



Legislation Details (With Text)

File #: 080014. **Version:** 2 **Name:** INTERLOCAL AGREEMENT AND COMPREHENSIVE PLAN AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES ELEMENT (B)

Type: Ordinance **Status:** Adoption Reading

File created: 12/18/2008 **In control:** City Attorney

On agenda: **Final action:** 12/18/2008

Title: INTERLOCAL AGREEMENT AND COMPREHENSIVE PLAN AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES ELEMENT (B)

(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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 080014_200806091300.pdf, 2. 080014A_200806091300.pdf, 3. 080014B-1_200806091300.pdf, 4. 080014B-2_200806091300.pdf, 5. 080014C_200806091300.pdf, 6. 080014D_200806091300.pdf, 7. 080014E_200806091300.pdf, 8. 080014_MOD_20080623.pdf, 9. 080014_200807141300.pdf, 10. 080014_SchoolConcurrency_46CPA-08PB_20081218.pdf, 11. 080014_agreement_20081218.pdf, 12. 080014_ordinance_20081218.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|---|--------|
| 12/18/2008 | 2 | City Commission | Approved as Recommended and Adopted (Ordinance) on Adoption Reading, as amended | Pass |
| 7/14/2008 | 1 | City Commission | Adopted on First Reading (Ordinance) | Pass |
| 6/23/2008 | 0 | City Commission | Approved (Petition), as recommended by staff, as amended | Pass |
| 6/9/2008 | 0 | City Commission | Continued (Petition) | Pass |

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2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

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.