To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
         Adopted Amendments to the City of Fellsmere Comprehensive Plan
         DCA Reference No. 08-1

Background

On August 4, 2008, the City of Fellsmere adopted text amendments to the Future Land Use, Conservation, Recreation and Open Space, and Intergovernmental Coordination Elements of the City Comprehensive Plan. Council reviewed the proposed amendments at a regular meeting held on May 16, 2008. On June 20, 2008, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by the Treasure Coast Regional Planning Council (TCRPC) on May 16, 2008 contained two comments/recommendations for modification to the proposed amendments. The first comment/recommendation had to do with a new Objective (B-20) and policies that established a new Future Land Use Map (FLUM) classification to be called Agricultural and Rural. Council recommended that the City reconsider the objective and policies as they appeared to promote the conversion of lands from agricultural/rural to urban without projections and careful study, and without clear conditions and standards consistent with the purpose of the objective.

The second comment had to do primarily with the format of the Recreation and Open Space Element.

B. DCA ORC Report

The DCA ORC Report contained objections relating to the following:

1) Proposed Future Land Use Element (FLUE) Objective B-20 and Policies B-20.1 and B-20.2 do not clearly and predictably define the types of allowable land uses.

2) The residential density allowed in the proposed new Agricultural and Rural FLUM category is not clearly and predictability defined.
3) The high residential densities allowed in the new Agricultural and Rural FLUM category are not suitable for the category because of the potential to negatively impact agricultural uses and natural resources. Data and analysis was not provided to demonstrate that agricultural activities could remain viable at the proposed residential densities.

4) The proposed objectives and policies do not provide meaningful and predictable standards for development pursuant to the Florida Administrative Code.

5) FLUE Policy B-20.2 would allow commercial or industrial uses within the proposed Agricultural and Rural FLUM designation. These uses are not compatible with agricultural and rural land uses, unless they are agriculturally related uses.

6) Proposed FLUE Policy B-20 is not based on relevant and appropriate data and analysis.

C. City Response

The City has deleted all the language from the proposed version of Objective B-20 and adopted new language. The City has also made significant changes to the policies under the objective.

1. To the TCRPC Comments/Recommendations

Although the City did not provide a direct response to the TCRPC, significant changes were made to Objective B-20 and its implementing policies. The City also made the format changes to the Recreation and Open Space Element as recommended by the TCRPC. Council was copied on a letter from Indian River County dated August 14, 2008 expressing additional concerns about the proposed amendments and recommending that the DCA find the amendments not in compliance.

2. To the DCA ORC Report

The City prepared a 23-page Responses Report dated August 4, 2008. Attachment A includes pages 18-23 of that Reports Report that directly addresses the DCA objections. The remainder of the report is available by contacting the TCRPC.

Conclusion

For information only.

Attachment
Policy 6.2: To protect and conserve agriculturally designated lands, Indian River County shall maintain its development regulations which control the division and development of agriculturally designated lands.

Policy 6.3: Indian River County shall permit the continuation of agricultural uses within the urban service area where those uses serve as or enhance open space and green belt areas of the county.

Policy 6.4: Within the urban service area, the county shall require subdivision and planned development projects that propose new residential lots adjacent to active agricultural operations to provide special buffers.

DCA OBJECTIONS

Introduction: The City deleted all the language from the transmittal version of Objective B.20. The new language proposed for adoption by the City Council addresses the ORC issues and concerns. The City finds and believes that the new language is consistent with the county, state and Treasure Coast SRPP, which has not been updated since 1995. The City has offered on many occasions to work with them on their 10 year update.

1. Summary: The policies should clearly define densities and intensities compatible with those uses and design criteria and or development standards through which development will occur. Delete “but shall not be limited to” and replace with “and similar uses”. In the alternative, adopt an agricultural future land use category that is consistent with the allowed uses, densities and intensities as adopted by Indian River County.

   a. Acknowledged; densities and intensities are clearly defined and parallel the County, in some cases better than the county; language has been deleted and replaced as requested. Data is evident to show consistency with IRC.

   b. The new language is taken predominately from the IRC FLUE, including their data and analysis, in recognition of preserving AG lands, and allowing for non-sprawl types of development through use of Planned Development, transitional areas, and rural/ag lands.

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RESPONSES

August 4, 2008

A major difference between the city and the county is that the city’s AG lands are ALL within the urban service boundary area. Therefore, the county standards do not apply and the city is proposing densities and intensities compatible and consistent with smart growth principles. In this case, the former core area of the city—is densely developed with little land available for larger lots, new subdivisions, or even agricultural commerce. This policy will allow for future lands to be used for rural and agricultural uses, which are land uses not available in the city land use system at present. So as a concentric circle is small in the center (the city’s downtown and former center), its circles widen as it extends outward, allowing for alternative uses, densities and intensities.

c. The County allows for lots no greater than 1 acre in size, within their Planned Developments in Ag areas outside their urban service area. In this case therefore, it is appropriate for the City to allow for 1 acre lots within AG areas and Planned Developments within the City’s service area. As stated in the County’s data and analysis—“LARGER, RANCHETTE LOTS ARE DIFFICULT TO SERVE, ARE QUINTESSENTIAL SPRAWL, AND COSTLY TO A CITY.”

d. The County also provides for “TRANSITIONAL AREAS”. Since the City desires to preserve the integrity of the open space and agriculture, we incorporated that idea and gradient densities from the County plan.

e. The data and analysis supports the need for the types of densities and intensities proposed within the City limits and urban service area.

DCA OBJECTION

2. SUMMARY: Provide clear density and intensity of residential development; provide information on annexation and/or development agreements. Or, adopt the IRC Ag category.

   a. The data and analysis supports the need for the types of densities and intensities proposed within the City limits and urban service area.

   b. The City has revamped the policy entirely:

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"Policy FLUE B-20.2. Uses within the district shall be developed according to density and intensity standards or criteria as follows:

1. **Planned Developments.** No development shall be approved without having a development agreement adopted as part of the final development order to assure open space, provision of public facilities, and payment for capital improvements. All Planned Development (PD) projects approved in any agriculturally designated area shall meet the following criteria:

   a. **Density:** The density of the project shall not exceed 2 units per acre;
   b. **Clustering Required:** Clustering (grouping) of uses shall be required.
   c. **Mix of Uses required:** Up to 10% of the lands covered under the PD shall be for neighborhood serving non-residential uses in order to serve the needs of the residents and capture trips that would normally go elsewhere for goods and services.
   d. **Intensity of Non-residential neighborhood uses within a AG PD:** FAR of .4.
   e. **Location of non-residential uses:** Non-residential areas must be located more than a mile from active agricultural areas and on arterial or collector streets.
   f. **Design Standards:** The City has architectural and site design guidelines for the CR 512 corridor, Old Town, and Low Density Mixed Neighborhoods. These or other similar accepted design guidelines shall be required within an AG PD. Similar standards would include: ULI and Treasure Coast Regional Planning Council Traditional Neighborhood Design standards, the County's New Town development standards.
   g. **Open Space:** 50% of the area shall be open space, which shall be in contiguous areas, accessible to the public where allowed by agency permits, and must be under the control of an appropriate entity and maintained in perpetuity, through an open space, recreation, conservation and/or agricultural preservation easement(s), or to be created through Deed Restrictions, with infill prohibited;
   h. **BMP's:** Agricultural PDs shall implement Best Management Practices submitted to and approved by the City.
   i. **Recreational Amenities:** All recreational amenities shall be depicted on the PD plan; no recreational uses that could constitute a nuisance to adjacent properties shall be permitted.
   j. **Buffering from existing developments:** Areas adjacent to existing city developments or where residential uses are proposed shall provide additional buffers.

2. **Standards for Uses not contained with a Planned Development:**
RESPONSES
August 4, 2008

a. All Non-Residential Uses shall be Agriculturally related: commercial uses shall not exceed an FAR of .45; industrial uses shall not exceed a FAR of .5; all other non-residential uses shall be not exceed an FAR of .5.

b. Non-residential uses whether inside a PD or not, shall be subject to additional buffering, landscaping, screening and safety standards to protect both the non-residential and agricultural uses.

c. Transitional Residential Uses, when not part of a Planned Development. Rural Residential uses on lands that were previously platted or are not part of a planned development but are less than 1 mile of CR 512 may be developed at 1 single family unit per minimum of 1 acre. Rural Residential uses on lands not previously platted or located between 1 and 2 miles from CR 512 shall be limited to 1 dwelling unit per 2.5 acres. Residential uses greater than 2 miles from Cr 512 shall be limited to 1 dwelling unit per 5 acres. This provides the transitional uses similar to the County. *

DCA OBJECTION

3. SUMMARY: Revise the land use to establish density and intensity standards compatible with allowing viable agricultural use of the property or adopt an agricultural future land use category that is consistent with the allowed uses, densities and intensities as IRC.

a. See above

b. The data and analysis supports the need for the types of densities and intensities proposed within the City limits and urban service area.

DCA OBJECTION

4. SUMMARY: Provide meaningful and predictable standards for development through setting densities and intensities of development; the policy speaks to clustering, but doesn't describe how clustering will be implemented or if it will be required. In the alternative, adopt the agricultural future land use category from the IRC plan.
a. Clustering is required as shown above. The County does not specify how clustering will be accomplished, other than to say "grouping". We’ve added that wording. They relegate that to the land development code, which is appropriate.

b. More design and development standards are provided in the City’s Plan, than County’s.

c. Range of uses is lesser than the county and are compatible with each other and overall intended AG and rural uses.

d. The county does not provide any FAR’s for non-residential uses within the Ag land use.

e. The data and analysis supports the need for the types of densities and intensities proposed within the City limits and urban service area.

DCA OBJECTION

5. SUMMARY: Commercial and industrial uses are not specified as agricultural related. Schools and institutional uses are not appropriate within the Agricultural category. Provide data and analysis to show that densities and intensities keep agricultural uses viable. Or, the City can adopt the IRC Ag land use category.

a. The City’s has clarified what types of non-residential uses are allowed and what the FAR will be within a PD and not contained in a PD in the Ag/Rural category.

b. The County allows schools, institutions, and other non-residential uses within their Ag category. They also have many more intensive industrial type uses, such as excavation, which can be very damaging to agricultural uses in some cases.

c. Our buffering policies and types of uses will keep AG uses viable.

d. As the AG lands referred to be covered by the category would be within the City limits, they are in both the City and County’s Urban Service Boundary which allows for higher densities and intensities than allowed in the county’s areas outside of urban service boundaries.
e. The data and analysis supports the need for the types of densities and intensities proposed within the City limits and urban service area.

DCA OBJECTION

6. SUMMARY: Provide data and analysis to demonstrate the annexation and/or development agreements approved prior to March, 2008 and any approved Planned Development to which the policy could apply. Or, the City can adopt the IRC Ag land use category.

   a. The new language just requires use of development agreement for obtaining Final Development Order approval on a Planned Development within the AG land use category.

COMMENT: The Recreation Element format was fixed to reflect the word "Objective" and "Policy" as noted.
August 14, 2008

Mr. Bob Dennis, Regional Planning Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Dennis:

Please be advised that Indian River County staff has received and reviewed a copy of the City of Fellsmere’s adopted amendments – DCA 08-01 – Non-School Related. Based on its review, county staff has the following comments:

- **Data and Analysis**
  - As written, the data and analysis do not support the proposed amendments. In fact, the data and analysis focus more on Indian River County’s comprehensive plan than the merits of Fellsmere’s proposed changes.
  - The data and analysis incorrectly state that the county’s plan for the area (mostly 1 unit per 10 acres) will promote urban sprawl problems, while “the city’s plan for a mix of 1 unit per acre and 1 unit per 2.5 acres provides for the preservation of agricultural production…” Not only is that conclusion wrong, the facts are wrong. The City’s proposed amendment allows for densities between 2 units per acre and 1 unit per 5 acres.
  - Another incorrect statement in the data and analysis is that the County’s expected growth “over the next 10 years” will be 59%. In fact, the county’s projections are closer to half that amount of growth.
  - The City’s data and analysis inaccurately characterizes the County’s agricultural PD regulations. On page 14 of 23 in Fellsmere’s Draft Responses, the City references the County’s “promotion of PDs and mixed use developments, with density of 1 unit per acre.” That is wrong.

In the County’s agricultural land use designations, the County limits PD project density to the maximum density of the applicable agricultural land use designation, either 1 unit per 5 acres, 1 unit per 10 acres, or 1 unit per 20 acres. Although lots in agricultural PDs can be as small as 1 acre, the density of PDs may not exceed the maximum density of the applicable agricultural land use designation.

- **Adopted Objectives and Policies**
  - **Objective FLUE B-20** is not an objective. Objectives are ends, while policies are actions. Objective FLUE B-20 is an action, so it is not an objective.
  - **Policy FLUE B-20.2** allows 2 units per acre for agricultural plan developments. This is inconsistent with the data and analysis which indicates that the maximum PD density is 1 unit per acre.
  - **Policy B-20.2.1. Planned Developments** is significantly different from the County’s agricultural district allowances. While Policy B-20.2.1. allows PD densities up to 2 units
per acres, the County’s agricultural PD regulations limit densities to 1 unit per 5 acres, 1 unit per 10 acres, or 1 unit per 20 acres.

- With respect to Policy B-20.2 1., the PD criteria have the following deficiencies:
  - Item b, Clustering Required. There are no standards regarding what clustering means, and what level of clustering is required.
  - Item f, Design Standards. The design standards inappropriately defer to land development regulations (CR 512 corridor and Old Town regulations).
  - Item g, Open Space. There is no definition of open space associated with this criterion.
  - Item j, Buffering. This criterion has no standards regarding how much buffering is required.

- Policy B-20.2 2. (b) states that agricultural PDs shall be subject to additional buffering, landscaping, screening, and safety standards. There are, however, no indications of what those standards are.

- Policy B-20.2 c. relates to transitional residential uses. According to this provision, higher densities are allowed within a two mile distance from CR 512. This subsection also states that “This provides transitional uses similar to the County.” That is incorrect.

The County has no provision for transitional uses in its agricultural land use designations. While the county has a separate transitional land use designation, that designation may be applied only through a comprehensive plan amendment and may be applied only to lands that meet specific locational criteria. Because of those criteria, the County’s transitional land use designation has been applied to only one property in the County, a 30 acre tract.

It is County staff’s position that the proposed New Agricultural and Rural Land Use Amendments to the Fellsmere Comprehensive Plan are not supported by the data and analysis provided. In fact, the data and analysis contain multiple inaccuracies and fail to justify the proposed amendments.

Despite references to the contrary, the proposed Agricultural and Rural Land Use Classification is not comparable to Indian River County’s Agricultural Land Use Designations. As adopted, the Agricultural and Rural Land Use Classification allows much higher densities than the County’s Agricultural Land Use Classifications and focuses more on development than agriculture.

For the reasons stated above, Indian River county planning staff recommends that the Department of Community Affairs find Fellsmere’s adopted amendments – DCA 08-01 – Non-School Related not in compliance.

Sincerely,

Robert M. Keating, AICP
Director, Community Development Department

cc: Board of County Commissioners
Joe Baird, County Administrator
Jason Nunemaker, City of Fellsmere
Rebecca Grohall, City of Sebastian
Michael Busha, TCRPC
Stan Boling, AICP
Sasan Rohani, AICP
To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Fellsmere Comprehensive Plan
DCA Reference No. 08-PEFE1

Background

On July 3, 2008, the City of Fellsmere adopted amendments to the Future Land Use Map, and to the Intergovernmental Coordination and Capital Improvements Elements of the City Comprehensive Plan. The City also adopted a new Public School Facilities Element.

Council reviewed the proposed amendments at a regular meeting held on May 16, 2008. On June 6, 2008, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

In its report of May 16, 2008, the TCRPC had no comments or recommendations for modification to the proposed amendments. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report contained nine objections. The objections all had to do with shortcomings in meeting the requirements of Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code for an educational facilities element.

C. City Response

1. To TCRPC Report

   No response necessary.

2. To DCA ORC Report

   The City indicates that all the changes requested in the DCA ORC Report have been made. The specific changes were not summarized in a separate report, but are shown in a strike-through/underlined format in Attachment A.

Conclusion

For information only.

Attachment
CHAPTER 10: PUBLIC SCHOOL FACILITIES ELEMENT
(Reference: §9J-5.015(3), F.A.C.)

(Based upon the data and analysis used in the adoption of the Interlocal Agreement (ILA) for School Concurrency by all the local governments within Indian River County and the County comprehensive plan)

GOAL PSFE: The City of Fellsmere shall have a public school that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand.

OBJECTIVE PSFE 1: ADEQUATE SCHOOL FACILITIES

The City of Fellsmere will work with the IRC School District toward eliminating existing and maintaining no deficiencies and meeting future needs within the Indian River County Public School System within the terms of the adopted Interlocal School Planning Agreement as may be amended from time to time.

POLICY PSFE 1.1: The level of service Standard for each year of the five year planning period and through the long term planning period for each School Service Area will be 100% of the FISH Capacity.

POLICY PSFE 1.2: The City and School District shall work cooperatively on school attendance boundaries, known as the School Service Areas (SSA), and use them as the public school concurrency service areas.

POLICY PSFE 1.3: The City shall follow the County and IRC School District procedures for modifying the SSA’s and show that any proposed change to the SABs shall require a demonstration by the School District that the change complies with the school LOS standard, transportation costs, court approved desegregation plans, and other factors have been taken into account to ensure the maximum utilization of school capacity to the greatest extent possible.

POLICY PSFE 1.4 The City shall use the accepted school population generation rates as used for the adopted ILA, as may be modified from time to time.

OBJECTIVE PSFE 2: SCHOOL CONCURRENCY REVIEW

The City, County and School District shall work cooperatively on assuring that adequate capacity exists within the school system to accommodate projected development at the adopted level of service within each 5 year planning period.

POLICY PSFE 2.1: The City shall not approve any non-exempt residential development application for comprehensive plan amendments, rezoning, conceptual plans, preliminary plats, site plans or their functional equivalents until the school district has issued a School Capacity Availability Determination Letter (SCADL) verifying available capacity.

Comprehensive Plan Goals, Objectives and Policies Public Schools Facilities
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POLICY PSFE 2.2: The City shall exempt those residential uses as follows: defined within the ILA.
The City shall consider the following residential uses exempt from the requirements of school concurrency:

a. Lots and parcels of record, legally created prior to July 1, 2008.

b. Any new multi-family residential development that has received site plan approval or the its functional equivalent prior to July 1, 2008, where that approval is valid and has not expired.

c. Any amendment to any previously approved residential development that does not increase the number of dwelling units or change the type of dwelling units (single-family to multi-family, etc.) otherwise does not increase the estimated number of students generated by the development.

d. Age restricted communities with no permanent residents under the age of 18. Exemption of an age restricted community will be subject to a restrictive covenant limiting the age of permanent residents to 18 years and older.

POLICY PSFE 2.3: Development orders shall be approved and vested based upon the SCADL verification process outlined in the ILA as may be changed from time to time.

POLICY PSFE 2.43. Except for the exclusions allowed under Policy 2.2, no development order shall be approved unless the appropriate SCADL verifying adequate capacity has been issued. The following table identifies the type of concurrency certificate required for each development order type.

- A Conditional SCADL is a determination that adequate school capacity is available at the time of evaluation but does not vest school capacity. If applicable, a Conditional SCADL may list feasible mitigation options that would be required of the developer to provide sufficient school capacity to vest the project.

- A Final SCADL vests school capacity. A Final SCADL shall not be required in conjunction with a building permit if the residential unit is already vested through a previously issued Final SCADL.

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<th>Development Order</th>
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<td>5</td>
<td>Building Permits</td>
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1. Vesting is allowed for projects with a proportionate share agreement or an approved developer’s agreement for a major roadway improvement.

**POLICY 2.4:** The City, through its land development regulations, shall establish a school concurrency review process for all non-exempt residential projects. The minimum process requirements are described below:

a. **A School Impact Analysis is submitted to the City in conjunction with any residential development application.** (such as a land use map amendment, rezoning, site plan or preliminary plat). The School Impact Analysis indicates the location of the development, number of final dwelling units and unit types (single-family, multi-family, apartments, etc.), and age restrictions for occupancy, if any.

b. The City determines if the application is sufficient for processing and, when sufficient, transmits the application to the School District for review.

c. The School District reviews the application for available capacity and issues either a conditional SCADL or a Final SCADL as allowed in Policy 2.3:

1. **If capacity is available within the affected SSA, the School District issues a SCADL verifying available capacity.** Issuance of a Conditional SCADL identifying that adequate capacity exists at the time of capacity evaluation does not guarantee that school facilities will be available at the time of any subsequent concurrency review.
2. If capacity is not available within the affected SSA, contiguous SSAs are reviewed for available capacity.

3. If capacity is available in the contiguous SSABs, the School District issues a SCADL verifying available capacity, noting the SSA with capacity.

4. If capacity is not available in the contiguous SSAs, then the School District issues a SCADL indicating that the development is not in compliance with the adopted LOS and offers the developer a 90-day negotiation period for identification of mitigation options acceptable to the School District.

d. The City and the School District shall review mitigation options during the 90-day negotiation period.

1. Mitigation options may include, but are not limited to:

   i. Contribution of land in conjunction with the provision of additional school capacity; or

   ii. Provision of additional Permanent Student Stations through the donation of buildings for use as a primary or alternative learning facility; or

   iii. Provision of additional Permanent Student Stations through the renovation of existing buildings for use as learning facilities; or

   iv. Construction of Permanent Student Stations or Core Capacity; or

   v. Construction of a school in advance of the time set forth in the School District Five-Year Facilities Work Program; or

   vi. Construction of a charter school designed in accordance with School District standards, providing permanent School Capacity to the District’s inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or

Comprehensive Plan Goals, Objectives and Policies Public Schools Facilities
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10-4
2. For a Conditional SCADL, the School District shall identify the mitigation options that may be acceptable to it. The School District shall not enter into an enforceable and binding agreement with a developer as part of a Conditional SCADL. Such an agreement may be entered into only in conjunction with a Final SCADL.

3. If all mitigation options are denied at the Conditional SCADL stage or if mitigation is denied at the Final SCADL stage, the County must deny the development application based upon no available school capacity.

e. The City shall not issue a building permit for a non-exempt residential unit unless the unit is vested for school concurrency purposes, and the City shall not vest approval of any Proposed Residential Development for such purposes until (i) confirmation is received from the School District that there is sufficient Available School Capacity to accommodate the development and (ii) impact fees have been paid.

f. The City shall be responsible for notifying the School District when a Proposed Residential Development has paid its impact fees and when the Development Order for the Proposed Residential Development expires.

g. The School District shall update its School Concurrency Database to reflect the number of students that will be generated from the newly vested residential unit, decreasing the number of available student stations for each school type within the designated school service areas.

The City shall establish a school concurrency review process for all non-exempt residential projects within the land development regulations using the following minimum requirements:

1. The County, the Cities and the School Board shall ensure that the minimum Level of Service–Standard established for each Type of School is maintained. Consequently, no new Comprehensive Plan amendment, rezoning, conceptual plan, preliminary plat, site plan or functional equivalent, or building permit, involving a proposed Residential Development, may be approved by the County or Cities unless the residential development is exempt from these requirements as provided in the ILA or until an appropriate School Capacity Availability Determination Letter (SCADL) has been issued, indicating that adequate school facilities exist.

2. Any developer submitting a Development Permit application (such as a land use map amendment, rezoning, site plan or preliminary plat) with a residential
CITY OF FELLSMERE  CHAPTER 10: PUBLIC SCHOOLS FACILITIES ELEMENT

TRANSMITTAL  ADOPTION DRAFT - JUNE 23, 2008

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¹ Vesting is allowed for projects with a proportionate share agreement or an approved developer's agreement for a major roadway improvement.
² At the time of vesting, the applicant must pay appropriate impact fees.

Component that is not exempt under the ILA is subject to school concurrency and must prepare and submit a School Impact Analysis, as applicable, for review by the School District. The School Impact Analysis must indicate the location of the development, number of dwelling units and unit types (single-family, multi-family, apartments, etc.), and age restrictions for occupancy, if any. The Local Government shall initiate the review by determining that the application is sufficient for processing. Upon determination of application sufficiency, the Local Government shall transmit the School Impact Analysis to the School District for review. The School District will verify whether sufficient Permanent Student Stations for each applicable type of School are available or not available to support the development.

3. The process is as follows:

a. The School District shall review the School Impact Analysis for Proposed Residential Developments that have been submitted and deemed sufficient for processing by the applicable Local Government.

b. The School District shall review each School Impact Analysis in the order in which it is received and shall issue a School Capacity Availability Determination Letter to the applicant and the affected Local Government within fifteen (15) working days of receipt of the application.

c. The School District may charge the applicant a non-refundable application fee payable to the School District to meet the cost of review.

d. The following table identifies the type of concurrency certificate required for each Development Order type:

End
i. A Conditional SCADL is a determination that adequate school capacity is available at the time of evaluation but does not vest school capacity. If Available School Capacity is not sufficient to meet the school demand associated with the development application, a determination letter may be issued with a condition identifying improvements necessary to meet an adopted Level of Service Standard and the cost-feasible mechanism for implementing the necessary improvements. This shall not limit the authority of a Local Government to deny a Development Permit or its functional equivalent, pursuant to its home-rule regulatory powers.

ii. A Final SCADL vests School Capacity. A Final SCADL shall not be required in conjunction with a building permit if the residential unit is already vested through a previously issued Final SCADL.

4. In the event that there is not sufficient Available School Capacity in the School Service Area in which the Proposed Residential Development is located or in an adjacent School Service Area to support the development, the School Board shall, pursuant to Agreement enter into any developer proposed Proportionate Share Mitigation. If the proposed mitigation is accepted, the school board shall enter into an enforceable and binding agreement with the affected Local Government and the developer pursuant to this Agreement.

5. The Local Government shall be responsible for notifying the School District when a Proposed Residential Development has paid its school impact fees and when the Development Order for the Proposed Residential Development expires.

POLICY PSFE 2.5. The Three Year Rule: If new School Capacity within a School Service Area will be in place or under actual construction in the first three years of the School District’s Five-Year Facilities Work Program, the new School Capacity will be added to the Student Capacity shown for the School Service Area, and the Utilization rate will be adjusted accordingly.

POLICY PSFE 2.6: The City and School District shall review and determine appropriate mitigation options as outlined in the ILA, including, but not limited to:

1. Contribution of land
2. Provision of additional student stations through donation of buildings
3. Renovation of exiting buildings
4. Construction of permanent student stations or core capacity
5. Construction of a school in advance of the 5-year facilities work program;
6. Construction of a charter school in accordance with School District standards and the ILA
POLICY PSFE 2.6.4: If and to the extent required by Florida Law, a Development Permit shall not be denied because of inadequate Available School Capacity, if such capacity is available or may be achieved pursuant to the provisions of Florida law or if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created pursuant to the provisions of Florida law. Where a Development Order requested is identified as requiring a conditional SCADL as set forth in the table shown above, the conditions in Policy 2.4.3.d.12.4 shall apply.

POLICY PSFE 2.67: The City shall work with the school district on proportionate share mitigation projects to add school capacity necessary to satisfy the impacts of a proposed residential development.

POLICY PSFE 2.79: The City shall, upon acceptance of a mitigation option as identified in the ILA or above Policy 2.4, enter into an enforceable binding agreement with the School District and the developer or project land owner.

POLICY PSFE 2.89: The City/County shall notify the school district when payment is received for school impact fees and vesting school concurrency for any residential development. (Need to check with Jason/ILA on who collects and vests)

POLICY PSFE 2.910: The City shall notify the School District within 10 working days upon issuing a building permit or certificate of occupancy.

OBJECTIVE PSFE 3: COORDINATION
The City, County and school district shall coordinate on school siting issues, including placement, infrastructure, demographics, and joint use of facilities. After 2008 all new public schools built within the City will be consistent with the future land use map, will be co-located with other appropriate public facilities, and will have needed supporting infrastructure, and when possible will serve as community focal points.

POLICY PSFE 3.1: The City shall allow schools within all residential land use categories, in order to assure location near neighborhoods.

POLICY PSFE 3.2: The City, County and school district shall seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as schools can be a community focal point.

POLICY PSFE 3.3: The City shall adopt the ILA and incorporate school concurrency provisions into its Land Development Regulations as proscribed by law.

POLICY PSFE 3.4: The City, County, School District and other municipalities, shall identify issues relating to public school emergency preparedness, such as:

a. Determination of evacuation zones, evacuation routes and shelter locations
b. Design and use of public schools as emergency shelters
CITY OF FELLSMERE  CHAPTER 10: PUBLIC SCHOOLS FACILITIES ELEMENT

TRANSMITTAL ADOPTION DRAFT - JUNE 23, 2008

c. Designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

POLICY PSFE 3.5: The City and School District shall advise each other within 10 days of making changes on changes to long range planning maps and future land use maps or through the School Working Group meetings.

POLICY PSFE 3.6: The City, in conjunction with the School District, shall jointly determine the need, timing and parties responsible for on-site or off-site improvements necessary to support a new school, including sidewalks and bus stops.

POLICY 3.7: The City shall advise the School District whether or not proposed changes to the School District’s Long Range Public School Facilities Map are consistent with the City’s Comprehensive Plan and Future Land Use Map. Any changes to the School District’s Long Range Public School Facilities Map will be consistent with the City’s Comprehensive Plan Future Land Use Map.

OBJECTIVE PSFE 4: Five-Year Schedule of Capital Improvements

The 5 year schedule of capital improvements will include those projects necessary to address existing deficiencies and future needs.

POLICY PSFE 4.1: The City shall, no later than December 1 of each year, incorporate into the Capital Improvement element the summary of capital improvements program and the summary of estimated revenue tables from the School Districts and shall annually review and update, based upon school enrollment projections, the public school facilities element.
To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Indian River Shores Comprehensive Plan
DCA Reference No. 08-PEFE1

Background

On May 29, 2008, the Town of Indian River Shores adopted text amendments to the Intergovernmental Coordination and Capital Improvements Elements of the Town Comprehensive Plan; as well as a new Public School Facilities Element. Council reviewed the proposed amendments at a regular meeting held on April 18, 2008.

On May 9, 2008, the Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by the TCRPC on April 18, 2008 included no comments or recommendations for modification to the proposed amendments. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The letter dated May 9, 2008 indicated that DCA had no objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Jupiter Comprehensive Plan
DCA Reference No. 08-1ER

Background

On June 17, 2008, the Town of Jupiter adopted Future Land Use Map amendments and text amendments to all elements of the Town Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal Report that was adopted by the Town on May 4, 2006 and found sufficient by the Florida Department of Community Affairs (DCA) on July 18, 2006.

Council reviewed the proposed amendments at a regular meeting held on March 21, 2008. On March 17, 2008, the DCA issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by Council on March 21, 2008 included two comments/recommendations for modification. These comments had to do with:

1. Maximum residential density in transit oriented developments. Council recommended the Town consider whether a higher maximum density than 12-15 dwelling units per acre might be appropriate, especially for the provision of affordable, workforce housing.

2. Clarity of the language used in Policy 3.4.7 in the Transportation Element. Council recommended the Town restate the policy.

B. DCA ORC Report

The letter of March 17, 2008 indicated that the DCA had no objections to the proposed amendments and the letter served as the ORC Report.
C. Town Response

1. To TCRPC Comments/Recommendations
   
   a. The Town Council discussed the TCRPC recommendation to increase the maximum allowable density in transit-oriented development, but decided to retain a maximum of 15 dwelling units per acre.
   
   b. The Town modified Policy 3.4.7 in the Transportation Element prior to adoption, as recommended by the TCRPC.

2. To DCA ORC Report

   No response was necessary. DCA had not objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Martin County Comprehensive Plan
DCA Reference No. 08-1

Background

On August 5, 2008, Martin County adopted one amendment to the Future land Use Map (FLUM) and text amendments to the Future Land Use and Transportation Elements of the County Comprehensive Plan.

Council reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments on July 8, 2008.

Evaluation

At the August 5, 2008 adoption hearing, Martin County elected to adopt one of the two proposed FLUM amendments and only those text amendments referenced as Mixed Use Density (CPA 08-9) and Interconnectivity (CPA 08-10). The amendment materials indicate that the other proposed FLUM amendment and text amendments would be “continued” until the first set of amendments in 2009.

A. Treasure Coast Regional Planning Council (TCRPC) Report

   The TCRPC report of June 20, 2008 contained two comments/recommendations as follows:

1. The County should complete, adopt and implement the 2002 Conceptual Master Plan for the Mid County Greater Salerno Area or an alternative coordinated and complex plan for this area.

2. The County should modify proposed Policy 5.5.B.1.h to require connections (pedestrian, bicycle, vehicular) between new residential development and existing or new non-residential development. The County should also adopt regulations to ensure these and other connections are carefully designed and constructed to promote safe and convenient pedestrian and bicycle traffic.
B. DCA ORC Report

The DCA ORC Report of July 8, 2008 contained the following objections:

1. Objection pertains to amendments that were not adopted.

2. Objection pertains to amendments that were not adopted.

3. Lack of adequate data and analysis for potable water, wastewater treatment and transportation facilities for the Willoughby Research Park (CPA 08-7) FLUM amendment.

4. Objection pertains to amendments that were not adopted.

5. Objection pertains to amendments that were not adopted.

The TCRPC comment/recommendation regarding connectivity was included in the DCA ORC Report as a comment.

C. County Response

1. To TCRPC Comments/Recommendations
   
   a. See Attachment A.

   b. See Attachment A. The County response makes reference to connections to existing residential neighborhoods. Council’s recommendation had to do with connections to new residential neighborhoods.

2. To the DCA ORC Report

   The County staff has prepared a response to the DCA ORC Report (see Attachment B). No revisions were made to the adopted amendments in response to the ORC Report.

Conclusion

For information only.

Attachment
August 27, 2008

Terry Hess, AICP
Deputy Director
Treasure Coast Regional Planning Council
421 SW Camden Ave.
Stuart, FL 34994

Re: Response to TCRPC comments on DCA No. 08-1.

Dear Mr. Hess:

Attached please find staff response to comments made by TCRPC in review of Martin County Comprehensive Plan Amendments DCA #08-1.

If you have any questions, please contact me at the above address, telephone (772) 288-5495, FAX (772) 288-5960, or email nikkiv@martin.fl.us.

Yours sincerely,

Nicki van Vorno
Growth Management Director
NvV/rw1
Response to Treasure Coast Regional Planning Council Comments
DCA # Martin County 08-1
Prepared by the Martin County Growth Management Department
August 26, 2008

TCRPC Comment #1: The County should complete, adopt and implement the 2002 Conceptual Master Plan for the Mid County Greater Salerno Area or an alternative coordinated and complex plan for this area.

Staff Response to TCRPC Comment # 1:
The County has reviewed this issue and the Martin County Board of County Commissioners has decided not to proceed with the Master Plan for the Mid County Greater Salerno Area.

TCRPC Comment #2: The County should modify proposed Policy 5.5.B.1.h to require connections (pedestrian, bicycle, vehicular) between new residential development and existing or new non-residential development. The County should also adopt regulations to ensure these and other connections are carefully designed and constructed to promote safe and convenient pedestrian and bicycle traffic.

Staff Response to TCRPC Comment # 2:
The Local Planning Agency and the Board of County Commissioners were very clear during the public transmittal hearings that they were sensitive about requiring interconnectivity to existing residential neighborhoods. The Transportation Element and the Land Development Regulations adequately provide for pedestrian and bicycle circulation and interconnectivity in Goal 5.5.D of the Comprehensive Plan and Section 4.844.B, Land Development Regulations respectively. Therefore staff accepts the comment and believes the text, as presented, meets the objective of the Board.
Staff Response to DCA ORC Report
DCA No. 08-1
Response to the Department of Community Affairs
Objections Recommendations and Comments Report
DCA # Martin County 08-1
Prepared by the Martin County Growth Management Department
August 8, 2008.

CPA #07-12 and CPA #07-13 Atlantic Ridge Preserve Residential Development

Objection 1: The proposed Future Land Use Map amendment (CPA #07-12) includes a statement from the South Martin Regional Utilities indicating that there is sufficient water treatment capacity to serve the amendment site. Other than this statement, the County has not provided data and analysis to evaluate the maximum development potential of the site and its impacts on water and wastewater facilities, water supply, and roads. The County has not demonstrated that the existing water and wastewater facilities and impacted roads have available capacities at the adopted levels of service standards or that the County has a sufficient supply of water to meet the demands from developing the site at the maximum development potential.

Recommendation: Include additional data and analysis to support and demonstrate that an adequate water supply is available, that the water and wastewater treatment facilities and transportation facilities have available capacities over the next five years to serve the maximum development potential of the site. If the existing facilities are not available to address the impacts anticipated from developing this site over the next five years, then the County must include capital improvements projects to address these impacts in a financially feasible Five-Year Schedule of Capital Improvements.

Staff Response to DCA Objection 1:
Attached to this ORC response document is additional data and analysis to support and demonstrate that adequate water supply is available and that the water and wastewater treatment facilities and transportation facilities have available capacities over the next five years to serve the maximum development potential of the site and maintain the County’s adopted level of service standards. See attached Exhibit “A”, 2008 Water and Sewer Capacity Analysis.

The applicant has requested to continue this item until 2009. Martin County will retransmit the amendment to DCA at a future date.

Objection 2: The proposed new text in amendment CPA #07-13 [Future Land Use Policy 4.4.G.2.h.(4)] appears to imply that the total number of residential units on the land incorporated into the Primary Urban Service District and the number of units authorized on the land conveyed to a state, regional or local agency as part of an established conservation program is to be based on the existing land use designations of the two sites prior to any land use change, but this requirement is not clearly stated. In addition, the policy is not specific as to whether the density transferred from the “conveyed” site is based on gross or net acreage, since there is a one-half unit transfer for
wetlands. If gross acreage is used for determining the density to be transferred from the “conveyed” land, then wetlands would appear to be counted twice in calculating the density to be transferred. In addition, the proposed text amendment (CPA #07-13) does not ensure the protection of wetlands on the site where the Primary Urban Service District designation will be applied.

**Recommendation:** Future Land Use Policy 4.4.G.2.h.(4) should be revised to clearly indicate how the total number of residential units on the land incorporated into the Primary Urban Service District and the number of units authorized on the land conveyed to a state, regional or local agency as part of an established conservation program will be determined (gross acreage or net acreage) and whether the number of units to be transferred is based on the existing land use designations of the two sites prior to any land use change.

The proposed text amendment should also be revised to include a provision to ensure the protection of wetlands, perhaps by requiring development to be located and clustered outside wetland areas.

**Staff Response to DCA Objection 2:**

*The applicant has requested to continue this item until 2009. Martin County will retransmit the amendment to DCA at a future date.*

**CPA #08-7 Willoughby Research Park**

**Objection:** Although statements were included related to the availability of potable water and wastewater treatment facilities, no data and analysis was submitted to verify the statements. In addition, the potable water and transportation analysis was based on 365,904 square feet of Office development and not on the maximum development potential of the subject site.

The traffic analysis indicates that privately funded improvements are proposed to address impacts on State Road 76. Some of these improvements are associated with amendments not included with this amendment. These improvements are not guaranteed and should not be considered in the evaluation of impacts from this amendment. Data and analysis has not been provided to justify the one percent growth rate used in the analysis regarding State Road 76.

According to the comments received from the Florida Department of Transportation, the service capacity volumes for Interstate 95, a Strategic Intermodal System (SIS) facility, will be exceeded between County Road 713 and State Road 76. The traffic analysis indicates that traffic impacts on this segment will be insignificant based on a 2.0 percent significance factor. However, a 2.0 percent significance factor is not an established criterion in Chapter 163, Part II, F.S., or Rule J9-5, F.A.C., for use in evaluating roadway impacts for comprehensive plan amendments.

**Recommendation:** Include additional data and analysis to support and demonstrate that an adequate water supply is available, that the water and wastewater treatment facilities and transportation facilities have available capacities over the next five years to serve the maximum development potential of the site and maintain the County’s adopted level of service standards. If the existing facilities are not available to address the impacts anticipated from developing this site over the next five years, then the County must include capital improvements to address these impacts in a financially feasible Five-Year Schedule of Capital Improvements.
The revised traffic impact analysis should consider impacts on Interstate 95, Cove Road, State Road 76 and U.S. 1 based on the maximum development potential of the site and mitigate for any impacts that will result in a level of service that falls below the adopted level of service standards for these roads. A significance factor cannot be applied to discount any traffic impacts. Include data and analysis to justify any growth rate used in the traffic impact analysis for determining background traffic.

It the County intends to limit the development of the site to 365,904 square feet of Office use, then a policy must be included in the comprehensive plan limiting the development to this specified amount and a notation included on the Future Land Use Map to indicate that development of the site is limited.

**Staff Response to DCA Objection:**

Attached to this ORC response document is additional data and analysis to support and demonstrate that adequate water supply is available and that the water and wastewater treatment facilities and transportation facilities have available capacities over the next five years to serve the maximum development potential of the site and maintain the County’s adopted level of service standards. See attached Exhibit “A”, 2008 Water and Sewer Capacity Analysis.

On July 29, 2008 the BCC held a public hearing and approved a negotiated agreement between the County and the SR-76 Corridor Improvement Group, LLC, for a proportionate share payment for improvements on SR-76 to allow the Willoughby Research Park project to meet concurrency. The agreement provides that the improvements will be included in the upcoming FY09 Capital Improvement Element in order to meet “financial feasibility” as defined under Section 163.3177(2) and (3)(a), Florida Statute. A copy of the executed agreement will be forward to DCA as soon as it is available.

The analysis provided is based on a maximum development potential of either 350 single-family units or 365,904 square feet of office development, whichever provides the greatest impact to services. Staff feels that this represents fairly the maximum development potential for the site.

**CPA #08-11 Port Salerno Transportation Concurrency Exception Area**

**Objection 1:** Proposed Policies 5.5.C.3.c and j. (2) in the Transportation Element state that “large projects” will be required to submit a transportation impact analysis pursuant to Article 5 of LDRs. There are no criteria or definition to clarify what is meant by a “large project”. Furthermore, the five year monitoring report regarding impacts on the Strategic Intermodal System will only consider the cumulative impact of large scale projects.

**Recommendation:** Revise Policies 5.5.C.3.c and j. (2) to require that a cumulative traffic impact assessment will include an evaluation of all projects not just “large projects”. The Florida Department of Transportation has included several recommendations for improving the TCEA Plan that Martin County should address including, additional data and analysis to quantify cumulative potential impacts, mitigation and intergovernmental coordination policies, further attention to
mobility projects and including them in the County’s Capital Improvement Plan and in the Transportation Element, hurricane evacuation issues, future transit readiness policies and monitoring the TCEA progress every two years.

**Objection 2:** Proposed Policy 5.5.C.3.f of the Transportation Element states that the County shall identify and evaluate funding mechanisms for alternative modes of transportation. Proposed Policy 5.5.C.3.f does not include the specific funding programs that will be used to ensure the implementation of alternative modes of transportation nor has the County included specific programs and activities to acquire the needed funding. The County has not identified the specific alternative modes of transportation that will be needed to meet the infill and redevelopment goals to be achieved in the TCEA designated area. The *Port Salerno Community Redevelopment Plan*, included as data and analysis with the amendment, provides recommendations for the improvement of A1A/Bimacule-Anchor Intersection, adding bicycle lanes and sidewalks to Cove and Salerno Roads, a recommendation to extend Railway Avenue, housing development initiatives are discussed, an Economic/Land Use Study is recommended, a village center/market place park and civic center are discussed, but these strategies have not been incorporated in the Plan. Furthermore, the County has not included data and analysis as to how these projects will achieve the infill and redevelopment and mobility requirements associated with the TCEA designation. The County has not developed long-term strategies to support and fund mobility within the TCEA, including alternative modes of transportation. The County has not demonstrated how the strategies will support the purpose of the TCEA and how mobility within the TCEA will be provided. Strategies relating to urban design, appropriate land use mixes, including intensity and density, network connectivity, and plans to promote infill and redevelopment have not been established.

**Recommendation:** Revise the TCEA comprehensive plan amendment to include the long-term strategies to support and fund mobility within the TCEA, including alternative modes of transportation. Include information to demonstrate how the strategies will support the infill and redevelopment purposes of the TCEA and how mobility within the TCEA will be provided. Include strategies for urban design, appropriate land use mixes, including intensity and density, and network connectivity plans to promote infill and redevelopment.

The proposed Port Salerno TCEA relies on the Vision Plan for the Port Salerno Community Redevelopment Area, which has been submitted as data and analysis. Although the Vision Plan does include some urban design criteria, the urban design criteria should be revised to include performance measures to address specific goals of the TCEA and then incorporated into the Comprehensive Plan. Within the TCEA, urban design should encourage Transit Oriented Development, transportation demand management programs, parking controls and pricing policies, promote pedestrian, bicycle, and transit activity, and provide an attractive, walkable community. Detailed design specifications should be included in the comprehensive plan to guide new development in creating an environment that supports and implements the mobility strategies identified for the TCEA.

The TCEA plan should be revised to link urban design policies to and support alternative modes of transportation. The urban form should encourage daily activities within walking distance of residences, and public infrastructure that is safe, comfortable and attractive for pedestrians. The TCEA plan should also identify performance measures to evaluate the success of the TCEA in implementing alternative transportation strategies and specific goals of the TCEA. The County
must coordinate with the Florida Department of Transportation to evaluate impacts on any Strategic Intermodal System facilities and develop a mitigation plan to mitigate those impacts.

Include a Capital Improvements Plan to ensure that the mobility strategies are adequately funded. The TCEA should also include guidelines for developer contributions, mitigation strategies, and other methods to fund and implement the strategies.

The Capital Improvements Plan needs to identify the committed funding sources for the first three years and the committed or planned funding sources for years four and five in order to demonstrate that the Five-Year Schedule of Capital Improvements is financially feasible. Include data and analysis to demonstrate that the committed funding sources will generate the funding needed for the proposed capital improvements.

The monitoring program should be revised to require a report every two years, rather than every five years, and a specific office should be charged with the responsibility for implementing the TCEA program and for preparing the monitoring report.

Staff Response to DCA Objections 1 and 2:
Martin County recommends continuing this item until the 1st Set in 2009. Martin County will re-transmit the amendment to DCA at a future date.

CPA #08-10 Interconnectivity

Comment 1: Martin County should modify proposed Policy 5.5.B.1 of the Transportation Element to require connections between new residential development and existing or new non-residential development and to require connections between new and proposed non-residential development. The County should also include connections that are carefully designed and constructed to promote safe and convenient pedestrian and bicycle traffic between uses.

Staff Response to DCA Comment 1:
The Local Planning Agency and the Board of County Commissioners were very clear during the public transmittal hearings that they were sensitive about requiring interconnectivity to existing residential neighborhoods. The Transportation Element and the Land Development Regulations adequately provide for pedestrian and bicycle circulation and interconnectivity in Goal 5.5.D of the Comprehensive Plan and Section 4.844.B, Land Development Regulations respectively. Therefore staff accepts the comment and believes the text, as presented, meets the objective of the Board.
To: Council Members

From: Staff

Date: September 19, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Martin County Comprehensive Plan
DCA Reference No. 08-PEFE1

Background

On August 5, 2008, Martin County adopted text amendments to the Intergovernmental Coordination and Capital Improvements Elements of the County Comprehensive Plan. The County also adopted a new element entitled Public School Facilities.


Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by TCRPC on May 16, 2008 contained no comments or recommendations for modification to the proposed amendments. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report contained a number of objections to the proposed amendments. The objections focused on the lack of adequate data and analysis; statutory or rule requirements; and absence or short comings of required policies:

C. County Response

1. To TCRPC Report

   No response necessary.

2. To DCA ORC Report

   The County has responded to the objections in a formal report (see Attachment A). The County made a number of revisions to the proposed Public Schools Facility Element prior to adoption.

Conclusion

For information only.
Response to the Department of Community Affairs
Objections Recommendations and Comments Report
DCA # Martin County 08-PEFE-1
Prepared by the Martin County Growth Management Department

DCA Objection 1: The proposed Education Facilities Element (PEFE) is not based on data and analysis to address how public education facility level of service standards will be achieved and maintained because the following information is not included: the educational plant survey; an existing educational and ancillary plant map or map series (Figure 1 is not legible); and information on development anticipated for the long-term planning period; and anticipated educational and ancillary plants with land area requirements.
[Authority: Rule 9J-5.005(2), F.A.C., and Section 163.3177(12) (c), F.S.]

Recommendation: Revise the Element to include the required data and analysis and revise the goals, objective, and policies in the element, as appropriate, based on the results of the revised data and analysis.

Staff Response to DCA Objection 1:
The Goals, Objectives and Policies are based on the data and analysis provided in the adoption package. No revisions are necessary to the Goals Objectives and Policies. The Education Plant Survey is included with the adoption package. The existing educational and ancillary plant maps, and anticipated educational and ancillary plant maps, have been updated and are included within the Data and Analysis for Concurrency Planning report. Information on development anticipated for the long-term planning period has been addressed within the Growth and Development Trends report. The anticipated educational and ancillary plants land area requirements are stipulated in the evaluation matrix in the Interlocal Agreement, Exhibit A. See the attached Data and Analysis for Concurrency Planning, Education Plant Survey, and Growth and Development Trends reports.

Objection 2: The PFEF does not include data and analysis for each school facility because the following information is not included: existing school attendance zones; existing FISH capacity or other professionally accepted measure of capacity; surplus capacity based on site size requirements contained within Department of Education design criteria; existing levels of service, utilizing the five-year school district facilities work program adopted pursuant to Section 235.185, F.S., and the educational plant survey; projected enrollment by year for the initial five years of the planning period and projected enrollment district-wide by school type for the end of the long range planning period (according to the Department of Education, the County's student enrollment estimates are different from the most recent COFTE estimates dated August 2007); existing and projected school facility surpluses and deficiencies by concurrency service area by year for the five-year planning period; existing and projected school facility surpluses and deficiencies district-wide by school type for the end of the long range planning period based on projected enrollment; an analysis of the adequacy of the existing level of service conditions for each school facility in order to develop appropriate level of service standards; school facilities needed for each concurrency service area to accommodate projected enrollment at the adopted level of service standard for the five-year planning period; and school facilities needed for the end of the long range planning period, including ancillary plants and land area requirements.
[Authority: Rules 9J-5.005(2) and 9J-5.025(2) (a), (b), (c), (d), and (e), F.A.C.]
Recommendation: Revise the School Element to include the required data and analysis and revise the goals, objective, and policies in the element, as appropriate, based on the results of the revised data and analysis.

Staff Response to DCA Objection 2:
The Goals, Objectives and Policies are based on the data and analysis provided in the adoption package. No revisions are necessary to the Goals Objectives and Policies. The school attendance zone maps are included within the Data and Analysis for Concurrency Planning report.

The FISH capacity report is included as part of the adoption package.

In conversations by phone with DCA and DOE, the County has described its methodology for calculating school capacity and levels of service. Objection #6 below contains the formula that the School District uses to establish the level of service. Capacity and levels of service are further addressed within the Data and Analysis for Concurrency Planning report. Please see attached documentation.

The Educational Plant Survey is included as part of the adoption package.

The County’s projected enrollment by year for the initial five years of the planning period, and projected enrollment district-wide by school type for the end of the long range planning period, is made using local demographic projections that employs the same model that the Department of Education uses. Any difference between DOE’s numbers and County numbers is based on refinement and examination of local conditions.

Capacity, levels of service, projected enrollment, existing and projected school facility surpluses and deficiencies, analysis of the adequacy of the existing level of service conditions, and school facilities needed are all addressed within the Data and Analysis for Concurrency Planning report and the Education Plant Survey. Please see attached documentation.

Objection 3: Analysis of problems and opportunities in collocating existing projected public school facilities with other public facilities such as parks, libraries and community centers and opportunities to locate public school facilities to serve as community focal points has not been addressed.
[Authority: Rules 9J-5.005(2) and 9J-5.025(2) (f), F.A.C.]

Recommendation: Revise the School Element to include the required data and analysis and revise the goals, objective, and policies in the element, as appropriate, based on the results of the revised data and analysis.

Staff Response to DCA Objection 3:
By Interlocal Agreement the County and the School Board have agreed to evaluate the suitability of sites utilizing a matrix which measures and rates co-location opportunities. For an explanation of the matrix see the Interlocal Agreement, page 17, Section 4, School Siting Considerations and Procedures; the Matrix for Site Selection, Interlocal Agreement, Exhibit A; and the PSFE, Section 17.5., Co-location and Infrastructure Needs.

In addition the County has added new objective 17.7.A.7. as follows:
7. Objective. The County and School Board will explore opportunities to co-locate and share use of school facilities and civic facilities, such as libraries, parks, recreation facilities, community centers.

a. Policy: Co-location and shared use opportunities will be considered by the County and School Board when preparing annual updates to their schedules of capital improvements and when planning and designing new, or renovating existing, community facilities.

b. Policy: Where possible, commensurate with the School Board’s acquisition of property for a school site, the County will be given an opportunity to consider simultaneously acquiring property for an adjoining park, library, recreation facility, or community center.

c. Policy: Where possible, commensurate with the County acquisition of property for a park, library, recreation facility, community center, auditorium, learning center, museum, performing arts center or stadium, the School Board will be given an opportunity to consider simultaneously acquiring property for an adjoining school site.

Objection 4: The proposed Public Schools Facilities Element does not contain an objective to address correcting existing school facility deficiencies.
[Authority: Rule 9J-5.025(3)(b)1, F.A.C.; and Section 163.3177(12)(d), F.S.]

Recommendation: Include an objective for correcting existing school facility deficiencies.

Staff Response to DCA Objection 4:
The County has added new policy 17.7.A.1.d. as follows:

d. Policy: The School Board staff shall monitor each of the applicable levels of service within each concurrency service area to determine whether any deficiencies exist. In the event that one or more deficiencies are identified, the School Board shall initiate action to cure the deficiency by no later than the time of the next annual update of the Public School Facilities Element.

Objection 5: Policy 17.7.A.1.b. incorporates by reference the School Board’s Concurrency Service Areas as established in the Interlocal Agreement, rather than identifying the Concurrency Service Areas in the data and analysis. In addition, the reference to the Interlocal Agreement is incomplete because it does include the date the Interlocal Agreement was signed and became effective.
[Authority: Rules 9J-5.005(2)(g) and 9J-5.025(3)(e)1, F.A.C.]

Recommendation: Revise the data and analysis to identify the Concurrency Service Areas and revise Policy 17.7.A.1.b. to include the date the Interlocal Agreement was signed and became effective.

Staff Response to DCA Objection 5:
The County is deleting policy 17.7.A.1.b.:
“b. Policy: The County hereby adopts by reference the School Board’s Concurrency Service Areas as established in the Interlocal Agreement for School Facilities Planning and Siting.”

The Concurrency Service Area maps are included as part of the data and analysis within the Data and Analysis for Concurrency Planning report.

The date the Interlocal Agreement was signed and became effective has been added to Section 17.1.A Definitions.

"Interlocal Agreement for School Facilities Planning and Siting. The interlocal agreement between Martin County, the City of Stuart, and the School Board of Martin County, signed by the School Board on February 19, 2008 and made effective by Martin County on March 11, 2008, which details the responsibilities and coordination processes necessary to implement joint planning, school siting procedures, and school concurrency.”

Objection 6: The Public School Facilities Element does not include policies establishing guidelines and standards for modifying the school concurrency service areas and changes in the use of schools, taking into consideration, transportation costs, court approved desegregation plans, as well as other factors; and ensuring that the adopted level of service standards will be achieved and maintained by the end of the 5-year planning period.

The proposed PEFE does not include a policy establishing level of service standards for public school facilities which can be achieved and maintained by the end of the 5-year planning period. Policy 17.7.A.1.a. and Capital Improvements Policy 14.4.A.1.d.(4) establish a methodology for evaluating level of service at elementary, middle, and high schools. Although the methodology implies a level of service standard of 100 percent of permanent FISH capacity, the level of service standard for schools in not specifically established in the policies.

[Authority: Rules 9J-5.025(3)(c)1 and 7, F.A.C.; and Sections 163.3177(12)(f), and 163.3180(13)(b)(2), F.S.]

Recommendation: Include a policy that establishes guidelines and standards for modifying school concurrency service areas and changes in the use of schools; include procedures for modifying the school concurrency service areas, taking into account maximum utilization of schools, transportation costs, court approved desegregation plans, as well as other factors; and ensuring that the adopted level of service standards will be achieved and maintained by the end of the 5-year planning period.

Revise the proposed Element to include a policy clearly establishing the level of service standards for schools at 100 percent permanent FISH capacity.

Staff Response to DCA Objection 6: The County has included the following new policy 17.7.A.1.b.:

b. Policy: Level of Service standards will be applied by Concurrency Service Area. Concurrency service areas shall be documented in the data and analysis documentation. The boundaries of the Concurrency Service Areas and any modifications shall be based on the consideration of the following criteria:

(a) Maximum utilization of school facilities

(b) Future growth and demographic changes

(c) Demographic/Socioeconomic balance
(d) Transportation costs

(e) Minimizing the disruption to students and families related to attendance zone changes

(f) Capacity commitments

(g) The County’s Urban Service Districts

Modifications to the concurrency service area boundaries may be made by the School Board, only after review and a reasonable opportunity for comment by the County and City.

The PSFE includes policies establishing Level of Service standards for public school facilities that can be achieved and maintained by the end of the 5-year planning period. Section 17.4., Capacity and Level of Service, establishes the methodology for evaluating level of service at elementary, middle, and high schools. The methodology additionally is described further below as algebraic formulas and is included in amended policy 17.7.A.1.a. as follows:

a. **Policy:** The County hereby adopts the LOS standards as follows; for public schools established in the Interlocal Agreement for School Facilities Planning and Siting—and reflected in Section 17.4 of this Element, and in Section 14.4.A.3.a of the Capital Improvements Element.

**I. Elementary School LOS**

100% of permanent FISH capacity, not to exceed a student capacity cap of 750 plus (450 a/b)

WHERE

\[ \text{a} = \text{Number of existing Elementary Schools in the CSA} \]
\[ \text{b} = \text{Number of existing Elementary Schools in the District} \]

**II. Middle School LOS.**

100% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE

\[ \text{a} = \text{Number of existing Middle Schools in the CSA} \]
\[ \text{b} = \text{Number of existing Middle Schools in the District} \]

**III. High School LOS.**

100% of permanent FISH capacity, not to exceed a student capacity cap of 1,800 plus (1080 a/b)

WHERE

\[ \text{a} = \text{Number of existing High Schools in the CSA} \]
\[ \text{b} = \text{Number of existing High Schools in the District} \]
IV. Title I Elementary School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 750, plus (450 a/b)

WHERE
a = Number of existing Elementary Schools in the CSA
b = Number of existing Elementary Schools in the District

V. Title I Middle School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE
a = Number of existing Middle Schools in the CSA
b = Number of existing Middle Schools in the District

Objection 7: Proposed Policies 17.7.A.4.a and 4.b. do not clearly require the annual update to Public School Element to include an update to the financially feasible public schools capital facilities program and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.

The proposed policies do not address the coordination of the annual review of the Public School Element, including the annual review of school enrollment projections, with the School Board, the County and applicable municipalities, and does not include procedures for the annual PEFE update process. [Authority: Rule 9J-5.025 (3) (c) 2, and 3, F.A.C. and Section 163.3177(12) (g) (l) F.S.]

Recommendation: Revise Policies 17.7.A.4.a and 4.b. to clearly require the annual Public School Element update to include an update to the financially feasible public schools capital facilities program and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained. The policies should address coordinating the annual review of the Element with the School Board, the County and applicable municipalities, including the annual review of school enrollment projections, and include procedures for the annual review and update process.

Staff Response to DCA Objection 7:
The County has amended policy 17.7.A.4.a. as follows:

a. Policy: The County shall, no later than December 1st of each year, incorporate into the Capital Improvements Element the School District’s annually adopted Five-Year Capital Improvements Program and Five-Year Work Program. update the Public Schools Facilities Element to include an update to the financially feasible public schools capital facilities program and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.
The County has added new objective 17.7.A.5. as follows:

5. Objective. The County in cooperation with the School Board shall annually review the Public Schools Facilities Element to ensure that it remains financially feasible.

a. Policy: Staff of the County, the City, and the School Board shall meet at least quarterly to discuss issues 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 schools and ensure safe student access.

b. Policy: The elected boards of the County, the City and the School District will hold semi-annual joint meetings in the first and third quarters of each calendar year or as otherwise mutually agreed. A representative of the Treasure Coast Regional Planning Council will also be invited to attend. The joint meetings will provide an opportunity for the representatives to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding school budgets, coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, joint use opportunities, school concurrency, and other school planning issues. The Superintendent, County Administrator and City Administrator or their designees shall be responsible, on a rotating basis amongst the three entities, for making meeting arrangements and providing notification, including notice to the general public.

1. The first semi-annual meeting shall occur after January 1st but within the first quarter of each year and generally include presentations as follows: (1) the County and City staff shall address population projections, summary of development activity, and large-scale development projects currently under review, and (2) the School District Staff shall address the most current Florida Department of Education ("DOE") Capital Outlay Full Time Equivalent ("COTE") counts for each school grade, the fall student enrollment count by grade, any updates to the Five-Year Educational Plant Survey; Five-Year Work Program; and the School Board’s Five Year Capital Improvement Plan.

2. The second semi-annual meeting shall occur prior to September 1st but within the third quarter of each year and generally include presentations as follows: (1) the County and City staff shall address the draft capital improvements programs of each local government and large-scale development projects currently under review, and (2) the School District Staff shall address the Five Year Capital Improvement Plan for the pending year and the spring enrollment count by grade. Additionally, all staffs shall work collaboratively to present legislative updates as they relate to the topics addressed in this Agreement.

Objection 8: A policy addressing the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops for existing and projected public school facilities and including measures to
ensure compatibility and close integration between public school facilities and surrounding land uses is not included.

The Element lacks adequate policies that address coordination of school site selection, permitting, and collocation of school sites with other public facilities such as parks, libraries and community centers. Policies 17.7.A.3.a and 3.b. reference the school siting procedures and school site plan review procedures in the Interlocal Agreement rather than including these procedures in the policies.

Policy 17.7.A.3.c. does not include coordination between the County and the School District for the implementation of sidewalks, bicycle paths, turn lanes, and signalization improvements.

Policies 17.7.A.3.c and 3.f do not include the specific programs and activities that will be utilized to ensure the provision of supporting infrastructure, including funding and implementation responsibilities, and to ensure compatibility and close integration between school facilities and surrounding land uses.

[Authority: Rule 91-5.025(3) (c) 4, 5, and, 10, F.A.C. and Section 163.3177(12) (g) (1), (2), (5), (6), and (7), F.S.]

Recommendation: Include a policy, or revise existing policies, to include specific programs and activities to address the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops for existing and projected public school facilities and to include measures to ensure compatibility and close integration between public school facilities and surrounding land uses.

Policies 17.7.A.3.a and 3.b. should be further revised to specifically address coordination procedures for collocating schools sites with such public facilities as parks, libraries, and community centers and specifically reference these public facilities.

Policies 17.7.A.3.c and 3.f need to be revised to include the specific programs and activities that will be utilized to ensure the provision of supporting infrastructure, including funding and implementation responsibilities, and to ensure compatibility and close integration between the school facilities and surrounding land uses.

Policy 17.7.A.3.c. should be further revised to include coordination between the County and the School District for the implementation of sidewalks, bicycle paths, turn lanes, and signalization improvements. Intergovernmental Coordination Element Policy 3.2.A.10.j. should also be revised to include specific programs and activities that will be utilized to ensure the provision of sidewalks and bike paths.

**Staff Response to DCA Objection 8:**

By Interlocal agreement the County and the School Board have agreed to evaluate the suitability of sites utilizing a matrix which measures and rates co-location opportunities, as well as availability of existing and planned supporting infrastructure. For an explanation of the matrix see the Interlocal Agreement, page 17, Section 4, School Siting Considerations and Procedures; and the PSFE, Section 17.5., Co-location and Infrastructure Needs.

See also new objectives and policies: 17.7.A.7., under Objection 3; 17.7.A.5., Objection 7; 17.7.A.3.g., Objection 9; 17.7.A.3.e.; Objection 12; and Objective 3.2.A.10.i., Chapter 3, Intergovernmental Coordination Element.

In addition the County has added new objective 17.7.A.6. as follows:

6. Objective. The County in cooperation with the School Board shall address the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops, including funding and implementation responsibilities, for existing and projected public school
facilities and including measures to ensure compatibility and close integration between public school facilities and surrounding land uses.

a. Policy: The School Board shall prioritize the selection and collocation of sites with other public facilities such as parks, libraries and community centers.

b. Policy: The County shall prioritize its capital plan to coordinate capital improvements with the capital needs identified in the Five Year Capital Improvement Plan.

c. Policy: As an ongoing effort, the County shall coordinate with the School Board regarding the construction of sidewalks/bikepaths in order to facilitate travel to/from school/recreational facilities.

Objection 9: A policy addressing coordination of the long range public school facility map with the local government’s comprehensive plan, including the future land use map is not included in the Public Education Facilities Element.
[Authority: Rules 91-5.025(3)(c)6 and 91-5.025(4)(b), F.A.C., and Section 163.3:77(12)(g)9, F.S.]

Recommendation: Include a policy to ensure coordination of the long range public school facility map with the local government’s comprehensive plan, including the future land use map.

The policies should include specific programs and activities the County will use to coordinate with the School District to ensure coordination between the School District’s long range public school facility map, the County’s Comprehensive Growth Management Plan and the Future Land Use Map.

Staff Response to DCA Objection 9:
The County has added new policy 17.7.A.3.g. as follows:

g. Policy: The County and the School District will coordinate review of the School District's Long Range Public School Facilities Map to ensure it is consistent with the County's Comprehensive Plan and Future Land Use Map. The County and School Board will consider any necessary changes during its annual review specified in Policy 17.7A.5. Any changes to the School District's Long Range Public School Facilities Map that are required to ensure consistency with the Comprehensive Plan will be processed as a Comprehensive Plan Amendment.

Objection 10: A policy has not been included allowing development to proceed if the school facility level of service standard is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas. Although Policy 17.7.A.2.c. requires the County to establish a school concurrency review process in the Land Development Regulations that conforms to the concurrency review process in the Interlocal Agreement, the policy does not include the general standards and guidelines that will be utilized for the more specific concurrency review process that will be established in the Land Development Regulations.

In addition, six Elementary and Middle School Concurrency Service Areas are established; however, the Mid-County Zone has no schools in it and the North Zone has no middle school. There are five Concurrency Service Areas for High Schools, but the West County and Palm City Zones do not have high schools. The County has not indicated where students in these Concurrency Service Areas will attend school or provided
data and analysis to demonstrate that capacity exists to meet student demands from within these Concurrency Service Areas.

[Authority: Rules 9J-5.005(6) and 9J-5.025 (3) (c) 8, F.A.C.]

Recommendation: Revise Policy 17.7.A.2.c. to include the meaningful guidelines for the school concurrency review process, consistent with the concurrency review process in the Interlocal Agreement, that will also guide the more detailed school concurrency review process that will be included in the Land Development Regulations. The policy must be revised to allow development to proceed if the level of service standard for a school facility is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas.

Include provisions in the policy to state what schools, the students living in the Mid-County Zone, the North Zone, the West County, and Palm City Zones will attend. Include data and analysis to demonstrate that capacity exists to meet student demands from within these Concurrency Service Areas. If school capacity does not exist to serve these students, include the appropriate revisions to coordinate with the School board to include school improvements to meet school concurrency requirements with the next five years.

**Staff Response to DCA Objection 10:**

The County has added new policy 17.7.A.2.f. as follows:

f. **Policy:** In the event that development would cause the applicable levels of service to be exceeded, then the County and the School Board shall review mitigation options in order to offset the impacts of a proposed development. Acceptable forms of mitigation may include:

1. The donation of funding for the construction and/or acquisition of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.

2. The creation of mitigation banking based on the funding of the construction of a public school facility in exchange for the right to sell excess capacity credits.

3. Charter schools may also be accepted by the School Board as mitigation under the provisions of this Agreement provided they meet the following operational and design standards:

   (a) The school has a charter approved by the School Board.

   (b) The charter school’s facilities to be accepted as mitigation shall be built according to the SREF standards set forth in Florida Administrative Code.

   (c) The charter school’s facilities to be accepted as mitigation adhere to the building policies and practices of the School Board, including but not limited to architecture, building materials, and structural hardening.

   (d) The core facilities for all charter schools, including but not limited to cafeteria, media center, administrative offices, and land area available for recreational uses, parking areas, and storm water retention, shall be sized to accommodate the standard educational facility sizes established by policy of the School Board as follows:

   Elementary School: 750 student stations
   Middle School: 1,200 student stations
High School: 1,800 student stations

(e) All charter schools shall be located along publicly-owned roadways and accessible to any member of the general public.

4. Other mitigation as permitted by state law, including the donation of land and payment for land acquisition.

The County has added new policies 17.7.A.2.b. and 17.7.A.2.c. as follows: (Existing policies 17.7.A.2.b. and 17.7.A.2.c. would be renumbered to 17.7.A.2.d. and 17.7.A.2.e.)

b. Policy: Within thirty (30) days after the School District Staff receives a completed public school impact form for amendments to the Comprehensive Plan future land use map, rezonings, developments of regional impact, and master site plans which include residential units, the School District Staff shall provide the local government with a general capacity analysis which indicates the generalized capacity for all applicable school facilities. This analysis shall be used in the evaluation of the development proposals but shall not provide a guarantee of availability of services or facilities.

c. Policy: Upon receipt of a completed public school impact form for final site plans which include residential units, the School District Staff shall provide the local governments with a School Concurrency Review Report that states whether adequate school capacity exists for a proposed development, based on the LOS standards, CSAs, and other standards set forth in this Agreement, as follows:

(1) Calculate the aggregate Permanent Capacity and Temporary Capacity for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto. For purposes of this calculation, permanent and temporary capacities shall include the capacities of both existing school facilities, as well as those which are planned to be operational by no later than the conclusion of the third year of the School Board's Five Year Capital Improvement Plan. For purposes of this calculation, CSA's which are separated by rivers or other bodies of water shall only be deemed "adjacent" if connected by a publicly owned bridge accommodating vehicular traffic.

(2) Calculate available school capacity, by type of school and relevant CSA, by subtracting from the sums determined above:

a. Current student enrollment (determined by the District's October count) for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto;

b. Reserved capacity for student enrollment projected to be developed within three years from projects previously determined to have met school concurrency, and having met the requirements for a reservation of capacity for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto;
c. The demand on school facilities created by the proposed development shall be projected at the county-wide student generation rates specified in the School District's latest Educational Impact Fee report, as the same may be amended from time to time upon request of the School Board; provided that projects granted educational impact fee waivers pursuant to County ordinance shall be deemed to generate no students.

The County shall approve final site plans, which include residential units, only after the receipt of a School Concurrency Review Report from the School District Staff determining that adequate school capacity exists for the proposed development pursuant to the requirements of the Comprehensive Plan and Land Development Regulations.

In the event that development would cause the applicable levels of service to be exceeded in the concurrency service area where the development is located, a positive concurrency evaluation may be granted if capacity exists in one or more contiguous school concurrency service areas.

The County has added new policy 17.7.A.1.c. as follows:

   c. **Policy:** In the event that a Concurrency Service Area lacks a school, (Elementary, Middle School, High School) students residing within that CSA shall attend a school in an adjacent CSA.

**Objection 11:** Policies specifying the types of mitigation which the School Board will allow to meet concurrency are not included. In addition, policies assuring that any mitigation funds provided as a result of the school concurrency system are directed by the School Board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer’s agreement have not been included.

[Authority: Rule 9J-5.025(3) (c) 9, F.A.C.]

Recommendation: Revise the Element to include policies specifying types of mitigation which the Martin County School Board will allow to meet concurrency and providing for the mitigation to be directed toward identified school capacity improvements specified in the district’s 5-year work plan.

**Staff Response to DCA Objection 11:**

Specification of the types of allowable mitigation is addressed in the response to Objection 10. The County has added new policy 17.7.A.2.f.5 as follows:

   5. Any mitigation funds provided as a result of the school concurrency system shall be directed by the School Board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer’s agreement.

**Objection 12:** Policy 17.7.A.3.e does not include the specific programs and activities that will be utilized by the County to address emergency preparedness issues with the school district and adjacent local governments.

[Authority: Rules 9J-5.005(6) and 9J-5.025(3) (c) 11, F.A.C., and Section 163.3177(12)(g)8, F.S.]
Recommendation: Revise Policy 17.7.A.3.e to include the specific programs and activities that will be utilized by the County to address emergency preparedness issues with the school district and adjacent local governments.

**Staff Response to DCA Objection 12:**

The County has amended policy 17.7.A.3.e. as follows:

   e. **Policy:** The County, in conjunction with the School District and the municipalities within the County, shall identify issues relating to public school emergency preparedness, such as:

   1. The determination of evacuation zones, evacuation routes, and shelter locations.

   2. The coordination of efforts to design and use schools as emergency shelters.

   3. The consideration of all facilities owned by a local governmental body and all charter schools for enhancement as public shelters.

   4. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

**Objection 13:** Figure 1: Current schools plus location of future Elementary “A” is not legible. In addition, a future conditions map depicting the planned general location of public school facilities for the five and long-term planning periods including the locations of Elementary Schools “B” and “C” in 2009 and 2010, respectively, and High School “BBB” in 2013 is not included.

[Authority: Rule 9J-5.025(4) (a) and (b), F.A.C.; and Section 163.3177(12)(h), F.S.]

Recommendation: Include a legible Figure 1. In addition, include a future conditions map depicting the planned general locations of Elementary Schools “B” and “C” in 2009 and 2010, respectively, High School “BBB” in 2013, and the general location of any other planned public school facilities for the five and long-term planning periods.

**Staff Response to DCA Objection 13:**

New maps have been created. See maps contained within the Data and Analysis for Concurrency Planning report.

**Objection 14:** Capital Improvements Policy 14.4.A.1.d. establishes level of service standards for “Category C” facilities and adds paragraph (4) to address schools. Policy 14.4.A.1.a.(3) provides that “Category C” facilities do not apply to the County’s capital improvements plan. The inclusion of schools as a Category C facility creates an internal inconsistency because the County must recognize the school board’s district facilities work plan as a component of the County’s capital improvements schedule.

[Authority: Rule 9J-5.005(5), F.A.C.; and Section 163.3180(13) (d) (1), F.S.]

Recommendation: The policies in the Capital Improvements should be revised to include public education facilities with the “Category A” facilities and recognize the school board’s district facilities work plan as a component of the County’s capital improvements schedule. Policy 14.4.A.3.f.(2) should be revised to include school concurrency areas as a concurrency item that is applied on a less than district-wide basis.
Implementation Section 14.5.D.1.c.(1) should be revised to require that any development agreement for school facilities include the school board as a party to the agreement.

**Staff Response to DCA Objection 14:**

Martin County has amended Chapter 14, Capital Improvements Element, to include public education facilities within the Category “A” Facilities.

The County has amended policy 14.1.B.2.a. as follows:

- a. Category "A" public facilities are arterial and collector roads, public transportation, mass transit, community parks, drainage, potable water, sanitary sewer, solid waste, parks and recreation, public school facilities, and public safety-emergency medical services and fire protection services (all other public safety facilities are category “B” facilities) facilities owned or operated by the County, all of which are addressed in other elements of this Comprehensive Growth Management Plan.

The County has amended policy 14.4.A.1.a. (1) as follows:

1. **Category A.**
   
   a) The standards for levels of service of each type of public facility in category A, excluding public school facilities, shall apply to development orders issued by the County after May 31, 1990, or such earlier date as may be adopted by the Board of County Commissioners, shall apply to the County's annual budget beginning with the 1990-1991 fiscal year, the County's Capital Improvement Plan beginning with the 1990-1991 fiscal year, and shall apply to other elements of this Comprehensive Growth Management Plan.

   b) The standards for levels of service for public school facilities in category “A” shall apply to development orders issued by the County after June 1, 2008 or the effective date of the Public School Facilities Element, shall apply to the Martin County School District Annual budget; the Public Schools Facilities Element Capital Improvement Plan, and shall apply to other elements of this Comprehensive Growth Management Plan.

The County has amended policy 14.4.A.1.b. as follows:

b. **Policy:** The standards for category A public facilities levels of service shall be as follows:

1. County arterial and collector roads.
   
   a) Interim level of service as denoted for specific county arterial and collector roads as set forth in section 5.4.A.2.d of the Transportation Element.

   b) Level of service "D" peak hour/peak season on all County arterial and collector roads.

2. Mass transit. Martin County shall assure that the 12,600 annual trips supported by Martin County shall be maintained and supported. This
trip level of service (LOS) represents the County-funded share of the Council on Aging's Paratransit Program to the Martin County service population.

(3) County drainage conveyance systems.

<table>
<thead>
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<th>Facility</th>
<th>Level of Service</th>
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<tr>
<td>Major Drainageways (Over one square mile)</td>
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<tr>
<td>Underground Facilities Utilizing Storm Sewers</td>
<td>6&quot; in a 24-hour period (5-year/24-hour design storm)</td>
</tr>
<tr>
<td>All Other Facilities</td>
<td>7&quot; in a 24-hour period (10-year/24-hour design storm)</td>
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(4) County water systems.

(a) Facility | Residential Level of Service Standard | Year  
---|-------------------------------------|------|
Water | -120 gallons per capita per day | Present-1995 |
Treatment | -110 gallons per capita per day | 1995-2000 |
Systems | -100 gallons per capita per day | 2000-2005 |

(b) Facility | Nonresidential Level of Service Standard | Year  
---|------------------------------------------|------|
Water | -0.1 gal/SF x 1.00 | Present-1995 |
Treatment | -0.1 gal/SF x 0.95 | 1995-2000 |
Systems | -0.1 gal/SF x 0.92 | 2000-2005 |

(c) The minimum water delivery rate for any single fire hydrant shall be 500 gallons per minute. Additionally, the minimum pressure in any point within a water distribution system shall be 20 psi. However, the goal is 35 psi, at all times.

(5) County sewer systems.

(a) Facility | Residential Level of Service Standard | Year  
---|-------------------------------------|------|
Wastewater | -100 gallons per capita per day | Present-1995 |
Treatment | -95 gallons per capita per day | 1995-2000 |
Systems | -90 gallons per capita per day | 2000-2005 |

(b) Facility | Nonresidential Level of Service | Year  
---|-----------------|------|

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<td>-0.1 gallons per sq. ft. × 1.0</td>
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(6) County solid waste facilities.

(a) Provide annual municipal solid waste facility capacity of 1.06 tons per weighted population.

(b) When the municipal solid waste facility(ies) falls below the capacity levels stated in subsection 14.4.A.1.b.(6)(a) above, or when the remaining life of the facility(ies) reaches two years. Martin County shall immediately commence with a process to ensure no interruption in disposal activities will occur. This process may include new construction or contracted services.

(7) County parks and recreation facilities. Developed community parkland is two acres per 1,000 population as applied by the recreation planning district specified in the Recreation Element.

(8) Levels of service for on-site improvements, including local streets, water and sewer connection lines, stormwater management facilities and open space shall be as required of the developer in the County land development regulations.

(9) Public safety.

(a) Fire protection/EMS 0.65 sq. ft. per weighted resident.

(10) Public Educational Facilities. The County, through its capital improvements element, shall ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards. These standards shall be consistent with the Interlocal Agreement for School Facilities Planning and Siting agreed upon by the County, the School Board, and the City of Stuart. The LOS standard to be used by the County, City and the School Board to implement school concurrency shall be as follows:

I. Elementary School LOS

100% of permanent FISH capacity, not to exceed a student capacity cap of 750 plus (450 a/b)

WHERE

a = Number of existing Elementary Schools in the CSA
b = Number of existing Elementary Schools in the District

II. Middle School LOS.
100% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE
a = Number of existing Middle Schools in the CSA
b = Number of existing Middle Schools in the District

III. High School LOS.

100% of permanent FISH capacity, not to exceed a student capacity cap of 1,800 plus (1080 a/b)

WHERE
a = Number of existing High Schools in the CSA
b = Number of existing High Schools in the District

IV. Title I Elementary School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 750, plus (450 a/b)

WHERE
a = Number of existing Elementary Schools in the CSA
b = Number of existing Elementary Schools in the District

V. Title I Middle School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE
a = Number of existing Middle Schools in the CSA
b = Number of existing Middle Schools in the District

Objection 15: The Intergovernmental Coordination Element does not address the relationships and state principles and guidelines to be used to accomplish coordination of the adopted comprehensive plan with the plans of the school board; does not describe the joint processes for collaborative planning and decisions making on population projections and public school siting, and the location and extension of public facilities subject to concurrency; and does not state the obligations of the local government under the Interlocal Agreement.
[Authority: Section 163.3177(6) (h) (1), (2), and 4.a., F.S.]

Recommendation: Revise the Intergovernmental Coordination Element to include policies that address the relationships and state principles and guidelines to be used to ensure coordination of the adopted comprehensive plan with the plans of the school board; that describe the specific joint processes for collaborative planning and decisions making on population projections and public school siting, and the location and extension of public facilities subject to concurrency; and to state the obligations of the local government under the Interlocal Agreement.

Staff Response to DCA Objection 15: See new objectives and policies: 17.7.A.7., under Objection 3; 17.7.A.5., Objection 7; 17.7.A.6., Objection 8; 17.7.A.3.g., Objection 9; 17.7.A.3.e.; Objection 12; and Objective 3.2.A.10.i., Chapter 3, Intergovernmental Coordination Element.
Staff believes the new objectives and policies listed above address coordination of the adopted comprehensive plan with the plans of the school board.