

Board of County Commissioners
Special Meeting:
**BOUNDARY ADJUSTMENT ACT &
ANNEXATION**



February 4, 2014

Presentation Overview

- Boundary Adjustment Act (BAA): History, Purpose, Key Provisions, and Comparison to General Annexation Law
- Implementation
 - Reserve Areas and Updates of Reserve Areas
 - Annexation Process and History
- Issues and '08-'09 BAA Review and Recommendations by Countywide Visioning & Planning Committee
- Summary
- Discussion and Questions

Boundary Adjustment Act

Special Act of FL Legislature adopted for Alachua County in 1990

Green text is unique to Boundary Adjustment Act. Other text is common to both BAA and General Law, Ch.171, F.S.

- Purpose:

Procedures for establishing reserve areas and criteria for adjusting boundaries through annexation

- **Promote cooperation between cities & county regarding provision of services, and regulation of urban areas at the boundaries of municipalities.**
- **Encourage development in reserve areas that efficiently utilize services and prevent urban sprawl.**
- Ensure sound urban development and accommodation of growth.
- Efficient provision of urban services to areas that become “urban in character”.
- **Protect all parties affected by annexation.**

Primary Differences Between The BAA And General Law

TOPIC	BAA	GENERAL LAW
Reserve Areas	Designation by County and participating municipalities to identify area within which each municipality may annex; updated every 5 years	No provision under General Law Part I; Interlocal Service Boundary Agreements with Municipal Service Areas allowed per Part II adopted in 2006
Urban Services Reports	Required with <i>both voluntary</i> (“report to owner”) <i>and referendum annexations</i>	Required <i>only for referendum annexations</i>

Primary Differences Between The BAA And General Law

TOPIC	BAA	GENERAL LAW
Definition of "Enclave"	Unincorporated area enclosed by one <i>or more</i> municipalities	Unincorporated <i>improved or developed</i> area enclosed by <i>one</i> municipality
Elimination of Enclaves	By voluntary or referendum annexation	Enclaves meeting certain criteria may be annexed <i>by interlocal agreement</i> between City and County
Definition of "Parties Affected"	<i>Includes</i> residents or property owners <i>within unincorporated enclaves</i> resulting from an annexation, city residents, & governments with jurisdiction (e.g. County).	<i>Does not</i> include residents or property owners within unincorporated enclaves resulting from an annexation; same provision for local governments (e.g. County)

City And County Roles Under BAA And General Law

TOPIC	BAA	GENERAL LAW
Reserve Areas	<ul style="list-style-type: none"> - City and County Commissions conduct public hearings on proposed changes to Reserve Areas as part of review/update process every 5 years. - County has responsibility for coordinating process, resolving any overlaps or conflicts between Cities' Reserve Areas through negotiation, and adopting the final Reserve Areas which become final unless challenged. 	No provision for designation of Reserve Areas.
Urban Services Reports (USR)	<ul style="list-style-type: none"> - Cities prepare USR for all annexations - For referendum annexations, USR must include certification that criteria are met. - Cities adopt USR by ordinance (at public hearing) and file with the County. - Cities provide USR to property owner for voluntary annexations. 	<ul style="list-style-type: none"> - Cities prepare USR for referendum annexations only. - Cities file USR with County (adoption by ordinance at public hearing not specified). - Failure to timely file USR may be basis for legal action invalidating annexation.

City And County Roles Under BAA And General Law

TOPIC	BAA	GENERAL LAW
Annexation	<ul style="list-style-type: none">- Cities adopt annexations by ordinance following required public hearings.- County is identified as potential “party affected”.	Same

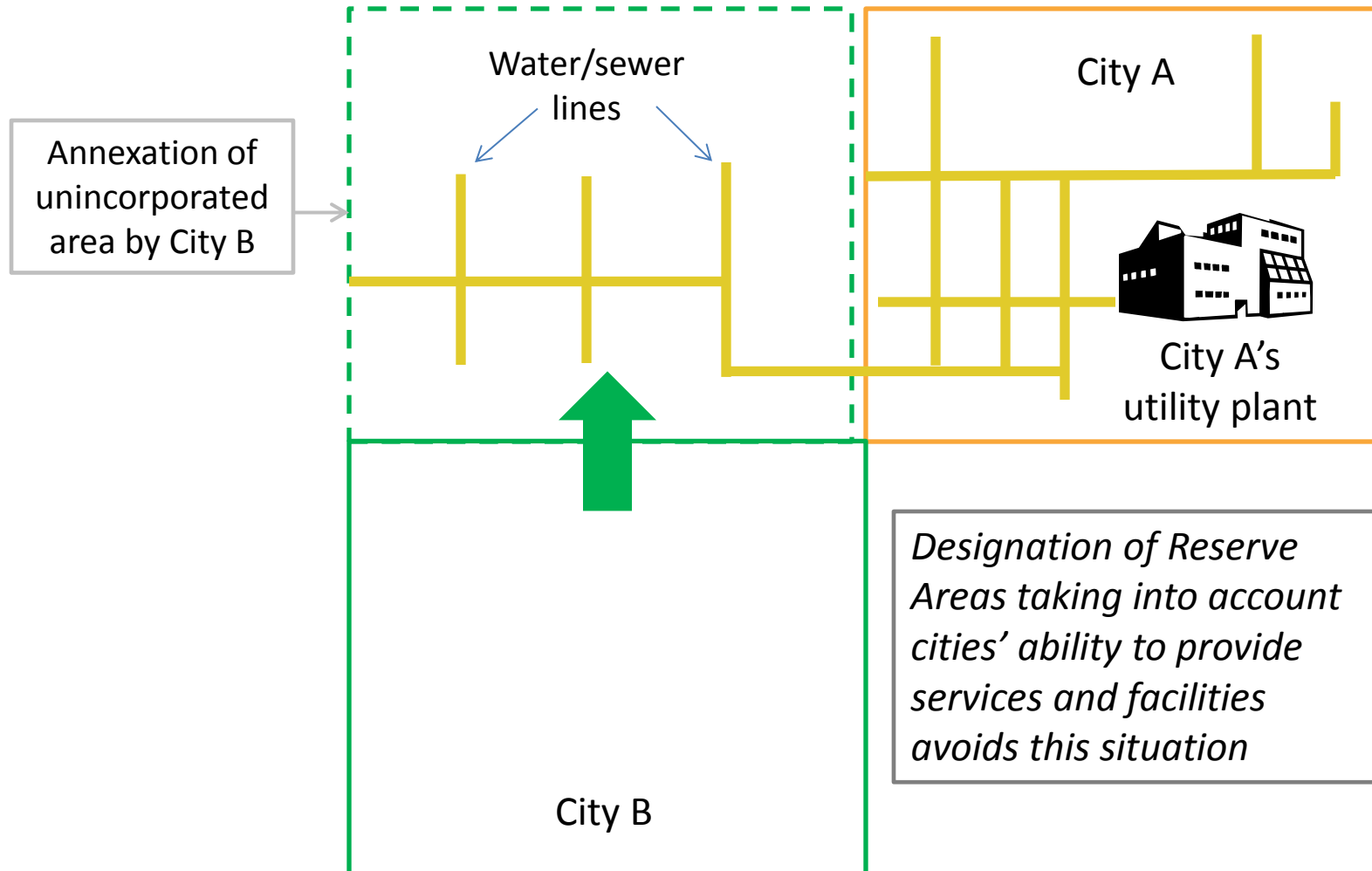
State Reviews Of General Annexation Law

- **1984 Report by Florida Advisory Council on Intergovernmental Relations, Annexation in Florida**, recommended that annexations be restricted to Reserve Areas, and that boundaries of Reserve Areas be established through negotiations by counties and cities & reviewed periodically.
- **2003 Senate Committee Report** noted that General Law “has given rise to a number of issues” including: “difficulty in planning to meet future service needs, confusion over logical service areas....”; options were identified to “improve intergovernmental coordination and reduce conflicts that arise during annexation”, including enforceable interlocal agreements addressing financial impacts and service delivery issues prior to annexation.

Most Counties With ≥ 9 Municipalities Have Special Annexation Provisions

- General Annexation Law is “*supplemental*” to any other procedure provided by general or special law.
- Alachua County has 9 municipalities; only 12 Florida Counties have this many or more.
 - *10 of these Counties have special laws or charter provisions for annexation, or Interlocal Service Boundary Agreements.*

Coordination of future annexation areas with urban services provided by municipalities can avoid conflicts and lawsuits between cities that have occurred under General Law



Reserve Areas Under BAA

Areas reserved exclusively for annexation by each municipality

- Unlike general law, the BAA provides for designation of Reserve Areas by the municipalities and the County.
- Reserve Areas identify where each municipality may annex, through petition by property owner (voluntary) or by ordinance approved by referendum vote of majority of electors.

Criteria for Reserve Areas

Areas reserved exclusively for annexation by each municipality

Reserve Areas ***shall***:

- (a) Be *adjacent* to the municipality;
- (b) Be “*urban in character*” or *likely* to become so within the next ten years;
- (c) Be areas in which *population growth should be directed to promote efficient delivery of urban services*, as listed in BAA, and “to encourage more concentrated urban development”.

Criteria for Reserve Areas

Reserve Areas ***shall not contain areas:***

- a) Outside the county, within the limits of another municipality or *within another municipality's reserve area;*
- b) Which *could be provided urban services more efficiently by the county or other municipality;*
- c) Which *cannot* reasonably be foreseen to *be provided with urban services provided by the municipality within the next 10 years;* or
- d) Which the *municipality cannot reasonably have the capacity or capital facilities within the next 10 years* to provide, at a minimum, *the level of services provided by the county* to the reserve areas.

Statements of Services

As part of the designation of Reserve Areas, each municipality and the County must adopt a Statement identifying:

- **Services**, such as police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks & recreation, housing, street lighting, transportation, and other services **which will be provided to residents of the proposed reserve areas**, including any plans to provide additional services and any capital facilities being used to provide such services.
- **Land uses and densities and intensities which are permitted in the proposed reserve areas by the County's Comprehensive Plan (County Statement); or identification of land uses and densities and intensities of development that the City deems most appropriate for its proposed reserve areas (City Statements).**

Statements of Services (continued)

Position Statements on:

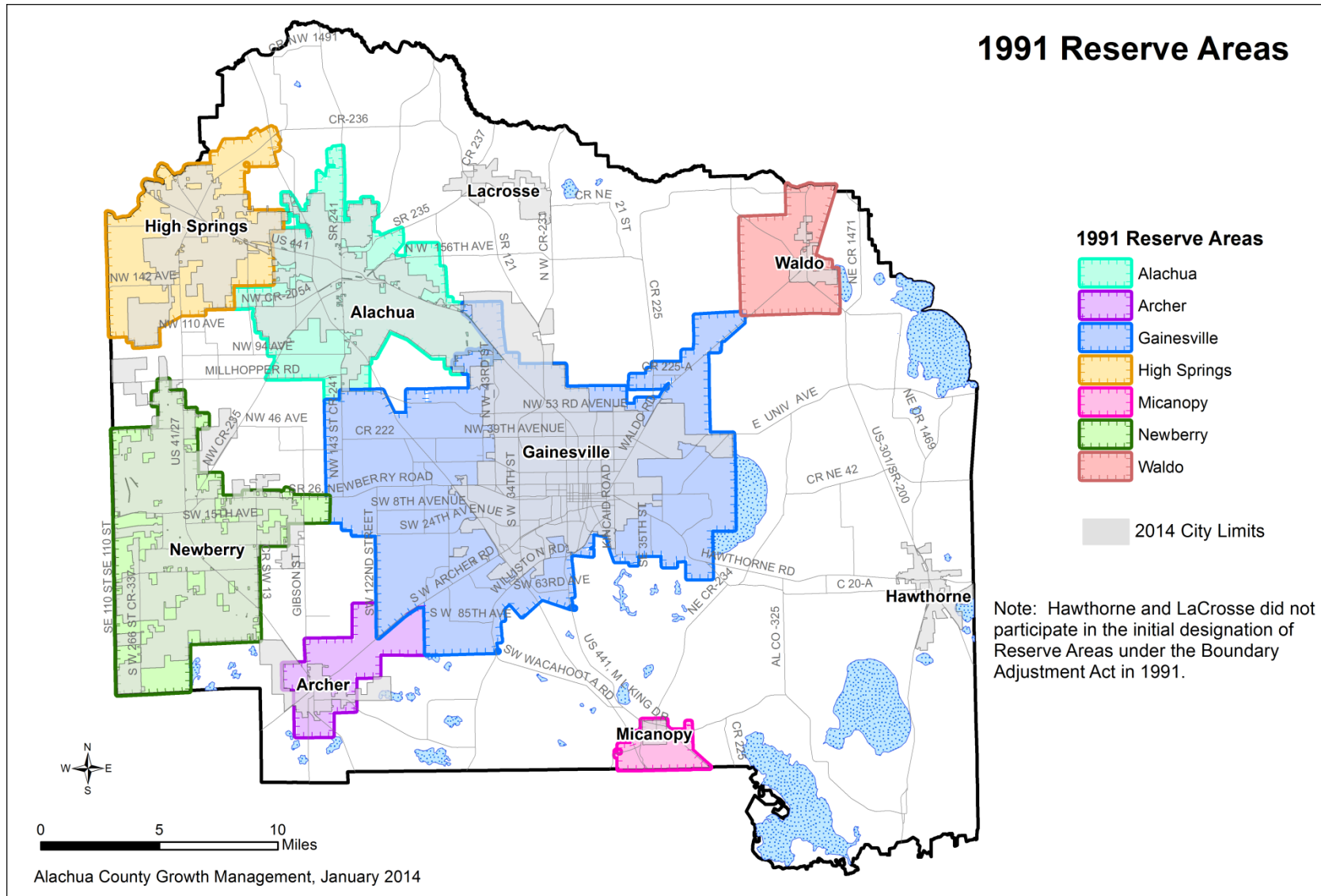
- Whether the **Comprehensive Plan and land use regulations of the county or the municipality** for which the reserve area is designated **shall apply prior to its being annexed.**
- Whether the **municipality or the county shall enforce and administer the comprehensive plan and how proceeds from fines and fees** charged pursuant to such enforcement **will be distributed.**
- Which **services the county** shall provide and which **services the municipality** shall provide in the reserve areas, **both before and after annexation**, and **how these services will be financed.**
- **Any other matters** related to the reserve area designation **on which there is agreement.**

Review & Update of Reserve Areas

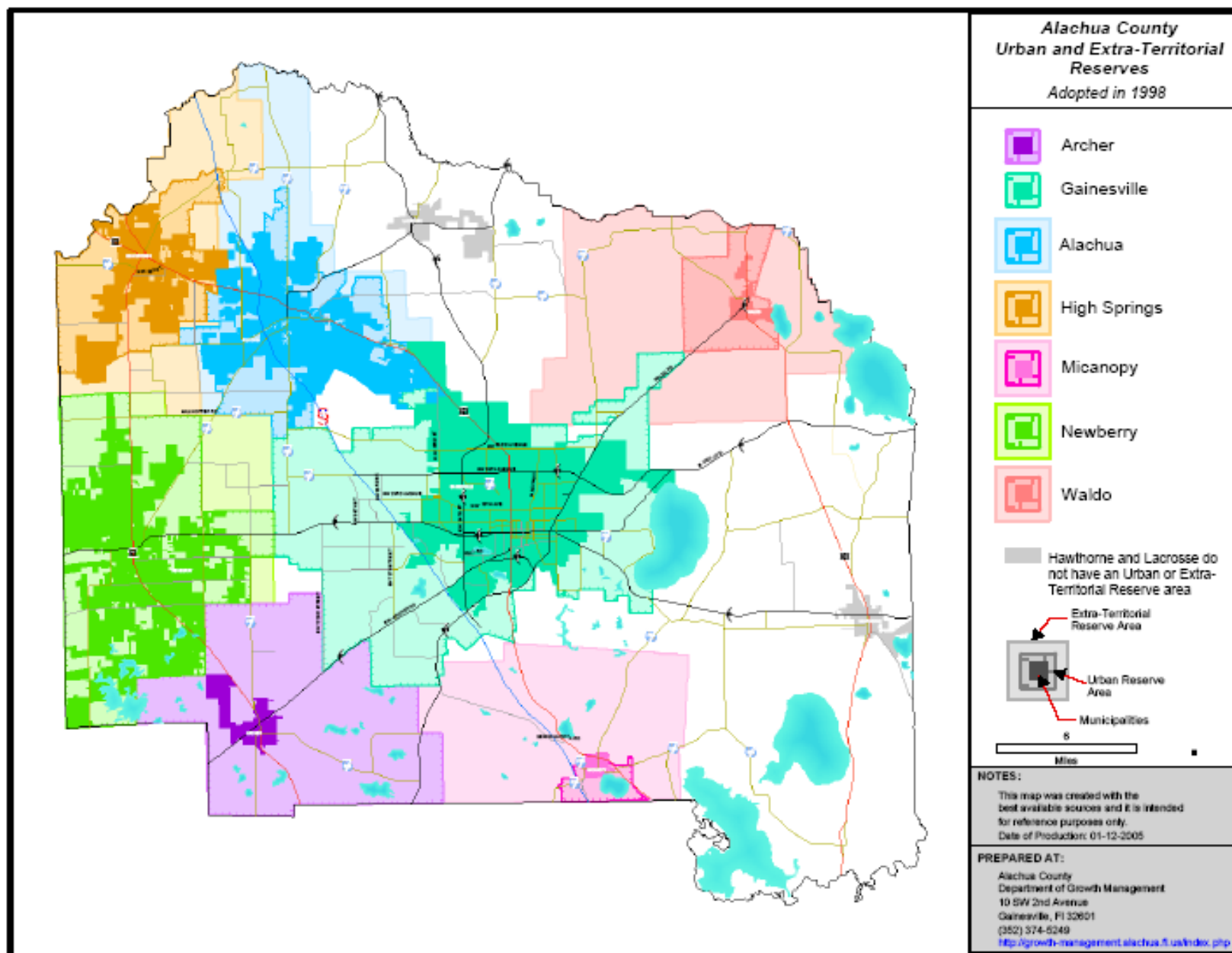
- The BAA requires review of Reserve Areas and Statements of Services by the County and each municipality every 5 years
 - Initially established in 1991
 - 3 reviews and updates since then
 - 1996-98
 - 2003-06
 - 2011
 - Next Review/Update in 2016

Reserve Areas as Adopted in 1991

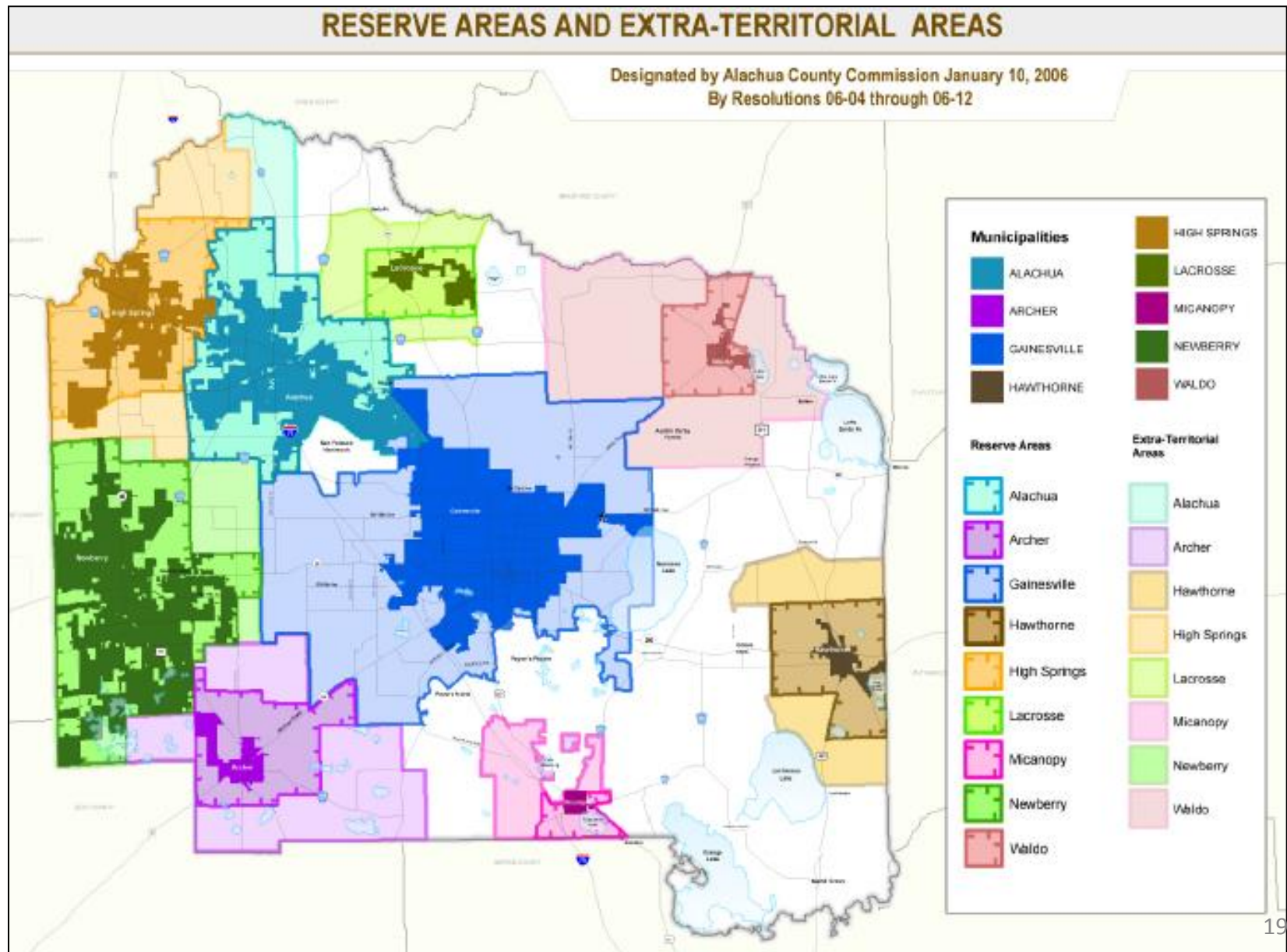
1991 Reserve Areas



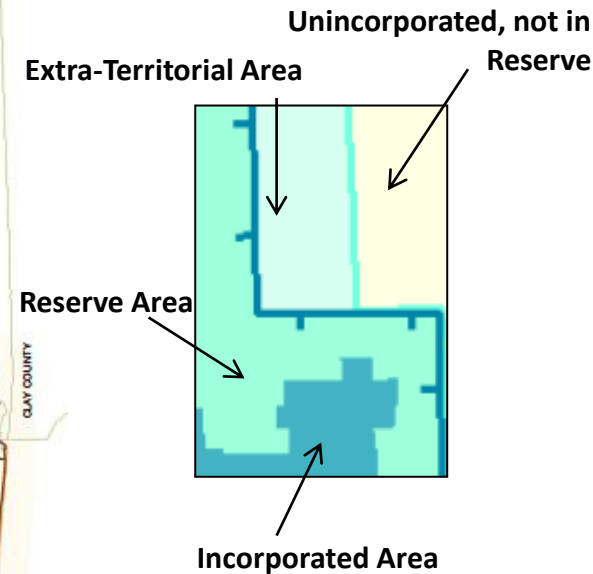
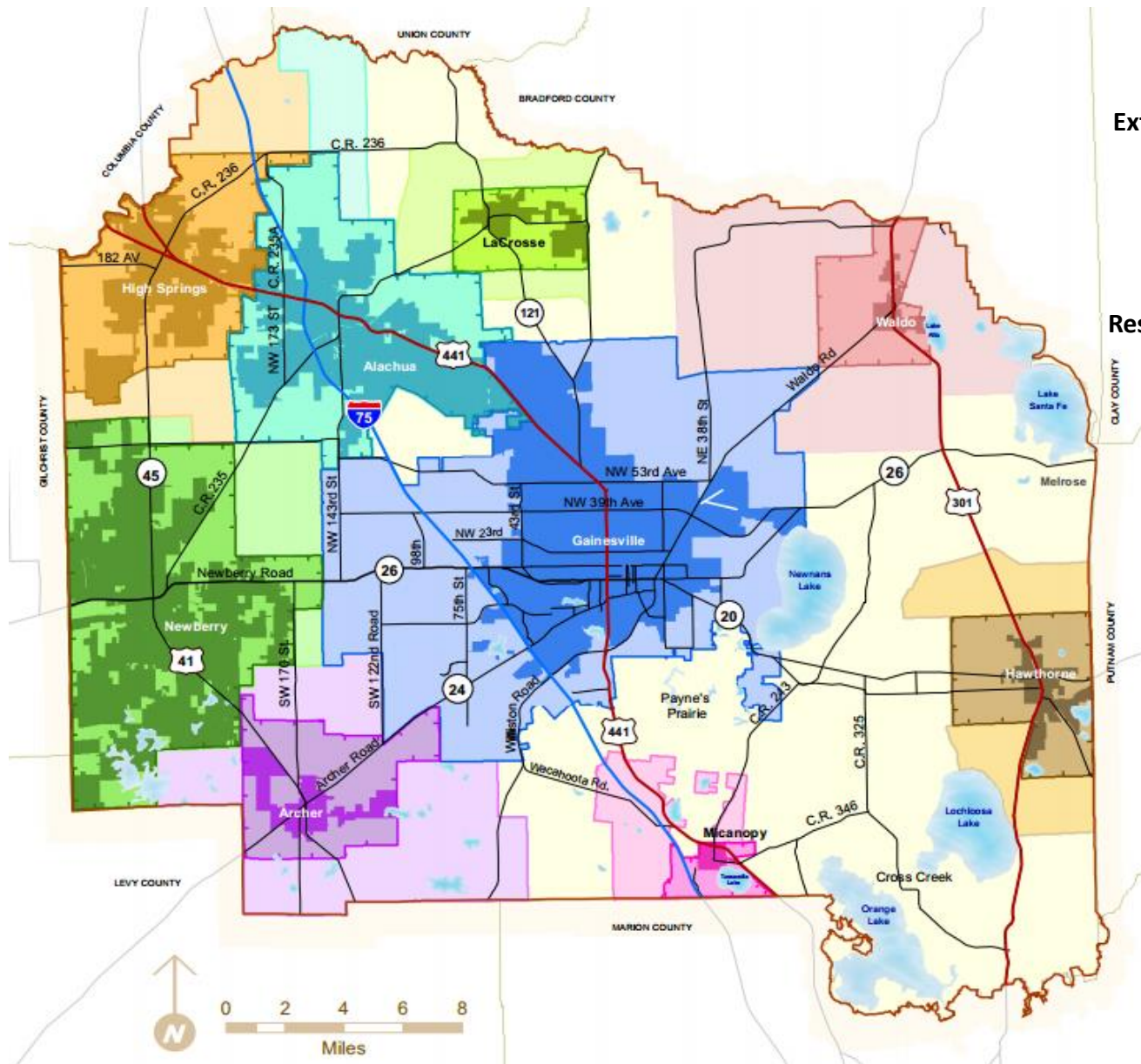
Reserve Areas as Adopted in 1998



Reserve Areas as Adopted in 2006



Reserve Areas as Updated in 2011



City Limits and Reserve Area Acreage

	Acreage Within Current City Limits	Acreage Within Unincorporated Reserve Areas	Population* (County Total: 248,002)
Alachua	21,332	20,506	9,300
Archer	3,968	14,175	1,123
Gainesville	35,888	76,821	124,391
Hawthorne	3,029	12,799	1,389
High Springs	12,559	15,791	5,440
LaCrosse	2,794	6,503	360
Micanopy	619	3,081	600
Newberry	34,176	20,170	5,148
Waldo	1,329	9,307	969
Total All Cities	115,694	179,153	148,720

Acreages are approximate, and calculated using parcel-based GIS data from Alachua County Property Appraiser, as of January 16, 2014

** Population Estimates from State of Florida Office of Economic and Demographic Research. "Florida Population Estimates for Counties and Municipalities: April 1, 2013".*

Annexation Process

- Two methods for annexation by municipalities are provided under **both** the BAA and General Law:
 - “**VOLUNTARY ANNEXATION**” i.e. by property owner(s) petition
 - “**REFERENDUM ANNEXATION**” i.e. initiated by ordinance adopted by municipality, subject to approval by majority vote of electors in area proposed to be annexed (under General Law, municipality may also require majority vote of electors within the municipality)

Voluntary Annexation

Green text is unique to Boundary Adjustment Act. Other text is common to both BAA and General Law.

- Owners of property petition the City to annex
- **Under BAA, City must adopt Urban Services Report (USR)/report to owner by non-emergency ordinance; provide report to owner and file with Board of County Commissioners**
 - **At least 60 days before municipality adopts annexation ordinance**
 - **Owner has 20 days to withdraw petition**
- City adopts annexation by non-emergency ordinance at public hearings, following published notice which includes a map of the area.

Contents of Urban Services Report

(Required by **BAA** for Voluntary **and** Referendum Annexation;
Required by **General Law** for **only** Referendum Annexation)

- *Plans for extending each major municipal service to area to be annexed on substantially same basis and in same manner as provided within the rest of the municipality.*
- *Provide for extension of existing water and sewer according to municipality's policies.*
- *If extension into area is necessary, timetable for extension of major trunk water mains and sewer mains, as soon as possible after annexation.*
- *Plans to finance extension of services into the area.*

Contents of Urban Services Report (cont'd)

(Required by **BAA** for Voluntary **and** Referendum Annexation;
Required by **General Law** for **only** Referendum Annexation)

- Maps of present & proposed boundaries, present and proposed water/sewer & general land use pattern
- To what extent services to existing residents would need to be reduced within next 5 years
- To what extent taxes would need to be adjusted within 5 years to provide services to area to be annexed
- To what extent the area meets criteria for “character of the area to be annexed”
- For **Referendum annexations**:
 - *Statement **certifying*** the area meets criteria for “character of the area to be annexed” including part or all developed for urban purposes.

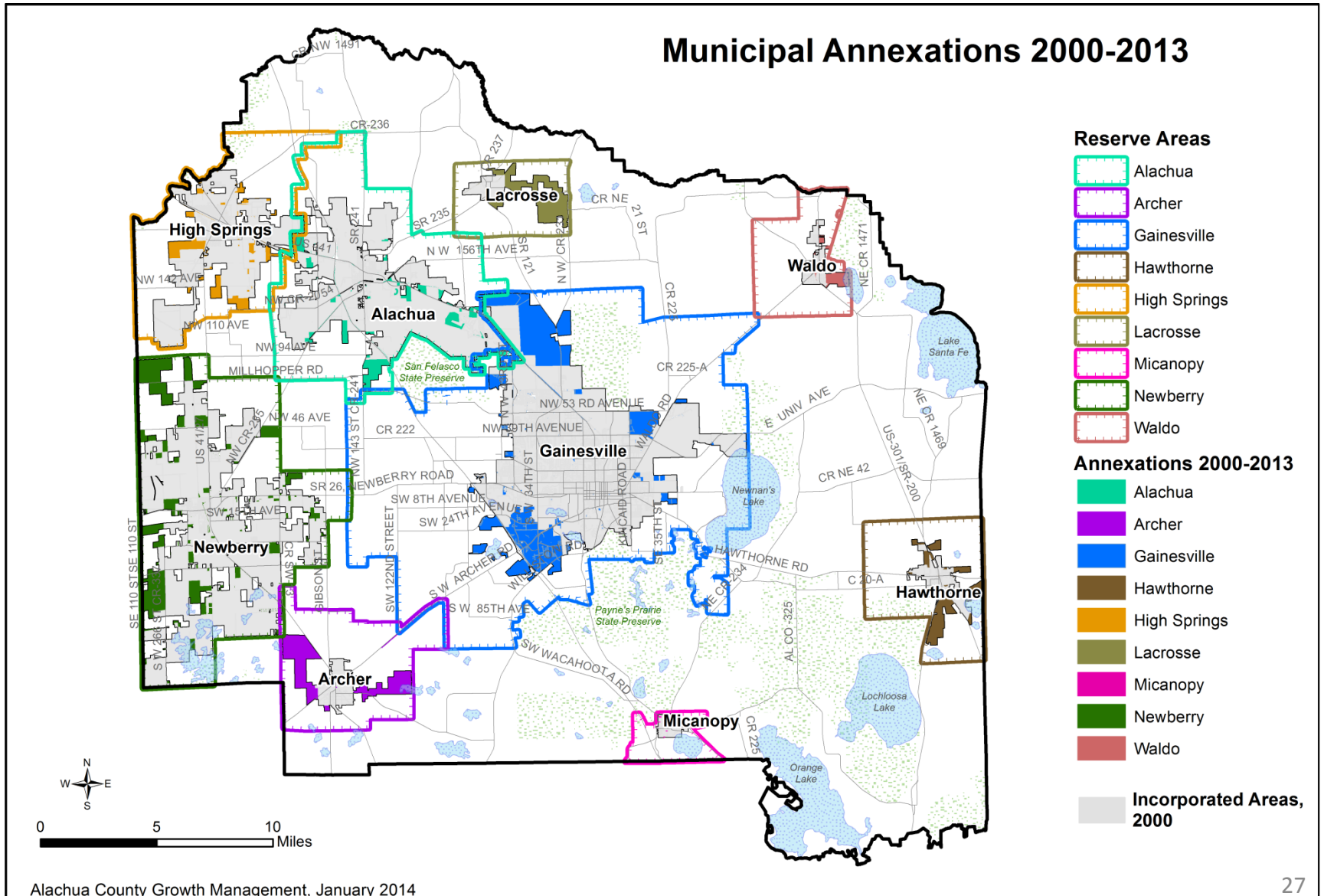
Criteria for Annexations

(same under BAA and General Law, except for Reserve Areas)

- Annexation areas must:
 - Be within municipality's reserve area, established under BAA
 - Not create an enclave
 - Be contiguous to the city limits
 - Be reasonably compact
- **Referendum Annexations** must meet additional criteria for development or population density (*under BAA and General Law*):
 - Part or all developed for “urban purposes” meeting any of following:
 - ≥ 2 persons per each acre, or
 - ≥ 1 person per each acre & $\geq 60\%$ subdivided lots ≤ 1 acre, or
 - $\geq 60\%$ lots used for urban purposes & $\geq 60\%$ of nonresidential lots ≥ 5 acres

Plus, any area between the municipal boundary and area developed for urban purposes that meets criteria specified by law, allowing inclusion of necessary land connections between areas developed for urban purposes and the municipality.

Municipal Annexations, 2000-2013



Summary of Municipal Annexations from 2000-2013

CITY	ACRES ANNEXED
TOTAL ALL CITIES	25,052
ALACHUA	1,920
ARCHER	2,583
GAINESVILLE	8,758
HAWTHORNE	1,495
HIGH SPRINGS	1,880
LACROSSE	1,976
MICANOPY	21
NEWBERRY	5,944
WALDO	475

Primary Objections Identified In Consideration for Repeal Document At Legislative Delegation Meeting Of November 2013

- Much of the BAA “start-up” language is now obsolete.
- Definitions, including parties affected, enclave, and publicly owned lands have adversely affected property owners.
- Role of “most populous municipality” (Gainesville) should County waive or abdicate its role in establishment (or update) of reserve areas.
- Procedures for amending/updating reserve areas are cumbersome and restrictive.
- Annexation of enclaves of 10 acres or less is cumbersome and restrictive.
- Process for annexation is more costly and cumbersome to property owners, i.e. Urban Services Report is required to be ***adopted*** (requires Public Hearings) instead of ***approved***.
- Role of Alachua County with regard to disputes, mediation, and litigation.

2008-9 Review Of BAA By CVPC Task Force Resulted In Proposed Bill To Amend BAA, Addressing Some Of The Primary Objections

Major Changes proposed in Bill:

- Streamlined and clarified provisions for review/update of Reserve Areas every 10 years (instead of 5); Reserve Areas would remain the same unless municipality proposed a revision as part of review; deleted reference to potential role of “most populous municipality”.
- Removed requirement that Urban Services Report be ***adopted by ordinance*** (requiring public hearings) ; changed to ***approval*** as regular City Commission agenda item; clarified purpose is informational.
- Added procedure for potential annexation of any existing enclaves by interlocal agreement of City and County, similar to general law.
- Changed definition of “parties affected” to match general law - deleting reference to owner or resident in area which would be an enclave if annexed, or is an enclave as result of annexation.

Summary

- The Boundary Adjustment Act provides for intergovernmental coordination through establishment/update of Reserve Areas.
- Most provisions of BAA and General Law dealing with annexations are similar, including the responsibility and authority of municipalities in adopting annexations; the County has no authority with respect to approval of individual annexations.
- Since 2000, municipalities in Alachua County have annexed approximately 25,000 acres into their city limits.
- Specific issues with things such as start-up language, definitions, procedures relating to Urban Services Reports and annexation of enclaves could be addressed through amendments to the Boundary Adjustment Act (Gainesville City Commission voted to support negotiation of amendments to remove excess administrative duties, while maintaining Reserve Areas).

Discussion and Questions