

CHAPTER 4

SPECIAL TOPICS

CHAPTER 4 – SPECIAL TOPICS

4.1 SCHOOL CONCURRENCY AND PLANNING {163.3191(2)(k)}

Concurrency is a basic tool of growth management in Florida. Concurrency requires that as development is approved, that public services and facilities will be available in sufficient quantity to meet the public service needs created by new growth and development (s. 163.3180, Florida Statutes).

School concurrency requires that new or expanded school capacity must be available in a timely manner, as new residential developments are being permitted. The additional capacity must be sufficient to handle the students generated by those new developments. Sufficient capacity to handle impacts on public schools must already exist or will be under actual construction within 3 years final subdivision approval to satisfy the concurrency requirement.

In 2005, the Florida Legislature passed significant reform of growth management legislation in the form of Senate Bill 360. The bill focuses on transportation, water and school concurrency and makes significant changes to the requirements for the Capital Improvements Element of the local comprehensive plan. Relative to schools, the new legislation ensures local governments and school boards will jointly plan for schools by requiring necessary educational facilities be available or under construction within three years of local government's approval of new development.

Under the new legislation:

- School concurrency must be applied so that adequate school facilities to serve the development will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval.
- School concurrency is satisfied if the developer issues a legally binding commitment to provide proportionate share mitigation following a menu of options including the contribution of land, among other options.
- The proportionate share mitigation must be directed by the school board to a capacity improvement identified in a financially feasible 5-year district work plan and must satisfy the demands created by the development.
- Local governments are required to initially apply school concurrency on a district-wide basis and, within 5 years, apply school concurrency on a school attendance zone or concurrency service area basis.
- The bill requires local governments to establish concurrency management systems for schools and allows local governments to create long-term concurrency management areas in order to meet the requirements for school concurrency.

In response to community concerns, as well as the above noted legislation, the County established the following availability standards:

- School concurrency applied to residential development.
- School concurrency applied at the time of site plan, final subdivision approval, or the functional equivalent, for a development or phase of development.
- Adequate capacity must be in place or under actual construction within three years.
- Developer can satisfy school concurrency through mitigation proportionate to the demand.

In conclusion, Orange County consistently has required the availability of school capacity as a primary consideration in the approval process for residential projects. Prior to last year's legislative changes, Orange County implemented and explored a number of innovative techniques to ensure the availability of new student stations to meet demand, collectively known as the "Martinez Doctrine". With the new statutory requirements being met, Orange County is well positioned to provide continued leadership in meeting the future demands of growth with respect to school concurrency. The following discussion breaks out the individual components of the analysis required by s. 163.3191(2)(i), FS, into four sections, and provides a brief discussion of the County's programs and efforts to address growth in the school age population.

A. Assessment of the coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s.1013.35.

Orange County has historically coordinated with the School Board to provide for the exchange of information to insure that relevant decisions made regarding residential development use the most up-to-date figures and projections. The School Board transmits its adopted educational facilities plan and five year work plan to the County for review as required. Orange County in coordination with the Orange County School Board currently has a system in place to strictly review public school capacity in connection with local Comprehensive Policy Plan amendments and rezoning decisions that result in increased residential densities. This policy was initiated in 2000 by the Chairman of the Orange County Commission to deal with a widespread capacity deficit in the County Schools: over one third of the public schools had enrollment to capacity ratios exceeding 125%, and the system was attempting to absorb increases in student enrollment associated with new residential construction of about 11,000 units per year and an average increase of about 5,500 new students per year during the period from 1995 to 2000.

The system established includes review of school capacity by the School Board and a commitment through interlocal agreements between the County and the School Board to deny land use changes and rezoning applications unless the School Board recommends approval based on a determination that there is adequate capacity or based on an executed capacity enhancement agreement approved by the School Board with the landowner/applicant.

This system is based on policies in the Orange County Comprehensive Plan including a Public School Facilities Element, although not one that completely met the requirements for implementation of the school concurrency option under the Florida Statutes. An objective in the Public School Facilities Element is that the County will "manage the timing of new development to coordinate with adequate school capacity." At the same time, policies in the Future Land Use Element of the Orange County Comprehensive Plan treat zoning classifications that limit the

development of property to more restrictive residential densities than are designated by the Comprehensive Plan as “an interim use until such time as the property is found ... to be suitable and ready for ultimate development.”

The 2002 Legislature amended Sections 163.31777 and 235.193, Florida Statutes to require each county and school district to "enter into an interlocal agreement to coordinate their respective land and education facilities planning processes." Specific topics that are to be addressed in the agreement are listed in the Statutes. The County has entered into the required interlocal agreements with the School Board and other jurisdictions as required.

Additional coordination is needed to provide for the efficient exchange of information between the various entities responsible for development approval and the provision of student stations.

B. Assessment of the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities.

Initiated by former Orange County Mayor Mel Martinez, the Orange County Commission adopted a policy to deny comprehensive plan amendments and rezonings when they created unmitigated impacts on already overcrowded schools. In *Mann vs. Board of County Commissioners of Orange County*, the property owners challenged a denial of the rezoning. The circuit court found that Orange County’s policy was consistent with its comprehensive plan and therefore the denial was permissible by law. The landowner appealed, but the Fifth District denied the petition for writ of certiorari.

Relative to other coordination mechanisms, Orange County has historically partnered with the School Board to provide for the exchange of information to insure that relevant decisions made regarding residential development use the most up-to-date figures and projections. The School Board transmits its adopted educational facilities plan and five year work plan to the County for review as required. The 2002 Legislature amended Sections 163.31777 and 235.193, Florida Statutes, to require each county and school district to "enter into an interlocal agreement to coordinate their respective land and education facilities planning processes." Specific topics that are to be addressed in the agreement are listed in the Statutes. The County has entered into the required interlocal agreements with the School Board and other jurisdictions.

For additional intergovernmental coordination, adopted Joint Planning Agreements specify the consideration of location and uses to provide for the most effective placement and design of facilities. OCPS has recently established a School Development Review Committee (SDRC) to independently review and assess all development within the school district boundaries (county wide) and to make the appropriate comments and notifications concerning student generation and capacity to the respective jurisdiction. As an additional element of coordination, the County electorate recently approved an amendment to the Orange County Charter requiring additional oversight and review and allowing the affected adjacent jurisdictions that share the school attendance zone to object to development within that zone when no mitigation is provided to account for the newly generated students.

Finally, Orange County's Development Review Committee (DRC) and OCPS staff meet to review all development applications relative to school location, school capacity and advance planning. Proposed development that would create impacts in schools that are over capacity enter into capacity enhancement agreements (CEAs) for prepayment of impact fees to fund construction of new student stations.

C. Assessment of the joint decision making processes engaged in by the County and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities.

The County has maintained a close relationship with the School Board through its membership on the Advance Planning Committee, through the Planned Development process, and the Development Review Committee's (DRC) review of development proposals. All development requests that go through DRC are reviewed by the School Board. Orange County Subdivision Regulations provide specific language addressing school siting within developments. Additional language is contained in the Orange County School Siting Ordinance.

The location of educational facilities is a priority in the development review process and is addressed in Orange County Subdivision Regulations and the School Siting Ordinance. Orange County coordinates with the School Board in order to achieve their goal of ten-year advance land acquisition. Of the 10 schools built in unincorporated Orange County since 1997, at least 9 conform to the neighborhood school concept. Orange County makes every effort to assist the School Board in locating schools as close as possible to the homes served.

Orange County works closely with the School Board and developers through the DRC and School Development Review Committee to insure adequate school capacity for new development. Orange County continues to support the School Board by using Joint Planning Agreements and the Planned Development review process to streamline innovative locations of educational facilities such as the Florida Mall Educational Resource Center.

Orange County coordinates with the School Board and its representatives on a variety of issues on an ongoing basis through staff and the Chairman's Office. The School Board is represented as an ex-officio member on DRC and provides written comments on development proposals. The School Board submits its comments to the County in the form of the School Capacity Report. Orange County, working closely with the School Board and developers through the DRC and School Development Review Committee, has generally been able to ensure that new development will have adequate school capacity.

D. Evaluate and adopt appropriate school concurrency goals, objectives, and policies in Public School Facilities Element, and revise, as needed, the existing interlocal agreement adopted under the authority of ss. 163.3177(6)(h)2. and 163.31777.

Orange County's adopted Public School Facilities Element (PSFE) includes the following goals, objectives, and policies relevant to new statutory requirements, with new policies required in some areas, both noted below:

- The procedure for an annual update process should be added to the PSFE.
- The procedure for school site selection (PSFE Policies 5.3.1 through 5.3.3)
- The procedure for school permitting should be added to the PSFE.
- Provisions for infrastructure necessary to support proposed schools, including portable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization (PSFE Policies 2.2.3 through 2.2.5, PSFE Policies 3.1.2 through 3.1.7)
- Provision for collocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools (PSFE Policies 2.1.1. through 2.1.7)
- Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points (PSFE Policies 2.2.1 and 2.2.2)
- Measures to ensure compatibility of school sites and surrounding land uses (PSFE Policies 5.3.4, 5.3.5, and 5.4.1 through 5.4.10)
- Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters should be added.
- Coordination with the future land use element (PSFE Policies 5.2.1 through 5.2.5)

Analysis shows that the Public School Facilities Element of the Orange County Comprehensive Plan mostly addresses recently adopted provisions for school concurrency. However, the following items require amendments and updates to fully implement these statutory provisions:

- The interlocal agreement should be adopted pursuant to s. 163.31777, F. S.
- The 5-year educational facilities work program should be adopted pursuant to s. 1013.35, F. S..
- The educational plant survey should be updated pursuant to s. 1031.31, F.S.
- The existing educational and ancillary plant map or map series should be updated.
- An analysis of problems and opportunities for existing schools and schools anticipated in the future should be conducted and adopted into the Element.

An analysis of the need for supporting public facilities for existing and future schools could be conducted and adopted into the Element.

4.2 COASTAL HIGH HAZARD AREA {163.3191(2)(m)}

Not applicable to Orange County.

4.3 WATER SUPPLY PLAN {163.3191(2)(l)}

Identify extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction.

The County has been successful in identifying traditional and alternative water supply projects, including conservation and reuse, necessary to meet the water needs identified in the application water management district regional water supply plans within the County's jurisdiction. Orange County has worked with the SJRWMD as it developed its "District Water Supply Plan 2005" and with the SFWMD as it developed its "Kissimmee Basin Water Supply Plan 2005." As documented in the Water Supply Facilities Work Plan, the County has identified a combination of sources to meet the future demands projected by the County and water management districts:

- Efficient use of groundwater (including interconnections and distributed withdrawals)
- Increased reclaimed water reuse and aquifer recharge
- Increased water conservation, and
- Study and development of additional alternative water supplies

The County has also committed to incorporate 10 mgd of additional alternative water supply (such as surface water) into its service areas by December 31, 2013. The County has been awarding supplemental funding from the water management districts for Orange County alternative water supply projects listed in the two regional water supply plans. The County maintains a 5-year Capital Improvement Program schedule to ensure that necessary water facilities are constructed in a timely manner to support growth.

Evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.

The County's Water Supply Facilities Work Plan, covering a 10-year planning horizon, has been drafted and is scheduled for adoption by December, 2006. The County is already in the process of implementing the fiscal year 2006 projects listed in the Work Plan to ensure concurrency of water supply source and treatment facility construction with new development in the Orange County service areas.

Required Orange County Comprehensive Policy Plan Amendment List Based on Changes to Statutes in 2002-2005 Legislative Sessions

1. Revise the **Capital Improvements Element** to include: (see s. 163.3177(3)(a)5.)
 - A financially feasible 5-year schedule of capital improvements necessary to ensure that adopted level-of-service standards are achieved and maintained (due December 1, 2007)

- An annual amendment to the comprehensive plan thereafter to update the schedule each year or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule
2. Revise the **Potable Water Element** to include: (see s. 163.3177(6)(c))
 - Alternative water supply project(s) selected by Orange County from DWSP 2005 and KBWSP 2005, or otherwise proposed by Orange County (due 18 months after KBWSP= estimated due date of December 2007; may instead want to adopt along with the 10-year work plan by December 1, 2006)
 - Alternative and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in DWSP 2005 and KBWSP 2005 within Orange County's jurisdiction (due 18 months after KBWSP=estimated due date of December 2007; may instead want to adopt along with the 10-year work plan by December 1, 2006)
 - A 10-year water supply work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, to serve existing and new development (due December 1, 2006—because of Wekiva Parkway Protection Act)
 3. Revise the **Wastewater Element** and **Aquifer Recharge Element** as necessary to incorporate the same issues as in the Potable Water Element changes above. (see s. 163.3177(6)(c)) (due concurrent with Potable Water Element changes)
 4. Revise the **Conservation Element** to assess projected water needs and sources for at least a 10-year planning period considering the DWSP 2005 and KBWSP 2005. (see s. 163.3177(6)(d)) (due concurrent with Potable Water Element changes?)
 5. Revise the **Intergovernmental Coordination Element** to ensure coordination of the comprehensive plan with the DWSP 2005 and KBWSP 2005. (see s. 163.3177(6)(h)1.) (due concurrent with Potable Water Element changes?)
 6. In preparation of the current **Evaluation and Appraisal Report (EAR)**, include: (see s. 163.3191(2)(l)) (due July 1, 2006)
 - The extent to which Orange County has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in the DWSP 2005 and KBWSP 2005 within Orange County's jurisdiction
 - The degree to which Orange County has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the [Potable Water] element as necessary to serve existing and new development

4.4 FINANCIAL FEASIBILITY {163.3191(2)(c)}

Evaluate the financial feasibility of implementing the CPP and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

- A. The County will evaluate the issue of the adverse impacts concurrency may have on infill development and assess potential concurrency exceptions and alternatives to current methodologies to improve the timing, sequencing, and location of infrastructure.
- B. The County will assess current funding programs and sources, particularly related to transportation, and develop potential alternative funding sources to maximize the provision of needed infrastructure.
- C. The County will include an analysis of the current levels of service standards used in our concurrency management system.

Financial Feasibility of Providing Infrastructure

The Capital Improvements Budget and Program provides the means through which Orange County Government takes a planned and programmed approach to using its financial resources in the most responsive and efficient manner to meet its service and facility needs. The capital budgeting process is developed to achieve the following results:

- Consolidating and coordinating all the various department requests with the goal of reducing unnecessary delays, and coordinating the individual improvement programs of the departments;
- Establishing a system of procedures and priorities by which each proposal can be evaluated in terms of the public need, the comprehensive planning of the area, the interrelationship of projects, and cost requirements;
- Scheduling the proposals over an extended period whereby the Capital Improvements Program can be achieved;
- Anticipating needed projects and relating them to existing and projected fiscal capacity; and,
- Successfully implement level of service standards for public facilities as outlined in Florida Statutes Chapter 163, part of which states:

Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by F.S. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than one year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to F.S. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of

services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

- Establishing the proper interface as required by Orange County's Comprehensive Policy Plan, adopted in July 1991, which states in part:

Capital Improvements Element Policy 1.1.1.

"Orange County shall continue to prepare an annual Capital Improvements Program (CIP) for County departments, and those authorities and special districts which depend on funds allocated by the Board of County Commissioners to guide the timing and location of capital expenditures."

Capital Improvements Element Policy 1.1.3

"The Capital Improvements Program shall be consistent with and act as a means of implementing the County's Comprehensive Plan."

Capital Improvements Element Policy 1.1.5.

"All County capital improvements shall be made in accordance with the adopted Capital Improvements Program, including amendments, and as outlined in the Comprehensive Plan."

Capital projects are budgeted on an "all years" basis, a technique frequently used to account for funds that may carry over from one fiscal year to the next for a defined purpose such as funding a specific capital project or a grant. Once funds are committed to a capital project, those funds remain with that project until either all funds are expended or until a budget change is approved by the BCC reducing the total approved project cost. These amendments are shown in the financial schedules as a negative, reduction to total project cost within a specific year.

The CIP provides for the acquisition, construction, reconstruction, initial fixtures and equipment, renovation, rehabilitation, or replacement of facilities with a life expectancy of at least ten years and any related cost for land acquisition, land improvements, design, feasibility, studies, engineering studies and engineering. It may include projects which are or will become the property of Orange County, as well as projects that although not owned by the County, will be part of a joint project agreement with other governmental entities.

The CIP for FY06-FY10 totals \$1.1 billion. The FY06-FY10 CIP continues to use short-term financing as a tool to provide necessary cash flow to keep projects on schedule and minimize debt service costs. Upon completion of the projects the short-term financing instruments are converted to long-term debt as market conditions become favorable.

The County has adopted level of service standards for County-supplied water and water reclamation services, solid waste, parks, and major roadways. Additionally, the County has adopted level of service standards for stormwater management and mass transit – services that are provided by Lynx. The County adopts a 5-year Capital Improvement Program (CIP) every fiscal year as part of the annual budget process.

Development of the CIP requires analysis of needed capital projects with projected revenues to determine if sufficient funds will be available to pay for needed improvements in the year(s) that projects are scheduled. Only those projects that are funded or projected to be funded in a future year are included in the CIP. During this evaluation of the comprehensive plan, the County analyzed the long-term needs for providing the various public infrastructure in order to maintain the adopted level of service. A brief summary of each Capital Program follows. The following elements of the CIP are included in more detail in the Appendix.

Potable Water

The water program includes 18 water projects. The Water Capital Program has total funding of \$154.1 million. The program is funded with a combination of enterprise funds and external financing. See attached five year CIP plan for a list of projects and their funding.

Water Reclamation

The Water Reclamation Program includes 23 wastewater projects. The Wastewater Capital Program has total funding of \$238.8 million. The program is funded with a combination of enterprise funds and external financing. See attached five year CIP plan for a list of projects and their funding.

Solid Waste

The solid waste program includes 14 projects. The Solid Waste Capital Program has total funding of \$50.6 million. The program is funded with a combination of enterprise funds, and external financing. See attached five year CIP plan for a list of projects and their funding.

Parks

The parks program includes 32 projects. The Parks Capital Program has total funding of \$35.3 million. The program is funded with a combination of ad valorem taxes, and starting in FY 2006 impact fees. See attached five year CIP plan for a list of projects and their funding.

Major Roadways

The major roadways program includes 146 projects. The Roadways Capital Program has total funding of \$219.9 million. The program is funded with a combination of gas taxes, and impact fees. See attached five year CIP plan for a list of projects and their funding.

Stormwater

The stormwater program includes 7 projects. The Stormwater Capital Program has total funding of \$33.0 million. The program is funded with ad valorem taxes. See attached five year CIP plan for a list of projects and their funding.

Mass Transit

Lynx operates the mass transit bus service that serves Orange, Osceola and Seminole Counties. The County does not schedule projects in its CIP for this service. Approved funding for fiscal year 2005-2006 amounts to \$27.3 million.

4.5 CONSISTENCY WITH STATE AND REGIONAL PLANS {163.3191(2)(F)}

The EAR process requires that the County address relevant changes to the state comprehensive plan, the requirements of Ch. 163, Florida Statutes, the minimum criteria contained in Rule 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

State Comprehensive Plan. The State Comprehensive Plan was amended in 1999 by Chapter 99-378 to include policies related to urban policy in the State Comprehensive Plan.

Goal 17 identified as Downtown Revitalization was amended and entitled Urban and Downtown Revitalization. The goal was modified to state that “In recognition of the importance of Florida’s vital urban centers and of the need to develop and redevelop downtowns to the state’s ability to use...”

The following policies 4 through 12 were added:

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding education facilities in urban areas, including planning functions, the development of joint facilities and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional and state transportation planning.

10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage the private sector development.

11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.

12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

Chapter 2002-387 repealed the education goals and policies 187.201(1) of the State Comprehensive Plan and also amended policies in 2002. Although the Comprehensive Plan was not revised to address these provisions, they are already addressed through existing adopted provisions, which emphasize urban infill and redevelopment and the promotion of mass transit for urban centers, to the extent possible, based on density of the population. The Orange County Comprehensive Policy Plan is consistent with State Comprehensive Plan in Chapter 187.F.S. The EAR based amendments may include some refinements to the Goals, Objectives, and Policies that further its consistency with these added state Comprehensive Plan policies.

Strategic Regional Policy Plan. There have been no changes to the Strategic Regional Policy Plan since the County adopted its last EAR in 1998.

Statutory and Rule Changes. Comprehensive plans should address all current statutory and rule requirements. The EAR presents an opportunity to compare the content of the comprehensive plan with current requirements to ensure that the plan is up to date. To assist in this comparison, the DCA has prepared a summary of changes to Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C., below.

The following two tables present the statutory and rule changes in a summary format. The table for Chapter 163, Part II, F.S., includes changes adopted in 2005. The table for Rule 9J-5, F.A.C., reflects changes through 2001 (there have been no rule changes since that time). The entire tables are not included in the report, just the portions from 1998 onward that are relevant to the County.

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, <u>Laws of Florida</u>]				
Exempted brownfield area amendments from the twice-a-year limitation .	163.3187(1)(g)		Procedural. No need for action by County.	
Required that the capital improvements element set forth standards for the management of debt .	163.3177(3)(a)4.		CIE Obj.1.2 and policies	
Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)		CIE Policy 1.7.4	
Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural. No need for action by County.	
Defined “optional sector plan” and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245		The County has not used this provision.	
Established the requirements for a public school facilities element .	163.3177(12)		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002.	
Established the minimum requirements for imposing school concurrency .	163.3180(12) [Now: Section (13)]		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002.	
Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section 14)]		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002.	
Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district’s 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]		The EAR is addressing coordination with the school district’s work program.	
Amended the definition of “in compliance” to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)	X		
Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify; limited DCA’s review of proposed plan amendments to written comments, and required DCA to identify and list all written communications	163.3184(2), (4), and (6)	X		

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
received within 30 days after transmittal of a proposed plan amendment.				
Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)	X		
Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports .	163.3191		New EAR requirements are being addressed in this document.	
Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)		Procedural. No need for action by County.	
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, <u>Laws of Florida</u>]				
Required that ports and local governments in the coastal area, which has spoil disposal responsibilities , identify dredge disposal sites in the comp plan.	163.3178(7)	X		
Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	X		
Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	X		
Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment .	163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526		The County has adopted objectives and policies regarding infill and redevelopment.	
Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002.	
Made transportation facilities subject to concurrency.	163.3180(1)(a)		The County's Transportation Element is in compliance.	
Required use of professionally accepted techniques for measuring	163.3180(1)(b)		County requires use of proper	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
level of service for cars, trucks, transit, bikes and pedestrians.			professional standards.	
Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		The County does not have transit concurrency requirements.	
Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Addressed on a case-by-case basis.	
Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		No such areas yet designated. International Drive Activity Center has a multi-modal plan.	
Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation .	163.31879(1)(h) and (i) [Now: (i) and (j)]		No such areas yet designated.	
Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for “brownfield” definition.]	163.3220(2)		Procedural. The County has worked with developers on brownfield development.	
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]				
Repealed Section 163.3184(11)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) [Now: Repealed]	X		
Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) [Now: Repealed]	X		
Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15) [Now: Repealed]	X		
Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	X		
Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development	163.2517(3)(j)2.	X		

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
within urban infill and redevelopment areas .				
2001: [Ch. 2001-279, s. 64, <u>Laws of Florida</u>]				
Created the rural land stewardship area program.	163.3177(11)(d)	X		
2002: [Ch. 2002-296, ss. 1 – 11, <u>Laws of Florida</u>]				
Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board .	163.3174		Procedural. No need for action by County.	
Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		The County coordinated with both water management districts in development of their regional plans. The SJRWMD plan was adopted in February 2006, and the SFWMD plan is anticipated by July 2006.	
Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural. No need for action by County.	
Required that by adoption of the EAR , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)		Water Supply Workplan in draft. Due to be adopted by December 2006.	Water Supply Workplan amendment scheduled for 2006.
Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)		Water Supply Workplan in draft. Due to be adopted by December 2006.	Water Supply Workplan amendment scheduled for 2006.
Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)		Water Supply Workplan in draft. Due to be adopted by December 2006.	Water Supply Workplan amendment scheduled for 2006.
Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4.		An agreement between the School District and the County has been adopted.	
Required that counties larger than 100,000 population and their municipalities submit a inter-local service delivery agreements	163.3177(6)(h)6., 7., & 8.		Interlocal Agreement report completed.	Amendment based on the findings of the

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
(existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.				Interlocal Service Deliver Agreements Report is needed. Existing language already addresses most policy issues.
Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9.		Comments provided. No further action necessary.	
Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776		The County has adopted such an element.	
Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		An agreement between the School District and the County has been adopted.	
Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	X		
Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		Procedural. No need for specific action by County.	
Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural. No need for specific action by County.	
Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural. No need for specific action by County.	
Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)		The County always has a sign-in form available at all public meetings.	
Exempted amendments related to providing transportation improvements to enhance life safety on “controlled access major arterial highways” from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)		Procedural. No need for specific action by County.	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
Required EARs to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)	2) X	Water Supply Workplan in draft. Due to be adopted by December 2006.	Water Supply Workplan amendment scheduled for 2006.
Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		The County has not used this provision.	
Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246		The County has not yet applied for the program, but is evaluating the criteria for certification.	
Added a provision to Section 380.06(24), Statutory Exemptions , that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a “boating facility siting plan or policy” (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)	X		
Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)		Procedural. No need for specific action by County.	
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, <u>Laws of Florida.</u>]				
Creates the Agricultural Lands and Practices Act . (2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation. (3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act. (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide	163.3162	x X X	Procedural. No need for specific action. Procedural. No need for specific action.	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>farm operation on land that is classified as agricultural land.</p> <p>(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.</p> <p>(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.</p> <p>(4)(c): Provides that the act does not limit the powers of certain counties.</p> <p>(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.</p>		X	<p>Procedural. No need for specific action.</p> <p>Procedural. No need for specific action.</p> <p>Procedural. No need for specific action.</p>	
Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	X		
Provides for certain airports to abandon DRI orders.	163.3177(6)(k)	X		
Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)	X		
Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)	X		
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, <u>Laws of Florida.</u>]				
<p>(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.</p> <p>(13): Created to require local governments to identify adequate water supply sources to meet future demand.</p> <p>(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.</p>	163.3167	X	<p>(13) Water Supply Workplan in final draft. Due to be adopted by December 2006.</p>	Water Supply Workplan amendment scheduled for 2006.
(1): Provides legislative findings on the compatibility of development	Creates 163.3175.			

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>				
<p>(6)(a):</p> <ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to specifically encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</p> <p>(10)(l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.</p>	163.3177	X	x	<p>Revisions needed to the Future Land Use Element</p> <p>Water Supply Workplan amendment scheduled for 2006.</p>

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.</p> <p>(11)(d)2.: Provides for multicounty rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>		
<p>(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which</p>	Creates 163.31771		<p>Procedural. No need for specific action.</p> <p>Procedural. No need for specific action.</p> <p>No action to date.</p> <p>Procedural. No need for</p>	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>		<p>X</p> <p>X</p>	specific action.	
<p>Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.</p>	163.3184(1)(b)		Procedural. No need for specific action by County.	
<p>(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.</p> <p>(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187		<p>Procedural. No need for specific action.</p> <p>Procedural. No need for specific action.</p>	
<p>Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.</p>	163.3191(2)(n)		Addressed in section 4.6 of the EAR.	
2005 [Ch. 2005-290 and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u>]				
<p>Added the definition of "financial feasibility."</p>	Creates ss. 163.3164(32)		Procedural. No need for specific action.	
<p>(2): Required comprehensive plans to be "financially" rather than "economically" feasible.</p> <p>(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a</p>	163.3177		<p>No need for specific action.</p> <p>(According to statute, Capital Improvements Element amendment not due until December 1, 2007)</p>	CIE will need to be updated.

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>development agreement or interlocal agreement.</p> <p>(3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.</p> <p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.</p> <p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects selected by the local government to meet its water supply needs.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.</p> <p>(11)(d)6.j.: Revised to allow open space and agricultural land to be</p>		<p>N/A</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>Procedural. No need for specific action.</p> <p>Procedural. No need for specific action.</p> <p>(6)(c) Water Supply Workplan in draft. Due to be adopted by December 2006</p>	<p>Water Supply Workplan amendment scheduled for 2006. Due Jan 2008.</p>

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p>		<p>N/A</p> <p>5) X</p> <p>7) X</p>		
<p>(1)(a): Added “schools” as a required concurrency item.</p> <p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure “adequate water supplies” to serve new development is available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to</p>	163.3180	X	<p>This has not been addressed to date.</p> <p>Addressed in development review.</p> <p>Not yet addressed.</p> <p>Concurrency exceptions are addressed in the Land Development Code.</p> <p>The County has not chosen to implement this provision.</p>	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p> <p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p> <p>(7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p> <p>(9)(a): Allowed adoption of a long-term concurrency management system for schools.</p> <p>(9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.</p> <p>(9)(d): (New section) Required evaluation in EAR of progress in improving levels of service.</p> <p>(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.</p>		<p>N/A</p> <p>X</p> <p>X</p>	<p>This has not been addressed to date.</p> <p>The County has not chosen to implement this provision.</p> <p>?????</p>	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>(13): Required school concurrency (not optional).</p> <p>(13)(c)1.: Requires school concurrency after five years to be applied on a “less than districtwide basis” (i.e., by using school attendance zones, etc).</p> <p>(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must be shifted to contiguous service areas with school capacity.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p>			<p>This has not been addressed to date.</p> <p>This has not been addressed to date.</p> <p>This has not been addressed to date.</p> <p>Procedural, no County action required.</p> <p>This has not been addressed to date.</p> <p>This is similar to the existing County process of requiring a School Capacity Enhancement Agreement for residential development.</p> <p>This has not been addressed to date.</p> <p>This has not been addressed to date.</p>	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>		X		
<p>(1)(c)1. f: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187	X X	This has not been addressed to date.	
<p>(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the EAR whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The EAR must determine whether the local government has met its various water supply requirements, including development of alternative water supply projects.</p> <p>(2)(o): (New 2005 provision) The EAR must evaluate whether its Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The EAR must assess methodology for</p>	163.3191	X	(2)(l) Refer to Section 4.3 of EAR and the draft Water Supply Facilities Work Plan.	

Changes to Chapter 163, F.S. 1986-2005	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>impacts on transportation facilities.</p> <p>(10): The EAR-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>		X	Procedural.	

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
October 20, 1998				
Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002.	
March 21, 1999				
Defined public transit and stormwater management facilities	9J-5.003		Procedural. No need for action by County.	
Revised the definitions of affordable housing , coastal planning area , port facility , and wetlands .	9J-5.003		Procedural. No need for action by County.	
Repeal the definitions of adjusted for family size , adjusted gross income , development , high recharge area or prime recharge area , mass transit , paratransit , public facilities , very low-income family .	9J-5.003		Procedural. No need for action by County.	
Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural. No need for action by County.	
Repealed transmittal requirements for proposed evaluation and appraisal reports , submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)		Procedural. No need for action by County.	
Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural. No need for action by County.	

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)		The County has not yet adopted such areas, but is evaluating them. If adopted, they will be mapped properly.	Transportation and Future Land Use Elements will be revised, as appropriate.
Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)		CPP was amended 12/00, Ord.#00-25, to address the requirements.	
Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)		Procedural. No need for action by County.	
Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements .	9J-5.019(1)		The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	
Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
<ul style="list-style-type: none"> Coordination the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(b).
<ul style="list-style-type: none"> Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(b).
<ul style="list-style-type: none"> Coordination ports, airports, and related facilities plans with plans of other transportation providers; and 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(b).

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
<ul style="list-style-type: none"> Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(b).
Required policies of the Transportation Element to:	9J-5.019(4)(c)			
<ul style="list-style-type: none"> Provide for safe and convenient on-site traffic flow; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Establish measures for the acquisition and preservation of public transit rights-of-way and corridors; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Promote ports, airports and related facilities development and expansion; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Mitigate adverse structural and non-structural impacts from ports, airports and related facilities; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Protect and conserve natural resources within ports, airports and related facilities; 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).
<ul style="list-style-type: none"> Protect ports, airports and related facilities from encroachment of incompatible land uses. 			The County adopted its current Transportation Element in December 2000. The Element was last modified 10/21/03	No changes needed. The Element is in compliance with 9J-5.019(4)(c).

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
Added standards for the review of land development regulations by the Department.	9J-5.022		Procedural. No need for specific action by County.	
Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural. No need for specific action by County.	
February 25, 2001				
Defined general lanes	9J-5.003		Procedural. No need for specific action by County.	
Revised the definition of “ marine wetlands. ”	9J-5.003		Procedural. No need for specific action by County.	
Repeal the definition of “ public facilities and services. ”	9J-5.003		Procedural. No need for specific action by County.	
Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		The requirements are addressed in this document.	
Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053		Procedural. No need for specific action by County.	
Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)		County has an adopted Public Schools Facilities Element which was last amended June-18, 2002. The County uses the “Martinez Doctrine” to ensure adequate school capacity.	The Public Schools Facilities element will be revised to address school concurrency as part of the EAR-based amendments.
Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)		No such areas yet designated. International Drive Activity Center has a multi-modal plan.	
Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		The County adopted its current Transportation Element in December 2000. Policy 1.1.1 adopts a level of service for the FIHS.	
Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)		The County does not have transit concurrency requirements.	
Authorized local comprehensive plans to permit multi-use	9J-5.0055(9)		Addressed on a case-by-case basis.	

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution .				
Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)		No such areas yet designated although the International Drive Activity Center does have a multi-modal plan.	
Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)		No such areas yet designated although the International Drive Activity Center does have a multi-modal plan.	
Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		The Element has not been updated to meet the requirements. Substandard housing data in the Element date from the 1980 Census.	The Element needs to be amended to include the appropriate data and analysis.
Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)		The Element has not been updated to meet the requirements. Affordability assessment uses pre-1990 data and does not reflect current or recent conditions.	The Element needs to be amended to include the appropriate data and analysis.
Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency .	9J-5.015(3)(b)		No such objectives have been adopted in the Intergovernmental Coordination Element. The Element was last revised in December 2000.	The Element needs to be amended to include the appropriate data, analysis, and objectives.
Required the Intergovernmental Coordination Element to include: <ul style="list-style-type: none">• Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;	9J-5.015(3)(c)		Objective 1.1 and its supporting policies address joint planning and interlocal agreements.	

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
<ul style="list-style-type: none"> Recognize campus master plan and provide procedures for coordination of the campus master development agreement; 			Policy 1.9.8 addresses the UCF Campus Master Plan.	
<ul style="list-style-type: none"> Establish joint processes for collaborative planning and decision-making with other units of local government; 			Objective 1.1 and its supporting policies address joint planning and interlocal agreements.	
<ul style="list-style-type: none"> Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; 			Objective 5.4 of the Public Schools Facilities Element addresses the issue.	The ICE could be amended to reflect the objectives and policies in the Public Schools Facilities Element.
<ul style="list-style-type: none"> Establish joint processes for the siting of facilities with county-wide significance; and 			Objective 5.4 of the Public Schools Facilities Element addresses the issue with respect to schools.	The ICE could be amended to reflect the objectives and policies in the Public Schools Facilities Element.
<ul style="list-style-type: none"> Adoption of an interlocal agreement for school concurrency. 			The County currently applies the “Martinez Doctrine” to ensure adequate school capacity. Formal concurrency based upon an adopted level of service has not been established yet but should be prior to the 2008 deadline.	The ICE and the Public Schools Facilities Element will be amended with appropriate objectives and policies.
<p>Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts, if locally established.</p>	9J-5.016(4)(a)		The Element has not been updated to meet the requirements. The County has not adopted a level of service for school facilities nor does the CPP contain any implementation measures for schools. The Orange County Public Schools System is responsible for such matters. The County has not adopted any formal multi—modal transportation districts at this time.	The Capital Improvements Element needs to be amended to include the appropriate data, analysis, and policies addressing public school facilities. Multi-modal districts will be added to the CIE if adopted.

Changes to Rule 9J-5, F.A.C. 1998-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)		The County has not adopted any formal multi—modal transportation districts at this time.	
Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)		The County has not adopted any formal multi—modal transportation districts at this time.	
Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		Transportation Element Policy 1.1.1 adopts a level of service for the FIHS.	

4.6 COMPATIBILITY BETWEEN LAND USE PLANS AND MILITARY BASES {163.3191(2)(n)}

Currently, there are 11 active military bases in Florida, none of which are located in Orange County, although there is the Shades of Green Resort, an Armed Forces Recreation Center (AFRC) located in Central Florida by Walt Disney World. The newly expanded Shades of Green is the only AFRC located in the continental U.S.

Orange County no longer contains any active military bases. Several research facilities exist in industrial areas, mainly in the University of Central Florida Research Park. As these facilities are typical of industrial uses and are located in industrial areas, the County's existing rules and regulations regarding industrial and commercial development have ensured and should continue to ensure compatibility between these military facilities and adjacent land uses. No additional land use regulations are needed.

One of the hallmarks of the Central Florida defense community is the unique partnerships that have been developed between and among industry, academia, defense, and other government activities. The geographic center of these activities is the campus-like Central Florida Research Park (Orange County Research and Development Authority), one of the nation's leading research parks, which is adjacent to the main campus of the University of Central Florida, the major Orlando military commands, and strong industry presence. Partnership activities have included the development of joint and university-military shared facilities, joint projects, and day-to-day sharing of personnel assets and facilities.

The National Center for Simulation (NCS) was formed in 1993 as a link between the defense industry, government, and academia on behalf of the entire modeling, simulation, and training community. NCS has been one of the catalysts for the development of the partnerships between government, industry, and academia engaged in modeling, simulation, and training activities. NCS facilitates networking and information exchange among these groups and serves as a representative of and spokesperson for the simulation industry. NCS is headquartered in Orlando, Florida – home of the Simulation Center of Excellence and more than 150+ modeling, simulation and training companies and the University of Central Florida (including the UCF Institute for Simulation and Training and the UCF Center for Advanced Transportation Systems Simulation). Additionally, there are 15 defense organizations (joint, all four services, Coast Guard, National Guard and allies) and a significant number of commercial firms.

NCS serves to promote technology transfer and technology insertion as bridges between national defense and commercial/civil applications such as law enforcement and homeland security. Technologies and projects in this Central Florida community include cognitive task analysis and modeling, human factors and educational psychology, synthetic agent development, virtual environment applications, distance learning, and related software engineering. They also support cognitive analysis methods to identify mission-essential competencies (MECs), training requirements, and performance support requirements. Furthermore, the community develops training and performance support solutions to enhance readiness and performance effectiveness based on those requirements and competencies.

Briefly, the major components of local military activities include the Air Force Agency for Modeling and Simulation (AFAMS), the Air Force Modeling and Simulation Resource Repository (AFMSRR), Air Force M&S Training Toolkit (AFMSTT), a set of computer simulation models and interfaces used to facilitate the training of senior commanders and their battle staffs in the execution of joint and combined operations; the U.S. Army's Program Executive Office for Simulation, Training and Instrumentation (PEO STRI); Naval Air Systems Command, Orlando, Training Systems Division (NAVAIR Orlando TSD); Small Business Innovation Research (SBIR) Program; the Technology Transfer Office; Marine Corps Systems Command (MCSC) Program Manager for Training Systems (PM TRASYS) Mission; MCSC Organization PM Training Systems Organization PM Training Systems

All of the above described DoD facilities and programs are affiliated with the University of Central Florida Institute for Simulation and Training (IST) which is an internationally recognized research institute that focuses on advancing modeling and simulation technology and increasing the DoD's understanding of simulation's role in training and education. The IST was founded in 1982 as a research unit of the University of Central Florida and reporting directly to the Vice President for Research. It provides a range of research and information services for the modeling, simulation and training community.

The IST employs 80 full-time researchers and support personnel, 30 part-time faculty researchers and numerous graduate and undergraduate students who work side by side with research faculty on real-world projects. IST's laboratories, workspace and administrative offices occupy more than 70,000 sq. ft. at its two Central Florida Research Park locations. A large portion of the institute's facilities is configured as laboratories and workspace for simulation research. Laboratory space is flexible and can be reconfigured as projects and programs expand or contract. Current laboratories support research in computer generated forces, virtual reality, computer graphics, entertainment, public safety, advanced distributed learning, computer-controlled robotics, human factors and behavioral science. 25,000 sq. ft. is principally dedicated to the Army's STRICOM and Army Research Institute. IST and UCF research faculty, students, and program managers share this significant laboratory space with the Army and conduct joint research projects. Additional laboratories are scheduled to be made available to IST through a joint state of Florida and Federal program. [Source: *DEFENSE INDUSTRY ECONOMIC IMPACT ANALYSIS: VOLUME THREE FLORIDA MILITARY INSTALLATIONS*, Haas Center for Business Research and Economic Development, The University of West Florida, Pensacola, Florida, December 2003]

In addition to the above research facilities, Orange County is home to several Army Reserve Centers and several Naval Caretaker Service Offices (CSOs) which are offices associated with military base closures and property disposition.

In light of the fact that existing military facilities in Orange County are research facilities and office uses, the County has not adopted any additional regulations pursuant to s. 163.3177(6)(a), Florida Statutes. The County's existing Future Land Use Element and land Development Code have been successful in achieving compatibility with these military installations.

4.7 SPECIAL TRANSPORTATION MANAGEMENT AREAS {163.3191(2)(o)}

Assess the extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

At the present time, Orange County does not have any concurrency exception areas, concurrency management areas, or multimodal transportation district designations. However, as part of the CPP update, Orange County intends to investigate these special transportation management areas for potential implementation. The types of special transportation management areas to be investigated and the areas that will be analyzed are briefly described below.

Transportation Concurrency Exception Areas

According to the Department of Community Affairs (DCA) and Florida Statutes, the purpose of this flexible transportation concurrency option approach is to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment and the achievement of other goals and policies of the state comprehensive plan, such as promoting the development of public transportation. Under limited circumstances, State Statutes allows exceptions to the transportation concurrency requirement in specifically defined urban areas of a jurisdiction. The exceptions provide flexibility for concurrency management in order to encourage the application of a wide range of planning strategies that correspond with local circumstances of a specific geographic area. The exceptions apply to all land uses and development and types of facilities within expressly excepted areas. Local governments must specifically consider the impacts of the exception areas on the Florida Intrastate Highway System.

In order to exercise the option of establishing a transportation concurrency exception area, a local government must designate in its comprehensive plan a specific geographic area, or areas, of transportation concurrency exception. A proposed development located in a designated exception area shall not be subject to the requirements of subparagraphs 9J-5.0055(3)(c)1.-4., F.A.C. The designation of a transportation concurrency exception area may include a specific geographic area, or areas, delineated in the local government comprehensive plan for urban infill development pursuant to Section 163.3164(27), F.S; or for urban redevelopment pursuant to Section 163.3164(26), F.S. If a designation is pursued, the CPP must contain objectives and policies which specify actions and programs to promote urban infill development or for urban redevelopment.

An area delineated for urban infill development must meet the requirements listed in the Florida Statutes. It should be noted that a designated urban redevelopment area may include a Community Redevelopment Area established pursuant to the Community Redevelopment Act of 1969 when these areas exist within an urban infill area or an Existing Urban Service Area as designated in the local comprehensive plan. Finally, a transportation concurrency exemption area can be established for a downtown revitalization within the designated central business district

pursuant to Section 163.3164(25), F.S., which is not applicable to unincorporated Orange County.

In the coming update of the Orange County CPP, the County will be investigating urban development and redevelopment of small parcels within the Urban Service Area, in part, in accordance with Future Land Use Objective 3.3. This objective states, "Orange County shall promote urban development of relatively small vacant parcels within the Urban Service Area through incentives identified in the Land Development Code." The policies to achieve this objective require an infill master plan to identify the small vacant parcels suitable for infill development, including appropriate land use and intensities, provision of services, and identification of incentives such as density bonuses to encourage infill and redevelopment. As part of the policies, the County was to establish Overlay Districts to facilitate development of the identified parcels. Finally, the County Land Development Code is to provide for and establish incentives to promote increased residential design of infill parcels through innovative subdivision design, and flexible level of service guidelines. As part of the CPP update, the application of transportation concurrency exemption areas will be investigated for these parcels, as well as parcels immediately adjacent to municipalities, which are or may be subject to future annexations. Implementation of this objective and policies may also assist in the provision of affordable housing, thus close coordination with the Housing Element will be required during the CPP investigation.

To implement the transportation concurrency exceptions, Orange County will be required to adopt guidelines and/or policies, which specify programs to address transportation needs of such areas. The guidelines may incorporate a wide range of strategies including timing and staging plans, parking control and pricing policies, transportation demand management programs, transportation system management programs availability of public transportation, and utilization of creative financing tools for the provision of transportation services and facilities. The guidelines and/or policies and programs implementing a transportation concurrency exception area must be supported by data and analysis, including short and long-range traffic analysis.

Long Term Transportation Concurrency Management Systems.

To correct existing deficiencies in transportation facilities and to set priorities for reducing the backlog on transportation facilities, local governments are authorized by Florida Statutes and under the review of DCA to adopt, as a part of the comprehensive plan, a long-term transportation concurrency management system with a planning period of up to 10 years. This system must meet the several requirements. First, local government must designate in the comprehensive plan specific areas where significant backlogs presently exist. These areas must be delineated on an adopted comprehensive plan map and must be consistent with other elements of the comprehensive plan including the future land use map. Second, the long-term concurrency management system must be a financially feasible system to ensure that existing deficiencies are corrected within the 10-year period and establish priorities for addressing backlogged facilities. This may be accomplished by adopting a long-term schedule of capital improvements for transportation facilities for up to 10 years for the special concurrency districts or areas. The long-term schedule of capital improvements must include the transportation facilities required to correct existing deficiencies as well as to accommodate new development,

and shall provide a realistic, financially feasible funding system based on currently available revenue sources which must be adequate to fund the scheduled improvements. The schedule must also include the estimated date of commencement of actual construction and the estimated date of project completion. This schedule may be relied on as a basis for issuing development permits which meet concurrency requirements.

In addition, there must be a policy in the comprehensive plan that a plan amendment shall be required to eliminate, defer, or delay construction of any road or public transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the long-term schedule of capital improvements, if established. Orange County may adopt policies in its comprehensive plan to establish interim level of service standards on certain facilities in long-term concurrency areas for the purpose of the issuance of development orders and permits in these districts. Orange County may establish a schedule for achieving specified improvements in the interim level of service standards for intervals of time in the future. The plan should set forth specific actions and programs including a monitoring program for achieving the scheduled improvements in the interim levels of service. This monitoring program should require that in the event that the identified actions and programs are not attained as scheduled, the local government comprehensive plan should be amended to specify the default level of service standards that will be used and be binding for the purpose of the issuance of development orders and permits.

Finally, it should be noted that the Statue allows local governments with a severe backlog of transportation facilities to request the DCA's approval for a planning period of up to 15 years for establishing a long-term transportation concurrency management system, which meets the requirements of subsection 9J-5.0055(4), F.A.C

As part of the CPP update, Orange County intends to investigate the application of a long-term transportation concurrency management system for the land and transportation network in the Horizon's West area, in unincorporated southwest Orange County. The Horizon's West project is well documented in the existing Orange County CPP, especially in the Future Land Use Element Goals, Objectives and Policies. The transportation network planned and programmed for is extensive. The major roadway facility serving the area is the new Daniel Webster Western Beltway (SR 429). There are two interchanges serving the area, one within Horizon West Town Center at Seidel Road and at the other at McKinney Road. There also are plans for a third interchange at Schofield Road. The Schofield Road interchange, which will extend into Lake County as Shell Pond Road, will be completed either within two years of the approval of the Town Center SAP or between 2008 and 2012. Currently, SR 429 is open from its current terminus at C.R. 535 (Winter Garden-Vineland Road) to Seidel Road in 2005 and will be open to Interstate 4 during FY 2006-2007, as determined by the Orlando-Orange County Expressway Authority.

METROPLAN Orlando's Orlando Urban Area Transportation Improvement Program has identified several programmed road improvements for the Horizon West study area for the near term. This study area is defined in the Lakeside Village SAP and the Village of Bridgewater SAP as SR 50 to the north, US 27 to in Lake County to the west, US 192 to the south, and CR 435 (Apopka Vineland Rd.) to the east. The list of improvements scheduled to be undertaken are as follows:

Table 16: State Highway Improvements Planned or Programmed Within Horizon West

Roadway	From	To	Agency	Improvement	Years Programmed
S.R. 429	US 192	1.14 miles N. of US 192	Turnpike	New 4 lane Expressway	2004-2006
S.R. 429	1.14 miles N. of US 192	Seidel Rd.	Turnpike	New 4 lane Expressway	2005-2006
S.R. 50	E. Ramp of Florida's Turnpike	Avalon Rd	State	Widen to 6 lanes	2008-2010
S.R. 50	Florida's Turnpike	Pine Hills Rd.	State	Traffic operations improvement	2004-2007
S.R. 50	Lake/Orange County Line	W. of Florida's Turnpike	State	Resurfacing	2005-2006
Florida's Turnpike	Interchange @ S.R. 408		Turnpike	Major interchange modification	2004-2006
Florida's Turnpike	Interchange @ S.R. 408		Turnpike	Replace thermoplastic	2006-2007
Florida's Turnpike	S.R. 429/ Western Expressway	S.R. 50	Turnpike	Widen to 8 lanes	2005-2008
Florida's Turnpike	I-4	S.R. 429/ Western Expressway	Turnpike	Widen to 8 lanes	2004-2007
S.R. 429	Seidel Rd.	S.R. 50	OOCEA	ROW acquisition	2004-2006
S.R. 429	Seidel Rd	McKinney Rd	OOCEA	New 4-lane Expressway	2004-2006
S.R. 429	McKinney Rd	C.R. 535	OOCEA	New 4-lane Expressway	2004-2006

Prepared by the Orange County Transportation Planning Division, 2006.

The Orlando Urban Area Transportation Study Year 2025 Cost Feasible Plan lists the following improvements for the Horizon West study area defined above, as illustrated in the following table:

Table 17: County or Local Programmed or Planned Road Improvements for Horizon West

Name of Road	From	To	Project	Cost (In \$ thousands) (2004)
Avalon Rd /CR 545	West S.R.50	Tilden Rd.	Widen to 4 lanes	22,915
Avalon Rd /CR 545	Tilden Rd.	Porter Rd.	Widen to 4 lanes	30,772
Avalon Rd /CR 545	Porter Rd.	Seidel Rd.	Widen to 4 lanes	18,987
Avalon Rd /CR 545	Seidel Rd.	Orange County Line	Widen to 4 lanes	34,045
Ficquette Rd	Reams Rd.	C.R. 535	Widen to 4 lanes	16,368
Porter Rd.	Orange/Lake County Line	C.R. 545	New 2 lane	6,317
Porter Rd.	C.R. 545	Lake Hancock Rd./Ficquette Rd	Widen to 4 lane	19,642
Reams Rd.	Ficquette Rd.	S.R 535	Widen to 4 lanes	26,189
Seidel Rd.	Orange/Lake County line	C.R. 545	New 2 lane	8,040
Winter Garden-Vineland Rd.	Chase Rd.	Tilden Rd.	Widen to 4 lanes	25,534
Winter Garden-Vineland Rd.	Tilden Rd.	S.R. 50	Widen to 4 lanes	22,260

Prepared by the Orange County Transportation Planning Division, 2006.

There are several improvements proposed in the Town Center and Bridgewater Fourth Neighborhood Specific Area Plans (SAP). To date, these improvements have not been made a part of the Orlando Urban Area Transportation Study. If the SAPs are approved, these improvements would be as follows:

Table 18: Transportation Improvements for Proposed Villages and Neighborhoods of Horizon West: Roadway Sections

Roadway Section	Length (Miles)	From	To	Project	Estimated Cost (2004\$)
Karlton Parkway	0.80	C.R. 545	SW Valencia Parkway	Widen from 2 lane to 4 lanes	\$2,237,534
Shell Pond Rd.	0.60	SW Valencia Parkway	W. Town Center Termini	Widen from 2 lane to 4 lanes	\$1,687,740
Porter Rd.	2.05	N. Porter Rd.	W. Town Center Termini	Widen from 2 lane to 4 lanes	\$5,753,659
New Independence Parkway (Current McKinney Rd.)	2.40	E. Town Center Termini	W. Town Center Termini	New 4 lane roadway	\$10,255,680
N. Porter Rd.	1.25	New Independence Parkway	Porter Rd.	New 2 lane undivided highway	\$3,527,250
Phil Ritson Way	0.90	C.R. 545	E. Town Center Termini	Reconstruct 2 lane roadway	\$2,539,620
Porter Rd.	2.20	N. Porter Rd.	Fiquette Hancock Rd.	New 4 lane roadway	\$9,500,040
SW Valencia Parkway	2.95	N. Town Center Termini	S. Town Center Termini	New 4 lane roadway	\$12, 625,364
Phil Ritson Way	0.30	S. 4 th Neighborhood Boundary	Porter Rd.	Reconstruct 2 lane roadway	\$846, 540

Prepared by the Orange County Transportation Planning Division, 2006.

Table 19: Transportation Improvements for Proposed Villages and Neighborhoods of Horizon West: Bike Trail Sections

Bike Trail Section	Length (Miles)	From	To	Type of Improvement	Estimated Cost
Porter Rd.	0.70	N. Porter Rd.	C.R. 545	New bike path construction	\$420,000
New Independence Parkway	1.70	SW Valencia Parkway	N. Porter Rd.	New bike path construction	\$1,020,000
C.R. 545	2.50	N. Town Center	Karlton Parkway	New bike path construction	\$1,500,000
APF Park	1.35	CR 535	W. Town Center Termini	New bike path construction	\$810,000
N. Porter Rd.	1.00	New Independence Parkway	Porter Rd.	New bike path construction	\$600,000
SW Valencia Parkway	2.50	New Independence Parkway	South Town Center Termini	New bike path construction	\$1,500,000

Prepared by the Orange County Transportation Planning Division, 2006.

As part of the CPP update, Orange County will investigate the implementation of the above, and other transportation network improvements over a 10-year period, consistent with the requirements of a long-term transportation concurrency management system.

Multimodal Transportation Districts

Florida Statutes allow multimodal transportation districts to be established within the comprehensive plan in areas delineated on the Future Land Use map for which the plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable and attractive pedestrian environment, with convenient connections to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of a multimodal transportation district, the FDOT shall be consulted to assess the impact that the proposed multimodal transportation district is expected to have on the adopted Level of Service standards established for the Strategic Intermodal System facilities, and develop a plan with FDOT to mitigate those impacts. One option allowed by Statute is to develop a long-term concurrency management system as part of the mitigation measures.

The multimodal transportation district must include community design elements which include a complementary mix and range of land use; interconnected networks of streets designed to encourage walking and bicycling, with traffic calming where applicable; appropriate densities

and intensities of use within walking distance of transit stops; daily activities within walking distances of residences allowing independence to persons that do not drive; public uses, streets and squares that are safe, comfortable and attractive to the pedestrian; buildings that are open to the street; and with parking not interfering with pedestrian, transit, automobile and truck travel modes.

As a separate issue, Orange County may establish multimodal Level of Service standards that rely primarily on non-vehicular modes of transportation within the district when justified by analysis. This analysis must demonstrate that the existing and planned community design elements (outlined above) will provide an adequate level of mobility within the district based upon professionally accepted multimodal level of service methodologies. The analysis must also demonstrate that the capital improvements required to promote the community design elements are financially feasible over the development or redevelopment timeframe, and that the community design features provide convenient interconnection to a multimodal transportation system. Orange County may then issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development timeframe, without regard to the period of time between the development and the schedule construction of the capital improvements.. It should be noted that determination of financial feasibility is based upon current available funding that could be reasonably expected to become available over the planning period.

Finally, Orange County may reduce impact fees or local access fees for development within the multimodal transportation district based upon the documented reduction of vehicle trips per household or vehicle miles of travel expected for the development pattern planned for the district.

Orange County intends to investigate the implementation of a multi-modal transportation district in the Innovation Way Corridor. This corridor is a planned high tech corridor in east Orange County stretching from the University of Central Florida (over 40,000 students) and the Central Florida Research Park (106 companies, 9,500 employees) to the Orlando International Airport (31 million passengers, 16,600 employees). The high tech corridor is envisioned to follow the planned Alafaya Trail extension. Innovation Way will further intensify development interest in southeast Orange County. Orange County is assuming a proactive stance towards development in this area, promoting economic growth, protecting private property rights, and providing long-term flexibility of land use. Innovation Way will serve as a “high tech/high value” corridor that will stimulate the development of high technology parks and clean industries that provide a balanced range of employment opportunities and incomes as well as promote greater economic diversity for the County and region as a whole.

The County is establishing a Innovation Way Corridor land use designation overlay for inclusion in the CPP. The land use would promote high tech/high value land uses as the primary use, but would also require a mix of uses to include residential, retail, hotel, and institutional uses. The CPP amendment also includes specific policies requiring multimodal transportation encompassing pedestrian, bicycle, bus service and possibly rail. Orange County is requiring implementation of design principles that will promote internal trip capture. Implementation of this corridor plan should create opportunities for the County to acquire ecologically sensitive

lands not currently in the public domain. Access to Innovation Way will be restricted to maintain its carrying capacity. A transportation plan is being prepared as part of a Detailed Area Plan for the Innovation Way Corridor. The transportation plan will include the location of all arterial and collector roadways necessary to serve the community, right-of-way widths, and design cross-section. It will also include the proposed location of transit routes, including light rail transit and commuter rail and the manner in which they can be integrated into the regional transportation system. The location of all bikeways and pedestrian paths will be provided.

As part of the CPP update, the Innovation Way will be the primary location for an investigation of multi-modal transportation districts. The other area that may be investigated is the International Drive Corridor, which has an existing robust transit system, and an extensive planned roadway and transit network.

4.8 TRANSPORTATION METHODOLOGIES AND CONCURRENCY MANAGEMENT SYSTEMS (163.3191(2)(p))

Assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

According to State Statute, by December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year Capital Improvements Element which reflect proportionate fair-share contributions may not be found not in compliance, if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance. Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities, and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.

In the event the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate-share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate-share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

Orange County is completing the process of updating its Concurrency Management System (CMS) and implementing ordinance. A Concurrency Advisory Group, made up of members of the community, development community, and transportation profession, began meeting in April 2005, and most recently met on May 3, 2006. The Advisory Group has heard presentations from other governmental entities such as FDOT, DCA, and other local governments in preparation of their recommendations for the CMS ordinance. The new ordinance has been produced for review by the County Commission and it is anticipated that this ordinance will be adopted on May 23, 2006.

With regard to roadway facilities on the Strategic Intermodal System designated in accordance with ss. 339.61 through 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819, Orange County has adopted the level-of-service standards established by the Florida Department of Transportation by rule. For all other State Highway System and county facilities, Orange County has established and enforced level-of-service standards that are located in the CPP as well as in the implementing Concurrency Management System. In the past comprehensive plan development process and subsequent updates; FDOT and Orange County took the lead on the establishment of adequate level of service standards. The local jurisdictions within the County, for the most part, adopted these standards either by reference, or had objectives and policies which mirrored Orange County and FDOT's standards.

However, in recent updates and amendments, several of the jurisdictions have deviated from this past practice for numerous reasons. Some of the smaller jurisdictions within the County are very simple in their enforcement of the comprehensive plan level of service standards and concurrency, simply requiring new growth to pay impact fees before proceeding with development. Others, such as the city of Orlando, have established alternative level of service standards on cross-jurisdictional facilities, and have adopted concurrency free zones within much of the downtown area. Often, these level of service standards, allow a lower level of service than what is allowed by the Orange County CPP.

State Statutes (s. 163.3180(10)) require that in the establishment of adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments should consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. The Statute further states that each local government within a county shall use a professionally accepted methodology for measuring

impacts on transportation facilities for the purposes of implementing its concurrency management system. This is done, for the most part, for large-scale developments of DRI level. The County, affected jurisdictions (including municipalities and adjacent counties), and FDOT meet with the developer through the regional planning council process, and determine the appropriate level of service standards on each affected roadway, the project's impact area, and appropriate capacities for use in the impact analysis.

As part of the CPP update, counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems. Orange County, as part of this CPP update, has determined that the Level of Service (LOS) standards in the CPP, which are consistent with FDOT and appropriate State Statutes, will continue to be enforced. There are several issues that will be addressed in this update. As part of the CPP update, it will also be necessary to develop level of service standards for transit, bikes and pedestrians as per the changes in Ch. 163. In addition, State statute authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts. These districts and standards will be assessed as part of the CPP update, and may have cross jurisdictional impact. Another critical issue that will be addressed is the actual capacity utilized for the respective LOS. FDOT and many local governments utilize generalized capacity tables for LOS determination. Orange County utilizes and allows different capacities for comprehensive planning, impact fees, traffic impact studies and DRIs, and concurrency, calculated via different methodologies and techniques. A mixture of capacities is utilized, including two way daily, peak hour and peak hour directional. As part of this CPP effort, a capacity determination protocol will be established to be utilized consistently by the County and private development consultants.

Finally, as part of the CPP update, and prior to the adoption of the CPP, Orange County will form a working group consisting of two levels to address cross-jurisdictional level of service standards. The first level will include the County and the local jurisdictions within the County. This working group will investigate those cross jurisdictional facilities which have inconsistent level of service standards, and attempt to arrive at a technical solution to support a single level of service standard for those facilities which there is an inconsistency. The second group will include the County and the surrounding counties of Seminole, Brevard, Lake, and Osceola. The goal of this group will be the same; that is, to arrive at a technical solution to support a single level of service standard on those facilities where there is an inconsistency.

It is assumed that FDOT will not be required at these groups, as FDOT and FDCA will be enforcing level of service standards on facilities such as the Strategic Intermodal System designated in accordance with ss. 339.61 through 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819. Those facilities should not be an issue as such.