

DIVISION 4.200 CAPITAL IMPROVEMENTS ELEMENT

SECTION 4.201 INTRODUCTION

The purpose of the Capital Improvements Element (CIE) is to tie the capital improvement needs identified in the other elements to the County's budgeting and development review processes. The goal, objective and policies section and the implementation section of the CIE establish the framework that:

1. identifies the required capacity of capital improvements to serve existing and future development based on level-of-service (LOS) standards;
2. establishes a system of priorities to determine which capital improvements are funded to satisfy the LOS;
3. provides guidance on funding the projects;
4. outlines mechanisms to assure provision of the required capital improvement;
5. ties land development decisions to the availability of capital facilities and improvements; and
6. outlines implementation programs.

Implementation: The Capital Improvements Element requires the County to develop a concurrency management system, a Capital Improvements Program known as Polk County's Community Investment Program (CIP), and a capital budget. The concurrency management system will monitor the quantity and quality of public facilities and the impacts of development on those facilities. The CIP lists a 5-year schedule of the capital improvement projects required, for concurrency, to maintain the LOS standards and repair/replace obsolete or worn out facilities. The projects in the CIP are listed by construction date, costs and revenue sources. The CIP will list County, State, Federal, and private resources required to provide the programmed facilities and shall be reviewed on an annual basis, and modified as necessary, in order to maintain a 5-year schedule of capital improvements. The County will annually prepare a Capital Improvements Budget (CIB), which will include appropriations for the County's projects.

To fulfill the above requirements Polk County adopts the following goal:

GOAL: Polk County shall provide for, in a timely manner, and maintain capital facilities which meet or exceed adopted County standards consistent with available fiscal resources.

SECTION 4.202 COORDINATION

OBJECTIVE 4.202-A:

Polk County shall coordinate the provision of capital improvements with other agencies and jurisdictions and ensure that the CIE is consistent with the other elements of the Comprehensive Plan.

POLICY 4.202-A1:

All capital improvements and facilities shall be evaluated to identify any plans of State agencies, the Polk County Transportation Planning Organization, and/or the Southwest Florida, or South Florida Water Management Districts that affect, or will be affected by, the proposed County capital improvement.

POLICY 4.202-A2:

Polk County shall coordinate the provision of public facilities with the municipalities in Polk County, the Polk County School Board, and surrounding counties. POLICY 4.202-A3: The Capital Improvements Element (CIE) shall be consistent with other elements of the Comprehensive Plan and the planning efforts of Polk County and its departments.

POLICY 4.202-A4:

All public facility capital improvements shall be consistent with the other elements of the Comprehensive Plan.

SECTION 4.203 LEVEL-OF-SERVICE STANDARDS

OBJECTIVE 4.203-A:

Polk County shall define types of public facilities, and establish the standards for level of service (LOS) by facility type. [Section 163.3177 F.S.]

POLICY 4.203-A1:

Polk County shall define public facilities in the following manner:

- A. Category "A" public facilities are arterial and collector roads, drainage systems, potable water, sanitary sewer, solid waste, and park and open space facilities owned and operated by the County, and are addressed in other elements of this Comprehensive Plan, and required for concurrency;
- B. Category "B" public facilities are arterial and collector roads, drainage systems, potable water, sanitary sewer, and parks and open space facilities owned and operated by Federal and/or State governments, independent districts, entities other than the County or a municipality that provide support to a designated Selected Area Plan (SAP) listed in Appendix B of this Comprehensive Plan, and private organizations, and required for concurrency; and
- C. Category "C" public facilities are preservation lands owned and operated by the County, which are not required for concurrency.

POLICY 4.203-A2: Category "A" public facilities:

Polk County shall adopt level-of-service standards for Category "A" public facilities, include the capital improvements to Category "A" public facilities in the Community Investment Program (CIP), and require the public facilities for the issuance of final building orders (concurrency). The level-of-service standards for Category "A" public facilities shall be the following:

A. County arterial and collector roads LOS standards

1. The multi-modal transportation level-of-service standards, established in Exhibit 1 below, shall be the minimum acceptable levels-of-service on arterial and collector roads. These standards apply to County roadway segments, unless a facility-specific standard is adopted herein.

EXHIBIT 1. Multi-Modal Transportation Level of Service Standards

Base Highway Level-of-Service (LOS) Standards¹

Area	Minimum Standard (Peak Hour/Dir)
Transit Supportive Development Area (TSDA)	LOS "D" ²
Transitioning Urbanized Area Outside the TSDA ³	LOS "D"
Other	LOS "C"

Multi-Modal Transportation Districts Within TSDA Minimum LOS Standards.

The Multi-Modal Transportation Districts, located within the Transit Supportive Development Area, coincide with the service area (3/4 mile Americans with Disabilities Act complementary paratransit service area) of the identified fixed-route transit service.

¹ The minimum standard for roadways on the Strategic Intermodal System, the Florida Intrastate Highway System, and for those funded under the Transportation Regional Incentive Program, are established under Policy 3.202-C3.

² LOS is measured for the peak hour/peak direction using the average of the two highest peak hours.

³ Transitioning Urbanized Area Boundary as adopted by the Polk Transportation Planning Organization on August 9, 2007.

District	Highway ^{1,2,4}	Transit	Mobility Strategies
Multi-Modal (MM) ⁵	LOS “D”	≤ 60 minute headway	<ul style="list-style-type: none"> • Provision of extensive pedestrian system • Elimination of gaps in sidewalk network • Complete street treatment including improved pedestrian and bicycle crossings • Provision of transit facilities and passenger amenities • Provision of bicycle parking • Shared, reduced or maximum parking requirements
Transit Corridors and Centers Overlay	LOS “E”	≤ 60 minute headway	<ul style="list-style-type: none"> • Provision of extensive pedestrian system • Elimination of gaps in sidewalk network • Complete street treatment including improved pedestrian and bicycle crossings • Provision of transit facilities and passenger amenities • Provision of bicycle parking • Shared, reduced or maximum parking requirements

⁴ LOS may be measured on an average corridor basis for roadway corridors (more than one facility) serving common trip ends.

⁵ Road with transit service that is located outside of the Transit Corridors and Centers Overlay.

- B. County parks and open space lands LOS standards - Polk County shall adopt, as a minimum recreation level-of-service standard:

6.95 acres per 1,000 persons⁶
- C. Public potable-water supply-systems LOS standard of 360 gallons per equivalent-residential connection (GPERC).
- D. Sanitary sewer facilities LOS standard of 270 gallons per equivalent residential connection (GPERC) and an effluent disposal site which is sufficient to handle the plant capacity. The site must have an hydrogeological evaluation which is signed and sealed by a registered hydrologist and professional engineer.
- E. Drainage systems LOS standards are:

DRAINAGE MINIMUM LEVEL OF SERVICE STANDARDS

LOS I	LOS II	LOS III	LOS IV	LOS V	LOS VI
Capacity: 100 year, 24 hour storm event with freeboard	Capacity: 50 year, 24 hour storm event with freeboard	Capacity: 25 year, 24 hour storm event with freeboard	Capacity: 10 year, 24 hour storm event with freeboard	Capacity: 5 year, 24 hour storm event with freeboard	Capacity: 3 year, 24 hour storm event with freeboard

- F. Solid waste LOS standards (pounds/capita/day):

Year	Facility North-Central Landfill (lbs/capita/day)
2000	12.66
2010	8.00
2020	8.26

- G. Polk County Transportation System LOS standard of 50,000 passenger trips in 1991 and 60,000 passenger trips in 1996.

⁶ Note: this figure is calculated using a static aggregate total of passive and active recreational land of 5,017 acres divided by the population projection for 2020. Regardless of a static total of passive and active recreational land being used, county parks and open space lands LOS standards in 2020 should be adequate. It is expected that passive and active recreational space will increase in relation to further development and population increase.

POLICY 4.203-A3: Category "B" public facilities:

Polk County shall adopt level-of-service standards for Category "B" public facilities, and require that they be met prior to the issuance of final development orders (concurrency). The level-of-service standards for Category "B" public facilities shall be the following:

- A. Federal and state arterial and collector roads LOS standards:
 1. The multi-modal transportation level-of-service standards established in Policy 4.203-A2, Exhibit 1 above, shall be the minimum acceptable levels-of-service on arterial and collector roads. These standards apply to roadway segments on the State Highway System that are not a part of the Florida Intrastate Highway System, unless a facility-specific standard is adopted herein.
 2. The minimum acceptable level-of-service standard for roadways on the Strategic Intermodal System, the Florida Intrastate Highway System, and those funded under the Transportation Regional Incentive Program, shall be in accordance with the Statewide Minimum Level-of-Service Standards published by the Florida Department of Transportation.
 3. Due to the anticipated community and environmental impacts associated with a four-lane improvement, State Road 542 (Dundee Road) from SR 549 (1st Street, SE) to Buckeye Loop Road is considered a constrained facility. Polk County shall support a three-lane improvement or intersection improvements on this road segment. The minimum acceptable level-of-service for this segment of SR 542 shall be Level-of-Service "E" peak hour.
- B. Public potable water supply systems LOS standard of 360 gallons per equivalent residential connection (GPERC).
- C. Sanitary sewer facilities LOS standard of 270 gallons per equivalent residential connection (GPERC) and an effluent disposal site which is sufficient to handle the plant capacity. The site must have hydrogeological evaluation which is signed and sealed by a registered hydrologist and professional engineer.
- D. Drainage systems LOS standards are:

DRAINAGE MINIMUM LEVEL OF SERVICE STANDARDS

LOS I	LOS II	LOS III	LOS IV	LOS V	LOS VI
Capacity: 100 year, 24 hour storm event with freeboard	Capacity: 50 year, 24 hour storm event with freeboard	Capacity: 25 year, 24 hour storm event with freeboard	Capacity: 10 year, 24 hour storm event with freeboard	Capacity: 5 year, 24 hour storm event with freeboard	Capacity: 3 year, 24 hour storm event with freeboard

- e. Public School Facilities LOS standards:

Consistent with Policies 3.603-B1 and 3.603-B-2 of the Public School Facilities Element and the Interlocal Agreement for Public School Facilities Planning, the uniform district-wide level-of-

service standards are established as a percent of Florida Inventory of School Houses (FISH) capacity. Permanent capacity cannot be increased by adding relocatables. The LOS standards are set as follows:

1. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the school board annually.
2. Other: K-8, 6th grade centers, 9th grade centers, 6-12th grade schools are at one hundred percent (100%) of permanent Department of Education (DOE) FISH capacity
3. Special: Including alternative education or special programmatic facilities are designed to serve a specific segment of the student population on a countywide basis or for a temporary need and are not zoned to any specific area. Therefore, they are not available or used for concurrency determinations.
4. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll.

Polk County shall apply the LOS standards set forth herein consistently with all local jurisdictions and the School Board on a district-wide basis within the adopted concurrency service areas for each school type in accordance with the policies of the School Facilities Element and the Interlocal Agreement for Public School Facilities Planning.

POLICY 4.203-A4: Category "C" public facilities:

Polk County shall adopt level-of-service standards for Category "C" public facilities, and include them in the CIP. The level-of-service standards for Category "C" public facilities shall be the following:

Preservation lands LOS standard of County acquisition of a minimum of 500 acres for protection of federally- or state-listed endangered or threatened plant or animal species in fiscal year 1993/94 and County acquisition of a minimum of 200 acres for protection of federally or state listed endangered or threatened plant or animal species in each fiscal year from 1994 to 1996.

SECTION 4.204 DETERMINING NEEDED CAPITAL IMPROVEMENTS

OBJECTIVE 4.204-A:

Polk County shall establish a methodology for determining the capital improvements required to achieve and maintain adopted standards and to repair and replace public facilities under their fiscal jurisdiction, and shall enter into an interlocal agreement with those agencies having jurisdiction over the rest (e.g. schools, state roads)

POLICY 4.204-A1:

Polk County shall use the formula

$Q (S \times D) - I$ to determine the capital improvements required to eliminate existing deficiencies and serve future growth.

Where: Q is the quantity of capital improvements needed to insure maintenance of the LOS standard (Example: an additional 180 acres of community park land, or a new 7,000,000 gallon waste water treatment plant);

S is the standard for level of service;

D is the demand (population); and

I is the inventory of existing facilities.

POLICY 4.204-A2:

The capital improvements needed to repair, renovate, or replace obsolete or worn out facilities under the County's jurisdiction shall be determined by the Board of County Commissioners upon the recommendation of the County Administrator. For those facilities under the fiscal responsibility of another public agency, said agency shall determine needed capital improvements consistent with the guidelines of an applicable interlocal agreement(s).

POLICY 4.204-A3:

Polk County shall set the relative priorities among types of public facilities as follows:

- A. Projects in the Community Investment Program do not reflect a priority order, since the projects in the schedule of capital improvements are financially feasible and will be provided.
- B. 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:

Priority 1 - New public facilities and improvements to existing public facilities that eliminate public hazards.

Priority 2 - The repair, remodeling, renovation, or replacement of obsolete or worn out facilities that contribute to achieving or maintaining adopted level-of-service standards.

Priority 3 - New and expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand.

Priority 4 - New or expanded facilities, including land acquisition, that provide the adopted level of service for new development and redevelopment during the next five years. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development orders, the priorities for capital improvements shall be as follows:

Priority A -Capital improvements in areas that are being redeveloped and where development orders were issued prior to plan adoption;

Priority B - Capital improvements in areas of new development and where development orders were issued prior to plan adoption;

Priority C - Capital improvements where new development orders were issued in areas that are being redeveloped;

Priority D - Capital improvements where new development orders were issued for new development; and

Priority E - Improvements to existing facilities, and new facilities that reduce the operating costs of providing a service or facility.

POLICY 4.204-A4:

Polk County shall allocate revenue, whose use is restricted by law or rule, to the highest priority project eligible for that revenue.

POLICY 4.204-A5:

Polk County shall maintain a data base of the impacts of development (See Policy 4.207-A2.c.5.f) which has been determined to be vested through the Polk County Vested Rights ordinance. This information will be used in concurrency determinations, the annual update of the public facility needs assessment, the Capital Improvements Element, Community Investment Program, and Capital Improvements Budget, and to provide facilities for the vested development.

POLICY 4.204-A6:

Polk County shall continue the development of its impact fee program to provide facilities for development which has been determined to be vested through the Polk County Vested Rights ordinance.

SECTION 4.205 ASSESSING THE FINANCIAL FEASIBILITY OF PROJECTS

OBJECTIVE 4.205-A:

Polk County shall plan for and provide needed capital facilities that are within the fiscal capability of the County through the annual adoption of a Community Investment Program (CIP). For those needed capital facilities that are under the fiscal responsibility of another public agency, Polk County shall adopt by reference the applicable agency's 5-year capital improvement program or work plan.

POLICY 4.205-A1:

Polk County shall demonstrate that the CIP is financially feasible by adopting into the CIE a 5-year schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. Financial feasibility of the 5-year schedule of capital improvements shall mean that sufficient revenues are currently available, or will be available from committed funding sources, for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5), which are adequate to fund the projected costs of the capital improvements listed in the CIP. Committed and/or planned revenue sources for financing programmed capital improvements may include, but are not limited to, ad valorem taxes, bonds, state and federal funds, other tax revenues, impact fees, and developer contributions. Projects necessary to ensure that any adopted LOS standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level or priority for funding.

- A. If the CIP relies on planned revenue sources in the 5-year schedule that require referenda or other actions to secure the planned revenue source, the CIE must, in the event the referenda are not passed

or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the CIE to ensure financial feasibility;

- B. Polk County will adopt and maintain a financially feasible 5-year schedule of capital improvements. Updates to the 5-year schedule of capital improvements which reflect proportionate fair-share contributions shall be deemed financially feasible, if the CIE identifies additional contributions, payments or funding sources reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

POLICY 4.205-A2:

The existing population and owners of real property in Polk County shall pay for some or all of the capital improvements which reduce or eliminate existing deficiencies. These capital improvements may be financed with user fees, special assessments, debt, and taxes. The existing population and owners of real property in Polk County may pay for capital improvements required by future development.

POLICY 4.205-A3:

Polk County shall require developers and owners of future development to pay their proportionate share of capital improvements required to service future development. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement, or other enforceable agreement. These development agreements and/or interlocal agreements shall be reflected in the 5-year schedule of capital improvements if the capital improvement is necessary to serve development within the period covered by the 5-year schedule. Payments, which must be approved by the County in form and amount, may take the form of the following:

- A. voluntary contributions for the benefit of any public facility;
- B. impact fees;
- C. capacity reservation fees;
- D. dedication of land;
- E. provision of public facilities; and
- F. future payments of user fees, special assessments and/or taxes.

POLICY 4.205-A4:

The existing and future population and owners of real property shall pay for the replacement of obsolete and worn out facilities.

POLICY 4.205-A5:

Future development shall not pay impact fees for the portion of any capital improvement that reduces or eliminates existing deficiencies.

POLICY 4.205-A6:

Grants, entitlements, or public facilities from other levels of government, and independent districts may pay part of the costs attributed to existing and future development.

POLICY 4.205-A7:

Polk County shall finance capital improvements to potable water, sanitary sewer, and solid waste facilities (utilities) with current assets, revenue bonds to be repaid by user fees or charges for services, or a combination of current assets and debt.

POLICY 4.205-A8:

Polk County shall finance other capital improvements (non-utility) with current assets, and/or debt.

POLICY 4.205-A9:

Polk County shall consider which asset, or group of assets, will be cost effective, appropriate to the useful life of the improvement, and an efficient use of the County's debt capacity when financing capital improvement projects with debt.

POLICY 4.205-A10:

The County shall not accept:

- A. responsibility for operating-and-maintenance costs for which it does not have funding capability; and
- B. responsibility for any private or public facility whose acquisition would prevent the County from completing a project or restrict the County's capability to maintain or increase LOS standards, except where a public hazard exists.

POLICY 4.205-A11:

Polk County shall continue to review the costs and benefits of developing an alternative funding mechanism for stormwater management projects.

POLICY 4.205-A12:

If the option sales tax, or the utility tax is not approved by the legislature or by voter referendum, Polk County shall:

- A. amend the Plan and CIP to identify alternative funding sources, or
- B. amend the plan to revise the level-of-service standard to the existing LOS standard.

POLICY 4.205-A13:

Polk County shall manage its debt by establishing the following standards:

- A. the maximum percentage of net overlapping bonded debt to assessed value of 4%;

- B. the maximum of net bonded debt per capita of \$500, and
- C. the maximum percentage of annual debt service to general expenditures of 10%.

POLICY 4.205-A14:

Polk County shall increase user fees and issue the bonds required to implement the Community Investment Program. The timing of the increases in fees and the issuance of bonds will be based on market timing, need for the funds, and project timing.

POLICY 4.205-A15:

Polk County shall provide needed capital improvements for water and sewer facilities as referenced within the Community Investment Plan of the Update to the Utility Master Plan as adopted by the Board of County Commissioners on 16 August 1996 or as modified by the Board of County Commissioners through the annual budget and Community Investment Program adoption process. Any modification to the “Water and Wastewater Master Plan Update,” currently existing as individual Regional Service Area Water and Wastewater master Plan Updates, or to the geographic service areas to be serviced by water and/or sewer that will eliminate, defer, or modify funding or placement of improvements shall be implemented through an amendment to the Comprehensive Plan.

POLICY 4.205-A16 (Revised 3/21/17 – Ord. 17-015)

Polk County adopts by reference the School Board’s Five-Year Work Plan annually which includes the needed capital improvements to achieve and maintain the adopted Level of Service Standards.

POLICY 4.205-A17: COMMUNITY INVESTMENT STRATEGY

As part of future updates to the Capital Improvement Element, Polk County shall identify and implement measures intended to encourage public and private investments in the Transit Supportive Development Area and the Transit Corridors and Centers Overlay. These measures should support redevelopment and revitalization of existing communities and may be included, but are not limited to, the siting of community facilities, reduced impact fees and an expedited review process for development.

POLICY 4.205-A18: ALTERNATIVE FUNDING TOOLS

Polk County shall consider the use of alternative methods for funding sources to encourage development and redevelopment within the Transit Supportive Development Area and Transit Corridors and Centers Overlay. Such sources may include, but are not limited to: improvement taxing districts, such as, Municipal Service Benefit Units (MSBU), Municipal Service Tax Unit (MSTU), Community Development Districts (CDD); state funding sources such as, Community Development Block Grants (CDBG); and public-private partnerships to establish redevelopment funds.

POLICY 4.205-A19: TRANSPORTATION IMPROVEMENT PROGRAM (TIP) (Added 3/21/17, Ord. 17-015)

Polk County adopts, by reference, the Transportation Improvement Program Five-Year Work Plan annually which includes a list of all prioritized transportation projects in Polk County funded from federal and state sources. The Transportation Improvement Program (TIP) is a financially feasible program and displays the priorities of multi-modal transportation improvement projects as adopted by state, local governments and transit agencies in Polk County.

SECTION 4.206 PROVIDING NEEDED CAPITAL IMPROVEMENTS

OBJECTIVE 4.206-A:

(Revised 3/21/17 – Ord. 17-015) Polk County shall provide needed capital improvements, as listed in the 5-year schedule of capital improvements, Community Investment Program (CIP) and the Capital Improvements Budget (CIB), to repair and replace obsolete or worn out facilities, for the elimination of existing LOS deficiencies, for development orders issued prior to the adoption of the Plan, and for future development. For those facilities under the fiscal responsibility of another public agency, Polk County shall coordinate with said agency to ensure that necessary capital improvements are in the agency's five-year capital improvement program.

POLICY 4.206-A1:

Polk County shall review the Capital Improvements Element, which includes a 5-year schedule of capital improvements, and the Community Investment Program annually, and they may be modified as follows:

- A. The Capital Improvements Element shall be reviewed on an annual basis and modified as necessary in order to maintain a financially feasible 5-year schedule of capital improvements.
- B. Polk County adopts, by reference, the Capital Improvement Program's Five-Year Work Plan also known as the Community Investment Program (CIP) annually, to consider the need for the location of public facilities. Pursuant to Florida Statutes, the CIE together with the CIP reflect the time, location and funding of capital projects to achieve and maintain adopted level of service standards for public facilities that are necessary to implement the comprehensive plan. The five-year capital improvements schedule shall be updated by separate ordinance and may not be deemed an amendment to the comprehensive plan.

POLICY 4.206-A2:

Polk County shall prepare as part of the annual budget process a Capital Improvements Budget (CIB) which lists appropriations for the capital improvements projects in the first year of the CIP and projects for the repair, renovation, or replacement of obsolete or worn out facilities per Policy 4.204-A2.

POLICY 4.206-A3:

If a CIP project cannot be completed within the fiscal year stated within the CIP, one, or a combination of the following, shall occur:

- A. An alternate capital project(s) may be completed which will maintain the level of service within the service area of the original project, if that LOS is expected to decline below an adopted LOS standard.
- B. The scope or timing of private development projects may change to mitigate the impacts on the public facility. This is an option only if the development orders were conditionally issued on the availability of the delayed public facility.
- C. Private development may implement alternative projects or programs to mitigate the impacts of development on public facilities. (For example, Traffic Management which includes ride sharing, remote parking with shuttle bus, locker rooms and bike racks, subsidized bus passes, and staggered work hours.)

- D. The Comprehensive Plan may be amended to establish a lower level-of-service standard for the affected service area if the absence of the programmed capital improvement project causes the LOS to decline below the current adopted standard.
- E. Polk County may not issue development orders that rely on the delayed capital project to meet concurrency requirements until the situation delaying the project is remedied.

POLICY 4.206-A4:

Polk County shall provide, or require others to provide, the capital improvements listed in the Community Investment Program by the following:

- A. annually prepare and adopt a Capital Improvements Budget (CIB) which includes appropriations for the capital projects listed in the first fiscal year of the Community Investment Program as well as projects to repair, renovate, or replace obsolete or worn out facilities pursuant to Policy 4.204-A2.
- B. execute binding agreements with others, which requires others to provide facilities listed in the CIP, but not in the CIB.

Polk County shall maintain an Interlocal Agreement for School Facilities Planning with the Polk County School Board and the non-exempt municipalities to ensure that the School Board’s Five-Year Program of Work include the needed capital improvements to achieve and maintain the adopted Level of Service Standards.

SECTION 4.207 CONCURRENCY MANAGEMENT

OBJECTIVE 4.207-A:

Polk County shall implement a development review process to insure that development occurs where public facilities have sufficient capacity to serve existing population and the needs of the development, based on level-of-service standards as established by the Land Development Code.

POLICY 4.207-A1:

Prior to the issuance of a development order, which establishes binding densities and intensities of development, the County shall require the availability of sufficient capacity of Categories "A" and "B" public facilities to maintain adopted LOS standards for the existing population and the new development concurrent with the new development.

POLICY 4.207-A2:

A development order (final concurrency determination), which establishes density and intensity of development shall not be issued unless the following conditions are met:

- A. for public or private potable water, sanitary sewer, drainage, and solid waste facilities:
 - 1. are currently in place or will be in place when the development order is issued;
 - 2. the development order is issued with the condition that the necessary facilities and services will be in place when the impacts of the development occur;

3. are under construction at the time of development order; or
4. are guaranteed by an enforceable development agreement to be in place concurrent with the impacts of the development occur.

B. for recreation and open space public facilities:

1. are currently in place or will be in place when the development order is issued;
2. are a condition of the development order and are guaranteed to be provided concurrent with the impacts of the development;
3. are under construction; or
4. are guaranteed in an enforceable development agreement, which provides for the commencement of construction of the required facilities and services within one (1) calendar year of the issuance of the development approval.

C. for roads and mass transit:

1. are currently in place or will be in place when the development order is issued;
2. are a condition of the development order and are guaranteed to be provided concurrent with the impacts of the development;
3. are under construction;
4. are guaranteed in an enforceable development agreement, which provides for the commencement of construction of the required facilities and services within one (1) calendar year of the issuance of the development order; or
5. are guaranteed in an enforceable proportionate fair-share transportation mitigation agreement; or
6. are included in the 5-year Polk County Community Investment Program, which includes the first 3 years of the FDOT District One Work Program and Polk County adopts and implements a concurrency management system and regulations which meet the following minimum standards:
 - a. roads or mass transit facilities identified in the Community Investment Program (CIP) are financially feasible;
 - b. limits the facilities used for concurrency determinations to those facilities scheduled to begin construction in the first 3 years of the CIP;
 - c. the CIP provides for the construction of facilities within a Transit Supportive Development Area or Urban Growth Area that are necessary to maintain the adopted level-of-service standards and for the elimination of existing deficiencies which are a priority to be eliminated during the five-year period of the Community Investment Program (CIP);
 - d. the CIP contains a realistic, financially feasible funding system based on currently available revenue sources which are adequate to fund the public facilities required to

serve the development authorized by the development approval and the public facilities are included in the CIP;

- e. the applicable provisions of the CIP show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for the capital improvements; and if the road or mass transit facilities are clearly designated in the Transportation Element Map Series (TEMS);
- f. the delay or deferment of construction or elimination of the mass transit or road facility required to maintain the adopted level-of-service standard will require an amendment of the Comprehensive Plan which may be accomplished as part of the annual update to the Capital Improvements Element;
- g. the County maintains a concurrency data-base and monitoring system which includes sufficient data to ensure that projects approved subject to minimum criteria for public facilities requiring a concurrency determination do not result in a reduction of the level of service below the adopted level-of-service standard. Such data shall include standard trip generation rates, an estimate of the average daily trips and peak hour trips generated by projects approved subject to minimum requirements for roadway and mass transit capacity, and vested development, and an estimate of the capacity of existing and planned roadway, roadway intersection and mass transit improvements absorbed by projects approved subject to above minimum requirements; and
- h. the concurrency database and monitoring system includes the annual collection of traffic counts and updated level-of-service estimates to document the cumulative effect of all projects. Polk County does not grant exceptions for de minimis impacts.

D. Public School Facilities:

- 1. shall be based upon the Polk County School Board's ability to maintain the minimum level of service standards.
- 2. the applicant for a Development Order or Development Permit which includes any residential component provides a determination of capacity by the Polk County School Board showing that the proposed development will meet the public school facilities level of service standards. A determination by the School District is not required for any residential development or project exempt from concurrency in accordance with the Interlocal Agreement for Public School Facility Planning.

POLICY 4.207-A3:

Applicants for development orders which do not establish binding densities and intensities of development may request conditional concurrency determination, or the County may determine, as part of the development review process, the availability of capacity of capital facilities for development. If the proposed development meets the standards in Policy 4.207-A3, then available capacity of Category "A" and "B" public facilities shall be reserved for the development in accordance with procedures described in the Land Development Code and the development will have a right to final development orders provided that:

- A. the applicant secures:

1. irrevocable letters of capacity commitment,
 2. contracts to build the necessary facilities,
 3. obtain assurances similar to those in Policy 4.207-A3.d from sources other than the applicant, or
 4. other guarantees, approved in form and amount by the County Manager or designee, of capacity of required facilities to be provided by the applicant and/or others;
- B. determination of capacity is valid only for the uses and densities of development stated in the preliminary development permit application;
- C. determination of available capacity is valid for all development for a length of time to be established by the Land Development Code, or a period of time negotiated by the County and developer, which is set forth in a binding development agreement pursuant to Section 163.3220, FS;
- D. applicant guarantees the development's share of the cost of needed capital improvements with one or more of the following, acceptable to the County in form and amount:
1. performance bond,
 2. irrevocable letter of credit issued by a financial institution certified to do business in Florida,
 3. prepayment of impact fees,
 4. prepayment of water and wastewater connection fees,
 5. formation of a Community Development District pursuant to Chapter 190, FS, or a special-assessment district; and
- E. Polk County may do one of the following if the applicant's pro-rata share of a public facility is less than the full cost of the facility:
1. contract with the applicant for the full cost of the facility, including terms to reimburse the applicant for all cost above the pro-rata share,
 2. obtain assurances similar to those in Policy 4.207-A3 d from other sources, or
 3. amend the Comprehensive Plan to modify the adopted level-of-service standard to allow the applicant's development.

POLICY 4.207-A4:

If the applicant does not request a determination of capacity when applying for preliminary development orders, the following shall apply:

- A. The County shall determine the available capacity of Category "A" and Category "B" public facilities prior to approving a final development order, as required by Policy 4.207-A3; and

- B. No rights to obtain final development orders, nor any other rights to develop the subject property, will have been granted or implied by the County's approval of the preliminary development order without determining the capacity of Category "A" and "B" public facilities.

POLICY 4.207-A5:

Polk County shall design a solution and do the following, as necessary, when a public facility LOS has fallen below the adopted standard and a moratorium on final development orders is declared for that public facility. (The following are not listed in priority order.)

- A. solicit state and federal resources to minimize or eliminate the moratorium;
- B. review the CIP and the CIB for available projects and resources which may be available to maintain the LOS standard;
- C. advertise and hold a public meeting with persons affected by the moratorium and determine private resources available to maintain the LOS and/or mitigate the impacts;
- D. exempt from the moratorium development which has been determined to be vested (the exemption is valid only for development uses and densities stated in the final development order).

POLICY 4.207-A6:

Polk County shall integrate its concurrency management system and land-use planning and decisions with its plans for public facility capital improvements by using the Implementation section of the Capital Improvements Element. The Community Investment Program shall maintain adopted levels-of-service standards for all development consistent with the Future Land Use Element.

POLICY 4.207-A7:

The following additional guidelines will apply to concurrency determinations:

A. ROADWAYS

1. County will maintain and provide level of services information as set forth in the Comprehensive Plan and the support documentation. If the preliminary level of service information indicates a level of service failure, the developer has two alternatives:
 - a. Accept the level of service information as set forth in the Comprehensive Plan;
 - b. Prepare a more detailed capacity analysis, which is outlined in Policy 3.204-C2.
2. If the developer chooses to do a more detailed analysis, the following procedure will be followed:
 - a. Land Development Division staff will provide the developer with the acceptable methodology for preparing the alternative analysis.
 - b. The developer will submit the completed alternative analysis to planning staff for review.
 - c. Planning staff will review the alternative analysis for accuracy and appropriate application of the methodology.

3. If the alternative methodology, after review and acceptance by the Land Development Division staff, indicates an acceptable level of service where the comprehensive plan indicates a level of service failure, the alternative methodology will be used.
4. If the developer is at the application stage for the project, this alternative methodology can be used to obtain a concurrency determination. This determination is a non-binding determination that, at the date of application, adequate roadway facility capacity and levels of service are available.
5. If the developer is at the final approval stage for the project, this alternative methodology can be used to obtain a Certificate of Concurrency, the specifics of which are set forth in the Land Development Code.

B. MASS TRANSIT, RECREATION AND OPEN SPACE, AND SOLID WASTE

1. The County will provide level of service information as set forth in the Comprehensive Plan.
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was available at the date of application or inquiry.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry. Procedures to notice the applicants of inadequate capacity shall be performed in accordance with the Land Development Code.

C. POTABLE WATER, SANITARY SEWER

1. In order to guarantee provision of more than the minimum level-of-service, the county shall take the following steps:
 - a. begin planning and preliminary design for expansion when a plant's Average Annual Daily Flow is equal to 60% of the permitted capacity;
 - b. prepare plans and specifications for expansion when a plant's Average Annual Daily Flow is equal to 70% of the permitted capacity;
 - c. submit a complete construction permit application to the Florida Department of Environmental Protection for expansion when a plant's Average Annual Daily Flow is equal to 80% of the permitted capacity;
 - d. submit an application for an operation permit for the expanded facility to all appropriate regulatory agencies when a plant's Average Annual Daily Flow is equal to 90% of the permitted capacity.
 - e. include upgrades to allow the use of reclaimed treated waste water for non-potable water uses as part of the planned plant expansions.

- f. include the necessary analysis during the facility expansion planning to determine the most financially feasible way of including the use of other alternative water sources to increase the available groundwater resources.
2. Public facility and service capacity, consistent with public health and safety standards, shall be in place and available to serve new development no later than the issuance of a certificate of occupancy.

POLICY 4.207-A8:

The process for concurrency determinations shall be performed in accordance with Objective 4.207 and subsequent policies of the Comprehensive Plan, and with the procedures described in the Land Development Code.

POLICY 4.207-A9: INFRASTRUCTURE CAPACITY

The size of the TSDA is related to the infrastructure capacity of Polk County and surrounding jurisdictions to provide urban type services. An assessment of the conditions will occur during the required seven year Evaluation and Appraisal Report. The scheduling of capital improvements shall consider the locational boundary of the TSDA and the implementation of policies that discourage premature development or development that does not meet the minimum requirements established to maintain transit supportive development.

SECTION 4.208 IMPLEMENTATION

OBJECTIVE 4.208-A:

Polk County shall implement the objectives and policies of the Capital Improvements Element through all appropriate techniques. Polk County shall designate responsible agencies or departments, develop program strategies, adopt and enforce development regulations that maintain or improve the level of service provided by public facilities, evaluate development proposals for compliance with the policies in the Capital Improvements Element, and consider all principles and policies in the Comprehensive Plan when making decisions concerning the provision of public facilities.

POLICY 4.208-A1:

The County Manager, or designee, shall be responsible for implementing the objectives and policies in the Capital Improvements Element.

POLICY 4.208-A2:

Polk County shall implement development regulations as adopted in the Land Development Code, to implement the objectives and policies of the Capital Improvements Element in accordance with Florida Statutes.

POLICY 4.208-A3:

Polk County shall adopt and annually update the Capital Improvements Element (CIE), the Community Investment Program (CIP), and the Capital Improvements Budget (CIB) by December 1 of each year.

POLICY 4.208-A4:

Polk County shall provide, or require others to provide, the capital improvements listed in the Community Investment Program (CIP).

POLICY 4.208-A5:

Polk County shall, as a part of the Land Development Code adopted by the County in accordance with Florida Statutes, establish a concurrency-management system which will:

- A. monitor the level of service of public facilities,
- B. monitor the impact of development on public facilities,
- C. maintain the established level of service,
- D. prevent the issuance of a final development order whose impact on a Category "A" or "B" public facility would reduce the level of service below the standard, and
- E. provide a public facility capacity reservation program for applicants of preliminary development orders.

POLICY 4.208-A6:

Polk County shall develop a program(s) to minimize the impacts of moratoriums and eliminate moratoriums.

POLICY 4.208-A7:

Polk County in coordination with the Polk County School Board, shall implement mechanisms by which the impacts of development on public school facilities can be mitigated by the cooperative efforts of the public and private sector as outlined in the Interlocal Agreement for Public School Planning.

POLICY 4.208-A8:

Polk County shall implement the adopted Proportionate Fair-Share Program that provides a method to mitigate the impacts of development on transportation facilities by the cooperative efforts of the public and private sectors. This methodology for assessing proportionate fair-share mitigation options and shall provide for the following:

- A. A developer may apply for approval to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements, or the Board of County Commissioners approve adding the facility or facility segments to the next annual update and adoption of the 5-year schedule of capital improvements;
- B. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by Polk County's impact fee ordinances;

- C. Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to an approved proportionate fair-share agreement requires the concurrence of the Florida Department of Transportation;
- D. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate fair-share process set forth in Florida Statutes is used; and
- E. Nothing in the ordinance shall require Polk County to approve a development that is not otherwise qualified for approval pursuant to Polk County's Concurrency Management system

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Section 4.200	CPA 17-A03 (Ord. 17-14) 3/21/17
SECTION 4.201	CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.202-A1	CPA 07CIE-01 (Ord. 07-080) 12/5/07
PBJECTIVE 4.203-A	CPA 17 CIE-01 (Ord, 18-053)
POLICY 4.203-A2	CPA 17 CIE-01 (Ord, 18-053); CPA 13C-03 (Ord. 13-060) 12/3/13; CPA 10B-01 (Ord. 10-039) 8/4/10; CPA 07CIE-01 (Ord. 07-080) 12/5/07; CPA 01B-01 (Ord. 01-94) 12/19/01; CPA 99B-34 (Ord. 99-82) 12/15/99;
POLICY 4.203-A3	CPA 17 CIE-01 (Ord. 18-053); CPA 13C03 (Ord 13-060) 12/3/13; CPA 14CIE-01 (Ord. 15-046; CPA 07CIE-01 (Ord. 07-080) 12/5/07; CPA 07SCH-01 (Ord. 07-079) 11/20/07; CPA 01B-01 (Ord. 01-94) 12/19/01
OBJECTIVE 4.204-A	CPA 07SCH-01 (Ord. 07-079) 11/20/07
POLICY 4.204-A2	CPA 17 CIE-01 (Ord, 18-053); CPA 07SCH-01 (Ord. 07-079) 11/20/07
POLICY 4.204-A3	CPA 17 CIE-01 (Ord, 18-053); CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.204-A5	CPA 07CIE-01 (Ord. 07-080) 12/5/07
SECTION 4.205	CPA 96A-12 (Ord. 96-70) 12/19/96
OBJECTIVE 4.205-A	CPA 07CIE-01 (Ord. 07-080) 12/5/07 CPA 07SCH-01 (Ord. 07-079) 11/20/07
POLICY 4.205-A1	CPA 17 CIE-01 (Ord. 18-053); CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.205-A3	CPA 07CIE-01 (Ord. 07-080) 12/5/07;
POLICY 4.205-A11	CPA 07CIE-01 (Ord. 07-080) 12/5/07; CPA 99B-32 (Ord. 99-80) 12/15/99;
POLICY 4.205-A14	CPA 07CIE-01 (Ord. 07-080) 12/5/07;
POLICY 4.205-A15	CPA 09 CIE-01 (Ord. 09-067) 11/17/09; CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.205-A16	CPA 17 CIE-01 (Ord. 18-053); CPA 16 CIE-01 (Ord. 17-015) 3/21/17; CPA 14 CIE-01 (Ord. 15-046)CPA 13CIE-01 (Ord. 14-010); CPA 11CIE-01 (Ord. 11-028) 11/8/11; CPA 10CIE -01 (ORD. 10-071) 10/6/10; CPA 09 CIE-01 (Ord. 09-067) 11/17/09; CPA 08CIE-01 (Ord. 08-064) 11/18/08 ; CPA 07SCH-01 (Ord. 07-079) 11/20/07;
POLICY 4.205-A17	CPA 10B-01 (Ord. 10-039) 8/4/10;
POLICY 4.205-A18	CPA 10B-01 (Ord. 10-039) 8/4/10;
POLICY 4.205-A19	CPA 17 CIE-01 (Ord. 18-053); Added 3/21/17 CPA 16 CIE-01 (Ord. 17-015);
OBJECTIVE 4.206-A	CPA 17 CIE-01 (Ord. 18-053); CPA 16 CIE-01 (Ord. 17-015) 3/21/17; CPA 14CIE-01 (Ord. 15-046); CPA 13CIE-01 (Ord. 14-010); CPA 11CIE-01 (Ord. 11-028) 11/8/11; CPA10 CIE -01 (ORD. 10-071) 10/6/10; CPA 09 CIE-01 (Ord. 09-067) 11/17/09; CPA 08CIE-01 (Ord. 08-064) 11/18/08; CPA 07CIE-01 (Ord.

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	07-080) 12/5/07; CPA 07SCH-01 (Ord. 07-079) 11/20/07; CPA 05B-06 (Ord. 05-086) 12/7/05; CPA 05A-08 (Ord. 05-037) 13 July 05; CPA 02B-14 (Ord. 02-15) 12/18/03;
POLICY 4.206-A1	CPA 17 CIE-01 (Ord. 18-053); CPA 07CIE-01 (Ord. 07-080) 12/5/07;
POLICY 4.206-A4	CPA 07CIE-01 (Ord. 07-080) 12/5/07; CPA 07SCH-01 (Ord. 07-079) 11/20/07;
OBJECTIVE 4.207-A	CPA 17 CIE-01 (Ord. 18-053); CPA 05B-10 (Ord 05-089) 12/7/06; CPA 02A-01 (Ord. 02-38) 7/10/02
POLICY 4.207-A2	CPA 11B-06 (Ord. 11-038) 12/06/11; CPA 10B-01 (Ord. 10-039) 8/4/10; CPA 07CIE-01 (Ord. 07-080) 12/5/07; CPA 07SCH-01 (Ord. 07-079) 11/20/07; CPA 05B-10 (Ord. 05-089) 12/7/05; CPA 96A-13 (Ord. 96-56); 12/3/96
POLICY 4.207-A3	CPA 10B-04 (Ord. 10-043); 8/4/10; CPA 05B-10 (Ord. 05-089) 12/7/05;
POLICY 4.207-A6	CPA 07CIE-01 (Ord. 07-080) 12/5/07;:
POLICY 4.207-A7	CPA 08WSP-01 (Ord. 08-023) 6/8/08; CPA 05B-10 (Ord. 05-089) 12/7/05;
POLICY 4.207-A8	CPA 05B-10 (Ord. 05-089) 12/7/05;
POLICY 4.207-A9	CPA 17 CIE-01 (Ord, 18-053); CPA 10B-01 (Ord. 10-039) 8/4/10;
OBJECTIVE 4.208-A	CPA 07CIE-01 (Ord. 07-080) 12/5/07;
POLICY 4.208-A1	CPA 05B-10 (Ord. 05-089) 12/7/05;
POLICY 4.208-A2	CPA 17 CIE-01 (Ord. 18-053); CPA 10B-04 (Ord. 10-043); 8/4/10
POLICY 4.208-A3	CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.208-A4	CPA 07CIE-01 (Ord. 07-080) 12/5/07
POLICY 4.208-A5	CPA 17 CIE-01 (Ord. 18-053); CPA-2002A-01 (Ord. 02-38); 7/10/02
POLICY 4.208-A7	CPA 07SCH-01 (Ord. 07-079) 11/20/07;
POLICY 4.208-A8	CPA 17 CIE-01 (Ord, 18-053); CPA 10CIE -01 (ORD. 10-071) 10/6/10; CPA 09 CIE -01 (Ord. 09-067) 11/17/09; CPA 08CIE-01 (Ord. 08-064) 11/18/08; CPA 07CIE-01 (Ord. 07-080) 12/5/07
SECTION 4.201	CPA 12CIE-01 (Ord 13-003)
POLICY 4.205-A16	CPA 12CIE-01 (ORD 13-003)
OBJECTIVE 4.206-A	CPA 12CIE-01 (ORD 13-003)
POLICY 4.207-A7	CPA 12CIE-01 (ORD 13-003)
TABLES CI-1.A to X	CPA 14 CIE-01 (Ord. 15-046); CPA 13CIE-01 (ORD 14-010); CPA 12CIE-01 (ORD 13-003)
SECTION 4.205-A16	CPA 13CIE-01 (ORD 14-010)

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