

DEVELOPMENTS OF REGIONAL IMPACT

A General Process Description Prepared by SFRPC Staff

COUNCIL'S AUTHORITY

Pursuant to Chapter 380, Florida Statutes, Regional Planning Councils are charged with the coordination of multi-jurisdictional agency review of large-scale development projects, which may impact more than one County. These projects, known as Developments of Regional Impact are typically complex and require input from numerous reviewing agencies. The South Florida Regional Planning Council currently maintains a very active DRI program.

Following is a brief description of the general stages of the Development of Regional Impact (DRI) review process.

PRE-APPLICATION CONFERENCE

This is usually the first step in the process. Upon determining that a project will be a DRI, the applicant contacts staff to arrange a Pre-application Conference. The applicant provides a brief summary of the project about three (3) weeks prior to the scheduled conference. Council staff mails a copy of the project summary to other reviewing agencies, the local government, and other local governments in the area.

The conference gives the applicant the opportunity to describe the project to all reviewing agencies, identify issues and respond to agency questions. It is at this time that staff, in consultation with various governmental entities, determines which portions of the Application for Development Approval (ADA) the applicant will be required to complete. At times a particular issue may require a somewhat technical and detailed discussion, as is often the case when addressing the transportation analysis portion of the ADA. In these instances, there often is a separate technical methodology meeting on the particular issue. Following the pre-application process, staff executes an Agreement to Delete Questions with the applicant. This form is intended to ensure that the applicant, Council staff and other review agencies are in agreement as to the specific information, which will be required for inclusion in the ADA.

Staff typically requires the applicant to submit an ADA within a specified time period (12 months) or request a new application conference. The purpose of the deadline is to ensure consideration of any changes, which may affect the proposed project.

PRELIMINARY DEVELOPMENT AGREEMENT

In cases where the applicant wants to begin work on a limited portion of the project prior to issuance of a development order (DO), the applicant may enter into a preliminary development agreement (PDA) or a development agreement (DA) with the Florida Department of Community Affairs (DCA) and sometimes other parties. Upon receipt of such a request, DCA typically requests comments from the Council and other review agencies. If there are no unusual circumstances or concerns affecting the proposal, DCA may execute the PDA or DA subject to guidelines as specified in Chapter 380, Florida Statutes. The applicant may request a PDA or DA at any time in the review process - prior to requesting a pre-application conference, prior to filing an ADA, or prior to issuance of a DO.

ADA SUBMISSION AND REVIEW

Once the applicant has compiled all required information, the ADA is submitted to staff and to other review agencies.

Council staff and the review agencies have 30 days to review the ADA for sufficiency and request additional information, if necessary. In some instances, review agencies may receive their copies of the ADA some time after the Council staff copies are delivered. In those instances, their comments may be provided accordingly.

Following its review of the initial information supplied in the ADA, Council staff prepares a request for additional information, if needed, and sends it to the applicant and other review agencies. The request includes questions from staff as well as comments from the other reviewing agencies. Upon receipt of the request for additional information, the applicant has 5 days to inform the Council and the local government whether the additional information will be provided. If the applicant intends to provide the information, they have 120 days to do so.

Council staff and other review agencies then have 30 days to review only the additional information to determine its sufficiency for review. No more than two (2) rounds of sufficiency review can be required. However, the applicant may choose to submit additional rounds to ensure a complete impact analysis and resolution of any outstanding issues.

FINDING OF SUFFICIENCY

Once the ADA is deemed sufficient for review or the applicant indicates no additional information will be provided, within 10 days, Council staff notifies the local government that it may schedule a public hearing to consider a development order for the project. Following a sufficiency notice from staff, the local government is required to schedule the public hearing at its next commission meeting and must provide at least 60 days notice. The local government is required to notify the Council and other review agencies when it has set the public hearing date. The Council has 50 days from when it receives the local government's public hearing notice to provide its findings and recommendations to the local government, the DCA and the applicant.

ASSESSMENT OF PROJECT IMPACTS

Following the finding of sufficiency, staff completes its review of the project and assesses the project impacts. A meeting is then held between Council staff, the applicant, the local government, and the other review agencies to discuss appropriate recommendations for development order (DO) conditions. Staff then prepares the draft impact assessment report for the Council's consideration. After the Council's action, the recommendation is transmitted to the local government for its consideration in preparing a DO, as well as the applicant and other review agencies.

DEVELOPMENT ORDER ADOPTION

The local government adopts a DO at the public hearing, taking into consideration the Council's findings and recommendations, and transmits a copy of the DO to the Council, DCA, and the applicant/landowner for review. The DCA and the applicant/landowner then have 45 days to appeal the DO to the Florida Land and Water Adjudicatory Commission.

DEVELOPMENT ORDER APPEAL PERIOD

During the 45 day appeal period, Council staff reviews the development order for consistency with the Council's recommendations and compliance with statutory requirements. Staff reports its findings to the Council along with a recommendation to advise DCA whether to appeal or not appeal the adopted DO. If there is no appeal within the 45 day appeal period, the DO takes effect. If there is an appeal, the DO takes effect following the resolution of the appeal(s).

DRI MONITORING

Upon adoption of a development order, the applicant is required by Chapter 380 to submit bi-ennial monitoring reports. In the monitoring report, the applicant provides an assessment of how the project is progressing consistent with the development order conditions. Enforcement of the development order is the responsibility of the local government issuing the development order.

DRI AMENDMENTS

Small or incremental changes to a DRI development plan or project phasing can be processed through the DRI amendment process known as a Notice of Proposed Change (NOPC). Changes that exceed the NOPC thresholds are termed Substantial Deviations. When a change to a DRI exceeds the Substantial Deviation thresholds then a new Pre-Application Conference is convened.