



# School Concurrency and School Impact Fees

## *TOA Facilitates Orange County School Impact Fee Advisory Group*

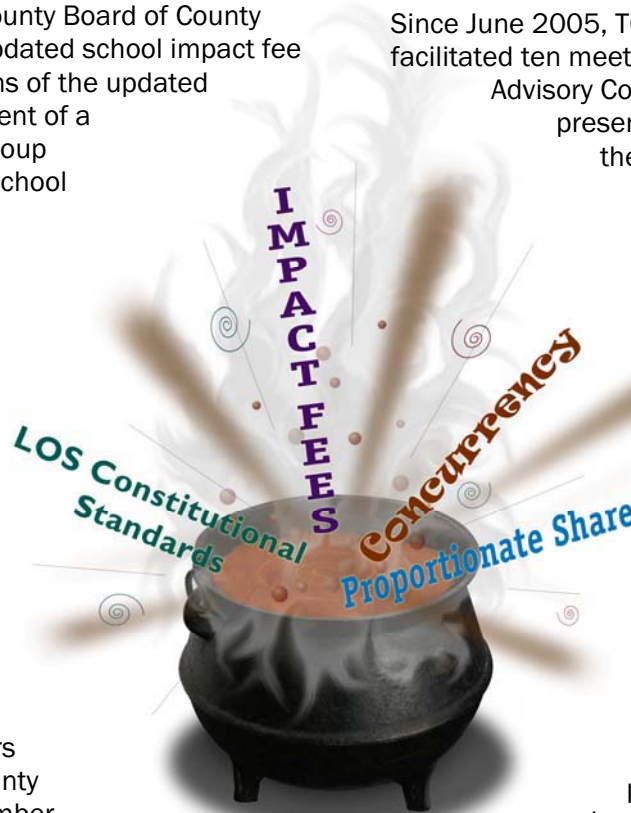
In March 2005, the Orange County Board of County Commissioners adopted an updated school impact fee ordinance. Under the provisions of the updated ordinance was the establishment of a School Impact Fee Advisory Group (SIFAG) to review the current school impact fee methodology and develop recommendations for consideration by the School Board and Board of County Commissioners on an updated school impact fee methodology. Because of TOA's extensive impact fee experience and on-going work in Orange County, the County asked TOA to facilitate the meetings for SIFAG to develop the updated school impact fee methodology.

SIFAG comprises four members appointed by the Board of County Commissioners and three member appointed by the Orange County School Board. The members of the committee represent developers, the Home Builders Association of Mid Florida, business leaders and community representatives, all with diverse opinions about new growth funding using impact fees and other financing techniques.

Since June 2005, TOA Vice President Bob Wallace has facilitated ten meetings of the School Impact Fee Advisory Committee. He developed several presentations and the process by which the committee reviewed the various components of the school impact fee equation.

The result of these meetings is the development of a consensus-built school impact fee methodology for Orange County. This methodology addresses how to calculate the cost and credit components of the school impact fee equation, as well as the student generation rate and final resulting fee schedule.

Mr. Wallace summarized the agreed-upon methodology in both a Summary Report and a presentation. The presentation will be made to both the Orange County Board of County Commissioners and Orange County School Board. The end result of the work efforts of SIFAG is the methodology to be used during the next update of the Orange County School Impact Fee.



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## Getting to Know *Senate Bill 360*

### Purpose:

School concurrency is intended to forge a tighter link between development and school capacity. It is a “pay-as-you-grow” plan.

### Benefits:

- Ensures better coordination between schools plans and local plans
- Results in stronger ties between the development approval and school capacity
- Raises local decision maker’s awareness of school capacity and programming issues

### General Requirements:

- All local governments must adopt consistent public school facilities elements (PSFE) to comply with Section 163.3177(12), F.S.
- All local governments and school board must update interlocal agreement (ILA) consistent with Sections 163.31777 and 163.3180(g), F.S.
- All local governments must adopt amendments to their capital improvements element:
  - ◆ Financially feasible public school capital facilities program
  - ◆ Annual update
  - ◆ Intergovernmental coordination element must be consistent with requirements of Sections 163.3177(6)(h)1&2
  - ◆ All local governments not eligible for a waiver or exemption must update interlocal agreement and adopt public school facilities element incorporating concurrency by December 1, 2008:
    - ◇ Apply concurrency districtwide initially; must be at subdistrict level within five years
    - ◇ Levels of service must be uniform countywide
    - ◇ Proportionate share mitigation must be allowed

### Adoption Schedule:

- Schedule runs January 1, 2008 to Deceember 1, 2008
- Available at DCA website: [http://www.dca.state.fl.us/fdcp/dcp/School\\_Planning/](http://www.dca.state.fl.us/fdcp/dcp/School_Planning/)
- Schedule is adoption due date, not transmittal
- All local governments within county due at the same time

*“Pay as  
You Grow”*

### Penalties:

- Local government precluded from adopting plan amendments that increase residential density
- School board subject to sanctions imposed by Administration Commission involving the withholding of construction funds

### Public School Facilities Element:

- Purpose is to ensure that public school concurrency system is based on appropriate and relevant data and analysis and that consistent goals, objectives, and policies are adopted
- PSFE must:
  - ◆ address correction of existing deficiencies
  - ◆ ensure adequate school capacity for the 5-year and long term planning periods
  - ◆ coordinate school location with residential development
  - ◆ ensure necessary supporting infrastructure
  - ◆ include options for proportionate-share mitigation
  - ◆ address procedures for school site selection
- Must include maps of the general location of schools for five-year and long-term periods
- Exempt from the twice-per-year limitation



### Interlocal Agreements:

- ILAs assure a uniform school concurrency system throughout district and serve as starting point for the development of the PSFE
- Requires consensus on:
  - ◆ level of service standards;
  - ◆ concurrency service areas;



## Services

- ◆ maximum utilization of capacity
- ◆ annual adoption of CIP
- ◆ options for proportionate-share mitigation
- ◆ implementation procedures
- ◆ procedures to amend ILA
- Single interlocal agreement encouraged
- To be submitted to DCA prior to or at the same time as comprehensive plan amendments
- Subject to compliance review

### Capital Improvements Element:

- Must incorporate a financially feasible public school capital facilities program established in conjunction with school board
- Must incorporate level of service standards
- Must update public school capital facilities program annually

### Intergovernmental Coordination Element:

- Comprehensive Plan must be coordinated with plans of school board
- Must establish joint processes for population projections and school siting

### Level of Service Standards:

- Established in conjunction with school board
- Must be district-wide and apply to all schools of the same type can have different level of service standards for different types of schools
- Must be incorporated into capital improvements element
- May use tiered level of service standards

### Concurrency Service Areas:

- Area within which level of service is measured
- Examples: district, sub-district, school attendance zones
- Within 5 years of adoption of school concurrency, must adopt less than district-wide service areas

### Availability Standard:

- School concurrency applied to residential development
- Applied at time of site plan, final subdivision approval, or the functional equivalent, for a development or phase of development
- Adequate capacity must be in place or under actual construction within three years
- Developer can satisfy school concurrency through mitigation proportionate to the demand

### Proportionate Share Mitigation:

- Developer must execute legally binding development agreement with local government and school board
- Mitigation must be proportionate to demand from actual development and take into account previously allowed residential density
- Options include:
  - ◆ Contribution of land
  - ◆ Payment for construction or land acquisition
  - ◆ Actual construction
  - ◆ Creation of mitigation banking based on construction of a school facility in exchange for right to sell capacity credits
- Amount must be credited toward any other impact fee or exaction for same need
- Must be directed by the School Board to a school capacity improvement identified in five-year district work plan that satisfies demands created by that development

TOA has the experience necessary to *efficiently* and *effectively* serve Florida school boards. We provide the following school-related traffic engineering and transportation planning services:

#### General Planning:

- Concurrency Management
- Impact Fee
- Capital Programming
- School Siting
- Safety Analysis
- Parking Studies

#### Traffic:

- Site Access
- Site Circulation
- Pedestrian/Bicycle Studies
- Neighborhood Traffic Calming

Please see the insert for project information and more details. If you would like to talk with someone further regarding our school projects, please contact Mike Raysor, P.E., PTOE, at (813) 224-8862 or mraysor@tindaleoliver.com.

## Experience





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### *Current Areas of Concern for Schools*

The following items represent major concurrency concerns to schools. TOA will be investigating these issues in future newsletters:

- Relationship of impact fees and proportionate shares
- Development of new concurrency monitoring systems for schools
- Critical need for accurate student generation by area
- Pressure for annual redistricting
- Creating annual level of service calculations
- Annual Capital Improvement Element & 5-year Work Program updates



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