

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

ORDINANCE NO.: 2007- 24

AN ORDINANCE AMENDING THE HERNANDO COUNTY COMPREHENSIVE PLAN BY ADDING A PUBLIC SCHOOL FACILITIES ELEMENT; ADDING GOALS, OBJECTIVES AND POLICIES RELATING TO PUBLIC SCHOOL FACILITIES AND SCHOOL CONCURRENCY; AMENDING THE FUTURE LAND USE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT RELATING TO PUBLIC SCHOOL FACILITIES AND SCHOOL CONCURRENCY; ADOPTING CPAM-07-08; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1985, the Florida Legislature adopted the Local Government Comprehensive Planning and Land Development Regulation Act as set forth in §§ 163.3161 through 163.3215 Florida Statutes (the "Act"); and,

WHEREAS, on June 7, 1989, the Board of County Commissioners adopted Ordinance 89-9 which adopted the Hernando County Comprehensive Plan, as such Plan or portions thereof have been subsequently amended ("Comprehensive Plan"); and,

WHEREAS, the Hernando County Board of County Commissioners ("BOCC"), following a public hearing, approved amending the Future Land Use Element, amending the Intergovernmental Element, amending the Capital Improvements Element, and creating the Public School Facilities Element, of the County's adopted Comprehensive Plan relating to goals, objectives and policies necessary to implement school concurrency (a complete copy of the amendment is collectively attached as **Exhibit "A"** hereto and made a part hereof) and referred to as CPAM-07-08; and,

WHEREAS, the County subsequently transmitted CPAM-07-08 to the Florida Department of Community Affairs ("DCA") for review pursuant to the Act and was assigned DCA No.07-2; and,

WHEREAS, the DCA reviewed CPAM-07-08 and, thereafter, issued its Objections, Recommendations and Comments (ORC) Report concerning same; and,

WHEREAS, the County responded to and addressed the Objections, Recommendations and Comments (ORC) Report for DCA No. 07-2; and,

WHEREAS, CPAM-07-08 is now ready for final adoption by the BOCC; and,

WHEREAS, the BOCC conducted a second public hearing on December 12, 2007 in connection with final adoption of the CPAM-07-08 as an amendment to the County's adopted Comprehensive Plan.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

1 **SECTION 1. Adopting CPAM-07-08 (DCA No. 07-2).** CPAM-07-08 (DCA No. 07-2),
2 collectively attached as **Exhibit "A"** hereto, is hereby approved and adopted and the Hernando
3 County Comprehensive Plan is amended accordingly subject to Section 6 below.
4

5 **SECTION 2. Execution.** The Chairperson of the Hernando County Board of County
6 Commissioners is hereby authorized to execute this ordinance.
7

8 **SECTION 3. Transmittal to Florida Department of Community Affairs.** County staff
9 shall transmit an executed copy of this ordinance to the Florida Department of Community Affairs
10 within ten (10) working days of adoption hereof.
11

12 **SECTION 4. Publication.** This ordinance shall be published in accordance with law.
13

14 **SECTION 5. Severability.** It is declared to be the intent of the Board of County
15 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
16 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
17 validity of the remaining portions of this ordinance.
18

19 **SECTION 6. Effective date.** This Ordinance shall take effect upon filing with the Florida
20 Secretary of State; however, the adopted amendment CPAM-07-08 shall take effect, and be
21 considered amendments to the Hernando County Comprehensive Plan, upon DCA issuing a final
22 order finding same to be in compliance pursuant to § 163.3189(2), Florida Statutes.
23

24 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
25 **HERNANDO COUNTY** in Regular Session this 12th day of December, 2007.
26



27
28
29
30
31 Attest: *Karen Nicolai*
32 KAREN NICOLAI
33 CLERK
34
35

36 **BOARD OF COUNTY COMMISSIONERS**
37 **HERNANDO COUNTY, FLORIDA**
38
39 By: *Jeff Stabins*
40 JEFF STABINS
41 CHAIRMAN
42
43

36 **Approved as to Form and**
37 **Legal Sufficiency**

38
39 By: *Geoffrey T. Kirk* 12/4/07
40 Geoffrey T. Kirk
41 Assistant County Attorney
42
43

CPAM 07-08

EXHIBIT A

AVAILABILITY OF FACILITIES AND SERVICES CONCURRENT WITH IMPACTS OF DEVELOPMENT

OBJECTIVE 1.04C: LAND DEVELOPMENT SHALL NOT BE PERMITTED UNLESS THE NECESSARY FACILITIES AND SERVICES TO MAINTAIN PUBLIC HEALTH, SAFETY AND GENERAL WELFARE ARE EITHER EXISTING OR ENSURED.

POLICY 1.04C(1): Facilities and services shall be available to provide the adopted levels of service concurrent with development including roadways, potable water, sewage treatment, drainage, solid waste disposal and parks.

POLICY 1.04C(2): A level of service standard shall be adopted for facilities and services which includes schools, libraries, public buildings, police protection, and fire protection. These standards shall be used for the purpose of implementing impact fees and for the issuance of development orders and are as follows:

Fire Protection

To maintain or exceed an ISO (Insurance Service Office) rating of Class 5 for Spring Hill Fire and Rescue, Class 6 for Brooksville (Township 22) Fire Department, Class 5/9 for Hernando County Fire District, and Class 5/9 for Hernando Beach Municipal Fire Service Unit.

Law Enforcement

To maintain a ratio of a minimum of 1.32 sworn officers per 1,000 permanent residents (unincorporated population) with accompanying equipment and facilities.

Public Buildings

To maintain the provision of public buildings at a minimum of 1,500 square feet per 1,000 (peak) population.

Public Libraries

Maintain a book collection equal to at least 1.5 items per capita.

Educational Facilities

~~To adopt a level of service of one permanent student station, including all ancillary facilities for each public school student. The level of service standard for educational facilities are set forth in the Public School Facilities Element (Chapter 15) of this Comprehensive Plan.~~

- POLICY 1.04C(3):** Levels of service, standards and criteria for facilities and services shall be established within this Comprehensive Plan or shall be those standards which were adopted for the purposes of establishing impact fees within duly enacted ordinances prior to the adoption of this Comprehensive Plan.
- POLICY 1.04C(4):** Land development which requires potable water shall not be permitted outside those areas planned to receive potable water service in accordance with the ten year water supply planning conducted under Objective 4.11G of the Potable Water Element.
- POLICY 1.04C(5):** Land development which requires sanitary sewer shall not be permitted outside those areas planned to receive sanitary sewer service in accordance with wastewater service planning conducted under Objective 4.01A of the Sanitary Sewer Element.
- POLICY 1.04C(6):** Land development which impacts public educational facilities shall not be permitted if school concurrency cannot be achieved as provided for in Goal 11.01 and Objectives and Policies thereunder.

COORDINATION PROCESS WITH THE HERNANDO SCHOOL SYSTEM

OBJECTIVE 8.01E: **HERNANDO COUNTY SHALL MAINTAIN FORMAL COORDINATION MECHANISMS WITH THE HERNANDO COUNTY SCHOOL BOARD AND PASCO-HERNANDO COMMUNITY COLLEGE.**

POLICY 8.01E(1): Maintain staff to staff communication to facilitate direct contact among the school system, Pasco-Hernando Community College, and the County

~~**POLICY 8.01E(2):** Establish a coordination process which allows for the planning and utilization of shared facilities, including recreation facilities, auditorium, and multi-purpose buildings.~~

~~**POLICY 8.01E(3):** Potential school sites identified by the Hernando County School Board and contained in the future land use map shall be considered for protection during the development review process, including the use of buffers and other methods to reduce the effects of incompatible land uses.~~

~~**POLICY 8.01E(4):** The County shall coordinate with the school system during the review of developments of regional impact to obtain the dedication of sites for school purposes.~~

~~**POLICY 8.01E(5):** The County shall coordinate the Comprehensive Plan with the long range plans of the County School Board and pursue an interlocal agreement with the School Board to provide for future school siting and cooperation in planning efforts. Through the interlocal agreement, the data provided by Hernando County to the Hernando County School Board shall include population projections, roadway improvements and any requested data within the County's ability to provide.~~

~~**POLICY 8.01E(6):** The Joint Planning Committee would coordinate development and review of school projections, create and maintain an inventory of possible future school sites; review relevant sections of the Comprehensive Plan, and review major revenue programs. This Committee would report to both boards on a regular basis summarizing, at a minimum, development regulations and long range~~

~~planning issues, and making appropriate recommendations for actions.~~

POLICY 8.01E(2): A joint committee consisting of staff from the County, the City of Brooksville and the School Board shall meet at least quarterly to set direction, formulate recommendations, discuss issues regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, ancillary infrastructure improvements needed to support schools and ensure safe student access, and any of the matters listed in Policy 8.01E(3). School Board staff or designee, in conjunction with the County Planning Director or designee, shall be responsible for making meeting arrangements and providing notification. The School Board will be responsible for publishing notice to the general public.

POLICY 8.01E(3): The Hernando County Commission, the Brooksville City Council, and the School Board shall meet at least annually in joint workshop sessions. The annual joint workshop will provide an opportunity for the representatives to hear reports, discuss policy and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, population and student growth, development trends, school needs, off-site improvements, joint use opportunities, existing and planned school facilities, school capacities, school concurrency areas, levels of service standards and school concurrency. The Superintendent of Schools or designee, in conjunction with the County Planning Director or designee, shall be responsible for making arrangements and providing notification. The School Board will be responsible for publishing notice to the general public.

POLICY 8.01E(4): The County shall coordinate and share information with the School Board as follows:

- (a) Annually, the County shall provide the School Board with a report on growth and development trends within the unincorporated areas of the county. This report will be in tabular, graphic, and

textual format as appropriate and will include the following information, without limitation:

- i. the type, number, and location of residential units which have received zoning approval or site plan approval;
- ii. information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
- iii. an inventory of potential dwelling units that have received final plat or site development plan approval but have not yet received certificate of occupancy approval and a projection of the amount of the number of these units that are anticipated to receive certificate of occupancy approval within three years;
- iv. the identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.
- v. information regarding future land use map amendments which may have an impact on school facilities;
- vii. building permits issued for the preceding year and their general geographic location; and,
- viii. updated population projections apportioned geographically.

(b) When considering the development of, or redevelopment of an area (e.g., neighborhood planning, enterprise zones, community redevelopment areas (CRAs)), the County will notify the School Board. The County will provide the School Board with a copy of draft plans and any

plans completed that are currently in the approval, funding and/or implementation stage of the plan.

- (c) The County will inform the School Board in advance of approval of plans for residential development and redevelopment, re-zoning or comprehensive plan amendment that changes residential densities, and major infrastructure projects that may impact student enrollment, enrollment projections, or school facilities. Such notification should be at least ten (10) days prior to the County considering or taking action on the item and, where appropriate, should include the proposed site plan that indicates the location, size, number and type(s) of units (number of bedrooms), any deed restrictions that may impact student populations, and other pertinent information as may be available.

- (d) The County shall provide the School Board their most recent population projections as such projections are revised or updated. At a minimum, the most current projections will be provided to the School Board staff prior to the annual meeting described in Policy 8.01E(3).

POLICY 8.01E(5): The County will appoint a School Board representative, designated and approved by the School Board, to serve as a nonvoting member on the County's Planning and Zoning Commission. The School Board representative will be noticed, provided an agenda, and invited to attend and/or provide comments to the County.

POLICY 8.01E(6): The County will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to their adopted comprehensive plan's schedule of capital improvements and when planning new, or renovating existing, community facilities.

POLICY 8.01E(7): A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

GOAL 9.01

HERNANDO COUNTY SHALL UNDERTAKE ACTIONS NECESSARY TO ADEQUATELY PROVIDE NEEDED PUBLIC FACILITIES TO ALL RESIDENTS WITHIN ITS JURISDICTION IN A MANNER WHICH PROTECTS PUBLIC AND PRIVATE INVESTMENTS IN EXISTING FACILITIES, MAXIMIZES THE USE AND VALUE OF EXISTING FACILITIES, AND DISCOURAGES URBAN SPRAWL.

DEVELOPMENT OF 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

OBJECTIVE 9.01A: CAPITAL IMPROVEMENTS WILL BE PROVIDED TO CORRECT EXISTING DEFICIENCIES, TO ACCOMMODATE ANTICIPATED FUTURE GROWTH, AND TO REPLACE WORN-OUT OR OBSOLETE FACILITIES, AS INDICATED IN THE 5-YEAR SCHEDULE OF IMPROVEMENTS OF THIS ELEMENT. THOSE IMPROVEMENTS IDENTIFIED AS DEFICIENCIES WILL BE FINANCED OUT OF THE APPROPRIATE FUND, NOT TO INCLUDE IMPACT FEES.

POLICY 9.01A(1): Hernando County shall include all projects identified in the individual elements of this plan within a Capital Improvement Plan covering at least a 5-year period. This Capital Improvement Program shall be the basis for annual capital budgets.

POLICY 9.01A(2): Hernando County shall, as a matter of priority, schedule and fund all capital improvement projects identified as deficiencies in the 5-Year Schedule of Improvements out of the appropriate funds, not to include impact fees.

POLICY 9.01A(3): Hernando County shall annually review and update the 5-Year Schedule of Improvements (see Table II-A.1 in Comprehensive Plan, Section B - Capital Improvements Implementation) and shall use this schedule as the basis for the Capital Improvement Program, annual capital budgets, and reviewing proposed plan revisions or amendments.

POLICY 9.01A(4): Hernando County shall not schedule capital improvement projects that will cause estimated annual capital expenditures to exceed conservative estimates of revenue.

In addition, Hernando County shall neither schedule projects nor accept facilities for which there are insufficient annual operating or maintenance monies.

POLICY 9.01A(5): Selection of projects for inclusion in the 5-Year Schedule of Improvements and the Capital Improvement Program shall be according to the following priorities:

- a. The project is needed to protect public health and safety, or to fulfill the County's legal commitment to provide facilities and services.
- b. The project preserves or achieves full use of existing assets, thus maintaining or achieving adopted levels of service.
- c. The project corrects an existing service level deficiency.
- d. The project significantly reduces the cost of providing a new or existing service.
- e. The project corrects service level deficiencies resulting from new growth:
 1. First priority under this criterion shall be for projects that provide service to developed areas lacking full service, or to promote in-fill development;
 2. Second priority under this criterion shall be for projects that are part of a planned comprehensive expansion of facilities and services to serve projected growth areas.
- f. The project results in an increase in level of service or represents a new service.

POLICY 9.01A(6): Selection of projects for inclusion in the 5-Year Schedule of Improvements shall be evaluated against the facility plans of the Water Management District and other State agencies. Evaluation of projects shall include consideration

of their effect on the relevant agency or district plans and they shall be ranked according to the following priorities:

- a. The project is required by agency or district plans;
- b. The project complies with, but is not required by, agency or district plans;
- c. The project is not relevant to agency or district plans.

POLICY 9.01A(7): Selection of projects for inclusion in the 5-Year Schedule of Improvements shall also be evaluated according to project consistency with the individual elements of the Hernando County Comprehensive Plan and ranked according to the following priorities:

- a. The project is required by the Comprehensive Plan;
- b. The project complies with, but is not required by, the Comprehensive Plan;
- c. The project is not relevant to the Comprehensive Plan.

POLICY 9.01A(8): The level of service 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 the adopted level of service standards are adequately planned. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

POLICY 9.01A(9): The current Hernando County School Board Five-Year Work Plan shall be adopted by reference and become a part of the Capital Improvements Element of the Hernando County Comprehensive Plan. This will include the annual

update of the School Board Five-Year Work Plan to add a new fifth year to the document.

PUBLIC EXPENDITURES IN FLOODPLAINS, FLOOD PRONE AREAS, AND THE COASTAL HIGH HAZARD AREAS

OBJECTIVE 9.01B: PUBLIC EXPENDITURES SHALL NOT SUBSIDIZE OR OTHERWISE ENCOURAGE DEVELOPMENT IN FLOODPLAINS, FLOOD PRONE AREAS, OR COASTAL HIGH HAZARD AREAS, EXCEPT FOR THOSE IMPROVEMENTS INCLUDED IN THE COASTAL MANAGEMENT ELEMENT.

POLICY 9.01B(1): Hernando County may expend funds in floodplains, flood prone areas, and coastal high hazard areas for the replacement and renewal of existing public facilities in such areas. Funds shall not be expended to increase capital facility or infrastructure capacity unless necessary to maintain level of service for existing vested development , or to remedy an environmental issue directly attributable to existing vested development.

ADEQUATE CAPITAL FACILITIES TO MAINTAIN LEVEL OF SERVICE STANDARDS

OBJECTIVE 9.01C: FUTURE DEVELOPMENT WILL NOT BE PERMITTED BY HERNANDO COUNTY UNLESS ADEQUATE CAPITAL FACILITIES EXIST OR ARE ASSURED IN ORDER TO MAINTAIN LEVEL OF SERVICE STANDARDS AS MANDATED BY OTHER ELEMENTS OF THE PLAN.

POLICY 9.01C(1): Future development shall bear a proportionate share of the cost of providing the new or expanded capital facilities required to accommodate new development.

POLICY 9.01C(2): The imposition of impact fees and dedication requirements are two of the preferred methods of regulating land development in order to ensure that future development bears a proportionate share of the costs of capital facilities necessary to accommodate future development at adopted levels of service.

POLICY 9.01C(3): Hernando County shall regularly review its adopted impact fees to ensure that future development bears its proportionate share of capital facilities costs.

POLICY 9.01C(4): Upon the identification of capital projects for the Solid Waste and Drainage Elements, Hernando County shall consider a variety of financing mechanisms to ensure that the capital facilities necessary to accommodate new development at adopted levels of service are available.

MANAGEMENT OF FISCAL RESOURCES

OBJECTIVE 9.01D: **HERNANDO COUNTY WILL MANAGE ITS FISCAL RESOURCES TO ENSURE THE TIMELY PROVISION OF NEEDED CAPITAL IMPROVEMENTS FOR PREVIOUSLY ISSUED DEVELOPMENT ORDERS AND FOR FUTURE DEVELOPMENT AND REDEVELOPMENT.**

POLICY 9.01D(1): Prior to the issuance of building permits, Hernando County shall ensure the provision of all public facilities needed to service the development requesting the permits.

POLICY 9.01D(2): Hernando County shall provide for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of this Comprehensive Plan.

POLICY 9.01D(3): Hernando County shall develop and adopt a Capital Improvement Program, covering at least a 5-year period, and an annual capital budget that implements the Capital Improvement Program and that is consistent with this Capital Improvements Element.

POLICY 9.01D(4): Hernando County shall undertake all reasonable efforts to secure grants or private funds wherever available to finance the provision of capital improvements.

POLICY 9.01D(5): Hernando County shall limit the maximum ratio of outstanding general obligation indebtedness to no more than 15% of the property tax base and limit the annual debt payment for all revenue bonds to that which can be reasonably supported by the stream of revenue.

POLICY 9.01D(6): Where possible, Hernando County will use self-supporting revenue, special assessments, or other self-supporting bonds, instead of general obligation bonds, to finance capital projects. When Hernando County finances projects through the issuance of bonds, it will pay back the bonds within a period not to exceed the estimated useful life of the facility.

POLICY 9.01D(7): Hernando County should develop a formalized maintenance program for paved local streets.

ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS

OBJECTIVE 9.01E: **DECISIONS REGARDING THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS WILL BE BASED UPON COORDINATION OF THE DEVELOPMENT REQUIREMENTS INCLUDED IN THIS PLAN, THE LAND DEVELOPMENT REGULATIONS, AND THE AVAILABILITY OF NECESSARY PUBLIC FACILITIES NEEDED TO SUPPORT SUCH DEVELOPMENT AT THE TIME NEEDED.**

POLICY 9.01E(1): For purposes of public facility planning, the County shall use the following Level of Service Standards in reviewing impacts of new development and redevelopment upon public facilities:

- a. **ROADS.** For County maintained roadways within the area bordered by U.S. 19 on the west, SR 50 on the north, U.S. 41 on the east and the County line on the south, the level-of-service standard shall be "D" urban for peak-hour traffic volume. For all other County maintained roadways, the level-of-service standard shall be "D" rural, for peak-hour traffic volume. The 1995 FDOT generalized LOS, tables or other methodologies approved by FDOT shall be used in the determination of service levels.
- b. **PARKS.** The level of service standard for parks is 4.00 acres of parks, recreation areas and open spaces per 1,000 population. This standard shall be further subdivided into two categories: 2.00 acres

per 1,000 population shall be the standard for user-oriented park facilities; 2.00 acres per 1,000 shall be utilized for open space.

- c. **POTABLE WATER.** This standard relates only to those units provided potable water service. The standard for service is 350 gallons per equivalent residential unit per day.
- d. **WASTE WATER.** This standard relates only to those units provided waste water service. The standard for service is 280 gallons per equivalent residential unit per day.
- e. **SOLID WASTE.** The standard for solid waste disposal shall be 4.75 pounds of solid waste per person per day.
- f. **DRAINAGE.** Until standards are developed based upon a county-wide drainage plan, the interim level of service standard shall be: post development runoff shall be no greater than pre-development runoff based on 25-year frequency, 24-hour duration; Rainfall Intensity curve-zone 8, Florida Department of Transportation (DOT) Drainage Manual, 1979.
- g. **AVIATION.** The standard for aviation is the adequacy of the physical facilities to safely accommodate the projected levels of future air traffic.
- h. **PUBLIC SCHOOLS.** The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH") as follows:
 - (a) Elementary: 100% of permanent FISH Capacity based on the Core Facilities of the particular elementary school.
 - (b) Middle: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle school.

- (c) High: 100% of permanent FISH Capacity based on the Core Facilities of the particular high school.
- (d) K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH].

POLICY 9.01E(2): Hernando County shall maintain an adequate facilities ordinance and a Concurrency Management Program to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available to serve the development requesting the order or permit.

POLICY 9.01E(3): Proposed plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines as to whether the proposed action would:

- a. Conform with future land uses as shown on the future land use map of the Future Land Use Element, and conform to the public health and safety provisions as described in the Potable Water and Sanitary Sewer, Solid Waste, Drainage, Elements of the Comprehensive Plan;
- b. Generate public facility demands that will be met by capacity increases planned and set out in the 5-Year Schedule of Improvements;
- c. Exacerbate any existing or future capacity deficiencies as described in the Transportation, Potable Water and Sanitary Sewer, Solid Waste, Drainage, and Coastal Management Elements of the Comprehensive Plan;
- d. Contribute to a condition of public hazard as described in the Transportation, Potable Water and Sanitary Sewer, Solid Waste, Drainage, and Coastal Management Elements of the Comprehensive Plan;

- e. Decrease the economic feasibility of the Comprehensive Plan;
- f. Alter or otherwise diminish the level of service below the adopted levels of service; and
- g. Adversely affect plans and programs of state agencies, water management districts, the City of Brooksville, the City of Weeki Wachee or plans of neighboring counties.

POLICY 9.01E(4): Prior to the issuance of development orders, the County shall determine whether capacity is available in the following public facilities to serve the development: potable water, sanitary sewer, solid waste disposal, parks, drainage, and roads, and public schools.

POLICY 9.01E(5): For the purposes of the issuance of adequate public facility determinations, development orders include zoning permits, building permits, DRI development orders, conditional plats, construction drawing approval, and final plats.

POLICY 9.01E(6): Development orders specified in Policy 9.01E(5) shall not be issued unless a determination has been made that the impacts from the development will not degrade the associated public facilities outlined in Policy 9.01E(4).

POLICY 9.01E(7): The County shall establish specific standards, based on the adopted level of service standards in the comprehensive plan, which outline the method by which an adequate facility determination is made.

POLICY 9.01E(8): An annual report shall be prepared to provide a status on the remaining capacity of public facilities covered by the Concurrency Management Program. The report will be used in the preparation of the County's annual update to the five-year Capital Improvement Plan.

GOAL 11.01**TO PROVIDE FOR FUTURE AVAILABILITY OF PUBLIC SCHOOL FACILITIES IN A MANNER CONSISTENT WITH THE ADOPTED LEVEL OF SERVICE STANDARD.****LEVEL OF SERVICE STANDARDS FOR PUBLIC SCHOOL CAPACITY****OBJECTIVE 11.01A: ESTABLISH LEVEL OF SERVICE GUIDELINES FOR PUBLIC SCHOOL CAPACITY.**

POLICY 11.01A(1): The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH") as follows:

- (a) Elementary: 100% of permanent FISH Capacity based on the Core Facilities of the particular elementary school.
- (b) Middle: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle school.
- (c) High: 100% of permanent FISH Capacity based on the Core Facilities of the particular high school.
- (d) K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH].
- (e) Magnet schools will maintain the level of service standard for the type of school for which it is constructed whether an elementary, middle, high, or K-8.

POLICY 11.01A(2): For the purposes of the level of service standard for public school capacity, FISH capacity shall refer to the Florida Inventory of School Houses (FISH) report of permanent capacity of existing public school facilities. The FISH Capacity is the number of students that may be housed in a

facility (school) at any given time based upon a percentage by school type (i.e. elementary, middle, high and K-8) of the total number of existing student stations and a designated size for each program. In Hernando County, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to s. 1013.20, Florida Statutes.

POLICY 11.01A(3):

The adopted level of service standard shall become applicable to Hernando County no later than the beginning of the 2008-2009 school year in conjunction with the adoption of the Public School Facilities Element, and the land development regulations shall be amended to include the level of service standards.

POLICY 11.01A(4):

The issuance of development orders for new residential units shall be predicated on the availability of school capacity.

POLICY 11.01A(5):

Where capacity will not be available to serve students from the property seeking a land use or zoning change or other development approval, based on an Available Capacity Review as required in the Adequate Public Facilities Ordinance, then the County may use the lack of school capacity as a basis for denial.

POLICY 11.01A(6):

The level of service 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 the adopted level of service standards are adequately planned. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

CONCURRENCY SERVICE AREAS

OBJECTIVE 11.01B: **ESTABLISH SCHOOL CONCURRENCY SERVICE AREAS TO BE USED TO DETERMINE THE AVAILABILITY OF PUBLIC SCHOOL CAPACITY TO SERVE NEW RESIDENTIAL DEVELOPMENT.**

POLICY 11.01B(1): Concurrency service areas (CSA) shall be established to determine 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 CSA's if capacity is not available in the primary CSA.

POLICY 11.01B(2): Concurrency Service Areas will be based upon the attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology.

POLICY 11.01B(3): CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards, and taking into account policies to:

- (a) minimize transportation costs;
- (b) limit maximum student travel times;
- (c) effect desegregation plans;
- (d) achieve socio-economic, racial and cultural diversity objectives;
- (e) recognize capacity commitments resulting from the development approvals for the CSA; and,
- (f) recognize capacity commitments resulting from development approvals for contiguous CSAs.

- POLICY 11.01B(4):** All CSAs will be described geographically and appropriately mapped.
- POLICY 11.01B(5):** Future amendments to the CSA's may be made by the School Board in accordance with the criteria in Policy 11.01B(3) and only after review and comment by the County and the City, respectively.
- POLICY 11.01B(6):** Upon adoption of CSAs by the School Board, said CSAs and supporting maps will be incorporated as amendments to the adopted comprehensive plans of the County and the City, respectively, in accordance with the Growth Management Act (see 163.3180(13)(g)(5), Florida Statutes; Rule 9J-5.003, Florida Administrative Code).

LAND USE AND SCHOOL FACILITY COORDINATION
--

OBJECTIVE 11.01C: **ENSURE THAT COMPREHENSIVE PLAN AMEMDMENTS AND OTHER LAND USE DECISIONS ARE SIMULTANEOUSLY EVALUATED WITH SCHOOL CAPACITY AVAILABILITY WITHIN THE PRIMARY CSA AND THOSE CSA'S WHICH ARE CONTIGUOUS.**

- POLICY 11.01C(1):** The County shall consider Hernando County School Board comments on the availability of adequate school capacity when considering the decision to approve comprehensive plan amendments and other land use decisions as provided for in 163.3177(6)(a) F.S.
- POLICY 11.01C(2):** Hernando 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 acquired by the School Board, provided such location of the development is consistent with the Hernando County Comprehensive Plan.
- POLICY 11.01C(3):** 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.

POLICY 11.01C(4):

The School Board shall review potential new subdivision conditional plats and residential site plans for 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.

POLICY 11.01C(5):

During the process of land use decision making, the County will ensure the compatibility of proposed land uses in the vicinity of either existing or planned public schools, and protect existing and planned schools from incompatible uses.

SCHOOL FACILITY SITING

OBJECTIVE 11.01D:

ENSURE THAT THE PLANNING AND CONSTRUCTION OF EDUCATIONAL FACILITIES ARE COORDINATED WITH REGARD TO TIMING, LOCATION, COMPATIBILITY, AND THE AVAILABILITY OF REQUIRED INFRASTRUCTURE.

POLICY 11.01D(1):

The following issues will be considered by the School Board when evaluating potential new school sites or significant renovations of existing schools:

- (a) Site acquisition and development cost.
- (b) Compatibility of the school site with present and projected uses of adjacent properties.
- (c) Adequate public facilities and services to support the proposed school are available, or will be available.

concurrent with the impacts of the school.

- (d) Safe access to and from the school site by pedestrians and vehicles.
- (e) The proposed location is not within a velocity flood zone (V-zone), floodway, or the Coastal High Hazard Area (CHHA) as delineated in the adopted comprehensive plan of the County.
- (f) The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- (g) The proposed site is well drained and soils are suitable for development, or are adaptable for development for educational purposes with identified drainage improvements.
- (h) The proposed location is not immediately adjacent to water treatment plants or wastewater treatment plants.
- (i) There are no significant environmental constraints that would preclude development of a public school on the site.
- (j) The proposed location lies outside the area regulated by s. 333.03, *Florida Statutes*, regarding the construction of public educational facilities in the vicinity or flight path of the Hernando County Airport.
- (k) There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- (l) The proposed site can accommodate the required parking, circulation, and adequate queuing of vehicles

onsite.

- (m) Whenever possible and where appropriate, existing schools will be expanded, renovated, or revitalized to support community redevelopment, in-fill development, and revitalization.
- (n) The location of schools, where possible, should be proximate to and within walking distance of the residential neighborhoods served.
- (o) The location and design of a proposed school in an area designated as "Rural" on the Future Land Use Map ("FLUM") of the County should predominately accommodate the student population living within said Rural area. Furthermore, in locating any school in a Rural area, the School Board will consider the following criteria:
 - i. The School Board has demonstrated a need for a school in the proposed Rural area.
 - ii. The School Board has made good faith effort to locate a suitable site within the currently developed urban areas of the County.
 - iii. The proposed site meets the other infrastructure and service needs contained in the Interlocal Agreement, dated August 7, 2006, or as subsequently amended.
 - iv. Placement of a school within said Rural area provides the most cost effective alternative to meet the demonstrated need considering direct acquisition, infrastructure and site delivery costs(s) to local government(s) and other public infrastructure/service providers.
 - v. The proposed school site is otherwise

consistent with the adopted comprehensive plan of the County.

- POLICY 11.01D(2):** The School Board Staff will meet with and review potential school sites with planning staff of the County. The recommendations and comments from these meetings will be submitted to the School Board. The School Board will take the respective recommendations into consideration.
- POLICY 11.01D(3):** The County shall advise the School Board as to the consistency of the proposed new site with their adopted comprehensive plan, including the appropriate processes under which the School Board may request an amendment to the comprehensive plan for school siting. The consistency determination with the comprehensive plan is made through the development review process.
- POLICY 11.01D(4):** Within the County (unincorporated), schools are allowed as part of a “public service facility overlay district” within all zoning districts or as a special exception in certain zoning districts. The same procedures that apply to a standard re-zoning application also apply to designating an area a public service facility overlay district (see Appendix A to the County’s Code of Ordinances).
- POLICY 11.01D(5):** The decision of the Board of County Commissioners shall be the final local government action of any comprehensive plan amendment or re-zoning decision.
- POLICY 11.01D(6):** Where an identified school site requires re-zoning to accommodate a proposed school, the School Board shall provide written notice to all neighboring property owners of record as follows:
- (a) Proposed sites located within a “Rural” classification on the Future Land Use Map, all property owners of record within a 500' radius of the site shall receive written notification of the proposed re-zoning request.

- (b) Proposed sites located in any other land use classification, all property owners of record within a 250' radius of the site shall receive written notification of the proposed re-zoning request.

POLICY 11.01D(7):

The submittal, processing and review of any proposed site design or development plan shall be filed with the Planning Department of the County and shall include at a minimum, the following:

- (a) Location, size, height, and use of all proposed structures;
- (b) Proposed or existing location of fire hydrants and distance to structures;
- (c) Location and method of buffering from adjacent residential zoning districts;
- (d) Location and method of storm water retention;
- (e) Location, size and total amount of recreation areas;
- (f) Location and dimensions of proposed parking and service areas; and,
- (g) Proposed means of vehicular and pedestrian access from site to adjacent streets and or alleys.

POLICY 11.01D(8):

The review and processing of any site design or development plan submitted by the School Board shall be in accordance with the adopted comprehensive plan of the County and all applicable land development regulations (noting that the School Board is exempt from certain regulations).

POLICY 11.01D(9):

The School Board and County shall cooperate in determining the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation or expansion of an exiting school.

POLICY 11.01D(10):

In conjunction with the School Board’s approval of a new school site, the School Board and County will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

COLLOCATION OF FACILITIES

OBJECTIVE 11.01E:

COORDINATE LOCATION OF PUBLIC SCHOOL FACILITIES RELATIVE TO THE LOCATION OF OTHER PUBLIC FACILITIES SUCH AS PARKS, LIBRARIES AND COMMUNITY CENTERS TO THE EXTENT POSSIBLE.

POLICY 11.01E(1):

The County will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to the adopted comprehensive plan’s schedule of capital improvements and when planning new, or renovating existing community facilities.

POLICY 11.01E(2):

A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

POLICY 11.01E(3):

Meeting the intent of Objective 11.01E to locate public school facilities in conjunction with other public facilities such as parks, libraries, and community centers, the County will promote public schools as focal points of the community.

GOAL 11.02

TO ESTABLISH A PROCESS FOR THE IMPLEMENTATION OF SCHOOL CONCURRENCY THROUGH CAPACITY DETERMINATION STANDARDS, CONCURRENCY DETERMINATION PROCESS, AND PROPORTIONATE SHARE MITIGATION.

CAPACITY DETERMINATION STANDARDS

OBJECTIVE 11.02A: **THE COUNTY SHALL COOPERATE WITH THE SCHOOL BOARD IN THE IMPLEMENTATION OF CAPACITY DETERMINATION STANDARDS.**

POLICY 11.02A(1): The School Board will determine whether adequate school capacity exists for a proposed development, based on the Level of Service (LOS) standards, CSAs, and other standards as follows:

- (a) Calculate total school facilities by adding the capacity provided by existing school facilities except magnet/lottery schools to the capacity of any planned school facilities.

- (b) Calculate available school capacity by subtracting from the total school facilities the sum of:
 - i. used capacity;

 - ii. the portion of reserved capacity projected to be developed within three (3) years;

 - iii. the portion of previously approved development projected to be developed within three (3) years; and

 - iv. the demand on schools created by the proposed development.

POLICY 11.02A(2): In determining whether there is sufficient school capacity to accommodate a proposed development in a specific CSA, the School Board will:

- (a) Subject CSA. Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula in Policy 11.02A(1).

- (b) Contiguous CSA. If the projected student growth from a residential development causes the adopted LOS to

be exceeded in the subject CSA, a contiguous CSA will be reviewed for available capacity. In conducting the contiguous review, the School Board shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with School Board Policy and which may include, without limitation, appropriate boundary changes or shifting future student assignments).

POLICY 11.02A(3):

Except as provided in Policy 11.02A(4), school concurrency shall apply to all new residential development and uses that generate demands for public school facilities and are proposed or established after the effective date of the school concurrency ordinance (as adopted by the County). School concurrency shall not apply to non-residential uses such as commercial, industrial or mining.

POLICY 11.02A(4):

The following residential uses shall be considered exempt from the requirements of school concurrency.

- (a) Single family lots of record having received final plat approval (or otherwise deemed grand-fathered as a valid residential lot under the land development regulations of the County) prior to the effective date of the school concurrency ordinance (which applies to the given lot or lots).
- (b) Multi-family residential development having received final site plan approval prior to the effective date of the

applicable school concurrency ordinance.

- (c) Amendments to residential development approvals issued prior to the effective date of the adopted school concurrency ordinance, which do not increase the number of residential units or change the type of residential units proposed.

CONCURRENCY DETERMINATION PROCESS

OBJECTIVE 11.02B: THE COUNTY SHALL COOPERATE WITH THE SCHOOL BOARD IN THE IMPLEMENTATION OF THE CONCURRENCY DETERMINATION PROCESS.

POLICY 11.02B(1):

The school concurrency ordinance to be adopted by the County will include, among other things, application procedures and processes for evaluating school capacity and making concurrency determinations

Following the adoption of the school concurrency ordinance, the County will:

- (a) accept and process final plats and residential site plans, only after the applicant has complied with the terms of its school concurrency ordinance. The County may approve a school concurrency application earlier in the approval process, upon request by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this Element and the Growth Management Act.
- (b) upon receipt of a complete school concurrency application, timely transmit the application to the School Board for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth in this Element and the Interlocal Agreement between

Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time.

POLICY 11.02B(3):

Within thirty (30) days of receipt of the initial transmittal the County, the School Board will review the school concurrency application and, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the County:

- (a) whether adequate school capacity exists for each level of school, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the County; or
- (b) if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the County

POLICY 11.02B(4):

The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate students generated by the proposed development for each type of school within the affected CSA consistent with the adopted LOS standard and will take into consideration that:

- i. 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); or,

- ii. Adequate school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
- iii. 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) pursuant to this Interlocal Agreement and the adopted School Concurrency Ordinance.

POLICY 11.02B(5):

If the impact of the proposed development will not occur until years 2 or 3 of the School Board’s financially feasible work plan, 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 work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.

POLICY 11.02B(6):

If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described in Objective 11.02C and associated policies.

POLICY 11.02B(7):

The County will issue a School Concurrency Determination only upon:

- (a) the School Board’s written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of

final subdivision or site plan approval for each level of school without mitigation; or,

- (b) the execution of a legally binding mitigation agreement between the applicant, the School Board and the County/City pursuant to this Interlocal Agreement.

PROPORTIONATE SHARE MITIGATION

OBJECTIVE 11.02C: **THE COUNTY SHALL COORDINATE WITH THE SCHOOL BOARD TO ESTABLISH PROPORTIONATE SHARE MITIGATION ALTERNATIVES WHICH ARE FINANCIALLY FEASIBLE AND WILL ACHIEVE AND MAINTAIN THE ADOPTED LEVEL OF SERVICE STANDARDS CONSISTENT WITH THE ADOPTED CAPITAL IMPROVEMENTS PLAN.**

POLICY 11.02C(1): In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Interlocal Agreement otherwise would be exceeded, the following procedure shall be used.

- (a) The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to s. 163.3180(c), Florida Statutes, the adopted School Concurrency Ordinance, and this Element.
- (b) Acceptable forms of mitigation may include:
 - i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. The creation of mitigation banking based on the developer's construction and/or financing of a public school facility in exchange for the

right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by the school concurrency ordinance.

(c) The following standards apply to any mitigation accepted by the School Board:

- i. Relocatable classrooms will not be accepted as mitigation.
- ii. Mitigation shall be directed to projects on the School Board's financially feasible 5 year work plan 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 County, and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.
- iii. The Student Generation Formula used for calculating mitigation shall be as follows:

Number of Student Stations (by school type) = Number of Dwelling units (by housing type) x Student Generation Multiplier (by housing type and school type)*

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology]

iv. Cost per Student Station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the Cost per Student Station estimate used for mitigation.

v. The proportional mitigation share amount shall be calculated as follows:

**Proportionate Share Amount =
Number of Student Stations (by
school type) x Cost per Student
Station (by school type)****

[The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]**

vi. Finally, if the School Board agrees to the mitigation, the School Board must commit to adding the improvement required for mitigation to its work plan. Further, the development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration.

(d) In accordance with this Element, s. 163.3180(13)(e), Florida Statutes, and Rule 9J-5.025, Florida Administrative Code, the applicant's total

proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level:

- i. Multiply the number of new student stations required to serve the new development by the average cost per student station.
 - ii. The average cost per student station shall include school facility development costs and land costs.
 - iii. 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 (see s. 163.3180(13)(e)(2), Florida Statutes).
- (e) If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant, the School Board and the County which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Element. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/donation under said agreement.
- (f) If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing and the County will not issue a School Concurrency Determination for the proposed

development.

- (g) The School Board may grant up to two (2) ninety 90-day extensions to the mitigation negotiation period.
- (h) To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.