



MEMORANDUM

AGENDA ITEM #7a

DATE: DECEMBER 1, 2008

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: ADOPTED PUBLIC EDUCATION FACILITIES ELEMENT/CAPITAL IMPROVEMENTS
ELEMENT UPDATE COMPREHENSIVE PLAN AMENDMENTS

Introduction

Council staff has received adopted plan amendments from the City of North Bay Village and Broward County for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Their adopted amendments are to include a new Public Education Facilities Element and update the Capital Improvement Element respectively. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Public Education Facilities Element and Related Amendments

The adopted Public Education Facilities Element and related text amendments have been transmitted pursuant to the 2005 Growth Management legislation. The legislation requires that local governments and school boards adopt a school concurrency program, update existing public schools interlocal agreements, establish level of service standards to define school capacity, and adopt a Public School Facilities Element into their comprehensive plan to implement a school concurrency program. The school concurrency program must ensure that adequate school capacity to support new development either exists or will be in place or under actual construction within three years after the issuance of final subdivision or site plan approval, or the functional equivalent. The interlocal agreement establishes procedures that will be followed in coordinating land use and public school planning.

Since the legislation was passed, working groups have been formed in both Miami-Dade and Broward Counties to develop the adopted amendments. Each working group included representatives from the applicable County Public Schools, all affected local governments and the development community. Because of the efforts of the Working Groups, within each county the amendments have been coordinated and each local government is adopting similar amendments.

Summary of Staff Analysis for Miami-Dade County Amendments

Miami-Dade County and the 27 non-exempt municipalities in the County were required to adopt the Public Education Facilities Element, related comprehensive plan text amendments and the *Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County (ILA)* by January 1, 2008. The adopted Public Educational Facilities Element amendments add new goals, objectives and supporting policies to coordinate new residential development with future availability of public school facilities consistent with the adopted level of service (LOS) standards for public school concurrency. The initially proposed LOS standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) capacity beginning January 1, 2008. This standard would allow for the use of relocatable classrooms and provides that when public school facilities achieve 100% utilization of Permanent FISH (no relocatable classrooms) they should no longer rely on relocatable classrooms except in temporary “operational” situations such as remodeling, renovation or expansion of a facility. The proposed amendments include an additional policy, which establishes a goal of achieving 100% Permanent FISH capacity in all public school facilities in the County by January 1, 2018.

Amendments to the Intergovernmental Coordination Element provide a formal process for intergovernmental coordination and establish specific coordination activities to occur on a regular basis. Capital Improvement Element amendments allow the applicable local government to prepare and adopt a five year capital improvements program that includes school facilities.

The only local government in Miami-Dade County adopting a Public Education Facilities Element and related text amendments this month is the City of North Bay Village. A table with information regarding the vote on the amendment follows.

Local Government And Plan Amendment Number	Proposed Amendment Council Review Date	Proposed Amendment Council Decision	Local Government Adoption Public Hearing and Meeting	Governing Body Adoption Vote
North Bay Village 08-1PEFE	6/2/2008	Generally Consistent	10/14/2008	Unanimous

Staff analysis confirms that the adopted text amendments are compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Capital Improvements Element Update Amendments

Every year local governments must update their Capital Improvements Element (CIE), including the Five-Year Schedule of Capital Improvements (Schedule). The purpose of the CIE and the Schedule is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) Standards are achieved and maintained for concurrency related facilities (sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, transportation facilities, including mass transit, where applicable, and public school facilities starting in 2008). In order to assure that facilities will be in place to maintain LOS standards in a timely manner, the Schedule must address deficiencies and be financially feasible. The adopted update amendment must be received by the Department of Community Affairs (DCA) by December 1 of each year.

The annual update amendment is exempt from the twice-per-year limitation on plan amendment adoptions and may be adopted by a local government with only one public hearing. Under this expedited process, the local government does not transmit the annual update as a proposed amendment and DCA does not issue an Objections, Recommendations and Comments (ORC) Report. Instead, the

local government simply adopts the CIE annual update amendment at a duly noticed public hearing, sends the adopted amendment to DCA, and DCA publishes a Notice of Intent after conducting a compliance review. However, a local government may elect to submit the annual update as a proposed amendment for review just like other large scale amendments.

Local governments with no scheduled improvements must still annually review and revise, as necessary, the CIE. If the annual review establishes that no capital improvement projects need be included in the Schedule, then the annual update should demonstrate that LOS Standards will be maintained during the next five-year planning period and, thus, no capital improvements need be scheduled.

Effective December 1, 2008, if the adopted annual CIE update amendment is not received by DCA by December 1 of each year, the local government is prohibited from adopting Future Land Use Map changes, except for amendments to meet new statutory requirements and emergency amendments, until the update amendment is submitted to the Department. This prohibition on future amendments also applies to small scale amendments.

The only local government adopting the CIE Update amendments this month is Broward County. A table with information regarding the local government’s vote on the amendment follows.

Local Government	Plan Amendment Number	Local Government Meeting	Governing Body Transmittal Vote
Broward County	08-CIE1	11/13/2008	Unanimous

Staff analysis confirms that the adopted text amendments are compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Recommendation

Find the adopted plan amendments from City of North Bay Village, related to public school facility concurrency, and Broward County, related to the CIE, generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.