



MEMORANDUM
Office of the City Attorney

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: December 18, 2008

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECTS: (1) **Interlocal Agreement for Public School Facility Planning between the School Board of Alachua County, Alachua County, and all cities and towns within Alachua County; and**

(2) **Ordinance No. 0-08-42, Petition 46CPA-08PB
An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.**

Recommendation: The City Commission (1) approve the Interlocal Agreement and authorize the Mayor to execute and the Clerk of the Commission to attest same on behalf of the City; (2) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs; and (3) adopt the proposed ordinance, as amended.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Interlocal Agreement

The City, School Board, County and other cities and towns within Alachua County entered into an Interlocal Agreement for Public School Facility Planning in November 2003. This Interlocal was updated and a new version approved in August 2006.

In 2005, the Legislature passed and the Governor signed into law Senate Bill 360, requiring that local governments and school boards adopt uniform district-wide school concurrency programs by December 1, 2008, including updating any existing interlocal agreements to implement the required school concurrency comprehensive plan amendments.

A staff working group developed an updated interlocal agreement that addresses and implements the required school concurrency comprehensive plan amendments. A final version of this new interlocal agreement was approved by the County in June 2008 and by the School

Board in July 2008 (attached as **Exhibit "A"**). Upon execution by all parties, this 2008 Interlocal Agreement will replace the existing 2006 Interlocal Agreement.

Ordinance

On July 14, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On September 19, 2008, DCA issued its Objections, Recommendations and Comments (ORC) Report to the City (attached as **Exhibit "B"**) for the three school concurrency related amendments. In the ORC report, the DCA made several objections, comments and recommendations to this amendment, largely requesting the City to make its amendment uniform with that adopted by the County and throughout the School District.

Planning staff has reviewed these issues and revised several policies to bring this ordinance into compliance with applicable state law, consistent with DCA's recommendations. The Planning staff response to the ORC Report is attached as **Exhibit "C"**.

Background

The 2005 Florida Legislature mandated that availability of public schools be made a prerequisite for approval of residential construction, and directed a closer integration of planning for school capacity with comprehensive planning. Under the statewide schedule, the School Board of Alachua County and the local governments in our county have been working together, in accordance with the Interlocal Agreement for Public School Facility Planning, to establish school concurrency this year. Over the past year, a staff working group with support from the University of Florida's Center for Building Better Communities has developed data and analysis for the required Public Schools Facility Element (PSFE) and for related amendments to the Intergovernmental Coordination Element and Capital Improvements Elements.

Staff made a presentation on public school concurrency (Legislative no. 070707) to the City Commission on December 10, 2007, which referred the matter to the Community Development Committee. On February 14, 2008, the Committee reported back to the City Commission with a recommendation that the Commission authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board, and remove the item from the referral list. The City Commission approved the matter as recommended on March 10, 2008.

Concerns regarding the impact of countywide growth and development patterns and their impact on schools located in Gainesville were expressed at the Community Development Committee meeting in February. In response, staff drafted PSFE Policy 5.1.3, which requires that during the comprehensive plan Evaluation and Appraisal Report (EAR) process which will begin in 2009, staff will review the comprehensive plan and make a recommendation to the Plan Board regarding the need for plan amendments that would help to support public schools within or proximate to Gainesville's city limits.

The data and analysis show that the school concurrency service areas (SCSAs) for all three middle schools (Westwood, Lincoln and Bishop) in Gainesville are under the 100 percent,

proposed level of service (LOS) threshold in the School Board's 5-year District Facilities Plans. The same is true (with one exception - Bucholz at 106.9 percent in 2008/09 and 102.1 percent in 2009/10) for the CSAs for the three regular high schools located either in Gainesville (GHS) or nearby (Bucholz and Eastside). The Long-Range District Facilities Program shows additional capacity for 200 students at both Eastside and Bucholz in the 10-year program.

The three concurrency service areas that include elementary schools located in Gainesville (Northwest Gainesville, East Gainesville, and South Gainesville SCSAs) are under the 100 percent, proposed level of service (LOS) threshold in the 5-year School District Facilities Plans. However, major capacity issues regarding elementary schools outside of Gainesville have prompted School Board staff to make the following recommendations for the first 5 years: additional capacity for 200 students at Alachua Elementary; new elementary school in the High Springs SCSA; and a new elementary school in the West Urban SCSA. For the second 5 years the recommendation includes four new elementary schools (in the Newberry, Northwest Gainesville, South Gainesville and Alachua SCSAs). These recommendations, if implemented, comprise a financially feasible plan that will meet the 100 percent LOS standard by 2011/12. To meet possible capacity deficiencies within the first 5-year period, an interim LOS standard greater than 100 percent for currently backlogged SCSAs (none of which is within our city limits) is recommended.

The proposed Public School Facilities Element meets statutory requirements for public school concurrency, and is consistent with the related, proposed amendments to the Intergovernmental Coordination Element, the Capital Improvements Element, and the agreement. The data and analysis for these amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the following documents (**which due to bulk and size are not attached, but are on file in the Office of the Clerk of the Commission and available for viewing as attachments under Legistar No. 080014**): City of Gainesville – Public School Facilities Element – February 6, 2008 (**Exhibit “D”**); School Board of Alachua County Public School Facilities Element – Supplemental Dataset – December 2, 2008 – Proposed School Concurrency Program with Updated Capacity/Enrollment Data (**Exhibit “E”**); Table 15 – School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 – 12/13) in \$1,000s (**Exhibit “F”**); and Alachua County Schools – School Concurrency Map Series, consisting of three maps (**Composite Exhibit “G”**); and the Interlocal Agreement (which is attached as **Exhibit “A”**).

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008. On April 24, 2008, the Plan Board held a public hearing, and by a vote of 7-0 recommended the City Commission approve the Petition, as revised. On June 23, 2008, the City Commission heard and approved the Petition, as revised, by a vote of 6-0.

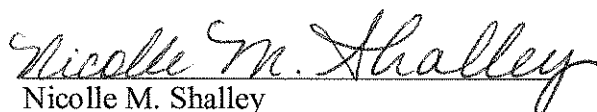
CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



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Approved and
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City Attorney

MJR/NS/sw

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:

NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) = NUMBER OF DWELLING UNITS BY HOUSING TYPE X STUDENT GENERATION MULTIPLIER (BY HOUSING TYPE AND SCHOOL TYPE)

PROPORTIONATE SHARE AMOUNT = TOTAL NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) X 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

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



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 19, 2008

The Honorable Pegeen Hanrhan
Mayor, City of Gainesville
P.O. Box 490
Gainesville, Florida 32602-0490

Re: Objections, Recommendations and Comments Report for Amendment 08-PEFE1

Dear Mayor Hanrhan:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA No. 08-PEFE1), which was received on July 13, 2008. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the City address the 'objections' set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of the new Public School Facilities Element, and updates to the Intergovernmental and Capital Improvements Elements. The Department has identified objections and comments to the proposed changes based on the need to provide the best available data and analysis to support the element and to ensure that the policies and proposed capital improvements schedule meet the minimum statutory requirements. The Department also identifies the need to update the School Interlocal Agreement to ensure that level of service standards, concurrency service areas, mitigation options and annual updates are consistent throughout the district. The Department believes the issues can be resolved with additional attention to the amendment and my staff is available should you require further assistance.

The Honorable Pegeen Hanrhan
September 19, 2008
Page 2

If you, or your staff, have any questions as you formulate your response to this Report, please contact Susan Poplin, AICP, Regional Planning Administrator at 850/922-1821 or via e-mail at susan.poplin@dca.state.fl.us.

Sincerely yours,

Mike McDaniel
Chief, Office of Comprehensive Planning

MM/spb

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Scott Koons, Executive Director, North Central Florida Regional Planning Council
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Scott Koons, Executive Director, North Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR CITY OF GAINESVILLE
COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

September 19, 2008
Division of Community Planning
Office of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Gainesville proposed amendment to their comprehensive plan (DCA number 08-PEFE1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR CITY OF GAINESVILLE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The Department conducted a review of the proposed 08-PEFE1 amendment package for the City of Gainesville for consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C. The Department identified objections and comments to the proposed amendment including the proposed Public School Facilities Element (PSFE), Intergovernmental Coordination Element (ICE) and Capital Improvements Element (CIE) amendments. Recommendations include ensuring consistency in the execution of a consistent School Interlocal Agreement (ILA) with Alachua County, the school district and the other municipalities in the district.

A. Public Schools Facilities Element

1. Objection: The element is not supported by best available data including an LOS analysis that considers the program capacity based on FISH and COFTE. Additionally, the five-year district facilities work plan included in the data is not reflective of the official work plan on file with the Florida Department of Education.

Authority: Section 163.3177(8) and (12)(c), F.S. and Rule 9J-5.005(2) and 9J-5.025(2)(a), (b), & (c), F.A.C.

Recommendation: Revise the amendment to include the data and analysis for LOS generated by Alachua County in August, 2008. Additionally, revise the submittal to include the best available 5-year district facilities work plan as data and analysis to support the element.

2. Objection: The proposed PSFE and CIE revisions include LOS standards for permanent program capacity that identifies interim standards for the West Urban CSA only. The adopted Alachua County PSFE and the proposed PSFEs for High Springs, City of Alachua, and Hawthorne also include interim standards for High Springs and Newberry. Therefore, the amendment does not meet the requirement to establish uniform districtwide standards because it is not inclusive of the interim standards for certain CSAs.

Authority: Section 163.3177(12), and 163.3180(13)(a) & (b), F.S., and Rule 9J-5.0055(2)(b), 9J-5.025(3)(c)7, F.A.C.

Recommendation: The amendment including PSFE Policy 2.2.1 and CIE Policy 1.2.6 should be revised to include LOS standards as identified in the Alachua County adopted PSFE to include the High Springs and Newberry CSA standards.

3. Objection: The proposed Public Educational Facilities Element does not include a specific objective to address correction of existing facility deficiencies and facilities needed to meet future needs and the inclusion in the five-year schedule of capital improvements those projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards as required by Rule 9J-5.025(3)(b)1 and 9J-5.025(3)(b)3, F.A.C.

Authority: Section 163.3177(12)(e), 163.3180(13)(d), F.S., and Rule 9J-5.025(3)(b)1 and (3)(b)3, F.A.C

Recommendation: Revise the PSFE to include the needed objective and policies. The submittal should include a specific objective or policy that specifies the intent to correct existing facility deficiencies and include facilities needed to meet future needs, and include a provision requiring the inclusion in the five-year schedule of capital improvements those projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards as required by Rule 9J-5.025(3)(b)1 and 9J-5.025(3)(b)3, F.A.C.

4. Objection: The proposed element authorizes an option for proportionate share mitigation that includes the establishment of an Educational Benefit District. This option is not one authorized by the PSFE or ILA for Alachua County. Additionally, the element includes language for concurrency reservations and for exemptions that is not consistent with the County's language including differences in the length of time temporary commitments and reservations are maintained. Policy 2.4.7 includes a concurrency temporary certificate timeframe not to exceed six months or whenever the final development order is issued. This timeframe is different from Alachua County's which indicates a temporary certificate not to exceed one year or whenever the final development order is issued. The same policy establishes a reservation "life" commensurate with the duration of the development order. Alachua County allows the maximum reservation "life" of three years. Therefore, the PSFE and ILA do not reflect a consistent approach throughout the district for proportionate share mitigation and concurrency management, and the PSFE is not supported by the ILA as data and analysis.

Authority: Section 163.3177(12) & (12)(c), 163.3180(13)(a), (e)1, and (g), F.S.

Recommendation: Revise the PSFE and ILA to be consistent with others in the district including Alachua County which does not list Educational Benefit Districts as an option. Additionally revise the Policy 2.4.7 to clarify the timeframes for concurrency commitments and reservations such that they are consistent with Alachua County and throughout the district.

5. Comment: The Alachua County policy establishing the LOS standards in the plan indicates the intent to disaggregate the data for combination schools allowing assessment of LOS using the facility types of elementary, middle and high. Policy 2.2.1 establishing the LOS standards for the City could be improved by also specifying that data will be disaggregated for combined facilities. Additionally, Policy 2.4.2 establishes certain exemptions which do not include a specific reference to multi-family homes. The policy could be improved by amending Policy 2.4.2 to clarify the provisions address multi-family units like Alachua County.

B. Capital Improvements Element

1. Objection: The submittal includes a five-year capital improvements schedule that is not reflective of the most recent five-year district facilities work plan approved by Florida Department of Education. The statute indicates the element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

Authority: Section 163.3177(3)(a), (8), & (12)(c) and 163.3180(13)(d)1. F.S. and Rule 9J-5.005(2) and 9J-5.016(4)(a)3, F.A.C..

Recommendation: Revise the amendment to incorporate the 2008/09-2012/13 Five Year District Facilities work plan. The best available date for the five year district facilities work plan should be included in the submittal to support the element.

C. Proposed School Interlocal Agreement

The City has not provided an ILA for review.

1. Objection: The local government must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777, F.S. The local government shall state the obligations of the local government under the agreement. The City of Gainesville has not provided an executed interlocal agreement as required.

Authority: Section 163.3177(6)(h)4. and (12), 163.31777(1)(a) and (d) and (2), and 163.3180(13)(g), F.S., and Rule 9J-5.015(3)(c)14, F.A.C.

Recommendation: Ensure that an adopted executed interlocal agreement is provided with the adopted element and that the interlocal agreement contains provisions that are consistent with those in the district.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Objection: The proposed plan amendment is not consistent with the goals and policies of the State Comprehensive Plan Section 187.201, F.S., for Objections listed in Section I:

(16) Urban And Downtown Revitalization, Goal (a) and Policy (b)8; Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings;

(17) Public Facilities, Goal (a) and Policy (b)7; Encourage the development, use, and coordination of capital improvement plans by all levels of government;

(20) Governmental Efficiency, Goal (a) and Policy (b)1; Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit; and

(25) Plan Implementation, Goal (a) and Policy (b)7; Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

Recommendation: Revise the amendment, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.

City Responses to:

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT (issued 9/19/08)

FOR CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The Department conducted a review of the proposed 08-PEFE1 amendment package for the City of Gainesville for consistency with Chapter 163, F.S., and Rule 9J-5, F.A.C. The Department identified objections and comments to the proposed amendment including the proposed Public School Facilities Element (PSFE), Intergovernmental Coordination Element (ICE) and Capital Improvements Element (CIE) amendments. Recommendations include ensuring consistency in the execution of a consistent School Interlocal Agreement (ILA) with Alachua County, the school district and the other municipalities in the district.

A. Public Schools Facilities Element

1. Objection: The element is not supported by best available data including an LOS analysis that considers the program capacity based on FISH and COFTE. Additionally, the five-year district facilities work plan included in the data is not reflective of the official work plan on file with the Florida Department of Education.

Authority: Section 163.3177(8) and (12)(c), F.S. and Rule 9J-5.005(2) and 9J-5.025(2)(a), (b), & (c), F.A.C.

Recommendation: Revise the amendment to include the data and analysis for LOS generated by Alachua County in August, 2008. Additionally, revise the submittal to include the best available 5-year district facilities work plan as data and analysis to support the element.

City Response: Agreed.

The amendment has been revised to include the most current data and analysis for LOS. The Supplemental Dataset (dated December 2, 2008) replaces Supplemental Datasets A & B (dated September 2, 2008) that were included with Alachua County's school concurrency amendment. The revised dataset is consistent with the School Board's current 5-Year District Facilities Work Program that was adopted on October 7, 2008. The School Board's most recent five-year district facilities work plan (work program) is included in this submittal as additional data and analysis, and incorporated in the amended Capital Improvements Element (CIE) as Table 15: School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 - 12/13), in the 5-Year Schedule of Capital Improvements.

2. Objection: The proposed PSFE and CIE revisions include LOS standards for permanent program capacity that identifies interim standards for the West Urban CSA only. The adopted Alachua County PSFE and the proposed PSFEs for High Springs, City of Alachua, and Hawthorne also include interim standards for High Springs and Newberry. Therefore, the

amendment does not meet the requirement to establish uniform districtwide standards because it is not inclusive of the interim standards for certain CSAs.

Authority: Section 163.3177(12), and 163.3180(13)(a) & (b), F.S., and Rule 9J-5.0055(2)(b), 9J-5.025(3)(c)7, F.A.C.

Recommendation: The amendment including PSFE Policy 2.2.1 and CIE Policy 1.2.6 should be revised to include LOS standards as identified in the Alachua County adopted PSFE to include the High Springs and Newberry CSA standards.

City Response: PSFE Policy 2.2.1 has been revised (see below) to include the standards for the High Springs and Newberry CSAs. It is not necessary to specify the High Springs and Newberry CSA standards in CIE Policy 1.2.6 because it adopts the LOS standards for public school facilities in PSFE Policy 2.2.1, which has been revised to meet the requirement for uniform district-wide standards by adding the CSA standards for High Springs and Newberry. Note that adopted CIE Policy 1.2.6 adopts the LOS standards for the various public facilities in the relevant Elements of the Comprehensive Plan, the pertinent Policies for which are listed in Policy 1.2.6. The addition of Public School Facilities and listing its pertinent Policy 2.2.1 is consistent with adopted CIE Policy 1.2.6.

Policy 2.2.1

The uniform, district-wide LOS standards shall be 100% of Permanent Program Capacity for elementary, middle and high schools. This LOS standard shall apply to all concurrency service areas (CSAs) (within Gainesville's city limits) as adopted in the Interlocal Agreement, except on an interim basis for the elementary Concurrency Service Area listed below:

High Springs CSA – 120% of Permanent Program Capacity through 2010-2011;

Newberry CSA – 115% of Permanent Program Capacity through 2010-2011; and,

West Urban CSA – 115% of Permanent Program Capacity through 2010-2011.

(Note – The High Springs and Newberry CSAs are outside of Gainesville's city limits. The LOS standards for the High Springs and Newberry CSAs are included in order to meet the requirement for uniform, district-wide standards. The LOS standard for the West Urban CSA shall only apply to areas that are within Gainesville's city limits.)

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

3. Objection: The proposed Public Educational Facilities Element does not include a specific objective to address correction of existing facility deficiencies and facilities needed to meet future needs and the inclusion in the five-year schedule of capital improvements those projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards as required by Rule 9J-5.025(3)(b)1 and 9J-5.025(3)(b)3, F.A.C.

Authority: Section 163.3177(12)(e), 163.3180(13)(d), F.S., and Rule 9J-5.025(3)(b)1 and (3)(b)3, F.A.C.

Recommendation: Revise the PSFE to include the needed objective and policies. The submittal should include a specific objective or policy that specifies the intent to correct existing facility deficiencies and include facilities needed to meet future needs, and include a provision requiring the inclusion in the five-year schedule of capital improvements those projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards as required by Rule 9J-5.025(3)(b)1 and 9J-5.025(3)(b)3, F.A.C.

City Response: The PSFE includes the following:

Policy 2.6.1

The School Board shall annually update and amend the 5-Year District Facilities Work Program to reflect the (LOS) standards for schools to add a new fifth year, which continues to achieve and maintain the adopted LOS for schools. The 5-Year District Facilities Work Program ensures that the level of service standards for public schools are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The 5-Year Work Program shall also address the correction of existing facility deficiencies and facilities needed to meet future needs. After the first 5-year schedule of capital improvements, annual updates to the schedule shall ensure that the LOS is achieved and maintained within the subsequent 5-year schedules of capital improvements necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standards. The City shall have neither obligation nor responsibility for funding the 5-Year District Facilities Work Program by including it in the Capital Improvements Element of the City's Comprehensive Plan.

4. Objection: The proposed element authorizes an option for proportionate share mitigation that includes the establishment of an Educational Benefit District. This option is not one authorized by the PSFE or ILA for Alachua County. Additionally, the element includes language for concurrency reservations and for exemptions that is not consistent with the County's language including differences in the length of time temporary commitments and reservations are maintained. Policy 2.4.7 includes a concurrency temporary certificate timeframe not to exceed six months or whenever the final development order is issued. This timeframe is different from Alachua County's which indicates a temporary certificate not to exceed one year or whenever the final development order is issued. The same policy establishes a reservation "life" commensurate with the duration of the development order. Alachua County allows the maximum reservation "life" of three years. Therefore, the PSFE and ILA do not reflect a consistent approach throughout the district for proportionate share mitigation and concurrency management, and the PSFE is not supported by the ILA as data and analysis.

Authority: Section 163.3177(12) & (12)(c), 163.3180(13)(a), (e)1, and (g), F.S.

Recommendation: Revise the PSFE and ILA to be consistent with others in the district including Alachua County which does not list Educational Benefit Districts as an option. Additionally revise the Policy 2.4.7 to clarify the timeframes for concurrency commitments and reservations such that they are consistent with Alachua County and throughout the district.

City Response: Educational Benefit District has been removed from the list of mitigation options in the PSFE, as follows:

Policy 2.5.1

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 its adopted financially feasible 5-Year District Facilities Work Program, and which will maintain adopted LOS standards.

1. The donation, construction, or funding of school facilities or sites sufficient to offset the demand for public school facilities created by the proposed development;
2. 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;
3. The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF),⁵ and;
4. ~~The establishment of an Educational Benefit District. [Sections 1013.355-357 F.S.]~~

Timeframes in Policy 2.4.7 have been revised for consistency with other PSFEs and with the Interlocal Agreement, as follows:

Policy 2.4.7

The City shall not issue a certificate of final concurrency for any non-exempt residential development application until the School Board has issued a school capacity availability determination letter verifying capacity is available to serve the development. The school capacity availability determination letter shall indicate a temporary commitment of capacity of necessary school facilities for a period not to exceed ~~six (6)~~ twelve (12) months or until a final development order is issued, whichever occurs first.

- (a) Once the City reserves school capacity for concurrency purposes as a part of the final development order, the school capacity necessary to serve the development shall be considered reserved for a period not to exceed three (3) years or until completion of construction of development infrastructure required by the development order as specified in the City's land development regulations.

- (b) Phased projects, as provided for in the City's land development regulations, may obtain approval for a longer period, provided the development order is in accordance with a binding development agreement entered into by the School Board, the City of Gainesville, 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.
- (c) The City shall notify the School Board within fifteen (15) days of the approval or expiration of a concurrency reservation for a residential development. No further determination of school capacity availability shall be required for the residential development before the expiration of the certificate of final concurrency, except that any change requires review.

5. Comment: The Alachua County policy establishing the LOS standards in the plan indicates the intent to disaggregate the data for combination schools allowing assessment of LOS using the facility types of elementary, middle and high. Policy 2.2.1 establishing the LOS standards for the City could be improved by also specifying that data will be disaggregated for combined facilities. Additionally, Policy 2.4.2 establishes certain exemptions which do not include a specific reference to multi-family homes. The policy could be improved by amending Policy 2.4.2 to clarify the provisions address multi-family units like Alachua County.

City Response: Agreed. Policy 2.2.1 has been revised (see City Response to PSFE Objection 2) to specify that for combination schools, separate capacity determinations shall be made for the elementary, middle and high school levels. Policy 2.4.2 has been revised to include a provision specific to multiple multi-family residential development. The new provision of Policy 2.4.2 (sub-policy 2) is as follows:

2. Multi-family residential development that received final site plan approval prior to December 18, 2008, or multi-family development plans that are filed with the City and have received preliminary development plan approval prior to December 18, 2008 and the development approval has not expired.

B. Capital Improvements Element

1. Objection: The submittal includes a five-year capital improvements schedule that is not reflective of the most recent five-year district facilities work plan approved by Florida Department of Education. The statute indicates the element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board that demonstrates that the adopted level of service standards will be achieved and maintained.

Authority: Section 163.3177(3)(a), (8), & (12)(c) and 163.3180(13)(d)1. F.S. and Rule 9J-5.005(2) and 9J-5.016(4)(a)3, F.A.C..

Recommendation: Revise the amendment to incorporate the 2008/09-2012/13 Five Year District Facilities work plan. The best available date for the five year district facilities work plan should be included in the submittal to support the element.

City Response: The CIE amendment has been revised by incorporating the School Board's most recent five-year district facilities work plan into the 5-Year Schedule of Capital Improvements. See Table 15: School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 -12/13), in the amended Capital Improvements Element.

C. Proposed School Interlocal Agreement

The City has not provided an ILA for review.

I. Objection: The local government must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777, F.S. The local government shall state the obligations of the local government under the agreement. The City of Gainesville has not provided an executed interlocal agreement as required.

Authority: Section 163.3177(6)(h)4. and (12), 163.31777(1)(a) and (d) and (2), and 163.3180(13)(g), F.S., and Rule 9J-5.015(3)(c)14, F.A.C.

Recommendation: Ensure that an adopted executed interlocal agreement is provided with the adopted element and that the interlocal agreement contains provisions that are consistent with those in the district.

City Response: The Interlocal Agreement is scheduled for adoption by the City Commission on December 18, 2008.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

Objection: The proposed plan amendment is not consistent with the goals and policies of the State Comprehensive Plan Section 187.201, F.S., for Objections listed in Section I:

(16) Urban And Downtown Revitalization, Goal (a) and Policy (b)8; Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings;

(17) Public Facilities, Goal (a) and Policy (b)7; Encourage the development, use, and coordination of capital improvement plans by all levels of government;

(20) Governmental Efficiency, Goal (a) and Policy (b)1; Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit; and

(25) Plan Implementation, Goal (a) and Policy (b)7; Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

Recommendation: Revise the amendment, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.

City Response: Please see the City Responses to the four Objections and to the Comment, above.

Exhibits "D" through "G"

Due to bulk and size, Exhibits "D", "E", "F" and Composite Exhibit "G" are not attached, but are on file in the Office of the Clerk of the Commission and are available for viewing as attachments under Legistar No. 080014.

ORDINANCE NO. 0-08-42

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An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing was given that the City of Gainesville 2000-2010 Comprehensive Plan be amended by adding a new Public Schools Facilities Element; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on April 24, 2008; and

WHEREAS, pursuant to law, an advertisement was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

WHEREAS, pursuant to law, after the public hearing at the transmittal stage the City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

WHEREAS, a second advertisement was placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at least 5 days after the day the second advertisement was published; and

1 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
2 described above at which hearings the parties in interest and all others had an opportunity
3 to be and were, in fact, heard; and

4 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
5 considered the comments, recommendation and objections, if any, of the State Land
6 Planning Agency.

7 **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF
8 THE CITY OF GAINESVILLE, FLORIDA:

9 **Section 1.** The City of Gainesville 2000-2010 Comprehensive Plan is amended by
10 creating and adding the Public Schools Facilities Element, as shown in Attachment A,
11 attached hereto and made a part hereof as if set forth in full.

12 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
13 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element,
14 or portion thereof in order to fully implement this ordinance.

15 **Section 3.** It is the intent of the City Commission that this new element will become part
16 of the City of Gainesville 2000-2010 Comprehensive Plan upon adoption.

17 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional,
19 such finding shall not affect the other provisions or applications of the ordinance which can
20 be given effect without the invalid or unconstitutional provisions or application, and to this
21 end the provisions of this ordinance are declared severable.

22 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of

1 such conflict hereby repealed.

2 **Section 6.** This ordinance shall become effective immediately upon passage on second
3 reading; however, the effective date of this plan amendment shall be the date a final order is
4 issued by the Department of Community Affairs finding the amendment to be in compliance in
5 accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the
6 Administration Commission finding the amendment to be in compliance in accordance with
7 Chapter 163.3184, F.S.

8 **PASSED AND ADOPTED** this _____ day of _____, 2008.

9
10
11 _____
12 PEGEEN HANRHAN
13 MAYOR

14
15 ATTEST:

Approved as to form and legality

16
17
18 _____
19 KURT M. LANNON
20 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

21
22 This Ordinance passed on first reading this 14th day of July, 2008.

23 This Ordinance passed on second reading this _____ day of _____, 2008.

Public School Facilities Element Goals, Objectives & Policies

GOAL 1

THE CITY SHALL COLLABORATE WITH THE SCHOOL BOARD OF ALACHUA COUNTY (SCHOOL BOARD) TO PLAN FOR PUBLIC SCHOOL CAPACITY TO ACCOMMODATE PROJECTED ENROLLMENT DEMAND WITHIN THE FIVE YEAR, TEN YEAR, AND TWENTY YEAR PLANNING PERIODS.

Objective 1.1

The City of Gainesville shall consider public school capacity when making future land use decisions, recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for future land use and rezoning for residential development that generate students and impact Alachua County's public school system.

Policy 1.1.1 The City, in conjunction with the School Board, shall annually update and maintain a public school facilities map series as supporting data and analysis. The public school facilities map series in the data and analysis shall include at a minimum:

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

Policy 1.1.2 The City shall coordinate land use decisions with the School Board's Long Range Facilities Plans by requesting School Board review of proposed comprehensive plan amendments and rezonings that would increase residential density.

Policy 1.1.3 For purposes of coordinating land use decisions with school capacity planning, the SCSAs that are established for high, middle and elementary schools as part of the Interlocal Agreement for Public School Facility Planning (hereinafter the "Interlocal Agreement") shall be used for school capacity planning. For

purposes of this planning assessment, existing or planned capacity in adjacent SCSAs shall not be considered.

Policy 1.1.4 In reviewing land use decisions, the School Board may address the following issues as applicable:

- (a) Whether school capacity or planned improvements to accommodate the enrollment is available;
- (b) Whether school sites and facilities are located within neighborhoods;
- (c) Whether parks, recreation and neighborhood facilities are co-located with school sites;
- (d) Whether bikeways, trails, and sidewalks are provided for safe access to schools;
- (e) Traffic circulation in the vicinity of schools including the provision of off-site signalization, signage, access improvements, sidewalks to serve schools and the inclusion of school bus stops and turnarounds;
- (f) Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;
- (g) Whether the proposed location is consistent with any local government's school design and planning policies.

Policy 1.1.5 The School Board shall report its findings and recommendations regarding the land use decision to the City. 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 all municipalities within the County.

Policy 1.1.6 The City shall consider and review the School Board's comments and findings regarding the availability of school capacity in the evaluation of land use decisions.

Policy 1.1.7 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.

Policy 1.1.8 The School Board will annually provide a cumulative report of land use decisions and the effect of those decisions on public school capacity to the Elected Officials Group, established pursuant to the Interlocal Agreement.

GOAL 2

PROVIDE ADEQUATE PUBLIC SCHOOL CAPACITY TO ACCOMMODATE ENROLLMENT DEMAND WITHIN A FINANCIALLY FEASIBLE, FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM.

Objective 2.1

The City shall coordinate with the School Board in considering the impact that future land use decisions will have on the future availability of adequate public school facility capacity through its authority to implement school concurrency.

Policy 2.1.1 The City, School Board, County and other municipalities in Alachua County, shall amend the Interlocal Agreement for Public School Facility Planning (hereinafter the Interlocal Agreement) to implement school concurrency within Alachua County. The Interlocal Agreement shall be consistent with the goals, objectives and policies of this element.

Policy 2.1.2 The City shall amend its land development regulations to include provisions for public school concurrency management.

Objective 2.2

Final subdivisions or final plats or final development plans approved by the City shall meet the adopted level of service (LOS) standards within the 5-year period of the School Board's 5-Year District Facilities Work Program (which is updated on an annual basis).

Policy 2.2.1 The uniform, district-wide LOS standards shall be 100% of Permanent Program Capacity for elementary, middle and high schools. This LOS standard shall apply to all school concurrency service areas (SCSAs) (within Gainesville's city limits) as adopted in the Interlocal Agreement, except on an interim basis for the elementary Concurrency Service Area listed below:

Newberry SCSA – 115% of Permanent Program Capacity through 2010-2011;

High Springs SCSA – 120% of Permanent Program Capacity through 2010-2011; and

West Urban SCSA – 115% of Permanent Program Capacity through 2010-2011.

(Note – The High Springs and Newberry SCSAs are outside of Gainesville City limits. The LOS standard for the High Springs and Newberry SCSAs are included in order to meet the requirement for uniform, district-wide standards. The LOS standard for the West Urban SCSA shall only apply to areas that are within Gainesville's city limits.)

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

Policy 2.2.2 Amendments to the LOS standards shall be accomplished by execution of an amendment to the Interlocal Agreement by all parties and adoption of amendments to the local government comprehensive plans. Changes to the 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 applicable five years of the School Board's 5-Year District Facilities Work Program.

Objective 2.3

The City, in coordination with the School Board and the local governments within Alachua County, shall use the SCSAs as the areas within which an evaluation is made as to whether adequate school capacity is available based on the adopted LOS standards.

Policy 2.3.1 SCSAs for high, middle and elementary schools shall be as adopted in the Interlocal Agreement. SCSA boundaries shall be included in a map series as part of the Data and Analysis for this Element.

Policy 2.3.2 SCSAs shall maximize available school capacity and make efficient use of new and existing public schools in accordance with the LOS standards, taking into account transportation costs, student travel times, any court-approved desegregation plans, and capacity commitments pertaining to development approvals by the local governments within Alachua County.

Policy 2.3.3 SCSA boundaries shall consider the relationship of school facilities to the communities they serve including reserve area designations and extra-territorial areas established under the "Alachua County Boundary Adjustment Act", and the effect of changing development trends.

Policy 2.3.4 The City, in coordination with the School Board and the local governments within Alachua County, shall use the following process to modify SCSAs:

- (a) Any party to the adopted Interlocal Agreement may propose a modification to the SCSA boundary maps;
- (b) Modifications to SCSA boundaries shall be based upon the criteria as provided in Policy 2.3.2., and shall be financially feasible within the five-year period described by the School Board's 5-Year District Facilities Work Program;
- (c) The School Board shall transmit the proposed SCSA boundary modification with data and analysis to support the changes to the Elected Officials Group;

- (d) The Elected Officials Group shall review the proposed SCSA boundary modifications and send its comments to the School Board and the parties to the Interlocal Agreement; and,
- (e) Modifications to a SCSA shall become effective as provided in the Interlocal Agreement for Public School Facility Planning.

Objective 2.4

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

Policy 2.4.1 The issuance of final subdivisions or plats and development plan approvals for residential development shall be subject to the availability of adequate school capacity based on the Level of Service (LOS) standards adopted in this Element.

Policy 2.4.2 The following residential developments are exempt from the school concurrency requirements:

1. Single-family lots of record that received final subdivision or plat approval prior to December 18, 2008~~October 2, 2008~~, or single-family subdivisions or plats that are filed with the City~~as of October 2, 2008~~, and have received preliminary development approval prior to December 18, 2008 and such development approval has not expired.
2. Multi-family residential development that received final site plan approval prior to December 18, 2008, or multi-family development plans that are filed with the City and have received preliminary development plan approval prior to December 18, 2008 and the development approval has not expired.
3. Amendments to final subdivisions or final plats or final development plans for residential development that were approved prior to December 18, 2008~~October 2, 2008~~, and which do not increase the number of students generated by the development.
43. Age-restricted developments that prohibit permanent occupancy by persons of school age. Such restrictions must be recorded, as covenants running with the land and irrevocable for a period of at least thirty (30) years and lawful under applicable state and federal housing statutes. The applicant must demonstrate that these conditions are satisfied.
54. Group quarters that do not generate students that will be housed in public school facilities, including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary

emergency shelters for the homeless, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy 2.4.3 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 in the 5-Year District Facilities Work Program.

Policy 2.4.4 The School Board shall determine the level of service or utilization rate of each school using a uniform methodology. 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.

Policy 2.4.5 The School Board staff shall conduct a concurrency review for all development plan approvals subject to school concurrency. This review shall include findings and recommendations to the City whether there is adequate school capacity to accommodate the proposed development.

1. Adequate school capacity means there is sufficient school capacity at the adopted LOS standards to accommodate the demand created by a proposed development for each type of school within the affected SCSA.
2. 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 Objective 2.5.

The City will issue a concurrency determination taking into consideration the School Board's written findings and recommendations.

Policy 2.4.6 School concurrency applies only to residential development or a phase of residential (single-family and multi-family) development requiring a subdivision or plat approval, development plan, or its functional equivalent, proposed or established after December 18, 2008~~October 2, 2008~~.

The City 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 time of final subdivision, final plat or final development plan. The City shall not deny a final subdivision, final plat or final development 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, as provided in the School Board's 5-Year District Facilities Work Program adopted as part of the Capital Improvements Element, after the issuance of the final subdivision, final plat or final development plan for residential development; or,
2. Adequate school facilities are available in an adjacent SCSEA, and when adequate capacity at adopted LOS Standards will be in place or under construction in the adjacent SCSEA within three years, as provided in the School Board's 5-Year District Facilities Work Program adopted as part of the Capital Improvements Element, after the issuance of the final subdivision, final plat or final development plan approval; 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 subdivision, plat or development plan (or functional equivalent) as provided in this element.

Policy 2.4.7 The land development code shall be amended to provide that the City shall not issue a certificate of final concurrency for any non-exempt residential development application until the School Board has issued a school capacity availability determination letter verifying capacity is available to serve the development. The school capacity availability determination letter shall indicate a temporary commitment of capacity of necessary school facilities for a period not to exceed twelve (12) ~~six (6)~~ months or until a final development order is issued, whichever occurs first.

- (a) Once the City reserves school capacity for concurrency purposes as a part of the final development order, the school capacity necessary to serve the development shall be considered reserved for a period not to exceed three (3) years or until completion of construction of development infrastructure required by the duration of the development order as specified in the City's land development regulations.
- (b) Phased projects, as provided for in the City's land development regulations, may obtain approval for a longer period, provided the development order is in accordance with a binding development agreement entered into by the School Board, the City of Gainesville, 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.

- (c) The City shall notify the School Board within fifteen (15) days of the approval or expiration of a concurrency reservation for a residential development. No further determination of school capacity availability shall be required for the residential development before the expiration of the certificate of final concurrency, except that any change requires review.

Policy 2.4.8 In the event that the School Board determines that there is not sufficient capacity in the affected concurrency service area or an adjacent concurrency service area to address the impacts of a proposed development, the following standards shall apply. Either (1) the development plan or final subdivision or final plat must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation per Objective 2.5; or (2) the development plan or final subdivision or final plat must be delayed to a date when capacity enhancement and level of service can be met concurrent with the impact of the development.

Policy 2.4.9 In evaluating a subdivision plat or development plan for concurrency, any relevant programmed improvements in years 2 or 3 of the 5-year schedule of improvements (5-Year District Facilities Work Program) 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 to accelerate the project, through proportionate share mitigation, or some other means of achieving adequate capacity within 3 years. The School Board may use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

Objective 2.5

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 adopted financially feasible 5-Year District Facilities Work Program shall be established.

Policy 2.5.1 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 its adopted financially feasible 5-Year District Facilities Work Program, and which will maintain adopted LOS standards.

1. The contribution, construction, or funding of school facilities or sites sufficient to offset the demand for public school facilities created by the proposed development;
2. 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;
3. The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF); and,
4. ~~The establishment of an Educational Benefit District, per Sections 1013.355-357 F.S.~~

Policy 2.5.2 Mitigation must be directed toward a permanent capacity improvement identified in the School Board’s financially feasible 5-Year District Facilities Work Program, which satisfies the demand created by the proposed development consistent with the adopted LOS standards. Relocatable classrooms do not qualify as mitigation.

Policy 2.5.3 Mitigation shall be directed to projects in the School Board’s financially feasible 5-Year District Facilities Work Program that will satisfy the demand created by that development approval. Such mitigation proposals shall be reviewed by the School Board, the City and any affected local government. If agreed to by all parties, the mitigation shall be assured by a legally binding agreement between the School Board, the City, and the applicant which shall be executed prior to the City’s issuance of the final subdivision plat or the final development plan approval. If the mitigation proposal is for a project that is not within the School Board’s adopted 5-Year District Facilities Work Program, acceptance of the proposal will be subject to determination by the School Board of the financial feasibility of the project. If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation in its 5-Year District Facilities Work Program.

Policy 2.5.4 The applicant’s total proportionate share obligation to resolve a capacity deficiency shall be based on the following:

NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) = NUMBER OF DWELLING UNITS BY HOUSING TYPE X STUDENT GENERATION MULTIPLIER (BY HOUSING TYPE AND SCHOOL TYPE);

PROPORTIONATE SHARE AMOUNT = NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) X COST PER STUDENT STATION FOR SCHOOL TYPE;

The above formula 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 proportionate share amount for the development under review;

The School Board average cost per student station shall only include school facility construction and land costs, and costs to build schools to emergency shelter standards when applicable; and,

The applicant's proportionate-share mitigation obligation shall be credited toward any school concurrency related impact or exaction fee imposed by local ordinance for school concurrency for the same development, on a dollar-for-dollar basis, at fair market value as of the date of contribution.

Objective 2.6

The City shall adopt the School Board's annually updated 5-Year District Facilities Work Program in its Capital Improvements Element by December 1st of each year.

Policy 2.6.1 The School Board shall annually update and amend the 5-Year District Facilities Work Program to reflect the LOS standards for schools to add a new fifth year, which continues to achieve and maintain the adopted LOS for schools. The 5-Year District Facilities Work Program ensures that the level of service standards for public schools are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The 5-Year Work Program shall also address the correction of existing facility deficiencies and facilities needed to meet future needs. After the first 5-year schedule of capital improvements, annual updates to the schedule shall ensure that the LOS is achieved and maintained within the subsequent 5-year schedules of capital improvements necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted LOS standards. The City shall have neither the obligation nor responsibility for funding the 5-Year District Facilities Work Program by including it in the Capital Improvements Element of the City's Comprehensive Plan.

GOAL 3

THE CITY SHALL COORDINATE WITH THE SCHOOL BOARD IN THE BOARD'S EFFORTS TO PROVIDE PUBLIC SCHOOLS IN APPROPRIATE LOCATIONS.

Objective 3.1

Public schools are allowed in the Residential, Mixed-Use, Office and Education land use categories described in Policy 4.1.1 of the Future Land Use Element, and can be a use specified within a given Planned Use District. Public schools should be compatible with surrounding uses.

Policy 3.1.1 All new public schools built within Gainesville's municipal boundaries will be coordinated by the School Board with the City to verify consistency between the location of the school and the Comprehensive Plan, ensure that the new schools are proximate to, consistent with and accessible from existing and proposed residential areas, are co-located with other appropriate public facilities when possible, and have the on-site and off-site infrastructure necessary in place to support the new school.

Policy 3.1.2 The City, in conjunction with the School Board, shall promote the neighborhood concept in new developments or redevelopment by encouraging the use of existing schools as neighborhood centers.

Policy 3.1.3 The City shall consider compatibility of uses adjacent to public schools when it considers land use and zoning proposals, and shall consider input from the School Board concerning compatibility of proposed uses with existing schools and known future school sites.

Objective 3.2

The City shall coordinate with the School Board on the reduction of hazardous walking conditions.

Policy 3.2.1 To reduce hazardous walking conditions consistent with Florida's Safe Paths School program, the City shall coordinate with the School Board to implement the provisions of Section 1006.23, F.S., including identification and correction of hazardous conditions along walking routes to schools, and identification of proposed projects to remedy such conditions, subject to the availability and appropriation of legally available funds.

Objective 3.3

Potential school sites shall be evaluated consistent with the school site evaluation requirements in the Interlocal Agreement.

Policy 3.3.1 The School Board and the City will follow the school site evaluation procedures that are in the Interlocal Agreement when evaluating new school sites within the Gainesville's city limits.

Objective 3.4

The City herein establishes development requirements for public school sites within Gainesville's city limits in order to achieve compatibility with the surrounding neighborhoods and with the comprehensive plan.

Policy 3.4.1 The City shall require the development of school sites to be consistent with the following minimum requirements provided they are not in conflict with the State Requirements for Educational Facilities (SREF).

- a. Playgrounds, playing fields, and athletic courts (including lighting, if applicable) shall be located and buffered so as to minimize impacts to adjacent residential property;
- b. The following minimum size guidelines have been recommended by the School Board: Elementary School - 25 acres, Middle School - 35 acres, High School - 65 acres. These guidelines shall not preclude smaller sized sites if determined to be acceptable by the School Board.
- c. Maximum height of the school structure shall adhere to the height requirements established for the zoning district for the school site zoning district;
- d. Building setbacks from property lines for all schools shall adhere to the minimum building setback requirements established for the zoning district for the school site zoning district;
- e. All parking areas on school sites shall adhere to the minimum setback requirements established for the zoning district;
- f. Access to school sites shall be governed by the City's, County's and FDOT's access management regulations as relevant, including installation by the School Board, or other party as determined by the City, of all access-related improvement required by such regulations;
- g. The site shall be required to provide bicycle/pedestrian connections to sidewalks, trails, and bikeways internal or adjacent to residential neighborhoods, including the provision of safe roadway crossings;
- h. Development of the site shall be consistent with applicable policies of the Future Land Use Element, Transportation Mobility Element, and

the Conservation, Open Space and Groundwater Recharge Element of this plan.

- i. Development of the site shall be meet the requirements of the City's Surface Waters and Wetlands District, as found in Article VIII. Environmental Management, Subdivision III. Wetlands and Surface Waters District of the Land Development Regulations.

Objective 3.5

The City shall coordinate with the School Board plans for supporting infrastructure.

Policy 3.5.1 As part of the annual review and update of the Capital Improvements Element, the City shall consider infrastructure required to support new school facilities.

GOAL 4

PROMOTE AND OPTIMIZE INTERGOVERNMENTAL COOPERATION FOR EFFECTIVE PLANNING OF PUBLIC SCHOOL FACILITIES.

Objective 4.1

The City shall include representatives of the School Board on the City Plan Board and the Technical Review Committee.

Policy 4.1.1 As provided in the Interlocal Agreement, the City shall include a representative appointed by the School Board on the City Plan Board to attend meetings at which the Plan Board considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the proposed plan amendment or rezoning.

Policy 4.1.2 As provided in the Interlocal Agreement, the School Board will appoint a representative to advise the Technical Review Committee on development and redevelopment which could have a significant impact on student enrollment or school facilities.

Objective 4.2

The City shall participate in meetings and other actions established to promote coordination and the sharing of data and information.

Policy 4.2.1 As provided in the Interlocal Agreement, a staff working group of the School Board and of the local governments within Alachua County will meet to

identify issues and assemble and evaluate information regarding the coordination of land use and school facilities planning.

Policy 4.2.2 As provided in the Interlocal Agreement, one or more representatives of the School Board and of the local governments within Alachua County will meet at least annually in joint workshop sessions. The joint workshop sessions will be opportunities for the elected officials 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 School Board shall be responsible for making meeting arrangements and providing notification to the general public of the annual meeting.

Objective 4.3

The School Board will coordinate with the City and with the other local governments within Alachua County to maintain and update student enrollment and population projections.

Policy 4.3.1 The School Board will coordinate with the City and the other local governments within Alachua County to base school planning upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide 5-year population and student enrollment projections shall be reviewed and updated annually.

Policy 4.3.2 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 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 other local governments in Alachua County regarding development trends, enrollment projections and future population projections.

Policy 4.3.3 As provided in the Interlocal Agreement, the City shall annually provide the School Board a report on growth and development trends within its municipal boundaries for the preceding calendar year. The report is for the School Board's consideration in allocating projected student enrollment into school attendance zones.

Policy 4.3.4 No later than August 15th of each year, the School Board shall submit to the City the School Board's tentative Five Year District Facilities Work Program. The program will be consistent with the requirements of Sections 1013.33 and 1013.35, F.S., and will 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 5-, 10- and 20-year time periods, and options to reduce the need for additional permanent student stations. The Work Program is to be financially feasible for a five-year period. The City shall review the program and provide comments to the School Board within 30 days on the consistency of the program with the local comprehensive plan, including the capital improvements element, and as to whether a comprehensive plan amendment will be necessary for any proposed educational facility within Gainesville's city limits.

Policy 4.3.5 At least one year prior to preparation of each Educational Plant Survey, the staff working group established pursuant to Policy 4.2.1 will assist the School Board in an advisory capacity in preparation of the Survey. The Survey shall be consistent with the requirements of Section 1013.33, F.S., and include an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each. A 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 government comprehensive plan(s).

Objective 4.4

The School Board, in coordination with the City and the other local governments in Alachua County, shall implement an effective process for identification and selection of school sites and for review of significant expansions and school closures.

Policy 4.4.1 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 that will meet on an as-needed basis. In addition to appropriate representatives of the School Board staff, the SPAC will include staff representatives from each of the local governments within Alachua County, and a diverse group of community members.

Policy 4.4.2 When the need for a new school site is identified in the School Board's 5-Year District Facilities Work Program, the SPAC will develop a list of potential sites. The list will be submitted to the local government(s) with jurisdiction for an informal assessment regarding consistency with this Element. Based on the information gathered during this review, and the evaluation criteria set forth in this Element, the SPAC will make a recommendation to the Superintendent of one or more sites.

Policy 4.4.3 For significant expansions and potential closures, the SPAC will make appropriate recommendations to the Superintendent.

Policy 4.4.4 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility within Gainesville's city limits, the School Board shall provide the City written notice of its intent. The City shall notify the School Board within 45 days of receipt of this notice as to the proposed new public education facility site's consistency with the 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.

GOAL 5

THE CITY SHALL MONITOR AND EVALUATE THE PUBLIC SCHOOL FACILITIES ELEMENT.

Objective 5.1

On an ongoing basis, the City shall evaluate the comprehensive plan with the school facilities plans of the School Board to ensure consistency.

Policy 5.1.1 The City and the School Board will coordinate during updates or amendments to the comprehensive plan and during updates or amendments to long-range plans for School Board facilities. The City shall consider amendments to the comprehensive plan, as necessary.

Policy 5.1.2 Consistent with the Interlocal Agreement, a staff working group will meet to discuss issues related to the effectiveness of implementing this Element and the Interlocal Agreement.

Policy 5.1.3 During the EAR process, City staff will review the comprehensive plan and make a recommendation to the City Plan Board regarding the need for plan amendments that would help to support public schools within or proximate to City limits.