

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5J

From: Staff

Date: September 18, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Vero Beach Comprehensive Plan
DCA Reference No. 09PEFE1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Vero Beach is proposing text amendments to the Intergovernmental Coordination and Capital Improvements Elements of the City Comprehensive Plan. The City is also proposing a new element entitled Public School Facilities Element (PSFE).

In 2005, the Florida Legislature amended Section 163.3180, Florida Statutes, to require the implementation of public school concurrency. Each local government is required to adopt a PSFE as part of its comprehensive plan and amend its Intergovernmental Coordination and Capital Improvements Elements to be consistent. The PSFE must address school level of service, school utilization, school proximity and compatibility with residential development, availability of public infrastructure, co-location opportunities and financial feasibility. Rule 9J-5, Florida Administrative Code, contains the minimum requirements for the PSFE.

Section 163.3177, F.S. requires that “the county and municipalities located within the geographical area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated.” The Interlocal Agreement for Coordinated Planning and School Concurrency for Indian River County was adopted and became effective on March 1, 2008.

Evaluation

1. **Public School Facility Element**

This is an entirely new element of the City Comprehensive Plan. The element contains data and analysis for establishing school concurrency within the County, and includes the current supply of public school students stations as well as the anticipated school facility demand. Additionally, the element addresses level of service standards; need for new school facilities; analysis of anticipated revenues; implementation procedures for school concurrency; and goals, objectives and policies. Policy 3.1 commits the City to participate in the Indian River County School Planning Technical Advisory Committee, the School Working Group, and the School District regarding planning for on and off site improvements. Policy 3.2 commits the City to participate in the same groups to address the timing, location, and the party or parties responsible for constructing, operating and maintaining off-site improvements necessary to support a new school.

2. **Intergovernmental Coordination Element**

Language is added to this element to define the general multi-jurisdictional concurrency implementation requirements and establish the need for coordination between the City and the School District when considering future development. Additionally, as the City has only a small amount of undeveloped land that would meet the requirements for school siting, school planning issues for the City are primarily focused on the enforcement of concurrency management to ensure new development pays a fair share of funding for school facilities and related impacts generated by new development.

Noteworthy changes to the goals, objectives, and policies of this element include:

- New Policy 1.12 with respect to coordination of planning activities mandated by the comprehensive plan with plans and activities of other governmental entities.
- New Policy 2.5 which states that by 2008 the City will work with the School District and other municipalities within the County to establish county-wide level of service standards for services that are not affected by local variations.

- New Policy 3.4 states the City shall coordinate with the county and school board in maintaining an Interlocal Agreement for Coordinated Planning and School Concurrency.
- New Policy 3.5 ensures the City will assist in coordinating and participating in resolving issues surrounding maintaining and updating the level of service standards in the PSFE.

3. **Capital Improvements Element**

Proposed revisions to the text of this element are to incorporate the City's Five Year Capital Program for Fiscal Years Ending 2009-2013 and FY 2009 Annual Budget, the MPO Transportation Improvements Program and Financial Summary, and the School District of Indian River County Improvement Schedule and Summary of Estimated Revenue. Data and analysis are included detailing the City's concurrency management system, not only for public schools, but for all facilities for which level of service standards are required.

Revisions to the goals, objectives, and policies include:

- Revised Policy 9.6.1.1 redefines capital improvements as those projects costing \$100,000 (increased from \$25,000) or more that are required to address existing and future public facility needs identified in the Comprehensive Plan.
- Policy 9.6.1.3 is rewritten to indicate that capital improvements in the Indian River County School District Six Year Capital Improvement Program shall be included in the Capital Improvements Schedule (CIS), as opposed to the District's Five Year Capital Facilities Plan.
- Policy 5.1 is revised to include schools as a public facility for which level of service standards must be adopted.
- New Policy 9.6.5.4 requires any new development requiring approval by the City that may increase demand for school facilities be subject to concurrency review.
- New Policy 9.6.5.14 states concurrency requirements for schools shall be met only if the needed capacity for the particular service area is available in one or more contiguous service areas.

Extrajurisdictional Impacts

Under the informal agreement established by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments that have expressed an interest in receiving such materials. The City provided copies of the proposed amendments to Indian River County and the Indian River County School District. In correspondence dated August 7, 2009, Council requested comments from the County and School District regarding the proposed amendments. As of the date of the preparation of this report, no comments had been received.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

Council has no comments or recommendations for modification to the proposed amendments. The amendments are considered to be consistent with the SRPP.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Indian River County Elementary School Service Area Boundaries 2009-10
- 3 Indian River County Middle School Service Area Boundaries 2009-10
- 4 Indian River County High School Service Area Boundaries 2009-10

**Exhibit 1
General Location Map**

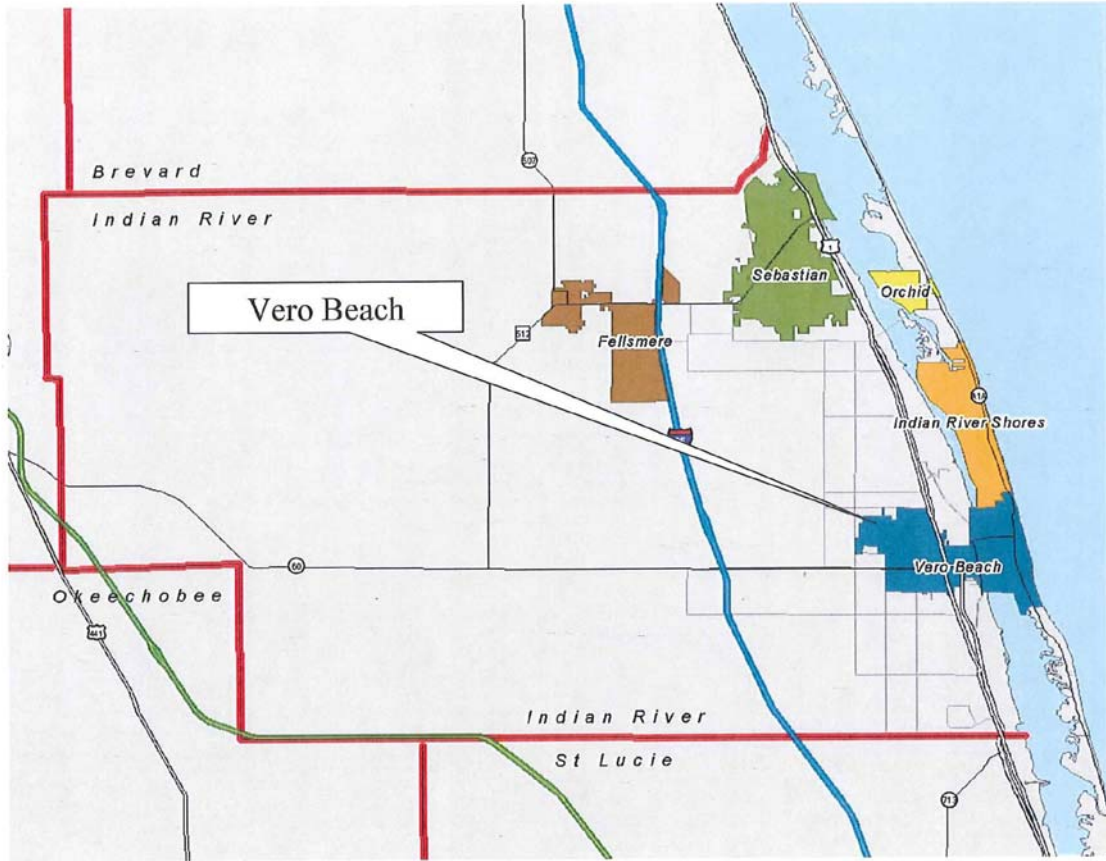


Exhibit 2

Indian River County Elementary School Service Area Boundaries 2009-10

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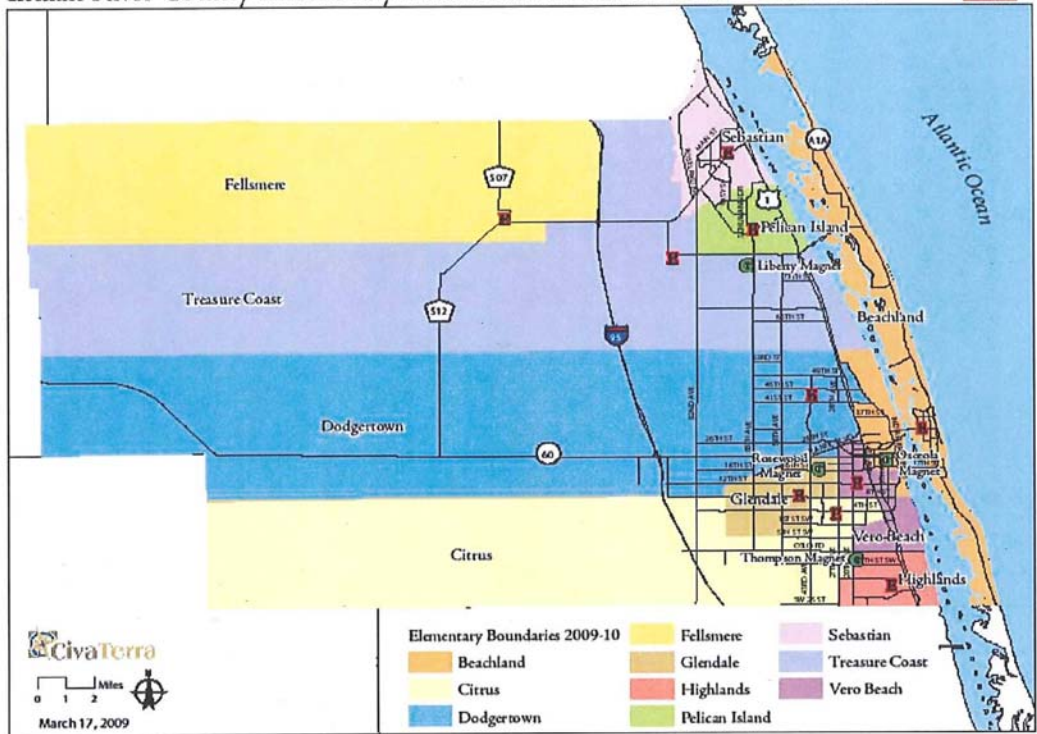


Exhibit 3

Indian River County Middle School Service Area Boundaries 2009-10

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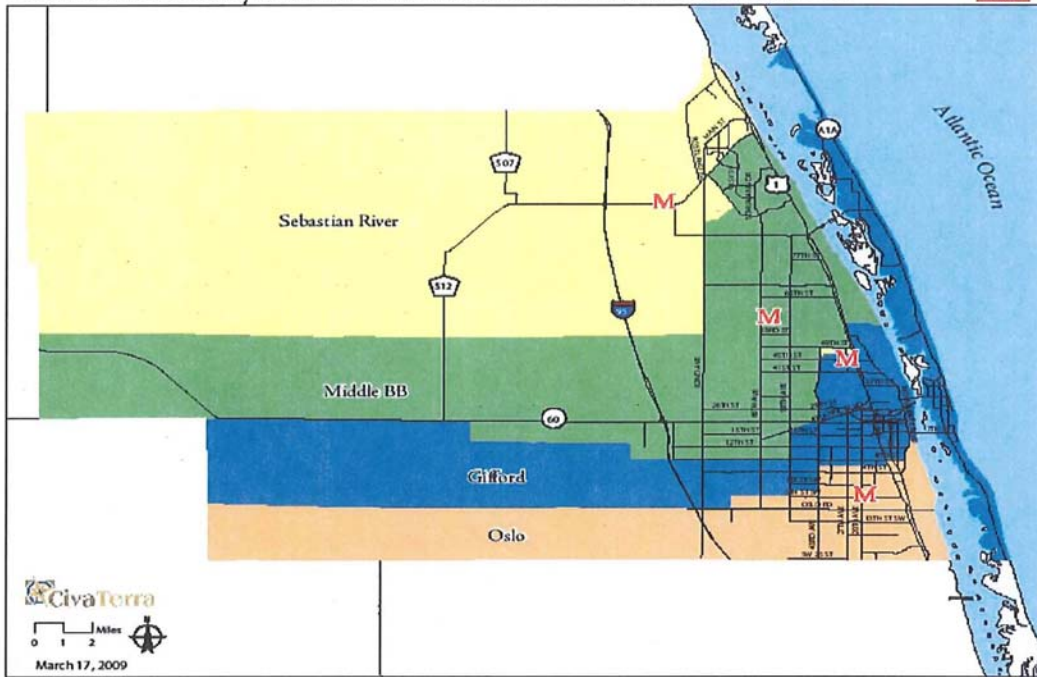


Exhibit 4

Indian River County High School Service Area Boundaries 2009-10

