COMMUNICATION PACKAGE
March 2008
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Letter dated February 1, 2008 from Caroline R. Kert, Program Attorney, CLE International – Thank you

Letter dated February 4, 2008 from Marc C. Bruner, Ph.D., Chief Administrative Officer, Solid Waste Authority – Availability of Solid Waste Disposal Capacity

Letter dated February 26, 2008 from Marie York, Associate Director for Northern Campuses, Florida Atlantic University - Thank you

Letter dated March 3, 2008 from Mimi McAndrews, City of Pahokee – Thank you


Upcoming Meetings
MEMORANDUM

To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Plan Amendment Status Report

Plan Amendments Received/Reviewed

Since the last regular Council meeting on January 18, 2008, Council has received 6 Future Land Use Map Amendments and 50 text amendments to review. Council also received Evaluation and Appraisal Report related amendments, which generally include revisions to all elements of the comprehensive plan, from the City of Belle Glade, Town of Jupiter, Town of Jupiter Inlet Colony and City of Vero Beach. The amendments are from ten different local governments.

DCA Findings on Compliance

Since the last Status Report, Council has received the following Notices of Intent regarding compliance from the Florida Department of Community Affairs for local governments in the region.

<table>
<thead>
<tr>
<th>Local Government</th>
<th>DCA Reference No.</th>
<th>Notice Date</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian River County</td>
<td>07-CIE1</td>
<td>1/11/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>07-2</td>
<td>1/25/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Mangonia Park</td>
<td>07-1</td>
<td>1/31/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Boca Raton</td>
<td>07-1</td>
<td>2/1/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Martin County</td>
<td>07-2</td>
<td>2/14/08</td>
<td>In Compliance (Partial)</td>
</tr>
<tr>
<td>Martin County</td>
<td>07-2</td>
<td>2/14/08</td>
<td>Not In Compliance (Partial)</td>
</tr>
<tr>
<td>Port St. Lucie</td>
<td>07RWS1-1</td>
<td>2/21/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Boynton Beach</td>
<td>08-CIE1</td>
<td>2/21/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>West Palm Beach</td>
<td>04-1</td>
<td>2/20/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Stuart</td>
<td>07-2</td>
<td>2/28/08</td>
<td>In Compliance</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>07-R7</td>
<td>3/3/08</td>
<td>In Compliance</td>
</tr>
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</table>

Adopted Amendments

Attached are informational reports on the following adopted amendments:

<table>
<thead>
<tr>
<th>Local Government</th>
<th>DCA Reference No.</th>
<th>Notice of Intent Scheduled/Issued</th>
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</thead>
<tbody>
<tr>
<td>Martin County</td>
<td>07-2</td>
<td>2/14/08</td>
</tr>
<tr>
<td>Boynton Beach</td>
<td>08-CIE1</td>
<td>2/22/08</td>
</tr>
<tr>
<td>Port St. Lucie</td>
<td>07-RWS1-1</td>
<td>2/22/08</td>
</tr>
<tr>
<td>Stuart</td>
<td>07-2</td>
<td>2/28/08</td>
</tr>
<tr>
<td>Belle Glade</td>
<td>08-1ER</td>
<td>3/21/08</td>
</tr>
<tr>
<td>Palm Beach Gardens</td>
<td>07-CIE1</td>
<td>3/28/08</td>
</tr>
<tr>
<td>Vero Beach</td>
<td>08-1ER</td>
<td>4/2/08</td>
</tr>
<tr>
<td>Martin County</td>
<td>08-D1</td>
<td>4/4/08</td>
</tr>
<tr>
<td>Local Government</td>
<td>DCA No.</td>
<td>Receipt</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Jupiter</td>
<td>04-D1</td>
<td>10/17/03</td>
</tr>
<tr>
<td>West Palm Beach</td>
<td>04-2</td>
<td>09/17/04</td>
</tr>
<tr>
<td>Lake Worth</td>
<td>05-1</td>
<td>11/19/04</td>
</tr>
<tr>
<td>Sebastian</td>
<td>05-1</td>
<td>01/31/05</td>
</tr>
<tr>
<td>South Bay</td>
<td>05-1</td>
<td>04/13/05</td>
</tr>
<tr>
<td>Lake Worth</td>
<td>06-1</td>
<td>11/14/05</td>
</tr>
<tr>
<td>Lake Worth</td>
<td>06-2</td>
<td>02/23/06</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>06D-1</td>
<td>06/05/06</td>
</tr>
<tr>
<td>Fort Pierce</td>
<td>06PFTF1</td>
<td>06/21/06</td>
</tr>
<tr>
<td>Boca Raton</td>
<td>06-2</td>
<td>09/05/06</td>
</tr>
<tr>
<td>Martin County</td>
<td>08-D1</td>
<td>01/22/07</td>
</tr>
<tr>
<td>Martin County</td>
<td>07D2</td>
<td>03/30/07</td>
</tr>
<tr>
<td>Briny Breezes</td>
<td>07-1</td>
<td>04/30/07</td>
</tr>
<tr>
<td>Martin County</td>
<td>07E2</td>
<td>05/25/07</td>
</tr>
<tr>
<td>St. Lucie County</td>
<td>07-2</td>
<td>09/04/07</td>
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<tr>
<td>Port St. Lucie</td>
<td>07D-1</td>
<td>09/10/07</td>
</tr>
<tr>
<td>Belle Glade</td>
<td>08-1ER</td>
<td>10/22/07</td>
</tr>
<tr>
<td>Palm Springs</td>
<td>08-1</td>
<td>11/19/07</td>
</tr>
<tr>
<td>Cloud Lake</td>
<td>08-1ER</td>
<td>11/20/07</td>
</tr>
<tr>
<td>Manalapan</td>
<td>08-1ER</td>
<td>12/06/07</td>
</tr>
<tr>
<td>Port St. Lucie</td>
<td>08-1</td>
<td>12/06/07</td>
</tr>
<tr>
<td>Royal Palm Beach</td>
<td>08-1</td>
<td>12/10/07</td>
</tr>
<tr>
<td>Jupiter</td>
<td>08-1ER</td>
<td>01/14/08</td>
</tr>
<tr>
<td>Loxahatchee Groves</td>
<td>08-1</td>
<td>02/10/08</td>
</tr>
<tr>
<td>Jupiter Inlet Colony</td>
<td>08-1ER</td>
<td>02/13/08</td>
</tr>
</tbody>
</table>
To: Council Members

From: Staff

Date: March 21 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Belle Glade Comprehensive Plan
DCA Reference No. 08-1ER

Background

On February 4, 2008, the City of Belle Glade adopted one amendment to the Future Land Use Map (FLUM) and text amendments to all elements of the City Comprehensive Plan. The text amendments are pursuant to an Evaluation and Appraisal Report. Council reviewed the proposed amendments at a regular meeting held on December 14, 2007.

On December 21, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by the TCRPC on December 14, 2007 contained 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 ORC Report contained objections relating to the following:

1. The failure to assign one of the Residential subcategories established in new Policy 1.1.1.5 to the proposed FLUM amendment property.

2. The failure to include policies in the Future Land Use Element to establish intensity standards for all non-residential land use categories, such as floor area ratio or other objective measurement.

3. The lack of specificity in new Policy 2.1.1.1 in the Transportation Element regarding the roadway level of service standards.

4. The lack of an up-to-date 5-Year Capital Improvements Schedule in the Capital Improvements Element.
C. City Response

The City’s responses to the DCA objections contained in the ORC Report are shown in the attached report response.

Conclusion

For information only.

Attachment
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

CITY OF BELLE GLADE AMENDMENT 08-1ER

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

A. Future Land Use Map Amendment (FLUM)

The City submitted a proposed land use change for a recently annexed 2.19-acre parcel from Palm Beach County Rural Residential 10 (1 DU/10 acres) to Belle Glade Residential land use.

1. ORC Objection: Lack of Clarity and Data and Analysis

The City proposes to assign a "Residential" land use designation to this site. The generic "Residential" land use category does not include a density. By only designating the proposed use as "Residential", the proposed FLUM amendment does not specify what density would be applied to the parcel or which of the three newly created subcategories of Residential, also proposed with this EAR-based amendment, would apply to the parcel. In addition, no supporting data and analysis was submitted with the amendment evaluating impacts on water and wastewater facilities, water supply, and roadway facilities for the maximum development potential of the site.

Sections 163.3177(1), (3), (6)(a) and (c), F.S., and Rules 91-5.005(2), 91-5.006(1), (2)(a), and (3)(c)7, 9J-5.011(1), (2)(b)1, 2, and (c)1, 9J-5.016(1), (2), (3)(b)1, 3, 4, (3)(c)6, and (4), and 91-5.019(3)(a) and (b), F.A.C.

Recommendation

Revise the FLUM amendment to assign one of the Residential subcategories established in new Policy 1.1.1.5 to the parcel. Include data and analysis evaluating the impact from developing the site on the water and wastewater facilities, water supply, and roadways, based on the maximum development potential of the site. If public facilities are not adequate to meet the development demands over the next five years, revise the 5-Year Schedule of Capital Improvements to include projects needed to achieve and maintain public facility level of service standards. Include committed funding sources for the first three years and committed or planned finding sources for years four and five to ensure a financially feasible 5-Year Schedule of Capital Improvements.

Response:

The Future Land Use Element Goals, Objectives, and Policies will be revised to indicate the new Residential future land use category the 2.19-acre parcel will be designated, based on the sub-categories contained within Policy 1.1.1.5 of the Future Land Use Element (FLUE). This parcel will be designated the new sub-category R-1A and will have a maximum density of two units per acre or a total of four units. The revised policy is contained within the Appendix.

The annexation of this 2.19-acre parcel from Palm Beach County into the City results in a change in the allowed density from a County designation with a maximum of one unit per 10 acres to a City designation with a maximum of two units per acre. Under the County’s future
land use designation the parcel was allowed a single dwelling unit, but will be allowed a maximum of four units under the City's future land use designation. The impact on public services as a result of this change in development potential, and the City's average number of people per household of 3.04 persons (per U.S. Census, 2000), is shown in the table below.

<table>
<thead>
<tr>
<th>Public Facility</th>
<th>Level of Service</th>
<th>Current Future Land Use Development Potential (1 unit/10 acres)</th>
<th>Proposed Future Land Use Development Potential (2 units/acre)</th>
<th>Difference in Impact</th>
<th>Maintain LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable Water</td>
<td>91 gpd</td>
<td>276 gallons per day</td>
<td>1,106 gallons per day</td>
<td>830 gallons per day</td>
<td>Yes</td>
</tr>
<tr>
<td>Wastewater</td>
<td>101 gpd</td>
<td>307 gallons per day</td>
<td>1,228 gallons per day</td>
<td>921 gallons per day</td>
<td>Yes</td>
</tr>
<tr>
<td>Transportation</td>
<td>LOS D</td>
<td>10 ph/pd trips</td>
<td>20 ph/pd trips</td>
<td>10 ph/pd trips</td>
<td>Yes</td>
</tr>
<tr>
<td>Recreation and Open Space</td>
<td>2 acres per 1,000 persons</td>
<td>3 additional persons</td>
<td>12 additional persons</td>
<td>9 additional persons</td>
<td>Yes</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>4.5 pounds per capita per day</td>
<td>13.5 pounds per day</td>
<td>54.7 pounds per day</td>
<td>41.2 pounds per day</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: LOS standards from City of Belle Glade Comprehensive Plan, CIE Objective 8.1.2

The small scale of the potential differences from impacts to public facilities based on maximum development potential does not warrant the need for capital improvements as the City will continue to meet the respective LOS standards for each facility.
B. Text Amendments

The City of Belle Glade has completely revised its Comprehensive Plan to incorporate its EAR-based amendments into the Future Land Use, Transportation, Housing, Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, and Public School Facilities Elements, and their respective Future Conditions Maps.

1. ORC Objection: Lack of Density and Intensity Standards

The industrial Land Use Category, established through FLUE Policies 1.1.1.9 through 1.1.1.12, does not contain intensity of use and defers the implementation of the Industrial Land Use Category to the zoning districts. Similarly, for other Land Use Categories, Policies 1.1.1.13 and 1.1.1.14 for Institutional, Policy 1.1.1.15 for Recreation, and Policy 1.1.1.16 for Conservation do not contain intensity standards. Without an intensity standard, the maximum development potential cannot be ascertained. The Mixed Use Land Use Category, established through new Policies 1.1.1.17 through 1.1.1.20, does not contain a percentage distribution among the mix of uses, or other objective measurement, and the density or intensity of each use.

Sections 163.3177(6)(a) and (d), F.S., and Rules 9J-5.003(28), 9J-5.005(2), and 9J-5.006(3)(c)5 and 7, and (4)(c), F.A.C.

Recommendation

Revise the Future Land Use Policies to include intensity standards for all non-residential land use categories, such as floor area ratios, or other objective measurement that would establish the maximum development potential for each non-residential land use category. For mixed use districts, in addition to providing the types of land uses allowed, provide the percentage distribution among the mix of uses, or other objective measurement, and the density or intensity of each use. For instance, provide the minimum and maximum percentage of each land use that would be used in connection with other allowed land uses, which should also list the minimum and maximum allowable land use. Include supporting data and analysis to justify the intensity standards selected and to ensure that the intensity standards of the Recreational and Conservation land uses are compatible with the intended recreation and conservation uses of these areas.

Response:

The policies for the Industrial future land use (Policy 1.1.1.9), Institutional future land use (Policy 1.1.1.14), Recreation and Open Space future land use (Policy 1.1.1.15), and Conservation future land use (Policy 1.1.1.16) have been revised to include intensity standards in the form of maximum allowable Floor Area Ratios (FARs). These revisions are included in the Appendix.

The Mixed Use Land Use contains maximum development standards for both residential and non-residential uses, as well as a maximum allowable percentage of development for a single use (75%). The intent of this future land use category is to provide for flexibility in the types and distribution of allowable uses, to adjust to changing market conditions.
2. ORC Objection: Deletion of Road Level of Service (LOS) Standards

The revised changes to the Transportation Element (TE) propose to delete TE Table 2.3: City of Belle Glade Level of Service Standards for roadways and replacing it with revised Policy 2.1.1.1 which keeps the LOS standard but does not specify they are for peak hour.

Section 163.3177(6)(a), F.S., and Rules 9J-5.005(3), 9J-5.016(2)(b), and (4)(a)(1), and 9J-5.019(4)(e)(1), F.A.C.

Recommendation

Retain Table 2.3 in a Transportation Element policy or revise the LOS standards in 7E Policy 2.1.1.1 to specify that the roadway LOS standards are for peak hour, peak direction as set forth in Rule 93-5.019(4)(c)(1), F.A.C.

Response:

The Transportation Element Policy 2.1.1.1 has been revised to indicate that the adopted LOS standards for roadways within the City are based on the peak hour, peak direction standards.
3. ORC Objection: Lack of Up-to-Date 5-Year Capital Improvements Schedule

The Capital Improvements Element (CIE) does not contain an up-to-date 5-Year Capital Improvements Schedule (CIS) except for Public School Facilities. The amendment only provides the capital budget for the year 2007/2008 and, excluding public schools, does not include a 5-Year Schedule of Capital Improvements for a full 5-year period on a year-by-year basis that reflects the need to reduce existing deficiencies, remain abreast of replacements, and to meet future demand of the population. There is no schedule that demonstrates financial feasibility that describes and shows the location of needed projects to maintain adopted LOS standards or that demonstrates consistency with other individual comprehensive plan elements as specified in Rule 9J-5.016(4), F.A.C.

Sections 163.3177(3), F.S., and Rule 9J-5.005(3), 9J-5.016(3)(b)l, 3, 4, (3)(c)6, and (4), F.A.C.

Recommendation

Revise the schedule of capital improvements to include a five-year schedule from the current year (2007/2008) to and including the year 2011/2012; include the capital improvements needed for this five year period to achieve and maintain adopted level of service standards, and include funding sources to implement the five year schedule. To be financially feasible, the schedule needs to identify committed funding sources for the first three years and committed or planned funding sources for years four and five.

Response:

The City is currently meeting the adopted level of service (LOS) standards for those public facilities it maintains, and does not have any capital improvements scheduled beyond the current (FY 2007/2008) year. The tables within the Capital Improvement Element (CIE) now provide the list of the City’s identified capital improvements needed to maintain the adopted LOS standards, remain abreast of needed replacements, and meet future population demands as the Schedule of Capital Improvements. The additional revisions are included within the Appendix of this response. The Five-Year Schedule of Capital Improvements is included below.

City of Belle Glade Five-Year Schedule of Capital Improvements, FY 07/08-11/12

<table>
<thead>
<tr>
<th>General Capital Outlay Fund</th>
<th>FY 07-08</th>
<th>FY 08-09</th>
<th>FY 09-10</th>
<th>FY 10-11</th>
<th>FY 11-12</th>
<th>5 Year Totals</th>
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<tbody>
<tr>
<td>30-4718 PED. BRIDGE - GLADEV</td>
<td>$25,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$25,000</td>
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<tr>
<td>30-4773 SW 14TH STREET RECON</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>30-4784 BUSINESS PARK II</td>
<td>$725,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$725,000</td>
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</table>

<table>
<thead>
<tr>
<th>Project Fund</th>
</tr>
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<tbody>
<tr>
<td>42-4655 NEW WATER LINES</td>
</tr>
<tr>
<td>42-4739 WATER TREATMENT PLANT</td>
</tr>
<tr>
<td>42-4743 EMERGENCY LIFT STATION</td>
</tr>
<tr>
<td>42-4745 REHAB. LIFT STATION</td>
</tr>
<tr>
<td>42-4766 LIFT STATION 1 GENER</td>
</tr>
<tr>
<td>42-4770 REHAB.-MONITORING</td>
</tr>
<tr>
<td>TOTAL EXPENDITURES PER YEAR</td>
</tr>
</tbody>
</table>

Source: City of Belle Glade Finance Department, 2007
City of Belle Glade Five Year Schedule of Revenues for Capital Improvements, FY 07/08-11/12

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>FY 07-08</th>
<th>FY 08-09</th>
<th>FY 09-10</th>
<th>FY 10-11</th>
<th>FY 11-12</th>
<th>5 Year Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Capital Outlay Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FED. GRANT - BUSINESS PARK II</td>
<td>$725,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$725,000</td>
</tr>
<tr>
<td>CO. GRNT - COMMUNITY DEV</td>
<td>$25,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$25,000</td>
</tr>
<tr>
<td>CITY GRANT - NEIGHBORHOOD PARTN.</td>
<td>$356,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$356,000</td>
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<tr>
<td><strong>Project Fund</strong></td>
<td></td>
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<tr>
<td>TRANSFER FROM RENEWAL &amp; REPLACE.</td>
<td>$332,278</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>TRANSFER FROM SEWER DEVELOPMENT</td>
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<tr>
<td>BBF BALANCE BROUGHT FORWARD</td>
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<td><strong>TOTAL REVENUES PER YEAR</strong></td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,924,358</td>
</tr>
</tbody>
</table>

Source: City of Belle Glade Finance Department, 2007

The City is not projected to increase in population over the planning period, and is currently meeting its adopted LOS standards. Additionally, at this time, there are no projected revenues and related expenditures for capital improvements beyond this fiscal year. The City will annually update the Five-Year Schedule of Capital Improvements, per Section 163.3177(3)(b), F.S.

Additionally, further revisions were incorporated into the Stormwater Management Sub-Element of the Infrastructure Element in order to more fully indicate the stormwater drainage LOS standards within the City. The Goals, Objectives, and Policies transmitted in October inadvertently omitted the adopted LOS for the City's stormwater system. This policy has been revised and replaced as Policy 4.C.1.1.2 in the Stormwater Management Sub-Element, and the LOS standard is now also included within Policy 8.1.2.5 of the CIE.
4. Comment:

New FLUE Policy 1.1.1.2 would allow a density of 1 dwelling unit per acre for single family residences within the Agricultural Land Use Category. A density of this intensity of development is not supportive of the principal use as agriculture. The City should consider a less intense density, such as, one dwelling unit per ten (10) to forty (40) acres. Since 1 dwelling unit per acre is not consistent with an agricultural land use category, an alternative land use designation, appropriate to an urban area should be assigned to the agricultural lands if agriculture is not the intended use.

Response:

The Future Land Use Element Policy 1.1.1.3 has been revised to include a density standard of one unit per 10 acres. This density is more consistent with an agricultural land use category.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

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

Background

On January 2, 2008, the City of Boynton Beach adopted amendments to the Capital Improvements Element of the City Comprehensive Plan. The amendments represent the annual revision and modification to the element as required in Chapter 163.3177(3)(b)(1), Florida Statutes (F.S.). Pursuant to 163.3177(3)(b)(2), F.S., these amendments require only a single adoption hearing before the governing board, therefore these amendments were not previously reviewed by Council.

Evaluation

The revisions to the element are extensive, according to the City, and are intended to streamline and reorganize the objectives and policies to improve the clarity of the element and attain full compliance with state administrative code requirements. A summary of the amendments is included as Attachment A.

Conclusion

For information only.

Attachment
OVERVIEW OF AMENDMENTS TO OBJECTIVES AND POLICIES OF CIE

As explained in the INTRODUCTION, the 2007 amendments to the Capital Improvement Element are extensive and go well beyond changes recommended in the Evaluation and Appraisal Report. The main objective of the rewrite was to streamline and reorganize the objectives and policies to improve the element’s clarity and attain full compliance with the state requirements contained in 9J-5.016 and 9J-5.0055, Florida Administrative Code (F.A.C).

Since the changes are so extensive, providing the previous version with marked changes is impractical. Instead, the following section provides a brief summary of the adopted amendments.

1. The first three sections of the previous version of Capital Improvement Element pertained to Sanitary Sewer, Potable Water and Parks. The policies contained in these sections were repeated from Utilities and Recreation and Open Space elements. These sections were removed; instead, the new policies (9.1.4 and 9.1.5), in accordance with the overall goal for the element, explicitly state that the capital improvement schedule must recognize the policies of other comprehensive plan elements. The policies concerning the level of service standards were moved to the concurrency section (Objective 9.2).

2. In the previous version, policies regarding public school facilities were placed in the Public School Facilities section as well as in several other sections of the element. As amended, this section was eliminated, and its policies allocated to specific objectives according to their contents. Please note that all changes pertaining to public school facilities were reviewed and endorsed by the Palm Beach County School district planning staff prior to adoption.

3. The policies under the prior Objective 9E.1 regarding the process to update the Capital Improvement Element were moved to the first Objective (9.1) of the adopted element.

4. The new concurrency section (prior Objective 9E.2) is expanded with the inclusion of the concurrency system requirements as per 9J-5.0055, F.A.C. Moreover, a lengthy policy 9E.5.2 in the earlier version addressing the availability of public facilities to serve developments for which development orders were issued prior to the adoption of the plan were
replaced by policies 9.2.11 and 9.2.12. The first policy asserts that impacts of such developments were incorporated into the level of service standards for all facilities for which such standards have been adopted and are therefore reflected in the Capital Improvement Schedule. The second further ensures that vested rights of any development are not impaired pursuant to Florida Law.

5. The prior Policy 9E.5.4 deals with the availability of public facilities to serve development projects, referred to as "exempt", for which development orders were issued prior to the effective date of the City Concurrency Management Ordinance. The ordinance went into effect in 1990 and all such projects are vested in accordance with the original approvals.

6. The previous Objective 9E.3, pertaining to the private developers' participation in facilities' improvement cost on proportionate share basis, was replaced by Objective 9.4. Additional policies within this objective list the possible form of contributions and the three programs through which the city currently collects the proportionate share contributions from new developments – the Park Impact Fee, the Water, Wastewater and Stormwater capital facility charges and the Proportionate Fair-Share Mitigation of Transportation Impact Program.

7. The previous Objective 9.E.4, pertaining to the City’s capital program’s revenues, was replaced by Objective 9.4. The new Policy 9.3.2 commits the City to maintaining the financial feasibility of the Capital Improvement Schedule as per new state requirement, defined in Section 163.3164, P.S.

The copy of the previous version of Capital Improvement Element is attached.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Martin County Comprehensive Plan
DCA Reference No. 07-2

Background

On December 11, 2007, Martin County adopted one amendment to the Future Land Use Map and text amendments to the following elements of the County Comprehensive Plan: Intergovernmental Coordination, Conservation and Open Space, Sanitary Sewer, Potable Water Services, Drainage and Native Groundwater Aquifer Ridge, Housing, Future Land Use and Capital Improvements. Council reviewed the proposed amendments at a regular meeting held on December 14, 2007.

On November 27, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by Council on December 14, 2007 included a number of comments/recommendations:

Mobile Home Areas (#05-12) – One comment/recommendation
Secondary Urban Service District (#07-22) – One comment/recommendation
Indiantown International (#07-10) – One comment/recommendation
Land Protection Incentives (#07-20) – Five comments/recommendations

The Land Protection Incentives Amendment (#07-20) was found to be inconsistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report of November 27, 2007, contained the following objections:

1) Amendment #04-11 to the Capital Improvements Element fails to identify the committed funding sources for the first three fiscal years or the committed or planned funding for years four and five.
2) The County’s Water Supply Work Plan does not include an update to the Existing and Future Land Use Map to show the general location of existing and planned water wells. The work plan also does not include data and analysis concerning the alternative water supply projects that will be implemented by the other utilities serving other unincorporated areas of Martin County.

3) Amendment #05-12 regarding mobile and manufactured homes does not achieve its intended purpose. It will reduce the County’s affordable housing supply because there is no requirement that site built homes must be affordable and there is no data and analysis demonstrating that sufficient affordable housing units exist to offset the anticipated loss.

The DCA also included several comments with suggestions to improve amendment #07-20 (Land Protection Incentives).

C. County Response

1. To TCRPC Comments/Recommendations:

A summary of the TCRPC comments/recommendations and the County responses is included as Attachment A.

2. To DCA Objections

The response of the Martin County Growth Management Department to the DCA objections (and comments) is quite lengthy (17 pages) and is not attached in the interest of brevity. Copies are available at Council offices. Attachment B summarizes the revisions to the proposed amendments prior to adoption.

Conclusion

For information only.

Attachments
Response to the Treasure Coast Regional Planning Council
Comments/Recommendations
for County Comprehensive Plan (DCA Ref. #07-2)
Prepared by the Martin County Growth Management Department
February 4, 2008.

The TCRPC had no comment on CPA 07-14, Indiantown Community Redevelopment Area; CPA 04-11, Water Supply Facilities Plan; CPA 07-19, Mobile Home Areas; CPA 07-19, Coastal Management and CPA 07-21, Jonathan Dickinson State Park.

Martin County staff response to Treasure Coast Regional Planning Council (TCRPC) comments/recommendations is shown in **BOLD** below the comments provide by the Council. Numbering for individual amendments and comments comes from TCRPC memorandum dated December 14, 2007.

2. Mobile Home Areas (05-12)

The proposed amendment will allow "site-built" homes within the Mobile Home Future land use designation. The concern from a regional perspective is whether this new provision will negatively affect the already low supply of affordable housing within the County. At the same time, the concerns of individual citizens who want to upgrade the structural integrity of their homes must be considered, especially in light of the past active hurricane seasons.

In order to protect the more vulnerable rental mobile home communities from potential gentrifying effects of allowing site-built structures, the amendment allows site-built structures only within owner-occupied or condominium parks. Since part of the affordability component is building size, the County proposes limiting the structures to one story and regulating maximum floor area and lot coverage within the LDRs.

According to the data submitted by Martin County, the current Future Land Use category of Mobile Home allows both mobile and modular homes. The proposed amendment clarifies the definition of Mobile Home to a single-family home with a permanent chassis. Modular homes are constructed in sections off-site and assembled on-site. Since modular homes must meet the Florida Building Code requirements, no distinction will be made between modular homes and site built homes within the plan.

**Comments/Recommendation**

Lot size is an important component to the affordability and density of mobile home communities. The LDRs should also limit lot size and restrict the potential to combine two or more lots into larger parcels.

**County Response:** Staff recognizes the complexities of implementing the above policies and aims to avoid the potential for abuse and gentrification. Staff intends to incorporate TCRPC recommendations into the final LDR language.
5. Secondary Urban Service District (07-22)

Martin County has a PUSB and a SUSB. The proposed policies will require connection to a regional water system for parcels within the PUSB and allow hook up at the property owners' expense within the SUSB. According to the plan, the purpose of the SUSB is "to accommodate low density rural and suburban residential development on the edge of urban development...". Density on parcels within the SUSB range from one unit per acre to one unit per two acres.

According to the amendment materials, the intent of the proposed amendment is for the "health, safety and welfare" of the citizens of Martin County and that regional water and sewer services are necessary to "protect natural resources, provide fire protection., and provide safe drinking water". In an abundance of caution, concern for natural resources could be appropriate for the area within the SUSB near the Loxahatchee River. However, natural resource protection is not an issue for other areas within the SUSB.

At the core of this argument is an assumption that on-site sewage treatment disposal systems are bad and contribute to pollution of waterways and ground water supply. Actually, such systems are considered a good way to treat wastewater and protect ground and surface water quality in many low density suburban and rural areas, assuming they are properly designed, installed, and maintained.

Certainly if this method did not provide safe water services, hooking up to a regional system would not be optional under the plan and the Department of Environmental Protection would not be permitting new septic or well systems. The Environmental Protection Agency Onsite Wastewater Treatment Systems Manual (EPA/625/R-00/008) states that septic systems are viable, long-term, low-cost, decentralized approaches to wastewater treatment if they are utilized in compliance with the regulations and codes of state (Florida Statutes 381.0065-66) and local public health and environmental agencies.

Given the recognized effectiveness of regulated, on-site wastewater treatment and disposal systems within low density and rural areas, it is not clear why it would be good public policy to provide more expensive centralized water and wastewater treatment facility service to such areas. Generally, centralized water and wastewater treatment is provided as a service to areas that are sufficiently dense to preclude effective use on individual systems or where there is sufficient existing or planned density to make centralized treatment a cost effective alternative. If facilities to serve these densities were proposed at public cost, argument could be made that the policy does not provide for minimizing pubic cost and does not maximize existing service system as directed by the SRPP. The policy states the property owner will be required to pay all connection costs.

Comments/Recommendation

References implying individual well and septic systems do not accommodate the safety and health of the citizens should be removed from the policy language.

Martin County Staff agrees with the following quote from the TCRPC analysis. "In an abundance of caution, concern for natural resources could be appropriate for the area within the SUSB near the Loxahatchee River." Martin County staff disagrees with the
following quote from the TCRPC analysis. “However, natural resource protection is not an issue for other areas within the SUSB.” This quote overlooks the fact that the largest single portion of the SUSD, that remains undeveloped, sits in the headwaters of the Loxahatchee River, north of Bridge Road. Development in the Palm City portion of the SUSD is occurring in proximity to Bessy Creek and those waters flow into the St. Lucie Estuary. Some 850 acres of the SUSD, south of Cove Road, were moved into the PUSD in 2004. Part of the justification for expanding the PUSD in this area was the ability to provide sanitary sewer service to development in proximity to the South Fork of the St. Lucie River.

Septic Tanks are an appropriate method of disposal on large lots. However, the Plan allows Planned Unit Developments in the Rural Density future land use designation that dominates the SUSD. Subdivisions in the SUSD, such as those near the Loxahatchee River, Bessy Creek and the South Fork of the St. Lucie River have proposed minimum half acre lots (at a density of one unit per two acres or less). With these lots in close proximity to one another the subdivisions are much more suburban and less Rural in character and the septic tanks are much more concentrated. This is a different circumstance than placing septic tanks on minimum two acre lots. Not all portions of the SUSD are in proximity to or in the headwaters of a river system and not all portions of the SUSD are proposed for suburban subdivisions with a density of one unit per two acres. Therefore the amendment made connection to a regional system optional and placed a priority on serving the PUSD.

6. Indiantown International (07-10)

The amendments regarding this 585-acre site will expand the boundary of the SUSB, add text providing a specific exception for the property regarding its ability to receive water and sewer service outside of the PUSB, and repeat the text amendments in the Secondary Urban Service Boundary Amendment discussed above.

In 2003, a FLUM amendment was processed changing the future land use designation from Agricultural (allowing a density of one unit per 20 acres) to Agricultural Ranchette (allowing a density of one unit per five acres) As such, 108 residential units are now proposed The parcel is currently surrounded on three sides by the PUSB The northern side is outside of both the PUSB and the SUSB.

As discussed above, centralized water and wastewater treatment is provided as a service to areas that are sufficiently dense to preclude effective use on individual systems or where there is sufficient existing or planned density to make centralized systems a cost effective alternative. At one unit per five acres, well and septic systems are certainly a safe, viable option. If facilities to serve development at this density were proposed at public cost, argument could be made that the policy does not provide for minimizing public cost and does not maximize existing service systems as directed by the SRPP. The policy states the property owner will be required to pay all connection costs.

Comments/Recommendation

If the SUSB is amended and the policies allowing parcels within the SUSB to connect to regional water systems are approved, the proposed amendment to Policy 4.4.G.1.c, which specifies the subject parcel as an exception, is not needed. Identifying individual residential developments within the Comprehensive Plan does not establish an orderly prioritization of services.
County Response:
The language in CPA 07-22, Secondary Urban Service District, contains Section 4.4.G.2.a. which provides that: "Central water and sewer may be provided ONLY when the proposed density is consistent with Policy 4.4.M.1.d. (Rural Density, one unit per two acres) or Policy 4.4.M.1.f(1), CGMP (Estate Density, one unit per acre)."

The above Section 4.4.G.2.a. creates a conflict with the Indiantown International property because the property is proposed to be built at one unit per five acres. An exception to the language is needed in order to provide water and sewer service to the property without requiring an increase in the density to one unit per two acres, or greater.

The exceptions in Sections 10.4.A.1.h and 11.4.A.3.k, under CPA 07-10, allow the property to be eligible for potable water and wastewater service without requiring an increase in density greater than the proposed one unit per five acres.

7. Land Protection Incentives (07-20)

Background

The Vision (Future of the Region) Element of the SRPP suggests that future growth should: 1) preserve the environment; 2) revitalize existing urban areas; 3) create new towns; and 4) prevent sprawl. The SRPP advises that a balanced, well-planned region designed to accomplish the vision includes a variety of land uses, but those uses are all contained in two general areas defined as Countryside and Urban Areas. The SRPP recommends urban areas as the preferred form or pattern of development for the region and defines them as compact, connected and complete towns, cities and villages composed of neighborhoods and districts that form a clear and distinct edge between themselves and the countryside. The SRPP goes on to define sprawl as any type of development that does not create towns, cities and villages composed of neighborhoods and districts. The SRPP further defines sprawl as a condition that occurs when historic development forms and plats are not respected or continued and excessive amounts of land are opened up to development before complete communities can form in older areas. Examples of sprawl are: isolated housing subdivisions; strip commercial development; schools and other public buildings disconnected from the urban areas they serve; isolated office and industrial parks; and isolated gated and walled development.

Regional Goal 1.1 is to have a sustainable countryside. Regional Goal 4.1 indicates that future development should be part of existing or proposed towns or villages. Regional Goal 6.1 is to create new sustainable neighborhoods and communities. Regional Goal 16.1 is to encourage the formation of new towns and villages. At issue in the proposed policy amendments is whether the changes 1) move the County’s plan closer to consistency with the SRPP; and 2) will do more to achieve a sustainable countryside and better pattern of development than what is provided by the County’s current policies.
Overview

The proposed text amendment by Martin County applies to approximately 191,000 acres in the County (see Exhibit 8). Currently, approximately 34,000 acres are in public ownership, leaving the future development pattern of approximately 157,000 acres to be affected by this amendment (see Exhibit 9). Currently these lands have a designated future land use of Agriculture that allows a maximum density of one unit per 20 acres and are required to have 50 percent open space. It is typical for this open space to be privately held, managed and maintained. This pattern of development will not maintain the rural character of the area and diminishes the potential for a fully functioning agricultural component.

In an effort to address these and other issues related to the current 20-acre lot approach, the proposed amendments provide another option for land designated under the Agriculture future land use category. The general strategy is to require 50 percent of parcels proposed for development to be preserved and transferred into public ownership and control. The remaining 50 percent of the parcel could be developed in a “cluster” of private lots of at least two acres in size using Planned Development techniques. All other policies of the County’s plan still apply, including Policy 4.5.C, which requires 50 percent of the residential development area as open space. The application of these policies together results in half the site preserved for development in addition to half of the developed parcel designated as open space.

Securing land for public ownership has value in terms of achieving long-term preservation and management. The SRPP recommends (Policy 2.1.1.1 and 2.1.1.2) that “significant natural systems” be identified and acquired. The proposed policies require a comprehensive plan amendment to formally designate the open space as Public Conservation or Institutional and establishment of three-party ownership, conservation easement or both to ensure long-term oversight of the open space is maintained. These techniques are good for securing land in the long-term. Other benefits provided by this option as described in the proposed amendment include the following:

1) removal of roadways, medians and berms from the adopted definition of open space;
2) control of management and maintenance of preserve lands shifts to a qualified agency, rather than to individuals or homeowner associations;
3) reduction of enforcement issues over violations to management and maintenance of open space;
4) potential to consolidate open spaces and natural systems.

Analysis

While it appears the County is attempting to move in the right direction by allowing for another development/preservation option, a number of inconsistencies with the SRPP have been identified with the specific strategies outlined by the proposed policies.

SRPP Strategy 4.1.2 and Policies 4.1.2.1, 16.1.1.1 and 16.1.1.2 are to determine preferred locations for new towns and villages and prepare maps and future land use plans of such
locations. The overall strategy proposed is not location-specific and is structured to be reactive to development requests, rather than proactive to preservation efforts.

SRPP Policy 15.1.3.1 is to increase the clarity of local land use plans so that preferred forms of development can be pre-approved. The proposed policies clearly state development approval is not guaranteed and that "site-specific benefit" will be weighed at public hearing. This strategy leaves the determination of public benefit to political negotiation on a case-by-case basis rather than by using clearly established criteria. The policies do not adequately define/identify significant natural resources or desired open space.

SRPP Policies 2.1.1.1 and 2.1.1.2 are to determine areas that are environmentally significant and to map, acquire and manage them. The proposed policies stipulate that no land identified for acquisition by state, regional or local agencies can have development unless "previously impacted by agricultural activities". This provision leaves the determination of "impact" to the approval process and does not consider the potential need for restoration of lands. The County should clearly identify and map such lands and develop policies providing specific incentives for the acquisition, preservation and restoration of lands in the inventory.

SRPP Goal 1.1 is to maintain a sustainable countryside. Requiring only 50 percent of parcels set aside for open space is not enough to maintain a sustainable countryside. As the percentage of the landscape dedicated to development increases, some of the values associated with rural lands begin to disappear. In 2005, the Treasure Coast Regional Planning Council staff conducted a general study of development patterns and the impact on rural character as part of the analysis for the Towns, Villages and Countryside effort in northern St. Lucie County. The result indicates the perception of an area as rural begins to fail when approximately 20 to 25 percent of the landscape is developed, unless the pattern of development and distribution of the open space are optimized. Exhibit 10 shows the visual impact of increasing percentages of development within the landscape. At the five and ten percent levels, the countryside is easily perceived as rural. There are reasonable separations between settlement areas, and long vistas of countryside and farmland as one moves from one developed area to the next. At 20 percent levels of development, settlements remain distinct, and some long vistas still remain, however the landscape begins to feel crowded as the travel time between developed and undeveloped areas diminishes to a matter of minutes by car. At 40 percent development, although some rural values can remain, including the retention of agriculture, the perception of the area as truly rural is nearly lost, and settlements begin to merge, losing their identity as separate communities within the countryside.

Securing land as countryside by introducing another suburban pattern of development compromises the rural character and inadvertently promotes the negative impacts of sprawl. SRPP Strategy 2.1.2 and Policy 2.1.2.1 are to discourage sprawling development patterns and encourage clustering and transfer of development rights to new and existing towns, cities and villages. The proposed policies do not provide for clustering in the form of sustainable towns or villages as recommended in the SRPP. Rather than maintain the current pattern which provides for large lots suitable for equestrian and/or small farming activity, the policies provide an option for introducing a suburban development pattern in an area that is not able to serve the daily needs of suburbanites. While the policies do not increase the proposed
density, the marketability of suburbia is well established. Suburbanites not interested in 20-acre parcels will certainly consider a more manageable two-acre lot. One of the major ramifications of sprawl is that a vehicular car trip is required for every errand including the trips to schools, jobs, and shopping areas. This is true whether the lot is two or twenty acres.

If a strategy to cluster development in order to preserve natural resources is to be used, the County should identify lands appropriate for development in accordance with SRPP Policy 1.1.2.3, Strategy 4.1.2 and Policies 4.1.2.1, 16.1.1.1 and 16.1.1.2. A sustainable development pattern reduces the impact of settlement on the surrounding countryside, but requires study analyzing the appropriate location for settlement. Neither the 20-acre or 2-acre lot options provide for a sustainable countryside. While the effort by the County to leverage lands into public ownership for the purpose of preservation is well intended, the current policy strategy is not consistent with the SRPP.

Comments/Recommendations

1. Identify and map significant natural resources (SRPP Policy 2.1.1.1).
2. Identify and map areas appropriate for development of new towns and villages (SRPP Strategy 4.1.2 and Policies 1.1.2.3, 4.1.2.1, 15.1.3.1, 16.1.1.1 and 16.1.1.2).
3. Create policies to establish a compact, sustainable development pattern that preserves the desired significant natural resources (SRPP Goals 4.1, 6.1 and 16.1 and Strategy 2.1.2).
4. The proposed policies are inconsistent with Regional Goal 1.1, a sustainable countryside. The policies do not result in substantial protection of a sustainable countryside by (a) requiring only 50 percent of open space set aside; (b) encouraging the suburbanization of existing rural lands; and (c) not identifying specific natural resources or providing policies ensuring their preservation.
5. The proposed policies are inconsistent with Strategy 2.1.2 which discourages sprawling development; Regional Goal 4.1 which indicates that future development be part of existing or proposed sustainable towns and villages; Regional Goal 6.1 to create new sustainable communities; and Regional Goal 16.1 which is to encourage the formation of new towns and villages because the County proposes to (a) introduce another suburban settlement pattern into a rural area; (b) increase the negative impacts of sprawl; and (c) reduce viability of agriculture as an option.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds proposed amendment Land Protection Incentives Amendment (#07-20) to be INCONSISTENT with the SRPP’s adopted Vision for the Future of the Region and with SRPP Goals 1.1, 4.1, 6.1 and 16.1, Strategies 2.1.2 and 4.1.2, and Policies 1.1.2.3, 2.1.1.1, 2.1.1.2, 2.1.2.1, 4.1.2.1, 15.1.3.1, 16.1.1.1 and 16.1.1.2. Council finds the other proposed amendments to be CONSISTENT with the SRPP.
County Response:
The amendment provides a new option for development in the Agricultural future land use designation without increasing density.

The TCRPC analysis correctly states: “At issue in the proposed policy amendments is whether the changes 1) move the County’s plan closer to consistency with the SRPP; and 2) will do more to achieve a sustainable countryside and better pattern of development than what is provided by the County’s current policies.”

The proposed amendment may not take the same path to creating a more sustainable countryside specified by the Regional Policy Plan and selected by other communities. However, it has the potential to provide a more sustainable countryside with a method proposed selected in this community. If large tracts of land are preserved as either open space, agricultural production or used in the Comprehensive Everglades Restoration Plan a more sustainable countryside will be the result.
Summary of Post-ORC Changes
to Martin County Comprehensive Plan Amendments (DCA No. 07-2)
Prepared by Martin County Growth Management Department
December 18, 2007

1. Changes made to CPA 04-11, Water Supply Plan, since transmitted to DCA on September 18, 2007:

   a. Figure 11-3 Potable Water Wells was added to generally locate potable water wells.

2. Changes made to CPA 05-12, Mobile Home Areas, since transmitted to DCA on September 18, 2007:

   At the December 11, 2007 adoption hearing, the Board of County Commissioners amended Section 4.4.M.1.e(6) as highlighted below. The purpose of this change was to clarify that site-built dwellings will not be allowed under any circumstances within mobile home rental parks.

   While the primary purpose of the Mobile Home Density area is to accommodate mobile home development, the Land Development Regulations may provide for the approval of site-built dwellings in areas subdivided for single-family residential use prior to January 1, 2007, specifically excluding parcels licensed, or required to be licensed, as Mobile Home Parks, pursuant to Section 513.02, Florida Statutes, as of January 1, 2007, but specifically excepting from this list areas governed as a condominium, pursuant to Chapter 718, FS, or as a cooperative, pursuant to Chapter 719, F.S. In other words, areas licensed, or which were required to be licensed, as Mobile Home Parks as of January 1, 2007 are prohibited from developing site-built structures pursuant to this policy unless they are also arranged with single-family residential lots governed as either a condominium or a cooperative. The Land Development Regulations shall include performance standards, such as maximum height, maximum floor area and maximum lot coverage, to ensure that site-built dwellings constructed in areas originally developed as mobile home subdivisions are compatible with any remaining mobile homes. Site-built dwellings constructed within Mobile Home Density areas shall be limited to one story, except for those buildings that received building permits for taller buildings prior to May 22, 2007.

3. Changes made to CPA 07-10, Indiantown International, since transmitted to DCA on September 18, 2007:

   a. The BCC adopted the full text amendment except for proposed Sections 4.4G.2.g and 4.4G.2.h as shown on page 21 of the staff report. The proposed language in these two sections was repeated in, and adopted under, CPA 07-22, SUSD, except for 4.4G.2.h.(3), which is in conflict with that amendment.
b. The change to add the Fort Dawson parcel to the list as an exception to the potable water and sanitary sewer policies in sections 10.4.A.1.g and 11.4.A.3.j, shown on pages 26 and 31 of the staff report, was given its own section numbers and language. This is a formatting and clarification change only and does not change the intent of the language – to include the property as an exception to the policies.

4. Changes made to CPA 07-20, Land Protection Incentives, since transmitted to DCA on September 18, 2007:

At the December 11, 2007 adoption hearing, the Board of County Commissioners amended the text. Stricken text has been removed and double underlined text has been added.

The amendment, as reviewed by DCA in the ORC report, included a new Objective 7 and new policies a., b., c., d., and e. supporting the new objective. Policy a. has been changed as shown below.

a. \textit{Policy}: Perpetual protection and maintenance of contiguous open space, environmentally sensitive land and agricultural land set aside under this objective shall be enforced by the dedication of perpetual easements and/or the conveyance of fee simple title to a combination of at least three of the following governmental and non-governmental agencies: Florida Department of Agriculture and Consumer Services, South Florida Water Management District, Florida Department of Environmental Protection, or environmental entities recognized by the Internal Revenue Service as charitable organizations such as Audubon of Florida, The Nature Conservancy and the Trust for Public Lands, governmental and non-governmental entities, one of which shall be Martin County. The others shall be government entities such as, the Florida Department of Agriculture and Consumer Services, South Florida Water Management District, Florida Department of Environmental Protection, or environmental land trust entities recognized by the Internal Revenue Service as charitable organizations such as Audubon of Florida and The Nature Conservancy. Martin County shall be one of the three entities. The South Florida Water Management District shall be one the three agencies and shall be listed as the lead agency regarding restoration on any lands included into CERP.

Policy b. has been changed as shown below.

b. \textit{Policy}: Compliance with the minimum requirements of this objective qualifies the project to submit a residential Planned Unit Development
(PUD) application with a concurrent Comprehensive Plan amendment but does not guarantee approval.

(1) Approval of the PUD will be based on significant site-specific public benefits found in Section 4.4.E.7.e., CGMP. These benefits will be considered during the public hearing process for the PUD application and Comprehensive Plan amendment.

(2) The Board must adopt a resolution for the PUD and an ordinance for the proposed amendment on the same day with the understanding the PUD zoning agreement shall not become effective until the Plan amendment becomes effective.

A new Policy c. has been added and policies c., d., and e. became policies d., e., and f.

Policy: The Comprehensive Plan amendment that is part of a joint Plan Amendment and concurrent PUD application submitted under this objective must address the land use designation on the land set aside in perpetuity as contiguous open space, environmentally sensitive land and/or agricultural land uses in the following manner:

(1) If the land to be protected and maintained in perpetuity is contiguous open space, or environmentally sensitive land, the plan amendment must include a future land use amendment to change the Future Land Use Designation on the property to Institutional/Public Conservation.

(2) If the land to be protected and maintained in perpetuity is land that is part of the North Palm Beach, and the Lake Okeechobee portions of the Comprehensive Everglades Restoration Plan (CERP), as well as Northern Everglades and Estuaries Protection Program, the plan amendment must include a future land use amendment to change the Future Land Use Designation to Institutional/Public Conservation.

(3) If the land to be protected is maintained in perpetuity is for agricultural land uses, no change to the future land use designation on the property is required. However, a text amendment will be necessary to remove density and specify allowed uses.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the Martin County Comprehensive Plan
DCA Reference No. 08-D1 (formerly 07-D1)

Background

On February 12, 2008, Martin County adopted text amendments to the Future Land Use, Sanitary Sewer Services, and Potable Water Services Element of the County Comprehensive Plan. The amendments are directly related to the Indiantown Development of Regional Impact (DRI). Council reviewed the proposed amendments at a regular meeting held on March 16, 2007.

On March 21, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by TCRPC had 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 contained objections relating to the following:

1) The failure to provide adequate data and analysis to demonstrate that the more internal development and extension of water and sewer services are consistent with Objective 4.4.6.2 and its associated policies in the Future Land Use Element.

2) The same shortcomings as referenced in 1) above apply to proposed amendments to Section 4.5.A.2 in the Performance Standards section of the Future Land Use Element to allow the extension of water and sewer into the Secondary Urban Service District for the Indiantown DRI.

C. County Response

The County has made some additional modifications to make the amendments consistent with revisions to the Secondary Urban Service District policies, adopted by the Board of County Commissioners on December 11, 2007. The County provided clarification, but no modifications were made in response to the DCA objections.

Conclusion

For information only.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
        Adopted Amendments to the City of Palm Beach Gardens Comprehensive Plan
        DCA Reference No. 07-CIE1

Background

On November 15, 2007, the City of Palm Beach Gardens adopted amendments to the Capital Improvements Element of the City Comprehensive Plan. The amendments represent the annual revision and modification to the element as required in Chapter 163.3177(3)(b)(1), F.S. Pursuant to 163.3177(3)(b)(2), these amendments require only a single adoption hearing before the governing board. Therefore, these amendments were not previously reviewed by the Treasure Coast Regional Planning Council.

Evaluation

The amendments reflect the adoption of the Five Year Schedule of Capital Improvements by the City. Tables 9A and 9B of the Capital Improvements Element are modified to reflect the up to date schedule of capital improvements.

Conclusion

For information only.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Port St. Lucie Comprehensive Plan
DCA Reference No. 07-RWSP1

Background

On December 10, 2007, the City of Port St. Lucie adopted text amendments to the Infrastructure, Sanitary Sewer, Potable Water and Capital Improvements Elements of the City Comprehensive Plan. These amendments address the requirements of the State legislation regarding the adoption of 10-year Water Supply Facility Work Plans. Council reviewed the proposed amendments at a regular meeting held on September 21, 2007.

On October 26, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed amendments.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by Council on September 21, 2007 included two comments/recommendations. These had to do with the boundary map in the City’s Water Supply Plan and removal of reference to an extended service area boundary or extension of services area.

B. DCA ORC Report

The DCA ORC Report contained objections to the following:

1. Internal inconsistencies related to time periods within the proposed Water Supply Facilities Work Plan and text amendments.

2. The need for revised data and analysis to provide justification for assumptions used to derive the population projections, including the projection of future household sizes, the number of residential developments anticipated and seasonal population.

3. A conflict between the adopted potable water Level of Service standard and the standard used to determine water supply projections.

4. The lack of a policy to adopt the water supply plan as part of the comprehensive plan.
5. The failure to include the funding sources for projects to be implemented in the next five years in Table 8, Recommended Water Delivery Capital Improvements Project Survey.

6. The absence of estimated costs for each year of construction for the potable water and sanitary services projects.

7. The need to coordinate with St. Lucie County to resolve a utility service area disagreement.

C. City Response

1. To TCRPC Comments/Recommendations

   The City has removed reference to an expanded service boundary area from the Water Supply Work Plan and from the plan amendments. The maps have been revised accordingly. This addresses both comments/recommendations made by the Council (see Attachment A).

2. To DCA Objections

   The City has made a number of modifications to the proposed plan amendments and to the Water Supply Facility Work Plan. These are discussed in Attachments A and B.

Conclusion

For information only.

Attachment
This comprehensive plan amendment proposes to adopt the Water Supply Facility Work Plan by reference in the City's comprehensive plan by adding a new policy to page 4D-14 of the Infrastructure Element, Potable Water Sub-Element. Additionally, the utility service area population forecast prepared by Fishkind and Associates will be added to page 4D-11 of this section.

Other changes to the Infrastructure element include new flow projections for potable water and sewer and an updated Capital Improvement Program (CIP), which was also updated in the Capital Improvements Element. All of the comprehensive plan changes are attached as Exhibit "A" to this staff report.

**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff recommendation is for approval.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

On July 3, 2007 the Planning and Zoning Board unanimously voted to recommend approval of the Comprehensive Plan Amendment.

**CITY COUNCIL ACTION:** On August 13, 2007, the City Council reviewed the request to transmit to DCA and recommended approval.

**REGIONAL AND STATE AGENCY REVIEW:** The Treasure Coast Regional Planning Council reviewed the request at their meeting on September 21, 2007 and found the amendment to be consistent with the Strategic Regional Policy Plan and recommended approval provided the City remove any reference to an expanded service area. When the Water Supply Plan was presented to the Council on August 13, 2007, it included an expanded Utility Service Area Boundary in accordance with Ordinance 07-22 which extended the Utilities Service Area five miles from the corporate limits of the City's western municipal boundary and north of Midway Road to State Road 70. Following discussions with the City Manager's Office, the City Attorney's Office and the Utilities Department, it was determined that reference to an expanded Utility Service Area was not necessary for water supply purposes. The expanded service boundary area was removed from the plan.
The State Department of Community Affairs reviewed the request for compliance with State growth management laws and considered other state agency comments. The City received a copy of their Objections, Recommendation and Comments (ORC) Report on October 26, 2007. The Department raised several objections to the proposed plan. To address the Department’s concerns, the proposed Water Supply Facility Work Plan was revised as follows:

1. DCA noted several internal inconsistencies related to the time periods within the Water Supply Facility Work Plan. The time periods were revised to show the ten year period - 2007 to 2017.

2. The city’s Water Supply Facility Work Plan contains revised population projections prepared by Fishkind and Associates. Revised population projections were required due to the fact that the city’s water supply plan is supposed to be consistent with the SFWMD’s Upper East Coast Water Supply Plan. The UEC plan contained outdated population projections for the City of Port St. Lucie. The population projections contained in the UEC plan were based on the outdated population projections in the City’s 1998 Comprehensive Plan. To accurately prepare a water supply plan, the City had to revise the population projections. DCA raised concerns regarding some of the assumptions that were used to derive the revised population projections. Fishkind and Associates has revised the study to provide justifications for the assumptions and methodologies used.

3. DCA questioned why the projected water demand in the Water Supply Facility Work Plan was based on a citywide figure of 117 gallons per person per day rather than the city’s adopted level of service standards which differentiate between residential and non-residential use. The Department recommended the City provide the justification for using a citywide per person figure rather than the adopted LOS standards. In preparing the explanation, Reiss Environmental evaluated historical data for the past 5 years and revised the figure to 115 gallons per person per day. The 115 gallons per person per day is a total value that is based on 72% residential consumption, 20% for commercial usage and 8% for unaccounted water.

4. The language used to adopt the proposed Water Supply Facility Work Plan by reference into the City’s Comprehensive Plan did not contain the proper citation and it incorrectly referenced the Lower East Coast Water Supply Plan instead of the Upper East Coast Water Supply Plan. The reference to the water supply work plan in the Potable Water Sub-Element was modified by including a complete bibliographic reference including complete title, author and date. The policy was modified to refer to the Upper East Coast Water Supply Plan.
5. Table 8 of the proposed Water Supply Facility Work Plan contains the water delivery capital improvement project summary. DCA noted that the table only showed the year and project names of future expansion and maintenance and did not identify the funding sources for projects to be implemented in the next five years. Table 8 was revised to include costs estimates and funding sources.

6. The submittal included a table titled City of Port St. Lucie Utility Capital Improvements Plan (CIP). The table provided a list of potable water and sanitary sewer projects but it didn't include the estimated costs. The table was revised to include the estimated costs.

7. DCA referenced a letter from St. Lucie County objecting to the expanded service area. As noted, any reference to an expanded service area has been removed from the plan.

**FINAL STAFF RECOMMENDATION:** The Planning and Zoning Department staff recommends approval of the revised Water Supply Facility Work Plan.
Response to ORC Report as prepared by Reiss Environmental
November 2007

Objection 1: There are several internal inconsistencies related to time periods within the proposed Water Supply Facilities Work Plan and text amendments as listed. The proposed amendment is not maintaining the internal consistency within the Plan.

- Timeline summary for supply, treatment, storage and infrastructure improvements is from 2007 to 2017 for a 10 year period [Chapter 163.3177(6) (c) FS]
- Water delivery capital improvements project summary ranges from 2008 to 2015, a 7 year period
- Map titled Water Delivery CIP ranges from existing (2007) to 2020, a 13 year period

Recommendation: Revise the varying time period to correct the internal inconsistencies to reflect a consistent time period. The time frames should include a 5 year time period associated with the Five-Year Schedule of Capital Improvements and a minimum 10 year time period.

Response: The timeline in the previous document was consistent with the requirements of Chapter 163.3177(6) and no changes were made to the timeline period. However, Table 8 (Water Delivery Capital Improvement Project Summary) of the Water Supply Facilities Work Plan was inconsistent and has now been modified to show a minimum time period of 10 years. Figure 8 (Water Delivery CIP) was removed from the report since the figure is just a reflection of Table 8.

Objection 2: The proposed Water Supply Facilities Work Plan has submitted population projections for the six (6) water supply planning areas. For each study area, population projections are derived from a household size calculated based on 2005 permanent household size and seasonal vacancy based on census 2000 seasonality that are specific to the 6 areas of the Study. The Study does not explain how the increase in household size was determined or include the seasonal vacancy rate. Assumptions regarding the number of housing units to be built in the future are not explained nor is there an explanation of how the seasonal population was derived.

Recommendation: Revise the Study data and analysis to provide justifications for the assumptions used to derive the population projections. Include an explanation as to how future household sizes were determined, the basis for determining the number of residential development anticipated, and explain how the seasonal population projections were determined. Base all assumptions and determinations on professionally accepted and applied assumptions and methodologies typically utilized in projecting permanent and seasonal population.

Response: The assumptions and explanation of the permanent and seasonal population projections have been further developed and are presented in the “revised” report Municipal Population Forecast – City of Port St. Lucie, Fl by Fishkind & Associates, Inc., November 2007. This up-dated and revised report is included as Appendix C of the revised Water Supply Facility Work Plan.

Objection 3: The adopted potable water LOS standards are: 100 gpd for residential and 125 gpd/1000 sq.ft. for commercial. The calculations used to determine water supply projections were based on 117 gpd and not the adopted level of service (LOS) standards. The Study does not explain why 117 gpd is used nor does the Study explain how this standard adequately projects residential and non-residential water supply demands over the five and minimum 10 year planning periods.
Response to ORC Report as prepared by Reiss Environmental
November 2007

Recommendation: Revise the data and analysis to determine projected water needs to support the anticipated residential and non-residential development for the next 10 years based on the City’s adopted level of service standards or provide an explanation to justify utilizing 117 gpd and how it relates to and is consistent with the City’s adopted LOS standards.

Response: During our development of the explanation, we evaluated historical data the past 5 years, as opposed to the previous effort using data from the past 3 years. It was determined that the overall (total) consumption per capita is 115 gallon per day (gpd) and not 117 gpd based on the past 5 years of historical water usage data. The 115 gpd/capita consists of 72% residential consumption, 20% for commercial usage and 9% for unaccounted water. The raw data are provided as Appendix D of the 10-Year Water Supply Work Plan.

Objection 4: The proposed Water Supply Facilities Work Plan states that it is to be adopted by reference into the City’s Comprehensive Plan by adding a new policy on page 4D-14 of the Potable Water Sub-Element in the Infrastructure Element. Proposed Policy 4.D.2.1.1 states: “The City shall implement a 10-year water supply plan in accordance with the SFWMD Lower East Coast Water Supply Plan”. This policy does not properly incorporate by reference the City’s Water Supply Facilities Work Plan and the policy incorrectly references the Lower East Coast Water Supply Plan instead of the Upper East Coast Water Supply Plan.

Recommendation: The City needs to include a policy with the adopted amendments that adopts the water supply plan as part of the Comprehensive Plan. The reference to the water supply work plan must be a complete bibliographic reference including complete title, author and date. The policy should also reference the Upper east Coast Water Supply Plan.

Response: The reference to the water supply work plan in the Potable Water Sub-Element was modified by including a complete bibliographic reference including complete title, author and date. The policy was modified to refer to the Upper East Coast Water Supply Plan.

Objection 5: Table 8. Recommended Water Delivery Capital Improvement Project Summary lists only year and project names of future expansion and maintenance of potable water distribution systems. The table does not identify the funding sources for projects to be implemented in the next five years.

Recommendation: Revise Table 8 to include costs and committed funding for the first three (3) years. Planned or committed funding can be included for the remaining two (2) years of the 5 year capital improvements schedule. Include revenue projections for the committed and planned funding sources to demonstrate financial feasibility. The revised table should also be included in the Capital Improvements Element of the City’s Comprehensive Plan. Revise the Capital Improvements Plan (CIP) 5-year schedule to include the list of projects in the 5-year plan of the Water Supply Work Plan. This table should also include the estimated total cost and estimated year of operation for each facility or project.

Response: Table 8 was revised to include costs estimates and funding sources.
Objection 6: Capital Improvements Element – proposed text amendments include a new Table 9-3 titled *City of Port St. Lucie Utility Capital Improvements Plan (CIP)*. The table provides a list of potable water and sanitary sewer projects (total of 34 projects), their funding sources and project years ranging from 2008 to 2025. The table does not include estimated costs. The Table of Contents for the Element indicates Table 9-3 being titled *Roads Needed by 2011 for Western Annexation Area* and Table 9-4 being *Utility Capital Improvements Plan*. The CIP does not include the year the facilities are proposed to be operating or the total estimated cost of the facilities.

**Recommendation:** Revise Table 9-3 to include estimated costs for each year of construction for the capital improvements. Also correct the scrivener’s errors as identified above.

**Response:** The title of Table 9-3 was missing and therefore was added in front of Table 9-3. Cost estimates for each project funded by the City are also included in the revised table.

Objection 7: According to the August 13, 2007 letter from St. Lucie County, the City’s water and sewer service area is being extended into the utility service area of the County’s Water and Sewer Utility District. This encroachment is contrary to the Agreement of Transfer between the City and the County, according to the County.

**Recommendation:** The City needs to coordinate with St. Lucie County to resolve this utility services area disagreement prior to adopting this amendment.

**Response:** The maps have been revised to show the service area boundary.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Stuart Comprehensive Plan
DCA Reference No. 07-2

Background

On November 13, 2007, the City of Stuart adopted one text amendment to the Future land Use Element and one amendment to the Future Land Use Map (FLUM) of the City Comprehensive Plan. Council reviewed the FLUM amendment at a regular meeting held on October 19, 2007.

On October 30, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report on the proposed FLUM amendment. The City added a text amendment prior to adoption to address an objection in the DCA ORC Report.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by Council on November 13, 2007, included one recommendation for modification to the FLUM amendment. The recommendation discouraged the conversion of land designated for industrial use to a commercial designation; and indicated that the City and County should develop a plan to secure an adequate industrial land inventory.

B. DCA ORC Report

The DCA ORC Report of October 30, 2007 contained one objection. The objection indicated that the proposed amendment was not supported by data and analysis regarding the impacts of development of the site on the existing transportation facilities to ensure that adequate capacity is available to meet established levels of service on impacted roadways.

C. City Response

1. To DCA ORC Report

The ORC Report indicated the City has not documented that existing transportation facilities have adequate capacity at adopted levels of service to meet the development potential under the proposed FLUM designation. As an alternative, the DCA suggested the City adopt a site specific policy to limit development on the site to an intensity and
density that can be accommodated without lowering levels of service below adopted standards on impacted roadways.

The City responded by adopting new Policy B2.5 indicating that development on the subject property is limited to no more than 350,000 square feet of commercial use.

2. To the TCRPC Recommendation

City staff responded that recent County studies indicate that there is a sufficient supply of vacant land with services available for industrial activities. A recent County land use inventory also suggests an adequate supply of vacant industrial land. The City’s current industrial land use is located within the central core off U.S.1.

Conclusion

For information only.
To: Council Members

From: Staff

Date: March 21, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Vero Beach Comprehensive Plan
DCA Reference No. 08-1ER (formerly 99-1ER)

Background

The City of Vero Beach prepared and adopted an Evaluation and Appraisal Report (EAR) of its comprehensive plan in December of 1996. In May of 1999, the City approved the transmittal of EAR-based amendments to the Department of Community Affairs (DCA). DCA issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments (DCA Ref# 99-1ER) on September 9, 1999. The ORC Report contained a number of objections to the proposed amendments. The City subsequently decided not to adopt the amendments. Although the Florida Statutes requires adoption of EAR-based amendments within 18 months of the date the EAR was determined sufficient by the DCA, the law at the time did not provide for any sanctions if a local government did not adopt its EAR-based amendments.

However, in 2005, the Florida Legislature amended Section 163.3191, Florida Statutes, to prohibit a local government from amending its comprehensive plan if it fails to timely adopt and transmit EAR-based amendments. The City of Vero Beach has not been permitted to amend its comprehensive plan since July 1, 2006, the effective date of the new provision.

Given the long period of time since the EAR amendments were proposed, the City decided to initiate discussions with the DCA on an approach to bring the City’s Comprehensive Plan in compliance with the law.

Evaluation

In pursuing an agreement with the DCA, the City proposed bringing the comprehensive plan into compliance by preparing necessary amendments to the goals, objectives and policies of the comprehensive plan that respond specifically to the seven objections raised in the 1999 ORC Report. Because the City is required to prepare a new EAR by September 1, 2010, the City has elected not to adopt all the other proposed text and map amendments submitted in the previous EAR-based amendment package.

An overview and background on this matter is included in the attached memorandum dated November 19, 2007. Pages 3 through 11 contain a summary of the revisions to the comprehensive plan.

Conclusion

For information only.

Attachment
TO: Mayor Thomas White and City Council Members

FROM: Timothy J. McGarry, AICP
Director of Planning and Development

DATE: November 19, 2007

SUBJECT: Comprehensive Package of EAR-Based Amendments to the City of Vero Beach Comprehensive Plan

Overview

The Planning and Development staff has prepared a series of amendments with supporting data and analysis to the Comprehensive Plan, which is presented in this notebook. These amendments were prepared in response to the Florida Department of Community Affairs Objections, Recommendations, and Comments (ORC) Report on the Evaluation Appraisal Report (EAR) based amendments (DCA No. 99-1ER) approved by the City Council for submittal on May 18, 1999.

Background

As required by Chapter 163 of the Florida Statutes, the City of Vero Beach adopted an Evaluation Appraisal Report (EAR) in 1997 to update its Comprehensive Plan dated July 21, 1992. Subsequently, the City approved for transmittal to the Florida Department of Community Affairs (DCA) a series of EAR-based text and Future Land Use Map amendments to the adopted Comprehensive Plan in May 1999.

DCA submitted to the City of Vero Beach its Objections, Recommendations, and Comments (ORC) Report dated September 9, 1999, on the proposed amendments (Tab B). This report identified seven objections with the submitted text amendments and made recommendations to address the objections. Additionally, the ORC raised an objection regarding consistency with the goals and objectives of three elements of the State Comprehensive Plan.

The report contained eight (8) comments and recommendations to improve the EAR-based amendments package. These comments and recommendations are only advisory and the City is not required to address these comments in adopting its EAR-based amendments in response to the DCA’s ORC.

The Florida Statutes require that a government adopt its EAR-based amendments within 18 months of the date the EAR was determined to be sufficient by DCA. Although the
EAR-based amendments were scheduled for adoption on January 25, 1999, the City of Vero Beach decided not to adopt the EAR-based amendments [Correspondence related to the City’s response and decision not to adopt the amendments is provided in Tab B].

In 2005, the Florida Legislature amended Section 163.3191, Florida Statutes, that effective July 1, 2006, a local government is prohibited from amending its comprehensive plan if it fails to timely adopt and transmit EAR-based amendments. The inability to amend its Comprehensive Plan precludes a locality from bringing annexed land under its land use regulations.

If the local government fails to enact EAR-based amendments or fails to work cooperatively with DCA to bring its comprehensive plan into compliance, it may face imposition of sanctions, as provided in Section 163.3184, Florida Statutes. These sanctions may include: curtailment of funds from State agencies to increase capacity of infrastructure facilities; ineligibility for grants under the Florida Small Cities Community Development Block Grant Program or the Florida Recreation Development Assistance Program; and loss of revenue sharing.

The City was officially notified in a letter dated April 20, 2006, (Tab B) of its failure to submit EAR-based amendments and new statutory requirements for adopting its EAR-based amendments by July 1, 2006. As this deadline was impossible to meet due to the extent of the objections raised in DCA’s 1999 ORC report, the staff initiated negotiations with DCA staff on an approach to bring the City’s Comprehensive Plan into compliance to avoid potential sanctions.

In the planning director’s letter dated March 30, 2007, (Tab B) to Mr. Mike McDaniel, currently head of the Comprehensive Planning Division for DCA, the staff presented a proposed scope of work to address the objections raised in the DCA’s 1999 ORC report. In this letter, the staff makes the point that much of the data in the Comprehensive Plan is out of date. The document lacks missing policy elements required by Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code (FAC). Furthermore, the Comprehensive Plan has internal conflicts and mixes policy with technical supporting data.

As the City will be required to complete a major update of its Comprehensive Plan in preparing its Evaluation Appraisal Report due by September 1, 2010, the staff proposed bringing the City’s Comprehensive Plan into compliance by preparing necessary amendments to the Goals, Policies, and Objectives (collectively referred to as “GOPS”) that respond specifically to the seven objections raised in the 1999 DCA ORC report. Rather than amend the supporting technical elements of the Comprehensive Plan, which would be very cumbersome, the staff proposed to provide updated data and analyses necessary to support the amendments in a technical addendum to the Comprehensive Plan. Furthermore, the staff decided for expediency and practical reasons, all proposed text and map amendments originally submitted in the City’s EAR-based amendment package to DCA would be dropped from the resubmitted package to DCA.
The DCA agreed with this approach in an e-mail (Tab B) from Mr. Bob Dennis, Regional Planning Administrator, to the planning director with the following revisions:

- The Transportation Element will include current traffic counts and roadway levels of service information.
- The Housing Element will use 2000 Census data and projections to determine housing needs.
- A stormwater level of service standard for water quality will be included.

Planning and Zoning Board Review and Action

The Planning and Zoning Board reviewed the proposed EAR-based amendments at a workshop held on September 20, 2007. At a public hearing on October 4, 2007, the Planning and Zoning Board voted to recommend approval of the amendments by the City Council.

Summary of Revisions

The staff made numerous minor and editorial changes to the GOPs. These changes included updating information and completion dates appropriate to the proposed EAR-based amendments. Explanatory footnotes have been provided for many of the proposed revisions where appropriate.

Unless the existing goal, policy, and/or objective required revisions due to the DCA’s ORC report or the need to be consistent with revisions made by staff in response to the ORC report, it was not revised except for the GOPs in the Land Use Element. The Land Use Element was deemed to be thoroughly confusing and of little practical value; therefore, the staff made specific revisions to clarify and better organize the GOPs as an interim measure until the new EAR update is prepared.

The following is a summary of the more substantive amendments to the GOPs in each element of the Comprehensive Plan (page location of changes shown in parentheses):

Chapter 1: Land Use Element

- A new Objective (1) and supporting Policies (1.1 through 1.13) have been added that describe the purpose and intent of each future land use designation (pp. 1–4).
- New Policy 1.14 and Table 1.10 establish maximum density and intensity by land use designation, which are missing from current GOPs (pp. 4–5).
• New Policy 1.15 and Table 1.11 provide a matrix on the relationship between various future land use designations and its corresponding zoning district designations (pp. 6–7).

• New Policy 1.16 provides a specific intent and development guidelines for establishment of Professional Office Institutional (POI) Districts. Policy 1.17 requires the City to review its zoning regulations regarding the POI regulations and adopt amendments consistent with Policy 1.16 (p. 8).

• New Policy 1.18 requires the City to review its development standards regarding Environmentally Significant (ES) designated lands (p. 8) [This policy is intended to support proposed new wetlands policies (see Conservation Element)].

• New Policy 1.19 requires review of the future land use designation of the airport during the 2010 EAR (p. 8).

• New Policy 1.20 requires the review and updating of the Land Use Element as part of the 2010 Evaluation and Appraisal Report (p. 8) [This policy is intended to demonstrate the City’s commitment to updating the data and analysis for the Land Use element, which was not updated for this EAR-based amendment package].

• New Policy 1.21 provides enabling authority for the MPZ Zoning District, which is currently missing from the Comprehensive Plan (p. 8).

• Supporting policies for Disaster Contingency Planning have been revised to reflect the City’s Comprehensive Emergency Management Plan and the establishment of the hurricane evacuation time for the coastal high hazard area, not just the barrier island (p. 11) [Coastal High Hazard Area map is presented as Addendum Figure A-1.01 in supporting the technical addendum].

• The Adequate Public Facilities objective and supporting policies have been revised to reflect DCA comments regarding the lack of policies for a Concurrency Management System (p. 12) [The Concurrency Management System is fully detailed in the Capital Improvements Element GOPs].

• New Policy 6.7 has been included in response to comments in the DCA ORC regarding lack of mapping of sensitive areas and need to include impact on these lands during the development review process (p. 13).

• New Policies 6.8 through 6.27 are specific environmental protection policies in response to DCA’s ORC Report including provisions for no-net-loss of wetlands, standards for protection and minimizing of development impacts on wetlands, protection of aquifer recharge areas,
standards for dredge spoil disposal sites, and requirements for reviewing and amending land development regulations to be consistent with new environmental conservation policies (pp. 15-17).

- Existing Objective 7 and supporting policies were revised and incorporated in Objectives 2 and 3 of this element (p. 18).

- Objective 8 and supporting policies have been revised to reflect the need to protect archeological resources, requiring adoption by 2008 of a historic preservation ordinance (pp. 19-22) [The staff is currently preparing a historic preservation ordinance, which is scheduled to be completed in a month or two. An updated survey of historic resources is needed as the last survey was done in early 1990s].

Chapter 2: Transportation Element.

[The element has been renamed from “Traffic Circulation” to “Transportation Element” to more accurately reflect the multi-modal aspects of this element and Florida Statutes].

- Policies 1.1 through 1.6.5 have been deleted due to being out-of-date, inconsistent with changes in level-of-service standards, or incompatible with current policy direction (pp. 1-3).

- New Policy 1.1 establishes level of service standards for roadways (p. 3).

- New Policy 1.2 provides for investigating the feasibility of establishing a transportation concurrency exemption area in the downtown (p. 3).

- New Policy 1.4 requires the City to review existing roadway network to identify “policy constrained” roads, such as A1A on the barrier island (p. 3).

- New Policy 1.5 requires that as part of the annual update of the Capital Improvements Element and Five-year Capital Improvements Schedule that transportation capital improvements projects be included as required by Chapter 163, Florida Statutes (p. 4).

- New Policy 1.6 requires coordination of transportation capital improvements projects with Indian River County Metropolitan Planning Organization (p. 4).

- New Policy 1.7 establishes standards and methodological guidelines for measurement of transportation impacts and concurrency (pp. 4-5).
• New Policy 1.8 requires traffic impact study for any project that may generate/attract 100 or more additional average daily trips and requires such a study be pursuant to Chapter 910 of the Indian River County Land Development Regulations (p. 5).

• New Policy 1.13 requires the City in cooperation with the MPO to review by December 2009, the level of service deficiencies on over capacity roadway segments to identify needed improvements and/or alternative solutions for addressing deficiencies (p. 5).

• Objective 2 and supporting policies have been revised to reflect the City’s participation in the MPO planning process that address safety issues (pp. 5-6).

• Supporting policies under Objective 3 (existing Objective 4) have been revised and new policies added that address multi-modal aspects of the City’s transportation system including transit (pp. 6-8).

• New Objective 4 and a comprehensive set of supporting policies for traffic management have been included to improve traffic safety and utilization of existing roadways and protect existing highway capacity (p. 8).

• New Objective 5 (existing Objective 3) and supporting policies have been revised to eliminate outdated and incorrect policies and require in new Policy 5.6 the adoption by 2010, right-of-way reservation maps pursuant to Section 336.02, Florida Statutes (pp. 9-10).

• New Objective 6 and supporting policies have been added addressing the compatibility of the transportation system with the Land Use Element particularly impacts on residential neighborhoods (pp. 10-11).

• Existing Objective 5 (now Objective 7) and supporting policies have been revised eliminating outdated policies and incorporating more current policies on coordination between the City, MPO, and FDOT (pp. 11-13).

• New Objective 8 and supporting policies have been added for the airport and intermodal facilities (p. 13).

• New Objective 9 and supporting policies have been added for protection of community/neighborhood integrity (p. 13).

• New Objective 10 and supporting policies have been added addressing qualitative factors surrounding transportation planning, such as landscaping, protecting environmentally sensitive lands, and compatibility of roadway design with surrounding environment (p. 14).
Chapter 3: Housing Element

[No substantive revisions were made to the GOPs under this element. More revisions will be required as part of the 2010 Evaluation and Appraisal Report].

Chapter 4: Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Element

- Policy 1.4 has been revised to reflect updated level-of-service standards (p. 2).

- New Policy 1.5 requires level-of-service standards to be reevaluated during preparation of the 2010 EAR with a possible change in the measurement standard (p. 2).

- New Policy 1.6 links level-of-service standards to the Concurrency Management System that is fully presented in the Capital Improvements Element (p. 2).

- Goal 6 has been revised to incorporate surface and groundwater quality in addition to flood protection (p. 8).

- New Policy 15.4 links level-of-service standards for drainage facilities to the Concurrency Management System (p. 9).

- Objective 16 and supporting policies have been revised to incorporate water quality protection elements in the City’s storm drainage facilities including retrofitting of existing outfalls (p. 9).

- Objective 19 and supporting policies have been revised to link the level-of-service standards to the Concurrency Management System (pp. 10-11).

- Objective 20 has been revised to incorporate level-of-service water quality standards for storm drainage facilities (p. 11).

- New Policy 20.3 establishes a City policy calling for the retrofitting of existing stormwater outfalls to improve stormwater discharges into the Indian River Lagoon (p. 11).

- New Policy 20.4 reinforces the requirement to meet State Water Quality Standards (p. 11).

- New Policy 20.5 establishes retention/detention level-of-service standards for water quality similar to those established by the St. Johns River Water Management District (pp. 11-12).
• New Policy 20.6 requires the Land Development Regulations to be amended by July 2008 to incorporate Policy 20.5 for single family and other development exempt from St. John's River Water Management District regulations (p. 12) [Amendments to the City's stormwater regulations are already undergoing preparation by City staff].

• New Policies 20.7 and 20.8 ensure that the City does not approve any projects without appropriate FDEP and/or St. Johns River Water Management District permits (p. 12).

• Goal 7 and Objective 21 have been rewritten to reflect the need to move forward with the protection of surficial aquifer recharge areas including the establishment of specific regulations and policies by December 2008 (p. 12).

• Policy 21.1 has been totally revised to require the City to identify surficial aquifer recharge areas by September 2008 (p. 12-13) [This policy addresses an objection raised in DCA’s ORC report].

• New Policy 21.3 requires the City to adopt by December 2008 regulations to protect prime aquifer recharge areas (p. 13) [This policy addresses an objection raised in DCA’s ORC report].

• New Policy 21.4 designates on an interim basis an Area of Special Concern for Groundwater Protection until the surficial recharge area map is prepared (p. 13).

• New Policy 21.5 establishes standards for development on public lands within the Area of Special Concern for Groundwater Protection (pp. 13-14) [These standards are very similar to those established by the City of Sebastian and Indian River County].

Chapter 5: Coastal Management Element

• Policy 4.1 has been revised to incorporate the change in the definition of a "Coastal High Hazard Area" by a 2006 amendment to the Florida Statutes and designates the area for hurricane evacuation under a Category 1 storm (p. 9) [This revised policy addresses an objection in DCA’s ORC report].

• New Policy 5.3 reinforces policies needed to limit development within the “Coastal High Hazard Area” (p. 10).

• Objective 6 has been revised to include a separate hurricane evacuation standard for the entire City (p. 10) [The city-wide standard is based on the County hurricane evacuation standard].
• Policies 8.1 through 8.2 under Objective 8 have been revised to address the DCA ORC objection that policies are needed to address post-disaster redevelopment and the relocation, mitigation, or replacement of infrastructure in the Coastal High Hazard Area (p. 12).

• New Policies 8.8, 8.9, and 8.10 establish specific policies for expenditure of public funds for capital improvements and development agreements with private entities for infrastructure improvements in Coastal High Hazard Areas (p. 14).

• New Policy 8.12 establishes a hurricane evacuation time for the coastal high hazard area of seven hours or less for any Category I or above hurricane and 12 hours or less citywide for any Category III or above hurricane (p. 15).

• New Policies 8.16 and 8.17 provide standards for addressing development within the coastal high hazard area (p. 15).

• Existing Objective 11 and supporting policies have been eliminated as they duplicate similar policies in the Land Use Element, which have been revised (pp. 17-19).

Chapter 6: Conservation

• Objective 3 has been revised to reflect language in Chapter 9J-5, FAC and the effect of groundwater on surface water resources (p. 3-4).

• New Policies 3.1, 3.2, 3.3, 3.5, and revised Policy 3.4 lay out specific standards for wellhead protection in response to an objection raised in DCA’s ORC report (p. 4) [The City Water and Sewer Department has already instituted these standards in its operations].

• New Objective 4 and supporting policies have been added for the protection of wetlands that include standards for identification and categorization of wetlands; setback requirements; fill and development standards; providing for clustering of development outside wetlands; requirements that wetlands identified for preservation shall be placed under conservation easements; and a requirement for the City to adopt amendments to its land development regulations to implement policies under Objective 4 by December 1, 2008 (pp. 5-8) [These policies are in response to objections raised by DCA’s ORC report about lack of protection for wetlands].

• Existing Policies 4.4 through 4.6.3 have been eliminated and incorporated in new policies under new Objective 4 (p. 9).
• New Policy 4.14 provides vesting standards for property impacted by new wetland policies to minimize potential “takings” claims and new Policy 4.15 prohibits creation of new “unbuildable” lots through the subdivision platting process (p. 8).

• Existing Policy 8.1 has been revised as Policy 9.1 to require inventory and mapping of environmentally sensitive lands in response to an objection raised in DCA’s ORC report; and require the land development regulations to address impacts on these sensitive lands during the development review process (pp. 13-14).

• New Policy 9.2 requires that annexed lands with an Indian River County Future Land Use Map designation of Conservation receive a Future Land Use Map designation of Environmentally Significant or Conservation under the Vero Beach Comprehensive Plan (p. 12).

• Existing Policy 8.2 has been renumbered as Policy 9.3 and revised to expand upon environmental assessment requirements and to allow for clustering of densities and intensities on Environmentally Sensitive designated lands (pp. 14-15).

Chapter 7: Recreation and Open Space Element

• Policy 3.2 has been revised to specify that the standards for recreational facilities identified in Table 7.3 shall only be used for guidelines in planning and development of facilities, not for concurrency purposes (p. 2).

• New Policies 3.3 and 3.4 link the level-of-service standards to the Concurrency Management System (p. 2).

Chapter 9: Capital Improvements Element

• The Capital Improvements Goal and Objective 1 and supporting policies have been revised to reflect requirements of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administration Code (pp 1-4).

• Revised Policy 1.1 requires annual updating of the Capital Improvements Element, including the Five-year Capital Improvements Schedule, which requires an amendment to the Comprehensive Plan (p. 1).

• Revised Policy 1.2 establishes the threshold for capital improvements to be included in the Capital Improvements Schedule (CIS) at $25,000 and requires amendments to the CIS in the Comprehensive Plan (p. 2).
• New Policy 1.3 requires that the capital improvements in the Indian River County School District’s Five Year Capital Facilities Plan be included in the annual update of the CIE and CIS by FY 08-09 budget year (p. 2).

• New Policy 1.4 requires that capital improvements in the Indian River County MPO Transportation Improvements Program be included in the annual update of the CIE and CIS by FY 08-09 budget year (p. 2).

• New Policy 1.5 establishes December 1, 2008, for reviewing and updating CIE and CIS pursuant to the Florida Statutes (p. 2).

• Policy 1.6 (existing Policy 1.3) has been revised to expand upon the criteria for prioritizing capital improvements (pp. 2-3).

• New Policy 1.7 requires that the City prepare an annual Public Facilities Capacity and Analysis Report in conjunction with the preparation of the annual update of the CIE and five-year CIS (p. 4).

• Objective 2 and supporting policies have been revised that parallel the revisions to the Coastal Management Element establishing criteria and standards for public capital improvements and investments in the Coastal High Hazard Areas (pp. 4-6).

• Objective 5 and supporting policies have been completely revised and new policies added that lay out in depth the City’s Concurrency Management System that reflect the requirements of the Florida Statutes and the objection raised in DCA’s ORC report about the lack of a concurrency management system (pp. 9-13) [These policies replace existing Objective 6 and supporting policies that have been deleted (pp. 14-16)].

• Table 9.4, identified in Policy 5.1, has been revised to reflect the changes in level-of-service standards that are presented in other appropriate elements of the Comprehensive Plan.

TJM:tf
Enclosure

cc: James M. Gabbard, City Manager
Charles Vitunac, City Attorney
TREASURE COAST REGIONAL PLANNING COUNCIL

DEVELOPMENT OF REGIONAL IMPACT
STATUS REPORT
March 2008

PROJECT NAME: Capron Lakes (formerly known as Indrio)

LOCATION: Located northwest of the intersection of I-95 and Indrio Road in St. Lucie County

JURISDICTION: St. Lucie County

SIZE: 1,938 acres

USES:
- Residential 3,100 Dwelling Units
- Retail 200,000 sq. ft.
- Office 200,000 sq. ft.

STATUS:
- Preapplication meeting held on March 30, 2005.
- Application for Development for Approval submitted on November 18, 2005 and found insufficient on January 11, 2006.
- Letter received on April 29, 2006 asking for an extension to August 9, 2006.
- Supplemental information to the Application for Development Approval submitted on August 3, 2006 and found insufficient on September 12, 2006.
- Supplemental information to the Application for Development Approval submitted on January 8, 2007 and found insufficient on February 7, 2007.
- Supplemental information to the Application for Development Approval submitted on May 25, 2007.
- Council’s DRI Assessment Report scheduled for consideration at the September 21, 2007 Council meeting.
PROJECT NAME: Cloud Grove

LOCATION: Located in unincorporated St. Lucie County, Florida, west of I-95 and north of and adjacent to the Florida Turnpike at Minute Maid Road

JURISDICTION: St. Lucie County

SIZE: 5,944 acres

USES:

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>12,000 Dwelling Units</td>
</tr>
<tr>
<td>Office (sq. ft.)</td>
<td>1,000,000 sq. ft.</td>
</tr>
<tr>
<td>Retail/Service (sq. ft.)</td>
<td>950,000 sq. ft.</td>
</tr>
<tr>
<td>Light Industrial (sq. ft.)</td>
<td>1,000,000 sq. ft.</td>
</tr>
</tbody>
</table>

STATUS: Preapplication meeting held on December 19, 2005.
Application for Development Approval submitted on October 12, 2006 and found insufficient on November 17, 2006.
Letter received on March 2, 2007 from David L. Powell, Hopping, Green & Sams requesting a 4-month extension (July 18, 2007) to provide supplemental information to the ADA.
Supplemental information to the Application for Development Approval submitted on June 1, 2007 and found insufficient on July 6, 2007.
Supplemental information to the Application for Development Approval submitted on December 7, 2007 and found insufficient on February 8, 2008.
PROJECT NAME: Indian Trails Grove

LOCATION: Located west of Seminole Pratt Whitney Road, and south of Northlake Boulevard

JURISDICTION: Unincorporated Palm Beach County

SIZE: 4,930 acres

USES: Residential 12,325 Dwelling Units
Retail 207,500 sq. ft.
Office 42,500 sq. ft.

STATUS: Preapplication meeting held on August 21, 2006. Application for Development Approval submitted on February 16, 2007 and found insufficient on April 12, 2007. Letter received from the applicant dated January 11, 2008 requesting that the application status be stayed until such a time as a Comprehensive Plan overlay for the western communities has been formally acted upon by Palm Beach County. Council agreed to a 6-month extension to the review process from February 14, 2008 in order to evaluate the County's progress in approving the overlay.
PROJECT NAME:  **Indiantown**

LOCATION:  Located east of Allapattah Road (State Road 609) in Indiantown, Martin County

JURISDICTION:  Martin County

SIZE:  804 acres

USES:  
- Residential: 1,650 Dwelling Units
- Commercial: 10,000 sq. ft.
- Office: 20,000 sq. ft.

STATUS:  Preapplication meeting held on March 21, 2005.
Application for Development Approval was submitted on September 23, 2005 and found insufficient on November 11, 2005.

Supplemental information to the Application for Development Approval submitted on March 3, 2006 and found insufficient on May 1, 2006.

Supplemental information to the Application for Development Approval submitted on July 11, 2006.
Application for Development Approval was found to have completed the required sufficiency process on August 25, 2006.

Letter received on November 3, 2006 requesting that consideration of Council's draft DRI assessment report be rescheduled to the December 15, 2006 Council meeting.
Council's DRI Assessment Report scheduled for consideration at the December 15, 2006 Council meeting.
PROJECT NAME:  Provences

LOCATION:  Located within the unincorporated boundaries of St. Lucie County, generally to the northwest of the I-95/Midway Road Interchange.

JURISDICTION:  Unincorporated St. Lucie County

SIZE:  735 acres

USES:  Residential  4,443 Dwelling Units
       Retail  1,435,706 sq. ft.
       Office  1,000,000 sq. ft.

STATUS:  Preapplication meeting held on January 11, 2005.
Application for Development Approval was submitted on January 27, 2006 and found insufficient on March 2, 2006.
Supplemental information to the Application for Development Approval submitted on June 23, 2006 and found insufficient on July 26, 2006.
Application for Development Approval was found to have completed the required sufficiency process on September 26, 2006.
Letter received on October 4, 2006 requesting the public hearing be delayed until the first week in April 2007.
PROJECT NAME: Quillen

LOCATION: Located in the northwest quadrant of the intersection of Warfield Boulevard (SR 710) and Allapattah Road (CR 609) in Indiantown, Martin County, Florida

JURISDICTION: Martin County

SIZE: 582 acres

USES: Residential 2,250 Dwelling Units
Retail 150,000 sq. ft.

STATUS: Preapplication meeting held on January 4, 2006.
Application for Development Approval was submitted on April 5, 2006 and found insufficient on May 5, 2006.
Letter received on September 5, 2006 asking for an additional 60-day extension to respond to the May 5, 2006 sufficiency.
Application for Development Approval was found to have completed the required sufficiency process on November 3, 2006.
Council’s DRI Assessment Report scheduled for consideration at the December 15, 2006 Council meeting.
PROJECT NAME: Stewart Mining Industries

LOCATION: State Road 98. The property is located in the Everglades Agricultural Area.

JURISDICTION: Palm Beach County

SIZE: 5,420 acres

USES: Storage reservoirs as part of the surface water management system for the surrounding sugar cane farms owned by U.S. Sugar Corporation

PROJECT NAME: Verde

LOCATION: Northeast corner of Clint Moore Road and State Road 7 in Boca Raton, Florida

JURISDICTION: Unincorporated Palm Beach County

SIZE: 37.39 acres

USES: The proposed development is intended to include retail, office, residential, theatre and hotel uses.

STATUS: Preapplication meeting held on July 16, 2007.
PROJECT NAME: **Visions at Indrio**

LOCATION: SE Corner of I-95 and Indrio Road

JURISDICTION: St. Lucie County

SIZE: 780 acres

USES:
- Residential
- Retail, Service
- Office
- Hotel
- School

2605 Dwelling Units
750,000 sq. ft.
250,000 sq. ft.
240 Rooms

STATUS:
- Preapplication meeting held on June 16, 2004.
- Application for Development Approval was submitted on August 20, 2004 and found insufficient on October 18, 2004.
- Supplemental information to the Application for Development Approval submitted on December 28, 2004 and found insufficient on January 21, 2005.
- Letter received on May 19, 2005 asking for an extension to the 120 day sufficiency response period.
- Letter received on November 14, 2005 asking for an extension to December 16, 2005.
- Letter received on November 7, 2005 asking for an extension to May 19, 2006.
- Letter received on May 3, 2006 asking for an extension to July 19, 2006.
- Application for Development Approval was found to have completed the required sufficiency process on August 25, 2006.
- Letter received on October 17, 2006 requesting an extension to the 90-day public hearing.
- Letter received on May 30, 2007 requesting the 90-day public hearing requirement be waived until such time as the related comprehensive plan amendment issues are resolved and the developer and the County can agree to public hearing dates.
February 1, 2008

Mr. Michael Busha
Treasure Coast Regional Planning Council
301 E. Ocean Blvd.
Ste. 300
Stuart, FL 34994

Re: Growth & Water Supply, January 28 and 29, 2008, West Palm Beach, FL

Dear Mr. Busha:

Just a brief note to thank you for your presentation at our recent Growth & Water Supply Conference in West Palm Beach, which was well received and contributed to the high quality and success of the overall program.

Enclosed is a Certificate to acknowledge your participation in the program.

It was a pleasure working with you and I hope that we may call on you again in connection with future conferences. In the meantime, please call me if you have any comments with respect to this conference or if you have any suggestions for other programs we should organize.

Sincerely,

[Signature]

Caroline R. Kert
Program Attorney
303-865-3120 Ext 109

Enclosure
February 4, 2008

Mr. Terry Hess
Planning Director
Treasure Coast Regional Planning Council
301 East Ocean Blvd., Suite 300
Stuart, FL 34994

Subject: Availability of Solid Waste Disposal Capacity

Dear Mr. Hess:

The Solid Waste Authority of Palm Beach County hereby provides certification that the Authority has disposal capacity available to accommodate the solid waste generation for the municipalities and unincorporated county for the coming year of 2008. This letter also constitutes notification of sufficient capacity for concurrency management and comprehensive planning purposes. Capacity is available for both the coming year, and the five and ten year planning periods specified in 9J-5.005(4).

As of September 30, 2007, the Authority’s North County Landfills had an estimated 33,789,220 cubic yards of landfill capacity remaining. Based upon the existing Palm Beach County population, the most recently available population growth rates published by the University of Florida Bureau of Economic and Business and Research (BEBR), medium projection, and projected rates of solid waste generation, waste reduction and recycling, the Solid Waste Authority forecasts that capacity will be available at the existing landfill through approximately the year 2021, assuming the depletion of the Class I and Class III landfills is approximately balanced.

The Board of the Solid Waste Authority authorized the initial design and permitting efforts to develop a new landfill on 1600 acres owned by the Authority. The capacity of this new landfill facility will extend the life of the solid waste system beyond the year 2065.

The Authority continues to pursue options to increase the life of its existing facilities and to provide for all the County’s current and future disposal and recycling needs. As part of its responsibility, the Authority will provide an annual statement of disposal capacity, using the most current BEBR projections available. Please provide copies of this letter to your plan review and concurrency management staff. If you have any questions or I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

Marc C. Bruner, Ph.D.
Chief Administrative Officer
February 26, 2008

Anthea Gianniotis
Treasure Coast Regional Planning Council
301 East Ocean Boulevard, Suite 300
Stuart, Florida 34994

Dear Anthea:

On behalf of the Florida Public Officials Design Institute at Abacoa, we thank you for your recent participation as a member of the resource faculty for the November 2007 Design Institute.

Enclosed is the final report from the November 8th and 9th Design Institute session. A digital version is also available on our website: www.floridadesigninstitute.org. This report serves as a summary of the ideas, suggestions and recommendations resulting from the session and as a supplement to the diagrams, drawings and checklists provided to the public officials at the conclusion of the Design Institute session.

Thank you once again for your work and for volunteering your time and talent to make the November 2007 workshop possible.

Sincerely yours,

[Signature]

Marie York
Associate Director for Northern Campuses
Director, Florida Public Officials Design Institute at Abacoa

MLY:mbh
March 3, 2008

Greg Vaday
Treasure Coast Regional Planning Council
301 East Ocean Blvd., Suite 300
Stuart, FL 34994

Dear Mr. Vaday:

It was nice meeting with you, Paul Skyers and Miles Ballog last week. Your continued commitment to the City is greatly appreciated and will go along way in allowing us to get one step closer to reaching our ultimate goal. On behalf of me and staff, we look forward to working with you.

Sincerely,

Mimi McAndrews
Interim City Manager
March 3, 2008

Mr. Michael Busha  
Executive Director  
Treasure Coast Regional Planning Council  
301 E Ocean Blvd, Suite 300  
Stuart, Florida 34994

Dear Mr. Busha:

The purpose of this letter is to advise you of our findings following review of your Comprehensive Economic Development Strategy (CEDS) for the period of October 1, 2007 through September 30, 2008. The Economic Development Administration’s (EDA) Atlanta Region accepts the CEDS as submitted and will consider it for any implementation investment proposals submitted during that period.

We appreciate the planning process led by the Treasure Coast Regional Planning Council Board and CEDS Committee. This is the first step in working toward the effective and efficient use of taxpayer dollars to create jobs and bring private sector investment to the region.

Sincerely,

H. Philip Paradice, Jr.  
Regional Director
## Upcoming Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>March 13 – 14</td>
<td>Florida Regional Councils Association</td>
<td>Offices of Ronald L. Book, P.A. Monroe Street</td>
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<td>Tallahassee</td>
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<tr>
<td>March 19</td>
<td>Sustainable Treasure Coast Strategic Planning Retreat</td>
<td>IRCC/FAU Joint Campus at St. Lucie West California Boulevard</td>
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<td>3:00 p.m.</td>
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<td>Port St. Lucie</td>
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<tr>
<td>March 20</td>
<td>Palm Beach Metropolitan Planning Organization Board</td>
<td>County Governmental Center Twelfth Floor Conference Room West Palm Beach</td>
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<tr>
<td>March 21 – 9:30am</td>
<td>Treasure Coast Regional Planning Council Board</td>
<td>Wolf High-Technology Center IRCC Chastain Campus Stuart</td>
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<tr>
<td>March 26</td>
<td>Treasure Coast Regional Planning Council Energy Committee</td>
<td>Treasure Coast Regional Planning Council Offices East Ocean Boulevard Stuart</td>
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<tr>
<td>11:00 a.m.</td>
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<tr>
<td>March 26</td>
<td>Regional Business Alliance</td>
<td>Sun Sentinel Sun South Congress Avenue Delray Beach</td>
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<tr>
<td>April 2</td>
<td>St. Lucie Transportation Planning Organization Board</td>
<td>Port St. Lucie Council Chambers Port St. Lucie Blvd. Port St. Lucie</td>
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<td>2:00 p.m.</td>
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<tr>
<td>April 8</td>
<td>St. John's River Water Management District – Governing Board</td>
<td>Headquarters Reid Street Palatka</td>
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<td>1:00 p.m.</td>
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<tr>
<td>April 9</td>
<td>Indian River County Metropolitan Planning Organization Board</td>
<td>Indian River County Administration Bldg Conference Room B1-501 Vero Beach</td>
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<td>10:00 a.m.</td>
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<tr>
<td>April 9 – 10</td>
<td>South Florida Water Management District – Governing Board</td>
<td>SFWMD Headquarters Building B-1 West Palm Beach</td>
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<tr>
<td>April 10</td>
<td>Comprehensive Economic Development Strategy Committee</td>
<td>TBD</td>
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<tr>
<td>2:00 p.m.</td>
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<tr>
<td>April 10 – 11</td>
<td>Florida Regional Councils Association</td>
<td>Offices of Ronald L. Book, P.A. Monroe Street</td>
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<td></td>
<td>Tallahassee</td>
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<tr>
<td>April 14</td>
<td>Martin Metropolitan Planning Organization Board</td>
<td>Martin County Commission Chambers Monterey Road Stuart</td>
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<tr>
<td>9:00 a.m.</td>
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<tr>
<td>April 17</td>
<td>Palm Beach Metropolitan Planning Organization Board</td>
<td>County Governmental Center Twelfth Floor Conference Room West Palm Beach</td>
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<tr>
<td>9:00 a.m.</td>
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<tr>
<td>April 18 – 9:30am</td>
<td>Treasure Coast Regional Planning Council Board</td>
<td>Wolf High-Technology Center IRCC Chastain Campus Stuart</td>
</tr>
</tbody>
</table>

* Meeting dates, times and/or locations are subject to change.