



MEMORANDUM

AGENDA ITEM #7a

DATE: MAY 4, 2009

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: Dania Beach, Layton, Miramar, Pembroke Pines, West Park, and Wilton Manors 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 Broward County Amendments

Broward County and the non-exempt municipalities in the county must adopt the Public Education Facilities Element, related comprehensive plan text amendments and *Amended Interlocal Agreement for Public School Facility Planning in Broward County (ILA)* by February 1, 2008.

Adopted Public Educational Facilities Element amendments add new goals, objectives and supporting policies to provide coordinating new residential development with future availability of public school facilities consistent with the adopted level of service (LOS) standards for public school concurrency. The LOS standard shall be 110% of the Florida Inventory of School Housing (FISH) capacity for each public elementary, middle and high school. The amendment also adopted 12 Future Conditions Maps for public school facilities for the short-term (five year) and long-term planning periods.

Amendments to the Intergovernmental Coordination Element add policies that would coordinate County and municipal land use planning and permitting processes with the School Board’s site selection and planning process to ensure future school facilities are consistent and compatible with land use categories and enable a close integration between existing and planned school facilities and the surrounding land uses. Capital Improvement Element amendments add policies that would ensure that public school facilities are available for current and future students consistent with available financial resources and the adopted LOS.

The only local government in Broward County adopting a Public Education Facilities Element and related text amendments this month is the City of West Park. A table with information regarding the local government’s 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
West Park #09-PEFE1	9/8/09	Generally Consistent	11/5/08	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). 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 local governments adopting the CIE annual update amendments this month include: Dania Beach, Layton, Miramar, Pembroke Pines, and Wilton Manors. 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
Dania Beach	#09-CIE1AR	3/24/09	Unanimous
Layton	#09-CIE1	3/12/09	Unanimous
Miramar	#09-CIE1	3/18/09	Unanimous
Pembroke Pines	#09-CIE1AR	3/18/09	Unanimous
Wilton Manors	#09-CIE1AR	3/23/09	Unanimous

Comments

The City of Dania Beach’s Capital Improvements Schedule could be improved to clearly demonstrate financial feasibility. Through coordination with City staff, Council staff has provided guidance on how to document planned project funding sources for future annual updates to the Capital Improvements Element.

Policy 3.7 of the City of Wilton Manors’ CIE was drafted for consistency with LOS Standards set forth in the 2008 Broward County Transportation Element (TE). However, Broward County’s TE was found to be not in compliance by the Department of Community Affairs (DCA). Subsequently, Broward County adopted remedial amendments pursuant to a Stipulated Settlement Agreement with DCA on March 24, 2009. Wilton Manors planning staff has been informed of the County’s new policy language and will make necessary revisions to the CIE in their upcoming Evaluation and Appraisal Report (EAR)-based amendment submission.

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 the local governments of Dania Beach, Layton, Miramar, Pembroke Pines, West Park, and Wilton Manors generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.