PUBLIC SCHOOL FACILITIES ELEMENT

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INTRODUCTION

Following the passage of Senate Bill 360 in 2005 and subsequent changes to Florida Statutes regarding school concurrency, the Lake County Board of County Commissioners, in concert with the School Board and local municipalities, sought designation of Lake County as a "pilot community" for school concurrency implementation. The intent of this request was to implement concurrency ahead of the 2008 statutory deadline.

Although many of the current concerns about school overcrowding focus on population growth and its impact on schools, the problems that exist today within Lake County are multi-faceted and are the result of a combination of factors, none of which are the sole cause of overcrowded schools.

During the 1990s, few schools were built in Lake County and many school facilities suffered from a lack of preventative maintenance. This caused these facilities to degrade and ultimately, many were in a poor state of repair. During this time, many former citrus groves were converted to residential subdivisions through the platting process. The years 1991-2000 saw 576 new residential subdivisions created throughout the County.

In an effort to rectify some of the neglect of facilities during the previous ten years, the School Board partnered with Lake County municipalities and the Board of County Commissioners in November 2001 to pass a sales tax referendum. The three partners to the referendum agreed to split the proceeds of the sales tax in thirds with the School Board's portion of the proceeds dedicated to renovation of existing High Schools throughout the County. While sorely needed, this effort produced no new student stations.

Exacerbating the problem of overcrowding, Florida voters approved a class-size amendment to the Florida Constitution in 2004 which effectively eliminated the gains in student stations created by construction of new facilities over the last five years.

With this as backdrop, and growing citizen concern for the state of Lake County schools, the Board of County Commissioners has chosen to move quickly to adopt school concurrency as a means of preparing for our future.

DEFINITIONS

ADA: Americans with Disabilities Act.

ANCILLARY PLANT FACILITY: The non-instructional building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

AUXILIARY FACILITY SPACE: The spaces located at educational plants, which are not designed for student occupant stations.

BEBR (Bureau of Economic & Business Research, University of Florida): Founded in 1929, the Bureau of Economic and Business Research (BEBR) is an applied research center in the Warrington College of Business at the University of Florida. Its primary mission is to: 1) Collect economic and demographic data for Florida and its local areas; 2) Conduct economic, demographic, and public policy research on topics of particular importance to the state of Florida; and 3) Distribute data and research findings throughout the state and the nation. BEBR seeks to conduct research that is both academically sound and directly relevant to public and private decision makers in Florida.

BOARD: A "Board," unless otherwise specified, means a district school board.

BUILDING: A structure, either permanent or relocatable, consisting of constructed walls, roof, and floor. A structure that has the same floors, ceiling, and walls and is not separated by an open air space is considered one building.

PERMANENT: A structure built with a fixed foundation that has permanently attached walls, roof, and floor that cannot be moved or transported either as a unit or in sections.

RELOCATABLE: A building or portion of a building made up of prefabricated units that may be disassembled and reassembled frequently, or a single unit of construction consisting of walls, roof, and floor that is movable as a unit either on wheels or by truck. Mobile, demountable, dividable, modular, and portable buildings are types of relocatable units.

CAPACITY: Number of students that may be housed in a facility at any given time based on standards contained in the Florida Inventory of School Houses (FISH).

CAPITAL PROJECT: "Capital Project," for the purpose of Sec. 9(a)(2), Art. XII of the State Constitution, as amended, means sums of money appropriated from the Public Education Capital Outlay and Debt Service Trust Fund to the state system of public education and other educational agencies as authorized by the Legislature.

CHARTER DISTRICT: District is permitted to operate as a Charter School District pursuant to Section 1003.62, Florida Statutes. In accordance with Florida Statutes, as a Charter School District, there are statutory and regulatory waivers implemented by the District.

CHARTER SCHOOL: A public school created under authority of Florida Statute 1002.33 and operated in accordance with its requirements. A charter school may be created by agreement and issuance of a charter by the School Board or other sponsoring agency (non-conversion). A

conversion charter school may be created by conversion of an existing public school to charter status following no less than two years of operation.

CLASS SIZE REDUCTION (CSR): Constitutional Amendment 9, which was approved by the voters in November 2002 was implemented by Florida Statute 1003.03. The mandate takes effect in three phases, with full implementation in 2010.The maximum class sizes will be: 18 students for Pre-K through Grade 3, 22 students for grades 4-8 and 25 students for grades 9-12.

CLASSROOM: An instructional space requiring no special design or equipment and used for housing general programs such as language arts, social studies, and mathematics.

CONCURRENCY SERVICE AREA (CSA): The specific geographic unit within a school district in which school concurrency is applied and measured.

CONVERSION CHARTER SCHOOL: (See charter school.)

CORE FACILITIES: The media center, cafeteria, toilet facilities, and circulation space of an educational plant.

COURTYARD:A large open space, usable by the student body or faculty, enclosed or surrounded by buildings.

COVERED WALKWAY: Enclosed or unenclosed covered passageways connected to a building outside the exterior walls.

CSA LEVEL OF SERVICE (LOS) STANDARD: The maximum acceptable percentage of school utilization determined by dividing the total number of students for all schools into each CSA by the total permanent capacity for that type of school in each CSA. [*See Concurrency Service Area (CSA) & Level of Service (LOS)].*

CSR: Class Size Reduction, see definition above.

EDUCATIONAL FACILITIES: The buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve educational purposes only.

EDUCATIONAL (ED) PLANT: The educational facility, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program assigned to the administrative control of one person and uniquely identified in an educational plant survey.

EDUCATIONAL PLANT SURVEY: A systematic study of educational and ancillary plants and the determination of future needs to provide appropriate educational programs and services for each student.

FEASIBILITY STUDY: The examination and analysis of information related to projected educational facilities to determine whether they are reasonable and possible.

FINANCIALLY FEASIBLE FACILITIES PLAN: A plan which demonstrates the ability to finance capital improvements from existing revenue sources and funding mechanisms to correct deficiencies and meet future needs based on achieving and maintaining the adopted Level of Service for each year of the five (5) year planning period for all schools of each type in each CSA, and for the long range planning period.

FLORIDA EDUCATION FINANCE PROGRAM (FEFP): The Florida Education Finance Program (FEFP is the basic source of State revenues for general operations of the school district. The key feature of the (FEFP) program is to base financial support for education upon the individual student participating in a particular program. The complex FEFP formula for distribution of the State revenues to the school district takes in consideration the full-time equivalent (FTE) membership of the student, base student allocation, program cost weight factors, and local cost differentials.

FLORIDA INVENTORY OF SCHOOL HOUSES (FISH): An official inventory, which is based on design codes, of all District owned facilities.

GYMNASIUM: An instructional area designed or adapted specifically for physical education activities. Regular or special classrooms connected to, or contained in, gymnasiums are recorded individually as regular or special classrooms and not as part of the gymnasium.

HVAC: heat, ventilation, air conditioning, and refrigeration.

INTERMEDIATE CLASSROOM: A general classroom designed for students in grades 4 through 6.

JOINT STAFF SCHOOL CONCURRENCY REVIEW GROUP: A group comprised of Staff of the County, Cities, and School Board, that meets at least quarterly to discuss issues concerning school concurrency.

KINDERGARTEN CLASSROOM: A special classroom designed or provided with special built-in equipment for use by a group or class organized to provide educational experiences for children preceding the first grade. Room must not be located above the first floor and must have self-contained rest rooms.

LABORATORY: An instructional area designed for and furnished with specialized equipment to serve the needs of a particular program of study. Included in this category are science laboratories, language laboratories, reading laboratories, and vocational /technology laboratories.

LAKE COUNTY EDUCATIONAL CONCURRENCY REVIEW COMMITTEE shall be established by the County, School Board and municipalities. The sixteen member committee shall be comprised of one representative from the School Board and County Commission, and one representative from each City. Members may be elected officials or citizens and shall be appointed annually by each appointing body. The Committee shall meet at least annually but more often if needed, and will hear reports and discuss issues concerning school concurrency.

LEVEL OF SERVICE (LOS): The measure of the utilization, expressed as a percentage, which is the result of comparing the number of students with the satisfactory FISH capacity at a given

location, e.g., an elementary facility with 1000 students and a FISH capacity of 970, has an LOS of 103%. Also referred to as the utilization of a facility.

LONG-RANGE PLANNING: Devising a systematic method based on educational information and needs, carefully analyzed, to provide the facilities to meet the goals and objectives of the educational agency.

MAINTENANCE AND REPAIRS: The upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. "Maintenance and repair" shall not include renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems.

MAXIMUM UTILIZATION OF CAPACITY: Utilization of facilities to ensure the adopted LOS for all schools of each type in each CSA and for each individual school is not exceeded.

MEDIA CENTER: An area specifically designed or adapted as a place for study, reading, and the custody, circulation, and administration of a collection of books, manuscripts, and periodicals kept for use by the student body.

MIDDLE SCHOOL CLASSROOM: A general classroom designed for students in grades 5 through 8.

MITIGATION OPTIONS: The provision by an applicant of any combination of land, construction, expansion, payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement.

MUSIC ROOM: An instructional area designed or provided with special built-in equipment for learning activities involving choral and instrumental music.

NEW CONSTRUCTION: Any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building.

PARCEL: The unique acreage of contiguous land. Typically consists of a plot of land that is not divided by a county, city, state, or federally owned or maintained road or highway.

PERMANENT STUDENT STATION: The floor area in a public school facility required to house a student in an instructional program.

PRIMARY CLASSROOM: A special classroom designed for children in grades 1 through 3. These classrooms have rest rooms and hand washing facilities located within the classroom or in adjoining spaces that may be a part of two or more classrooms. Rooms for Grade 1 should not be located above the first floor.

PROGRAM CAPACITY: The number of students that can be housed at a specific school given the programs at that school and the actual uses of the instructional spaces in that school. It differs from the State FISH in two ways: 1) the class size factors and utilization levels are lower, and 2) all the District's special and supplemental programs are recognized as legitimate classroom uses.

PROPORTIONATE SHARE MITIGATION: The contribution by a developer/applicant, through any of various means (see definition of Mitigation Options), of resources sufficient to offset or compensate for the site-specific impacts generated by a development. The fair market value of this mitigation must be credited against any impact fees or other exactions levied against the development.

PROPOSED RESIDENTIAL DEVELOPMENT: Any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a Site Specific Development Order.

REMODELING: The changing of existing facilities by rearrangement of spaces and their use and includes, but is not limited to, the conversion of two classrooms to a science laboratory or the conversion of a closed plan arrangement to an open plan configuration.

RENOVATION: The rejuvenating or upgrading of existing facilities by installation or replacement of materials and equipment and includes, but is not limited to, interior or exterior reconditioning of facilities and spaces; air-conditioning, heating, or ventilating equipment; fire alarm systems; emergency lighting; electrical systems; and complete roofing or roof replacement, including replacement of membrane or structure.

REQUIRED MODERNIZATIONS: A comprehensive upgrading of schools to 'like new' school standards. This requires a comprehensive evaluation of schools that are 35years old or older for a determination of the need for rehabilitation, remodeling or replacement of the facility.

RESOURCE ROOM: An instructional space used primarily to enhance and support, not supplant, instruction received in regular or special classrooms. Generally designed to accommodate fewer students than other classrooms.

ROOM: A space enclosed on all sides. Alcoves or recesses are not considered separate rooms and should be included in the net square footage calculation of the room where such spaces are found.

SATISFACTORY EDUCATIONAL FACILITY: A facility that has been recommended for continued use by an educational plant survey and the condition of the facilities is listed as satisfactory in FISH.

SECONDARY CLASSROOM: A general classroom designed for students in grades 7 through 12.

SITE: A space of ground occupied or to be occupied by an educational facility or program.

SITE DEVELOPMENT: Site development means work that must be performed on an unimproved site in order to make it usable for the desired purpose; or, work incidental to new construction or to make an addition usable.

SITE IMPROVEMENT: The work that must be performed on an existing site to improve its utilization, correct health and safety deficiencies meet special program needs or provide additional service areas. Site improvement incident to construction is the work that must be performed on a site as a precursor and/or accompaniment to construction.

SITE SIZE: Minimum Acreage Requirement per SREF

SPACE: All areas of construction, e.g., buildings, rooms, storage facilities, stairwells, gymnasiums, covered walkways, and covered play areas.

SY: School Year.

STATE REQUIREMENTS FOR EDUCATIONAL FACILITIES (SREF): Florida Department of Education standards for school construction.

TEMPORARY STUDENT STATION: Any student station housed in a non-permanent structure such as a modular building or relocatable classroom intended for student occupancy on a regular basis as part of an established curriculum or course of instruction in a public school.

VOCATIONAL CLASSROOM: An instructional area designed or provided with special built-in equipment for industrial arts and vocational or trade learning activities, mechanics, machine tools, sheet metal work, wood working, electrical trades, radio, plumbing, masonry, aviation, printing, refrigeration, air conditioning, baking and other commercial food preparation, cosmetology, and agriculture.

GOAL PSF 1

It is the Goal of Lake County to provide for the future availability of public school facilities in a manner consistent with the adopted level of service standard. This goal shall be accomplished in order to provide adequate school facility capacity—as determined by the level of service—on a county-wide basis. School concurrency will be implemented recognizing Lake County's authority in land use decisions, which includes the authority to approve or deny comprehensive plan amendments, re-zonings, or other development orders that generate students and impact the Lake County school system; and acknowledging the Lake County School Board's statutory and constitutional responsibility to provide adequate public schools.

OBJECTIVE 1.0 LEVEL OF SERVICE STANDARDS

Level of Service (LOS) standards shall be adopted in order to ensure that there is sufficient school capacity to support student growth for each year of the five-year planning period and for the long term planning horizon.

1.1 Adopted Level of Service Standard for Lake County Public Schools.

The LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS shall be established for all school types within the Lake County School District as: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity

1.2 Applicability of the Adopted Level of Service Standard

The adopted LOS standard shall become applicable to Lake County no later than the beginning of the 2008-2009 school year.

1.3 Implementation of the Adopted Level of Service

Lake County schools are encouraged to operate within the established LOS. Moreover, the issuance of development orders and building permits shall be predicated upon availability of school capacity.

1.4 Five-year Schedule of Capital Improvements

The LOS standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-year Schedule of Capital Improvements shall be reviewed, updated, and adopted annually thus ensuring those projects necessary to address existing deficiencies, and to meet future needs based upon our adopted level of service standards, are adequately planned.

1.5 Amending the Adopted Level of Service

Potential amendments to the adopted LOS shall be considered annually, but no later than the second amendment cycle scheduled by the Board of County Commissioners. The Initiating Party

shall provide a memorandum to all involved parties—the School Board, County, and Municipalities—that includes a description of the proposed amendment, a statement regarding the impact of the proposed amendment on the Lake County Comprehensive Plan, and supporting data and analysis that demonstrates that the amendment is financially feasible and can be achieved and maintained over the five years of the Capital Facilities Plan. All proposed amendments shall be reviewed by the Lake County Educational Concurrency Review Committee and the Joint Staff School Concurrency Review Group, which will provide a recommendation of approval or denial. If there is then a consensus to amend the adopted LOS, it shall be accomplished through an amendment to the Interlocal Agreement and the adoption of amendments to the County's and each City's Comprehensive Plan. The amended LOS shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed.

1.6 Annual Updates

Annual plan amendments shall include the addition of a new fifth year to the Schedule of Capital Improvements; updating the financially feasible public schools facilities capital improvement program and coordinating the program with the 5-year district facilities work plan, the plans for local and county governments. As necessary, updates to the concurrency service area map shall be adopted. The annual plan amendments shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

OBJECTIVE 2.0 CONCURRENCY SERVICE AREAS

Lake County shall establish School Concurrency Service Areas (CSA), within which a determination can be made as to whether there is adequate school capacity available based on the adopted Level of Service standards, and a proper analysis can be conducted to examine the availability of capacity in adjacent CSAs if capacity is not available in the primary CSA.

2.1 Adopted Concurrency Service Areas

Lake County's Concurrency Service Areas are depicted in Appendix A and incorporated herein by reference. Also depicted in Appendix A are all ancillary plants and public school facilities for the county.

2.2 Amending the Adopted Concurrency Service Areas

Potential amendments to the adopted CSA(s) shall be considered annually, but no later than the second amendment cycle scheduled by the Board of County Commissioners. The Initiating Party shall provide a memorandum to all involved parties—the School Board, County, and Municipalities—that includes a description of the proposed amendment, a statement regarding the impact of the proposed amendment on the Lake County Comprehensive Plan, and supporting data and analysis that demonstrates that the amendment is financially feasible and can be achieved and maintained over the five years of the Capital Facilities Plan. All proposed amendments shall be reviewed by the Lake County Educational Concurrency Review Committee and the Joint Staff School Concurrency Review Group, which will provide a recommendation of approval or denial. If there is then a consensus to amend the adopted CSA(s), it shall be

accomplished through an amendment to the Interlocal Agreement and the adoption of amendments to the County's and each City's comprehensive Plan. The amended CSA(s) shall not be effective until all plan amendments are effective and the amended Interlocal Agreement is fully executed.

2.3 Concurrency Service Area Requirements

Adopted CSAs shall demonstrate that adopted Level of Service standards will be achieved and maintained each year of the five year Capital Facilities Plan and that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs and other relevant factors. CSAs shall also take into account the extent to which development approvals have been issued by local governments based on the availability of school capacity in a CSA contiguous to the CSA in which the development approval was issued. Exhibits E and F of the Data Inventory and Analysis (DIA) provide future conditions maps indicating the general location of proposed new construction to meet concurrency countywide.

OBJECTIVE 3.0 LAND USE AND SCHOOL FACILITY COORDINATION

Ensure that comprehensive plan amendments and other land use decisions are simultaneously evaluated with school capacity availability within the primary CSA and those CSAs that are contiguous.

3.1 Adequate School Capacity

School Board findings and comments on the availability of adequate school capacity when considering the decision to approve comprehensive plan amendment and other land use decisions as provided for in s. 163.3177 (6)(a), F.S.

3.2 Direct Development to Areas with School Capacity

Lake County shall identify methods to direct development to areas with adequate school capacity or to where school sites—adequate to serve potential growth—have been donated to or set aside for purchase by the School Board in written agreements approved by the School Board, provided the location of such development is consistent with the Lake County Comprehensive Plan and Future Land Use Map.

3.3 Development Approvals and School Capacity Deficiencies

In any instance where capacity will not be available to serve students to be generated by a development seeking approval and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the school capacity deficiency shall be a basis for denial of the proposal.

3.4 Denial of Subdivision Plats and Site Plans Due to Lack of School Capacity

The School Board shall review potential new development student generation impacts and available school capacity. Where capacity will not be available to serve students from the property seeking to increase residential density, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the School Board shall not issue a favorable concurrency determination. The County shall

use lack of school capacity demonstrated by an unfavorable concurrency determination as a reason for denial.

OBJECTIVE 4.0 SCHOOL FACILITY SITING

Ensure that the planning and construction of educational facilities are coordinated so that the timing is appropriate and the selected location is compatible with the surrounding area, concurrent with necessary service and infrastructure, and consistent with the comprehensive plan.

4.1 Applicable Land Use Designations and Zoning Districts

Lake County shall coordinate with the School Board so that proposed public school facility sites are consistent with the applicable land use designations and policies of the comprehensive plan, as well as the regulations of the applicable Zoning Districts. Pursuant to Section 1013.371, F.S., the County will consider each site plan as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. In addition, road capacity and traffic concerns will be evaluated. Lake County will also coordinate with the School Board to pursue the development of mutually acceptable guidelines for the selection of future school sites including , but not limited to: a) acquisition of school sites which allow for future expansions to accommodate future enrollment and other facility needs deemed beneficial for joint-uses, as identified by the Lake County School Board and Lake County; b) coordination of the location, phasing, and development of future school sites to ensure that site development occurs in conjunction with the provision of required infrastructure to serve the school facility; and c) preferences for residential, urban areas with allowances for rural sites as deemed necessary and appropriate under certain circumstances.

4.2 Co-Location Opportunities

Lake County shall coordinate with the School District to evaluate and locate potential sites where the co-location of public facilities, such as parks, libraries, and community centers, with schools can be selected and development plans can be prepared.

OBJECTIVE 5.0 EFFECTIVE COMMUNITY/ SCHOOL DESIGN

The County shall enhance communities through effective school facility design and siting standards. The County shall require the siting of school facilities so that they are compatible with the surrounding land use.

5.1 School Siting Consistency with the Comprehensive Plan and Public School Facilities Programs

The County shall implement and maintain mechanisms designed to closely coordinate with the School Board in order to provide consistency between the County's comprehensive plan and public school facilities programs, such as: a) Greater efficiency for the School Board and the County by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems; b) Improved student access and safety by coordinating the construction of new and expanded schools with road and sidewalk construction programs; c) The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities; d) The expansion and rehabilitation of existing schools to support neighborhoods.

5.2 Joint-Use of Facilities

The County and School Board shall permit and encourage the joint-use of school sites and County facilities with similar facility needs, such as libraries, parks and recreation facilities, and health care facilities. Also, the School Board shall coordinate in the location, phasing, and design of future school sites to enhance the potential of schools as recreation areas.

5.3 Sustainable Design

The County shall encourage the use of sustainable design and performance standards, such as using energy efficient technology and recycled materials to reduce long-term costs.

5.4 Emergency Preparedness

Lake County shall coordinate with the school district on emergency preparedness issues including, but not limited to, the use of school facilities as public shelters during emergencies.

5.5 Trails, Pedestrian Access, and Parking

Public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Bicycle access and trails to public schools should be incorporated in trail projects and programs that are currently scheduled by the County, municipalities, and Rails-to-Trails, and coordinated with the Lake-Sumter MPO and Lake County Public Works. Parking and sidewalks at public schools will be provided consistent with applicable Land Development Regulations.

GOAL PSF 2

It is the Goal of Lake County to establish a process for the implementation of school concurrency by providing for capacity determination standards, availability standards, and proportionate share mitigation.

OBJECTIVE 6.0 CAPACITY DETERMINATION STANDARDS

The County shall cooperate with the School District in the implementation of capacity determination standards.

6.1 Evaluating School Capacity

The County shall recognize school capacity assessments conducted by the School District. The School Board shall determine whether adequate school capacity exists for a proposed development, based on LOS standards, CSAs, and other standards stipulated in the "Lake County Interlocal Agreement for School Facilities Planning and Siting."

6.2 Concurrency Determination

School District staff shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate the proposed development for each type of school within the affected CSA consistent with the LOS standard. The School District shall issue a concurrency determination based on the findings and recommendations of this review, which the County shall consider in evaluating development proposals.

OBJECTIVE 7.0 AVAILABILITY STANDARDS

The County shall coordinate with the School Board to establish availability standards for school facilities.

7.1 Level of Service Availability

The County shall not deny a subdivision plat or site plan (or functional equivalent) based solely on the failure to achieve and maintain the adopted level of service for public school capacity where:

1. Adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan (or functional equivalent);
2. Adequate school facilities are available in an adjacent CSA and the capacity impacts of development can be shifted to that area through, for example, redistricting; or,
3. 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 (or functional equivalent).

7.2 Timing of Project's Impact

If the School District determines that adequate capacity will not be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the School District shall not issue a School Concurrency Determination and the County will not accept or process a development application. If the School District determines that adequate capacity does not exist, but mitigation, through proportionate share is appropriate and feasible, and the County finds that the proposed development is consistent with Comprehensive Plan and FLUM, then the Board of County Commissioners may determine that the proposed development is active pending the conclusion of the mitigation negotiation, pursuant to clause 5.5.2 (5) of the "Lake County Interlocal Agreement for School Facilities Planning and Siting."

OBJECTIVE 8.0 PROPORTIONATE SHARE MITIGATION

The County shall coordinate with the School District to establish Proportionate Share mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standard consistent with the adopted School Board's financially feasible Capital Improvement Plan.

8.1 Offsetting Development Impacts

In the event the School District determines mitigation is an acceptable alternative to offset the impacts of a proposed development, where the adopted LOS standards would otherwise be exceeded, the following options for implementing mitigation shall apply:

1. The donation, construction, or funding of school facilities created by the proposed development.
2. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.

The School District will maintain the adopted LOS standards and assume operational responsibility through incorporation of the mitigation plan in the financially feasible Capital Improvements Program adopted by the School Board.

8.2 Mitigation for Permanent Capacity

Proposed mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible 5-Year Capital Improvement Program. Consideration may be given by the School Board to place an additional improvement required for mitigation on its Capital Improvement Program. The proposed mitigation must satisfy the demand created by the proposed development consistent with the adopted LOS standards or identified as an amendment to the adopted Capital Improvement Program. Portable classrooms will not be accepted as mitigation.

8.3 Contiguous Concurrency Service Areas

Mitigation shall not be required when the adopted LOS cannot be met in a particular CSA, if the School District determines that the needed capacity for the development is available in one or more contiguous CSA(s) and the impacts of the development on school capacity can be shifted to that CSA.

8.4 Development Agreements

Mitigation shall be directed to projects on the School Board's financially feasible Capital Improvement Program that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the relevant local government(s), and the applicant executed prior to the issuance of the subdivision plat, site plan, or functional equivalent. If the School Board accepts the mitigation plan, the School Board shall add the improvement required for mitigation to its Capital Improvement Program. This development agreement shall include developer/landowner's commitment to continuing renewal of the development agreement upon its expiration.

8.5 Amount of Required Mitigation

The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value. The process to determine proportionate share mitigation obligation shall be as follows:

Step 1: Determine the number of students to be generated by the development

Number of Dwelling Units in the proposed development (by unit type)

MULTIPLIED BY

Student Generation Rate (by type of DU and by School Type)

EQUALS

Number Students Stations needed to serve the proposed development

Step 2: Comparing the available capacity to the number of student stations calculated in Step 1 to assess the need for mitigation

Available Capacity

MINUS

The Number of new Students Stations needed to accommodate the proposed development

EQUALS

The shortfall (negative number) or surplus (positive number) of capacity to serve the development

Step 3: Evaluating the available capacity in contiguous service areas

If Step 2 results in a negative number, repeat that step for one or more contiguous service areas. If this step results in a negative number, then proceed to step 4 to calculate the proportionate share mitigation.

Step 4: Calculating proportionate share mitigation

Needed additional Student Stations from Step 3

MULTIPLIED BY

Average cost per Student Station

EQUALS

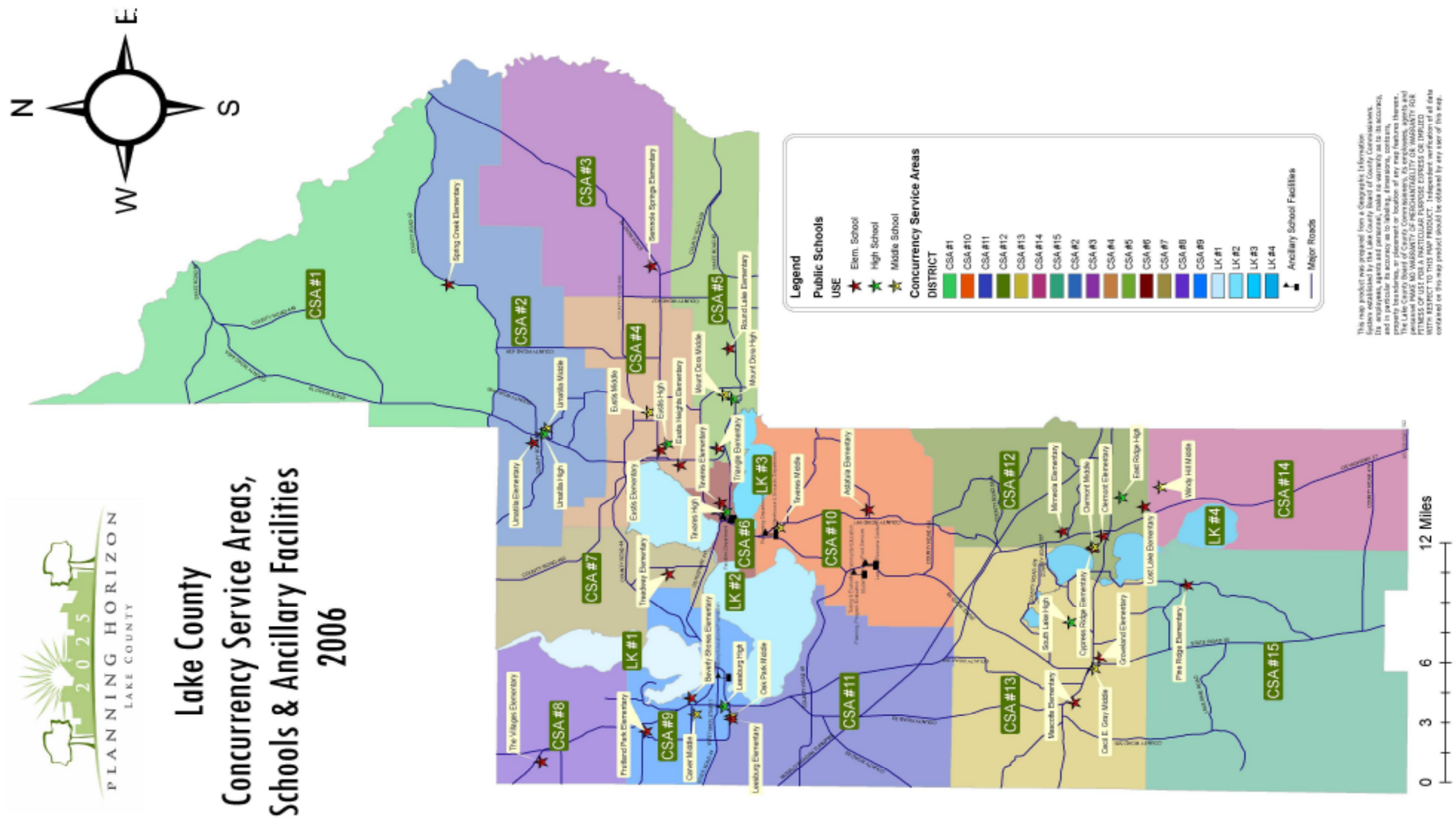
Proportionate-Share Mitigation Obligation

8.6 Student Generation Rate

The student generation rates used by the School District to determine the impact of a particular development application on public schools are hereby adopted into Lake County's Comprehensive Plan. The student generation rates shall be reviewed and updated every two (2) years in accordance with professionally accepted methodologies, and shall be incorporated into the County's Comprehensive Plan. The table shown below (incorporated from the County DIA*) details the currently adopted student generation rates.

Table 1: Student Generation Rate*

School Type	Student Generation Rate	Average Students / New School	Acres Per School Site
Elementary	0.186	950	20
Middle	0.100	1350	40
High	0.124	2070	60

*(shown as table SF13 in the DIA)

Appendix A.Lake County Concurrency Services Areas and Plants