



MEMORANDUM

AGENDA ITEM #8e

DATE: SEPTEMBER 13, 2010

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: EVALUATION AND APPRAISAL REPORT AND LOCAL GOVERNMENT
COMPREHENSIVE PLAN REQUIRED AMENDMENT STATUS REPORT

Pursuant to Section 163.3191, Florida Statutes (F.S.), "each local government shall adopt an Evaluation and Appraisal Report (EAR) once every seven years assessing the progress in implementing the local government's comprehensive plan" to assist in keeping its Plan current. The EAR evaluates how a community has addressed major community land use planning issues and suggests how the Plan should be revised and updated. In addition, the EAR reviews legislative changes since the Comprehensive Plan was adopted and determines how the Plan should be updated to reflect new legislation.

When EARs are found to be sufficient, local governments have up to 18 months to adopt EAR-based amendments. If an EAR-based amendment is not adopted within 18 months of the EAR being found sufficient, local governments cannot adopt Comprehensive Plan amendments until the EAR-based amendments are adopted. **Table One provides the status of local governments with EARs that have been found sufficient, including the status of any proposed or adopted EAR-based amendments.**

When EARs are found not sufficient, a local government may amend its Comprehensive Plan for a period of one year from the date the EAR was found to be not sufficient. After this time period, the local government is prohibited from amending its Comprehensive Plan until such time as the EAR has been found sufficient. Council staff is contacting all local governments in the Region whose EAR has not been adopted or has been found not sufficient to offer technical assistance in resolving outstanding EAR issues. **Table Two provides the status for local governments that have not adopted or have received a finding of not sufficient for their EAR.** Included in the table is a brief summary of technical assistance efforts provided to the local government.

Table Three lists the local governments whose required amendments, as of this date, are overdue for one or more reasons or whose amendments are under review at this time. The Florida Legislature has authorized the imposition of penalties by DCA if local governments did not adopt certain amendments or EAR-based requirements on time. The penalties are authorized for: second round EAR Reports, first or second round EAR-based amendments, Public Education Facilities Element amendments, alternative water supply planning amendments, and annual updates to the Capital Improvements Element.

Recommendation

Information only.

Table One
Second Round EAR Sufficiency and EAR-Based Amendment Status
(as of August 27, 2010)

| Local Government | EAR Due Date | EAR Sufficiency Finding and Date | EAR Based Amendment Due | EAR Based Amendment Status |
|-------------------------|---------------------|---|--------------------------------|--|
| Aventura | 12/1/05 | 1/15/06 | 7/15/07 | adopted 1/10/07; in compliance 3/16/07 |
| Biscayne Park | 3/1/06 | 11/25/08 | 5/25/10 | proposed amendment reviewed at 6/7/10 Council meeting; ORC issued 7/1/10 |
| Broward County | 3/1/04 | 7/26/04 | 11/8/06* | adopted 12/12/06; in compliance 1/30/07 |
| Coconut Creek | 3/1/05 | 12/21/05 | 12/21/07* | adopted 5/22/08; in compliance 8/28/08 |
| Cooper City | 3/1/05 | 6/24/05 | 12/24/07** | adopted 12/11/07; in compliance 2/20/08 |
| Coral Gables | 4/1/06 | 9/7/07 | 3/7/09 | adopted 11/17/09; in compliance 1/6/10 |
| Coral Springs | 4/1/05 | 4/16/07 | 10/16/08 | adopted 7/17/08; in compliance 8/7/08 |
| Dania Beach | 4/1/05 | 4/30/07 | 10/30/08 | adopted 2/24/09; in compliance 4/15/09 |
| Davie | 5/1/05 | 7/11/06 | 7/11/08* | adopted 8/19/09; in compliance 10/20/09 |
| Deerfield Beach | 5/1/05 | 3/3/06 | 9/3/07 | adopted 5/1/07; in compliance 7/10/07 |
| El Portal | 11/1/04 | 3/11/05 | 9/11/06 | |
| Florida City | 11/1/04 | 2/5/07 | 8/5/08 | adopted 1/23/08; in compliance 3/18/08 |
| Fort Lauderdale | 6/1/05 | 3/24/06 | 3/24/08* | adopted 5/6/08; in compliance 7/23/08 |
| Golden Beach | 11/1/04 | 8/26/05 | 2/26/07 | adopted 8/26/09; in compliance 10/27/09 |
| Hallandale Beach | 6/1/05 | 11/28/06 | 5/28/08 | adopted 8/19/09; in compliance 1/11/10 |
| Hialeah | 12/1/04 | 11/18/05 | 5/18/07 | adopted 8/28/07; in compliance 10/23/07 |
| Hialeah Gardens | 12/1/04 | 1/28/05 | 7/28/06 | adopted 5/1/07; in compliance 8/10/07 |
| Hillsboro Beach | 7/1/05 | 10/11/05 | 4/11/07 | adopted 4/6/10; NOI issued 6/3/10 |
| Hollywood | 7/1/05 | 10/9/05 | 4/7/08* | adopted 2/20/08; in compliance 4/21/08 |
| Homestead | 1/1/05 | 1/7/08 | 7/7/09 | adopted 7/20/09; not in compliance (10/22/09) |
| Indian Creek Village | 1/1/05 | 3/11/05 | 9/11/06 | adopted 12/19/05; in compliance 2/6/06 |
| Islamorada | 12/1/05 | 11/30/07 | 5/30/09 | adopted 12/18/09; in compliance 2/3/09 |
| Key Biscayne | 2/1/05 | 10/24/07 | 4/24/09 | proposed amendment reviewed at 4/5/10 Council meeting; ORC issued 5/21/10 |
| Key Colony Beach | 8/1/05 | 5/9/06 | 11/9/07 | adopted 6/12/07; in compliance 8/31/07 |
| Key West | 2/1/06 | 4/13/07 | 10/13/08 | |
| Lauderdale-By-The-Sea | 8/1/05 | 7/7/06 | 1/7/08 | adopted 9/12/08; in compliance 10/31/08 |
| Lauderdale Lakes | 8/1/05 | 11/21/07 | 5/21/09 | proposed amendment reviewed at 11/2/09 Council meeting; ORC issued 12/8/09 |
| Lauderhill | 9/1/05 | 6/13/06 | 11/14/08** | |
| Layton | 9/1/05 | 10/20/06 | 4/20/08 | adopted 2/7/08; in compliance 4/22/08 |
| Lighthouse Point | 10/1/05 | 7/31/06 | 7/31/08* | adopted 6/23/09; in compliance 9/8/09 |
| Margate | 10/1/05 | 9/14/07 | 3/14/09 | adopted 1/20/10; in compliance 3/18/10 |
| Medley | 3/1/05 | 3/13/07 | 9/13/08 | adopted 2/17/09; in compliance 4/9/09 |
| Miami | 3/1/05 | 2/17/06 | 8/17/08** | adopted 11/13/08; in compliance, except for some GOPs related to working waterfronts |
| Miami Beach | 4/1/05 | 12/7/07 | 6/7/09 | |
| Miami Lakes | 5/1/06 | 6/27/08 | 10/27/09 | |

| Local Government | EAR Due Date | EAR Sufficiency Finding and Date | EAR Based Amendment Due | EAR Based Amendment Status |
|-------------------------|---------------------|---|--------------------------------|---|
| Miami Shores | 4/1/05 | 9/2/05 | 9/2/07 * | adopted 7/1/08; in compliance 9/4/08 |
| Miami Springs | 5/1/05 | 7/17/07 | 7/17/09 | adopted 8/24/09; in compliance 12/28/09 |
| Miami-Dade County | 11/1/03 | 2/16/04 | 8/16/05 | adopted 12/12/05; in compliance 2/16/06 |
| Miramar | 11/1/05 | 7/30/07 | 1/30/09 | <i>adopted amendment under review for 9/13/10 Council Meeting</i> |
| Monroe County | 8/1/04 | 12/12/04 | 12/20/06 * | adopted 5/21/07; in compliance 7/25/07 |
| North Bay Village | 5/1/05 | 6/26/06 | 12/26/07 | adopted 12/11/07; in compliance 2/4/08 |
| North Lauderdale | 11/1/05 | 3/23/07 | 9/23/08 | adopted 5/29/08; in compliance 8/27/08 |
| North Miami | 6/1/05 | 12/21/05 | 12/21/07 * | adopted 12/11/08; in compliance 2/18/08 |
| North Miami Beach | 6/1/05 | 9/16/05 | 9/16/07 * | |
| Oakland Park | 12/1/05 | 6/30/06 | 12/30/07 | adopted 12/12/07; in compliance 2/1/08 |
| Opa-locka | 7/1/05 | 1/22/10 | 7/22/11 | |
| Parkland | 1/1/05 | 11/17/06 | 5/17/08 | adopted 8/20/08; in compliance 10/20/08 |
| Pembroke Pines | 2/1/06 | 4/11/06 | 10/11/07 | adopted 10/3/07; in compliance 11/21/07 |
| Pinecrest | 8/1/05 | 4/21/06 | 10/21/07 | |
| Plantation | 2/1/06 | 7/11/06 | 1/11/08 | adopted 11/28/07; in compliance 1/17/08 |
| Pompano Beach | 3/1/06 | 3/9/07 | 3/9/09 * | adopted 1/26/10; NOI issued 4/1/10 |
| South Miami | 9/1/05 | 5/19/06 | 11/19/07 | adopted 4/6/10; NOI issued 6/3/10 |
| Southwest Ranches | 6/1/06 | 4/11/08 | 10/11/09 | adopted 12/3/09; NOI issued 2/8/10 |
| Sunny Isles Beach | 10/1/05 | 11/29/05 | 5/29/07 | adopted 12/13/07; in compliance 2/8/07 |
| Sunrise | 4/1/06 | 4/9/07 | 4/9/09 * | adopted 7/14/09; in compliance 9/30/09 |
| Surfside | 10/0/05 | 7/29/08 | 11/29/09 | proposed amendment reviewed at 10/5/09; ORC issued 11/20/09 |
| Sweetwater | 11/1/05 | 4/24/07 | 10/24/08 | proposed amendment reviewed at 3/2/09 Council meeting; ORC issued 3/23/09 |
| Tamarac | 5/1/06 | 6/23/06 | 6/23/08 | adopted 6/11/08; in compliance 8/4/08 |
| Virginia Gardens | 11/1/05 | 6/8/07 | 12/8/08 | adopted 8/20/09; in compliance 10/23/09 |
| West Miami | 12/1/05 | 12/20/06 | 6/20/08 | adopted 10/18/08; in compliance 1/17/09 |
| Weston | 5/1/06 | 7/17/07 | 1/17/09 | adopted 1/20/09; in compliance 3/17/09 |
| Wilton Manors | 6/1/08 | 5/6/08 | 11/6/09 | adopted amendment reviewed at 8/2/10; NOI to be issued |

* received 6 month extension of due date from DCA

received a second 6 month extension of due date in order to further transportation and land use planning

ORC = Objections, Recommendation, and Comments Report from the Florida Department of Community Affairs on the proposed amendment

Table Two
Status of Second Round EAR Activities, EAR Not Adopted or EAR Process Not Complete
(as of August 27, 2010)

| Local Government | EAR Due Date | EAR Adopted | EAR Not Sufficient Finding and Date | Technical Assistance Efforts |
|-------------------------|---------------------|--------------------|--|---|
| Bal Harbour | 1/1/06 | Yes | | <i>adopted EAR under review</i> |
| Bay Harbor Island | 2/1/06 | No | | coordinated with consultant, offered technical assistance |
| Lazy Lake | 9/1/05 | No | | discussed status with City Attorney; offered technical assistance |
| Sea Ranch Lakes | 4/1/06 | No | | discussed EAR alternatives with DCA due to size of city |

¹ Revised EAR submitted to resolve insufficiency issues

Table Three
Local Governments that may be Restricted from Adopting Plan Amendments
(as of August 27, 2010)

| Local Government | Amendment Type | | | | | | | |
|----------------------|---------------------------|--|--|--|--|---|---|--|
| | School Siting Not Adopted | First Round EAR-Based Partially or Not Adopted | Second Round EAR Not Adopted With EAR Due Date | Second Round EAR-Based Not Adopted With Amendment Due Date | EAR More Than One Year Not Sufficient With Not Sufficient Finding Date | Public Education Facilities Element Not Adopted With Due Date | Water Supply Planning Not Adopted With Due Date | Annual Update to CIE Not Adopted With Due Date |
| Bal Harbour Village | | X | | | | (exempt) | | 12/1/2009 |
| Bay Harbor Islands | | X | 2/1/2006 | | | | | 12/1/2009 |
| Biscayne Park | X | X | | 5/25/10 (proposed amendment reviewed 6/7/10) | | (exempt) | | 12/1/2009 |
| Coconut Creek | | | | | | | | 12/1/2009 |
| Dania Beach | | | | | | | Not in Compliance 8/15/2008♦ | |
| Doral | | | | | | | 8/15/2008♦ | |
| El Portal | | | | 9/11/2006 | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Florida City | | | | | | | 8/15/2008♦ | |
| Fort Lauderdale | | | | | | | | 12/1/2009 |
| Hallandale Beach | | | | | | | | 12/1/2009 |
| Hialeah | | | | | | 1/1/2008 | | |
| Hialeah Gardens | | | | | | 1/1/2008 | | |
| Hillsboro Beach | | | | | | (exempt) | | 12/1/2009 |
| Homestead | | | | 7/7/2009; not in compliance (10/22/09) | | | Not in Compliance (8/15/2008) | 12/1/2009 |
| Indian Creek Village | | | | | | | | 12/1/2009 |
| Islamorada | | | | | | 4/1/2008 (waiver) | | 12/1/2009\$ |

| Local Government | Amendment Type | | | | | | | |
|-----------------------|---------------------------|--|--|---|--|---|---|--|
| | School Siting Not Adopted | First Round EAR-Based Partially or Not Adopted | Second Round EAR Not Adopted With EAR Due Date | Second Round EAR-Based Not Adopted With Amendment Due Date | EAR More Than One Year Not Sufficient With Not Sufficient Finding Date | Public Education Facilities Element Not Adopted With Due Date | Water Supply Planning Not Adopted With Due Date | Annual Update to CIE Not Adopted With Due Date |
| Islandia | | | | | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Key Biscayne | | | | 4/24/2009 | | | 8/15/2008◆ | 12/1/2009 |
| Key Colony Beach | | | | | | 4/1/2008 (waiver) | | |
| Key West | | X | | 10/13/2008 | | 4/1/08 (waiver) | 8/15/2008 | 12/1/2009 |
| Lauderdale By-The-Sea | | | | | | 2/1/2008 | | 12/1/2009 |
| Lauderdale Lakes | | | | 5/21/2009 ORC issued 12/8/09 | | | 8/15/2008◆ | 12/1/2009 |
| Lauderhill | | | | 11/14/2008 | | | | 12/1/2009 |
| Layton | | | | | | 4/1/2008 (waiver) | | 12/1/2009 |
| Lazy Lake | X | | 9/1/2005 | | | 2/1/2008 | 8/15/2008 | 12/1/2009 |
| Marathon | | | | | | 4/1/2008 (waiver) | 8/15/2008 | |
| Miami | | | | 8/17/2008; adopted 11/13/2008; compliant, except GOPs RE: working waterfronts | | | | 12/1/2009 |
| Miami Beach | | X | | 6/7/09 | | | 8/15/2008◆ | 12/1/2009 |
| Miami Lakes | | | | 12/27/09 | 12/19/2007 | | 8/15/2008◆ | 12/1/2009 |
| Miramar | | | | 1/30/10 (adopted under review) | | | | 12/1/2009 |
| Monroe County | | | | | | 4/1/2008 (waiver) | | 12/1/2009 |
| North Bay Village | | | | | | | | 12/1/2009 |

| Local Government | Amendment Type | | | | | | | |
|-------------------|---------------------------|--|--|--|--|---|---|--|
| | School Siting Not Adopted | First Round EAR-Based Partially or Not Adopted | Second Round EAR Not Adopted With EAR Due Date | Second Round EAR-Based Not Adopted With Amendment Due Date | EAR More Than One Year Not Sufficient With Not Sufficient Finding Date | Public Education Facilities Element Not Adopted With Due Date | Water Supply Planning Not Adopted With Due Date | Annual Update to CIE Not Adopted With Due Date |
| North Lauderdale | | | | | | | | 12/1/2009 |
| North Miami Beach | | | | 9/16/2007 | | | | 12/1/2009 |
| Opa-Locka | X | X | | 7/22/2011 | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Palmetto Bay | | | | | | | | 12/1/2009 |
| Pembroke Park | | | 1/1/2006 (adopted EAR under review) | | | | | |
| Pinecrest | | | | 10/21/2007 | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Pompano Beach | | | | | | | | 12/1/2009 |
| Sea Ranch Lakes | X | | 4/1/2006 | | | (exempt) | 8/15/2008 | 12/1/2009 |
| South Miami | | | | | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Southwest Ranches | | | | | | | | 12/1/2009 |
| Sweetwater | X (09-1ER proposed) | X (ORC) | | 10/24/2008; ORC issued 3/23/2009 | | 1/1/2008 | 8/15/2008 | 12/1/2009 |
| Tamarac | | | | | | | | 12/1/2009 |
| West Miami | | | | | | | 8/15/2008 | 12/1/2009 |
| Wilton Manors | | | | 11/06/2009; ORC issued 12/19/09 | | | | |

*revised adopted EAR submitted for review

ORC, Objections, Recommendation, and Comments Report on the proposed amendment

◆, amendment review for water supply planning in ORC/NOI process

\$, amendment review for capital improvement annual update in ORC/NOI process

(), local government has timely submitted EAR-based amendments for review