

# **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 adopted
- 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 due date missed
  - 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:**

<b>2012:</b>	<b>6</b>
<b>2013:</b>	<b>23</b>
<b>2014:</b>	<b>8</b>
<b>2015:</b>	<b>1</b>



- **DCA Web site**

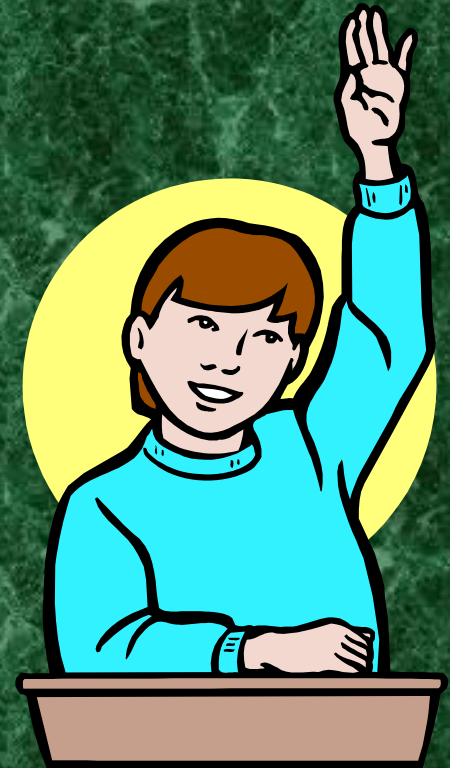
[www.dca.state.fl.us/fdcp/dcp/EAR/index.cfm](http://www.dca.state.fl.us/fdcp/dcp/EAR/index.cfm)

- **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](http://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 1<sup>st</sup> 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)



# 1<sup>ST</sup> 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?

# 2<sup>nd</sup> 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

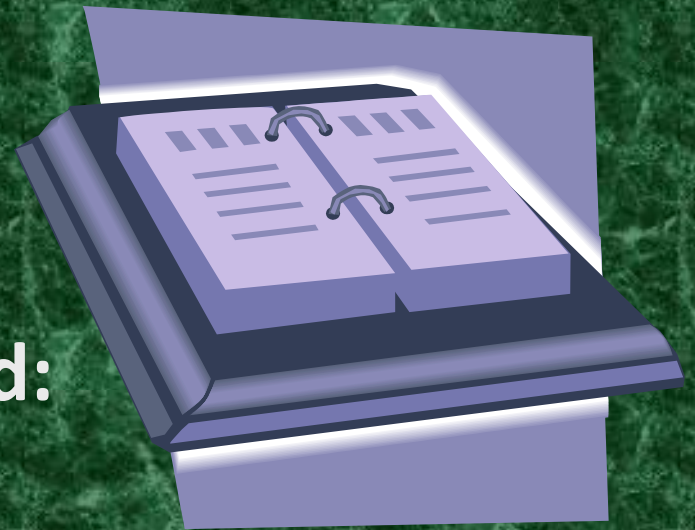
# TIME PERIOD FOR EAR

- **Begin with the plan in effect at the time you begin your EAR**
  - Original plan (Loxahatchee Groves)
  - Plan as updated by the most recent EAR-based amendments
- **Complete 1<sup>st</sup> 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 school board regarding

- residential development
- population projections
- siting public school facilities

[2005]

**163.3191(2)(l):**

**(a) Evaluate success in identifying water supply projects, including conservation and reuse, identified in the regional water supply plan.**

**(b) Evaluate degree to which the 10-year water supply facilities workplan has been implemented.**

**[2005]**

163.3191(2)(o):

Evaluate whether transportation concurrency exception areas 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 long-term  
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 major issues regarding the community’s achievement of its goals.”*

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



An *impediment* that prevents a community from getting to where it wants to be in the future

A *problem* 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 major 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
  - 1<sup>st</sup> draft of list
- Workshops with LPA, elected officials, the public
  - 2<sup>nd</sup> draft of list
- Scoping Meeting for Review Agencies
  - 3<sup>rd</sup> 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 issues
- Look through the comprehensive plan and compile objectives related to each issue
- Identify baseline conditions
- Compile a list of actions that have been taken to achieve each objective
- Identify current conditions
- Evaluate whether the target has been achieved
  - If not, why not?
- Complete the following table for each issue

## MATRIX FOR SUMMARIZING THE EVALUATION OF THE ATTAINMENT OF SPRING PROTECTION OBJECTIVES

<u>OBJECTIVE and Associated Policies</u>	<u>TARGET</u>	<u>CONDITIONS WHEN PLAN WAS ADOPTED</u>	<u>CURRENT CONDITIONS</u>	<u>TARGET ACHIEVED?</u>	<u>DISCUSSION (LESSONS LEARNED FROM THE EVALUATION)</u>
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 major issues 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.”

**QUESTIONS?**

# 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 schedule 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 PENALTIES

- If EAR not adopted and submitted for review by due date:
  - Cannot amend plan (except DRI, port and statutorily-mandated 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 not submit proposed amendment with the adopted EAR
- Adopt within 18 months of sufficient EAR
- Adopt during a single amendment cycle
- Mention in cover letter that this is an EAR-based amendment
- Send complete copy of updated plan to agencies within 6 months of amendment becoming effective

# AVOID THESE EAR-BASED AMENDMENT PENALTIES

- 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

# CONTACT

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