

ORDINANCE 2008-03
(School Concurrency Comprehensive Plan Amendment)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO ADD A PUBLIC SCHOOL FACILITIES ELEMENT AND TO AMEND THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS TO ADDRESS SCHOOL FACILITIES PLANNING; REQUIRING COORDINATION WITH POLK COUNTY, THE POLK COUNTY SCHOOL BOARD, LAKE WALES CHARTER SCHOOL BOARD, AND ALL OTHER MUNICIPALITIES IN THE COUNTY ON SCHOOL FACILITY PLANNING AND CAPITAL PROGRAMMING; ENCOURAGING PUBLIC/PRIVATE PARTNERSHIPS TO ENHANCE EDUCATIONAL AND ECONOMIC GROWTH OPPORTUNITIES; ADOPTING LEVEL OF SERVICE STANDARDS FOR SCHOOL FACILITIES; REQUIRING SCHOOL FACILITIES CONCURRENCY REVIEW FOR RESIDENTIAL DEVELOPMENTS AND ADHERENCE TO ADOPTED LEVEL OF SERVICE STANDARDS; ALLOWING MITIGATION AS A METHOD FOR MEETING CONCURRENCY REQUIREMENTS; ENCOURAGING CO-LOCATION OF SCHOOLS AND OTHER PUBLIC FACILITIES; REQUIRING THE IMPLEMENTATION OF THE "INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2005 amendments to Chapter 163 Florida Statutes require the adoption of amendments to all local comprehensive plans to require school facilities concurrency; and

WHEREAS, Polk County and all municipalities within the County are required to implement school facilities concurrency requirements by March 1, 2008; and

WHEREAS, on January 2, 2008, the City of Lake Wales approved the "Interlocal Agreement for Public School Facility Planning" committing to cooperation and coordination with the County, Polk County School Board and other Polk County municipalities on school facilities planning; and

WHEREAS, school concurrency provisions will require that residential development will not be approved unless school capacity will be available when needed by the development;

NOW, THEREFORE, BE IT ENACTED, that the City of Lake Wales amends its comprehensive plan as follows:

SECTION 1: The PUBLIC SCHOOLS FACILITIES ELEMENT is hereby adopted to read as follows:

PUBLIC SCHOOL FACILITIES ELEMENT
GOALS, OBJECTIVES, AND POLICES

The following goals, objectives, and policy statements have been developed for the use of local policy makers in guiding and directing the decision making process as it relates to public school facilities issues. For purposes of definition, a goal is a generalized statement of a desired end state toward which objectives and policies are directed. The objectives provide the attainable and measurable ends towards which specific efforts are directed. The policy statements are the specific recommended actions that the City of Lake Wales will follow in order to achieve the stated goal.

The goals, objectives, and policy statements in the Public School Facilities Element of the City of Lake Wales Comprehensive Plan are consistent with the requirements of other elements of the plan, with Chapter 163, Florida Statutes, and with the goals and policies of the Central Florida Comprehensive Regional Policy Plan.

GOAL 1: Coordinate with the Polk County School Board (“School Board”) and other jurisdictions to ensure quality educational facilities and superior educational opportunities that in turn encourage economic growth for individuals, families and communities in Lake Wales and Polk County.

Objective 1.1: The City of Lake Wales shall implement the approved “Interlocal Agreement for Public School Facility Planning” (hereafter referred to as the Interlocal Agreement) as amended to maximize opportunities to share information.

Policy 1.1.01: Meet at least annually with the School Board and other jurisdictions to review issues related to the Public School Facilities Element and the Interlocal Agreement and to determine the need to revise these documents.

Policy 1.1.02: Participate in the Planners’ Working Group as established in the Interlocal Agreement by meeting at least twice a year to set direction, plan for the annual meeting as described in Policy 1.01, formulate recommendations and discuss issues related to this element and the Interlocal Agreement as well as ancillary infrastructure improvements needed to support schools and ensure safe access to school facilities.

Policy 1.1.03: Coordinate with the School Board and other jurisdictions to base plans on consistent projections, including population projections that are developed in coordination with the School Board, and student enrollment projections district-wide and by planning areas which are agreed upon by the Planners’ Working Group. The School Board’s student enrollment projections shall consider the impacts of development trends and data required to be reported in accordance with the Interlocal Agreement.

Policy 1.1.04: Report to the School Board at least annually on growth and development trends within its jurisdiction. The City shall provide the information as specified in the Interlocal Agreement. The School Board will use the information to distribute student enrollment by concurrency service area to make the most efficient use of public school facilities.

Policy 1.1.05: Support School Board efforts to identify long-range school site needs and select sites based on the criteria established in this element and the Interlocal Agreement.

Policy 1.1.06: Seek and consider School Board comments on relevant comprehensive plan amendments and other land use decisions that may impact schools, as provided for in Florida Statutes.

Policy 1.1.07: Review the annually updated copy of the Polk County School Board's Five-Year Program of Work and other reports from the School Board including a general educational facilities report with information outlined in the Interlocal Agreement.

Policy 1.1.08: Appoint a representative selected by the School Board to serve at a minimum as an ex-officio member of their local planning agency.

Objective 1.2: The City shall encourage partnerships that will ensure adequate educational facilities that in turn will encourage economic growth and provide for a trained and stable labor force, resulting in a higher quality of life.

Policy 1.2.01: Support and encourage community and business partnerships for educational support services, to include, but not be limited to, magnet programs, work training, and job placement in order to improve productivity, earning potential, standard of living, and retention of labor force.

Policy 1.2.02: Consider the economic impact of school locations on neighborhoods such as, but not limited to the following factors: infrastructure, property and housing values, as well as surrounding land uses.

Policy 1.2.03: Encourage public/private partnerships between school, business community, and other employers through mentoring programs, and Adopt-A-School programs with employees.

Objective 1.3: The City shall establish new and review existing coordination mechanisms relating to school facility planning that evaluate and address the comprehensive plan's effects on adjacent local governments, the School Board, and other units of local government providing services but not having regulatory authority over land use and the State of Florida.

Policy 1.3.01: The City shall cooperate with the School Board and other local jurisdictions to implement the Interlocal Agreement, as required by Section 1013.33, Florida Statutes, which include procedures for:

- a. Coordination and Sharing of Information
- b. Planning Processes
- c. School Siting Procedures

- d. Site Design and Development Plan Review
- e. School Concurrency Implementation
- f. Implementation and Amendments
- g. Resolution of Disputes

Policy 1.3.02: Conduct the coordination of school siting in accordance with the Interlocal Agreement taking into consideration the needs identified in the current School Board Five Year Program of Work and the annual general education facilities report.

Policy 1.3.03: In order to coordinate the effective and efficient provision and siting of public educational facilities with associated infrastructure and services within the Polk County School District, participate in the joint meetings of the City, the School Board and all local governments within Polk County to develop mechanisms for coordination. Such efforts may include:

- a. Coordinated submittal and review of the annual capital improvement program of the City, the annual educational facilities report and Five Year Program of Work of the School Board.
- b. Coordinated review and assessment of the associated costs and expenditures of siting and developing schools with needed public infrastructure.
- c. Coordinated review of residential planned developments or mixed use planned developments involving residential development.
- d. Use of a unified stat base including population (forecasts of student population), land use and facilities.

GOAL 2: Implement public school facilities concurrency uniformly with other local jurisdictions in order to ensure the availability of public school facilities consistent with an adopted level of service providing adequate school capacity and eliminating overcrowded conditions in existing and future schools.

Objective 2.1: Establish a minimum level of service for schools and consider school capacity within development impact reviews, e.g. for Planned Developments, re-zoning requests, site plans, DRIs, or where there are specific development plans proposed.

Policy 2.1.01: Establish development plan review procedures with an effective date of March 1, 2008 for all residential and mixed-use development proposals in order to implement school concurrency.

Policy 2.1.02: The following shall serve as the long-term target for permanent student station (PSS) capacity at Polk County Schools based upon State Requirements for Educational Facilities (SREF):

- Elementary schools: 100% of Permanent Student Stations (PSS)
- Middle Schools: 90% of PSS
- High Schools: 95% of PSS

An annual utilization analysis will be conducted by the Polk County School Board Facilities Division to determine the operation and efficiency of each school as compared to the Department of Education's (DOE) standards determined by the Florida Inventory of School Houses (FISH).

Policy 2.1.03: Collaborate with the School Board to identify methods to achieve targeted utilization that include:

- a. Improvements to existing school facilities (shared facilities, redistricting, expansion or remodeling, etc.)
- b. Retrofitting of existing structures
- c. New school construction
- d. Encouraging multi-story school facilities in an urban environment
- e. Exploring re-use of former non-residential centers as potential urban school sites.

Objective 2.2: Through its review of proposed development the City shall ensure that the capacity of schools is sufficient to support students at the adopted level of service (LOS) standards within the period covered by the Five Year Program of Work. These standards shall be consistent with the Interlocal Agreement.

Policy 2.2.01: Apply the LOS standard set forth herein consistently with all local jurisdictions and the School Board on a district-wide basis within the adopted concurrency service areas for each school type.

Policy 2.2.02: Consistent with the Interlocal Agreement, the uniform district-wide level-of-service standards are established as a percent of permanent Florida Inventory of School Houses (FISH) capacity. Permanent capacity cannot be increased by adding relocatables. The LOS standards are set as follows:

Facility Type	2008-09	2009-10	2010-11	2011-12	2012-13
Elementary	122%	122%	115%	100%	100%
Middle	113%	113%	110%	100%	100%
High School	110%	110%	105%	100%	100%

- a. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the school board annually.
- b. Other; K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100%) of permanent DOE FISH capacity.
- c. Special Facilities: Including alternative education or special programmatic facilities that are designed to serve a specific population on a countywide basis or for temporary need and are not zoned to any

specific area. Therefore, they are not available or used for concurrency determinations.

- d. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll.

Policy 2.2.03: Identify those schools operating below their respective LOS standard as of the adoption of the Public School Facilities Element.

Policy 2.2.04: The city shall coordinate with the School Board to achieve an acceptable LOS at all applicable schools as part of the School Board's financially feasible Five Year Program of Work concurrency management program. The student population shall not exceed the core dining capacity at any time.

Objective 2.3: The City, in coordination with other jurisdictions and the School Board, shall establish School Concurrency Service Areas (CSAs) within which a determination is made of whether adequate school capacity is available based on the adopted level of service standards.

Policy 2.3.01: The School concurrency Service Areas (CSAs) for the Polk County School District, as agreed in the Interlocal Agreement, shall be school attendance zones (excluding attendance "spot zones"). When a proposed adjustment to the established school attendance zones is to be considered by the School Board, the City shall coordinate with the School Board and strive to provide technical and public input prior to an official public hearing. The school attendance CSAs are hereby adopted by reference.

Policy 2.3.02: Concurrency service areas shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public schools in accordance with the level of service standards, taking into account minimizing transportation costs, limiting maximum student travel times, the effect of desegregation plans, achieving socioeconomic and diversity objectives as required by the Florida Department of Education, and recognizing the capacity commitments resulting from the local governments' development approvals for the CSA and for contiguous CSAs.

Policy 2.3.03: Concurrency service areas shall be designed so that the adopted level of service will be able to be achieved and maintained within the bounds of the School Board's requirement for a financially feasible five-year capital facilities plan.

Objective 2.4 In coordination with the Polk County School Board and the Lake Wales Charter School Board, the City will establish a process for implementation of school concurrency that includes capacity determinations and availability standards. The City shall manage the timing of residential subdivision approvals and site plans to ensure

adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy 2.4.01: Condition final subdivision and site plan approvals for residential development upon the availability of adequate school capacity as per the adopted level of service standards (LOS) of this element and as required by Section 163.3180(13) F.S.

Policy 2.4.02: School concurrency requirements shall apply to all residential developments requiring site development or subdivision plat approval unless approval of site development has been granted by March 1, 2008 or the development is age-restricted so as not to generate students in primary or secondary schools.

Policy 2.4.03: Prepare a report on the development projects not subject to school concurrency at the time of the adoption of the Public School Facilities Element.

Policy 2.4.04: In consultation with Polk County School Board staff, will develop and adopt land development regulations that establish application procedures and processes for evaluating school capacity and making concurrency determinations consistent with the Interlocal Agreement.

Policy 2.4.05(a): The City may provide a non-binding schools concurrency decision earlier in the approval process, such as at the time of preliminary plan approvals, if requested by the applicant. The School Board must approve the concurrency determination, allocations of capacity, and proportionate share mitigation commitments, as provided herein.

Policy 2.4.05(b): School concurrency decision should support and not be in conflict with the local goals and objectives of the comprehensive plan regarding growth management, as articulated in other elements of the local comprehensive plan.

Policy 2.4.06: Base concurrency determinations on the School Board's concurrency review findings and recommendations consistent with the Interlocal Agreement. The School Board's findings and recommendations shall address whether adequate capacity exists for elementary, middle and high schools, based on the level of service standards, or if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation consistent with the policies set forth herein.

Policy 2.4.07: Issue a concurrency approval for a subdivision plat or site plan for residential development only where:

- a. The School Board's findings indicate adequate school facilities for each level of school will be in place or under actual construction

- within three (3) years after the issuance of the subdivision plat or site plan for each level of school;
- b. Adequate school facilities are available in the relevant CSA or adjacent CSA where impacts of development can be shifted to that area; or
- c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan.

Policy 2.4.08: In the event that there is not sufficient capacity in the affected concurrency service area based on the adopted level of service standard to address the impacts of a proposed development, and the availability standard for school concurrency cannot be met, one of the following shall apply:

- a. The project shall provide capacity enhancement(s) sufficient to meet its impact through school board approved mitigation; or
- b. The project shall be delayed to a date when the level of service can be ensured through capital enhancement(s) of planned capacity increases; or
- c. A condition of approval of the subdivision or site plan be that the project's impact shall be phased and each phase be delayed to a time when capacity enhancement and level of service can be ensured; or
- d. The project shall not be approved.

Policy 2.4.09: If the impact of the project will not occur until years 2 or 3 of the School Board's financially feasible Five-Year Program of Work, then any relevant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not be felt until years 4 or 5 of the Five-Year Program of Work, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvement is ensured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.

Objective 2.5 The City shall allow for mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the adopted School Board's financially feasible Five-Year Program of Work.

Policy 2.5.01: Allow mitigation where the adopted level of service standards cannot be met. Mitigation options shall include options listed below for which the School District assumes operational responsibility through incorporation in the adopted School Board's financially feasible Five-Year Program of Work and which will maintain adopted level of service standards.

- a. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities created by the proposed development and,

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

Policy 2.5.02: Require no mitigation if the needed capacity for the development is available in one or more contiguous concurrency service areas and the impacts of the development can be shifted to that concurrency service area and where such is consistent with other provisions of this Element.

Policy 2.5.03: Direct mitigation to permanent capacity improvement projects on the School Board's financially feasible Five-Year Program of Work that will satisfy the demand created by that development approval consistent with the adopted level of service standards, and require assurance by a legally binding development agreement between the School Board, the City, and the applicant executed prior to the issuance of the site development plan as required by the local government. If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation in its Five-Year Program of Work in a timely manner. However, if a new development triggers the need for additional capacity that can only be met by a new school and such new school would not otherwise be needed for more than five years, the mitigation agreement shall not trigger concurrency nor a change to the Five-Year Program of Work Plan until the time at which conditions for the agreement are acceptable to the School Board. The development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration. Relocatable classrooms will not be accepted as mitigation.

Policy 2.5.04: Determine the amount of mitigation required for each school level by multiplying the number of new student stations required to serve the new development by the average costs per student station applicable to the Polk County School District. The average cost per student station shall include school facility development costs and land costs.

Policy 2.5.05: As provided in the Interlocal Agreement, the student generation rates used to determine the impact of a particular development application on public schools, shall be reviewed and updated as apparent and necessary in accordance with professionally accepted methodologies at a minimum of five (5) years.

Objective 2.6: The City, in coordination with the School Board and other jurisdictions, shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools.

Policy 2.6.01: In coordination with other jurisdictions, shall ensure that future development pays a proportionate share of the costs of the capital facility capacity needed to accommodate new development and to assist in maintaining adopted

level of service standards, via impact fees and other legally available and appropriate methods in development conditions.

Policy 2.6.02: The City hereby incorporates by reference the School Board's financially feasible Five-Year Program of Work.

Policy 2.6.03: Where feasible work with developers and others to investigate the feasibility of new or alternative funding sources for additional public schools.

GOAL 3: Partner with the school board and other jurisdictions to promote schools as focal points of existing and future neighborhoods through siting for new schools, redevelopment of existing school facilities, and co-location and shared use of facilities and services.

Objective 3.1: The City, in collaboration with the School Board and other jurisdictions, shall provide for the location and expansion of existing schools in a coordinated manner ensuring the planning, construction, and opening of education facilities are coordinated in time and place, concurrent with necessary services and infrastructure, and compatible and consistent with the Comprehensive Plan.

Policy 3.1.01: Provide the School Board with potential sites for consideration when notified by the School Board of the need for new school facilities in accordance with the Interlocal Agreement.

Policy 3.1.02: Coordinate with the School Board to ensure that proposed public school facility sites are consistent with the applicable land use categories and policies of the comprehensive plan and will consider each site as it relates to environmental, health, safety and welfare concerns, effects on adjacent property and other guidelines as outlined in the Interlocal Agreement.

Policy 3.1.03: Coordinate with the School Board and other jurisdictions on the planning and siting of new school facilities to ensure appropriate timing of necessary services and infrastructure and that such sites are compatible and consistent with the Comprehensive Plan.

Policy 3.1.04: Include sufficient allowable land use designations for schools close to residential development to meet the projected needs for schools. Schools are allowable land use in all future land use plan categories, except heavy industrial and conservation or preservation type land uses designating environmentally sensitive areas. Clearly identify in the Future Land Use Element and Land Development Regulations the land use and zoning categories in which schools are allowable uses.

Policy 3.1.05: Collaborate with the School Board and other jurisdictions to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an

existing school, and will enter into a written agreement, if necessary, as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Policy 3.1.06: Protect schools from the intrusion of incompatible land uses by providing the School Board representatives the opportunity to participate in the review process for all proposed developments adjacent and in proximity to schools.

Policy 3.1.07: The preferred locations for public schools, whether elementary, middle or high schools are within the Urban Services Areas for utility services and expansions.

Policy 3.1.08: Automatically process amendments to the Future Land Use Map upon the approval of a new school site, where necessary. The processing of any amendments shall be at no cost to the School Board.

Policy 3.1.09: Participate in the School Site Selection process following the terms and limitation established in the Interlocal Agreement.

Policy 3.1.10: Collaborate with the School Board and other jurisdictions to ensure the provision of supporting infrastructure as required by the Interlocal Agreement and applicable Florida Statutes.

Policy 3.1.11: Establish an effective process for reserving, with conceptual School Board staff approval, school sites which could include:

- a. Consideration of school siting during the completion of area wide studies,
- b. Developer contribution towards the provision of school facilities.

Objective 3.2: The City shall enhance community and neighborhood design through effective school educational facility design, school siting standards, compatibility with surrounding land uses, schools as focal points for community planning, and making schools a central component, geographically or otherwise, to neighborhood-level planning.

Policy 3.2.01: Work with the School Board to identify new school sites that would be in locations providing logical focal points for community activities and serving as the cornerstone for innovative urban design standards.

Policy 3.2.02: Provide school sites and facilities within planned neighborhoods, unless precluded by existing development patterns.

Policy 3.2.03: Support and encourage the location of new elementary and middle schools internal to residential neighborhoods and/or near other civic land uses, within the limits of School Board mandated desegregation.

Policy 3.2.04: Coordinate with the School Board to identify locations for new high schools based upon need and availability of viable properties within the search area identified by the School Board.

Policy 3.2.05: Support and coordinate with School Board efforts to locate new elementary schools within reasonable walking distance to residential neighborhoods.

Policy 3.2.06: In cooperation with the School Board, and where necessary, develop and adopt design standards for school bus stops and turnarounds in new developments.

Policy 3.2.07: Support the School Board in its efforts to locate appropriate school services, such as administrative offices, night classes and adult education on-site or in alternative locations, such as but not limited to commercial plazas, shopping malls, and community centers.

Policy 3.2.08: Coordinate with School Board staff on preliminary design plans for new schools, generally seeking to maximize land via multi-story facilities, incorporating design elements which are community-friendly such as allowing for a shared media and/or meeting center and/or play fields on campus, respecting environmental features of a site, respecting the need to provide noise or visual buffers from adjacent property owners, providing connectivity for pedestrians at multi-school properties, and providing pedestrian, bicycle and other connectivity to the surrounding residential community.

Policy 3.2.09: Reduce capital expenditures for the City and the School Board via cost-effective design criteria and shared facilities.

Objective 3.3: The City shall plan for the expansion and/or rehabilitation of existing school facilities to maintain and improve neighborhoods and communities.

Policy 3.3.01: Where existing schools are proposed to be expanded, substantially renovated or new schools are proposed to be built, request the School Board staff, local school-based faculty, and advisory councils to coordinate with County staff and relevant neighborhood groups, leaders, and residents in integrating school facilities and activities with neighborhood planning and community development activities.

Policy 3.3.02: Coordinate with the School Board, Florida Department of Transportation (FDOT), the Transportation Planning Organization (TPO), and other jurisdictions to ensure that both existing educational facilities and proposed public school sites are accessible from, and integrated into, a planned system of sidewalks, trails, and bikeways and observe adopted local access management principles. Seek or assist the School Board in pursuing grant funding to enhance

access and intermodal connectivity to and between schools, their co-located facilities, neighborhoods, and proximate community facilities such as parks.

Objective 3.4: The City shall implement provisions of the Interlocal Agreement by coordinating the location of educational facilities and the co-location of other public facilities.

Policy 3.4.01: Review future school and ancillary facility plans and identify opportunities for future co-location or joint use projects. The School Board will be notified of potential projects in a timely manner.

Policy 3.4.02: Encourage the location of parks, recreation and community or civic facilities in new and existing communities in conjunction with school sites. Seek out other co-location and joint use opportunities as outlined in the Interlocal Agreement that will benefit existing neighborhoods or redevelopment efforts.

Policy 3.4.03: Where financially feasible, provide funding within the City's Capital Improvement Element to allow for identified and potential co-location projects.

Objective 3.5: The City shall strengthen existing neighborhoods and enhance community and neighborhood design through the co-location and joint use of educational facilities.

Policy 3.5.01: In cooperation with the School Board and other jurisdictions, coordinates the co-location and shared use of school facilities, parks, community facilities, and other facilities compatible with schools.

Policy 3.5.02: The City and other jurisdictions in cooperation with the School Board shall jointly plan jurisdictional co-location or joint use projects that overlap boundaries within areas defined for civic purposes. Civic uses near or adjacent to schools shall be a preferred land use in regard to land use decision making.

Policy 3.5.03: Continue to exercise joint use agreements between the School Board, the City, and other relevant agencies regarding shared use of facilities, including schools, community centers, libraries, parks, and other compatible facilities. Agreements shall include shared costs where feasible.

Policy 3.5.04: Support and encourage community-based programs for children's athletics, performing arts, and after-school enrichment in conjunction with school facilities. This may include exploring and supporting economically feasible multi-modal transportation system options that will enhance such opportunities.

Policy 3.5.05: Each year upon adoption of the School Board's Five Year Program of Work, and as coordinated by Polk county and the School Board, the City will participate in meetings of relevant agencies to discuss planning and budgeting for possible co-located facilities. This coordination may include staff from the

affected local government's planning, parks and recreation, library, law enforcement, civic groups, and other agencies as necessary. The coordination will focus upon financially feasible co-location opportunities that may exist prior to commencement of school construction.

Policy 3.5.06: Encourage the business community, developers, and other private organizations to coordinate with the City and the School Board to jointly fund and design community-based services and facilities in conjunction with existing and proposed school sites.

GOAL 4: Maintain and enhance intergovernmental coordination and joint planning efforts with the school board and other jurisdictions to ensure public infrastructure and other necessary services are available in a multi-jurisdictional environment for public school facilities.

Objective 4.1: The City shall integrate land use and school facility planning in Lake Wales through a series of planning, coordination and implementation activities which ensure capital facilities and infrastructure necessary for school facilities are available to public schools.

Policy 4.1.01: Through development review processes, consider the possible need for expansion of existing school facilities or the provision of new facilities with land use planning.

Policy 4.1.02: Develop a process for an annual joint review of the capital plans for the school board and the local government.

Policy 4.1.03: Plan and locate new school facilities in areas where student population growth is expected due to new development approvals and/or agreed-upon area specific population projections.

Policy 4.1.04: In conjunction with the County and the School District other municipalities identify issues relating to public school emergency preparedness, such as:

- a. The determination of evacuation zones, evacuation routes, and shelter locations.
- b. The design and use of public schools as emergency shelters.
- c. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

Objective 4.2: The City shall support School Board programs to effectively and efficiently manage existing capital and operational funds and resources.

Policy 4.2.01: Cooperate with the School Board and other local jurisdictions and agencies to address and resolve multi-jurisdictional public school issues.

Policy 4.2.02: Support School Board efforts to ensure sufficient capacity and operational resources for current and future school enrollment by partnering in the identification of capital needs, operational needs, and available funding sources for various campuses and school programs.

Policy 4.2.03: Support the School Board and encourage the State Legislature to allow flexibility in state, local and private sector participation in capital and operational funding of public school facilities.

Policy 4.2.04: Give priority in scheduling City programs and capital improvements which are consistent with and which meet the capital needs identified in the school facility planning program(s).

Policy 4.2.05: Coordinate with the School Board to ensure the appropriate methodology (i.e. student generation rates) is utilized to evaluate the impact of different types of residential units on student populations, school facilities, and fiscal impacts to schools.

Policy 4.2.06: Consider joint funding for expanding appropriate school facilities to function as community service centers.

Policy 4.2.07: Encourage the private sector to identify and implement creative solutions in developing adequate school facilities in residential developments. Creative solutions may include combining mitigation needs of several developments, creating or enhancing co-location opportunities, and/or conversion of structures to a school setting as long as they meet State Requirements for Educational Standards (SREF).

Policy 4.2.08: In consultation with the School Board on a case-by case basis shall consider incentives such as, but not limited to, density bonus points, tax credits, waiver of fees or other innovative means to encourage developers to contribute to the provision of school facilities by:

- a. donating school site(s),
- b. reserving or selling sites at pre-development prices,
- c. constructing new facilities or renovation existing facilities, and
- d. providing access to public transit.

Policy 4.2.09: Support School Board efforts to allow the private sector to construct school facilities and/or lease land or facilities to the School Board.

Policy 4.2.10: Identify infrastructure projects within the City's Capital Improvement Program that will permanently or temporarily impact an existing campus due to proximity or serviceability to a campus.

GOAL 5: Monitoring, evaluation, and implementation

Objective 5.1: The City shall implement the objectives and policies of the Public School Facilities Element in coordination with the School Board and other local governments.

Policy 5.1.01: The City Manager, or designee, shall be responsible for implementing the educational facilities objectives and policies included in the City Comprehensive Plan.

Policy 5.1.02: Adopt development regulations as necessary to implement the objective and policies of the Public School Facilities Element.

Policy 5.1.03: Maintain intergovernmental agreements with other local governments as necessary in order to attain common objectives within the Public School Facilities Element.

Policy 5.1.04: Establish contact with other governmental agencies and private organizations, as needed, to carry out Public school Facilities Element objectives and policies.

Policy 5.1.05: Revise permitting or permit-related procedures, as necessary, to carry out the objectives and policies of the Public School Facilities Element.

Policy 5.1.06: Develop and implement programs or methodology, and conduct any studies required by the Public School Facilities Element.

Policy 5.1.07: Determine from the School Board the inventories required by the Public School Facilities Element.

Policy 5.1.08: Continue to enforce existing regulations where specified within the Public School Facilities Element.

Policy 5.1.09: Any conflicts related to issues covered by the Public School Facilities Element and Interlocal Agreement shall be resolved in accordance with governmental conflict resolution procedures specified in Florida Statute.

SECTION 2: The INTERGOVERNMENTAL COORDINATION ELEMENT is hereby amended as follows:

Under “**Objective 1: Consider Other Agency Plans**” change the number of existing Policy 1.02 to 1.03 and existing Policy 1.03 to 1.04 and add Policy 1.02 to read as follows:

Policy 1.02: City staff shall continue to participate in the Planners Working Group as established in the Interlocal Agreement for Public School Facilities Planning to set direction, plan for the annual school summit, formulate recommendations and discuss issues related to the Public School Facilities

Element and the Interlocal Agreement as well as ancillary infrastructure improvements needed to support schools and ensure safe access to school facilities.

Under “**Objective 2: Joint Planning Areas**” add Policies 2.04 and 2.05 to read as follows:

Policy 2.04: School Concurrency Management System: In March 2008, the City, Polk County School Board (PCSB), County and other non-exempt cities in the Polk county School District will implement a uniform school concurrency management system as required per Chapter 163.3180(13) F.S. and in accordance with the Interlocal Agreement for Public School Facilities Planning. The concurrency management system will be implemented by the City and based on the School Board's financially feasible capital facilities plan to provide for a uniform level of service. The formalization of the exchange of data related to proposed residential development will be necessary for the School Board to make school concurrency capacity determinations prior to the City's consideration for approval of residential site plans. The City will provide notice to and coordinate with the PCSB regarding land use or zoning actions which may increase residential densities as per the Interlocal Agreement on Education Facilities. Formal means of coordination will be needed to implement mitigation for school facilities. School concurrency mitigation agreements will require the School Board and the affected local government to concur to the terms of the agreements with the applicant/developer.

Policy 2.05: The City shall coordinate with the Charter School Board regarding (concurrency) capacity in the Charter Schools.

Under “**Objective 4: Joint Processes for School Siting**” amend Policy 4.01 as follows:

Policy 4.01: The City will actively participate in implementing the inter-local agreement with the Polk County School Board in regard to the coordination of locating new schools and expanding or redeveloping existing school facilities. The City will annually review Polk County School Board's plans for the siting of public schools within its jurisdiction for consistency with the comprehensive plan, both at the staff level and through public hearings. This will include the review of the 5, 10, and 20-year facility plans of the School Board, as well as responding as needed to site specific plans to locate new schools or expand existing schools. The City will review the School Board's annually updated 5-Year School Plant Survey (5-year facility work program), 10, and 20-year facility work programs and coordinate those plans with the comprehensive plan.

Under “**Objective 4: “Joint Processes for School Siting**” add Policy 4.05 and 4.06 to read as follows:

Policy 4.05: The City will work with Polk County School Board to identify appropriate sites for new schools in the City of Lake Wales and/or in the City's water and wastewater service areas. This coordination will include participation in the site selection committee and evaluating potential sites for new schools per the Interlocal Agreement on School Facility and Land Use Planning. The City also commits to participation in annual summits, planning for joint use of facilities and data sharing as called for in the adopted Interlocal Agreement.

Policy 4.06: The City shall notify the School Board of all proposed residential projects, which are subject to school concurrency per the Interlocal Agreement for Public School Facility Planning.

SECTION 3: The Capital Improvements Element is hereby amended as follows:

Under **Objective 2: "Concurrency and Capital Improvements"** add #7 to Policy 2.01 (Level of Service Standards) to read as follows:

7. Public School Facilities

Consistent with the Interlocal Agreement for Public School Facilities, the uniform district-wide level-of service standards are established as a percent of permanent Florida Inventory of School Houses (FISH) capacity.

TIERED LEVEL OF SERVICE- SCHOOL YEAR 2008-2013

<u>Facility Type</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>	<u>Year</u>
	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>
<u>Elementary</u>	<u>122%</u>	<u>122%</u>	<u>115%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>Middle</u>	<u>113%</u>	<u>113%</u>	<u>110%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>High School</u>	<u>110%</u>	<u>110%</u>	<u>105%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>

- a. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the School Board annually.
- b. Other: K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100%) of permanent DOE FISH capacity.
- c. Special: Including alternative education or special programmatic facilities will be determined by the type and use of programs for each facility.
- d. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll. The School Board is unable to "rezone" students to a conversion charter to maximize utilization.

Under **Objective 2: "Concurrency and Capital Improvements"** add Policy 2.03 to read as follows:

Policy 2.03: The City adopts by reference the School District's 5-Year Work Program, as approved annually by the School Board, that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities and based on the adopted level of service standards for public schools. The 5-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within a 5-year period. Annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedule of capital improvements. Annual updates by the School Board will be adopted by reference as the City annually updates the CIE and CIP.

Add **Objective 3 "Proportionate Share"** and Policy 3.01 to read as follows:

Objective 3: Proportionate Share

Future development will bear a proportionate cost of facility improvements necessitated by development in order to maintain adopted level of service standards. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement, or other enforceable agreement. these development agreements and/or interlocal agreements shall be reflected in the 5-year schedule fo capital improvements if the capital improvement is necessary to serve development within the 5-year schedule.

Policy 3.01 School facility concurrency mitigation options shall be available to address the impacts of residential developments when applicable elementary, middle or high schools to which the development is assigned or districted by the PCSB are at maximum capacity and/or exceed adopted levels of service standards. The school concurrency mitigation options shall be incorporated into the City's ordinance for concurrency management and shall be consistent with those options identified within the Polk County Interlocal Agreement for Public School Facility Planning and Chapter 163.3180, F.S., but at a minimum include donation, construction or funding of school improvements sufficient to offset the demand created by the proposed development. School facility mitigation must be reflected in the PCSB's adopted 5-Year Program of Work, or approved as an update to same. The City's annual CIE update will include this Program

SECTION 4: This amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

CERTIFIED AS TO PASSAGE this 15th day of July, 2008.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
THE CITY OF LAKE WALES
COMPREHENSIVE PLAN AMENDMENT 08-PEFE1

June 6, 2008
Division of Community Planning
Bureau of Local Planning

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

INTRODUCTION

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

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

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

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

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

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

PROPOSED COMPREHENSIVE PLAN AMENDMENT

CITY OF LAKE WALES (DCA No. 08-PEFE1)

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

A. Public School Facilities Element

The Department has identified the following objections to the proposed City of Lake Wales Public Educational Facilities Element (PEFE).

1. Objection-Interlocal Agreement

The proposed amendment does not include an executed copy of the Interlocal Agreement (ILA) between the County, municipalities and School Board as data and analysis to support the PEFE. This agreement is necessary in order to be able to review the PEFE. Pursuant to Sections 163.3180(13)(a) and 163.3177(12), F.S., the amendment does not demonstrate consistency between the PEFE and the interlocal agreement that identifies agreed upon strategies to address school concurrency pursuant to the requirements of Section 163.3177(2).F.S.

Sections 163.3177(12)(c), 163.3177(2), and 163.3180(13)(a), Rules 9J-5.005(2) and 9J-5.025, F.A.C.

Recommendation

At the time of adoption, the PEFE amendment should include the fully executed interlocal agreement signed by all parties. If the executed agreement differs from the draft interlocal agreement, revise the PEFE to be consistent with the strategies of the executed interlocal agreement.

2. Objection- Long-Term Concurrency Management Policies

Policies 2.2.03 and 2.2.04 of the PEFE include provisions for a ten-year long-term concurrency management system. These provisions have since been removed from the School Elements of Polk County and the City Lakeland and from the Polk County ILA. The City has used an older version of the County's goals, objectives and policies which included long-term concurrency management provisions as a basis for developing its school element. This is inconsistent with the provisions of Section 163.3177(4)(a), F.S., which requires the City's comprehensive plan to be coordinated with the plans of adjacent municipalities and the County.

Section 163.3164(32), 163.3177(3)(a) and (b), 163.3177(4)(a), 163.3180(9)(a) and (b), and 163.3180(13)(d)(1), F.S.

Rules 9J-5.016(1), (2) and (4), and 9J-5.025(2)(a)-(j), F.A.C.

Recommendation

Revise Policies 2.2.03 and 2.2.04 to remove references to the use of a long term concurrency management system for public schools.

3. Comment-Data and Analysis

The amendment is not supported by the most recent version of the Polk County Public Schools Facility Element Data and Analysis, dated December 6, 2007. The data and analysis included in the amendment is an earlier August 22, 2007 version. The City should revise the amendment to use the December 6, 2007 version of the document.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment does not adequately address the State Comprehensive Plan with regard to the following goals and policies:

Goal (15)(a), Land Use, Policies (b) 1. and 5. regarding the promotion of efficient development (See Objections 1 and 3).

Goal (17)(a), Public Facilities, Policy (b) 1. regarding the development of land in ways which maximize the use of existing facilities (See Objections 1 and 3)

Goal (25)(b), Plan Implementation, Policy (b) 1. Regarding the establishment of strong and flexible agency functions at all levels of government (See Objective 1).

Recommendation

Revise the amendment to address the objections raised in this report in order to be consistent with the above cited provisions of the State Comprehensive Plan.