
EXHIBIT H

CAPITAL IMPROVEMENTS ELEMENT

INTRODUCTION

A primary purpose of the Capital Improvements Element (CIE) is to assess and demonstrate the financial feasibility of the Clay County Comprehensive Plan. Feasibility will be assessed by examining projected increases in capital and operating expenditures in relation to anticipated revenues available to the county. A full fiscal analysis is performed, in that a complete set of capital and operating expenditures are analyzed including those necessitated by the improvements and standards specified in the plan as well as other non-plan-related expenditures. Only by including these other expenditures can the financial feasibility of the Comprehensive Plan be accurately assessed.

The CIE has a critical role within the county's comprehensive planning process. The elements of the plan that involve capital improvements, such as Transportation and Recreation, are tied together through the CIE. The improvements specified in these elements are set within an overall economic and financial framework which evaluates their combined fiscal impact, as well as the underlying fiscal impact of the growth and development efforts to be accommodated in the Comprehensive Plan.

The CIE also has a key relationship to the Future Land Use Element, which is mandated and strengthened through the concurrency requirement stipulated in state regulatory policy. This requirement, simply stated, says that facilities and services must be available at their adopted service standard concurrent with the impacts of development. This mandates that decisions concerning the planning of capital improvements and land use being correlated with each other. The CIE provides for the continued maintenance of the Concurrency Management System (CMS) to ensure that new development will have adequate infrastructure capacity and that the adopted LOS standards will be maintained.

GOALS, OBJECTIVES AND POLICIES

Unless otherwise specified, all policies will be implemented upon Plan adoption.

GOAL:

To provide necessary public facilities and services to the County's residents, businesses and industries in a timely manner that maximizes the use of the existing infrastructure and promotes orderly growth.

Objective 1: Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn out or obsolete facilities, as indicated in the five-year schedule of improvements, supplemental ten-year schedule of transportation improvements and the School District of Clay County's annually updated financially feasible Five-Year Educational Facilities Plan. Amendment 04-1, July 2004.

Policy 1.1: Capital Improvement projects shall be those projects that are determined to cost at least \$25,000 and will maintain or improve the adopted levels of service in this Plan.

Policy 1.2: The County shall maintain an inventory of all deficient, obsolete or worn-out capital facilities and an inventory of projected capital improvements needed to satisfy deficiencies, meet projected demands, and to replace or repair obsolete or worn-out capital facilities. The inventory shall be updated on an annual basis, at a minimum. Inventories related to public school facilities will be the responsibility of the School District

Policy 1.3: All capital improvement projects shall be ranked for funding in order of priority according to the composite score using the criteria listed below. Projects will be scheduled in each subsequent fiscal year according to this ranking up to the limit of available existing revenue sources. Ranking of public school facilities will be the responsibility of the School District.

Criteria:

- a. Facility is required to eliminate health or safety hazard (1,000 points).
- b. Facility is required to remedy existing capacity deficiency (300 points).
- c. Impact of resulting increases in operating costs on Clay County General Operating Budget (300 points).
- d. Priority location of project based on the future land use designation.

High Priority Locations (300 points)

Urban Core, Urban Fringe, Industrial or Commercial that is adjacent to Urban Core or Urban Fringe.

Moderate Priority Locations (150 points)

Rural Fringe or Commercial that is adjacent to Rural Fringe.

Lower Priority Locations (75 points)

Rural Residential, Agricultural/Residential, Mining, Agriculture, Recreation Preservation, Conservation, or Commercial.

- e. Facility is necessary to accommodate new development and redevelopment service demands (200 points).
- f. Facility is consistent and compatible with the plans of state agencies, including the Florida Department of Transportation, and the St. Johns River Water Management District (100 points).

Policy 1.4: A plan amendment, pursuant to the applicable law, shall be required to eliminate or delay the construction of any road or mass transit facility or service listed in the Five-Year Schedule of Capital Improvements and/or supplemental Ten-Year Schedule of Transportation Improvements that is required to maintain the adopted levels of service. *Amendment 04-1, July 2004.*

Policy 1.5: The Five-Year Schedule of Capital Improvements, supplemental Ten-Year Schedule of Transportation Improvements, and the School District of Clay County's annually adopted financially feasible Five-Year Educational Facilities Plan may be amended by ordinance and not deemed to be an amendment to the 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 Five-Year Schedule of Capital Improvements and/or supplemental Ten-Year Schedule of Transportation Improvements. *Amendment 04-1, July 2004.*

Policy 1.6: Capital Improvements funded by the same revenue source not included in the Five-Year Schedule of Capital Improvements and/or supplemental Ten-Year Schedule of Transportation Improvements may be amended by ordinance provided the financial feasibility of the Five-Year Schedule of Capital Improvements and supplemental Ten-Year Schedule of Transportation Improvements is maintained. *Amendment 04-1, July 2004.*

Policy 1.7: The following roadway segments and schedule of construction of said segments will be added to Capital Improvements Table 2-4, *10-Year Schedule of Transportation Improvements*, at such time as the improvements fall within the tenth year of the schedule, consistent with the conditions of the stipulated settlement

agreement (DOAH #03-3140GM) entered into on November 8, 2005. Said improvements are to be constructed by the developer/owner at the developer/owner's expense.

Roadway Segment	Construction Date
E-W Connector from the western Peters Creek property line to CR 315 Connector	2015
E-W Connector from College Drive Extension to Peters Creek western property line	2015
Peters Creek Internal Road from the property line to CR 218 Extension	2015
College Drive Extension from SR 16 to Saunders Road	2020
CR 315 Connector from CR 739 to CR 315 bend	2020

Remedial Plan Amendment 03-1, November 22, 2005

Objective 2: The County will manage its fiscal resources to ensure the provision of needed capital improvements for previously issued development orders and for future development and redevelopment.

Policy 2.1: In providing capital improvements, the County shall limit the maximum ratio of outstanding indebtedness to no greater than four percent of the property tax base.

Policy 2.2: The County shall continue to adopt an annual capital budget as a part of its budgeting process throughout the planning period.

Policy 2.3: Efforts shall be made to secure grants or private funds, whenever available, to finance the provision of capital improvements.

Objective 3: All land use decisions shall be coordinated with the availability of fiscal resources and the schedule of capital improvements and subsequent years' capital improvements programs to maintain adopted LOS and to provide existing and future facility needs.

Policy 3.1: The County shall use the following LOS standards in reviewing the impacts of new development and redevelopment upon public facility provision:

- a. Solid Waste
Design Capacity (Class I Waste) – 3.43 pounds per capita per day

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- b. Sanitary Sewer
Average Flow – 279 GPD*/ERC* or as approved by FDEP

- c. Potable Water
 Peak Flow – 385 GPD/ERC or as approved by FDEP
 Pressure – 20 pounds per square inch
 *GPD = Gallons Per Day
 ERC = Equivalent Residential Connections

- d. Drainage Facility

Drainage Facility	Design Frequency
Crossdrains for major watersheds	50 years 24 hours
Detention/Retention/Attenuation Basins	25-year, 24 hour critical event with protection to a 100 year rainfall
Bridges and Bridge Culverts	50 years
Crossdrains for minor watersheds	25 years
Crossdrains and ditches for internal drainage	25 years
Sidedrains for roadway ditches	10 years
Storm Sewers ¹	5 years

¹ Unless conditions prevail that indicate a lower control elevation desirable; the optimum hydraulic grade control shall be one foot below the invert of the gutter at the upstream end.

- e. Roadway Facilities

	<u>Non-Intrastate</u>		<u>Intrastate</u>		
	<u>PM Peak Hour LOS</u>		<u>24 Hour LOS</u>		
	<u>Urban</u>	<u>Rural</u>	<u>Urban</u>	<u>Transition</u>	<u>Rural</u>
1. Freeway	D	C	D(E*)	C	B
2. Principal Arterials	E	D	D	C	B
3. Minor Arterials, Collectors and Local Roads	E	D	N/A	N/A	N/A

* LOS for HOV Lanes

4. Constrained or Backlogged Facilities - The facility will be allowed to operate at a level no more than ten percent (10%) of traffic volumes or at no more than three miles per hour (3 m.p.h.) below the average travel speed, whichever is greater, as measured at the time the facility is classified as constrained or backlogged. Constrained facilities shall be maintained and backlogged facilities shall be maintained and improved.

f. Parks and Recreation Facilities:

Neighborhood Park	1 acre per 1,500 persons
Community Park	1 acre per 2,000 persons
Boat Ramps	1 lane per 785 boats
Baseball Fields	1 field per 5,500 persons
Softball Fields	1 field per 8,500 persons
Football Fields	1 field per 24,000 persons
Soccer Fields	1 field per 5,500 persons
Basketball Courts	1 court per 5,000 persons
Tennis Courts	1 court per 3,000 persons

g. Public School Facilities:

Elementary Schools	110 percent of capacity*
Middle Schools	110 percent of capacity*
High Schools	110 percent of capacity*

* School Capacity shall be determined by the lesser of FISH Capacity or core capacity.

Policy 3.2: Decisions regarding the issuance of development permits will be based upon coordination of the development requirements included in this plan, the land development regulations, and the availability of necessary public facilities needed to support such development at the time needed to serve the development.

Objective 4: The County shall maintain a Concurrency Management System (CMS) as a part of the land development regulations which shall ensure that the impacts resulting from the issuance of final development permits shall not result in a reduction in the adopted level of service for the affected public facilities as established in this element.

Policy 4.1: The County shall maintain a CMS as a part of its land development regulations. The CMS shall incorporate provisions which shall require

that the level of service standards for the following public facilities are met prior to the issuance of a final development permit: roads, sanitary sewer, potable water, solid waste, drainage, mass transit, parks and recreation and public school facilities.

Policy 4.2: To ensure that public facilities and services to support development are available concurrent with the impacts of development, the CMS shall require that the following minimum standards be satisfied:

- a. At the time a Concurrency Reservation Certificate (CRC) is issued, the necessary solid waste, drainage, sanitary sewer and potable water facilities must be:
 1. in place and available to serve the new development; or
 2. guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve the new development at the time a certificate of occupancy is issued.
- b. School facilities necessary to achieve and maintain the established level of service standard must be in place or under construction within three years of the issuance of final subdivision or site plan approval.
- c. For parks and recreation facilities, one of the following must be met:

At the time the CRC is issued, the necessary facilities and services are:

1. in place or under actual construction; or
2. in place and available to serve the new development; or
3. guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve the new development at the time a certificate of occupancy is issued; or
4. a CRC is issued subject to the condition that at the time a certificate of occupancy is issued:
 - i. acreage for the necessary facilities and services is dedicated or acquired by the County or funds in the amount of the developer's fair share are committed; and

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- ii. the necessary facilities and services are scheduled to be in place or under actual construction not more than one year after a certificate of occupancy is issued as provided in the County's Five-Year Schedule of Capital Improvements and/or supplemental Ten-Year Schedule of Transportation Improvements, a binding executed agreement, or an enforceable development agreement, pursuant to Section 163.3220, F.S., or development order issued pursuant to Chapter 380, F.S. *Amendment 04-1, July 2004.*
- d. For transportation facilities (roads and mass transit), one of the following must be met:
1. At the time the CRC is issued, the necessary facilities and services are in place or under actual construction;
or
 2. A CRC is issued subject to the condition that the necessary facilities are scheduled to be in place or under actual construction at the time a certificate of occupancy is issued as provided in the first year of the adopted Florida Department of Transportation's Five-Year Work Program or the County's Five-Year Schedule of Capital Improvements and/or supplemental Ten-Year Schedule of Transportation Improvements, a binding executed agreement, or an enforceable development agreement, pursuant to Section 163.3220, F.S. or development order issued pursuant to Chapter 380, F.S. *Amendment 04-1, July 2004, Amendment 04-2, November 2004.*
 3. For the purpose of issuing a CRC, a proposed urban redevelopment project located within a defined and mapped Existing Urban Service Area as established in the County Comprehensive Plan pursuant to Section 163.3164(29), Florida Statutes, shall not be subject to the concurrency requirements of 1 and 2 above for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use which was occupied and active

within two years of the date of CRC application
submittal. *Amendment 02-2, October 2002.*

Policy 4.3: The County shall maintain a monitoring system, as part of the land development regulations, that shall at least annually (a) update the available capacity for roads, sanitary sewer, potable water, solid waste, drainage, parks and recreation, and mass transit (if applicable) facilities; and (b) update the County's compliance with the scheduling contained in the Five-Year Schedule of Capital Improvements and supplemental Ten-Year Schedule of Transportation Improvements. *Amendment 04-1, July 2004.*

Policy 4.4: The County shall annually adopt into its Capital Improvement Element that portion of the School Board's Educational Facilities Plan (EFP) providing a five-year schedule and long term schedule of capital improvements which include those necessary school capacity projects to address existing deficiencies and future needs to achieve and maintain the adopted level of service standard for public schools.

Objective 5: Future development will bear a pro rata share of the costs necessary to finance improvements necessitated by such development in order to adequately maintain adopted LOS standards.

Policy 5.1: New developments will be required to contribute a proportionate or fair share of the costs necessary to provide the public facility capacity necessary to serve such developments and maintain the LOS standards stipulated in this plan.

Policy 5.2: The County may establish by ordinance alternative funding mechanisms as a means of assessing new development a fair share of the costs necessary to provide public facilities and services to accommodate new growth. Such alternative funding shall include, but are not limited to, impact fees and franchise fees.

Policy 5.3: The County may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all of the following factors are shown to exist:

- a. The County has adopted a comprehensive plan that is in compliance;
- b. The proposed development would be consistent with the future land use designation for the specific property and with applicable sections of the County's adopted comprehensive plan;
- c. The transportation facilities necessary to serve the proposed

development are included in a financially feasible capital improvement schedule and the County has not implemented the necessary transportation improvements as required by the schedule;

- d. The County has adopted policies within this element to assess a fair share of the cost of providing the transportation facilities necessary to serve the proposed development;
- e. The fair share assessment shall have a reasonable relationship to the transportation impact that is generated by the proposed development; and
- f. The landowner has made a binding commitment to the County to pay the fair share of the cost of providing the transportation facilities necessary to serve the proposed development.

Policy 5.4: For the purpose of assessing a landowner's fair share of the cost of providing the transportation facilities necessary to serve a proposed development, the County shall use a quantitative formula where the landowner's fair share contribution shall equal the total peak hour trips generated by the proposed development **(a)** divided by the total peak hour trips created by the transportation improvement needed **(b)**, times the total cost of the transportation improvement needed includes all associated costs of the improvement **(c)**, to wit:

$$\text{Landowner's Fair Share} = (a/b) * c$$

Policy 5.5: The County shall use the most recent issue of the Florida Department of Transportation's publication entitled Transportation Costs to calculate the value of **(c)** in the formula found in Policy 5.4.

Policy 5.6: The County shall use the most recent edition of the publication put forth by the Institute of Transportation Engineers entitled Trip Generation to calculate the value of **(a)** in the formula found in Policy 5.4.

Policy 5.7: If at the time of assessing the landowner's fair share the County has adopted a transportation impact fee, the fair share payment shall not be less than the transportation impact fee in existence. The fair share payment may be credited against the payment of transportation impact fees.

Policy 5.8: The County shall establish procedures and requirements within the Concurrency Management System to implement the fair share assessment, which shall include the following, as a minimum:

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- a. By ordinance, the County may approve any transportation improvement associated with a fair share assessment that is not included in a financially feasible capital improvements schedule. Thereafter, the County shall prepare and submit necessary amendments to the Capital Improvements Plan. *Amendment 04-1, July 2004.*
 - b. Assessment and improvement districts shall be created for the purpose of collecting and distributing fair share funds.
 - c. A special revenue fund shall be established for the deposit of payments associated with a fair share assessment. The fund shall be segregated into accounts for each improvement district and the funds collected shall be deposited into the account(s) for the affected benefit district(s).

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- d. Expenditures from the special revenue fund shall be made when there are sufficient funds within the account equal to the amount necessary to commence engineering, acquisition of rights-of-way, construction, or any other costs associated with the selected transportation improvement within the improvement district for which the account was created.

CAPITAL IMPROVEMENTS SCHEDULES

The Five-Year Schedule of Capital Improvements consists of the following attached hereto:

- Clay County Transportation Improvement Program (Table 2-1).
- Comprehensive Plan Capital Improvements Funded by Clay County (Table 2-2).
- Capital Improvements Program Revenue Sources (Table 2-3).
- Clay County Capital Improvements Program (Table 5-1).
- Map entitled "Comprehensive Plan Capital Improvements."

The Ten-Year Schedule of Transportation Improvements consists of the following attachments:

- Ten Year Schedule of Transportation Improvements (Table 2-4).
- Ten Year Transportation Plan Map

The School District of Clay County's annually adopted financially feasible Five-Year Educational Facilities Plan (EFP) consists of the following attachments:

- Projected New Revenue (EFP Table 3.1)
- District Capital Outlay Expenditures (EFP Table 3.2)
- Capital Projects Plan Worksheet (EFP Table 3.3)