



Legislation Text

File #: 22-0562, **Version:** 1

Agenda Item Name:

Interlocal Agreement with City of Alachua Relating to 2018 Annexation Conflict Resolution Process (30-45 minutes)

Presenter:

Ben Chumley, Growth Management Department, (352) 374-5249

Description:

At the Board's request, staff will provide a presentation on the 2018 interlocal agreement with the City of Alachua resulting from the conflict resolution process on the City's annexation of the Rattlesnake Ranch property near the intersection of NW 43rd Street and NW 93rd Avenue.

Recommended Action:

Receive staff presentation.

Prior Board Motions:

June 14, 2022: The Board requested an update from staff regarding the Joint Planning Agreement situation (the 2018 agreement with the City of Alachua resulting from the conflict resolution process on the City's Rattlesnake Ranch annexation). The Board requested that Staff provide an update for the Board and clarity for the residents affected by the agreement.

Fiscal Consideration:

There is no fiscal impact to the County associated with this discussion.

Strategic Guide:

N/A

Background:

Staff has prepared the attached report which provides detailed background information on the 2018 conflict resolution process, as well as the content and effect of the resulting interlocal agreement with the City of Alachua. All property owners within the area that is covered by the agreement have been notified by mail that this Board discussion is taking place.

In 2018, the County initiated the governmental conflict resolution process under Chapter 164, F.S. with the City of Alachua regarding the City's annexation of the "Rattlesnake Ranch" property near the intersection of NW 43rd Street and NW 93rd Avenue, near US Highway 441. The County asserted that the annexation failed to meet certain annexation standards under Chapter 171, Florida Statutes because it resulted in the near full enclosure of an unincorporated area within the City of Alachua, which is prohibited by statute. The County and the City proceeded through the conflict resolution process in accordance with the requirements of Chapter 164, including

initiation of the process, participation in conflict assessment meetings attended by the Managers and staff of both parties, and the consideration and approval of an interlocal agreement by the respective governing boards in December of 2018 which settled and concluded the conflict resolution process.

The interlocal agreement (attached as backup to agenda item) outlines a general framework for how the County and City will coordinate on issues of future annexation, road maintenance responsibility, notification on land use and development matters, and future service delivery within the area around the Rattlesnake Ranch property. Key provisions of the agreement include:

- Transferred ownership and maintenance responsibility for NW 93rd Avenue and NW 59th Street from the County to the City.
- Special procedures to ensure that transportation system impacts associated with any new development are adequately evaluated and mitigated regardless of which jurisdiction the development is located.
- Requirement that each jurisdiction notify the other of any proposed comprehensive plan amendments, zoning changes, or development applications with adequate time built in to provide comments.
- Commitment for future coordination between the County and City on service delivery for solid waste, fire services, and law enforcement.
- Agreement that the County will not object to future City annexations within the area that is subject to the agreement on the basis of lack of contiguity or compactness or the creation enclaves (this does not preclude other parties from challenging an annexation in accordance with the appeal procedures in Chapter 171).

The approved agreement does not call for or require the annexation of any land into the City of Alachua. In accordance with Florida's annexation statutes in Chapter 171, land may only be annexed into a municipality by one of three methods: (1) landowner petition to the City (voluntary annexation); (2) affirmative vote of the registered electors of an area (referendum annexation); or (3) enclaves of 110 acres or less may be annexed by interlocal agreement between the municipality and the County. Under the voluntary or referendum methods, the landowner would be aware of the annexation because they submitted a petition or would be notified and have a vote on it. Annexation of enclaves by interlocal agreement is a seldom used method of annexation that, to staff's knowledge, has never been used in Alachua County.

Aside from the two road segments that were transferred to the City, the approved agreement does not transfer responsibility for the delivery of any other services from the County to the City. Language in the agreement does call for future coordination by the City and County on solid waste collection, fire services, law enforcement, and potable water/wastewater in order to ensure that these services continue to be provided to residents of this area in the most efficient and cost-effective manner.

The approved agreement is not a formal Joint Planning Agreement under Chapter 163, F.S. because it does not involve a joint exercise of land use planning powers or involve the transfer of land use planning authority from one government jurisdiction to the other. Formal Joint Planning Agreements under Section 163.3171 involve procedural requirements (e.g. requirement for public hearing) that are different than those for the conflict resolution process under Chapter 164. In accordance with Section 163.3171, F.S. and the Alachua County Charter, the County's Comprehensive Plan and land development regulations apply within the unincorporated portions of this area while the City of Alachua's Comprehensive Plan and land development regulations apply

within the incorporated portions of the area, including any lands that may be annexed in the future. Note, this area is not located within the County Growth Management Area per County Charter.