

PINELLAS PLANNING COUNCIL RESOLUTION NO. 01-3

**A RESOLUTION PRESENTING RECOMMENDATIONS REGARDING THE
FLORIDA GROWTH MANAGEMENT STUDY COMMISSION FINAL
REPORT AND POTENTIAL LEGISLATION RELATED THERETO.**

WHEREAS, the Florida Growth Management Study Commission published its final report on February 15, 2001; and

WHEREAS, the final report contains recommendations that potentially affect the growth management process in the State of Florida in general, and Pinellas County, including its member local governments and school district, in particular; and

WHEREAS, the Pinellas Planning Council recognizes the validity of reexamining the existing growth management process and the efforts of the Study Commission in identifying recommended improvements thereto; and

WHEREAS, certain recommendations in the final report and any legislation that may be derived therefrom are of significant interest and concern to the member local government and school board representatives on the Pinellas Planning Council; and

WHEREAS, the Pinellas Planning Council is the established countywide planning agency for Pinellas County created under Chapter 88-464, Laws of Florida, as amended, hereinafter referred to as the Special Act; and

WHEREAS, the Special Act states in part [Section 2. (1)(a)] that one of the Pinellas Planning Council functions is “the formulation and execution by the council of the objectives and policies necessary for the orderly growth, development and environmental protection of Pinellas County as a whole”; and,

WHEREAS, the Pinellas Planning Council has prepared a Position Statement that includes an assessment of and recommendations pertaining to the Growth Management Study Commission final report, which position statement is identified as Attachment I that accompanies and is hereby made a part of this Resolution; and

WHEREAS, it is the intent of the Pinellas Planning Council to communicate its position to individuals and agencies with an opportunity to influence the content of legislation derived from the Growth Management Study Commission final report; and

WHEREAS, it is the position of the Pinellas Planning Council that any such legislation should be based on and consistent with the recommendations contained in this Resolution and the accompanying Position Statement.

NOW THEREFORE, BE IT RESOLVED BY THE PINELLAS PLANNING COUNCIL THAT ANY GROWTH MANAGEMENT LEGISLATION RESULTING FROM THE GROWTH MANAGEMENT STUDY COMMISSION REPORT SHOULD INCORPORATE LANGUAGE TO IMPLEMENT THE FOLLOWING RECOMMENDATIONS:

Section 1. State Comprehensive Plan:

Revise the State Plan to include, but not be replaced by, the proposed vision statement.

In particular, policies addressing “challenge areas” such as education, infrastructure, the environment and affordable housing should be added to the State Plan to provide policy direction in these important issue areas.

Section 2.a.) Uniform Model for Evaluating the True Cost of New Development:

Develop the full-cost accounting model with sufficient local government input and flexibility to make it a practical and effective tool to be used as one component of the local government decision-making process.

Specifically, the model should not reduce the growth management decision-making process to a cost-benefit equation, but rather should provide local decision-makers with better information on the fiscal implications of development-related decisions as one of the factors to be taken into account. Further, the Legislature should create an inclusive statewide group to determine standards and criteria and the specifics of how it is to be phased in to replace concurrency.

Section 2.b.) Incentivize Infrastructure Development Encouragement Areas (IDEAs):

Identify and approve new state and local funding options to address infrastructure deficits and future needs, in particular for urban infill projects, contemporaneous with the full-cost accounting procedures. **In particular, the state must accept responsibility for and share in funding the current infrastructure deficit facing local government.**

The proposed state oversight and DCA “report card” function of GMA+ in relationship to IDEA Districts and attendant incentives should be deleted as inconsistent with the proposed new philosophy for the state to be a partner with and focus on assistance to local government.

Section 3. Enhance Citizen Involvement and Create a More Equitable Judicial Review Process:

Community visioning should be presented as a legislative option, not a requirement. The prohibition against SLAPP (strategic lawsuits against public participation) and frivolous lawsuits should be extended to public officials and citizens as well as developers.

The recommended changes to address standing to challenge a development order pertaining to the comprehensive plan or land development regulations appear reasonable and valid. **The provision for a special master process for quasi-judicial proceedings may prove counter-productive to effective citizen participation, add time and cost to the process and, thus, should remain at the option of local government.**

Judicial review should maintain the traditional remedy of certiorari review.

Section 4. Focus State Resources and Responsibilities on Areas of Compelling State Interest:

The revised role of DCA, designed to provide technical assistance and act as a clearing house, including its name change, should not eliminate its responsibility for providing overall policy direction with respect to compelling state interests to assist in meeting the objectives of the new growth management process.

The state should identify the compelling state interests and how they will relate to local plan administration and development review prior to legislation that establishes requirements based on unknown criteria or rules.

Section 5. Regional Cooperation Agreements and the DRI Process

Provide additional specificity about the authority for and process by which the regional cooperation agreements would replace the current DRI process.

Provide for other than regional planning council mediation service upon request of parties of interest. **Specifically, provide authority to delegate plan amendment review and inter-jurisdictional conflict resolution within a single county to existing countywide planning agencies with an established countywide planning process such as exists in Pinellas County under the auspices of the Pinellas Planning Council and Countywide Planning Authority.**

Section 6. Preparation of Public School Facilities Element and Integration of Schools in Community Planning

Clarify public school facility plan element requirements and detail responsibilities and procedures for coordination between local governments and school boards through a task force comprised of local government, school board, and state agency members prior to its inclusion in any legislation. In particular, the proposed implementation of a school facility plan beginning in January, 2002 is altogether unrealistic and should be delayed.

Further, any legislation dealing with this issue must, at a minimum:

- **Allow local school districts to determine, in their sole discretion, the minimum site acreage requirements** for school locations and to establish such separate requirements as may be appropriate for “urban core” schools;
- **Specify that it is the local school board that determines, in their sole discretion, that “all reasonable options” to provide adequate school facilities have been exhausted** before a local government may reject or delay approval of a plan amendment or rezoning which increases residential density or intensity; and
- **Include legislative provisions that protect local governments and school boards from legal liability if factual determinations are made which require the denial of land use plan or zoning amendment requests for increased residential density.**

Section 7. Urban Revitalization:

Modify requirements for comprehensive plan elements and their update for jurisdictions at or approaching build-out so as to be able to better address redevelopment/revitalization needs. Develop criteria and standards for different levels of planning depending on objective local needs.

In particular, there should be a strengthened state commitment to provide new financial mechanisms and resources to both: 1) conduct the more sophisticated planning process; and 2) pay for new and deficit local infrastructure costs that will be identified as a result of the new planning process.

Section 8. Summary:

In an attempt to provide constructive suggestions to the Governor, the Department of Community Affairs, and the Legislature in the interpretation and implementation of the Growth Management Study Commission Report, the recommendations identified above may be summarized according to two essential considerations that will better assure their successful implementation:

- **Sufficient time and structure to detail and evaluate what is proposed; and**
- **More precise integration with and transition from the current process.**

Each of these essential considerations is set forth in greater detail in the attached Position Statement.

This Resolution was offered, adopted, and authorized to be transmitted at the March 21, 2001, meeting of the Pinellas Planning Council as hereinafter set forth:

_____ offered the foregoing Resolution, which was seconded by _____, and the vote was: _____.

AYES:

NAYS:

ABSENT AND NOT VOTING:

ATTEST:

David P. Healey, Executive Director
Pinellas Planning Council

Mayor Tom De Cesare, Chairman
Pinellas Planning Council