CAPITAL IMPROVEMENTS ELEMENT
GOALS, OBJECTIVES, AND POLICIES

Goal 1: [CI] (EFF. 7/16/90)

To use sound fiscal policies to provide adequate public facilities concurrent with, or prior to development in order to achieve and maintain adopted standards for levels of service, and to exceed the adopted standards, when possible. 9J-5.016(3)(a)

PUBLIC FACILITY NEEDS
Objective 1.1: [CI] (EFF. 7/16/90)

Define types of public facilities, establish standards for levels of service for each type of public facility, and determine what capital improvements are needed in order to achieve and maintain the standards for existing and future populations, and to repair or replace existing public facilities. 9J-5.016(3)(b)1

Policy 1.1.1: [CI] (EFF. 7/16/90)

The following definitions apply throughout this Capital Improvements Element.

1. "Capital Improvement" means land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment (including ambulances, fire apparatus). Capital improvements have an expected useful life of at least 3 years. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered in the local government's annual budgets, but such items are not "capital improvements" for the purposes of the Comprehensive Plan, or the issuance of development orders.
2. "Category of public facilities" means a specific group of public facilities, as follows:
    a. Category A public facilities are arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, and parks and recreation facilities owned or operated by the local government, all of which are addressed in other elements of this Comprehensive Plan.
    b. Category B public facilities are fire service, bikeway, sidewalk, airport and other government facilities owned or operated by the local government.
    c. Category C public facilities are arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, and parks and recreation facilities owned or operated by Federal, and State governments, independent districts, and private organizations.
3. "Development order" for purposes of determining vested rights means any order granting, denying, or granting with conditions an application for a building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the local government having the effect of permitting the development of land. Development orders shall be categorized as:
    a. "Final Development Orders" The following development order shall be considered to be final development orders for purposes of a determination of vested rights in a previously approved development:

(1) Preliminary subdivision plat approval;
(2) Final subdivision plat approval;
(3) Final Site plan approval (pursuant to County Ordinance 88-16);
(4) Approval of a PUD concept plan;
(5) Approval of a PUD Final Development Plan;
(6) Building permit;
(7) Development agreement entered into pursuant to Florida Statutes, Section 163.3220, et seq.; and
(8) Any other development order which approves the development of land for a particular use or uses at a specified intensity of use and which allows commencement of construction or physical development activity on the land for which the development order is issued.

b. "Preliminary development order" means a DRI Development approval, zoning approval, preliminary development plan approval, conditional use approval, master plan approval, Board of Adjustment approval, and any other development order than a final development order.

4. "Local government" means the City of Tallahassee, Florida and Leon County, Florida.
5. "Public facility" means the capital improvements and systems of each of the following: arterial and collector roads, mass transit, stormwater management, potable water, sanitary sewer, solid waste, parks and recreation, library, corrections, emergency medical service, fire service, bikeway, sidewalk, airport, other local government buildings, public education and public health facilities.

Policy 1.1.2: [CI] (REV. EFF. 8/17/92)

The local government shall establish standards for levels of service for Categories A and C of public facilities, and shall apply the standards as follows:

1. **Category A.** The standards for levels of service of each type of public facility in Category A shall apply to development orders issued by the local government after January 31, 1991, or such earlier date as may be adopted by the local government, the local governments' annual budgets beginning with the 1990-91 fiscal year, the local governments' Capital Improvement Programs beginning with the 1990-91 fiscal year, and other elements of this Comprehensive Plan.
2. **Category C.** The standards for levels of service of each type of public facility in Category C shall apply to development orders issued by the local government after January 31, 1991, or such earlier date as may be adopted by the local government, and other elements of this Comprehensive Plan, but shall not apply to the local governments' annual budgets or the local governments' Capital Improvement Programs.

Policy 1.1.3: [CI] (REV. EFF. 7/25/03; REV. EFF. 7/20/05; REV. EFF. 12/24/10; REV. EFF. 12/15/11; REV. EFF. 8/5/23)

LEVELS OF SERVICE REQUIRED FOR INFRASTRUCTURE, FACILITIES, AND UTILITIES

The following standards are hereby established as the minimum levels of service for various infrastructure, facilities, utilities and services required to support new development within the City of Tallahassee and Leon County.

1. Roadways

The peak hour roadway level of service for Tallahassee and Leon County is established as follows:

Table 8: Peak hour roadway level of service (Capital Improvements)

Functional Classification	Inside the USA	Outside the USA
Interstate, Intrastate, Limited Access Parkways	C	B
Principal Arterials	D	C
Minor Arterials	D / E*	C
Major and Minor Collectors	D / E*	C
Local Streets	D	D

*For Minor Arterials, and Major and Minor Collectors located inside the Urban Service Area and south of U.S. 90, the Level of Service shall be "D" for purposes of establishing priorities for programming transportation improvements, and "E" for meeting concurrency requirements, to support the Southside Action Plan . Roads north of U.S. 90 shall be LOS D for both programming improvement and concurrency purposes.

2. Mass Transit

For purposes of evaluating transit level of service over the Plan Horizon, the local government should expand coverage with a goal of serving 80 to 89 percent of the residential population within the Urban Service Area by a transit route along an arterial or collector roadway within approximately ½ mile.

3. Stormwater

a. Tallahassee and Leon County (Category A)

The design and water quality standards set forth in Florida Administrative Code Chapters 17-3 and 17-25, as the same may be amended from time to time, are hereby adopted by reference as the level of service for stormwater quality.

Local government may set higher minimum levels of treatment in watersheds where investigation and analysis indicate more stringent levels of service are required.

Stormwater management facilities shall be adequate to provide the following levels of service with regard to flood control:

100 Year Critical Storm Event

- No flood water in new buildings or existing buildings.
- Overland flow capacity available for all flow in excess of capacity of underground and open channel conveyance systems.

25 Year or Less Critical Storm Event

- No flood water more than six inches deep in local roads, parking lots, or other non-street vehicular use areas.
- No flood water in one driving lane each direction of collector streets.
- No flood water in two driving lanes each direction on arterial streets.
- Open channel conveyance capacity available for all flow in excess of capacity of underground conveyance system, or for full twenty-five year storm flow if no underground system exists.
- The rate of off-site discharge shall not exceed the predevelopment rate of discharge.

10 Year or Less Critical Storm Event

- No flood water in one driving lane of local roads.
- No flood water in the driving lanes of any road other than a local road.

- Underground conveyance not overflowing in business and commercial districts.

5 Year or Less Critical Storm Event

- No flood water in the driving lanes of any roadways.
- Underground conveyances not overflowing in residential districts.

These are the adopted levels of service and shall be used as the basis for determining the availability of facility capacity and the system demand generated by development. In instances where an off-site deficiency exists at the time of adoption of this policy, such deficiency shall not be increased as the result of any development or land use changes.

b. Federal and State lands stormwater management (Category C):

(1) Inside urban service area: Same as local government
(2) Outside urban service area: Same as local government

4. Potable Water

a. Tallahassee and Leon County water systems (Category A):

(1) Inside urban service area: 160 GPCPD
(2) Outside urban service area (Rural Community Land Use Category or Demonstrated Hardship: 100 GPCPD

b. Private water system (Category C):

(1) Inside urban service area: 160 GPCPD
(2) Outside urban service area: 100 GPCPD

5. Sanitary Sewer (REV. EFF. 1/7/10; REV. EFF. 12/24/10)

The LOS for sanitary sewer systems shall be as published in the Recommended Standard for Wastewater Facilities as referenced in 62-604.300 (5) (g) Florida Administrative Code. In the design of sewer collection, pumping, treatment, and effluent disposal facilities, appropriate peak factors shall be utilized. This is the adopted level and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

6. Parks and Recreation Facilities (REV. EFF. 12/24/10)

a. Tallahassee parks and recreation facilities:

(1) Regional parkland: 4 acres per 1,000 population Includes City operation of County-owned Tom Brown Park.
(2) Area park land: 1 acre per 1,000 population
(3) Recreation facilities are included in the cost of parkland.

b. Leon County parks and recreation facilities:

(1) Regional parkland: 8 acres per 1,000 population
(2) Area Parkland: 1 acre per 1,000 population
(3) Recreation facilities are included in the cost of park land.

7. Solid Waste (REV. EFF. 12/24/10)

a. Leon County solid waste facilities (includes all public, private, public/private partnerships, facilities, and contracted services):

(1) Provide for:

Table 9: Solid waste level of service (Capital Improvements)

Year (Jan 1)	LOS (lbs/ Capita Per Day)	Year	LOS	Year	LOS	Year	LOS
2011	7.20	2016	7.4	2021	7.4	2026	7.4
2012	7.20	2017	7.4	2022	7.4	2027	7.4

Year (Jan 1)	LOS (lbs/ Capita Per Day)	Year	LOS	Year	LOS	Year	LOS
2013	7.30	2018	7.4	2023	7.4	2028	7.4
2014	7.35	2019	7.4	2024	7.4	2029	7.4
2015	7.4	2020	7.4	2025	7.4	2030	7.4

(2) One year of Class I landfill lined cell disposal capacity at present fill rates
(3) Five years of Class I landfill capacity with preliminary permit approval from the Florida Department of Environmental Protection
(4) Ten years of properly zoned Class I landfill raw land capacity at present fill rates

b. Private solid waste disposal facilities: Same as local government

8. On-Site

Tallahassee and Leon County Category A Public Facilities

Levels of service for on-site improvements, including local streets, water and sewer connection lines, stormwater management facilities, local parks and open space shall be as required of the developer in Tallahassee's and Leon County's land development regulations. Development approval shall be conditioned on the availability of services necessary to maintain all applicable level of service standards as adopted within the Comprehensive Plan.

Policy 1.1.4: [CI] (EFF. 7/16/90)

The local governments shall determine the quantity of capital improvements that is needed as follows:

1. The quantity of capital improvements that is needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation: Q = (S x D) - I.

   Where Q is the quantity of capital improvements needed,

   S is the standard for level of service,
   D is the demand, such as the population, and
   I is the inventory of existing facilities.

   The calculation will be used for existing demand in order to determine existing deficiencies. The calculation will be used for projected demand in order to determine needs of future growth. The estimates of projected demand will account for demand that is likely to occur from previously issued development orders as well as future growth. Public facilities to serve demand from previously issued development orders are assured by including such demand in "D" (demand) in the preceding calculation.

2. There are two circumstances in which the standards for levels of service are not the exclusive determinant of needs for a capital improvement:
   a. Repair, remodeling, renovation, and replacement of obsolete or worn out facilities will be determined by the local government.
   b. Capital improvements that provide levels of service in excess of the standards adopted in this Comprehensive Plan may be constructed or acquired at any time as long as the following conditions are met:
      (1) the capital improvement does not make financially infeasible any capital improvement of the same type that is needed to achieve or

maintain the standards for levels of service adopted in this Comprehensive Plan, and

(2) the capital improvement does not contradict, limit or substantially change the goals, objectives and policies of any element of this Comprehensive Plan, and

(3) one of the following additional conditions is met:

(a) the excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service, or

(b) the excess capacity provides economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date, or

(c) the asset acquired is land that is environmentally sensitive, or designated by the local government as necessary for conservation or recreation, or

(d) the excess capacity is part of a capital project financed by general obligation bonds approved by referendum.

3. Any capital improvement that is determined to be needed as a result of any of the factors listed in Policy 1.1.4.2 shall be included in the regular Schedule of Capital Improvements contained in this Capital Improvements Element. All such capital improvements shall be approved in the same manner as the capital improvements that are determined to be needed according to the quantitative analysis described in Policy 1.1.4.1. 9J-5.016(3)(b)2, (3)(c)1, (3)(c)1.b, (3)(c)1.e, (3)(c)3, (3)(c)5, (3)(c)9

Policy 1.1.5: [CI] (EFF. 7/16/90)

The relative priorities among types of public facilities are as follows:

1. Priorities Among Types of Public Facilities. All public facility improvements that are based on achieving and maintaining a standard for levels of service adopted in this Comprehensive Plan are included in the financially feasible Schedule of Capital Improvements contained in this Capital Improvements Element. The relative priorities among types of public facilities (i.e., roads, potable water, sanitary sewer, etc.) were established by adjusting the standards for levels of service and the available revenues until the resulting public facilities needs became financially feasible.

   Legal restrictions on the use of many revenue sources limit the extent to which types of facilities may be prioritized because they do not compete for the same revenues. During each annual prioritization process, no further prioritization among types of public facilities is necessary because all projects in the Schedule of Capital Improvements are financially feasible, programmed for improvement, and will be completed according to the Schedule. Each year, however, prioritization among types of facilities is redetermined by reaffirming or revising standards for levels of service within the constraints of available restricted revenues.

2. Priorities of Capital Improvements Within a Type of Public Facility. Capital improvements within a type of public facility are to be evaluated on the following criteria and considered in the order of priority listed below. The local government shall establish the final priority of all capital improvements using the following criteria as general

guidelines. Any revenue source that cannot be used for a high priority facility will be used beginning with the highest priority for which the revenue can legally be expended.

a. Repair, remodeling, renovation, or replacement of obsolete or worn out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Comprehensive Plan.
b. New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand.
c. New public facilities, and improvements to existing public facilities, that eliminate public hazards not otherwise eliminated by improvements prioritized according to Subsection a or b, above.
d. New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next five fiscal years, as updated by the annual review of this Capital Improvements Element. Tallahassee and Leon County may acquire land or right-of-way in advance of the need to develop a facility for new development. The location of facilities constructed pursuant to this Subsection shall conform to the Future Land Use Element, and specific project locations shall serve projected growth areas within the allowable land use categories. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development orders, the capital improvements will be scheduled in accordance with criteria contained in the land development regulations.
e. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility, or otherwise mitigate impacts of public facilities on future operating budgets.
f. New facilities that exceed the adopted levels of service for new growth during the next five fiscal years by either;
   (1) providing excess public facility capacity that is needed by future growth beyond the next five fiscal years, or
   (2) providing higher quality public facilities than are contemplated in the local governments' normal design criteria for such facilities.
g. Facilities not described in Subsections a through f, above, but which the local government is obligated to complete, provided that such obligation is evidenced by a written agreement the local government executed prior to July 1, 1990.

3. All facilities scheduled for construction or improvement in accordance with this Policy shall be evaluated to identify any plans of State agencies or the Northwest Florida Water Management District that affect, or will be affected by, the proposed local government capital improvements.
4. Project evaluation may also involve additional criteria that are unique to each type of public facility, as described in other elements of this Comprehensive Plan.

9J-5.016(3)(c)1, (3)(c)3

Policy 1.1.6: [CI] (EFF. 7/1/04)

All proposed capital projects in the City and County shall be consistent with the adopted Transportation Plan and designated future transportation corridors.

FINANCIAL FEASIBILITY

Objective 1.2: [CI] (EFF. 7/16/90)

Provide needed public facilities that are within the ability of the local government to fund the facilities from local government revenues, development's proportionate share contributions, and grants or gifts from other sources. 9J-5.016(3)(b)5

Policy 1.2.1: [CI] (EFF. 7/16/90)

The estimated costs of all needed capital improvements shall not exceed conservative estimates of revenues from sources that are available to the local government pursuant to current statutes, and which have not been rejected by referendum, if a referendum is required to enact a source of revenue. 9J-5.016(3)(c)1.f

Policy 1.2.2: [CI] (REV. EFF. 12/8/98; REV. EFF. 7/21/05; REV. EFF. 3/17/11; REV. EFF. 8/5/23)

Existing and future development shall both pay for the costs of needed public facilities.

1. Future development
   a. Future development shall pay for its proportional share of the capital improvements needed to address the impact of such development. Enterprise fund user charges, connection fees, and other user fees paid by new development shall be reviewed every two years to assure that provision of capital improvements needed to address the impact of future development will not increase ad valorem tax rates or rates of electric, gas, water or sewer utilities. Upon completion of construction, "future" development becomes "present" development, and shall contribute to paying the costs of the replacement of obsolete or worn out facilities as described in subsection 2, below.
   b. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, special assessments and taxes.
   c. Future development's payment of proportionate fair-share mitigation for various deficient facilities may be aggregated to pay for one or more transportation system improvements. "Significant benefit" proportionate fair share may be applied to calculate and expend developer mitigation in the following manner:

      Assessment: The local government shall require an analysis of transportation facilities level of service to determine if deficiencies occur or are projected to occur within a prospective five-year period. If deficiencies are anticipated, the local government may use the "significant benefit" approach to assess proportionate fair-share mitigation and schedule improvements to address the identified deficiency(ies) on the impacted facility(ies) to meet the requirements for financial feasibility pursuant to Sections 163.3164(32), F.S., and 163.3177(3), F.S.

      Implementation: The "significant benefit" provision shall be enacted through a Significant Benefit Memorandum of Agreement ("MOA") between the State of Florida Department of Transportation ("FDOT"), the City of Tallahassee, and Leon County, as it may be amended from time to time. The MOA shall adhere to the following:

(1) Identify geographic zones and prioritize specific facilities that constitute "significant benefit" facilities for each zone. These facilities, and the amount of funding necessary to pay for each of them, shall be identified within the MOA. Significant benefit facilities included in the annual Capital Improvements Element update shall be noted as being funded by significant benefit proportionate fair-share. A map showing the most current boundaries of the geographic zones shall also be included in the annual Capital Improvements Element update;

(2) When there are no roadway capacity projects in the City, County, or FDOT Capital Improvements Plan ("CIP") that address the capacity deficiency of an impacted roadway segment(s), the local government may collect proportionate fair-share mitigation based on the deficient facility(ies), and direct that mitigation toward the top priority project identified in the MOA;

(3) Proportionate fair-share mitigation shall be accumulated for the top priority significant benefit project for each zone until such time as the project is fully funded. This project shall be incorporated into the local government's 5-Year Capital Improvements Schedule;

(4) Prior to adoption of any comprehensive plan amendment relying on a MOA for City and/or County approval, the developer/applicant shall enter into a binding agreement with the City and/or County guaranteeing payment of the proportionate fair-share amount at the time of site plan approval. This agreement shall apply to the parcel rather than the applicant, and shall be submitted to the state land planning agency as data and analysis in support of the comprehensive plan amendment

(5) In the event a plan amendment necessitates the addition, deletion or change in priority for projects listed in the significant benefit project priority list (Attachment B of the MOA), the 5-Year Capital Improvements Schedule must be amended to indicate the significant benefit project(s) to which the proportionate fair-share funding will be allocated.

2. Existing development
   a. Existing development shall pay for the capital improvements that reduce or eliminate existing deficiencies, and some or all of the replacement of obsolete or worn out facilities.
   b. Existing development's payments may take the form of user fees, special assessments and taxes. 9J-5.016(3)(b)4, (3)(c)8
3. Both existing and future development may have part of their costs paid by grants, entitlements or the provision of public facilities from other levels of government and independent districts.
4. The City will eliminate on-site refunds to property owners or their representatives except in those situations within the City limits which specifically support the City's goals of affordable housing, urban infill development, or goals of the Southside Action Plan. In order to receive a rebate, a development must have an average net density of not less than two (2) units per acre.

   For purposes of this paragraph, the following definitions shall apply:

a. Affordable housing: Any residential development in which 7% or greater of the residential units are determined to be affordable housing as defined in Section XIII, Glossary, under the Housing Element.
b. Urban infill development: A development located on a parcel of property bounded on two or more sides by existing urban development, or adjacent to existing water or sewer service. "Urban development" is defined as densities or intensities of one unit per acre or greater.
c. Southside Action Plan: Any development located within the Southside Action Plan Area Boundary, as defined in the Land Use Element. (REV. EFF. 4/18/02; REV. EFF. 8/5/23)

The amount of on-site water and sewer refunds, on a residential equivalent basis shall not exceed (for water) an amount calculated to be the average cost to extend water distribution lines across a lot having 80 feet of frontage and (for sewer) an amount calculated to be the average cost to extend sewer collection lines across a lot having 80 feet of frontage.

The City shall amend its water and sewer extension policies and ordinances within sixty (60) days of the effective date of this amendment in order to effectuate the intent of this amendment.

In any utility reimbursement agreement, urban services agreement, or any other agreement which provides for on-site refunds, the agreement shall state the specific goal or goals of this plan which are served or achieved by the provision of refunds.

Policy 1.2.3: [CI] (REV. EFF. 9/19/91)

Capital improvements shall be financed, and debt shall be managed as follows:

1. Public facilities financed by enterprise funds (i.e., potable water, sanitary sewer, solid waste, and airport) shall be financed by:
   a. debt to be repaid by user fees and charges for enterprise services, or
   b. current assets (i.e., reserves, surpluses and current revenue), or
   c. a combination of debt and current assets.
2. Public facilities financed by non-enterprise funds (i.e., roads, stormwater management, parks, fire service, police protection, and other government buildings) shall be financed from current assets: revenue, equity and/or debt. Specific financing of specific capital projects shall consider which asset, or group of assets, will be most cost effective, consistent with prudent asset and liability management, appropriate to the useful life of the project(s) to be financed, and efficient use of the local governments' debt capacity.
3. Debt financing shall not be used to provide more capacity than is needed within the Schedule of Capital Improvements for non-enterprise public facilities unless:
   a. the excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service, or
   b. the excess capacity provides economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date, or
   c. the asset acquired is land that is environmentally sensitive, or designated by the local government as necessary for conservation or recreation, or

d. the excess capacity is part of a capital project financed by general obligation bonds approved by referendum. 9J-5.016(3)(c)2

4. The aggregate net bonded indebtedness in the City's enterprise activities shall not exceed 70% of assets. The City's adjusted general government net bonded indebtedness per capita shall not exceed 135% of Moody's Investor Service published median for cities of comparable size.

Policy 1.2.4: [CI] (EFF. 7/16/90)

Tallahassee and Leon County shall not provide a public facility, nor shall it accept the provision of a public facility by others if Tallahassee, Leon County or another provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

Policy 1.2.5: [CI] (EFF. 7/16/90)

All development orders issued by the local government which require public facilities that will be financed by sources of revenue which have not been approved or implemented (such as future debt or referenda) shall be conditioned on the approval of implementation of the indicated revenue source, or the substitution of a comparable amount of revenue from existing sources.

Policy 1.2.6: [CI] (EFF. 7/16/90)

The sources of revenue contain within the adopted Comprehensive Plan (July 16, 1991) require no local referendum. In the event that subsequent sources of revenue listed under "Projected Costs and Revenues" require voter approval in a local referendum that has not been held, and a referendum is not held, or is held and is not successful, the Comprehensive Plan shall be amended to adjust for the lack of such revenues, in any of the following ways:

1. Reduce the standard for levels of service for one or more public facilities, or
2. Increase the use of other sources of revenue, or
3. Decrease the cost, and therefore the quality, of some types of public facilities while retaining the quantity of the facilities that is inherent in the standard for levels of service, or
4. A combination of the above alternatives.

The analysis that supports this Capital Improvements Element shall contain an Alternative Recommendation setting forth the costs and sources of revenue that will be proposed in the Plan amendment in the event the referendum is not held, or is held and is not successful.

Policy 1.2.7: [CI] (EFF. 4/18/02; REV. EFF. 12/29/05; REV. EFF. 12/24/10)

Utility providers for sanitary sewer, water and stormwater shall prepare long range master plans with a 20-year planning horizon for major facilities from which subsequent five year capital improvement programs shall be derived. These long range master plans shall be based upon a needs plan to serve the Future Land Use Plan and its expected population within the Urban Service Area, and shall also contain a cost feasible plan. These long range master plans will be updated every five years.

Policy 1.2.8: [CI] (EFF. 6/6/08; REV. 6/28/19)

The five-year Schedule of Capital Improvements will be evaluated and updated annually to reflect existing and future public school facility needs to ensure that the School District's five-year capital plan is financially feasible and that the adopted level-of service standard for public schools is achieved and maintained.

Policy 1.2.9: [CI] (RENUMBERED EFF. 12/15/11; FORMERLY TRANSPORTATION ELEMENT POLICY 1.10.2, EFF. 7/16/90)

The local government shall not take over the maintenance or the responsibilities associated with a local private road not built or upgraded to standards adopted by the local government.

Policy 1.2.10: [CI] (RENUMBERED EFF. 12/15/11; FORMERLY TRANSPORTATION ELEMENT POLICY 1.10.5, EFF. 7/16/90)

The City shall develop and maintain a program to pave all unpaved streets in the city limits under a 50% public and 50% assessment to owners along the street. The program will be prioritized with dead-end streets given lowest priority. The program will be subject to the availability of right-of-way.

Policy 1.2.11: [CI] (REV. EFF. 12/15/11; FORMERLY TRANSPORTATION ELEMENT POLICY 2.1.1)

Multimodal transportation districts shall only be approved in conjunction with the approval of financially feasible plans for bicycle, pedestrian and transit systems that reduce reliance on automobiles for access and internal circulation. In addition to local, state, and federal sources, financial feasibility shall be supported by a mobility fee to be paid by development projects based on their projected impacts to the transportation network consistent with procedures established by in the City of Tallahassee *Concurrency Management system Policy and Procedures Manual* (dated July 21, 2006 or most current).

Objective 1.3: [CI] (EFF. 7/16/90)

Provide needed capital improvements for repair or replacement of obsolete or worn out facilities, eliminating existing deficiencies, and meeting the needs of future development consistent with the adopted plan and depicted on the future land use map and redevelopment caused by previously issued and new development orders. The local governments' ability to provide needed improvements shall be demonstrated by maintaining a financially feasible Schedule of Capital Improvements, as documented by the summary "Costs and Revenues by Type of Public Facility" contained in this Capital Improvements Element. 9J-5.016(3)(b)1 and 5

Policy 1.3.1: [CI] (REV. EFF. 11/22/99)

The local government shall provide, or arrange for others to provide, the public facilities listed in the Schedule of Capital Improvements in the "Requirements for Capital Improvements Implementation" section of this Capital Improvements element. The capital improvements listed for Leon County within this element are balanced pursuant to 9J-5 with available revenue sources. However, the County reserves the right to amend projects and funding sources consistent with the criteria set out

in 9J-5 for the Capital Improvements Element. The Schedule of Capital Improvements may be modified as follows:

1. The Schedule of Capital Improvements shall be updated annually. The annual update process shall be initiated concurrently with the preparation and adoption of the local governments' capital budgets. The capital improvement element schedule update amendment to the Comprehensive Plan shall be based upon the local governments' draft capital budgets being considered for adoption. The capital improvement element schedule update shall reflect any changes in the construction initiation date, completion date, or estimated project cost as otherwise established in a previous year's capital improvement element schedule update. The update shall also indicate whether those projects included in the previous year's capital improvement element schedule update (but not included in the current year's capital improvement element schedule update), have been completed, are ongoing, or have been deleted. Thereafter, prior to the transmittal of the amendment revising the Schedule of Capital Improvements, the amendment shall be revised to reflect any corresponding changes in the adopted local government capital budgets.
2. Pursuant to Florida Statutes 163.3187, the Schedule of Capital Improvements may be amended two times during any calendar year, and as allowed for emergencies, developments of regional impact, and certain small scale development activities.
3. Pursuant to Florida Statutes 163.3177, the Schedule of Capital Improvements may be adjusted by ordinance not deemed to be an amendment to the Comprehensive Plan for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction of any facility enumerated in the Schedule of Capital Improvements.
4. Any act, or failure to act, that causes any project listed in the Schedule of Capital Improvements of this Comprehensive Plan to be scheduled for completion in a fiscal year later than the fiscal year indicated in the Schedule of Capital Improvements shall be in effect only if the act causing the delay is subject to one of the following:
   a. Projects providing capacity equal to, or greater than the delayed project are accelerated within, or added to the Schedule of Capital Improvements, in order to provide capacity of public facilities in the fiscal year at least equal to the capacity scheduled prior to the act which delayed the subject project.
   b. Modification of development orders issued conditionally or subject to the concurrent availability of public facility capacity provided by the delayed project. Such modification shall restrict the allowable amount and schedule of development to that which can be served by the capacity of public facilities according to the revised schedule.
   c. Amendment of the plan to reduce the adopted standard for the level of service for public facilities until the fiscal year in which the delayed project is scheduled to be completed. 9J-5.016(3)(c)7

Policy 1.3.2: [CI] (EFF. 7/16/90)

The local government shall include in the capital appropriations of their annual budgets all the capital improvements projects listed in the Schedule of Capital Improvements for expenditure during the appropriate fiscal year, except that the local government omit from their budgets any capital improvements for which a binding agreements has been executed with another

party to provide the same project in the same fiscal year. The local government may also include in the capital appropriations of their annual budgets additional public facility projects that conform to Policy 1.1.4.2.b.3 and Policy 1.2.3.3. 9J-5.016(3)(c)7.

Policy 1.3.3: [CI] (REV. EFF. 8/17/92; REV. EFF. 12/29/05)

The City Commission of Tallahassee and the Board of County Commissioners of Leon County find that the impacts of development on public facilities within Tallahassee and Leon County occur at the same time as development authorized by a final development order. The local government shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of Category A and Category C public facilities to meet the standards for levels of service for existing development and the proposed development concurrent with the impacts of proposed development. For the purpose of this policy, the City of Tallahassee shall define "concurrent with" as follows:

1. No final development order shall be issued by the local government after October 1, 1990, unless there shall be sufficient capacity of Category A and Category C public facilities to meet the standards for levels of service for the existing population and for the proposed development according to the following timeframes:
   a. For the following public facilities, there must be: a) available capacity to serve the impacts of the proposed development prior to the issuance of the building permit; b) at the time a development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Florida Statutes, or an agreement or development order is issued pursuant to Chapter 380, Florida Statutes to be in place and available to serve new development at the time of the issuance of a certificate of occupancy.
      (1) Potable water.
      (2) Sanitary sewer.
      (3) Solid waste.
      (4) Stormwater management.
   b. For the following public facilities there must be available capacity to serve the impacts of the proposed development at the adopted level of service within 12 months of the issuance of the final development order:
      (1) Parks and recreation.
      (2) Mass transit.
2. An applicant for a preliminary development order shall have a determination made as to the availability of Category A and Category C public facilities in accordance with subsection a or b:
   a. The applicant may request a determination of available capacity as part of the review and approval of the preliminary development order provided that the determination of available capacity shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development order,
   b. The applicant may request the approval of a preliminary development order without a determination of capacity of Category A and Category C public facilities provided that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the preliminary development order that:
      (1) Final development orders for the subject property are subject to a determination of available capacity in Category A and Category C public facilities, as required by Policy 1.3.1, and;

(2) No rights to obtain final development order, nor any other rights to develop the subject property have been granted or implied by the local government's approval of the preliminary development order without determining that there is available capacity in Category A and Category C public facilities.

3. Except for an approved development of regional impact with specific phases of development, the determination of available capacity shall be valid for the term of a proposed project's development order. For development orders without specific terms of development, the determination and reservation of available capacity shall not exceed two years. For good faith development, extensions of the two year terms may be permitted in six month intervals.

4. A determination that there is available capacity in public works to serve the project shall run with the land; shall be assignable within adjacent portions of a project; and shall not be assignable to other projects. A determination that there is available capacity for a project shall apply only to specific land uses, densities, and intensities based upon information provided by the applicant. Any change in the density, intensity or land use is subject to review and approval or denial by the City of Tallahassee.

5. An applicant shall prepay all impact fees or other infrastructure costs to guarantee the applicant's pro rata share of the local governments' financial obligation for public facilities which are constructed by the local government for the benefit of the subject property.
   a. Whenever an applicant's pro rata share of a public facility is less than full cost of the facility, the local government shall contract with the applicant for the full cost of the facility including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share.
   b. Upon expiration of the determination of capacity for the development pursuant to subsection 2.a.(2) all unused capacity shall be forfeited. The pro rata infrastructure costs (not impact fees) paid for said capacity now forfeited shall be held by the City as a credit unless excess capacity exists that will allow local government to extend the expiration date. Pro rata infrastructure costs held as a credit by local government and not used by a developer to offset future impacts on public facilities shall be rebated without interest to the developer after a period of one (1) year.

6. The standards for levels of service of Category A and Category C public facilities shall be applied to the issuance of development orders on the following geographical basis:
   a. Public facilities which serve all of Leon County shall achieve and maintain the standard for levels of service on a countywide basis. No development order shall be issued in any unincorporated part of Leon County if the standard for levels of service is not achieved and maintained throughout the County for the following public facilities:
      (1) Solid Waste Disposal
      (2) Countywide Parks
   b. Public facilities which serve less than all of Leon County shall achieve and maintain the standard for levels of service within their assigned service area. No development order shall be issued in an assigned service area if the standard for levels of service is not achieved and maintained throughout the assigned

service area for the following public facilities and assigned service areas:

(1) Arterial and Collector Roads: All such roads throughout the county significantly affected by the proposed development
(2) Stormwater Management Systems: Major Stormwater Basin
(3) Potable Water Systems: Water System Service Area
(4) Sanitary Sewer Systems: Treatment Plant Service Area
(5) Area Parks: Urban Service Area
(6) Mass Transit: Citywide

COORDINATE CAPITAL IMPROVEMENTS WITH LAND DEVELOPMENT

Objective 1.4: [CI] (EFF. 7/16/90)

Manage the land development process to insure that all development receives public facility levels of service equal to, or greater than the standards adopted in Policy 1.1.3, subsections 1-3, and 6. 9J-5.016(3)(b)3 and 5 by implementing the Schedule of Capital Improvements (required by Objective 1.3) and produced in its entirety elsewhere in the Capital Improvements Element, and by using the fiscal resources provided for in Objective 1.2 and its supporting policies.

Policy 1.4.1: [CI] (EFF. 7/16/90)

All Category A public facility capital improvements shall be consistent with the goals, objectives and policies of the appropriate elements of this Comprehensive Plan. 9J-5.016(3)(b)5, (3)(c)9, and (4)(a)1.b

Policy 1.4.2: [CI] (REV. EFF. 11/22/99)

The local government shall integrate their land use planning and decisions with their plans for public facility capital improvements by developing and adopting the programs listed in the "Implementation Programs" section of this Capital Improvements Element. The location of, and level of service provided by projects in the Schedule of Capital Improvements shall maintain adopted standards for levels of service for existing and future development in a manner and location consistent with the Future Land Use Element of this Comprehensive Plan. Individual land use decision shall be consistent with the Comprehensive Plan. 9J-5.016(3)(b)3, (3)(c)9

REQUIREMENTS FOR CAPITAL IMPROVEMENTS IMPLEMENTATION: SCHEDULE OF CAPITAL IMPROVEMENTS, INCLUDING GENERAL LOCATION

The Schedule of Capital Improvements on the following pages will repair or replace obsolete or worn out facilities, eliminate existing deficiencies, and make available adequate facilities for future growth through no less than a five-year planning period, updated annually. The analysis of capacity requirements for deficiency and growth at the time of original plan adoption appears in a support document prepared for this Capital Improvements Element: "Public Facility Requirements 1988/89 - 1995/96 and to 2010."

The projects are listed according to the type of public facility. Within each list, projects are listed in sequence according to the fiscal year in which the initial project expenditures are scheduled. The capital improvement element schedule update shall provide the projected construction initiation date, completion date, and rough estimate of the total project cost for each project included

therein. The capital improvement element schedule update shall include advance-funded State of Florida roadway projects, noting, however, that the local government bears no obligation in the funding or construction of these facilities. The capital improvement element schedule update shall include those local road projects reflected in the local government's adopted capital budget.

Each project is named, and briefly described. Most project locations are specified in the name or description of the project. The capacity of the project is shown, using the same measure of capacity that is used in the standard for the level of service (see Policy 1.1.3). Capacity increases may meet the needs of current deficiencies, or future development, or both, as noted above. If no "added capacity" is shown, the project is limited to repair, renovation, remodeling or replacement of an existing facility, with no net increase in capacity.

The estimated cost of each project during each of the next five or six fiscal years is shown in thousands of dollars ($1000s), and the total 5 or 6-year cost is also shown. Any costs incurred before or after the 5 or 6-year schedule are omitted from the project total. Such costs appear in the local governments' Capital Improvements Programs. All cost data is in current dollars; no inflation factor has been applied because the costs will be revised as part of the annual review and update of the Capital Improvements Element.

All projects contained in this Schedule of Capital Improvements are consistent with the other elements of this Comprehensive Plan. Consistency is determined and maintained by calculating that the total capacities of planned projects and existing facilities achieve or exceed the capacity of facilities that are required by the adopted standards for levels of service using the formula in Policy 1.1.4. 9J-5.016(4)(a)1

The Capital Improvements Element reflects the five year adopted Capital Improvement Plans (CIPs) of the City of Tallahassee and Leon County, and may not reflect other Capital Facilities documents that are concurrently being developed and yet to be adopted.

Rule 9J-5.016, F.A.C., concerning the Capital Improvements Element states, in part, "The Capital Improvements Element should include projects for which local government has fiscal responsibility."

Objective 1.5: [CI] (EFF. 6/28/98)

Ensure that the City of Tallahassee and Leon County, their agents, and their assigns appropriate adequate funds and maintain an operational commitment sufficient to implement the various obligations of the Comprehensive Plan which are not addressed through the capital improvements planning requirements.

Policy 1.5.1: [CI] (EFF. 6/28/98)

The City of Tallahassee and Leon County, either jointly or separately, shall, in conjunction with the Comprehensive Plan Evaluation and Appraisal Report process, undertake a periodic review of obligations set forth in the Comprehensive Plan for which they, or their agents or assigns, are responsible for implementing, and which are not otherwise addressed through the capital improvements planning process. Each obligation shall be evaluated; including: a) affirmation of the commitment to the obligation; b) demonstration of financial capacity and commitment to carry out the work necessary to fulfill the obligation; and c) an assessment as to the ability to perform, or have performed, required work within the specified period of time (as applicable).

Should the City of Tallahassee or Leon County determine, as an outcome of this review, that an obligation found in the Comprehensive Plan should be deleted or otherwise modified, the affected local government shall file, at the first available opportunity, an amendment to the Comprehensive Plan making corresponding appropriate revisions.

Objective 1.6: [CI] (EFF. 12/8/98; REV. EFF. 8/5/23)

The City of Tallahassee and Leon County shall adopt and implement revised programs and/or policies which favor the funding and scheduling of their capital improvements programs and policies for the Central Core Area and Southside Action Plan area.

Policy 1.6.1: [CI] (EFF. 12/8/98; REV. EFF. 8/5/23)

The local governments shall commit to undertake needed repairs, replace obsolete infrastructure and facilities, and address existing infrastructure deficiencies within the Central Core Area and Southside Action Plan area. The identification of such projects shall be based on the Comprehensive Assessment of the Central Core Area; the Comprehensive Assessment of the Southside Action Plan area; the Strategic Implementation Plan of the Central Core Area; the Strategic Implementation Plan of the Southside Action Plan area; and, any applicable Sector Plans.

Policy 1.6.2: [CI] (EFF. 12/8/98; REV. EFF. 8/5/23)

By 1999, the local governments shall establish criteria for evaluation of projects proposed for inclusion within the 5 Year Capital Improvement Schedule. Among these criteria, there shall be criteria reflecting the commitment to needed improvements within the Central Core Area the Southside Action Plan area.

Policy 1.6.3: [CI] (EFF. 12/8/98)

Funding approved to implement capital improvements necessary to address those needs identified by the Comprehensive Assessment of the Central Core Area and the Comprehensive Assessment of the Southside Action Plan area shall not be diverted to other projects without the expressed consent of the Commission.

PROGRAMS TO ENSURE IMPLEMENTATION (REV. EFF. 9/19/91; REV. EFF. 3/17/11)

The following program descriptions are part of the adopted Comprehensive Plan. The following programs shall be implemented by January 31, 1991, or such earlier date as may be adopted by the local government, to ensure that the goals, objectives and policies established in the Capital Improvements Element will be achieved or exceeded. Each implementation program will be adopted by ordinance, resolution or executive order, as appropriate for each implementation program.

1. **Review of Applications for Development Orders**. The local government shall amend their land development regulations to provide for a system of review of various applications for the levels of service of Category A and Category C public facilities. Such system of review shall assure that no final development order shall be issued which results in a reduction in the levels of service below the standards adopted in Policy 1.1.3.a-c for Category A public facilities and Policy 1.1.3.f for Category C public facilities. The land development regulations shall include,

at a minimum, the provisions of Policy 1.3.3.a and b in determining whether a development order can be issued.

The land development regulations shall also address the circumstances under which public facilities may be provided by applicants for development orders. Applicants for development orders may offer to provide public facilities at the applicant's own expense in order to insure sufficient capacity of Category A and Category C public facilities, as determined according to Paragraphs A and B, above. Development orders may be issued subject to the provision of public facilities by the applicant subject to the following requirements:

a. The local government and the applicant enter into an enforceable development agreement which shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to insure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed.
b. The public facilities which are impacted by a subsequent Development Order are operating and will continue to operate at or above the adopted LOS consistent with the conditions outlined in Policy 1.3.3 of the CIE and that the public facilities are contained in the Schedule of Capital Improvements of the Comprehensive Plan.

2. **Impact Fees**. Impact fee ordinances shall require the same standard for the level of service as is required by Policy 1.1.3., and may include standards for other types of public facilities not addressed under Policy 1.1.3. All impact fee ordinances necessary to support the financial feasibility of this element shall be adopted, or amended to the required standard for the level of service by January 31, 1991.
3. **Annual Budget**. The annual budget shall include in its capital appropriations all projects in the Schedule of Capital Improvements that are planned for expenditure during the next fiscal year.
4. **Capital Improvements Program**. The annual multi-year Capital Improvement Program (CIP) shall be prepared in conjunction with the annual review and update of the Capital Improvements Element. The CIP shall contain all of the projects listed in the Schedule of Capital Improvements of the updated version of the Capital Improvements Element.
5. **Semiannual Report**. The mandatory semiannual report to the Department of Community Affairs concerning amendments to the Comprehensive Plan due to emergencies, developments of regional impact and selected small developments shall report on changes, if any, to adopt goals, objectives and policies in the Capital Improvements Element.
6. **Update of Capital Improvements Element**. The Capital Improvements Element shall be reviewed and updated annually. The element shall be updated in conjunction with the budget process and the release of the official population estimates and projections by the Bureau of Economic and Business Research (BEBR) of the University of Florida. The update shall include the following data and analysis:
   a. Revision of population projections
   b. Update of inventory of public facilities
   c. Update of costs of public facilities

d. Update of Public Facilities Requirements analysis (actual levels of service compared to adopted standards)
e. Update of revenue forecasts
f. Revise and develop capital improvements projects for the next five fiscal years
g. Update analysis of financial capacity
h. The most current version of the Significant Benefit Memorandum of Agreement (MOA), as allowed pursuant to Policy 1.2.2.(c), and notation in the Capital Improvements Schedule of specific projects allowed by Policy 1.2.2.(c).

7. **Concurrency Implementation and Monitoring System**. The local government shall establish and maintain Concurrency Implementation and Monitoring Systems. The Systems shall consist of the following components:
   a. Annual report on the capacity and levels of service of public facilities compared to the standards for levels of service adopted in Policy 1.1.3.a-c and f. The report shall summarize the actual capacity of public facilities, and forecast the capacity of public all be based on the most recently updated Schedule of Capital Improvements in this Capital Improvements Element. The annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the 12 months following completion of the annual report. The annual report shall also summarize and forecast capacities and levels of service for comparison to the standards adopted in Policy 1.1.3.d and e, but such portion of the annual report shall be for information purposes only, and shall not pertain to the issuance of development orders by the local government.
   b. Public facility capacity review. The City of Tallahassee and Leon County shall use the procedures specified in Implementation Program 1, above, to enforce the requirements of Policy 1.3.3.a. and b. and as such the impacts of proposed development will be analyzed in relation to the availability of capacity at the time of permitting. Records shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year-to-date on the capacity of public facilities as set forth in the most recent annual report on capacity and levels of service of public facilities. The land development regulations of the local government shall provide that applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development orders that are denied for reasons other than lack of capacity of public facilities. Land development regulations shall require that development commence within a specified time after a development order is issued, or the development order shall expire, subject to reasonable extensions of time based on Criteria included in the regulations.
   c. Review of changes in planned capacity of public facilities. The local government shall review each amendment to this Capital Improvement Element, in particular any changes in standards for levels of service and changes in the Schedule of Capital Improvements, in order to enforce the requirements of Policy 1.3.1.d.

d. Concurrency implementation strategies. The local government shall annually review the concurrency implementation strategies that are incorporated in this Capital Improvements Element:
   (1) Standards for levels of service that are phased to reflect the local governments financial ability to increase public facility capacity, and resulting levels of service, from year to year. Standards for levels of service may be phased to specific fiscal years in order to provide clear, unambiguous standards for issuance of development orders. (See Policy 1.1.3)
   (2) Standards for levels of service that are applied within appropriate geographical areas of the local government. Standards for Countywide public facilities are applied to development orders based on levels of service throughout the County. Standards for public facilities that serve less than the entire County are applied to development orders on the basis of levels of service within assigned service areas. (See Policy 1.3.3.c)
   (3) Standards for levels of service are applied according to the timing of the impacts of development on public facilities. Final development orders, which impact public facilities in a matter of months, are issued subject to the availability of water, sewer, and solid waste facilities prior to the issuance of the building permit, and other facilities (i.e., parks stormwater management and, mass transit) must be available within 12 months of the final development order. Preliminary development orders can be issued subject to public facility capacity, but the capacity determination expires in two years unless the applicant provides financial assurances to the local government. As an alternative, the determination of public facility capacity for preliminary development orders can be waived with in agreement that a capacity determination must be made prior to issuance of any final development order for the subject property. Such a waiver specifically precludes the acquisition of rights to a final development order as a result of the issuance of the preliminary development order. (See Policy 1.3.3.a and b)
   (4) Levels of service are compared to adopted standards on an annual basis. Annual monitoring is used, rather than case-by-case monitoring, for the following reasons:
      (a) annual monitoring corresponds to annual expenditures for capital improvements during the local governments' fiscal years;
      (b) annual monitoring covers seasonal variations in levels of service; and
      (c) case-by-case monitoring would require applicants for development orders or the local government to conduct costly, time-consuming research which would often be partially redundant of prior research, or involve disparate methodologies and produce inconsistent results.

      (See Concurrency Implementation and Monitoring System component A, above.)

   (5) Public facility capital improvements are prioritized among competing applications for the same amount of facility capacity according to the criteria in Policy 1.1.5.b.4. If any applications have

to be deferred to a future fiscal year because of insufficient capacity of public facilities during the current fiscal year, the applications to be deferred will be selected on the basis of rational criteria.

e. Capacity of Public Facilities for Development Orders Issued Prior to Adoption of the Plan. The City of Tallahassee and Leon County will "reserve" capacity of public facilities for development orders, in addition to approved Developments of Regional Impact, that were issued by the local government prior to the adoption of this Comprehensive Plan under the following circumstances:
   (1) A representative of the property which is the subject of the development order has requested and received a determination of vested rights, and
   (2) A representative of the property which is the subject of the development order has accepted in writing the applicable requirements of Policy 1.3.3.b, c of the Capital Improvements Element.

   The local governments find that it is not necessary to automatically "reserve" capacity of public facilities for all development orders issued prior to the adoption of the plan because experience indicates that many such development orders are not used, or are not used to the maximum allowable uses, densities or intensities. The local governments find that the population forecasts that are the basis for this plan are a reasonable prediction of the absorption rate for development, and that the capital facilities which are planned to serve the forecast development are available for that absorption rate. Reserving public facility capacity for previously issued development orders would deny new applicants access to public facilities, and would arbitrarily enhance the value of dormant development orders.

   The local governments intend to develop and pursue programs that will give persons with legitimate and substantial rested rights an opportunity to proceed with their plans without arbitrary interference by the new Comprehensive Plan. However; the local governments intend to require such persons to "continue in good faith" in order to "reserve" capacity of public facilities which are provided by the local government. The City of Tallahassee and Leon County will not "reserve" capacity of public facility for previously issued development orders that have not been vested under the local government's vesting ordinance and which have not continued development in good faith.

8. **5-Year Evaluation**. The required 5-year evaluation and appraisal report shall address the implementation of the goals, objectives and policies of the Capital Improvements Element. The monitoring procedures necessary to enable the completion of the 5-year evaluation include:
   a. Review of Annual Reports of the Concurrency Implementation and Monitoring System.
   b. Review of Semiannual Reports to DCA concerning amendments to the Comprehensive Plan.
   c. Review of Annual Updates of this Capital Improvements Element, including updated supporting documents.

9. **Contractor Performance System**. The local government will develop a system of monitoring the actual performance of contractors who design and/or construct public facilities for the local government. The monitoring system shall track such items as actual vs. planned time schedule, and actual vs. bid cost. The performance of contractors shall be considered when the local government awards contracts for public facilities. 9J-5.016(3)(c)6 and (4)(b)