

**CHAPTER 15**  
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#### **A. OVERVIEW**

The purpose of the Capital Improvements Element (CIE) and the Five-Year Schedule of Capital Improvements (Schedule) is to identify the capital improvements needed to implement the Comprehensive Plan and ensure that the adopted Level-of-Service (LOS) Standards are achieved and maintained for concurrency-related facilities. As mandated by Chapter 163, Florida Statutes, it describes the new facilities and financing needed to correct existing deficiencies, accommodate new growth, and maintain existing facilities. It further provides for consideration of the need, location, and efficient use of public facilities in support of the Dynamic Master Plan.

The LOS standards in the Capital Improvements Element reference all concurrency facilities by the appropriate chapter of the Volusia County Comprehensive Plan.

#### **B. GOALS, OBJECTIVES AND POLICIES**

##### **GOAL:** Principles

- 15.1 To provide public facilities and services identified in the Dynamic Master Plan in an efficient manner that maximizes the use of existing facilities, promotes orderly compact urban growth, and is compatible with existing and future designated land uses and with the natural environment.

##### **OBJECTIVE:** Serving Appropriate Growth

- 15.1.1 The County shall concentrate public facilities and services in areas that are delineated on the Future Land Use Map with land use categories defined as urban in the Future Land Use Element.

##### **POLICIES:**

- 15.1.1.1 Concurrency facilities and services shall be provided to serve existing and future urban areas unless specifically excluded elsewhere in this Plan, and must be available for new development in said areas designated on the Future Land Use Map.
- 15.1.1.2 Where appropriate, LOS standards for urban facilities shall be identified by specific facility and/or geographic area.
- 15.1.1.3 The County shall prioritize the availability of required LOS capacity for concurrency facilities to those areas designated urban on the Future Land Use Map. Future growth and development shall be attracted to these designated areas by the availability of services.
- 15.1.1.4 Public facilities and services intended to serve proposed developments that are

inconsistent with the adopted Future Land Use Element shall not be permitted.

- 15.1.1.5 Public facilities shall be planned and constructed in a manner that encourages compact urban growth based on proximity to existing central water and sewer systems, accessibility to the major road network (arterials, collectors) at the designated service levels, existing land use patterns, and the carrying capacity of the natural environment. The extension of water and sewer lines outside of urban service areas shall be prohibited unless there is a threat to health and safety or other exceptions under the guidelines delineated in the Future Land Use Element.
- 15.1.1.6 The County shall program public facilities needed to support activity centers, employment centers, and other economic development activity identified in the Dynamic Master Plan.

**OBJECTIVE:** Correcting Deficiencies

- 15.1.2 The County shall provide and maintain the necessary capital improvements to eliminate existing deficiencies, support new development orders, and repair, renovate, or replace its worn out capital stock as identified in the Dynamic Master Plan.

**POLICIES:**

- 15.1.2.1 The County shall, with the exception of State Roads, eliminate all LOS capacity deficiencies on non-constrained roads on the County thoroughfare system by the end of the planning period, to the extent revenue is available. This objective shall be coordinated with the Transportation Element.
- 15.1.2.2 Projects that at the planning level eliminate existing or potential (future) capacity deficiencies, such as adding new lane miles (new construction), shall be prioritized higher than operational improvements, such as turn lanes and signalization projects.
- 15.1.2.3 The County shall include road capacity projects in its future five-year program to reduce the number of backlogged county roads.

**OBJECTIVE:** Maintenance

- 15.1.3 Capital improvement projects identified in the Dynamic Master Plan as repair, renovation, and replacement shall be included in the Five-Year Schedule of Capital Improvements.

**POLICIES:**

- 15.1.3.1 The County shall develop and maintain a database that identifies the capital facilities that will need major repair, renovation or replacement for a five-year time period.
- 15.1.3.2 The County shall continue its program of routine and preventive maintenance for its capital assets in order to reduce the need for major repair and renovation.

- 15.1.3.3 The County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if the County is unable to pay for the subsequent annual operating and maintenance costs of these additional facilities.
- 15.1.3.4 The County shall allocate sufficient funds to cover the annual costs of maintaining the county thoroughfare system.

OBJECTIVE: Efficient Use

- 15.1.4 The County shall maximize the use of existing public facilities that support urban uses as designated by the County's Future Land Use Map and urban uses within municipalities.

POLICIES:

- 15.1.4.1 The County shall continue to develop and implement programs that reduce the demand for new capital facilities and thus delay the need to construct and operate such facilities. These programs shall include, but not be limited to, the following:
1. Increased operational support for all forms of mass transit;
  2. Van-/car-pooling programs;
  3. Staggered work hours;
  4. Trash recycling;
  5. Utilization of reclaimed water instead of potable water for certain uses; and
  6. Water conservation programs.
- 15.1.4.2 Public facilities shall be constructed, expanded, renovated or rehabilitated to achieve greater economies of scale and improve operational efficiency.

GOAL: Concurrency Management System

- 15.2 To ensure consistent delivery of public facilities and services in accordance with adopted level-of-service standards and expectations of the Dynamic Master Plan.

OBJECTIVE: Level of Service (LOS)

- 15.2.1 The County shall maintain LOS standards for a full range of public facilities in order to protect the health, safety and welfare of its citizens and enhance the quality of life in the County.

POLICIES:

- 15.2.1.1 The County shall maintain LOS standards for public facilities related to concurrency,

and shall apply the standards based on the policies specified for each facility type. The LOS standards are adopted by reference in specified chapters and elements of the Volusia County Comprehensive Plan as follows:

Transportation	Chapter 2
Schools	Chapter 3
Potable Water	Chapter 6
Sanitary Sewer	Chapter 7
Solid Waste	Chapter 8
Stormwater Management (Drainage)	Chapter 9
Parks, Recreation and Open Space	Chapter 13

- 15.2.1.2 The LOS standards for each type of public facility shall apply to development orders issued by the County on or after October 1, 1990.
- 15.2.1.3 The County may create LOS standards based on unique geographic areas, phased levels of service, alternative service delivery concepts, or as necessary to address changing needs and circumstances.
- 15.2.1.4 If a quadrant (impact fee zone) or any sub-area of a quadrant, including but not limited to a municipal services district, requests a higher LOS standard for any facility category established in this plan, then it shall be the financial responsibility of that quadrant or sub-area to achieve the difference between its desired higher LOS standard and the lower county-wide LOS standard in this Comprehensive Plan. This financial responsibility shall include both capital and annual recurring operations and maintenance responsibilities.

OBJECTIVE: Concurrency

- 15.2.2 Volusia County shall maintain its concurrency management system to ensure compliance with adopted LOS standards.

POLICIES:

- 15.2.2.1 The County shall maintain specific definitions and criteria as to what will satisfy state and local concurrency requirements. Additional definitions and criteria shall be maintained in the Concurrency Management Ordinance.
- 15.2.2.2 The public facilities for which LOS standards have been adopted shall be subject to a concurrency determination.
- 15.2.2.3 Required facilities shall be deemed concurrent under the following four conditions:
  - 1. The facilities are in place and operating at an adopted LOS established in this Comprehensive Plan at the time a building permit or final development order is issued.
  - 2. The facilities are under construction at the time a building permit is issued.

3. The facilities are the subject of a binding contract executed for construction or acquisition at the time a building permit is issued.
4. The facilities are contained in the first year (Capital Budget) of the Five-Year Schedule of Capital Improvements, in the year following development order approval. This policy shall pertain to transportation and parks. Specific conditions for the timing of private development and completion of the facilities shall be part of an enforceable development agreement and shall be part of the County's development review process when changes to land uses and densities/intensities are first proposed. Specific timing and phasing of such facilities in relationship to the issuance of building permits and other final development orders shall be consistent with the concurrency management provisions of the Land Development Code.

15.2.2.4 Improvements, renovations and repair to existing structures shall only affect facility capacity and concurrency to the extent such work increases the number of dwelling units, floor area for non-residential uses or other measures of intensity. In such cases, a determination of its effect on facility capacity shall be made prior to any approval of a building permit. If existing facility capacity is available and no degradation of LOS for the concurrency facilities will result, a final development order or building permit may be issued. Site improvements to an existing development that may lead to increased facility demand, such as additional parking spaces, may be considered an increase in intensity and may be subject to a facility capacity test and concurrency review.

OBJECTIVE: Capacity Determination

15.2.3 The County shall maintain provisions how and when capacity/concurrency determination will take place in the development review process.

POLICIES:

15.2.3.1 The capacity of public facilities shall be determined for applications for new development orders as follows:

1. The capacity availability determination shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development order, and
2. The determination shall be valid for development that is completed within a period of time acceptable to the County and the applicant, as explicitly set forth in a binding development agreement as authorized by Florida Statutes or the Land Development Code, and guaranteed by:
  - a. Cash escrow,
  - b. Irrevocable letter of credit,

- c. Prepayment of impact fees,
  - d. Formation of a Community Development District pursuant to Chapter 190, Florida Statutes, or
  - e. Any other assurance acceptable to the County in form and amount.
3. If an applicant has a proportionate share obligation for a public facility, the County shall do one of the following:
- a. Contract with the applicant for the full cost of the facility, including terms regarding reimbursement for costs in excess of the applicant's proportionate share;
  - b. Obtain assurances similar to those in paragraph (2) from other sources;
  - c. Accept proportionate-share mitigation payment from the applicant;
  - d. Pool the applicant's contribution together with contributions from other applicants to "pipeline" incremental improvements that increase facility capacity;
  - e. Allow the applicant to construct operational improvements that increase the efficiency and/or capacity of existing facilities; or
  - f. Deny the development order where the conditions above cannot be met.
4. Pursuant to paragraphs 1 and 2 above, no further determination of capacity for the subject property shall be required for a preliminary development order, and the subject property shall be vested to the extent provided in the Land Development Code. Any subsequent change in the density, intensity or land use that requires additional public facilities or capacity is subject to review and approval or denial by the County.

15.2.3.2 An applicant for development may request approval of a preliminary development order, without a determination of capacity, with the understanding that:

- 1. Final development orders for the subject property are subject to a determination of capacity of public facilities.
- 2. No rights to obtain final development orders nor any other rights to develop the subject property have been granted or implied by the County's approval of the preliminary development order without determining the capacity of public facilities.

15.2.3.3 Specific applications for rezoning(s) may be subject to capacity/concurrency review

where such rezonings may conflict with policies of this element or other adopted elements of this plan, or if the applicant requests such a review

- 15.2.3.4 Detailed capacity/concurrency review and determination shall be made by the County's Development Review Committee including, but not limited to, the following development orders:
1. Preliminary plats, Final plats.
  2. Overall Development Plans as defined by the Land Development Code.
  3. Final Site plans.
  4. Developments of Regional Impact.
  5. All other development orders prescribed in the Land Development Code.
- 15.2.3.5 If concurrency and facility capacity is not available or cannot be made available through Policy 15.2.3.1, such findings shall be reasons for denial of the development application.
- 15.2.3.6 For all other applicable development, a capacity/concurrency check shall be made prior to the issuance of a development order or building permit. No development order or building permit will be issued to an applicant where concurrency is not met through the policies of this element.

OBJECTIVE: Facility Availability

- 15.2.4 The County shall maintain standards for the timing of capital improvement availability by facility type.

POLICIES:

- 15.2.4.1 The following facilities shall be provided and available to a proposed development prior to the issuance of a certificate of occupancy: potable water service, including both facilities and supplies; centralized public or private sanitary sewer collection; solid waste system service; and drainage facilities.
- Potable water service directly serving a development shall include a publicly or privately owned water distribution network for urban service areas and wells serving individual parcels of land for rural areas.
- Centralized public or private sanitary sewer collection shall be available within designated urban service areas. Individual sanitary sewer disposal, treatment and discharge systems shall be utilized where central sewer collection is not required.
- 15.2.4.2 Specific timing and phasing conditions related to transportation and recreation



facilities shall be consistent with the concurrency management provisions of the Land Development Code.

15.2.4.3 For multi-phase projects or projects constructed and/or occupied over a multi-year period, the required facilities must be in place with each phase. Developer-County agreements shall be the prescribed method of ensuring facilities are concurrent with the impacts of such development. In these cases, programmed improvements from the Five-Year Schedule of Capital Improvements shall be included as part of the concurrency determination as long as their availability coincides with the impacts of each phase.

15.2.4.4 An evaluation of public facility availability shall be established for each proposed private development. Land clearing, site preparation and construction for each private development shall be programmed with facilities scheduled to ensure that the concurrency requirements are met. Where public or private facility availability is delayed, the County may require permitted development to be delayed as a condition of approval until the required facilities are available. The County may only exercise this policy provision where the delayed public or private facility availability may imperil public health, welfare and safety.

GOAL: Implementation and Planning

15.3 To ensure existing deficiencies and future needs are prioritized, funded, and constructed consistent with adopted LOS standards and the Dynamic Master Plan.

OBJECTIVE: Funding

15.3.1 The County shall fund necessary public facilities in a fair, equitable, timely and efficient manner, relying on the broadest revenue bases possible.

POLICIES:

15.3.1.1 The County shall annually review and update its revenue estimates and forecasts, cost of new facilities, and ongoing operating costs as they affect the Five-Year Schedule of Capital Improvements.

15.3.1.2 Unless other sources of funding become available, user charges shall be the primary revenue sources for financing the construction, operations and maintenance of all County-owned potable water and sanitary sewer facilities. User fees shall cover part of the operating and maintenance costs of solid waste and stormwater drainage facilities. User fees and charges shall be applied to other public facilities to the maximum extent possible.

15.3.1.3 Potable water and sanitary sewage facilities shall be financed and accounted for in County Enterprise Funds so that the continuing costs to the general public shall be financed or recovered primarily through user charges. Solid waste and stormwater drainage may be totally or partially financed through user charges in either enterprise or special funds.

- 15.3.1.4 County water and sewer connection fee revenues shall be used primarily to cover the incremental costs to the system of the specific connection.
- 15.3.1.5 Non-enterprise fund revenue sources may be used to finance water and sewer distribution and collection main lines to incentivize the retention, expansion or new development of targeted industries. These costs may be recovered from subsequent utility customers who connect to such main lines. However, such funding sources shall not include CIACs (Contributions In Aid Of Construction), water and sewer impact fees, connection fees and user charges.
- 15.3.1.6 The County shall continue to utilize all gas taxes under its control so that revenue shall be available for needed roadway capacity improvements as well as road maintenance.
- 15.3.1.7 The County shall use various types of non-discretionary user-oriented taxes or fees for roadway capacity expansion and maintenance to the maximum extent possible, such as tolls, utility taxes, special assessments and various State revenue sharing money.
- 15.3.1.8 The County shall adopt user fees for the review of development order applications related to concurrency to cover the costs of such reviews and operation of the Concurrency Management system.
- 15.3.1.9 The County shall continue to rely on revenue sources that are responsive to growth for financing public facilities, such as a local option sales tax.
- 15.3.1.10 The County shall use ad valorem tax (property tax) increases only to fund the additional operations and maintenance costs related to future additional capital facilities. The county may also utilize such increases to provide necessary capital improvements to support the retention, expansion, or location of a business or industry which will employ long-term and non-temporary workers in high value-added industries, consistent with the Dynamic Master Plan.
- 15.3.1.11 The County shall require developers of private road, water, and sewer systems to post a bond to protect the County in case those systems are ever abandoned. The bond shall cover the expenses of acquiring such facilities in these cases.
- 15.3.1.12 Private contributions, gifts, grants and joint public-private partnerships shall be encouraged as a means of achieving public facility service levels
- 15.3.1.13 The use of Special Assessment Districts or other alternatives provided for by local or State law shall be considered, especially for large-scale projects such as activity centers and planned communities.

**OBJECTIVE:** Impact Fees and Proportionate Fair-Share

- 15.3.2 The County shall continue to require new development to pay for its share of the public facilities and services needed to support the development concurrent with its impacts.

## POLICIES:

- 15.3.2.1 The county's impact fee ordinances shall be maintained and updated.
- 15.3.2.2 Impact fees shall be used to fund capital facility needs resulting from new development and shall not be used to fund existing deficiencies.
- 15.3.2.3 Impact fees shall be used to finance capital projects in the vicinity of the development's impact. Special geographic fee zones shall be maintained, so that funds derived from impact fees can be spent near the areas of impact. Impact fees allocated to zones shall be based on court guidelines and Florida case law concerning this subject.
- 15.3.2.4 The geographic area of impact fee zones shall be large enough so that sufficient impact fee funds can be generated to fund the necessary improvements to support new development.
- 15.3.2.5 Mechanisms for credits and refunds shall continue to be provided in each impact fee ordinance. Credits shall be granted when other additional revenue sources become available, excluding one-time grants from other governmental entities to support capital facilities.
- 15.3.2.6 The County shall study and verify that its impact fees are sufficient to cover the pro-rata share of improvement costs necessitated by new development. The County shall ensure that the necessary technical and professional staff are available to maintain the data bases necessary to carry out this policy.
- 15.3.2.7 The development and maintenance of a park and recreation impact fee shall be based on the costs of land acquisition and facilities for district and local parks needed to be concurrent with future growth following the original effective date of this plan. This impact fee shall apply to the unincorporated areas of Volusia County only.
- 15.3.2.8 The County shall continue to allow alternative impact fee payment methods to encourage targeted industries for economic development that would increase the County's economic base, increase per capita and household incomes, and further other economic development objectives/policies set forth in the Dynamic Master Plan.
- 15.3.2.9 Exemptions of land use categories from impact fees shall be a policy determination made by the County Council that will balance the need for economic development versus the needs of the County Road program.
- 15.3.2.10 The County shall maintain a record of the impact(s) on facility capacity by property owners who have paid a capacity reservation fee(s).
- 15.3.2.11 Future development shall bear its fair-share (pro rata) percentage of road facility costs, including right of way, in order to achieve and maintain the adopted LOS standards and other measurable standards.

OBJECTIVE: Evaluation

- 15.3.3                    The County shall maintain a rational system for evaluating and prioritizing capital improvement projects.

POLICIES:

- 15.3.3.1            Individual capital improvement projects shall be evaluated in priority based on the following criteria:
1.       Elimination of public hazards of an emergency nature.
  2.       Projects identified in the Dynamic Master Plan.
  3.       Elimination of existing capacity deficits.
  4.       To support the attraction, expansion, and retention of business and industry.
  5.       To repair, renovate, replace existing worn out, deteriorated, or obsolete facilities.
  6.       To support redevelopment and infill development in blighted areas.
  7.       Non-emergency safety enhancement projects to protect the general health, safety and welfare of the public.
  8.       Service and support facilities that improve operational efficiency and that may indirectly increase facility capacity.
- 15.3.3.2            The County shall continue to evaluate its operational structure to ensure it is employing the most effective methods to monitor and manage facility capacity, service levels, and concurrency.

OBJECTIVE: Five-Year Schedule

- 15.3.4 The County will coordinate land use decisions and fiscal resources with the Five-Year Schedule of Capital Improvements, to maintain adopted LOS standards for public facilities necessary to implement the comprehensive plan. The County shall review and update this schedule annually as required by state law.

POLICIES:

- 15.3.4.1 The annual update of the Five-Year Schedule of Capital Improvements must include projects necessary to maintain adopted LOS standards, along with anticipated revenue sources. Projects on the schedule shall be listed as “funded” or “unfunded,” and assigned with a level of priority for funding.
- 15.3.4.2 Potable water supply facility improvements in the first five years of the Water Supply Facilities Work Plan shall be incorporated into the County’s Five-Year Schedule of Capital Improvements.
- 15.3.4.3 The County shall base its Five-Year Schedule of Capital Improvements for parks on the desire to develop a high-quality district park system. The allocation of financial resources in the Five-Year Schedule shall be heavily weighted toward district park facility development.
- 15.3.4.4 The County shall identify projects that help maximize the use of existing public facilities as part of the Five-Year Schedule of Capital Improvements.
- 15.3.4.5 Proposed changes to the Future Land Use Element shall be evaluated in part based on their potential impact on existing and future facility capacity requirements and to the Five-Year Schedule of Capital Improvements.
- 15.3.4.6 Capital facilities constructed, improved or renovated by the private sector through County-developer and County-private party agreements that will eventually be part of the County’s capital facility inventory shall be included and identified in the Five-Year Schedule of Capital Improvements.
- 15.3.4.7 Stormwater or watershed engineering projects prepared under the Five-Year Schedule of Capital Improvements shall address not only existing deficiencies within the respective watersheds, but also stormwater management needs required to support future growth and water quality standards for new development.
- 15.3.4.8 The County, through its annual Five-Year Schedule of Capital Improvements update, shall include those capital renovations and improvements necessary to bring all County facilities into compliance with the Americans with Disabilities Act, as finances and logistics may permit.
- 15.3.4.9 The County, through its annual Five-Year Schedule of Capital Improvements update, shall include those specific capital projects that require environmental mitigation to be undertaken by the County as a condition of approval from federal, State, regional and local agencies.

OBJECTIVE: Long-term Needs

- 15.3.5 Future public services and facilities shall be planned and coordinated over the long term to encourage orderly growth that is compatible with future desired land uses.

POLICIES:

- 15.3.5.1 The County shall review its population projections for the long-term planning horizon and assess the projected need for major additional infrastructure improvements, such as new water and wastewater treatment plants, well fields, landfills, and schools.
- 15.3.5.2 The County shall coordinate with local jurisdictions and the TPO to identify long-term transportation and mobility needs in urban areas through the TPO Long-Range Transportation Planning process.
- 15.3.5.3 The County shall monitor public facility planning trends throughout the state and nation, and consider the necessary changes to the Capital Improvements Element.
- 15.3.5.4 The County's infrastructure planning shall consider the need to refurbish or replace public facilities that may become obsolete in the long term.
- 15.3.5.5 If long-term LOS deficiencies are projected, the County may choose to adopt a long-term concurrency management system and a long-term capital improvements schedule to address those deficiencies.
- 15.3.5.6 The County shall examine and pursue long-term planning strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate mix of land uses, intensity, and density.

GOAL: Schools

- 15.4 Provide for a financially feasible public school facilities program.

OBJECTIVE: Level-of-Service Standards

- 15.4.1 The County shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted LOS standard. This LOS standard shall be consistent with the LOS standard adopted in the interlocal agreement entered into by the School Board and the local governments within Volusia County.

POLICIES:

- 15.4.1.1 The County LOS standard for public school facilities is adopted by reference in Chapter 3, Public Schools Facility Element, herein. The LOS standard shall be applied consistently by all local governments within Volusia County and by the School Board district-wide to all schools of the same type.

OBJECTIVE: School Capital Facilities Planning

- 15.4.2 The County shall cooperate with the School Board to ensure existing deficiencies and future needs are addressed consistent with adopted LOS standards for public schools.

POLICIES:

- 15.4.2.1 The County shall adopt as part of its Capital Improvement Element the Volusia County School District five-year work program approved in September of each year as part of the School District budget, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the LOS standards will be achieved by the end of the five-year period.
- 15.4.2.2 The County shall coordinate with the School Board and adopt development conditions to ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining the adopted LOS standards via impact fees and other legally available and appropriate methods.