

**School Concurrency – Alachua County, FL
Updated Interlocal Agreement for Public School Facility Planning**

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

THIS AGREEMENT is entered into between the School Board of Alachua County (hereinafter referred to as "School Board"), the Commission or Council of the Cities or Towns of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, and Waldo (hereinafter referred to as "Cities"), and the Alachua County Board of County Commissioners (hereinafter referred to as "County"). Cities and County may also be referred to as Local Governments.

WHEREAS, the County, Cities, and the School Board recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within their community; and

WHEREAS, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs, namely:

- (1) Better coordination of new schools in time and place with land development,
- (2) Greater efficiency for the School Board and Local Governments by placing schools to take advantage of existing and planned roads, water, sewer, and parks,
- (3) Improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the Local Governments,
- (4) Better defined urban form by locating and designing schools to serve as community focal points,
- (5) Greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, and
- (6) Reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools; and

WHEREAS, Section 1013.33, Florida Statutes (F.S.), requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body, and

WHEREAS, Section 163.3177(6)(h) 1 and 2, F.S., require each local government to adopt an intergovernmental coordination element as part of its comprehensive

plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, and describes the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Sections 163.3177(7) and 1013.33, F.S., further require each county and the non exempt municipalities within that county to enter into an interlocal agreement with the district school board to establish jointly the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated; and

WHEREAS, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above;

WHEREAS, the School Board, the County and the Cities acknowledge the School's Board's constitutional and statutory obligations to provide a uniform system of free public schools on a district-wide basis; and

WHEREAS, the School Board, the County and the Cities acknowledge the land use authority of local government to approve or deny comprehensive plan amendments and development orders; and

NOW THEREFORE, be it mutually agreed among the School Board, the County, and the Cities that the following procedures will be followed in coordinating land use and public school facilities planning:

SECTION 1 JOINT MEETINGS

1.1 Staff Working Group.

A staff working group of the County, School Board, and Cities will meet on a semi-annual basis to discuss issues and formulate recommendations regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. A staff representative from the North Central Florida Regional Planning Council (NCFRPC) will also be invited to attend. A designee of the School Board shall be responsible for coordinating and convening the semi-annual meeting.

1.2 Annual Meetings of Elected Officials.

One or more representatives of the County, each City, and the School Board will meet at least annually in joint workshop sessions. A representative of the NCFRPC will also be invited to attend. The joint workshop sessions will be opportunities for the County Commission, the City Commissions and Councils,

and the School Board to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The Superintendent of Schools, or designee, shall be responsible for making meeting arrangements and providing notification to the general public of the annual meeting.

SECTION 2 STUDENT ENROLLMENT AND POPULATION PROJECTIONS

2.1 Annual Revision and Distribution.

In fulfillment of their respective planning duties, the County, Cities, and School Board agree to coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide five-year population and student enrollment projections shall be revised annually and provided at the first staff working group meeting described at subsection 1.1.

2.2 Enrollment Projections.

The School Board shall use student population projections based on information produced by the demographic and education estimating conferences pursuant to Section 216.136, F.S., and the Department of Education (DOE) Capital Outlay Full-Time Equivalent (COFTE). The School Board may request adjustment to the projections based on actual enrollment and development trends. In formulating such a request the School Board will coordinate with the Local Governments regarding development trends, enrollment projections and future population projections.

2.3 Planning Data.

The School Board will consider the information described in subsection 3.3 to allocate the projected student enrollment into school attendance zones. The allocation of projected student enrollment will be discussed at the first staff meeting described in subsection 1. 1.

SECTION 3 COORDINATING AND SHARING OF INFORMATION

3.1 The School Board's 5-Year Facilities Work Program.

No later than August 15th of each year, the School Board shall submit to the Local Governments the tentative *5-Year Facilities Work Program*. The program will be consistent with the requirements of Sections 1013.33 and 1013.35, F.S., and include projected student populations apportioned geographically, an inventory of existing school facilities, projections of facility space needs, information on relocatables, general locations of new schools for the five-, 10-, and 20-year time periods, and options to reduce the need for additional

permanent student stations. The program will be financially feasible for a five-year period. The information provided by the School Board will include an assessment of the need to amend the adopted level of service (LOS) standards based on financial feasibility. The Local Governments shall review the program and provide comments to the School Board within 30 days on the consistency of the program with the its comprehensive plan, including the Capital Improvements Element and whether a comprehensive plan amendment will be necessary for any proposed educational facility.

3.2 Educational Plant Survey.

At least one year prior to preparation of each *Educational Plant Survey*, the staff working group established in subsection 1.1 will assist the School Board in an advisory capacity in preparation of the survey. The *Educational Plant Survey* shall be consistent with the requirements of Section 1013.33, F.S., and include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with the Local Governments' comprehensive plans. The staff working group will evaluate and make recommendations regarding the location and need for new schools, significant expansions of existing schools, closures of existing facilities, and the consistency of such plans with the Local Governments' comprehensive plans.

3.3 Growth and Development Trends.

Between January and March of each year, Local Governments will each provide the School Board with a report on growth and development trends for the preceding calendar year within their jurisdiction. These reports will include the following:

- (a) The type, number, and location of residential units which have received development plan approval;
- (b) Information regarding comprehensive land use amendments which have an impact on school facilities;
- (c) Residential building permits and / or certificates of occupancy issued for the preceding year and their location;
- (d) The identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.
- (e) Other information relevant to monitoring for school concurrency.

3.4 Public School Facilities Map Series

The County, in conjunction with the School Board and the Cities, shall annually update and maintain a public school facilities map series as supporting data and analysis. This map series, including the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period, will be coordinated with the Local Governments' Future Land Use Maps or Map Series. The map series shall include at a minimum:

- (a) A map or maps which identify existing locations of public school facilities by type and existing locations of ancillary plants
- (b) A future conditions map or map series which depicts the planned general locations of new public school facilities, ancillary plants, and renovated facilities by year for the five-year planning period, and for the end of the long range planning period of the host county.
- (c) A map or map series which depicts School Concurrency Service Areas (SCSAs) for high schools, middle schools, and elementary schools.

SECTION 4 SCHOOL SITE SELECTION, EXPANSIONS, SCHOOL CLOSURES

4.1 Advisory Committee.

The School Board will establish a School Planning Advisory Committee (SPAC) for the purpose of reviewing potential sites for new schools, proposals for significant school expansions and potential closure of existing schools. Based on information gathered during the review, the SPAC will submit recommendations to the Superintendent of Schools. The SPAC will be a standing committee and will meet on an as needed basis. In addition to appropriate representatives of the School Board staff, the SPAC will include at least one staff member of the County, a staff representative from each of the Cities, and a diverse group of community members.

4.2 New School Sites / Consistency with Comprehensive Plan.

When the need for a new school site is identified in the *5-Year Facilities Work Program*, the SPAC will develop a list of potential sites in the area of need. The list of potential sites for new schools will be submitted to the Local Government with jurisdiction for an informal assessment regarding consistency with the Local Government comprehensive plan, including, as applicable: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, land use compatibility and other relevant issues. Based on the information gathered during this review, and the evaluation criteria set forth in subsection 4.4, the SPAC will make a recommendation to the Superintendent of Schools of one or more sites in order of preference.

4.3 Expansions and Closures.

For significant expansions and potential closures, the SPAC will make appropriate recommendations to the Superintendent of Schools.

4.4 School Site Evaluation.

The SPAC, the School Board, and the Local Governments when evaluating new school sites will consider the following issues:

- (a) The location of schools proximate to urban residential development and contiguous to existing school sites, and which provide potential focal points for community activities, including opportunities for shared use and co-location with other community facilities;
- (b) The location of elementary schools proximate to and, within walking distance of the residential neighborhoods served;
- (c) Elementary schools should be located on local or collector streets, middle and high schools should be located near arterial streets;
- (d) Compatibility of the school site with present and future land uses of adjacent property considering the safety of students or the effective provision of education.
- (e) Whether existing schools can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- (f) Site acquisition and development costs;
- (g) Safe access to and from the school site by pedestrians, bicyclists and motor vehicles;
- (h) Existing or planned availability of adequate public facilities and services to support the School;
- (i) Environmental constraints that would either preclude or render infeasible the development or significant expansion of a public school on the site
- (j) Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource;
- (k) Whether the site is well drained and the soils are suitable for, or are adaptable for, development and outdoor educational/recreation uses;
- (l) The proposed location is consistent with the local government comprehensive plan, storm water management plans, or watershed management plans;
- (m) The proposed location is not within a velocity flood zone or floodway, as delineated on pertinent maps identified or referenced in the applicable comprehensive plan or land development regulations;
- (n) The proposed site can accommodate the required parking, circulation and queuing of vehicles; and
- (o) The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

4.5 Consistency of New Public Education Facilities Sites with Local Government Comprehensive Plans.

At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, the School Board shall provide written notice of its intent to the Local Government with jurisdiction over the use of the land. The Local Government shall notify the School Board within 45 days of receipt of this notice if the proposed new public education facility site is consistent with the local government's comprehensive plan. This notice does not constitute the local

government's determination of consistency of any proposed construction pursuant to Section 1013.33 (12), (13), (14), (15), F.S.

Notwithstanding these notice requirements, the School Board is not precluded from acquiring or leasing any property.

SECTION 5 SUPPORTING INFRASTRUCTURE

5.1 Joint Consideration of On-site and Off-site Improvements.

In conjunction with the consistency determination described in Section 4 of this agreement or at the appropriate time in the site design process, the School Board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements. Such improvements shall be as necessary to support each new school or the proposed renovation or expansion of an existing school, and will identify the timing, location, and the parties responsible for financing, constructing, operating and maintaining the required improvements for new public school sites.

SECTION 6 LOCAL PLANNING AGENCIES (LPAs), COMPREHENSIVE PLAN AMENDMENTS, REZONINGS, AND DEVELOPMENT APPROVALS

6.1 Appointed LPA Members.

The County and Cities pursuant to Section 163.3174 (1), F.S., will include a representative appointed by the School Board on the LPAs, or equivalent agencies, to attend those meetings at which the LPAs consider comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

6.2 Development Review Representative.

The School Board will appoint a representative to advise the local government development review committee, or equivalent body, on development and redevelopment which could have a significant impact on student enrollment or school facilities.

6.3 Coordinating School Capacity with Growth

The Local Governments and the School Board shall coordinate land use decisions with the School Board's long range facilities plans over the five-year, 10-year and 20-year periods.

For purposes of coordinating land use decisions with school capacity planning, the SCSAs that are established for high, middle, and elementary schools shall be used. The relationship of high, middle, and elementary school capacity and students anticipated to be generated as a result of land use decisions shall be

assessed in terms of its impact (1) on the school system as a whole, and (2) on the applicable SCSAs. For purposes of this planning assessment, existing or planned capacity in adjacent SCSAs shall not be considered.

The School Board shall report its findings and recommendations regarding the land use decision to the Local Government. If the School Board determines that capacity is insufficient to support the proposed land use decision, the School Board shall include its recommendations to remedy the capacity deficiency, including estimated cost and financial feasibility. The School Board shall forward the report to the Local Governments.

6.4 Criteria for Evaluating Land Use Decisions.

In reviewing and approving land use decisions, the Local Governments shall consider School Board comments, which may include:

- (a) Available school capacity or planned improvements to increase school capacity;
- (b) The provision of school sites and facilities within neighborhoods;
- (c) Compatibility of land uses adjacent to existing schools and reserved school sites;
- (d) The co-location of parks, recreation and neighborhood facilities with school sites;
- (e) The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
- (f) Traffic circulation maps, which serve schools and the surrounding neighborhood;
- (g) The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools; and
- (h) The inclusion of school bus stops and turnarounds.

6.5 Capacity Enhancement Agreements.

Where feasible and agreeable to the School Board, affected jurisdictions and the applicant, Capacity Enhancement Agreements shall be encouraged to ensure adequate capacity is available at the time the school impact is created. The School Board's Long Range Facilities Plans over the 5-year, 10-year and 20-year periods shall be amended to incorporate capacity modification commitments established by Capacity Enhancement Agreements.

6.6 Educational Benefit District

The School Board and Local Governments may consider the establishment of an Educational Benefit District. [Sections 1013.355-357, F.S.] as a funding option.

6.7 Annual Report.

The School Board shall annually provide a cumulative report of land use decisions and the effect of those decisions on public school capacity to the Elected Officials Group.

6.8 Local Government Jurisdictions.

Notwithstanding the provisions of this agreement, the final approval of land use decisions shall be the responsibility of the respective Local Governments.

SECTION 7 CO-LOCATION AND SHARED USE

7.1 Co-location and Shared Use.

Co-location and shared use of facilities are important to both the School Board and Local Governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the District's *Five-Year Facilities Work Program* and other appropriate occasions. Likewise, co-location and shared use opportunities will be considered by the Local Governments when preparing the annual update to the comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities and other appropriate occasions.

7.2 Separate Agreement.

A separate agreement will be developed for each instance of co-location and shared use of any facility. Such agreement shall address legal liability, operating and maintenance costs, scheduling of use, facility supervision, and any other issues that may arise from co-location and shared use.

SECTION 8 SCHOOL CONCURRENCY IMPLEMENTATION

8.1 Definitions:

- (a) Definitions. The terms used in this subsection shall be defined as follows:
 - 1. Adequate school capacity - The circumstance where there is sufficient school capacity by school type, based on adopted LOS standards, to accommodate the demand created by a proposed residential development.
 - 2. Affected Jurisdictions – Local Governments that are parties to the Interlocal Agreement for Public School Facilities Planning and are physically located within the same SCSA(s) as the area affected by a land use decision that may increase public school enrollment.
 - 3. Capacity – “Capacity” as defined in the FISH Manual.
 - 4. Capacity Enhancement Agreement – An agreement between the

School Board, affected jurisdictions and a private entity (land owner, developer, applicant, etc) for the mitigation of school capacity deficiencies that are anticipated to result from a land use decision.

5. Existing school facilities - School facilities constructed and operational at the time a completed application for residential development is submitted to the Local Government.
6. Final Development Order – The stage in residential development where permits or development orders are approved by the Local Government authorizing actual construction of infrastructure, the recording of a final plat or the issuance of building permits. This may include approval of a Final Subdivision or Plat or Final Site Plan.
7. FISH Manual - The document entitled "Florida Inventory of School Houses (FISH)," 2006 edition, and that is published by the Florida Department of Education, Office of Educational Facilities (hereinafter the "FISH Manual").
8. Land Use Decisions – Future Land Use Map amendments, rezonings, and other residential development approvals under the land development regulations that precede the application of school concurrency and do not require a Certificate of School Concurrency.
9. Measurable Programmatic Change - A change to the operation of a school that has consistent and measurable capacity impacts including, but not limited to: double sessions, floating teachers, year-long schools, and special educational programs.
10. Permanent FISH Capacity - Capacity that is provided by "permanent buildings," as defined in the FISH Manual.
11. Permanent Program Capacity – Permanent FISH capacity that has been modified by the School Board to reflect measurable programmatic changes.
12. Planned School Facilities - School facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted 5-Year Facilities Work Program.
13. Preliminary Approval - The conferral of certain rights to final development approval, including the maximum number and type

of residential units, provided that such final approval is granted by the Local Government within a time period prescribed in the land development regulations but not exceeding one (1) year.

14. School Type - Elementary Schools are typically grades Pre-Kindergarten Exceptional Student Education (PK- ESE) through 5; Middle Schools are typically grades 6 through 8; and High School are typically grades 9 through 12
15. State Requirements for Educational Facilities – Standards established by the State of Florida for the design and construction of public educational facilities.
16. Total school facilities - Existing school facilities and planned school facilities
17. Utilization of Capacity - Current enrollment at the time of a completed application for residential development.
18. Work Program - The financially feasible School Board's 5-Year Facilities Work Program adopted pursuant to Section 1013.35, F.S

8.2 Procedure

8.2.1 Land Development Code

Each local government shall adopt land development regulations to implement school concurrency consistent with its comprehensive plan, Sections 163.3180 and 163.3202, F.S., and the terms of this Agreement.

8.2.2 Five-Year Facilities Work Program

Amendments to the School District's Five-Year Work Program

- (a) Prior to the adoption of amendments to the *5-Year Work Facilities Program*, that affect school capacity for concurrency other than the annual updates addressed in subsection 3.1 of this Agreement, the School Board shall coordinate with local governments and provide them an opportunity to comment on the consistency of the amendment with the local government's Comprehensive Plan, including the capital improvements element and determine whether a comprehensive plan amendment will be necessary for any proposed educational facility.
- (b) Capital Improvements Element
Annually, each local government will consider an amendment to their Capital Improvements Elements in order to incorporate the School Board's adopted 5-Year Facilities Work Program. Following a Work

Program update or amendment, made in accordance with this Agreement, each local government will consider further amendments to their Capital Improvements Elements to incorporate such updates or amendments.

8.3 Level-of-Service (LOS) Standards

8.3.1 Uniform Application of LOS Standard

The LOS standard to be used by the local governments and the School Board to implement school concurrency on a district-wide basis by the same school type is as follows:

- (a) Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes. For purposes of addressing backlogged capacity, the following interim LOS standards are established:

High Springs Elementary CSA – 120% through 2010-11 school year and 100% thereafter,

Newberry Elementary CSA – 115% through 2010-11 school year and 100% thereafter.

West Urban CSA – 115% through 2010-11 and 100% thereafter

- (b) Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes;
- (c) High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

For combination schools, the School Board shall separately determine the capacity of each school to accommodate elementary, middle and high students and apply the LOS Standard prescribed above for elementary, middle and high levels respectively.

8.3.2 Implementation through Capital Improvements Element

The LOS standards set forth herein shall be included in the Capital Improvements Element of the local governments' comprehensive plans and shall be applied consistently to all schools of the same type by the local governments and the School Board.

8.3.3 Amendment of LOS Standard

If there is agreement to amend the LOS standards, it shall be accomplished by

the execution of an amendment to this Interlocal Agreement by all parties and the adoption of amendments to the local government comprehensive plans. The amended LOS standard shall not be effective until all plan amendments are effective and the amendment to this Interlocal Agreement is fully executed. Changes to LOS standards shall be supported by adequate data and analysis showing that the amended LOS standard is financially feasible, and can be achieved and maintained within the period covered by the first five years of the 5-Year Facilities Work Program. After the first five years, the capacity shall be maintained within each subsequent five-year schedules of capital improvements.

8.4 School Concurrency Service Areas

The Local Governments shall, in coordination with the School Board, establish School Concurrency Service Areas (SCSAs), as the areas within which an evaluation of availability of adequate school capacity is based on the adopted LOS standards.

8.4.1 Criteria for School Concurrency Service Areas

SCSAs shall be established to maximize available school capacity and make efficient use of new and existing public schools in accordance with the LOS standards, taking into account minimization of transportation costs, limitations on maximum student travel times, the effect of court approved desegregation plans, and recognition of the capacity commitments resulting from the Local Governments' within Alachua County's development approvals within the SCSA and contiguous SCSAs.

SCSA boundaries shall be based upon the relationship of school facilities to the communities they serve, including the reserve area designations under the "Boundary Adjustment Act" and the effect of changing development trends.

8.4.2 School Concurrency Service Area Maps

Maps identifying the SCSAs for high, middle, and elementary schools are adopted as part of this Agreement and may be modified in accordance with the procedures described in this subsection. The SCSA maps incorporated herein are as follows:

- Map 1: High Schools and High School Concurrency Service Areas
- Map 2: Middle Schools and Middle School Concurrency Service Areas
- Map 3: Elementary Schools and Elementary School Concurrency Service Areas

8.4.3 Modifying School Concurrency Service Areas

Prior to adopting a modification to SCSAs, the following standards will be met:

- (a) Potential modifications to the SCSAs may be considered annually. Supporting data & analysis for modified SCSA's shall be included in

the annual update to the School Board's 5 -Year Facilities Work Program

- (b) Modifications to SCSA boundaries shall be based upon the criteria as provided in subsection 8.4.1 .
- (c) SCSA boundaries shall be modified based on supporting data and analysis demonstrating financial feasibility within the five-year period described by the Five-Year Schedule of Capital Improvements.
- (d) Any party to this adopted Interlocal Agreement may propose a modification to the SCSA boundary maps.
- (e) At such time as the School Board determines that a SCSA boundary change is appropriate considering the above criteria, the School Board shall transmit the proposed SCSA boundary modification, with data and analysis to support the changes, to the Elected Officials Group.
- (f) The Elected Officials Group shall review the proposed SCSA boundary modifications and send its comments to the School Board and the local governments.

Modifications to a SCSA shall become effective upon final approval by the School Board and amendment of this Interlocal Agreement.

8.5 School Concurrency Review Process

In coordination with the School Board, each local government will establish a joint process for implementation of school concurrency which includes applicability, capacity determination, availability standards, and school capacity methodology.

8.5.1 Development Review

The issuance of Final Development Orders for residential development shall be subject to the availability of adequate school capacity based on the LOS standards adopted in this Agreement and the Public School Facilities Element of each local government.

8.5.2 Exemptions

The following residential developments are exempt from the school concurrency requirements:

- (a) Single-family lots-of-record in existence or that have received a final development order approval prior to the effective date of the Public School Facilities Element, or single- family subdivisions or plats actively being reviewed at the time of adoption of the Public

School Facilities Element that have received preliminary approvals as defined herein, and such preliminary approval has not expired.

- (b) Multi-family residential development that received final site plan approval prior to the effective date of the Public School Facilities Element, or multi-family site plans actively being reviewed at the time of adoption of the Public School Facilities Element that have received preliminary plan approvals as defined herein, and such development approval has not expired.
- (c) Amendments to final development order for residential development that were approved prior to the effective date of the Public School Facilities Element, and which do not increase the number of students generated by the development.
- (d) Age-restricted developments that prohibit permanent occupancy by persons of school age. Such restrictions must be recorded, irrevocable for a period of at least 30 years, and lawful under applicable state and federal housing statutes. The applicant must demonstrate to the School Board that this condition is satisfied.
- (e) Group quarters that do not generate public school students (e.g., local jails, prisons, hospitals, bed and breakfasts, motels and hotels, temporary emergency shelters, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and non-youth housing facilities).

8.5.3 Student Generation Rates and Costs per Student Station

Student generation rates used to determine the impact of a particular development application on public schools and the costs per student station shall be determined—in accordance with professionally accepted methodologies and adopted annually by the School Board's in the 5-Year Facilities Work Program.

8.5.4 School Capacity and Enrollment

The uniform methodology for determining if a particular school is meeting adopted LOS standards, shall be determined by the School Board. The School Board shall use permanent program capacity as the methodology to determine the capacity of elementary, middle, and high school facilities. School enrollment shall be based on the enrollment of each individual school based on counts reported by the School Board to the Department of Education.

8.5.5 Determination of Adequate Capacity.

The School Board shall conduct a concurrency review for all development plan approvals subject to school concurrency. This review shall include findings and recommendations to the Local Government as to whether there is adequate school capacity to accommodate the proposed development.

- (a) The School Board's findings and recommendations shall address whether adequate capacity exists for each type of school, based on the adopted LOS standards. If adequate capacity does not exist, the School Board shall identify possible mitigation options that may be considered consistent with the policies set forth within subsection 8.6.
- (b) The local government will issue a concurrency determination based on the School Board's written findings and recommendations.

8.5.6 Concurrency Availability Standard.

School concurrency applies only to residential development or a phase of residential development requiring a final development order, or its functional equivalent, on or after the effective date of the Public School Facilities Element.

Each local government shall amend the concurrency management systems in its land development regulations to require that all new residential development be reviewed for school concurrency no later than the issuance of a final development order. The local government shall not deny a final subdivision, final plat or final site plan for residential development due to a failure to achieve and maintain the adopted LOS standards for public school capacity where:

1. Adequate school facilities will be in place or under construction within three years after the issuance of the final development order for residential development; or,
2. Adequate school facilities are available in an adjacent SCSA, and when adequate capacity at adopted LOS Standards will be in place or under construction in the adjacent SCSA within three years after the issuance of the final development order; or,
3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by development of the property subject to the final development order.

8.5.7 Process for Determining School Facilities Concurrency

- (a) The School Board staff will review and determine school capacity of each school type as defined in Section 8.1.
- (b) Development applications must include the number and type of units, and projection of students by type of school based on the student generation rates established by the School Board.
- (c) The local governments will transmit completed applications for residential

development to the School Board for a determination of whether there is adequate school capacity to accommodate the proposed residential development, based on the LOS standards. Transmittal shall occur within 5 working days of receipt of completed applications.

- (d) Within twenty (20) working days from the date of the initial transmittal, consistent with the respective Local Government's development review process, the School Board staff will review the completed application and, based on the standards set forth in this Agreement, report in writing to the local government; whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement.
- (e) If the School Board determines that adequate capacity does not exist but that mitigation may be an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period.
- (f) The local government will issue a School Concurrency Determination only upon:
 - 1. the School Board's written determination that adequate school capacity will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval for each school type without mitigation; or
 - 2. the execution of a legally binding mitigation agreement between the applicant, School Board, and appropriate Local Government(s), as provided by this Agreement.
- (g) If the School Board determines that adequate capacity will not be in place or under actual construction within 3 years after the issuance of final approval of a development order and mitigation is not an acceptable alternative, the local government will not issue a School Concurrency Determination and will deny the residential development order or defer action until such time as the School Board reports that capacity is available or acceptable mitigation agreement is approved by the School Board and the appropriate Local Government(s).
- (h) The determination letter shall indicate a temporary commitment of capacity of necessary school facilities for a period consistent with the Local Government land development regulations, not to exceed one (1) year from the issuance of a preliminary development approval or until a Final Development Order is issued, whichever occurs first. The preliminary determination of capacity of necessary school facilities may be used as the basis for a Final Development Order. Following approval of the Final Development Order, capacity for the development shall be

reserved until the completion of development infrastructure within a period not to exceed three (3) years, as defined by the Local Government land development regulations. Provided the time frames above are adhered to, no further determination of school capacity availability shall be required for the residential development, except that any increase in impact requires review.

- (i) Phased projects, as provided for in the Local Government land development regulations, may obtain approval for a longer period, provided the development order is in accordance with a development agreement entered into by the School Board, the Local Government, and the developer, which may include a phasing schedule or other timing plan for development plan approvals, capacity reservation fees, capacity enhancement agreements, or other requirements as determined by the School Board.
- (j) The Local Government shall notify the School Board within fifteen (15) working days of the approval or expiration of a concurrency reservation for a residential development.

8.5.8 Capacity Availability

In evaluating a residential plat or site plan for concurrency, any relevant programmed improvements contained in the first three years of the Five-Year Facilities Work Program shall be considered as available capacity for the project and shall be factored into the LOS analysis. Any relevant programmed improvements in final two years of the Five-Year Schedule of Capital Improvements shall not be considered as available capacity for the project unless funding for the improvement is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means of assuring adequate capacity will be available within three years. The School Board may use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

8.6 Proportionate Share Mitigation

The Local Governments, in coordination with the School Board, shall provide for mitigation alternatives that are determined by the School Board to be financially feasible and will achieve and maintain the adopted LOS standard consistent with the School Board's 5-Year Facilities Work Program.

8.6.1 Mitigation Options

Mitigation may be allowed for those developments that cannot meet the adopted LOS Standards. Mitigation options shall include options listed below for which the School Board assumes operational responsibility through incorporation in the 5-Year Facilities Work Program and which will maintain adopted LOS standards.

- (a) The donation, construction, or funding of school facilities or sites sufficient to offset the demand for public school facilities created by the proposed development;
- (b) The creation of mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits; and,
- (c) The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF).

8.6.2 Mitigation Must Enhance Permanent Capacity

Mitigation must be directed toward a permanent capacity improvement identified in the School Board’s financially feasible 5-Year Facilities Work Program, which satisfies the demands created by the proposed development consistent with the adopted LOS standards. Relocatable classrooms will not be accepted as mitigation.

8.6.3 Mitigation to Meet Financial Feasibility

Mitigation shall be directed to projects in the School Board's 5-Year Facilities Work Program that the School Board agrees will satisfy the demand created by that development approval. Mitigation shall be assured by a legally binding development agreement between the School Board, the local government, and the developer. The development agreement shall be executed prior to the local government’s issuance of the final development order. If the School Board agrees to the mitigation, the School Board shall place the mitigation in its 5-Year Facilities Work Program.

8.6.4 Calculating Proportionate Share

The developer’s total proportionate share obligation to resolve a capacity deficiency shall be based on the following:

$$\text{NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE)} = \text{NUMBER OF DWELLING UNITS BY HOUSING TYPE} \times \text{STUDENT GENERATION MULTIPLIER (BY HOUSING TYPE AND SCHOOL TYPE)}$$

$$\text{PROPORTIONATE SHARE AMOUNT} = \text{TOTAL NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE)} \times \text{COST PER STUDENT STATION FOR SCHOOL TYPE.}$$

The formula to derive the Number of Student Stations shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, or high) for which a capacity deficiency has been identified. The sum of these calculations shall be the Total Number of Student Stations used to calculate the proportionate share amount for the development under review.

The School Board's average Cost per Student Station shall only include land costs and school facility construction, including the costs to build schools to emergency shelter standards when applicable.

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

SECTION 9 AMENDMENT & SEVERABILITY

9.1 Amendment

This Agreement may be amended only by the written consent of the County and the municipalities and the School Board. This Agreement represents a complete and entire understanding between the parties with respect to this Agreement. Changes, which may be mutually agreed upon, shall be valid only when reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement.

9.2 Severability

It is the declared intent that if any section, sentence, clause, phrase, or provision of this Agreement is held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Agreement and the remainder of this Agreement after the exclusion of such part or parts shall be deemed to be valid.

SECTION 10 RESOLUTION OF DISPUTES

10.1 If the parties to this Agreement are unable to resolve any issue in which they may be in disagreement covered in this Agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapter 164 or 186, F. S.

SECTION 11 OVERSIGHT PROCESS

11.1 The School Board and the local governments shall develop an oversight process to monitor implementation of this Agreement. At the annual meeting of elected officials established in subsection 1.2, the body shall discuss the effectiveness with which the interlocal agreement is being implemented. This discussion shall include ample opportunity for public participation.

SECTION 12 TERMINATION

12.1 Any party to this Agreement may terminate its participation in the Agreement by providing a 60-day written notice to all other parties and to the Florida Department of Community Affairs. Withdrawal from this Agreement by any party shall not alter the terms of this Agreement with respect to the remaining signatories.

SECTION 13 EXECUTION IN COUNTERPARTS

13.1 This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all such counterparts shall, together, constitute but one in the same instrument.

ATTEST:

The School Board of Alachua County, FL

Dr. Dan Boyd
Superintendent of Schools

By: _____
Janie S. Williams, Chair

Date: July 29, 2008

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ALACHUA COUNTY, FLORIDA

J.K. "Buddy" Irby
Clerk to the Board of County
Commissioners of Alachua
County, Florida

By: _____
Rodney J. Long, Chairman

Date: June ____, 2008

ATTEST:

CITY OF ALACHUA

Alan Henderson
Deputy City Clerk

By: _____
Jean Calderwood, Mayor

Date: _____, 2008

ATTEST:

CITY OF ARCHER

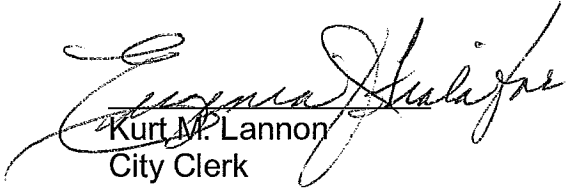
J. Douglas Drymon
City Manager


By: _____
Laurie Costello, Mayor

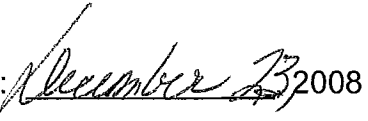
Date: _____, 2008


CITY OF GAINESVILLE

ATTEST:


Kurt M. Lannon
City Clerk

By: 
Pegeen Hanrahan, Mayor

Date:  2008

APPROVED AS TO FORM AND LEGALITY
By: 
Marlon J. Radson, City Atty.
City of Gainesville, Florida

DEC 18 2008

ATTEST:

CITY OF HAWTHORNE

Chad Shyrock
City Manager

By: _____
Deloris Roberts, Mayor

Date: _____, 2008

ATTEST:

CITY OF HIGH SPRINGS

James D. Drumm
City Manager

By: _____
Larry Travis, Mayor

Date: _____, 2008

ATTEST:

TOWN OF LACROSSE

Shirley Pruitt, Town Clerk

By: _____
Diane Dubberly, Mayor

Date: _____, 2008

ATTEST:

TOWN OF MICANOPY

Charles Kelley, Town Clerk

By: _____
Joe Aufmuth, Mayor

Date: _____, 2008

ATTEST:

CITY OF NEWBERRY

Gayle Pons, City Clerk

By: _____
John Glanzer, Mayor

Date: _____, 2008

ATTEST:

CITY OF WALDO

Kim Worley, City Manager

By: _____
Louie Davis, Mayor

Date: _____, 2008