



Staff Report

File #: LN-573

PLANNING AND ZONING BOARD

Meeting Date: MARCH 27, 2024

EAR BASED COMPREHENSIVE PLAN TEXT AMENDMENT

Request: Evaluation and Appraisal Report (EAR) Based Comprehensive Plan Text Amendment
P&Z# 24-92000003
Owner: N/A
Project Location: N/A
Folio Number: N/A
Land Use Designation: N/A
Zoning District: N/A
Commission District: N/A
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Project Planner: Jean Dolan (954-786-4045 / jean.dolan@copbfl.com)

Data and Analysis

Chapter 163.3191 Florida Statutes and Rule 73C-49 require the City to provide an Evaluation and Appraisal Report (EAR) letter to the State every 7-years to identify any changes to State legislation in that period that would cause the City to amend the adopted Comprehensive Plan.

Chapter 163.3191 states:

163.3191 Evaluation and appraisal of comprehensive plan.-

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. 163.3177(5) or to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination. The notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. 163.3177(5), and must cite the source and date of the population projections used in establishing the 10-year planning period.

The City of Pompano Beach Comprehensive Plan adopted in 2020 has a 2040 planning horizon. The 16 years left in that horizon is longer than the required minimum of 10-years per the above requirements. The population projections for the 2020 Comprehensive Plan were done by the Bureau of Economic and Business Research (BEBR) which is the agency the State relies on for all population projections for revenue sharing and

growth purposes. The current population estimates are running approximately 5 percent behind the projections used in the 2020 Comprehensive Plan update. The population projection for 2023, for example, was 119,993 and the actual 2023 BEBR estimate for State revenue sharing purposes was 113,757. The impact analysis in the Comprehensive Plan, therefore, does not need to be recalculated for any planning horizon.

In light of these facts, the required EAR letter was provided to the State per the schedule in Rule 73C-49 on January 3, 2024, the first business day after the statutory deadline of January 1, 2024, and was acknowledged by Florida Commerce, Bureau of Community Planning and Growth, on February 20, 2024. The City has one-year from the January 3, 2024 date to transmit to the State the amendments identified in the EAR letter.

The only changes made to the Florida Statutes since the Comprehensive Plan was adopted in October, 2020 that required an amendment to the City's plan can be found in Chapter 163.3177(5)(a) F.S. These regulations changed the required planning horizons from a 5 and 20 year period to a 10 and 20-year period (Per 2023 SB 1604).

163.3177.(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 10-year period occurring after the plan's adoption and one covering at least a 20-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.

The Data and Analysis for the 2020 update to the Comprehensive Plan was based on the 20-year planning horizon and the BEBR population projection for that horizon (2040) for all the public facility impact calculations. It was found that the City could serve the projected population through 2040, therefore, none of the calculations were necessary for the more near term horizon. Very few amendments, therefore, are necessary in the adopted elements of the Comprehensive Plan to address this change in the length of the near-term planning horizon.

Proposed Amendments

The planning horizons were only referenced twice in the Goals, Objectives and Policies of the adopted 2020 Comprehensive Plan. These occurred in the introduction to the Transportation Element and in Policy 07A.02.02 in the Potable Water Subelement. Both of these sections have been modified to be consistent with the revision to 163.3177(5)(a).

Staff Recommendation and Alternative Motions

Staff is requesting the Board recommend approval of the EAR-based amendments and offer the following alternative motions.

Motion 1: The Board recommends approval of the EAR-based amendments to the Goals, Objectives and Policies of the adopted 2020 Comprehensive Plan to comply with Section 163.3191 F.S. and the 2023 revision to 163.3177(5).

Motion 2: The Board recommends the item be tabled to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

Staff recommends Motion #1.



02. TRANSPORTATION ELEMENT

Plan It! Pompano

Purpose and Direction: The purpose of the Transportation Element is to focus on accessibility as a critical aspect of an equitable, livable and economically viable community. The direction created by the goals, objectives and policies of this element is to create a balanced system for pedestrians, bicyclists, transit users, and drivers. Implementation of these policies are intended to ensure accessibility and mobility to the City's residents and tourists while supporting local businesses, their customers and employees.

The City is striving to create a modal shift in transportation choices and reduce automobile congestion, thereby reducing greenhouse gas emissions. Safety of drivers, pedestrian and bicyclists, and calming traffic in neighborhoods are all considered critical elements in implementing the overall objective of realizing a significant modal shift during this 45-20-year planning horizon.

The adoption of consistent street sections that can be customized for context sensitivity will ensure the ultimate goal of providing a street network that supports neighborhood equity and equal access while increasing the City's resilience to the effects of climate change.

P&Z

PZ24-92000003

03/27/2024

Goals, Objectives, and Policies

Goal 7A: Provide safe, reliable, sustainable, cost effective potable water to all residents and businesses within the City's water utility service areas and make the capital improvements necessary to maintain or improve potable water services.

Objective 07A.01.00 – Health & Safety

The City shall ensure the provision of a safe and reliable supply of potable water to customers in its service area and the entire City through regulatory compliance and best operating and management practices.

Policy 07A.01.01

Deliver safe and reliable potable water to residents and businesses in the City of Pompano Beach and to residential outside of Pompano Beach but within the City's utility service area.

Policy 07A.01.02

Maintain a conservation rate structure for potable water that provides a minimum level of usage at a cost effective rate.

Policy 07A.01.03

Provide sufficient water to meet system designed fire flows while maintaining required system pressure.

Policy 07A.01.04

Comply with all potable water standards and reporting requirements.

Policy 07A.01.05

Potable water service providers should explicitly notify customers of supply interruptions as soon as possible.

Policy 07A.01.06

Minimize the interruption of potable water service to customers and conserve water by responding quickly to breaks in water mains.

Policy 07A.01.07

Follow industry standards in disinfecting water mains in order to maintain optimum chlorine residual levels.

Policy 07A.01.08

The City of Pompano Beach shall review all proposed land use plan map amendments within the City limits for adequacy of water supplies.

Objective 07A.02.00 – Level of Service

The City of Pompano Beach shall maintain the level of service standard of 161 or less gallons per capita per day; the BCWWS District 1 LOS is 112 gpcpd and the BCWWS District 2 LOS is 96 gpcpd.

Policy 07A.02.01

Capital improvement projects undertaken to maintain the established level of service standard shall be included in the Capital Improvement Element of the Comprehensive Plan and implemented through the 5-Year Capital Improvements Plan (CIP) which is updated annually. The 5-year CIP shall reference BCWWS water supply facility improvements being implemented by BCWWS if those improvements impact the City.

Policy 07A.02.02

The projected levels of service shall be the minimum levels of service maintained during the ten (10) year review period of the Consumptive Use Permit and ten (10) year Water Supply Facilities Work Plan planning periods during the planning horizon covered by this Comprehensive Plan which is the 5-year 2020-2025 and 15-year time frame of 2026- through 2040.