School Concurrency
"Planning For Our Future"

School Planning Workshop

February 13, 2009

"Planning For Our Future"

Panel

Kristin Garrison, AICP, PBC School District
Phone: 561.434.8935 Email: garrison@palmbeach.k12.fl.us

Marty Sanders, PE, SLC School District
Phone: 772.429.3640 Email: SandersM@stluice.k12.fl.us

J. Lise Bozeman, MC School District
Phone: 561.434.8935 Email: garrison@palmbeach.k12.fl.us

Susan Olson, IRC School District
Phone: 772.564.5076 Email: Susan.Olson@indian-river.k12.fl.us

“Planning for our Future”

Agenda

1. Introduction of Panel
2. School Concurrency
   - Interlocal Agreement
   - Public Schools Facilities Element (PSFE)
     - Level of Service
     - Financially Feasible
     - Concurrency Service Areas
3. Mitigation of Impacts
4. Participation in Land Use Decisions
5. Greatest Challenges
6. Demographic issues
7. Recap of Issues for Success
8. Question and Answer

What is Concurrency?

- “Concurrency” is defined as meaning that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

  (Florida Administrative Code Chapter 9J-5)

ILA—How the SB is Brought into Development Process

- The ILA confirms all parties' commitment to School Planning coordination & sharing information, including joint meetings of the City, County and School District.
- The ILA addresses important issues such as: school siting process, school capital & infrastructure planning, student enrollment & projections, county population projections, and growth & development trends.
- The ILA outlines how the School Board will be a formal part of the County's and City's development review process.

PSFE--How the Developers are Brought into the Process

- **School Capacity (Level of Service)**
- Concurrency Service Areas (CSA)
- Proportionate Fair Share Mitigation Options
- Provisions for Infrastructure
- School Siting & Planning
- Safe Routes to school

Level of Service

"Appropriate level of service standard" means school facilities adequate for the purpose of providing education for the projected enrollment that can be achieved and maintained throughout each year of the five-year planning period. [Chap.9J-5.025 FAC]

LOS Concepts

- LOS indicates the capacity per unit of demand for each public facility.
- LOS **must** be financially feasible.
- LOS can be defined by school type, but not by an individual school site.

LOS Concepts

- All 5 Counties, LOS uses permanent FISH but does not include portables/ relocatables.
- St. Lucie plan for program capacity to be developed.
- Some program adjustments were added for example; Title I in the LOS formula.

Sample LOS

- Percentage of F.I.S.H. capacity utilized
  (Enrollment divided by Capacity)
- Must be consistent County-Wide

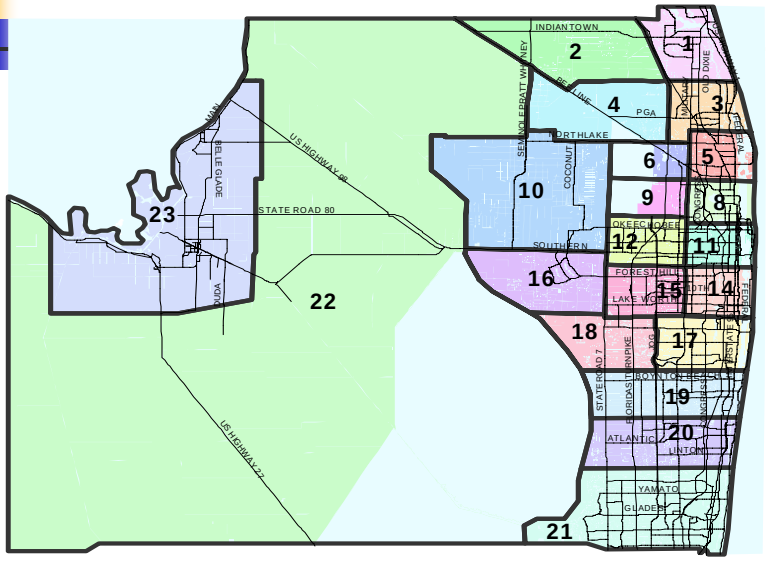
CSA Concepts

- Designed CSA boundaries to follow census tracks and School/ County Planning Areas.
- Conforms to the County Urban Service Boundary
- Addresses natural or man- made impediments such as water, bridges, Interstate & turnpike.
- Takes into account transportation issues

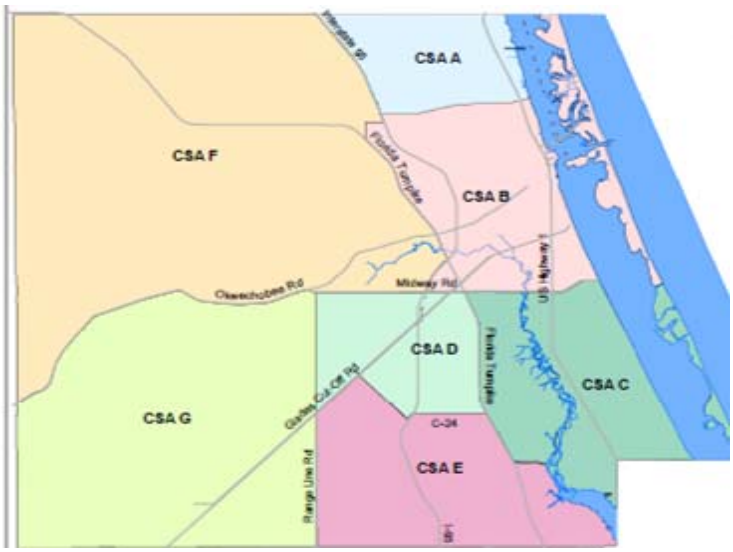
Concurrency Service Area Concepts

- Most counties did not consider a district-wide CSA.
- CSA are driven primarily by geographic areas' transportation issues.
- Some Florida districts are using school attendance zones, school planning zones
- There is some discussion at the State level regarding the elimination of "ghost CSA" or no-school CSA.
- Need to Balance Capacities to adopt highest LOS

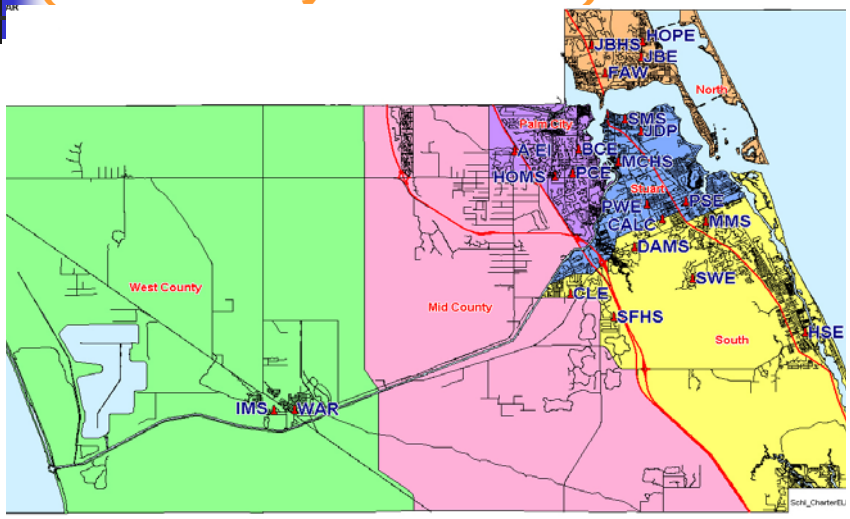
PBC CONCURRENCY SERVICE AREA MAP
(21 Concurrency Service Areas)



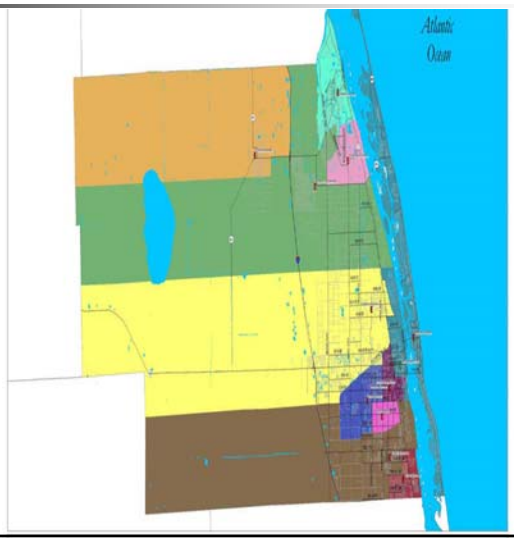
SLC CONCURRENCY SERVICE AREA MAP
(7 Concurrency Service Areas)



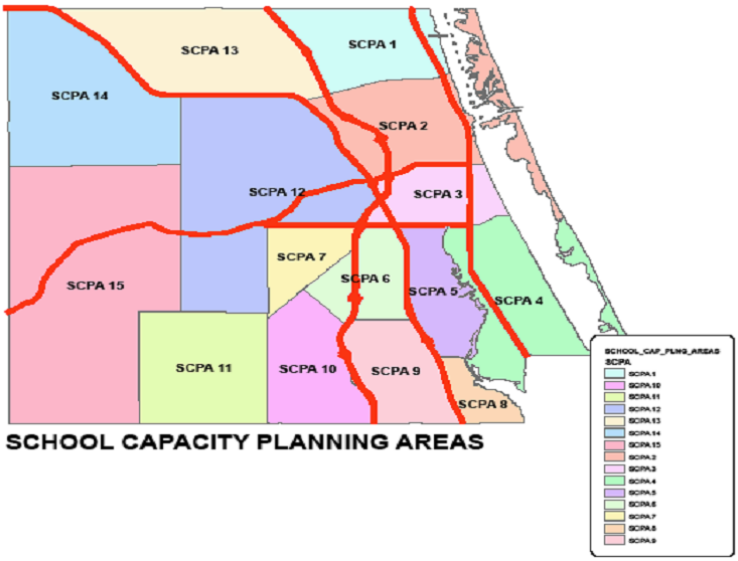
MC MIDDLE/HIGH SCHOOL CONCURRENCY SERVICE AREA MAP (5 Concurrency Service Areas)



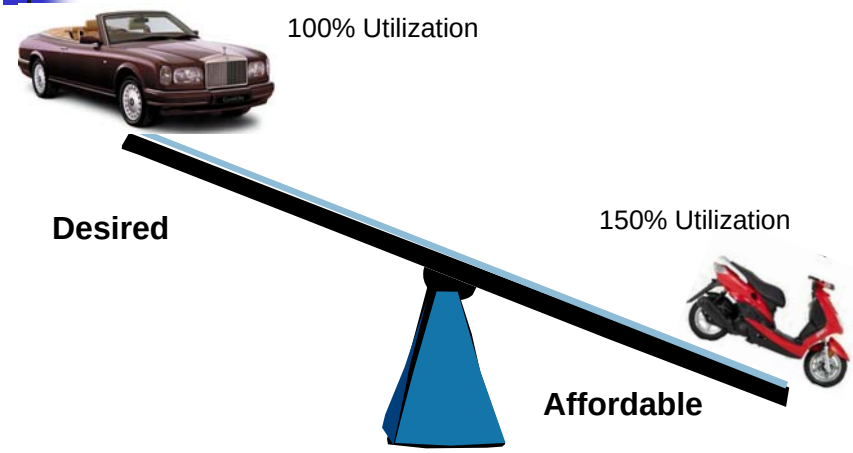
IRC ECONCURRENCY SERVICE AREA MAP (11 Concurrency Service Areas)



SLC SCHOOL CAPACITY PLANNING AREA MAP (15 Planning Areas)



Financial Feasibility



Financial Feasibility - Challenges

- The School Board is **obligated** to plan and fund to the adopted LOS.
- The Schools rely on state funds for school construction. State revenues are declining & are at best inconsistent.
- Local revenue sources are declining.
- Impact Fees are declining & may be discontinued.
- Few other revenue sources available.
- The national & state economies are in recession.

Financial Feasibility - Challenges

- The law defines “financial feasibility” to mean sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements.

Financial Feasibility - Challenges

- In 2008, the Legislature appropriated **ZERO dollars** for Class Size Reduction (CSR) and 2 Mills went to 1.75 Mills.
- In 2009, the Legislature has not appropriated CSR money and the PECO New Construction has dwindled or is non-existent.

Proportionate Fair Share Mitigation Options

- Options for the proportionate share mitigation are addressed in each County's PSFE and the ILA
- Even in the absence of available capacity, development may be approved if the developer agrees to provide mitigation proportionate to the demand for schools created by the project. SB must agree and have capacity to put in 5-year plan

Proportionate Fair Share Mitigation Options

- Counties have listed the following mitigation options:
  - Land donation
  - Renovation of existing facilities
  - Construction of permanent student stations
  - Mitigation banking (Developer built schools)
  - Districts can consider other possible mitigation as permitted by state law.

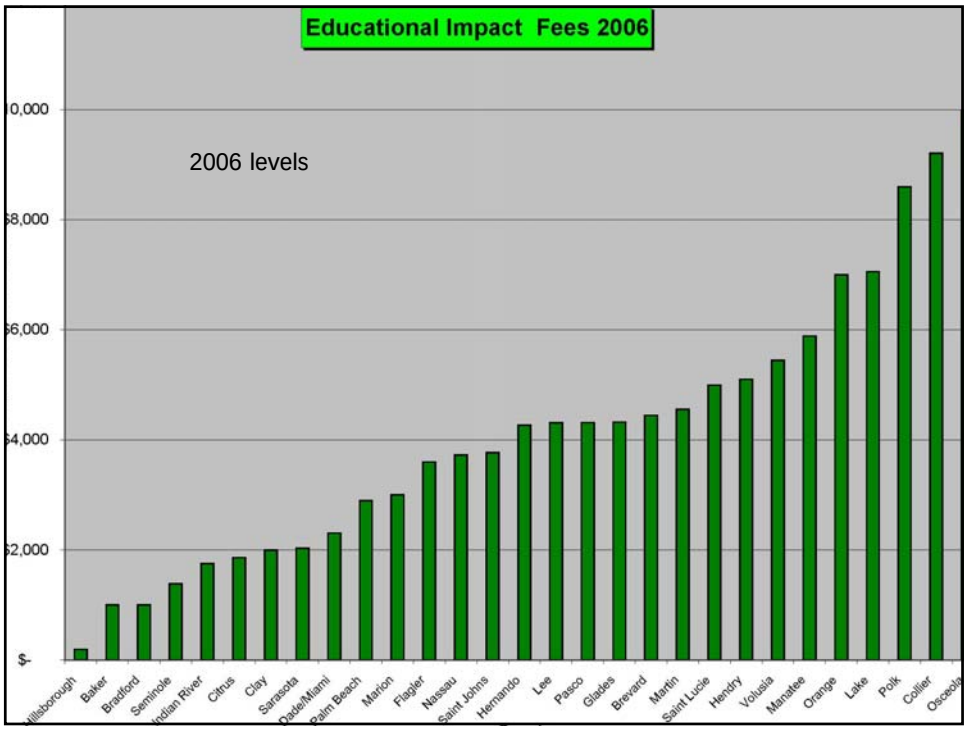
Mitigation Tools

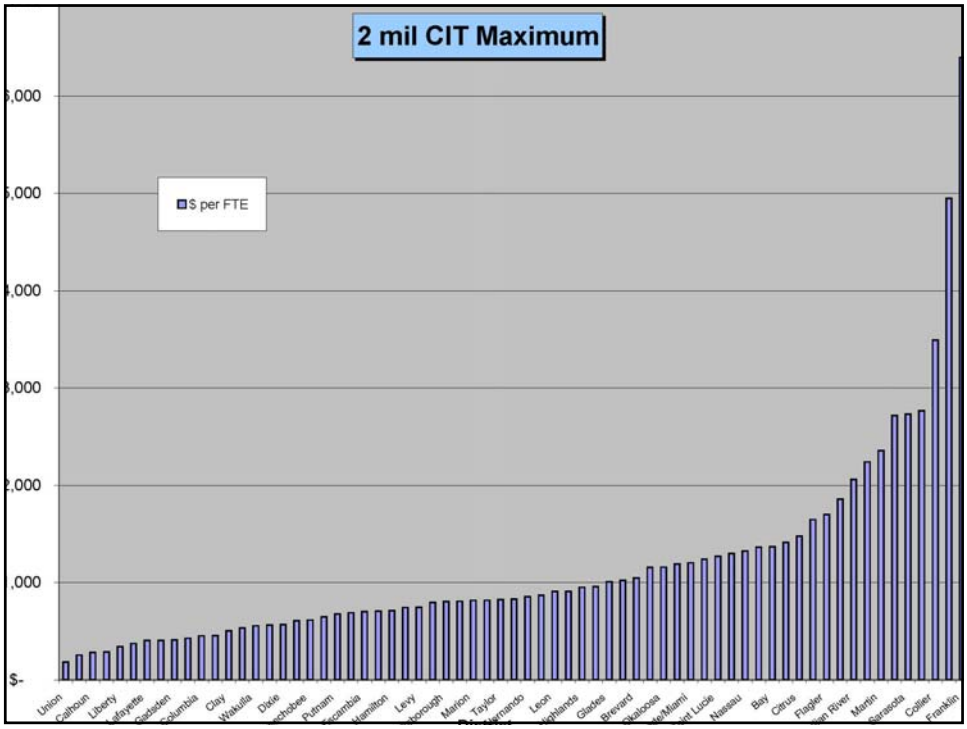
SB's tools to mitigate impacts of growth

- Impact Fees
- School Site Dedications
- Capital Funding
  - Capital improvement tax (CIT)- ~~2~~ 1.75 mil
  - ½ cent sales tax, requires voter approval
- Participation on Land Use Decisions

Educational Impact Fees

- 29 Counties have Educational Impact fees
- Those that don't have Educational Impact fees
  - 20 Counties have <1% student growth
  - 12 Counties have > 1% but less that 2% student growth
  - 6 Counties have > 3% student growth
- Pending Legislation on not collecting impact fees





Use of Capital Funds

Board Decisions on expenditure of capital funds

- Renovation & Repairs
- New Capacity

Participation in Land Use Decisions

Local

- Developer Pre-Applications
- Site Plan Review
- Planning & Zoning
- City/Board of County Commissioners

Regional & State

- Regional Planning Council
- Department of Community Affairs

Density Increase- must have adequate public facilities –including schools (sample DCA comments)

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT
FOR THE CITY OF PORT ST. LUCIE
PROPOSED COMPREHENSIVE PLAN AMENDMENT 06D-1

I. CONSISTENCY WITH RULE 9J-5, F.A.C. AND CHAPTER 163, F.S.

A. Future Land Use Map and Future Land Use Element

1. Objection: The amendment creates additional demands for public facilities and services. The data and analysis provided by the City does not fully identify the public facilities demands under the existing designation and compare it to the demand under the proposed designation, based on the adopted level of service standards and the maximum development allowed. The City has not included information on the analysis of impacts and the improvements (scope, timing, and cost of improvements) necessary to mitigate those impacts and maintain the adopted level of service for those facilities; nor has the City included evidence of the coordination of any needed facility improvements with the Infrastructure and Capital Improvements Elements, including implementation through the Five-Year Schedule of Capital Improvements.

Additionally, no information has been provided demonstrating coordination with the School Board regarding the impacts 3,956 students will have on existing school facility needs.

"Martinez Plan March 2000"

Interoffice Memorandum

March 29, 2000

TO: Board of County Commissioners

FROM: Mel Martinez, Orange County Chairman

RE: Land Use Approvals and School Overcrowding

In recent weeks and months, the Board has faced a number of requests for residential land-use approvals in areas of the county where public schools are seriously overcrowded. The Board's frustration over the apparent lack of options to address the problem has once again been evident, and I can assure you that I very much share the frustration.

I have been perplexed with the issue since shortly after taking office, when I realized that, as Mr. Wilkes explained at Board meeting last month, the Florida legislature has "turned school concurrency upside down." Unlike road concurrency, where counties and cities *are prohibited from issuing* certificates of occupancy in areas where roads are congested, under the "school concurrency" statute we may be *prohibited from denying* C.O.'s where schools are overcrowded unless we have gone through an extraordinarily onerous, perhaps impossible, obstacle course. Obviously, as we contemplate a new approach, we must be careful to strike a balance, taking into account the rights of property owners and the value that the development community adds to our local economy.

With the able assistance of the members of the Public Schools Task Force that I formed last year, I still intend to consider implementation of school concurrency. However, implementing school concurrency is so difficult that, I am told, not one county or city in Florida has succeeded in doing it. In my view, counties and cities in Florida are hardly indifferent to the issue of school overcrowding. Instead, counties and cities are stymied by a statute that seemingly turns a deaf ear to the educational needs of our children.

Because school concurrency has proven to be such an ineffective and illusory land-use tool, I directed our planning and legal staffs last year to review once again the state of the law in Florida and to determine where in the several stages of the land use approval process, if at all, school overcrowding legally can be considered in the Board's decisions to grant or deny approvals. I wanted to know whether the concurrency statute acts to preempt other sources of legal authority such as charter county home-rule powers. The analysis has been completed, and I

Capacity Enhancement Agreements

At time of Change in Land Use developer agrees to voluntary contribution to allow for enhancement to schools to mitigate demand on public schools

ORANGE COUNTY PUBLIC SCHOOLS
PLANNING DEPARTMENT – ELC1
445 West Amelia Street
Orlando, Florida 32801
407-317-3974 (P)
407-317-3263 (F)

Date:_____

Subject: Capacity Enhancement Application

In order to process Capacity Enhancement Applications, OCPS will conduct a financial analysis. Capacity Enhancement Applications must demonstrate both that the proposal will address the immediate critical deficiency in the school(s) impacted, and must have a completed financial analysis showing that the proposed capacity enhancement, coupled with long-term capital revenues, will address all impacts.

The financial analysis must be completed prior to review and staff recommendations to the School Board for adoption.

To do the analysis, we need the following input from the applicant:

- ❑ School Capacity Determination Form
- ❑ A projected construction schedule – start date for building construction and build-out year.
- ❑ Project site location map (major cross streets must be **clearly** marked)
- ❑ When Item #15 *(see sample checksheet)* is completed, five (5) signed original agreements are required from the owner(s). You, and/or your representative, will be contacted.
- ❑ A letter (or e-mail sent to David Moon at OCPS) from the local government regarding the applicable number of vested units.

A letter from the owner(s), or owner(s) representative, outlining the proposal and a check or money order in the amount of $3,000 made out to OCPS will also be required. Please submit this required information to the above office, attention Dennis Foltz.

Note: Applicant must have applied to the local government and OCPS must have provided written comments prior to submission of a Capacity Enhancement application.

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 2856967 05/15/2006 at 12:55 PM
OR BOOK 2562 PAGE 2219 - 2226 Doc Type: AGR
RECORDING: $69.50

Prepared by and to be returned to:
Noreen S. Dreyer, Esq.
Ruden, McClosky, Smith, Schuster & Russell, P.A.
145 NW Central Park Plaza, Suite 200
Port St. Lucie, FL 34986

AGREEMENT FOR CONTRIBUTION TOWARD PUBLIC SCHOOL
LAND ACQUISITION AND FACILITIES CONSTRUCTION
[DJG DEVELOPERS, LLC]

THIS AGREEMENT ("Agreement") is made and entered into this 2nd day of May, 2006, by and between the School Board of St. Lucie County ("School Board") and DJG DEVELOPERS, LLC (a Florida limited liability company) ("DJG").

WHEREAS, DJG is the owner of that property identified in Exhibit "A" attached hereto and made a part hereof ("Property"); and

WHEREAS, the Property has recently been annexed into the City of Port St. Lucie ("City"); and

WHEREAS, DJG proposes to change the St. Lucie County ("County") future land use designation on the Property to a future land use designation under the City's Comprehensive Plan; and

WHEREAS, under its current County future land use designation, a maximum of thirty-seven (37) residential units potentially could be developed on the Property ("Current Maximum"); and

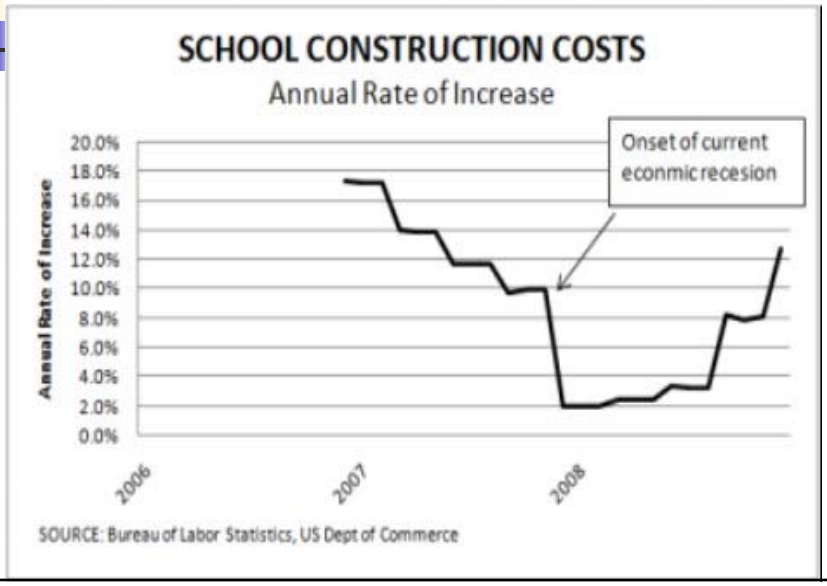
WHEREAS, the future land use change proposed by DJG, if granted, would increase the potential residential density on the Property, thereby increasing the impact on public school facilities in St. Lucie County; and

Capital Cost for New Students

- Student station construction
- Buses
- Ancillary facilities
- Land

Combined $35-50k per Student Station

Building Construction Costs



School Concurrency Common Misunderstandings

- Level of Service Must be Financially Feasible
- Level of Service vs. Individualized Analysis of Impacts on Schools
- 3-year Rule and Adjacency Rule – per statute
- Development Order vs. Land Use Changes

Suggested Process

- Develop Student Multiplier
- RPC and Local Planning Agency Discussions
- SB Authorization of Staff to Conduct Negotiations with Developers
- Analysis of Impacts using Multiplier
- Letter or Staff Report to Local Government and Developer
- Negotiations with Developer
- Conditions of Approval
- Developer Agreement

School Board Approval

Board Meeting Date: January 25, 2006

Agenda Item –

APPROVED

SCHOOL DISTRICT OF PALM BEACH COUNTY
PLANNING DEPARTMENT

Developer Contributions

I recommend the School Board authorize staff to negotiate development agreements committing contributions toward construction of new schools for additional capacity needed to serve that development.

- On September 14, 2005 the Board asked staff to research what other School Districts were doing regarding developer contributions and to develop a "menu of options".
- The research was completed and transmitted via a memorandum dated December 2, 2005.
- Based on this research, staff-negotiated development agreements, subsequently approved by the School Board, appear to be the most workable approach.
- Staff will analyze the impacts that residential development may have on the public school system. In cases where capacity is not available to serve the proposed development, staff would be authorized to negotiate a development agreement for financial contributions from the developer.
- Staff will make its best efforts to negotiate these agreements, however, the ultimate success of these efforts will rest on the cooperation of the County Commission and Municipal officials.
- This process would serve to supplement the School Concurrency Interlocal provisions. The agreements differ from Concurrency in that they involve negotiations of specific capacity solutions for specific projects, rather than a "level-of-service" evaluation.

BOARD GOAL(S): 3 KEYRESULT(S): 10
LEGAL SIGN-OFF: Yes X N/A ☐
CONTACT: Blair Little,John III
monroi@palmbeach.k12.fl.us sanchez@palmbeach.k12.fl.us

FINANCIAL IMPACT	Financial Impact will depend on contributions negotiated with developers. Any developer contributions would be used to supplement the Capital Construction Program.

L:\Planning\Public\BRCRPT\2006JAN\Developer Contributions Jan 2006 2.doc

RECOMMENDED PROCESS FOR DEVELOPMENT AGREEMENTS

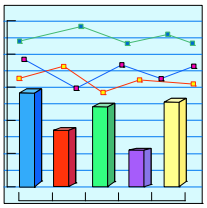
1. When residential land use change, or re-zoning applications that increase density are submitted to a County or Municipality, staff will review impacts on our school system.
2. If new school(s) or an addition will be needed to serve the proposed community, staff will prepare a report to the local government planning agency (see attached example).
3. Staff will determine number of students generated by the proposed development, the corresponding school needs, and determine the associated costs of providing this space.
4. Staff will negotiate a Development Agreement with the property owner based on Staff analysis.
5. The Development Agreement will be placed on a Board Meeting or Special Meeting Agenda for approval.

STUDENT MULTIPLIERS

2001 Study

- Property Appraiser data utilized
- Random sample by unit type
- Student data matched to home address

Status Study to be updated in 2007



Student Multiplier Options

1. Property Appraiser Data Matched to Student Data
2. Census Data
3. Phone Surveys

Important Components

- Sound Basis for Analysis
- Rational Nexus
- Reasonable Conditions of Approval
- Cooperation of Local Governments
- Dialogue with Developer

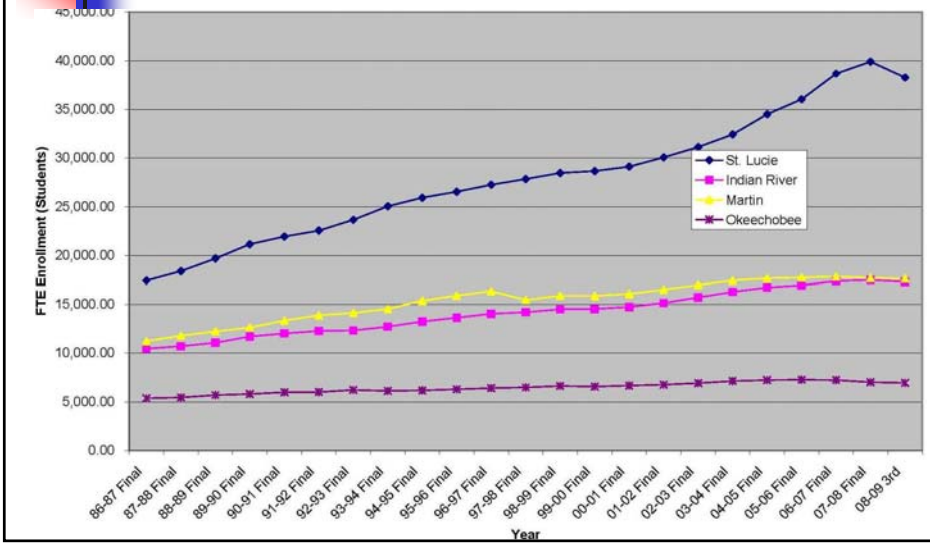
Greatest Challenges

- "The first one"
- Timing of payments
- Defining costs in a fluid market
- Rational Nexus
- Uniform School District issues
- Growth Fluxuations

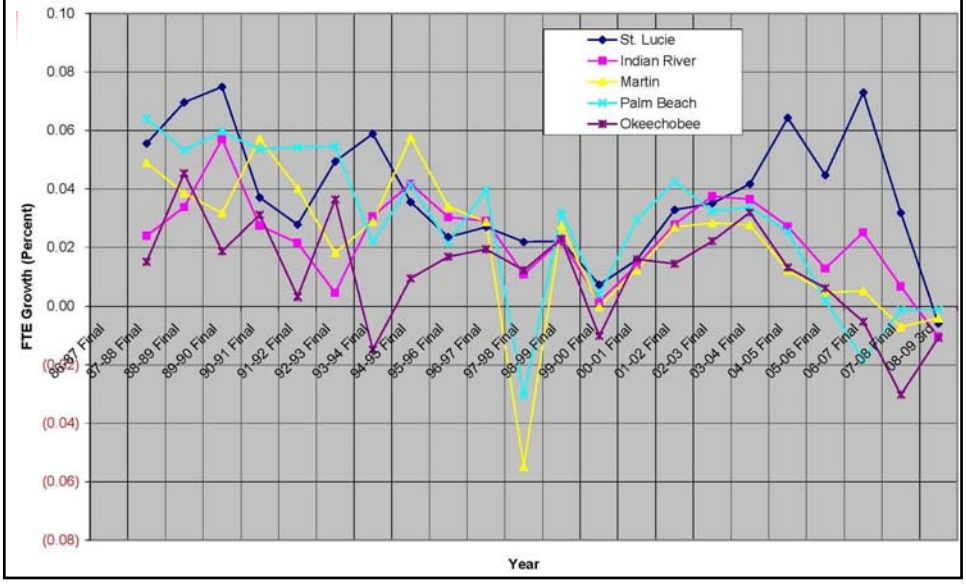
K-12 School Enrollment 21 year FTE Growth

				Pct
District	**86-87 Final**	**08-09 3rd**		**Change**
Indian River	10,394.71	17,299.39	6,905	66.42%
Martin	10,487.89	17,630.94	7,143	68.11%
Okeechobee	5,310.54	6,942.17	1,632	30.72%
Palm Beach	87,139.19	169,073.94	81,935	94.03%
St. Lucie	17,425.32	38,277.49	20,852	119.67%

Treasure Coast Schools Growth



Treasure Coast Schools Growth



Tool Boxes

- Innovative land purchase- industrial land, etc.
- Land Banking
- Allowance for future additions
- Modular additions
- Co-locating schools with parks
- Interlocal Agreements and Meeting with SB and Local Government Boards
- Quarterly meetings with County Facilities staff
- Regular Meetings with local Planning Directors

Ingredients for Success

- RPC Support- Particularly for DRI's and Land Use Changes
- Local Government support -Final Approval of Development Orders
- Early Participation- At front end of process before commitments are made
- Relationship building; credibility
- Organizational Structure- Professional Staff dedicated to this function
- Defining moments

“Questions & Answers”