CONCURRENCY MANAGEMENT SYSTEM

INTRODUCTION

Gadsden County has prepared a concurrency management system (Concurrency Management System) to implement the adopted level of service for public facilities pursuant to Section 163.3202(2)(g), Florida Statutes. Gadsden County's concurrency system is based upon the following assumptions. The County will adopt a system of procedures fro implementation of the Concurrency Management System by the Gadsden County Department of Planning and Zoning. First, limited capacity of the existing facilities is assumed. Second, the County has no wishes to delay or stop development, but only wishes to "manage growth" in accordance with the spirit of the 1985 Growth Management legislation and the adopted Comprehensive Plan. Third, the Concurrency Management System makes it difficult for speculation to occur. Finally, the Concurrency Management System considers the LOS requirements of the Traffic Circulation, Recreation and Open Space, Infrastructure and Capital Improvements Elements and anticipates future needs and/or problems faced by the County, and as much as possible be created to meet these needs.
(Ord. # 1991-006, 11-26-91)

The following parts of this section are designed to give the reader specific guidance concerning the creation and implementation of a Concurrency Management System. The first part, Description of a Gadsden County Concurrency Management System, is offered as an example of the major aspect of a Concurrency Management System. Much of the language could comprise essential parts of the County's ordinance. The next two parts, Concurrency Exemption, and the Role and Structure of the Concurrency Management System Function, provide a more detailed analysis of issues presented in Section II of this report, suggesting options that the County could choose that may produce a Concurrency Management System somewhat different from that suggested in description part discussed above. The next two parts, the Concurrency Management System Process, and Concurrency Management System Forms and Data Collection, offer even more specific suggestions and examples that could be directly adopted by the County. The last three parts of this section, dealing with monitoring, capital improvements, and interlocal agreements, return to the issues raised in Section II of this report.
(Ord. # 1991-006, 11-26-91)

DESCRIPTION OF THE GADSDEN COUNTY CONCURRENCY MANAGEMENT SYSTEM

In order to assist the County in meeting the concurrency requirement, the concurrency management system has been constructed and is described below. A concurrency management system must specify the conditions and terms which will satisfy the intent and requirements of both Section 163.3202(2)(g), Florida Statutes and Rule 9J-5.055, Florida Administrative Code. At the onset, the public facilities and service which must meet level of service standards must be specified. The conditions which will satisfy the concurrency requirement, that is, the manner in which facilities and services must be in place relative to development impacts, must be spelled out.

The steps in the process are as follows:

No land development order (DO) will be issued until the Department of Planning and Zoning has evaluated the DO and determined that the proposal is consistent with the Comprehensive Plan, zoning and building regulations or other applicable regulations. In order to determine whether the proposal is in compliance with the comprehensive plan and land development regulations, a concurrency evaluation must be conducted to determine that the proposal does not exceed the level of service (LOS) standards established in the adopted comprehensive plan for the following public facilities and services:

* drainage
* parks and recreation
* potable water
* sanitary sewer
* solid waste
* transportation

The satisfaction of concurrency evaluation requirements is predicated upon at least one of the following (notes: #4 applies only to transportation and parks; #6 only applies to transportation):

1. The necessary public facilities and services are in place to serve a proposed project at the time a DO is granted;
2. A DO is issued subject to the condition that the particular and necessary public facilities and services will be in place when the impact upon the public facilities and services of the project occurs;
3. The necessary public facilities are under construction at the time a DO is issued0
4. The necessary public facilities and services are the subject of a binding executed contract for the construction of the public facilities or provision of services at the time the development order is issued. Concurrency requirements for parks and recreation facilities and services require that the binding executed contracts provide for the construction of the facilities or the provision of the services within one year of the issuance of the permit;
5. The necessary public facilities and services are guaranteed in an enforceable development agreement that must include the provisions of Rule 9J-5.0055(2)(a)1-3, F.A.C., and guarantees the necessary facilities and services will be in place when the impacts of the development occur. The development must require the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the development permit; and
6. The necessary public facilities and services are included in the adopted five-year schedule of capital improvements in the capital improvements element of the local government or the in the state's five-year schedule of capital improvements, provided that the aforementioned schedule is realistic, financially feasible, is based on currently available revenue sources, and contains estimated project completion dates for the affected public facilities or services, along with the following requirements:

    a. Transportation projects included in DOT's adopted 5-Year work program may be recognized only for those projects included for the first three (3) years of the work program.
    b. The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction, as well as the estimated date of project completion.

c. The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road is scheduled to commence in or before the third year of the 5-Year Schedule of Capital Improvements.
d. A Plan amendment will be required to eliminate, defer or delay construction of any road which is needed to maintain the adopted level of service standard and which is listed in the 5-Year Schedule of Capital Improvements.
e. The County's land development regulations, in conjunction with the Capital Improvements Element, must ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities and services will be available to accommodate the impact of that development.
f. The County will adopt a monitoring system which enables the County to determine whether it is adhering to the adopted level of service standards and its schedule of capital improvements and that the County has demonstrated capability of monitoring the availability of public facilities and services.

The Department of Planning and Zoning will conduct concurrency evaluations through a comparison of the demand requirements of proposed developments with the capacity of existing facilities. This comparison will be based upon:

1. Existing demand for public facilities and services;
2. Anticipated demand for public facilities and services generated by approved developments either under construction or for which final DOs have been issued; and
3. Anticipated demand for public facilities and services generated by proposals for which capacity reservation certificates have been approved.

No DO shall be issued by Department of Planning and Zoning or any other Department unless LOS for all public facilities and services meet or exceed LOS standards adopted by the County, and no proposed or approved DO will result in reduction of any LOS below LOS standards.

The following steps will be required to reserve capacity and obtain a development order:

1. Any individual or party seeking a development order, or seeking zoning or rezoning approval, adjustment, or variance for any parcel of land in conjunction with any DO must first submit an application for concurrency evaluation along with the fee for such concurrency evaluation as established by the local government. The application shall be on a form which contains at a minimum the following information:
   a. Name, address, and telephone number of the owner of the parcel of land, applicant, and of any attorney or other representative of the owner or applicant who may be appearing on behalf of the owner or applicant;
   b. Legal description of the project parcel of land;
   c. Size of the project parcel of land in acres, including fractional acreage rounded to the nearest one-hundredth of an acre, if known;
   d. Zoning classification or other action requested;
   e. Boundary survey and/or other applicable legal description;
   f. Specific use or uses proposed to be expanded, (g) square footage and number of units for each use;

g. If a subdivision, number and type of units for each phase; and
h. Anticipated project demand or capacity requirements upon the public facilities and services identified in the Comprehensive Plan.

Any application for a development order must be consistent with the information on the application for concurrency evaluation. If the applicant increases the intensity or density of the development project proposal during any stage in the development approval process, a new concurrency evaluation will be required.

2. Concurrency evaluations generally will not be completed on the same work day that a request for concurrency evaluation and reservation of LOS capacity is made. However, evaluations will be conducted on a "first come, first served" basis. Such prioritization is necessary to ensure that the cumulative effects of separate proposals can be assessed as well as that those seeking evaluation retain priority of right to reserve available capacity.

3. Concurrency evaluation staff will use the information provided on the application for concurrency review to determine the location of the proposed development.
   a. Staff will then determine the zoning and which of the identified public facilities and services need to be in concurrency with the proposal.
   b. Staff will determine whether the zoning is proper and whether applicable LOS will be reduced below LOS standards by the proposal.
   c. If none of the facilities and services are found to be inadequate, the proposal will be allowed to reserve the capacity needed for the project upon completion of a capacity reservation application and the payment of a capacity reservation fee to the Department of Planning and Zoning. The application will state the LOS standards and existing capacity and will specify the type and amount of capacity to be reserved.
   d. A capacity reservation application as described under shall be considered a capacity reservation certificate once the fee has been paid and the type and amount of capacity reserved approved by the concurrency management coordinator. Such certification shall remain valid for; two years from date of issuance, except that the developer will forfeit capacity reserved but not used at the end of that period if DO's have not been issued and no other action to prevent forfeiture has been taken by the certification holder. An extension of capacity reservation may be granted under certain circumstances.
   e. If the proposed use is in conflict with existing zoning, the developer will be referred the Gadsden County Planning and Zoning Commission which sits as the zoning board of adjustment. If any or all of the facilities and services are found to be inadequate, the developer will be so informed and offered the option of placement of the proposal on a priority list until at least one of the concurrency requirements listed in the adopted comprehensive plan has been satisfied. Proposals places on this priority list will be prioritized on a "first come, first served" basis.

Other necessary provisions of a concurrency management system would include the following:

1. When any unused capacity shall result from an expired capacity reservation certificate, a new concurrency evaluation shall be required in conjunction with the next proposal on the priority list. Any capacity reserved may be considered unused if the developer fails to perform in

fulfilling all requirements to keep capacity reservation current, including the payment of all fees pursuant to a capacity reservation for a particular facility or service.

2. A developer may appeal a concurrency evaluation which results in the denial of a capacity reservation certificate on the following grounds: the developer provides evidence which demonstrates that the development proposal will not produce LOS inadequacy below the existing LOS standard or due to an error in the Department of Planning and Zoning's concurrency evaluation process.
3. The Department of Planning and Zoning shall compile and keep current a documentary record of all LOS and existing capacities, noting any and all deficiencies relative to LOS standards
4. The Department of Planning and Zoning shall maintain a cumulative record of the LOS allocations permitted by the approval of DOs relative to the operating LOS for all applicable public facilities and services for which LOS standards have been established.
5. The Department of Planning and Zoning shall maintain a documentary record of all applicable public facility and service capacities which have been reserved as a result of approved capacity reservation certificates.
6. The Department of Planning and Zoning's concurrency management staff will prepare and file quarterly reports concerning the status of all LOS and capacities with the Board of County Commissioners.
7. The Department of Planning and Zoning will conduct and file an annual audit concerning the status of all LOS and capacities with the Board of County Commissioners. These audits, in conjunction with the quarterly status reports, shall provide the basis for capital improvements planning as specified in the Comprehensive Plan.

CONCURRENCY EXEMPTION – INCLUDING VESTED RIGHTS DETERMINATION

The Concurrency Management System will contain reference to those projects for which vested rights claims under the pre-Concurrency Management System policies are procedures are likely to be legitimate. Assuming that the Board of county Commissioners wishes to avoid court proceedings and lawsuits, the Concurrency Management System should identify which projects contain vested rights and are thus exempt from concurrency determination. These projects may be exempt up to thirty-six (36) months after adoption of the Comprehensive Plan.

At a minimum, the Concurrency Management System will state that projects currently under going development, i.e. those that have met development time deadlines as of the date the Concurrency Management System is adopted by local ordinance, should be exempt. Projects that are likely to have vested rights are those for which the local government has indicated approval in some form of a development order. A listing of these types of development order would be useful, and should include orders such as:

1. Development of Regional Impact (DRI);
2. Florida Quality Development (FQD);
3. Planned Developments (e.g., PUD, Mobile Home Parks);
4. Preliminary Site or Engineering Plan;
5. Preliminary Subdivision Plat;
6. Final Development Plan;
7. Final Site Plan;

8. Final Subdivision Plat;
9. Building Permit.

In every case, projects based on these development orders must be proceeding toward completion. They must have met the time deadlines that are part of the usual development process, i.e., non of them must have expired. For example, for a particular project, a preliminary site plan has been approved, and local ordinance states that the developer must submit a final site plan within two (2) years. If at the date of the Concurrency Management System implementation, two (2) years have passed and no final site plan has been submitted, then concurrency determination could be required for that project.

In order to ease the transition from pre-Concurrency Management System to post Concurrency Management System, the local government may wish to consider extending time lines only for those projects that have begun prior to Concurrency Management System implementation. Several alternatives may be possible:

1. The timeline between various approval stages may be extended from one (1) year to thirteen (13) months or two (2) years;
2. The timeline for only some approval stages could be extended: e.g., if a preliminary site plan has been approved prior to six (6) months before the Concurrency Management System implementation date, the developer would be given an additional nine (9) months or one (1) year to submit the final site plan. By implementation, all other time deadlines remain the same.
3. If a project has reached the building permit stage, at least two (2) alternatives are possible:
    a. The Concurrency Management System could contain language that states there are no time deadlines on a given project;
    b. A time deadline could be placed on completion of a project, e.g., once a building permit has been pulled for any houses in a single family house subdivision, all building for all houses must be completed within three (3) years;
    c. Specified percentages of completion of a project could be linked to given time periods, e.g., after the first building permit has been granted, twenty percent (20%) of a subdivision must be completed within one (1) year; fifty percent (50%) within two (2) years, etc.

The Department of Planning and Zoning may wish to include other types of development orders as exempt from concurrency if the developer has acted in good faith and spent substantial sums in proceeding toward development. These may include rezoning, special permits and/or special exceptions.

Expiration of Concurrency Exemption

The Concurrency Management System should make clear to the pre-concurrency developer what the implications are if the concurrency exemption expires. Because the timelines identified above have not been met, then the project must undergo concurrency determination. All relevant concurrency review fees must be paid. Any capacity that has been “reserved” for the pre-Concurrency Management System project would be deleted, with the priority status of this project placed below all post-Concurrency

Management System projects which have already reserved capacity. If capacity is not available, then the pre-Concurrency Management System project developer can request to be placed on a "waiting list" as would all other post-Concurrency Management System projects.

Integration of Pre-Concurrency Management System Projects into the Concurrency Management System

Even though vested projects may be exempt from concurrency testing, their impact must still be analyzed by the Concurrency Management System. Capacity must be "reserved" even though a concurrency exemption, thus, requires almost as much staff time and effort as the determination of concurrency.

The Department of Planning and Zoning face two choices concerning how to implement a concurrency exemption process into the Concurrency Management System. Most simply, Concurrency Management System staff can assemble relevant data from existing into the summary accounting forms for each of the level of service areas. The concurrency testing forms would not have to be completed for each vested project. Letters to all pre-concurrency Management System projects should be sent (assuming that Concurrency Management System staff has confidence that all these projects have been identified), informing the developers of their concurrency exemption status, and the other policies concerning time line deadlines and expiration implications as explained above.

Alternatively, as mentioned above, a concurrency exemption determination process can be created, with forms and fees similar to those of the concurrency determination process. Notices should be sent to all developers, requiring them to submit applications for concurrency exemption determination.

The choice of how to consider the issue of vested rights and concurrency determination depends on many factors unique to the County. Generally, if there is more than enough capacity for all pre-Concurrency Management System projects for the near future, the Department of Planning and Zoning may prefer the most simplified response. This would include the identification of development order types that constitute vested status, with very generous time deadlines for the completion of these pre-Concurrency Management System projects. Concurrency Management System staff would integrate relevant data into the Concurrency Management System without requiring developers to provide information in addition to what they would normally.

If capacity in some areas is limited, however, or even oversubscribed in some cases, then a more formalistic approach may be necessary. Time deadlines would be specified and enforced. The types of development orders that produced concurrency exemption may be limited as well. If the local government has approved developments requiring more capacity than is presently available, then project delays and possible court battles over the vesting rights issue are likely.

ROLE AND STRUCTURE OF THE CONCURRENCY MANAGEMENT SYSTEM FUNCTION

In term of organizational structure, there are essentially two choices for the County. The additional tasks required by the Concurrency Management System can be added to those performed by the Department of Planning and Zoning or a separate Concurrency Management System staff can be

created. The role of the Concurrency Management System staff, however, can vary greatly depending upon a number of factors unique to local government. As much as possible, the Concurrency Management System should compliment already existing structure, procedures and personnel.

The Director of the Department Planning and Zoning will be designated the Concurrency Management System Coordinator. If the volume of development orders is low, only one additional person (e.g., administrative assistant) probably will be needed to enter relevant data into the Concurrency Management System. Additionally, if excess capacity is present for most if not all level of service areas, then the administrative assistant could complete the concurrency test analysis for most if not all level of service area. The "bare bones" Concurrency Management System could be implemented with no additional staff, and with only two persons involved in implementing the system.

The volume of development orders plus limited capacity on some roads or for other level of service areas will necessitate the hiring of additional Concurrency Management System staff to perform the tasks identified above. The Concurrency Management System division will be placed within this department.

The Concurrency Management System staff could provide a variety of tasks. These would include:

1. Provide information to developers and other members of the public concerning concurrency and the Concurrency Management System. An information clearinghouse could be established, with all question asked of other government personnel referred to the Concurrency Management System staff;
2. Perform the concurrency test for all level of service areas and/or collect the paperwork indicating that capacity does exist from some of the level of service areas. Again, if excess capacity does exist for some areas, Concurrency Management System staff could perform the test without requiring staff time from other departments such as Public Works. For LOS areas such as drainage, non-Concurrency Management System staff most likely would perform the concurrency test;
3. Record the data required by the Concurrency Management System;
4. Monitor the Concurrency Management System, noting when threshold capacity levels have been met;
5. Interact with key decision makers in the capital improvements budgeting and planning process;
6. Aid planning staff in creating interlocal agreements, needed for those services provided by another jurisdiction/agency;
7. Advise planning staff engaged in negotiating development agreements, especially if those agreements are necessitated by limited capacity in some areas, for example roads.

Development Review Committee

An essential part of any Concurrency Management System must be a Development Review Committee (DRC). It would be composed of agency heads or their representative from the level of service agencies, and would include the Concurrency Management System Coordinator. This committee would meet periodically to review the data collected by the Concurrency Management System, and recommend policies that would need to be adopted by the County.

These recommended policies could include:

1. The need for an expansion of capacity in a given area. In this function, the DRC would interface directly with the Capital Budgeting and Planning process. It may produce, for example, a reprioritization of capital improvement projects. If development has proceeded along a given road segment faster than anticipated, widening that road segment may become a project moved from the Capital Improvements Five Year Plan to next year's capital improvements budget.
2. Changes in policy concerning development agreements. If the County is developing faster than anticipated in certain areas, it may wish to require developers to contribute a greater share of road improvements or sewer plat expansion than has occurred in the past.

How often the DRC meets would depend on several factors. Probably most important would be the diminishing of excess capacity. As threshold capacities (discussed in section y) are reached, the DRC should meet and recommend any changes in governmental policy deemed necessary to maintain capacity.

THE CONCURRENCY MANAGEMENT SYSTEM PROCESS

It is difficult to identify all possible rules and regulations that would constitute an ideal Concurrency Management System. What follows is a description and analysis of a Concurrency Management System process that would work well in Gadsden County. Where relevant, optional processes are provided based upon analysis of initial experiences in individual Florida Communities that have already implemented a Concurrency Management System. Identification of those factors may lead a given Florida county or city to choose one option or another is also provided.

The Initial Steps

Assuming that decisions concerning the vested rights status of all pre-Concurrency Management System developers have been made, the Concurrency Management System process begins with consideration of development orders after the implementation of the Concurrency Management System. Initially, it seems most appropriate to offer these post-Concurrency Management System developers several options. First, an informal concurrency test could be provided upon request. Concurrency Management System staff would respond to inquiries concerning the likelihood that sufficient capacity in all level of service areas would be available when the proposed development would be completed. None of this analysis would be binding, nor would any capacity be reserved at this point in time.

With the submission of the preliminary development order, i.e., preliminary development plan or preliminary site plan, the local government faces at least two sets of alternative policies:

1. It can require that the concurrency tests be performed prior to the approval of the preliminary development order. At that time, concurrency test fees would be paid, and upon a finding that all level of services would not be degraded, capacity would be reserved for a specific amount of time. One possible additional requirement: the capacity would be reserved contingent upon the developer filing a development order request within a specified time period, e.g. 45 days.
2. Alternatively, the developer could be given the option to wait until as late as the approval of the final development order to undergo the concurrency tests. If the developer would choose this

option, it may be wise to require the developer to sign a statement relinquishing his vested rights in the project if capacity is not available when the final development order is approved.

The first option may be preferable if development pressures are high and the County or city is concerned that capacity in some areas may be limited. This option provides for a more efficient, streamlined Concurrency Management System process that allows for sufficient time to plan for the expansion of the necessary capacity. The requirement that a development order to be filed within a given time period or reserved capacity is rescinded would also guard against the threat of development speculation.

The second option may be welcomed by the development community. At the preliminary development or site plan stage, the developer may not be completely prepared to specify the exact amount of capacity that is needed. If a concurrency test is performed prior to the preliminary development order, and the developer later discovers that plans have changed and additional capacity will be needed, then the concurrency test will have to be performed again. This second option, thus, may save the developer some time and money.

From the viewpoint of the local government, though, this second option may be preferable only if excess capacity exists for all level of service areas, and/or if development pressure is not high (i.e., the volume of development orders is not at a high level nor is it expanding). Closer Concurrency Management System monitoring would be required as threshold capacities were being reached. If this option is chosen and capacity is limited, the local government risks a situation in which many developers have obtained preliminary development order approval, completed work required for final approval, and then discover that they are not allowed to pull building permits and begin construction. Only if this situation is a remote possibility should this second option be considered.

Another possible problem may exist if developers are allowed to "buy" sewer and water capacity by paying tap fees prior to the performance of the concurrency test. If the test indicates that capacity is not available, the County or city must "buy back" the capacity, allow it to be "sold" to another developer, or institute another policy regarding the bought capacity.

The Concurrency Test Process

Specifics of the testing process, complete with appropriate forms, comprise the next section of this report. More generally, the organization and roles of the various actors in the concurrency testing process must be identified for the development community and the general public. The options for the County or city depend on several factors, some of which were discussed in the organizational role and structure section above. Depending on the resolution of those issues, plus the nature of pre-Concurrency Management System regulations, the developer may be offered several possibilities.

If the Concurrency Management System process is centralized, and a Concurrency Management System staff identified, the developer could complete the concurrency application at the Development Department office, or at a convenient location. The Concurrency Management System staff would then perform the test for most if not all of the level of service area, reserve the capacity, and communicate the results to the developer.

If the Concurrency Management System process is decentralized, the developer would complete the application for individual LOS tests such as sewer, water and drainage at the Public Works Department, and also apply at the Parks and Recreation Department, etc. Upon completion of the tests, the developer would obtain the results and deliver them to the Concurrency Management System staff. Here they would be logged and entered into the Concurrency Management System. In this second case, the role of the Concurrency Management System staff is merely to act as an information clearinghouse and perform a monitoring function.

Although a more centralized option would probably be more acceptable in a majority of Florida counties and cities, a combination of the two may be ideal. In other words, if excess capacity exists for some areas, e.g. sewer and water, the Concurrency Management System staff could perform the test. If capacity may be limited for other areas, e.g. roads, transportation planning staff may have to perform the concurrency test. Again, the roles and organizational relationships that constitute the Concurrency Management System will vary across localities.

CLASSIFICATION OF DEVELOPMENT ORDERS

For purposes of concurrency testing, the local government may wish to classify development order requests by size of the development proposed. Such classification should follow existing pre-Concurrency Management System regulations as much as possible. Categories may include the following:

1. Single-family homes that are not part of a subdivision;
2. Subdivisions and commercial/industrial development orders no larger than x lots or y thousand square footage;
3. Subdivision and commercial industrial development over the size indicated in 2. but not as large as DRI's;
4. Planned Unit Developments;
5. DRI's.

There are several reasons for this type of classification. First, the Concurrency Management System may wish to indicate that the amount of time needed for the concurrency test would vary depending upon the classification. For example, the County or city may decide that all concurrency test for category one should be performed by the Concurrency Management System staff and would be completed within seven (7) working days; while concurrency tests for category two would be performed primarily by level of service agency personnel and thirty (30) days would be required for completion. Tests for development orders for the final three categories would take longer to complete.

Another reason for these classifications would be that the local government may wish to reserve capacity for varying amounts of time depending upon the classification. Capacity could be reserved for three (3) years for the first two classifications, for example, and five (5) years for the latter three, assuming that all time deadlines for preliminary and final development orders are met. Varying length of time in this manner is based upon the fact that larger development will usually require longer amounts of time for completion.

A third reason for this classification would be that development agreements would be required for development in classifications 4 and 5, and may be required for those in classification 3. As capacity nears a threshold level, becoming more limited, the local government my wish to consider altering regulations for classification 2 to also require development agreements.

Finally, the classification scheme could reflect a desire to require a traffic study for developments that are larger, i.e., those in the latter three categories. This regulation could help the County or city more clearly identify road improvements that would constitute part of a development agreement.

The Building Department's Unique Relationship with the Concurrency Management System

As the agency that issues the final development order, the building permit, the Building Department officials are in a position to receive at least three pieces of information that are essential to the Concurrency Management System. These are: 1) the date of the first building permit issued for the development; 2) the date of the certificate of occupancy for that project; and 3) the absence of any construction activity, reflected in the lack of an issued building permit for a period of time specified in land development regulations, e.g. six months.

The manner in which this information is obtained by the Concurrency Management System varies, depending upon the regulations established that underlie the Concurrency Management System. In most cases, though, Concurrency Management System staff could contact the Building Department and request information concerning the first issued permit. Consider for example, capacity is reserved for a given project as long as underlying development regulations are met. If those regulations require a building permit to be issued no later than six months after the final site plan is approved, the Concurrency Management System staff would contact building officials once the six month deadline is passed. If no permit had been issued, Concurrency Management System staff would declare that the reserved capacity had expired and notify the developer of this decision.

The second category of information, the date of the certificate of occupancy (CO), is important for several reasons. First, it would help the maintenance of the Concurrency Management System, in that actual usage of water and sewer could be identified once the CO for a single family house or commercial/industrial project had been issued. More important, this information is necessary for houses built within a subdivision. If a given subdivision project proposes to build 25 houses in Phase I of its project, capacity may be reserved for this phase for a period of three (3) years. If only twenty (20) houses have been completed at the end of that time period, then Concurrency Management System regulations may state that reserved capacity for the five (5) houses not yet completed has expired. Any single family home buyers who would subsequently purchase one of those five (5) remaining lots would have to reapply for concurrency review. As that three (3) year time period approaches, it is important for Concurrency Management System staff to obtain information concerning what houses have been completed, and notify the developer that capacity is no longer reserved for subsequent houses in that subdivision for that phase.

Third, if building permit deadlines are not met, signifying no construction or stopped construction on a given project, building officials must notify Concurrency Management System staff. Depending upon the Concurrency Management System regulations, Concurrency Management System staff would again decide that reserved capacity had expired.

There are many types of building permits that do not need concurrency reviews. These included adding a new roof, repaving a driveway, etc. There are essentially two options available to the local government to deal with these permits. First, a concurrency exemption certificate process could be established. This process could require all those seeking any kind of building permit to first receive concurrency review from a Concurrency Management System staff member, who upon learning that the request was simply for a reproofing would issue the exemption certificate. The applicant would take this to the building department and receive the requisite permit.

A second, perhaps simpler option would be to list all types of building permits that would be exempt in the County or city ordinance creating the Concurrency Management System, and require the building official to decide whether a given permit was important for Concurrency Management System purposes. Since the overwhelming majority of permits fall into this category, this approach may be favored by both building officials and Concurrency Management System staff.

When Capacity is Not Available

It is vital that the Concurrency Management System for the County or city contain specified regulations concerning what happens when a concurrency test discovers that capacity is unavailable for a specific development or project. First, depending upon the options chosen from among those described in the section entitled "Initial Steps," the developer must be informed in what way, if any, he can proceed with his project. Under option one, the developer would be allowed to file any development order until it would be established that capacity does exist. Under option two, it may be that the developer could complete final development orders, but would not be able to pull building permits until capacity was available.

Second, a waiting list could be established, containing those development requests that have been denied because of inadequate capacity. The developer would have to request that his project be placed on this list, and would pay a fee to do so. After x amount of time, or by a given date each year, the developer must request that his project remain on the list and pay a renewal fee. If the local government does not receive the fee by the specified date, the project is removed from the waiting list. If at a later point in time the developer wishes to proceed with his project, a concurrency test must be performed again.

When capacity would become available, the developer whose project is at the top of the list would be notified. If some of the needed capacity becomes available because a developer does not use all of the projected capacity, the first developer on the waiting list has the option of receiving some or all of this extra capacity.

Underlying this process should be a strict policy of "first come, first served." If exceptions are made for some developers in terms of granting them additional time to gain development order approval so that reserve capacity would not expire, for example, and other developers are on a waiting list, cries of inequity may be heard.

To the extent that the Concurrency Management System is closely linked to the capital improvements process, the County or city may wish to categorize projects on the waiting list in terms of whether or not the project may be directly affected by funded projects in the capital budget for the upcoming year. If a

lack of sewer capacity is preventing a project from reserving capacity in that area, and the expansion is scheduled to be completed within the next fiscal year, the developer may be allowed to complete the project with the understanding that certificate of occupancy would not be issued until the sewer capacity was in place. The project would be on the waiting list, thus, but the development approval process could continue. For another project farther down the list, no further development orders could be granted until capacity did exist and could be reserved.

CONCURRENCY MANAGEMENT SYSTEM FORMS AND DATA COLLECTION

Although Rule 9J-5 identified the public facilities and services for which level of service standards must be met, neither the administrative code nor Chapter 163 prescribed the actual standards or the methodology by which these standards must be formulated, although some standards do exist in the form of federal Environmental Protection Agency regulations regarding wastewater and sewage treatment. The major state-imposed "exception" has been in the case of roads, as exemplified in the case of Brevard County, the first to undergo DCA review. The Brevard County comprehensive plan, as submitted and "without reasonable justification," set LOS standards for state roads below those set by the Florida Department of Transportation (Bradshaw, 1989, n.p.). DCA also found that the plan allowed for a "significant degradation of existing LOS on these roads" which "had the effect of allowing an automatic plan amendment without following the plan amendment process" (Bradshaw, 1989, n.p.).

The implicit thrust of the findings in the Brevard case is that local governments must not allow existing LOS to deteriorate. Nonetheless, considerable latitude and discretion are left to local governments in the setting of LOS standards. For example, an approach pioneered in Tampa proposed the creation of "two-tiered" standards. The first tier consisted of higher "measurable objectives" set as the basis for long-range planning and capital improvements while the second tier consisted of LOS used for concurrency review and to insure the minimum acceptable standards (Wehling, 1988). Rule 9J-5.055 specifically authorized local governments to create such a "tiered, two-level" approach if they so desired (Department of Community Affairs, 1989, p. 27).

Once a concurrency management system has been put into place to deal with existing LOS, local governments should consider the longer term advantages offered by a two-tiered system for establishing higher LOS standards. An approach of this sort could also easily incorporate the use of thresholds in the concurrency monitoring process, as discussed below.

No matter whether a one- or two-tiered Concurrency Management System is created, the basic rule of thumb is that, in conjunction with the guidelines set forth in Rule 9J-5, local governments need to tailor LOS standards around local circumstances and expectations. For instance, a rural County does not need the parks or open space acreage requirements of a built-out County. In addition to maintaining the public health, safety, and welfare, LOS standards should reflect both affordability and community tastes. One the one hand, as it is highly unlikely that a locality will be able to maintain a road LOS standard "A" on all roads, on the other, it is also highly unlikely that the community (much less DCA) will tolerate an adopted LOS standard "E."

As recognized by those local governments who have already drafted or adopted a concurrency management system, one of the most important elements necessary for concurrency evaluation is accurate baseline data. Obviously, the type of data that will be needed center around, but are not limited

to, the public facilities and services mandated by Chapter 163 and Rule 9J-5. The local government needs a data base which is not consistent with the adopted LOS standards for these facilities and services, but which can easily be monitored to assess concurrency as well as needed future improvements. Therefore, the first step in setting LOS standards will be an inventory of existing public facility and service infrastructure.

For fixed facilities, such as roads, potable and wastewater treatment plans, or solid waste landfills, the design capacity of these facilities must first be inventoried. Second, existing use or demand upon these facilities must be entered into the data base. Third, vested capacity must be inventories, and those amounts entered. The fourth set of data to be entered would be capacity reserved through concurrency evaluation.

When compared with the design capacity, these three items would constitute "committed capacity." "Potential capacity" would be calculated as the difference between design capacity and committed capacity. Level of service standards would be set and used as the method for regulating this difference, e.g., to insure that each resident would be able to receive 250 gallons of potable water per day, the Concurrency Management System would set "thresholds" which would require the expansion of existing facilities or the construction of new facilities.

The data need to be specified in standardized units, such as amounts of rainfall per time period for drainage, acres per 1000 people for parks, gallons per person per day for potable and wastewater, pounds per person for solid waste, and classified segments or comparatively homogeneous traffic analysis zones for roads. This information needs to be codified and maintained on a computerized data base, with word processing and spreadsheets being the most appropriate data management techniques, as previously discussed.

At the heart of any Concurrency Management System must be the form by which concurrency tests are recorded, capacity is reserved, and a continuing record of capacity usage is kept. To meet the spirit of the Growth Management legislation of 1985, and to maintain legally supported records, the following examples of forms represent a record keeping tracking system that is vital to an effective Concurrency Management System.

There are essentially two sets of forms:

1. Forms upon which the results of the concurrency test are recorded. There is one set of forms for each level of service area.
2. Summary forms that constitute the "accounting system" aspect of the Concurrency Management System. There should be
    a. an overall summary form that records timelines for each development;
    b. one summary form each for sewer, water, parks and recreation, and solid waste;
    c. two summary forms for roads: one that totals data for each segment, and one that records total segment impact by each project or development.

The forms described here, in conjunction with the samples shown in the appendices, assume that the local government provides all the services. If any services, e.g. sewer, is provided by another

government, then an interlocal agreement must identify the means by which capacity is reserved. A discussion of interlocal agreements can be found in the last section of this report.

In the discussion that follows, the summary forms assume that the Concurrency Management System staff providing all of the record keeping and monitoring. If the Concurrency Management System is decentralized, with line agencies having a greater decision-making role, then additional information such as concurrency review dates, development order approval dates, and reserve capacity expiration dates could be added to the summary forms. Otherwise, this information would be monitored on timeline summary form.

Application for Concurrency Evaluation

The information furnished on this form would provide the Concurrency Management System staff with sufficient basic information to begin concurrency testing. The statement under the form title is intended to be an example of directions that could be provided to the developer, and could be omitted or altered depending upon the specific concurrency testing process adopted by the government. On the second page, standard information concerning legal description, size, and zoning classification would be provided. As is indicated, it is also useful for Concurrency Management System staff for the developer to note development potential as well.

Overall Timeline Form

Reading from left to right, the Project Name would be accompanied by the number of lots if it represents a commercial/industrial project. Other descriptive information, such as the type of commercial/industrial project (e.g. restaurant), and the relevant level of service standard, could be added to this first column.

The second column, entitled Concurrency Application Date, would identify the date on which the developer filed for the concurrency tests to be conducted. This date may help in determining the "first come, first served" priority listing if a waiting list has to be created because of a lack of capacity.

The next column should be entitled Concurrency Review Date. This column reflects the date at which the concurrency tests have been completed. It also should be the date at which the government notifies the developer of the results of the concurrency tests.

The next entries reflect the timelines established by the underlying local development regulations. As discussed above, the local government needs to enforce these regulations for the purposes of reserving capacity, especially if capacity is limited and a waiting list exists.

At least three entries are needed. The fifth column, entitled Preliminary Approval Date, identifies the date on which the preliminary development order is approved by County or city staff. It is understood that if the County Council, or in some cases the Planning Commission, does not approve the project, then of course the capacity reserved would be rescinded. The next column would identify the Final Approval Date. At this time, the final site plan and/or final development plan is approved. Next, the

date of which the final development order or building permit is issued needs to be noted in the column entitled Building Permit Issued Date.

The last column, here entitled Reserve Expiration Date, returns the summary sheet to the Concurrency Management System. The information in this column identifies the date at which the reserved capacity expires.

Finally, the column entitled Certificate of Occupancy Issued reflects the completion of the project. For subdivisions, this date would reflect the completion of the last home completed, when the project was "built out." This date would help Concurrency Management System monitoring.
These columns reflect the minimum necessary for a timeline summary sheet. Other columns are possible, or alternatively descriptive information could be added to the summary sheet. For example, if a project fails to progress toward completion within the stated time frame, and reserved capacity does need to be rescinded; this information needs to be noted either by establishing another column entitled Reserved Capacity Expired, or by simply noting this date on the form. If capacity may become limited in the short term, and the dates must be carefully monitored, an additional column may be appropriate. If very few projects fail and/or capacity is plentiful, the additional column may not be needed.

In addition, the dates of any extensions granted could be noted. If capacity is plentiful, with no waiting list in existence, projects may wish to request extensions of deadlines, and the local government may wish to grant them. Also, dates of County approval and any planning and zoning approval are among additional data that could be part of this timeline summary sheet.

SANITARY SEWER; POTABLE WATER

A. Application Forms

The application forms for sanitary sewer and potable water request almost the same information. As is relevant for all application forms, the filing date is indicated at the top. After the title of the form and a brief statement concerning its purpose, the name of the development or project is listed, along with any other relevant information such as number of lots and square footage. The next information concerning the existence of the project within an existing service area is descriptive as well. Number 2 on the form requests the name of the water treatment of sewer treatment plant. The third item asks for the available capacity, i.e., the total design capacity minus the sum of the total flow usage plus previously reserved capacity. The acceptable LOS standard for the project is listed on line 4, while the proposal's reserved capacity is listed at number 5, along with any other relevant information. Finally, a signature and date of the approving official is located at the bottom of the form. This official could be the Public Works employee in charge of performing concurrency test, or it could be a member of the Concurrency Management System staff.

B. Summary Forms

The summary forms for sanitary sewer and water are very similar. One form is needed for each treatment plant. At the top of the chart the name of the treatment plant should be listed, along with the total plant capacity, usually identified in millions of gallons.

In the first column, the Project Name is listed, along with other pertinent information such as the number of lots, if the project is a subdivision, or the total square footage, if the project is a commercial or industrial venture. In addition, the type of venture (e.g., restaurant) may be appropriate to note as well. Second, the Plan number should be listed to facilitate easy identification.

The information if the next column, entitled Available Capacity, is calculated by subtracting the average daily flow current usage plus the reserved capacity from the total plant capacity. The next column, Reserved Capacity (this project), is the amount of sewer or water capacity reserved for the identified project. It is calculated by multiplying the number of lots by the LOS standard for subdivisions, or by applying LOS for types of commercial/industrial projects. The last column reflects the actual Average Daily Flow Usage Plus Reserved Capacity.

To illustrate, assume that the Lake Woebegone Water Treatment Plant has a capacity of 15 million gallons. At the time the Concurrency Management System was implemented, the oldest vested project was Project A, a subdivision of 50 single family homes. At the time Project A was begun, a point in time prior to the first issued Certificate of Occupancy, the average daily flow usage was 10 million gallons. On the first line of the summary form, thus, under Available Capacity, 5.000000 would be listed. If 250 gallons per day per household is the LOS standard, the Reserved Capacity for Project A would be 50 lots X 250 gallons, or 12,500 gallons, listed as 0.012500. The last column would contain 10.12500. If the next project (e.g., Project B) was a subdivision of the same lot size, under Available Capacity the same 0.01250 would appear, and under the last column, the amount would now read 10.02500.

When Project A is built out, an updating of the data can occur. Under reserved capacity, 0.000000 is placed, as obviously capacity is no longer reserved for this project. Actual usage may be on 11,600 gallons per day, so the amount in the final column is changed to 10.011600, and all amounts for the remainder of the summary form are altered accordingly. Similarly, if a project fails or loses its reserved capacity, the reserved amount becomes zero, actual usage noted if any homes have been completed, and amounts changed accordingly.

TRANSPORTATION

A. Application Form

This application form contains the minimum information that would be needed to adequately reserve capacity for transportation. The primary street characteristics need to be described, including ideally, the road segments that are reflected as part of the summary form. The remaining categories request peak hour trips, current volume capacity ration and LOS for the primary access street without the proposed project and including the impact on roadway network, project. Number 2, explanation of impact on secondary roads. The impact explanation could include some of the same data requested from the primary road, if it were felt to be appropriate. If more than one primary road existed, and/or capacity may not be reserved because of none existing on a secondary road, an application form for this road should be completed as well. In any case, transportation is the one area for which information on the summary form may not be the same as that furnished on the application form, as additional road segment data would be needed for the summary form.

B. Summary Forms.

Two summary forms are needed for roads. First, a form is needed for each road segment in the community. Second, the impact of each project on primary and secondary roads should be noted by project.

The determination of what constitutes a viable road segment for the purpose of the Concurrency Management System must be a decision made by each local government. Some aspects to consider in identifying road segments include:

1. The level of Service on the road. If, on a given roadway, the LOS changes at one location, then at a minimum signify the beginning of a different road segment.
2. Length in miles. One mile to one half mile may be an appropriate segment size, unless the roadway exists in a rural area and is less traveled.
3. The LOS classification. The more congested the road, the smaller the road segments should be. On a road that is LOS E or F, the County or city will be required to monitor usage more closely, and will more likely impact differing segments of a major thoroughfare to different degrees. Therefore segments of only a few blocks may be required for the Concurrency Management System.

Several road segments could be placed on one summary form. The top of the form should identify the name of the road on which road segment data is placed. The starting and ending point of the road should be described. At the left of the form, the Development Name, Plan Number, and Concurrency Review Date should be entered. Next, the various road segments should be identified, with some descriptive information included such as the LOS in terms of peak hour trips. Under each road segment, columns should identify Trip Assigned (this project), Total Trips and Trips Assigned, and Volume/Capacity Ratio.

It may be more difficult to identify a starting point for entering data. Ideally, a traffic count was taken for each road segment at the time of the oldest vested project still remaining to be completed. Since this ideal is unrealistic in many cases, the count taken at the time closest to the start of the oldest vested project should be used as a base.

Each project that affects any of the road segments should be entered. If it affects one segment but not another on the summary form, a zero should be entered for Trips Assigned. As projects are entered on the summary form, the amounts in both the Total Trips and Trips Assigned column and the Volume/Capacity Ratio column should increase. Although not absolutely necessary, calculating the volume/capacity ratio would more easily identify the threshold capacity level and therefore aid the capital improvements process.

Updating the information on the roads summary form will be more difficult than for sewer and water. As part of the Concurrency Management System monitoring process, traffic counts should be taken for each road segment on a periodic basis at least annually. If the actual count is different from the running total of trips at the time the count is taken, this amount should simply be entered into the Concurrency Management System at the time at which it is taken and treated as a new “base.”

The second summary form contains the same information as the first, but recategorizes it by project or development. Project Name, Plan Number, and Concurrency Review Date would head the first three columns, reading from left to right. The fourth column would be entitled Road Segments Impacted, with sub headings or Road Segments Impacted, with subheadings or Road Segment Description, Trip Assigned, Total Trips and Trips Assigned, and Volume/Capacity Ratio. Next to each segment, a letter "p" or "s" could signify primary or secondary access road for that project or development.

There are several benefits to this second summary form. First, it specifically identifies for the Concurrency Management System what roads will be impacted by a specific project. Second, it could furnish a basis on which developers agreements could be negotiated. A high volume to capacity ratio, for example, could signify the need or additional developer contributions to roadways impacted by his/her project. Third, it may help Concurrency Management System personnel to interface more effectively with the capital improvements process. Fourth, it serves as a clear basis for refusing to reserve capacity, as if the LOS for any road segment is degraded by a project, the project will be placed on a waiting list.

DRAINAGE

Drainage LOS standards need to be set in accordance with engineering design criteria for surface and stormwater runoff control. These, as either other standards, may be tailored to fit local circumstances such as average annual rainfall, porosity, coastal proximity, and other factors. Standards need to be set which reflect both on-site retention and off-site mitigation.

For example, the Brevard County concurrency ordinance defined "the retention of the first inch of runoff from a 10-year, 24 hour storm event" as the drainage LOS standard (Brevard County, 1989, p. 6). Similarly, Sarasota County designed their LOS standard "based upon 24-hour design storms at twenty-five (25) year intervals for major (storm) water management facilities and ten year intervals for minor (storm) water management facilities" (Sarasota County, 1989, p. 19). The Sarasota ordinance also incorporated design feature to minimize the pollution impacts of drainage systems. DCA has also recommended criteria, such as that used by Sarasota County, based on the 1979 Florida Department of Transportation Drainage Manual (Department of Community Affairs, 1989).

A. Application Forms

The application form for drainage shows a filing date, project name and a check-ff for whether or not stormwater facilities meet level of service standards. There should be needs to be ascertained by and attested to by the designated public works official. No summary form is needed for drainage.

Parks and Recreation

Parks and Recreation LOS standards are most easily set with reference to acreage needed per person. The baseline data need to account for existing acreage as well as "committed capacity" allotted to vested developments. As previously noted, needs may differ from locality to locality, reflecting rural/urban density in particular.

DCA has described requirements for the recreation and open space comprehensive plan element in Rule 9J-5.055(2) and 9J5.014. DCA has also recommended Recreational Standards for Comprehensive Planning in Florida by the Florida Department of Natural Resources as a resource of assistance in defining facility use and population guidelines. The LOS should be set in accordance with community standards as well as fiscal constraints. For example, community sentiment puts pressure on local decision-makers for a new 50-acre park to rectify perceived deficiencies.

Meanwhile, a LOS standard of 2.5 acres per person has been proposed by planning staff. Adding the full 50 acres would constitute 3.0 acres per person. The problem can be addressed either through adjusting the park size (possibly to 27.5 acres), or through a two-tiered approach incorporating projected population growth.

Parks and recreation needs can most directly be calculated by multiplying the population times the LOS standard. This would reflect current needs. Future needs would be calculated by multiplying projected population times the LOS standard (May, Lawson & Martin, 1989). Additional problems may have 3.0 park acres per person while another district may have only 1.75. Obviously, the political process needs to take such issues into account. Another possible problem, best addressed through long-range capital improvements planning is setting a LOS standard for recreational facilities such as swimming pools. Again, a two-tiered approach would be of value here.

A. Application Forms

The application form shows the filing date, project name, the designated park planning area, if applicable, and the total population increase projected by the project. Item three asks for the total park acreage which needs to be assessed against the project. This information is calculated on the summary sheet and recorded on the capacity reservation application. Item four requests the existing person/acreage LOS in the planning area. By comparing #4 with #4, it is possible to determine whether a capacity surplus or deficiency exists.

B. Summary Forms

The parks and recreation capacity reservation summary form has columns for project name, the plan (filing) number, the recreation planning area in which the project is located, the existing park acreage in that planning area, the population increase which will result when the development is built out, and the parks/recreation capacity which needs to be reserved for the project. This is calculated as described above, that is, by multiplying the potential population time the LOS standard (acreage per capita).

Solid Waste

LOS standards for solid waste disposal are set in terms of pounds per person per day. Variable disposal rates between residential, commercial, and industrial uses need to be taken into account. Other uses which produce demand upon landfill capacity, such as vested developments and other impacts which are not subject to concurrency requirements, such as agricultural waste, also need to be taken into account in establishing baseline data.

Mass Transit

Where applicable, LOS standards for mass transit should be handled in a fashion similar to that for drainage, the is, there should be a capacity reservation application form, but no summary sheet is necessary.

Facility and Service Availability

The final form represents the need for overall summary form for each project. This is especially needed if projects are placed on waiting lists for some level of service areas, but have reserved capacity in other areas.

RECOMMENDATIONS:

CMS MONITORING

Once the Concurrency Management System is implemented, and all pre-Concurrency Management System data entered into the summary forms, the Concurrency Management System data base must be monitored to ensure that the data is correct and up to date.

For some level of service areas, especially transportation, the reserved capacity and total usage data reflected on the summary forms may not be correct. Increased pass through traffic on a major thoroughfare, for example, because of increased development in neighboring communities, may produce a volume to capacity ratio that in reality is higher than the figures reflected on the summary sheets. Consequently, the County or city should choose to periodically perform independent trip counts along heavily traveled road segments.

When entering the results of these traffic studies into the Concurrency Management System, staff must take into account those trips generated by development which have begun to use some of the capacity previously reserved. For example, if a subdivision has reserved capacity for 50 homes and a traffic study is performed at a time when certificates of occupancy have been issued for 10 of these homes, then the adjustment of the data on the Concurrency Management System summary form must reflect this actual usage. Assuming that traffic generated by these 10 homes is reflected in the trip counts made by the independent study, those trips must be subtracted from the county before the study data is added to the summary forms.

For all level of service areas for which summary forms are maintained, a key aspect of Concurrency Management System monitoring is the transference of data from the reserved capacity column to the total usage column. As previously discussed, when a certificate of occupancy (CO) is issued for a project, or the CO issued to the last home completed in a “built out” subdivision, then the reserved capacity for sewer and water, for example, could be transferred from reserved to usage on the summary form. When actual usage is determined, it most likely will be higher or lower then the amount reserved. Adjusting data on the summary form may identify additional capacity that could be allocated to projects currently on a waiting list.

If capacity is limited and development pressure is great, but the city wishes to encourage development in a certain area, more frequent monitoring of capacity may be desired. Theoretically, as each house in a subdivision is granted a CO, the Concurrency Management System staff could obtain this information from the building department and adjust data on the summary form accordingly. Realistically, this amount of effort would probably be more than would be required. Monitoring before a subdivision is built-out would improve the quality of the data base desirable, and would be desirable if resources allow.

CMS AND THE CAPITAL BUDGETING PROCESS

There must be clearly identified linkage between the Concurrency Management System and the capital budgeting/improvement process of the County or city. Although it is not appropriate here to discuss the capital budgeting process in great detail, some review is necessary to discuss the appropriate manner in which the Concurrency Management System should interface with capital budgeting. Key issues include 1) establishing a threshold capacity for each level of service area; 2) providing a formal, systematic link between the Concurrency Management System and the capital budgeting process; and 3) the impact of capital budgeting decisions on the development process.

Threshold Capacity

As part of the CMS monitoring process, a threshold level or capacity should be established for each level of service area for which a summary sheet is maintained. When the combined total of usage plus reserved capacity reached a threshold level, the local government should begin planning to add excess capacity. If a given water treatment plant has an overall capacity of 1 million gallons, for example, a threshold level may be set at 750,000. When usage plus reserved capacity reaches this level, the key decision makers in the capital budgeting/improvements process should be notified by the Concurrency Management System coordinator. A project to expand the capacity of that water treatment plant should be 1) placed in the capital improvements plan if it is not there already; or 2) moved to a higher priority. If the County has determined that another 0.5 million gallons of capacity is a reasonable expansion amount for that plant, and that once plans begin, it will be two years to complete construction, the project should be moved to the second year of the five year capital improvements plan.

Determining the threshold level is an inexact science at best, and it will vary from government to government. Factors to consider in its calculation include, first, the amount of time needed to complete a given capital improvements project. This information should be obtained from level of service area department personnel and communicated to CMS staff. Second, projected population growth/development demands for all areas of the community should be considered. In other words, for the area serviced by a given water treatment plant, if a 0.5 million gallon expansion is on line two years from now, will that be sufficient to meet development demands for the near future.

Third, the rate of development for one area of the County will be different from other area. The setting of thresholds level, plus the interpretation of threshold level data by the capital budgeting and improvements process, must be made by examining past development pressures and projecting need for additional capacity into the future. For one level of service area in one part of the County, it may take 10 years for development demands to reserve all remaining available capacity one the threshold level is reached. In another case, the time period may be two years.

If the government wishes to discourage (or encourage) growth in certain section/s of the county, it may wish to use the threshold level to help achieve this goal. To discourage growth, the threshold level would be set close to the actual capacity level. In doing this, the government will deliberately create a situation in which some proposed developments will be refused in the near future, since unused capacity will disappear before expanded capacity can be constructed. To encourage growth, the threshold level would be served at a lower level compared to actual capacity, so that a situation of excess capacity will always exist for proposed development for the near future.

The Concurrency Management System Linkage with the Capital Budgeting Process

Information provided by the Concurrency Management System should constitute the major set of criteria used to determine the nature and priority of projects in the capital budgeting/improvements process. Giving a great deal of weight to the Concurrency Management System generated data in terms of what determines the construction of projects may not be acceptable to all decision makers in the government. This lack of acceptance may be especially true if a government already has established a formalized capital budgeting process that has been working well. For those communities in which capital budgeting is a fairly new concept, though, it may be easier to establish a process which allows Concurrency Management System staff to work closely with the capital budgeting process.

It is advisable to establish a formalized capital budgeting process, including a Capital Budgeting Review Committee (CBRC). This committee would consist of agency heads and the County administrator or city manager, or their representatives. Agency personnel would submit their request for projects to be funded by the capital budget to this committee. With input from appropriate staff concerning financial feasibility, urgency of project, and a number of other relevant criteria, the CBRC would then prioritize the projects for any given capital budget. A similar process would also produce a five year Capital Improvements Plan (CIP).

The Concurrency Management System Coordinator should be a member of the CBRC, and serious consideration should be given to those projects that are required to expand capacity in a given level of service area. In small communities, the personnel that comprise the CBRC could also be the same ones that serve on the Development Review Committee. At a minimum, there should be a great deal of overlap between the two committees.

It is possible to establish procedures that would formalize the input from the CMS. For example, projects in those areas in which the threshold level has been exceeded the most could be given highest priority. Conversely, projects that would affect capacity in areas for which capacity has not reached the threshold level may be placed in the CIP, but would not be part of the capital budget until the threshold level has been reached. The degree of formality would depend upon a number of factors, including the nature of any pre-existing capital budgeting process. If past practices concerning how projects were chosen to be funded were largely informal, then the County or city would likely wish to continue an informal process when considering information generated by the Concurrency Management System.

The Impact of the Capital Budgeting Process on the Development Process

As briefly discussed in the section entitled, “When Capacity is Not Available,” the County or city faces several options when considering how the results of the capital budgeting and capital improvements

process could affect individual development projects. As previously discussed, one option is to create a waiting list, allowing development to proceed only when additional capacity is available.

A second option is to give different consideration to some developers on the waiting list than others, depending upon the specific capacity that has expired. Assume that the first phase of a subdivision will take three years to complete, and water capacity does not exist for all homes within that subdivision at the time of the final development order approval. Capacity for all other level of service areas can be reserved for the three year time period. If the government plans to expand water capacity in the near future, it could allow development to proceed with a development agreement that final development approval would not be issued until capacity did exist.

Another option would be to more formally link development requests to the capital budget and to the capital improvements plan. If a project needed to produce additional capacity is in the annual capital budget (year one of the five year capital improvements plan), then development approval could be granted, and capacity reserved as if it already existed. If the needed project were in the capital improvements plan but not in the capital budget (year two through five), development could be allowed to proceed, with capacity reserved, but no building permits would be issued until the project reaches the capital budget. Another variation would not allow development to proceed until a construction contract has been signed, which may mean the capacity would not be available for two to three years in the future.

THE CMS AND INTERLOCAL AGREEMENTS

The intergovernmental coordination element of the County or city comprehensive plan should identify the interlocal agreements that are necessary. Specific aspects of these agreements obviously will depend upon factors unique to each case. From the perspective of an effective, well working Concurrency Management System, though, there are general guidelines to which local governments should be sensitive in creating these agreements.

If, for example, a County is dependent upon cities within that County for the provision of services such as sewer and water, an interlocal agreement must be reached to ensure that the LOS standards are not degraded, and sufficient capacity will be available for development within the County. Ideally, there should be an exchange of information between the Concurrency Management System for the County and the Concurrency Management System for the city. A developer applying for the concurrency review with the County, because the proposed project is outside city limits, must separately apply to the city for concurrency review of water, sewer, or any other service not provided by the County. This information must be clearly communicated to developers by the County.

The city then would reserve capacity for the County project, and must relate this information to the County Concurrency Management System staff. Information could take at several forms. First, a copy of the concurrency review and test results for each individual development should be sent by the city water department to count. Second, a legally binding letter should be sent to the developer by the city indicating that water treatment capacity has been reserved for a specified period of time. Third, on an agreed upon periodic basis, the information on the summary forms for the water services should be sent to the County Concurrency Management System.

From the County's perspective, there are serious concerns that must be considered and addressed by the interlocal agreement. First, the County does not want to be placed in the situation of approving a specific project for which capacity is available and can be reserved for all level of service areas except for that procedures that require a developer to seek and obtain reserved capacity for water from the city prior to any concurrency test performed by the County.

Another issue concerns the development rules and regulations that determine when reserved capacity would expire. If those for the County differ from those for the city, then the interlocal agreement must state that the County's rules must apply for all development outside city property. In turn, if a County development loses its reserved capacity because construction has ceased in the subdivision (no building permits issued) for over six months, for example, the County Concurrency Management System staff must notify the city Concurrency Management System staff that the reserved capacity has expired for that development.

Additional aspects of an interlocal agreement concern which government would pay what resources for an expansion of service that is required. If the city wishes the County to contribute any funds toward expanding the capacity of any service it is furnishing to non-city residents, details concerning this contribution should be addressed within the interlocal agreement.

Transportation is the level of service area that is likely to require interlocal agreements. Ideally, level of service standards on all roads maintained by both city and County should be the same. If they are not, interlocal agreements must exist that prevent LOS degradation for either the city or the County. More so than for any other level of service area, the County Concurrency Management System must exchange information with the city Concurrency Management System on a frequent, periodic basis. The importance of identifying threshold levels for road segments that are on roads impacted by both city and County is crucial. Interlocal agreements should specify, as much as possible, what share of road improvement cost should be assumed by the County and what share assumed by the city. There is an obvious need for capital budgeting processes and capital improvement plans to complement each other. Information concerning reprioritization of projects and other relevant information needs to be exchanged.

Interlocal agreements are vital to the effectiveness of a County or city Concurrency Management System. Interdependence between governments does not exist in efforts to manage growth, in the transportation area as well as possible other areas as well. The creation of viable Concurrency Management Systems will necessitate exchange of information in ways that may not have occurred in the past, but must occur in the future if growth is to managed effectively.

CONCLUSION: FUTURE AVENUE FOR RESEARCH

This report represents an initial analysis of concurrency management systems. In a very real sense, what constitutes a model or "ideal" Concurrency Management System may not exist, as what works for one County or city may not work for another. The phasing of capacity expansion and maintenance of LOS standards in relation to development will prove to be significant concern in those parts of the state confronted with rapid growth, as local governments seek to create a balance between economic development and infrastructure within the parameters of growth management. The conditions experience by areas which are built-out, facing slow growth, economic decline, or overbuilt capacity

present other problems confronting Concurrency Management System implementation. The forms and the information suggested in this report, though, are intended to be generic, in that it is hoped everything presented will be relevant to every local government to some degree.

The process of studying concurrency management systems has in many ways raised a number of different issues that still require further analysis, and were considered beyond the scope of this study. It is expected that many Florida local governments will have to negotiate many more developer agreements than in the past. The interface amon the Concurrency Management System, the capital budgeting/improvements process, and these agreements needs additional study and investigation.

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APPENDICES: SAMPLE FORMS

Filing Date _____

Log # _____ Prefix (_____) Review #
Area _____
Segment _____

APPLICATION FOR CONCURRENCY EVALUATION

This application, together with ALL REQUIRED ATTACHMENTS, shall be completed and filed with the Development Plans Review Division prior to making application for site plan, subdivision plat, or building permit approval. A finding of non-deficiency only entitles the owner to apply for development permits pursuant to the time parameters established in the Concurrency Evaluation Ordinance.

TYPE or PRINT the following information:

Owner: _____

Addresses: _____
_____

Zip Code: _____

Phone No. (Home) _____
(Work) _____

Applicant: _____

Address: _____
_____

Zip Code: _____

Phone No. (Home) _____
(Work) _____

Filing Date _____

APPLICATION FOR CONCURRENCY EVALUATION

Owner _____
Applicant _____
Attorney/Representative _____

Legal Description of Property

Township _____ Range _____ Section _____

Subdivision _____ Block _____ Lot/Parcel _____

Plat Book/Page Number _____

Size of Project

Size of parcel of land in acres (round to nearest hundredth) _____

Zoning Classification

( ) Zoning Action
From: _____ To: _____ Other: _____
( ) Site Plan Approval _____
( ) Subdivision Approval _____
( ) Building Permit _____

Boundary Survey

Legal Description: _____
_____
_____

Development Potential

If Residential: Type of Residential _____
Potential of Dwelling Units _____
Number for each phase _____

If Non-Residential:

Specific Use(s)	Sq. Ft.
_____	_____
_____	_____
_____	_____
	_____ (TOTAL)

OVERALL TIMELINE FORM

Project Name	Plan Number	Concurrency Application Date	Preliminary Review Date	Final Approval Date	Building Permit Issue Date	Reserve Expiration Date

Filing Date _____

SANITARY SEWER SERVICE
CAPACITY RESERVATION APPLICATION

This application is issued for the purpose of verifying that adequate sanitary sewer capacity is available and reserved specific time for the development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

1. Is the proposal within an Existing Service Area:

   If Yes, ( ) Identify Service Area: _____
   and attach Certificate of Reserve Capacity.

   If No, ( ) Attach copy of Septic Tank Permit of confirmation from the County Health Department that soils are suitable for septic tanks.

2. Name and Design Capacity of Plant: _____

3. Available Capacity of Plant: _____

4. Acceptable Level of Service Standard (in gallons): _____

5. Reserved Capacity (this project): _____

Capacity reservation for sanitary sewer service is hereby certified for us by the applicant for the specified reservation period by:

_____ _____
Signature Date

SANITARY SEWER CAPACITY RESERVATION

Treatment Plant Name
Plant Capacity

Project Name	Plan Number	Concurrency Review Date	Available Capacity	Reserved Capacity (this project)	Average Daily Flow Usage Plus Reserved Capacity

Filing Date _____

POTABLE WATER
CAPACITY RESERVATION APPLICATION

This application is issued for the purpose of verifying that adequate sanitary sewer capacity is available and reserved specific time for the development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

1. Is the proposal within an Existing Service Area:

   If Yes, ( ) Identify Service Area: _____
   and attach Certificate of Reserve Capacity.

   If No, ( )

2. Name and Design Capacity of Plant: _____

3. Available Capacity of Plant: _____

4. Acceptable Level of Service Standard (in gallons): _____

5. Reserved Capacity (this project): _____

Capacity reservation for potable water is hereby certified for us by the applicant for the specified reservation period by:

_____ _____
Signature and Title Date

POTABLE WATER CAPACITY RESERVATION

Treatment Plant Name
Plant Capacity

Project Name	Plan Number	Concurrency Review Date	Available Capacity	Reserved Capacity (this project)	Average Daily Flow Usage Plus Reserved Capacity

Filing Date _____

TRANSPORTATION FACILITIES
CAPACITY RESERVATION APPLICATION

This application is issued for the purpose of verifying that adequate transportation facilities are available and reserved for a specific time for the development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

1. Primary Access Street Characteristics:
Classification : _____

a) Current PHT: _____

b) Current V/C _____ Current LOS _____

c) Project PHT: _____

d) V/C Ratio (including project): _____

e) LOS (including project): _____

2. Explanation of Impact of the Roadway Network:

Capacity reservations for transportation facilities is hereby certified for use by the applicant for the specified reservation period by:

_____ _____
Signature and Title Date

TRANSPORTATION FACILITIES CAPACITY RESERVATION

NAME OF ROAD

ROAD SEGMENT

Current PHT
Potential PHT
Total PHT

Development Name	Plan Number	Concurrency Review Date	Trips Assigned (this project)	Total Trips and Trips Assigned	Volume/Capacity Ratio

TRANSPORTATION FACILITIES CAPACITY RESERVATION

Project Name	Plan Number	Concurrency Review Date	Road Segments Impacted			
			Road Segment Description	Trips Assigned	Total Trips and Trips Assigned	Volume/Capacity Ratio

Filing Date _____

DRAINAGE
CAPACITY RESERVATION APPLICATION

This application is issued for the purpose of verifying that adequate drainage capacity is available and reserved for a specific time and development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

Do stormwater management facilities meet level of service standards?

Yes ( )
No ( )

Capacity reservations for drainage is hereby certified for the use by the applicant for the specified reservation period by:

_____ _____
Signature and Title Date

Filing Date _____

PARKS AND RECREATION
CAPACITY RESERVATION APPLICATION

This application is issued for the purpose of verifying that adequate park and recreation facilities are available and reserved for a specific time and development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

For review of residential proposals only:

1. Recreation Planning Area: _____

2. Potential Population of Proposal: _____
   If phased, distribute population by phase: _____

3. Park Acreage Impact: _____

4. Existing Level of Service in the Planning Area:

Capacity reservations for parks and recreation facilities is hereby certified for the use by the applicant for the specified reservation period by:

_____ _____
Signature and Title Date

PARKS AND RECREATION CAPACITY RESERVATION

Treatment Plant Name
Plant Capacity

Project Name	Plan Number	CMS Review Date	Recreation Planning Area	Existing Park Acreage	Potential Population	Capacity Reserved

Filing Date _____

SOLID WASTE
CAPACITY RESERVATION APPLICATION

Using the information generated in the Capacity Reservation Applications, will the proposal be served by the following facilities and services within the Acceptable Levels of Service adopted in the Comprehensive Plan?

Project Name: _____

1. Solid Waste Facility to be Used: _____

2. Available Facility Capacity: _____

3. Acceptable Level of Service Standard (in pounds): _____

4. Reserved Capacity (this project): _____

Capacity reservations for solid waste is hereby certified for the use by the applicant for the specified reservation period by:

_____ _____
Signature and Title Date

SOLID WASTE CAPACITY RESERVATION

Facility Name

Project Name	Plan Number	Concurrency Review Date	Available Capacity	Reserved Capacity (this project)	Total Capacity

Filing Date _____

FACILITY AND SERVICE AVAILABILITY

This application is issued for the purpose of verifying that adequate solid waste capacity is available and reserved for a specific time and development of the property as described in the Concurrency Evaluation Application.

Project Name: _____

	Yes	No
Transportation	( )	( )
Parks and Recreation	( )	( )
Drainage	( )	( )
Sanitary Sewer	( )	( )
Solid Waste	( )	( )
Potable Water	( )	( )

Concurrency Evaluation Results

COMPREHENSIVE PLAN MONITORING AND EVALUATION PROCEDURES

As required by Rule 9J-5.005(7) and Rule 9J-5.016(5), Florida Administrative Code, Gadsden County will use the process contained herein for monitoring and evaluation procedures for implementation of the comprehensive plan. The County will direct its efforts towards the provisions of the Growth Management Laws of Florida, the adopted Gadsden County Comprehensive Plan 2001 and implementing ordinances, the Gadsden County Board of County Commissioners will use its administrative auspices of the County Manager and the Gadsden County Department of Planning and Zoning and its local planning agency to monitor and evaluate the implementation of the adopted local comprehensive plan. This will include an established development review process to review projects/proposals for consistency with the adopted local comprehensive plan and implementing land development regulations. Therefore, the Citizen Participation Plan as outlined in the preface of the goals, objectives and policies of the adopted plan will be used to promote public participation in the comprehensive planning and implementation process, along with the consideration and adoption of the 5-Year Evaluation and Appraisal Report.

The County will maintain a records management system to document the status of future land use map amendments, text amendments to the comprehensive plan, requests and approval of applications for development orders, rezonings and requests for amendments to the land development regulations. This information will be used for updating the baseline data and evaluating the specific accomplishments of the measurable objectives contained in each respective element of the adopted plan for this planning period. Additional information will be maintained regarding any specific conditions regarding the issuance of permits, as needed. The Gadsden County Department of Planning and Zoning will review these instruments and make periodic reports to the local planning agency and recommendations to the County Manager for his official administrative report to the Board of County Commissioners for their action as appropriate.

A yearly report, outlining the activities of the Department of Planning and Zoning and an assessment of the existing and future levels of service on public facilities, will be reviewed by the Local Planning Agency before submittal to the County manager. Specific problems and recommendations will also be presented in this report.

These Monitoring and Evaluation Procedures will be used for updating and evaluation procedures in the preparation of the Evaluation and Appraisal Report for the Gadsden County Comprehensive Plan a pursuant to Section 163.3191, Florida Statutes. This process will be used for preparation of the Evaluation and Appraisal Report to adequately asses the status of accomplishments in the five year planning period and describing the degree to which the adopted goals, objectives and policies have been successfully reached. This process will delineate problems and obstacles that have been associated with implementation of the comprehensive plan. The findings as a result of this process will be used to revise and update the goals, objective and policies to correct the identified problems in the comprehensive plan implementation.

The data collected in the monitoring an evaluation process will be used to prepare a data base for the evaluation and appraisal report and any annual amendments to the local comprehensive plan, as needed. The adopted Monitoring and Evaluation Procedures will be used as the primary tool for a continuous monitoring and evaluation process during the five and ten year planning process.