

Office of School Facilities
Rose Diamond, Chief Facilities Officer

SUBJECT: RECEIVE THE FINAL REPORT ON THE EDUCATIONAL FACILITIES IMPACT FEE REVIEW AND FORWARD TO MIAMI-DADE COUNTY FOR IMPLEMENTATION

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Background

The Board, at its May 18, 2005 meeting, contracted with Innovation & Information Consultants, Inc. (IIC), to evaluate and update the current Educational Facilities Impact Fee Ordinance (Ordinance), which was adopted by Miami-Dade County (County) in 1995, and is triggered at the time permits are issued for new residential construction. Fees collected are used to help finance additional student stations resulting from the impact of such new residential development.

In addition to the Ordinance, the 2003 Interlocal Agreement requires dialogue between local governments and residential developers to mitigate the impact of any new residential development that exceeds 115% of FISH capacity. In order to guide District staff's input at public hearings on residential Zoning and Comprehensive Plan amendment applications that impact upon public school facilities beyond this level, the School Board, at its April 13, 2005 meeting, adopted uniform criteria that govern discussions with the development community on mitigation options (see attached School Board Agenda Item F-7).

Additional Information

IIC's final report includes an evaluation of the current Ordinance and recommends several changes. The final report was produced with the benefit of input from numerous stakeholders, including School Board representatives, as well as representatives from the County and municipal governments, and from the residential development industry, most notably through participation from the Builders Association of South Florida and Latin Builders Association.

IIC's recommendations are as follows:

- Base impact fees on the type of housing unit (e.g. single-family detached, single-family attached and multi-family) and number of bedrooms, as opposed to square footage alone;
- Utilize different student generation multipliers for each of the four proposed Benefit Districts to more accurately reflect development trends within each particular District;

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- Increase the number of Benefit Districts from three to four to allow for more representative projects, as it relates to the specific area of impact;
- Retain the two percent administrative fee (1% each to County and School Board), currently assessed within the impact fee structure;
- Adjust Impact fees annually using a three-year rolling average based on the increase in construction costs as tracked by the Florida Department of Education Construction Cost Index for student stations; and
- Re-evaluate the impact fee structure, including the student generation multipliers, in three years.

Implementation of the proposed adjustments to the impact fee assessment formula should ensure that future new residential development mitigates its impacts on public schools through an equitable and uniform process. This would also eliminate the need to seek supplementary mitigation from residential developers to cover the deficit, as is presently the case. As such, upon adoption and implementation of a revised Ordinance by the County, it is recommended that the current process governing additional mitigation options beyond impact fees be discontinued.

The Builders Association of South Florida and Latin Builders Association are in full support of the impact fee report with the understanding that the dialogue process, for supplemental mitigation, governed by Board Item F-7, referenced above, will be discontinued upon adoption by the County of a revised Ordinance. The District, however, would retain the ability to dialogue with developers for the opportunity to seek land donations in-lieu of impact fees, in connection with large-scale residential developments. Additionally, the Builders Association of South Florida expressed interest in working with District staff separately to address affordable housing options in connection with teacher recruitment and the District's role in exploring possible incentives for residential development in areas where schools are projected to continue to be under-enrolled.

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A copy of the Educational Facilities Impact Fee Review final report will be submitted to the Board under separate cover.

RECOMMENDED:

That the School Board of Miami-Dade County, Florida:

- 1) Receive the Final Report on the Educational Facilities Impact Fee Review, and forward same to Miami-Dade County with a recommendation for implementation; and
- 2) Upon the adoption of a new Ordinance by the County, authorize staff to discontinue the current process governed by Item F-7, approved by the Board on April 13, 2005, with the exception of retaining the ability to dialogue with developers for the opportunity to seek land donations in-lieu of impact fees, in connection with large-scale residential developments; and
- 3) Direct the Superintendent to continue to work with stakeholders, in the areas of affordable housing, as an incentive for teacher recruitment, and explore possible incentives for residential development in areas where schools are projected to continue to be under-enrolled.

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VGv:

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: APPROVAL OF SCHOOL DISTRICT CRITERIA THAT WILL ALLOW STAFF TO MAKE RECOMMENDATIONS ON RESIDENTIAL ZONING AND COMPREHENSIVE PLAN AMENDMENT APPLICATIONS THAT IMPACT UPON PUBLIC SCHOOLS BEYOND THE 115% OF F.I.S.H. CAPACITY THRESHOLD

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

Background

In September of 2003, the School Board directed the Superintendent to engage in preliminary discussions with appropriate stakeholders to explore the pros and cons of a school concurrency system similar to the Palm Beach County model or other options to increase student stations. Expressing a mutual concern on school overcrowding issues, in October of 2003, the Miami-Dade County Board of County Commissioners adopted a companion resolution creating the Working Group on Public Schools Overcrowding Relief (Working Group).

The mission of the Working Group was to develop, design and recommend a school overcrowding reduction plan, including measures deemed feasible to assure that public school capacity is available whenever and wherever residential growth occurs. In October of 2004, the Working Group forwarded a total of nineteen (19) recommendations to the School Board for implementation. The Working Group also recommended that the School Site Planning and Construction Committee (SSPCC), which represents a good cross-section of the impacted stakeholders, be the venue through which the various recommendations are further explored and implemented. It should be noted that although the Working Group examined the concurrency model adopted by Palm Beach County, it did not recommend adopting such a program in Miami-Dade County at the present time, due to the backlog of student seats, and until the School District adopts a financially feasible five-year capital construction plan that essentially eliminates that backlog.

The School Board, at its meeting of November 17, 2004, received the Working Group's Final Report and authorized the submission of same to the SSPCC for further development and implementation. Likewise, the Miami-Dade County Board of County Commissioners accepted the report at its meeting of January 27, 2005.

ATTACHMENT

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Additional Information

The SSPCC conducted public meeting working sessions in March and April of 2005 to review the Working Group's Final Report, as well as the Palm Beach and Broward County Public School District policies, and to discuss appropriate criteria for consideration by the School Board. The criteria outline specific steps that, when implemented, will guide District staff's input at public hearings on residential zoning and comprehensive plan amendment applications that impact upon public school facilities beyond the 115% of FISH capacity threshold specified in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, approve school district criteria that will allow staff to make recommendations on residential zoning and comprehensive plan amendment applications that impact upon public schools beyond the 115% of FISH capacity threshold.

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Proposed Criteria For Reviewing And Making Recommendations On Residential Zoning and Comprehensive Plan Amendment Applications That Impact Upon Public Schools Beyond The 115% of FISH Capacity Threshold

Goal: Provide required number of student stations to mitigate impact of proposed development.

Objectives:

1. Continue to provide systematic and consistent impact review and analysis of proposed residential development, pursuant to the Interlocal Agreement for Public School Facility Planning in Miami-Dade County (Interlocal Agreement).
2. Develop a list of options to mitigate the impact of the proposed development, in order to address the need for additional student stations.
3. Based on the condition of the existing school facilities impacted, proposed funding for new school facilities, and the mitigation option selected by the applicant to offset the impact of the residential development (where the review threshold is triggered), formulate a specific School District position on the proposed development.

Criteria:

Pursuant to the Interlocal Agreement, the School District shall follow the following criteria when analyzing the impact of proposed residential development on the public school system:

1. **Impact Analysis Report**

Upon receiving information from the County or municipalities, the School District shall prepare a review of all comprehensive plan amendments and rezoning applications, and shall transmit a written report to the appropriate entity(ies), regarding the potential impact of such applications on public schools.

The Impact Analysis report shall include, at a minimum, the following information:

- A. Number of students generated by the proposed development;
- B. Current conditions at the impacted elementary, middle and senior high schools serving the area, and the further effect of the proposed development on those public schools;
- C. Cumulative impact of the proposed development and other approved applications on the subject schools;
- D. Funded School District projects (i.e. funds are appropriated) in planning, design or construction, along with projected occupancy dates, schools to be relieved, number of new student stations to be provided and estimated completion of the project, and proposed relief schools in the Five-Year Capital Plan along with its proposed year of funding;
- E. Total estimated annual operating cost for the additional students generated by the proposed development;

- F. Estimated capital cost of providing classroom space for the additional students (based on Florida Department of Education's student station cost factors); and
- G. Estimated impact fee revenues generated by the proposed development.

2. Impact Categories

Based on the results of the Impact Analysis Report, the proposed development shall be classified in one of the following two categories:

- A. At or Below Review Threshold: Capacity at all schools to be impacted by the proposed development is at or below the review threshold of 115% FISH utilization, as established in the Interlocal Agreement; or
- B. Above Review Threshold: Capacity at one or more of the schools to be impacted by the proposed development is determined to exceed the review threshold of 115% FISH utilization, as established in the Interlocal Agreement.

3. Mitigation Options

- A. At or Below Review Threshold
Proposed residential developments classified as at or below the review threshold, will not be requested to select any of the mitigation options. The applicant may, however, voluntarily choose to contribute to schools in the affected feeder pattern, at his/her sole discretion.

School District Position: The School District will notify the appropriate entities in writing that the proposed development does not meet the specified review threshold, and the School District will take no further action in this regard.

- B. Above Review Threshold
Proposed residential developments classified as exceeding the review threshold will be requested to consider and select one of the following mitigation options, in consultation with District staff. The governing land use/zoning entity will also be invited to participate in these discussions, provided however, that failure to participate by the land use/zoning entity shall not affect the process outlined herein.

Mitigation Options:

- a. Contribute the full capital cost of providing student stations for the additional students to be generated by the proposed residential development, based on the State of Florida maximum allowable cost per student station, minus the estimated impact fee revenue to be generated from the proposed residential development; or

- b. Donate land to the School District for construction of the required student stations in the area of the impact in addition to, or as a contribution in-lieu-of, educational facilities impact fees, and in conformance with the School District's Five-Year Capital Plan; or
- c. Build the required student stations to mitigate the impact of the proposed residential development at the affected schools, or donate the equivalent monetary value, minus the estimated impact fee revenue to be generated from the proposed residential development, and in conformance with the School District's Five-Year Capital Plan; or
- d. Provide a combination of two or more of these mitigation options to meet the estimated impact of the residential development at the affected schools, and in conformance with the School District's Five-Year Capital Plan.

School District Position:

- a. Where the applicant agrees to mitigate the impact of the proposed development, in accordance with the criteria set forth above, and subject to School Board approval, the School District will notify the appropriate entities in writing that the proposed development meets the specified review threshold, and that the applicant has agreed to proffer acceptable mitigation options to address the impact of the development on the public school system.
- b. Where the applicant does not agree to mitigate the impact of the proposed development, in accordance with the criteria set forth above, the School District will notify the appropriate entities in writing that the proposed development meets the specified review threshold, and that the applicant has not proffered acceptable mitigation options to address the impact of the development on the public school system. School District staff will request that the application be denied, or that it be deferred until such time as the applicant is able to address the impact of the proposed residential development on the public schools in the area.