To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Boynton Beach Comprehensive Plan
DCA Reference No. 08-RWSP1

Background

On October 21, 2008, the City of Boynton Beach adopted text amendments to several elements of the City Comprehensive Plan. The amendments had to do with the preparation of a 10-Year Water Supply Facility Work Plan (WSFWP) and the incorporation of the WSFWP into the City Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on July 18, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments on August 29, 2008.

Evaluation

The City made some modifications to the proposed amendments prior to adoption in response to the DCA ORC Report.

A. TCRPC Report

The TCRPC report of July 18, 2008 contained no comments or recommendations for modification to the proposed amendments. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report of August 29, 2008 contained objections relating to:

1. lack of implementation measures;
2. population projections; and
3. water supply coordination.
C. City Response

1. To TCRPC comments/recommendations for modification
   
   No response necessary.

2. To DCA Objections
   
   A summary of the DCA objections and the City response is included as Attachment A.

Conclusion

For information only.
THE CITY OF BOYNTON BEACH RESPONSE TO O.R.C. REPORT

The following is the City of Boynton Beach response to the objections, recommendations and comments to the Comprehensive Plan text amendments pertaining to the Water Supply Work Plan and related amendments to the Utility Element, including Potable Water Sub-Element and the Sanitary Sewer Sub-Element, Future Land Use, Conservation, and Intergovernmental Coordination Elements.

I. CONSISTENCY WITH RULE CHAPTER 9J-5, F.A.C., AND CHAPTER 163, F.S.

A. Objection: Lack of Implementation Measures - Potable Water Sub-Element, Policy 3C.1.1 indicated that the City shall maintain the current 200 gallons maximum daily flow per capita of peak population and reduce the level of service standard to 175 gpcd by 2013, and the 10-Year Water Supply Facilities Work Plan indicated that it will reduce per capita usage to 155 gpcd by 2025, but the policy does not indicate how either the 2013 or 2025 reduced level of service standard will be achieved. Thus, this policy, and its dependent Objective 3C.1, and including the City’s 10-year Water Supply Facilities Work Plan does not provide specific, measurable, or intermediate ends that help achieve the intended water conservation use reduction.

Authority: Sections 163.3177(4)(a), 163.3177(6)(a) and (6)(c), and 163.3180(1) and (2), F.S., and Rule Chapters 9J-5.011(1)(a), (b), (c), and (f), (2)(a), (b), and (c); 9J-5.015(1), (2) and (3), F.A.C.

Recommendation: The policy should be revised to provide meaningful and predictable standards and guidelines specifying programs and activities that provide a strategy for implementing this policy. The policy or policies should include meaningful and achievable measures that allow the City to mark the progress towards the accomplishment of the objective and policy to lower the potable water level of service standard through the cited benchmark years of 2013 and 2025.

CITY’S RESPONSE:

The City’s Level of Service standard is defined in terms of maximum daily flow per capita of peak population. In addition, the City also uses a per capita average day water consumption as a water management monitoring tool.

In response to Objection A, the following policy language has been added and/or changed:

Potable Water Sub-Element:
Policy 3C.1.1 The City shall reduce its per capita average day water usage from the current 159.3 to 155 gpcd by 2025 as indicated in the Water Supply Facilities Plan (WSFP). The strategies to achieve this reduction will be implemented through the City’s water conservation programs,
distribution loss reduction and reclaimed water projects that are expected to achieve a reduction of at least 1 gpcd per every 5 years.

**Policy 3C.1.2** The City shall implement distribution improvements through replacement of over 7 miles of leaky galvanized steel piping with new pressure-rated piping, thereby reducing water losses. The City will continue to expand its reclaimed water distribution system, serving primarily large users in coastal areas.

**Policy 3C.1.3** The City shall implement a replacement of potable water use with reclaimed water for irrigation purposes for at least 580,000 gallons per day by 2013.

**Policy 3C.1.4** The City shall continue the implementation of water conservation programs A through H as described in the Water Conservation Chapter of the WSFWP. In particular, the City will step up its school-targeted educational programs.

**Measurability:** The City will monitor and measure the outcome of the water conservation programs and related activities that are intended to conserve water resource through the applicable conditions as required by the SFWMD Consumptive Use Permit.

**Policy 3C.1.4-5** The City shall continue to maintain the Level of Service standard of 200 gallons maximum daily flow per capita of peak population for water supply and treatment and shall, through the implementation of its reclaimed water program (see Policy 3C.1.3), reduce this Level of Service standard to 175 gpcd by 2013.

**Conservation Element:**

**Objective 4.8** The City shall continue to consider implement a variety of options to implement potable water conservation measures such as rate structure, aquifer storage and recovery, education and reuse, and other policies and programs as listed in the Water Conservation Chapter of the City’s Water Supply Facilities Work Plan (WSFWP), to reduce per capita average daily water usage from the current 159.3 to 155 gpcd by 2025, per capita water consumption rates to at least 175 gpcd maximum daily flow by 2013.

**Measurability:** Reduction in per capita water consumption rates consistent with the objective. The City will monitor and measure the outcome of the water conservation programs and related activities that are intended to
conserve water resource through the applicable conditions as required by the SFWMD Consumptive Use Permit.

B. Objection: Population Projections: - The City utilized population projections which are different from those used by the County for the unincorporated areas served by the City. This does not demonstrate coordination of the population and sharing of data from the County regarding common unincorporated area served by the City.

Authority: Sections 163.3161(2) and (3), 163.3177(1) and (4)(a), (6)(a), (6)(c), and 163.3180(2)(a), F.S., and Rule 9J-5.005(2); 9J-5.006(1)(g), F.A.C..

Recommendations: The City should coordinate with Palm Beach County and the South Florida Water Management District regarding population to be served by the City in the unincorporated areas.

CITY'S RESPONSE:

The City did coordinate the population projections for the unincorporated Palm Beach County areas for which it provides water with both the County and the SFWMD. The reason for the discrepancy in the unincorporated County figures was the fact that the City submitted its Water Plan-related amendments prior to the release of the new University of Florida Bureau of Economic and Business Research county population projections (and the County's subsequent adjustment to TAZ-level figures).

The City obtained the adjusted projection numbers from the County and made the appropriate changes to the tables and charts in the 10-Year Water Supply Facilities Work Plan, presented on the following pages. Please note that, while changes in the tables are shown as the strike-through-and underlined (new) numbers, the included charts merely indicate which figures were replaced based on the corrected numbers.

Utilities Element
Potable Water Sub-Element
Exhibit 1: 10-Year Water Supply Facilities Plan
**Table 4-2: Population Projections for City of Boynton Beach**

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<thead>
<tr>
<th>Year</th>
<th>Projected Population</th>
<th>Interpolated Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>94,797,098,998</td>
<td>96,629,100,317</td>
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<td>2006</td>
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<td>98,441,017,637</td>
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<td>2007</td>
<td>101,453,100,485</td>
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<tr>
<td>2008</td>
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<td>103,986,106,210</td>
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<td>2009</td>
<td>109,848,107,503</td>
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<td>2010</td>
<td></td>
<td>115,349,113,804</td>
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<tr>
<td>2012</td>
<td></td>
<td>121,315</td>
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<td>2013</td>
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<td>123,530,123,924</td>
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<td>2014</td>
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<td>125,745,126,552</td>
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<tr>
<td>2015</td>
<td></td>
<td>127,960,129,141</td>
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<td>2016</td>
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<td>130,475,131,749</td>
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<td>2017</td>
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<td>2025</td>
<td>132,990,134,358</td>
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</tbody>
</table>

Note: Population estimates based on modified FIU Metropolitan Center Low Projections (2006)

**Table 4-3: Projected Service Area Population Growth**

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2010</th>
<th>2015</th>
<th>2018</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boynton Beach (adjusted for slowdown - 1.5% growth until 2015 and 2% thereafter)</td>
<td>67,855</td>
<td>69,865</td>
<td>75,153</td>
<td>79,753</td>
<td>82,975</td>
</tr>
<tr>
<td>Unincorporated Palm Beach County (per County TAZ data for utilities)</td>
<td>30,049</td>
<td>29,801</td>
<td>30,735</td>
<td>33,536</td>
<td>35,261</td>
</tr>
<tr>
<td>Village of Hypoluxo (per County TAZ data for utilities)</td>
<td>34,647</td>
<td>34,434</td>
<td>33,260</td>
<td>34,385</td>
<td>35,261</td>
</tr>
<tr>
<td>Town of Ocean Ridge (per county TAZ data for utilities)</td>
<td>432</td>
<td>495</td>
<td>557</td>
<td>666</td>
<td>727</td>
</tr>
<tr>
<td>Town of Briny Breezes (per county TAZ data for utilities)</td>
<td>1,713</td>
<td>1,733</td>
<td>1,918</td>
<td>1,918</td>
<td>1,918</td>
</tr>
<tr>
<td>Total Population Based Upon Jurisdictional Population Figures</td>
<td>100,485</td>
<td>102,332</td>
<td>108,796</td>
<td>116,307</td>
<td>121,315</td>
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<tr>
<td>Metropolitan Center (FIU) – Low Scenario Projection (approved by DCA for water planning in CIE)</td>
<td>101,453</td>
<td>103,999</td>
<td>111,321</td>
<td>117,156</td>
<td>121,315</td>
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Five-year population projections presented in Table 4-2, have been presented and approved by the DCA.
<table>
<thead>
<tr>
<th>Year</th>
<th>Projected Population</th>
<th>Interpolated Population</th>
<th>Per Capita Demand (GPCPD)</th>
<th>Average Daily Water Demand (MGD)</th>
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</thead>
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<tr>
<td>2008</td>
<td>409,453,100,485</td>
<td>402,706,101,409</td>
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<td>2015</td>
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<td>419,319,113,804</td>
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<td>47,517.5</td>
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<tr>
<td>2016</td>
<td></td>
<td>421,787,116,307</td>
<td>156.8</td>
<td>47,718.2</td>
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<td>2017</td>
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<td>2018</td>
<td>477,156</td>
<td>116,307</td>
<td>156.3</td>
<td>19.0</td>
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<td>2019</td>
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<td>130,174,134,358</td>
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<td>20.220.5</td>
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Note: Per capita demand (GPCPD) is defined by average daily demand of the permanent population. The City's Level of Service is defined by Policy 3C.1.1 as the maximum day demand flow provided to the peak population.
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<td>4.84</td>
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<td>35,261</td>
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<td>Town of Briny Breezes (per County TAZ data for utilities)</td>
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<td>432</td>
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<td>434</td>
<td>158.3</td>
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<td>Total projected from Metropolitan Center (FCI) for Boynton Beach Service Area (low scenario) approved by DCA for water planning in CIE(WCJ) February 2009</td>
<td>102,941</td>
<td>112,384</td>
<td>122,923</td>
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<td>Year</td>
<td>Eastern Surficial Aquifer (a)</td>
<td>Western Surficial Aquifer (b)</td>
<td>ASR (c)</td>
<td>Total East Plant To System (d)</td>
<td>Western Surficial Aquifer Treated at West WTP Raw (e)</td>
<td>Finished (f)</td>
<td>Total West Plant To System (i)</td>
<td>Water Purchase From PBC (MGD) (j)</td>
<td>Phase 1 Additional Reuse Capacity (MGD)</td>
<td>Total Capacity (MGD)</td>
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<td>8.6</td>
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<td>46.915.9</td>
</tr>
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<td>5.0</td>
<td>13.0</td>
<td>7.5</td>
<td>8.6</td>
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<td>8.6</td>
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<td>5.0</td>
<td>26.624.5</td>
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<td>27.626.5</td>
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<td>2025</td>
<td>8.0</td>
<td>7.5</td>
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<td>20.5</td>
<td>-</td>
<td>6.7</td>
<td>5.0</td>
<td>27.626.5</td>
<td>1.0</td>
<td>27.626.5</td>
</tr>
</tbody>
</table>

**Limiting Conditions**

- **Total East Wellfield Withdrawal**: 8.0 MGD
- **Total Surficial Withdrawal Dry Season (8/08)**: 15.5 MGD
- **Total Surficial Withdrawal Wet Season (8/09)**: 25.7 MGD

- **East Plant Lime Softening (surficial)**: 100% recovery efficiency
- **West Plant Nano Treatment (Surficial)**: 85% recovery efficiency + 20% bi-pass blending
- **West Plant LPRO Treatment (Florida)**: 75% recovery efficiency

(a) - East wellfield is limited to 8.0 mgd withdrawal.
(b) - Beginning 2010, available Surficial Aquifer water from Western Wellfield is pumped to the East WTP for treatment and distribution
(c) - During dry season (January - May), ASR represents a contribution to the system as the water is recovered and available for distribution. Limit ASR recovery 5 mgd
(d) - Total water available to system - surficial treatment plus ASR recovery
(e) - Beginning 2008, dry season Surficial Aquifer recover is limited to 15.5 MGD combined east and west wellfields
(f) - Existing Finished capacity = (6.3 mgd raw water) x (0.65 membrane efficiency) = 1.3 mgd bi-pass / blending (20%)
(g) - Florida Aquifer - quantity not limited
(h) - Proposed West Floridan Finished Capacity = 6.7 mgd x 0.75 (LPRO membrane efficiency) = 5.0 mgd
(i) - Total West Plant contribution - West Plant converted to LPRO beginning 2012
(j) - Bulk purchase from Palm Beach County - 5 MGD / 1 MGD after 2012
(k) - Reuse water reduces water demand by 50% (Adjusted = Average – 50% of Reuse)
<table>
<thead>
<tr>
<th>Year</th>
<th>Eastern Surficial Aquifer (a)</th>
<th>Western Surficial Aquifer (b)</th>
<th>ASR (c)</th>
<th>Total East Plant To System (d)</th>
<th>Western Surficial Aquifer Treated at West WTP Raw (e)</th>
<th>Finished (f)</th>
<th>Proposed Floridan Well Field + LPRO Treatment Raw (g)</th>
<th>Finished (h)</th>
<th>Total West Plant To System (i)</th>
<th>Water Purchase From PSC (MGD) (j)</th>
<th>Phase 1 Additional Reuse (MGD)</th>
<th>Total Capacity (MGD)</th>
<th>Adjusted Average Day Demand (MGD)</th>
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<tbody>
<tr>
<td>2007</td>
<td>8.0</td>
<td>(2.0)</td>
<td></td>
<td>6.0</td>
<td>11.9</td>
<td>10.4</td>
<td>10.4</td>
<td>5.0</td>
<td>21.4</td>
<td>16,246.7</td>
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<tr>
<td>2008</td>
<td>8.0</td>
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**Limiting Conditions**

- Total East Wellfield Withdrawal - 8.0 MGD
- Total Surficial Withdrawal Dry Season (6/08) - 15.5 MGD
- Total Surficial Withdrawal Wet Season (8/08) - 25.7 MGD

- East Plant Lime Softening (surficial) - 100% recovery efficiency
- West Plant NACRO Treatment (Surficial) = 85% recovery efficiency + 20% bi-pass/blending
- West Plant LPRO Treatment (Floridan) - 75% recovery efficiency

(a) - East wellfield is limited to 8.0 mgd withdrawal.
(b) - Beginning 2010, available Surficial Aquifer water from Western Wellfield is pumped to the East WTP for treatment and distribution.
(c) - During dry season (January - May), ASR represents a contribution to the system as the water is recovered and available for distribution. Limit ASR recovery 5 mgd.
(h) - Proposed West Floridan Finished Capacity = 6.7 mgd x 0.75 (LPRO membrane efficiency) = 5.0 mgd
(i) - Total West Plant contribution - West Plant converted to LPRO beginning 2012
(j) - Bulk purchase from Palm Beach County - 5 MGD / 1 MGD after 2012
(k) - Reuse water reduces water demand by 50% (Adjusted = Average – 50% of Reuse)
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<th>Average Daily Water Demand (MG)</th>
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<th>Available Facility Capacity Dry Season (MGD)</th>
<th>Wet Season (MGD)</th>
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Figure 8-1
City of Boynton Beach Potable Water Service Area
Projected Water Supply and Demand
Wet Season - (June - December)

Proposed Projects:
1. 8 MGD Available from PBC WWTP (+5 MGD)
2. ASRA-2 Cannery line requiring an additional 3 MGD during wet season to recharge (+3 MGD)
3. Additional 1 MGD from Phase I réseau Project (+6 MGD Demand Offset)
4a. Interconnect East and West Water Treatment Plants - increasing Wet Season capacity (+3.3 MGD)
4b. New Floridan Aquifer Wellfield
4c. Convert West Water Treatment Plant from Nano Filtration to Low Pressure Reverse Osmosis (+5 MGD)
4d. Bulk user agreement with PBC WWTP reduces to 0 MGD (-4 MGD)
Figure 5-1
City of Boynton Beach Potable Water Service Area
Projected Water Supply and Demand
Wet Season - (June - December)

Proposed Projects
1. 5 MGD Available from PBC WUD (+5 MGD)
2. ASR-2 Comes on line requiring an additional 3 MGD during wet season to recharge (-3 MGD)
3. Additional 1 MGD from Phase 1 Reuse Project (+0.5 MGD Demand Offset)
4a. Interconnect East and West Water Treatment Plants - Increasing Wet Season capacity (+7.3 MGD)
4b. New Floridan Aquifer Wellfield
4c. Convert West Water Treatment Plant from Nano Filtration to Low Pressure Reverse Osmosis (+5 MGD)
4d. Bulk user agreement with PBC WUC reduces to 1 MGD (-4 MGD)
Figure 6-2
City of Boynton Beach Potable Water Service Area
Projected Water Supply and Demand
Dry Season (January - May)

Available Water (Finished)
Average Daily Water Demand (MGD)

Initial Conditions 2007
Average Daily Demand - 15.4 MGD
Finished Water Available - 23.4 MGD

Proposed Projects
1. 6 MGD available from PBC WAGD -醚crease to 9 MGD after 2012 (4.5 MGD)
2a. Seasonal Surface Water Restrictions Impact Difficult to withdraw to 15.5 MGD (7.5 MGD)
2b. AER Plant - Requires on-line addition of additional 9 MGD during dry season (1.5 MGD)
3. 2 MGD from Phase 1 Wastewater Project (4.5 MGD demand offset)
4a. Interim Wet Season Water Treatment Plant - increasing Dry Season capacity (4.5 MGD)
4b. New Aquifer Recharge Wellfield
4c. Convert West Water Treatment Plant from Natri Filtration to Low Press Water Treatment (4.5 MGD)
4d. Bulk Water agreement with PBC and/or increase to 1 MGD (4.5 MGD)

REPLACED
Figure 5-2
City of Boynton Beach Potable Water Service Area
Projected Water Supply and Demand
Dry Season - (January - May)

Available Water (Finished)
Average Day Water Demand (MGD)

Initial Conditions 2007
Average Day Demand - 16.2 MGD
Finished Water Available - 20.4 MGD

Proposed Projects
1. 5 MGD Available from PBC WUD - Decreases to 1 MGD after 2012 (+5 MGD)
2a. Season Surficial Aquifer Restrictions begin limiting total withdrawal to 15.5 MGD (-3.8 MGD)
2b. ASR-2 Comes on line producing an additional 3 MGD during dry season (+3 MGD)
3. Additional 1 MGD from Phase 1 Reuse Project (+0.5 MGD demand offset)
4a. Interconnect East and West Water Treatment Plants - Increasing Dry Season capacity (+0.6 MGD)
4b. New Floridain Aquifer Wellfield
4c. Convert West Water Treatment Plant from Nano Filtration to Low Pressure Reverse Osmosis (+5 MGD)
4d. Bulk user agreement with PBC WUC reduces to 1 MGD (-4 MGD)
C. Objection: Water Supply Coordination - Although Intergovernmental Coordination Element Policy 8.11.2 indicates the City will continue to coordinate population projections, levels of service, and future annexation areas with utility-use adjacent local governments, it does not specify how the policy will be implemented or achieved. Because there were no programs or activities identified to insure coordination between the City, the County, and other local governments regarding water supply needs, implementing alternative water supply projects, including reuse and conservation measures, establishing level of service standards, and served areas, the City has not demonstrated that it has coordinated with the County to verify that its population and water demand projections are coordinated and consistent with the projected demand anticipated by the County.

Authority: Sections 163.3161(3), 163.3177(4)(a), (6)(a), (6)(c), and (6)(h)1, F.S., and Rule 9J-5.015(1)(a), (2)(a), (3)(a), (3)(b)1, 2, 3, (3)(c)1, 3, and 11, F.A.C..

Recommendations: Revise the Intergovernmental Coordination Element to include an objective and policies to ensure continuous and ongoing planning and intergovernmental coordination of water supply issues regarding coordinated population projections and levels of service between the City and other local governments that Boynton Beach supplies water to. These revised objective and policies should provide meaningful and predictable standards and guidelines specifying programs, measures and activities that provide a strategy for the City to use in order to accomplish the necessary intergovernmental coordination required to achieve the necessary water supply planning coordination.

CITY'S RESPONSE:

In response to Objection C, the following policy language has been added and/or changed:

Intergovernmental Coordination Element:

Objective 8.11 The City shall continue to establish and maintain agreements for provision of water and sewer services with adjacent municipalities and Palm Beach County. The City shall continue to establish and maintain interlocal agreements with neighboring governments that will encourage the provision of orderly and efficient water and sewer services in the service area.

Measurability: Number of Interlocal Agreements maintained.

Policy 8.11.1 The City shall continue to utilize interlocal agreements and service agreements with adjacent governments for the provision of water and sewer services on an on-going basis.

Policy 8.11.2 The City shall, as a part of interlocal agreements, continue to coordinate population projections and future annexation areas with utility-user adjacent local governments through the following actions:
• An ongoing Development-and Utilities department review, through the IPARC notification system, of all future land use amendments to properties located within the City’s service/future annexation area;

• Once-a-year written notification system, requiring all City’s utility user local governments to provide the City with (i) major redevelopment plans affecting the service/future annexation area; and (ii) population projections if different from those provided by the county; and

• Once-a-year written notification system, requesting Palm Beach County to provide current population projections and providing the County with all changes to the City-generated population projection numbers.

Policy 8.11.3 The City shall coordinate its level of service for potable water with all its utility-user adjacent local governments, in particular:

• The City will annually contact its utility user local governments to provide them with information on any changes regarding current LOS standards or any changes of future LOS standards to be included in their respective Comprehensive Plan Amendments and the renewal of local service agreements; and;

• The City will also provide said local governments with an implementation schedule of the potable water conservation measures, including reuse.

Policy 8.11.4 The City shall provide its utility-user adjacent local governments with a copy of its annual update of the Capital Improvements Schedule for all capacity-related water supply facility projects to be included in the respective updates of their CIS.

Policy 8.11.5 The City shall continue to utilize interlocal agreements with adjacent local governments for the provision of water and sewer services in emergency situations.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendments DCA#08RWSP-1 regarding the water Supply Work Plan and related text changes to the Future Land Use, Utility, Conservation and Intergovernmental Coordination Elements are not consistent with the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes, as noted, because the City’s Water Supply Work Plan and related text changes do not demonstrate consistent population projections and
shared data and analysis, lack of appropriate policy implementation measures, and lack of water supply coordination between areas served within other jurisdictions:

**Goal 7(a) (Water resources), Policy (b)5.** Ensure that new development is compatible with existing local and regional water supplies. (Applies to all objections)

**Policy (b)11.** Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended. (Applies to Objections A and C)

**Goal 15(a) (Land Use), Policy (b)6.** Consider, on land use planning and regulation, the impact on land use on water quality and quantity; the availability of land, water and other natural resources to meet demands; and the potential for flooding. (Applies to all objections)

**Goal 17(a) (Public Facilities), Policy (b)7.** Encourage the development, use, and coordination of capital improvement plans by all levels of government. (Applies to all objections)

**Recommendation:** Revise the proposed amendment to be consistent with and further the above referenced goals and policies of the State Comprehensive Plan as recommended elsewhere in this report.

**CITY'S RESPONSE:**

By addressing the concerns noted in Section I, these inconsistencies with Chapter 187, Florida Statutes, have been addressed.
To: Council Members
From: Staff
Date: December 12, 2008 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
  Adopted Amendments to the City of Greenacres Comprehensive Plan
  DCA Reference No. 08-1ER

Background

On September 15, 2008, the City of Greenacres adopted text amendments to all elements of the City Comprehensive Plan. The amendments are pursuant to an Evaluation and Appraisal Report that was adopted by the City on May 15, 2006 and found sufficient by the Florida Department of Community Affairs (DCA) on July 31, 2006.


Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

  The TCRPC Report of April 18, 2008 contained one comment/recommendation regarding the need to clearly indicate what programs will be implemented, what incentives offered, and what tools utilized to address the affordable housing problem.

B. DCA ORC Report

  The DCA Report of May 30, 2008 contained objections related to financial feasibility of the 5-Year Capital Improvements Schedule, roadway improvements, lack of coordination on transportation planning, the water supply facilities work plan, affordable housing, water supply concurrency, and water conservation policies.

C. City Response

  1. To the TCRPC Report

     The City did not respond directly to the TCRPC but prepared a response to the DCA ORC Report objection regarding affordable housing (see Attachment A).

  2. To the DCA ORC Report

     A summary of the DCA objections and the City response is shown in Attachment A.

Conclusion

For information only.

Attachment
City of Greenacres, Florida

Response to the

Objections, Recommendations and Comments Report

For Amendment Round 08-1

Prepared by the
Planning and Engineering Department
September 8, 2008
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I. Introduction

This document consists of the Objections, Recommendations and Comments (ORC) issued on May 30, 2008 by the Department of Community Affairs, received by the City on June 2, 2008, for the City’s Evaluation and Appraisal Report based Comprehensive Plan amendments transmitted as part of Round 08-1 together with the City’s response.

In general, the City concurs with the objections and has modified the proposed amendments to address the issues raised by the Department of Community Affairs. The Objections and Recommendations, and the City’s responses, are listed below Element by Element. Following after are the Comments and the City’s responses, also listed below Element by Element.

II. Objections, Recommendations, and Responses

A. Capital Improvements Element

**ORC Objection: Financial Feasibility 5-year Capital Improvements Schedule.**
The Capital Improvements Schedule (Table Number 1) is not supported by adequate data and analysis demonstrating that the proposed update to the 5-year Capital Improvements Schedule is financially feasible and ensures that the improvements will achieve and maintain public facilities at the adopted level of service standards as required by Section 163.3177(3), F.S. and Chapter 9J-5, F.A.C. The City has not identified the revenue sources that will be used to undertake the listed capital improvements nor have projections been included for these revenue sources to demonstrate that the revenue sources will generate sufficient funds to undertake the proposed improvements.

**Recommendation:** Revise the Capital Improvements Element and the Five Year Schedule of Capital Improvements to include the revenue sources that will be used to fund the listed capital improvements and include projections for these revenue sources to demonstrate that these funding sources will be adequate to implement the capital improvements schedule. To meet financial feasibility requirements, any needed improvements necessary to achieve and maintain adopted level of service standards in the first three years of the Five-Year Schedule of Capital Improvements must be funded by committed funding sources. Projects listed in years four and five can be funded by committed or planned revenue sources. If planned revenue sources will be used in years four and five, committed sources of revenue must also be identified to fund these projects in the event any planned revenue sources does not become available.

**Response:** Table 1A (formerly Table 1) of the Capital Improvements Element has been revised to focus solely on those City projects necessary to maintain the adopted level of service. The projects remaining in the table are both in the current (FY 2008) fiscal year. The $220,000 Original Section Drainage Improvements project is paid for through an approved $220,000 Community Development Block Grant. The
$63,000 Dodd and Woodlake Boulevard Connection project is paid for through impact fees. In FY 2008, the City budgeted the receipt of $152,730 in impact fees, which is more than adequate to cover the cost of the project. Therefore, the City projects depicted in Table 1A are demonstrated to be Financially Feasible. Tables 3 and 4 depict the City’s overall revenue, and Tables 5 and 6 depict capital improvement and debt service expenditures and show that the City will be able to meet its obligations.

Table 1B has been added to show part of the Palm Beach County Five Year Road Program. The two projects shown are for Haverhill Road segments that run through the City and are needed to meet and/or maintain the Level of Service. The County has projected the revenues going to the program and, in each year, the program has adequate revenue to meet the planned project costs. Revenue is derived from gasoline taxes, interest, bonds, impact fees, and miscellaneous sources and is collected and controlled by Palm Beach County.

In conjunction with the Water Supply Facilities Work Plan Comprehensive Plan Amendments (CPA-08-01) being processed as Amendment Round 08-2, a new table (Table 1C) will be added to the Element to address the planned water supply projects and projected revenue of the City’s water and sewer service provider Palm Beach County Water Utilities Department (PBCWUD). The PBCWUD capital program is funded through user fees and is projected to have adequate revenue to cover project costs.

B. Transportation Element

**ORC Objection: Roadway Improvements.** The Transportation Element identifies roadway facilities on *Map 6-Volume Capacity Ratio (2030)* that will exceed the adopted level of service (LOS) standard “D” by 2030. The amendment does not contain any data and analysis to evaluate whether any transportation facilities will fail within the next five years. The City has not identified the short-term (five year) or long-term improvements that will be necessary to achieve and maintain the adopted LOS standards for these roads.

The City has not included a Future Transportation Element Map or map series for planned public transit system, bicycle and pedestrian ways.

**Recommendation:** Revise the data and analysis to evaluate the projected level of service impacts on roadways for the short-range (5-year) planning timeframe to determine if any roadways will drop below the adopted level of service standard during this time period. If any roads will drop below the adopted LOS standard within the next five years, the Five-Year Schedule of Capital Improvements will need to be revised to include improvements for these roads to ensure that the adopted level of service standard will be achieved and maintained. To meet financial feasibility requirements, any needed improvements necessary to achieve and maintain adopted level of service standards in the first three years of the Five-Year Schedule of Capital
Improvements must be funded by committed funding sources. Projects listed in years four and five can be funded by committed or planned revenue sources. If planned revenue sources will be used in years four and five, committed sources of revenue must also be identified to fund these projects in the event any planned revenue source does not become available. Include projections for these revenue sources to demonstrate that the funding sources will be available to implement the capital improvements.

Include a Future Transportation Element Map or map series depicting the existing and planned public transit system, bicycle and pedestrian ways for the City.

**Response:** The City has fully revised the Transportation Element and its data and analysis to include a series of tables (Tables 3, 8, 9 and 10) and maps (Maps 3, 6 and 7) which identify the current (2007), short-range (2012) and long-range (2030) level of service (LOS) for roadways within the City. As can be seen in Table 3 all roads within the City currently meet the adopted LOS standard of “D”. All roads within the City continue to achieve and maintain the adopted LOS through 2012 (short-range) with the exception of a link of Jog Road from Summit Boulevard to Forest Hill Boulevard (LOS E) and a link of Haverhill Road from Lake Worth Road to the southern City limits at Nash Trail (LOS E). Table 9 provides more detail for each of these links. Jog Road from Summit Boulevard to Forest Hill Boulevard will exceed the adopted LOS in 2011 (Year 4) by 33 trips and 2012 (Year 5) by 55 trips. Haverhill Road from Lake Worth Road to the southern City limits will exceed the adopted LOS in 2008 (Year 1) by 10 trips, in 2009 (Year 2) by 18 trips, in 2010 (Year 3) by 26 trips, in 2011 (Year 4) by 34 trips, and in 2012 (Year 5) by 42 trips.

Jog Road is a County owned and maintained right-of-way which is currently built to its ultimate width. The County’s current Five-Year Road Program (2008-2012) does not identify an improvement for this link at this time. The future LOS projection for this link is very close to meeting the adopted LOS standard, and may do so following the next peak season roadway count (to be released in mid 2009) as counts on many roads in Palm Beach County have begun declining. Based on the above, the City will be coordinating with the County to determine if a roadway improvement or alternative operational solution will be necessary to correct the potential deficiency. If necessary, an improvement will be planned and funded using the local option gas tax, traffic impact fees, or a combination thereof to ensure the LOS standard of “D” is met.

Haverhill Road is also a County owned and maintained right-of-way which is built at a 2 lane width between Lake Worth Road and the southern City limits, but its ultimate width is planned to be 4 lanes. The project to widen the road is scheduled to begin in 2008 according to the Palm Beach County 5-Year Road Program (as of November 20, 2007). The project is shown in Table 1B of the City’s Capital Improvements Element of the Comprehensive Plan, along with a discussion of overall County road program revenue sources, revenues, and expenses. The City will work with Palm Beach
County to ensure that the expansion of Haverhill Road is completed timely to restore the road to a level of service of “D” or better.

The Objection instructs that a map or map series be added to the Transportation Element to depict the existing and planned public transit system, bicycle routes, and pedestrian ways for the City. Regarding transit, Map No. 4 already depicts the existing public transit (County operated Palm Tran bus) routes within the City. Some of these routes also connect with the regional commuter railroad (Tri-Rail) as shown in Table 7. There are no planned additions to the Palm Tran bus routes in Greenacres that the City is aware of, thus no need to show them on a map.

Regarding bicycle and pedestrian routes, the analysis in IV.D shows that all of the roads listed in Table 1 (and shown on Map 1) have a sidewalk on at least 1 side of the road, with most having sidewalks on both sides. As major roads in the City have been resurfaced and restriped, undesignated bike lanes have been added. Due to right-of-way constraints, the lanes are too narrow to be designated as bike lanes but they do accommodate bicycle traffic better than mixing it with vehicle travel lanes. Other than within City parks, (see the Recreation and Open Space Element) there are currently no stand-alone bike paths. Therefore, creation of a new map to show existing bike and pedestrian routes would be redundant to Map No. 1. For future planned routes, in the amendments based on the 1996 Evaluation and Appraisal Report the City believed it would be able to coordinate with and build upon a Countywide plan to be created by 2000. The County effort has lagged and now might not come to a conclusion useful for the City. Therefore, Goal 2, Objective 1, Policy a) was revised to require the City to devise its own comprehensive bicycle and pedestrian master plan. The addition of maps to the Transportation Element for future bicycle and pedestrian routes should wait until after the master plan is completed.

C. Intergovernmental Coordination Element (ICE)

1. **ORC Objection: Lack of Coordination.** The ICE does not include a policy to ensure continuous coordination regarding the transportation planning with the Southeast Florida Transportation Council regarding nearby regionally significant transportation facilities, i.e., Lake Worth Road, Jog (Powerline) Road, Military Trail, and State Road 7. Three of these roads are adjacent to or go through Greenacres, and State Road 7 is within the City’s proposed Annexation area.

**Recommendation:** Revise the ICE to include a policy to ensure continuous coordination regarding transportation planning with the Southeast Florida Transportation Council regarding regionally significant transportation facilities, including Lake Worth Road, Jog (Powerline) Road, Military Trail, and State Road 7.

**Response:** Objection 1, Policy c) has been re-written to move it’s former content to a new Objective 1, Policy b)(5) and to provide that the City is to continuously
coordinate with the Palm Beach County Metropolitan Planning Organization and the South East Florida Transportation Council regarding significant transportation facilities including Lake Worth Road, Jog Road, Military Trail and State Road 7.

2. **ORC Objection: Water Supply Facilities Work Plan.** New ICE Objective 4 does not specifically acknowledge the 2006 legislation that requires the City to prepare a Ten-Year Water Supply Facilities Work Plan consistent with the South Florida Water Management District’s *Lower East Coast Water Supply Plan Update* by August 15, 2008. In addition, although Objective 4 requires the City to coordinate with the Palm Beach Water Utilities Department and the Village of Palm Springs Utilities, the objective does not include any policies describing the programs and activities to be undertaken by the City to ensure this coordination.

**Recommendation:** Revise Objective 4 to acknowledge to the City’s commitment to prepare a Ten-Year Water Supply Facilities Work Plan consistent with the South Florida Water Management’s *Lower East Coast Water Supply Plan Update* by August 15, 2008. Include policies with specific programs and activities that will be utilized by the City to ensure the preparation of the Ten-Year Water Supply Facilities Work Plan and to ensure continuous coordination with the South Florida Water Management District, Palm Beach Water Utilities Department, and the Village of Palm Springs Utilities on water supply and facility issues.

**Response:** Objective 4 has been revised to acknowledge the statutory requirement to prepare a 10 year Water Supply Facilities Work Plan by August 15, 2008 and has been expanded to add specific policies. Policy a) requires the City to coordinate with our water service provider, Palm Beach County Water Utilities Department, use the same population projections as the PBCWUD throughout the Comprehensive Plan, and to notify PBCWUD of proposed Future Land Use map amendments, Zoning Changes, and Site Plan approvals. Policy b) requires that the City use PBCWUD’s Water Supply Facilities Work Plan as the basis for the City’s Work Plan. Policy c) requires the City to coordinate with the Village of Palm Springs Utility Department regarding those portions of their service area which lie within the City’s Future Annexation Area and to provide notice of proposed Future Land use map amendments, Zoning Changes and Site Plan approvals in the event territory in the Palm Springs water service area is annexed into Greenacres. These enhancements to Objective 4 will ensure that the intent of the statutory water supply planning requirements is met now and in the future. It should be noted that the Water Supply Facilities Work Plan comprehensive plan amendments (CPA-08-01) required by Objective 4 were approved by the City Council for transmittal to the Department of Community Affairs on August 18, 2008 as Amendment Round 08-2. The amendments are currently under review by DCA.
D. Housing Element

**ORC Objection: Affordable Housing.** The City has not demonstrated that it is providing sufficient affordable housing options and sites for existing and future residents. Policy e under Housing Objective 3 required the Planning Commission to assess the status of very low, low, and moderate income family needs and recommend programs to implement the comprehensive plan goals, objectives and policies by 2000. The City proposes to defer this assessment until 2013. The City has not included revised policies to improve existing programs or to implement new programs to ensure that existing and future affordable housing needs will be adequately and effectively addressed within the City.

**Recommendation:** Although it is appropriate to periodically undertake a study to assess the affordable housing needs in the City and to evaluate how well existing programs are meeting affordable housing needs, the City should revise its existing affordable housing policies and include new policies to ensure adequate affordable housing options and site for existing and future residents. The Treasure Coast Regional Planning Council, in their comments, recommends that the City consider requiring a portion of all new housing be affordable to the workforce and include specific programs to eliminate affordable housing shortages. Policy e under Objective 3 could be further revised to include specific incentives to encourage developers to provide affordable housing.

**Response:** In order to better understand the dimensions of the housing issue, and better respond to the Objection, the City has updated the Housing Element with the latest available information and projections. In addition, data was added to the Element on the topics of current housing value and on the City’s subdivision requirements compared to benchmarks from a national study.

The City has undertaken the following since the 1997 EAR in an effort to implement the Goals, Objectives, and Policies of the Housing Element:

1) Updated the Planned Unit Development (PUD) requirements for subdivisions in November of 2000 (ZTA-00-02) which reduced minimum single family lot requirements allowing for more compact development and thus reduced development infrastructure cost and, therefore, lower housing cost.

2) Performed approval of townhouse developments using conventional Zoning Code requirements rather than requiring that a PUD be created. This reduces housing costs by eliminating additional reviews and processing and allowing units to reach the market faster with lower carrying cost. For the first time in many years, a townhouse project (SP-01-11) was approved in March 2002 as “straight zoning” i.e. not a PUD. Four more townhouse projects were approved the same way over the next 4 years in this very successful approach.
3) Revised the medium density (7 units per net acre) RM-2 zoning district in June of 2002 (ZTA-02-03) to reduce the lot width and area requirements for single family homes. The minimum lot width was reduced by 33% (from 75’ down to 50’) and the minimum lot area was also reduced by 33% (from 7,500 sq. ft. down to 5,000 sq. ft.). This was intended to promote the provision of new single family homes at a reasonable development cost and 2 new projects were approved using these provisions.

4) Created the new Mixed Use Development-Original Section zoning district (ZTA-03-02) in October of 2003 which allows for a mixture of commercial and residential uses (such as ground floor retail with apartments above) in an effort to revitalize part of the City’s Original Section and create more housing choices.

5) Worked with Habitat for Humanity to facilitate plan review and inspections of new single family homes build by the organization in the Original Section of the City (our Target Area as discussed in the Housing Element).

6) Allowed the splitting of combined lots in the Original Section back to their original 1925 platted width to facilitate the construction of new and replacement single family homes in this Target Area.

As shown in the data and analysis of the Housing Element in IV.C2a, the average value of single family homes in Greenacres ($180,144) and the average value of condominiums ($167,857) lies between the “Low” and lower “Moderate” sales prices of $164,000 and $189,000, respectively, in the Palm Beach County Workforce Housing Program. Furthermore, the average residential sale value of $192,405 for 2007 in Greenacres is only slightly above the lower “Moderate” sales price of $189,000 in the County program. Since the existing supply of homes in Greenacres already contains many units valued and being sold at the price points featured in the County’s Workforce Housing Program, the City does not see the need to enact a similar mandatory program requiring a certain portion of new housing to be affordable to the workforce. In addition, the City has 16,838 dwelling units and only expects to add a few hundred units in the near term which makes obvious that the City’s existing inventory of housing is the key to meeting affordability needs. This is why the City has invested so much in improving existing neighborhoods by installing water lines, sidewalks, street lighting, parks, and paving streets in order to make them a better place to live. For new development that does occur, as shown in the analysis in the Housing Element in IV.C2b, the changes to the PUD requirements and the conventional zoning requirements of the RM-2 district compare quite favorably with the benchmarks for housing with a low regulatory burden. Proposed Objective 3, policy j) requires that zoning requirements be assessed against appropriate benchmarks from time to time so that a positive balance is maintained between cost and regulation.

The City believes that it has taken appropriate steps to ensure the provision of adequate affordable housing options for existing and future residents. Speculation
and property flipping caused a huge artificial demand which drove up housing prices to unrealistic levels. As the real estate market continues to rapidly adjust back to more appropriate cost levels, the affordability situation will continue to improve. Furthermore, the issue of affordable housing was explored in conjunction with the Evaluation and Appraisal Report and not determined to be a major issue.

Additionally, the City proposes to add or revise the following policies in the Housing Element to further address housing affordability:

1) Objective 1, Policy e) has been added to support the continued approval of townhouse projects using the conventional zoning requirements of the Code without the need for a PUD.

2) Objective 3, Policy c) has been changed to have more of a re-assessment perspective since the Housing Element, programs, and policies have now been examined thoroughly to respond to the current ORC Report.

3) Objective 3, Policy d) has been enhanced to provide support for mixed-use districts.

4) Objective 3, Policy j) was added to ensure that the City’s development standards are kept current and do not create an unwarranted cost burden on housing production.

5) Future Land Use Element Objective 8, Policy i) has been added to support the creation of a new mixed-use zoning district intended for the City’s highest intensity areas. The current mixed-use zoning districts are intended for lower intensity and density areas and are not well suited for the major activity nodes. This new district will help create additional housing opportunities and by sharing development expenses with the commercial portion, the housing should be more affordable.

E. Infrastructure Element

**ORC Objection: Water Supply Concurrency.** The City has not included a policy to address concurrency for water supply.

**Recommendation:** Include a policy to state that prior to approving a building permit or its functional equivalent, the City will consult the water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent by the City. (See Section 163.3180(2)(2), F.S.)

**Response:** Objective 8, Policies d) and e) have been revised to include water supply as part of the Concurrency Management System and to include the recommended availability requirements.
F. Conservation Element

**ORC Objection: Water Supply Conservation Policies.** Existing Conservation Policies 2.c, 2.g, 2.h, and 2.i do not include specific programs and activities for water conservation.

**Recommendation:** The City should revise these policies or include new policies that identify specific programs and activities the city will implement for water conservation. The City should revise the policies or include a new policy to recognize and use the Conserve Florida Goal Based Guidelines as part of a long-range water conservation plan and to include a policy to coordinate with the Palm Beach County Utilities Department regarding reuse water projects.

**Response:** Objective 2 has been revised to add policies regarding water conservation measures in the City’s Landscape Code, participation in the National Pollution Discharge Elimination System to reduce water pollution, and supportive of various programs managed by the City’s water service provider Palm Beach County Water Utilities Department, including their water reuse program. It should also be noted that, contrary to the Objection, Objective 2, policy i) is a specific activity supporting water conservation since requiring rain sensors on irrigation systems prevents unnecessary use of potable or ground water for irrigation.

III. Comments and Responses

A. Transportation Element

1. **ORC Comment:** A policy should be included in the Intergovernmental Coordination Element ensuring the City’s continued participation in the State Road 7 Corridor Management Plan.

   **Response:** Objective 2, Policy g) has been added to require the City’s continued participation in the State Road 7 Corridor Management Plan.

2. **ORC Comment:** Transportation Element/Transportation Concurrency Exception Area (TCEA). A County Urban Development Area (URA) encompasses a portion of the City. In addition, the County has included the URA in a TCEA that also located in the City. The City should address the County TCEA in the City’s comprehensive plan according to the County Charter. The Department encourages the City to address the designation of the TCEA in the City’s next amendment cycle and use as the basis for this amendment the requirements outlined in Section 163.3180, F.S. and Rule 9J-5.0055(6), F.A.C. and Rule 9J-5.019, F.A.C.

   **Response:** Based on our recent conversations with staff at the Palm Beach County Planning Division, it is believed by the City that the County’s Urban
Redevelopment Area (URA) did not include territory currently under the jurisdiction of the City of Greenacres. Furthermore, it is our understanding that the Transportation Concurrency Exception Area (TCEA) covers only a small part of the URA (just the high priority corridors) and does not cover or abut any of Greenacres. In the event that the County seeks to expand the TCEA closer to or within Greenacres, the City would expect to be intimately involved in its creation and review and would hope for DCA’s support in such involvement.

B. Housing Element

**ORC Comment:** Coordinate the identification of historically significant housing within the City with the Department of State, Division of Historical Resources, to include the 295 buildings that may qualify to meet the fifty year threshold. The City also should consider having a comprehensive cultural resource assessment survey conducted.

**Response:** In light of budget cuts, imposed revenue limitations, and the need to prioritize expenditures for essential services (Health and Safety) the city is not currently able to undertake a comprehensive cultural resource assessment survey, and identify historically significant structures in the City. Such efforts will be undertaken should resources become available in the future.

C. Infrastructure Element

**ORC Comment:** The City is encouraged to adopt level of service standards for non-residential water use.

**Response:** Potable water service (production and distribution) within the City of Greenacres is provided by the Palm Beach County Water Utilities Department. Therefore, in order to maintain a consistent level of service between our comprehensive plan and the service provider, the City has adopted the LOS standards used by PBCWUD. While these standards do not currently include a non-residential use LOS, in the event that PBCWUD adopts such a standard then the City will follow suit to maintain consistency.

IV. Consistency with the State Comprehensive Plan

The proposed text amendments to the Capital Improvements, Transportation, Intergovernmental Coordination, Housing, Infrastructure, and Conservation Element do not adequately address and further the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes.

A. 187.201(4)(b)3 pertaining to Housing and the increase of safe, affordable, and sanitary housing. The provision relates to Housing Objection 1;
187.201(7)(b)3, 5, 9, 10, 11, and 13 pertaining to Water Resources and the need to protect and conserve potable water. These provisions apply to Infrastructure Objection 1 and ICE Objection 2;

187.201(15)(b)1 and 6 pertaining to Land use and the provision of public facilities. These provisions relate to Infrastructure Object 1 and Capital Improvements Element 1;

187.201(17)(b)1, 3, 5, 6 and 9 pertaining to Public Facilities. These provisions relate to Infrastructure Objection 1, Transportation Element Objection 1, and Intergovernmental Coordination Objections 1 and 2; and

187.201(25)(b)5 and (7) pertaining to Plan Implementation. These provisions apply to all seven objections.

B. **Recommendation:** By addressing the concerns noted in Section 1., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

C. **Response:** See responses provided in Section II.A. through F above.
To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
        Adopted Amendments to the Indian River County Comprehensive Plan
        DCA Reference No. 08-1

Background

On September 9, 2008, Indian River County adopted two amendments to the Transportation Element of the County Comprehensive Plan. Council reviewed the proposed amendments at a regular meeting held on June 20, 2008. On July 18, 2008, the Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report. The letter indicated that the DCA had no objections to the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council Report

    Council had no comments/recommendations for modification to the proposed amendments. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

    The DCA had no objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
        Adopted Amendments to the Town of Jupiter Comprehensive Plan
        DCA Reference No. 08-CIE1

Background

The Town of Jupiter has adopted amendments to the Capital Improvements Element of the Town Comprehensive Plan. Pursuant to Section 163.3187(1)(f) of the Florida Statutes, the annual amendments to the Capital Improvements Element are not subject to the twice per calendar year limitation of plan amendments, and may be done to coincide with the adoption of the local government’s budget and Capital Improvements Program. Also, pursuant to Chapter 163.3177(3)(b), these amendments require only a single public hearing which shall be an adoption hearing.

Evaluation

A. Treasure Coast Regional Planning Council Report

The amendments proposed by the Town are to adopt an updated Community Investment Program for the five year period of 2009-2013. Revisions have been made to the appropriate tables of the Capital Improvements Element.

Conclusion

For information only.
To: Council Members
From: Staff
Date: December 12, 2008 Council Meeting
Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Town of Jupiter Inlet Colony Comprehensive Plan
DCA Reference No. 08-1ER

Background

On September 11, 2008, the Town of Jupiter Inlet Colony adopted text amendments to all elements of the Town Comprehensive Plan. These amendments were related to the Town’s Evaluation and Appraisal Report that was adopted on May 22, 2006. The Town also adopted amendments pursuant to the Water Supply Facility Work Plan and the annual update to the Capital Improvements Element; amendments that were not part of the draft amendment package previously submitted.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on March 21, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on April 18, 2008.

Evaluation

As indicated above, the adopted amendments include those pursuant to statutory requirements for water supply facilities planning and for an annual update to the Capital Improvements Element. These amendments were not reviewed by the TCRPC at its March 21, 2008 meeting. The Town also made some modifications to the proposed amendments prior to adoption in response to the DCA ORC Report.

A. TCRPC Report

The TCRPC Report of March 21, 2008 included three comments/recommendations for modification. The recommendations were to:

1. include policies in the plan to support the provision of an adequate supply of affordable housing;
2. address per capita levels of service for potable water; and
3. commit to participation in existing intergovernmental coordination mechanisms.
B. DCA ORC Report

The DCA ORC Report of April 18, 2008 contained objections relating to the following:

1. deletion of required levels of service standards;
2. ten year water supply facility work plan;
3. coastal high hazard areas; and
4. development in the coastal high hazard area.

C. Town Response

1. To TCRPC comments/recommendations for modification
   
   No response received.

2. To DCA ORC Objections

   The Town has provided a “Responses” document (see Attachment A) that summarizes the DCA objections and the Town responses.

Conclusion

For information only.
"Responses"

to

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
Objections, Recommendations and Comments (ORC)
Report

of the

Town of Jupiter Inlet Colony
EAR-Based Comprehensive Plan Amendments
January, 2008

Prepared By:

Town of Jupiter Inlet Colony
&
JLH Associates
Town of Jupiter Inlet Colony “Responses” to ORC Report

I. CONSISTENCY WITH RULE CHAPTER 9J-5, F.A.C., AND CHAPTER 163, F.S.

Text Amendments

A. Infrastructure Element—The Town has reviewed its adopted level of service standards and is updating them to reflect new data and analysis. A new standard for septic tanks is proposed to comply with new environmental and State Water Quality Standards. Also proposed is a modification to Objective 2 acknowledging the need to maintain a five and ten year schedule of capital improvement needs which will be updated annually. Policy 3.3 is being modified so that stormwater drainage meets State Water Quality Standards and the National Pollution Discharge Elimination System.

1. ORC Objection: Deletion of Required Level of Service Standards—The Town proposes to delete two of its existing adopted level of service standards, the potable water level of service standard of 272 gallons/capita/day and the solid waste level of service standard of 6.9 pounds/capita/day.

Authority: Sections 163.3177(1), (6)(a) and (c), and 163.3180(1)(a), F.S., and Rules 9J-5.003(25) and (62), 9J-5.005(3), 9J-5.0055(1), 9J-5.0055(2), 9J-5.006(3)(c)3, 9J-5.011(2)(c)2, 9J-5.012(3)(b)11, 9J-5.016(3)(b)3, (3)(c)4, and (3)(c)8, F.A.C.

Recommendation: Local comprehensive plans are required to include level of service standards for all public facilities subject to concurrency, including potable water and solid waste facilities. The Town should retain the existing level of service standards for potable water and solid waste or revise them based upon relevant and appropriate data and analysis in consultation with its service providers. Interim level of service standards for water and solid waste can be established along with additional objectives and policies to implement water conservation and solid waste recycling programs to achieve lower level of service standards for potable water and solid waste. The comprehensive plan could then be revised to adopt these lower level of service standards once they are achieved.

Town Response: The existing level of service standards for potable water (272 gallons/capita/day) and solid waste (6.9 pounds/capita/day) will be retained in the Plan, as recommended. The revised Infrastructure element (pgs. 35 & 36 attached) of the Comprehensive Plan reflects these changes.

2. ORC Objection: Ten Year Water Supply Facilities Plan—Although the Town states it has no responsibility regarding the provision and distribution of potable water within the Town, there are certain water supply work plan requirements that must be addressed by the Town. The information provided on page 37 of the Infrastructure Element is insufficient to adequately address the Town’s Ten Year Water Supply Facilities Work Plan. The Town has not identified the amount of water it receives from the Village of Tequesta or included data and analysis to demonstrate that Tequesta has planned for the Town’s future water needs. The Work Plan does not include specific actions the Town and the Village of Tequesta are taking to implement and utilize programs for water conservation and reuse.
The Town has not included a policy to require coordination between the Town’s Ten-Year Water Supply Facilities Work Plan and the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan Update and future updates to the District’s Water Supply Plan.

The Town has not included a policy to address water supply concurrency pursuant to Section 163.3180(2)(a), F.S.

**Authority:** Sections 163.3167(13), 163.3177(4)(a), 163.3177(6)(c), (d), and (h)1, 163.3177(8), F.S., and Rules 9J-5.005(2), 9J-5.006(1), (2), (3)(b)1 and (3)(e)1, and 9J-5.011(2)(b)4, 9J-5.013(1)(c) and (2)(b)2, 9J-5.016(1), (2), (3)(b)1, 3, 4, 5, (3)(c)6, 8, and (4), F.A.C.

**Recommendation:** Expand the Town’s Water Supply Facilities Work Plan to 1) provide data showing the Town’s existing and projected water supply needs; 2) address water facilities that are planned by the Village of Tequesta, as the Town’s water service provider, that will be needed to serve the Town’s existing and future needs; and 3) identify conservation, reuse or reclaimed water programs that are or will be implemented to reduce the demand on potable water. Revisions to the Ten-Year Water Supply Facilities Work Plan should be done in close coordination with the South Florida Water Management District and the Village of Tequesta. Revise, as necessary, the Five-Year Schedule of Capital Improvements to include any water facility improvements or reuse programs that will be implemented by the Town. Projects listed in the first three years must be funded by committed revenue sources, and projects listed in years four and five can be funded from committed or planned funding sources. The Department’s “A Guide for Local Governments in Preparing Water Supply Comprehensive Plan Amendments and Water Supply Facilities Work Plan” is a valuable resource and is available on the Department’s website below.

**Town Response:** A section entitled “Town of Jupiter Inlet Colony Ten (10) Year Water Supply Facilities Work Plan” is added to the end of the Infrastructure element of the Comprehensive Plan document commencing on p. 42. This section and water supply plan have been thoroughly reviewed with DCA and the South Florida Water Management District prior to this submittal to assure proper coordination, accuracy and fulfillment of State planning requirements.

**B. Coastal Management Element**—The Town is updating the element through the following new policies: *Policy 1.5* addresses the preservation of existing wetland vegetation in the Indian River Lagoon Estuary; *Policy 2.3* addresses the filtering of stormwater pollutants through landscaping; *Policy 4.7* to minimize or avoid adverse effects on the coastal mangrove system from public works projects; and *Policy 5.3* prohibit public expenditures that adversely affect mangrove areas and sea grass beds; and new *Objective 6* and *Policy 6.2* establish criteria for immediate and long term post disaster activities.

**1. ORC Objection: Coastal High Hazard Area (CHHA)**—The Town has included a definition of the CHHA in the data and analysis section of the Coastal Management Element. The CHHA is defined as “the areas lying within the Category 1 Hurricane Evacuation Zone.” This definition of the CHHA is inconsistent with the statutory definition for the CHHA. Section 163.3178(2)(h), F.S. defines the CHHA as “[t]he area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.” The Town also has not included a revised map showing the CHHA based on the statutory
definition. The statute requires that no later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

**Authority:** Section 163.3177(6)(g), and 163.3178(2)(h) and (9), F.S., and Rules 9J-5.005(1)(c)5, (1)(c), and (2), 9J-5.006(4)(b)5, 9J-5.012(2)(e)2 and (3), and 9J-5.012(3)(b)5, 6, 7, (3)(c)4, 7, and 8, F.A.C.

**Recommendation:** Include the statutory definition for the Coastal High Hazard Area as a policy in the plan and map the CHHA within the Town based on the statutory definition. The revised CHHA definition and the delineation of the CHHA on the Future Land Use Map series must be undertaken by July 1, 2008.

**Town Response:** The statutory definition for the Coastal High Hazard Area has been added as Policy 5.4 in the Coastal Management element of the Comprehensive Plan, as recommended (p. 53). The SLOSH maps indicate that the entire Town of Jupiter Inlet Colony lies within the CHHA. Therefore, a NOTE has been included on the Future Land Use Map (Figure 1 in FLU element) that states the entire Town lies within the CHHA. A similar NOTE has also been added to the Existing Land Use Map of the FLU Support Documentation to the Comprehensive Plan. These Maps are attached herein.

2. **ORC Objection: Development in the CHHA**—The Town proposes to delete existing Objective 6 and Policy 6.1. This objective and policy direct population concentrations away from the CHHA by limiting residential development in the CHHA.

**Authority:** Sections 163.3177(6)(g), and 163.3178(2)(h) and (9), F.S., and Rules 9J-5.005(2), 9J-5.006(4)(b)5, 9J-5.010(3)(c)10, and 9J-5.012(3)(b)5, 6, 7, and (3)(c)7, F.A.C.

**Recommendation:** The Town should either retain Objective 6 and Policy 6.1 or develop policies to guide development and redevelopment consistent with the requirements to direct population concentrations away from the CHHA and to reduce or maintain hurricane evacuation times or include evacuation times based upon and consistent with Section 163.3178(9), F.S.

**Town Response:** Objective 6 and Policy 6.1 were deleted in the EAR-Based Amendment because the SLOSH maps indicate that the entire Town of Jupiter Inlet Colony is located within the CHHA. Also, the Town is almost entirely built-out (2 single family lots to be developed). To direct population away from the CHHA does not seem to apply when a community is already built-out; therefore, it is still proposed that Objective 6 and Policy 6.1 be deleted in the updated Comprehensive Plan.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed text amendments to the Infrastructure and Coastal Management Elements deleting level of service standards, the use of an outdated definition of the Coastal High Hazard Area (CHHA), the deletion of an objective and policy directing development away from CHHA,
and an inadequate Ten-Year Water Supply Facilities Work do not adequately address and further the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes:

- 187.201(6)(b)22 pertaining to Public Safety and the safe evacuation of coastal residents. This provision relates to Coastal Objections 1 and 2;
- 187.201(7)(b)3, 5, 9, 10, 11, and 13 pertaining to Water Resources and the need to protect and conserve potable water. These provisions apply to Infrastructure Objections 1 and 2;
- 187.201(15)(b)1 and 6 pertaining to Land Use and the provision of public facilities. These provisions relate to lInfrastructure Objections 1 and 2;
- 187.201(17)(b)1, 3, 4, 5, 6, and 9 pertaining to Public Facilities. These provisions relate to Infrastructure Objections 1 and 2; and
- 187.201(25)(b)5 and (7) pertaining to Plan Implementation. These provisions apply to all four objections.

**Recommendation:** By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

**Town Response:** Concerns noted in Section 1. have been addressed; thus, eliminating inconsistencies with Chapter 187, Florida Statutes.
To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Village of Wellington Comprehensive Plan
DCA Reference No. 08-1

Background

On October 14, 2008, the Village of Wellington adopted text amendments to the Future Land Use Element of the Village Comprehensive Plan. The text amendments were related to congregate living facilities and the Mixed Use Future Land Use Map designation. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on September 19, 2008. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations, and Comments (ORC) Report on August 29, 2008.

Evaluation

The proposed plan amendments were adopted by the Village with no revisions.

A. TCRPC Report

The TCRPC report of September 19, 2008 contained no comments/recommendations for modification to the proposed amendments. The Village was commended for encouraging the development of congregate living facilities and for encouraging and providing flexibility for mixed use development. The amendments were considered to be consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The letter of August 29, 2008 indicated that the DCA did not identify any objections to the proposed amendments.

Conclusion

For information only.
To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendment to the City of West Palm Beach Comprehensive Plan
DCA Reference No. 08-1

Background

On August 25, 2008, the City of West Palm Beach adopted one amendment to the Future Land Use Map (FLUM) of the City Comprehensive Plan. Council reviewed the proposed amendment at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations, and Comments Report on July 15, 2008.

Evaluation

The City has adopted the amendment with no changes. The FLUM amendment assigned a Commercial designation to a 10.4 acre property located along the south side of Okeechobee Boulevard, west of Jog Road.

A. Treasure Coast Regional Planning Council (TCRPC) Report

The TCRPC report dated June 20, 2008 contained no comments or recommendations for modification. The amendment was found to be consistent with the Strategic Regional Policy Plan.

B. DCA Report

The letter of July 15, 2008 indicated that the DCA had no objections to the proposed amendments.

Conclusion

For information only.