



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