



MEMORANDUM

AGENDA ITEM #8g

DATE: JANUARY 7, 2008

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: EVALUATION AND APPRAISAL REPORT STATUS

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 date when the EAR was found sufficient, the date by when EAR-based amendments must be adopted, and 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 EARs have not been adopted or have 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 EARs 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 that, as of this date, are not permitted to adopt comprehensive plan amendments for one or more reasons. These reasons may include not sufficiently addressing current issues; not adopting current EAR-based comprehensive plan amendments, previous EAR-based amendments (from the first round of EARs seven years ago), or school siting amendments. Local governments whose current EARs are found sufficient will not be permitted to adopt comprehensive plan amendments if those local governments have not addressed a previous EAR requirement.

Recommendation

Information only.

Table One
EAR Sufficiency and EAR-Based Amendment Status

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
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*	proposed amendment to be reviewed at 1/7/08 Council Meeting; ORC Report to be issued 2/2/08
Cooper City	3/1/05	6/24/05	12/24/07*#	proposed amendment reviewed at 9/10/07 Council Meeting; ORC Report issued 9/25/07 with objections
Coral Gables	4/1/06	9/7/07	3/7/09	
Coral Springs	4/1/05	4/16/07	10/16/08	
Dania Beach	4/1/05	4/30/08	10/30/08	
Davie	5/1/05	7/11/06	7/1/08*	
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	proposed amendment reviewed at 7/2/07 Council meeting; ORC Report issued 7/31/07 with objections
Fort Lauderdale	6/1/05	3/24/06	3/24/08*	
Golden Beach	11/1/04	8/26/05	2/26/07	coordinated with consultant, offered technical assistance
Hallandale Beach	6/1/05	11/28/06	5/28/08	
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	
Hollywood	7/1/05	10/9/05	4/7/08*	proposed amendment reviewed at 12/3/07 Council Meeting; ORC Report to be issued 12/31/07
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	
Key Biscayne	2/1/05	10/24/07	4/24/09	
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	
Lauderdale Lakes	8/1/05	11/21/07	5/21/09	
Lauderhill	9/1/05	6/13/06	12/13/07	
Layton	9/1/05	10/20/06	4/20/08	proposed amendment reviewed at 11/5/07 Council Meeting; ORC Report issued 11/26/07 with objections
Lighthouse Point	10/1/05	7/31/06	1/31/08	
Margate	10/1/05	9/14/07	3/14/09	
Medley	3/1/05	3/13/07	9/13/08	
Miami	3/1/05	2/17/06	8/17/08*#	
Miami Shores	4/1/05	9/2/05	9/2/07*	

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
Miami Springs	5/1/05	7/17/07	7/17/09	proposed amendment reviewed at 11/5/07 Council Meeting; ORC Report issued 11/24/07 with objections
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	
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	proposed amendment reviewed at 9/10/07 Council Meeting; ORC Report issued 10/9/07
North Lauderdale	11/1/05	3/23/07	9/23/08	proposed amendment to be reviewed at 1/7/08 Council Meeting; ORC Report to be issued 2/10/08
North Miami	6/1/05	12/21/05	12/21/07*	proposed amendment reviewed at 9/10/07 Council Meeting; ORC Report issued 10/9/07 with objections
North Miami Beach	6/1/05	9/16/05	9/16/07*	
Oakland Park	12/1/05	6/30/06	12/30/07	proposed amendment reviewed at 8/6/07 Council Meeting; ORC Report issued 8/31/07 with objections
Parkland	1/1/05	11/17/06	5/17/08	proposed amendment to be reviewed at 1/7/08 Council Meeting; ORC Report to be issued 1/18/08
Pembroke Pines	2/1/06	4/11/06	10/11/07	adopted 10/3/07; adopted amendment to be reviewed at 11/5/07 Council Meeting
Pinecrest	8/1/05	4/21/06	10/21/07	
Plantation	2/1/06	7/11/06	1/11/08	proposed amendment reviewed at 10/1/07 Council Meeting; ORC Report issued 10/26/07
Pompano Beach	3/1/06	3/9/07	9/9/08	
South Miami	9/1/05	5/19/06	11/19/07	proposed amendment reviewed 12/3/07 Council Meeting; ORC Report to be issued 1/18/08
Sunny Isles Beach	10/1/05	11/29/05	5/29/07	proposed amendment reviewed at 8/6/07 Council Meeting; 2 objections raised; ORC Report issued 8/24/07 with objections
Sunrise	4/1/06	4/9/07	10/9/08	
Sweetwater	11/1/05	4/24/07	10/24/08	
Tamarac	5/1/06	6/23/06	6/23/08	proposed amendment to be reviewed at 1/7/08 Council Meeting; ORC Report to be issued 1/20/08
Virginia Gardens	11/1/05	6/8/07	12/8/08	
West Miami	12/1/05	12/20/06	6/20/08	
Weston	5/1/06	7/17/07	1/17/09	

* 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 EAR Activities, EAR Not Adopted or EAR Process Not Complete

Local Government	EAR Due Date	EAR Adopted	EAR Not Sufficient Finding and Date	Technical Assistance Efforts
Bal Harbour	1/1/06	No		discussed status with City Attorney on 10/5/07; offered technical assistance
Bay Harbor Islands	2/1/06	No		coordinated with consultant, offered technical assistance
Biscayne Park	3/1/06	No		EAR Scoping Meeting held 4/18/07; major issues agreed to 9/4/07
Homestead	1/1/05	Yes, plus revised EAR	(2/7/08) ^{1,2} 10/14/05 9/27/06	Second Revised EAR under review.
Lazy Lake	9/1/05	No		Staff contacted Village's legal counsel to remind him of EAR requirements.
Miami Beach	4/1/05	Yes	(1/5/08)	adopted EAR under review
Miami Lakes	5/1/06	Yes	(12/10/07)	adopted EAR received under review
Opa Locka	7/1/05	No		proposed EAR approved by City Council 12/12/07
Pembroke Park	1/1/06	No		coordinated with consultant, offered technical assistance; draft EAR to be completed soon
Sea Ranch Lakes	4/1/06	No		discussed EAR alternatives with DCA due to size of city
Southwest Ranches	6/1/06	No		draft EAR submitted for review; comments sent to the Town and DCA on 2/15/07; met with City staff and consultants on 2/13/07 to provide technical assistance on outstanding issues
Surfside	10/0/05	No		Letter of Understanding on Issues signed 11/21/07
Wilton Manors	6/1/06	Yes	10/06/06	contacted City staff; offered assistance

¹ Projected EAR sufficiency decision date

² Revised EAR submitted to resolve insufficiency issues

Table Three
Local Governments Restricted From Adopting Plan Amendments

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date
Bal Harbour			1/1/06		
Bay Harbor Island		X	2/1/06		
Biscayne Park	X	X	3/1/06		
Dania Beach	X	ORC Report issued 10/4/01 for Amendment #01-1ER; amendment not adopted			
El Portal				9/11/06	
Florida City		proposed amendment reviewed at 7/2/07 Council meeting; ORC Report issued 7/31/07 with objections			
Golden Beach				2/26/07	
Hillsboro Beach	X			4/11/07	
Homestead					10/14/05; revised EAR under review
Key West		X			
Lazy Lake	X		9/1/05		
Medley	X				10/21/05*
Miami Beach		X			
Miami Lakes			5/1/06; adopted EAR received 9/10/07 and under review		
Miami Shores				9/2/07	

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date
Miami Springs	proposed amendment reviewed at 9/11/06 Council Meeting; ORC issued 10/27/06 with no Objections			proposed amendment reviewed at 11/5/07 Council Meeting; ORC Report issued 11/24/07 with objections	
North Miami		proposed amendment reviewed at 9/10/07 Council Meeting; ORC Report issued 10/9/07 with objections		proposed amendment reviewed at 9/10/07 Council Meeting; ORC Report issued 10/9/07 with objections	
North Miami Beach				9/16/07	
Opa Locka	X	X	7/1/05 proposed EAR approved by City Council 12/12/07		
Pembroke Park			1/1/06		
Pinecrest				10/21/07	
Sea Ranch Lakes	X		4/1/06		
South Miami				11/19/07: proposed amendment reviewed 12/3/07 Council Meeting; ORC Report to be issued 1/18/08	
Southwest Ranches			6/1/06		

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date
Sunny Isles Beach				5/29/07: proposed amendment reviewed at 8/6/07 Council Meeting; 2 objections raised; ORC Report issued 8/24/07 with objections	
Surfside			10/1/05		
Sweetwater	amendment proposed in 1997; not adopted	X			
West Miami		X			
Wilton Manors					10/6/06

*revised adopted EAR submitted for review

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