



MEMORANDUM

AGENDA ITEM #7a

DATE: MARCH 1, 2010

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 following local governments: Cutler Bay, Key Colony Beach, Marathon, Miami-Dade County, Miami Gardens, Miami Springs, Oakland Park, and Pembroke Pines for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*, related to the annual update of the Capital Improvements Element. 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.).

No Public Education Facilities Element and Related Amendments were submitted for review this month.

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). 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 amendment annual update must be received by the Department of Community Affairs (DCA) by December 1 of each year; however, the update need not comply with the financial feasibility requirement until December 1, 2011 (pursuant to Senate Bill 360).

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, 2011, 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 local governments adopting the CIE annual update amendments this month are the following local governments: Cutler Bay, Key Colony Beach, Marathon, Miami-Dade County, Miami Gardens, Miami Springs, Oakland Park, and Pembroke Pines. 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
Cutler Bay	10-CIE1	1/20/2010	Unanimous
Key Colony Beach	10-CIE1	1/28/2010	Unanimous
Marathon	10-CIE1	1/12/2010	Unanimous
Miami-Dade County	09-CIE1	12/01/2009	Unanimous
Miami Gardens	10-CIE1	2/3/2010	Unanimous
Miami Springs	10-1	1/25/2010	Unanimous
Oakland Park	10-CIE1AR	2/3/2010	Unanimous
Pembroke Pines	10-CIE1AR	2/3/2010	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 related to the CIE from the local governments of Cutler Bay, Key Colony Beach, Marathon, Miami-Dade County, Miami Gardens, Miami Springs, Oakland Park, and Pembroke Pines generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.