



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title: Amendment 2017-2-B-CIE-1	
✓	Staff Report	Recommend Transmittal		
✓	LPA Transmittal	Recommend Transmittal (8-0)	Divisions: Planning Request: Text amendments to Capital Improvements Element Revision: CIE1.1.1, CIE1.1.5, CIE1.1.6, CIE1.1.13, CIE1.1.14, CIE1.1.15, and CIE1.1.16.	
✓	BCC Transmittal	Transmit (6-0)		
✓	Agency Comments	August 2017		
✓	LPA Adoption	Recommend Adoption (9-0)		
	BCC Adoption	November 14, 2017		

Staff Recommendation

Make a finding that the proposed plan amendment is complete, is consistent with the Comprehensive Plan and in compliance and **ADOPT** Amendment 2012-2-B-CIE-1, revising Capital Improvements Element Policies CIE1.1.1, CIE1.1.5, CIE1.1.6, CIE1.1.13, CIE1.1.14, CIE1.1.15 [HEE2] and CIE1.1.16.

A. Background

The 2011 Growth Management Legislation (House Bill 7207) revised the process and requirements related to the annual update of the Capital Improvements Element (CIE). These revisions included the provision of an option to complete the annual CIE update by ordinance rather than by the Comprehensive Plan amendment process.

House Bill 7207 eliminated the option of allowing local governments to adopt the CIE update via the small scale amendment process. This option was replaced with another option to allow local governments to complete simple updates to the 5-year capital improvements schedule through the adoption of a local ordinance. If text amendments to the Capital Improvements Element are proposed, then the CIE update must be handled as a regular cycle Comprehensive Plan amendment, which requires transmittal and adoption public hearings.

The changes to Policies CIE1.1.1, CIE1.1.5, CIE1.1.6 and CIE1.1.16 shown below are proposed to make the wording of those policies more consistent with Section 163.3177(3), Florida Statutes, which speaks to the content of a capital improvements element and a capital improvements schedule. The changes to Policy CIE1.1.13 are proposed to remove the specific references to the title and adoption date of the current year's Capital Improvements Program (CIP), as modified by the Transportation 5-Year Capital Improvements Schedule and the Water and Wastewater CIE CIP. As it is currently written, Policy CIE1.1.13 requires that the annual update to the Capital Improvements Element be reviewed as a large scale Comprehensive Plan Amendment because it specifies the current CIP title and adoption date; i.e. requires a text amendment. The proposed revision to Policy CIE1.1.13 discussed below will allow the Planning Division to conduct the annual update to the Capital Improvements Schedule by ordinance, and not as a formal amendment to the Comprehensive Plan. Finally, the amendment proposed to CIE1.1.14 will indicate the location on the County's website where a copy of the Capital Improvements Program may be more easily accessed by the public.

B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed revisions are shown in ~~strikethrough~~/underline format. Staff recommends adoption of this amendment.

CIE1.1.1 Orange County shall ~~annually continue to~~ prepare ~~an annual~~ a 5-year schedule of capital improvements, also referred to as a Capital Improvements Program (CIP), for County departments, and those authorities and special districts which depend on funds allocated by the Board of County Commissioners to guide the timing and location of capital expenditures. The CIP shall be consistent with and prepared pursuant to Section 163.3177(3)(a)4. and 5., Florida Statutes.

CIE1.1.5 All County capital improvements shall be made in accordance with ~~the~~ this adopted Capital Improvements Program, including amendments, and as outlined in the comprehensive plan.

CIE1.1.6 The County ~~annually~~ shall annually review and update the Capital Improvements Element in order to maintain a [HEE3] 5-year schedule of capital improvements, or Capital Improvements Program. The Capital Improvements Budget will be based on the multi-year Capital Improvements

Program. Future capital improvements expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in capital improvements budget projections.

CIE1.1.13 The Capital Improvements Budget will be adopted and incorporated into the annual Orange County Budget. ~~Orange County's (2015-16) Capital Improvements Program adopted on September 17, 2015, as modified by the Transportation 5 Year Capital Improvements Schedule and the Water and Wastewater CIE CIP, is hereby adopted as part of the annual update to the Capital Improvements Element. The Long-Term Transportation Concurrency Management System Capital Improvements Schedule is also hereby adopted into the Capital Improvements Element.~~ (Amended 04/10, Ord. 10-03; Amended 04/11, Ord. 11-03; Amended 02/13, Ord. 13-03; Amended 6/16, Ord. 2016-15)

CIE1.1.14 The ~~Orange County~~ Capital Improvements Program for each five year period shall be adopted by the Board of County Commissioners concurrently with approval of the annual budget. Modifications and deviations from the adopted Capital Improvements Budget or Capital Improvements Program will require approval by the Board of County Commissioners. Copies of the Capital Improvements Program as adopted by the Board concurrently with the budget, and as modified from time to time, shall be made available to the public at www.orangecountyfl.net/PlanningDevelopment.aspx.

CIE1.1.15 Reserved. (Policy CIE1.1.15 deleted 09/13, Ord. 2013-19)

CIE1.1.16 Consistent with s.163.3177(3)(b)1, [HEE4] FS, the following modifications changes may be adopted by local ordinance, provided they are consistent with the Comprehensive Policy Plan, and such modifications may not be deemed to be amendments to the Comprehensive Plan:

- Corrections and modifications of the cost of a project already included in the Capital Improvements Program,
- Corrections and modifications to revenue sources identified in the Capital Improvements Program, and/or
- The acceptance of facilities pursuant to dedications

CIE1.1.17 Public facility and service commitments established in development agreements shall be annually incorporated into the Capital Improvements Program.

CIE1.1.18 Orange County shall identify, include and maintain in its annual 5-year Capital Improvement Program budget update a listing, description and budget cost for water-related projects and improvements outlined in the first 5 years of the Orange County Water Supply Facilities Work Plan (Work Plan) to ensure consistency between the Potable Water, Wastewater, and Reclaimed Water Element and the Capital Improvements Element.

CIE1.1.19 The Work Plan and Policies PW3.1.6, PW3.1.7 and PW3.1.8 of the Potable Water, Wastewater and Reclaimed Water Element contain the water-related projects and improvements that shall be included as part of the County's 5-year schedule of capital improvements. (Added 5/09, Ord. 09-14)