

# **APPENDIX 10A**

## **REVISED RECOMMENDATIONS**

### **SPECIAL APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**FOR MIAMI-DADE COUNTY, FLORIDA**



**October 30, 2007**

**Carlos Alvarez**  
*Mayor*

**BOARD OF COUNTY COMMISSIONERS**

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Ivan Rodriguez, *Non-Voting Member* Representing Miami-Dade County Public Schools

**Subrata Basu**  
*Executive Secretary*

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate on the basis of disability. "It is the policy of Miami-Dade County to comply with all of the requirements of the Americans with Disabilities Act."

REVISED  
RECOMMENDATIONS

SPECIAL APPLICATION TO AMEND THE  
COMPREHENSIVE DEVELOPMENT MASTER PLAN

October 30, 2007

Miami-Dade County Department of Planning and Zoning  
1210 Stephen P. Clark Center  
111 NW 1 Street  
Miami, Florida 33128-1972  
(305) 375-2835

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## **INTRODUCTION**

This document contains the revised recommendations of the Department of Planning and Zoning's (DP&Z) on the special application to amend the Comprehensive Development Master Plan (CDMP), which was filed as a special application as directed by the Miami-Dade County Board of County Commissioners through Resolution R-613-07, adopted on May 22, 2007. These recommendations address the concerns identified in the Objections, Recommendations, and Comments (ORC) report issued by the Florida Department of Community affairs (DCA); and on comments and information received and formulated since the issuance of the printing of the Initial Recommendations Report. This text application was filed by the DP&Z to implement changes to Florida's Growth Management laws in 2005 addressing Public School Facilities. The report also contains necessary background information and analyses on which the recommendations are based.

## **PREVIOUS ACTIONS**

Both the Board of County Commissioners (BCC) and the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), have had initial public hearings on this application. The BCC on July 12, 2007 voted to transmit the special application to DCA and other state and regional agencies. The PAB recommended transmittal of the special application on July 9, 2007.

## **Additional Information**

Anyone having questions regarding any aspect of the Comprehensive Plan review and amendment process should visit or call the Metropolitan Planning Section of the Miami-Dade County Department of Planning and Zoning at 111 NW 1st Street, Suite 1220, Miami, Florida 33128-1972; telephone number (305) 375-2835.

**Table 1**  
**Schedule of Activities**  
**Special Application**

Application and Initial Recommendations Report Released by DP&Z	July 3, 2007
Planning Advisory Board, acting as Local Planning Agency, Public Hearing to Formulate Recommendations Regarding Transmittal of Standard Amendment Requests to DCA	5:30 P.M., July 9, 2007 County Commission Chamber 111 NW 1st Street
Board of County Commissioners Public Hearing and Action on Transmittal of Standard Amendment Requests to DCA	9:30 A.M., July 12, 2007 County Commission Chamber 111 NW 1st Street
Transmittal to DCA for Comment	July 26, 2007
Revised Recommendations Report Released by DP&Z	October 30, 2007
Receipt of DCA Objections, Recommendations and Comments	Dated September 28, 2007
Revised Recommendations Report Released by DP&Z	October 30, 2007
Public Hearing by Planning Advisory Board on Final Recommendations on the Recommendations Report	5:30 P.M., November 5, 2007 County Commission Chamber 111 NW 1st Street
Public Hearing and Final Action by the Board of County Commissioners on the Recommendations Report	9:30 A.M., November 27, 2007 County Commission Chamber 111 NW 1 Street

**CHAPTER I**

**SPECIAL APPLICATION**

**AMENDMENT TO THE**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**  
**REGARDING PUBLIC SCHOOL FACILITIES**

**Proposed changes to the Educational Element, Intergovernmental  
Coordination Element, Capital Improvement Element and Preface.**

**(Components for Adoption)**  
**Supplement Version as Transmitted to DCA with Changes in Response to the  
ORC Review**

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Support	UPDATED DATA AND ANALYSIS -----	Under Separate Cover



# EDUCATIONAL ELEMENT

## GOAL

**DEVELOP, OPERATE, AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION BY MIAMI-DADE COUNTY PUBLIC SCHOOLS, IN COOPERATION WITH THE COUNTY AND OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF MIAMI-DADE COUNTY, FLORIDA.**

## Objective EDU-1

Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools System, while striving to attain an optimum level of service pursuant to Objective EDU-2. ~~Strive to provide~~ provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools ~~does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall~~ will meet state requirements for class size by September 1, 2010. ~~This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.~~

## Policies

- EDU-1A. Cooperate with the Miami-Dade County Public Schools System in their efforts to continue to provide new student stations through the Capital Outlay program, in so far as funding is available.
- EDU-1B. Collect impact fees from new development for transfer to the Miami-Dade County Public Schools System to offset the impacts of these additional students on the capital facilities of the school system.
- EDU-1C. Cooperate with the Miami-Dade County Public Schools System in their efforts to develop and implement alternative educational facilities, such as primary learning centers, which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.
- EDU-1D. Cooperate with the Miami-Dade County Public Schools System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at an optimum capacity, in so far as funding available. Operational alternatives may be developed and implemented, where appropriate, which

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mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

EDU-1E. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to maintain and/or improve the established level of service (LOS), for Public Educational Facilities, as established for the purposes of school concurrency ~~collecting Impact Fees, in so far as funding available.~~

EDU-1F. The Miami-Dade County School Board (School Board) comments shall be sought and considered on comprehensive plan amendments and other land use and zoning decisions which could impact the school district, ~~when the proposed (re) development would result in an increase of FISH capacity (permanent and relocatables) in excess of 115%,~~ in order to be consistent with the terms of the state mandated Interlocal Agreement pursuant to Sections 1013.33 and 163.31777, Florida Statutes.

EDU-1G. Capital improvement programming by the Miami-Dade Public Schools ~~System~~ should be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. The future enrollment projections should utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, as modified by the School Board based on development data and agreement with the local governments, the State Office of Educational Facilities and the State SMART Schools Clearinghouse. The School Board may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends. In formulating such a request, the School Board will coordinate with the Cities and County regarding development trends and future population projections.

EDU-1H. It is the policy of Miami-Dade County that the Miami-Dade Public Schools ~~System~~ should give priority to the Urban Infill Area (UIA) identified in CDMP Capital Improvements Element Figure 1 when allocating resources toward the attainment of the level of service objective for public educational facilities (Objective EDU-1), followed by more recently developed and newly developing areas outside the UIA and within the Urban Development Boundary (UDB).

EDU-1I Miami-Dade County will through the Staff Working Group of the Interlocal Agreement for Public School Facility coordinate with Miami-Dade County Public Schools, and applicable Cities to review annually the Educational Element and school enrollment projections.

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**Objective EDU-2**

**The County shall coordinate new residential development with the future availability of public school facilities<sup>1</sup> consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.**

**Policies**

EDU-2A Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

~~All public school facilities should continue to maintain or decrease their percent utilization of FISH capacity (With Relocatable Classrooms). Public school facilities that achieve 100% utilization of Permanent FISH capacity (No Relocatable Classrooms) should no longer utilize relocatable classrooms except as an operational solution<sup>2</sup>.~~

The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a districtwide basis.

EDU-2B It is the goal of Miami-Dade County Public Schools and Miami-Dade County for all public school facilities to achieve 100% utilization of Permanent FISH (No Relocatable Classrooms) by January 1, 2018. ~~To this end, beginning January 1, 2013 the Miami-Dade County Pubic Schools should not use relocatable classrooms to provide additional FISH capacity at any school except as an operational solution<sup>2</sup>. Additionally, beginning January 1, 2013 the Miami-Dade County Public Schools will implement a schedule to eliminate all remaining relocatable classrooms by January 1, 2018. To help achieve the desired 100% utilization of Permanent FISH by 2018, Miami-Dade County Public Schools~~

<sup>1</sup> Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Level of Service standards do not apply to ~~magnet schools, charter schools, and other educational facilities that may have districtwide attendance boundaries.~~ However, their capacity ~~is~~ of both charter and magnet schools will be credited against the impact of development. ~~It is provided, however, that~~ No credit against the impact of development shall be given for ~~such districtwide educational facilities~~ either magnet or charter schools if their districtwide enrollment is at, or above, 100% FISH capacity (with Relocatable Classrooms).

<sup>2</sup> ~~Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.~~

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should continue to decrease the number of relocatable classrooms over time. Public school facilities that achieve 100% utilization of Permanent FISH capacity should, to the extent possible, no longer utilize relocatable classrooms, except as an operational solution<sup>2</sup>.

By December 2010, Miami-Dade County in cooperation with Miami-Dade County Public Schools will assess the viability of modifying the adopted LOS standard to 100% utilization of Permanent FISH (No Relocatable Classrooms) for all CSAs.

EDU-2C

In the event the adopted LOS standard of a CSA cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:

- a) The development's impact can be shifted to one or more contiguous CSAs that have available capacity and is located, either in whole or in part, within the same ~~Educational Impact Fee Benefit District~~ Geographic Areas (Northwest, Northeast, Southwest, or Southeast, see Figure 1A through 1D) as the proposed development; or
- b) The development's impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180 (13)(e)1, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms that include, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits. The proportionate share mitigation agreement, is subject to approval by Miami-Dade County School Board and Miami-Dade County Board of County Commission and must be identified in the Miami-Dade County Public Schools Facilities Work Program.
- c) The development's impacts are phased to occur when sufficient capacity will be available.

If none of the above conditions is met, the development shall not be approved.

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<sup>2</sup> Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.

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EDU-2D Concurrency Service Areas (CSA) shall be delineated to: 1) maximize capacity utilization of the facility, 2) limit maximum travel times and reduce transportation costs, 3) acknowledge the effect of court-approved desegregation plans, 4) achieve socio-economic, racial, cultural and diversity objectives, and 5) achieve other relevant objectives as determined by the School Board's policy on maximization of capacity. Periodic adjustments to the boundary or area of a CSA may be made by the School Board to achieve the above stated factors. Other potential amendments to the CSAs shall be considered annually at the Staff Working Group meeting to take place each year no later than April 30 or October 31, consistent with Section 9 of the Interlocal Agreement for Public School Facility Planning.

EDU-2E The County through the implementation of the concurrency management system and Miami-Dade County Public School Facilities Work Program for educational facilities, shall ensure that existing deficiencies are addressed and the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards throughout the planning period in the 5-year schedule of capital improvements.

EDU-2F The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

### **Objective EDU-23**

**Obtain suitable sites for the development and expansion of public education facilities.**

#### **Policies**

EDU-23A It is the policy of Miami-Dade County that the Miami-Dade County Public Schools ~~System~~ shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

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- EDU-23B. In the selection of sites for future educational facility development, the County encourages the ~~district~~ Miami-Dade County Public Schools System to consider whether a school is in close proximity to residential areas and is in ~~that~~ a location that would provide a logical focal point for community activities.
- EDU-23C. Where possible, the Miami-Dade County Public Schools District should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.
- EDU-23D. The County acknowledges and concurs that, when selecting a site, the Miami-Dade County Public Schools district will consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.
- EDU-23E. When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and portable water, sanitary sewers, drainage, solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.
- EDU-23F. When considering a site for possible use as an educational facility the Miami Dade County Public Schools district should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.
- EDU-23G. Miami-Dade County shall encourage and cooperate with the Miami-Dade County Public Schools System in their effort to ~~update the "Process/Procedures Manual"~~ for public school siting reviews to help accomplish the objectives and policies of this element and other elements of the CDMP. The County shall cooperate with the Public Schools System to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.
- EDU-~~2H3H~~3H. Miami-Dade County ~~should~~ will continue to cooperate with Miami-Dade County Public Schools in utilizing Miami-Dade County Public Schools as emergency shelters during county emergencies.

### **Objective EDU-34**

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**Miami-Dade County Public Schools, in conjunction with the County and other appropriate agencies, will strive to improve security and safety for students and staff.**

**Policies**

- EDU-~~34~~4A. Continue to cooperate with the Miami-Dade County Public Schools ~~System~~ to develop and/or implement programs and policies designed to reduce the incidence of violence, weapons and vandalism on school campuses. Encourage the design of facilities, which do not encourage criminal behavior and provide clear sight lines from the street.
- EDU-~~34~~4B. Continue to cooperate with the Miami-Dade County Public Schools ~~System~~ to develop and/or implement programs and policies designed to reduce the number of incidents related to hazardous conditions as reported by the Environmental Protection Agency (EPA), the fire marshal, the State Department of Education (DOE), and other appropriate sources.
- EDU-~~34~~4C. Continue to cooperate with the Miami-Dade County Public Schools ~~System~~ to provide for the availability of alternative programs for at-risk students at appropriate public educational facilities.
- EDU-~~34~~4D. Coordinate with the Miami-Dade County Public Schools ~~System~~ and municipalities to provide for pedestrian and traffic safety in the area of schools, and signalization for educational facilities.
- EDU-~~34~~4E. Coordinate with the ~~MDCPS~~ Miami-Dade County Public Schools' Division of School Police and other law enforcement agencies, where appropriate, to improve and provide for a secure learning environment in the public schools and their vicinity.

**Objective EDU-~~45~~**

**Continue to develop programs and opportunities to bring the schools and community closer together.**

**Policies**

- EDU-4-~~5~~4A. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to provide "full service" schools, parent resource centers, adult and community schools and programs as appropriate.
- EDU-4-~~5~~4B. Cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to continue to provide opportunities for community and business leaders to serve on

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committees and task forces, which relate to the development of improved provision of public educational facilities.

- EDU-45C. Cooperate with the Miami-Dade County Public Schools ~~System~~ to continue to work with the development industry to encourage partnerships in the provision of sites and educational facilities including ~~primary learning~~ early childhood centers.
- EDU-45D. Cooperate with the Miami-Dade County Public Schools ~~System~~ through agreement with appropriate agencies to increase medical, psychological, and social services for children and their families as appropriate.

### **Objective EDU-~~56~~**

**Miami-Dade County Public Schools will continue to enhance effectiveness of the learning environment.**

#### **Policies**

- EDU-~~56~~5A. Miami-Dade County Public Schools ~~System~~ is encouraged to continue the design and construction of educational facilities which create the perception of feeling welcome, secure and positive about the students' school environment and experiences.
- EDU-~~56~~5B. The Miami-Dade County Public Schools ~~System~~ is encouraged to continue to design and construct facilities which better provide student access to technology designed to improve learning, such as updated media centers and science laboratories.
- EDU-~~56~~5C. The Miami-Dade County Public Schools ~~System~~ is encourage to continue to improve existing educational facilities, in so far as funding is available, through renovation and expansion to better accommodate increasing enrollment, new educational programs and other activities, both curricular and extra-curricular.

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## Objective EDU-~~67~~

The School Board, the County, and other appropriate jurisdictions shall establishment and implementation of mechanism(s) for on-going coordination and communication between School Board, the County, and other appropriate jurisdiction, to ensure the adequate provision of public educational facilities.

### Policies

- EDU-~~67~~A. The County shall coordinate and cooperate with the Miami-Dade County Public Schools, the State, municipalities and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.
- EDU-~~67~~B. The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.
- EDU-~~67~~C. The Miami-Dade County Public Schools ~~System~~ should coordinate school capital improvement plans with the planned capital improvement projects of other County and municipal agencies.
- EDU-~~67~~D. The County shall cooperate with the Miami-Dade County Public Schools ~~System~~ in their efforts to ensure that they are not obligated to pay for off-site infrastructure in excess of their fair share of the costs.
- EDU-~~67~~E. The County and Miami-Dade Public Schools ~~System~~ shall periodically review the Educational Facilities Impact Fee Ordinance to strive to ensure that the full eligible capital costs associated with the development of public school capacity (new schools and expansion of existing ones) are identified when updating the impact fee structure. Pursuant to the terms of the state mandated Interlocal Agreement, the County and School Board shall annually review the Ordinance, its formula, the Educational Facilities Impact Fee methodology and technical report, in order to make recommendations for revisions to the Board of County Commissioners.
- EDU-7F. Miami-Dade County and the Miami-Dade County Public Schools will annually review the Educational Element and the County will make amendments, if necessary.
- EDU-~~67~~G. The County shall seek to coordinate with the Miami-Dade County Public Schools ~~System~~ in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared

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prior to the next full review of the School Impact Fee Ordinance.

EDU-~~6G~~7H. The County shall coordinate with the Miami-Dade County Public Schools ~~System~~ and local governments to eliminate infrastructure deficiencies surrounding existing school sites.

EDU-~~6H~~7I. The County and the Miami-Dade County Public Schools ~~System~~ shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.

EDU-~~6I~~7J. The County and the Miami-Dade County Public Schools ~~System~~ shall coordinate the appropriate roles and responsibilities of affected governmental jurisdictions in ensuring the timely, orderly and efficient provision of adequate educational facilities.

EDU-~~6J~~7K. Miami-Dade County will account for the infrastructure needs of new, planned or expanded educational facilities when formulating and implementing its own capital improvement plans.

## MONITORING AND EVALUATION PROGRAM

In order to enable the preparation of the periodic Evaluation and Appraisal Report (EAR) as required by Section 163.3191, Florida Statutes (F.S.), and Rule 9J-5.0053, F.A.C., this section will outline the procedures for the monitoring and evaluating of the Element and its implementation.

### Monitoring Requirements

The primary mechanism to monitor progress in achieving the objectives and policies in this Element is the collection and update of appropriate baseline data. Further, as required by the State Requirements for Educational Facilities, at least once every five (5) years the School Board shall arrange for an educational plant survey to be conducted. This plant survey will include data regarding existing facilities and a five (5) year projection of student population. The written report from this survey shall include the following:

Inventory                      An inventory of existing ancillary and educational plants and auxiliary facilities.

Student  
Population                      An analysis of past and projected student population.

Capital Outlay                      An analysis of expenditures and projected capital outlay funds.

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Facilities                      Statements of proposed types of facilities, grade structure, and list student capacity.

Funding                        A proposed funding plan.

The information obtained from the educational plant survey will be used to generally monitor the progress of the objectives and policies contained in the Educational Element and will provide specific indicators for Objective EDU-1 and Objective EDU-4.

The enforcement or adoption of interlocal agreements shall be explored as a means to help implement components of ~~Objective EDU-2, Objective EDU-3, and Objective EDU-5~~ the Educational Element, and to coordinate the efficient provision of public educational facilities. The performance of any agreements related to ~~these objectives of this element~~ will be monitored as they are set in place.

**Objective EDU-1** policies relating to the maintenance and improvement of specific level of service for public educational facilities, as specified in the Educational Facilities Impact Fee Ordinance, shall be reviewed annually. Each year, the ~~District~~ Miami-Dade County Public Schools will compare the official enrollment of the school system with the number of student stations available to determine the current operating LOS.

**Objective EDU-2** will be measured through an annual review of the latest adopted Miami-Dade County Public Schools Facility Work Program to determine if the adopted concurrency level of service standard is being achieved. The number of development orders approved, those disapproved and those that have achieved LOS standards through mitigation options will also be reviewed.

**Objective EDU-23** will be monitored through the annual inventory and assessment by the Miami-Dade County Public Schools ~~System~~ of School Board owned property. The number of new sites shall be reported annually and in the full review period reported in the EAR.

**Objective EDU-34** will be monitored through the review and analysis of the statistics relating to school safety, as compiled annually, by the ~~MDCPS~~ Miami-Dade County Public Schools Division of Police. A review and analysis of new and existing reactive and proactive safety and crime prevention programs will also be conducted on an annual basis.

**Objective EDU-45** shall be monitored by the Miami-Dade County Public Schools ~~System~~ by reporting and reviewing the progress and number of new and existing community oriented programs, including an enrollment analysis, by age and ethnicity, of adult, community and vocational programs.

**Objective EDU-56** shall be monitored by the Miami-Dade County Public Schools ~~System~~ by reporting the number of educational facility enhancements such as media centers, art/music

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suite, and science laboratories.

**Objective EDU-67** will be addressed by implementing and tracking the development of appropriate mechanisms, including interlocal agreements and coordination efforts, which serve to expedite the provision or enhancement of public educational facilities.

Monitoring methods may be added or deleted as circumstances and criteria evolve. Any significant modifications to the monitoring process will be dealt with, as appropriate, through the Comprehensive Development Master Plan amendment process.

## **Evaluation**

Available data regarding the various public educational facilities will be used to assess progress on specific objectives. In order to evaluate the level of service being provided, student capacity totals will be reviewed in comparison to student enrollment to determine the status of the current level of service being provided. Similarly, performance in terms of achieving other objectives can also be analyzed by tracking the number of completed capital projects, as well as the development and implementation of other programs associated with each objective. Results of these calculations and measures will be analyzed and changing circumstances and opportunities will be considered.

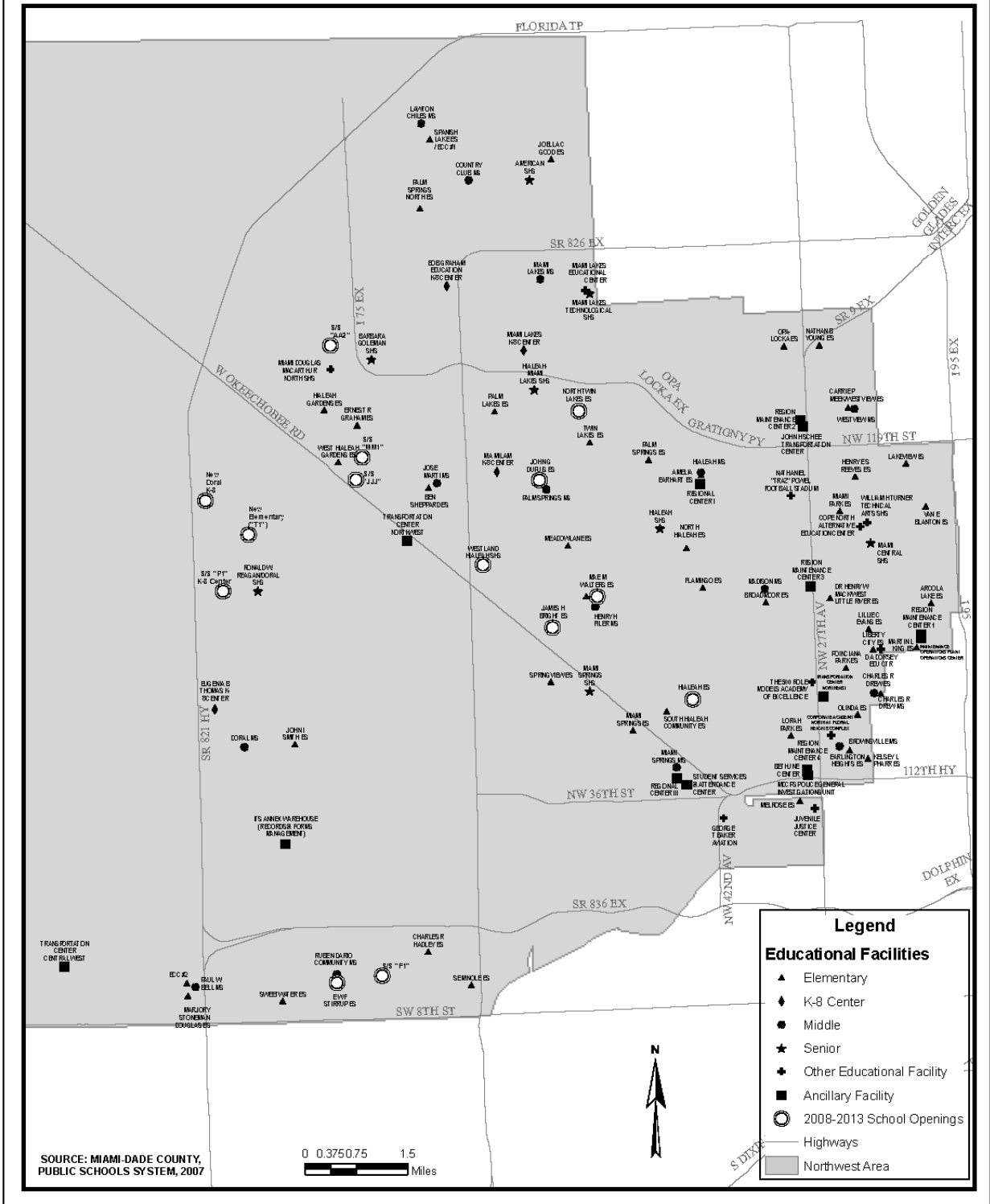
Any actions, changes or modifications to the Goal, Objectives, and Policies will be explained in accordance with the results of this process of continued monitoring and evaluation. Any necessary changes will be made through the Comprehensive Development Master Plan amendment process.

## **Future Conditions Maps**

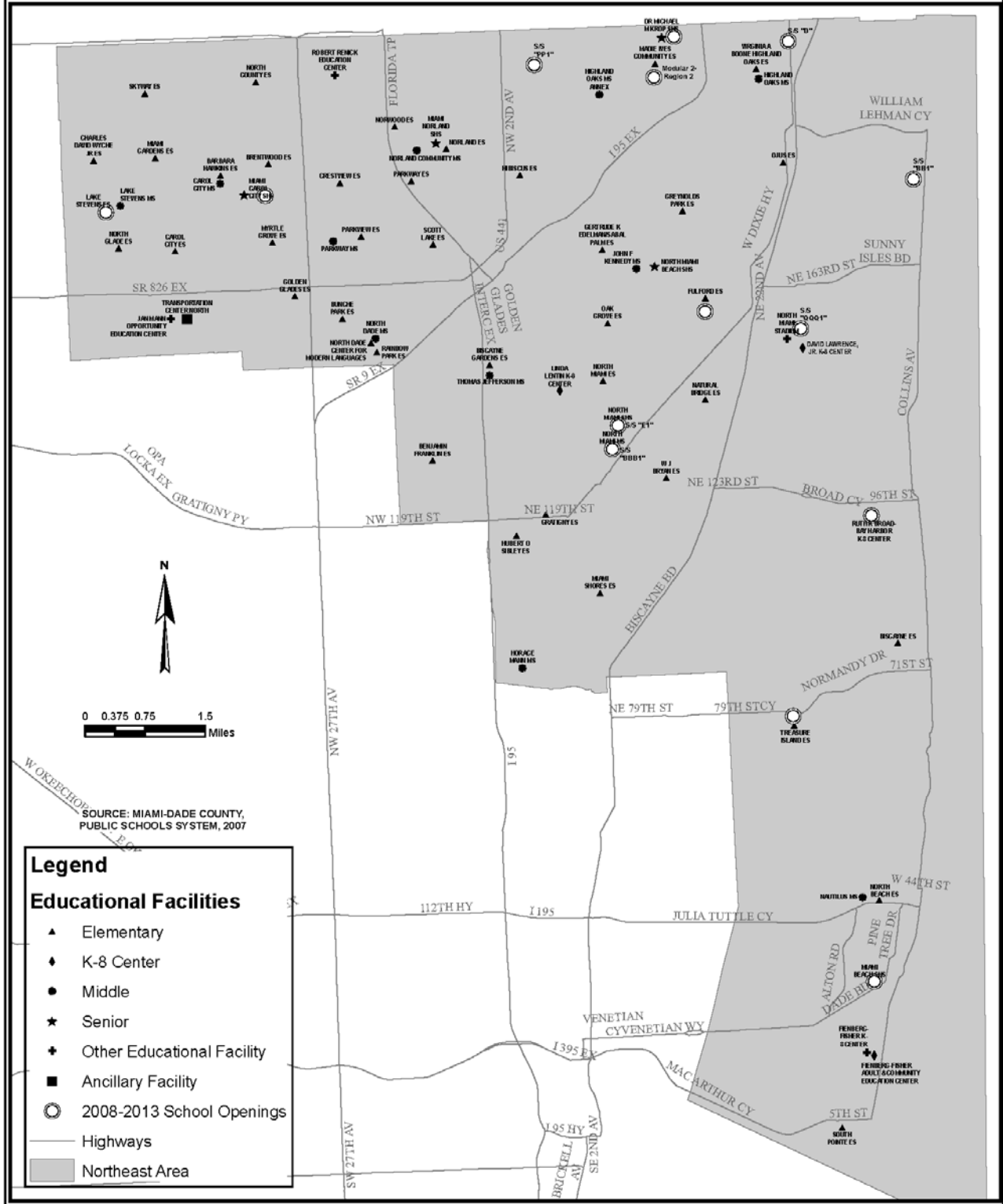
Consistent with Section 163.3177(12)(g), Florida Statutes, maps showing existing and future conditions are included in the element. A map series (Figures 1A through 1D, ~~2A through 2D, and 3A through 3D~~) has been included which indicates the location of public schools and ancillary facilities over the ~~5-year~~ planning period (2008 through 2012~~3~~). Public schools are depicted using four areas of the County that are generally equivalent to the proposed Educational Impact Fee Benefit District. Figures 1A through 1D indicate the current public school and ancillary facility locations, as of December 31, 2007. ~~Figures 2A through 2D represent~~ and the location of public school and ancillary facilities anticipated by December 31, 201~~2~~~~3~~. Map locations of future public school facilities are general and do not prescribe a land use on a particular parcel of land.

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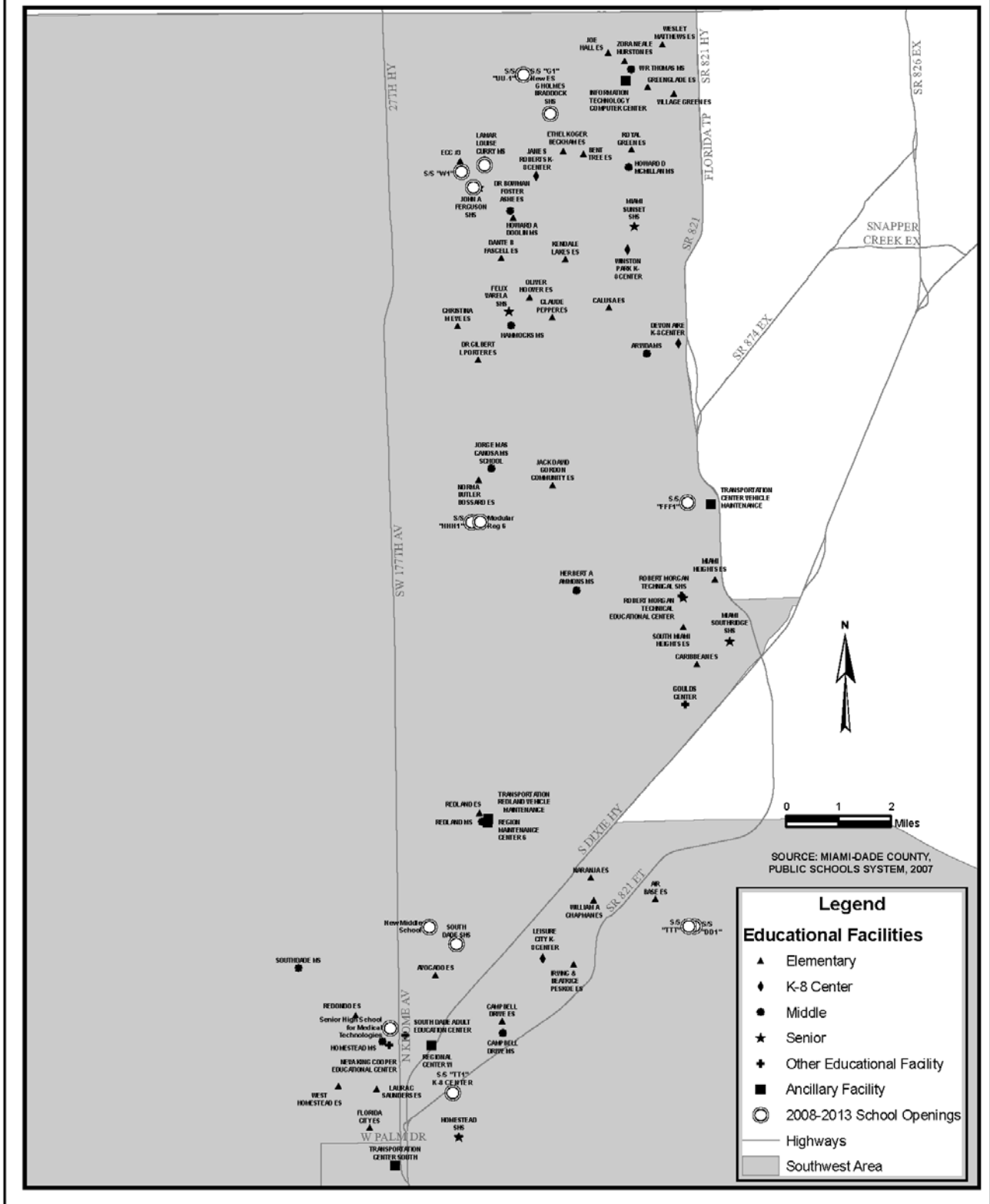
**Figure 1A - Proposed, Existing, and Ancillary Educational Facilities Located in the Northwest Area - 2008-2013**



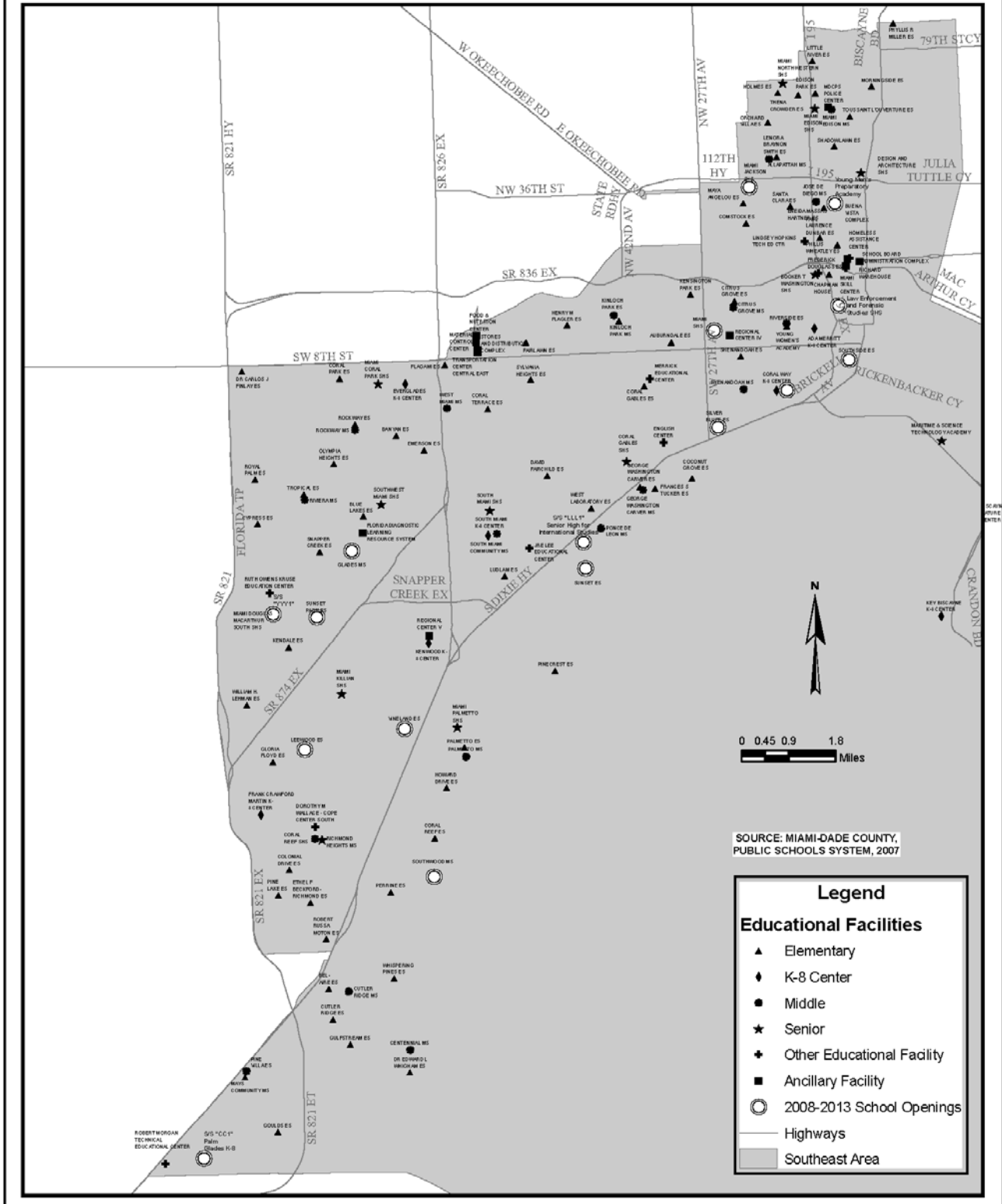
**Figure 1B - Proposed, Existing, and Ancillary Educational Facilities Located in the Northeast Area - 2008-2013**



**Figure 1C - Proposed, Existing, and Ancillary Educational Facilities Located in the Southwest Area - 2008-2013**



**Figure 1D - Proposed, Existing, and Ancillary Educational Facilities Located in the Southeast Area - 2008-2013**





**PART B -** Revise the Policies and text, including the Introduction and maps of the Intergovernmental Coordination Element (ICE) as follows:

**THE FOLLOWING NARRATIVE MODIFIES THE INTRODUCTION OF THE ELEMENT IN THE CDMP (Pages VIII-1 to VIII-3)**

## **INTERGOVERNMENTAL COORDINATION ELEMENT**

### **Introduction**

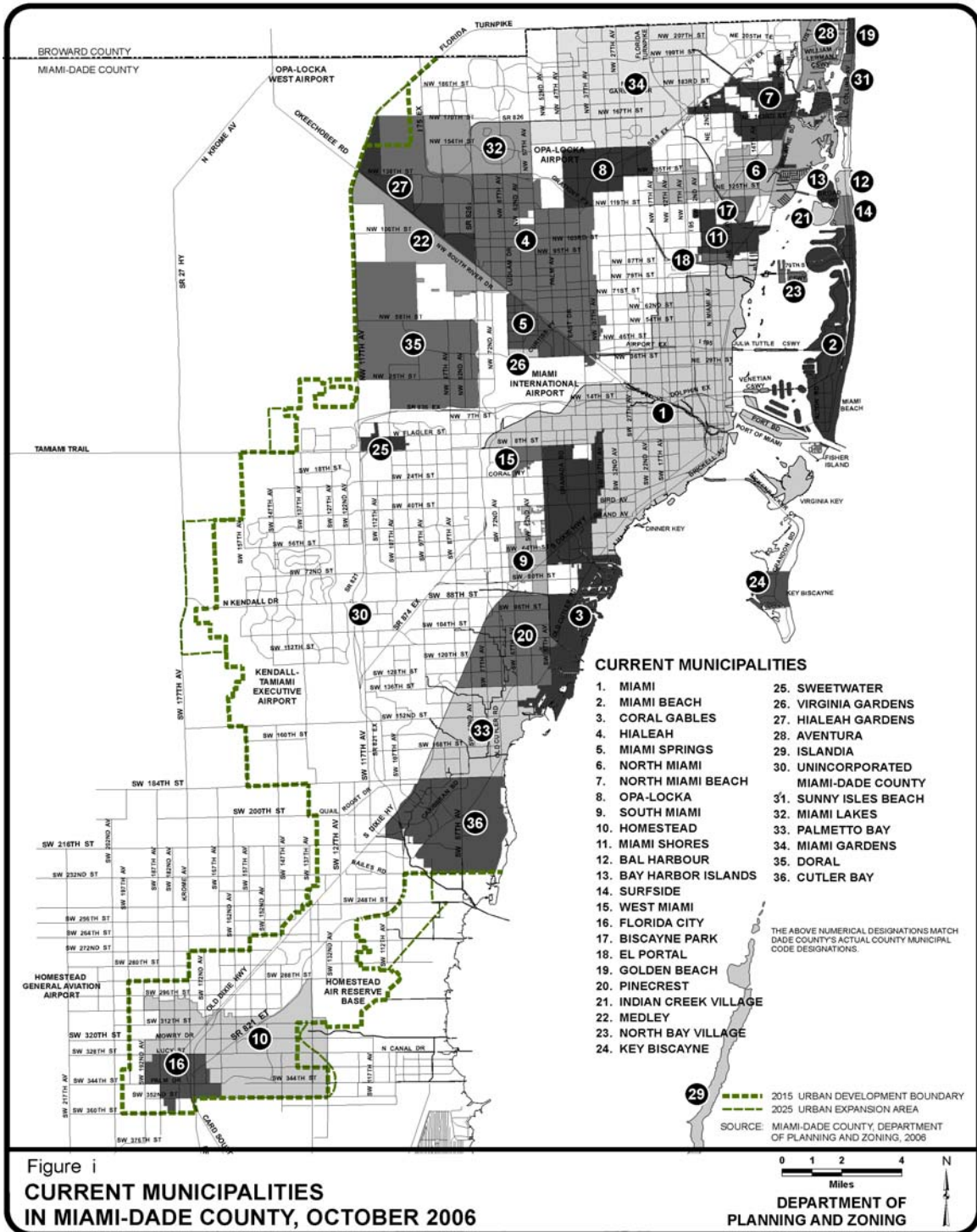
The purpose of the Intergovernmental Coordination Element is 1) to identify and resolve incompatibilities between Miami-Dade County's comprehensive planning and growth management processes and those of other governmental entities within the County's area of concern, and 2) to review existing, and propose improved coordination of, processes for comprehensive planning and growth management between Miami-Dade County, local governmental entities within its area of concern, and regional, State and federal agencies. The local governmental entities within Miami-Dade County's area of concern are defined by Florida Administrative Code Section 9J-5.015(1), as the ~~thirty-four~~ five municipalities within Miami-Dade (See Figure 1), the three adjacent counties and the adjacent municipalities within these counties listed on Table 1. The major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management are listed on Table 2.

Intergovernmental coordination has been and remains a hallmark of Miami-Dade County government. Concern over the ability of the fragmented local governments to effectively plan and manage the emerging Greater Miami metropolis was the impetus for the establishment of the two-tier -- areawide and local -- approach to government in 1957. Even though the County encompassed relatively few local governmental entities at that time (one quarter of the 120-unit average for metropolitan areas of similar size), the "streamlining" of governance was a primary objective of the voters in establishing the metropolitan government. No net change occurred between 1957 and 1995 in the number of municipalities. This is a remarkable record in view of the County's nearly tripled population and more than doubled area of development. Since 1995, ~~eight~~ nine additional areas have been incorporated. Miami-Dade has made significant strides in governmental coordination in two other ways. Masked by the relative stability in number of local government units is the dramatic metropolitanization of responsibilities that have taken place in such services as water supply and distribution, sewage collection and disposal, solid waste disposal, fire protection, libraries and transportation, all of which has greatly facilitated intergovernmental coordination. In addition, Miami-Dade County government has structured many of its administrative and operating units, such as the Development Impact Committee, the Department of Environmental Resources Management and the Miami-Dade County Housing Agency, to facilitate coordination with their regional, State and federal counterparts.

(Note: Introduction was last updated in ~~2004~~ 2007. Currently several areas are seeking to incorporate.)

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Replace existing Current Municipalities Map with new Figure i Current Municipalities Map in Miami-Dade County, July 2007



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Effective comprehensive planning has also been a central focus of the Miami-Dade government from the onset. The power to "prepare and enforce comprehensive plans for the development of the county" was one of twenty-four specified in the County Charter and a Department of Planning is one of the four departments required by it. The County adopted its first land use plan in 1965 and has since enacted a series of increasingly more refined growth management plans and procedures.

In summary, Miami-Dade has a thirty-nine year history of intergovernmental coordination for effective comprehensive planning and plan implementation. This element provides a review of this coordination and identifies selected aspects in need of change.

**Table 1**  
**Local Governments Within Miami-Dade County Area of Concern**  
 Miami-Dade County Municipalities and Public Schools

Aventura	Miami Lakes
Bal Harbour	Miami Gardens
Bay Harbour Islands	Miami Shores
Biscayne Park	Miami Springs
Coral Gables	North Bay Village
<u>Cutler Bay</u>	North Miami
Doral	North Miami Beach
El Portal	Opa-locka
Florida City	Palmetto Bay
Golden Beach	Pinecrest
Hialeah	South Miami
Hialeah Gardens	Sunny Isles
Homestead	Surfside
Indian Creek Village	Sweetwater
Islandia	Virginia Gardens
Key Biscayne	West Miami
Medley	Miami-Dade County
Miami	Public Schools
Miami Beach	
	<del>Adjacent County</del>
<b>Adjacent Counties</b>	<b>Adjacent Municipalities</b>
Broward	Hallandale Beach
Collier	Pembroke Park
Monroe	Miramar

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**THE FOLLOWING NARRATIVE MODIFIES POLICY ICE-1S (Page VIII-7)**

ICE-1S Miami-Dade County and the Miami-Dade County Public Schools shall follow the procedures established ~~by~~ in the adopted “Amended and Rested Interlocal Agreement for Public School Facilities Planning in Miami-Dade County” ~~adopted on February 27, 2003~~ for coordination and collaborative planning and decision making of land uses, ~~and~~ public school facilities siting planning, decision making on population projections, location and extension of public facilities subject to concurrency, and siting of facilities with a countywide significance.

**THE FOLLOWING NARRATIVE ADDS A NEW POLICY ICE-2B (Page VIII-7)**

ICE-2B Miami-Dade County shall coordinate with the Miami-Dade County Public Schools and other parties to the adopted Amended and Rested Interlocal Agreement for Public School Facility Planning to establish Level of Service Standards (including Interim LOS standards) for public school facilities and any amendments affecting public school concurrency.

**THE FOLLOWING NARRATIVE RENUMBERS THE REMAINING POLICIES AND MODIFIES POLICY ICE-2D (Pages VIII-7 AND VIII-8)**

~~ICE-2B~~ C Impacts on facilities of State, regional and local governments shall be included in impact fee ordinances, which may be established by Miami-Dade County. These impact fees shall be applied to those geographic and jurisdictional areas, which will benefit from the facilities funded by the fees. The area where each impact fee shall apply shall be determined by the Board of County Commissioners at the time said fee is established.

~~ICE-2C~~ D Miami-Dade County shall coordinate with the following non-County entities having services planning and provision responsibilities in Miami-Dade County with respect to refining and adjusting areawide and unincorporated area local Levels of Service:

- State and federal roadways - Florida Department of Transportation
- Drainage - South Florida Water Management District
- Potable water supply - South Florida Water Management District
- Regional policies - South Florida Regional Planning Council
- Public educational facilities – Miami-Dade County Public Schools

~~ICE-2D~~ F Utilize informal approaches and formal coordination mechanisms afforded by the inter-government review and comment provisions of the Local Government Comprehensive Planning and Land Development Regulation Act to provide opportunities for Miami-Dade County municipalities to comment on the Level of Service for areawide services established by the County.

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**PART C** - – Revise the Objectives, Policies and text of the Capital Improvement Element (CIE) as follows:

**THE FOLLOWING NARRATIVE MODIFIES THE INTRODUCTION (Page VIII-1)**

## **CAPITAL IMPROVEMENTS ELEMENT**

### **Introduction**

Probably one of the most significant and far reaching provisions of the Local Government Comprehensive Planning and Land Development Regulation Act is the requirement that all local comprehensive plans contain a capital improvements element (CIE). The intent is to make such plans "fiscally feasible". That is, a community or governmental jurisdiction must precisely identify the public infrastructure and other facilities which projected growth requires, at given levels of service, and must clearly demonstrate the ability to fund these investments. Not only must new growth be considered, but efforts must be directed at correcting existing deficiencies.

Recognizing that there are major shortcomings in public facilities and services throughout the State of Florida, the new planning legislation adopted what is known as the "concurrency" principle. That is, as growth occurs, the facilities must be provided, thus assuring that the infrastructure situation will not deteriorate further. For those local governments having capital improvements programs, the capital improvements element will likely be more narrow in scope, since the functional areas covered are selective. Only the following are required items.

- Transportation facilities
- Sewerage
- Water
- Drainage/aquifer recharge
- Solid waste disposal
- Recreation/open space
- Coastal management
- Conservation
- Educational/public school facilities

Notable for their absence are police, fire, ~~educational~~, health and criminal justice facilities, although infrastructure needs of ~~schools and~~ health facilities are supposed to be considered.

The CIE should give attention to the total fiscal capability of the local governmental body to which it is applicable. This includes analysis of public expenditures, revenues, taxes and other funding sources, financial management, and capital programming and budgeting. Goals, objectives and policies related to these areas must be spelled out.

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Since Miami-Dade County has a large and sophisticated Capital Budget and Multi-Year Capital Plan, it is not necessary for the CIE to contain detailed financial analysis. The capital improvements contained in the CIE are a subset of the County's Capital Plan and the financial analysis contained therein is incorporated by reference in the CIE. Capital improvements associated with the construction of educational facilities are not addressed in the County's Capital Budget and Multi-Year Capital Plan but rather are the responsibility of the Miami-Dade County Public Schools. To address financial feasibility associated with school concurrency, the Miami-Dade County Public School Facilities Work Program for educational facilities will be incorporated by reference into the CIE.

The *Adopted Components* of the CIE include the goal, objectives and policies, the level of service (LOS) standards, and the 6-Year Schedule of Improvements. Also, the requirements and suggestions for monitoring and evaluation are discussed.

**THE FOLLOWING NARRATIVE ADDS NEW POLICY CIE-1G (Page IX-2)**

CIE-1G      The Miami-Dade County Public Schools and Miami Dade County have the responsibility for providing school concurrency related capital improvements and should continually seek to expand the funding sources available to meet those requirements.

CIE-1H      The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

**THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-3C (Page IX-4) WITH THE ADDITION OF THE PUBLIC SCHOOLS NARRATIVE AT THE END OF THE POLICY (Page IX-9)**

CIE-3C.      The 6-Year Schedule of Improvements will incorporate the identified capital investments from each functional element and will be based on the following level of service standards:

**Public Schools**

**The County shall coordinate new residential development with the future availability of public school facilities<sup>1</sup> consistent with the adopted level of service standards for public**

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<sup>1</sup> Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Level of Service standards do not apply to magnet schools, charter schools, and other educational facilities that may have districtwide attendance boundaries. However, their capacity is of both charter and magnet schools will be credited against the impact of development. It is provided, however, that no credit against the impact of development shall be given for such districtwide educational facilities either

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school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

Beginning January 1, 2008, the adopted level of service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

~~All public school facilities should continue to maintain or decrease their percent utilization of FISH capacity (With Relocatable Classrooms). Public school facilities that achieve 100% utilization of Permanent FISH capacity (No Relocatable Classrooms) should no longer utilize relocatable classrooms except as an operational solution<sup>2</sup>.~~

The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a districtwide basis.

**THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-4A (Page IX-9)**

CIE-4A. Appropriate funding mechanisms will be adopted and applied by Miami-Dade County and the Miami-Dade County Public Schools in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms may include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bonds, impact fees, special purpose authorities, and others as appropriate and feasible.

**THE FOLLOWING NARRATIVE MODIFIES POLICY CIE-5B (Pages IX-10)**

CIE-5B. Provision of infrastructure subject to LOS standards will be done through a process which integrates the CDMP, departmental and Miami-Dade County Public Schools functional plans, capital improvements programming, budgeting and financial planning.

**THE FOLLOWING NARRATIVE MODIFIES THE CONCURRENCY MANAGEMENT**

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magnet or charter schools if their districtwide enrollment is at, or above, 100% FISH capacity (with Relocatable Classrooms).

~~<sup>2</sup> Relocatable classrooms may be used by the Miami-Dade County Public Schools as an operational solution to achieve the level of service standard during replacement, remodeling, renovation or expansion of a public school facility.~~

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**PROGRAM CONTAINED IN THE CIE (Pages IX-13 to IX-23)**

**Concurrency Management Program**

An essential requirement of the State's local government comprehensive planning law has been termed the service "concurrency" requirement. Paraphrasing Section 163.3202, *Florida Statutes*, each county and municipality must amend its development regulations to incorporate specific and detailed provisions which shall provide that public facilities and services meet or exceed the LOS standards established in the Plan's Capital Improvements Element and are available when needed for the development, or that the development orders or permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. The term "development order" is defined in Chapter 163.3164, F.S., to include any zoning action, subdivision approval, certification, permit, or any other official action of local government having the effect of permitting the development of land. Many different types of such development orders are typically issued by Miami-Dade County agencies and boards. These include zoning district boundary changes, variances, unusual use, and site plan approvals; environmental permits and certifications; tentative and final subdivision plat approvals; building permits, and certificates of use and occupancy (COs). At progressive stages in the development planning and approval process, concurrency determinations can be made with greater certainty.

In order to effectuate the service concurrency requirements contemplated by Chapter 163, F.S, Miami-Dade County shall enact, by ordinance, a concurrency management program which accomplishes the statutory requirements. Administration of the required program necessarily involves the establishment of methods and capabilities to monitor outstanding development commitments and the service demands posed by those commitments, plus the existing, programmed and projected capacities of all pertinent urban service facilities or systems.

In its concurrency management program, Miami-Dade County shall make appropriate concurrency determinations in conjunction with the following development approval activities: 1) at the time of zoning actions, site plan approvals and subdivision approvals; 2) prior to the issuance of building permits; and 3) prior to the issuance of certificates of use and occupancy. Consideration will be given to effective measures which may be employed to mitigate traditional service impacts of developments. In general, no zoning action authorizing a new use or the expansion of an existing use and no subdivision plat or site plan shall be approved unless the facilities necessary to maintain level of service standards exist or are projected to exist when necessary to serve the development. Zoning approvals shall be based on inclusion of necessary facilities in the applicable service Element of the Comprehensive Development Master Plan, in the adopted Capital Improvements Element of the CDMP, in the adopted Miami-Dade County Public Schools Facilities Work Program dated September 2007, for educational facilities or in the plan or work program of the State agency having functional responsibility for provision of the facilities. Such findings shall be included in staff recommendations to the Board of County Commissioners, Community Zoning Appeals Board (CZAB), or other applicable board or agency. If the foregoing plans and programs indicate a low probability that concurrency will be met, but the necessary facilities are technically feasible, such rezoning action should be preceded

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by a CDMP amendment to add the necessary facilities. Alternatively, such zoning may be approved if the applicant executes a written agreement to provide the necessary facilities on a timely basis. All such development approvals prior to the "Principal Concurrency Determination" will contain a notice reserving the right of the County to make its principal concurrency determination prior to issuance of building permits.

An affirmative principal concurrency determination will be required before a prospective developer can obtain a subsequent development order. It is intended that at least one principal determination be made at an early stage in the development planning process prior to the point at which major expenses are incurred in reliance on development approval. Principal concurrency determinations will be made prior to the approval of subdivision plats or, in instances where plat approvals are not required or have predated the effective date of the concurrency requirement, a principal concurrency determination will be made at the building permit stage. A principal concurrency determination made at final plat approval will serve as the determination for requested building permits where said permits are issued within two years after the date of final plat approval. Where the applicant demonstrates that development has commenced on a timely basis and is continuing in good faith, this period may be extended but in no case shall this period exceed five years after final plat approval. Administrative procedures for demonstrating that development has commenced on a timely basis and is continuing in good faith shall be established in the County's land development regulations.

1. Except as provided in paragraphs 3, 4, 5, ~~and 6, and 7~~ below, in no instance shall a building permit be issued authorizing construction of a new building or expansion of an existing building unless the facilities necessary to maintain LOS standards are existing and available or are assured to be existing and available within the following timeframes relative to the date of issuance of a certificate of use and occupancy (CO):
  - a) Necessary water, sewer, solid waste and drainage facilities must be in place and available at the time of issuance of a CO;
  - b) Necessary parkland must be acquired or dedicated, or funds in the developer's fair share must be committed prior to the issuance of a CO if the development is located within the Urban Development Boundary (UDB)<sup>4</sup>; and
  - c) Necessary transportation facilities must be contracted for construction no later than 36 months after issuance of a CO if the development is located within the UDB, and no later than the date of issuance of a CO if the development is located outside the UDB.
  - d) Necessary public school facilities must be in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent.

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<sup>4</sup>The Urban Development Boundary is presented on the Land Use Plan Map.

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2. Assurance that the facilities will be constructed or acquired and available within the timeframes established in foregoing paragraphs 1b), 1c) and ~~ed)~~ shall be provided by the following means:
  - a) The necessary facilities are under construction at the time the building permit is issued;
  - b) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the building permit is issued;
  - c) The necessary facilities are funded and programmed in year one of the County's adopted capital budget or are programmed in the CIE for construction or acquisition; the necessary facilities shall not be deferred or deleted from the CIE work program or adopted one-year capital budget unless the dependent building permit expires or is rescinded prior to the issuance of a certificate of use and occupancy; the County and Miami-Dade County Public Schools will diligently strive to enter into construction contracts for necessary facilities within said time but shall retain the right to reject unsatisfactory bids; contracts shall provide that construction of the necessary facilities must proceed to completion with no unreasonable delay or interruption;
  - d) The necessary facilities are programmed, in the five-year capital facility plan or work program of the Miami-Dade County Public Schools or State agency having operational responsibility for affected facilities, for construction or acquisition;
  
3. A proposed development will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan and it meets the following criteria pursuant to Section 163.3180, Florida Statutes:
  - a) The proposed development located within the Urban Infill Area<sup>5</sup>; or
  - b) The proposed development is located in an existing urban service area<sup>6</sup> within the UDB and is located in a Community Development Block Grant (CDBG)-eligible Area established pursuant to the Housing and Community Development Act of 1974, as amended, and CFR Part 570, or Chapter 163, Part 3, F.S., respectively, or in an Enterprise Zone established pursuant to Chapter 290, F.S., or in an designated Enterprise Community area established pursuant to Federal law; or
  - c) The proposed development is one which poses only special part-time demands on the transportation system as defined in Section 163.3180(5)(c), Florida Statutes, and is located in an existing urban service area inside the UDB; or

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<sup>5</sup> Urban Infill area (UIA) is defined in Traffic Circulation Subelement Policy 1B and is depicted in CIE Figure 1.

<sup>6</sup> Existing urban service area means an area inside the UDB which is already built up and where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

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- d) The proposed development is located inside the UDB, and directly and significantly promotes public transportation by incorporating within the development a Metrorail, Metromover or TriRail Station, or a Metrobus terminal<sup>7</sup> for multiple Metrobus routes, or is an office, hotel or residential development located within one-quarter mile of a Metrorail, Metromover or TriRail station, or a Metrobus terminal for multiple Metrobus routes<sup>8</sup>; and
- e) If the project would result in an increase in peak period traffic volume on an FIHS roadway that is operating below the CDMP-adopted LOS standard or would operate below the LOS standard as a result of the project, and which increase would exceed 2 percent of the capacity of the roadway at the CDMP-adopted LOS standard, the County shall require the developer and successors to implement and maintain trip reduction measures to reduce travel by single-occupant vehicles so that the resultant increase in traffic volume does not exceed 2 percent.

Miami-Dade County shall include in its concurrency management program ordinance or administrative rules appropriate criteria and methodologies to implement the exceptions authorized in foregoing paragraphs 3a) through 3e), consistent with requirements of Chapter 163, Part 2, Florida Statutes.

- 4. A proposed development that conforms to the criteria enumerated in Section 163.3180 (6), F.S., and is located in an existing urban service area within the UDB where an affected transportation facility is operating below its adopted LOS standard is deemed to have a de minimis impact that, alone or in combination with other similar or lesser impacts, will not cause unacceptable degradation of the level of service on affected transportation facilities; however no impact will be a de minimis impact if it would exceed the adopted level of service standard of any affected designated evacuation route, as mapped in the Traffic Circulation Subelement. Miami-Dade County shall include in its concurrency management program ordinance or administrative rules appropriate methodologies for determining and monitoring de minimis impacts consistent with Chapters 163.3180 (6) Florida Statutes, and Chapter 9J-5, Florida Administrative Code and any amendments thereto and successor legislation or rules.
- 5. A proposed development that is located within the UDB may receive an extension of the 36-month limitation established in foregoing paragraph 1c), and receive transportation concurrency approval on this basis, when all the following factors are shown to exist:

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<sup>7</sup> Metrobus terminals for multiple routes are those non-rail transit centers as mapped in the CDMP Mass Transit Subelement, which contain dedicated parking facilities or significant transit patron structures and amenities.

<sup>8</sup> Planned stations and terminals shall not serve as a basis to grant this concurrency exception if the station, associated rapid transit corridor segment, or terminal is identified in the Transportation Element as “not cost-feasible”.

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- a) The CDMP is in compliance with State law;
  - b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the CDMP, as determined by the County;
  - c) The CIE provides for transportation facilities adequate to serve the proposed development, and the County has not implemented that project;
  - d) The landowner shall be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development; and
  - e) The landowner has made a binding commitment to the County to pay the fair share of the cost of providing the transportation facilities to serve the proposed development. Miami-Dade County shall include in its concurrency management program ordinance or administrative rules appropriate criteria and methodologies to implement this provision.
6. Miami-Dade County shall, by ordinance, include proportionate fair share mitigation methodologies and options in its concurrency management program, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of transportation impacts through mechanisms that might include, but are not limited to, private funds, public funds, contributions of land, and the construction or contribution of facilities. Transportation facilities or segments identified for improvement through the use of proportionate fair share mitigation options must be included in the Capital Improvements Element, or in the next regularly scheduled update of the Capital Improvements Element.
7. The County in coordination with the Miami-Dade County Public Schools shall by ordinance, include proportionate share mitigation methodologies and options for public school facilities in its concurrency management program and Interlocal Local Agreement for Public Facility Planning between Miami-Dade County Public Schools, Miami-Dade County and the Cities in Miami-Dade County, consistent with the requirements of Chapter 163, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities through mechanisms that might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

### **Implementation Schedules of Improvements**

The following pages deal with the implementation of the CIE. The capital projects forthcoming from each functional element are listed for the period 2006/2005-2011/2012 along with the cost, location, expected revenues and funding source. These are the latest schedules of projects,

Underlined words and ~~strickethrough~~ words were recommended additions or deletions to the proposed CDMP amendments at the July 12, 2007 Board of County Commissioners transmittal hearing. Double underlined words or ~~double strickethrough~~ words are recommended additions or deletions to the proposed CDMP amendments subsequent to the July 12, 2007 Board of County Commissioners transmittal hearing. All other words existing remain unchanged.

which have been adjusted to incorporate changes adopted by the County Commission through the April 2006-2007 amendment cycle. Additionally, those capital improvements for educational facilities, as listed in the Miami-Dade County Public Schools Facilities Work Program dated September 2007 and adopted by the Miami-Dade School Board, are incorporated by reference into the CIE.

**THE FOLLOWING NARRATIVE MODIFIES THE CONCURRENCY MANAGEMENT PROGRAM BY ADDING A PUBLIC SCHOOLS SECTION TO THE AGGREGATE EXPENDITURES AND REVENUES SECTION OF THE CIE FOLLOWING THE PARKS AND RECREATION NARRATIVE (Page IX-26)**

**Aggregate Expenditures and Revenues**

**Park and Recreation**

Local recreation open spaces are defined as open spaces, which serve the close-to-home recreation and open space needs of unincorporated residential areas. Population growth is the most important consideration guiding local park facilities investment decisions. The quantitative link used to translate population into local park needs is the adopted LOS standard of 2.75 acres of local recreation open space per 1,000 populations.

Areawide recreation open spaces shall be provided and designed to meet the broad needs of all Miami-Dade County residents and tourists. They are developed to make important natural resources and major athletic activity complexes available to the public. Acquisition policy is oriented towards the addition of large properties with natural resources and good access to the park inventory.

In both cases, the primary determinant is supplemented by a number of additional considerations affecting the specific decision. Property characteristics, location, size, configuration and availability are critical variables. Access, proximity to the population in need, adjacent land uses and neighboring alternative recreation opportunities are also important criteria in facility investment decisions. The Park and Recreation Department also places special emphasis on the acquisition of environmentally and historically significant properties.

The following policy as adopted in the Comprehensive Development Master Plan will guide the prioritization of park investments: The County shall prioritize park capital improvement expenditures in accordance with the following criteria: 1) Acquire local parkland to maintain the adopted level-of-service standard for local recreation open space by correcting existing deficiencies and addressing future needs and acquire areawide parkland suitable for outdoor recreation while preserving natural, historical and cultural resources; 2) renovate and upgrade existing recreation open spaces and facilities, and; 3) develop new recreation open spaces and facilities within undeveloped or incomplete parks.

Underlined words and ~~strikethrough~~ words were recommended additions or deletions to the proposed CDMP amendments at the July 12, 2007 Board of County Commissioners transmittal hearing. Double underlined words or ~~double strikethrough~~ words are recommended additions or deletions to the proposed CDMP amendments subsequent to the July 12, 2007 Board of County Commissioners transmittal hearing. All other words existing remain unchanged.

It has long been the policy of the Park and Recreation Department that the provision of all parks will be staged so that they are available to serve new development as it is completed. In addition, it is also department policy that unique natural features and historically significant properties to be given priority in parks acquisitions. Locational characteristics are also critical factors. Where possible, Public Local Recreation Open Space should be developed in conjunction with or near public schools and other compatible uses. They should also be located so as to be easily accessible; yet should not be degraded by excessive traffic.

Plans of State agencies providing public facilities are taken into consideration primarily in the context of State Department of Natural Resources (DNR) provision of State parks and recreation areas. The County Park and Recreation Department generally seeks to complement State facilities in terms of location and activities available at the site.

In the Schedule of Improvements, there are 130 projects, which total \$316.7 million to be expended during the 2005–2010 period (See Table 6). Most of the projects are for the "quality of life" type facilities, which make up such a large component of its program. Funding has been identified mostly as the result of the Safe Neighborhood Parks referendum approved in 1998, as well as the recent voter approved GOB program. Operating cost effects of Parks are often considerable and are frequently more of an impediment than construction funding.

### **Public Schools Facilities**

Miami-Dade County shall coordinate with the Miami-Dade County Public Schools, to annually update its Facilities Work Program to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard, including interim standards, will continue to be achieved and maintained. Miami-Dade County, through its annual update to the Capital Improvements Schedule, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program for educational facilities. Miami-Dade County and the Miami-Dade County Public Schools will coordinate their planning efforts prior to and during the Miami-Dade County Comprehensive Development Master Plan Amendment process and during updates to the Miami-Dade County Public Schools Facilities Work Program.

Underlined words and ~~strikethrough~~ words were recommended additions or deletions to the proposed CDMP amendments at the July 12, 2007 Board of County Commissioners transmittal hearing. Double underlined words or ~~double strikethrough~~ words are recommended additions or deletions to the proposed CDMP amendments subsequent to the July 12, 2007 Board of County Commissioners transmittal hearing. All other words existing remain unchanged.

**PART D** – Revise the text and maps contained in the Preface as follows:

## **PREFACE**

### **Municipal Plans**

The CDMP for Miami-Dade County necessarily addresses both incorporated and unincorporated areas due to the many areawide responsibilities of Miami-Dade County government. Each of the ~~thirty-four~~ five municipalities in Miami-Dade County (see Figure i) is also required, by Chapter 163, *F.S.*, to adopt its own comprehensive plan for the area within its jurisdiction. The County plan emphasizes the unincorporated areas and the County’s jurisdictional responsibilities in municipal areas. Readers who are interested in conditions in, or proposals for, incorporated areas should consult the appropriated municipal comprehensive plans and the CDMP Statement of Legislative Intent.

Underlined words and ~~strike through~~ words were recommended additions or deletions to the proposed CDMP amendments at the July 12, 2007 Board of County Commissioners transmittal hearing. Double underlined words or ~~double strike through~~ words are recommended additions or deletions to the proposed CDMP amendments subsequent to the July 12, 2007 Board of County Commissioners transmittal hearing. All other words existing remain unchanged.

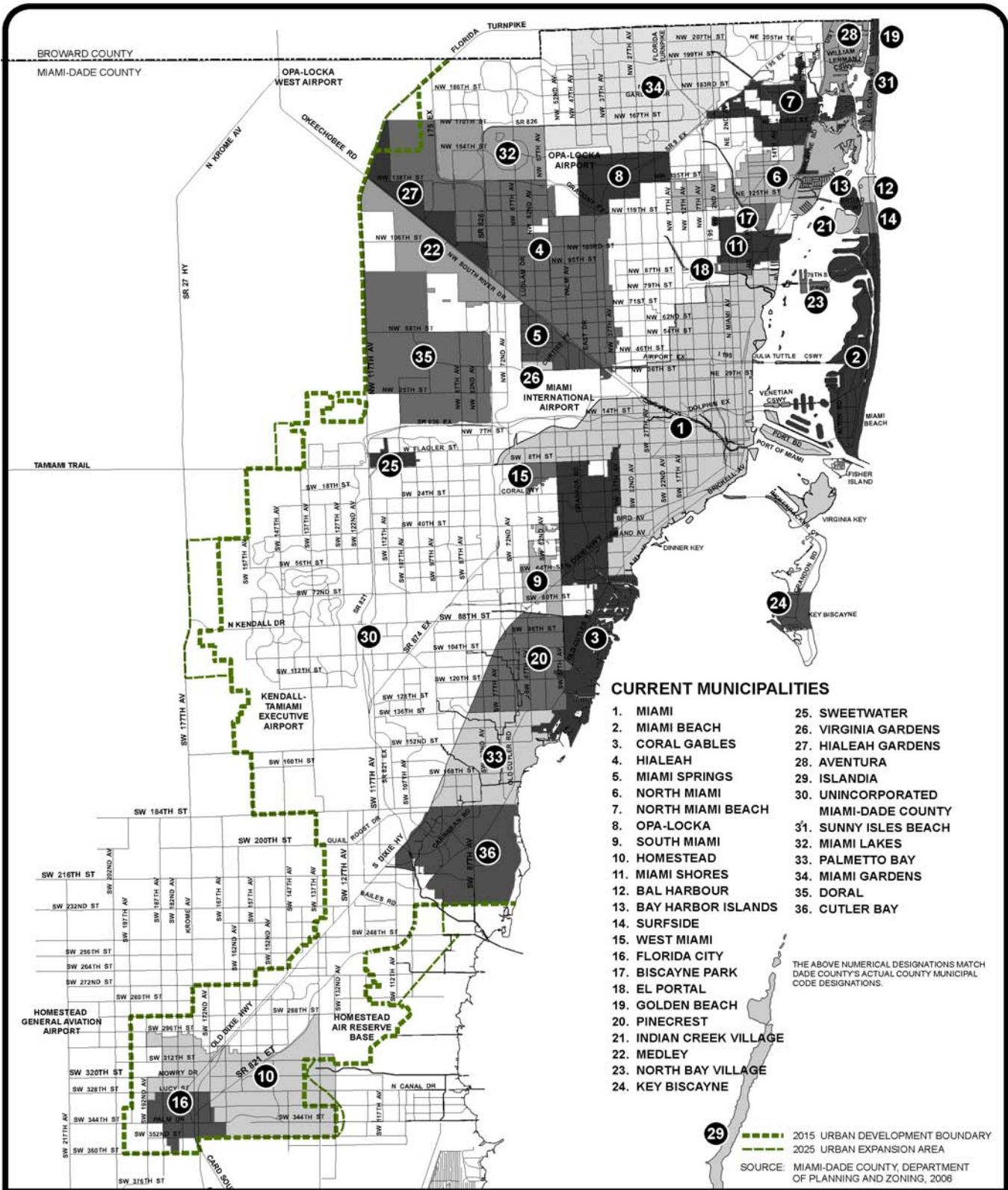


Figure i  
**CURRENT MUNICIPALITIES  
 IN MIAMI-DADE COUNTY, OCTOBER 2006**



## CHAPTER 2

### *REVISED RECOMMENDATIONS*

The Department of Planning and Zoning is recommending that this application be **adopted with change** as transmitted to DCA, with changes to the Educational Element, Capital Improvements Element and the Intergovernmental Coordination Element.

Requested amendment: Numerous changes to the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element, and Preface of the CDMP are presented in the Staff Application (Chapter 1).

Recommendations:  
Adopt with Change

Principal Reasons for Recommendation:

The state legislature passed the Growth Management Law of 2005, which made significant changes to the Growth Management Act. A key requirement of the Growth Management Law of 2005 is that all local governments adopt a public school facility element in their comprehensive plan and adopt required updates to its public schools interlocal agreement.

Miami-Dade County adopted in 1996 an Educational Element to the Comprehensive Development Master Plan (CDMP) under provisions of the state growth management law that permitted the adoption of optional elements. The 1996 Educational Element was in response to Recommendation 9 in the Commission District 11 Area Planning Report, which was approved by the PAB on December 8, 1993 and by the Board of County Commissioners (BCC) on January 4, 1994 (Resolution No. 1-94). Recommendation 9 in the report stated, "An Education Facilities Element for the CDMP should be prepared". The Educational Element was amended in 1999 to address the 1998 requirement of the state growth management law that require local government comprehensive plans to include criteria providing for schools proximate to urban residential areas and encouraging the collocation of schools with other public facilities such as parks, libraries and community centers. The Educational Element was further amended in 2005 as a result of recommendations in the Evaluation and Appraisal Report (EAR) that was adopted in 2003.

This application seeks to amend the existing Educational Element in order to meet the requirements for public school facilities in the local comprehensive plan that were added in the 2005 growth management legislation for the now required element. These provisions provide for a Level of Service (LOS) standard for public school facilities, a school concurrency management program; and proportionate share mitigation criteria for school facilities. Subsection 9J-5.005(5) of the Florida Administrative Code (F.A.C.) requires that the local comprehensive plan be internally consistent. Thus, this application includes proposed changes to the Intergovernmental Coordination Element, Capital Improvements Element, and Preface that are related to the proposed changes to the Educational Element.

The adoption of the application is needed to meet a deadline established by DCA in compliance with state law. Failure to adopt an amendment implementing the public school facility requirements and required updates to its public schools interlocal agreement by January 1, 2008 will result in a sanction from the state prohibiting the adoption of any Land Use Plan map amendments that increase residential density until the required changes are adopted and transmitted to DCA. The Department of Planning and Zoning, the Miami-Dade Public Schools and the municipalities in the county, have worked together to draft the text revisions included in this application

### **New Information**

Since September 28, 2007, the Department of Planning and Zoning has received information from the Florida Department of Community Affairs (DCA) concerning the application. DCA in the Objections, Comments and Recommendations (ORC) Report for the Special Application to amend the CDMP has objected to this application “because it does not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, for and educational facilities element”. This issue is addressed in the Department’s Response to the ORC attached as Appendix B. The department’s response to the ORC addresses all the Objections, Comments and Recommendations that were issued by DCA.

Some of the recommended revisions in this report include clarification to the public school facilities level of service (LOS) standard, and providing for a LOS standard for magnet schools. A revision in policy focusing on achieving a desired LOS standard of 100% of utilization of Permanent Florida Inventory of School Houses (FISH) by 2018. Providing procedures for modifying concurrency service area boundaries in the Educational Element as referenced in the Interlocal Agreement for Public School Facility Planning. Addition of a new policy addressing an annual process for coordinating with School Board, the County and municipalities on reviewing and the educational element and enrollment projections. Specific language has been provided outlining the statutory mitigation options available when public school concurrency cannot be met.

### **PRINCIPAL REASON FOR CHANGE**

This application proposes amendments to the Educational Element, ICE, and CIE and in order to address the new requirements of Section 163.3180, Florida Statute as legislated through the Growth Management Law of 2005.

The proposed amendments will modify and add Objectives, Policies text, appendices and maps, as necessary, to the Educational, Intergovernmental Coordination and Capital Improvements Elements to ensure compliance with the School Concurrency regulations of the 2005 Growth Management law. These modifications are necessary to: 1) define a public school facilities Level of Service standard; 2) provide for the methodology of a school concurrency program; and, 3) provide for the development of proportionate share mitigation criteria as required by Chapter 163, Florida Statutes. Failure to amend the CDMP as necessary to implement school concurrency, or enter into an approved Interlocal Agreement as required by 163.3177 and

163.31777, Florida Statutes, by January 1, 2008, will result in the County being prohibited from adopting any CDMP amendments, which would increase residential density, until these amendments have been adopted and transmitted to the Department of Community Affairs.

Proposed modifications to the Preface add text and map changes to ensure consistency with modification proposed in the ICE. These proposed modifications include the addition of Cutler Bay as a new municipality incorporated in 2005 and related map changes.

The Department of Planning and Zoning is recommending “adopt with change” because the application that was transmitted in July 2007 has been revised with additional policy guidance to address the objections that were contained in the Objections, Comments and Recommendations Report issued by the Florida Department of Community Affairs.

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## APPENDIX 10A

Revised Recommendation: Special Application to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida (Amendments for Public School Facilities)

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STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

**CHARLIE CRIST**  
Governor

**THOMAS G. PELHAM**  
Secretary

**MEMORANDUM**

**TO: Jim Quinn, DEP  
Susan Harp, DOS  
Wendy Evans, AG  
Mary Ann Poole, FWC  
Gary Donn, FDOT 6  
Carolyn A Dekle, South Florida RPC  
P.K. Sharma, South Florida WMD**

**Date: September 28, 2007**

**Subject: Proposed Comprehensive Plan Amendment Review Objections,  
Recommendations and Comments Reports**

---

**Enclosed are the Departments Objection, Recommendations and Comments Reports on the proposed amendments to the comprehensive plan(s) from the following local government(s):**

**Miami Dade 07PEFE1**

**These reports are provided for your information and agency files. Following the adoption of the amendments by the local governments and subsequent compliance review to be conducted by this agency, we will forward copies of the Notices of Intent published by each local government plan.**

**If you have any questions, please contact Mr. Ray Eubanks at Suncom 278-4925 or (850) 488-4925.**

**RE/lp**

**Enclosure**

**2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100**  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

**CHARLIE CRIST**  
Governor

**THOMAS G. PELHAM**  
Secretary

September 28, 2007

The Honorable Carlos Alvarez  
Chairman, Miami-Dade County  
Board of County Commissioners  
111 NW First Street, Suite 220  
Miami, Florida 33128

Dear Chairman Alvarez:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the Miami-Dade County (DCA No. 07PEFE1), which was received on July 30, 2007. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes, and has prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment. It is evident the Miami-Dade County Department of Planning and Zoning and Miami-Dade County Public Schools have put a lot of work into this product. Nevertheless, some additional policy guidance is needed in the new educational facilities element, as detailed in our attached report.

If you have any questions about this ORC report or the Department's position, please contact Mr. Paul Darst, Principal Planner, at telephone (850) 922-1764 or email [paul.darst@dca.state.fl.us](mailto:paul.darst@dca.state.fl.us).

Sincerely,

Mike McDaniel, Chief  
Office of Comprehensive Planning

CG/pds

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Mr. George M. Burgess, County Manager  
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

**2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100**  
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Tallahassee, FL 32399-2100  
(850) 488-7956



**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR**  
**MIAMI-DADE COUNTY**  
**AMENDMENT 07PEFE1**

September 28, 2007  
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

## **Introduction**

The following objections, recommendations and comments are based upon the Department's review of the Miami-Dade County 07PEFE1 proposed Comprehensive Plan Amendment pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis, items which the City considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

## TRANSMITTAL PROCEDURES

Upon receipt of this letter, Miami-Dade County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**Objections, Recommendations, and Comments Report  
for Miami-Dade County Amendment 07PEFE-1**

**September 28, 2007**

**I. Consistency with Chapter 163, F.S., and Rules 9J-5 & 9J-11, F.A.C.**

The Department has completed its review of the proposed Miami-Dade County Amendment 07PEFE-1 and has the following objections and comments.

**Objection: The amendment does not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, F.A.C., for an educational facilities element**

The proposed educational facilities element does not contain all of the objectives and policies required to be in an educational facilities element, pursuant to Chapter 163, Part II, Florida Statutes (F.S.), and Rule Chapter 9J-5, Florida Administrative Code (F.A.C.). The shortcomings are detailed below, with the particular statutory and administrative rule citations.

1. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(b)3, F.A.C., that it contain an objective to ensure the inclusion in the 5-year schedule of capital improvements of those projects necessary to address existing deficiencies and to meet future needs based upon achieving and maintaining the adopted level of service standards for each year of the 5-year planning period. Proposed Objective EDU-2 states only that the County shall coordinate new residential development with the future availability of public school facilities consistent with the adopted LOS standards for public school concurrency.

Citations: Rule 9J-5.025(3)(b)3, F.A.C.; section 163.3177(3)(a), F.S.

Recommendation: Revise proposed Objective EDU-2 or include a new objective within the educational facilities element to ensure the inclusion in the 5-year schedule of capital improvements of those projects necessary to address existing deficiencies and to meet future needs based upon achieving and maintaining the adopted level of service standards for each year of the 5-year planning period.

2. Proposed Policy EDU-2A establishes a level of service standard of 100 percent utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms. This is an acceptable level of service standard; however, Policy EDU-2A also prescribes that schools which achieve 100 percent of permanent FISH capacity should no longer utilize relocatable classrooms to achieve the LOS standard except as an operational solution (during remodeling, replacement or expansion of a school facility). Thus it appears that the County is establishing a two-part LOS standard which may lead to inequities in the application of the concurrency management system.

Citations: Rule 9J-5.0055, F.A.C.; section 163.3180, F.S.

Recommendation: Revise the description of the public schools level of service standard in the educational facilities element to make clear that there is only one level of service standard to be applied during concurrency review.

3. The proposed educational facilities element does not provide a level of service standard for magnet schools, which is required pursuant to Rule 9J-5.0055(2)(b), F.A.C., and s. 163.3180(13)(b)2, F.S.

Citations: Rule 9J-5.0055(2)(b), F.A.C.; section 163.3180(13)(b)2, F.S.

Recommendation: Revise the educational facilities element to include a level of service standard for magnet schools.

4. The proposed educational facilities element proposes individual school concurrency service areas (see Policy EDU-2A); however, it does not meet the requirement in Rule 9J-5.025(3)(c)1, F.A.C., that it contain a policy which establishes guidelines and standards for modification of school concurrency service areas, including standards for revision of concurrency service area boundaries.

Citation: Rule 9J-5.025(3)(c)1, F.A.C.

Recommendation: Revise the educational facilities element to include a policy which establishes guidelines and standards for modification of school concurrency service areas, including standards for revision of concurrency service area boundaries.

5. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)1, F.A.C., that it contain a policy which includes standards for revision of concurrency service area boundaries to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors. It is addressed in the proposed interlocal agreement, but not in the proposed educational facilities element as required.

Citation: Rule 9J-5.025(3)(c)1, F.A.C.

Recommendation: Revise the educational facilities element to include a policy which includes standards for revision of concurrency service area boundaries to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors. The required policy guidance is included in the proposed interlocal agreement and could be taken from there.

6. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)3, F.A.C., that it contain a policy addressing coordination of the annual review of the element with the school board, the county and applicable municipalities, coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process. Policy EDU-7F in the proposed educational facilities element provides for the annual review of the element by Miami-Dade County and Miami-Dade County Public Schools; however, it does not address coordination with municipalities, review of school enrollment projections, or procedures for the

annual update. These issues are included in the draft interlocal agreement, but they should be included in the educational facilities element.

Citations: 9J-5.025(3)(c)(3) F.A.C.; section 163.3177(12)(g)(1), F.S.

Recommendation: Revise the educational facilities element to include a policy addressing coordination of the annual review of the element with the school board, the county and applicable municipalities, coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process.

7. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)9, F.A.C., that it contain policies specifying types of mitigation that a school board will allow to meet concurrency and policies assuring that any mitigation funds provided as a result of the school concurrency system are directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement. Policy EDU-2C provides that impacts could be mitigated through one or more proportionate share methods as defined in s. 163.3180(13)(e)1, F.S., but does not itself specify the types of mitigation the school board will allow. Paragraph 7 in the revised narrative in the CIE describing the County's concurrency management program states that the County will *by ordinance* include proportionate share mitigation options for public school facilities in its concurrency management program and goes on to list proportionate share mechanisms that *might be* included. More detail on proportionate share mitigation options are included in the interlocal agreement, but this needs to be included in the educational facilities element.

Citations: Rule 9J-5.025(3)(c)9, F.A.C.; section 163.3180(13)(e)1, F.S.

Recommendation: Revise the educational facilities element to include (1) a policy specifying the types of mitigation that Miami-Dade County Public Schools will allow to meet concurrency and (2) policies assuring that any mitigation funds provided as a result of the school concurrency system are directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

8. The proposed revision of the intergovernmental coordination element does not meet the requirement in s. 163.3177(6)(h)2, F.S., that it must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance. This is done in the draft interlocal agreement provided with the amendment, as is also required in s. 163.3177(6)(h)2, but these joint processes also need to be described in the comprehensive plan.

Citation: Section 163.3177(6)(h)2, F.S.

Recommendation: Revise the intergovernmental coordination element to describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.

**Objection: Interlocal agreement does not include all local governments in the County as signatories and is not executed**

The proposed educational facilities element does not include, as part of its data and analysis, the revised interlocal agreement to be executed between the local governments in Miami-Dade County and Miami-Dade County Public Schools, which is required pursuant to s. 163.3177(12)(c), F.S. The amendment package does include a draft interlocal agreement; however, the draft agreement is deficient in that not all of the municipalities within Miami-Dade County are listed as signatories. According to s. 163.3180(13), F.S., all local governments within a county, except for those satisfying the exemption criteria provided in s. 163.3180(13)(f), F.S., must be signatories to the interlocal agreement. Any local governments within Miami-Dade County wishing to be exempt from the interlocal agreement on public schools should pursue the statutory exemption.

Citations: Sections 163.3177(12)(c), 163.31777, and 163.3180(13)(f), F.S.

Recommendation: Include with the adopted amendment the executed interlocal agreement between the district school board and all of the local governments within Miami-Dade County, except for those local governments exempted through the procedure authorized in s. 163.3180(13)(f), F.S. Note that the executed interlocal agreement must be submitted to the Department for review and approval pursuant to s. 163.31777(3), F.S.

**II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The above cited amendments do not further and are not consistent with the following goals and policies of the State Comprehensive Plan (Chapter 187, F.S.):

Public Facilities Goal and Policies 3, 4, 5, 6, 7, and 9

Urban and Downtown Revitalization Policy 8

Revise the amendment to be consistent with and further the referenced goals and policies of the State Comprehensive Plan. This may be accomplished by revising the amendment as recommended for the specific objections above.

**III. COMMENTS**

The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)2, F.A.C., that it contain a policy which requires the adoption of annual plan amendments adding a new fifth year, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans of other local governments, and, as necessary, updates to the concurrency service area map. The requirement for annual plan amendments is

intended to help ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained. The County has pointed out that this requirement is already addressed in the adopted comprehensive plan, in the text of the capital improvements element (see page 34 of the “Application and Initial Recommendations” in the amendment package). Therefore the Department recommends that this same policy guidance—requiring annual plan amendments, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans of other local governments, and, as necessary, updates to the concurrency service area map—be inserted in the educational facilities element as a policy.





11 PD

11 BD  
9/1/07

# MEMORANDUM

AGENDA ITEM #6b

DATE: AUGUST 6, 2007  
TO: COUNCIL MEMBERS  
FROM: STAFF  
SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

## Introduction

On July 30, 2007 Council staff received proposed plan amendment package #07PEFE-1 to the Miami-Dade County Comprehensive Development Master Plan (CDMP) for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

## Community Profile

With a 2006 population estimated at 2,437,022, Miami-Dade County is the most populous county in Florida. The County's population has grown by 8.2% since 2000, and is expected to increase an additional half a million by the year 2020. The percentage of the population that is of working age or younger is larger in Miami-Dade County than the state average. The County also has higher unemployment rates as well as a higher percentage of families with incomes below the poverty level than the state average.

The structure of the County's economy is heavily service and trade oriented, with approximately 57% of total employment in these sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks ninth in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world and one of the largest container ports in the southeast. The urbanized portion of the County lies between two national parks, Everglades and Biscayne National Parks. The close relationship of tourism to the preservation of Miami-Dade County's unique native plants and wildlife has been recognized as an economic as well as an environmental issue. In order to manage growth, the County's Comprehensive Development Master Plan establishes an Urban Development Boundary (UDB), which distinguishes the area where urban development may occur from areas where it should not occur.

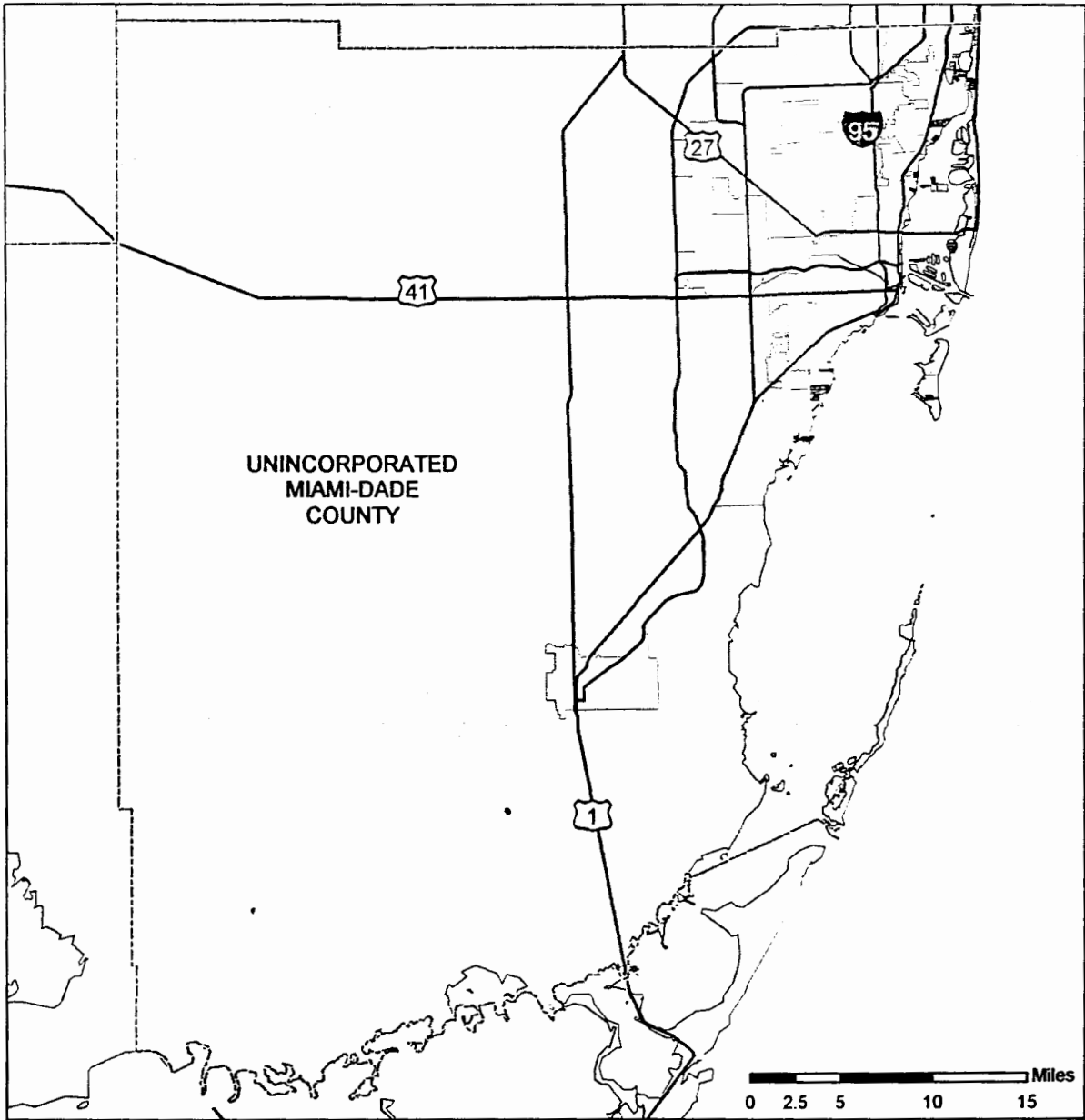
Additional information regarding the County or the Region may be found on the Council's website at [www.sfrpc.com](http://www.sfrpc.com).

The Miami-Dade County Commission approved the transmittal of the proposed amendment by unanimous vote at the Commission meeting of July 12, 2007.

Staff analysis confirms that the proposed text amendment is compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

Recommendation

Find Miami-Dade County proposed amendment package #07PEFE-1 generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.



**COMPREHENSIVE PLAN AMENDMENTS**

**Location Map**

Miami-Dade County  
Proposed Amendment #07PEFE-1

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.  
Note: For planning purposes only. All distances are approximate.

Attachment  
  
1



PD  
**Florida Department of  
Environmental Protection**

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

August 14, 2007

11 BD

8/15/07

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Team  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

RE: Miami-Dade 07PEFE-1 Comprehensive Plan Amendments

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed Miami-Dade's proposed comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the report, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the report pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

Christopher J. Stahl  
Environmental Specialist  
Office of Intergovernmental Programs

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

**T. WILLARD FAIR**, *Chairman*

### *Members*

**DONNA G. CALLAWAY**

**DR. AKSHAY DESAI**

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**PHOEBE RAULERSON**

**KATHLEEN SHANAHAN**

**LINDA K. TAYLOR**

**Jeanine Blomberg**  
Commissioner of Education



September 27, 2007

D. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Re: Miami-Dade County 07PEFE

Thank you for the opportunity to review the proposed public educational facilities element for Miami-Dade County. On behalf of the Department of Education, I have completed a review and prepared comments, which are detailed in the enclosures.

The county has proposed a workable plan and interlocal agreement. I noted that not all cities are proposed to be signatories to the interlocal agreement. As a reminder, I encourage the county and the school district to ensure that those cities apply for the exemption and receive approval of the application by DCA and DOE prior to execution of the agreement. In addition, the county and the district should ensure the execution by all parties of a revised interlocal agreement that is reviewed by DCA and found to be consistent with minimum requirements prior to adoption of the element. Finally, the county and the school district need to update portions of the data and analysis and revise the policies accordingly to demonstrate a financially feasible plan to achieve and maintain the proposed level of service through the short-term and long-term planning periods.

Again, thank you for the opportunity to review and comment on the proposed element. Please feel free to contact me about the comments.

Sincerely,

Tracy D. Suber  
Educational Consultant-Growth Management Liaison

TDS/  
Enclosures

cc: Mr. Ivan Rodriguez, Miami-Dade County Public Schools  
Mr. Paul Darst, PrincipalPlanner



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

GOV 08-06

September 17, 2007

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

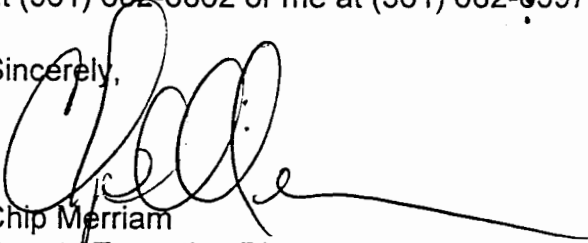
Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments  
Miami-Dade County, DCA# 07PEFE-1**

South Florida Water Management District staff has completed its review of the above subject document. We have no adverse comments.

If you have any questions or require additional information, please contact Jim Golden at (561) 682-6862 or me at (561) 682-6597.

Sincerely,

  
Chip Merriam  
Deputy Executive Director  
Water Resources

PKS/JG/jl

c: George M. Burgess, Miami-Dade County  
Carolyn Dekle, SFRPC  
Bob Dennis, DCA



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

GOV 08-06

September 17, 2007

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

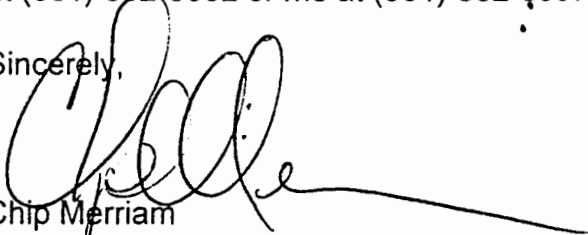
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**Subject: Proposed Amendment Comments  
Miami-Dade County, DCA# 07PEFE-1**

South Florida Water Management District staff has completed its review of the above subject document. We have no adverse comments.

If you have any questions or require additional information, please contact Jim Golden at (561) 682-6862 or me at (561) 682-6597.

Sincerely,

  
Chip Merriam  
Deputy Executive Director  
Water Resources

PKS/JG/jl

c: George M. Burgess, Miami-Dade County  
Carolyn Dekle, SFRPC  
Bob Dennis, DCA

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
<p><b>The Public School Facilities Element (PSFE) shall be based on the following data &amp; analysis that address how the LOS standards will be achieved and maintained</b></p>		
<p>Data &amp; Analysis must include:</p>		
<p>The interlocal agreement</p>	<p>Appx. A-2</p>	<p>Unexecuted draft provided; see comments on ILA checklist for advisory comments encouraging revisions to more fully acknowledge requirements related to educational facilities planning. Also need to have cities that claim exemption make application and seek DCA/DOE approval.</p>
<p>The 5-year school district facilities work program</p>	<p>Appx. P</p>	<p>Outdated plans provided; on 9/6/2007 Miami-Dade County School Board staff said that the 2007-2012 work program was adopted. The adopted work program is available through the DOE's database and was provided to DCA. The adopted work program is balanced and financially feasible.</p>
<p>The educational plant survey</p>	<p>Appx. R</p>	<p>11/3/2006 version</p>
<p>An existing educational and ancillary plant map or map series</p>	<p>Appx. B</p>	
<p>Information on existing development and development anticipated for the next 5-years and the long-term planning period</p>	<p>Appx. C</p>	
<p>An analysis of problems and opportunities for existing schools and schools anticipated in the future;</p>	<p>Appx. M</p>	



**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
An analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers	Not found	The transmittal checklist indicated the analysis would be found in Appx. M. This may not be practical, however, due to the limited availability of greenfields for future school development.
An analysis of the need for supporting public facilities for existing and future schools	Not found	This was not included in the transmittal checklist. Such an analysis will become increasingly important to demonstrate coordination of the county's CIE program with the district's facilities work program so that needed infrastructure is in place to support new or expanded schools.
An analysis of opportunities to locate schools to serve as community focal points	Not found	This was not included in the transmittal checklist.
Projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods	Appx. C	The information provided was not related to the location of existing or planned schools. The analysis would be improved by including a map to illustrate the locations of concurrency service areas to the boundaries of the planning Tiers and/or minor statistical areas used by the planning and zoning department.
Anticipated educational and ancillary plants with land area requirements	Appx. D	
<p><b>The Public School Facilities Element (PSFE) shall be based on the following data &amp; analysis requirements</b></p> <p>For each school facility:</p> <p>Existing enrollment [9J-5.025(2)(a), F.A.C.]</p>		

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
Existing school attendance zones [9J-5.025(2)(a), F.A.C.]	Appx. F	
Existing FISH capacity or other professionally accepted measure of capacity [9J-5.025(2)(a), F.A.C.]	Appx. E	
Surplus capacity based on site size requirements contained within Department of Education design criteria [9J-5.025(2)(a), F.A.C.]	Appx. G	The submission is not responsive to the requirement. According to the data and analysis documents, the district's minimum acreages are below the minimum acreage standards recommended by the State Requirements for Educational Facilities (Rule 6A-2.0010, F.A.C.). While the Department of Education does not object to the standard adopted by the school board, the analysis to support the county's public educational facilities element should be revised to explain the district's approach and that only in rare cases is it likely that existing school sites will possess "excess" acreage to support facility expansion.
Existing level of service, utilizing the five-year school district facilities work program adopted pursuant to Section 1013.35, F.S., and the educational plant survey [9J-5.025(2)(a), F.A.C.]	Appx. G	
For each school facility:		
Projected enrollment by year for the initial five years of the planning period [9J-5.025(2)(b), F.A.C.]	Appx. H	

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
<p>Projected enrollment district-wide by school type for the end of the long range planning period of the host county, based on projected population [9J-5.025(2)(b), F.A.C.]</p>	<p>Appx. I</p>	<p>The data and analysis do not appear to address all types of schools in operation by the district. The data and analysis do not project population by facility type through the end of the long-term planning time frame.</p>
<p>Existing and projected school facility surpluses and deficiencies by concurrency service area by year for the five-year planning period [9J-5.025(2)(c), F.A.C.]</p>	<p>Appx. G</p>	
<p>Existing and projected school facility surpluses and deficiencies district-wide by school type for the end of the long range planning period of the host county based on projected enrollment [9J-5.025(2)(c), F.A.C.]</p>	<p>Appx. J</p>	
<p>An analysis of the adequacy of the existing level of service conditions for each school facility in order to develop appropriate level of service standards [9J-5.025(2)(d) , F.A.C.]</p>	<p>Appx. K</p>	<p>Each school attendance zone is a concurrency service area. The data show that some magnet schools exceed the proposed LOS standard. The county and the district may wish to propose separate LOSS for magnet schools.</p>
<p>School facilities needed for each concurrency service area to accommodate projected enrollment at the adopted level of service standard each year for the five-year planning period [9J-5.025(2)(e) , F.A.C.]</p>	<p>Appx. L</p>	<p>When read with Appx. K, the data and analysis illustrate how proposed facility projects achieve 100% of FISH capacity (the LOS standard) by the end of the 5-year and long term planning time frames.</p>
<p>School facilities needed for the end of the long range planning period of the host county, including ancillary plants and land area requirements. (The plan shall explain the relationship, if any, of the ancillary plants to school concurrency.) [9J-5.025(2)(e), F.A.C.]</p>	<p>Appx. L</p>	<p>When read with Appx. K, the data and analysis illustrate how proposed facility projects achieve 100% of FISH capacity (the LOS standard) by the end of the 5-year and long term planning time frames. The analysis did not include an explanation of the relationship of the ancillary plants to the school capacity.</p>

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
<p>Analysis of problems and opportunities with existing public school facilities and projected public school facilities planned in the adopted district facilities work program, including location, supporting infrastructure, and overcrowding in relation to achieving and maintaining level of service standards for the five-year planning period and for the end of the long range planning period of the host county, including:</p>		
<p>Opportunities and problems in collocating existing projected public school facilities with other public facilities such as parks, libraries and community centers [9J-5.025(2)(f), F.A.C.]</p>	Not found	The data and analysis should be revised to address this requirement.
<p>The need for supporting infrastructure, including, water, sewer, roads, drainage, sidewalks and bus stops for existing and projected public school facilities [9J-5.025(2)(f), F.A.C.]</p>	Not found	The data and analysis should be revised to address this requirement.
<p>Analysis of opportunities to locate public school facilities to serve as community focal points [9J-5.025(2)(f), F.A.C.]</p>	Not found	The data and analysis should be revised to address this requirement.
<p>Existing revenue sources and funding mechanisms available for school capital improvement financing [9J-5.025(2)(g), F.A.C.]</p>	Appx. N and O	The revenue sources and funding mechanisms included in the Sept. 2007 district facilities work program should be used in place of the transmitted data and analysis.
<p>Estimated cost of addressing existing deficiencies and future needs identified above by year for the five-year planning period, and for the end of the long range planning period of the host county [9J-5.025(2)(g), F.A.C.]</p>	Appx. O	The educational plant survey identifies the estimated cost. The work program links to target year. Appx. K shows how needs are addressed to achieve the stated level of service.

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
<p>Estimated cost of needed school capital improvements to correct deficiencies and meet future needs based on achieving and maintaining the adopted level of service standard identified by year for the five-year planning period, and for the end of the long range planning period of the host county [9J-5.025(2)(h), F.A.C.]</p>		<p>See Sept. 2007 district facilities work program.</p>
<p>An assessment of the ability to finance capital improvements based upon projected enrollment and revenues during the five-year planning period:</p>		
<p>Forecasting of revenues and expenditures for five years [9J-5.025(2)(i), F.A.C.]</p>	<p>Appx. N and P</p>	<p>See Sept. 2007 district facilities work program.</p>
<p>Projections of debt service obligations for currently outstanding bond issues [9J-5.025(2)(i), F.A.C.]</p>	<p>Appx. N</p>	<p>See Sept. 2007 district facilities work program.</p>
<p>Projection of ad valorem tax base, assessment ratio and millage rate [9J-5.025(2)(i), F.A.C.]</p>	<p>Appx. P</p>	<p>See Sept. 2007 district facilities work program.</p>
<p>Projections of other tax bases and other revenue sources, such as, impact and user fees [9J-5.025(2)(i), F.A.C.]</p>	<p>Appx. P</p>	<p>See Sept. 2007 district facilities work program.</p>
<p>Projection of facilities (and not program) operating cost considerations [9J-5.025(2)(i), F.A.C.]</p>	<p>Not found</p>	<p>See Sept. 2007 district facilities work program.</p>
<p>Projection of debt capacity [9J-5.025(2)(i), F.A.C.]</p>	<p>Appx. N</p>	<p>See Sept. 2007 district facilities work program.</p>

**Checklist for Review of Data & Analysis for the Public School Facilities Element  
(Section 163.3177(12)(c), F.S. and Chapter 9J-5, F.A.C.)**

**Jurisdiction: Miami-Dade County**

Legal Requirement	Document Reference	Reviewer Comments
<p>Data and analysis showing how school concurrency costs will be met and shared by all affected parties, consistent with the requirement for a financially feasible capital improvements program for public schools [9J-5.025(2)(j), F.A.C.]</p>		<p>See Sept. 2007 district facilities work program.</p>
<p><b>General/advisory comments:</b></p> <p>A great deal of data is provided. The analysis, however, is generally absent and therefore the basis for the proposed goals, objectives, and policies is not apparent to the reader. Given the school board's adoption of a new 5-year work program (in September 2007), the data and analysis should be updated and revised as necessary to demonstrate the financial feasibility of achieving and maintaining the proposed level of service.</p>		

**Checklist for Review of PEFE GOPs**

Jurisdiction: Miami-Dade County

Legal Requirement	Document Reference	Reviewer Comments
<p><b>1. PEFE GOALS, OBJECTIVES &amp; POLICIES</b></p>		
<p><b>GOALS</b></p> <p>The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed [163.3177 (12)(d) F.S.] and [9]-5.025(3)(a) F.A.C.]</p>	<p>Unnumbered goal on page two</p>	
<p><b>OBJECTIVES</b></p> <p>The elements shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal [163.3177(12)(e), F.S.] and [9]-5.025(3)(b) F.A.C.] and which:</p>		
<ul style="list-style-type: none"> <li>• Address correction of existing school facility deficiencies and facilities needed to meet future needs [9]-5.025 (3)(b)1. F.A.C.]</li> </ul>	<p>EDU-1, EDU-2, EDU-3, EDU-7</p>	
<ul style="list-style-type: none"> <li>• Ensure adequate school facility capacity consistent with the adopted level of service standard for each year of the five-year planning period and the long term planning period of the host county [9]-5.025 (3)(b)2. F.A.C.]</li> </ul>	<p>EDU-2</p>	
<ul style="list-style-type: none"> <li>• Ensure the inclusion in the 5-year schedule of capital improvements of those projects necessary to address existing deficiencies and to meet future needs based upon achieving and maintaining the adopted level of service standards for each year of the 5 year planning period [9]-5.025 (3)(b)3. F.A.C.]</li> </ul>	<p>Not found in proposed element</p>	<p>Per DCA ok to adopt by reference.</p>

**Checklist for Review of PEFEE GOPs**

Jurisdiction: Miami-Dade County

<b>Legal Requirement</b>	<b>Document Reference</b>	<b>Reviewer Comments</b>
<ul style="list-style-type: none"> <li>Coordinate the location of public schools with the future land use map or map series of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed. [163.3177(12)(g)6. F.S.] and [91-5.025(3)(b)4. F.A.C.]</li> </ul>	EDU-3	The current objective generally addresses school siting but does not address the specific requirements; those details are addressed in the related policies.
<ul style="list-style-type: none"> <li>Coordinate existing and planned public school facilities with the plans for supporting infrastructure and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization. [163.3177(12)(g)4. F.S.] and [91-5.025(3)(b)5.F.A.C.]</li> </ul>	Not found	Policy EDU-3E does address the requirement.
<ul style="list-style-type: none"> <li>Coordinate location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible. [163.3177 (12)(g)5. F.S.] and [91-5.025(3)(b)6. F.A.C.]</li> </ul>	Not found	Per DCA ok to address in policy.
<b>POLICIES</b>		
<p>The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal. [163.3177(12)(f), F.S.] and [91-5.025 (3)(c) F.A.C.] At a minimum, the policies shall include:</p>		
<ul style="list-style-type: none"> <li>Is the school concurrency service area less than district-wide? If yes, then apply the following 3 questions, if no, and then skip the next 3 questions. [91-5.025(3)(c)1. F.A.C.]</li> </ul>	EDU2-A	Yes. Concurrency service areas are the school attendance zones for elementary, middle, and high schools. Some facilities, such as charter schools or special centers use districtwide CSAs.
<p><i>Does the policy establish guidelines and standards for modification of school concurrency service areas and changes in the use of schools?</i></p>	No.	



**Checklist for Review of PEFE GOPs**

Jurisdiction : Miami-Dade County

<b>Legal Requirement</b>	<b>Document Reference</b>	<b>Reviewer Comments</b>
<p><i>Does the policy ensure that the adopted level of service standards will be achieved and maintained by the end of the 5 year planning period?</i></p>	<p>No.</p>	<p>The policies establish a long-term goal of achieving LOS at 100% of permanent FISH capacity by 2018. The plan does not include data and analysis to demonstrate the financial feasibility of a long-term concurrency management system. In the interim, the policies provide for a LOSS of 100% of FISH capacity (including relocatables). The policy appears, however, to set a separate LOSS for facilities that reduce or eliminate the use of relocatables at a school facility. In those cases the LOSS is 100% of permanent FISH capacity. This may not be consistent with the statutory requirements to adopt a uniform standard for each facility type [S. 163.3180(13)(g)3., F.S.]. Policy EDU-2B sets a December 2010 target for assessing the viability of modifying the LOSS to 100% of permanent FISH capacity. This date coincides with the expected due date for the next EAR.</p>
<p><i>Does the policy include standards for revision of concurrency service area boundaries to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors?</i></p>	<p>No.</p>	<p>There is no LOS for magnet schools or other school types. This should be addressed in a new policy.</p> <p>This requirement is, however, addressed in the ILA.</p>

**Checklist for Review of PEFE GOPs**

Jurisdiction: Miami-Dade County

<b>Legal Requirement</b>	<b>Document Reference</b>	<b>Reviewer Comments</b>
<ul style="list-style-type: none"> <li>• A policy which requires the adoption of annual plan amendments adding a new fifth year, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans for other local governments, and , as necessary, updates to the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained. [9]-5.025 (3)(c)2. F.A.C.] and [163.3177(12)(g)1. F.S.]</li> </ul>	<p>Not found.</p>	<p>This requirement is, however, addressed in the ILA.</p>
<ul style="list-style-type: none"> <li>• A policy addressing coordination of the annual review of the element with the school board, the county and applicable municipalities; coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process. [9]-5.025(3)(c)3. F.A.C.] and [163.3177(12)(g)1. F.S.]</li> </ul>	<p>Policy EDU-7F</p>	<p>This policy provides for an annual review of the element and amendment, if necessary. It does not address coordination with cities, review of school enrollment projections, or procedures for the annual update. These issues are, however, addressed in the ILA.</p>
<ul style="list-style-type: none"> <li>• A policy addressing coordination of school site selection, permitting, and collocation of school sites with other public facilities such as parks, libraries and community centers. [9]-5.025(3)(c)4. F.A.C.] and [163.3177(12)(g)1., 2., and 5. F.S.]</li> </ul>	<p>Policy EDU-3C</p>	<p>This requirement is also addressed in the ILA.</p>
<ul style="list-style-type: none"> <li>• A policy addressing provision of supporting infrastructure such as water and sewer, roads, drainage, sidewalks, and bus stops for existing and projected public school facilities; and measures to ensure compatibility and close integration between public school facilities and surrounding land uses. [9]-5.025(3)(c)5. F.A.C.] and [163.3177(12)(g)6. and 7. F.S.]</li> </ul>	<p>Generally, the policies related to Obj. EDU-7 address infra-structure and the policies related to Obj. 3 address siting.</p>	<p>The policies related to infrastructure improvements could be strengthened by amending them to recognize the limits s. 1013.51, F.S., imposes on school boards to pay only for those infrastructure improvements that are located on-site or contiguous to an educational plant. As an advisory comment, the Department of Education encourages the school board and local governments to consider including a policy to implement requirements of s. 1013.36(5), F.S., related to local government responsibility to correct hazards identified by school boards.</p>

**Checklist for Review of PEFE GOPS**

Jurisdiction: Miami-Dade County

Legal Requirement	Document Reference	Reviewer Comments
<ul style="list-style-type: none"> <li>• A policy addressing coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map. 9J-5.025(3)(c)6. F.A.C.] and 163.3177(12)(g)9. F.S.]</li> </ul>	<p>Not found.</p>	<p>An analysis of the current plan's designation of adequate sites for public school facilities would be helpful in reviewing the proposed PEFE.</p>
<ul style="list-style-type: none"> <li>• A policy establishing level of service standards for public school facilities which can be achieved and maintained throughout the 5-year planning period. Local governments adopting level of service standards using a measurement of capacity other than FISH shall include appropriate data and analysis in support of such alternative measure. [9J-5.025(3)(c)7. F.A.C.]</li> </ul>	<p>EDU-2A, 2B, and 2C.</p>	<p>See comments above.</p>
<p>If concurrency is not applied district-wide, a policy providing that development can proceed if the level of service standards is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas as adopted by the local government. [9J-5.025 (3)(c)8. F.A.C.]</p>	<p>EDU-2C</p>	
<p>Policies specifying types of mitigation that a school board will allow to meet concurrency, and policies assuring that any mitigation funds provided as a result of the school concurrency system are utilized by the school board for appropriate school facilities. [9J-5.025(3)(c)9. F.A.C.]</p>	<p>Not found.</p>	<p>The proposed text amendment to the CIE does reference certain eligible forms of mitigation. The ILA specifies mitigation options. The plan does not, however, include a policy to ensure that mitigation funds are used by the district for school facilities.</p>
<ul style="list-style-type: none"> <li>• A policy establishing measures to ensure compatibility of school sites and surrounding land uses. [9J-5.025(3)(c)10. F.A.C.] and [163.3177(12)(g)7. F.S.]</li> </ul>	<p>EDU-3A through G.</p>	
<ul style="list-style-type: none"> <li>• A policy addressing coordination with adjacent local governments and the school district on emergency preparedness issues. [9J-5.025(3)(c)11. F.A.C.] and [163.3177(12)(g)8. F.S.]</li> </ul>	<p>EDU-3H</p>	

**Checklist for Review of PEFE GOPs**

Jurisdiction: Miami-Dade County

<b>Legal Requirement</b>	<b>Document Reference</b>	<b>Reviewer Comments</b>
<p><b>I. A. MAPS</b></p> <p>A map or maps depicting existing location of public school facilities by type and existing location of ancillary plants. [9]-5.025(4)(a) F.A.C.]</p>	<p>Figures 1A-1D</p>	
<p>A future conditions map or map series which depicts the planned general location of public school facilities and ancillary plants and renovated facilities by year for the five year planning period, and for the end of the long range planning period of the host county. [9]-5.025(4)(b) F.A.C.] and [163.3177(12)(h) F.S.]</p>	<p>Figure 2A-2D</p>	<p>The maps do not depict proposed facilities by year for the 5-yr and long-range planning periods.</p>
<p><b>II. REQUIREMENTS FOR THE CAPITAL IMPROVEMENTS ELEMENT</b></p>		
<p>Level of service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall be applied district-wide to all schools of the same type. [163.3180(13)(b)2. F.S.]</p>	<p>Policy CIE-3C, Public Schools</p>	
<p>The element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board that demonstrates that the adopted level of service standards will be achieved and maintained. [163.3180(13)(d)1. F.S.]</p>	<p>Not found.</p>	<p>The plan proposes to adopt the Five-Year District Facilities Work Program dated September 2007 by reference. Although adopted by the school board on September 5, 2007, the current work program has not been submitted for review. The work program when read with Appendix K show a financially feasible plan to achieve and maintain LOS. (Does appx. K need to be revised to conform to any new, revised, or deleted projects in the work program?)</p>

**Checklist for Review of PEF E GOPs**

Jurisdiction: Miami-Dade County

**III. REQUIREMENTS FOR THE INTERGOVERNMENTAL COORDINATION ELEMENT**

<p>When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination [163.3180(13)(f) F.S.]. The ICE should show relationships and state principles and guidelines to be used in coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services [163.3177(6)(h)1. and 2. F.S.], as stated below:</p>		
<ul style="list-style-type: none"> <li>The ICE shall demonstrate consideration of the particular effects of the local plan upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan. [163.3177(6)(h)1. F.S.]</li> </ul>	<p>Not found in the proposed amendment; may be previously adopted.</p>	<p>The requirement is addressed in the ILA.</p>
<p>The ICE shall describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance. [163.3177(6)(h)2. F.S.]</p>	<p>Not found.</p>	<p>The requirement is addressed in the ILA.</p>
<ul style="list-style-type: none"> <li>Local governments must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. [163.3177(6)(h)4. a. F.S.]</li> </ul>	<p>ICE-1S</p>	<p>While the policy does not require the adoption of an ILA, it requires following the procedures established in the agreement. The proposed element revisions do not state the obligations of the county under the agreement.</p>

## Checklist for Review of PEF E GOPs

Jurisdiction : Miami-Dade County

### General Comments:

The proposed Education Element includes objectives and policies that appear to direct action by the school board. While the county makes clear its policy to cooperate with the school board, it does not establish policies to guide its land use decisions related to providing adequate sites for future schools or related to ensuring that its capital improvements program is developed in a manner to ensure that infrastructure improvements needed to support a new school or facility expansion are available in time to meet school needs.

## Public School Concurrency Interlocal Agreement Checklist

**Lead Agency: Miami-Dade County Public Schools**

**Did all jurisdictions join as parties?** Yes  No  **(If no, list signatory jurisdictions: All within the county, except those cities that claim exemption, including: Bal Harbor Village, Biscayne Park, Golden Beach, Islandia, Medley, Surfside, and Virginia Gardens.)**

Statutory Requirement	Location in ILA	Notes
<p>A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process. (ss. 163.31777(2)(a) and 1013.33(3)(a), F.S.)</p>	Section 2	<p>Section 2.2 provides for the school board to apply to the Department of Education for a waiver to adjust student enrollment projections. This waiver is no longer available. The parties may wish to reflect this in future amendments of the ILA.</p>
<p>A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment. (ss. 163.31777(2)(b) and 1013.33 (3)(b), F.S.)</p>	Section 1 and Section 3.2.	<p>Commend inclusion of regional planning council.</p>
<p>Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting. (ss. 163.31777(2)(c) and 1013.33(3)(c), F.S.)</p>	Sections 3.5, 4, and 6.	<p>The agreement provides for close coordination in planning activities and is detailed with respect to various processes for statutory requirements. I did not find a specific reference to circumstances and criteria under which a district school board may request an amendment to the comp plan for school siting. The agreement does not recognize provisions of s. 1013.371 and State Requirements for Educational Facilities (SREF) that preempt certain local codes and land development regulations. Prior to adoption, the parties should consider revising sections 6.1 and 6.2 to recognize they are effective only to the extent not preempted by s. 1013.371 or SREF.</p>

**Public School Concurrency Interlocal Agreement Checklist**

Statutory Requirement	Location in ILA	Notes
<p>A process for determining the need for and timing of on-site and off-site improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements. <i>(ss. 163.31777(2)(d) and 1013.33(3)(d), F.S.)</i></p>	<p>Section 5.</p>	<p>The agreement provides for a process for jointly determining need and entering into a written agreement to determine timing, location, and the parties responsible for constructing, operating, and maintaining the improvements. It does not, however, recognize the limitation of s. 1013.51, F.S., which permits school boards to pay only for those infrastructure improvements that are located on-site or contiguous to an educational plant. Further, the agreement does not make clear the district's obligation to comply with State Requirements for Educational Facilities (Rule 6A-2.0010, F.A.C). As an advisory comment, the Department of Education encourages the school board and local governments to revise the agreement prior to adoption to make these technical changes. At a minimum, the second paragraph of section 5.1 should be deleted. Finally, the agreement provides an opportunity to formally address the requirements of s. 1013.36(5) related to local government responsibility to correct hazards identified by school boards and revision should be considered prior to adoption.</p>
<p>A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.* <i>(ss. 163.31777(2)(e) and 1013.33(3)(e) F.S.)</i></p>	<p>Section 7.</p>	
<p>Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35. <i>(ss. 163.31777(2)(f) and 1013.33(3)(f), F.S.)</i></p>	<p>Section 3.</p>	



## Public School Concurrency Interlocal Agreement Checklist

Statutory Requirement	Location in ILA	Notes
A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency. <i>(ss. 163.31777(2)(g) and 1013.33(3)(g), F.S.)</i>	Section 8.	
A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute-resolution processes contained in chapters 164 and 186. <i>(ss. 163.31777(2)(h) and 1013.33(3)(h), F.S.)</i>	Section 10.	
An oversight process for the implementation of the interlocal agreement, including an opportunity for public participation. <i>(ss. 163.31777(2)(i) and 1013.33(3)(i), F.S.)</i>	Section 11.	
The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. <i>(s. 163.3180(13)(g), F.S.)</i>	Recitals, paragraphs 2 and 5, respectively	
Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system. <i>(s. 163.3180(13)(g)1., F.S.)</i>	Sections 7 and 9.	
Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible. <i>(s. 163.3180(13)(g)2., F.S.)</i>	Sections 7 and 8.	

**Public School Concurrency Interlocal Agreement Checklist**

<b>Statutory Requirement</b>	<b>Location in ILA</b>	<b>Notes</b>
<p>Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.  (s. 163.3180(13)(g)3., F.S.)</p>	<p>Section 9.2(b).</p>	<p>The policies establish a long-term goal of achieving LOS at 100% of permanent FISH capacity by 2018. The plan does not include data and analysis to demonstrate the financial feasibility of a long-term concurrency management system. In the interim, the policies provide for a LOSS of 100% of FISH capacity (including relocatables). The policy appears, however, to set a separate LOSS for facilities that reduce or eliminate the use of relocatables at a school facility. In those cases the LOSS is 100% of permanent FISH capacity. This may not be consistent with the statutory requirements to adopt a uniform standard for each facility type [ see section 163.3180(13)(g)3., F.S.J. Policy EDU-2B sets a December 2010 target for assessing the viability of modifying the LOSS to 100% of permanent FISH capacity. This date coincides with the expected due date for the next EAR. There is no LOS for magnet schools or other school types. This should be addressed in a new section.</p>
<p>Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.  (s. 163.3180(13)(g)4., F.S.)</p>	<p>Section 9.3.</p>	

## Public School Concurrency Interlocal Agreement Checklist

Statutory Requirement	Location in ILA	Notes
Concurrency Service Areas:		
Define the geographic application of school concurrency. <i>(s. 163.3180(13)(g)5., F.S.)</i>	Section 9.	The agreement establishes student attendance zones as school concurrency areas. It provides that with the exception of periodic adjustments to student attendance zones, a redefinition of the CSAs shall be considered annually by April 30 or October 31. It provides criteria for establishing and amending the areas, including maximizing capacity utilization.
If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. <i>(s. 163.3180(13)(g) 5., F.S.)</i>	Yes. Section 9.2(c).	See above.
The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. <i>(s. 163.3180(13)(g) 5., F.S.)</i>	Not found.	Section 9.2(c) references the CSAs as part of the data and analysis in support of the plans.
The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. <i>(s. 163.3180(13)(g) 5., F.S.)</i>	Section 9.2.(c).	
The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update. <i>(s. 163.3180(13)(g) 5., F.S.)</i>	Section 9.2.(b) and (c) and Section 3.6(b).	

## Public School Concurrency Interlocal Agreement Checklist

Statutory Requirement	Location in ILA	Notes
Establish a uniform districtwide procedure for implementing school concurrency which provides for:		
The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity. <i>(s. 163.3180(13)(g) 6.a., F.S.)</i>	Section 9.2(e) and (f).	
An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezoning on the public school facilities plan. <i>(s. 163.3180(13)(g) 6.b., F.S.)</i>	Section 7.	
The monitoring and evaluation of the school concurrency system. <i>(s. 163.3180(13)(g) 6.c., F.S.)</i>	Section 11.	
Include provisions relating to amendment of the agreement. <i>(s. 163.3180(13)(g) 7., F.S.)</i>	Section 12.	
A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1. <i>(s. 163.3180(13)(g)8., F.S.)</i>	Section 9.2(f.)	
Establishes options for proportionate-share mitigation of impacts on public school facilities. <i>(s. 163.3180(13)(e), F.S.)</i>	Section 9.2(f4.)	

**General notes and comments:**

**Note there are no exemption requests on file for the communities that claim exemption. Prior to execution of the agreement and adoption of the school element, the county and the school district should ensure that exemption applications are made, endorsed by the school board, and approved by DCA with the concurrence of DOE.**