

Evaluation And Appraisal Reports

**Hillsborough, Manatee, Pasco
and Pinellas county
local governments**

July 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

- **12 (4%) local governments have not adopted their EAR-base amendment**
 - They are prohibited from amending their comprehensive plan

[NONE IN THIS AREA]

SECOND ROUND STATUS

- 2003 - 2011
- All local governments
- EAR due date missed
 - 50 (prohibition in effect)

EAR-based amendment not adopted
by 52 local governments

(prohibition in effect)

Bradenton Beach

Due 2/7/10

Palmetto

*Due 6/14/09

Seminole City

Due 12/26/08

Zephyrhills

*Due 1/25/09

*Proposed amendment under review

ROUND 3

(2010 through 2018)

- **EARs due every 7 years**
- **Municipalities are scheduled 12-18 months after the county in which they are located**

DUE DATES

Counties:

Hillsborough:

July 2012

Manatee:

September 2011

Pasco:

December 2011

Pinellas:

August 2012

Municipalities:

Hillsborough:

July-Sept 2013

Manatee:

March-July 2013

Pasco:

March-May 2013

Pinellas:

August '13-June '14

- **DCA Web site**

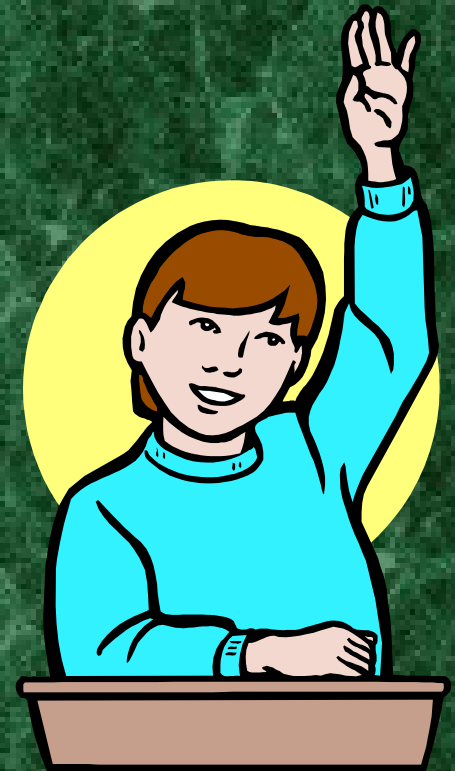
www.dca.state.fl.us/fdcp/dcp/EAR/index.cfm

- **EAR due dates: 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 a local government has made in achieving its community goals through implementation of its comprehensive plan

1ST JOB OF THE EAR

- How Successful Has a Local Government Been in Implementing its 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 lessons learned, what *changes in the plan* are needed?

2nd JOB OF THE EAR

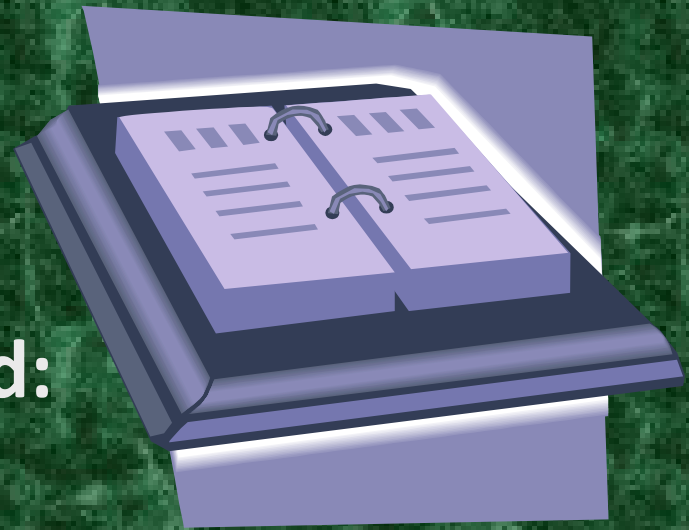
- How Well Does the Comp Plan Fit the Needs of the Community Today?
 - Trends, conditions & circumstances
 - Vision/goals/issues
 - New data
 - Changes in state growth management policy
 - The EAR suggests *changes needed* in the plan, so the plan better fits the needs of the community today

TIME PERIOD FOR EAR

- Evaluate the plan in effect at the time you begin your EAR
 - Original plan
 - Plan as updated by the most recent EAR-based amendments
- Complete 1st draft of EAR about 6 months before EAR due date

Example (Pasco Co.)

- Round 2 EAR sufficient:
 - 1/2005
- Round 2 EAR-based amendment adopted on:
 - 6/2006
- Round 3 EAR due:
 - 10/2011
- Time period being evaluated:
 - 5 years 4 months
(really 4 years 10 months)



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)(I):

(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: Largo (2); Manatee (2)

New Port Richie; St. Petersburg; Tampa; Temple Terrace

MMTDs: Tarpon Springs; Temple Terrace

163.3180(9)(d):

Evaluate progress in improving levels
of service within long-term
concurrency management systems

[2005]

[None]

163.3191(2)(p):

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

[2005]



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

Hillsborough (University Area Community)

*Manatee (Palmetto/North County EZ)

St. Petersburg

Tarpon Springs (Union Academy Neighborhood)

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 goal can be achieved

Framing a Major Issue Statement

- Fact: Water quality in springs is decreasing
- Goal: Ecotourism/recreation destination
- The Issue: Decreasing water quality is not consistent with the goal of using springs to support ecotourism and recreation

The EAR Evaluation Process

1. How does the comprehensive plan address water quality in springs?
2. What information 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?

Approach for Identifying Major Issues

- Internal staff meetings, including other local government departments
 - 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/contacts



“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.

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

LOCAL PLANNING AGENCY

- Prepares draft EAR
- After public hearing sends draft to local governing body

The Proposed EAR

Local Government Action

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

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**
 - **Day 30**: DCA receives comments from agencies
 - **Day 60**: DCA issues “preliminary sufficiency determination”
 - **Day 90**: DCA issues “final sufficiency determination”
- **EAR is sufficient if it “fulfills the components” required (2)(a – p), including major issues**

AVOID THESE EAR-RELATED PENALTIES

- If EAR not adopted 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

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