

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Regional Planning Council Members AGENDA ITEM 5F
From: Staff
Date: April 17, 2009 Regional Planning Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of South Bay Comprehensive Plan
DCA Reference No. 09RWSP-1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of South Bay has proposed text amendments to the Infrastructure, Future Land Use, Conservation, Intergovernmental Coordination, and Capital Improvements Elements of the City Comprehensive Plan. The proposed amendments are exempt for the twice per year limitation on amendments (Rule 9J-11.006(1), Florida Administrative Code) because they are to incorporate the City's Water Supply Facilities Work Plan (WSFWP) into the comprehensive plan as required in the Florida Statutes. The City has requested a formal review of the proposed amendments by the DCA.

Evaluation

The purpose of the text amendments is to address statutory requirements (Chapters 373.0361(7) and 163.3177()(a), Florida Statutes) by providing coordination of the City's 10-Year WSFWP with the South Florida Water Management District's (SFWMD) Lower

East Coast Regional Water Supply Plan (LECWSP). The highlights of the proposed amendments are as follows:

1. Infrastructure Element

- a. New Policy 1.4 indicates that potable water supplies shall be in place and available to serve new development no later than the issuance of a Certificate of Occupancy or functional equivalent; and that prior to the issuance of a building permit the City shall consult with the Palm Beach County Water Utility Department (PBCWUD) to determine the adequacy of water supplies to serve new development.
- b. New Table 6.6-1 shows the level of service standards for all Public Facilities where level of service is required. The potable water level of service is 88 gallons per capita per day on average, and a maximum of 140 gallons per capita per day.
- c. Policy 2.1 regarding existing and potential deficiencies is revised to include a program of annual inspections of the stormwater management system and the listing of potable water capital improvements in the Capital Improvements Element.
- d. Objective 7 regarding potable water supply, water conservation and water reuse programs is revised to reflect coordination with the PBCWUD and the SFWMD. New policies under the objective commit the City to:
 - Implement and enforce Water Shortage Emergency Provisions contained in the Florida Administrative Code.
 - Encourage SFWMD xeriscape practices in development/redevelopment proposals.
 - Coordinate with the PBCWUD and SFWMD in the preparation and update to their water supply plan.
 - Incorporation of 10-Year Water Supply Plan directives at the time of each Evaluation and Appraisal Report (EAR).
 - Consider revising potable water level of service standards to include both residential and non-residential categories.
- e. New Objective 10 is to adopt and maintain a 10-Year WSFWP.
- f. New Policy 10.1 adopts the 10-Year WSFWP as part of the Infrastructure Element.

2. Future Land Use Element

- a. New Policy 4.2 is to coordinate with the PBCWUD to review all Future Land Use Map amendment applications to ensure the availability of adequate water supplies.
- b. New Policy 4.3 is to include the PBCWUD in the site plan review and land development process for proposed development.

3. Conservation Element

a. Four new policies under Objective 2 (Preserve Potable Water Supplies) are to:

- Coordinate with the PBCWUD in potable water conservation programs.
- Promote water conservation techniques and programs.
- Coordinate with the SFWMD during times of declared water shortage or water shortage emergencies.
- Cooperate with the PBCWUD in the development and implementation of water reuse programs.

4. Intergovernmental Coordination Element

a. Four new policies are proposed under Objective 1 that:

- Require development applicants to procure written confirmation of availability of potable water service.
- Require the City to confirm the availability of potable water service based on SFWMD and PBCWUD plans at the time of EAR preparation.
- Require the City to get assurances from the PBCWUD that adequate water supply will be available to meet projected growth and development in the City.
- Require coordination of the City WSFWP with the plans of the SFWMD and PBCWUD.

Extrajurisdictional Impacts

No information was provided to indicate that the proposed amendments were provided to the Palm Beach County Intergovernmental Plan Amendment Review Committee prior to transmittal. Council provided a memorandum to Palm Beach County dated March 30, 2009 indicating that the proposed amendments were under review and seeking comments on any negative extrajurisdictional impacts as a result of the amendments. As of the date of preparation of this report, no comments have been received. It is not anticipated that there will be negative extrajurisdictional impacts as a result of these amendments.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

The TCRPC has no comments/recommendations for modification to the proposed amendments. The amendments are considered to be consistent with the SRPP.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

The TCRPC should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Future Land Use Map

Exhibit 1 General Location Map City of South Bay

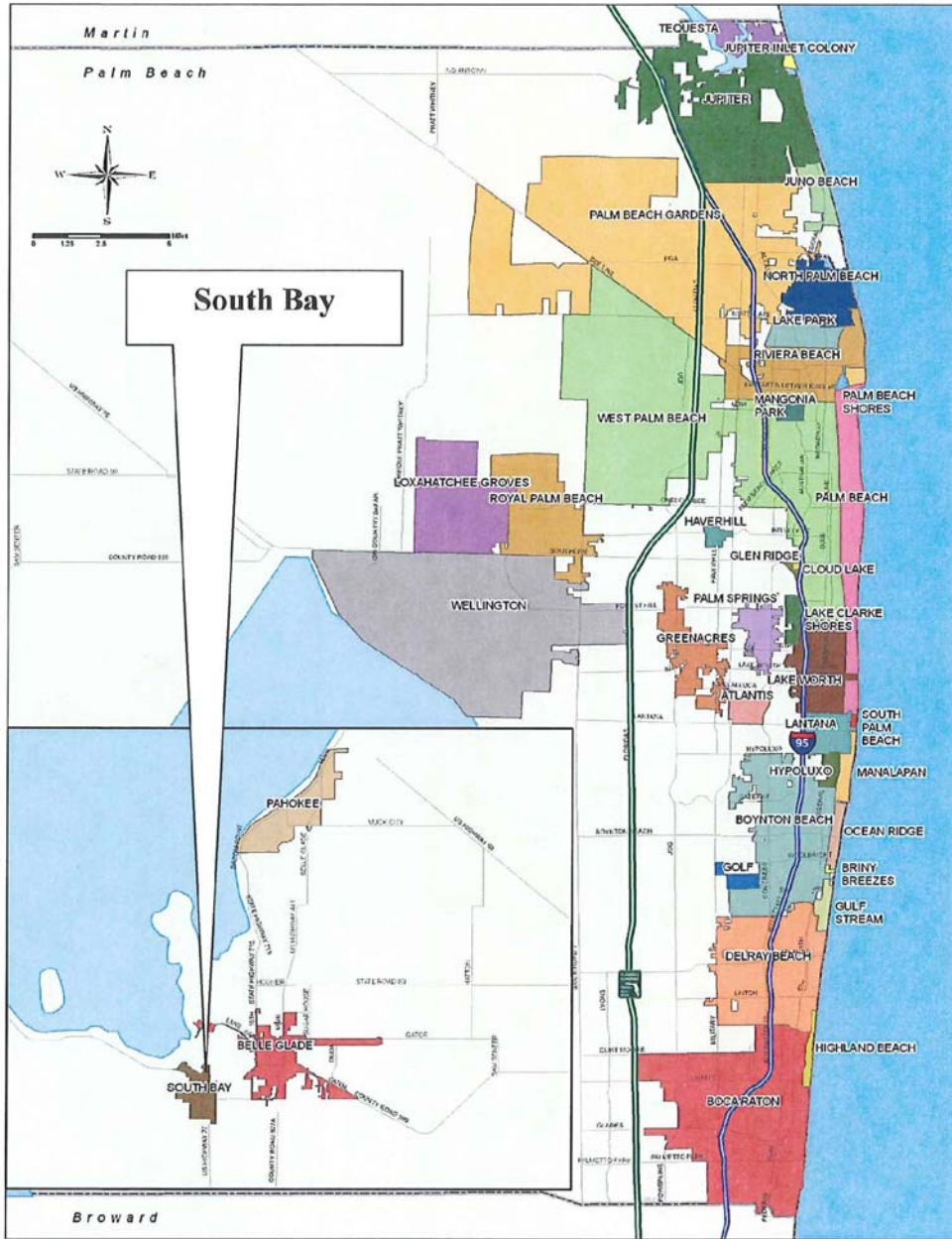


Exhibit 2 Future Land Use Map

