



Interoffice Memorandum

AGENDA ITEM

June 22, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

SUBJECT: July 7, 2020 – Discussion Item
Capacity Enhancement Agreements

On June 2, 2020, the Board held a work session on Capacity Enhancement Agreements (CEAs) and the impact of House Bill 7103 (2019) on our current school capacity process. Staff also discussed the Orange County Charter, existing interlocal agreements, comprehensive plan policies, and code provisions that impact our school overcrowding policy.

As you may recall, any comprehensive plan amendment and/or rezoning in Orange County (including its municipalities) that increase residential density must go through a capacity review by Orange County Public Schools (OCPS). If there is insufficient capacity at an impacted school, the developer and OCPS must enter into a CEA. These agreements typically include provisions requiring the pre-payment of impact fees, a timing mechanism, and payment of a "capital contribution" in addition to school impact fees. However, as indicated at the work session, House Bill 7103 now requires a credit against school impact fees on a dollar-for-dollar basis for any such contribution. This credit in essence means OCPS would not receive any additional monies to mitigate the impacts of additional students. Finally, a legislative fix for this issue was not approved in the last legislative session and currently all CEA approvals are on hold. In order to fix the current impasse staff will discuss options and timeframe to help rectify the current situation.

As outlined during the work session, staff was going to bring back for further discussion proposed amendments to the Comprehensive Plan, amendments to Ch. 30 Orange County Code and changes to the existing interlocal agreements. In particular, staff will discuss proposed amendments to Public Schools Facilities Element Policy 6.3.1, which requires a CEA in order for the Board to approve certain developer-initiated land use requests, as outlined above.

ACTION REQUESTED: Approval to process pertinent amendments to the Comprehensive Plan and Ch. 30 of Orange County Code and to begin negotiations with municipalities and Orange County Public Schools amendments to the school-related interlocal agreements for public school facility planning and implementation of concurrency. All Districts.