Approved _____ Mayor
Veto _____
Override _____

pecial Item No. 3
5-21-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-613-07

RESOLUTION WITHDRAWING APPLICATION FROM OCTOBER 2006 CYCLE TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP") AND DIRECTING THE COUNTY MANAGER TO FILE A SPECIAL APPLICATION TO AMEND THE CDMP TO COMPLY WITH STATE STATUTORY REQUIREMENTS FOR PUBLIC SCHOOL FACILITIES ELEMENT

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, the State of Florida's 2005 Growth Management Act mandated certain amendments to the CDMP, including that the CDMP include a public school facilities element to implement a school concurrency requirement as set forth in Section 163.3177(12), F.S.; and

WHEREAS, this Board approved Resolution No. R-871-06 authorizing the establishment of an October 2006 amendment process on a limited basis for the filing of a staff application to amend the Educational Element, along with related amendments to the Intergovernmental Coordination Element, Capital Improvements Element, and the Preface of the CDMP (collectively, "Application No. 1") to address the requirements of the 2005 Growth Management Act; and

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 21, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Special Item No. 3

Please note any items checked.

✓ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

____ **6 weeks required between first reading and public hearing**

____ **4 weeks notification to municipal officials required prior to public hearing**

____ **Decreases revenues or increases expenditures without balancing budget**

____ **Budget required**

____ **Statement of fiscal impact required**

____ **Bid waiver requiring County Manager's written recommendation**

____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

____ **Housekeeping item (no policy decision required)**

____ **No committee review**

WHEREAS, this Board now finds it necessary to postpone consideration of Application No. 1, to provide additional time for Miami-Dade County Public Schools to address plan amendment data requirements in light of the uncertainty of forecasting long term public school revenues until the conclusion of the Special State Legislative Session (June 12-22, 2007) addressing property tax reform; and

WHEREAS, withdrawing Application No. 1 from the October 2006 amendment cycle and re-filing it as a special application, on a different schedule than that provided in Section 2-116.1 of the Code for standard amendments, will provide the necessary time while still complying with the State-imposed deadline of January 1, 2008, for adoption of the amendments mandated by the 2005 Growth Management Act; and

WHEREAS, Section 2-116.1, of the Code of Miami-Dade County, Florida, allows this Board by resolution or ordinance to initiate at any time the filing, for consideration on a special schedule, of a special application to amend, modify, add to, or change the CDMP in the case of state statutory requirements; and

WHEREAS, based on the schedule attached hereto as Exhibit A, review and action on a special application is projected to occur during calendar year 2007; and

WHEREAS, consideration of such special application is exempt from the twice-per-year statutory limitation on adoption of comprehensive plan amendments pursuant to Chapter 163, F.S.,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Application No. 1 is hereby withdrawn from the October 2006 CDMP amendment cycle and the County Manager is hereby directed to file, for this Board's consideration, an application to amend the CDMP to comply with the 2005 Growth Management Act on a special schedule, attached hereto as Exhibit A and made a part hereof. It is provided, however, that the County Manager may adjust the application schedule to accommodate changes to the application in response to objections, recommendations, and comments received from the state land planning agency.

The foregoing resolution was offered by Commissioner Dennis Moss, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	absent	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Dennis A. Kerbel

Exhibit A
Special CDMP Amendment Application Schedule

Activity	Projected Dates
Board of County Commissioners Hearing and Action on Transmittal of Special Amendment Application to DCA	July 2007
~~PAB/LPA Public Hearing and Final~~ Recommendation on Transmitted Special Application	September/October 2007
Board of County Commissioners Public Hearing and Final Action on Transmitted Special Application	November/December 2007

Memorandum

MIAMI-DADE COUNTY

Date: May 21, 2007

Special Item No. 3

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Withdrawing the October 2006 Application to Amend the Comprehensive Development Master Plan (CDMP) and Authorizing the Filing of a Special Application to Amend the CDMP

Recommendation
It is recommended that the Board of County Commissioners adopt the attached resolution. This resolution withdraws the previously filed CDMP application by the Department of Planning and Zoning during the October 2006 CDMP Amendment cycle to address the requirements of the 2005 Growth Management Act and directs the County Manager to file a special application on a special schedule.

Scope
This item has countywide impact.

Fiscal Impact/Funding Source
There is no fiscal impact to the County.

Track Record/Monitor
This section is not applicable.

Background
On July 18, 2006, the Board approved Resolution No. R-871-06 authorizing the establishment of an October 2006 amendment process for the purpose of enabling staff to file the necessary application to amend the CDMP Educational Element, along with related amendments to the Intergovernmental Coordination Element and Capital Improvements Element, and the Preface of the CDMP to address the requirements of the 2005 Growth Management Act (Chapter 2005-98, Laws of Florida). These requirements mandate local governments to include a Public School Facilities Element in its comprehensive plan, establish school concurrency that is financially feasible, and draft revisions to the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade Public School System. Local governments are also required to offer a "proportionate fair share" mitigation system to satisfy school concurrency requirements. The deadline DCA established for Miami-Dade County and its municipalities to adopt the element requirements and a revised interlocal agreement is January 1, 2008. If the requirements are not met, local governments are prohibited from adopting amendments to the comprehensive plan, which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

On February 25, 2007 the Department of Planning and Zoning published its Application and Initial Recommendations report for the October 2006 cycle. Both prior to, and subsequent to, the publication of the report, the Department worked closely with the Miami-Dade County Public Schools staff to prepare an application to meet the statutory requirements, however issues have arisen pertaining to the data requirements and the uncertainty surrounding the forecasting of long-term public school revenues until the conclusion of the Special State Legislative Session scheduled for June 12-22, 2007 addressing property tax reforms. These issues cannot be resolved by the Board's May 21, 2007 transmittal hearing on this application.

In consideration of these issues, the Department recommends that the Board approve the attached resolution withdrawing Application No. 1 from the October 2006 cycle and instruct the Manager to re-file it as a special application on a different schedule than that provided in Section 2-116.1 of the Code for standard amendments. The Code allows the Board by resolution or ordinance to initiate at any time the filing for consideration on a special schedule, of a special application to amend the CDMP. The proposed special application would be exempt from the twice-per year statutory limitation on the adoption of comprehensive plan amendments pursuant to state law. The proposed schedule for the re-filed application is shown in Exhibit A of the resolution. The proposed schedule still allows for the Board's adoption hearing before the end of the current year in compliance with DCA's deadline of January 1, 2008.

Assistant County Manager