




To: The Honorable Mayor and Members
Broward County Board of County Commissioners

From: Thomas H. DiGiorgio, Jr., Chair 

Subject: Tri-Party Educational Mitigation Agreements Related to Activity Centers

Date: September 4, 2024

As you are aware, housing affordability is at the forefront of many policy and economic discussions, including at the Broward County Planning Council. At our August 29, 2024, Planning Council meeting, the Council conducted its Local Planning Agency review of the proposed Broward County Code of Ordinances to update the Student Generation Rates and maintain the School Impact Fees. During the public hearing on the matter, the Mayor of the City of Oakland Park brought an item to the Council's attention, with the support of correspondence from Ralph Stone (attached), regarding the Oakland Park Activity Center that was established via Broward County Land Use Plan amendment in 2004. When the Activity Center was initially adopted in 2004, the schools anticipated to serve the Activity Center were overenrolled and the City agreed to enter into a Tri-Party Educational Mitigation Agreement (Agreement) to mitigate the impact of students anticipated from the development of the additional residential units. Subsequent to that initial agreement, the City expanded its Activity Center boundaries and development program in 2021, which required an update of the initial Agreement. The result of the existing and proposed update of the Agreement are exorbitant and inequitable fees that are creating a financial barrier to redevelopment. For example, as outlined in Mr. Stone's August 27, 2024, correspondence, the 136 dwelling unit Oakland Park Sky Building is anticipated to generate six (6) students at a student station cost of \$1,094,256 under the Agreement; conversely, if charged traditional impact fees, the total cost would have been \$86,200.

As the Tri-Party Educational Mitigation Agreements (Agreements) related to Activity Centers are now obsolete due to the overwhelming availability of school capacity, which was the sole basis for the Agreements, the Planning Council unanimously voted to urge the County Commission, as a party to the Agreements, to take the appropriate action to release the City of Oakland Park, as well as the cities of Coconut Creek, Dania Beach, Davie, Fort Lauderdale, Lauderdale Lakes, Lauderhill, Miramar, Plantation and Pembroke Pines, from these outdated Agreements, all of which were committed to between 2003 and 2006 to address significant overcrowding concerns in public schools by imposing additional fees on new residential developments; a condition which no longer exists. The release of these Agreements is critical to the facilitation of housing opportunities and redevelopment throughout Broward County and specifically along essential transportation corridors.

The Council greatly appreciates your consideration of this matter.

Please do not hesitate to contact me or Barbara Blake Boy, Executive Director, Broward County Planning Council staff, if we can be of assistance.

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Attachment

cc/att/email: Broward County Planning Council Members

Andrew Maurodis, Counsel

The School Board of Broward County

Monica Cepero, Broward County Administrator

Dr. Howard Hepburn, Superintendent
Broward County Public Schools

Broward County Municipal Mayors and Managers

Ralph Stone, Director
Broward County Housing Finance Division





Housing Finance Division

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August 27, 2024

Via E-Mail Only

The Honorable Chair and Members
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

SUBJECT: Broward County Planning Council August 29, 2024 Agenda Item R1- "Local Planning Agency Review: Land Development Code, Chapter 5, Article IX, Section 5-182.9, "Development Review Requirements," Relating to Student Generation Rates and Streamlining the Existing School Impact Fee Schedule

Dear Chair DiGiorgio and Planning Council Members:

The proposed changes to the land development code in Agenda Item R1 updates the student generation rates but fortunately does not increase the rates for school impact fees and therefore will not further escalate the cost of development in Broward County.

However, the purpose of this letter is to bring attention to the Broward County Planning Council of the detrimental impact of the existing Educational Mitigation Tri-Party Agreements imposed on some Broward Municipalities in connection with their land use plan amendments approved two decades ago when they established Regional Activity Center (RAC) and Local Activity Center (LAC) land use designations. At the time these agreements were formed, schools faced significant overcrowding, and capacity expansions would have been needed to support the proposed density increases in the RAC/LAC areas. However, today the opposite problem exists. The student population has fallen dramatically, and most schools in these "downtown" areas are significantly underenrolled. The School Board is considering the potential consolidation of schools due to these changes.

Although this situation is applicable to other Municipalities, Broward County has an existing Interlocal Agreement with the City of Oakland Park to redevelop their downtown. The Tri-Party Educational Mitigation Agreement mandates 'mitigation payments' by the City that far exceed school impact fee costs to theoretically fund school capacity expansions that are no longer needed and will not be built and has led to the following circumstances:

- A financial barrier that is stifling critically needed redevelopment opportunities and affordable housing;

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- Assessment of fees that are onerous and disproportionate to the actual student impact of the proposed development;
- Inordinate delays that are jeopardizing the viability of the project while a suitable solution is found.

The stark reality is best shown in the Oakland Park Sky Building project. According to the School Board's own projections, the project's 136 residential units will generate a total of six students. Under the 2005 Mitigation Agreement, the cost is \$1,094,256 for these same students. This is over \$180,000 per anticipated child, all of whom are zoned for schools that are undercapacity. If only charged regular impact fees, the total cost would be \$86,200 total for the same six students.

The RAC/LAC areas are the County's most viable areas for redevelopment and affordable housing in proximity to transit. Adjusting the fee structures in these Agreements to a more equitable standard is not only fair but essential for the continued prosperity of our communities. The Broward County Planning Council is respectfully asked to take a position on the student generation rates and school impact fees in relation to these Tri-Party Educational Mitigation Agreements at this meeting or a future meeting.

Sincerely,



Ralph Stone, Director
Housing Finance Division (HFD)

RS/lw

cc: David Hebert, City Manager, City of Oakland Park
Renee C. Miller, ICMA-CM, R. Miller Consulting Group
Barbara Blake Boy, Executive Director, Broward County Planning Council
Suzanne Fejes, Assistant Director, HFD