

### **III.3. Coordination of Public Schools and Land Use**

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#### **I. Introduction**

Pursuant to Chapter 163.3191 (1)(k), local governments are required to provide an assessment of “the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decision making processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities”. This section of the EAR addresses past coordination efforts and activities in Broward County and the current status of the public schools interlocal agreement required by Section 163.3177.

#### **II. Coordination of Future Land Use Map with Public Schools**

Broward County and the Broward County School Board have had a long history of formal and informal coordination and cooperation regarding their planning activities.

Since its adoption in 1981, the Broward County Land Development Code has required developers to pay school impact fees or dedicate school sites in lieu of impact fees. In 1993, the Broward County Land Use Plan was amended to require that all land use plan amendments address their impacts on existing and planned public elementary and secondary education facilities. In 1996, the School Board serving as the local planning agency appointed by the County Commission, prepared a Public School Facilities Element, including a public school concurrency requirement, for adoption by the Broward County Commission. The element was challenged several times by state and local builders associations. After several years of administrative procedures, the Element was repealed by the County Commission at the recommendation of the School Board. Although the element was repealed, the cooperative process of preparing the element led to the strengthening of cooperation between the School Board and County Commission.

##### **A. Plat Impact fees/Dedication Requirements**

Broward County first instituted school impact fees in 1981 with the enactment of the Broward County Land Development Code. The Code requires all new plats, county-wide, to pay impact fees or dedicate school sites in lieu of impact fees. The fees are assessed per residential units and vary based upon the type of residential development and number of bedrooms. Because of concerns that the fees had not kept pace with inflation, the Broward County Land Use Plan was amended in 1992 to incorporate Policy 8.07.04 which states that “Broward County, in coordination with The School Board of Broward County, shall revise the school impact fee provisions of the Broward County Land Development

Code to require new residential development to pay its fair share of the cost of land acquisition and construction for new public elementary and secondary school facilities". The School Board prepared impact fee studies in 1993 and 1997 which resulted in substantial upward revisions to the school impact fee schedule. Automatic adjustments are now made annually to the schedule to keep pace with inflation. A new study is currently underway by the School Board to determine if changes are warranted to the school impact fee schedule.

Between 1982 and 1996, \$45.8 million, including interest, in school impact fees was collected and 25 school sites totaling nearly 500 acres were dedicated to the School Board. An additional \$67 million in fees were collected between 1997 and 2003.

Broward County's impact fee provisions have made a substantial contribution to meeting school needs in Broward County, especially with respect to dedication of school sites in the western areas where most growth occurred in the 1980's and 90's. However, current fee revenues represent only a small portion of School Board facility appropriations. According to this years Tentative District Educational Facilities Plan, impact fee revenues in 2003/2004 are projected at \$10 million or approximately 1.8 percent of the total projected \$553 million capital appropriations.

Under Broward County's current regulations, impact fee revenues in Broward County are anticipated to decline. Impact fees are assessed only at platting, and nearly all of the County is platted. Most redevelopment will take place on already platted parcels or parcels exempt from platting. The Broward County Commission has recently initiated an amendment to the Broward County Land Use Plan to provide for assessment of impact fees at the building permit stage. It is projected that this change will raise approximately \$ 3.6 million per year in additional school impact fees.

#### B. Land Use Plan Amendment Review

In response to concerns about school overcrowding, Broward County amended the Broward County Land Use Plan in 1992 to add Policy 08.07.01 which states that "Broward County and its local governments shall consider the individual and cumulative impacts of land use plan amendments on existing and planned public elementary and secondary education facilities.

Since 1993, Broward County has considered the estimated impacts of proposed amendments on existing and planned public school facilities as part of the Broward County Land Use Plan amendment process. Upon the request of the

Broward County Planning Council, which serves as the Local Planning Agency for the Broward County Land Use Plan, the School Board of Broward County

submits a report (see attached example), which includes an estimate of the impact of the proposed amendment on public schools serving the subject amendment site. The School Board report includes the following information:

- public elementary, middle and high schools serving the subject amendment site
- school capacities and current and projected student enrollment over a 5-year planning horizon
- planned and funded improvements in the currently adopted School Board District facilities work program
- estimate of the additional number of elementary school, middle school and high school students to be generated by the proposed land use

Currently, the School Board's policy is to recommend denial or deferral of any proposed land use plan amendment which will impact a school considered "critically overcrowded." The School Board's formulas for determining "critically overcrowded" school facilities are as follows:

Elementary	Utilization factor of 1.75 (of capacity) or greater or exceeds 1,200 students (utilization factor of 1.5 for elementary schools with a capacity in excess of 900 students)
Middle	Utilization factor of 1.4 (of capacity) or greater or exceeds 1,700 students (utilization factor of 1.25 for middle schools with a capacity in excess of 1,500 students)
High	Utilization factor of 1.5 (of capacity) or greater or exceeds 2,500 students (utilization factor of 1.25 for high schools with a capacity in excess of 2,000 students)

As part of the land use plan amendment review process, the staff of the Broward County Planning Council, the Broward County Planning Council, and the Broward County Board of County Commissioners consider the information and

recommendations submitted by the School Board. It should be noted that the Broward County Charter was amended in 1996 to include a Broward County School Board member as a voting member of the Broward County Planning Council.

We have identified thirty-five (35) land use plan amendments, since 1993, which proposed residential uses that were estimated to impact overcrowded or critically overcrowded public school. Of the referenced thirty-five (35) proposed land use plan amendments, twenty-three (23) were approved subject to conditions which mitigated the projected additional impacts on public schools. Four (4) land use plan amendments were denied and one (1) was withdrawn. Regarding the seven (7) land use plan amendments approved without conditions concerning public schools, all may be described as having a minimal impact on public schools.

Although Policy 08.07.01 has generally been successfully implemented to address or mitigate the impacts of plan amendments on public school facilities, the policy could be strengthened. For example, the policy gives no guidance as to how much weight school impacts should be given versus other considerations such as provision of affordable housing or redevelopment of blighted areas. It also doesn't include any guidance as to when school impacts are so severe that plan amendments should be denied. Such language could be incorporated into the Policy or administrative rules addressing plan amendment decisions.

### **III. Joint Decision-Making Processes**

Per the requirements the Broward County Land Use Plan and State Statutes, Broward County and the School Board have established joint processes for planning and school siting. In addition, the Broward County School Board, Broward County and 26 municipalities have recently entered into the Interlocal Agreement required by Sections 163.31777 and 1013.33 F.S. This agreement memorialized and supplemented the joint processes already in place.

#### **A. Requirements of the Broward County Land Use Plan**

Policy 8.07.06 of the Broward County Land Use Plan requires that "Broward County, its local governments and The School Board of Broward County shall establish joint processes for collaborative planning and decision making on population projections and public school siting to accomplish coordination between the adopted local comprehensive plans and the long range plans of The School Board."

Regarding the establishment of appropriate population projections, the Broward County Office of Urban Planning and Redevelopment (OUPR) has maintained an excellent working relationship with the Broward County School Board, Department of Property Management and Site Acquisition. OUPR meets with the Department of Property Management and Site Acquisition biannually to discuss population growth and pupil generation rates. OUPR forecasts future population growth at the TAZ level and also provides the Department of Property Management and Site Acquisition data on historic building patterns regarding the construction of single family, multi-family and townhouse development. Typically, this data includes the number of bedrooms added to determine the pupil generation rate by traffic analysis zone. Also provided is census information regarding population by age and poverty rates.

The information that is provided to the Broward County School Board, Department of Property Management and Site Acquisition, is considered by the School Board's Long Range Facilities Planning Committee in their preparation of the Long Range Facilities Plan. Membership of this committee includes staff a staff member from the OUPR.

Regarding the planning and siting of public schools, OUPR staff works directly with the Broward County School Board, Department of Property Management and Site Acquisition for the planning and siting of public schools. OUPR is a member of a school siting technical committee, established by the Broward County School Board. This technical committee meets, as needed, to review alternative sites when a new school is being located.

**B. Interlocal Agreement for Public School Facility Planning**

In April, 2003, the School Board of Broward County, Broward County Commission and 26 municipalities in Broward County entered into an interlocal agreement addressing Public School Facility Planning, as required by Sections 163.3177 and 1013.33 F.S. (Attached). This agreement formalized many of the existing coordination mechanisms and added new ones. Per the Statutory requirements, a joint working group comprised of staff representing the School Board, Broward County and 26 municipalities was formed to discuss and formulate recommendations regarding the coordination of land use and school facilities planning. Specific areas of concern include population and student projections, development trends, school needs, co-location and joint use opportunities, and infrastructure improvements needed to support schools and safe student access. The agreement also provides for procedures for coordinating plan amendments, rezonings and development approvals and

establishment of an oversight board to monitor the agreement. The County and municipalities are required to provide the school board with an annual report on growth and development trends and will participate on the School Board's site selection committee.

The joint working group has already met several times and has agreed to meet on a regular basis during the year. Discussions are currently underway regarding the appointment of the oversight committee.

#### IV. **Recommendations**

1. Review and revise Policy 08.07.01 of the Broward County Land Use Plan to provide that during the plan amendment review process, school impacts should be balanced with other considerations such as provision of affordable housing, urban design and redevelopment of blighted areas.
2. In coordination with the Broward County School Board, develop a policy for inclusion within the Broward County Land Use Plan which identifies thresholds for school impacts which are so severe that plan amendments should be considered for denial.
3. Complete the amendment process to Broward County Land Use Plan to provide for collection of school impact fees at the time building permits are issued.
4. The School Board of Broward should complete the school impact fee study, and in coordination with Broward County, update the school impact fee schedule.