



# LAND DEVELOPMENT CODE

## Chapter 4 Concurrency Management

### CHAPTER 4 CONCURRENCY MANAGEMENT

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### CHAPTER 4 CONCURRENCY MANAGEMENT

**4.00.00 PURPOSE:** It is the purpose of this chapter to describe the requirements and procedures for determination of concurrency requirements of the Comprehensive Plan, Ordinance 90-1, as amended.

**4.01.00 CONCURRENCY MANAGEMENT SYSTEM:** This Concurrency Management System (CMS) is to verify that facilities and services needed to support development are available concurrent with the impacts of such development. Prior to the issuance of a development order, development permit, building permit, or certificate of occupancy, as may be applicable, the system shall ensure that the adopted level of service standards in this chapter for roadways, potable water, sanitary sewer, solid waste, drainage, recreation, and public schools facilities will be maintained. Annexation by any municipality shall not change the service provider or service area for water and sewer services. Concurrency approval must be certified by the water and sewer provider providing services to the geographic location of the proposed residential, commercial or industrial project.

**4.01.01 Exemptions and Exceptions:** The following exemptions and exceptions shall apply to the requirements of this chapter.

1. The concurrency requirements specified herein do not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the maintenance or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility [s.163.3180(4)(b), Fla. Stat.].
2. Parcels of record recorded prior to July 10, 1990 shall be vested for the development of one dwelling unit. A "parcel of record" is a piece of property duly recorded by plat or deed in the Official Records of the Clerk of Court, and may include metes and bounds legal descriptions when such descriptions apply to individual, discreet parcels of land.
3. The Urban Development Area as shown on the Comprehensive Plan Future Land Use Map is hereby designated as a "transportation concurrency exception area" pursuant to s.163.3180(5)(b), 7, e, Fla. Stat. The Planning Official, after obtaining concurrence from the Directors of the Public Works Department and Okaloosa County Water and Sewer, and the County Administrator, may grant an exception from the concurrency requirement for transportation facilities as specified herein if a proposed development project is otherwise consistent with the comprehensive plan and this code.
4. For the purpose of development order or permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of Rules 9J-5.00555(3)(c) if all of the following conditions are met:
  - a. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development of a vacant parcel of land, at a residential density of less than four dwelling units per acre, or,  
  
for nonresidential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size.



- b. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility.
  - c. The cumulative total transportation impact from the de minimis exemptions does not exceed three percent of the maximum service volume at the adopted level of service standard of the affected transportation facility if the facility does not meet the minimum level of service standard.
  - d. Small projects or additions that will have a negligible impact upon facilities and services as determined by mutual agreement between Growth Management, Public Works, and the utility service provider.
5. Notwithstanding Section 4.01.06, the LOS may be degraded during the actual construction of new facilities if upon completion the prescribed standards will be met.

**4.01.02 Determination of Concurrency:** Concurrency shall be evaluated and a final determination made by the Planning Official prior to authorization of development or as described in subsection 4.01.02A. Any final determinations of concurrency by the Planning Official shall be based upon initial concurrency determinations as follows.

1. The Public Works Department shall be responsible for initial determinations regarding roadways, drainage and stormwater management facilities, solid waste facilities, and recreation facilities.
2. Okaloosa County Water and Sewer shall be responsible for initial determinations regarding potable water facilities and sanitary sewer facilities for areas within its designated service area.
3. The Department of Growth Management shall be responsible for initial determinations regarding public schools facilities.

**4.01.03 Development Authorization:** Development authorization indicating compliance with this Concurrency Management System is required prior to obtaining development orders or permits. An approved development order or permit shall be valid for a period of one (1) year from the date of issuance, unless otherwise specified in this Code. Development activity authorized must commence within the one year period or the development order shall become invalid. Extensions of time for an approved development order or permit may be granted by concurrent agreement of the Planning Official. Any such extension must be requested in writing by the permit holder who must demonstrate justifiable cause for the extension. An approved development order or permit shall expire at the time the authorized development activity is completed.

**4.01.04 Burden of Proof:** The burden of proof for showing concurrency shall be upon the developer.

**4.01.05 Phased Construction:** The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

**4.01.06 Quantitative Methods for Sanitary Sewer, Solid Waste, Stormwater, Potable Water, and Recreation:** For purposes of these regulations, ensuring that minimum standards are maintained requires calculation of existing capacity and planned new capacity of facilities less demand imposed by the planned development.



### 1. Adding Capacity:

- a. Add total capacity of existing facilities (sanitary sewer, solid waste, stormwater, potable water, and recreation).
- b. Add to the above, total capacity of new facility expansion that will result from planned activity. Capacity of new facility shall be counted only when construction is underway. In no event will the capacity of new facilities be reserved longer than one (1) year after a development and building permits have been issued unless construction has commenced within one (1) year time frame.

### 2. Subtracting Capacity: From the sum calculated above, subtract the following:

- a. The demand for the service or facility created by existing development as documented in the data and analysis of the Comprehensive Plan plus the demand upon any new facility, expansions, or improvements anticipated as a result of the planned activity.
- b. Demand shall be calculated using the adopted LOS shown in Section 4.02.

### 3. Deficient Capacity: Where capacity is shown to be deficient, the following methods may be used to maintain adopted levels of service.

- a. The developer may agree to provide necessary capacity improvements to maintain levels of service. In such case, the planned activity shall be modified guarantee no degradation of existing capacity.
- b. The planned activity may be reduced in scope so that demand does not exceed capacity.

**4.01.07 Pro Rata Share or Fair Share Costs for Improvements:** Reference Objective 14.A.4 and Policies 14.A.4.1 and 14.A.4.2 in Comprehensive Plan. All user fees collected as a fair share cost will be used in the commission district where the project is located and will be used only for the design, construction and/or maintenance of County roads and the design, construction and/or maintenance of County stormwater facilities. For purposes of this section the following rates will be charged:

1. Fees for new Residential construction on previously vacant property: \$10.00 per dwelling unit
2. Fees for new Commercial construction: \$10.00 per 1,000 square feet of floor area or fraction thereof.

**4.01.08 Physical Improvements in Lieu of Fees:** Developers may submit proposals to the Public Works Department for approval to provide additional improvements to County roads or County stormwater systems in lieu of fees or portions thereof. The additional improvements shall be in addition to the normal requirements for the project.

**4.01.09 Payment of Fees:** The user fees will be paid at the same time a development permit is purchased at the Planning and Inspection Department. The County Finance Department will credit user fees to the Public Works Department.

**4.02.00 LEVELS OF SERVICE AND GENERAL REQUIREMENTS:** The following minimum levels of service and general requirements shall guide the issuance of development authorizations. Except as stated in s. 4.01.01, no proposed development shall commence without a finding of concurrency which establishes that levels of service will not be degraded.



**4.02.01 General Requirements:** As a minimum, at least one of the following standards will be met prior to development authorization.

1. The necessary facilities and services are in place at the time development authorization is issued; or
2. Development authorization is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of the development occur, or
3. The necessary facilities are in place or under construction at the time development authorization is issued, or in the first 3 years after issuance of a development order as provided in the adopted five-year schedule of capital improvements or included in the first 3 years of the adopted FDOT five-year work program of the CIE or TIP, or an agreement is made between the County and property owner to construct improvements; or
4. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time development authorization is issued; or (Note: This provision only relates to parks and recreation facilities and roadways).

**4.02.02 Levels of Service (LOS) and Concurrency Determinations:** The following LOS and methodologies shall be used for concurrency determinations. Level of service standards are those established for public facilities and services in the Comprehensive Plan.

**1. Roadways**

- a. Level of Service: Comprehensive Plan Transportation Element Policy 1.2.1 prescribes LOS standards for state roads as shown on Table 4.1. Transportation Element policy 1.2.2 prescribes LOS standards for county roads as shown on Table 4.2.

**TABLE 4.1  
STATE ROADWAY LEVEL OF SERVICE STANDARDS**

Roadway	Segment	Functional Class	Type	Area	Lanes	Adopted LOS
I-10	Santa Rosa County line to SR 85	Principal Arterial	Divided	Rural Undivided	4	B
I-10	SR 85 to Walton Co line	Principal Arterial	Divided	Transitioning	4	B
SR 123	SR 85 to SR 85	Principal Arterial	Undivided	Transitioning	2	D
SR 189	Mooney Rd to SR 85	Minor Arterial	Divided	Urbanized	4	D
SR 189	SR 4 to Alabama State line	Minor Arterial	Undivided	Rural Undivided	2	C
SR 189	Mooney Rd to SR 85	Minor Arterial	Divided	Urbanized	4	D
SR 189	SR 4 to Alabama State line	Minor Arterial	Undivided	Rural Undivided	2	C



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**TABLE 4.1 (CONTINUED)  
STATE ROADWAY LEVEL OF SERVICE STANDARDS**

Roadway	Segment	Functional Class	Type	Area	Lanes	Adopted LOS
SR 189	SR 4 to Alabama state line	Minor Arterial	Undivided	Rural Undivided	2	C
SR 20	Rocky Bayou Br to White Point Rd	Principal Arterial	Divided	Urbanized	4	E
SR 20	White Point Rd to Walton Co line	Principal Arterial	Undivided	Urbanized	2	D
SR 285	College Blvd to Walton Co line	Minor Arterial	Undivided	Transitioning	2	D
SR 293	US 98 to Mid-Bay Bridge S approach	Minor Arterial	Divided	Urbanized	4	E
SR 293	Mid-Bay Bridge S approach to SR 20	Minor Arterial	Undivided	Urbanized	2	E
SR 85	Racetrack Rd to 12th Ave	Principal Arterial	Divided	Urbanized	6	D
SR 85	12th Ave to SR 189	Principal Arterial	Divided	Urbanized	4	D
SR 85	SR 123 to SR 190	Principal Arterial	Divided	Urbanized	4	D
SR 85	College Blvd to Antioch Rd	Principal Arterial	Divided	Transitioning	4	C
SR 85	Antioch Rd to I-10	Principal Arterial	Divided	Transitioning	4	C
SR 85	Old Bethel/Airport Rd to 2-lane	Principal Arterial	Divided	Transitioning	4	C
SR 85	Begin 2-lane to Senterfitt Rd	Principal Arterial	Undivided	Transitioning	2	C
SR 85	Senterfitt Rd to Walton Co line	Principal Arterial	Undivided	Rural Undivided	2	C
SR 85	SR 123 to SR 190	Principal Arterial	Divided	Urbanized	4	D
SR 85	College Blvd to Antioch Rd	Principal Arterial	Divided	Transitioning	4	C
SR 85	Antioch Rd to I-10	Principal Arterial	Divided	Transitioning	4	C
SR 85	SR 123 to SR 190	Principal Arterial	Divided	Urbanized	4	D
SR 85	College Blvd to Antioch Rd	Principal Arterial	Divided	Transitioning	4	C
SR 85	Antioch Rd to I-10	Principal Arterial	Divided	Transitioning	4	C
SR 85	Old Bethel/Airport Rd to 2-lane	Principal Arterial	Divided	Transitioning	4	C
SR 85	Begin 2-lane to Senterfitt Rd	Principal Arterial	Undivided	Transitioning	2	C
SR 85	Senterfitt Rd to Walton Co line	Principal Arterial	Undivided	Rural Undivided	2	C
US 90	Santa Rosa Co line to SR 4	Minor Arterial	Undivided	Rural Undivided	2	C
US 90	SR 4 to MPA boundary	Minor Arterial	Undivided	Rural Development	2	C



**TABLE 4.1 (CONTINUED)  
STATE ROADWAY LEVEL OF SERVICE STANDARDS**

Roadway	Segment	Functional Class	Type	Area	Lanes	Adopted LOS
US 90	MPA boundary to Antioch Rd	Minor Arterial	Undivided	Transitioning	2	C
US 90	Antioch Rd to Fairchild Rd	Minor Arterial	Divided	Transitioning	4	D
US 90	Fairchild Rd to Walton Co line	Minor Arterial	Undivided	Rural Dev	2	C
US 98	Santa Rosa Co line to Hurlburt Field	Principal Arterial	Divided	Urbanized	4	E
US 98	Eastern leg SR 85 to Eglin boundary	Principal Arterial	Divided	Urbanized	4	D
US 98	Brooks Bridge to Marler Bridge	Principal Arterial	Divided	Urbanized	4	D
US 98	CR 2378 to Walton Co line	Principal Arterial	Divided	Urbanized	4	D

**TABLE 42  
COUNTY ROADWAY LEVEL OF SERVICE STANDARDS**

Roadway	Segment	Functional Class	Type	Area	Lanes	Adopted LOS
Carmel Drive	MLK Jr Blvd to Beal Pkwy	Collector	Undivided	Urban	2	E
Commons Drive	Two Trees Rd to Kelly Plantation Dr	Collector	Divided/ Undivided	Urban	2	D
Commons Drive	Kelly Plantation Dr to Matthew Blvd	Collector	Undivided	Urban	2	D
CR 188 (Airport Rd/Garden City Rd)	SR 85 to SR 85	Collector	Undivided	Rural Dev	2	D
CR 188 (Old Bethel Rd)	US 90 to SR 85	Collector	Undivided	Urban	2	D
CR 189/Galliver Cut-Off	US 90 to SR 4	Collector	Undivided	Rural	2	D
CR 189/Log Lake Rd	US 90 to I-10	Collector	Undivided	Rural	2	D
CR 190 (College Blvd E)	SR 85 to Forest Rd	Collector	Undivided	Urban	2	E
CR 190 (College Blvd W)	SR 85 to SR 85	Collector	Undivided	Urban	2	E
CR 2	SR 189 to SR 4	Collector	Undivided	Rural	2	D
CR 393	US 90 to SR 85	Collector	Undivided	Rural	2	D



**TABLE 42 (CONTINUED)  
COUNTY ROADWAY LEVEL OF SERVICE STANDARDS**

Roadway	Segment	Functional Class	Type	Area	Lanes	Adopted LOS
<b>CR 4 (Antioch Rd)</b>	PJ Adams Pkwy to US 90	Collector	Undivided	Urban	2	D
<b>Forest Road</b>	Rocky Bayou Dr to 285	Collector	Undivided	Urban	2	E
<b>Hollywood Boulevard</b>	Mary Esther Cut-Off to Eglin Pkwy	Collector	Undivided	Urban	2	E
<b>Hurlburt Road</b>	MLK Jr Blvd to Beal Pkwy	Collector	Divided/ Undivided	Urban	4-May	E
<b>John King Road</b>	SR 85 to end	Collector	Undivided	Urban	2	E
<b>Lewis St/Mayflower Av/South Av</b>	Beal Pkwy to Eglin Pkwy	Collector	Undivided	Urban	2	E
<b>Martin Luther King Jr Blvd</b>	Hill St to Green Acres Rd	Collector	Divided	Urban	4	E
<b>North Beal Extension</b>	Beal Pkwy to Wright Landfill	Collector	Undivided	Urban	2	E
<b>PJ Adams Parkway</b>	SR 85 to Antioch Rd	Collector	Undivided	Urban	2	D
<b>Rocky Bayou Drive</b>	SR 20 to Forest Rd	Collector	Undivided	Urban	2	E
<b>Santa Rosa Boulevard</b>	Eglin boundary to Marler Park	Collector	Divided	Urban	4	E

- b. Quantitative Methods for Transportation Concurrency: Transportation Concurrency analysis shall be based on professionally accepted techniques for determining transportation impacts.
- c. Impact Determination: Development impact on the roadway system shall be determined by utilizing the PM peak hour trip generation rates provided in the latest edition of "Trip Generation, An Informational Report, Institute of Transportation Engineers". If available, alternative trip generation rates based on data collected at the development site, or similar sites, may be used.
- d. A level of service analysis shall be conducted by using the generalized tables found in the latest FDOT Quality/Level of Service Handbook. Traffic modeling (i.e. ARTPLAN, SYNCHRO, or other acceptable model deemed appropriate by Okaloosa County) using PM peak hour and incorporating committed and proposed trips must be utilized once the roadway has degraded beyond the adopted level of service based on the generalized tables. The results of the analyses shall be added to the road system and then used to evaluate development impacts. Since most models are sensitive to signal control data, it is necessary to maintain updated signal timing data in the concurrency management system as changes are made in the field.
- e. Impact of Land Use on Roads: From points of ingress/egress to roadways serving the development distribute the PM peak hour trips expected to be generated by the proposed development (per paragraph C.) along the roadway network until the project traffic is less than five (5) percent of the trips generated by the project.





- f. The following information shall be indicated for each direction for State Roads and bi-directional for County Roadways: existing PM peak hour volume (background trips), committed trips, project trips, total trips, and available capacity.
- g. Capacity Determination: The estimated PM peak hour trips expected to be generated by the proposed development and distributed along the roadway network shall be subtracted cumulatively from the available capacity to determine whether adequate roadway's capacity exists to accept the development traffic. The capacity determination is based on the overall level of service for the segment and not any one intersection or portion of the segment.
- h. Traffic Counts: For roadways where there are no traffic counts from within 12 months or the most recent published counts from FDOT, the applicant shall obtain a count prior to plan review. The count must be based upon accepted traffic engineering principles. All traffic counts must be recorded in 15-minute intervals to isolate the peak traffic period. The peak period is used to calculate the service flow rate which is the maximum hourly rate at which vehicles (or persons) can reasonably be expected to traverse a point of uniform roadway section during a given period under prevailing conditions at a designated level of service.

### 2. Sanitary Sewer

- b. Level of Service: Comprehensive Plan Sanitary Sewer Element Policy 2.3 prescribes LOS standards for sanitary sewer facilities as follows.
- c. Provide the capacity to collect and treat a minimum of 100 gallons per capita per day (225 gpd peak demand) for all County operated systems, and;
- d. ii. If served by other than County operated systems, the provider's LOS must be met.
- e. Presumption of Adequate Capacity: For purposes of concurrency determinations and development authorizations there shall be a presumption of adequate capacity until 80% of permitted treatment capacity for any given service area is met.
- f. All sewer lines and treatment plants or treatment facilities shall have the approval of the Florida D.E.P., the Okaloosa County Water and Sewer Department and other concerned federal, state and local agencies.
- g. Developments in the vicinity of operating sewer systems or districts shall connect into that system, if it is adequate.
- h. For developments not accessible to operating sewer systems either one of the following may be used:
  - i. Obtain approval from the Health Department and/or other concerned agencies for individual septic tanks for each lot after issuance of a letter of sewer non-availability from the Okaloosa County Water and Sewer Department for lots located within the OCWS urban service area.
  - j. Developments not meeting the standards specified hereinabove shall install collection system and an approved sewage treatment facility. Such facility shall be designed so as



to be capable of tying in with an operating central system when such a central system becomes available.

- k. Inspection: Sanitary sewer lines on County right-of-way or easements shall be inspected and approved by the County Water and Sewer and Public Works Departments if the lines will be a part of the County system. The developer shall complete all construction punch list items prior to final project approval, and shall provide two (2) sets of "as-built" plans and a copy of the Department of Environmental Protection Certification of Completion and Letter of Clearance to place the system into service within thirty (30) days of construction completion.
- l. Utility Easements: Reference Section 6.01.051.
- m. Percolation Ponds: Reference Section 6.05.09 for required trees to be planted around percolation ponds.

### 3. Potable Water

- a. Level of Service: Comprehensive Plan Potable Water Element Policy 2.2 prescribes the potable water LOS standard as follows.
  - i. The level of service standard for all public and private potable water systems serving unincorporated Okaloosa County shall be a minimum of 100 gallons per capita per day peak demand.
  - ii. Presumption of Adequate Capacity: For purposes of concurrency determinations and development authorizations there shall be a presumption of adequate capacity until 80% of permitted capacity for any given service area is met.
- b. Water Supply:
  - i. All subdivision or other types of development water systems shall have the approval of the Northwest Florida Water Management District (NFWFMD), the Florida D.E.P., the Okaloosa County Water and Sewer Department, when applicable, and other required approvals. Subdivisions developed in the vicinity of operating water systems shall connect to that system if the system has adequate capacity available.
  - ii. For developments not accessible to operating water systems, either one of the following may be used:
    - (1) Obtain approvals from the NFWFMD and/or other concerned agencies for individual wells for each lot; or
    - (2) Install a Community Water System approved by F.D.E. P. and other concerned agencies.
  - iii. Adequate water supplies and facilities must be available to serve new development no later than the date on which a Certificate of Occupancy or equivalent is issued, and the applicable water provider must be consulted prior to issuing a building permit to determine if adequate supply will be available to serve the new development.



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- c. Inspection: Water and/or sewer lines on County ROW or on County easements must be inspected and approved by the County Water and Sewer and Public Works Departments if the lines will be a part of the County system. The developer shall complete all construction punch list items prior to final project approval, and shall provide two (2) sets of "as-built" plans and a copy of the Department of Environmental Protection Certification of Completion and Letter of Clearance to place the system into service within 30 days of construction completion.
- d. Utility Easements: Reference Section 6.01.051.

### 4. Solid Waste

- a. Level of Service: Comprehensive Plan Solid Waste Element Policy 2.5 prescribes the level of service standard for solid waste as follows.
  - i. The LOS standard for solid waste collection and disposal shall be six (6) pounds per capita per day.

### 5. Drainage and Stormwater Management

- a. Level of Service: Comprehensive Plan Stormwater Element Policy 2.3 prescribes the level of service for drainage and stormwater management facilities as follows.
  - i. Single-Family Detached Residential Subdivisions: Post development runoff shall not exceed the pre-development runoff rate for a twenty-five (25)-year storm event, up to and including an event with a twenty-four (24)-hour duration;
  - ii. All Other Development: The first one (1) inch of runoff from the property shall be retained on the site of the development and post development runoff shall not exceed the pre-development runoff rate for a twenty-five (25)-year storm event, up to and including an event with a twenty-four (24)-hour duration; and
  - iv. A "pop off" shall be provided for stormwater runoff beyond the above requirements. The developers must provide a pop off to an outfall with adequate capacity to handle additional stormwater runoff and must document that the pop off to the outfall has been authorized by the owner of the outfall system. If no pop off is available the stormwater storage facility shall be designed with a minimum capacity to retain a storm event of one hundred (100)-year frequency up to and including a twenty-four (24)-hour duration for post development.
  - v. The level of service standard for stormwater management on county roads shall be Level II (capacity maximum): Street gutter systems are flowing full however ten to twelve feet of the road crown is not submerged and traffic can move at a slightly reduced speed. Stormwater swales and ditches are full with water overflowing the tops and edges in some locations. Water may be ponded eight (8) to ten (10) feet onto private property and yards. Inlets and culverts are flowing full to overfull slightly backing up water at entrances.

### 6. Recreation

- b. Level of Service: Comprehensive Plan Recreation and Open Space Element Policy 3.1 prescribes level of service standards for recreation facilities as follows.



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- i. The level of service standard for recreation for the unincorporated areas of Okaloosa County shall be 0.6 acres of parks per 1000 population.

### 7. Public Schools Facilities

- a. Level of Service Standard: Consistent with the Public Schools Facilities Element, the County and School Board agree to the following standards for school concurrency in Okaloosa County:
  - i. Level of Service Standard: Consistent with the Interlocal Agreement, the uniform, district-wide level-of-service standards are set as follows:

TYPE OF SCHOOL LEVEL OF SERVICE	
Type	LOS
Elementary	Department of Education (DOE) permanent Florida Inventory of School Houses capacity (FISH)
Middle	DOE permanent FISH capacity
High	DOE permanent FISH capacity
Special Purpose	DOE permanent FISH capacity

- b. Concurrency Service Areas: Okaloosa County shall implement school concurrency on a concurrency service area basis using the concurrency service areas as shown in Map PSFE A and align with the high school attendance zones. In each Concurrency Service Area the proposed project must meet school concurrency for the primary, intermediate and secondary school levels within the school attendance zones where the project is located. Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting to take place each year no later than April 15th. If the School Board proposes an amendment, it shall be accomplished by the execution of an amendment to the Inter local Agreement by all parties and the adoption of amendments to the Comprehensive Plan. The amended concurrency service area shall not be effective until all plan amendments and the amended Inter local Agreement is fully executed. No concurrency service area shall be amended without a showing that the amended concurrency service area boundaries are financially feasible and the LOS will be achieved and maintained for the 5-year period.
- c. Maximizing Concurrency Service Areas: Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, the effect of court-approved desegregation plans, achieving social-economic, racial and cultural diversity objectives, and other relevant factors as determined by the state standards on maximization of capacity. Other considerations for



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amending concurrency service areas may include safe access (including factors such as the presence of sidewalks, bicycle paths, turn lanes and signalization, general walkability), diversity and geographic or man-made constraints to travel. The types of adjustments to school operations that will be considered in the County shall be determined by the state standards on maximization of capacity.

- d. **Student Generation Rates:** Consistent with the Interlocal Agreement, the School Board staff, working with the County staff and Municipal staffs, will develop and apply student generation multipliers for residential units 10 by type and projected price for schools of each type, considering past trends in student enrollment in order to project school enrollment. The student generation rates shall be determined by the School Board in accordance with professionally accepted methodologies, shall be reviewed at least every two years and changed, as necessary. These changes shall be adopted into the County Comprehensive Plan.
- e. **School Capacity and Enrollment:** The Department of Education permanent Florida Inventory of School Houses (FISH) capacity is adopted as the uniform methodology to determine the capacity of each school. Relocatables are not considered permanent capacity. School enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year in order to formulate the Capital Outlay Full Time Equivalent (COFTE) standards.
- f. **Concurrency Availability Standard:** The County shall amend the concurrency management systems in its Land Development Code to require that annual monitoring reports shall cover schools as well as other concurrency facilities, and that all proposed residential units be reviewed for school concurrency at the time of preliminary subdivision plat or site plan review. County shall not deny a preliminary subdivision plat or site plan for residential and residential mixed-use development approvals due to a failure to achieve and maintain the adopted level of service for public school capacity where:
  - i. Adequate school facilities will be in place or under actual construction within three years after the issuance of the final subdivision plat or site plan approval for residential and residential mixed-use development; or,
  - ii. Adequate school facilities are available in an adjacent concurrency service area and the impacts of residential and residential mixed use development can be shifted to that area; or,
  - iii. The developer executes a legally binding development agreement to provide mitigation proportionate to the demand for public school facilities to be created by the actual impact of the proposed residential and residential mixed-use development application subject to the final subdivision plat or site plan approval (or the functional equivalent) as provided in the Interlocal Agreement.
  - iv. During its review of a preliminary subdivision plat or residential or mixed use residential site plans for concurrency, the County shall take into consideration any relevant programmed improvements in the current year and years 2 or 3 of the 5-year schedule of improvements which shall be considered available capacity for the project and factored into the level of service analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for the project unless funding for the improvement is assured, through School Board funding through proportionate fair share mitigation or some other means. Relocatable classrooms



# LAND DEVELOPMENT CODE

## Chapter 4 Concurrency Management

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may provide temporary capacity while funded schools or school expansions are being constructed.

- g. Preliminary Subdivision Plat and Site Plan Approval Standards: In the event that the School Board comments that there is not sufficient capacity in the affected concurrency service area to address the impacts of a proposed residential and residential mixed-use development, the following standards shall apply:
  - i. the site plan or preliminary subdivision plat must provide capacity enhancement sufficient to meet its impacts through fair share mitigation; or
  - ii. the site plan or preliminary subdivision plat must be delayed to a date when capacity enhancement and level of service can be assured; or
  - iii. a condition of approval of the site plan or preliminary subdivision plat shall be that the project's development plan and/or building permits shall be delayed to a date when capacity enhancement and level of service can be assured. The amount of mitigation required shall be determined by the Department of Education's most current cost per student station applicable to Okaloosa County.
- h. Options for providing fair share mitigation for any approval of additional residential dwelling units that triggers a failure of level of service for public school capacity shall include the following:
  - i. Contribution of, or payment for, acquisition of new or expanded school sites; and/or
  - ii. Construction or expansion of permanent school facilities.