



LAKE COUNTY
FLORIDA

CONCURRENCY MANAGEMENT
Data, Inventory & Analysis
2030 Planning Horizon

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INTRODUCTION

The purpose of the Lake County Concurrency Management System is to ensure that the public facilities and services needed to support development are available concurrent with the impacts of such development. For the purpose of the issuance of development orders, concurrency management shall be relevant to all development located within the area for which Lake County has authority to issue development orders and permits. It is the intent of this chapter to ensure that level of service (LOS) standards adopted in the Lake County Comprehensive Plan for public facilities and services, described below, are maintained via the Lake County development review process. For the purpose of concurrency management, public facilities and services, pursuant to Rule 9J-5, Part 9J-5.0055, Florida Administrative Code, include the following:

- Transportation facilities and services;
- Sanitary sewer facilities and services;
- Solid waste facilities and services;
- Stormwater Management facilities and services;
- Potable water facilities and services;
- Parks and recreation facilities and services; and
- Public School facilities.

Development Orders are defined in Appendix E, Chapter II of the Lake County Code, as follows:

“An order issued by the County Manager or designee, Board of Adjustment, or Board of County Commissioners, granting, denying or granting with conditions an application for Development. Development Orders are classified as either preliminary or final.

- a. “Preliminary Development Order”: means an order conferring certain rights, after specific elements of a conceptual development plan have been approved by all appropriate reviewing departments and agencies.
- b. “Final Development Order”: means the last official action of the approving agency taken on a development plan that has been given preliminary approval, after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.”

CAPITAL IMPROVEMENTS ELEMENT

The Concurrency Management Element is closely linked with the Capital Improvements Element. The purpose of the Capital Improvements Element (CIE) is to adopt a five-year, financially feasible schedule of capital improvements for each Category A public facility. Category A facilities are those for which a level of service must be established for concurrency determination, as mandated by Chapter 163, Florida Statutes. These facilities include roadways, sanitary sewer, stormwater, potable water, solid waste, parks and recreation facilities, and public schools. The County shall ensure that potable water and sanitary sewer services provided in unincorporated Lake County by providers other than the County meet the appropriate level of service. The improvements described in the element address the maintenance of adopted Level of Service Standards and the achievement of adopted element policies and program goals. An annual update is required by Chapter 9J-5, Florida Administrative Code. In preparing the

document, staff evaluates program and project costs, reviews revenue sources and projections to ensure adequacy to cover the five-year period, and reviews facility services to ensure maintenance of the adopted Level of Service standards. The CIE thereby provides an assurance of effective implementation by adopting a financially feasible five-year schedule of improvements for each type of facility, and by measuring whether those improvements are adequate to meet current and projected demands covering the five-year period.

APPLICABILITY OF CONCURRENCY MANAGEMENT

All Development Orders issued by the County are subject to concurrency management. Exemptions for concurrency management may be granted for development determined by the County to have negligible impacts on public facilities and services in accordance with the exemption criteria established in Appendix E of the Lake County Code, hereafter referred to as the Land Development Regulations (LDRs). Additionally, exemptions from concurrency management review, or portions thereof, may be granted for developments determined by the County to have "De Minimus" impacts on public facilities and services.

Applicants for preliminary development orders, including Comprehensive Plan Amendments, rezoning, Planned Unit Developments, some Conditional Use Permits, and some Variances have the following options:

- Request a concurrency management review for the purpose of reserving capacity of public facilities and services; or
- Request a concurrency management review for inquiry purposes only and defer concurrency management review for the purpose of reserving capacity of public facilities and services but acknowledging that future rights to develop a property are subject to a future concurrency management review; or
- Request a pre-application meeting for transportation facilities with a lack of capacity to satisfy concurrency for discussion of a proportionate fair share agreement.

Preliminary Plats are required to undergo concurrency management review as a condition of granting approval of the Preliminary Plat. Final Development Orders, including Florida Quality Development (FQD) Development Orders, Development of Regional Impact (DRI) Development Orders, final Subdivision Plats, Site Plans, final Master Park Plans, construction plans, administrative Lot splits and Building Permits are required to undergo concurrency management review.

ADOPTED LEVELS OF SERVICE

As noted above, the County has adopted levels of service for the seven facilities required by Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code. The following table summarizes these levels of service. A more detailed discussion follows.

Table 1 – Facility Level of Service (All Facilities)

PLAN ELEMENT	FACILITY TYPE	SERVICE AREA	ADOPTED LEVEL OF SERVICE
Transportation	County Arterial & Collector Roads 2-lane, 4-lane, 6-lane	Varies by Character: Rural, Urban, Mixed Use, Commercial & Residential	Daily/Peak Hour

		Neighborhoods	
	State Roads	Countywide	Per Transportation Element (FIHS per FDOT LOS Criteria Tables)
Parks & Recreation		Countywide	4 acres per 1,000 Residents
Solid Waste	County Landfill	Countywide	The base LOS is 1-1: 1 day per week garbage pickup and 1 day per week recycling pickup.
Potable Water	NA	NA	County does not provide potable water service
Sanitary Sewer	NA	NA	County does not provide sewer service
Stormwater	Drainage	Countywide	Varies by type of basin and facility
Public School Facilities	School	Concurrency Service Area	Based on Core Dining Capacity

TRANSPORTATION LEVELS OF SERVICE

Transportation public facilities and services include all roadways maintained by Lake County, a municipality, an adjacent County and the Florida Department of Transportation.

Maximum Number of Through Lanes

The adopted maximum number of through lanes for specific roadways of concern are depicted on the Maximum Lane Constrained Corridors Map, as adopted by the Lake Sumter MPO on September 23, 2009 (Figure 1).

Transitioning Urbanized Areas Minimum Operating Level of Service Standards

Consistent with the Florida Department of Transportation Quality/Level of Service Handbook, Lake County has adopted *Area Types for Highways and Roads in Lake County as depicted on the Urban, Transitioning and Rural Areas Map as adopted by the Lake Sumter MPO on September 23, 2009* (Figure 2).

The Minimum Operating Level of Service Standards are depicted on the charts below:

Table 2 – Rural Areas Minimum Operating Level of Service Standards

ROAD CLASSIFICATION		PEAK HOUR MINIMUM LEVEL OF SERVICE
Strategic Intermodal System (SIS) / Florida Intrastate Highway System (FIHS)		B
Transportation Regional Incentive Program (TRIP)	Other Multilane	B
	Two-Lane	C
County Arterials		C
State Arterials		C
Collectors		C
Local		C

Table 3 - Transitioning Urbanized Areas Minimum Operating Level of Service Standards

ROAD CLASSIFICATION		PEAK HOUR MINIMUM LEVEL OF SERVICE
Strategic Intermodal System (SIS) / Florida Intrastate Highway System (FIHS)		C
Transportation Regional Incentive Program (TRIP)	Other Multilane	C
	Two-Lane	C
County Arterials		D
State Arterials		D
Collectors		D
Local		D

Table 4 – Urbanized Areas Minimum Operating Level of Service Standards

ROAD CLASSIFICATION		PEAK HOUR MINIMUM LEVEL OF SERVICE
Strategic Intermodal System (SIS) / Florida Intrastate Highway System (FIHS)		C
Transportation Regional Incentive Program (TRIP)	Other Multilane	D
	Two-Lane	D
County Arterials		D
State Arterials		D
Collectors		D
Local		D

Recreation Levels of Service

Parks and recreation public facilities and services include all recreational park lands owned, operated or managed by Lake County or an entity under contractual obligation with Lake County. Recreational park lands for which the County has contributed funding toward the purchase of such lands shall be construed to be owned by the County relative to the funding contribution as a portion of the purchase price.

The level of service standard for recreation shall be as established in the Parks and Recreation sub-element and is four (4) acres per 1,000 residents.

Solid Waste Levels of Service

Solid waste public facilities and services include all solid waste facilities and services owned, operated or managed by Lake County or an entity under contractual obligation with Lake County.

The County's adopted level of service for its solid waste disposal facilities shall be as directed in the Solid Waste Sub-Element. The base level of service is 1-1:

- One (1) day per week garbage pickup, and
- One (1) day per week recycling pickup,

Potable Water Levels of Service

Potable water public facilities and services include those facilities and services owned or operated by Lake County, a municipality, or an adjacent County providing water for human consumption, dermal contact, culinary purposes or dishwashing.

The level of service for potable water supplied by a municipality in Lake County to unincorporated Lake County shall be the same as the level of service within the municipality. The level of service for potable water supplied by a private provider in unincorporated Lake County shall be the minimum design and operating standards as established by the authorized federal, state, regional, water management district, and local regulatory agencies. Lake County shall require, at a minimum, all potable water to be produced, treated, stored and distributed in accordance with all federal, state, regional and local requirements.

Sanitary Sewer Levels of Service

Sanitary sewer public facilities and services include those facilities and services owned or operated by Lake County, a municipality or an adjacent County.

The level of service for sanitary sewer supplied by a municipality in Lake County to unincorporated Lake County shall be the same as the level of service within the municipality. The level of service for sanitary sewer supplied by a private provider in unincorporated Lake County shall be the minimum design and operating standards as established by the authorized federal, state, regional, water management district, and local regulatory agencies.

Design Storms and Pollution Abatement Level of Service Standards

Stormwater Management public facilities and services include all stormwater management facilities and services owned, operated, or managed by Lake County or an entity under contractual obligation with Lake County.

Lake County has adopted the following minimum level of service standards for design storms and pollution abatement level of service standards:

Table 5 – Lake County Stormwater Quantity and Quality Criteria

FACILITY	FREQUENCY & DURATION
Bridges (not located on principal arterials or evacuation routes)	50 years, 24 hours
Principal arterial bridges and evacuation routes	100 years, 24 hours
Canals, ditches, swales or culverts for drainage external to the development	25 years, 24 hours
Canals, ditches, swales or culverts for drainage internal to the development	10 years, 24 hours
Detention and retention basins contributory to land-locked areas with no positive outlet	25 years, 96 hours
Detention/retention structures with a positive outlet	25 years, 24 hours Mean Annual Storm
Habitable structures first floor elevation must be, at a minimum, 18 inches above the 100-year	100 years, 24 hours

FACILITY	FREQUENCY & DURATION
flood elevation	
Storm sewers	10 -year storm

- Design storm based on 24 hour minimum.
- Pollution abatement shall be accomplished by requiring stormwater management systems to retain or detain with filtration, the first one-half inch of run-off from developed sites, or the run-off generated from the first inch of rainfall on developed sites, whichever is greater.
- Lake County shall require a retention/detention system that limits peak discharge of a developed site to the discharge from the site in an undeveloped condition during a 24 hour/25 year frequency storm event.
- Prior to development approval, Lake County shall require projects to receive appropriate permits from State agencies to comply with the rules and regulations for stormwater facility design, performance and discharge.
- Discharged stormwater run-off shall not degrade receiving surface water bodies below the minimum conditions as established by State water quality standards (17-302 and 17-40.420, FAC).

Public School Facilities Levels of Service

The level of service is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS shall be established for all school types within the Lake County School District as: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.

CONCURRENCY MANAGEMENT SYSTEM.

No development order shall be issued by the County unless there is sufficient capacity of public facilities and services, at the adopted level of service standards, needed to support the development, concurrent with the impacts of such development, in accordance with the following criteria.

The Board of County Commissioners of Lake County finds that the impacts of development on public facilities within the County occur concurrent with development authorized by a final development order. Therefore, capacity for Category A facilities and services shall be available concurrent with the impacts of development. The County shall determine, prior to the issuance of development orders, whether or not there is sufficient capacity of Category A public facilities to meet the standards for levels of service for existing population and development and the proposed development concurrent with the impacts of the proposed development. For the purpose of this policy, "concurrent with" shall be defined as follows:

No final development order will be issued by the County unless there is sufficient capacity of Category A public facilities to meet the standards for levels of service for the existing population and for proposed development according to the following guidelines:

Potable Water, Sanitary Sewer, Solid Waste, and Stormwater Management.

To satisfy concurrency requirements, capacities for water, sewer, solid waste and stormwater management must comply with adopted level of service standards according to one of the following timeframes established during the concurrency determination stage of the development review process:

- Facilities and services are in place and available to serve the new development prior to the issuance of a certificate of occupancy or its functional equivalent.
- A development permit is issued subject to the condition that the necessary facilities and services will be in place at the time the impacts of the development occur. Such conditions shall be stipulated within an enforceable development agreement or a binding contract that guarantees the completion of construction prior to the issuance of a certificate of occupancy or its functional equivalent. A development shall place no impact on facility capacity until such a certification is issued.

Transportation

For transportation facilities, the concurrency requirement shall be satisfied through one of the following actions approved by Lake County during the development review process:

- A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
- At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place and available to serve new development at the time of the issuance or certificate of occupancy or its functional equivalent; or
- Necessary improvements are programmed within the first three (3) years of the Five-Year Schedule of Capital Improvements, provided that all of the following conditions are met:
 - The Five-Year Capital Improvements Program and the [Capital Improvements Element](#) of the Lake County Comprehensive Plan are financially feasible. As permitted by Rule 9J-5.0055(3)(c), F.A.C., concurrency determinations shall only include transportation projects scheduled in or before the first three (3) years of the Five-Year Schedule of Capital Improvements.
 - The Five-Year Capital Improvements Program includes improvements necessary to correct any identified road deficiencies and maintain adopted levels of service for existing and permitted development within the first three (3) years of the Five-Year Schedule of Capital Improvements, and the provision of service will commence in or before that third year.
 - The public facilities necessary to serve the development are available or included in or before the first three (3) years of the Five-Year Schedule of Capital Improvements, and development orders are only issued on this condition.
 - The Five-Year Capital Improvements Program is based on currently available revenue sources, identifies whether funding is for design, engineering, consultant fees, or construction, and indicates, by fiscal year, how the dollars will be allocated.

Notwithstanding the above, the County may assess proportionate fair-share mitigation options for transportation impacts, pursuant to Ch 163.3180(16), F.S .

Parks and Recreation

For park and recreation facilities and services, the concurrency requirement shall be satisfied through one of the following actions approved by Lake County during the development review process:

- Satisfy one of the criteria stipulated above for potable water, sanitary sewer, solid waste, and stormwater management; or
- A development order or permit is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by Lake County, or funds in the amount of the developer's proportionate fair share are committed; and
 - A development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three (3) years after the issuance of a certificate of occupancy or its functional equivalent as provided in the Five-Year Capital Improvements Program; or
 - At the time the development order or permit is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and service to serve the new development to be in place or under actual construction not more than three (3) years after issuance of a certificate of occupancy or its functional equivalent; or
 - At the time the development order or permit is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three (3) years after issuance of a certificate of occupancy or its functional equivalent.

Public School Facilities

The County cooperates with the School District in the implementation of capacity determination standards and recognizes the school capacity assessments conducted by the School District. The School Board determines whether adequate school capacity exists for a proposed development, based on LOS standards, Concurrency Service Areas (CSA), and other standards stipulated in the "First Amended Interlocal Agreement Between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting."

The County coordinates with the School Board to establish availability standards for school facilities. The County shall not accept, nor shall that person process, a development application for a non-exempt residential use without either:

- The School Board's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of the final subdivision or site plan approval without mitigation; or

- The School Board's written acknowledgement that the applicant has paid proportionate share; or,
- The execution of a legally binding mitigation agreement between the applicant, Lake County, and the School Board.

CONCURRENCY MANAGEMENT REVIEW.

The Lake County Concurrency Management Review Procedures are designed to provide an expeditious review of development orders while ensuring that public facilities and services needed to support the development are available concurrent with impacts.

Public Facility/Service Capacity Review Criteria

Capacity analysis for public facilities and services shall be completed in accordance with the following criteria:

Transportation Concurrency

The Lake-Sumter Metropolitan Planning Organization (MPO) entered into an interlocal agreement in 2007 with Lake County, Sumter County, all municipalities in Lake County and the City of Wildwood. This interlocal agreement, effective January 1, 2008, designated the MPO as the administrator of the transportation concurrency management systems (TCMS) for each of these local governments. Transportation concurrency is administered by the LSMPO based upon the *Traffic Impact Study Methodology Guidelines, Volume 1: Lake County Checkbook TCMS, May 28, 2008*, incorporated herein by reference. The Checkbook TCMS is available on-line at the LSMPO website here: http://www.lakesumtermpo.com/pdfs/concurrency/TCMS_TIS_05_2008.pdf The MPO currently monitors the Lake County Checkbook TCMS, which covers all of Lake County, incorporated and unincorporated. In an effort to standardize the evaluation and mitigation of transportation impacts throughout Lake and Sumter Counties, the MPO embarked on the development of this methodology document.

The Lake-Sumter MPO adopted the guidelines for the preparation of Traffic Impact Studies (TIS). The intent of these guidelines is to establish minimum standards for all TIS reports and to provide for a clear, orderly, and consistent basis on which traffic impacts are to be evaluated. A TIS is an important tool in the overall development planning process. It provides information which will allow local governments to evaluate the impact of a development, with respect to the need for roadway/intersection capacity, operational and safety improvements. The TIS shall also identify mitigation measures for the impacts identified. A TIS allows a local government to make more informed decisions. The requirements for the preparation of a TIS are in place to ensure that the local government is able to:

- Identify, in advance, any potential adverse impacts to the existing transportation system, such that appropriate mitigation strategies can be developed.
- Assist public and private sector entities in the early identification of issues related to traffic operations, including, but not limited to, driveway/access locations, traffic signals, and other elements of transportation facilities.

- Support long term planning solutions that foster responsible growth of transportation infrastructure, consistent with the local government's Comprehensive Plan and vision for the community.

The preparation of a TIS shall be necessary at the time a preliminary development plan application is submitted for all development projects. The level of detail and type of TIS for each project will depend on the number of net new peak-hour trips generated. The amount of net new peak-hour, project traffic/trips generated by the proposed development, which accounts for adjustments for internal capture and passby trips, if applicable, shall be based on its proposed land uses and calculated using the trip generation methodologies and guidelines. A TIS is also required for all aspects of site development and impact assessment within the local government's jurisdiction. This includes, but is not limited to, updates to previously approved developments, the development of the Local Government Comprehensive Plan (LGCP), LGCP amendments (particularly Future Land Use Map (FLUM) changes), as well as participation in Development of Regional Impact (DRIs) and Florida Quality Development (FQDs) review and approval. This also includes zoning, reviews of Planned Unit Developments (PUDs), subdivision ordinances, and related land activities, and Congestion Management Plans (CMPs), including subsequent Campus Development Agreements (CDAs). In addition, a TIS shall be required for all updates or unapproved phases of a project/development.

A development application will not be deemed complete until a final, approved TIS is received and approved by the local government. In addition, applicants should note that interagency and intergovernmental coordination is necessary for projects that impact transportation facilities maintained by the State (FDOT), County or adjacent/other local governments.

Sanitary Sewer

The demand on sanitary sewer public facilities and services shall be based on an Equivalent Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby one (1) ERU equates to a flow of three hundred (300) gallons per day (GPD) of effluent. Developments that propose to connect to, or are required to connect to sanitary sewer public facilities and services shall be required to obtain a letter from the provider of such sanitary sewer facilities and services indicating that the provider has the capacity available, or will have the capacity available to serve the proposed development concurrent with the impacts of such development, in accordance with Rule 9J-5, Part 9J-5.0055(2)(a), Florida Administration Code. If the demand on sanitary sewer facilities and services exceeds the available capacity of the sanitary sewer facilities and services, the development order associated with the concurrency Management review shall not be approved.

Solid Waste

The demand on solid waste public facilities and services for a proposed Development shall be based on an Equivalent Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby one (1) ERU equates to the number of pounds per capita per day generated at the adopted level of service standard for solid waste. Once the demand has been calculated, it shall be compared to the available capacity of the solid waste facilities and services. One (1) year of disposal capacity shall be required when determining available capacity. Available capacity shall be determined by subtracting the existing solid waste flow, the solid waste flow from municipalities within Lake County and other solid waste generators for which the County is contractually obligated to receive their solid waste, the solid waste flow generated by

developments that have previously reserved capacity and the solid waste flow generated by developments that have previously encumbered capacity from the maximum flow capacity of the solid waste facilities and services of the County. If the demand on solid waste facilities and services exceeds the available capacity of the solid waste facilities and services, the development order associated with the concurrency management review shall not be approved.

Stormwater Management

The demand for stormwater management shall be based on the volume of stormwater runoff for the design storm. The geographic scope to be examined shall be the project development site. If the Applicant is unable to demonstrate that the proposed development will be able to meet the stormwater management design and improvement standards adopted in the Comprehensive Plan and Land Development Regulations, the development order associated with the concurrency management review shall not be approved.

Potable Water

The demand on potable water public facilities and services shall be based on an Equivalent Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby one (1) ERU equates to a flow of three hundred (300) gallons per day (GPD) of potable water at a minimum pressure of twenty (20) pounds per square inch. Developments that propose to connect to, or are required to connect to potable water public facilities and services shall be required to obtain a letter from the provider of such potable water facilities and services indicating that the provider has the capacity available, or will have the capacity available to serve the proposed Development concurrent with the impacts of such Development, in accordance with Rule 9J-5, Part 9J-5.0055(2)(a), Florida Administrative Code. If the demand on potable water facilities and services exceeds the available capacity of the potable water facilities and services, the Development Order associated with the concurrency Management review shall not be approved.

Recreation and Open Space

The demand for parks and recreation shall be determined for a proposed Development based on the number of acres of parks and recreation facilities required per one thousand (1,000) residents. Demand shall only be calculated for residential development and shall incorporate a person's per household figure established in the most recent decennial census. Once the demand on parks and recreation facilities has been calculated, it shall be compared to the available capacity of the parks and recreation facilities. Available capacity shall be determined by subtracting the existing demand on parks and recreation facilities, the demand on parks and recreation facilities created by developments that have previously reserved the capacity and the demand on parks and recreation facilities created by developments that have previously encumbered capacity from the total acreage of parks and recreation facilities, at the adopted level of service standards. If the demand on parks and recreation facilities and services exceeds the available capacity, the development order associated with the concurrency management review shall not be approved.

Public Schools

School District staff conducts concurrency reviews that include findings and recommendations of whether there is adequate school capacity to accommodate the proposed development for each type of school within the affected CSA consistent with the LOS standard. The School District then

issues a concurrency determination based on the findings and recommendations of this review, which the County shall consider in evaluating development proposals.

If the School District determines that adequate capacity will not be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the School District shall not issue a School Concurrency Determination and the County will not accept or process a development application. If the School District determines that adequate capacity does not exist, but mitigation, through proportionate share is appropriate and feasible, and the County finds that the proposed development is consistent with Comprehensive Plan and FLUM, then the Board of County Commissioners may determine that the proposed development is active pending the conclusion of the mitigation negotiation, pursuant to clause 5.5.2 (5) of the *“First Amended Interlocal Agreement Between Lake County and Lake County School Board and Municipalities for School Facilities Planning and Siting.”*

The County can coordinate with the School District to establish Proportionate Share Mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standard consistent with the adopted School Board’s financially feasible Capital Improvement Plan. In the event the School District determines mitigation is an acceptable alternative to offset the impacts of a proposed development, where the adopted LOS standards would otherwise be exceeded, the following options for implementing mitigation shall apply:

- The donation, construction, or funding of school facilities created by the proposed development.
- The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.

Any proposed mitigation shall be directed toward a permanent capacity improvement identified in the School Board’s financially feasible 5-Year Capital Improvement Program. Consideration may be given by the School Board to place an additional improvement required for mitigation on its Capital Improvement Program. The proposed mitigation must satisfy the demand created by the proposed development consistent with the adopted LOS standards or identified as an amendment to the adopted Capital Improvement Program. Portable classrooms will not be accepted as mitigation.

Mitigation generally will not be required when the adopted LOS cannot be met in a particular CSA, if the School District determines that the needed capacity for the development is available in one or more contiguous CSA(s) and the impacts of the development on school capacity can be shifted to that CSA.

Mitigation shall be directed to projects on the School Board’s financially feasible Capital Improvement Program that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the relevant local government(s), and the applicant executed prior to the issuance of the subdivision plat, site plan, or functional equivalent. If the School Board accepts the mitigation plan, the School Board shall add the improvement required for mitigation to its Capital Improvement Program. This development agreement shall include developer/landowner’s commitment to continuing renewal of the development agreement upon its expiration.

The applicant’s total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs.

The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value. The process to determine proportionate share mitigation obligation shall be as follows:

Step 1: Determine the number of students to be generated by the development:

$$\begin{aligned} &\text{Number of Dwelling Units in the proposed development (by unit type)} \\ &\quad \mathbf{MULTIPLIED\ BY} \\ &\quad \text{Student Generation Rate (by type of DU and by School Type)} \\ &\quad \mathbf{EQUALS} \\ &\quad \text{Number Student Stations needed to serve the proposed development} \end{aligned}$$

Step 2: Comparing the available capacity to the number of student stations calculated in Step 1 to assess the need for mitigation:

$$\begin{aligned} &\text{Available Capacity} \\ &\quad \mathbf{MINUS} \\ &\quad \text{The Number of new Student Stations needed to serve the proposed development} \\ &\quad \mathbf{EQUALS} \\ &\quad \text{The shortfall (negative number) or surplus (positive number) of capacity to serve the development} \end{aligned}$$

Step 3: Evaluating the available capacity in contiguous service areas

If Step 2 results in a negative number, repeat that step for one or more contiguous service areas. If this step results in a negative number, then proceed to step 4 to calculate the proportionate share mitigation.

Step 4: Calculating proportionate share mitigation

$$\begin{aligned} &\text{Needed additional Student Stations from Step 3} \\ &\quad \mathbf{MULTIPLIED\ BY} \\ &\quad \text{Average cost per Student Station} \\ &\quad \mathbf{EQUALS} \\ &\quad \text{Proportionate-Share Mitigation Obligation} \end{aligned}$$

The student generation rates used by the School District to determine the impact of a particular development application on public schools is shown in the table below. These rates will be reevaluated every two years.

Table 6 – Lake County Public School Student Generation Rates

Student Generation Rates			
School Type	Student Generation Rate	Average Students / New School	Acres Per School Site
Elementary	0.186	950	20
Middle	0.100	1,350	40
High	0.124	2,070	60

Figure 1 – Adopted Maximum Lane Constrained Corridors

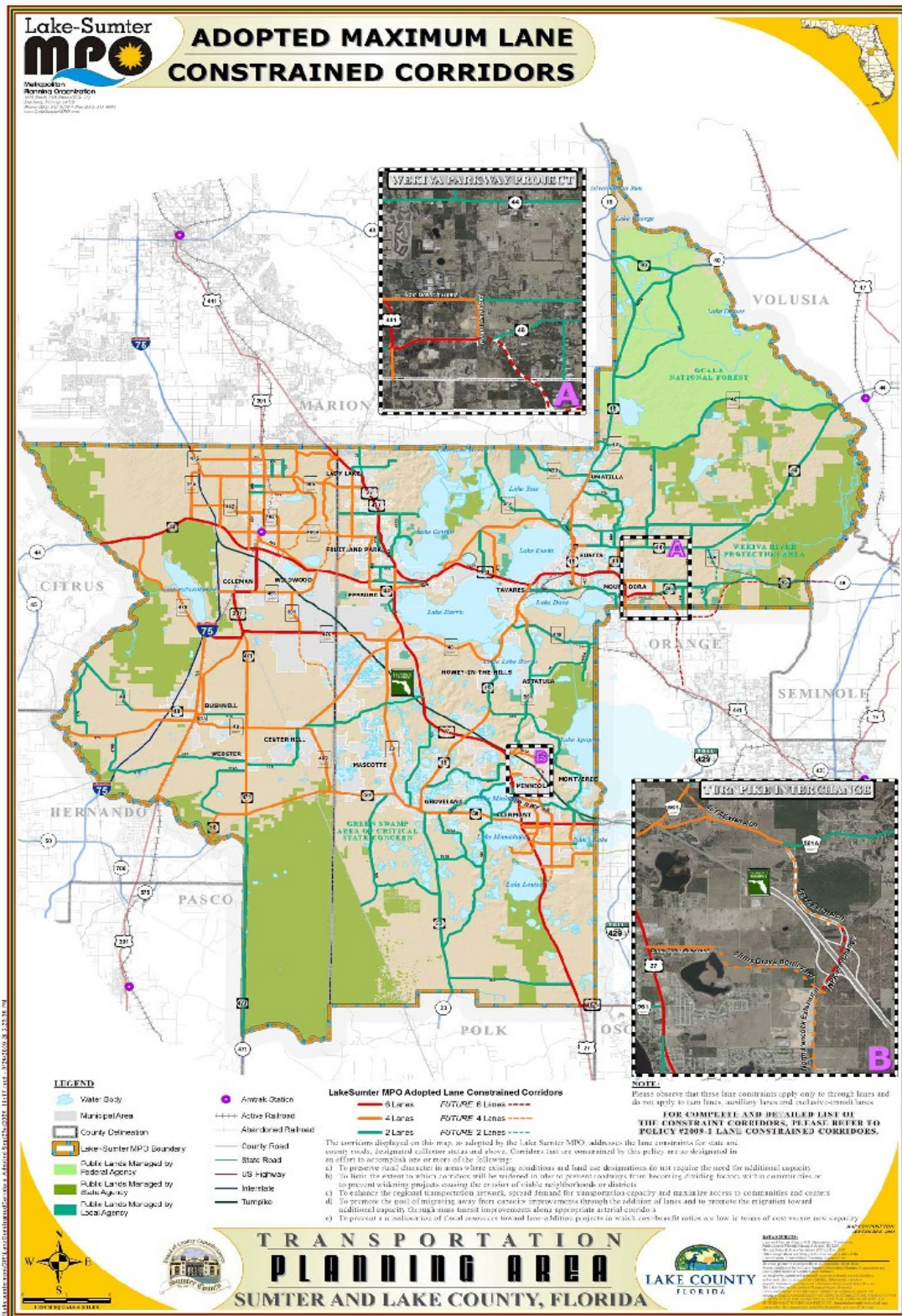


Figure 2 – Urban, Transitioning and Rural Areas Map

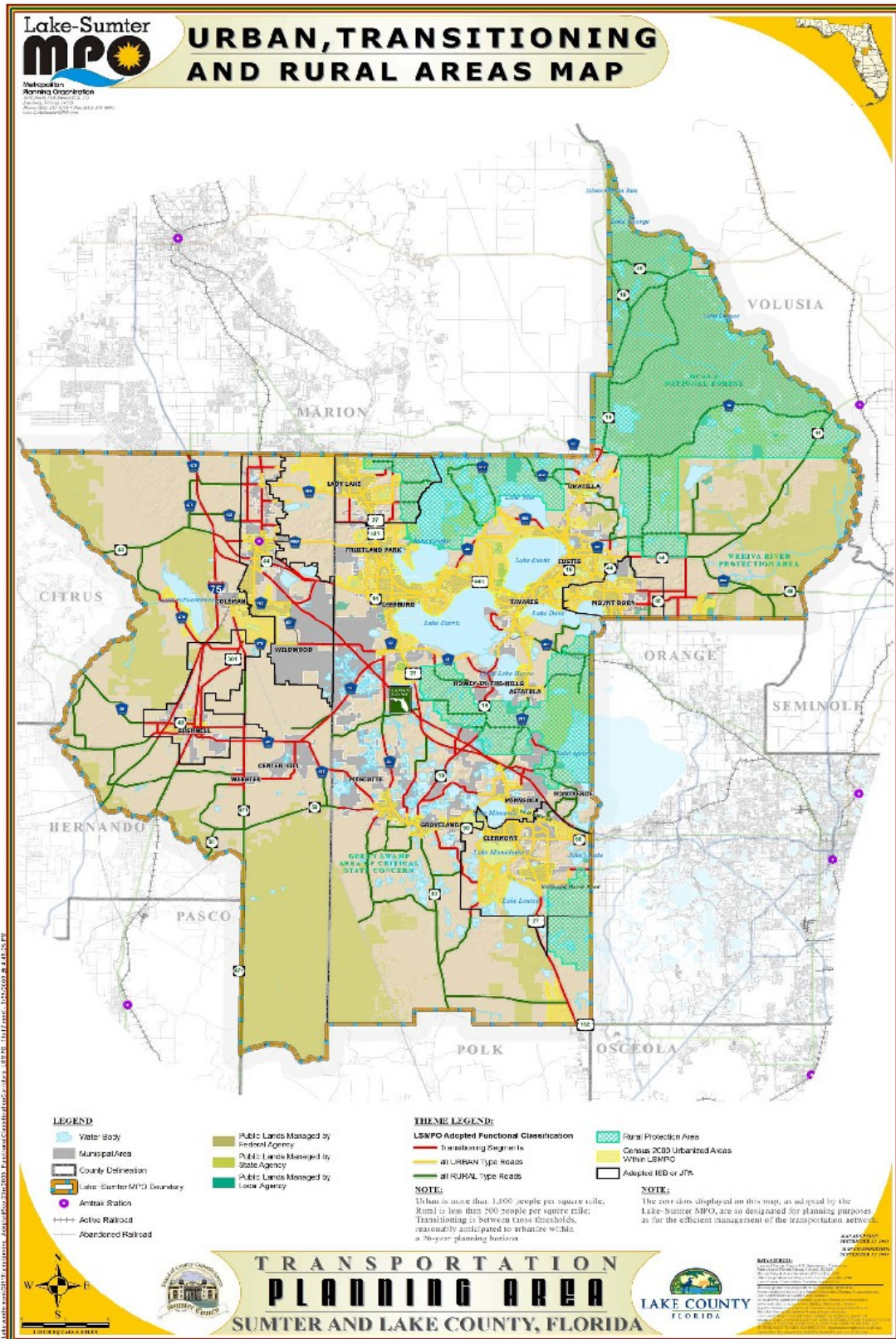


Figure 3 – Lake County School Concurrency Service Areas

