logical extension of facilities and services within a designated Urban Growth Boundary (UGB) or an in-fill development area;
- j. The project's budget impact and financial feasibility;
- k. The project is part of a ~~s~~State or ~~f~~Federal agency and/or water management district plan that provides public facilities within the County's jurisdiction; and
- l. The project enhances the County's investment of funds by generating matching state and/or federal funds.

Policy 1.2.3: The CIE Schedule shall be updated annually to remove completed projects and add new projects. Projects may also be reprioritized to reflect changed conditions. ~~The CIE Schedule may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact, and certain small-scale development activities.~~

Policy 1.2.4: A local ordinance ~~Comprehensive Plan amendment~~ is required to add a new project to the CIE Schedule, to delete an existing project, or to defer or delay construction of a project already included in the Schedule. ~~—~~ Corrections, updates, and modifications concerning costs, revenue sources, facility dedications, and construction dates may be made by ordinance resolution and are not deemed to be an amendment to the Comprehensive Plan.

Policy 1.2.5: Capital improvement expenditures shall be targeted primarily to areas inside the UGB, in the Urban Area, and/or to Development of Regional Impact (DRIs)/Florida Quality Development (FQDs) or where the Comprehensive Plan directs the majority of future growth and designates higher densities and intensities of land use to promote compact infill development and limit urban sprawl.

Policy 1.2.6: The CIE Schedule for greater than the minimum required 5-~~y~~Year period shall be consistent with Policies 1.2.1 to 1.2.5, but do not need to be funded beyond Year 3. ~~The CIE Schedule and~~ shall be considered a tool to assist in identifying where future growth in the County should occur, and will be consistent with the County's Water Supply Plan and/or the appropriate St. Johns River Water Management District (SJRWMD) and/or Southwest Florida Water Management District (SWFWMD) Regional Water Supply Plan. ~~In addition, the Water Supply Plan shall include a long-term Capital Improvements Plan that identifies various water supply plan~~

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projects such as water conservation, surface water, reuse/reclaimed water, desalinization, capacity improvements for potable water and sewer, stormwater for reuse for irrigation, and other projects to reduce potable water usage. ~~These projects shall be~~ planned and scheduled to be utilized to meet the County's water supply for at least a minimum of 10 years.

OBJECTIVE 1.3: Marion County shall provide funding or require funding to be provided in a timely, equitable, and financially feasible manner for needed public facility improvements.

Policy 1.3.1: Preparation of the CIE Schedule shall be coordinated with preparation of the County's other capital improvement programs (i.e., the TIP, CIP, and SIP) and the County's annual budgeting process, including the Capital Improvements Budget. ~~County-funded~~ projects included in the first year of the CIE Schedule of Capital Improvements shall be included in the County's Capital Improvements Budget, and represent the capital improvements budget relative to this Comprehensive Plan.

Policy 1.3.2: Where insufficient revenues are available to fund a project included in the adopted CIE Schedule, the financial feasibility of the CIE Schedule may be ensured by:

- a. increasing existing or creating new revenue sources;
- b. adjusting scope or timing of projects; and/or
- c. amending LOS standards.

Policy 1.3.3: Management of debt financing (including all multi-year alternative methods of financing) for funding capital improvement projects in the CIE Schedule shall adhere to the following guidelines.

- a. Every project proposed for long-term debt financing shall be accompanied by an analysis of the future operating and maintenance costs associated with the project.
- b. All bond borrowing shall be planned and the details of the plan incorporated into a long-term debt management plan.
- c. When the County finances projects through the issuances of bonds, it will pay back the bonds within a period not to exceed 90% of the useful life of the project.
- d. When debt is used to fund public facilities operated through County enterprise funds, the debt shall be repaid by:
 1. user fees and charges, impact fees and/or special assessments; and/or
 2. current assets (i.e., reserves, surpluses and current revenues).

Policy 1.3.4: To increase funding for LOS-related capital projects, the County shall actively pursue regional, ~~s~~State, ~~f~~Federal, and private profit/non-profit grant funding. The County shall identify and evaluate available grant opportunities by facility type and make annual recommendations to the Board of County Commissioners (BCC) regarding pursuit of specific grants.

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Policy 1.3.5: To ensure that funding of County road projects is equitable (user-oriented revenue sources), the following list of revenue sources may be used when considering financing of County road projects:

- a. Transportation impact fees;
- b. Gas taxes;
- c. Local option sales tax;
- d. Utility franchise fee;
- e. Special districts and/or areas (e.g., Municipal Services Taxing Unit (MSTU), Municipal Service Benefit Unit (MSBU), Improvement District, Special District, Community Development District, Community Redevelopment Area, etc);
- f. Ad valorem tax;
- g. County transportation maintenance fund; and
- h. Revenue bonds to be repaid from gas taxes.

Policy 1.3.6: New funding sources and alternative methods of meeting recreation and open space facilities capital, operations, and maintenance costs identified in the Recreation and Open Space Element shall be used to supplement existing revenue sources.

Policy 1.3.7: Enterprise funds financed through user fees shall be used to provide potable water, sanitary sewer, and solid waste capital improvements.

Policy 1.3.8: The County shall continue to utilize ~~Municipal Services Taxing Units (MSTUs)~~ and ~~Municipal Services Benefit Units (MSBUs)~~ for financing capital improvements and/or maintenance of existing improvements, when deemed appropriate.

OBJECTIVE 1.4: The County shall ensure future development ~~shall bears~~ a proportionate cost of facility improvements necessitated by the development ~~in order~~ to maintain adopted LOS Standards.

Policy 1.4.1: The County shall continue to utilize a ~~Transportation Impact Fee Ordinance in order~~ to assess new development on a ~~pro-rata~~ pro-rata share of the costs required to finance transportation improvements necessitated by new development.

Policy 1.4.2: The County Land Development Code (-LDC) shall maintain provisions requiring minimum open spaces for residential developments, and allowing for off-site provision or fee-in-lieu contributions consistent with Recreation and Open Space Element ~~Policy 1.3.4.~~

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Policy 1.4.3: When providing centralized public sanitary sewer and potable water service to new development, the County shall utilize impact fees and/or similar ~~user-oriented~~user-oriented fees and charges to fund facilities necessitated by new development. ~~The County shall not be required to bear or subsidize the cost of extending water or sewer facilities; however, the County may elect to fund a portion or all of a particular improvement when determined to be appropriate for public health and/or safety, particularly when matching funds are available to the County and/or such activity is classified by the County as a qualified~~ eEconomic dDevelopment oOpportunity.

OBJECTIVE 1.5: The County shall maintain a ~~C~~concurrency ~~M~~management ~~S~~system (CMS) in compliance with §163, FS, within the LDC to ensure that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development permit or development order, the system shall ensure that adopted ~~level-of-service~~LOS standards referenced in Policy 1.1.1 of this Element will be maintained. The Growth Services Department shall be responsible for ensuring compliance with the ~~concurrency management system~~CMS.

The Growth Services Director, or ~~his~~-designee, will be responsible for the two (2) primary tasks which are described below:

- a. Coordinating an inventory of existing public facilities and capacities or deficiencies from other ~~e~~County departments as required; and
- b. Determining concurrency of proposed development.

Policy 1.5.1: The County shall coordinate establishing ~~level-of-service~~LOS standards for the above-mentioned facilities with local, regional, ~~s~~State, or ~~f~~Federal entities having operational and maintenance responsibility for such facilities.

Policy 1.5.2: The County shall maintain, as part of the ~~concurrency management system~~CMS and as deemed appropriate, a cumulative record of the ~~level-of-service~~LOS for each County-owned and operated facility or service identified in Policies 1.1.1 and 1.1.2. The County will encourage non-County providers to submit similar information for their respective facilities for ease of distribution to the public; however, a development application proposing to be served by a facility or service provider other than Marion County shall provide a certified Statement of Capacity from the provider prior to the issuance of a development permit or order.

Policy 1.5.3: No development activity may be approved unless it is found to be consistent with this Comprehensive Plan and that the provision of public facilities ~~subject to concurrency as identified in Table 1.2~~ will be available at prescribed ~~levels-of-service~~LOS concurrent with the impact of the development on those facilities, as defined by Florida Statutes.

Policy 1.5.4: Procedures and requirements for concurrency review of development orders and permit applications shall include, as a minimum, the following:

- a. An application ~~which that~~ identifies impacts to ~~levels-of-service~~LOS;
- b. Procedure for evaluating the impact to the current ~~levels-of-service~~LOS;

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- c. Determination of the precise time in the development review process when concurrency shall be ~~tested~~~~evaluated~~. -The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit ~~which~~~~that~~ contains a specific plan for development, including the densities and intensities of development;
- d. Determination of the development order and permit applications ~~which~~~~that~~ will be subject to concurrency testing;
- e. Time period for validity/expiration of concurrency permit; and
- f. Concurrency vesting criteria for approved and on-going development.

Policy 1.5.5: ~~As-At~~ a minimum, the ~~concurrency management system~~~~CMS~~ shall ensure that at least one of the following standards will be met prior to issuance of a development order or permit:

- a. The necessary facilities and services are in place at the time a development order or permit is issued; or,
- b. A development order or permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or,
- c. The necessary facilities are under construction at the time a development order or permit is issued; or,
- d. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development order or permit is issued. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the issuance of the development order or permit; or,
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to §163.3220, FS, or an agreement or development order issued pursuant to §380, FS. -Any such agreement shall include provisions pursuant to paragraphs a, b, or c above.

Policy 1.5.6: The adopted LOS for any facility may be degraded during construction of new facilities if, ~~upon completion of the new facilities~~, the adopted LOS ~~shall be~~~~are~~ met and maintained.

Policy 1.5.7: The construction of any development project may be phased or staged ~~so as~~ to coincide with the phased or staged construction of infrastructure facilities so that the ~~level of~~ ~~service~~~~LOS~~ standards for such facilities are maintained upon completion of each phase or stage of the development project.

Policy 1.5.8: Applications for development orders or permits that fall into one of the following categories shall be exempt from the concurrency regulations:

- a. Vested Development Orders and Permits: vested projects as established by Article 10 of the Marion County ~~Land Development Code~~~~LDC~~ shall only be subject to concurrency

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review if expansion of the development shall create additional units, density or intensity, and only the net increase or expansion shall be subject to concurrency review.

- b. Applications for development orders or permits ~~which-that~~ do not increase density or intensity are exempt from concurrency review, as defined by the Marion County ~~Land Development Code~~LDC.

Policy 1.5.9: Administration:

- a. The LDC shall designate the departments with in the County ~~which have responsibility that are responsible~~ for determining ~~that-whether~~ LOS standards are met and will be maintained prior to the issuance of a development order or building permit. The designated departments may place the burden of demonstrating compliance upon the developer or applicant. ~~In order to~~To be approved, applications for development approval shall provide sufficient information showing compliance with LOS standards.
- b. The LDC shall include quantitative methods for determining ~~levels of service~~LOS that exist and which may be impacted by any particular development application. In addition, the LDC will fully describe the process for a finding of compliance with LOS standards.
- c. The LDC shall include standardized quantitative data ~~which is~~ to be used in determining the impact of any proposed development upon the public facilities and services consistent with the provisions of Policy 1.1.2. Applications for development approval shall include the projected impact ~~upon-on~~ public facilities and services upon occupancy or use of the proposed development. Any deviation from the standardized criteria within the LDC must have the prior approval of the Development Review Committee before such data may be used for determining or projecting impacts of the proposed development.
- d. The test for concurrency shall be met, and the determination of concurrency shall be made, prior to the approval of an application for a development order or permit ~~which-that~~ contains a specific plan for development, including the densities and intensities of the proposed development.

Policy 1.5.10: The County shall evaluate development to ensure that there is adequate water supply consistent with the Marion County Water Supply Plan to meet the requirements of § 163.3180 ~~(s)(a)~~, FS. The County shall issue no development orders or building permits or its functional equivalent without first consulting with the applicable water suppliers to determine whether adequate water supplies to serve the development will be available at the time the County issues a Certificate of Occupancy (CO). ~~The County will also require that adequate water supplies and facilities are available and in place prior to issuing a Certificate of Occupancy (CO):~~