Evaluation And Appraisal Reports

Palm Beach County local governments

April 29, 2010

OVERVIEW

- What's an EAR?
- What are the steps in the EAR process?
- What should be in the EAR?

FIRST ROUND STATUS

- 1995 1999
- Only communities >2,500 population
- All EARs have been <u>adopted</u>
- All EARs are sufficient

- 13 (4%) local governments have not adopted their EAR-base amendment
 - They are prohibited from amending their comprehensive plan

[None in Palm Beach County]

SECOND ROUND STATUS

- 2003 2011
- All local governments
- EAR <u>due date missed</u>
 - 55 (prohibition in effect)
- EAR adopted, but not sufficient: 5
 - Briny Breezes Not Sufficient on 8/01/2007
 - (prohibition in effect)

EAR-based amendment not adopted by 55 local governments (prohibition in effect)

Boca Raton Due 8/03/09

Juno Beach Due 3/21/09

Ocean Ridge Due 5/2/09

ORC issued 8/25/09

Palm Beach Shores Due 7/26/08
ORC issued 8/24/09

ROUND 3 (2010 through 2018)

EARs are prepared every 7 years

 Municipalities are scheduled 12-18 months after the county in which they are located

DUE DATES

Palm Beach County: 10/1/2011

Municipalities:

2012: 6

2013: 23

2014: 8

2015: 1

- DCA Web site www.dca.state.fl.us/fdcp/dcp/EAR/index.cfm
 - Due date: New Rule 9J-42
 - Agency contacts
 - > Links to local government EARs
 - > EAR Guide

FloridaPAPERS

www.dca.state.fl.us/fdcp/dcp/compplanning/flpapers.cfm

QUESTIONS?

WHAT IS EVALUATION?

 Systematic assessment of the outcomes of a program or policy compared to a set of explicit or implicit standards, as a means of contributing to the improvement of the program or policy.

WHAT IS AN EVALUATION AND APPRAISAL REPORT?

- A review of the progress that has been made in achieving your community goals through implementation of your comprehensive plan
- EAR is 1st Step in revising the comp plan
 - The EAR results inform the plan revision process

WHY REVISE A COMP PLAN?

- React to changing conditions
- Incorporate new local vision
- React to new data
- React to changes in state growth management



Change what is not working (EAR lessons)

1ST JOB OF THE EAR

- Focus on the comp plan
 - What is the plan trying to achieve?
 - Measurable targets
 - What implementation actions were taken?
 - Did the actions taken achieve the planning objectives?
 - What worked/did not worked?
 - Why/why not?
 - MOST IMPORTANT EAR QUESTION
 - Based on this assessment, what changes in the plan are needed?

2nd JOB OF THE EAR

- Focus on the community
 - Trends, conditions & circumstances
 - Vision/goals
 - Community planning issues
 - Does comp plan reflect trends, vision, issues?
 - Based on the answers to these question, the EAR should suggest changes needed in the plan

TIME PERIOD FOR EAR

- Begin with the plan in effect at the time you begin your EAR
 - Original plan (Loxahatchee Groves)
 - Plan as updated by the most recent EARbased amendments

 Complete 1st draft of EAR about 6 months before EAR due date

Palm Beach County

- Round 2 EAR sufficient on:
 - **12/30/2004**
- Round 2 EAR-based amendment adopted on:
 - **8/21/2006**
- Round 3 EAR due:
 - **10/1/2011**
- Time period being evaluated:
 - 5 years (really 4 ½ years)



STATUTORY REQUIREMENTS

• 163.3191(2)(a through p)

Complete list on DCA web site

STATUTORY CHANGES SINCE 2004

163.3191(2)(k):

- Evaluate coordination with <u>school</u> board regarding
 - residential development
 - population projections
 - siting public school facilities

[2005]

163.3191(2)(I):

- (a) Evaluate success in identifying water supply projects, including conservation and reuse, identified is the regional water supply plan.
- (b) Evaluate degree to which the 10year water supply facilities workplan has been implemented. [2005]

163.3191(2)(o):

Evaluate whether <u>transportation</u>
<u>concurrency exception areas</u> are meeting
the purpose for which they were
established. [TCEAs, TCMAs, MMTDs]
[2005]



TCEAs: Palm Beach County, Boynton Beach, Delray Beach, Lake Worth, Riviera Beach, West Palm Beach

TCMAs: Palm Beach County & Delray Beach

MMTDs: None

163.3180(9)(d):

Evaluate progress in improving levels of service within <u>long-term</u>
concurrency management systems
[2005]

[None in Palm Beach County]

163.3191(2)(p):

Assess when changes are needed to develop a common methodology for measuring impacts on transportation

facilities

[2005]



SPECIAL REQUIREMENT FOR West Palm Beach

Urban Infill and Redevelopment Area (Coleman Park)
See s.163.2517(6)(a), F.S.

SCHOOL CONCURRENCY 163.31777(5)

"...until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section."

[2005]

COUNTY

- County's EAR must
 - Examine comprehensive plan and ILA
 - Identify changes needed to conform to statutory requirements for school concurrency
- County's EAR-based amendment must include the identified needed changes

MUNICIPALITIES

- Municipal EARs may rely on the County's EAR
- Municipalities must adopt needed changes at the same time the County adopts its EAR-based amendment
- This amendment is exempt from the twice per year limitation

QUESTIONS?

KEY CONCEPTS

 "Summary Audit" of the actions a local government has undertaken to achieve its planning objectives

Short, focused, user-friendly

"Summary" of Public Participation activities

"Brief" assessment of successes and shortcomings related to each element

Focus on the EAR on

"Major Issues"



The EAR process should

"...to identify <u>major issues</u> regarding the community's achievement of its goals."

s.163.3191(1)(a), F.S.

An <u>impediment</u> that prevents a community from getting to where it wants to be in the future

A <u>problem</u> that need to be resolved before a community's vision can be achieved

Defining an issue too broadly or too generally will make the EAR evaluation difficult

Defining an issue too narrowly will result in very specific conclusions that do not have board applicability (in other words, it is not a <u>major</u> issue)

What is a Major Issue?

- No:
 - -"transportation"
- Yes:
 - -congestion on X road

Framing a Major Issue Statement

- Facts: Water quality in springs is degrading
- Vision: Ecotourism/recreation destination
- The Problem: Decreasing water quality is a major issue because high water quality is necessary to support ecotourism and recreation associated with springs

Approach for Identifying Major Issues

- Internal staff meetings, including other local government agencies
 - 1st draft of list
- Workshops with LPA, elected officials, the public
 - 2nd draft of list
- Scoping Meeting for Review Agencies
 - 3rd draft of list
- Letter of Understanding between local government and DCA
 - Final list

The Scoping Meeting

Forum for local staff to meet with state and regional review agencies to discuss and reach agreement on:

- 1. The key planning issues to be addressed in the EAR
- 2. The "degree of effort" that should be devoted to the components
 - of the EAR
- 3. Data/sources/contacts



The EAR Evaluation Process

- 1. How does the comprehensive plan address water quality in springs?
- 2. What data and analysis is available to help understand the problem?
- 3. What actions have been taken (or not taken) which influence water quality in springs?
- 4. What revisions in the comprehensive plan are needed to ensure good water quality in springs?

"An assessment of whether plan objectives within each element, as they relate to major issues, have been achieved ..."

s.163.3191(2)(g), F.S.

Process for Evaluating Major Issues

- Define the <u>issues</u>
- Look through the comprehensive plan and compile objectives related to each issue
- Identify <u>baseline conditions</u>
- Compile a list of <u>actions</u> that have been taken to achieve each objective
- Identify <u>current conditions</u>
- Evaluate whether the target has been achieved
 - If not, why not?
- Complete the following table for each issue

MATRIX FOR <u>SUMMARIZING</u> THE EVALUATION OF THE ATTAINMENT OF SPRING PROTECTION OBJECTIVES

OBJECTIVE and Associated Policies	<u>TARGET</u>	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	TARGET ACHIEVED?	<u>DISCUSSION</u> (LESSONS LEARNED FROM THE EVALUATION)
Conservation Objective 1.4: The County shall protect karst features Policy 1.4.1: Drainage Policy 1.4.2: Buffering	Decrease runoff into groundwater through karst features	No karst buffer or drainage standards	Current code requires karst features to be buffered and does not allow stormwater runoff to flow directly into karst feature	Yes	No changes are needed
Conservation Objective 2.4: Protect recharge quality in springsheds Policy 2.4.1: Stormwater Policy 2.4.2: Fertilizers Policy 2.4.3: Open space	Existing standards do not explicitly consider springs protection	Development code did not address stormwater quality, fertilizers, and open space to protect springs	Current code address flow of stormwater into springs and karst feature; restricts the use of fertilizers in springsheds; and requires an 80% open space ratio for new subdivisions in springsheds	Yes	No changes are needed
Land Use Objective 6.4: Adequate wastewater treatment to protect springs and groundwater Policy 6.4.1: Performance-based septic systems	Prevent increase in nutrients from on-site wastewater treatment systems from reaching springs	Existing standards did not explicitly consider groundwater and springs protection	Because of landowner opposition, county requires use of performance-based septic systems within only the primary portion of the springshed	Partially	The county should meet with landowners to explore options for future development, such as community-based or central wastewater treatment options

 "an assessment of ... whether unforeseen and unanticipated changes in circumstances have resulted in problems and opportunities with respect to <u>major</u> <u>issues</u> in each element"

s. 163.3191(2)(g), F.S.

• "...whether plan amendments are anticipated to address the major issues identified and analyzed in the report."



The **Proposed** EAR

- LPA
 - Prepares proposed EAR
 - After public hearing sends to local governing body
- Local Government Action
 - Submit proposed EAR for review (optional)
 - Cannot submit earlier than 90 days before due date
 - Send one copy of proposed EAR to
 - DCA
 - Review agencies listed in Rule 9J-11.009(6), F.A.C.
 - Review comments sent to local government within
 30 days of receipt of the proposed EAR
 - pdf on CD-ROM or paper copy

The Adopted EAR

- After public hearing
 - Local government adopts EAR
 - Cannot adopt earlier than 90 days before due date
- Send 3 copies to DCA
 - Option: 1 paper and 2 pdf copies
 - pdf must include all the documentation that the paper copy includes
 - Cannot submit portion as paper and a portion as pdf

- Send 1 copy to each agency that commented on the proposed EAR
 - If no proposed EAR, then all agencies must be sent a copy of the adopted EAR

- The transmittal cover letter must
 - State the date the public hearings were held
- Include a copy of the adoption ordinance or resolution

- The EAR must include a <u>schedule</u> for adoption of the EAR-based amendment
 - Projected LPA hearing date for proposed amendment
 - Projected local government transmittal hearing date
 - Projected adoption date

DCA Review Process

- Agencies send comments to DCA by day 30
- DCA issues "Preliminary sufficiency determination" within 60 days
- DCA issues "Final sufficiency determination" within 90 days
- EAR is sufficient if it "fulfills the components" required (2)(a – p), including major issues

Delegated reviews

AVOID THESE EAR-RELATED PENALITIES

- If EAR <u>not adopted</u> and submitted for review by due date:
 - Cannot amend plan (except DRI, port and statutorilymandated plan updates)
 - Administration Commission sanctions
- If EAR not sufficient:
 - Can continue to amend plan for one year
 - If not sufficient within one year, then no more amendments (except DRI)

THE EAR-BASED AMENDMENT

- Do <u>not</u> submit proposed amendment with the adopted EAR
- Adopt within 18 months of sufficient EAR
- Adopt during <u>a single amendment cycle</u>
- Mention in cover letter that this is an EAR-based amendment
- Send <u>complete copy</u> of updated plan to agencies within 6 months of amendment becoming effective

AVOID THESE EAR-BASED AMENDMENT PENALITIES

- If EAR-based amendment not adopted by due date:
 - Prohibition on adopting new amendments (except for statutorily-mandated plan updates)

Administration Commission sanctions

STATUTORILY-MANDATED PLAN UPDATES

- 1. CIE updates (s.163.3177(3)(b)1., F.S.)
- 2. Water supply plans (s. 163.3177(6)(c), F.S.)
- 3. Public school siting (s.163.3177(6)(a), F.S.)
- 4. Public education facilities elements (s.163.3177(12), F.S.)
- 5. Military installations (s.163.3177(6)(a), F.S.
- **6.** Compliance agreements (s.163.3184(6), F.S.)
- 7. Wekiva Study Area (s.373.0361, F.S.)

SUMMARY: WHAT TO REMEMBER

1. EAR is a summary audit

2. Focus of major issues

3. Address all statutory requirements, including the 163.3191(2)(a – p) content requirements

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