Board of County Commissioners

School Concurrency and the CEA Process
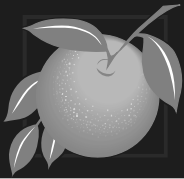
Discussion Item
August 28, 2012

Purpose of Today's Discussion

Follow-up from discussion about HB 7207 legislative changes to school concurrency

Provide a general overview of:

- Capacity Enhancement Agreement (CEA) Program

- School concurrency

- **Background/History**
- **Overview**
  - **CEA Program**
  - **Concurrency**
- **Combined Processes**
- **Conclusion**

- **Background/History**
- Overview
  - CEA Program
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- Combined Processes
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School planning in Orange County

- **2000: Policy regarding school overcrowding and approval of land use changes / rezonings**

- **2002: Interlocal agreement**
  - Martinez Doctrine

- **2004: Whbased school overcrowding**
  - Growth and school overcrowding
  - Municipalities agreed to follow Martinez Doctrine
  - Needed to address impacts of new residential development on schools

- **2005: SB 360 — mandatory school concurrency**
  - Required public facilities be available to serve new development
  - Schools that affect multiple jurisdictions

- **2008: School concurrency plan amendments adopted**
  - Continued to use the countywide process for reviewing development projects
  - CEAs required when evaluating development projects
  - development projects

- **2011: HB 7207 Public Education Agreement**
  - Made school concurrency optional

- **2012: Referendum to reauthorize Charter amendment**
  - Required CEAs for residential proposals where additional capacity was needed

SCHOOL CAPACITY	SCHOOL CONCURRENCY	CAPACITY

2000   2002   2004   2005   2008   2011 2012

Charter Amendment – ballot language

REQUIRING COUNTY AND MUNICIPAL APPROVAL OF ZONING OR COMPREHENSIVE PLAN AMENDMENTS AFFECTING OVERCROWDED PUBLIC SCHOOLS.

Shall the Orange County Charter provision be re-approved to allow the continued effectiveness of the ordinance requiring that rezonings or comprehensive plan amendments (or both) (1) that increase residential density in an overcrowded school zone and (2) for which the school district cannot accommodate the expected additional students, take effect only upon approval by each local government located within the boundaries of that school zone?
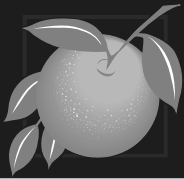
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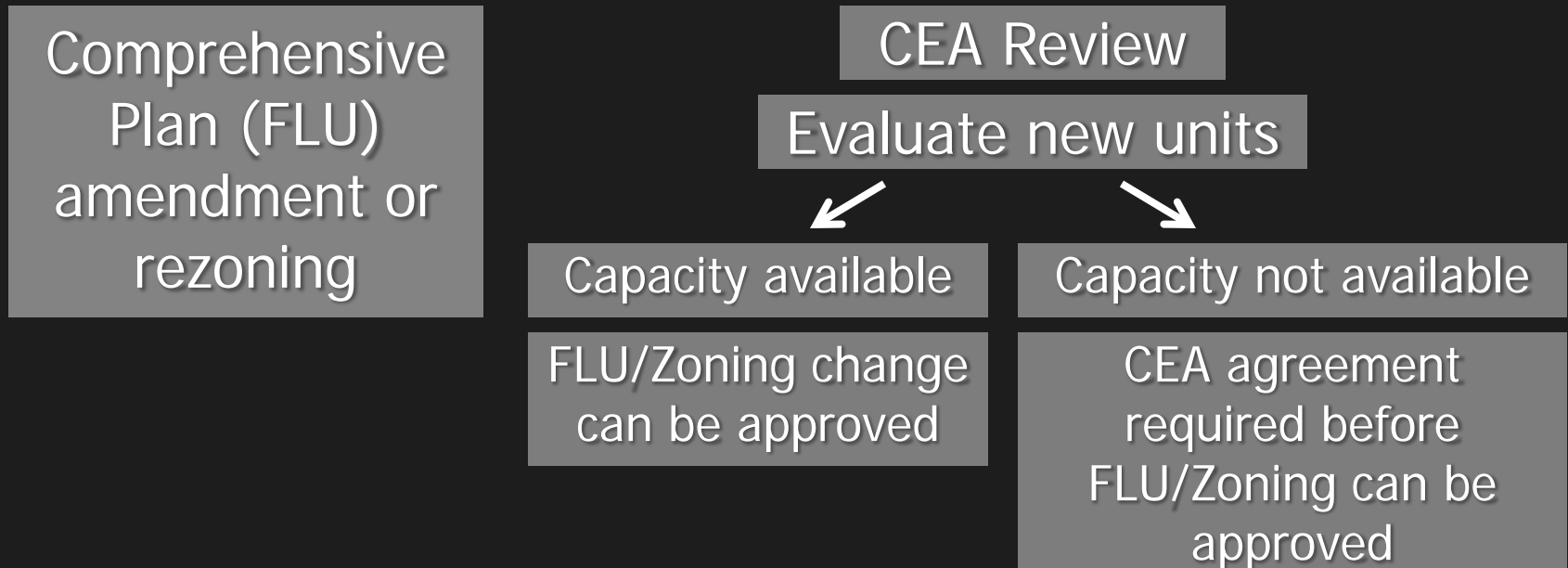- Combined Processes
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CEA Review Process

- Comprehensive Plan amendments and rezonings that increase residential density are subject to review

- Reviewed for the impact on individual schools

- If there is insufficient capacity, developer and OCPS enter into a CEA

Comprehensive Plan (FLU) amendment or rezoning

CEA Review

Evaluate new units

Capacity available

FLU/Zoning change can be approved

Capacity not available

CEA agreement required before FLU/Zoning can be approved

CEAs – Typical Provisions

- Identifies number of units (the impact assessment is based on new units only)

- Requires pre-payment of impact fees

- May include other mitigation

- Executed by property owner and OCPS

CEA Program History – since 2000

- 243 capacity enhancement agreements

- Over 100,000 residential units covered by agreements

- $51 million in pre-paid impact fees received

- $25 million in additional mitigation funds received

Contributions in addition to impact fees

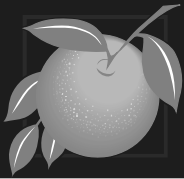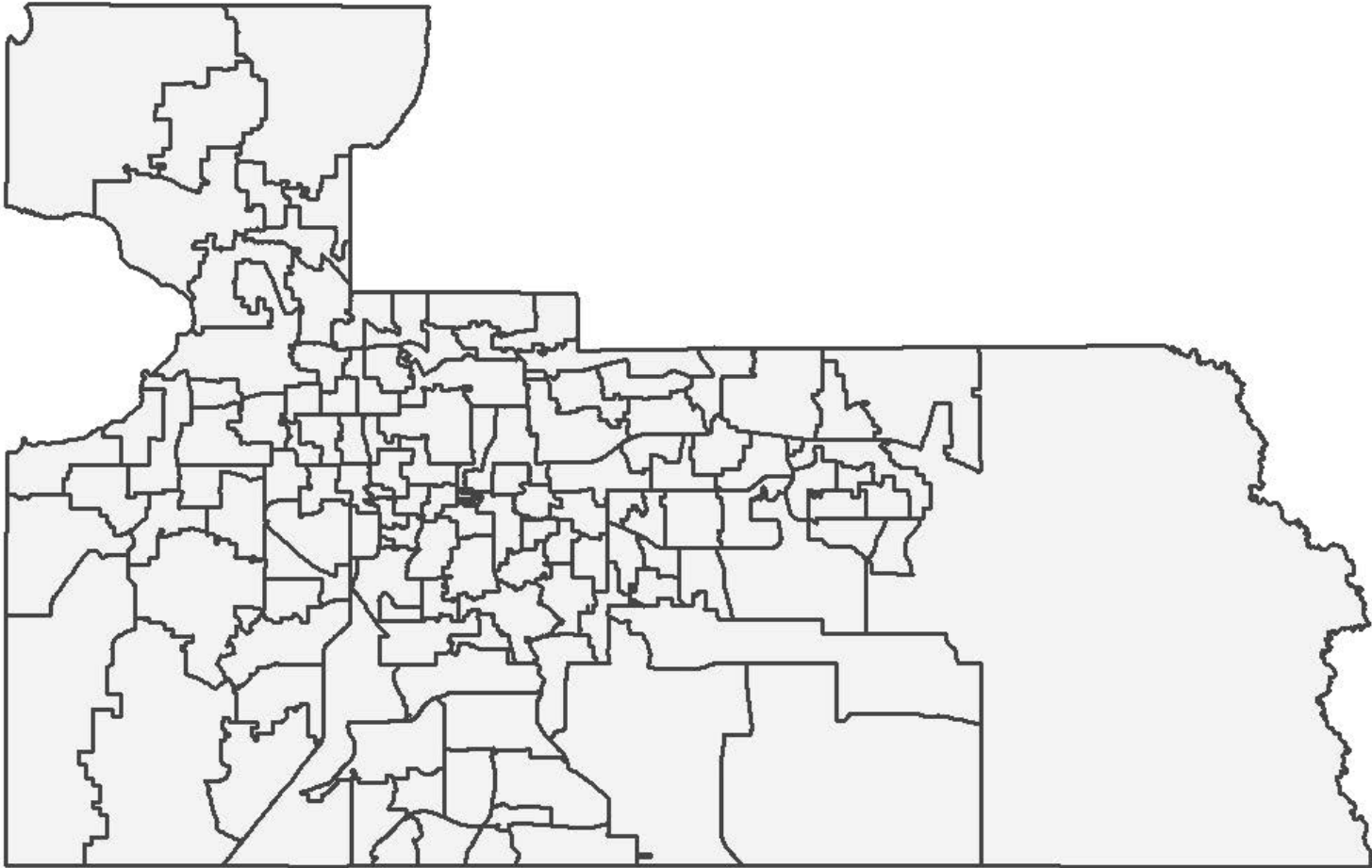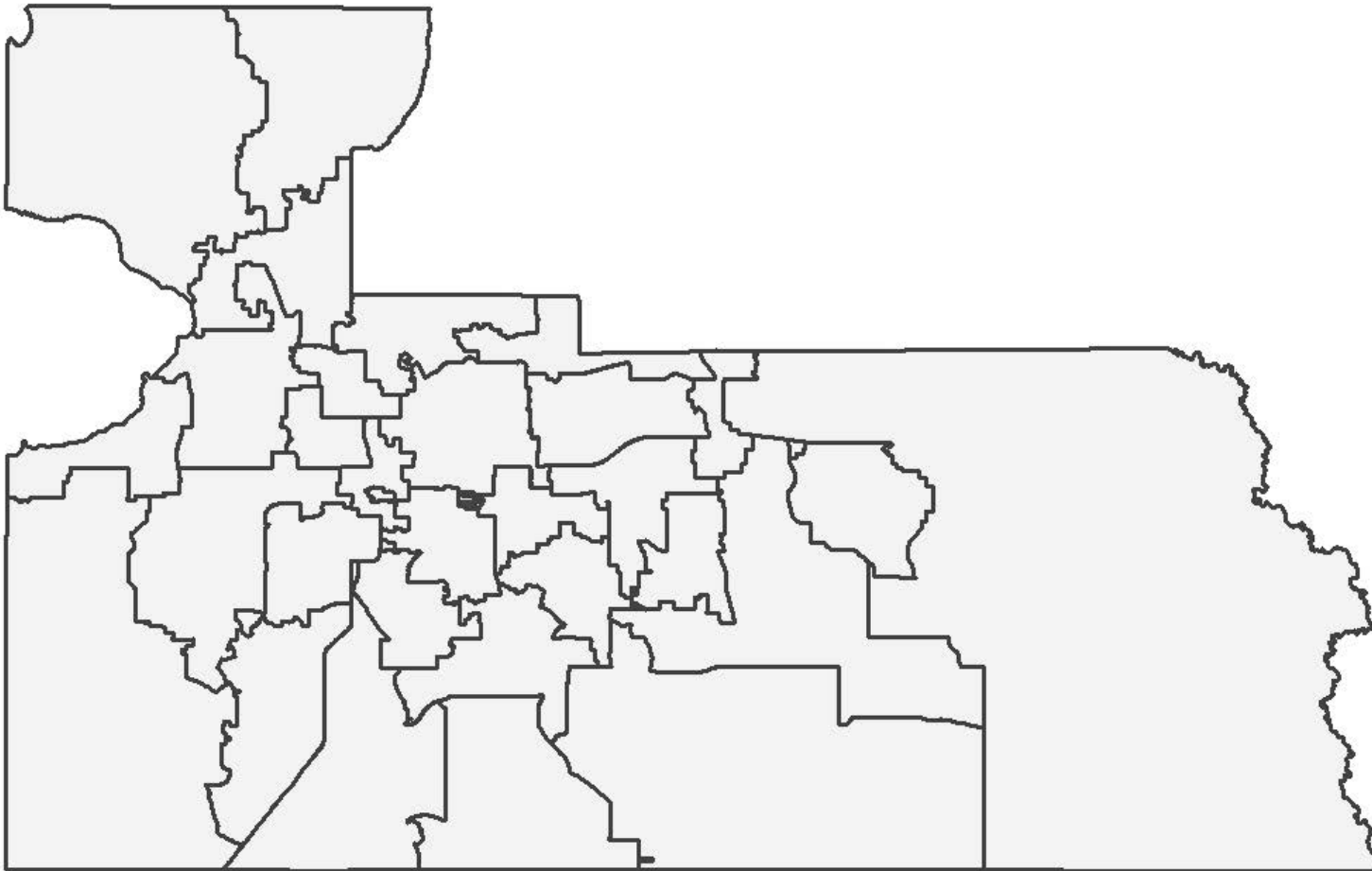| Additional Contributions	Amount Collected
Paid via CEAs	$4,823,145
Paid via Consortium Agreements	$20,649,686
Total	$25,472,831

School Concurrency

- **Implemented in September 2008**
  - Amended Comprehensive Plan
  - Executed Interlocal Agreement

- **Projects reviewed for impacts on Concurrency Service Areas (CSAs)**

- **Allows for review of adjacent CSAs**

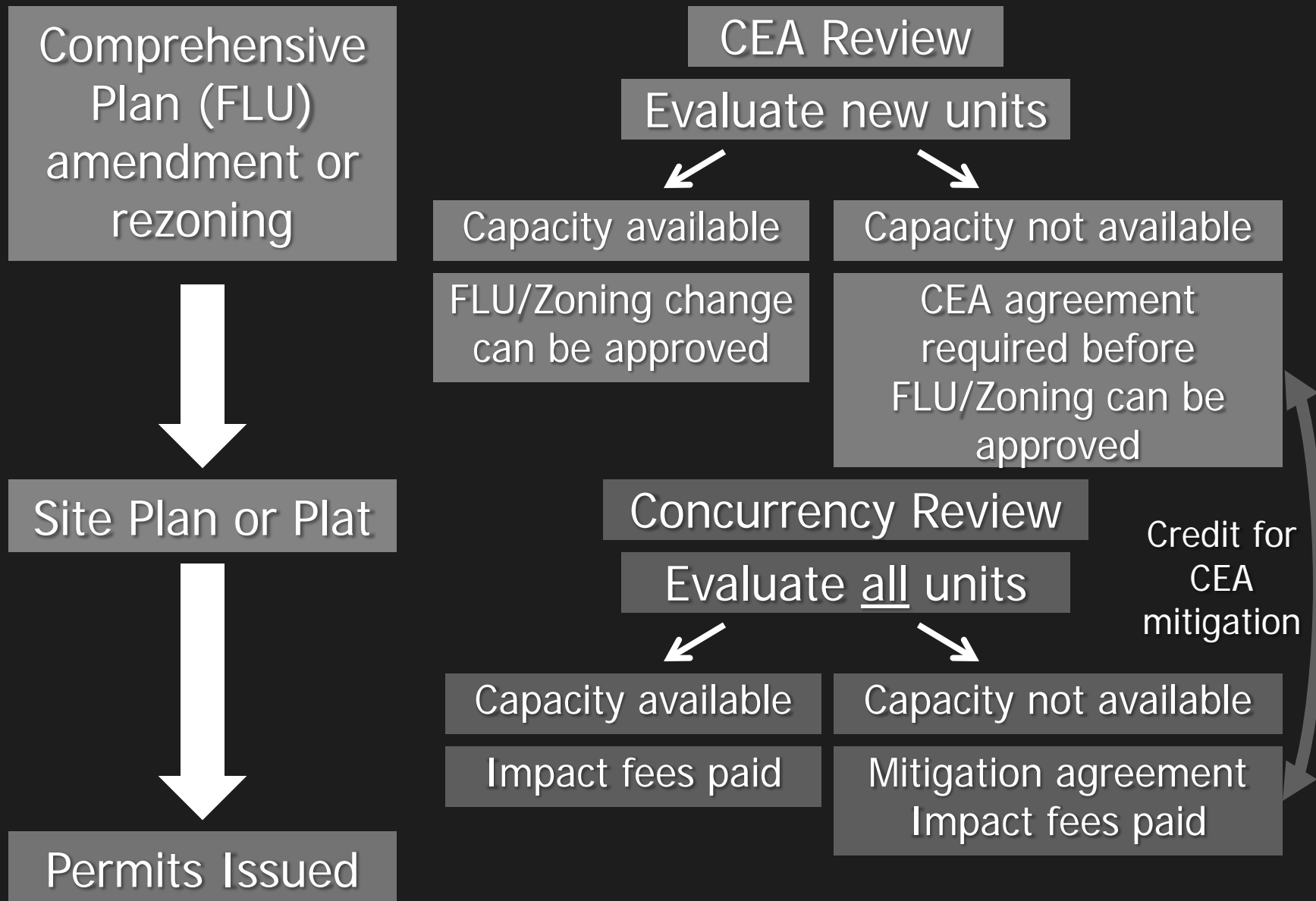- **If capacity is not available, mitigation agreement executed by property owner, OCPS, and County**

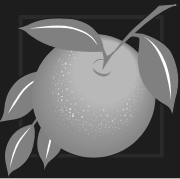# CEA and Concurrency Review Processes

Comprehensive Plan (FLU) amendment or rezoning

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Site Plan or Plat

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Permits Issued

CEA Review

Evaluate new units

- Capacity available
  - FLU/Zoning change can be approved
- Capacity not available
  - CEA agreement required before FLU/Zoning can be approved

Concurrency Review

Evaluate <u>all</u> units

- Capacity available
  - Impact fees paid
- Capacity not available
  - Mitigation agreement Impact fees paid

Credit for CEA mitigation

- Background/History
- Process
  - CEA Program
  - Concurrency
- **Combined Processes**
- Conclusion

CEA Program works in conjunction with school concurrency

School Capacity Determination

Capacity Enhancement Agreement **+** **School Concurrency** **=** **School Capacity Determination**
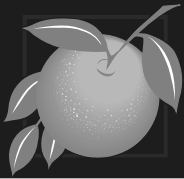
Similarities and Differences

SIMILARITIES

- Some projects may be vested or exempt
- Same level of service used to measure capacity
- Mitigation required if school capacity is not available
- Mitigation agreements run with the land

Similarities and Differences

DIFFERENCES

CEA Program

- Required at CP/rezoning
- Applies to projects that increase residential units
- New units
- Individual schools
- No adjacency review
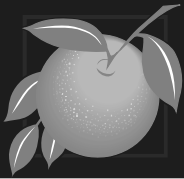- Local (charter amendment)

School Concurrency

- Required prior to plat
- Applies to all residential projects
- All units
- Concurrency Service Areas
- Adjacency review
- State mandated (now optional)

CEA Program Benefits

- Mandatory countywide

- Pre-payment of impact fees assists in long-range planning for OCPS capital needs

- Site donations

  - More likely during early stages of a project

  - Reserves large tracts of land before it is subdivided

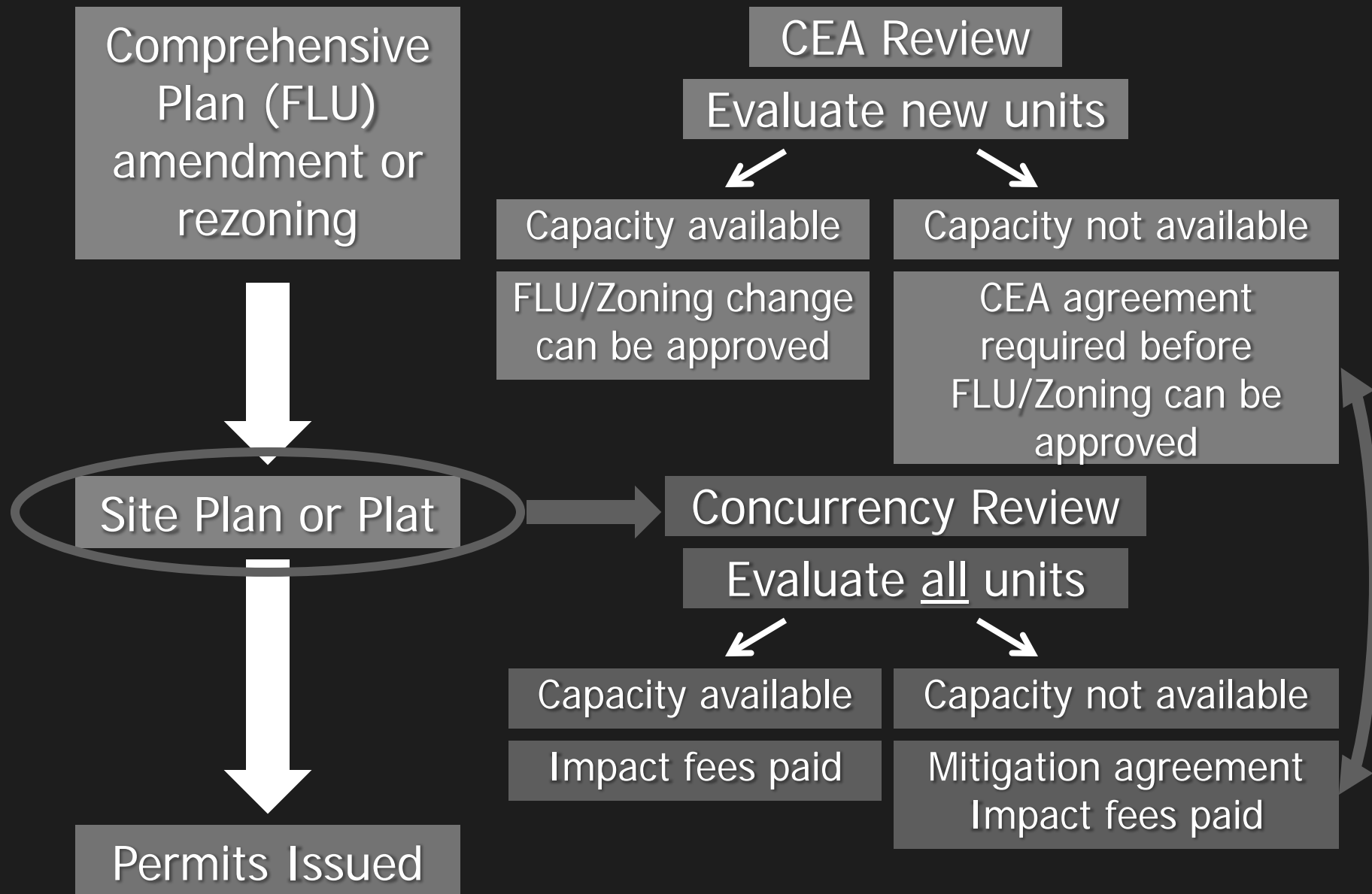 - Sites reserved at pre-development value

Concurrency Program Benefits

- Timing of concurrency review – closer to when development occurs

- Projects don't undergo CEA review if they don't need Comprehensive Plan amendment or rezoning

- Currently over 10,000 acres of vacant land in unincorporated County with residential Future Land Use

Comprehensive Plan (FLU) amendment or rezoning

CEA Review

Evaluate new units

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Capacity not available

FLU/Zoning change can be approved

CEA agreement required before FLU/Zoning can be approved

Site Plan or Plat

Concurrency Review

Evaluate all units

Capacity available

Capacity not available

Impact fees paid

Mitigation agreement Impact fees paid

Permits Issued

- Background/History
- Process
  - CEA Program
  - Concurrency
- Combined Processes
- **Conclusion**

- Processes are complementary
  - Required at different times in the development process
  - Allows evaluation of impacts at entitlement and development stages
- School enrollment continues to grow
- Better ensures school capacity is available when needed
- Fosters coordination between OCPS, the County and the cities

Questions