



ALACHUA COUNTY COMPREHENSIVE PLAN: 2011-2030 EVALUATION AND APPRAISAL ISSUE SUMMARY

April 17, 2018

STATEMENT OF ISSUES

Update policies regarding intergovernmental coordination on annexation in light of the repeal of the Boundary Adjustment Act.

Review potential tools for effective and efficient delivery of services by County and municipal governments such as interlocal agreements, consolidation, and other mechanisms.

INTRODUCTION

The Alachua County Boundary Adjustment Act (BAA) was a Special Law adopted by the State of Florida legislature in 1990 which governed annexation in Alachua County until 2015, when the Act was repealed by the Florida Legislature (Ch. 2015-199, Laws of Florida, which became effective February 29, 2016). The Act provided a formal mechanism for coordination between the County and its municipalities on annexation and the provision of urban services. Annexation in Alachua County is now governed by general annexation law, as provided in Florida Statutes, Chapter 171. The Alachua County Comprehensive Plan includes policies and maps relating to the former Boundary Adjustment Act, which need to be removed and/or amended to be consistent with the repeal of the BAA. Also, adopted policies relating to intergovernmental coordination but not tied to the BAA need to be reviewed and updated as necessary to provide generally for intergovernmental coordination on issues of annexation and service delivery.

ANALYSIS OF ISSUE

The stated purposes of the Boundary Adjustment Act were to ensure sound urban development and the efficient provision of urban services; to promote cooperation between municipalities and Alachua County; assure procedures that protect all parties affected; and encourage development that efficiently utilizes services and prevents urban sprawl.

The BAA provided a legally enforceable tool for planning and coordination of future annexations among the ten local governments in Alachua County (9 cities and the County), through the designation of "reserve areas" by those entities. Reserve areas were geographic areas outside of each city's current municipal boundaries that were reserved exclusively for annexation by that municipality. For each Reserve Area, the County and the municipality were required to adopt a statement of services identifying which public facilities and services were to be provided within the

reserve areas before and after annexation, and which local jurisdiction was responsible for providing those services. Under the BAA, Reserve Areas and statements of services were required to be updated every five years by each municipality and the County.

The BAA also provided procedures for municipal annexation. Notably, the Act required that, prior to the consideration of a proposed annexation, a municipality was required to prepare and adopt an Urban Services Report which addressed its plans for providing various public facilities and services to the area proposed for annexation and the effect on municipal services and taxes. The Urban Services Report was required to be provided to property owners and to the County prior to the annexation.

There are several policies in the Alachua County Comprehensive Plan that refer to the Boundary Adjustment Act in the Future Land Use and Intergovernmental Coordination Elements. As required by the BAA, the Reserve Areas map is adopted in the Comprehensive Plan as part of the Intergovernmental Coordination Element. The Comprehensive Plan needs to be revised to remove references to the BAA and to remove the Reserve Areas map. At the same time, policies should be reviewed to ensure that the Comprehensive Plan will continue to provide for coordination between the County and its municipalities on specific issues associated with annexation and service delivery.

The Comprehensive Plan contains multiple policies that promote intergovernmental coordination on the provision of services which are not tied to the BAA. For example, Policy 5.1.4 calls for the County to use interlocal agreements for the provision of services that cross jurisdictional boundaries. Also, Policy 5.1.7 calls for Alachua County to pursue developing and implementing interlocal agreements with municipalities on fire suppression services, law enforcement, emergency medical services, animal control, building inspection services, plans for centralized potable water and wastewater system, and multi-modal approaches to transportation planning. The adopted policies are generally sufficient and broad enough to allow for the County to pursue various intergovernmental coordination mechanisms for service provision that may be available under Florida Statutes, such as interlocal agreements and joint planning.

With the elimination of the Boundary Adjustment Act, and the recommended elimination of its related policies in the Comprehensive Plan, the Board may wish to consider additional or revised policy language in the Comprehensive Plan dealing specifically with the intergovernmental coordination aspects of annexation and related service delivery issues. One such mechanism that is available to local governments and is not currently identified in the Comprehensive Plan is the Interlocal Service Boundary Agreement Act pursuant to Chapter 171, Part II, of Florida Statutes.

The legislative intent of Chapter 171, Part II, in s. 171.201, F.S., states:

“The principal goal of this part is to encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community. This part is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments. It is the intent of this part to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local

services, and increase political transparency and accountability. This part is intended to prevent inefficient service delivery and insufficient tax base to support the delivery of those services.”

An Interlocal Service Boundary Agreement (ISBA) that is established under Part II may address any issue concerning boundary adjustment (annexation), service delivery, or fiscal responsibilities. An ISBA may be initiated by the County or a municipality in accordance with the procedures outlined in Section 171.203, F.S. There are also opportunities for other municipalities to join in the process of negotiating the ISBA.

An ISBA may include, but is not limited to, identification or establishment of:

- A **municipal service area** and **unincorporated service area**
- A **process and schedule for annexing areas within a designated municipal service area**, which may include procedures for annexation of areas not meeting the general requirements for annexation under Chapter 171, Part I, and alternative processes for annexation
- The **local government responsible for the delivery or funding of the following services within those areas**: public safety; fire, emergency rescue, and medical; water and wastewater; road ownership, construction, and maintenance; conservation, parks, and recreation; and stormwater management and drainage. The agreement may address other services and infrastructure not currently provided by an electric utility or a natural gas transmission company; however, this process does not affect utilities or public utilities as defined in Ch. 366, F.S., or affect the determination of a territorial dispute by the Public Service Commission under s. 366.04, F.S.
- Other **service delivery issues**, including transfer of services and infrastructure and the fiscal compensation to one local government from another, joint use of facilities and colocation of services
- Procedures relating to responsibility for managing surface water pursuant to water management district or Department of Environmental Protection permits
- A requirement that the municipality prepare and send the county an **urban services report** on its planned service delivery, per s.171.042, F.S. or as otherwise determined by the agreement
- All fire and emergency medical services will be provided by the existing providers and remain part of the existing unit or district, unless there is **agreement as to who will provide emergency services**, or the county’s comprehensive plan contains a fire-rescue services element, and the annexing municipality meets the criteria set forth.
- **Process for land-use planning decisions** consistent with Part II of Ch. 163, F.S., including those made jointly by the governing bodies of the county and the municipality, or allow a municipality to adopt land-use changes consistent with part II of Ch. 163, F.S. for areas that are scheduled to be annexed within the term of the interlocal agreement;

however, the county comprehensive plan and land-development regulations control until the municipality annexes the property and amends its comprehensive plan accordingly.

If the County Commission is interested in pursuing Part II Interlocal Service Boundary Agreements with municipalities to address various annexation and service delivery issues, language could be added to the Comprehensive Plan to indicate the County's desire to engage in that process. The development of an ISBA would be subject to the willingness of any municipality to participate. It is noted that in 2015, the City of Newberry expressed an interest in working with the County to develop a Part II ISBA. The ISBA process with Newberry was never formally initiated in accordance with Part II, however, County and City staffs have engaged in discussions on general annexation and service delivery issues through the Chapter 164 conflict resolution process resulting from the County's challenge of recent annexations by the City of Newberry. Also, there have been ongoing staff-level discussions with the City of Gainesville about developing a joint planning agreement to address annexation-related issues.

STRATEGIES TO ADDRESS ISSUES

1. Eliminate specific references to the Alachua Boundary Adjustment Act from the Comprehensive Plan, including the map of municipal Reserve Areas. Revise existing objectives and policies to provide for coordination with municipalities on annexation and related services delivery issues, not tied to the Boundary Adjustment Act.
2. Add policy language to provide for the use of Interlocal Service Boundary Agreements to establish municipal service areas and unincorporated service areas pursuant to Chapter 171, Part II, of Florida Statutes.
3. Revise policies as needed to provide tools for the consolidation of public services that are provided by the County and municipalities.

COMPREHENSIVE PLAN POLICIES RELATING TO ISSUE

Future Land Use Element

Policy 7.1.1 The Future Land Use designation within an area considered to be an enclave, as defined in the Alachua County Boundary Adjustment Act, shall consider the existing land use, infrastructure, and the Comprehensive Plan of the surrounding municipality.

Policy 7.1.30 Annexations shall be in accordance with the Alachua County Boundary Adjustment Act as specified in Policies under Objective 4 of the Intergovernmental Coordination Element.

Intergovernmental Coordination Element

OBJECTIVE 1.1 Coordinate the Comprehensive Plan, the plans of the school board, other units of local government providing services, but not having regulatory authority over the use of land, and with the comprehensive plans of municipalities within the County, and adjacent counties.

Policy 1.1.1 In accordance with the Alachua County Boundary Adjustment Act, Alachua County shall adopt a statement for each proposed reserve area for each municipality within the County stating which comprehensive plan and set of land use regulations shall apply within the reserve area until that area is annexed. The Boundary Adjustment Act shall be used with participating municipalities as a mechanism for addressing joint planning issues, particularly for the purpose of annexation, municipal incorporation, and joint infrastructure areas. Pursuant to Section 1.5 of the Alachua County Charter, the County and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not designated as a reserve for annexation by another municipality or in portions of the area within the municipality.

Policy 1.1.2 Mechanisms to supplement the Boundary Adjustment Act, such as additional joint planning agreements and joint processes for review of development proposals shall be considered for inclusion as part of the inter-local agreements to implement this element.

Policy 1.1.3 Alachua County shall use the informal mediation process of the North Central Florida Regional Planning Council to resolve comprehensive planning issues with governmental units in the same regional planning council jurisdiction.

Policy 1.1.4 Alachua County shall develop with the North Central Florida Regional Planning Council, the Florida Department of Transportation, the cities of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, and Waldo; Bradford, Gilchrist, Levy, Marion, and Putnam Counties; Northeast Florida Regional Planning Council, and Withlacoochee Regional Planning Council coordination mechanisms to address inter-jurisdictional comprehensive planning issues.

OBJECTIVE 4.1

Coordinate with all municipalities in the implementation of the Boundary Adjustment Act to set forth reserve areas and resolve annexation issues.

Policy 4.1.1 The updated reserve areas and extra-territorial areas established with each of the municipalities under the Boundary Adjustment Act are hereby adopted and incorporated into this element as Map 1. The reserve area designations are accompanied by statements reflecting agreement between the County and each municipality addressing:

- (a) Whether the comprehensive plan and land use regulations of the County or the municipality for which the reserve area is designated shall apply prior to its being annexed.
- (b) Whether the municipality or the County shall enforce and administer the comprehensive plan and how proceeds from fines and fees charged pursuant to such enforcement will be distributed.
- (c) Which services the County shall provide and which services the municipality shall provide in the reserve area, both before and after annexation, and how these services will be financed.
- (d) Any other matters related to the reserve area designation on which there is agreement. The designations and documentation shall be adopted as comprehensive plan

amendments to this Element and other portions of the Comprehensive Plan to be consistent with the reserve area descriptions.

- (e) Annexation may be implemented within the designated reserve areas in accordance with the Statements of Services for each reserve area and the Alachua County Boundary Adjustment Act.

Policy 4.1.2 Every five (5) years from adoption of a reserve area, Alachua County shall review each reserve area map and statements and participate in an amendment process, should either party desire adjustment of the reserve area boundaries.

Policy 5.1.4 Alachua County shall maintain the use of interlocal agreements for the provision of services across jurisdictional boundaries as outlined in Policy 5.1.7.

Policy 5.1.7 Alachua County shall continue to pursue developing and implementing interlocal agreements with municipalities on the following issues:

- (a) fire suppression services
- (b) law enforcement
- (c) emergency medical services
- (d) animal control
- (e) building inspection services
- (f) coordination of capital plans for centralized potable water and wastewater systems.
- (g) multi-modal approaches to transportation planning consistent with the Transportation Mobility Element.

Intergovernmental Coordination Element Map 1 Alachua County Reserve Areas and Extra-Territorial Areas

